



HOME HEALTH TODAY "2004"

"Quality of Life in the comfort of your home"

Ask the ElderCare Lawyer



**By Sanford J. Mall,
Counselor at Law**

*Mall, Hamilton and
Associates, P.C.*

Ask the ElderCare Lawyer is a regular feature of Quality Lifestyle Magazine. Each issue will address your questions in areas relating to estate, probate, elder law, Medicaid, Medicare, and ElderCare legal advocacy and counseling. If you wish to have your questions answered, please send them to Sanford J. Mall, 31000 Northwestern Highway, Suite 220, Farmington Hills, MI 48334. The questions below came from recent meetings at the law offices of Mall, Hamilton & Associates, P.C.

We get a lot of questions about what to expect when coming to see us and we have learned that most people do not look forward to meeting with a lawyer. In fact, a whole industry has developed to help people avoid lawyers by offering forms of "do-it-yourself" legal planning kits. Because of your questions this month's column answers questions about what to expect when working through your essential legal planning. Our clients tell us that knowing what to expect reduces their anxiety and makes them more willing to embrace the planning that protects them and their loved ones. Overall, our most important job is to understand is how we can best serve you. We do this by learning about you and your hopes and dreams as well as "what's keeping you up at night." Once we understand, we can help.

As holistic legal planners and advocates, our mission is to help improve the lives of everyone who comes into contact with us. We help our clients through a unique holistic process combining compassionate understanding with superior legal counsel, advocacy and related services. We help our community through our ongoing commitment to education. We help each other through our uncompromising trust and respect. However, our greatest joy comes from knowing how many people we have helped, often through emotionally difficult times. Thank you for your many thoughtful and important questions. Please feel free to continue to call or write us.

I am ready to start my essential legal planning, how do I begin?

Congratulations for taking the first step toward legal planning – this step is often the most difficult. Once you have made the decision, you need to find the right attorney. Ask friends and relatives who have done planning if they used an attorney who provided good service and made them comfortable through the process. The State Bar of Michigan also provides an attorney referral source. Once you have the names of a few local attorneys, call their offices and ask for a consultation. During this initial meeting, you can usually tell whether you will be comfortable working with the attorney to guide and counsel you as well as design your plan.

While any attorney can draft a basic Will or a Durable Power of Attorney, it is advisable to work with an attorney specializing in estate planning and/or elder law. Estate planning incorporates law from many areas, such as family law, tax law, property law and administrative law. Many attorneys who are not specialists in estate planning or elder law may not have the expertise and knowledge of the laws to effectively design a plan. The reason that you have decided to take the step toward planning is to ensure that your objectives and wishes are met and so you and your loved ones can be protected.

The process of estate planning sounds complicated and confusing. What should I expect if I schedule to meet with you?

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ing. Assuming we provide the service you need we will then schedule a time for your initial consultation. Even before that first meeting we begin working to best understand how we can help. Because of our concern to meet your needs as soon as possible, one of our care management specialists may talk with you to gather more information. Our first goal is to help make you feel comfortable working with us.

Since some clients have told us they were nervous preparing for their initial meeting, we have a process to help make preparation easier. Part of that process includes a Questionnaire designed to help you identify and organize your planning priorities and specify what information will be most important for us to discuss. Along with the Questionnaire, you will also receive general information about the type of legal service you will be meeting with us to discuss. Finally, we will include a map to our office for your convenience.

Prior to our meeting you will receive a call confirming the

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Ask the lawyer...continued

meeting date and time. When you arrive you will be greeted by one of our staff whose's job it is to offer you refreshment and seek to make you comfortable. Since we respect your time, we will meet with you promptly and dedicate our time and attention to your concerns. We have found that working as a team provides superior service to our clients. Therefore, it is quite common to meet with more than one person in our firm – even at your first meeting. Most people have lots of questions, so our agenda is to answer them and learn what needs you have. The primary goal of that initial meeting is to find out if and how we can help.

What if my mother is unable to travel, can the planning meetings take place outside of your office?

Yes, we understand that sometimes it is not possible for a client to come to our office. For example, if an adult child is providing care to an ailing parent who cannot travel, we may meet with the adult child first at our office to discuss the objectives of the planning. However, we most often will plan to meet with the family elder as well. It is often necessary for us to travel to the elder's home, assisted living facility, hospital, or nursing home in order to have those meetings.

I have read good and bad things about Trust-based estate plans and I have read good and bad things about Will-based estate plans. How do I know which is the best plan for me?

Deciding which plan is best for you depends on what is important to you – your wishes, objectives, goals and concerns. We define a plan that works as one that allows you

maximum control and takes care of you while you are alive and well, then takes care of you and your loved ones if you become disabled. When the time comes, the plan should assure that what you have goes to whom you want, how you want, when you want and the way you want. Finally, the plan should accomplish all this without probate court, and at the lowest overall cost, minimizing any taxes, fees or expenses. In other words, if the plan meets your needs and gives you peace of mind, it is a good plan.

To design and implement a plan that will work for you requires proper counseling, guidance and most importantly learning about you and your specific planning needs. An attorney who specializes in estate planning and elder law should counsel and guide you through the process to clearly define your goals. At that point, you will know what type of plan is best for you.

Further, educating yourself is a good first step for you to better understand the essential legal planning. It will also help you and your attorney design the best possible plan for you. At our reader's request we provide these informational materials at no charge. Please contact us if you wish to receive any of our general educational materials and we will happily send them to you. Additionally, to help you get information more specific to your needs we offer an opportunity for an initial consultation with one of our attorneys or a care advocate at no cost.

Learning about how to meet your specific needs will help empower you to make intelligent, informed decisions and to know what is uniquely possible for you and your loved ones. We promise to provide you with a unique legal services experience and to change your way of thinking about working with a law firm.

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