

# Elder Law

# News

Winter, 2001

Fourth Edition

**T**he Elder Law Section of the State Bar of Georgia sponsored a Continuing Legal Education program on Adult Guardianship: A 2001 View from the Bench on September 21, 2001. We were fortunate to have Probate Judges Marion Guess from DeKalb County, William Self, II from Bibb County, Walter Clarke from Gwinnett County, and Susan Tate from Athens-Clarke County and hearing officers James Brock from Fulton County and Jeryl Rosh from DeKalb County as presenters. More than 100 attorneys attended the daylong program. The presenters shared their views about petitioning for guardianship, the responsibilities of guardians, what probate judges want attorneys to know about adult guardianship practice and the ethical rules that frequently arise in adult guardianship practice.

**Upcoming CLE:** The Section will be sponsoring a Basic Elder Law continuing education program on February 21, 2002. Please mark your calendars and plan to attend this introduction to elder law. The Section will also be sponsoring a CLE in April with a focus on Special Needs Trusts. Watch for more news about that event.

**Section Meeting:** The Section will be meeting during the midyear Bar meeting on Friday, January 11 from 12-1:30. We will be conducting Section business at the luncheon including a change to the Section bylaws concern-

ing terms of officers. We will also be discussing new initiatives and ideas for serving our Section members. Please send in your registration and plan to attend.

**Elder Law Committee, YLD:** The Elder Law Committee of the Younger Lawyers Division of the State Bar meets the third Thursday of the month by conference call. The

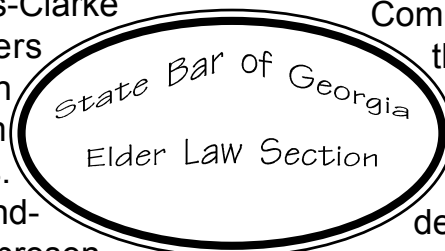
Committee has a focus on service to the community. The Committee

Publishes the Senior Citizens

Handbook. This free publication

is written for lay people and describes some of the programs available to older Georgians as well as basic information about some of the legal issues about which older adults have concerns. The Committee has received a number of grants for projects ranging from surveying adult guardianship cases across the state to preparing resource materials for older domestic violence victims. To join the meeting each month, please call Melanie McNeil at (404) 657-5342 to add your name to the conference call, or come to 2 Peachtree Street, N.W., 9th floor. Several of the committee members meet at this address to participate in the conference call.

**Local Bar Elder Law Section News:** The Cobb County Bar Association's Elder Law Section meets the second Tuesday of each month at the Traveling Fare Restaurant at 10 Mill Street, just off of the Marietta Square. Meetings begin at 12 noon and last for approximately an hour to an hour and a half.



Each month we have speakers who talk informally on issues that relate directly to the practice of law as it relates to elderly clients. Our past speakers have included personnel from the Social Security Administration speaking on benefits and qualification, the Governor's Office of Consumer Affairs speaking on the Banking industry as a mandatory reporting agent and predatory lending, Dan Munster speaking on Medicaid and long term planning, and Paula Fredrick of the State Bar speaking on the new Rules of Ethics with particular attention to new Rule 1.14. The Section also put together a CLE held the last Friday in October which covered Social Security, Special Needs Trusts, Medicaid Planning, Developments in the Proposed Guardianship Code Rewrite, Probating the small estate, and a professionalism hour on challenges of practicing in the area of elder law.

The Section is just over two years old and has quickly become an active and lively group for discussion, support, and a source for assistance for its members. With weekly interactions, members seek ideas and new ways to approach cases as well as keeping updated on local developments and trends in this area of practice.

**Elder Law Section, Atlanta Bar Association:** The Elder Law Section of the Atlanta Bar has been in existence for two years, growing from a committee formed in 1997-1998. The section, chaired by long-time elder law attorney and former NAELA President Bill Overman, meets for breakfast monthly on the fourth Tuesday at the Landmark Diner in Buckhead. The meetings begin at 7:30 and generally include an hour-long Elder Law CLE program. The section also co-sponsors the Elder Law Forum, an

annual CLE held in the fall. This year's successful program included segments on assessing Capacity, Medicaid and Long-term Care, Powers of Attorney and Trusts.

**News You Can Use in Your Elder Law Practice**

**Research Tips:  
A Basic Elder Law Library**

**Greg Studdard**

**December 7, 2001**

Just starting out in elder law? Need to update your law library? Here's a list of "core" books and other publications which emphasize estate planning and probate work, as well as a few more specialized publications.

Advising the Elderly or Disabled Client, 2nd ed, Frolik and Brown, one loose-leaf volume, \$205.00, with semi-annual supplements about \$114.00 each (Warren, Gorham and Lamont, now owned by Research Institute of America, 800-950-1216) This has proved to be the author's favorite one-volume source for substantive elder law.

Elder Law Report, Margolis, monthly newsletter, \$189.00 annually (Aspen Publishers, Inc., 800-447-1717 x406 for Keith Scott, the Georgia sales representative; 10% discount if you mention this article) This newsletter focuses on recent elder law developments and practical solutions to real-world problems.

How to Develop and Manage a Successful Trust and Estates/Elder Law Practice, Begley, one softbound volume, 188 pp. and extensive appendices, \$69.00 (New Jersey Institute

for Continuing Legal Education, 1997, 732-214-8500) Written by Tom Begley, a very successful elder law attorney and former president of NAELA, the book offers advice on how to set up your office and staff, marketing, obtaining referrals and ongoing practice management. Although a few of the comments are focused on New Jersey, almost everything has nationwide applicability. The huge appendices include many practice development forms (newspaper ads, mapping your market area, firm brochure, firm newsletter, etc.); forms for elder law practice management, such as a checklist for scheduling appointments, client satisfaction forms and a closing file checklist; and forms focusing on estate planning.

NAELA News and NAELA Quarterly, published by the National Academy of Elder Law Attorneys (520-881-4005) and included in annual dues of \$175.00 for first year, \$275.00 thereafter.

Official Code of Georgia Annotated: Volume 40 (which includes "Wills, Trusts and Administration of Estates"), hardbound, \$47.50, with annual supplements (Lexis Publishing, 800-833-9844).

Representing the Elderly or Disabled Client: Forms and Checklists with Commentary, Begley and Barnett, one volume loose-leaf, \$195.00, with semi-annual supplements about \$78.00 each (Warren, Gorham and Lamont, now owned by Research Institute of America, 800-950-1216) This is a companion volume for Advising the Elderly or Disabled Client, *supra*. A form for almost every need is offered, with excellent commentary explaining the reasons for specific clauses.

Senior Citizens Handbook, softbound, 242 pp. (Elder Law Committee, Younger Lawyers

Division, State Bar of Georgia, 1999 revision free to the public from the Division of Aging Services 94040 657-5319) An excellent overview of all significant federal and state programs and laws affecting seniors, as well as appendices listing resource contacts throughout Georgia.

A Shopper's Guide to Long-Term Care Insurance, 42 pp. pamphlet, free on request; (National Association of Insurance Commissioners, 1999 revision, 816-842-3600) This is a very useful and concise explanation for clients who are considering long-term care policies. Several worksheets are included, to assist clients in comparing various local long-term care facilities, long-term care insurance policies and long-term care riders for life insurance policies.

Wills and Administration in Georgia, 6th ed., Radford, 1039 pp., two hardbound volumes, \$300.00, with annual pocket part supplements, about \$40.00 (The Harrison Company, 770-277-8600) Volume I offers an excellent analysis of the Georgia cases and statutes in this area. Volume II contains many forms (both "standard forms" approved by the Georgia probate courts and other forms), cross-referenced to the substantive sections in volume I, as well as Georgia's Uniform Probate Court Rules. The original edition was written by Daniel H. Redfern in 1923. Prof. Mary Radford, the current author who continues a tradition of excellence, teaches at the Georgia State University College of Law. She is a frequent speaker at CLE programs.

### Specialty Publications

ABD Medicaid Manual, looseleaf, updated periodically, \$25.00 for manual and supplements to date (Georgia Department of Human Resources, Bertha Pierce 404-656-3264) A

very detailed guide to the policies and forms for the Medicaid program in Georgia. A revised manual is expected in early 2002.

Elder Care and Nursing Home Litigation in Georgia, Reeves, 413 pp., with 2001 supplement, hardbound, \$84.95, softbound \$40.00 (The Harrison Company, 770-277-8600) A thorough analysis of the law governing caregivers in Georgia.

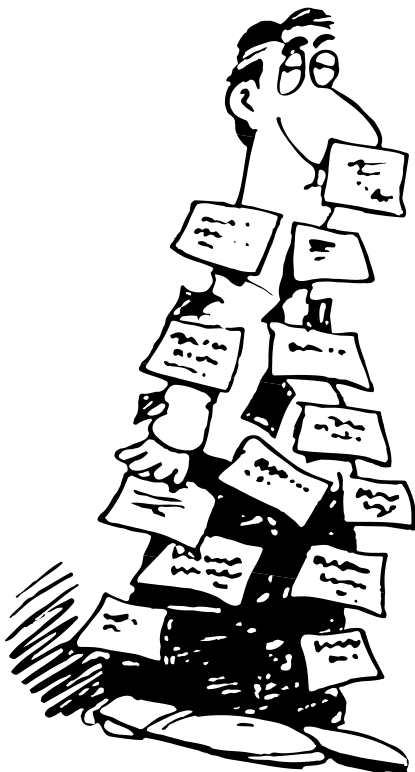
Estate Planning, Casner and Pennell, three volumes with annual supplements, \$750.00 (Aspen Publishers, Inc., ordering information under Elder Law Report, supra) Professor Jeffrey Pennell, from the Emory School of Law, continues to update this through and very practical treatise on every aspect of estate planning, including sophisticated tax planning.

Legal Capacity: Legal and Medical Aspects of Assessment and Treatment, 2nd ed., Walsh, Brown, Kaye and Grigsby, loose-leaf,

with annual supplements; Tax and Estate Planning Series, (Shepard's/McGraw-Hill, Inc., 1994, 800-999-6430) A comprehensive treatment of legal capacity issues and related code sections and decisions.

Medicare and Medicaid Guide, 6 loose-leaf volumes, supplemented weekly, about \$1,650.00 annually (Commerce Clearing House, 800-449-9525) This publication has a lot of administrative and historical information, which is not useful to most practitioners, but it does cover fast-breaking federal and state developments and court decisions.

Third Party and Self-Created Trusts: A Lawyer's Comprehensive Reference, 2nd ed. Kruse, 304 pp., hardbound, \$89.95; no annual supplements, but a third edition is planned for mid-2002 (American Bar Association Service Center, 800-285-2221) An excellent source for special needs trusts and related topics.



**Just a reminder** - if you know of someone who would like to join our section - or any section of the Bar -section dues are **half price** after January 1. Go to page A-13 of the new Bar Directory for a section membership form or....go to the State Bar's web site at [www.gabar.org](http://www.gabar.org) and click on "**Sections**" to see, "How to Join a Section"

**Important Note:** Do we have your correct address? Go to the State Bar's web site and verify the address with the online directory--and while you're there - add your email address to the Membership Department's Address Change form so we can send reminders for upcoming events.

**Elder Law Section Survey**

Welcome to the Elder Law Section! We are would like to know how we can be of most help to our members. Please take a moment and give us your input on the following proposed section activities and events. **Please fax your response to Ellie Crosby at (404) 463-8577** or respond by e-mail to **elliecrosby@usa.net**. Thank you for your time and ideas.

1) I am interested in CLE opportunities \_\_\_\_\_ yes \_\_\_\_\_no

2) I would like to see the Section sponsor CLEs in the following areas:  
(check all that apply)

- |                            |                               |                   |
|----------------------------|-------------------------------|-------------------|
| _____ Elder Law Basics     | _____ Medicaid Planning       | _____ Ethics      |
| _____ Age Discrimination   | _____ Nursing Home Litigation | _____ Probate     |
| _____ Adult Guardianship   | _____ Planning for Incapacity | _____ Elder Abuse |
| _____ Special Needs Trusts | _____ ADA                     | _____ SS          |
| _____ Other _____          |                               |                   |

3) I am interested in:  
\_\_\_\_\_ short programs \_\_\_\_\_ day long programs \_\_\_\_\_ a multi-day institute

4) I would be willing to serve as a speaker  
\_\_\_\_\_yes \_\_\_\_\_no if yes, topic(s) \_\_\_\_\_

5) I am interested in receiving Elder Law information \_\_\_\_\_ yes \_\_\_\_\_no

6) I prefer to get information as follows (check all that apply):

- \_\_\_\_\_ e-mail newsletter \_\_\_\_\_mail newsletter \_\_\_\_\_other (specify)  
\_\_\_\_\_ e-mail listserve or discussion group

7) I am interested in the following publications:

- \_\_\_\_\_ newsletter \_\_\_\_\_ desk reference \_\_\_\_\_ quick reviews of other pubs.  
\_\_\_\_\_ web site

8) I think the Elder Law Section should meet to provide networking opportunities

\_\_\_\_\_yes \_\_\_\_\_no

**9)** (If yes) I prefer to meet:

\_\_\_\_\_ at mid-year and annual meeting only \_\_\_\_\_ quarterly or more regularly

\_\_\_\_\_ through sub-committees

\_\_\_\_\_ through teleconference

**10)** I think the Section should be organized as follows:

\_\_\_\_\_ around substantive interests

\_\_\_\_\_ around section activities

\_\_\_\_\_ offer both

**11)** I am interested in becoming involved with the section by:

\_\_\_\_\_ chairing a committee

\_\_\_\_\_ developing a substantive interest group (state area of interest)

**12)** I am interested in the following Committee:

\_\_\_\_\_ Education (CLE planning)

\_\_\_\_\_ Communications

\_\_\_\_\_ Legislation and Policy

\_\_\_\_\_ Membership

\_\_\_\_\_ Special Projects

**13)** (For coordination purposes) I am a member of the following other State Bar Sections:

**14)** I am a member of the following local bar Elder Law group:

**Name** \_\_\_\_\_ (optional)

***Thank You for Your Time!***

*Ellie Crosby, Section Chair*