

# Defensive Case Management for Estate and Elder Law Attorneys

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The University Of Texas School of Law  
18<sup>th</sup> Annual Estate Planning, Guardianship and Elder  
Law Conference  
August 11-12, 2016  
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Baytown, Texas

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## Introduction

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- Many times our client's are suffering from diminished capacity
- Planning in how to go about your day to day activities and your interactions with clients suffering from cognitive impairment is as important in this area of law as is knowledge of the law
- Faced with reality that almost all of the clients that you will represent in these areas of law are suffering from cognitive impairment it is incumbent upon counsel to plan in advance to deal with this reality and to design practice management systems that will cope with these characteristics and increase the probability for successful representation of these clients
- It is also important to the lawyer as a protective measure in the event that the client's impairments prevents the successful conclusion of the matter or in some cases to protect a lawyer from a malpractice claim

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## Practice Management System

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- Good practice management systems do not have to be either expensive or complicated
- There are 2 secrets, no 3 secrets to a successful system that will increase the effectiveness of your representation, make your life easier, make your staff's life easier and protect against any future malpractice claims

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## And the secret is....

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1. Put it in the log
2. Put it in the log
3. Put it in the log

A written record should be made of any conversation or any interaction with a client or anyone else involved in the case; and of any plans or actions taken in the case

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## And the other secret is....

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1. Never type a piece of info more than once
2. Never type the same word , phrase, paragraph , number or anything twice
3. Never do anything manually more than once
4. Use technology to decrease the time it takes to capture the data that you put in the log
5. Never lose data once you have it but that's another subject

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# Tools

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- Computer with word processing capabilities and high speed internet access
- Everybody has one on their desk if no then stop right here
- Use templates for everything, every interview it decreases typing required "the log"
- Do not have to be a great typist – key is to only type a piece of info once like name, address, or phone #

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## Title search: Defensive Case Management for Estate and Elder Law Attorneys

Also available as part of the eCourse

[Answer Bar: Elder Law and Medicaid Essentials](#)

First appeared as part of the conference materials for the  
18<sup>th</sup> Annual Estate Planning, Guardianship and Elder Law Conference session  
"Defensive Case Management for Elder Law Attorneys"