Elder 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, 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

- Understanding who the client is, and why is that 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 probate and guardianship processes and calendars in superior court?

- What are the federal and state government programs and benefits?

- Understanding sources of authority [e.g. Trusts, Wills, CR2A agreements, court orders] and how they work together.

- Know your limits [e.g. – should you be drafting special needs trusts?].
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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 – RCW 74.34

- Take the title 11.88 guardian ad litem training.

- Shadow a title 11.88 guardian ad litem in an investigation.

- Meet with a professional fiduciary/certified professional guardian to better understand their role in this practice area.

- Attend a mediation.

- Learn restraint.

- Understand how the members of the Elder Law bar work together.

- Attend an Elder Law section meeting or activity.

**Resources:**

- Discuss what additional resources the mentor/mentee have found useful in their own practice.

- [DSHS abuse reporting hotline](#)

- [Washington State Attorney General Protecting Seniors](#)