RESOLVED, That the American Bar Association encourages all lawyers who provide advance care planning as part of their estate planning services to include counseling for advance care planning that comports with take into account the following principles:

(1) The most important legal component of advance care planning is careful selection and appointment of a health care agent/proxy in a valid power of attorney for health care document. Persons who cannot or do not want to identify a proxy should delineate their wishes in an advance directive.

(2) Advance care planning takes place over a lifetime. It changes as one’s goals and priorities in life change through different stages of life and health conditions. Reflection, discussion, and communication with one’s proxy and clinical professionals, along with family, friends, and advisors is essential to having one’s wishes understood and honored.

(3) Reflection and discussion should focus primarily on one’s values, goals, and priorities in the event of worsening health rather than on specific treatments or clinical interventions for distant hypothetical situations.

(4) Advance care planning decision tools and guides can provide structure and guidance to the process of reflection and discussion and help individuals identify their values, goals, and priorities, and ensure more authentic and useful conversations and advance directives.

(5) Instructions and guidance documented in an advance directive should result from the process of information sharing, reflection, discussion, and communication and provide enough flexibility in application to allow surrogate decision-makers to respond to new circumstances and complexities.

(6) Documentation of one’s values, goals, and wishes in the form of an advance directive or other record should be shared with one’s proxy, loved ones, significant others, and primary/key health care providers, and be included in the medical record, so that they are adequately informed before a crisis arises.

(7) If it is known that individuals are facing a serious diagnosis, such as cancer, or have been told they have a limited prognosis, the focus may then move to specific treatment preferences. In these cases, the client should be advised to confer with their health care provider to create a care plan that aligns with the client’s goals, values and preferences. For advanced illness, clients should be advised to inquire about palliative care options and the appropriateness of state recognized portable medical orders such as Physician’s Orders for Life Sustaining
Treatment (POLST) to ensure that the individual's wishes are translated by medical professionals into actionable medical orders; and

FURTHER RESOLVED, That the American Bar Association encourages lawyers who provide advance care planning as part of their estate planning services to consider greater cross-disciplinary collaboration coordination of advance care planning efforts with the healthcare system and medical providers through congruent advice and practices, greater willingness to reach out to one another, and greater collaboration in joint continuing education.

Deletions struck through; additions underlined