

# WILLIAM & MARY LAW SCHOOL ELDER LAW CLINIC NEWSLETTER

## About the Elder Law Clinic

The William and Mary Elder Law Clinic is now in its second year providing legal assistance to the elderly and impoverished in the Williamsburg, Norfolk, and Hampton Roads area.

The Elder Law Clinic is mostly staffed with second and third-year law students who provide assistance in matters such as Estate Planning, Medicaid Applications and planning, Medicare, Veterans benefits and other no-service connected pensions, as well as simple probate matters.

The Elder Law Clinic issues a biannual newsletter to provide general information on issues important to our clients and seniors.



W & M Law School  
Elder Law Clinic  
P.O. Box 8795  
Williamsburg, VA 23187  
(757) 221-7440  
[elderlaw@wm.edu](mailto:elderlaw@wm.edu)

### INSIDE THIS ISSUE

About the Elder Law Clinic	1
Williamsburg Walks to End Alzheimer's	2
Estate Planning: What it is and Why You Need It	3

For more information on the services provided by the Elder Law Clinic, please contact the Clinic by phone or email, or visit: [www.law.wm.edu/elder](http://www.law.wm.edu/elder).

\*The Elder Law Clinic provides services at no charge and relies on the generosity of donations to continue our work. If you would like to make a donation to the Elder Law Clinic, please contact us for further details.

## Williamsburg Walks to End

### Alzheimer's

By Richard Spoor

On October 26<sup>th</sup> the local Alzheimer's Association chapter held their annual Walk to End Alzheimer's. Hundreds of advocates, supporters, and patients braved the cold weather for this walk which started at Matthew Whaley Elementary, winding through Colonial Williamsburg, and ending again at the elementary school. In addition to the walk itself, the event was quite a spectacle. An ambulance painted purple and detailed with the Alzheimer's logo was parked in the middle of the fundraising tents and the promise garden, which housed the colorful flowers each representing someone affected by the disease or a supporter. To add to the excitement of the event, a DJ for a local radio station performed and announced speakers who shared some of their own personal experiences with the disease.

Chapters across the nation also held such events this year. According to the Alzheimer's Association, The Walk to End Alzheimer's is the largest event in the nation to raise awareness and funds for Alzheimer's care. The Alzheimer's Association organizes this event to raise awareness of Alzheimer's and Dementia, as well as raise funds. The mission statement for the event states that their goal is to eliminate Alzheimer's disease through the advancement of research; to provide and enhance care and support for all affected; and to reduce the risk of dementia through the promotion of brain health.

The Alzheimer's Association is based out of Chicago, but has chapters throughout the country which organize these events. The Williamsburg Walk was one of 6 organized by the Southeastern Virginia chapter of the Alzheimer's Association which is located in Norfolk. More information on the local chapter can be found at <http://www.alz.org/seva/>. This chapter, thanks in part to the funds raised by the Walk, provides many services including support groups, caregiver education, and advocacy. Anyone can join in the Walk which is free to join. Most participate by joining Walk Teams with the express goal of raising funds through donations



Participants in the Walk to End Alzheimer's

The Walk has been a great success over the past two years. In fact, Christy Jensen, the director of Health Services Research at the Riverside Center for Excellence in Aging and Lifelong Health, a Walk team leader, noted that in 2012 the Williamsburg walk raised \$70,000, exceeding their goal by several thousand. This year the event raised an astounding \$95,000 far exceeding the goal of \$81,000. Given the total number of teams and walkers involved, each walker raised an average of \$132. In addition to the funds raised, the Walk helps to raise awareness and foster a sense of community among those affected by Alzheimer's and Dementia. The growth in participation is evidence of this. More people in the community are becoming aware of the effects of these illnesses and are showing their support.

The Walk benefits the community in a number of ways. Christy Jensen points out that a large amount of the money raised stays in the Southeastern Virginia Chapter allowing the chapter to provide support groups, family orientations, respite care scholarships, and a 24 hour hotline among other services. Additionally, the Walk benefits the community by providing a network of supporters and others affected by the illness.

If you would like to become involved with the Alzheimer's Association more information can be found at <http://www.alz.org/>. If you are in need of their assistance, you can call the 24/7 hotline by dialing 1.800.272.3900. To connect via social media you can visit their Facebook page at: <https://www.facebook.com/AlzSeva>.

Sources for this article are: Interview with Christy Jensen, <http://www.alz.org/>,

## Estate Planning: What it is and Why You Need It

By Jason Hilton

Estate planning and deciding how we wish to be cared for as we age is one of the most difficult to decisions to make. It is an uncomfortable topic to bring up with loved ones especially when it is simply easier to avoid the discussion altogether. The idea that it is something we can accomplish later is an ever present temptation. However, it is crucial to discuss your wishes with your family and it becomes even more important as an individual ages or has children. After having the discussion with your family, the next step is to formalize your plan through a number of different legal documents. The topic of this article is the role each document plays in governing your affairs and how each of these documents only works as a single piece of a larger plan.

The first and most widely known document is the will. The will is the instrument through which an individual decides how their property is distributed upon their death. Wills can be written in order to accomplish a number of different goals, but a will is limited by one underlying principle. A will has no effect until the individual who created the will has passed away. Based on this principle any provision written into a will can only be carried out when that individual has passed away and it is crucial to remember that the will is not a document which will alter your affairs in any way prior to this point.

The other documents that are needed to make up a complete estate plan do not deal with the disposition of property after death, but instead affect your finances and healthcare decisions while you are still alive. The first of these documents is what is referred to as a durable power of attorney. A durable power of attorney allows an individual to exercise control over your finances, but can be limited so they only take control when a doctor has said you no longer possess the capacity to do so. A durable power of attorney can be as broad or narrow as you wish it to be. It also allows you to appoint an individual who you feel is responsible and will be best suited to take care of your finances. Having a durable power of attorney is important because it allows for someone to



*Estate Planning can be incredibly beneficial both during your life and after passing*

go through the trouble of having to become a conservator. A conservator is an individual who is court appointed to oversee another person's finances, but grants them extensive, unlimited authority. The advantage of creating a durable power of attorney is that you can control the amount of authority you give to the person who will oversee your affairs, and they are able to avoid the expense and trouble of having to have the court appoint them as the conservator.

The other two documents focus on actual health care decisions. The first is the health care power of attorney. The health care power of attorney allows another individual to step into your shoes and make health care decisions for you when you are no longer capable of doing so. The final document is a living will or an advanced medical directive. This document states your wishes about going on life support, and helps to inform your loved ones about what you feel on the subject. It helps to guide them through a particularly turbulent period and provides them a basis for making one of the most difficult decisions.

Each of these documents plays a crucial role in ensuring you continue to live at the standard you have been even if you no longer are capable of directly controlling your own affairs. It also ensures a smooth transition for the loved ones in one of the most difficult times of their lives. Without completing the full range of documents there will be gaps, which will need to be covered. People will be forced into court to obtain a guardianship or a conservatorship over you or potentially engage in litigation to determine who will receive portions of your property.