Trust SIG Corner
Address Medicaid’s Institutional Bias, and Expand Your Practice
By Patricia E. Kefalas Dudek, Esq.

There are aggressive advocacy efforts happening at the state and national level to address what is called the institutional bias in Medicaid. Essentially, this bias means that when a person with a disability or an elder is served in an institution or a nursing home, Medicaid will pay for all of their services, including anything related to housing. However, if the same person with a disability or elder lives in a less restrictive setting, and their services are paid for by a Medicaid Waiver, their housing costs are specifically excluded from coverage USC 42§1396 n(c)(1). The impact of this bias is a huge financial disincentive for the states to move towards true implementation of the Supreme Court’s decision in *Olmstead*, 527 US 581, (1999), and the integration mandate of the American with Disabilities Act, 42 USC § 12101 (a) (2), (5). See also, 28 CFR § 35.130(d).

This is how it works against the states: if a Medicaid beneficiary wants to live in the community, in many cases either the individual or the State will have to pay for the housing costs. If the person pays for this cost, then this is private money and it cannot be used as state match to draw down additional Medicaid funds. In Michigan, that means, a loss of the 50% match of the housing cost (which they get if the person is placed in a more restrictive setting). In some states the match is even higher. If the State pays for this, these funds need to come from general fund dollars. As they are not being used to pay for Medicaid covered services, they again may not be used for

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Is Your Business Development Program Out to Lunch?

Cost-effective client development & retention solutions
President’s Message
By Stuart D. Zimring, Esq.

For years, the NAELA Boards of Directors, committees and members have been discussing the creation of a concerted, professional public relations effort for the Academy. I am thrilled to tell you that we are in the process of making that dream a reality.

In July of last year, your board of directors voted unanimously to begin a well-defined program to promote elder law, NAELA, and NAELA members to professionals and consumers. This program, created for us by Kellen Communications, a New York public relations firm, will address what “elder law” is, what “NAELA” is, and why “NAELA members” are the best choice to counsel consumers when it comes to aging and disability issues. Extending through 2007, NAELA’s Public Relations Committee and Executive Committee will work closely with Kellen Communications to get our message out.

NAELA has spent considerable time developing a solid organizational structure, defining its role in public policy and legislative matters, and positioning NAELA members to be the premier providers of services to those of age and/or with disabilities. Pursuant to our current Long Range Plan, NAELA was to concentrate on public policy efforts in 2004, professionalism and ethics in 2005, and on public relations in 2006. Thus, we are not only well on our way, we are significantly ahead of that timetable.

NAELA was quite successful in 2003 and 2004 in addressing the State Medicaid Waiver proposals. Proposals in Connecticut, Massachusetts, Virginia, Minnesota, and New York have not been acted upon, mostly due to the efforts of NAELA, NAELA Chapters and NAELA members. Our Public Policy Committee, co-chaired by Charlie Sabatino and Mark Shalloway, and with the assistance of NAELA’s Public Policy Consultant, Brian Lindberg, continues to press forward, advocating for the best interests of our clients.

NAELA’s Professionalism and Ethics Committee, chaired by Gregory French, has been working diligently for the past 16 months to develop the project about which I am most passionate: The NAELA Aspirational Standards for the Practice of Elder Law. The first draft was made available to the member-
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ship at the Symposium in May 2004. The revised draft was approved by the Board of Directors in July and was sent to you for additional comment in September and October. So far, the response to the committee’s efforts has been very positive, constructive, and supportive. Many of you have told us that you have been “waiting for this.” These Aspirational Standards will allow us to define how our practices are different from other attorneys: with the emphasis on doing what is right for our clients and their families.

Now, back to the public relations program. Consumer surveys will soon be conducted to develop base-line information regarding existing consumer knowledge of elder law in general and NAELA specifically. Right now, several communications pieces are being developed directed towards the aging and disability networks and the media. Our new e-publication, Eye on Elder Issues, is the first to hit the ground running. This publication is geared towards educating professionals and consumers on frequently “misunderstood” issues about elder law and how elder law attorneys counsel their clients to determine the outcome that is best for them. It is currently being sent by e-mail to over 5,000 media outlets, aging network professionals, law schools, and legislators. It is also posted on the NAELA website and is available for our members’ use. I encourage you to look at this publica-

Our public relations team has targeted several audiences to educate: consumers, aging and disability network professionals, other attorneys and the media. Strategies are being developed to educate each audience in a way that is meaningful for them. A good example is how our team responded to the Florida Supreme Court’s decision in the Schiavo case in September. NAELA and the Florida NAELA Chapter (AFELA) had submitted an amicus brief supporting Mrs. Schau’s right to privacy, as well as the separation of powers issues the case presented. Within hours of the Florida Supreme Court’s decision, NAELA’s public relations team had released a press release to all major news sources alerting them that NAELA and its members were ready and available to serve as “experts” in this area and, just as important, giving background information on advance directives, healthcare decision making and other available resources. The press release also promoted other, related issues on which we can contribute. The speed of the response, not to mention the accuracy of the press release itself, was, as my children would say, “awesome.” This is the type of response that is extremely difficult to produce if we continued to try to do it on our own with volunteers. Yet, this effort will place NAELA and NAELA members in the forefront as the experts in the aging/disability field.

I know that this is exactly the type of effort our President-Elect, Lawrence Davidow, envisions for his administration this year; I am delighted to lay the groundwork for him during my administration.

Speaker training, tips for members on building their own practices and promoting elder law, providing articles and stories to the media on significant issues, and building consumer awareness and confidence are only some of the areas that will be addressed with this plan. NAELA and NAELA members are the experts in the aging and disability areas. Now that we know it...it is time to tell the rest of the world. What an exciting time for all of us!

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Medicaid match. The states are all experiencing a reduction in revenue, with large growth in their Medicaid budget. It therefore becomes more difficult for budget directors and policy makers to understand the importance of using these funds to provide long term care services in the community when they can provide these services in a more restrictive setting and then do not need to come up with as much money to do so.

Advocates for seniors and peoples with disabilities need to understand this essential policy issue. Understanding the issue, and the development of creative legal strategies in response to it is necessary in order to assist our clients to achieve their much desired goals of aging in place or living in a less restrictive setting. The first strategy to consider is working with Community Non-profit Housing Corporations.

Non-profits provide a charitable gift to low-income people by arranging for affordable supportive housing, they also lessen the burden of the states by creating and providing safe and affordable supportive community living situations. These charitable organizations capture and preserve the resources the states spend through the public mental health system and long-term care system on behalf of people with disabilities and seniors. They do this by reinvesting any funds spent, plus the appreciation on the real estate into the development of additional affordable, supportive housing. Without these vital agencies, these often times accessible homes would be in the hands of for profit landlords, and could not be used to defer the continuing obligation of the state to house and provide services to its most vulnerable citizens in the least restrictive setting.

In Michigan, prior to 1976, our citizens with developmental disabilities and mental illnesses were typically institutionalized. However, Michigan Association for Retarded Citizens v Smith, 475 F Supp 990 (ED MI 1979), the State of Michigan agreed to a federal district court judgment requiring the State to provide community based housing for adults with disabilities. The “Plymouth Center” case, as it is now known, was an early part of the national trend toward de-institutionalization, or providing housing and needed services to people with disabilities under the federal Medicaid program in the least restrictive setting. This resulted in the creation of smaller community based residential settings, as opposed to large isolating institutions. Under several administrations, Michigan became a leader in this national effort. In the late 1960’s there were over 13,000 people
It is truly amazing how the dramas and sitcoms on television are actual reflections of the problems today. I was watching a "Golden Girls" episode where Rose was financially and emotionally devastated when her late husband's pension plan declared bankruptcy. Then there was a "Law and Order" episode about Mom being financially and physically abused by the youngest son (42 yrs. old) who was still living at home with her. Investigative Reports often details brutal murders of Mom and Dad by greedy children who feel entitled to their family's fortunes. When did watching television transform itself from "entertainment" to "real life?" What's all the hype about "reality shows?" We have been watching it on the dramas and sitcoms!!

I think television writers have suddenly discovered that their imaginations are no match for what people do in real life. Many of the real life stories are so bizarre that it is hard to think anyone could have conceived them in their imaginations. I remember when Richard Speck killed eight nurses in the early 60's. I heard the story on television and, as a young child, wondered how anyone could dream up that story. Since then we have seen the likes of Charles Manson, John Wayne Gacey, Jim Jones, Mary Kay Latmeraux, and Susan Smith. The details of murder, torture, un-acceptable behaviors and abuse are abundant on the evening news. And the work of attorneys is there too!

At first, I applauded the television shows for exposing these incredibly awful situations. Focusing on society's problems is always a good way to educate people about problems and solutions, right? Well lately, I have begun to think that they are very detrimental to our society.

I have to ask: does real life mimic television or does television mimic real life? One has to wonder if more cults aren't born, more parents aren't murdered, and more abuse doesn't take place because television plants the seeds of thought and in many instances, provides a "how to" blueprint. Being bombarded with the negative can get to anyone and it takes a special person to deal with these types of situations on an ongoing basis. Now, everyone can be exposed to these situations several hours each day and those who are desperate can actually learn the one-hour solution to their problems - and probably one they would have never thought of on their own and may actually be incapable of realizing the true ramifications.

Oh, but if only all the situations that are brought to elder law attorneys could be resolved in one-hour (actually 40 minutes as 20 minutes are allocated to commercials). To present an issue, introduce the players, and find a resolution in 40 minutes must be a real dilemma for the writers. Of course, what is typically missing is all the extraneous issues: emotional involvement, family history, family dynamics, undue influence, conflicts of interest, financial resources, access to appropriate medical resources, and simple day-to-day challenges of attending the normal needs of someone with limited capabilities. My goodness, it often takes more than an hour to figure out who the client is and if what he/she is trying to tell you is, in fact, the problem. For years, I have thought technology was responsible for speeding up the demand for instantaneous information and solutions to problems. Now, I think we need to add television to that list.

The good news about these sitcoms and dramas is that attorneys are almost always included as the problem-solvers. Rarely are the attorneys depicted as the problem. Weighing more violence with more work for attorneys: I would vote to return to the "Andy of Mayberry" and "Happy Days" type sitcoms and keep the fantasy of a "fun" society intact.
with developmental disabilities residing in State operated institutions across Michigan. Now there are fewer than 100.

Small group homes for six or fewer people proved to be the primary vehicle for complying with the Plymouth consent decree and for implementing a statewide de-institutionalization program. Early on in this de-institutionalization effort, state and federal funds were used to lease houses from private investors, and services were typically provided under contract with a separate service provider organization. While the housing and support services were separately contracted, they were both provided as a direct responsibility of the State under the Michigan Mental Health Code §330.1704, §330.1208 and State Constitution Article I §2, and were inextricably linked. Services could not be provided without housing to replace the institution, and housing could not be provided without needed support. The housing and services were so closely tied together that if the person with a disability had a falling out with their service provider, the only choice they had was to move to another setting. This meant that even when a service provider violated the person’s rights in the Mental Health Code §330.1208, or even neglected or abused the person, the person with a disability was punished, as they would have to lose their home and housemates to avoid the provider of services. This model was really just an extension of the institutional model of care, just in smaller settings.

As a result, variations on the group home service delivery model emerged to afford people with disabilities greater protection and choices in housing. Supported living arrangements are currently offered as a popular alternative to group homes. All of these living arrangements, however, still include some similar type of configuration linking the required elements of housing and support as an alternative to institutional or nursing home care.

In addition to the shift to community based care, the Michigan has changed its role from that of a direct provider of services to a director of a state wide system of Community Mental Health boards responsible for State Medicaid funded services to eligible low-income citizens with disabilities of their community. They, in essence, act as an agent of the Department of Community Health. The Community Mental Health boards typically contract for the necessary services, although some continue to provide direct services.

Contemporaneously with these systemic changes, a relatively small number of non-profit organizations have emerged to assist the State and the local Community Mental Health boards in providing housing for Medicaid eligible citizens. These non-profit organizations share a common mission of reducing the burden upon state and local governments in meeting their obligations to citizens under the Medicaid program and the Michigan Mental Health Code.

Nationally, the trend toward de-institutionalization continues. Recent examples include the U.S. Supreme Court (continued on page 7)
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Olmstead decision, Olmstead v LC ex rel Zimring, 527 US 581; 119 S.Ct 2176; 144 L Ed 2d 540 (1999), and the President’s 2001 “New Freedom” Initiative. The New Freedom Initiative is described by the George W. Bush administration as one which “promotes the full integration of people with disabilities into all aspects of American life by increasing employment opportunities, by expanding access to technology and public accommodations and by providing accessible transportation and housing”. Without affordable supportive housing options, the objective of delivering services in the “least restrictive setting” cannot be achieved. People with disabilities and their advocates consider this a basic civil right. Without the efforts of these charities, the burden on the states’ Medicaid systems could force people with disabilities and seniors back into institutions and nursing homes.

Many advocates for seniors and people with disabilities throughout the country agree that it is best to have the non-profits focus their efforts on providing housing or social services, but not both. Philosophically, empowering people to be able to select and change service providers without having to lose their homes and friends promotes independence and self-determination. Advocacy groups attested to the validity of this premise, consumers of long term care services can now protect themselves from inadequate care by simply firing the service provider, without fear of losing their home and housemates. This model goes a long way in protecting these citizens and it assures that the mistakes of Willowbrook and other institutions are not continued (on a much smaller scale) in group homes. See The End of a Nightmare at Willowbrook, Headline News, Page 2, Queenscourier, May 11-17, 2000, for a detail account of atrocities that took place at the Willowbrook State Institution.

The other rationale for separating the housing and social service functions is for all the organizations to focus on only one of these very important missions, so they can be even more efficient and effective with the scarce resources allocated to caring for this population. Consistent with this trend, the Department of Housing and Urban Development (“HUD”) requires that tenants not be required to accept services in order to live in HUD funded units. (Federal Register, Vol. 69, No. 94, May 14 2004, p 27761). Similarly, the Michigan State Housing Development Authority (“MSHDA”) has strongly encouraged the separation of housing from the provision of support services. These non-profit organizations represent the best of the non-profit sector, providing important services that immeasurably benefit people’s lives and doing so in an incredibly cost efficient manner, usually on the proverbial shoestring budget.

As a result of working closely with such organizations, recently I have found myself drafting Amicus Curiae briefs in their efforts to secure property tax relief for their developments. My advocacy on behalf of individual clients has expanded my practice into areas never anticipated. Forcing these organizations to continue to pay property taxes impedes and restricts their ability to provide this needed charitable resource. If continuously forced to use their limited resources to pay property taxes, they are essentially using one type tax dollars allocated to house people with disabilities and seniors to pay another type of tax. This is a very inefficient use of these scarce resources and people with disabilities and seniors (and those who are responsible for their care) will be forced to divert even more of these scarce resources toward higher housing costs and away from the Medicaid budget, which pays for the services. Ultimately, states will be forced once again to bear more of this financial burden in the future. This burden is even greater as often times these homes are not even allowed the “homestead” valuation under MCL 211.7 cc for these property taxes.

Another strategy to address the institutional bias is the use of special needs trusts to handle the housing costs. It will make it much easier for you to meet the standard that providing the services in the less restrictive setting is a reasonable accommodation under the ADA, if the state does not have to deal with the financial dis-incentive.

Many of the Pooled Accounts Trusts, or Exception C trusts, that I work closely with were developed by non-profit housing organizations. Many of our sub-accounts hold real estate, and the trust often acts as a “friendly” landlord. Recently, we applied for, and secured a property tax abatement on behalf of the trust by sending the following letter:

To Whom It May Concern:

Please be advised that this firm represents the Trustee of the Springhill Housing Corporation Pooled Accounts Trust f/b/o XXXXXXXX.

Enclosed please find a copy of the Deed to the above-referenced property, which shows that said property is owned by the Springhill Housing Corporation Pooled Accounts Trust f/b/o XXXXXXXX. Enclosed please find copies of the Articles of Organization and Bylaws for Springhill Housing Corporation, which is a Michigan Non-Profit Corporation, and the Corporations 501(c)(3) designation from the IRS.

I write to request that you make a determination that the above referenced property is tax exempt pursuant to MCL 211.7(o). The property tax abatement is appropriate relative to this property because one of the charitable purposes for which the Springhill Housing Corporation was organized is to provide housing assistance for individuals with disabilities. In order to accomplish that charitable purpose, Springhill Housing Corporation established this Trust. The purpose of this Trust is to organize and administer funds on behalf of individuals with disabilities (as defined by §614(a)(3) of 42 U.S.C. §1396p, as amended by the Revenue Reconciliation Act of 1993) in order to enable these individuals to qualify for medically necessary public benefits. The Trust ac-

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Health Care SIG Corner

Medicare Hospice Care: Straddling the Palliative/Curative Divide

By Mary T. Berthelot, Esq.

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.

Please note that this list does not include the NAELA chapters currently in formation.

...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.
completes this goal by providing financial assistance to individuals with disabilities, which includes deferring the cost of supplemental services for these individuals.

Within the Springhill Housing Corporation Pooled Accounts Trust there are a number of Sub-Trusts, each of which benefits a designated beneficiary with a disability. In the case of the subject property, it is owned by the Springhill Housing Corporation Pooled Accounts Trust f/b/o XXXXXXXX. This Sub-Trust owns this property for the purpose of allowing XXXXXXXX to use the residence for a semi-independent living situation, with Medicaid supports.

In order to qualify for the tax-exempt status provided by the Statute, a property owner must meet the following criteria:

1. The real estate must be owned and occupied by the entity claiming the exemption;
2. The entity claiming the exemption must be a library, charitable, educational or scientific institution;
3. The entity claiming the exemption must have been incorporated under the laws of the State of Michigan;
4. The exemption will only exist if the building or other properties are occupied by the entity claiming the exemption solely for the purposes for which it was incorporated. MCL 211.7(o).

Based upon the statutory standard outlined above, it is clear that the Trust is entitled to the tax exemption. As the enclosed Deed shows that the Trust owns the property in question. Pursuant to the terms of the Pooled Accounts Trust and the Sub-Trust, its sole purpose is to benefit individuals with disabilities. Section 501(c)(3) of the Internal Revenue Code specifically states that the assistance of individuals faced with disabilities is included in the charitable purposes of that section.

Further, the enclosed Articles of Incorporation show that Springhill Housing Corporation was incorporated as a Michigan Non-Profit Corporation. Lastly, the condominium located on the above-referenced property serves the charitable purpose of providing housing for XXXXXXXX, an individual with disabilities. When XXXXXXXX passes away, Section XI(2) of the Trust states that the property must be used by Springhill Housing Corporation for people with disabilities who are indigent.

It is clear from the foregoing analysis and the attached documentation that the Springhill Housing Corporation Pooled Accounts Trust f/b/o XXXXXXXX is entitled to a tax exemption relative to the above referenced property. We request you modify the tax records to reflect that the subject tax parcel is exempt from property taxation until it is no longer used for the charitable purposes described herein.

It is important that NAELA members understand the system barriers that make it difficult for us to assist our clients that desire to live in places other than nursing homes and institutions. I encourage you to use your advocacy skills to address the Medicaid institutional bias, and who knows you just might end up expanding your practice into new areas at the same time.
Since a major part of an elder law practice is generating documents, and since for many of our clients, fees are a concern, document assembly software can be an elegant solution to both problems. Document assembly tends to come in three and a half flavors: (1) completely integrated estate planning (or other) systems where the underlying documents, as well as the document assembly engine, are provided; (2) the merge/ macro capabilities provided in existing word processing software, which obviates the need for buying other additional software; and (3) specific document assembly software which allows you to take your own documents and automate them. (The one-half solution is the formattable clipboard built into case management programs like Time Matters, which also offers some rudimentary document assembly features).

The down side to solution 1, the fully integrated system, is that you have to abandon your own documents in favor of a completely new set with which you may not be familiar and which may have drawbacks in your own state. The down side to solution 2 is that the merge/macros, while having some sophistication, are somewhat limited.

Now you can see where this is going. My preferred solution is to use document assembly software which allows you to take your own documents and automate them. Such software has a number of features that are more sophisticated and/or easier to use than the merge/macro concept, while at the same time allowing you continue to use your own tried and true documents. As a bonus, this type of software is increasingly being integrated with various case management systems (including Time Matters and Amicus Attorney) so that once the data is entered into the case management program, it can be reused to generate documents without having to retype the information.

My favorite of these programs is Hot Docs by Lexis Nexis. It is probably the most commonly used of the various programs and the most likely to be integrated with case management software. It works with both WordPerfect and Word, so the brand of word processor that you use doesn’t matter. And, the documents that it generates are Word or WordPerfect documents so you can edit or customize them at will.

Creating a document in Hot Docs can be a very simple matter. You take an existing document that you have (say a power of attorney for finances), load it into Hot Docs and then automate it. This is done by replacing various portions of the documents with variables which are then filled in during the document assembly process. Examples of what you can do include:

- Text variables where you substitute a particular text, such as a name (or other noun) for the variable;
- Multiple choice variables, which allow you, for example to do a global change of pronouns, and identify pronoun variations, e.g. him, his, etc.;
- Number variables, which allow various forms of numbers;
- Date variables, allowing for dates in various formats; and
- Countless others.

Hot Docs also allows for other more complex matters to be included in the template. For example, in a financial power of attorney, you might have a variety of gift provisions, depending on the particular circumstances. Each of these separate provisions can be created as a separate clause and then when the document is assembled, you can select the clause most appropriate to your circumstances. If the clause needs further tweaking, you can do so after the document has been assembled. You can also create calculated fields (though I have not had much experience with that feature).

For each variable, you can create a customized prompt, so if someone other than the creator of the template is using it, the user will know what was intended by the variable name. Also, you can create custom dialogs which are a number of prompts grouped together. Also, there are masks so that you can enter social security numbers and phone numbers without hyphens or parentheses.

Finally, you have the ability to take a number of templates and create, in effect, a system. For example, in my estate planning system, I start out with a data sheet. This contains all of the basic data that I will reuse (client names, addresses, phone numbers, dates of birth, and similar information). It is the first document that I assemble. When I have filled out all the information, I can generate a word processing document which I can then proofread. As part of this process, I also generate an answer file which I can reuse. If I find any errors in the data document, I can reassemble it, correct the errors and save the corrected answer file.

Here is where the power of Hot Docs then becomes apparent. When I assemble the next document (for example the financial power of attorney), I first import the data sheet answer file into the power of attorney. As long as I have used the same variable names in the power of attorney and the data sheet, the data from the answer file will be imported into the power of attorney. Thus, all I have to fill out for the power of attorney are the variables specific to the power of attorney, which simplifies final assembly even more. I can use the same data to prepare the wills, trusts, health care directives and other documents making up the estate planning package for the client. All I have to focus on are the features of the plan that are unique to that client without spending an excessive amount of time on the basic document.

This ability to reuse data in different documents is how you integrate Hot Docs with case management software. Each of the fields in the case management database can be linked to a field in the Hot Docs template. You can then use the case management program to assemble the Hot Docs documents in a way that also allows you to only have to enter the variables that you would not want in your Time Matters (or Amicus Attorney) database. The Time Matters

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Help spread the word about the good deeds of elder law attorneys!

The National Academy of Elder Law Attorneys, Inc., has designated the month of May as “National Elder Law Month.” We know that elder law attorneys throughout the United States contribute a great deal to their communities by providing pro bono work and educating seniors about their legal needs. Many times elder law attorneys receive little or no recognition for their efforts.

This is changing!

By participating in National Elder Law Month activities in your area, you can help promote the profession of elder law and support all of the ways elder law attorneys are making a difference in their communities.

Some of the activities you may wish to participate in include:

- Conducting a Living Will Day
- Organizing a seminar in your local senior center
- Providing pro-bono work
- Lecturing about elder law at a local law school
- Co-sponsoring a program with your local state bar
- Appearing on television and radio
- Writing an article or editorial for your local newspaper.

and much MORE!

To help you get the most out of your participation in National Elder Law Month, NAELA has prepared a planning guide that includes: sample press releases, sample articles, sample letters to your Mayor, and much MORE!

Go to www.naela.org, members only, then National Elder Law Month in the left column for more information.

Don’t delay! Call Ann Krauss, NAELA Public Relations Coordinator at (520) 323-5786, for more information on how you can participate in National Elder Law Month.

Roll your Own
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ters data base takes care of the rest.

This is only the tip of the iceberg. Hot Docs permits the use of clause libraries to generate documents from a collection of clauses. For those with advanced knowledge and skills, Hot Docs actually contains a very rich programming language. However, it is simple enough to use that anyone should be able to implement it quite easily for basic documents. It is also possible, with Hot Docs Pro, to automate fill in the blank forms, including Adobe .pdf files and to integrate these with case management software. The ABA has a publication, Hot Docs in One Hour for Lawyers that provides a good introduction. There is also a good tutorial with the program itself and there are a number of organizations that do Hot Docs training. So, give it a try and automate your practice.
NAELA Affinity Partner
InterActive Legal Systems is Working to Help You

Estate Planners working with clients that have special needs, look no further

InterActive Legal Systems (www.ilsdocs.com) is a recognized leader in the estate planning software industry, developing and marketing innovative, high quality legal automation products. ILS serves its customers as a trusted ally, providing the loyalty of a business partner with the economics of an outside vendor. The company is committed to ensuring that its customers have what they need to run their businesses efficiently and effectively. Since ILS provides and services mission critical applications, its products must be dependable and of the highest quality.

The company strives to continually improve and expand its products through its subscription options. Products are updated frequently, sometimes as often as monthly, and updates are accessible as downloads from the web.

The company’s flagship product, Wealth Transfer Planning, is a complete drafting and expert system designed for today’s demanding trusts & estates professional. Authored by Jonathan Blattmachr and Michael L. Graham, two of the most creative and experienced planners in the country, this system offers a wealth of experience virtually unmatched in the industry. Customers include law firms large and small, ranging from solo practitioners who work at home to some of the largest firms in the country. Its customers do have one common denominator—the need for elegant, well-drafted forms with extensive drafting options. Wealth Transfer Planning is in use by estate planning attorneys and elder lawyers working with a broad range of clients—from the very wealthy to those of modest wealth, the elderly, their families and people with special needs.

Because the company views its software as a service, it believes the key to success lies in delivering outstanding customer service. Customers are delighted with the personal support and training services offered by the company’s support and training team. A members-only listserv provides peer-to-peer support. In addition, the company offers expanded service agreements, which include direct support from its authors.

Wealth Transfer Planning systems deliver a wide variety of documents including Wills, Revocable Trusts, Powers of Attorney, advice memoranda, client convenience documents, and other related agreements and materials. ILS is working with four prominent NAELA elder lawyers to develop new options for supplemental needs provisions. It will continue working with this group on development of a freestanding Elder Law Planning & Drafting system that will contain even more forms and planning aids for the elder lawyer.

As with all Wealth Transfer Planning systems, extensive content help is available every step of the way, providing explanations for each question and guidance to the drafter. Warnings, where appropriate, guide the practitioner and help avoid errors.

An exciting development is underway for early 2005. Wealth Transfer Planning systems are being converted for distribution on the HotDocs platform. (HotDocs Player software is bundled with the product, at no additional charge). The system includes a custom “wrapper” for HotDocs, making the system more user friendly than ever! A patent is pending for this innovative design.

As an Affinity Partner, the company offers NAELA members a 10% discount off of all products and services.

Contact: sales@ilsdocs.com and toll free number is 888-315-0872

Valuable Training for your Elder Law Staff!

The National Academy of Elder Law Attorneys is pleased to announce a NEW Telephonic Elder Law Staff Training Program

Monday, February 28, 2005 at 3:00 p.m. Eastern Standard Time

The ABC’s of SNT’s: The Basics
Joan Lensky Robert, Esq.

Have you expanded your elder law practice to include planning for persons with disabilities? If so, you and your staff will benefit from this session!! Ms. Lensky Robert will be discussing the basics of third party and self-settled Special Needs Trusts (SNTs) and the interrelationship between a SNT and government entitlements. This session will present drafting tips and sample court orders used to create trusts. The program will also present pointers on marketing your practice to the personal injury bar.

Now, your staff can get the training they need to be on top of the current issues facing elder law attorneys today, without even leaving the office! All you need is a speakerphone! Save the time and expense of sending your staff to NAELA programs...just gather them in a conference room and train them today – for only $125.00!

Please note: Continuing Legal Education (CLE) accreditation is not available for these programs.

Cancellation policy: Cancellations will receive a refund minus a $50.00 administrative fee. Cancellation Deadline is February 21, 2005

Register on-line at www.naela.org
NAELA Affinity Partners

AMERICA’S LIFE STORIES
Contact: Dennis Stack
2733 N. Power Rd., Ste. 102
Mesa, AZ 85215
602-620-9844
info@americaslifestories
www.americaslifestories

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.

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


DOCUBANK
Contact: Madeleine McLaughlin
Client Services Manager
PO Box 325
Narbeth, PA 19072
610-667-3524
info@docubank.com
www.docubank.com

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

KONICA MINOLTA BUSINESS SOLUTIONS, INC.
Contact: Gene Elwell
6010 Cornerstone Ct.
San Diego, CA 92121
858-348-2207
800-934-5180, ext. 0, ask for Gene elwellg@kmbs.konicaminolta.us
www.kmbs.konicaminolta.us

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

PREMIER SOFTWARE
Contact: Tom Caffrey
1230 Brace Road
Cherry Hill, NJ 08034
856-429-3010
tcaffrey@premiersoftware.com
www.premiersoftware.com

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

VIKING OFFICE PRODUCTS
Contact: Catherine Roberts
950 W. 190th Street
Torrance, CA 90502
800-421-12220
catherine.roberts@vkng.com
www.vikingop.com

Product information: 16,000 office supplies and products already discounted up to 69%. Same day delivery in 25 markets, overnight anywhere delivery free on orders over $25.00. Free pickup of returns.

NAELA Affinity Partner Program Offers Discounts to NAELA Members!!

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!

When you see this logo, you can trust our partners to be responsive and knowledgeable about our members’ needs!

NAELA is proud to introduce America’s Life Stories as the newest Affinity Partner!
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 was mentioned as a resource in:


NAELA Members in the News:

- Robert S. Bullock, Esq., Jacqueline D. Byrd, Esq., Kathleen R. Cossa, Esq., William S. Fralin, CELA, Morris Klein, Esq., and Ron M. Landsman, Esq., were named as Washington’s Top Lawyers in elder law in the December 2004 issue of Washingtonian Magazine.
- Stuart D. Zimring, Esq., Bernard A. Krooks, CELA, Rebecca C. Morgan, Esq., and Timothy L. Takacs, CELA, were quoted in “Safe ‘n Sound,” which was published in the December 2004/January 2005 edition of Bloomberg.
- Bernard A. Krooks, CELA, was quoted in “Group Dynamics,” which was published in the December 2004/January 2005 edition of Bloomberg.
- Daniel G. Fish, CELA, wrote the article titled “The Practical Side,” which was published in the Winter 2004 edition of Caring Today.
- Elizabethanne (Betsy) M. Angevine, Esq., was quoted in “When Home for the Holidays Reveals a Decline,” which was published in the December 27, 2004 edition of Los Angeles Times.
- Lauchlin T. Waldoch, CELA, was quoted in “Judge To Decide the Fate of Man With Living Will,” which was published in the November 20, 2004 edition of The Miami Herald.
- Lauchlin T. Waldoch, CELA, and Scott M. Solkoff, Esq., were quoted in “Hospital, Wife Battle Over Patient With Living Will,” which was published in the November 20, 2004 edition of The Bradenton Herald, The Tallahassee Democrat, St. Petersburg Times, The Orlando Sentinel and The Miami Herald.
- Jeffrey A. Marshall, CELA, was quoted in “Ask Francine,” which was published in the November 29, 2004 edition of Time Magazine.
- A. Frank Johns, CELA, and Bernard A. Krooks, CELA, wrote the article titled “Alive, Kicking and Incapable,” which was published in the November 2004 edition of Trusts and Estates.
- Donna R. Bashaw, CELA, was quoted in “3 Floors Up, She Can’t Go Down Until Lift Fixed,” which was published in the October 28, 2004 edition of Los Angeles Times.
- Ronald A. Fatoullah, CELA, wrote the article titled “Selling One’s Home And Excluding Capital Gains,” which was published in the December 8, 2004 edition of The Queens Courier.
- A. Frank Johns, CELA, was mentioned in “Lawyers In the News,” which was published in the December 6, 2004 edition of North Carolina Lawyers Weekly.
- William J. Browning, CELA, was quoted in “Legal Help for Seniors and Their Families,” which was published in the January 12, 2005 edition of The Christian Science Monitor.
- William G. Hammond, Esq., was quoted in “Firm Offers Alzheimer’s Resources,” which was published in the November 4, 2005 edition of The Olathe Sun.
- Timothy L. Takacs, CELA, was quoted in “Elder Law Looks Out for Senior Rights,” which was published in the December 2004 edition of Nashville Medical News.
- Vincent J. Russo, CELA, was highlighted as the New York Chapter President in “NAELA Forms NY Chapter,” which was published in the November 12, 2004 edition of Long Island Business News.

Elder Law/Elder Law Attorney Articles:

In addition to those media quoting NAELA by name, the following are some articles as a result of communications efforts of NAELA that mentioned elder law or elder law attorneys:

- “Retire in the Black,” in the December 2004 issue of Consumer Reports.
- “What Every Long-Distance Caregiver Should Know,” in the December 5, 2004 issue of The Dallas Morning News.

Congratulations CELAs

David R. Lipka
Plymouth, PA

Margaret O’Rielly
Herndon, VA

Matthew Parker
Jersey Shore, PA

Jan C. Rosenthal
West Hartford, CT
Pre-sessions

MAY 18, 2005

NAELA Fundamentals of Elder Law

8:00 a.m. – 5:30 p.m.
Separate Registration Required

“The Fundamentals of Elder Law” is presented annually for attorneys who are new to the field of elder law or for those seeking a good review course on prominent elder law issues. This full-day pre-session includes a comprehensive review of the following topics:

- Capacity Issues Including Advance Directives and Surrogate Decision Making
- Nursing Home and Community MediCal/Medicaid
- Estate Planning-Elder Law Style
- Medicare Appeals
- Nursing Home Residents Rights and Housing
- Litigation
- Social Security
- Office Practice/Client Development

Advocacy

Litigation SIG - “The Compelling Advocate”

8:00 a.m. – 5:00 p.m.
Open to All
Separate Registration Required

Enhance your ability to deliver a powerful opening statement, learn how to control a witness in direct and cross examination and clinch a victory in closing argument with a dynamic presentation. Attend this pre-session and experience for yourself the positive effect of powerful ideas, skillfully presented!

2005 Symposium Committee Co-Chairs

Doris Hawks, Esq. and Ruth Ratzlaff, Esq.

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

- Applicant’s current job/position and involvement in elder law.
- Why the applicant needs the scholarship.
- 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 Applications
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.

To Subscribe to the NAELA National Member Listserv
Use the following link: 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. By following the instructions on the website we will be able to confirm that we have the correct information on file for you and we will make any necessary changes.

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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NAELA Mentor Panel Guidelines

Introduction

The NAELA Mentor Panel is designed to give guidance to NAELA members who have not had extensive experience in handling certain elder law matters, and to have access to experienced elder law attorneys who have volunteered to serve as mentors to those requesting guidance. The program is administered through the NAELA state chapters and in conjunction with state elder law sections or separately as may be appropriate. The Panel format of mentors provides for more than one mentor in a particular field of practice to offer assistance.

Guidelines for Mentors and Mentees

Etiquette for Mentees

When contacting a mentor, the following courtesies should be observed:

1. Do not call collect.
2. Identify yourself.
3. Have the issues researched and framed in your own mind before calling.
4. Ask the mentor for the preferred mode of communication, i.e., email, telephone, etc.
5. Be forthcoming as to the reason for your call.
6. Limit your call to 10 minutes or less out of respect for the mentor’s time.
7. Do not seek legal advice for yourself as a client.
8. Be sure not to refer to the mentor when speaking with clients unless approved in advance by the mentor and hired as co-counsel.
9. Questions posed to the mentor should be hypothetical in nature. The identities of the parties and matters should be disclosed to the mentor for the sole purpose of resolving possible conflicts of interest. No privity or appearance of privity between the mentor and the mentee or the clients of the mentee should be established.

Serving as a Mentor

1. When an attorney becomes certified (CELA), a letter will be written to him or her asking if he or she would be interested in volunteering on the mentor panel.
2. Requests for new mentors is done through the various NAELA publications such as the News and Quarterly, as well as by eblast, on the listserv, the website, in brochures, mailings, and at programs such as the Symposium, the Institute and the Unprogram. State chapters and local/state elder law groups may also disseminate requests for NAELA mentors consistent with these guidelines.
3. Five years in practice, with three years practicing elder law, is required for mentor volunteers.
4. Mentors are listed by substantive topics/issues and by state. They are also listed by name, telephone number, specialized area(s) of practice, geographic area and court admission as applicable.
5. The mentor is to serve as a guide, helping the mentee define the issues and direct the mentee to the applicable reference materials. In addition, the mentor may offer guidance on practice management concerns, professionalism and ethics.
6. The mentor should not be expected in most cases to prepare or review documents, meet or speak with clients or incur any costs or expenses.
7. If the mentor believes that the mentee cannot handle the matter on his or her own, the mentor should recommend that he or she seek co-counsel or that he or she refer the matter to a more experienced lawyer. The mentor may offer to serve as co-counsel, but this should not be expected by the mentee and is not the purpose of the mentor-mentee relationship.
8. The mentor shall keep a record of the number of inquiries he or she receives. This information will assist NAELA in evaluating and making adjustments to the program.
9. The mentor’s commitment is open-ended, may continue for as long as the mentor is a member of NAELA and may be terminated by the mentor any time by written notification to the NAELA office.

The NAELA Directory of Elder Law Mentors

Substantive Areas

Elder Abuse and Exploitation
Family
Guardianship/Conservatorship
Health Care Directives
Insurance
Litigation
Medicaid Planning/Asset Preservation
Medicare
Nursing Home Issues
Personal Injury
Practice Management
Probate and Estate Administration
Real Estate
Social Security
Special Needs/Disability Trusts
SSI
Taxation – Estate
Taxation – Income

The nature of elder law practice makes it imperative that an attorney understand and analyze the implications and applications of local law and practice before advising clients. Statements of fact and opinion are the responsibility of the mentee/mentor and do not imply an opinion or endorsement on the part of NAELA or the officers or directors of NAELA. Opinions and counsel from a mentor should not be used as a substitute for the opinion and judgment of the mentee. NAELA disclaims responsibility for the acts and omissions of mentors, and by participating in this program mentees agree to hold NAELA harmless for the same.

(continued on page 21)
Our clients come to us for assistance with their estate planning, asset preservation and other questions in anticipation of long term care. What do we tell these family members who ask our advice on choosing where their loved one will receive long term care?

In selecting a Skilled Nursing Facility (SNF) you are deciding how someone you love will live for the next few years. In our experience, the following points are important, if not crucial, to consider when selecting a SNF.

1. Approach a prospective nursing facility with a positive attitude. Despite the horror stories that provide fodder for the evening news, most people who work in nursing facilities are professionals and proud of the work that they do. Of course, some facilities are better than others and that is why you are evaluating more than one.

2. Do not confuse SNF care with assisted living. Do not be shocked or upset by the fact that you will see some nursing home residents who are very ill, often mentally as well as physically. You are looking for quality of care. If your family member is more alert and needs a quiet room, be sure to discuss this with the person showing you the facility. The residents in assisted living may look healthier but that kind of facility may not be able to provide the level of care and supervision by licensed nurses that is provided by a skilled nursing facility.

3. Location, Location, Location. As with any place you live, location is crucial. A very important factor in receiving good SNF care is family involvement. Therefore, try first to find a facility that is convenient for family to visit.

4. Conduct your own inspections. Find the three most convenient facilities and check each one three times as follows:

   First visit: Go in during business hours, tour the facility, meet the Administrator, Director of Nurses (DON) and social worker, read the survey report, and ask questions. If this is a short term admission for physical rehabilitation, talk to the therapy department as well. Find out how long key staff, such as the Administrator and the DON, have been working there. Ask about facility ownership. Find out how each shift is staffed (registered nurses, licensed vocational/practical nurses, certified nursing assistants, uncertified staff) so that you can compare among facilities. Although there is usually a specific regulatory requirement for nursing hours per day, (ie. 3.5 hours per day of nursing care per patient) different facilities may allocate this differently between nursing shifts and some may exceed the minimum to a greater extent than others.

   Second visit: Go in during the evening meal and observe interactions between CNAs and residents. Pay particular attention to residents who need encouragement with meals. Are they receiving it? Are the patients dressed appropriately for the time and season?

   Third visit: Go in on the weekend. Talk to family members visiting other residents about their experiences with the facility. Look to see if there are activities. Ask to speak to the nurse in charge on the weekend and find out how long he or she has worked there. Get a general feeling for the place during a busy day shift when the higher level administrative staff people are not there. Are the staff members interacting with residents or talking over residents’ heads to each other?

5. Will your loved one’s special needs be accommodated? If your family member is a fussy eater, ask about how often the dietician visits and how much flexibility is available with the planned menus. If he or she has Alzheimer’s, find out about any special programs as well as what safeguards are placed to prevent wandering. If your loved one speaks English as a second language, ask if there are any staff members who speak your family member’s primary language.

6. Do not rely on reputation. A good facility can go downhill quickly and a bad reputation can haunt a facility for a long time even after a complete staffing change.

7. Do not rely entirely on the survey report. It is merely a subjective snapshot of a particular 3 to 5 day period which focuses more on “paper compliance” than patient care. For example, surveyors look to see that CNAs are charting whether or not a patient is repositioned every two hours to make a determination as to whether this is really being done. It is just as likely that the care is being provided but not documented as it is that the care is documented and not provided. So, if you see negatives on the survey, ask the administrator and DON about them and see what they say. When one author followed this advice with her best friend who needed to find a place for her father, she choose the facility with the WORST survey report because her own evaluation placed it #1. Her father was there for three years, received good care and his daughter continues to volunteer there even though her father is deceased.

8. Who will follow your loved one’s care? Find out whether or not a physician who knows your family member will follow him or her to the nursing home. Most will not. Therefore, find out about the physician who will be following the care and contact him or her. If the physician is not receptive to this, find another. Sometimes a good choice is the facility medical director as he or she is often more accessible. However, remember that physicians usually only visit every 30 days and rely heavily on the eyes and ears of the nursing staff.

9. Be sure to discuss financial issues. Be aware that Medicare or the HMO will pay only for a limited time. Does (continued on page 21)
We need MENTORS for NAELA’s Mentoring Panel!!!

As a service to both NAELA members and to the profession of elder law, NAELA is proud to offer a mentor program. The NAELA Mentor Panel is designed to give guidance to NAELA members who have not had extensive experience in handling certain elder law matters, and to have access to experienced elder law attorneys who have volunteered to serve as mentors to those requesting guidance.

The panel format of mentors provides for more than one mentor in a particular field of practice to offer assistance. NAELA will compile a list of mentors, based upon the substantive areas of practice for which they offer their services, as noted below. NAELA members who wish the guidance of a mentor may call/email a mentor from the published list.

The success of this program depends on the participation of our experienced practitioners. Please read the guidelines and sign-up!! Operational guidelines are posted on the NAELA website and available at the NAELA office. The current list of mentors will be published in each issue of the NAELA News, posted on the NAELA website (www.naela.org), and the SIG newsletters. Thank you!

Yes, I am willing to be a mentor in the following area(s):

- Elder Abuse and Exploitation
- Family
- Guardianship/Conservatorship
- Health Care Directives
- Insurance
- Litigation
- Medicaid Planning/Asset Preservation
- Medicare
- Nursing Home Issues
- Personal Injury
- Practice Management
- Probate and Estate Administration
- Real Estate
- Special Needs/Disability Trusts
- Social Security
- SSI
- Taxation – Estate
- Taxation - Income

Name ____________________________________________________________

Firm _____________________________________________________________________

Address _________________________________________________________________

City ____________________ State _______________ Zip _________________________

Phone __________________________ Fax _____________________________________

Email ____________________________________________________________________

Jurisdiction in which I’m licensed and willing to facilitate: __________________________

MAIL OR FAX TO: NAELA • Attn: Bridget Jurich, Account Manager • 1604 N. Country Club Rd. • Tucson, AZ, 85716 • 520-325-7925 (fax)

The NAELA E-Bulletin Is Here!

Have you sent us your e-mail address yet?

This brand new NAELA member benefit was introduced in January, 2003 and gives you a weekly, substantive update on the very latest in elder law—simply by receiving one e-mail a week. Don’t miss out on this opportunity offered exclusively to NAELA members. Sign-up by e-mailing Anabel Gray at agray@naela.com
The Illinois Chapter of NAELA hosted another successful State Unprogram in October 2004, at Loyola University in Chicago. The topics discussed ran the gamut from software to staffing issues and Medicaid to mental competency. Over fifty lawyers attended, both experienced Elder Law attorneys and those new to the field. Special thanks goes out to Becky Mitchell, Chairperson of our Chapter’s Education and Programming, for organizing this event, and to Professor Marguerite Angelari for coordinating services with Loyola University. We look forward to another great Unprogram this October.
Dear Colleagues,

We are pleased to announce that we will honor

Stephen J. Silverberg

with the

2005 NAELA THERESA AWARD

for his

Outstanding Community Service

The award will be presented at

NAELA Symposium

and at our

Eleventh Annual Theresa Awards Dinner

Friday, April 22, 2005 in New York

We are grateful to Steve for his commitment to improving the quality of life for seniors and people with disabilities.

Steve is an unconditionally generous man who lives life from the heart. Reaching out and touching the lives of others in an everyday experience for him...he knows no other way to live.

Steve’s call to join the Theresa Foundation was answered with an immediate and active “Yes, I am here for you.” From the beginning, Steve’s love of golf has made him a prime mover of the annual “Swingin’ for Theresa” golf outing which very successfully benefits the work of the Theresa Foundation.

We are hoping that you can help us again this year to continue serving children with special needs by purchasing raffle tickets or by placing a journal ad in recognition of Steve’s dedication to children as well as adults in need. Help us make a difference!

Sincerely yours,

Vincent J. Russo

HONOREES

Brother Rick Curry, S.J.
Stephen J. Silverberg, Esq.

HONORARY CHAIR

Msgr. Thomas J. Hartman

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Diane Uda

THERESA FOUNDATION
250 Lido Boulevard . Lido Beach, NY 11561-5015 . (516) 432-0200 . Fax (516) 432-0499
www.theresafoundation.org
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. 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 Andy Hook, Editor-in-Chief, at editor@naela.com or by mail to:

The National Academy of Elder Law Attorneys, Inc.
Attention: Jonathan Boyle
1604 N. Country Club
Tucson, Arizona 85716