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Aging and the Law

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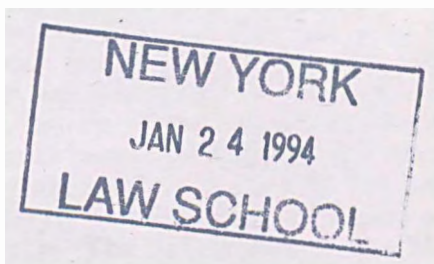
Dana Shilling

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Chapter 1

Resources for the Elder-Law Attorney

In a sense, nearly every attorney is an elder-law attorney. (We were going to say "every attorney," but then there is the Juvenile Services division of Legal Aid, and lawyers who limit their practice to reproductive rights.) Every estate plan for a senior citizen, every consultation involving pension plans, retirement timing, or Social Security benefits; every tax form filed or tax plan made for a senior citizen, must be handled with due consideration to the elder-law issues discussed in this book.

Yet there are comparatively few elder-law specialists, and most clients will choose to consult their regular attorney or a generalist, either because the clients aren't aware of the particular issues, can't find or can't afford a specialist, or because they feel comfortable with a particular lawyer who is not an elder-law specialist.

This is a new and evolving field, and at times it may seem impossible to find answers to significant questions. Yet substantial resources (in print as well as personal) are available to the attorney handling elder-law problems, whether daily or occasionally.

Print Resources

One of the members of the Pickwick Club, who was supposed to present a paper on Chinese metaphysics, handled the task by combining the encyclopedia article on China with the one on metaphysics. Unfortunately, that course of action is seldom available to those in the field of elder law, because comparatively little has been written.

The current leading treatise, against which ours will be compared, is John T. Regan's *Tax, Estate & Financial Planning for the Elderly* (Matthew Bender).

Perhaps the most helpful tool for the elder-law attorney is Commerce Clearing House's *MEDICARE AND MEDICAID GUIDE* (MMG); its usefulness can be gauged by the number of times it is cited in these pages and the number of significant cases that appear there either first or exclusively. Garland Law Publishing offers a quarterly journal, *Journal of Estate and Tax Planning for the Elderly and Disabled*, edited by Morton Freilicher. Publication of Panel Publishers' *Advising the Older Client* (edited by one of the authors of this book) is scheduled to begin in early 1990. Although it is not exclusively an elder-law journal, the *Clearinghouse Review* (published by the National Clearinghouse for Legal Services, Inc.) has regular coverage of developments in Medicare, Medicaid, SSI, other programs affecting the elderly, and a wealth of well-written articles explaining how to carry out planning and procedures. (It is a commentary on our society that the most useful journal for the study of elder law should be one