

SENIOR INFORMATION & ASSISTANCE

Northwest Regional Council
600 Lakeway Drive, Suite 100
Bellingham, WA 98225
(360) 738-2500
www.nwrcwa.org

Northwest Regional Council
1650 Port Drive
Burlington, WA 98233
(360) 428-1301
www.nwrcwa.org

Legal Options & Services

Finding good legal advice and making good decisions now may help prevent difficulties later. Just remember that you are the decision-maker and the more information you have about the law and your case, the better prepared you will be to conduct or oversee the legal work you need. As is true when purchasing any product or service, it is important to be a smart consumer. With that in mind, you might want to consider the following questions:

Do You Need a Lawyer?

Ask yourself whether you actually have a problem requiring an attorney's involvement. If you are not sure, ask your clergy, your financial advisor, a trusted friend or a caseworker at Senior Information and Assistance. Your issue may be more involved with medical or social services. And even some legal matters may not require a lawyer. For example, the preparation of a trust or a guardianship proceeding would almost certainly require the assistance of a lawyer. On the other hand, a Living Will is available from many sources. Consider the following:

- Is the matter a complex issue or one that's likely to go to court?
- Is a form or self-help book available that you can use instead of going to a lawyer? Are there any non-lawyer legal resources available to assist you? Many legal resources can be found at www.washingtonlawhelp.org. If you do not use a computer, Senior Information & Assistance can print handouts for you as well.
- Is a large amount of money, property, or time involved?

How Do You Find a Lawyer?

If you have determined you do need an attorney, use local agencies (in addition to trusted friends and advisors) to obtain references. You may want to check with AARP, Alzheimer Society of Washington, Alzheimer's Association, Senior Information & Assistance, or your local bar association.

Elder Law: What is an Elderlaw Attorney?

Elderlaw encompasses many different fields of law: estate planning, preservation of assets, probate, Medicaid, Medicare and Social Security, planning for disability, health-care decision-making, guardianships, elder abuse, age discrimination and retirement issues. Most elder law attorneys do not specialize in all of these areas. You will need to determine in which areas a particular attorney specializes. Contact Senior Information & Assistance for a list of elder law attorneys who serve in Skagit County.

Ask Questions First

Call several lawyers to whom you have been referred or about whom you have heard. These preliminary questions will help you choose two or three to interview.

- How long has the attorney been in practice?
- Will the lawyer provide a free consultation on this matter? If there is a fee, how much is it?
- What percentage of his/her practice is devoted to your type of legal problem?
- Can the lawyer provide you with references (such as trust officers, other attorneys, or clients)?
- Does the attorney represent any special-interest group, such as nursing homes?
- What type of fee arrangement does the lawyer require? Are fees negotiable?
- What type of information should you bring with you to the initial consultation?

Plan to follow up your exploratory phone calls with interviews with at least two of the attorneys. Don't feel embarrassed about selecting only the best candidates or canceling appointments with some of the attorneys after you complete all of your calls.

Alternatives to Hiring an Attorney

Negotiation

Many legal problems can be resolved through letter writing or negotiation. Alternatives include: direct negotiation on your own behalf; mediation; arbitration; using government agencies (i.e., consumer protection) and small claims court. Self-help manuals and seminars may give you some tools. You could also hire a lawyer to review papers or provide advice rather than providing full representation.

Some tips to keep in mind while negotiating:

- Keep an open mind, listen carefully to the other side, and stay calm.
- Write up a list of what you want and what you would be willing to settle for. Consider alternative options.
- Try to talk to the other side. If you reach an agreement, put it in writing, with both party's signatures.
- Write a letter if a discussion does not solve the matter. Describe the facts and propose a reasonable settlement. Include a date by which you seek a response. This action may encourage the other side. Remember, the letter can be used as evidence if the case goes to court.

Dispute Resolution

Dispute resolution centers specialize in helping to resolve problems in the areas of consumer complaints, landlord/tenant disputes, and disagreements between neighbors or family members. The services may include mediation and/or arbitration. Fees vary. In Skagit County, contact the Dispute Resolution Center of Snohomish, Island and Skagit Counties at **1-800-280-4770** or **(425) 339-1335**. In Whatcom County, contact the Whatcom Dispute Resolution Center at **(360) 676-0122**.

Small Claims Court

Small claims court may be appropriate if you have a monetary claim for damages up to \$5000. These courts are more informal and involve less paperwork than regular courts. Filing costs are low, and the system is often faster than the other courts. If you file in small claims court, you should be prepared to act as your own legal advocate, gather the needed evidence, research the law and present your story in court.

In **Skagit**, you can pick up a packet including the small claims forms and an informational brochure from Skagit County District Court located in Mount Vernon at 600 S. 3rd Street. Small claims court will also send you the forms and brochure if you mail a self-addressed stamped envelope and a letter stating what you're requesting (a "small claims form and informational brochure") to PO Box 340, Mount Vernon, WA 98273.

In **Whatcom**, you can pick up a packet including the small claims forms and an informational brochure from Whatcom County District Court located in Bellingham at 311 Grand Avenue, Suite 401. Small claims court will also send you the forms and brochure if you mail a self-addressed stamped envelope and a letter stating what you're requesting (a "small claims form and informational brochure") to 311 Grand Avenue, Suite 401, Bellingham, WA 98225.

Some tips:

- Check with the clerk in the Small Claims Court for more information: Skagit County District Court – **(360) 336-9319** or Whatcom County District Court – **(360) 676-6770**.
- Is there a time-limit on when you must file suit? Three years is generally the outside limit.
- Are you able to prove that the person owes you money? You must be able to prove legal liability and that you have suffered a financial loss as the result of someone else's action.

Other Resources

Northwest Justice Project – A statewide toll-free client intake system through which low-income people may obtain free legal assistance with civil (non-criminal) problems.
1-888-387-7111

Coordinated Legal Education Advice and Referral for Seniors (CLEAR line) is an automated phone system that will ultimately direct your call to an attorney. You will be asked to provide information about your situation. The CLEAR staff will then answer your questions and/or send you documents addressing your concerns. In some cases, CLEAR may refer you to a legal services provider in the community.
1-888-387-7111

Senior Information & Assistance is a program for people age sixty (60) and over. Specialists educate seniors about Powers of Attorney, Living Wills, Medicaid, and general information.
Skagit: (360) 428-1301 **Whatcom:** (360) 738-2500

Attorney General Office - Consumer Services - This resource center provides consumer protection information regarding laws on credit, collection agencies, contracts, mail order purchases and automobile repair and purchase.
1-800-551-4636

National Foundation for Credit Counseling (www.nfcc.org) connects clients to financial education and counseling services. Specialists assist clients in considering alternatives to bankruptcy, developing a manageable budget, financial education and also offer housing counseling solutions. There is a small fee.
1-800-388-2227
1-800-682-9832 (en Espanol)