By the end of the semester, our students had improved their skills essential to serving as a lawyer. They could conduct thorough and empathetic interviews, maintain clear file records, research legal issues, draft documents and advice letters, and more. They grew in confidence and helped each other when they hit rough spots.

We are so proud of our clinic students’ service to the community. Soon they will be attorneys and will also be better equipped to help their own families’ aging members.

Marsha Ambroise, Lenae Davis, Lucas Moomaw, Silke Hynes, Professor Kate Mewhinney, Jamie Burchette, Marianna Polonio, Sarah Guthrie and Cara Katrinak

I SURVIVED!

✧ I SURVIVED! Honestly, as I considered taking this course, the idea of being one-on-one with clients was the most intimidating part. The Elder Law Clinic gave me all the direct client experience I was looking for, and more. Sitting down with a client was as terrifying as I thought it would be, but I survived! The second client was also scary, but a little less so. Now I feel like I’ve grown more comfortable with clients and with figuring out how to help them. Silke Hynes

✧ One thing I learned in the Elder Law Clinic is that clients are more receptive to advice that is given once trust is created between the lawyer and the client. In creating this trust, clients seemed to greatly value having their stories heard. Carefully listening to clients and thoughtfully responding to their stories, even when those stories were unrelated to the task at hand, created a feeling of connection with my client that allowed for very productive appointments. Lucas Moomaw

A warm greeting from Silke Hynes.
Most people think that Medicare will help pay for assisted living or nursing home care should they ever need it. It won’t. Medicare never covers assisted living costs. And, it provides very little coverage for nursing homes. Medicaid pays for most of such care. Let’s see how a clinic student handled a typical health law consultation about long-term care coverage.

“Rocky” and his family were referred to us by Novant Medical Center’s Memory Clinic. He was recently diagnosed with mild dementia. Rocky was fuzzy on some details, but not about this: he didn’t want to lose his modest home to the cost of care. Rocky sought our help protecting his home—so his family will inherit it.

Cara Katrinak gathered facts about Rocky’s assets and income. She asked about his financial transactions over the past five years, which is called the Medicaid “look-back” period. She prepared a detailed analysis of his eligibility for financial assistance both in assisted living and for nursing home levels of care. She reviewed Rocky’s power of attorney to ascertain if it was adequate for likely financial transactions. In addition, and most important for her client, she advised him and his family about strategies to protect the home from “estate recovery.” This is where Medicaid gets reimbursed for every penny it has paid for someone’s care, and this often depletes the person’s estate.

Cara’s client and his family were relieved to learn where he stood and what steps to take next. The challenges of a dementia diagnosis are hard enough without worrying about losing everything you own!

We are thrilled to announce that Professor Jane Aiken is our new dean. Her list of accomplishments is long and includes impressive credentials as a clinical professor.

We welcome a new dean!
OUR GRADUATES IN ACTION

♦ Jenica Cassidy ('14) joined Lerch, Early & Brewer in Bethesda, MD, where she is building the firm’s elder law practice within its estates and trusts practice group.

♦ Maria Collins ('17) now practices with Heidi Royal Law in Charlotte.

♦ Mark E. Edwards ('97) was selected as chair of N.C. Bar Association’s Elder Law and Special Needs Section, which has over 500 members. Edwards is Certified as an Elder Law Specialist by the State Bar Board of Legal Specialization.

♦ Jon Gasior ('12) purchased the Maryland law firm, Sinclair Prosser Law, for which he was working. His role is primarily estate planning, but he also advises clients on Medicaid eligibility, special needs trusts, and guardianship. He writes: “I attribute many of my consultation skills to the practical teaching in the Elder Law Clinic, and I now teach our newer associates many of those same skills.”

♦ Anne Harris ('97) is an attorney with Dennis Toman, who is Certified as an Elder Law Attorney, in Greensboro, NC.

♦ Cameron Stanton ('14) is now an associate with the Raleigh firm of Hemphill Gelder. He handles guardianship cases, estate planning, estate administration, and residential real estate.

♦ Katie Muhlenkamp ('13) moved to the High Point, NC firm of Wyatt Early Harris Wheeler, and is doing estate planning and elder law.

♦ Briana Whalin ('19) is joining the Orlando firm, ShuffieldLowman, in its guardianship and elder law section.

LET’S KEEP IN TOUCH

Send us your email address so you can get this free newsletter again.
eclinic@wfu.edu
Every student handled a guardianship case. Usually they were court-appointed to represent someone who was alleged to be incompetent. It is not always clear who needs a guardian or who should be selected as the guardian. It takes good investigative skills and a thoughtful advocate to do this job. Here are just a couple examples.

Sarah Guthrie’s client had worked for years as a brick mason before retiring a few years ago. Unfortunately, his wife developed dementia, and the strain of caring for her was more than he could handle. He tried to kill himself by drinking anti-freeze. After emergency care, he spent time in the behavioral health section of a hospital. Sarah spoke with him (which was challenging for many reasons) as well as to his relatives, health care providers, and others. At his court hearing, she made the recommendation that he be adjudicated incompetent and a public agency be appointed to serve as guardian.

Lenae Davis represented a lady who has been involuntarily committed almost a dozen times due to mental health crises. Let’s call her “Liz.” In the past, Liz had often been capable of telling her family, “Take me to the hospital!” when she was having a breakdown—but not anymore. Recently, Liz was evicted from her group home, and taken to the locked psychiatric unit of a hospital by police. Lenae advised the court that Liz was unable to manage her affairs in a reasonable fashion even with medication.

Jamie Burchette’s client was angry. She’d spent all her savings on her son and his family. Then, they told her to move out of their house. To top it off, her son retitled her car to himself. This was the last straw.

Jamie examined the power of attorney that his client had signed years ago. Unfortunately, it included an unusual provision: it allowed unlimited “gifts” by the son to anyone, for any reason and in any amount. This case underscores that “gifting powers” can cause trouble down the road. While these powers can help with Medicaid-planning or for other purposes, they must be carefully drafted and considered.
**LOVE LETTERS**

*Dear Dean Reynolds:

I want to express my deep gratitude for the assistance my mother received at the Elder Law Clinic. What a most needed and appreciated program for those of mature years. I have to say it was an enjoyable experience and gave us useful advice. The information that we received will be invaluable in helping plan arrangements for my mother’s financial future.

Thank you so much for providing a service such as this to benefit our community.

The Wake Forest Elder Law Clinic is a godsend. I will recommend it to my senior friends and family.*

________________

*Silke Hynes was very nice and explained things well. Thank you for this service!*

________________

*Marsha Ambroise was so professional and personal. She explained everything to me.*

________________

*A special thank you to Lucas Moomaw for his thorough explanation of my will and all the other documents he prepared! I can breathe a sigh of relief in knowing when the time comes everything will be in order.*

________________

*I really appreciated how Cara Katrinak treated me. She was very thorough and had a pleasant attitude.*

________________

*My husband and I were profoundly impressed and appreciative of the services we received. The clinic student was exceptional and made our Alzheimer’s journey just a bit easier to walk.*

**PROFESSOR KATE MEWHINNEY**

- Will be a speaker at the annual meeting of the N.C. Bar Association’s Estate Planning and Fiduciary Law Section in Kiawah, S.C. on “The Intersection of Estate Planning and Elder Law.”

- Secured a grant from the N.C. Bar Foundation for a “Client Needs Fund.” The lawyers of this state help our clients by paying Register of Deeds fees and court costs.

- Presented a program for lawyers on the topic of guardianship mediation at the N.C. School of Government in Chapel Hill.

- Joined the executive committee of the Section on Law and Aging of the Association of American Law Schools (AALS).

---

*The students were fortunate to be taught this semester by Associate Professor of Medicine, Mia Yang, M.D., from Wake Forest Baptist Medical Center. Dr. Yang is board-certified in Internal Medicine and Geriatrics, and completed her residency and fellowship at Johns Hopkins University. The medical tests and terminology she explained are key elements in many of our cases.*

*Thanks also to the entire team of providers at the J. Paul Sticht Center’s Memory Assessment Clinic. They welcomed our law students, modeled great “bedside manners,” and taught the students some medical fundamentals we need in this type of practice.*
WE WANT YOU!

Send us your email address to get this free newsletter again. Thanks!
eclinic@wfu.edu

Marsha Ambroise reviews details with her client.

EDITOR
Kate Mewhinney

DESIGN
Lu Anne Simpson

THE ELDER LAW CLINIC
Wake Forest University School of Law
P.O. Box 7206
Winston-Salem, NC 27109-6226

Address Service Requested

For information about the clinic:
336-758-5061
elder-clinic.law.wfu.edu