

**Here are some of the objective things one might want to ask in compiling a list of Elder Law attorneys:**

### **Fees**

How does your firm charge fees? Hourly, Fixed, Hybrid, Other

- What type of fee arrangement
- Does the lawyer provide a free consultation?
  - \* Understand the whole picture regarding hourly fees. For example, a \$100/hour lawyer who takes 5 hours to do the job is actually more expensive than a \$200/hour lawyer who takes 1.5 hours to do the job (or who take 1 hour and has a paralegal work an additional 3 on the project). If the fee is hourly, ask for an estimate for the whole project. When evaluating a fixed fee arrangement, be sure to understand what is included and not included in the fee. Will you be billed separately for expenses like copies, long distance calls, ect?

Does the attorney get paid from any source other than the client?

- Does the attorney get paid by insurance companies or take a commission as a result of a sale of different products the attorney may advise his or her clients to purchase? This is really important. There are issues of conflict of interest if an attorney is selling a particular product and benefitting from the sale of the product (typically a financial product).

### **Provision of Services**

Who will be working on your case?

- Will this attorney be doing all of the research, case preparation, negotiation, and court work or will associates or non-attorney advocates be handling parts of it?
- What are the experience and expertise of these other advocates?
- Will experts including attorneys be consulted? If so, who will they be?
- If others will work on the case, what will the fee arrangement be?

What type of caseload does the lawyer currently have?

What is the scope of the lawyer's existing commitments?

Will the lawyer have sufficient time to devote to your case?

Does the law firm outsource application services or other aspects of the representation to persons outside of the firm and who are therefore beyond the supervision of the firm and beyond the insurance coverage of the firm?

Do you make house calls? (most attorneys do).

Given this size of your service area, you may want to ask a question about the range of an attorney's "service area." Some estate planning work requires meeting the client in person.

**Experience**

How many cases of X type have you handled in the last 2 years? (estate planning, probate, guardianship/conservatorship, Medicaid, VA)

What percentage of the lawyer's cases are similar to your case? When was the last time the lawyer handled a similar case.

Are you a member of the State Bar's Probate and Estate Planning Section?

Are you a member of the State Bar's Elder Law and Disability Rights Section?

Do you hold a current certificate in probate and estate planning from the Institute for Continuing Legal Education (ICLE)? (attendance at seminars, continuing education to keep current, no testing)

Are you a member of the National Academy of Elder Law Attorneys? (any attorney can join)

Have you earned a Certified Elder Law Attorney (CELA) designation from the National Elder Law Foundation? (practiced for at least 5 years, handled cases in different competency areas, had to pass a test)

How many hours have you spent in continuing education in the last two years in the areas of: Elder Law? Estate Planning? Probate/Guardianship/Conservatorship?

How long have you been practicing in the area of Elder Law? Estate Planning? Probate?

NAELA resource on the topic of interviewing a lawyer for elder law:  
[http://www.naela.org/Public?Libray/Fact sheets/Interviewing and Choosing An Attorney/Public? About NAELA/Fact Sheets? The Process of Interviewing Attorneys.aspx?hkey=94a32550-e400-4192-aa25-09f687d4de93](http://www.naela.org/Public?Libray/Fact%20sheets/Interviewing%20and%20Choosing%20An%20Attorney/Public?About%20NAELA/Fact%20Sheets?The%20Process%20of%20Interviewing%20Attorneys.aspx?hkey=94a32550-e400-4192-aa25-09f687d4de93)