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MEMBER



Special needs require special lawyers.

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Editor
Sandra L. Smith,
Certified Elder Law Attorney

WHAT IS A CELA?

Oast & Hook is pleased to announce that attorney Letha Sgritta McDowell has been certified as an Elder Law attorney (CELA) by the National Elder Law Foundation (NELF). She joins fellow Oast & Hook attorneys Andrew Hook and Sandra Smith as CELAs.

The CELA program has been good for elder law attorneys. In creating the CELA program, NELF developed a comprehensive definition of elder law. This definition and the American Bar Association's (ABA) accreditation of the CELA program have helped elder law gain recognition and acceptance with the bar and the public as a recognized legal specialty. The CELA program is also good for the public. De facto lawyer specialization is widespread. Lawyers describe themselves to clients and the public by specialty: "I am a trial lawyer," or "I am a criminal defense attorney." The CELA designation helps the public identify attorneys with an enhanced level of skill in meeting the legal needs of an elderly person or person with disabilities.

In July of 1993, the National Academy of Elder Law Attorneys (NAELA) assisted in the formation of NELF as a nonprofit organization. NELF's purpose was to develop and improve the professional competence of lawyers in elder law, including special needs law for persons with disabilities. NELF's board decided to identify those lawyers as CELAs who had a sufficiently enhanced level of skill and knowledge to be able to identify all of the client's needs and either take care of them or refer the client to someone else who could. The next step was to define elder law. After defining elder law, NELF developed a certification program and submitted it to the American Bar Association for accreditation. The first exam was given in November of 1994. In February of 1995, the American Bar Association's House of Delegates accredited NELF as the certifying entity for specialization in elder law. Today, there are over 400 CELAs in 46 states and Washington, D.C.

Certification as a CELA is not limited to members of NAELA; it is open to all attorneys who qualify. The applicant must be licensed to practice law and be an active member of the bar in at least one state, the District of Columbia, the Commonwealth of Puerto Rico, or any U.S. Territory. The applicant must be in good standing of the bars of all jurisdictions in which the applicant is licensed to practice, and the applicant must have practiced law five years before applying. Service as a judge or law professor may be substituted at the discretion of NELF.

The applicant must make a satisfactory showing that in each of the preceding three years, the applicant practiced elder law an average of sixteen hours per week. During the preceding three years, the applicant must have provided legal services in sixty elder law matters. Additionally, within the three years preceding the application for certification, the applicant must have participated in at least forty-five hours of continuing legal education in elder law. The applicant must also submit as references the names of five attorneys who are familiar with the competence and qualifications of the applicant in elder law. Three of the attorneys must have devoted a minimum of eight hundred hours to the practice of elder law during each of the preceding three years. NELF may also make additional inquiries about the applicant's fitness to be certified.

The CELA certification process begins with the applicant filing a short-form application. If NELF determines that the applicant meets the initial requirements, the applicant will be sent the long form application, including the notice to take the examination. The long form application documents substantial involvement in elder law, continuing legal education, and peer review. The notice to take the certification examination must be submitted within thirty days before taking this examination. The certification exam is administered two times a year at regional locations. Once granted, certification is effective for five years. At the conclusion of five years, re-certification is not automatic. A CELA who desires continued certification must apply for re-certification.

The CELA certification program has been good for the public because it is helpful in identifying attorneys with an enhanced level of skills in assisting elderly persons and persons with disabilities. It has been good for the legal profession because it has helped develop and improve the professional competence of lawyers in elder law. It has been good for the attorneys who have been certified because it has provided a valuable learning experience, and it has helped them differentiate their practices from other attorneys and service providers. Oast & Hook encourages each elder law attorney to consider obtaining CELA certification. It is well worth the time and effort.

The attorneys at Oast & Hook can assist families with their estate, financial, insurance, long-term care, veterans' benefits, and special needs planning issues.

Ask Allie

O&H: Allie, we've heard that you have some tips to help older dogs age gracefully. Please share them with us.

Allie: Sure! Most dogs enter their golden years between age 7 and 10. Mary Burch, director of the American Kennel Club's Canine Good Citizen program, and the ASPCA have several suggestions for pet families with more senior dogs. First, watch the dog's diet; the dog's appetite may decrease, so you should feed smaller meals more often. You should also avoid giving a senior dog large amounts of human food; this food can cause weight gain which in turn can cause problems with joints and organs. Next, you should try to keep your dog active so muscles will not atrophy. Gentle walks and other exercise, in moderation, will help keep your dog fit. Be sure to not overdo the exercise. It is important to provide your dog with some stimulation, such as a trip to the park, even if you just sit and enjoy some time together once you arrive. It is also important to keep your older dog comfortable. Older dogs cannot regulate their body temperature as effectively as younger dogs, so older dogs should be kept dry and indoors when not exercising. You can read more about this topic at www.aspca.org. I'll have some tips about older felines in a future column. Time to check out the scenery in the back yard. I wonder if the deer family in the neighborhood will be here to visit today. See you next week!

Announcement

Oast & Hook is proud to announce that it has partnered with Commonwealth Assisted Living to offer a series of veterans benefit seminars for veteran seniors and their families. Each seminar will cover issues facing veterans benefits, veteran's aid and attendance, elder law, Medicare, and long-term care planning. The seminars will begin at 6:00 p.m. and will end at 7:00 p.m.. Below are the dates and locations of each seminar. Seating is limited. If you have any questions or would like to register for one of these seminars, then please phone Darcee Hale at 757-967-9702.

January 26, 2012

Memory Care Norfolk
1516 Harmon Street
Norfolk, Virginia 23518
Tel: 757-588-4663

February 9, 2012

Kings Grant House
440 North Landing Road
Virginia Beach, Virginia
Tel: 757-431-8825

March 8, 2012

Churchland House
4916 West Norfolk Road
Portsmouth, Virginia 23703
Tel: 757-483-1780

April 26, 2012

Leigh Hall
890 Poplar Hall Drive
Norfolk, Virginia 23502
Tel: 757-461-5956

May 24, 2012

Georgian Manor
651 River Walk Parkway
Chesapeake, Virginia 23320
Tel: 757-436-9618

June 7, 2012

The Ballentine
7211 Granby Street
Norfolk, Virginia 23505
Tel: 757-440-7400

Distribution of This Newsletter

Oast & Hook encourages you to share this newsletter with anyone who is interested in issues pertaining to the elderly, the disabled, and their advocates. The information in this newsletter may be copied and distributed, without charge and without permission, but with appropriate citation to Oast & Hook, P.C. If you are interested in a free subscription to the *Oast & Hook News*, then please e-mail us at mail@oasthook.com, telephone us at 757-399-7506, or fax us at 757-397-1267.

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