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Content

Elder
Law



Elder Law

Ok, Boomer! We agree, “Elder Law” is not a great name for the library of topics that pertain directly to the kind of issues we have. It covers everything from Advance Directives to Taxation

HOW TO GET STARTED

From many years of working with attorneys in business, we believe that there are three essential principals in working with any attorney:

- **Make sure you are working with a competent attorney who you are personally comfortable with**
- **Start with a clear written summary of what you want**
- **Understand how the billing will work.**

Competence

There are a great many attorneys in the Birmingham area who have some competence in dealing with Elder Law issues. One of the best resources, we believe, for choosing an attorney in this field is a Certified Elder Law Attorney (CELA). There are five CELAs listed in Alabama:

BIRMINGHAM

John Carney
Carney Dye
(205) 802-0696

Anne Moses
Moses and Moses
(205) 967-0901

Lynne Campesi
Campesi Law
(205) 967-1010

DECATUR

John Burns
John Burns Estate Law
(205) 822-2177

HUNTSVILLE

Connie Glass
Elder Law Firm of
Connie Glass
(256) 536-9494

There are many competent and ethical attorneys in Birmingham who can handle Elder Law issues. One of the challenges here, as elsewhere, is that the practice of law has become even more competitive with increasing numbers of attorneys and shrinking legal work, especially in corporate work. Many of the listings you can find online, unfortunately, are listings where attorneys pay for their listings and many attorneys will list a very large number of specialties in their field, including wills and estates, regardless of how often they work in those fields.



Written Summary

One of the best ways to both control the costs of using an attorney and to insure that you and the attorney are pleased with the outcome is to write a short list of what you would like to accomplish with the attorney's help. Don't be concerned about how complete the list is or how (or even if) what you list can be achieved; answering those questions is part of the attorney's job. A written list::

- **Will help you be clearer about what you want**
- **Give the attorney enough specifics to estimate the cost of the work (see below)**
- **Ask you the right questions to complete what she or he needs to draft a document for you**

Understanding the Billing

Your first conversation with an attorney who will work with you on one (or more) of your Elder Law needs should always cover:

- **What is the attorney's hourly rate?**
- **What is there estimate of the cost of completing the work?**

Often, even if an attorney can't (or won't) give you a firm amount for the cost of the work they need to do for you, they can provide a "not to exceed" amount—a ceiling on your costs. If they aren't comfortable with this, you can certainly ask them what they need to understand or research to give you a firm quote. For both your checkbook and the trust that you need to have in the future with any attorney who will be a trusted advisor on these issues, it is very important to get either a firm quote or a "not to exceed" amount for the work.

Here are some of the areas you may need to get advice in if you are about to retire or are retired:

- **A BASIC WILL** which you have reviewed regularly, especially with changes to your wishes or your family
- **ESTATE PLANNING AND TRUSTS.** This complicated and highly technical area of elder law can be especially useful when planning how your own estate will be managed, or managing your parent's money to pay for long-term-care.
- **AGE DISCRIMINATION** may be a factor in retirement timing, and is clearly very important to understand if you are planning to work beyond the traditional retirement age of 65.
- **ADVANCE DIRECTIVES** ensure that even if you are incapacitated the medical providers know your wishes in how aggressively you want to be treated.

<https://www.alaha.org/wp-content/uploads/2014/03/advdirective.pdf>



- **ASSISTED LIVING, MEMORY CARE, SKILLED NURSING FACILITIES**, and other long-term care providers have legal responsibilities toward their residents that may vary from state to state. It is important to understand your rights. It is important to understand the resident agreement before signing up.
- **MENTAL CAPACITY AND OTHER DISABILITIES** impact seniors more than younger folks. It is important that you understand how you or your loved one may be impacted.
- **DURABLE POWER OF ATTORNEY FOR HEALTHCARE** is indispensable if you are caring for someone like a parent or spouse. <https://www.wikiform.org/wp-content/uploads/2013/12/AlabamaMedicalPowerofAttorney.pdf>
- **ELDER ABUSE** can take many forms. Particularly if you are caring for a parent or loved one, it is vital to understand the law in your state.
- **GUARDIANSHIP** may be required in cases where a parent has diminished mental capacity or a debilitating medical condition.
- **LIVING WILLS AND LIVING TRUSTS** can be vital tools to manage assets. <https://statelaws.findlaw.com/alabama-law/alabama-living-wills-laws.html>
- **MEDICAID AND MEDICARE** are foundational assets in retirement. They are widely misunderstood and can be complicated to personalize to your situation. <https://medicaid.alabama.gov> <https://www.medicare.gov>
- **PROBATE**. There are dozens of rules, laws, and practices that can wind up costing a family its intended preservation of assets.
- **SOCIAL SECURITY BENEFITS** have become a bedrock feature of American retirement planning. For some, Social Security benefits are essential to daily living. It is a complicated process and must be managed to maximize its benefit. <https://www.ssa.gov>
- **TAXES**. Federal and state taxes don't go away when you retire, but retirement benefits are taxed and differing rates and in different states.

Reach out to a SeniorSmart concierge advisor to get help for your situation.