



LEGACY LAW

Protecting the assets in your family tree

Legacy Law Book Club – “The Second Mountain” by David Brooks



* The full story is at the back of this article. The characters are my parents so mountain climbing is in my DNA!

Full disclosure – I read this book ages ago but my nerdy underlinings and highlightings were just sitting there in the dark between the closed covers of this book until I rescued them over the Christmas holiday. The reason I brought this book on holiday this year is that I am personally on my second mountain. I have learned not to suggest my people do things that I would not do (with exceptions).

This book may be of interest to you if you are at a stage of life where you have been doing one thing and are now facing another challenge. With our client, it is often transitioning from being the star player to being a star coach.

Personally, I am taking what I learned and experienced from climbing my first mountain (my law business) and distilling it so that I can climb my second which is my teaching of lawyers and other advisers. No-one asked me to teach them but that is a part of me not waiting for permission to do things! I started my program last week and, as the participants loved it and want their colleagues to do it, I have another one scheduled for only 12 people starting mid March if you want to get involved to “Be A Better Adviser”. Makes a great gift, as you can imagine!!

Anyway, Brooks’ advice is better late than never for me: “one of the best pieces of advice for young people is, get to yourself quickly. If you know what you want to do, start doing it. Don’t delay because you think this job or that degree would be good preparation for doing what you eventually want to do.” Ask any tech entrepreneur about the slow and steady and approved path.

Let me explain my revelation. The issue as I see it is that 95% of advisers are kicking the can down the road – if they are lucky, the kids are each executors and therefore, by default, appointors of the family discretionary trust. In my meetings with families after a client dies, I see the kids thinking this is not planning at all as now they have to deal with siblings and agree values and timing (all with different tax positions – many are overseas so are in a rush

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to wind up family trusts asap but others have a marginal tax problem so want to delay the vesting to a later year when it will not cause a big capital gains tax issue for them).

I see in my work that the adult children are very disappointed that this is what the advisers and parents thought was “a plan” so they see huge value in getting some certainty (in a respectful way) that allows their relations with their siblings continue without the stress of a “financial divorce”. Hence, a “pre-nup for siblings”! If you want to know more about this, just let me know. The commentator Noel Whittaker has picked up on so I can send you his published plain english explanation if you prefer.

We Lawyers and Accountants are responsible for this as no client asks to help them kick the can down the road – they come away with peace of mind that they have done the right thing by their family and rely on us as “experts” to help them “pass the baton to the next generation”. We are failing them.

Mine was a crisis of sorts as I considered myself to be a specialist and realised I could do a lot better. Accredited specialists need to unravel even more to start making sense. My learnings have come about because I realised I don't need to win this race but rather raise the bar for my colleagues. That way, I have greater impact and achieve better outcomes for my clients. I have a bee in my bonnet about Estate Lawyers and Accountants applying this approach and have decided to teach them to do better.

Brooks has a chapter called “The Insecure Overachiever” which is a phrase he tells us that came from a Danish novelist (aren't they all the rage this season with Trump's claim over Greenland?), Matias Dalsgard, who used the analogy of building on sand, with “hopes that the problem down in the foundation won't be found out if only the construction work on the top keeps going”. I had heard it used to describe young lawyers, if not older ones, doing the doing but knowing all is not well.

Brooks bases his view on research also and quotes many others. Here are a few quotes that resonated with me and may do for you if you are contemplating what to do next with “this one life” (Mary Oliver).

‘As the saying goes, suffering that is not transformed is transmitted” (page 40) and I see the neglect in succession being transmitted along with the great transfer of wealth that everyone is focussing on.

“Healing means moving from your pain to *the* pain”.

Parker Palmer says “Vocation does not come from wilfulness. It comes from listening. I must listen to my life and try to understand what it is truly about – quite apart from what I would like it to be about” (page 41) The good news is we are better than our ego ideal.

Richard Rohr says “There is a gravitas in the second half of life but it is now held by a much deeper lightness or “okayness””.

WH Auden explained our task in life is to “love your crooked neighbour with all your crooked heart”.

“Most of us are part of the problem we complain about” (page 269).

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William James wrote “The great thing in all education is to make our nervous system our ally instead of our enemy”.

There is Casey Gerald’s question, “what would you do if you weren’t afraid?” This is scary my friends.

We feel we need the cover of a socially acceptable mask. Belden Lane says, “my own particular cover is that of a university professor. It’s a way of looking responsible while attending to much more important things”.

There are plenty of things helpful for my second mountain ascent: he quotes Rabbi Jonathan Sacks’ book *The Home We Build Together*, “to turn a group of individuals into a conventional nation, they must build something together ... a people is made by making”. Brooks asks us to think, “what can we build together? How can we improve our lives together? What talents so we have here that haven’t been fully expressed?” That is what I am asking my family clients on this second mountain.

He has an inheritance story thank God. It turns out a friend of the poet William Wordsworth left him [pound sign?]900 on his early death and another gave him free rent in exchange for tutoring his sons. So, we got Wordsworth’s poetry. Leave money to talented people who are not your children is the lesson for my estate clients. Be more broad minded than just your kids.

He says Edmund Burke argued that people who have never looked backward to their ancestors will not be able to look forward and plan for the future. Where was that when I was writing my book, “Be A Better Ancestor”?! “Respecting our ancestors, we learn to respect ourselves” (page 283).

He also has advice for my clients who want to go from the star player to the coach of the next generation. He quotes Peter Drucker’s description of leadership as “lifting a person’s vision to higher sights” and suggests that “ultimately joy is found not in satisfying your desires but in changing your desires so you have the best desires”.

Finally in his manifesto he talks of “a great chain of generations passing down gifts to one another” (page 300).

Thank you Mr Brooks.

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Kerry's Eye AUGUST 1st TO AUGUST 7th 1991

STRANDED!

NIGHT OF TERROR IN KERRY MOUNTAIN

Cont'd from front page
the end, it wasn't bright enough to see as this was about ten o'clock, I put all my weight across onto my left foot, very gingerly, knowing that this could be the last move I was ever going to make. I got myself across. When I got one foot across I had to bring down my other foot and very, very slowly I brought the second foot across and I got across into grass again. That was really the most horrific moment for me. Then I lay up against the grass verge and I could actually hear my heart jumping. Explaining how she lost her way, Freda Griffin said "Having got to the top I got lost coming down. I came down the Killarney side. I came down thinking that I was going to the top of the ladder, but I went down to my right instead of my left. I followed the natural slope."

She could see the light from the torches of the mountain rescue unit long before they reached her. Some of the teams had climbed the summit in the dark and worked their way down to where she was.

She spoke of the rescue. "The Rescue Team linked me down, one person held me by the hand and the other man linked me. They kept on contacting the other groups at different parts of the mountain. There were about four groups. They would contact each group and as we would descend another part of the mountain another group would meet us and each would come with flasks of tea, sandwiches and radios to keep in touch with their base camp."

Of her time on her own, trapped on the mountain, Mrs Griffin's thoughts went to a fellow countryman who experienced fear and isolation in another situation, Brian Keenan. She said "I thought of Brian Keenan. I thought 'how do you survive?' I



Donal Griffin on the mountain on Saturday before his wife was lost in the mist.

thought of all the things he used to do. I was thinking of all the things he said. I know it was very important to keep awake and to keep my mind alert. I was doing little exercises every ten minutes. I would get up and run on the spot. Even when I got hot I continued because I was never so cold in my life. I hadn't eaten since one o'clock. The Rescue Team offered me food and I couldn't eat it. I made up for it since!" Freda was very full in her appreciation of the Rescue Teams. "The Rescue Teams were so well organised. Every half an hour I had a different person on each arm and there was somebody in front picking out the way down because I had a rope tied around me and there was somebody behind me taking the weight from behind. They were brilliant. They kept the humour as light as possible. They were great fun. It took us two hours to get down. They were very relieved they didn't have to tie me down as stretchers are very rigid. The communications were very good. They brought me down to the other side

of the mountain down by the lake. The helicopter could land there. The helicopter took me to Tralee around 1 o'clock on Sunday."

Her husband Donal spoke of the worry he felt when waiting for news of his wife. He said "I was fairly positive that my wife would be O.K. but I began to imagine pictures of her being injured. After a while things were looking bad. I was in the front of the yard and I heard a crackle of a message coming through from one rescue team to another 'bring her over a stretcher'. I wondered if she was dead. There was no more word. About three or four minutes later another message came through which I didn't hear but a rescue team member called Tim who was the co-ordinator got the word back to me that she was very cold but she was O.K."

On Tuesday night, the Kerry Mountain Rescue Team was in operation again. Two 16 year old girls, staying in a hostel at Killarney were rescued from a ledge. They were unharmed.

THANKS FOR A DRAMATIC MOUNTAIN RESCUE LETTER TO THE EDITOR



Fully recovered, Freda and Donal Griffin remember the good parts of their adventure as they go back to thank Mrs Cronin at Biscourt on Wednesday.

Dear Sir,

At 4.45 p.m. on Saturday afternoon last, 3rd August 1991, I said a slightly concerned goodbye to my wife Freda as she left me at the level above the Devil's Ladder to head into the misty final slope towards the summit.

At 11.30 a.m. on Sunday morning 4th August 1991, Freda was helped into a seat beside me in a Marine Sea Rescue helicopter that had come from Shannon Airport.

In the intervening 16 1/2 hours Freda and I suffered unsleeping nightmares. The story of how both of us tried to resolve our predicament is not going to be told in this letter. The purpose of this letter is to express publicly our thanks to the many people who were the heroes of that night.

In our helplessness we separately prayed that God would touch the situation with His care and love. He sent us Eileen, Joe and Gerard Cronin of Meelis, Biscourt, Killarney, whose home was to be the headquarters of the Rescue effort and the source of hospitality and nourishment until the rescue was successfully completed. Also involved were John and Esther Cronin and their dog Sandy, members of Killarney Gardaí, and upwards of a score of members of the Kerry Mountain Rescue team who spent the night and early morning searching for and finding Freda. Offers of help came from Park Wardens from Killarney and members of the Dublin/Wicklow Mountain Rescue team.

I will never forget the ladies and gentlemen of the Kerry Mountain Rescue team for their good humour, generosity, care, love and remarkable proficiency. I met each of them as they arrived at Cronins, called from their beds or from the enjoyment of their holiday weekend.

We both will ever cherish each and everyone of the heroes and heroines of that night. Perhaps some day the full story will be told. I hope that everyone involved will know deep in their hearts that they are indeed brave and generous and that the Lord will in His own good time thank them both individually and collectively for being His eyes, hands, legs and heart in Kerry on 3rd/4th August 1991 as, indeed, on many other occasions.

With heartfelt thanks to all for saving Freda's life.

Very sincerely,

Donal Griffin.

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(Blackrock, Co. Dublin).

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