

Backup Plans Are Loving Too: Encouraging Clients to Name Contingents

Progressive Insurance rolled out a series of commercials in 2024 featuring “backup” quarterbacks stepping in to handle everyday challenges such as ordering food, giving advice, and even parking a trailer. After the “backup” salvages the situation, each commercial ends with the same line: “If only there were backups in real life.”

The ads are designed to emphasize how a backup can provide peace of mind when the unexpected occurs, as it often does, in both football and life. Progressive frames the point simply: “It’s always a good idea to have a backup plan.”

The humor hinges on the premise’s absurdity. In most areas of life, a person cannot summon a backup to act on their behalf during a deeply personal moment and expect that substitute to seamlessly complete the task.

Estate planning represents a notable exception. Real-life backups exist in the form of *contingent* decision-makers who are designated in advance to step in if a primary decision-maker cannot serve. These contingents function much like backup quarterbacks: prepared to act quickly, often under pressure, and sometimes when the stakes are high.

An estate plan that names only primary decision-makers may appear complete on paper. Without contingents, however, the plan lacks the depth needed to remain effective when circumstances change, much like a football team without a backup quarterback.

Backups Prevent Chaos

A team without a backup quarterback invites a predictable breakdown the moment the starting quarterback is injured or cannot continue. Without a backup, coaches may be forced to improvise—substituting a wide receiver, running back, or other position player. The result is rarely beneficial and can expose players to avoidable risk since the overall strategy is built around a quarterback who can execute it.

After a high-profile game exposed this exact problem, the National Football League changed its rules.¹ The league adopted an “emergency quarterback” rule to ensure that, even in extreme circumstances, a team would not be left without an on-field quarterback.

The logic is structural rather than sentimental: the quarterback is a control point for the entire strategy, and the system quickly falls apart when no prepared backup exists to take over.

The same dynamic exists in estate planning. When a plan relies on a single decision-maker with no designated contingent, it creates a fragile structure; one injury, illness, conflict, or absence can lead to confusion, delay, or court involvement.

Contingents provide stabilization and strategic depth, allowing the estate plan to keep functioning even when circumstances change unexpectedly.

¹ *NFL emergency third-quarterback rule: Questions and answers*, NFL (Sept. 4, 2023), <https://www.nfl.com/news/nfl-emergency-third-quarterback-rule-questions-and-answers>.

Fielding the Right Team in an Estate Plan

Not having a backup QB can throw a team into immediate on-field chaos. Backups are not expected to completely fill the starter's shoes; if they could, they would be starting. But they **are** expected to be part of the game plan so that, if they are needed, the drop-off is manageable and the game can continue as intended.

That is one way to think about contingents in an estate plan. Like a backup quarterback, they exist to preserve continuity when the unexpected happens. It is not their role to be perfect but to provide stability.

When backup decision-makers are not built into an estate plan, all bets are off. Decisions stall. Authority becomes unclear. Courts or third parties may be forced to step in. And just as it does on the football field, the "product" suffers. Except, in real life, the people affected are not players and fans but family members and loved ones who suddenly find themselves sidelined in decisions that can shift the tide of the game.

And it is not just the **absence** of a backup that can doom a plan to failure. Having the **wrong** person in that role can be equally disastrous.

Common Contingent Oversights and the Problems They Can Cause

Advisors should frame contingents as structurally necessary instead of optional or nice-to-have additions to an estate plan.

In many cases, they are just as critical as the primary decision-maker, because life rarely unfolds as planned. Failure to have the right backups in place can cause an otherwise well-drafted estate plan to quickly break down, often at the worst possible moment.

Financial Power of Attorney

- Only one agent has been named, and there is no contingent (backup) agent.
- A contingent agent was named years ago and may no longer be an appropriate choice.
- Coagents are named without clear instructions on authority (for example, whether they must act jointly or may act independently and how to resolve disagreements).

Result: Financial decisions stall, accounts freeze, and families may be forced to seek a guardianship in court.

Healthcare Proxy

- Only one healthcare agent has been named, and there is no alternate.
- The named agent may be unavailable (out of state, difficult to reach, or unable to quickly respond during a medical event).
- The agent's current views may no longer align with the client's wishes (or the client's wishes have evolved and have not been clearly communicated).

Result: Treatment decisions may be delayed, authority can become unclear, and family conflict often escalates during medical crises.

Executor or Personal Representative

- No alternate executor has been named.
- The named executor is unwilling or unable to serve.
- The named executor lacks capacity or lives far away, limiting availability for time-sensitive tasks.

Result: Probate is delayed, costs increase, and court involvement becomes more likely at a sensitive time.

Guardians for Minor Children

- A guardian has been named for one child but not for others.
- No backup guardian has been named.
- The named guardian's circumstances have materially changed (health, location, family responsibilities, or financial stability).

Result: Courts must decide custody and identify backup choices without knowing the parents' wishes.

Across these roles, the pattern is the same. Change was neither anticipated nor adequately planned for, and as a result, future plans failed. The appropriate depth was never properly built into the plan. A new quarterback was needed, but none was on the team roster. Or maybe they were listed but were not made aware of the game plan or were not in "playing shape" when they were needed.

Which leads to the final point: backups should be prepared to serve in the same way that the starting players are. Advisors can add real value not only by helping clients name contingents but also by offering opportunities to educate those individuals and make them part of the plan from the start.

Backups Signal Readiness, Not Pessimism

Normalize with clients that naming contingent decision-makers for every key role in an estate plan is standard practice. This approach does not signal distrust of the primary fiduciary or undue pessimism. Contingent appointments add a practical layer of protection against life's unpredictability and should be reviewed and updated as part of regular plan maintenance. Such ongoing reviews also reinforce the advisor's role as a long-term planning partner instead of merely an investment manager.

Just as in football, in life you sometimes need someone ready to step in when things do not go according to plan. Clients do not have to be football fans to appreciate the backup quarterback metaphor, but the Progressive commercials could serve as a lighthearted introduction to estate plan contingencies. While you are at it, you could introduce insurance and related products as yet another advisor-client relationship-builder.

Need backup ideas or a spot starter to keep the contingent conversation going? We are ready to go.