

4

Elder Law

VI. SUBSTANTIVE LAW

Themes:

- Guiding the practice of elder law.

Conversation Starters:

- What do you think is encompassed by an elder law practice?
- Why are you interested in this area of law?
- What experience/background do you believe you could bring to an elder law practice?
- Of the various legal areas covered in an elder law practice, which of the various areas do you think you would want to focus on? (Consider advice, transactional, and litigation aspects)
 - Trusts and estates (drafting)
 - Probate (administration)
 - Guardianships (administration)
 - Real property implications
 - Tax law implications
 - Planning for disability
 - Protecting persons with a disability, dementia and/or mental illness
 - Representing persons with a disability, dementia and/or mental illness
 - Government benefits
 - Trust, estate, guardianship and fiduciary litigation
- Discuss who the client is, and why that is particularly important in elder law.
- What are the ethical and practical considerations when the client may lack capacity?
- How do you spot and report potential abuse, neglect, exploitation, improper influence?
- What are the federal and state government programs and benefits?
- Discuss sources of authority (e.g., trusts, wills, nonjudicial binding agreements) and how they work together.

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Activities:

- Observe probate and guardianship calendars at superior court, including hearings on guardianships, probate, Vulnerable Adult Protection Orders, and trust administration.
- Conduct mock estate planning interview, with mentee acting as client and with mentee acting as the attorney. Draft a will based on the interview.
- Connect mentee with other elder law practitioners having a similar and/or a different practice focus.
- Prepare pleadings for the creation and administration of trusts, estates, and guardianships.
- Engage in the application and uses of the Trust and Estate Dispute Resolution Act.
- Engage in the application and uses of the Vulnerable Adult Protection Act.
- Take the Court Visitor training.
- Shadow a Court Visitor.
- Meet with a professional fiduciary/certified professional guardian to better understand their role in this practice area.
- Discuss the importance of problem-solving in elder law.
- Understand how the members of the elder law bar work together.
- Attend a WSBA Elder Law Section meeting or activity.

Resources:

- [DSHS abuse reporting hotline](#)
- [Washington State Attorney General Protecting Seniors](#)
- [Washington Law Help](#) resources relating to various elder law issue
- [WSBA Elder Law Section](#)