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SUBSTANTIVE LAW

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](#)