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Boomerlaw: The Law Practice of the Future

Every now and then, changes in our society are reflected in our institutions. One such change is the aging of the baby boomers. These are the children who were born between 1945 and 1962, and make up over 70,000 of the people in Howard County. With the coming of age of the “boomer” generation, the practice of law must change to meet the enhanced needs of these boomers. This change involves the bundling legal services for boomers, and it is called boomerlaw.

In the 1980’s, there was an awareness within the legal community that there must be an effective means to address the legal needs of the elderly. About 16 years ago, the concept of the “elder law practice” was born to describe a bundle of legal services designed to meet the needs of the elderly. These services included estate planning, long-term care planning, guardianship litigation, and various legal services needed to protect the rights of the elderly whose benefits were often provided under various governmental benefits programs. By any measure, this bundling of legal services was very successful and is a thriving practice area today. Indeed, there are over 2000 members of the National Academy of Elder Law Attorneys throughout the United States, of which over 100 members practice in the State of Maryland. There are also approximately 400 members of the Elder Law Section of the Maryland State Bar Association.

In an elder law practice, it is often the elder’s children who contact the attorney to obtain information and to provide planning options for their elder parent. These children are part of the current “sandwich generation” because while they are the ones trying to attend to the needs of their own parents, they are also still dealing with the needs of their own children. They are thus sandwiched between the older and the younger generations and they are trying to meet the needs of both. That sandwich generation, today, is made up primarily of the boomers.

Besides trying to meet the legal needs of their parents and children, the boomers are discovering that they have their

own legal needs that must be addressed, especially since the boomers are exploring new and better ways to earn their livings. The term “retirement” no longer means that a person is no longer working. It just means that they can be more relaxed about the way they work. Retirement, when it comes, will allow the boomer to redirect his or her efforts into a wide range of other activities, such as consulting, volunteering, and recreational pursuits. And, the boomers will need legal services that have evolved to meet their changing life styles. Thus, we will need a new kind of law practice, boomerlaw.

Boomerlaw will provide the bundled legal services that the boomers will need to address both their family’s needs and their business needs. These services will include traditional business law, intellectual property law, litigation, and estate planning. However, the orientation of these practice areas will be towards meeting the future legal needs of the boomers. Thus, any successful boomerlaw law firm will have to be on the cutting edge of these more traditional practice areas in order to anticipate the future needs of the boomers.

The business law part of the practice will be the most exciting part in the evolution of boomerlaw. Individuals and high-tech companies are converging into new organizations at an extremely rapid rate. These organizations, in turn, are dealing with a wide range of intellectual property issues, from copyright laws to patent law. Human nature, being what it is, will require a highly adaptive set of legal constraints to provide order to this apparent chaos. Business entities will have to be legally formed, the rights of the owners of these enterprises will have to be protected, and employment agreements with restrictive covenants will have to be negotiated. And, as technology and the practice of law evolve, most of these activities will be performed within cyberspace.

In another area, estate planning will no longer mean just drafting a will. Boomers are learning, through the experiences of their parents, that tax laws



require technical planning mechanisms to be put into place in order to minimize the effect of Federal and State death taxes. The archaic probate process is being avoided whenever possible with the use of revocable living trusts and other methods. Disability planning has become an integral part of the estate planning process, with the use of revocable living trusts, general powers of attorney and advance medical directives. Then there are also a variety of trusts that can be used for special purposes, such as for children, disabled persons and others with special needs. Estate planning is an area where traditional legal tools have been used in new ways to meet the needs of all clients regardless of the values of their estates.

Regardless of the legal needs of the boomers, the boomerlaw practice of the future will be able to meet those needs using creative legal skills, technological enhancements and highly-individualized, personal service.