



THE FLORIDA BAR

Results of the 2012 Elder Law Section Membership Survey

October 2012

2012 Elder Law Section Membership Survey

A link to an electronic survey was e-mailed on September 19, 2012 to 1,504 members of the Elder Law Section. By the October 2, 2012 cut-off date, 175 completed surveys were received for a response rate of **12%**.

In reporting the results, all percentages were rounded to the nearest whole percent (example 34.5% equals 35%). For this reason, totals may vary from 99 to 101 percent. Note that several questions are "multiple response questions." This means that respondents were encouraged to check all responses which apply to a given situation. Thus, multiple response questions will not total 100 percent.

1. How many years have you been practicing law?

<u>Category</u>	<u>Percent</u>
Less than 2 years	2
2 to 5 years	6
6 to 10 years	13
11 to 20 years	27
More than 20 years	52

Nearly four-fifths (79%) of all respondents report having more than 10 years of experience and slightly over half (52%) report having over 20 years of experience

2. How long have you been practicing specifically in the area of elder law?

<u>Category</u>	<u>Percent</u>
Less than 2 years	7
2 to 5 years	21
6 to 10 years	28
11 to 20 years	28
More than 20 years	16

Over two-fifths (44%) of all respondents report that they have been practicing elder law for more than 10 years.

3. Please indicate your area of employment:

<u>Category</u>	<u>Percent</u>
Employed in private practice	94
Employed in government practice	<1
Employed as in-house counsel	<1
Employed in other capacity	4

Almost all (94%) respondents report being employed in private practice positions.

3a. If employed "in other capacity" please specify:

A total of 7 responses were received:

- * Director of public guardianship program.
- * Employed by a bank to offer expertise in elder law.
- * Employed with legal services.
- * Legal services.
- * Non-profit organization.
- * Retired.
- * Senior Trust & Fiduciary Specialist.

4. Are you board certified in elder law?

<u>Category</u>	<u>Percent</u>
No	75
Yes	25

One-quarter (25%) of all respondents indicate that they are board certified in elder law.

4a. If "No", please indicate your primary reason for not seeking board certification in the area of elder law:

A total of 90 responses were received:

- * Board certified in Wills, Trusts & Estates - don't really desire keeping up with more certification requirements, i.e. also a CPA, also admitted in NY, also concentrate more on wills, trusts & estates.
- * Board certified in Wills, Trusts & Estates since 1992.
- * Can't afford to right now.
- * Certified elder law attorney by the National Elder Law Foundation, as accredited by the American Bar Association.
- * Certified in Wills and Trusts and do not want to double the requirement for credit as I am age 63 and continuing to study the subject. I have failed the test also.
- * Did, but didn't pass the test.
- * Do not have the time nor inclination at this time due to family responsibilities.
- * Do not want the standard for "expert liability" if I am sued.
- * Don't believe that I have enough experience in all areas of elder law.
- * Don't have the time to study.
- * Don't need to be for business purposes, a little too late in my career to matter, and I keep well educated without it.
- * Don't want to be held to any higher standard of care than I am today.
- * Don't want extra liability.
- * Extremely low number of qualified applicants who pass the exam!
- * Has not been important to developing a client base.
- * Have not been in practice long enough.
- * Have not been practicing for 5 years.
- * Have not been practicing in this area primarily.
- * Have not met the practice requirements.

- * Haven't considered it.
- * Haven't met criteria yet. I will seek board certification in the future.
- * Haven't met time requirements yet.
- * I am acquiring the required number of CLE's in order to sit for the 2014 exam.
- * I am board certified in Wills, Trusts and Estates, which are my primary areas of practice.
- * I am in my last lap as to the practice of law. I will be leaving the practice in less than 5 years.
- * I am still working on the continuing education requirements.
- * I have heard that the grading of test questions is inconsistent and does not necessarily coincide with your knowledge of elder law.
- * I have not been practicing in this area long enough to seek board certification.
- * I have practiced in elder law for approximately 5 years, but have not been "substantially involved in the practice of elder law during the three years preceding application", which are required to become board certified.
- * I have taken the exam once, but did not "pass". I have not taken it again as the content of the exam left me with the impression the criteria for certification in Elder Law is memorization of obscure figures which, when needed, can be found in reference materials, rather than an expert's working knowledge of the broad range of subject matters Elder Law involves. Also, the exam was very focused on Medicaid, where my practice involves litigation of guardianships, exploitation and contested probates, which were very minimally addressed.
- * I haven't been doing it long enough yet.
- * I haven't given it any thought.
- * I hope to take it in 2014, did not feel competent or near competent until now.
- * I plan to do so and need more information about how to do it.
- * I plan to this coming year.
- * I practice in Elder Law, Family Law and Guardianships and it is difficult to certify that greater than 50% of my practice is Elder Law in any given year.

- * I took the exam when in New Jersey. I questioned the exam results but not successful. Then became board certified in taxation.
- * If I take the exam and don't pass, that could become an issue in will contests. Furthermore, preparing for the exam may not be worth the additional business I would get if I passed the exam.
- * Insufficient experience in the area.
- * It would take time away from my practice.
- * It's not necessary.
- * Just haven't done it yet. I am certified in wills trusts estates.
- * Keep putting it off....hard to find the time, but want to in the near future.
- * Lack of expertise.
- * Lack of good/consistent work/clients in elder law.
- * Liability reasons as board certified attorneys may be held to a higher standard.
- * My practice is broader than that, so I have not super-specialized.
- * My primary area of practice is really disability law as it pertains to medically complex children and persons with developmental disabilities.
- * Never felt the need.
- * New lawyer.
- * No benefit for me.
- * No benefit.
- * No plans to sit for Florida cert exam. There is an ongoing bad reputation as not being fair or respectful of our colleagues who take the test with 5 plus years of experience. Find some, if not a lot, currently with Florida certifications are not any more competent and in some cases less competent than those who never bothered to take exam and become Florida Certified. The exam process and committee have helped some but it's still not a good exam from questions, grading and reputation as a "fair" well-drafted well graded solid testing instrument.

- * No reason to.
- * No specific reason.
- * No time to prepare for and take the certification exam.
- * Not active enough to justify investment of time and money.
- * Not current on government benefits.
- * Not currently working in elder law.
- * Not educated.
- * Not enough time to study.
- * Not enough years practicing Elder Law yet. I plan to seek certification in the future.
- * Not interested.
- * Not of value in my market.
- * Not sure I meet the requirements.
- * Not yet! I will apply for it when I can.
- * Out of state practice.
- * Out of state.
- * Perceived lack of qualifications.
- * Really need a mentor to aid with taking Medicaid cases. I am willing to share fees appropriately.
- * Retiring soon.
- * Semi retired.
- * Still too "new" to the area and undecided if I want to focus primarily on Elder Law.
- * Still too new and unqualified.

- * Technically, I am not practicing law.
- * The board certification doesn't cover what I do.
- * The rules require "practice" and I cannot say that I "practice" in my current position, although I do pro bono work and teach at a local law school on the subject of Aging & Special Needs law.
- * The time involved.
- * Time.
- * Time and age.
- * Time involved.
- * Time involved in obtaining all the CLE's.
- * Too late at this point of career.
- * Too difficult for an Out of State member to qualify.
- * Too new to the Bar.
- * Too old to go for it now.
- * Took exam but was unsuccessful; will retake in the future.
- * Took test last year (2011), and will be taking again in 2012.
- * Waited too long this year. Will likely do so next year.
- * Was Board Certified in Estate Planning and Administration and did not think I needed to add Elder Law. Waste of time.

5. Please indicate your primary area(s) of practice:

<u>Region</u>	<u>Percent</u>
Central/Southwest Florida	42
Southeast Florida	29
North Florida	23
Out of State	6

Over two-fifths (42%) of all respondents practice in the Central/Southwest Region of Florida.

6. How important are the following Elder Law Section benefits to you?

<u>Category</u>	<u>Very Important Percent</u>	<u>Somewhat Important Percent</u>	<u>Neutral Percent</u>	<u>Somewhat Important Percent</u>	<u>Not Important at All Percent</u>
<i>The Advocate</i> Elder Law Section magazine	46	44	7	3	<1
Discounts for seminars, webinars and downloads	42	41	14	2	<1
Networking opportunities	39	35	20	4	2
Name and information in the Section Directory	25	33	29	7	6
Access to Florida DCF Fair Hearings Opinions	25	27	30	8	8
Elder Law Section website	23	41	29	5	2
Mentoring program CLEs	23	39	27	5	6
Opportunities to serve on/become committee leaders	20	32	32	9	7
<i>The Advocate/TFB Journal</i> writing opportunities	8	31	36	13	12

7. What additional projects, activities, or services not presently offered would you like to see the Elder Law Section provide in the future? (CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
Practice management tips/information specific to elder law	81
Webinars	58
Greater outreach to members on how to become involved	32
Greater outreach to non-lawyers in related professions	29
Pro bono service opportunities through the section	14
Internships for law school students or young lawyers	12
Greater outreach to law school students	11
Other	8

Just over four-fifths (81%) of respondents would like to see the Elder Law Section offer practice management tips/information to specific to elder law. Nearly three-fifths (58%) would like to see webinars offered.

7a. If “Other”, please specify:

A total of 13 responses were received:

- * Advance notice of phone calls and listing what call will entail.
- * Advocate on behalf of elders in matters involving department and great public importance.
- * Am already a volunteer in Elder Law for the Legal Aid Society of Palm Beach County.
- * Discount for sole practitioners.
- * Education for retired attorneys to practice pro bono work in elder law!!!
- * Expanding to be more inclusive of disability law.
- * Give us the Fair Hearing Opinions for free.
- * I guess I do not use the website enough!
- * Interested in opportunities to become involved that do not require travel time.
- * Mentoring for lawyers new to this area.
- * Need a mentor to aid me in taking Medicaid cases.
- * Special efforts to reach seniors and be available to help them.
- * We in Duval County have an active pro bono project with Jacksonville Area Legal Aid, which sends out, via email, case outlines which it needs assistance with - a great method of delivering pro bono work.

8. In the past 12 months, how many times have you visited the Elder Law Section website?

<u>Category</u>	<u>Percent</u>
None	28
Once	15
Twice	13
3 to 5 times	28
6 to 10 times	10
More than 10 times	6

Over two-fifths (44%) of all respondents report visiting the Elder Law Section website more than twice during the past 12 months. Over one-quarter (28%) report not visiting the website at all during that time.

9. Which of the following reasons best describe why you have visited the Elder Law Section's website during the past 12 months? (CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
To learn about upcoming programs and activities	51
To look for information on other section members	24
To research a topic	21
To view <i>The Advocate</i>	19
To access DCF Fair Hearings Opinions (subscription)	14
To view information about substantive law committees	12
Other	3
To read executive council minutes	2

9a. If "Other", please specify:

A total of 6 responses were received:

- * Did not have the link info.
- * I didn't realize the section had a website until just now!
- * I was not aware of the website.
- * Just browsing.

- * Not current or complete enough to be of any real value. If the question was worded differently all would be very. I am answering somewhat unimportant. The question below is not a good one. It should read "if they were current and complete. Note that I chair an ELS committee.
- * When I found out about it (within the last week), I looked at it to see what resources were available.

10. Please indicate your level of importance for each of the following items located on the Elder Law Section website:

<u>Category</u>	<u>Very Important Percent</u>	<u>Somewhat Important Percent</u>	<u>Neutral Percent</u>	<u>Somewhat Important Percent</u>	<u>Not Important at All Percent</u>
Calendar	35	32	21	8	4
DCF Fair Hearings Opinions	22	32	28	10	8
Committees/subcommittees	21	34	30	10	5
Links	18	45	25	6	6
List of executive council members and officers	9	26	43	12	10
Council meeting minutes	9	24	46	11	10
Section bylaws	7	16	48	19	10

About two-thirds of all respondents rate the section calendar (67%) and links (63%) as being important, while just over half rate committees/subcommittees (55%), and the DCF Hearings Opinions (54%) as important.

11. Do you find the Elder Law Section website easy to navigate?

<u>Category</u>	<u>Percent</u>
Yes	63
No	8
I have not visited the website in the past 12 months	29

Over three-fifths (63%) of respondents find the section website easy to navigate, compared to 8% who do not.

11a. If "No", please briefly mention any problems you may have experienced:

A total of 9 responses were received:

- * Didn't even know about it! I don't recall seeing an email with a link to this website.
- * Does not appear to be updated regularly.
- * Hard to recall.
- * I would need to visit more but, as I recall, the issue I was looking for was there but not easy to locate.
- * It is not regularly updated.
- * It's not always current for future seminar info.
- * Log in information never seems to work. Always seems outdated.
- * Not familiar with it.
- * The website needs to be better publicized. I keep forgetting it's there. Also, I keep forgetting my password and user name. Signing in should be easier somehow.

12. Compared to other legal websites that you frequent, how does the Elder Law Section's website compare in terms of its content and ease of use?

<u>Category</u>	<u>Percent</u>
The Section's website is about average	38
The Section's website is above average	14
The Section's website is below average	8
I have not visited the Section website in the past 24 months	24
No opinion	16

Fourteen percent of all respondents report that the website is above average, compared to 8% who report that it is below average. Nearly two-fifths (38%) report it to be average.

13. Which of the following items would make the Elder Law Section's website more useful to you? (CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
Sample forms or checklists	76
Create a new feature on significant breaking developments	64
Practice management information	55
Indexed <i>Advocate</i> archive	50
Post section CLE materials for CLE registrants	48
A Frequently Asked Questions page	45
Increase the amount of information and resources on the website	37
Provide feature articles on members	4
Other	3
None of the above	7

Just over three-quarters (76%) of all respondents would like to see sample forms or checklists on the Elder Law Section website, while nearly two-thirds (64%) would like the section to create a new feature on significant breaking developments.

13a. If "Other", please specify:

A total of 6 responses were received:

- * Direct access to download Fair Hearings. Even if grouped by release date like they were in the past.
- * Inform as to what is available on the website. I make full use of the listserv.
- * Make the info current. A major ELS weakness is failure to get information to the members on a timely basis. Notice of an event or program early in that week or even 2 or 3 weeks in advance does not work for people with a real practice whom also have other Bar and community related commitments.
- * Password protected.
- * Updated calendar information and being able to look backwards at past events.
- * Website should be for attorneys -- not the public.

- 14. Elder Law Section members receive *The Advocate* three times per year by mail. In your opinion, which of the following should be accomplished in the future?
(CHECK ALL THAT APPLY)**

<u>Category</u>	<u>Percent</u>
<i>The Advocate</i> should remain just as it is now	47
<i>The Advocate</i> should be produced <u>more</u> frequently	19
<i>The Advocate</i> should be lengthened	12
<i>The Advocate</i> should be produced <u>less</u> frequently	<1
<i>The Advocate</i> should be shortened	0
No preference/no opinion	23
I do not read <i>The Advocate</i>	8

- 15. Please list any suggestions you may have for improving *The Advocate*:**

A total of 20 responses were received:

- * Articles are poorly written.
- * Charts produced annually for such items and Medicaid qualification numbers, VA aid and assistance numbers, listing of nursing home resources, resources by county in an annual section.
- * Don't always receive it.
- * Have an option for e-delivery only, with achieves easily accessible.
- * I love the Advocate. It is very helpful.
- * I think the Advocate is a great update on important information regarding legal issues for elder law attorneys. I am constantly learning new information and ideas. I love the Advocate so much I make sure to take the recent issues with me when I fly so that I can review the materials over again.
- * I would be fine with it being sent by email and not published, which would save money.
- * I would like to see it produced once per quarter.
- * I would like to see some more articles addressing non legal issues elder law practitioners face, including, practice management tips, marketing, and networking.
- * In addition to the current print publication, provide monthly or bi-monthly mini-Advocates online that concentrate on single issues.

- * It has improved tremendously in the past 5 years and I love it.
- * Just received today my Summer 2012 edition. Thank you.
- * Maybe digital only.
- * Production time MUST be shortened. Articles that are submitted with timely information (e.g. legislative matters) are irrelevant and even laughable by the time the *Advocate* arrives.
- * Save money on the printing and just send it electronically. Use that money to put more resources on the website like old CLE's for free.
- * Seems pretty good to me. Good articles with legal updates, which are important.
- * Switch to providing the Advocate electronically and save on the postage and copy printing. My local bar association has made the switch and it works fine.
- * The current frequency, by default, seems fine. I would add that, if there is a time sensitive development regarding a special substantive issue, other media such as an email blast with a link to the website, to lower-cost and expedite distribution as an alternative to a special issue, should be used. Particularly, as it relates to advocacy efforts within state and federal government, jointly done with the state and national chapters of NAEA.
- * This may cause some fuss, but why not have each board certified member commit to writing one article or researching one topic of interest for the members? Seems like Board Certification entails an expectation for a higher level of involvement and service to our members and board certification implies great knowledge from which an article or research should flow. I volunteer as a board certified Elder Law attorney to take a pledge to so participate.
- * Would like to see more substantive and practice-enhancing material.

16. In the past 24 months, please indicate if you have performed any of the following functions in relation to Elder Law Section CLE programs and materials: (CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
Attended an Elder Law Section seminar in-person	57
Attended an Elder Law Section teleconference CLE	34
Attended a free Elder Law Section "Tricks of the Trade" conference	30
Purchased Elder Law Section tapes and materials for CLE credit	27
Attended an Elder Law Section webinar	24
None of the above	20

17. How would you rate the Elder Law Section CLE programs that you attended?

<u>Category</u>	<u>Percent</u>
Excellent	48
Good	30
Fair	5
Poor	<1
I have not attended an Elder Law Section CLE program in the past 24 months	17
Over three-quarters (78%) of all respondents rate the Elder Law Section programs they attended as either excellent or good, compared to only 5% who rate them as fair or poor.	

17a. If you have not attended an Elder Law Section CLE program in the past 24 months, please indicate your primary reason:

A total of 8 responses were received:

- * Costs. I am disabled, and practice only pro bono work so fees and travel are usually not within my budget. Wish "scholarships", etc. were available.
- * Either not aware of them or the time was not good.
- * I prefer obtaining my CLE elsewhere.
- * I was instrumental in preparing materials for the attorney who presents and funds.
- * My interests typically lie in tracking changes to administrative or statutory rule and regulation and law.
- * Not convenient to me.
- * Prefer other selections.
- * The online seminar was not of good quality. Though the content was above average, it was too hard to maneuver in and out and to restart the program. Not to mention only having an audio format. I thought that, for the money spent, the program would be more user friendly. If you aren't going to have a videotaped program for the money, at least getting in and out of the program should be easier. The manual is fine.

18. Which of the following methods do you prefer for participating in future Elder Law Section CLE activities? (CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
Webinars (computer-based)	68
Live seminars	66
Teleconference	25
Webinars (telephone-based)	24
Other	0
None of the above	4

About two-thirds of all respondents list computer-based webinars (68%) and live seminars (66%) as preferred methods for obtaining CLE through the Elder Law Section.

19. Please list any suggestions you may have for improving Elder Law Section CLE activities:

A total of 18 responses were received:

- * As a new practitioner I would have welcomed a mentoring program but, if that was not possible I would mention that it is not easy to "break into" the section. I do feel there is a core group of people who have been doing this for a long time and I very much respect their expertise and experience but as a newcomer it can be a bit intimidating.
- * Better and more timely communication should be provided to members and there should be better support from the "big bar." Our section administrator seems both overworked and complacent.
- * Bring in expert speakers from other sections like health law and administrative law, etc.
- * During some of the recent telephone based webinars, it was extremely hard to hear the main speaker so I had to leave the calls because it felt like a waste of time even though I really wanted to attend. I would suggest using a webinar without the telephone or asking the speaker to talk louder! I made sure my phone volume was up all the way and I still couldn't hear.
- * I believe the programs and topics are on the market and from time to time. If one should connect with my needs, I will absolutely use it. Thank you.
- * I disapprove of the condensed/combined CLE which will occur in January 2013, in which the Certification Review Course and an annual update have been merged together. I think this is the wrong course. I strongly desire a return to the annual Public Benefits program in the Spring.
- * I would like to see a mailer or e-mail from the section advertising each CLE activity.

- * Keep them in Central Florida (Orlando or Tampa).
- * Larger presentation area for certification course.
- * Medicaid planning seminar(s).
- * Members are at various levels of growth in their career. Those members who are board certified need credits from advanced level CLEs. I suggest we offer opportunities to meet the needs of board certified and non-board certified members and provide more teleconferences and add webinars.
- * More advocacy by members instead of only having it offered by a select few.
- * More real information - numbers and limits when newly published.
- * Occasionally, CLE opportunities should be offered in North Florida. People traveling from North Florida have additional costs associated with traveling to venues such as airfare, rental car expenses or gas if they drive down, as well as loss of time out of the office. Depending on where the event is held I often have to take an additional full day off of work just for travel. In addition, hotel rates should be more reasonable. If all CLEs are going to be in South Florida, the cost of the CLE and the hotel accommodations need to be more reasonably priced.
- * Tampa/Orlando locations are best for me!
- * The mentoring conference call seemed like a great idea but instead all I could here were people speaking over one another. More organization or a call leader with a way to answer questions one at a time would have been better.
- * Try to repeat breakout sessions so we don't have to give up any session for another. Also, more "Nuts 'n Bolts" - how to do various techniques (pros & cons).
- * Would like to see CLE with case studies.

20. Were you aware the Elder Law Section Executive Council voted to change the name of the Elder Law Section to the Elder and Disability Law Section?

<u>Category</u>	<u>Percent</u>
Yes	61
No	39

Just over three-fifths (61%) of all respondents were aware of the Elder Law Section's proposed name change.

20a. If Yes, please list how you learned of the proposal for the name change:

A total of 50 responses were received:

- * A colleague.
- * *Advocate.*
- * Approached by David Lillesand.
- * At a meeting of the E.C.
- * At a seminar.
- * At an executive council meeting. I voted against it but should have voted for it. ELS should have a "split" structure like RPPTL.
- * At the E.C. meeting where voted on.
- * At executive council meetings.
- * At the Executive Council meeting a few years ago, without prior warning.
- * Attendance at meetings.
- * Attendance at section council meetings.
- * Bar News, I think.
- * By taking this survey!
- * Council meeting at the Certification and Review course.
- * Counsel Meeting.
- * David Lillesand.
- * Discussions with other members.
- * Don't recall.
- * Don't remember.
- * Email.

- * Executive Council meetings.
- * Executive Council meetings.
- * Fellow members.
- * Florida Bar Journal.
- * I attended the Executive Council Meeting in 2011.
- * I know it was under consideration but I did not know it was official; I overheard Travis Fitchum.
- * I think I heard it at last year's program.
- * I voted.
- * I was present at the meetings.
- * It has been discussed for years! Yay! Finally.
- * It has been everywhere from the Bar News to Elder Law Section meetings.
- * It's been discussed for a long time.
- * Listserv.
- * Lobbied by Lillesand.
- * Meeting.
- * Not sure. Either via email or The Florida Bar News.
- * Not sure. Sorry.
- * Other member.
- * Participated in research group.
- * Peers.
- * Randy Bryan.
- * Read it somewhere.

- * The *Advocate*.
- * The *Advocate*.
- * Through email.
- * Told by an Elder Law attorney.
- * Various section communications.
- * Was at the meeting and saw the "drama".
- * Word of mouth.
- * Word of mouth.

21. Do you believe the proposed change of the Elder Law Section's name to the Elder and Disability Law Section better describes your practice?

<u>Category</u>	<u>Percent</u>
No	60
Yes	32
No opinion	8

Three-fifths (60%) of all respondents do not believe the proposed change of the Elder Law Section's name to the Elder and Disability Law Section better describes their practice, compared to nearly one-third (32%) of respondents who believe it does.

22. Do you believe the proposed change of the Elder Law Section's name to the Elder and Disability Law Section better describes the type of law that is practiced by members of the Elder Law Section?

<u>Category</u>	<u>Percent</u>
No	43
Yes	35
No opinion	22

Over two-fifths (43%) of all respondents do not believe the proposed change of the Elder Law Section's name to the Elder and Disability Law Section better describes the type of law that is practiced by members of the Elder Law Section, compared to over one-third (35%) of respondents who believe it does.

- 23. Do you believe the proposed change of the Elder Law Section's name to the Elder and Disability Law Section will benefit the Elder Law Section?**

<u>Category</u>	<u>Percent</u>
No	44
Yes	36
No opinion	20

Over two-fifths (44%) of all respondents do not believe the proposed change of the Elder Law Section's name to the Elder and Disability Law Section will benefit the Section, compared to over one-third (36%) of respondents who believe it will. Additionally, one-fifth (20%) of respondents have no opinion on the matter.

- 24. In what ways do you believe the proposed change of the Elder Law Section's name will benefit the Elder Law Section? (CHECK ALL THAT APPLY)**

<u>Category</u>	<u>Percent</u>
Increase membership	46
More accurately describe the law practice of Section members	33
Improve Section identity in The Florida Bar	31
Increase Section visibility in the State	28
Improve the variety of Section CLEs	25
Improve the quality of Section CLEs	11
Other	0
None of the above	27
I believe the change will create more consequences than benefits	22

The most frequently mentioned benefit for the proposed name change is an increase in section membership (46%). About one-third of all respondents believe the proposed name change would more accurately describe the law practice of section members (33%) and improve the Elder Law Section's identity in The Florida Bar (31%).

Over one-quarter (27%) of all respondents report “none of the above” to the list of benefits, while over one-fifth (22%) believe the change will create more consequences than benefits.

- 25. Please list any comments or suggestions about the Elder Law Section's proposed name change to the Elder and Disability Law Section.**

A total of 27 responses were received:

- * A few leaders seem to be driving this effort that will split the section and make it more like the RPTTL's. It is the work of a few individuals and we have more to lose than gain by doing this. I am glad you are asking for the opinion of members before proceeding with something that could have major drawbacks and consequences.
- * As an attorney who works exclusively in disability law, primarily with Medicaid, ADA and special education issues, my practice is not well defined by any section. It includes aspects of health law, public interest, administrative law, education law and elder law. The Elder Law section touches on most of these issues with their clientele. Even if they don't practice in these specific areas, a good elder law attorney will need to know enough to spot the disability law-related problems. It's a good fit.
- * Be careful what you delve into as more members will be lost in the long run than gained. This section provides little enough to its members. It doesn't need to distance itself even more from the elder law attorneys who built it.
- * Elder Law involves planning for all people (some not even old) where as disability is a more limited group and different range of benefits (mostly governmental). Elder Law is sufficient.
- * I am constantly running into questions for disabled clients under age 65 and I want to be an expert in this field for them. I also believe it will bring more litigators into our section and we need this!
- * I am indifferent about it. I am board certified in Elder Law - would I say that I am certified in Elder and Disability law? Also, the vast, vast majority of my work is with the elderly while I do some work with special needs trust for the younger population. There is obvious crossover but I do not really see it affecting me, although it would likely help those practitioners who work more with the disabled and special needs trusts – they now have a home.
- * I believe Disability Law does not adequately describe the practice of Elder Law Section members. I believe that the addition of the "disability" practice area will create a negative impression to elderly clients who do not want to be labeled disabled. Disability practice is more closely aligned with workers' compensation.
- * I don't like the name change. Isn't there something more important that needs to be addressed than the name of the Section? Geez Louise!
- * I oppose the name change as it looks like we all do "disability" (as in SSDI work) - most of us don't. So we'll get random calls for nothing. Perhaps "Elder & Special Needs Law Section" would be more appropriate. I really do not believe it will advance the section.
- * I think the disability community will feel more comfortable seeking Elder Law Section members' counsel on guardianship and planning issues.
- * I think the name change is exciting and will present more opportunities for the section members. I look forward to an increase in the number of CLEs on disability rights and disability law.

- * I wonder whether "Disability" is too broad in that it conjures personal injury attorneys rather than those attorneys who would generally be members of the section and practice the type of disability law I would assume is intended in the name change.
- * I would prefer and suggest Elder Law and Special Needs Section, more in line with NAELA's tagline.
- * If it ain't broke...
- * I'm not sure the members want to split the section for two seemingly separate areas of practice.
- * Insufficient information to authoritatively respond.
- * It is more about greed and money than it is about what the section members want to have. Disability is just not a good fit for the majority of us and will take away from what we have with the section at this point. Many who practice in elder law have little or nothing to do with disability law. They are not related and will only serve to distract the work of the section.
- * So does this include, for example, school law for disabled people?
- * The change to disability does not better describe my practice or any other elder law attorney that I know. Why is this being done?
- * The definition of "Disability" as discussed in Elder Law section meetings is to attract social security practitioners. "Disability" for SSA purposes is defined as "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months..." Sec. 216(i)(1) of 42 U.S.C. 416. The definition of "Disability" under the Florida Workers' Compensation Act means: "the incapacity because of the injury to earn in the same or any other employment the wages which the employee was receiving at the time of the injury." F.S.440.02(13). The definition of "Disability", as discussed in our Elder Law meetings, is more applicable to Workers' Compensation than to Elder Law. It appears that the name change may confuse the public as to our mission.
- * The name change highlights the role of the elder lawyers with the disability community, however, perhaps if there were more opportunities for community outreach to parents with children with disabilities/special education community as well as the elders the name change could be better leveraged. The purpose of the Elder Law Section was to address the needs of the elderly. Even though some members of the Section work with the non-elderly disabled population, so does the Workers Comp and Public Interest and other Sections. Changing the name of such a small Section will destroy the Section and create a new Social Security Section, which was the purpose of the chief proponent of the change, David Lillesand.
- * This is David Lillesand's mission to change the direction of the section to match his own self interests in social security disability law. The change has nothing to do with Disability Rights Law or the ADA, I am hopeful that enough people will see through Lillesand and his self guided efforts.

- * This will cause more harm than good and I would have to think twice before paying my annual fees for this section.
- * This will only benefit those who practice with SS Disability Law, No benefits to the others in the section who don't.
- * Unfortunately, for those who do not practice SS Disability, this will be a consequences producing change.
- * While the name change more accurately describes our practice area, the names "Elder" and "Disability" are misnomers. Many, who need our services, do not see themselves as elders or as disabled. While this does not describe my current practice, I believe as my practice evolves this in an area that is a natural fit for my Elder Law practice. Initiating this change will make the migration towards this area smoother in the community.
- * Why change the section? It will ultimately drive current members into other sections which are more focused on senior law planning rather than administrative hearings and litigation.

**26. Which of the following Elder Law Section substantive law committees have you heard about?
(CHECK ALL THAT APPLY)**

<u>Category</u>	<u>Percent</u>
Guardianship	70
Medicaid & Government Benefits	64
Probate & Estate Planning	58
Abuse, Neglect & Exploitation	56
Special Needs Trust	56
Legislative	54
Mentoring	44
Veterans Benefits	44
Unlicensed Practice of Law	39
Ethics	37
Resident's Rights	30
Death Care Industry	25
Financial Products	25
None of the above	20

Around two-thirds of all respondents have heard about the Guardianship (70%) and Medicaid & Government Benefits (64%) substantive law committees of the Elder Law Section.

**27. How did you hear about the Elder Law Section's substantive law committees?
(CHECK ALL THAT APPLY)**

<u>Category</u>	<u>Percent</u>
<i>The Advocate</i>	50
An Elder Law Section event	40
Substantive Committee Chair/member	26
The Elder Law Section website	22
The Florida Bar <i>Journal</i>	14
The Florida Bar <i>News</i>	8
The Florida Bar	7
Other	7
Prior to today, I did not know about the section's substantive law committees	19

Half (50%) of all respondents report that they heard about the Elder Law Section's substantive law committees through *The Advocate*.

27a. If Other, please specify:

A total of 15 responses were received:

- * A friend.
- * AFELA list.
- * Council meeting reports.
- * Elder Law Section member.
- * Email.
- * Emails.
- * From my prior involvement with the section.
- * I read. In the past, I have served on committees.
- * I saw an email from John Fraizer on the listserv.
- * I was a past chair of the Section in 2010-2011.
- * Listserv.

*	ListServ.	
*	Serving on the executive council.	
*	Very active years ago and communication with my colleagues.	
*	Word of mouth.	
28.	In the past 24 months, have you participated in any Elder Law Section substantive law committee activities?	
	<u>Category</u>	<u>Percent</u>
	No	61
	Yes	39
	Nearly two-fifths (39%) of all respondents report that they have participated in an Elder Law Section substantive law committee activity during the past 24 months.	
29.	If you have not participated in Elder Law Section substantive law committee activities in the past 24 months, please indicate the primary reason:	
	<u>Category</u>	<u>Percent</u>
	Too busy	29
	Have other priorities	27
	Did not previously know about the Section's substantive law committees	16
	Just not interested	10
	Economic concerns	9
	Other	9

29a. If Other, please specify:

A total of 13 responses were received:

- * Do not feel capable of adding value to a committee. I would like to sit in as official member (or non member).
- * Health issues.
- * I am 77 and scaling down my practice.

- * I asked to help and zero people got back to me on it.
- * I prepared materials for another member.
- * My health issues.
- * Not aware if how to become involved.
- * Out of state.
- * Out of state.
- * Previously served on the board and have other priorities now.
- * Still trying to figure out where my interests would best be of service in this area.
- * Too old.
- * Was not aware of how to do so.

30. Please list any comments or suggestions you have regarding the Elder Law Section.

A total of 16 responses were received:

- * Continue to focus on the core principles of representing the elderly. Continue to have great CLE programs, strong leadership, Task Force, active committees and the Advocate. Also, work on diversity.
- * Good section – just need to keep up the education and high level.
- * Have section advocate on behalf of elders in matters of great public importance.
- * I am very proud to be a part of the Elder Law Section and to participate as much as time allows.
- * I do wish there were more opportunities to interact and for the newer members to know the more experienced.
- * I feel there's room for improvement regarding the mentoring resources offered.
- * I would like to serve on Probate and Estate Planning Committee.
- * I'm very proud of our work with AFELA and strongly support the name change and all that it means to us. This issue was thoroughly studied and debated. The majority is strongly in favor of this change.

I'm offended by the "Big Bar's" attitude about this change and their approach. We worked closely with Paul Hill and complied with all Bar requirements only to have the rules changed by the Big Bar after approval of the name change. It has soured me from wanting to be involved in the Big Bar activities.

- * In regards to the proposed name change, the definition of "Disability", as discussed in Elder Law section meetings is to attract social security practitioners. "Disability" for SSA purposes is defined as "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months..." Sec. 216(i)(1) of 42 U.S.C. 416. The definition of "Disability" under the Florida Workers' Compensation Act means: "the incapacity because of the injury to earn in the same or any other employment the wages which the employee was receiving at the time of the injury." F.S.440.02(13). The definition of "Disability", as discussed in Elder Law meetings on the name change is more applicable to Workers' Compensation than to Elder Law. The appears that the name change may confuse the public as to our mission.
- * It is great section and the members are quite impressive in their knowledge.
- * It is hard for someone to become involved as there seems to be a "clique" of firms and attorneys.
- * More hour-long free telephone seminars.
- * Name change is a ridiculous concept. Otherwise, it's a good section.
- * We have good leaders and a pretty good Executive Council. We need more support from the big Bar. We are not getting what dues (to the Section and to the Bar) we are charged.
- * The section members are the only lawyers who will help each other with issues raised in their practices. The listserv is truly a great resource to young and older members with elder law issues, including tax, Medicaid, probate and estate planning.
- * Very helpful and informative Section. Thank you, Arlee.