

Finding Your Elder-Law Attorney

Here's how to find legal counsel to help you navigate the complexities of long-term care and planning.

It is of the utmost importance to find a qualified attorney to help you plan for the future, particularly when a debilitating illness such as Alzheimer's enters the picture. But what do you look for, and how do you go about looking?

You can start by checking with either of two associations for elder-law attorneys. The National Elder Law Foundation (NELF) is an American Bar Association-certified organization that certifies the elder-law specialty among practitioners, who are known officially by the designation "CELA" (for "certified elder-law attorney").

According to NELF, a CELA must be knowledgeable in the following subjects:

- Health and long-term care planning.
- Public benefits (including Medicare, Medicaid and Social Security).
- Surrogate decision-making (including powers of attorney and guardianship).
- Older persons' legal capacity.
- The conservation, disposition and administration of the older person's estate (including wills, trust and probate of an estate).

You can find a complete directory of CELAs in the United States at the foundation's website (www.nelf.org), or look for a CELA in your area using their search engine.

The National Academy of Elder Law Attorneys (NAELA) "is a professional association of over 4,300 attorneys who are dedicated to improving the quality of legal services provided to seniors and people with special needs," according



Finding the right elder-law attorney is very important to planning for your future.

to the organization's website. It also has a searchable directory of elder-law attorneys throughout the United States, including CELAs, at its website (www.naela.org).

When do you contact an attorney? The sooner, the better. There may be more options available to you and your loved one at the early stages of Alzheimer's than later on.

Asking the Right Questions

NAELA and NELF recommend meeting with the attorney of your

choice armed with lots of questions. Before you agree to meet with an attorney, NAELA suggests that you ask some basic questions:

- How long have you been in practice?
- Does your practice have a particular area of focus?
- How long have you been focused on that particular area?
- What percentage of your practice is devoted to elder law?
- Is there a fee for an initial consultation, and if so, how much is it?



Knowing the right questions to ask can help you find the right elder-law attorney.

- Are you a member of the National Academy of Elder Law Attorneys and/or are you a CELA?
- What documentation should I bring with me to the initial consultation?

Once you've found an elder-law attorney, it's time for the initial consultation. Here you'll explain your specifics in some detail to give the attorney the scope of your situation. Before you meet with the attorney, answer as many of the following questions as you can:

- What is the current stage of the illness?
- What needs are currently being met?
- To what extent can the person with Alzheimer's care for him/herself?
- Is the person with Alzheimer's

- capable of handling financial affairs?
- Can the person live at home now, and at what point will assistance with daily activities become necessary?
- Does the person have disabilities?
- Does insurance or entitlement cover the disabilities in question?
- What are the person's overall financial needs?
- Does this person qualify for federal or state benefits? If so, which ones?
- What are your needs as a caregiver? Are you disabled, or can you foresee becoming disabled?
- In the event of your disability or death, who will provide care for

- the person with Alzheimer's?
- Are there other family members who require caregiving, such as a child with disabilities? What are their needs?
- The needs of the person with Alzheimer's may deplete the available resources. How will other family members react if this happens?
- Are you the only caregiver, or are there other family members or friends who are willing to help? How much help can they provide? Do they have the time and the expertise to do so? Can they be trained to handle problems that may arise?
- Is there someone you can trust sufficiently to name them as holder of power of attorney or healthcare

- proxy? Will they act in the best interests of the person with Alzheimer's?
- You may need outside help, particularly if no family members or friends can help. Who can help you in that event? How much will it cost to hire help?
 - What are your long-term goals, and what are your long-term goals for the person with Alzheimer's?
 - What are the person's assets and liabilities? (You will need to carefully compile an inventory all assets, all sources of income, and all liabilities.)

You may need an attorney's help answering some of these questions. But whether you can answer them yourself or need help, these questions need to be answered soon.

Also, be sure you understand how your attorney's fee structure works. Ask how the firm bills and how often. Some attorneys ask for a retainer before beginning work, which is money paid in advance to the law firm in order to begin work.

Why a CELA?

Seeking an attorney certified in elder law (a CELA) brings with it certain assurances, according to NELF. A CELA has met rigorous criteria for certification, including:

- Being licensed to practice law in at least one state or the District of Columbia.
- Practicing law for five years prior to applying for CELA certification, and must still be in practice.
- Being in good standing with the bars of every place in which they are licensed.
- Spending at least 16 hours per week practicing elder law during the three years before they applied, and having handled at least 60 elder law matters during that time with specific targets defined by NELF.
- Continuing legal education, with 45 hours logged in the preceding three years.

- Having five references from attorneys familiar with the applicant's competence and qualifications in elder law.
- Passing a full-day certification examination.

In addition to these criteria for certification, there are expectations for a CELA's practice that NELF specifies.

Among these:

- The capability to recognize issues of concern, including the abuse, neglect or exploitation of older persons; insurance; housing; long-term care; employment; and retirement.
- Familiarity with professional and non-legal resources and services available to meet the needs of older persons, whether public or private.

- Capability to recognize professional conduct and ethical issues that arise as a matter of course during representation.

Hiring an elder-law attorney is worth taking the time to do it right. These guidelines should help you do just that, which is all the more important if you're dealing with other pressing issues besides legal matters. ■

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For more information, visit the firm's website at www.littmankrooks.com.

Finding Your Attorney Without the Internet

If you don't have a computer or Internet access, here are some recommendations for finding a qualified attorney to help you:

- **Get a reference:** You may have friends, colleagues, etc., who have used the services of an elder-law attorney and can provide a recommendation to you. Don't hesitate to ask.
- **Yellow Pages:** Your local directory should have listings for the elder law specialty. If not, check the ads, and don't be afraid to ask the questions listed in this article to find out if the attorney is a good fit for your needs.
- **Your state's bar association:** State bars also keep directories of members in good standing. Again, don't be shy about asking questions of any attorney you contact.

