

The Cancer Legal Resource Center CHRONICLE

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Orange County Edition

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Things to Consider in Estate Planning

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Director, Cancer Legal Resource Center

What is estate planning? Do you need it?

Estate planning is more than just a will. No matter how much money you may have or property you may own, it is important to have a basic estate plan in place. Having such a plan ensures that your family and financial goals are met should something unexpected occur.

There are four important things to think about when you think "estate planning."

Ask yourself, "Do I need . . .

- ✓ An Advance Health Care Directive?"
- ✓ A power of attorney for financial affairs?"
- ✓ A will?"
- ✓ A trust?"

Estate planning is a process that involves people and your assets. You want to consider how your assets will be managed for your benefit if you are unable to do so, and what you want to happen with those assets.

The Advance Health Care Directive consists of written instructions which communicate your wishes about the care and treatment you want to receive if you reach the point where you can no longer make decisions for yourself. They are signed in advance to let your doctor and health care providers know your wishes concerning your medical treatment.

There are four parts of a directive:

- 1) Power of attorney for healthcare
- 2) Instructions for your healthcare
- 3) Organ donation
- 4) Primary physician

The power of attorney for healthcare allows you to name someone to make medical decisions for you when you are not able. The section with instructions for your healthcare allows you to state your desires regarding life-sustaining or life-prolonging medical treatment. You can also designate which organs, if any, you wish to donate. In addition, you can include the contact information for your primary physician should someone need to contact him or her.

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Disability Rights Legal Center
CLRC
Cancer Legal Resource Center

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You may also want to appoint someone to make your financial decisions, should you become unable to do so. One way to do that is through a durable power of attorney for financial affairs. This means that as soon as you appoint someone, that they start making decisions for you immediately. A springing power of attorney allows you to appoint a person, and only when it has been determined that you are incapacitated, will the power of attorney take effect.

A will is another option that is available. A will is a legal document, drafted in accordance with state law, which allows you to name beneficiaries, a guardian for your minor children, and an executor to carry out your wishes. There are three ways to draft a will in California. You can draft a holographic will, which is completely in your own handwriting, dated, and signed. You can also use a fill-in-the-blanks form, or statutory form, found on the California State Bar website (www.calbar.ca.gov). Or you can have a will written and prepared by an attorney.

A trust is a written agreement between the individual creating the trust and the person named to manage the assets held in the trust. Having a trust may eliminate the need for probate if your assets were held in trust at the time of your death. The most common type of trust is the living trust, which allows you to change the trust during your lifetime. If you are interested in a trust, we suggest that you consult with an attorney.

Estate planning does not have to be overwhelming. Make a list of your goals, financial and otherwise, and think about your medical wishes. Preparing in advance can prevent potential difficulty when something unexpected occurs. Having an advance health care directive will ensure that you get the medical treatment you desire and save your family the stress of making those decisions for you. By preparing for the distribution of your assets through a will or trust, you can also ensure that your desires are carried out.

Cancer can be a life-altering experience. At the CLRC, we can explain the laws in more depth, explore your options, and provide available materials and resources. By learning about your rights, you empower yourself and pave the way to getting your needs met. For more information, please contact us at 866.THE.CLRC (866.843.2572) or by e-mail at CLRC@LLS.edu. ❖

Meeting the Members of the CLRC Professional Panel: *James P. Shea, Esq.*

By: Mahin Salehi, Esq.
Staff Attorney, Cancer Legal Resource Center

James P. Shea, Esq. is an attorney at the Law Offices of Susan R. Wasserman in Los Angeles. He has practiced law since 1992, and specializes in the area of Social Security law. Mr. Shea has a Ph.D. degree in English literature and previously worked in the computer business before beginning his legal career. His law practice helps individuals get the benefits that they are entitled to from the Social Security Administration (SSA).

His clients have various types of disabilities and encompass every age group. Many of his clients have a disability preventing them from being able to work and earn a living. His clients often seek representation because they have been denied disability benefits and wish to appeal the denial decision. Two of the programs they have likely applied for are Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI). The SSA requires that an individual has a disability that is expected to last longer than one year, has lasted one year, or is likely to result in death, and prevents the individual from working. Challenges arise when the Social Security Administration disagrees with the individual's application, finds that the person does not have a qualifying disability, or is able to work.

Mr. Shea's practice requires him to attend several administrative hearings a week on behalf of his clients. During these hearings, the Social Security Administration determines whether one is disabled and meets the requirements. SSA will put experts on the stand to testify to these issues. At each hearing there are often one or two medical experts who work on behalf of SSA. Their role is to question whether the client really has a disability that prevents them from working. Mr. Shea cross-examines the experts of SSA, and by effectively doing so, he can help his clients get the benefits for which they have applied. This is one aspect of his work, which Mr. Shea particularly enjoys. He finds satisfaction in being able to draw useful information, or being able to steer the testimonies by SSA experts in a direction most beneficial to his clients.

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Where We'll Be . . .

We'll be at these events coming soon. If you would like more information, please contact the CLRC.

SEPTEMBER 2008

EVENT: Komen Orange County Race for the Cure®
DATE: September 28, 2008
PLACE: Fashion Island, Orange County
TIME: 7:30 a.m. to 1 p.m.

EVENT: Community Alliances Conference
DATE: September 30, 2008
PLACE: Delhi Community Center - 505 E. Central Ave., Santa Ana
TIME: 9 a.m. to 11 a.m.

OCTOBER 2008

EVENT: Cordelia Knott Wellness Center Seminar: Cancer & the Law
DATE: October 16, 2008
PLACE: 230 S. Main Street
TIME: 12 p.m. to 1:30 p.m.

EVENT: The Women's Conference
Date: October 22, 2008
Place: Long Beach Convention Center – 300 E. Ocean Blvd., Long Beach
TIME: 7 a.m. to 7 p.m.



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Visit www.CancerLegalResourceCenter.org to learn more about our staff!

At times, cancer patients face an additional challenge when applying for Social Security Disability Insurance benefits. Treatment has become so advanced that, for example, many breast cancer patients are able to work right up until their surgery. The bedrock principle of SSDI is that the disability lasts one year or is expected to last one year. So if a person's surgery, radiation, and chemotherapy are completed in less than one year, they will not meet the one year requirement. Mr. Shea believes that the answer lies in the aftermath of treatment or in the emotional impact the disease has on a person, that last well beyond the treatment, and beyond the one year. If his clients have such medical conditions that continue to prevent them from working, Mr. Shea will use his legal skills to ensure that they get the benefits to which they are entitled. Once they receive their payments and benefits, his clients can continue with their lives on the road to recovery.

Mr. Shea joined the Professional Panel at the CLRC's inception over ten years ago. Working with the CLRC, he has traveled in the Southern California region and in San Francisco to educate people about disability law. He continues to be an invaluable resource to so many of the CLRC's callers. Please join us in thanking him for his service. ❖

Getting to know . . . the Cancer Legal Resource Center



The Cancer Legal Resource Center (CLRC), a joint program of the Disability Rights Legal Center and Loyola Law School, is a non-profit organization. The CLRC provides services throughout the US. Founded

Cancer-Related Resources

For employment related questions:

Equal Employment Opportunity Commission
(213) 894-1000 or (800) 669-4000

www.eeoc.gov

California Dept. of Fair Employment & Housing
(714) 558-4266 or (800) 884-1684

www.dfeh.ca.gov

Job Accommodation Network (JAN)
(800) 526-7234 www.jan.wvu.edu

For Family & Medical Leave Act (FMLA) questions:

U.S. Department of Labor
(626) 966-0478 or (866) 487-9243

www.dol.gov/dol/topic/benefits-leave

For State Disability Insurance (SDI) questions:

California Employment Development Department
(800) 480-3287 www.edd.ca.gov

For Social Security Disability Insurance (SSDI) & Supplemental Security Income (SSI) questions:

Social Security Administration
(800) 772-1213 www.ssa.gov

For COBRA questions:

U.S. Department of Labor
Employee Benefits Security Administration
(866) 275-7922 www.dol.gov/ebsa/

For Cal-COBRA (CA version of COBRA) and HIPAA questions:

California Department of Managed Health Care
(888) 466-2219 www.dmhc.ca.gov

For insurance questions:

California Department of Insurance
(800) 927-4357 www.insurance.ca.gov

For major risk Insurance questions:

Major Risk Medical Insurance Program (MRMIP)
(800) 289-6574 www.mrmib.ca.gov/mrmip

For Health Insurance Premium Payment Program questions:

Department of Health Services
(800) 952-5294 or (866) 298-8443

For Women's Health and Cancer Rights Act questions:

Employee Benefits Security Administration
(626) 229-1000 or (866) 275-7922

For Medicare questions:

Health Insurance Counseling & Advocacy Program
(714) 560-0424 or (800) 434-0222

For general information about cancer:

American Cancer Society
(949) 261-9446 or (800) ACS-2345 www.cancer.org

Susan G. Komen For the Cure
(714) 957-9157 or (800) IM-AWARE
www.komenoc.org or www.komen.org

National Cancer Institute
(800) 4-CANCER www.cancer.gov

For possible financial assistance:

Beckstrand Cancer Foundation
(949) 955-0099

Breast Cancer Angels
(714) 891-1429 www.breastcancerangels.com

Breast Cancer Survivors
(949) 421-1206 www.bcsurvivors.org

Cancer Care, Inc.
(800) 813-HOPE (4673) www.cancercare.org

HealthWell Foundation
(800) 675-8416 www.healthwellfoundation.org

211 Orange County
Dial 211 or (888) 600-4357

About Susan G. Komen for the Cure®, Orange County Affiliate

Komen is the world's largest grassroots network of breast cancer survivors and activists fighting to save lives, empower people, ensure quality care for all and energize science to find the cures. Komen is dedicated to curing breast cancer at every stage - from the causes to the cures, to the pain and anxiety of every moment in between. They have supported every advance in breast cancer research over the past 25 years, while empowering people and ensuring quality care for all through community grants for breast health and treatment. Komen also engages millions of people in events like Komen Race for the Cure® in thousands of local communities.

Please visit <http://www.komen.org> for more information on how you can get involved. ❖

CLRC Student Spotlight

James Roh, is a graduating Loyola Law School student, who has externed at the Cancer Legal Resource Center (CLRC) for the past three semesters. James came to law school because he wanted to effectively advocate for minorities and the disability community. A fellow student had recommended the Disability Rights Legal Center (DRLC) to him, since the DRLC addressed issues concerning persons with disabilities. James chose to extern with the CLRC (a joint program of the DRLC and Loyola Law School) because he had some personal connections to cancer through his family and friends. However, James notes that it wasn't until he joined the CLRC did he fully realize the vast number of concerns and issues that cancer patients may encounter.

As an extern, James has become a star student on the CLRC's national Telephone Assistance Line (866-THE-CLRC). Callers have commented on James' understanding, passion and persistence in trying to supply them with legal information and resources that could further assist them with their needs and questions. While educating callers about the legal aspects of cancer, James has had the opportunity to learn about various areas of the law, including employment, housing, health insurance, and government benefits.

Commenting on his experience with the CLRC, James states, "Dealing directly with people suffering from cancer and trying to find out ways to help them is a rewarding experience, and it also gives me a better understanding of the healthcare industry, which I didn't know much about."

James is also a performer for the hip hop group, Far East Movement. He hopes to continue to utilize his music to make more social change, especially in the field of cancer discrimination. His group is currently involved with the campaign to find a bone marrow match for Michelle Maykin (www.projectmichelle.com). ❖

The CLRC Plans to Host a Cancer Rights Conference in Orange County in 2009!

Visit www.CancerLegalResourceCenter.org for upcoming details on this event! ❖



The CLRC participated in the National Susan G. Komen Race for the Cure® and Lobby Day in Washington, D.C. in June, 2008

Advocacy Corner

The Cancer Legal Resource Center believes strongly that cancer is a political issue. Legislative advocacy in the Cancer Rights arena is very important because it is an effective way to address the employment and health insurance laws that fail to provide adequate protections for people with cancer. Laws can: provide access to a particular treatment; protect people from discrimination in employment and health insurance; require the provision of health insurance coverage; create government benefits programs; and provide access to screening, treatment and research.

The CLRC and Disability Rights Legal Center are currently supporting important pieces of federal and state legislation, including HR 2851 / S 400, commonly referred to as Michelle's Law, which would allow college students to take a medically necessary leave of absence from school for up to one year, without losing their health insurance coverage.

For information about this bill and other pieces of important legislation, please visit: www.disabilityrightslegalcenter.org/about/legislativeadvocacy.cfm. ❖



CLRC students participating in the Bob Cooney Golf Tournament at Coyote Hills, benefitting the CLRC

Cancer Legal Resource Center services are...

- National
- Free
- Confidential
- Specific to your situation
- Available in English and Spanish

The Cancer Legal Resource Center can help you if you have questions about:

- Employment
- Medical Leave
- Reasonable Accommodations
- Health Insurance
- Access to Healthcare
- Government Benefits
- Medicare
- Medi-Cal & Medicaid
- Patient Rights
- Disability Insurance
- Estate Planning
- Advanced Health Care Directives
- Life Insurance
- Custody & Guardianship
- Conservatorship
- Consumer Rights

Yes! I want to support the important work of the Disability Rights Legal Center!

PAYMENT INFORMATION

LLS 11-3-71400-00000-7465

Federal Tax ID# 95-2960607

First Name _____ Last Name _____

Mailing Address _____

City _____ State _____ Zip _____ Daytime Phone # _____

CREDIT CARD PAYMENTS:

Please complete following information and mail or fax to DRLC:

Visa or MasterCard # _____ Exp. Date _____

Name on Credit Card _____

Zip Code Where Statement Sent _____

Signature Authorizing Charge _____

Amount Authorized \$ _____

Credit card payments will appear on your statement as "Loyola Law School"

PAYMENTS BY CHECK:

Please make check payable to the Disability Rights Legal Center:

919 Albany Street

Los Angeles, CA 90015

Secure Fax Number: 213-736-1030

Disability Rights Legal Center



Cancer Legal Resource Center

919 Albany Street

Los Angeles, CA 90015

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