CERTIFIED ELDER LAW ATTORNEY (CELA®)

Applicant Handbook
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*Note This handbook reflects the policies and procedures as of November 1, 2023. All policies and procedures are subject to change. If you need further information, please visit https://www.nelf.org/becoming-a-cela/ or contact Meg Hyatt at meg@nelf.org.

WELCOME

Welcome and congratulations on taking the first step toward earning the Certified Elder Law Attorney (CELA®) credential. The National Elder Law Foundation (NELF) is a non-profit organization, dedicated to the development and improvement of the professional competence of lawyers in the area of elder law. The American Bar Association's House of Delegates approved NELF as the certifying entity for specialization in elder law in February 1995.

How to use this Handbook

This handbook summarizes key aspects of the CELA® program. It is intended to help you understand why the program was developed, how it is governed, its policies and procedures, and the steps to earning and maintaining the CELA® credential. The handbook is a useful reference as you:

- make your decision whether to pursue the CELA® credential
- develop your course of study to meet the eligibility requirements
- complete the exam application and registration
- study and prepare for the CELA® exam

You are encouraged to use this handbook along with other materials in your journey to obtain the CELA® designation. No single printed document can address every potential question, policy detail or future program change. For additional questions please contact the NELF office at (520) 881-1076

Again, welcome and best wishes on becoming a CELA®!

HISTORY

NELF was founded by the Board of Directors of The National Academy of Elder Law Attorneys (NAELA) in 1993. NELF, through the board of directors, implements and administers a system to certify elder law attorneys. The board and its committees are made up of persons working in the elder law field as private attorneys, in the public sector, and as professors teaching elder law and related fields in law schools.

- What Is Certification?

The purpose of the certification program is to identify those lawyers who have the enhanced knowledge, skills, experience, and proficiency to be properly identified to the public as certified elder law attorneys. If all the requirements of NELF are satisfied, the attorney may announce that he/she is "Certified as an Elder Law Attorney by the National Elder Law Foundation."

The exam question pool for the CELA® certification program is updated on a regular basis to reflect current practices. The CELA® exam has been designed to meet testing industry standards for validity and reliability.

- How Is Elder Law Defined for Purposes of The Certification Program?

Section 2 of the NELF Rules and Regulations define Elder Law for purposes of certification by NELF.

2.1 "Elder Law" is the legal practice of counseling and representing older persons and persons with special needs, their representatives and families about the legal aspects of health and long-term care planning, public benefits, surrogate decision-making, legal capacity, the conservation, disposition and administration of estates and the implementation of their decisions concerning such matters giving due consideration to the applicable tax consequences of the action, or the need for more sophisticated tax expertise. 2.2 In addition, attorneys certified in elder law must be capable of recognizing issues of concern that arise during counseling and representation of older persons and persons with special needs, or their representatives, with respect to abuse, neglect, or exploitation of insurance, housing, long term care, employment, and retirement. The certified elder law attorney must also be familiar with professional and non-legal resources and services publicly and privately available to meet the needs of the older persons and persons with special needs and be capable of recognizing the professional conduct and ethical issues that arise during representation. All the experience, task, and examination requirements relate to these areas of law.

What are the benefits of certification?

The benefits of certification include:

- Verification of your knowledge by an independent organization – a way to prove that you have the knowledge necessary to assist clients.
- Professional growth and development. Becoming a CELA is an investment in yourself and your career.
- The NELF Website: once certified, your name and firm information are added to the NELF Website directory along with our consumer directed website GetElderLaw.com.
- CELA® Listserv: As a CELA®, you have the opportunity to communicate electronically in discussions on substantive issues as well as practice management and development issues and receive immediate feedback from hundreds of members throughout the country.
- Whiteboard Videos: The Elder Law Whiteboard is a video series, produced by the National Elder Law Foundation with help from CELAs from around the country. It is designed for the public as a resource to answer some of the basic questions about elder law. CELAs can link the whiteboard videos to their websites, free of charge.
- Promotional marketing materials including the CELA Tool kit with customizable marketing materials.
- Opportunity to attend advanced educational programming and network with fellow CELAs.

PREPARING FOR THE EXAM

- Who can take the exam?

You are eligible to register for the exam if you meet the following requirements:

- Licensed to practice law and 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.
- A member in good standing of the bars of all jurisdictions in which you are licensed to practice.
- Engaged in the practice of law and shall have been engaged in the practice of law for a consecutive five-year period immediately preceding the filing of the short form application. *Service as a full-time judge in the United States or as a full-time professor of law at an accredited law school in the United States may be substituted at the discretion of the NELF Standards Committee.*
- Practiced elder law an average of at least 16 (sixteen) hours per week in each of the 3 (three) years immediately preceding the date of the short-form application. During that same time period provided legal services in at least 60 (sixty) elder law matters as defined in Section 5.1.4.2 (A) of the Rules and Regulations.
- Attended or participated in at least 45 (forty-five) hours of continuing legal education in elder law within three 3 (three) years preceding the acceptance date of your short form application. Up to 5 (five) hours of continuing legal education credit may be allowed each year, at the discretion of the standards committee, for teaching courses, speaking at seminars, authoring books or articles and similar activities.
- Able to provide the names of five attorneys, as reference, whom are familiar with your competence and qualifications in elder law and none of whom are from persons related to or engaged in legal practice with you. Three of the attorneys named shall have devoted a minimum of 800 hours to the practice of elder law (as defined in Section 2 of the rules and regulations) during each of the 3 (three) years immediately preceding the short form application.

All experience and CLE must be completed at the time the short form application is submitted.

How much does it cost?

- Short Form Application Fee: $100
- Long Form Application Fee: $575
- Examination Fee Using a Laptop and the Exam Soft Program at a proctor's office: $500
- Examination Fee Using a Laptop and the Exam Soft Program with virtual proctor: $550
- Completing the Exam Manually: $600
- Annual Fee: $650
- Recertification Application $150
- Late Fee for recertification application: $150

All fees are non-refundable. All fees are subject to change without notice.

How do I apply?

You must submit the short form application and exam registration form to be eligible to take the CELA® exam. Short form applications are valid for two (2) years. The long form application may be submitted before or after passing the CELA® exam. All applications must be received by NELF by the deadline on the application. Please be sure to read all the information included in this handbook, the NELF Rules and Regulations and follow the instructions on the applications carefully.

Is my information kept confidential?

Yes, all applications and other information submitted to NELF as part of this certification process shall be privileged and confidential. NELF, as authorized by its rules, may reveal that an application has been submitted for the purposes of verifying information.

When and where is the exam given?

The CELA® exam is given twice a year, once in March and again in September. The exam is proctored at CELA® attorney offices or via remote proctor. Please visit the NELF website, www.nelf.org to view the current list of CELAs in your area. On the exam registration form note your top two choices for proctor so the NELF staff may coordinate a location for you.

How are reasonable accommodations made?

If you have a disability and require special accommodations please submit a letter, along with any supportive documentation, to the NELF Standards Committee at least 45 (forty-five) days prior to the date of the examination for which you are registering.

What is the format of the exam?

The exam is a five and a half-hour exam consisting of 300 points - 1 point per minute. There are usually several short and long essay questions (10 to 40 points) and multiple-choice questions. The point value of each question will be clearly identified. Expect the first six core areas to be covered in each exam, typically by one or more essay questions and multiple-choice questions. Coverage of the remaining areas will be less intense. To pass the exam you need a total of 210 points. * *While ethics is not a separate core area, ethics and professional responsibility permeate all aspects of elder law. Core areas and non-core areas encompass related ethical issues applicable to the call of the question.*

- Core Area 1: Health and Personal Care Planning
- Core Area 2: Estate and Long-Term Care Planning
- Core Area 3: Fiduciary Representation
- Core Area 4: Legal Capacity Counseling
- Core Area 5: Public Benefits Advice
- Core Area: 6 Special Needs Planning
- Non-Core Area 7: Advice on Insurance Matters
- Non-Core Area 8: Resident Rights Advocacy
- Non-Core Area 9: Housing Counseling
- Non-Core Area 10: Employment and Retirement Advice
- Non-Core Area 11: Counseling
- Non-Core Area 12: Litigation and Administrative Advocacy

For those exam takers whose home state has an exam requirement for certification:

- They must take the state examination within 60 days of receiving notice of having passed the NELF exam.
- If they pass the NELF exam but not the state exam, they will not be required to re- take the NELF exam within the two year short form time frame.

Suggested study materials

The scope of the exam is broader than most practices and you must design your studying on the areas you are not familiar with. Individuals that have passed the exam have found the following publications to be very beneficial:

- *Representing the Elderly Client* by Thomas D. Begley, Jr. and Jo-Anne Herina Jeffreys,
- *Elder Law in a Nutshell and Advising the Elderly or Disabled Client* by Lawrence Frolik
- *Tax, Estate and Financial Planning for the Elderly* by Rebecca Morgan and David English
- *Elder Law Answer Book* by Robert Fleming and Lisa Davis.
- NELF CELA Exam Study Course.
- NAELA's Advanced Elder Law Review

TAKING THE EXAM

What are the requirements during the exam?

You will be required to show photo identification and deposit all electronic devices prior to beginning the exam. You are not allowed to use any materials during the examination. You may use pens only, NO PENCILS. DO NOT BRING BOOKS, PAPERS, CELLULAR PHONES, CALCULATORS, ETC. We will supply answer sheets in which you may use for notes or to handwrite your answers as needed.

The examination is scheduled to begin promptly at 9:00 a.m. local time. We ask that you arrive at least 30 minutes early to allow enough time for you to check in and locate your seat. Late arrivals cannot be admitted to take the exam. Morning Session: 9:00 a.m. – 12:00 p.m. Afternoon Session: 1:00 p.m. – 3.30 p.m.

You will receive a confirmation letter, no later than one week prior to the exam date, detailing your exam registration. This letter will contain your confidential exam number. You will use this number on all testing materials, including the exam, answer sheets and envelopes. Please do not forget this number, as your proctor will not have access to it.

If you are taking the exam on your laptop via the Exam Soft software, you will receive software download instructions approximately two weeks prior to exam date. Once the software is downloaded you will have access to a “mock” exam to familiarize yourself with the software. The mock exams are mandatory. For additional information regarding registering and using Exam Soft, call Exam Soft tech support at (954) 429-8889.

How is the exam scored?

Each exam question is assigned a team of graders and shall be read individually by each grader and points assigned. The teams shall meet and review each exam and points assigned. If the exam grades differ by more than two points, the graders will review the exam together. If after reviewing the exam and they are not able to reach a consensus, a third grader shall read the exam and make a final determination.

The scores for all questions from both graders are collected by the NELF Executive Director, who totals the scores for all questions. The scores are then averaged to reach a final composite score for the essay portion of the exam.

The essay points and multiple-choice points are then added together. The combined total possible is 300 points. To pass the exam, the score must be 210 points or higher.

What information will I receive about my score?

If you pass the exam, you will be notified that you have successfully completed the examination. You will not be notified of your actual score.

If you do not achieve a passing score, you will be notified of your score along with a grid showing the results of the essay scoring for those who took the exam with you.

When will I receive my results?

You will be notified of your CELA® exam results approximately 6 (six) to 8 (eight) weeks after the exam.

Appeals provisions

The NELF Board has clarified the exam appeals process for those who do not pass the exam.

Section 6.5 Appeal
An appellant who fails to achieve a passing score on the exam may appeal in writing to the Executive Director of the NELF Board provided any such request must be made within thirty (30 days) from the date appellant's written notification of a non-passing score is mailed to appellant.

The appellant may review copies of his or her own graded exam and examples of exam answers of those who took the examination with the appellant which are considered to be more appropriate concerning questions for which the appellant may have been scored low.

The appellant may take notes during the review in the presence of the proctor but shall not have or make copies of the exam or any other materials presented during the review.

Such review shall be at a date, time and in the office of a CELA® proctor or other location chosen by the Executive Director to facilitate the convenience of the appellant and shall be held within forty-five [45] days after the Executive Director's confirmation of receipt of Appellant's written appeal request. Any such review shall not exceed two hours.

The appellant may also request his or her average scores for each question and the lowest, highest and average scores for each question among those who took the examination with the appellant.

The appellant shall have a right to a hearing before a three-person Appeals Committee to be chosen by Executive Director provided appellant has first reviewed his or her exam as provided above, and appellant's score is no lower than ten [10] points below the minimum passing grade. The Appeals Committee will be made up of two past or present members of the NELF Board of Directors and one CELA® who is not a NELF director or officer. None of the three-person Appeals Committee members may have taken part in the grading of the exam being appealed or served on the Appeals Committee of a prior appeal taken by the appellant.

The appellant is permitted to prepare a written response to the Appeals Committee concerning the exam with any comments the appellant may have.

Additionally, the appellant may make an oral presentation to the Appeals Committee not to exceed 30 minutes at a mutually acceptable time and place [which may be telephonically] within 30 business days from the date of the exam review.

The Appeals Committee has authority to overturn any graded results. During its deliberations, the Appeals Committee may review:

a. all appellant's exam questions and answers;
b. the answers of those who took the examination with the appellant;
c. suggested model answers prepared by the exam drafting committee;
d. the appellant's written response and oral presentation to the Appeals Committee [if any]; and
e. any other information or documentation it might find pertinent in determining its findings.

The decision of the Appeals Committee is final.

Should you request an appeal, you should not feel obligated to pursue it any further than reviewing your exam results. Historically, in the time that the appeal rules have been in place, Appeal Committee have not seen fit to increase initial test scores by more than single digits. Nevertheless, appellants have told us that they have found it worthwhile to go through the review of their test results with their assigned proctor.

NOTES FROM GRADERS:

- Answer the question that is asked. We want to know your answer to THAT question not how much general knowledge you have. You get no additional points for extraneous information. Going on about other stuff does not impress the grader. Remember, they are grading between 15 and 30 exams, make their job as easy as you can. Just answer the question.
- Realize the point allocation for the different parts of the question. Spend time on the part of the question with the most points. Also realize that it does not necessarily take more words to get more points, as long as the words you have are correct.
- Put your answer in complete thoughts. Bullet points are fine, and complete sentences are certainly preferred, but the answer is the most important thing.
- If the question has sections A, B and C (or 1,2 3) then arranging your answer within that format is very helpful to the grader. Another way to state it is put your answer to the A questions beside the designation "A". Follow the subsection example of the test question.
- Stay on topic and don't ramble. The graders are looking for specific things in your answer. It's difficult to weed through lots of words to find what we are looking for, we may stop looking. Answer the question and be as precise as you can.
- Once you think you are done with the question, go back and make sure you have really answered the question. Using the A, B and C format above will help you not to miss a part of the question. Many times, a question will have 3 parts with 1/3 of the points for each section. When you forget to address one part, you cannot pass that question since you have missed 1/3 of the points.

SAMPLE EXAMINATION ESSAY QUESTIONS

1. Long Essay

Maude age 70, and Harold age 83, have been married for 40 years. They live in a house that he owned prior to the marriage which is still in his name. The house is worth $460,000. He purchased the house for $30,000. Maude's monthly Social Security income is $800, and Harold's Social Security income is $1,600. Harold has a $70,000 IRA. They participate in traditional Medicare Parts A, B and D and have a "Cadillac" Medicare Supplement Policy.

Maude and Harold had a child in 1976, named Barney. Barney has Down Syndrome and lives with them. He is receiving Social Security disability, Medicare and Medicaid.

They also have a daughter Bernice born in 1980, who is currently experiencing marital problems.

Maude inherited a small farm from her father in 2001. In late 2016 she gave the farm to her daughter. She tells you she believes the farm was worth $300,000 at the time of the gift.

The remainder of their assets consists of a $10,000 joint checking, and a $170,000 joint brokerage account.

Maude noticed that Harold had been getting confused. Last March, he had a stroke and was hospitalized. Maude got worried because the doctor started talking about Harold going to a nursing home. She had heard that the nursing home would take her money and her house. The remainder of their assets consists of a $10,000 joint checking, and a $170,000 joint brokerage account.

Maude comes to you and says she needs help to pay for Harold's anticipated stay in the nursing home. She is very concerned about the nursing home taking any of her money.

Discuss the following:

1. If, because of his medical condition, Harold is discharged from the hospital to a nursing home, explain the issues that the family will face regarding payment of his nursing home expenses by Medicare and Medicare Supplement Insurance (7 points).

2. What financial consequences result from his Harold's decision to choose a nursing home, distinguishing privately funded from publicly funded facilities (3 points). Do not analyze the family's assets in answering this question.

3. If Harold chooses to become a patient in a nursing home which accepts Medicaid, analyze their resources to explain which are non-countable and explain why. (10 points)

4. If Harold chooses to become a patient in a nursing home which accepts Medicaid, what strategies would you suggest to qualify Harold for Medicaid while preserving their resources as much as possible (12 points)

5. How would your advice in 4-above affect Maude, Barney and Bernice. (8 points)

2. Long Essay

Your office staff receives a telephone call from Esther Caldwell, "Dad needs some estate planning work. May we make an appointment to bring him into your office? I'm going to pay for this appointment, since I believe he needs help, but Dad doesn't." Assume that neither Esther nor Dad is an existing client.

Your staff member makes the appointment, sends out the estate planning packet, and at the appointed time, you find Dad, Esther, and her two siblings, Fred and George in your conference room.

You learn from Dad that he would prefer that Esther be in the room, and he generally defers to Esther in answering your questions. You learn that Esther recently returned to your area following a bitter divorce and the loss of her job as

a realtor, and she moved in with Dad following Mom's death. She tells you that upon her return home, she discovered that Dad's affairs are in terrible disorder, and she blames her brother Harry (who is not present), who was acting as Dad's power of attorney. "Dad doesn't have much left. He wants to change his power to name me as his agent, followed by Fred and George as my successors," she says, "and he wants to re-write his will to exclude Harry. He's already taken enough of Dad's money."

Dad can't recall the names of his grandchildren or his phone number and has not spoken much during the discussion. He nods affirmatively as Esther asks him to confirm what she is saying; however, he looks troubled when Esther talks about disinheriting Harry.

Discuss the following issues and actions you would take based on your answer:

1. Analyze the applicable facts to determine who is your client. (9 points)

2. What are the implications of having family members in the conference room? (4 points)

3. What factors would you consider in evaluating capacity and how would they apply to this case? (9 points)

4. Discuss any factors indicating the possibility of undue influence. (8 points)

3. Short Essay

Estate planning clients, Harry and Marilyn Kremer, both aged seventy-five, brought you an admissions agreement from the Celestial Center Retirement Community, a recently completed facility affiliated with the local university where Marilyn is an alumna. Harry is a retired school teacher, and Marilyn used to work in a realtor's office. Harry has received a pension from the school district for the ten years since his retirement, and both collect social security. When you prepared their wills in 1999, their joint assets exceeded the threshold for federal taxes. The Kremers' estate plan is to leave all their assets to their three children, Alice, an Air Force officer stationed in Diego Garcia, Bertha, a single mother living in a neighboring town, and Carl, a professional rodeo clown. In 1999, after you reviewed it, they purchased a long-term insurance policy which is still in force.

The Celestial Center Retirement Community contract has three entry fee options:

"traditional fee"	$300,000
"50%" fee	$360,000
"90%" fee	$475,000

In all cases, there is a decreasing partial refund available for 25 months after admission. If the Kremers both die or decide to leave the community, the entry fee, reduced by 4% per month, is returned. After twenty-five months, there is no refund of any portion of the traditional fee, and 50% of the 50% fee and 90% of the 90% fee is refundable to the estate (or as directed in the will) of the second to die.

In all cases there is a monthly maintenance fee. This year, the monthly maintenance fee is $3,650 for two persons and $2,700 for one person. The admissions process includes both a financial and medical analysis of the applicants' conditions, and the Kremers have been accepted, although Mr. Kramer's blood pressure is elevated.

How do you help them with each of the following issues? If you need any additional information, describe what you need and how it will affect your advice.

1. To decide whether or not to move into a continuing care retirement community like Celestial Center Retirement Community. (10 points)

2. To help them evaluate the Celestia Center Retirement Community's proposed admissions agreement. (5 points)

3. To decide which option to select if they decide to move into Celestial Center Retirement Community. (5 points)

SAMPLE EXAMINATION MULTIPLE CHOICE QUESTIONS

1. Joe Smith is seeking VA benefits arising from an injury he sustained as a member of the State National Guard. In 1984, his unit was called out by the Governor to quell a prison riot, and he sustained a back injury when he was attacked by an inmate. He claims that these injuries caused a degeneration of his spine rendering him fully disabled this year. Which of the following accurately summarizes his rights:

A. Joe's claim will fail because his injuries were sustained while assigned by a State authority rather than in federal service.

B. Any claim Joe might have is time barred, since his injury occurred more than two decades ago.

C. Joe may succeed in a claim for benefits if he can show that his current condition is connected to his National Guard service.

D. Joe may only collect if he can show that he has been continuously disabled since sustaining the injuries in 1984.

2. Under Federal Law, which of the following is not required for a proper discharge from nursing home:

A. The facility must provide a written discharge treatment plan to the resident.

B. The facility must provide a written notice of discharge.

C. The facility must give a reason for discharge in the resident's clinical record or chart.

D. The facility must attempt to accommodate the resident's needs before discharge.

3. Juanita, age 58, retires and decides to rollover her $100,000 401K into an IRA at Baker Bank. She brings the check made out to herself individually which the 401K administrator issued on September 1st. She comes to see you on September 30th. How can she avoid a 10% penalty?

A. She must deposit the check in an IRA account by October 30th.

B. She must deposit the check in an IRA account by December 31st.

C. She must deposit the check in an IRA account by November 30th.

D. She cannot avoid 10% penalty because she has taken a direct withdrawal.

Certification preservation

Certification preservation is required for all Certified Elder Law Attorneys (CELAs) to promote ongoing enhancement of knowledge, to encourage continued learning and professional development.

The period of certification is 5 (five) years, after the certification is issued. Notice of the need for re-certification will be sent to the applicant at one year prior to the expiration date. A properly completed application for re-certification shall be received by NELF not more than one year, nor less than two months, before the expiration date. Applications for recertification received less than two months before the expiration shall be assessed a late fee. Individuals filing re-certification applications more than one year after their certificate expires shall be denied re-certification. In such case the certification process must begin anew. Inactive and retired status options are also available.

CELAs applying for re certification must meet the following requirements:

- 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.
- A member in good standing of the bars of all jurisdictions in which the applicant is licensed to practice (or have been a member in good standing at the time any license may have been voluntarily surrendered).
- Submit an affidavit verifying that he or she has continued to fulfill the requirements of Substantial Involvement as set out in section 5.1.4. of the NELF Rules and Regulations.
- During the period since the original certification or most recent re-certification, participated in at least 75 (seventy-five) hours of continuing legal education in elder law as defined by Section 5 of the NELF Rules and Regulations. A minimum of one-half of the required hours must be taken in-person. No more than 24 hours of continuing legal education may be credited in any one year to satisfy this requirement. Continuing legal education may be earned to satisfy this requirement until two months prior to the expiration of the certificate. The applicant may request on the application for re-certification credit for up to 20 hours of continuing legal education credit for teaching courses, speaking at seminars, authoring books or articles and similar activities.
- Provide the names of three CELAs who are familiar with the competence and qualification of the applicant in elder law, along with the signed confidentiality waiver. NELF may authorize references from attorneys other than board certified attorneys, as it deems appropriate. NELF may also make additional inquires as it deems appropriate.

You can download the re-certification application from the NELF website www.nelf.org. If you prefer the application emailed to you, please contact Meg Hyatt at (520) 881-1076 or by email to meg@nelf.org.

If you have any questions regarding the certification process, please feel free to contact the NELF office.

MY PATH TO EARN THE CELA® DESIGNATION

PERSONAL WORKSHEET

MOTIVATION

- Your track to becoming a CELA® will be unique. This personal worksheet is designed to help you reflect on your current strengths and plan your path to earning the CELA® designation.

I want to earn the CELA® credential because:

I would like to hold the CELA® designation by:

Personal Learning Preferences:

My preferred methods of learning are:

In general, I would characterize my ability and comfort with test taking as:

Resources I plan to use to assist me in my preparation:

I plan to ask the following people for help as I prepare for the CELA® exam:

I plan to use the following resources to prepare myself to earn the CELA® credential:

BACKGROUND

Below are the elder law exam content areas. Please use this as a guide to evaluate your professional strengths and limitations in preparing for the exam. *See the applicant handbook for additional details.*

- **Core Area 1: Health and Personal Care Planning**
  including giving advice regarding, and preparing, advance medical directives (medical powers of attorney, living wills, and health care declarations), counseling older persons, individuals with supplemental/special needs, attorneys-in-fact, and families about life care, medical and life sustaining choices, and related personal life choices.
- **Core Area 2: Pre-Mortem Legal Planning**
  including giving advice and preparing documents regarding wills, trusts, durable general or financial powers of attorney, real estate, gifting, and the financial and income, estate and gift tax implications of any proposed action.
- **Core Area 3: Fiduciary Representation**
  including seeking the appointment of, giving advice to, representing, or serving as executor, personal representative, attorney-in-fact, trustee, guardian, conservator, representative payee, or other formal or informal fiduciary.
- **Core Area 4: Legal Capacity Counseling**
  including advising how capacity is determined and the level of capacity required for various legal activities and representing those who are or may be the subject of guardianship/conservatorship proceedings or other protective arrangements.
- **Core Area 5: Public Benefits Advice**
  including planning for and assisting in obtaining Medicaid, Medicare, Social Security benefits, Supplemental Security Income, Veterans benefits and housing and food programs.
- **Core Area: 6 Special Needs Counseling**
  including the planning, drafting and administration of special/supplemental needs trusts, housing, employment, education and related issues.
- **Non-Core Area 7: Advice on Insurance Matters**
  including analyzing and explaining the types of insurance available, such as health, life, long term care, home care, COBRA, Medigap, long term disability, dread disease, prescription coverage, and burial/funeral policies.
- **Non-Core Area 8: Resident Rights Advocacy**
  including advising patients and residents of hospitals, nursing facilities, continuing care retirement communities, assisted living facilities, adult care facilities, and those cared for in their homes of their rights and appropriate remedies in matters such as admission, transfer and discharge policies, quality of care, and related issues.
- **Non-Core Area 9: Housing Counseling**
  including reviewing the alternatives available and their financing such as: renovation loan programs, life care contracts, home equity conversion, reverse and other mortgage options.
- **Non-Core Area 10: Employment and Retirement Advice**
  including pensions, retiree health benefits, unemployment benefits, and other benefits.
- **Non-Core Area 11: Counseling**
  with regard to age and/or disability discrimination in employment, housing and related areas.
- **Non-Core Area 12: Litigation and Administrative Advocacy**
  in connection with any of the above matters, including will contests, contested capacity issues, elder abuse (including financial or consumer fraud), fiduciary administration, public benefits, nursing home torts, and discrimination.