

SENIOR INFORMATION & ASSISTANCE

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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. Some legal matters may not require a lawyer. 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?
- Is a large amount of money, property, or time involved?
- Are there any low-cost legal resources available to assist you?
- The preparation of a trust or a guardianship proceeding would certainly require the assistance of a lawyer. On the other hand, a Living Will is available from many sources.

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, Senior Information and Assistance, or your local bar association for a list of local attorneys.

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 find an attorney who deals with the type of problem with which you need help.

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 Whatcom County, contact 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 within certain limits. These courts are more informal and involve less paperwork than regular courts. Filing costs are low (\$25 in Whatcom County) and the system is often faster than the other courts. If you file in small claims courts, you should be prepared to act as your own legal advocate, gather the needed evidence, research the law and present your story in court. Some tips:

- Check with the clerk in the Small Claims Court (county courthouse 360-676-6770, #4) for more information.
- 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

Senior Legal Assistance is a program for people age sixty (60) and over. Contact is made through telephone interviews whenever possible. Appointments are made as needed to deal with senior issues such as healthcare access, housing, income maintenance, long term care, and family law. **360-714-8208 or 1-888-435-9900**

Coordinated Legal Education Advice and Referral for Seniors (CLEAR Sr) 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 Sr. staff will then answer your questions and/or send you documents addressing your concerns. In some cases, CLEAR Sr. may refer you to a legal services provider in the community. **1-888-387-7111**

Law Advocates is a program of the Whatcom County Bar Association. They operate Project Safer, Street Law, and the Family Law Clinic. Their volunteer attorneys assist with the Senior Will Program. Clients must be very low income for these programs. **360-671-6079**

Senior Information & Assistance is a program for people age sixty (60) and over. Specialists offer information about Powers of Attorney, Living Wills, Medicaid, and other topics. They also screen for the Senior Will Program. **360-738-2500**

www.washingtonlawhelp.org is a website containing a wealth of information, pamphlets and legal forms.

Attorney General Office - Consumer Resources assists clients with consumer complaints of unfair business practices, and provides education on consumer related issues. **360-738-6185** www.atg.wa.gov