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About This Guide
In this guide, the graphics and step-by-step instructions are based on accessing Westlaw via the Internet. Because of the evolving nature of Internet technology, there may be recent changes to the Westlaw interface and functionality that are not reflected in this documentation.

Information in this guide is current through December 1, 2009.
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1 Introduction

Welcome to Westlaw Elder Practitioner
Comprehensive and well-organized materials help you provide expert representation to your clients. Westlaw Elder Practitioner provides you with all of your practice resources in a single location so you can access them quickly and efficiently.

This quick reference guide will assist you in using these materials as you handle issues such as the following:

• identifying your client
• evaluating the health needs of your client
• establishing guardianship and conservatorship
• evaluating pension and retirement benefits
• identifying the housing needs of your client

Because estate planning topics are closely related to working with the elderly client, the Elder Practitioner page includes public records containing information about assets and people and tax materials.

Selecting the Tabbed Elder Practitioner Page
When you access Westlaw, you can select a tabbed page customized for elder law research. The tabbed Elder Practitioner page places resources and search options within easy reach to help you quickly access the materials you need. To add the Elder Practitioner page, follow these steps:

1. Click Add a Tab at the top of any page. At the next page, click Add Westlaw Tabs to display a list of available tabbed pages.
2. Select the check box next to Elder Practitioner under Topical and then click Add to My Tab Set.
3. A list of the pages you've selected is displayed under In Tab Display. One page is designated as your default page (the page that is displayed when you sign on to Westlaw). Click Set as Default next to Elder Practitioner to set this page as your default.
4. To display the Elder Practitioner page, click its tab (Figure 1).

The Elder Practitioner page allows you to add materials for up to three jurisdictions. To add materials for a specific jurisdiction, click Edit in the left or right frame.
Elder Practitioner Page Overview
The left frame provides quick access to common research tasks. The right frame allows you to easily access resources in the following areas:

- State Primary Sources
- Elder Essentials
- Elder Essentials–Forms, Checklists, and Clauses
- Elder Housing
- Elder Health Resources
- Federal Elder Primary Sources
- Pensions and Retirement
- Guardianship and Conservatorship
- Court Documents
- Jury Verdicts
- Asset and People Information
- Tax Materials

Figure 1. Elder Practitioner page
2 Elder Essentials

The Elder Essentials section of the Elder Practitioner page puts the resources you need at your fingertips. You will find helpful treatises and newsletters to help you address client and ethical issues and stay current.

Identifying the Client

When you meet with an elderly client and his or her family members, you will need to identify your client and determine your client's goals. Your client and his or her family may not be in agreement with regard to a course of action.

There are numerous treatises and journals in the Elder Essentials section to help you in this area. For example, click Advising the Elderly Client to access a database containing a comprehensive treatise that offers a thorough survey of the legal issues faced by the elderly. At the Search page, click Table of Contents to use the Table of Contents service to browse the parts, chapters, subheadings, and sections (Figure 2). Click the plus (+) and minus (−) symbols to browse the table of contents. To view a specific section, click its link. Alternatively, you can run a Terms and Connectors or Natural Language search.

Figure 2. Advising the Elderly Client table of contents
Using Checklists and Forms

Many elder law forms and checklists are available on Westlaw to assist you in collecting and organizing information quickly and efficiently. For example, to retrieve checklists and forms on guardianship and conservatorship, complete these steps:

1. Click **Guardianship and Conservatorship** under **National** in the *Elder Essentials–Forms, Checklists, and Clauses* section. You can also click a state-specific link such as **Guardianship and Conservatorship** under **Ohio** in the same section. A search template is displayed (Figure 3).

   ![Figure 3. Elder Law Forms–Combined search template](image)

2. Type a Terms and Connectors query such as **petition /3 guardian!** in the **Enter Search Terms** text box. Note that **Guardianship and Conservatorship** is already selected for you in the **Limit by Topic** list box.

3. Choose a document type and jurisdiction by selecting the appropriate check boxes, then click **Search Westlaw**.

   ![Figure 3. Elder Law Forms–Combined search template](image)
Monitoring Current Developments

Staying current in the rapidly changing area of elder law can be challenging. You need to keep up with developments in a variety of topics, including

- Medicare Part D
- compensation of individuals who provide in-home care
- long-term care
- eligibility for medical assistance

The Elder Law Advisory database (ELDLAWADV) contains the *Elder Law Advisory*, a monthly newsletter that analyzes issues in elder law. Click *Elder Law Advisory* in the *Elder Essentials* section to display a Search page (Figure 4), then click *Retrieve Most Recent* to display a list of recent documents (Figure 5). Click a link to view the full text of a document.
Using WestClip

Use the WestClip clipping service to receive updates on important topics. WestClip will run your Terms and Connectors queries on a regular basis and deliver the results to you automatically.

Access WestClip in one of two ways:

- Click Alert Center at the top of any page to display the Alert Center Directory and then click Create in the WestClip section.
- Click Add Search to WestClip at the top of a result list, or while viewing a document, choose Add Search to WestClip from the Result Options drop-down list on the Result List tab.

After you access WestClip, the WestClip: Create Entry page is displayed (Figure 6).

To create a WestClip entry, follow these steps:

1. Type a name for the entry (maximum of 40 characters) in the Name of clip text box, if desired.
2. The client identifier for the current research session is displayed in the Client ID text box. Type a new client identifier to assign this entry to another client.
3. Specify a database in which you want your search to be run by typing the database identifier in the Database(s) text box. If you accessed WestClip from a search result, the database identifier is entered for you.
4. Type a Terms and Connectors query in the Query text box. If you accessed WestClip from a search result, the query is entered for you.
5. Click Edit next to Delivery Settings to display the WestClip: Edit Delivery Settings page. Change your delivery settings, such as the frequency, destination, and result format. When you are finished making changes, click Save to save the delivery settings and return to the WestClip: Create Entry page.
6. When you are finished setting up your entry, click Save.
3 Federal Elder Primary Law

Use the links in the Federal Elder Primary Sources section to access primary sources pertaining to government benefits, pension and retirement benefits, and veterans' benefits. In addition, use the resources in the State Primary Sources section to research those aspects of elder law that are administered by state agencies.

Retrieving Federal Statutes and Regulations
If you know the citation of a statute or regulation, you can retrieve it using Find. Type the citation, e.g., 20 cfr 418.3335, in the Find by citation text box in the left frame and click Go.

To access the United States Code Annotated (USCA), the Code of Federal Regulations, or the Federal Register for the areas of government benefits, health law, or pension and retirement benefits, click Federal Government Benefits, Federal Health Law, or Federal Pension and Retirement Benefits, respectively. At the Search page, type a search in the Search text box, select the check boxes for one or more databases, and click Search Westlaw.

For example, to search for regulations that deal with unearned income and eligibility for Medicare Part D, complete these steps:
1. Click Federal Government Benefits to display a Search page (Figure 7).

2. Click the Terms and Connectors tab, if it is not already selected, and type a query like the following, using the prelim field (pr): pr(medicare /s part-d) & unearned /3 income


4. Click Search Westlaw.
Retrieving Federal Administrative Materials

You can also use the resources in the Federal Elder Primary Sources section to search for administrative materials. For example, click Federal Health Law to display a Search page from which you can search the Federal Health Law–Health and Human Services Decisions database (FHTH-HHS).

Click Federal Pension and Retirement Benefits to display a Search page from which you can search the Federal Pension and Retirement Benefits–Administrative Materials database (FPEN-ADMIN), which contains

- opinion letters, advisory letters, and advisory opinions released by the Employee Benefits Security Administration (EBSA) of the U.S. Department of Labor
- news releases and other types of announcements from the Pension Benefit Guaranty Corporation (PBGC) concerning regulatory actions and other current matters
- opinion letters responding to specific inquiries regarding the effect of Title IV of the Employee Retirement Income Security Act (ERISA) on pension programs overseen by PBGC
- information letters and field assistance bulletins released by EBSA

Click Federal Veterans’ Law to display a Search page (Figure 8) from which you can search databases containing

- documents from the U.S. Court of Appeals for Veterans Claims
- decisions released by the Board of Veterans’ Appeals
- opinions released by the Office of the General Counsel of the Department of Veterans Affairs (DVA)
- selected sections of handbooks and other materials, such as directives and reports issued by the DVA, that relate to internal human resources issues

![Figure 8. Federal Veterans’ Law Search page](image-url)
4 Elder Health Resources

One of the key issues facing elderly clients is ensuring coverage for their health care needs. These issues often revolve around Medicare and Medicaid coverage and include questions regarding

- eligibility
- the application process
- denial of coverage
- appeal/redetermination

The Elder Health Resources section contains the resources you need in dealing with the health issues of your elderly clients.

Using Treatises and Manuals

Click Medicare and Medicaid Claims and Procedures to access a database containing a comprehensive guide that takes you step-by-step through the Medicare and Medicaid claims process from initial claim to administrative and judicial appeals of claim denials. At the Search page, click Table of Contents (Figure 9). Click the plus and minus symbols to browse the table of contents. To view a specific section, click its link.

![Table of Contents](image)

To access the Medicare Manuals CMS (Centers for Medicare and Medicaid Services) database (FHTH-CMSMAN), click Medicare Manuals—CMS. These manuals are used by CMS program components, contractors, and state agencies to administer Medicare programs. You can find information about day-to-day operation of programs, policies, and procedures based on statutes and regulations, guidelines, models, and directives. For example, to find information on deductable amounts, click the Terms and Connectors tab, if it is not already selected, and type a query like the following, restricting your search to the title field (ti): ti(deductible). Then click Search Westlaw.
Click **Patient Care Decision-Making** to access the Patient Care Decision Making database (PCAREDM), which contains a treatise covering the procedural and substantive rights of patients. At the Search page, click **Table of Contents** to browse the treatise.

**Planning for Future Health Care**

Establishing the future health care plan of your client is another important aspect of elder law.

For assistance with drafting accurate, personalized documents that meet your client’s health care wishes, click **Durable Powers of Attorney and Health Care Directives**. At the Search page, click **Table of Contents** to browse the treatise’s chapter headings and subheadings (Figure 10). To view a section, click the section name. You can also run a Terms and Connectors or Natural Language search.

In addition to health care directives, this treatise also contains many useful forms and checklists.

Figure 10. Durable Powers of Attorney and Health Care Directives table of contents
5 Pension and Retirement Benefits

Determining pension and retirement benefits eligibility and working through the retirement process can be challenging. You may need to become involved if your client is denied benefits. You may also need to familiarize yourself with eligibility rules and taxes on distributions. Rely on the resources in the Pensions and Retirement section to find the answers you need.

Using Analytical Materials

Click Advising the Elderly Client–Pensions and Retirement to display a Search page from which you can run a Terms and Connectors or Natural Language search.

Click Social Security Materials to display a Search page from which you can search a variety of Social Security databases (Figure 11). Click Table of Contents, where available, to display the table of contents for a publication.

For example, click Table of Contents for the Social Security Claims and Procedures database (SSCLP) to browse this comprehensive treatise detailing the Social Security process.

The Social Security Administration Programs Operations Manual (POMS) database (SSA-POMS) provides internal guidance to Social Security Administration employees and is the primary source of information used to process claims for Social Security benefits. Click Table of Contents to browse its contents.
Staying Current

Use the Federal Pension and Retirement Benefits–News Releases database (FPEN-NR) to stay current with news releases and other types of announcements from the Pension Benefit Guaranty Corporation.

For example, to get the most current news releases, click the Terms and Connectors tab, if necessary, and type a query such as “pension benefit guaranty” p.b.g.c. & da(aft 7/1/2009) (Figure 12). Then click Search Westlaw. To view a document in the result list, click its title (Figure 13).

![Figure 12. FPEN-NR Search page](image)

![Figure 13. Search result](image)
6 Guardianship and Conservatorship

When you are working with an elderly client, you may need to handle issues pertaining to elder guardianship and conservatorship as well as possible alternatives to guardianship. Turn to the resources in the Guardianship and Conservatorship section to help resolve these issues.

To search for general information about guardianships and conservatorships, click Advising the Elderly Client—Guardianship and Conservatorship.

Using State-Specific Materials
Because each state has its own laws and procedures governing guardianship and conservatorship, you will find many state-specific analytical resources in this section.

Click a state-specific link in the Guardianship and Conservatorship section or click Additional Materials to display a Search page listing databases containing state treatises (Figure 14). You can search up to 10 databases at one time.

For example, to find information on guardianship and conservatorship in Illinois, follow these steps:

1. Click the Terms and Connectors tab, if it is not already selected, and type a query like the following, restricting your search to the title and prelim fields: `ti,pr(guardianship conservatorship)`
3. Click Search Westlaw.

Figure 14. Additional Materials Search page
7 Elder Housing

Elderly clients face many housing issues. Can your client remain in her home? She may need various supportive services or she may need to move to an assisted-living facility or nursing home. What are her available financial resources? Use the materials in the Elder Housing section to help you advise your client.

Using Analytical Materials
Click Advising the Elderly Client–Housing to search just those sections of the treatise Advising the Elderly Client that deal with housing.

For the latest developments affecting nursing homes and other long-term care facilities, such as assisted-living facilities, click Andrews Nursing Home Litigation Reporter. At the Search page, type a Terms and Connectors or Natural Language search (Figure 15). For example, to retrieve recent documents, click the Terms and Connectors tab, if it is not already selected, and type a search such as nursing /2 home & da(aft 8/1/2009) in the Search text box.

Click Additional Materials to access a Search page from which you can search state-specific materials.

Figure 15. Andrews Nursing Home Litigation Reporter Search page