



8421 Auburn Blvd., Suite 265, Citrus Heights, CA 95610
(916) 728-9333 | www.deloro.org

Fact Sheet Finding an Attorney

When a family member has a cognitive impairment and cannot manage his/her affairs, legal and/or financial planning is often needed. Areas of concern to family caregivers include future health care decisions, management of assets, public benefits planning and, in some cases, litigation.

When seeking legal advice, finding a knowledgeable, competent attorney is extremely important. California residents who are caring for a brain-impaired adult and who are not receiving any other publicly funded legal services may be eligible for a one-time legal consultation from Family Caregiver Alliance or one of its Caregiver Resource Center affiliates. If further legal advice is appropriate, it is the responsibility of the individual to seek an attorney.

Locating an Attorney

One of the surest ways to find an attorney is through a personal recommendation. This may be a recommendation from a friend, relative or co-worker, or from another attorney whom you know and trust. A good way to get a personal recommendation is to attend a support group of persons in a similar situation. Someone there may

already have had experience with a knowledgeable attorney and be able to share his or her experience. Referrals, as well as advice, for individuals aged 60 or over may also be obtained from senior legal services provided by local Area Agencies on Aging funded by the Older Americans Act. Independent community legal aid agencies may also offer assistance to persons of all ages.

Another way of locating an attorney is through an attorney referral service. The **local bar association** in your community may have a panel which refers callers to lawyers in various specializations. After describing your needs, you will be referred to the most appropriate specialist. Initial consultations generally include a nominal fee.

Caution should be exercised if such a referral service is used. Panel-referred attorneys need meet only minimum requirements and may have little experience. It is important to check the qualifications of an attorney and to make calls to compare fees and experience. Keep in mind that laws vary from state to state.

Types of Attorneys

Most attorneys concentrate on one or two areas of law. It is especially important for the family caregiver to find an attorney who has the appropriate expertise. Attorneys advising caregivers on planning for long-term care should have knowledge of the following areas of law:

- Medicaid (Medi-Cal) laws and regulations
- Social Security
- Trusts (special needs trusts)
- Conservatorships
- Durable power of attorney for health care and asset management
- Tax (income, estate and gift) planning
- Housing and health care contracts

Some attorneys are certified specialists. For example, an attorney can be a certified specialist in taxation, estate planning, probate or elder law. In the case of an accident, a personal injury attorney is needed. It is advisable to select someone who has had jury trial experience.

Attorneys often do not know about all of the above-mentioned areas. In the case of a personal injury, two attorneys may be needed—one to litigate an accident settlement and another to help plan for long-term financial or health care needs.

Preparing for a Legal Consultation

Before contacting an attorney, a family caregiver may find it useful to familiarize him or herself to some extent with areas of the law which are of interest. It is also helpful to have a clear idea of what one would like as an outcome of a legal consultation. Learning as much as possible ahead of time will better prepare the prospective client for a productive consultation.

More specifically, individuals who are interested in the durable power of attorney for health care may wish to think about what type of life-sustaining procedures they would want used in the case of a serious illness. In addition, it may be helpful to identify a first, second and third choice of a family member or a trusted friend to make personal health care and financial decisions in the event you are unable to do this for yourself.

Items to Bring to the Consultation

1. List of major assets (real estate, stocks, cash, jewelry, insurance, etc.).
2. Any documents of title (e.g., copies of deeds, stock certificates, loan papers, etc.) which show who the owners are and how title is held.
3. Contracts or other legally binding documents.
4. Lists of all major debts.
5. Existing wills or durable powers of attorney.
6. Bank statements, passbooks, CDs—again showing who the owners are and how title is held.

Resources

National Academy of Elder Law Attorneys

1604 N. Country Club Rd.
Tucson, AZ 85716
(520) 881-4005

Website: www.naela.org

Information on how to choose an elder law attorney.

Family Caregiver Alliance

180 Montgomery Street, Suite 1100
San Francisco, CA 94104
(415) 434-3388
(800) 445-8106

Web Site: www.caregiver.org

E-mail: info@caregiver.org

Family Caregiver Alliance (FCA) seeks to improve the quality of life for caregivers through education, services, research and advocacy.

FCA's National Center on Caregiving offers information on current social, public policy and caregiving issues and provides assistance in the development of public and private programs for caregivers.

California Resources

Del Oro Caregiver Resource Center
8421 Auburn Blvd., Suite 265
Citrus Heights, CA 95610
(916) 728-9333
(800) 635-0220
Website: www.deloro.org

Del Oro Caregiver Resource Center supports and assists caregivers of brain-impaired adults and frail elderly, through education, research, services and advocacy. For residents of the 13 Gold Country Counties

(Alpine, Amador, Calaveras, Colusa, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sierra, Sutter, Yolo, Yuba), Del Oro provides direct family support services for caregivers of those with Alzheimer's disease, stroke, head injury, Parkinson's and other debilitating brain disorders that strike adults.

State Bar of California

180 Howard Street
San Francisco, CA 94105-1639
Phone: (415) 538-2000
Website: <http://www.calbar.ca.gov/>

California Advocates for Nursing Home Reform (CANHR)

650 Harrison Street, 2nd Floor
San Francisco, CA 94107
(415) 974-5171
Website: www.canhr.org

CANHR provides advocacy, consumer education and legal information throughout California on nursing home-related issues

Reviewed by Harriet Prensky, Attorney at Law, Prensky & Tobin, Mill Valley, California, March 1996. Prepared by Family Caregiver Alliance in cooperation with California's Caregiver's Resource Centers, a statewide system of resource centers serving families and caregivers of brain-impaired adults. Revised July 1996. Funded by the California Department of Mental Health. © All rights reserved.