



# THE RACK LAW FIRM, P.C.

A PROFESSIONAL LAW CORPORATION

249 Central Park Avenue, Suite 220  
Virginia Beach, VA 23462

p 757 . 605 . 5000

f 757 . 605 . 5020

WWW.RACKLAW.COM

## Online Law Library



### ELDER LAW

The legal practice area known as “elder law” is a fairly recent response to the burgeoning number of seniors in our society and the anticipation of the graying of America following the so-called “age wave.” Thanks to the efforts of the health care community and advances in medical science, our life expectancy has improved significantly over the past several decades. As a result, our chances of becoming mentally and physically incapacitated before our demise have increased as well. This circumstance has led to a growing need for legal representation in planning estates, protecting vulnerable seniors from financial exploitation, seeking court appointment as conservators and guardians for the elderly, and planning for eligibility for Medicaid while preserving assets for the well spouse and the children.

Attorneys whose practice includes elder law matters are well versed in these issues and are sensitive to the practical problems of representing seniors. Challenging ethical questions can arise in this context, placing a premium on experience and communication skills on the part of the elder law attorney. A competent elder law attorney will know the answers to these ethics issues and advise the clients accordingly.

Federal and state legislation and administrative regulations are constantly changing, making it imperative to seek experienced counsel who maintain an active elder law practice. Clients and attorneys alike seek our assistance in establishing “special needs” trusts, which are asset management trusts designed to provide funds for quality of life for one who is receiving government aid (without requiring that the funds be “spent down” first). Of course, many seek legal advice about ways to protect assets in the face of impending long term health care expenses for a loved one. Attorney involvement in these matters can range from an office consultation on the available options to active representation before an administrative hearing officer or the courts to determine eligibility for Medicaid and the amount of assets and income to be preserved for the spouse or family.

By limiting our practice to include elder law, we at The Rack Law Firm, P.C. aspire to provide our clients with the most current and creative counsel available in this field. We maintain membership in the National Academy of Elder Law Attorneys as one method of achieving these aspirations. Mr. Rack is Chairman of the Elder Law Section of the Virginia Bar Association. We are also involved in serving the senior community (see Community Involvement), and we lecture to legal and financial professionals regularly on these and related topics, which help them to provide informed service to seniors in our community.

NOTICE - This information is not legal advice or counsel absent an extant attorney-client relationship with the recipient; this information does not create an attorney-client relationship. Seek legal counsel before taking any action on the matters referenced above.