

# THE PRACTICAL SIDE

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*Wills, trusts, health insurance—these are just some of the matters we face in the years ahead. Here, an ELDER LAW ATTORNEY outlines some of what you need to consider.*

## WHAT IS AN ELDER LAW ATTORNEY?

**THE BASICS:** Elder law attorneys are a unique and specialized group of attorneys who focus on the legal needs of the elderly. The specialty of elder law evolved in the mid-1980's as the number of older people in our population increased and their legal and financial needs became more complex.

An elder law attorney is able to advise on the entire range of legal issues confronting the elderly, their families and their caregivers. Ever-changing local, state and federal laws are myriad as are Medicare and Medicaid regulations, Social Security and Supplemental Security Income guidelines which an

elder law attorney takes into consideration when working with older people and their families.

One objective measure when considering an elder law attorney is certification. Certified Elder Law Attorneys (CELA) must meet certain experience eligibility requirements, pass a daylong exam and provide references from their peers. Recertification is required every five years and to date there are only 300 certified elder law attorneys nationwide. An elder law attorney might work with you to:

- structure assets to minimize taxes and avoid the inconvenience of probate
- develop a plan to efficiently utilize available health insurance options including Medicare and Medicaid
- establish trusts to protect assets and reduce inheritance taxes
- organize a house transfer to secure family property
- assist in developing a plan to manage

- finances including development of joint accounts and trusts and completion of a power of attorney
- complete advance directives as applicable to relevant state laws
- collaborate with their elderly client and family members to consider available and appropriate living arrangements
- advise government programs for which a client may be eligible

**THE LARGER PICTURE:** Elder law attorneys, familiar with the medical and psychological issues associated with aging, typically work with other eldercare professionals in the community and can help to determine if additional services are needed and then link clients to the proper agencies. The elder law attorney can, and often will, bring together a team of individuals with highly specialized capabilities to work on the person's overall needs. This group might include the person's doctor, a social worker, a geriatric case manager, an accountant, a financial planner and an insurance agent. An elder law attorney can serve as the coordinator of these other professionals and provide a personalized legal plan that is tailored to the unique demands of the situation. ■

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