Course # 7080  ELDER LAW

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Friday, 7:35 – 9:35 a.m., Law 111

Office hour: By appointment

Course Description:

This two-credit course introduces students to the broad range of legal and policy issues and options affecting people as they age. Among others, topics covered include aging in America and around the world, special ethical issues when representing the elderly, protecting the legal and human rights of people as they age and/or face disabilities, aging network resources, Social Security, Medicare, Medicaid, planning for incapacity, surrogate decision making, guardianship, caregiving, abuse of vulnerable adults, health care, housing, long-term care, end-of-life issues, and international perspectives on aging. Classes are taught primarily in a lecture-discussion format, based on a series of case studies and readings. Required course work includes regular class attendance and participation, two written case studies, and a written analysis of a probate court visit. There is no exam or final paper. Students may also elect to enroll in the related elder law clinic that offers students placements in a variety of settings.

Grading:

• Class participation: no grade but significant participation will result in ½ grade increase in final grade while poor participation may result in ½ grade decrease in final grade

• Written analysis (2 pages) of probate court visit (visit may occur at student’s convenience but student must visit the Third District Probate Court in the Matheson Courthouse on any Wednesday morning): 20%

• Written case study #1 based on class assignment (3-5 pages): 30%

• Written case study #2 based on class assignment (5-8 pages): 50%

Written assignments may be submitted at any time during the semester but all written assignments must be submitted via email to mjcr@xmission.com no later than the last day (Tuesday, December 18) of the Fall 2012 final exam period.
Required texts:


Other readings and exercises (provided during the semester on TWEN or in class)

Supplemental readings:

List of Internet resources and suggested extra readings (extra lists)

The University of Utah seeks to provide equal access to its programs, services and activities for people with disabilities. If you will need accommodations in this class, reasonable prior notice needs to be given to Barbara Dickey, Associate Dean for Student Affairs and to the Center for Disability Services to make arrangements for accommodations. CDS is located at 200 South Central Campus Drive, Room 162, or you can call 801-581-5020. All written information in this course can be made available in alternative format with prior notification.
## Class Outline (subject to change; readings will be posted on TWEN):

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<tr>
<th>Class</th>
<th>Date</th>
<th>Topic</th>
<th>Assignment:</th>
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| 1.    | 8/24  | Introduction to class; Elder law; Aging in America and in the world; Older Americans Act; Aging network services; Legal services delivery and access to justice issues | Required: *Frolik*, Chapter 1  
| 2.    | 8/31  | Maintaining Independence; Housing & Aging in Place; Long-Term Care Options: Staying at Home; Assisted Living Facilities; Nursing Homes | Required: *Frolik*, Chapters 7 & 8  
ABA Policy on Assisted Living (2001; Required Readings Folder).  
| 7.    | 10/5  | Planning Ahead; Powers of Attorney; Case Study #1                      | *Frolik*, Chapter 10; Uniform Power of Attorney Act at:  
| 8.    | 10/19 | Advance Planning for Health Care Decisions; Informed Consent; End of Life | *Frolik*, Chapter 3; *In re Quinlan*, 355 A.2d 647 (N.J.1976); read the information about Utah’s advance health care directives and complete your own advance. |
directive and bring it to class. The information and form are found at http://aging.utah.edu/utah_coa/directives/index.html.

9. 10/26  Incapacity; Civil Commitment; Guardianship


10. 11/2  Caregiving Issues; Family Law Issues; Same Sex and Aging Issues

Assignment: *Caring For Our Parents in An Aging World*, 5 NYUJLPP 563; *Family Caregiver: A Shadow Workforce in the Geriatric Health Care System*? 32 JHPPL 1005; *The “New” Newlyweds: Marriage Among the Elderly, Suggestions to the Elder Law Practitioner*, 7 ELDLJ 379; To Grandmother’s House We Go, 74 UCINLR 1549.

11. 11/9  Elder Abuse and Financial Exploitation; In-class case study #2


12. 11/16  Ethical issues


13. 11/30  International Aging & Human Rights

Internet Resources on Law and Aging

Administration on Aging:
www.aoa.gov
The federal government agency’s official web site that provides useful information on any related to aging issues around the country. The site provides links to area agencies on aging.

AARP:
www.aarp.org
A consumer-oriented site providing useful information for consumers and professionals on a wide variety of issues.

American Bar Association Commission on Law and Aging:
www.abanet.org/aging
Excellent site for current issues in elder law, useful links, and publications and reports issued by the Commission.

Bazelon Center for Mental Health Law:
www.bazelon.org
A comprehensive review of mental health law issues.

Brookdale Center on Aging:
www.brookdale.org
The site for the Brookdale Center of Hunter College in New York City offering excellent resources on aging issues, related legal issues, and grandparent and caregiver rights.

Centers for Medicare and Medicaid Services:
www.cms.hhs.gov
The federal government site for information on Medicare and Medicaid.

Comparative Elder Law and International Links:
http://law.wfu.edu/clinics/elder/resources/?id=14

Elder Justice Coalition:
www.elderjusticecoalition.com/legislation.htm

National Academy of Elder Law Attorneys:
www.naela.org
Useful information on NAELA and its publications and resources. The site also includes an excellent list of links to other web sites on aging and the law.

National Citizens Coalition for Nursing Home Reform:
www.nccnhr.org
National web site for consumers and advocates concerned with long-term care needs.
National Consumer Law Center:  
www.consumerlaw.org  
Consumer law issues with special senior initiatives.

National Center on Elder Abuse:  
www.elderabusecenter.org  
The national site for information and research resources on elder abuse.

National Health Law Program:  
www.healthlaw.org  
Very useful site for Medicare and Medicaid information and advocacy.

National Immigration Law Center:  
www.nilc.org  
All immigration law information with some specific issues regarding older immigrants.

National Legal Resource Center:  
http://nlrc.aoa.gov/  
Portal site for the collaborative effort developed by the Administration on Aging. Its partners include national legal resources centers for law and aging.

National Senior Citizens Law Center:  
www.nsclc.org  
Very useful sit from this national support group providing updates on significant legal issues affecting older persons, advocacy tips for professionals, and many links to other resources.

Partnership for Caring:  
www.partnershipforcaring.org  
National site for information on palliative care, end-of-life care, and special section on advance directives with links to the various states.

Social Security Administration:  
www.ssa.gov  
Information on social security benefits, Medicare, and related issues like representative payees, survivor benefits. The site also provides many required Social Security Administration forms.

The Center for Social Gerontology:  
www.tcsg.org  
Non-profit research, training, and social policy organization that focuses on aging issues and legal services development.

United Nations Internet Lists on Aging Issues:  
United States Senate Special Committee on Aging:
www.aging.senate.gov
The Senate’s web site providing up-to-date information on issues and legislation before the Committee.
Suggested Supplemental Readings

Aging

Cicero, Marcus Tullius, *De Senectute (On Old Age)* (circa 44 B.C.).

Alzheimer’s Disease


Caregiving/Dealing with Older Parents


Death and Dying


Generation Gap Issues/Social Security and Other Social Policy Issues


Demography is Not Destiny, Revisited (March 2005 Center on an Aging Society, Georgetown University), at
www.cmwf.org/usr_doc/789_friedland_demographynotdestinyII.pdf

International Aging Issues and Human Rights

*United Nations Principles for Older Persons* 1991