

# OAST & HOOK

ATTORNEYS AND COUNSELORS AT LAW

Offices in Virginia Beach, Virginia  
and  
Portsmouth, Virginia  
Tel: 757-399-7506  
Fax: 757-397-1267  
www.oasthook.com  
A Virginia Professional Corporation

## WHAT IS ELDER LAW?

BY

ANDREW H. HOOK, CELA



National Academy of  
Elder Law Attorneys, Inc.

---

**MEMBER**

MEMBER, NATIONAL ACADEMY OF ELDER LAW ATTORNEYS  
CERTIFIED AS AN ELDER LAW ATTORNEY BY THE NATIONAL ELDER LAW FOUNDATION  
FELLOW OF THE AMERICAN COLLEGE OF TRUST AND ESTATE COUNSEL

Copyright © 2008 by Andrew H. Hook  
All Rights Reserved

In the late 1980's the legal profession realized that it was poorly training its members to assist persons over the age of 65. To address this situation, the National Academy of Elder Law Attorneys (NAELA) was formed in 1988. NAELA had two missions. The first mission was to provide a broad and complete education for attorneys to permit them to effectively assist senior citizens. The second mission was to define Elder Law and to seek accreditation of Elder Law as a specialty from the American Bar Association (ABA).

To address the first mission, NAELA annually holds three national educational seminars. To address the second mission, NAELA founded the National Elder Law Foundation (NELF), a nonprofit organization, to seek accreditation of Elder Law as a legal specialty. NELF defined Elder Law as the legal practice of counseling and representing the elderly, the disabled, their families and their advocates about healthcare and long-term care planning, public benefits, surrogate decision making, legal capacity, and the disposition and administration of estates. Elder Law attorneys must also be competent to provide assistance and counseling to senior citizens about elder abuse, insurance, housing, employment, and retirement.

In 1993, NELF applied to the ABA to accredit Elder Law as a specialty, and in 1995, the ABA accredited the legal specialty of Elder Law. Under the ABA accredited program, to become a Certified Elder Law Attorney (CELA), an attorney must be licensed to practice law and have practiced law at least five years, demonstrate substantial involvement in Elder Law for the past year three years, have participated in 45 hours of legal education in Elder Law during the past three years, and pass a written examination. The examination is not easy. Only 50% of the licensed attorneys who take the exam pass it and become CELAs. The CELA program is good for senior citizens because it helps them identify attorneys with an enhanced level of skill in meeting their legal needs. In April of 2006, NAELA had 5,000 members and NELF had certified 338 CELAs.

How do CELAs help senior citizens? CELAs help senior citizens plan to manage their affairs, assets and healthcare. Effective planning improves results, and this planning addresses the following concerns:

- Disability planning using powers of attorney, trusts, guardianships, conservatorships, and representative payees.
- Surrogate healthcare decision making using advance medical directives.
- Housing options including in-home care, adult day care, assisted living facilities, nursing homes, hospice care, and continuing care retirement communities.
- Prevention of elder abuse.
- Paying for long-term care.
- Medicaid asset protection planning.
- Long-term care insurance planning.
- Bill paying and care management assistance.
- Tax planning and tax return preparation.

- Estate planning.
- Estate and trust administration.

What are the elements of effective planning? First you must gather information. Second, it is wise to involve the entire family. Third, you should seek the advice of an experienced elder law attorney in developing and then implementing the plan. Fourth, after the plan has been implemented, it should be monitored and adjusted as necessary. A CELA can help in this process.

How do you locate a CELA or an experienced Elder Law attorneys? You can contact NAELA at 1640 North Country Club Road, Tucson, Arizona 85716 (telephone: 520-881-4005). You can also use the NAELA website: [www.naela.com](http://www.naela.com). NELF also maintains a website, where you can locate CELAs.

### **About This Document**

This document is not intended as a substitute for legal advice. It is distributed with the understanding that if you need legal advice, you will seek the services of a competent elder law attorney. While every precaution has been taken to make this document accurate, we assume no responsibility for errors or omissions, or for damages resulting from the use of the information in this Explanation.

Reprint permission is granted only for educational purposes with appropriate citation to Andrew H. Hook and Oast & Hook, P.C.

Oast & Hook also publishes the *Oast & Hook News*, which is archived in searchable format on our web site. If you would like to be added to the distribution list for this newsletter, or if you need additional information concerning this Explanation, you may contact us by writing or calling:

Oast & Hook, P.C.  
Tel: 757-399-7506  
Fax: 757-397-1267  
E-mail: [mail@oasthook.com](mailto:mail@oasthook.com)

**Copyright © 2008 by Oast & Hook, P.C.  
Revised 2/6/08**