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The advance directive – controlling the uncontrollable with this simple legal document

Lake Arrowhead Attorney John Würm gives tips for creating an effective advance directive in a recent edition of 5-minute briefs.

Without an advance directive, an individual's healthcare decisions may be determined by the family member with the loudest voice.

Lake Arrowhead, CA ([5MinuteBriefs](#)) August 26, 2010 -- [Lake Arrowhead attorney John Würm](#) was recently featured in an edition of 5-minute briefs and discussed how to create an effective advance directive for healthcare. In this [5-minute audio webcast](#), Mr. Würm provided tips that will help anyone exert significant control over an otherwise uncontrollable situation.

For those unfamiliar with the advance directive, it's a legal document that communicates an individual's healthcare instructions should he or she become incapacitated and unable to communicate. It also designates which people have been given authority to make decisions on the individual's behalf.

The advance directive may include instructions on life support, resuscitation, pain management and other treatment choices.

In the webcast, Mr. Würm offers these suggestions.

First, he recommends that you assign a primary and two secondary persons to act as your agents. These persons should be named in rank order – first, second, third. Giving your agents or “deciders” co-authority can lead to real problems. If one person isn't present then the doctor may not honor the decision of the one that is.

Second, your agent should live close by you. To make good decisions, he or she should be able to observe you and talk to your doctor in person.

Third, you should know that an advance directive is subject to state, not federal, law. It can't be guaranteed that an advance directive from another state or country would be honored by a doctor in California. Likewise, it can't be guaranteed that one prepared in California would be honored in another state or country. Therefore, you should have it drawn up in the state where you reside and where care will be given.

Mr. Würm also addresses the common concern that healthcare might either be withheld or given, even if it's contrary to the specific instructions of an advance directive.

He said, “If an advance directive is properly prepared, I have never heard of a doctor refusing to carry out what is in the advance directive. However, I have heard of situations where there is no

advance directive where the family gives the doctor conflicting instructions on what type of care to provide the person. As you can imagine that is a very, very bad situation – not only for the person who is receiving the care, but for the entire family as well.”

Finally, Mr. Würm suggests that you give all of the persons, to whom you’ve given the authority, a copy of your prepared advance healthcare directive. You should also give a copy to your primary-care doctor. If you have more than one doctor providing care, each should have a copy. Also keep a copy in your important records.

For more information on this subject contact:

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