

# How to Choose an Elder Law Attorney

Author: Eleanor L. Dominguez, Esq.

Elder Law covers a wide range of issues, which include Trust and Estate Planning, Asset Protection, MaineCare Planning, Elder Abuse, Estate Administration and Probate Administration and Litigation. Choosing an attorney will require some work on your part, but it is definitely worth the effort to ensure lasting benefits for you and for your family.

## 1. References:

Asking those you know who have dealt with similar issues is a common place to start. Were they happy with the attorney? Are they satisfied with the end result? Focus on comments about an attorney's availability, personality and results. The same goes for online review sites, but take positive or negative reviews with a grain of salt. Not all are always honest, nor is every one a lie.

Perhaps you already have a trusted attorney who works with you on different issues. That attorney provides you with a valuable resource, as she can directly recommend someone or obtain a recommendation from colleagues.

## 2. Experience:

Finding a qualified attorney who has been practicing for some time is often the best approach. The law firm or attorney's website usually has a short biography on each attorney covering the key points of their education, training and experience.

An experienced attorney will know how to avoid passing along inadvertent financial burdens to your heirs by properly forecasting the issues, options and probate process. These usually include minimizing estate tax liabilities, as well as making sure your plan provides clear directives to avoid negatively impacting loved ones who may not have the abilities and/or financial resources to work through all the legalities.

Estate planning attorneys effectively craft documents that detail their client's intention regarding asset distribution. Wills and trusts are the two most common ways to smoothly transition assets from one family member to another.

Also, never hire an attorney who has been disbarred in any state. The Maine Board of Overseers of the Bar is a good resource. Additional information can be found on-line at:  
[www.mebaroverseers.org](http://www.mebaroverseers.org)

## 3. Consultations:

When you schedule your appointment, always ask about the attorney's hourly rate and discuss the scope of the work to be performed, as this will provide you the ability to compare potential candidates. Be aware, however, that neither the least expensive nor the most expensive guarantees quality work. Prior to your meeting, the law firm usually sends you a worksheet to complete to guide you in collecting pertinent personal and financial data for easy reference. This data gives the attorney an understanding of what your individual needs might be and helps her to efficiently formulate your customized estate plan.

During the consultation, you will look to find a measure of confidence that your intentions are understood, your questions are answered, and any potential hurdles are recognized and addressed to your satisfaction.

Keep in mind that you are typically charged for each interaction with your attorney or their paralegal in regard to your case. Therefore, keeping a written list of questions and answers helps to avoid extra calls and can be a handy reference when explaining the process to other family members.

Even though you are paying for their services, the best attorneys are often in high demand and cannot treat you as if you are their only client. Being aware of this reality, and that keeping yourself organized will go a long way toward making the entire process as smooth and efficient and effective as possible.

#### 4. Comprehensive Planning:

While typical estate planning includes planning for incapacity during one's lifetime, as well as distribution of one's assets upon their passing, Elder Law attorneys have an added focus for planning with long-term care in mind. Often a traditional estate plan will have the customary documents that an Elder Law attorney prepares, such as a Revocable Living Trust; a Will or Pour-Over Will; a General Durable Power of Attorney; a Health Care Power of Attorney; and a HIPAA Authorization. However, the provisions within these documents vary significantly depending on your individualized needs and desires. Because one focus of the Elder Law attorney is to help clients plan for the possibility that they may require long-term care, (i.e. protecting the home and/or other assets) make sure your Elder Law attorney has the expertise to comprehensively design plans specifically for this purpose.

Obtaining the best professional elder care and legal advice not only protects you and your loved ones; it also provides you peace of mind. Contact us so that you may have that peace of mind.