



Living Wills:

The Right-to-Die Documents

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A living will is the document that tells your health care providers that if death is imminent and there is no reasonable chance of recovery, you want to be kept comfortable but you don't want to remain on or be put on life support equipment.

Living wills can be called "Directives," as in Missouri, or "Declarations," as in Illinois. The form varies by state, but each is designed to prevent people from being kept on life support when there is no real chance of recovery.

These documents were in the news last summer as a result of the Terry Schiavo case in Florida. Terry Schiavo, a woman in her early forties, had been in a persistent vegetative state since her twenties. Her parents and her husband had conflicting opinions about whether she should remain on life support. Since she had no living will, her parents and husband battled the issue in court, going from state to federal court, and even to Congress.

Living wills became popular many years ago because of a similar case, based in New Jersey, concerning a young woman named Karen Ann Quinlan, who, like Terry Schiavo, was in a persistent vegetative state. The decision had to be made as to whether she would remain on life support. The courts heard testimony from her family as to what her wishes would have been, and she was eventually removed from life support.

Sometimes clients tell me that they are hesitant to sign a living will because they are concerned that they will not receive life support if they need it for a short time in connection with surgery or an auto accident. Please be assured that living wills do not work that way. Living wills are only designed to be used when there is no hope of recovery.

Few of us wish to be on life support if there is no hope of recovery, and none of us wants to put our family through the public pain and the great expense of a court battle to give us the right to die. If you don't already have a living will, please give some thought to signing one. The Missouri Bar has a form on its website that you can access at www.mobar.net.

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