

Tim Takacs, '80: Helping Clients Plan for the Sunset Years

Tim Takacs, '80, has a distinct memory of the day he decided to specialize in elder law. "A gentleman in his mid-70s walked into my office and said, 'My wife is in a nursing home, and I don't know what to do,'" Takacs recalls. "I said, 'I don't know, either, but let's find out.'"

That was in 1990. In the 18 years since he helped that client navigate one of the most difficult aspects of aging, Takacs has built a pioneering elder law practice that now offers services that extend far beyond estate planning advice and powers of attorney. "Elderly Americans and their middle-aged children are confronting a broad range of issues related to aging, and legal advice about estate planning, wills and powers of attorney only addresses a small part of the problem," Takacs says. "In the early '90s, most attorneys defined elder law as 'Let's get your estate planning in place and see if we can get you qualified for Medicaid.' But clients and their family members need help answering basic questions like 'Where is Mom going to live?' and 'How is she going to pay for that and for any services she needs?' If she is going to stay in her home, what kind of help will she need on a daily or weekly basis, and how do they arrange

for that? If she's already in a skilled nursing facility, is a nursing home the best long-term option, or could they consider home care? If you're just focusing on Medicaid eligibility, you can't answer all of these questions."

Takacs had started a general law practice in Hendersonville, Tennessee,



in 1980, immediately after graduating from law school. That partnership ended amicably in 1990, shortly before Takacs encountered the elderly client who asked for help with his wife's case. Soon after handling that case, he noticed elder law in a *Lawyer's Weekly* list of "hot" new practice areas for which there would be a growing need during the 1990s. That, combined with the keen interest in the complex issues related to aging sparked by the elderly client's case, confirmed Takacs' decision to focus exclusively on elder law.

During the early 1990s, as he researched various legal issues related to aging, Takacs realized that the aspect of elder care families found most challenging was the need to navigate several complex and unfamiliar systems, including estate and financial planning, health care, long-term and home care, and

social services, all at the same time. "In the U.S., these systems aren't well connected, and people are falling into the gaps between them – like the gap between the hospital that's discharging Mom tomorrow and the good nursing home that doesn't have a bed open right now," he

says. "A retired doctor came in to talk about planning for his mother. He felt overwhelmed, because he did not understand the system and how it worked – and he was a *doctor!* I kept getting calls from people whose loved one was being discharged from the hospital and needed nursing or home care, and they didn't know what to do. I realized that, in addition to offering legal services, I needed to surround myself with professionals who had expertise in health care and long-term care."

Takacs' solo legal practice offers a

comprehensive “life care planning” approach that integrates asset protection and care coordination. His staff includes a former home health and assisted living center administrator, a former CIGNA Medicare claims processing executive, a master social worker, two registered nurses and four other professionals. “We don’t provide any health care services,” Takacs emphasizes, “but we do help clients by helping them identify the best elder care arrangements and by managing and coordinating care.”

Today, when people ask Takacs what he does, he has fine-tuned what he calls “a 20-second elevator speech” that ensures they instantly understand his complex array of services. “I help you take care of your mother,” he replies. “If

your mother is 80 and has been diagnosed with Alzheimer’s, I help you identify the resources and options available in your community. What care does she need? What kind of help does she need each day? How can she pay for the services she needs? What benefits is she entitled to? It’s much more than figuring out how to qualify her for Medicaid.”

Takacs often provides the legal services his clients need behind the scenes. “In many cases, I don’t ever see the client,” he says. “Often, the client’s son or daughter will call and say, ‘Mom’s leaving the stove on’ or ‘Dad’s losing the house keys.’ One of our care coordinators will visit the client – we need to see where the client lives to help the family develop a good plan – and

they handle everything but the legal work.”

Takacs believes elder law is an important arena for legal advocacy. “The people who see the worst side of the health care system are the ones who have chronic illnesses like diabetes and high blood pressure, and a lot of those people are elderly,” Takacs says. “One of our most important jobs is to advocate for their right to get good care. I always say I have the best job in the world, because I get to help people take care of their parents.”

—Grace Renshaw

A GUIDE TO ELDER CARE PRACTICE

Released by Lexis Law Publishing in September 2007, elder law specialist Tim Takacs’ *Guide to Elder Law Practice* is a slim volume designed to provide a basic, but comprehensive overview of elder law practice. Takacs was first approached by Lexis in 1996, and his first treatise on elder law in Tennessee was published in 1998. In 2006, Lexis asked Takacs to write a more general treatise because of his expertise in the developing area of elder law. Takacs, who entered elder law practice in 1990 after 10 years as a general practitioner, is a Certified Elder Law Attorney (CELA) and Certified Elder Law Specialist, a charter member of the Tennessee Bar Association’s Elder Law section (he was also the section’s first chair), and a charter member of the Special Needs Alliance, a network of leading disability lawyers. A weekly newsletter he founded and publishes, the *NAELA eBulletin*, reaches an audience of elder law practitioners throughout the U.S. He offers seminars on elder law issues, and he has been interviewed by the *Wall Street Journal*, *Kiplinger’s Personal Finance*, the *Christian Science Monitor* and numerous other national and local media on issues such as Medicaid estate recovery, powers of attorney and protecting seniors’ rights.

