

REMARKS

**Kelly Overstreet Johnson, President-Elect, The Florida Bar
Press Conference: Wednesday, January 28, 2004, 10:30 a.m.
Florida Press Center, Tallahassee**

Good morning and thank you for being here. I am Kelly Overstreet Johnson, the president-elect of The Florida Bar. I am here today with Dr. Rick Lentz, president of the Florida Medical Association, to announce a joint effort of physicians and lawyers to give more Floridians an opportunity to consider signing Living Will and Health Care Surrogate forms.

As you well know in the news media, a high profile story on most any subject gets people talking. I received many calls and emails from lawyers asking what the Bar could do to encourage people to discuss end-of-life issues now, rather than later. It occurred to me that this was an effort we could do very well with the help of physicians. Although doctors and lawyers disagree on many issues, this was one issue I knew we could agree on. The Bar's president, Miles McGrane, gave me the go-ahead and I contacted Dr. Lentz who didn't hesitate to have the FMA join in.

Both of our organizations have committed to do the following: (1) communicate with and encourage our members to make living will and health care surrogate forms available to clients and patients who visit our offices; (2) make the forms and other information available on both organizations' web sites; and (3) provide experts in the areas of elder law, health law and probate law to speak to community groups about these important legal forms.

I will talk to you briefly about Living Wills, then Dr. Lentz will talk about the health care surrogate form, and we will then entertain questions if there are any..

Every competent adult can make a written declaration commonly known as a "Living Will" A living will should not be confused with a person's will which disposes of a person's property on or after his or her death – also called a last will and testament.

Living wills allow Floridians to make decisions pertaining to their own health, including the right to choose or refuse medical treatment or procedures which would only prolong life when a terminal condition exists.

To insure that this right is not lost or diminished by virtue of later physical or mental incapacity, a procedure exists in Florida Statutes allowing a person to plan for incapacity, and if desired, to designate another person to act on their behalf and make necessary medical decisions upon such incapacity.

Once a Living Will has been signed, it is the person's responsibility to provide notification to the physician of its existence. It is a good idea to provide the person's physician and hospital with a copy of the Living Will to be placed within the medical records. Both of our groups will be encouraging everyone to do that.

Now, Dr. Lentz will talk about the scope and purpose of designating a health care surrogate. Dr. Lentz...

(After Dr. Lentz)

As I mentioned earlier, we have also recruited legal experts to speak to civic and community groups about these forms and other end-of-life issues. By calling The Florida Bar Speakers Bureau, using a toll-free line, we will work with groups to have a lawyer volunteer attend a regular or special meeting and to give out copies of the forms and other information. The toll-free number is listed in the news release and also on the posters (point to "Will your will be done?" poster) we are making available to our members to place in their offices and waiting areas.

Now, Dr. Lentz and I would be happy to take any questions you may have.