IRS Gets Very Generous
With IRA Rollovers
By Thomas J. Murphy, Esq.

The IRS has been extremely busy issuing private letter rulings (“PLRs”) that are surprisingly generous in granting waivers when mistakes are made in meeting the requirements for 60 day rollovers of retirement funds set forth in IRC 402(c). In the first six months of 2004, the IRS has issued well over 100 PLRs on this topic. Only seven of these have denied a waiver of the 60 day rule. This is a huge change in the IRS’s approach to this issue. Until now, the IRS had been unrelentingly strict in its interpretation of the 60 day rule. But in a recent Wall Street Journal article on the waiver issue, an unnamed IRS official stated that “we have been fairly liberal on this issue”. In that same article, Ed Slott, one of the nation’s foremost authorities on retirement benefits planning, went further by stating “the IRS’s position appears to be ‘all you have to do to qualify for this is just ask me.’” Clearly, the IRS is trying to make a point – one that is very favorable to taxpayers.

NAELA Members in the News

NAELA was mentioned as a resource in:

1. “Saving the Graces,” in the October 1, 2004 issue of AARP The Magazine.

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Happy Thanksgiving! Yes, I know that you are reading this in early 2005, so “Happy New Year” would probably be more appropriate. However, it is thankfulness I want to talk about in this column for two reasons: one, I am writing this column over the Thanksgiving weekend, 2004, and therefore giving thanks is on my mind; and two, within our NAELA family there is much to be thankful for.

First, on behalf of all of us at NAELA, I extend our thanks to Frank Johns, CELA, the Chair of the Joint Conference Committee together with his entire committee - Kathleen Buchanan, RG Co-Chair for the National Guardianship Association, the Honorable Irvin Condon, Conference Chair for the National Conference of Probate Judges, the Honorable Nikki T. DeShazo, the NCPJ Site Chair, the Honorable Raymond Eubanks, the NCPJ President, the Honorable Patrick Ferchill, NGA Conference Co-Chair, the Honorable John N. Kirkendall, NCPJ Curriculum, Francine T. Saccio, RG, NGA President and Mark Shalloway, CELA, NAELA Secretary. These dedicated members, along with each organization’s Breakout Steering Committee (NAELA’s was chaired by Frank Johns, CELA and Lauchlin Waldoch, CELA), put together an absolutely spectacular program. With over 850 attendees, the logistics were daunting but each organization’s respective staffs came through with flying colors. My thanks to Laury Gelardi, Debbie Barnett, Pam Carlson, Bridget Jurich, Jenifer Mowery and the entire Kellen Company team for a “job well done.”

During the course of the conference I was reminded that one of NAELA’s admirable institutional qualities is the way we recognize contributions by our members to our members and to the community at large. Over the years, NAELA’s Board and some of our individual members have established awards that recognize and thank NAELA members and others for their contributions. Among those awards are the annual John J. Regan Legal Writing Award for contributions to legal scholarship on Elder Law-related subjects; the Powley Award, established by NAELA member Timothy Takacs, CELA, and his family; and the Theresa Award created by

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Vincent Russo, CELA, and his family, both of which recognize contributions to the community by NAELA members.

Our newest form of recognition is the Clifton B. Kruse, Jr. Annual Lecture on Professionalism and Ethics, created to honor past-President and Fellow, Clifton B. Kruse, Jr. Fittingly, the first lecture, presented by Professor Geoffrey Hazard, took place at this year’s Institute in Colorado Springs, Clifton’s hometown.

And then there’s the UnAward. Frankly, this is my favorite for a couple of reasons. One, the choice of recipient is solely within the President’s discretion so I was able to choose whomever I wanted. Two, as its name implies, it is a somewhat whimsical award which, by its very nature, prevents us from taking ourselves too seriously, a not uncommon problem among lawyers, I’m afraid.

The UnAward was established by your Board of Directors five years ago as a means of recognizing unique, specific contributions to NAELA and elder law by NAELA members. Other than the criterion that the contribution stand out, there are no other specifications. Thus each President is able to cast his or her net far and wide in recognizing contributions to NAELA and the field of elder law that might not otherwise be acknowledged.

For example, our first recipient was Past President and NAELA Fellow, Ira Wiesner, CELA, for his concept of the UnProgram, probably our most unique and “out-of-the-box” event. Ira was followed by NAELA Fellow Robert Fleming, CELA, for helping us create our first ListServ and website. In 2002 Past President and Fellow Vincent Russo, CELA, received the UnAward for conceiving the idea of the NAELA Institute. Last year Timothy Takacs, CELA, was given the award in recognition of his idea of the NAELA Memorial Fund.

This year’s recipient is Past President and NAELA Fellow, Professor Rebecca Morgan, a.k.a. “Becky” or “where’s-my-Starbucks?” Morgan. I selected Becky this year for any number of reasons (not the least of which is our shared love of Starbucks coffee), but primarily for her contributions to the academic side of elder law.

Becky, the Boston Asset Management Faculty Chair in Elder Law at Stetson College of Law is the co-author of LexisNexis’s seminal treatise on Elder Law, Tax, Estate and Financial Planning for the Elderly, arguably the single most important book on the subject published today, as well as Planning for the Elderly in Florida. However, more important (in terms of the UnAward), she has tirelessly worked to further the recognition of elder law as an independent and unique branch of scholarship within legal academia. Her efforts were recently recognized by Boston Asset Management Company, which established the Faculty Chair in Elder Law in her honor.

Her focus on ethical issues involving the representation of seniors, the disabled and their families, as well as her unflagging leadership in senior-related areas (including a stint as President of the National Senior Citizen’s Law Center), her service as the Reporter for the

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The NAELA Legacy
By Laury A. Gelardi, Executive Director

There is an incredible legacy in NAELA. That legacy has been nursed, cultured, and prodded over the years and everyone in NAELA is a beneficiary. That legacy is one of 16 Past Presidents. You may think of these folks as “old” or as “has beens” or as “recycled leaders,” but the only adjective that truly describes them as individuals and collectively is “AWESOME.” Looking over the spectrum of styles, personalities, experiences, skills and cultures, you can definitely sense that there is something special and unique about this group.

Tim Nay of Portland, OR
Allan Bogutz of Tucson, AZ
Scott Severns of Indianapolis, IN
Garey Eakes of Arlington, VA
Vincent Russo of Westbury, NY
Daniel Fish of New York, NY
Cynthia Barrett of Portland, OR
Clifton Kruse of Colorado Springs, CO
Ira Weisner of Sarasota, FL
William Overman of Atlanta, GA
Rebecca Morgan of St. Petersburg, FL
A. Frank Johns of Greensboro, NC
Judith Stein of Mansfield, CT
Charles Sabatino of Washington, DC
Bernard Krooks of White Plains, NY
William Browning of Columbus, OH

They hail from all parts of the country. They have a variety of practice settings. They brought their own leadership styles, their own projects, and their own visions. Some worked to develop ideas and projects, while others worked to implement or complete those ideas and projects. Some created an atmosphere of chaos, while others concentrated on getting things organized. Some had unexpected obstacles (mostly legislative) to tackle and overcome, while others championed the cause during calm waters. Each had their own practices, their own families, their own health, and their own lives which all yielded their attention to varying degrees to allow them to follow their visions and lead the Academy. It has been my privilege to work with each of these attorneys, to get to know them, their families and their staffs, and to admire their intense dedication and desire to serve. Each one is creative in his/her own way. Each one shared their strengths and weaknesses, their doubts and fears, and their visions and dreams. Each one took on an additional (non-paying) full-time job when they assumed the presidency and handled it with grace, integrity and dignity.

What is even a greater testament to this group is the fact that all 16 are still active in NAELA today. Not many associations can make that claim. Each one is successful in his/her own practice and each one is still entrenched in elder law. Each one will readily lend a hand to any member in need…and they are usually the first ones to do so. Each one has fostered or found a mentor from within the group. Each one reminds us daily that it is the PEOPLE in our lives who matter the most. Projects come and go. Meetings are planned and passed. Legislative issues are raised and dropped. Committee work is done and redone. But the spirit of NAELA…the connection to those who care and who are passionate about what they do…will never be duplicated or replaced. If you happen to run into one of “the 16”….tell them “thanks” for all the time, effort, care and sacrifices they have put into building a profession and an Academy that truly practices what it preaches.

Happy Holidays to Every NAELA Member, Your Staffs and Your Families!
IR Letter Gets Very Generous With IRA Rollovers
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would be “against equity or good conscience”. In January 2003, the IRS issued Rev Proc 2003-16 that set forth the factors that the IRS would review in determining the appropriateness of a waiver of the 60 day rollover requirement. It stated that the IRS would review all relevant facts and circumstances, to include:
1) errors by financial institutions
2) inability to complete a rollover due to death, disability, hospitalization, incarceration, restrictions imposed by a foreign country or postal error
3) the use of amount distributed, and
4) the time elapsed since the distribution occurred.

These factors are to be applied to any distributions made after December 31, 2001.

PLRs have limited use as binding precedent since they only apply to the taxpayer requesting the ruling. But they are very useful in giving practitioners some sense of how the IRS is analyzing and applying the rules. All PLRs can be viewed in the Electronic Reading Room on the IRS’s website by visiting www.irs.gov/foia/article/0, id=11035300.html and clicking on “IRS Written Determinations.”

PLR 200410027 is typical of the recent sympathetic line of rulings. It states that the taxpayer had a “serious hearing loss in both ears…you signed Document C believing that you were signing an authorization to reinvest money market funds already in your IRA. You were not wearing hearing aids when you signed Document C. You were confused by the explanation provided to you by Employee F. Because it was a stressful, embarrassing experience you did not realize you had authorized a total distribution of funds from your IRA into a savings account with Bank B. After the 60-day rollover period expired, you received a Form 1099-R concerning the distribution but you left it unopened with your other tax documents since you had applied for an extension to file your federal income taxes for the year 2002. You did not discover the error until a customer service representative of Bank B informed you of the status of Account D. At that time, aware that the 60-day rollover period had expired, you contacted Employee F who agreed that the distribution of Amount E from your IRA was due to her mistake.”

Keep in mind — this is the IRS’s (not the taxpayer’s) version of events. Based on this, a waiver of the 60-day rollover period was granted.

The cases where the IRS has granted relief generally fall into one of four categories: a) bank errors or wrong advice given by financial advisors, b) a good faith misunderstanding by the taxpayer of the rollover requirements, c) a medical condition or questionable mental capacity, or d) a natural disaster or serious family situation.

But there are limits as to how far the IRS will go. There are three factors that are commonly seen in cases where the IRS has refused to grant a waiver of the 60-day rule. Those three factors are: a) no intent to roll over the funds when (continued on page 7)
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they were distributed to the taxpayer, b) use of the money for personal expenses rather than leaving the funds untouched in an account, and c) use of the funds as income during a period of unemployment.

The best way to get a grasp of the IRS’s approach is to summarize many of the recent PLRs since many of these cases are fact-specific. Here’s a sampling of them:

Bank error, bad advice or no advice

PLRs 200402028, 200411047, 200406052, 200426024, 200417033, 200426022, 200426021, 200421008 & 200429012 – money was transferred by mistake from an IRA to a non-qualified brokerage or savings account. Taxpayer (“TP”) did not notice the error until receiving a form 1099R after the 60-day rollover period had expired. Waiver granted.


PLR 200407023 – Widow was “advised by a bank employee that because interest rates were so low that it was better for her to deposit money into a regular account”. It was only when TP met with her tax preparer the following spring that she realized her mistake. IRS emphasizes her “inexperience” and reliance on the advice of bank’s employee. Waiver granted.

PLR 200416011 – Husband dies. Plan administrator does lump sum distribution to wife. Bank advises wife to place funds in a “non-IRA insurance product” (probably an annuity). Waiver granted.

PLR 200427029 – TP was terminated. The terms of his 401(k) required that he sell the company stock held in the plan. He withdrew the funds but was told by his former employer that he had until the end of the year to roll over the funds. His new employer told him he had to wait until January of the next year, which is what TP did. The IRS agrees that he was given wrong advice by everyone and grants the waiver.

PLR 200427027 – TP withdrew his entire plan balance. His employer never advised him of the tax consequences, contrary to the requirements of IRC 402(f). Six months later, his tax preparer informs him of the problem. Waiver granted.

PLR 200425049 – TP mistakenly withdrew IRA funds and placed them in a non-qualified savings account. TP’s attorney caught the mistake within the 60 days and informed the bank. Bank mistakenly believed the 60 days had run and refuses to place the funds in a qualified account. TP’s financial advisor, aware of the situation, does nothing. IRS grants the waiver because of the mistakes by the bank and financial advisor. Also important was that the funds had not been touched once placed in the savings account.

PLR 200421009 – The fund holding TP’s IRA money closes and liquidates. TP is only vaguely aware of situation when he receives the check. Tries repeatedly to contact the fund company but gets no response or information. Money was placed in a new IRA well after the 60 days had run but was never touched after that. Waiver granted.

PLR 200429017 – Terminated TP leaves his funds in his former employer’s 401(k) plan. Former employer gets bought out and new owner terminates and liquidates the plan. The notification of this and the check are sent to TP’s old address and it is only “many months” later that TP learns of the situation. The IRS grants the waiver and allows TP to transfer the funds into his new employer’s 401(k).

PLR 200428033 – TP transfer IRA funds to new investment company. A dispute arises as to the expected rate of return. TP experiences great difficulty in getting his money back. Check is finally sent to TP’s Virginia home while he is wintering in Florida. TP doesn’t learn of this until well after the 60 days has run. Waiver granted.

PLR 200428032 – Deceased TP named his trust as beneficiary of his IRA. Dispute arises as to whether surviving spouse can do a spousal rollover since she is the only beneficiary of the trust. Bank won’t accept check from prior custodian. The IRS rules that the spouse can receive the funds directly and do the spousal rollover. Bank was wrong to preclude the transfer. Waiver granted.

PLR 200427028 – TP gets divorced. QDRO is entered by court. Ex-wife’s share is distributed to TP to fulfill the QDRO requirements. TP gives this money to his attorney to complete the QDRO transfer but the attorney does nothing until after the 60 days has expired. Waiver granted, noting TP’s reliance on attorney to get transaction completed.

Good faith misunderstanding by TP or unawareness of tax consequences

PLR 200421007 – TP thought he had 90 days to do rollover. Tried to do rollover after 75 days. IRS grants a waiver, emphasizing that the funds were never used for any other purpose, that he had always intended to do the rollover and that he immediately contacted the IRS upon learning of the problem.

PLR 200405012 – A widow, through no request of her own, received a lump sum distribution from her deceased husband’s plan. Husband had handled all financial matters. No one, including the plan administrator, had explained the tax consequences of the lump sum distribution. Waiver granted.

PLR 200405017 – Widow gets proceeds from deceased husband’s annuity. Financial advisor did not explain the tax consequences. The funds were kept in a separate account and not spent. Waiver granted.

PLR 200406050 – IRA annuity paid to TP as death benefit. No mention by custodian that this was qualified money and TP thought it was money from an insurance policy. TP had also recently undergone heart surgery. Waiver granted.

PLR 200423037 – TP gets divorced. QDRO is entered by court and IRA gets split. Son, acting as TP’s agent, with-
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draws funds from the IRA annuity that is now the ex-wife’s account. (No explanation as to how this happened.) Insurance company refuses to take money back after son realizes mistake. Waiver granted. Good faith mistake by son who also was never told of the tax consequences of the withdrawal.

Medical conditions or questionable mental capacity

PLR 200421006 – TP was legally blind and in bad health who had mistakenly places qualified money in a money market account. TP relied on son to handle financial matters but son was “called away on military duty” before son could correct the situation. Waiver granted. TP needed son’s assistance and TP did not understand the rollover rules.

PLR 200426026 – TP was of questionable capacity due to injuries received in an automobile accident. Waiver granted.

PLR 200426025 – Husband apparently suffered from advanced Alzheimer’s. Wife in bad health. Husband withdraws qualified money for no apparent reason and cannot recall the transaction months later when the form 1099R arrives. Waiver granted.

PLR 200426020 & 200424010 – Elderly TP mistakenly withdrew qualified funds due to “stress and confusion, caused by a medical condition”. Waiver granted due to inability to understand rollover rules.

PLR 200406020 & 200406010 – 83 year old widow who was apparently incapacitated and had hearing difficulties. Lump sum distribution was made to non-qualified account. Waiver granted.

PLR 200406049 – Mentally ill TP who had experienced death of close friend and fiancée of daughter. IRS emphasizes that TP had not made any (or at least no recent) withdrawals from the IRA and that he had not used the funds. Waiver granted.

PLR 200412002 – Rollover from a 457 (i.e., state or local government) plan. TP had undergone surgery and experienced “mental anguish resulting from the recent loss of several family members”. TP also apparently relied on a financial advisor who was mistaken on the tax consequences of the transaction and who placed the funds in a non-qualified account. Waiver granted.

PLR 200402029 – TP was hospitalized for 21 days after back surgery. Sometime during or shortly after this, TP asked the IRA custodian to begin required minimum distributions to a trust. Instead, the custodian made a lump sum distribution. TP did not consult with her estate planning attorney who had created the trusts. While the IRS said that TP acted unreasonably in not coordinating with her attorney, the waiver was still granted.

PLR 200405014 – TP had cancer surgery followed by chemotherapy and radiation treatment. During this time, TP had a CD within her IRA that matured. TP told bank to pay the proceeds directly to her without realizing the tax consequences. Waiver granted.

Natural disaster or difficult family situation

PLR 200422054 – Major damage to TP’s home due to tropical storm. TP and family also become ill due to toxic mold in the home. Insurance company was slow to pay TP who withdrew qualified money to pay for repairs. Waiver granted due to “extraordinary circumstances”.

PLR 200422057 – TP withdraws funds intending to do rollover. Several weeks later, son and daughter experience serious bouts of depression necessitating psychiatric treatment. Rollover is done but is 22 days late. Waiver granted.

PLR 200416015 – TP requested minimum distributions but received a lump sum distribution. TP was in another state dealing with a son who had recently gotten a divorce and the son’s children. IRS cites TP’s advanced age in granting the 60 day waiver.

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PLR 200405013 – This case appears to involve a military reservist who was recalled to active duty and then stationed overseas. While gone, his employer has a “severe decline” in the value of the employer stock that apparently made up all of the account balance. This caused his balance to fall below the plan’s required minimum balance of $5,000.00. That balance was distributed to TP without any explanation from the plan administrator. Waiver granted.

All of the case set forth above are fair and reasonable results. But there are limits as to the generosity of the IRS. Here are the cases where relief has been denied:

PLR 200423038 – TP was purchasing a home through a foreclosure. TP needed funds quickly so withdrew funds from his IRA intending to repay the funds within 60 days once a mortgage was obtained. Closing took longer than anticipated and the funds are not repaid until 90 days later. No waiver.

PLR 200422058 – TP had significant stock losses, so he withdraws qualified funds believing the gains within his IRA can be used to offset his losses. Five months later, he learns of the adverse tax consequences. No waiver granted. IRS emphasize that TP had no intent to rollover the funds when they were withdrawn.

PLR 200422053 – Unemployed TP uses his IRA money to prevent foreclosure on his home. TP was unable to obtain a loan but his mother was able to obtain one on his behalf. The funds were returned to the IRA 102 days after they were withdrawn. IRS refuses to grant waiver, again emphasizing there was no intent to rollover the funds at the time they were withdrawn.

PLR 200428034 – Unemployed TP withdraws qualified funds to pay for living expenses. TP is wrongly advised that he can only make one withdrawal per year so he withdraws enough to meet his needs for the next year. TP then obtains a job much sooner than anticipated so he no longer needed all the funds withdrawn. The IRS concedes TP received bad advice as to the one-time distribution and allows TP to redeposit those funds that were not used or needed. But no waiver is granted as to the amount of funds used for personal expenses.

PLR 200410003 – This case cannot be squared with the other cases. TP’s spouse dies. IRA custodian wrongly advises TP that the entire balance must be distributed immediately to her. The 60 day period passes before TP realizes the custodian’s mistake. Surprisingly, in view of all the cases cited, the IRS refuses to grant a waiver, indicating that there is no hard-

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3. Key Planning Group—Placed Manually
IRS Gets Very Generous With IRA Rollovers
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Practitioners need to draw several conclusions from these cases. First, the IRS is sending a message, loud and clear, that it is easing up on its previous excruciatingly strict interpretation of the 60 day rollover requirement. For our clients whose rollover was not done quite right, obtaining a PLR is a very worthwhile endeavor. Second, these cases remind us that it is still easy to create a mess with rollovers, especially given the ample sources of bad advice lurking out there. Third, remember that these cases only apply to distributions made after, and not before, December 31, 2001. (See the recent case of Dirks v. Commissioner, TC Memo 2004-138.) Finally, these cases demonstrate that practitioners cannot assume that our clients are getting these things done right, however simple they may appear to us. Obtaining verification from clients who engage in rollovers is becoming much more important. Unfortunately, the increasing size and influence of banks and brokerage houses does not correspond with an increased level of knowledge and sophistication in this field. Bad advice still abounds. Practitioners need to be looking out for their clients in this regard.

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NAELA’s Memorial Fund: A Nice Way to Acknowledge the Passing of a Client

Are you aware that NAELA has a Memorial Scholarship Fund? Established in 1998, the fund was developed to provide scholarships to NAELA programs for aspiring elder law attorneys who demonstrate a financial need. The NAELA Board envisioned that members would donate to this fund when honoring their clients who pass away...as a way to demonstrate the members commitment to the profession. We have several members who are regularly making contributions.

This is how it works: You send a donation to the NAELA Memorial Fund, indicating in whose honor the donation is being made and where the acknowledgement needs to be sent. NAELA staff will send you a thank you note to substantiate your tax deduction and send an acknowledgement to the family (or whomever you designate) noting the recognition of their loved one. It is really a nice way to build the profession and live out our ideals of helping one another.

Our initial idea was to build up several “individual pots” of at least $10,000 that would generate enough interest to fund yearly scholarships. A fund may be established under this umbrella in one person’s memory or may contribute to the general fund. When each $10,000 principle is established, one scholarship will be awarded.

Helen Cohn Needham, a NAELA member and past board member from Virginia, established the first designated fund in memory of her sister, Vivian Cohn. Helen has done fundraising and has personally contributed to this designated fund, which is now in the position to fund one or two scholarships each year. As the originator of a fund that has reached maturity, Helen and her family are allowed to actually select the recipient(s) of the designated scholarship.

As noted above, the alternative to designating a fund, members can donate into the general fund, which is also building. As each $10,000 is established, members who have donated will be asked to participate in the selection process for those scholarships.

If you are thinking about adopting this practice in your office, and you are looking for testimonials from other members on how well this program works in an elder law practice, feel free to contact Helen Cohn Needham or Tim Takacs. They have been two of our most active donors and will be glad to share with you the reactions they have received. Other questions about the fund, should be addressed to Bridget Jurich at bjurich@naela.com.
In June 1973, nine years following my graduation from law school, I sent a check for more than $50.00 to the Foundation Press in exchange for a book written by the prescient Dean of the Notre Dame Law School. Its title, The Planning and Drafting of Wills and Trusts, understates its message. It is a book about human encounters - about the lawyer and the lawyer’s client in congruent conversation.

Ruminating on the lawyers’ in-school scholastic experience, the Dean observes that we are badly trained for the human encounters that we will have with our clients in our law offices. But as lawyers who work with the elder community, our “offices” are often hospital rooms, nursing homes and the clients’ own residences. As often as not, our contacts with our clients are in places other than the comfort of our own suites.

While the dean’s text isolated its interest in lawyers preparing their clients’ wills and trusts, our lack of adequate law school training applies to our work in helping older clients on a broader spectrum as well.

Our practices, as attorneys who work with elder clients (and sometimes with their families) are typically distant from the competitive and litigious posture that is the fundament of our law school training. Ours is a relationship in which, as lawyers, we discern from our meetings with our clients much about their values and goals. We observe and listen and learn from them, participating in the discovery of solutions to the problems that are now disturbing their lives:

Why must I leave my home?
My doctors want to amputate my gangrenous toe. Don’t let them take my foot. Please don’t let them cut off my leg!

These portentous cries of anguish are not primarily questions of law, but not atypically, are problems reflecting an urgent desperation that the unfamilied elderly in particular ask us to resolve.

In law school we learned about rights and duties. This was our principal focus. The case book presentation evidenced persons in conflict, adversarial in posture, litigious in character and often rude in manner. In our intimate encounters with our clients, the milieu is one where needs and emotions are central, where decisions are premised on disturbingly critical issues of the moment for them.

As counselors in the elder law practice, we are wisely not orally aggressive; and we may not even be verbally sophisticated, common prerequisites of our colleagues who are members of the litigation bar. But our strength comes from accepting and caring for those who trust us as sensitive and educated friends. As elder law attorneys, lawyers dedicated to assisting clients with the legal and real life problems that age introduces to them, we develop a capacity to avoid quick answers - or any answers at all. Our responses are directed at assuring our clients that their solutions to the disruption of their lives that advanced age is causing are appropriate and wise - unless they are not. We achieve this by an openness, by a receptiveness to answers to our questions as we listen to those whose care has been entrusted to us - persons who often believe that their lives are over, clients who express their angst to us as we confront their grief and depression and anxiety. It is our routine experience in our work with near fable old people.

We would have been married 69 years this November. I still remember meeting her.

And we say - “Tell me about her.”
Her friends set it up.
“Set it up?” we reply.

Ninety minutes later, after telling and retelling his memory of the precious hours of the initial meeting that lead to a marriage of 60 years plus almost nine, the grief, at least for the moment, is lessened.

But clients are hesitant to share without invitation. There is a threshold that we must assure them that we want them to cross. And we do this with questions. And we do it as lawyers. We are the elders’ lifeline. Medicaid planning, housing, wills, powers of attorney and trusts are the hardware that makes possible an invitation into the psyche of another, where a depressed spirit is enabled to share its load. Our licenses make this possible. They give us status and credibility, and after meeting us - hopefully, trust. The legal answers are comparatively easy - the job we are called in to do is done - but along the way, the more important, the more valuable service occurs as well. We listen. We invite a monologue. We establish this by our demeanor and by our questions that invite unloading - and in this process we extend the joy that elders’ memories bring. And on those days, we earn the accolade - professional - one who serves others. That is our privileged role as lawyers; we can make others’ lives, if even for a few moments, better than they were before.

We shouldn’t be overly critical of the law schools and their curricula. They are better now than when some of us were graduated. There are elder law courses in some law schools now and counseling classes in some schools as well as practicums, opportunities to work with people and develop critical counseling skills. Such courses offset the utilitarian but less human centered values, for example, found in classes concerned primarily with such topics as mortgages, real property and taxes.

This is what the Notre Dame Dean tells us in his thin and costly book on drafting wills. He assures us that we are, as lawyers, at our best as counselors. It takes special people to work in the presence of emotion and grief and depression and with those for whom the “fun life” has essentially ended. Those among us who work in this area are our profession’s heroines and heroes. Our communities are blessed because of them, these lawyers who ennoble our profession.

1 Thomas L. Shaffer, The Planning and Drafting of Wills and Trusts, The Foundation Press, Inc., (Mineola, NY, 1972). This essay was written for elder lawyers and first appeared in the NAELA News. The pronouns “we” and “us” reflect this initial audience.
Uniform Law Commissioners in the drafting of the Uniform Guardianship and Protective Proceedings Act), and the “usual” academic outpouring of scholarly papers and lectures made her a natural candidate for the UnAward.

But there is something else too: common threads that bind all the UnAward recipients with each other besides their dedication to this field: a love of life; an openness and willingness to share their expertise and knowledge with all of us; deeply held core values; a strong belief that they are not really deserving of the Award - they were “just trying to help;” and (perhaps most important), a great sense of humor.

Unlike many awards, NAELA awards are not “won.” They are earned. They are earned through selfless dedication, hard work and creativity. Each award constitutes a small but important “thank you” from us to those individuals who have done something to help us, not because they want the recognition, but because they want to make a difference. Becky, like those who have come before her, is one of those people. Not only has she furthered the scholarship in this area, she continues to mentor, train and encourage those who will follow in our tracks. That may be her greatest contribution of all.

Somehow, “thank you” just doesn’t seem adequate, so Becky, the next Starbucks is on me. Have a great 2005!!

Mark Your Calendars!

September 28 – October 2, 2005

The National Academy of Elder Law Attorneys will be having a Joint Meeting with the National Association of Professional Geriatric Care Managers

HOTEL INFORMATION
Sheraton New Orleans Hotel
500 Canal Street
New Orleans, LA 70130
Reservations: (888) 627-7033
Guest Fax: (504) 595-6293

Rate: $175.00 per night, single or double occupancy.

Call the Sheraton New Orleans Hotel at (888) 627-7033 and mention that you are with the NAELA Conference to receive the special rate of $175.00 per night plus tax for single or double occupancy. Reservations are on a first-come, first-served basis and the group rate cannot be guaranteed after Friday, August 19, 2005. Be sure to make your reservations early!

Navigant International can assist you with your travel needs 800-229-8731. Please note: As with all travel agencies, a service fee will apply.

For more information, visit www.naela.org or call 520/881-4005.
NAELA Members in the News
(continued from page 1)

NAELA Members in the News:

1. **Stuart D. Zimring, Esq.,** was quoted in “Nursing Homes Don’t Come Cheap,” which was published in the October 20, 2004 edition of SmartMoney.com.

2. **Charles P. Sabatino, Esq.,** was quoted in “Capital Ideas,” which was published in the October 18, 2004 edition of Newsweek.


4. **Bernard A. Krooks, CELA,** and **Ruth A. Phelps, CELA,** were quoted in “When Mom’s Money Runs Out,” which was published in the November 2004 edition of Kiplinger's Personal Finance.

5. **Stephen J. Silverberg, CELA,** and **Steven H. Stern, CELA,** were quoted in “How to Choose an Elder Care Attorney,” which was published in the October 9, 2004 edition of Newsday.

6. **Ronald A. Fatoullah, CELA,** was quoted in “No Granny Goes to Jail: Medicaid Planning is OK,” which was published in the October 9, 2004 edition of Newsday.

7. **Jennifer B. Cona, Esq., Sharon Kovacs Gruer, CELA, Bernard A. Krooks, CELA, Stephen J. Silverberg, CELA, and Steven H. Stern, CELA,** were quoted in “What An Elder Lawyer Can Do For You,” which was published in the October 9, 2004 edition of Newsday.

8. **Stuart D. Zimring, Esq.,** was quoted in “Terri’s Law Highlights Importance of Getting Health Care Wishes in Writing,” which was published in the April 4, 2004 edition of Health Care Weekly Review.

9. **Daniel G. Fish, CELA,** was quoted in “Final Wishes,” which was published in the October 30, 2004 edition of Newsday.

Schedule of Events

**JANUARY 28 - 30, 2005**
**2005 UnProgram**
Doubletree Guest Suites, Houston TX
For more information contact the NAELA Office at (520) 881-4005 or visit www.naela.org for complete registration information.

**MARCH 11 - 13, 2005**
**2005 NAELA Advanced Practitioner’s Program**
Embassy Suites Hotel, Atlanta GA
For more information contact the NAELA Office at (520) 881-4005 or visit www.naela.org for complete registration information.

**MAY 18 - 22, 2005**
**2005 NAELA Symposium**
The Fairmont Hotel, San Francisco CA
For more information contact the NAELA Office at (520) 881-4005 or visit www.naela.org for complete registration information.

**SEPTEMBER 29 - OCTOBER 02, 2005**
**2005 Advanced Elder Law Institute**
A Joint Meeting with the National Association of Professional Geriatric Care Managers
Sheraton New Orleans, New Orleans LA

**Spring, 2006 Symposium**
Washington, DC

**Fall, 2006 Institute**
Las Vegas, NV

**Spring, 2007 Symposium**
Cleveland, OH

**Fall, 2007 Institute**
Atlanta, GA

**Spring, 2008, 20th Year Anniversary**
Hawaii

Congratulations
CELAs

**Wesley J. Coulson,** CELA, St. Louis, MO

**Jennifer L. Donohue,** CELA, Seattle, WA

**Elizabeth Forgetson Goldberg,** CELA, Rockville, MD

**David A. Hardy,** CELA, Reno, NV

**Laura Krohn,** CELA, Oradell, NJ
Hospice care is holistic care for the dying. Medicare coverage of hospice care is available for beneficiaries who have been certified as terminally ill, for services that are “reasonable and necessary for the palliation or management of the terminal illness as well as related conditions.” Prior to receiving Medicare coverage for hospice care, beneficiaries must sign a hospice election form which indicates that they have a “full understanding of the palliative rather than the curative nature of hospice care as it relates to the individual’s terminal illness.”

Medical dictionaries define palliative care as care that affords relief, but not cure. Curative care, on the other hand, is defined as care that tends to overcome disease, and promote recovery. So a Medicare beneficiary who is terminally ill with cancer, and who elects the hospice benefit, would expect that her pain medications and therapies (including palliative chemotherapy) would be covered by Medicare, but were she to receive chemotherapy for the purpose of curing her cancer, the curative chemotherapy would not be covered. This distinction between palliative and curative care seems easy enough. However in reality, the palliative – curative divide is not so easily discerned.

For instance, a person with end-stage renal disease, who has been certified as terminally ill, would probably be told that she could not elect the Medicare hospice benefit until after she discontinued her dialysis. Dialysis, of course, is the process of removing waste products and excess water from the body. Without dialysis, a person with end-stage renal disease, would most likely die within a two week period. In other words, this beneficiary would be told, that in order to receive Medicare covered hospice care, she would have to sign her own death sentence, a death sentence with a time line of less than fourteen days. Talk about a Hobson’s choice.

But is this dilemma really necessary? Dialysis for an individual with end-stage renal disease is clearly not curative. Then, therefore, it must be palliative. And since it is palliative, it should be covered by Medicare under the hospice benefit.

However, there remains yet another problem. Hospice programs that provide care to terminally ill Medicare beneficiaries are paid a per diem. From that per diem, hospice programs must pay for all the care that is rendered to the Medicare beneficiary. The hospice per diem is simply not enough to pay for dialysis. So despite the fact that they are otherwise qualified to receive Medicare coverage for hospice care beneficiaries with end-stage renal disease, and other beneficiaries with terminal illnesses who are receiving expensive life-sustaining, but not curative care, are barred from hospice care because of the Medicare payment system. This is a travesty. It is a travesty that the Centers for Medicare & Medicaid Services should remedy.
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**NAELA Affinity Partners**

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Product Information: Capturing Life’s Stories is a simple, inexpensive, easy to use kit that guides anyone through the productive recording of their life experiences.

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www.docubank.com

Product Information: Emergency storage and retrieval service for living wills and other advance medical directives.

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Product Information: Digital Copiers/Printers, Color Copiers, Color Printers and Fax Machines. The contact specializes in estate planning equipment.

**PREMIER SOFTWARE**
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Cherry Hill, NJ 08034
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tcaffrey@premiersoftware.com
www.premiersoftware.com

Product Information: Installation and training of Time Matters and Elder Law Feature Package software for elder law practices.

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The National Academy of Elder Law Attorneys (NAELA) **Affinity Partner Program** provides discounts to NAELA members on software programs, office supplies and equipment, credit card services, document storage and retrieval services and more.

The NAELA Affinity Partner Program was formed to develop NAELA partners who are willing to participate in a group purchasing program extending discounts to NAELA members and offering a positive benefit from NAELA.

You can look forward to receiving information directly from these vendors by contacting them for further information. NAELA will announce new partners as they are approved; meanwhile, we encourage you to take full advantage of this member service, and reap the benefits of your NAELA membership NOW!

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NAELA is proud to introduce InterActive Legal Systems and America’s Life Stories as the newest Affinity Partners!
National Academy of Elder Law Attorneys

May 19-22, 2005

Basics Day/Pre-Sessions: May 18, 2005

The Fairmont San Francisco

Hotel Information
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(415) 772-5000

$229.00 plus tax for Main Building
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Please contact The Fairmont at
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before April 1, 2005 to secure your
reservation at the NAELA group rates.

2005 Symposium Committee Co-Chairs
Doris Hawks, Esq.
Ruth Ratzlaff, Esq.

Keep up to date with conference details at
www.naela.org

NATIONAL ACADEMY OF ELDER LAW ATTORNEYS
1604 N. Country Club Road / Tucson, AZ 85716
520-881-4005 Phone / 520-325-7925 Fax
The Academy is very proud to announce *Selma’s Cat and Other Things That Matter: A Lawyer’s Intimate Conversations With His Elder Clients* by Clifton B. Kruse, Jr., Esq.

This book is a MUST HAVE for anyone dealing with aging issues. Through the stories of his clients, Mr. Kruse explains the legal, emotional and ethical ramifications of the decisions that we all need to make at some point in our lives. Conversations about children and pets, money and family artifacts, living and dying are spread throughout these true stories and reflect the tough decisions being made everyday by our nation’s elderly. You will find this easy to read and difficult to put down.

How fitting that NAELA’s first published book is by Clifton Kruse, Jr., a NAELA Past President, honored member and attorney and in the realm of elder law, known as “Mr. Professionalism.” Mr. Kruse’s writings about his clients provide the heart and soul of his caring philosophy and are an effective way to provoke thought about many aging and end of life issues. They are funny. They are tragic and they are sad. Many will make you cry. All will bring to life the real dilemmas faced by many of our senior citizens today.

*Selma’s Cat and Other Things That Matter* sells for $30 + shipping/handling.

Order your book off the NAELA website, www.naela.org, under Store, or contact Terri Anthony, info@naela.com, 1-520-881-4005, ext. 107.

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To Subscribe to the NAELA National Member Listserv

Use the following link, [http://lists.naela.org](http://lists.naela.org) to join NAELA National Listserv. Simply cut and paste this link into your Internet address box. Once at the website, click on the members link and follow the directions. You will receive a confirmation email. Please follow the instructions of this message to ensure that you are placed on the listserv.

If you have any problems, please email Vicki Kanarr, NAELA Listserv Coordinator at vkanarr@kellencompany.com and place in the subject line “Problem subscribing to NAELA Member Listserv.” Detail the problem you are having and she will be happy to respond back to you with an answer.

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Finding a fellow NAELA member is a click away!

Did you know that the NAELA membership directory is available online at www.naela.org and is updated on a weekly basis?

*So next time you’re looking for an address, phone number or e-mail of an NAELA member, just go online where you’ll find the most current information!*
Special Thanks to Our NGA Sponsors!

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Contact: Kevin Phillips

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Vista, CA 92081
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Fax: (760) 597-9259
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Website: www.prudentnetwork.com
Contact: Jaime Smith

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Contact: J. Craig Garrett

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Fax: 727-585-4452
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Website: www.corbexis.com
Contact: Will Lindahl

Cowles Legal Systems, Inc.
3410 Sky Park Blvd.
Eau Claire, WI 54701
Phone: 800-366-1730
Fax: 715-835-7792
Email: Glenda@cowleslegal.com
Contact: Glenda Hall

Elder Planning Services, LLC
660 Sentry Park
Blue Bell, PA 19422
Phone: 610-272-1928
Fax: 610-272-4425
Email: nichole@smartmarketingnow.com
Contact: Hal Fliegelman

(continued on page 19)

Powley Award

Doris E. Hawks, Esq. was named the recipient of the 2004 NAELA Powley Award at the annual NAELA Institute in Colorado Springs, Colorado. Doris practices elder law in Los Altos, California.

As an elder law attorney, Doris:

- Trains community members, doctors, nurses and others on end-of-life care and other bio-ethical issues important to the elderly. For example, she has trained more than 1,300 physicians on end-of-life care.
- Currently works with community members and medical professionals on bioethical committees at three different hospitals, and has served for several years on her county medical association’s ethics committee. Moreover, Doris has worked extensively to educate the community and nursing facilities on the dental problems of elders.

The NAELA Powley Award was established by NAELA member Tim Takacs in memory of his grandparents, Wes and Helen Powley, who were active in civic affairs well into their eighties. The NAELA Powley Award honors the NAELA member whose activities promote, in the minds of the general public, a greater understanding of the rights and needs of the elderly and how elder law attorneys advocate for those rights.

The NAELA Powley Award comes with a $1000 donation from the Takacs family in the name of the recipient to a non-profit organization of the recipient’s choice. Doris chose the Silicon Valley Area Agency on Aging to receive this year’s donation.
Special Thanks to Our NAELA Exhibitors
(continued from page 18)

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137 Newbury St.
Boston, MA 02116
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Fax: 617-267-3166
Email: hsm@margolis.com
Website: www.elderlawanswers.com
Contact: Harry Margolis

InterActive Legal Systems
Contact: Patricia McLelland
5500 Preston Road, Suite 300
Dallas, TX 75205
(888) 315-0872
pam@ilsdocs.com
www.WealthTransferPlanning.com

LexisNexis
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Ossining, NY 10562
Phone: 914-762-1118
Fax: 914-762-0333
Email: Richard.smith@lexisnexis.com
Website: www.lexisnexis.com
Contact: Dick Smith

Medicaid Planning Systems, L.L.C. (MPS)
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Phone: 800-546-8677
Fax: 781-396-3647
Contact: Tom Begley, Jr.

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10411 Westheimer, Ste. 200
Houston, TX 77042
Phone: (281) 772-2973
Fax: (281) 772-4920
Contact: Maria Arellano

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Website: www.arcadiaservices.com
Contact: Phyllis Pheeney

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Fax: 239-403-7556
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Website: www.smartmarketing.com
Contact: Mark Merenda

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Fax: 727-347-5692
Contact: Cathy Fitch

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Phone: (248) 352-7530 ext. 697
Fax: (248) 352-7534
Email: ppheeney@arcadiaservices.com
Website: www.arcadiaservices.com
Contact: Phyllis Pheeney

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Contact: Mike Gooden

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18525 Sutter Blvd., Ste. 280
Morgan Hill, CA 95037
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Email: paula@computrustcorp.com
Contact: Paula Lomanto

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Fax: (310) 743-1850
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Email: ken.chappell@sigelagency.com
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Fax: (502) 244-3311
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Website: www.javs.com
Contact: Paul Strieffon

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Fax: (248) 540-7626
Email: pcorry@coud.net
Contact: Peter Corry

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Vista, CA 92081
Phone: (760) 597-9255
Fax: (760) 597-9259
Email: Jamie@prudentnetwork.com
Website: www.prudentnetwork.com
Contact: Jaime Smith

Therapeutic Communities
4805 Balcones Dr.
Austin, TX 78731
Phone: (512) 371-1078
Fax: (512) 371-3984
Email: ds@tc-tx.com
Contact: David Seaton

Trust Employee Administration Management (TEAM)
3465 Camino del Rio South, Ste. 430
San Diego, CA 92108
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Fax: (619) 281-1926
Email: terry@rmstrategy.com
Website: www.rmstrategy.com
Contact: Terence J. Keating

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Premier Software assists NAELA members in becoming more productive and profitable by applying the many features of Time Matters and Billing Matters Plus software to their practice. Premier’s experienced team of specialists, assist in the configuration and customization of Time Matters software and provide training to management and staff. Based on extensive work with over 100 NAELA members, including nationally known NAELA firms, Premier offers the “Estates and Elder Law Feature Package for Time Matters.” This is an advanced elder law overlay to Time Matters, designed specifically to support the marketing and management of an elder law practice. The feature package, available at a special price for NAELA members, includes document templates, client and matter information fields, automatic records and reports. An elder law firm using this overlay in combination with Premier’s expert training and support can reap the benefits of Time Matters, yet avoid the hundreds of hours of customization otherwise required.

Time Matters increases efficiency in a law practice because it enables information to be entered only once. It fully integrates the firm calendar, contact and matter database, document management and assembly, phone, email, notes, legal research, client billing and firm accounting. As appropriate, Time Matters may integrate with other programs and devices including Outlook, Adobe, Excel, Word, WordPerfect, Hot Doc’s, Quickbooks and WinFax, as well, as, PDA’s, scanners and phone systems.

Realizing the full benefits of Time Matters automation presents a time consuming challenge. Fortunately, Premier has invested the development time and offers the Estates and Elder Law Feature Package, a model elder law practice support system. The overlay includes 75 routine document templates, as well as, a link to Hot Doc’s for advanced document production. Extensive information fields for 11 matter types are provided including: Estate Planning, Estate Administration, Asset Protection, Medicaid Application, Guardianship/Conservatorship, Real Estate, Charitable Trust, Charitable Organization, Irrevocable Trust, Corporate

Since understanding a problem is 90% of solving it, Premier is ideally suited to help solve the management and system issues of your firm.

In addition to our ten-year experience and knowledge with Time Matters, Premier also understands the various business processes and ideal workflow in an elder law practice. Since understanding a problem is 90% of solving it, Premier is ideally suited to help solve the management and system issues of your firm. Having assisted over 100 elder law firms, Premier offers a well-defined process for acquiring increased productivity using Time Matters. The first step is a no-charge, on-line demonstration of Time Matters and the elder law feature package overlay. Once engaged, Premier conducts an in-depth initial interview employing our unique Time Matters System Planning Questionnaire for an Elder Law Practice. The information developed from the interview is used to generate an extensive implementation plan and training agenda tailored to the individual needs of the firm.

Premier is pleased to announce “Premier Support” plans which are comprehensive annual support options available on a fixed charge basis. Premier Support includes specified telephone support, training classes and on-line assistance. For more information contact Premier at 856 429-3010 or visit our web site: www.premiersoftware.com.
NAELA Announces Availability of Symposium Tuition Scholarship

The National Academy of Elder Law Attorneys proudly announces the Vivian Cohn Smith Scholarship for Patient Advocacy to be awarded for attendance at the 2005 Symposium in San Francisco, CA. This year, the Academy is pleased to be able to offer two scholarships.

The scholarship was established through the NAELA Memorial Fund in memory of Vivian Cohn Smith. It is a needs-based scholarship, covering tuition and room at the 2005 Symposium. The scholarship, awarded annually, is available to elder law attorneys who are unable to afford to attend a NAELA Symposium, and who would use the training to assist and advocate on behalf of the disabled and incapacitated.

The Vivian Cohn Smith Scholarship for Patient Advocacy was made possible through the generous donations made in Vivian’s name to the NAELA Memorial Fund by Vivian’s family and friends; Needham, Mitnick & Pollack, plc; and other individuals and law firms. Vivian, the sister of NAELA Fellow Helen Cohn Needham, CELA, passed away in November 1997 after a 10-year fight against breast cancer. She learned the value of patient advocacy from her own experience—Vivian was a disability worker for the state of North Carolina and saw her role using what she had learned as a patient to advocate on behalf of others.

Application Process
The applicant must send a statement to NAELA (no more than one page long) that explains the following:

I Applicant’s current job/position and involvement in elder law.
I Why the applicant needs the scholarship.
I How the applicant would apply the training received at the symposium to her/his advocacy on behalf of patients.

Selection Process
The family of Vivian Cohn Smith will review all applications and determine to whom to grant the scholarship.

Deadline for Application
All applications must be submitted no later than March 15, 2005. Applications must be sent to Bridget Jurich, NAELA, 1604 N Country Club Rd., Tucson, AZ 85716-3102.
Opportunities Available

Join the team that’s shaping the future of your profession

A CALL FOR NAELA BOARD OF DIRECTORS NOMINATIONS

NOMINATIONS MUST BE RECEIVED NO LATER THAN January 15, 2005.

Are you tired of sitting on the sidelines? Are you ready to share your experience and expertise? Here’s your chance to help lead the association dedicated to furthering the profession of elder law.

NAELA is currently seeking members to serve in the following leadership positions on its board of directors: President-Elect, Vice President, Treasurer, Secretary, and seven directors. The officer positions are one-year positions, and the director positions are for two-year terms.

You can make a difference! With change occurring at fast speed this opportunity to serve on the NAELA Board of Directors will put you in the driver’s seat.

THE BENEFIT PACKAGE

- A role in advancing your profession.
- Exposure to a wealth of personal and professional contacts.
- Access to up-to-date information about the challenges facing your practice in the future.
- The chance to exchange ideas and perspectives with other volunteer leaders.

QUALIFICATIONS

- Demonstrated commitment to NAELA and the profession of elder law.
- Strong background in committee and volunteer work on a local and/or national level.
- A proven track record on affecting change.
- Ability and commitment to dedicate the time to attend three in-person board meetings per year.
- A proven team player.

WE WANT TO HEAR FROM YOU

If you are interested in serving or know of potential candidates, please send a letter of interest and a resume to: Laury A. Gelardi, NAELA Executive Director, at NAELA, 1604 N. Country Club Rd., Tucson, Arizona 85716; Fax (520) 325-7925 or by e-mail at: lgelardi@naela.com.

NATIONAL ACADEMY OF ELDER LAW ATTORNEYS

2005 NAELA Advanced Practitioners’ Program

MARCH 11-13, 2005
Embassy Suites Atlanta Airport / College Park, GA

On-line registration is available to the first 120 people who meet one or more the following criteria:

- A Certified Elder Law Attorney
- A Fellow of the National Academy of Elder Law Attorneys
- A published author in a NAELA Quarterly (Journal), similar law review/journal, or state elder law treatise in the last three years.
- A full time law professor, for at least two years, that teaches a subject that falls within a LLM/advanced law degree in elder law, estate planning, property trust law or tax planning.

For more information, visit the website at www.naela.org or contact the NAELA Office at 520/881-4005.
The National Academy of Elder Law Attorneys is pleased to announce the publication of the *NAELA Journal* in February 2005. The *NAELA Journal* will be a successor publication to the *NAELA Quarterly* which has been a professional law journal with the Academy since 1991.

The *NAELA Journal* will be published twice annually. Like the Quarterly, the *NAELA Journal* will continue to address key elder law topics and provide a valuable resource for practicing attorneys.

The NAELA Journal Editorial Board invites the submission of manuscripts year-round with the following guidelines:

1. Please conform text and citations to THE ASSOCIATION OF LEGAL WRITING DIRECTORS (ALWD) CITATION MANUAL: A PROFESSIONAL SYSTEM OF CITATION or THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (17th ed. 2000). Citations submitted in BLUEBOOK will be converted to ALWD.

2. Please include a cover letter containing the title of your manuscript, your professional affiliation or school, address, telephone, and e-mail address.

3. Manuscripts can be submitted electronically to the attention of Executive Articles Editor at editor@naela.com or by mail to The National Academy of Elder Law Attorneys, Inc., 1604 N. Country Club Rd., Tucson, AZ 85716. The NAELA Journal Staff can be contacted at (520) 881-4005.