

# Avoiding Fraud in an Elder Law Practice

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1

## Introduction

### What is a "Tribunal"?



2

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## What is a “Tribunal”?



**TEXAS**  
Health and Human  
Services



**VA**

U.S. Department  
of Veterans Affairs

3

## Your Duty to a Tribunal

1. Don't make a false statement of material fact or law.
2. Don't fail to disclose a fact when disclosure is necessary to avoid assisting a criminal or fraudulent act.

4

# Your Duty to a Tribunal

## What Should You Do If You Discover Client Fraud (or Potential Fraud)?

- Persuade Client to allow attorney to correct or withdraw false evidence.

5

# Your Duty to a Tribunal

## What Should You Do If You Discover Client Fraud (or Potential Fraud)?

- If such efforts are unsuccessful, take reasonable remedial steps including disclosure of true facts.
- If it hasn't been offered to the tribunal yet, don't offer it!

6

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## Title search: Avoiding Fraud in Public Benefit Eligibility

Also available as part of the eCourse

[2021 Estate Planning, Guardianship, and Elder Law eConference](#)

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23<sup>rd</sup> Annual Estate Planning, Guardianship and Elder Law Conference session  
"Avoiding Fraud in Public Benefit Eligibility"