

## The Top 6 Reasons to Hire an Elder Law Attorney

Seniors face complex legal concerns that are often different from what they faced when they were younger. Actions taken may have unintended legal effects. As a senior or someone who's helping make decisions for a senior, it's important that you work with an attorney who is an expert in Elder Law.

### What Is Elder Law?

Elder Law encompasses many different fields of law. An Elder Law attorney specializes in how to best use their knowledge to fit the needs of seniors. Some of these fields include:

- Preservation/transfer of assets seeking to avoid spousal impoverishment when a spouse enters a nursing home
- Medicaid
- Medicare claims and appeals
- Social security and disability claims and appeals
- Supplemental and long-term health insurance issues
- Disability planning, including use of durable powers of attorney, living trusts, "living wills," for financial management and health care decisions, and other means of delegating management and decision-making to another in case of incompetency or incapacity
- Conservatorships and guardianships
- Estate planning, including planning for the management of one's estate during life and its disposition on death through the use of trusts, wills, and other planning documents
- Probate
- Administration and management of trusts and estates
- Long-term care placements in nursing home and life care communities
- Nursing home issues including questions of patients' rights and nursing home quality
- Elder abuse and fraud recovery cases
- Housing issues, including discrimination and home equity conversions
- Age discrimination in employment
- Retirement, including public and private retirement benefits, survivor benefits, and pension benefits
- Health law
- Mental health law

Most Elder Law attorneys do not specialize in every one of these areas, so when an attorney says he or she practices Elder Law, find out which of these matters he or

she handles. You will want to hire the attorney who regularly handles matters in the area of concern in your particular case and who will know enough about the other fields to question whether the action being taken might be affected by laws in any of the other areas of law. For example, if you are going to rewrite your will and your spouse is ill, the estate planner needs to know enough about Medicaid to know whether it is an issue with regard to your spouse's inheritance.

### **Why Hire an Elder Law Attorney?**

Rather than being defined by technical legal distinctions, Elder Law is defined by the client to be served.

An Elder Law attorney:

1. Focuses his or her practice on the legal needs of seniors.
2. Works with a variety of legal tools and techniques that specifically meet the goals and objectives of the older client.
3. Uses a holistic approach to legal advice, taking into consideration the key issues facing seniors: housing, financial well-being, health and long-term care, and autonomy/quality of life.
4. Brings to his or her practice a knowledge of the issues facing seniors that allows them and their staff to ignore the myths relating to aging and the competence of seniors.
5. Will take into account and empathize with some of the physical and mental difficulties that often accompany the aging process. Their understanding of the real-life problems of people as they age allows them to determine more easily the difference between the physical versus the mental disability of a client.
6. Is tied into a formal or informal system of social workers, psychologists, and other elder care professionals who may be of assistance to you.

### **How to Find an Elder Law Attorney**

Members of the National Academy of Elder Law Attorneys (NAELA) are attorneys who are experienced and trained in working with the legal problems of aging Americans and individuals of all ages with disabilities. Established in 1987, NAELA is a non-profit association that assists lawyers, bar organizations and others. The mission of NAELA is to establish NAELA members as the premier providers of legal advocacy, guidance and services to enhance the lives of people with special needs and people as they age. NAELA currently has members across the United States, Canada, Australia and the United Kingdom. For more information, visit [NAELA.org](http://NAELA.org).

The clients served by Elder Law attorneys can be among society's most vulnerable people, often seeking help when they are most in need of wise counsel and advice.

Because of this, NAELA members believe that Elder Law attorneys should aspire to a higher level of professional practice standards and so they developed Aspirational Standards to define them. Every member pledges to uphold the Aspirational Standards as a requirement of membership.

Hiring an Elder Law attorney will give you peace of mind that the legal advice you seek will come from an expert in the legal needs of people as they age.

*To locate an Elder Law attorneys and for more information about the National Academy of Elder Law Attorneys, go to [www.NAELA.org](http://www.NAELA.org).*

This information is provided as a public service and is not intended as legal advice. Such advice should be obtained from a qualified Elder Law attorney.

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