



Expert in the Field: Allen Drescher

By Ellen Waldman

January 5, 2015

Everyone knows that lawyers are often the brunt of a joke. It usually goes something like this:

Q: How many lawyer jokes are there? A: Only three. The rest are true stories.

In my years in the field, I have found that the attorneys here locally have been extremely competent, helpful and caring individuals. No joke. The field of elder law and estate planning often addresses family dynamics and end-of-life concerns. This requires a special type of person, and we are fortunate to have many such professionals here in Ashland.

Allen Drescher has practiced law in Ashland and Southern Oregon since 1973. His practice areas include estate planning, real estate, business law and elder law. He has extensive experience with wills, trusts, probate, guardianships, conservatorships, asset protection, elder abuse and other issues facing seniors and “those of us who refuse to acknowledge that we are seniors,” in his own words. If you have moved here from another state, if someone in your life who was appointed to a position can no longer fill that role, or other important changes have occurred, it’s time to visit your attorney. And if you have not yet started this process, it’s not a minute too soon.

Here are some very important tips from Allen:

1. What are the main reasons people need to see an attorney going into the New Year?

The start of the New Year gives us the opportunity to address some of the issues and tasks that we have put off or ignored through the prior year. Estate planning is something that we are generally inclined to put off (or ignore) since most of us, when we are still healthy, don’t think about this. The beginning of the New Year reminds us that another year has passed — we are a year older than we were at the start of last year — and we are one year closer to the time when it will be too late to plan for that eventuality that all of us must face.

2. How can families legally prepare for their aging loved ones, as well as for themselves?

For both our aging loved ones and ourselves we should have the following basic estate planning tools: A Power Of Attorney; an Advance Directive for health care; a will or trust; proper beneficiary designations on any retirement accounts, life insurance policies, annuities, etc.; and a clear expression of our wishes for the disposition of our remains. Additionally, a trusted family member can be added as a signer on a bank account or made a joint owner of a financial account. They can also be designated as the pay-on-death or transfer-on-death beneficiary of the account.

3. What is important to do legally when someone is diagnosed with dementia or cognitive impairment?

Suitable arrangements need to be made to provide for the person’s needs and to protect the person’s assets and income. The advice of a geriatric care manager or elder law attorney should be obtained to learn of the challenges that will be faced and the means by which those challenges can be addressed

and surmounted. While the person is still mentally competent, it is important for the person to sign documents required to delegate authority regarding the person's finances and health care in order to avoid the necessity of a guardianship or conservatorship.

4. What is the best way to locate an attorney who is focused on aging adults?

A personal reference is a good starting point. The lawyer's experience and qualifications can be checked online. The Oregon State Bar Association (www.osbar.org; 503-620-0222) will provide information on how long a lawyer has practiced law, the sections of the bar that a lawyer belongs to and whether the lawyer has been disciplined. These are filters that will narrow your search. Before making an appointment you should ask to speak to the lawyer by phone, and confirm that they have some expertise in your area of concern and that you will get along with one another.

Please consider taking advantage of all this excellent guidance and knowledge in our town. You can be assured that your wishes and needs can be clearly and legally stated. This is a great way to start off a New Year by taking care of yourself and your family. The best to you in 2015.