

**LEGAL/COURT PROCESS FOR RESOLUTION v. RESOLUTION WITH AN ELDERCARE COORDINATOR**

If a loved one takes issue with the way things are being done for the elder, how is that issue resolved? Is it brought to the Court's attention? If so, how? **What if the case had been referred to an Eldercare Coordinator?**

To get Order from Court for resolution	Resolution of an issue through an EC
<ol style="list-style-type: none"> <li>1. Client contacts attorney and discusses the problem. Attorney drafts and files a Motion. It includes sufficient information for all to prepare.</li> <li>2. Speak to all parties involved and estimate time needed for all to be heard</li> <li>3. Obtain potential dates from court and contact parties with those options</li> <li>4. Confirm availability of all parties, their lawyers, and own witnesses</li> <li>5. Draft Notice of Hearing with Court</li> <li>6. Assemble witness list and any records that will be introduced at hearing</li> <li>7. Draft Subpoenas for witnesses</li> <li>8. Send subpoenas to process servers or Sheriff to serve on witnesses</li> <li>9. Attorneys meet with and prepare witnesses to testify at the hearing</li> <li>10. Travel to and attend Court hearing</li> <li>11. Is another court date necessary to complete? Repeat process above.</li> <li>12. Judge makes an oral ruling</li> <li>13. Order drafted and circulated for approval</li> <li>14. Change and revise the Order until everyone agrees that it accurately reflects the judge's ruling</li> <li>15. When in final form send to judge.</li> <li>16. Judge enters Order after reviewing it and approving it between other possible delays.</li> <li>17. Order is issued by the Clerk and copies are sent to parties</li> </ol>	<ol style="list-style-type: none"> <li>1. EC contacted by the concerned loved one</li> <li>2. The EC schedules a meeting or phone call with everyone, or sends an email "reply all".</li> <li>3. The family discusses the issue; ideas and proposals are exchanged; EC facilitates what is needed for a resolution.</li> <li>4. A resolution is identified.</li> <li>5. The resolution is incorporated into the Eldercare Plan.</li> </ol>
<p><b>Decisions are delayed. Testimony in a contested matter is hurtful and creates bad feelings among the participants.</b></p>	<p>Issues are quickly resolved and emotions are addressed.</p>

**COSTS COMPARISON OF COURT PROCESS AND ELDERCARE COORDINATION FOR EACH MOTION OR ISSUE:**

<b>Court Process</b>	<b>Fees</b>	<b>Time Lapsing</b>	<b>Eldercaring Coordination Process</b>	<b>Fees</b>	<b>Time Lapsing</b>
Client notifies lawyer about concern (30 minutes)	\$150		Problem arises and EC is contacted—1 hour	\$75 to 200 divided among two feuding family members and elder	One day
Draft Petition or Motion (60 minutes)	\$300 to attorney	At least two days			
Attorney preparation for hearing time—6 hours for each of three attorneys	4,800 to attorney	30 days between setting the hearing and the hearing occurring	EC contacts other family members to address problem identified and schedules appointment—1 hour	75 to 200 divided among two feuding family members and elder	
Expert witness fees for court date:	1,500	45 days	EC meets with family members to address problem—in person or remotely—1 hour	75 to 200 divided among two feuding family members and elder	One week
Pro Se family member prepare own case and witnesses—2 hours		No additional time	If attorneys attend the EC's meeting with the family—1 hour meeting plus 1 hour travel x 3 attorneys	\$1800	
Attending Hearing: attorney time including travel	\$1800	One day	Issue resolves---added to Elder Care Plan during the one hour meeting		
Draft Order	\$300	Two days	Resolution implemented		

Opposing attorney review proposed Order	\$600	One week	Follow up appointment with EC by telephone—no attorneys necessary—30 minutes	\$37.50 to \$100 divided among two feuding family members and elder	One month
Submit Order to Judge to enter		One week			
Wait for signed order to come in the mail		One week			
Follow up hearing to make sure decision was implemented—90 minutes of attorney time at \$300/hour and three attorneys	\$900	One month			
	<b>\$6,300 per person</b>			<b>\$87.50-233.33 per person plus \$400 attorney fees if attorney attends appointment</b>	
<b>TOTAL</b>	<b>10,350 total cost</b>	<b>131 days</b>		<b>\$262.50 –\$700 for EC plus \$1800 if attorneys attend total cost</b>	<b>One week to problem resolution; one month follow up appointment</b>