

BERWITZ & DiTATA LLP

Attorneys and Counselors at Law

310 Old Country Road Suite 101
Garden City, New York 11530
Telephone (516) 747-3200 • Facsimile (516) 747-3727

Lawrence N. Berwitz

Maureen R. DiTata

Keeping Up with Your Estate Plan: A Lesson Learned From Lamar Odom and Khloe Kardashian

Recently, Lamar Odom, the former NBA star who played for the Lakers and the Clippers, was found unconscious in a brothel in Nevada. In addition to being a professional athlete, Odom is famous for his 2009 marriage to reality television star Khloe Kardashian. Although the couple had separated and signed divorce papers in July of this year, the divorce has not been finalized due to a backlog in the Los Angeles courts. When he was admitted to a Las Vegas hospital, Odom was in critical condition and unable to communicate. It soon emerged that, since the divorce was not final, Khloe has legal authority to make medical decisions on Odom's behalf. This means that Khloe has the final say on decisions concerning pain management, artificial feeding and hydration and even end-of-life choices! To avoid this result, Odom should have updated his estate planning documents once he knew of his impending divorce.

While this is perhaps an extreme example, there is a lesson to be learned. In New York, if a marriage is legally terminated, for purposes of legal decision-making, your ex-spouse will be treated as though he or she predeceased you. But problems will arise if you have not named a successor! This can cause uncertainty and confusion at just the time when certainty is most important - in the event of your incapacity or death. Therefore, it is important to address inconsistencies or gaps that may be created in your estate plan following a divorce or any other change in life circumstance. If you are interested in updating your estate plan please contact us to arrange for a consultation.