



Introduction to Elder Law Services

Your Group Legal Service Plan now includes coverage for legal services in the specialized field of Elder Law for the Covered Individual and their parents and grandparents. Elder Law attorneys can advise on State and Federal law and assist in putting a health and estate plan in effect, which can maximize eligibility for coverage of nursing home and home care costs while preserving one's estate and assets.

The National Legal Office has established one of the largest Elder Law departments in New York State and in addition, has contracted with this sector of the bar in anticipation of specific needs in this area of law in other jurisdictions. Please contact the National Legal Office to inquire about these specialized services.

Elder Law Attorney Fees

Through the Elder Law Services, Elder Law attorneys' usual fees are reduced by twenty percent (20%) by virtue of their contract with the National Legal Office. When you are referred to a specific firm, the National Legal Office will advise you regarding that firm's discounted billing rate.

Please Note: The guaranteed hourly legal fees and free office consultation for other legal matters do not apply to Elder Law representation.

Most Common Elder Law Services

1. Elder Law Consultation – This is the heart of the relationship with the client and the source of legal strategies and generally includes the following:

- (a) Financial review and analysis, including review of all assets, real and personal; how the assets are held; examination of all sources of income in addition to income produced by assets, including pension benefits, Social Security benefits, payments from annuities, and other instruments such as trusts, contracts of sale, mortgage notes, and other secured or non-secured obligations; and review of all life insurance held, including the face value and cash surrender values thereof.
- (b) Health Care insurance review.
- (c) Review of current documentation, including existing wills, trusts, powers of attorney, health care proxies, and health care declarations.
- (d) Summary of consultation and recommendations in letter format to client.

Average Fee with discount: \$400

Over

2. Complex Last Will & Testament/Testamentary Trusts

- (a) **Federal Credit Shelter Trust:** To preserve the unified credit of each spouse while providing for the financial care of the surviving spouse.
- (b) **Special/Supplemental Needs Trust:** To provide for the supplemental care of the surviving spouse or children. This is offered to take advantage of the federal provisions under the Omnibus Budget Reconciliation Act (OBRA), which permits discretion in testamentary trusts (something that is clearly not available in lifetime trusts). This form of trust permits the trustees to utilize the trust funds in a manner that supplements the care provided by existing governmental programs rather than substituting for such care.

Average range of fees with discount: Federal Credit Shelter - \$1,750-\$2,000
Special/Supplemental Needs- \$750-\$1,000

3. Living Trusts - These lifetime trusts can be utilized for ordinary estate planning reasons (such as avoiding probate) or for more complex trusts for health care planning.

Revocable Living Trust: Average fee with discount: \$2,500

Irrevocable Living Trust: Average fee with discount: \$3,500

4. Fair Hearing - In the event a Medicaid application is rejected, one is entitled to a "Fair Hearing." This representation includes appearances at hearings as required; preparation of memorandum of law and/or brief, if necessary; affidavits; and meetings and correspondence.

Average fee with discount: \$5,000

5. Preparation of Application for Medical Assistance - Preparation, review, or clarification of applications for Medical Assistance, and assistance with the filing of the application. Applications of this nature vary greatly in terms of complexity and are handled at a 20% reduction from the Elder Law Attorney's usual fee.

6. Deeds - For estate planning purposes, it may be advisable for an Elder Law Attorney to prepare a deed that transfers property or retains a life estate and/or special power of appointment. These features are incorporated to avoid or reduce estate or gift tax and capital gains tax as well as protecting assets from Medicaid.

Average fee with discount: \$600-\$850 plus recording fees

Please note: All additional correspondence, telephone communications, negotiations, and coordination with geriatric care managers or social workers are billed at hourly rates, appropriately discounted. In addition, disbursements made on behalf of the client, such as long-distance telephone charges, facsimiles, overnight delivery, photocopies, overweight postage, etc., are billed to the client at cost.