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LEGAL SERVICES  
CT JUDICIAL BRANCH



May 19, 2009

Carl E. Testo  
 Director of Legal Services  
 State of Connecticut Judicial Branch  
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Dear Mr. Testo,

I am writing you this letter as a Director of the Connecticut Chapter of the National Academy of Elder Law Attorneys. The Board of Directors is hereby requesting that the rules committee amend Rule 7.4A (d) of the Rules of Professional Conduct to include Elder Law among the fields of law in which attorneys may be certified as specialists.

As you may be aware the American Bar Association has recognized Elder Law as a specialty since the mid 1990s. The American Bar Association's House of Delegates approved the National Elder Law Foundation (NELF) as the certifying entity for specialization in Elder Law in February of 1995. Section 2 of the National Elder Law Foundation's rules for certification defines the subject area by stating:

2.1 "Elder Law" is the legal practice of counseling and representing older persons and their representatives about the legal aspects of health and long term care planning, public benefits, special needs counseling, surrogate decision-making, older persons' legal capacity, the conservation, disposition and administration of older persons' estates and the implementation of their decisions concerning such matters, giving due consideration to the applicable tax consequences of the action, or the need for more sophisticated tax expertise.

2.2 In addition attorneys certified in elder law must be capable of recognizing issues of concern that arise during counseling and representation of older persons, or their representatives, with respect to abuse, neglect, or exploitation of the older person, insurance, housing, long-term care, employment, and retirement. The certified elder law attorney must also be familiar with professional and non-legal resources and services publicly and privately available to meet the needs of the older persons, and be capable of recognizing the professional conduct and ethical issues that arise during representation. All the experience, task, and examination requirements relate to these areas of the law.

