

News from Conrad Trosch & Kemmy, P.A.

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MICHAEL KEMMY, CERTIFIED IN “ELDER LAW,” SEES NEED FOR YOUTH TO PLAN, AS WELL

CHARLOTTE, NC – Among the toughest questions attorney Michael J. Kemmy sometimes has to ponder is whether an elderly client is mentally competent to make life-changing decisions. Or, whether an adult child realizes that, by declaring an aging parent incompetent, he is taking away most of that parent’s rights.

Those and similar questions about decisions made by or for persons with age-diminishing capacity are major reasons why Kemmy, a specialist in Elder Law, urges and encourages adults to start planning for the future long before they reach “elder” status.

“Even if you’re still young, it’s so important to have certain documents in place to protect yourself, your family and your resources from certain predators down the road,” he said.

As our society ages, more and more questions – for example, issues about estate planning, powers of attorney, probate or the transfer of assets -- arise. Especially since the early 1990s, rules and regulations have changed continually, requiring more study and more competencies to stay abreast of them.

“I’ve been helping people in that field since the early 1980s, before Elder Law was even a concept,” he said. So when the State Bar of North Carolina offered a specialty in Elder Law in 2009, working to achieve the specialization was an easy decision for Kemmy who already was meeting many of the requirements and taking most of the required continuing education courses.

Now, Kemmy, a partner in Conrad Trosch & Kemmy, PA, since 1992, is one of only 16 attorneys in North Carolina – and the only one in Charlotte -- who legally can claim certification as a “specialist in Elder Law,” according to the State Bar.

The North Carolina State Bar created the Board of Legal Specialization in 1983 and began certifying North Carolina lawyers as legal specialists in 1987. The goals of the legal certification program are to identify to the public those lawyers who have demonstrated special knowledge, skill, and proficiency in a specific field, and to improve the competency of members of the bar by establishing an additional incentive for lawyers to participate in continuing legal education and meet other requirements of specialization. The legal certification program in North Carolina is one of only 18 state legal certification programs in the United States.

In most cases, attorneys specialize in areas of specific subject matter such as real estate, criminal law, employment or litigation. “Elder Law,” however, refers to a specific population which may be in need of assistance in any one or more legal areas.

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Kemmy
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Added Kemmy: "It's not that I know all there is to know about Elder Law. With the elder population, (a client) may be involved in any area of the law, and no one can know all there is to know about every area. But I do know enough to be able to recognize special issues and to find the right associates with the competency to help."

Kemmy is concerned that too many people are not aware of the need to make legal decisions well before they reach a point of diminishing capacity. Advance planning is crucial, even for young people, so that they have in place documents including a will, a living will and power of attorney. It is important, too, that young people encourage their parents to have such documents in place. They also should remember to update the documents periodically as their lives, their assets and the people in their lives change.

Kemmy, 56, heads the Estate Planning, Probate and Elder Law Department at Conrad Trosch & Kemmy, P. A. With more than 30 years of experience, his practice concentrates on estate planning, probate and estate administration, as well as Elder Law.

A San Antonio, TX, native who graduated from Creighton University and earned his juris doctor at Washburn University School of Law in Topeka, KS, Kemmy worked for the Internal Revenue Service as an estate and gift tax attorney in Texas. He moved to Charlotte and was admitted to the North Carolina Bar in 1987, joining the law firm of Conrad & Trosch that year. He became a partner five years later.

A frequent lecturer on probate and estate planning topics, Kemmy has produced educational videos on wills and trusts. He continues to provide pro bono consultations to the elderly residents at the Carriage Club of Charlotte, a service he began in the early 1990's. Kemmy taught business law at the University of North Carolina at Charlotte for 10 years.

The mission of Conrad Trosch & Kemmy is to serve its clients by efficiently resolving their legal problems in a professional and courteous manner within the bounds of the law and within the framework of ethical considerations. The firm's priority is to provide legal expertise with a common sense approach that is responsive to clients' needs and goals.

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