



Fein, Such, Kahn & Shepard, P.C.

C O U N S E L L O R S A T L A W

How to Find an Elder Law Attorney

April 13, 2011 by Deirdre Wheatley-Liss



National Academy of
Elder Law Attorneys, Inc.

I am often contacted by friends and contacts to help with elder care issues for their parents who live in other states. I wanted to share with you the resource that I use to find referrals to elder law attorneys outside New Jersey.

The National Academy of Elder Law Attorneys or NAELA is the premier national elder law organization. I think it is fair to say that anyone who is serious about practicing in the area of elder law is a member of NAELA.

One of the services that NAELA offers is a listing of all of its members, searchable by location or zip code. The question then arises "Well, I have a list of all of these attorneys, how do I figure out who to speak to?". Here are some of the questions/criteria that I use:

- Is the person a CELA? CELA stands for Certified Elder Law Attorney. The certification is only granted to those who pass additional testing and who focus a substantial part of their practice in elder law. I think this is a key criteria because, as a CELA, I am aware of the high bar set for certification and recertification. Also, I want to be speaking with attorneys who have invested in themselves to spend the time to earn the CELA certification and take the continuing education classes required to maintain it.
- What does the attorney's website look like? Do they provide useful information about elder law and how they practice? Are there articles or a blog? I like to refer people to attorneys who take the approach that their role is to educate clients about the law and provide alternative solutions.
- Does the attorney hold an LL.M in tax or have a significant tax practice? Many of the downsides of elder law planning involve the tax consequences. These need to be able to be thoroughly evaluated as the taxes are part of the potential cost of any plan of action.
- Does the attorney's experience match what you need them to do? For example, if you have a guardianship question, does the attorney have extensive guardianship litigation experience? I'm a transactional attorney – which means I work mostly with documents. The primary counsel on any guardianship matters in our office is Stacey C. Maiden, Esq., who focuses a significant part of her practice on guardianships. Similarly, if there is a contested litigation, I may have one of our experienced litigators act as primary counsel on the matter. An attorney can't be all things to all people, so make sure the your needs match the attorney's experience.



Fein, Such, Kahn & Shepard, P.C.

C O U N S E L L O R S A T L A W

- How will the attorney charge for their services? You are not going to find this answer on a website. Fees can and should change as a result of the uniqueness of the matter, the complexity, the timing, and the number of parties involved, among other things. Fees can be fixed, flat, or hourly, or some combination. You need to understand how the attorney is going to be compensated as a key part of moving forward in order to have a successful representation experience.
- Call the short-list attorneys to find out how they would approach your problem. An attorney isn't going to be able to solve your problem over the phone, and it's unrealistic to expect them to do so. Elder law issues are by their nature complex, and a variety of factors need to be evaluated. However, in a 10 min. conversation you can find out how the attorney approaches situations that are similar to yours. That should give you enough information to determine if you want to have a more detailed consultation with the attorney.

This Article does not constitute legal advice nor create an attorney-client relationship.

© Fein, Such, Kahn & Shepard, P.C., all rights reserved. Permission is granted to reproduce and redistribute this article so long as (i) the entire article, including all headings and the copyright notice are included in the reproduction, and (ii) no fee or other charge is imposed.