The Twentieth Anniversary Class

It is hard to believe, but the Elder Law Clinic is 20 years old! Since 1991, our law school has generously helped elders in our area, while teaching students to be versatile and empathetic advocates.

Celebrating 20 Years of Community Service
By Wake Forest Law Students

Numerous graduates have gone on to specialize in elder law and some are even board-certified in the field. Our graduates have gone on to work in various firms, for the U.S. Senate Special Committee on Aging and as sole practitioners. Several are leaders in their state bar association elder law sections.

Muchas Gracias From Their Clients

- Kat Hauch es muy competente, inteligente y sabe lo que está haciendo muy simpática y agradable. La clínica es lo mayor que tiene Winston-Salem, para ayudar a los personas mayor de edad. Gracias, muchas gracias.

- Tim Doolittle was very friendly and wanting to help me. I just thank you for the help when I didn’t know who or where to go. Tim was kind and understanding, giving me good guidance.

- Joe Maye made me feel at ease and explained all options – good work. Mr. Maye should make a great attorney. He was informative and helpful.

- Rich Seeger was very knowledgeable and thorough and his presentation was excellent.

- Heath Tripp helped me a lot with my care.

- Trevor Ostbye’s appearance was very professional. He explained everything in detail and was friendly.

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Getting answers from Trevor Ostbye.
WILL I OUTLIVE MY MONEY?

Many of our clients are concerned about the cost of long-term care. In fact, AARP surveys have found that this is a greater concern than death. Our clients want to protect their limited assets for their needs and to leave property to children and grandchildren.

Tim Doolittle’s client, for example, has a home and another property, totaling around $130,000 in value. The client wanted to know if he would lose everything if in the future, he needed care in a facility. Tim analyzed this client’s options under a program that helps pay for assisted living and another that helps pay for nursing homes.

Long-term care facilities cost from $36,000 to $70,000 per year, so the “private pay” route can decimate a person’s resources. Tim’s client now understands the coverage rules, so that he can stretch his resources as long as possible. The gentleman also opted to sign a power of attorney. His daughter will be able to assist him to become eligible for help, if he needs facility care.

In another case, Trevor Ostbye helped a patient in Wake Forest Baptist Medical Center, where the Elder Law Clinic is based. This gentleman was undergoing chemotherapy for several weeks. His sister, fortunately, was willing to help him, so Trevor drew up a financial power of attorney. This reduced the client’s stress and saved the family time and money.
REFLECTIONS ON A SEMESTER IN E-CLINIC

◆ I learned that people with low incomes and limited resources have often been given incorrect information about legal issues from their families and friends.

◆ I honed my ability to build rapport and communicate effectively with clients. Without this clinical experience, I would enter the legal profession without any training or experience on how to engage clients. The clinic also highlighted that communication skills extend beyond face-to-face interactions. Client letters, such as engagement or closing letters, emphasize key points. These letters ensure that clients understand key legal concepts or what the issues are that the attorney has agreed to handle.

◆ My advice to incoming clinic students is to learn the office procedures as soon as possible. Also, spend time getting to know the office staff, as they know the ropes and are invaluable resources.

◆ I came to appreciate our policy of meeting first with the client – the older person. Mr. X is a good example. He came in with his daughter, who was the attorney-in-fact and very pushy about what to do with her father’s home. I met at length with Mr. X and was convinced that his daughter had his best interests at heart. Mr. X definitely wanted the result that his daughter was pushing for, but just didn’t know the logistics of how to do it. So, it seemed that she “ran the show.” It takes some time to figure out the client’s goals and family dynamics.

◆ I felt I did a good job getting close to my clients. And, I think they valued this. Bringing one’s problems forward to a stranger can be a daunting experience. Discovering that the student attorney isn’t just a mechanical provider of advice, but is also sympathetic and wanting to help, is probably the most appreciated aspect of a client’s experience. It would be for me.

◆ My experience in the Elder Law Clinic showed me how important the procedural aspects of an office can be to do good legal work. Whether it is for efficiency purposes, an effort to avoid conflicts of interest, or just a matter of completing the documents you have drafted, learning to follow procedures is important for avoiding mistakes. This has been my greatest weakness over the years.

◆ I learned that you, and you alone, are your client’s advocate. You are responsible for all the advice, forms, and consequences, once you agree to represent the client. Act and practice accordingly.

◆ Something that I enjoyed more than I expected about working with clients is how much you related to them despite just meeting them.

◆ The lessons I learned from my experience, beyond applications in the legal profession, are also useful in relation to my family life. I still have two living grandparents over 80. I now know the basics of Medicare and Medicaid, and what can arise when the necessary advance directives and powers of attorney are not in place before health issues arise. This will be valuable information for my family and I can help them take the right steps.
CHARMS AND CHALLENGES

Working with clients offers the charm of real people ….with the challenges. Here are some examples, with details changed to protect confidentiality.

Joe Maye had a complicated case. His client is a widower whose two disabled adult children live with him. Joe prepared a trust in the will. This way, other relatives can handle the man’s home and property for the benefit of the disabled children. This protects the children from having access to resources that would make them lose federal disability benefits.

Jon Gasior had a client who said she wanted to leave her home to just one son. Why? She was counting on her son dividing it between him and her two daughters. Jon recommended that, instead, he prepare a will that explicitly divided the property three ways, with the son as executor. This would assure that the property was divided like the client wanted. She agreed.

Her son was then invited into the interview. He demanded that Jon draw up the mother’s will to leave everything to himself, the son. Jon handled the discussion diplomatically and effectively. He listened to the client’s reasoning and explained some options to achieve it. Feeling that the client was being pressured, he declined to draft the will according to her son’s demands.

Jon Gasior

Joe Maye

Kat Hauch

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ALUMNI ENJOY FALL MEETING TOGETHER

In October 2011, 45 members of the National Academy of Elder Law Attorneys (NAELA) met in Black Mountain, N.C. Nine of them were alumni of the Elder Law Clinic.

L to R: Mark Edwards (Nashville, NC; Board Certified Elder Law Specialist), Prof. Kate Mewhinney, Angela Kreinbrink (High Point), Natalie P. Miller (Mooresville), Kristin Burrows (Chapel Hill), TJ Hooker (J.D. anticipated '12), Aimee Smith (Winston-Salem), Sue Alcorn (Concord). Not pictured: Jennefer Garrity and Kim Gossage, both of Matthews.

SPECIAL FRIENDS

This semester, we were thrilled to have a class taught by Dr. Kate Callahan, a Wake Forest University geriatrician. Dr. Callahan taught our law students about medical conditions that affect mental capacity, and how these are diagnosed and treated.

Special thanks to Damon Wilson, a law student, who volunteered during the summer in the Elder Law Clinic. Prior to law school, Damon was in the Navy and then with the Veterans Administration.

Congratulations to Jonathan Williams, a 2011 graduate who works for the elder law firm of Booth Harrington and Johns in Greensboro, N.C.

COMMUNITY OUTREACH

Rich Seeger gave a talk to senior members at the YWCA and Heath Tripp spoke to a group at St. Peter’s Heritage Place, a subsidized apartment complex for low-income seniors. They explained the benefits of powers of attorney. The students also talked about how advance planning for financial and health care surrogates helps to avoid guardianship cases.

NEWS OF THE MANAGING ATTORNEY

Clinical Law Professor Kate Mewhinney recently:

- Was a speaker for a national webinar sponsored by the American Bar Association (ABA), entitled "Representing Seniors and Their Families: Pitfalls and Pointers."
- Gave a presentation at the National Aging and Law Institute, on the topic: "Employment, Age, and Disability Discrimination." Program sponsors include the National Academy of Elder Law Attorneys, the ABA, AARP, and the National Senior Citizens’ Law Center.
- At the annual meeting of the Southeastern Association of Law Schools, participated in a panel on elder law teaching and moderated another session on legislative responses to elder abuse.
A PUN A DAY KEEPS THE DOCTOR AWAY

- What’s the definition of a will? (It’s a dead giveaway.)
- Does the name Pavlov ring a bell?
- A bicycle can’t stand on its own because it is too tired.
- If you don’t pay your exorcist, you get repossessed.
- Shotgun wedding – A case of wife or death.
- The man who fell into an upholstery machine is fully recovered.
- A midget fortune-teller who escapes from prison is a small medium at large.