

## **ELDER LAW**

Lewis and Clark Law School  
Fall, 2004 Course Syllabus

by:

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### **Aug 30 - The Business of Elder Law**

Hazy future of estate planning, structuring the practice to meet client needs, new product development, some commonly used elder law products and services; elder law approaches to common life problems; Your Relative's Health Care Crisis  
The one page business plan - by Ed Phelps (used with permission)

#### Readings:

Elder Law by Lawrence Frolik - Ch. 1 Elder law p. 1-7; Table of Contents P. VII-XVI  
Elder Law and Estate Planning - Barrett Article p. 1-22  
Planning for the Very Old Client - Prof. Lawrence Frolik  
One page business plan - by Ed Phelps  
Deborah Jacobs "Scaling Down" Bloomberg Wealth Manager June 2004 pp. 55-64

#### Additional Materials (Optional)

Oregon State Bar elder law section website:  
[www.osbar.org/sections/elder/Elderlaw.html](http://www.osbar.org/sections/elder/Elderlaw.html)  
Fitzwater and Meyer website - [www.fitzwatermeyer.com](http://www.fitzwatermeyer.com)  
Kansas Elder Law Clinic website - [www.keln.org](http://www.keln.org)  
National Academy of Elder Law Attorneys website - [www.naela.org](http://www.naela.org)

### **Sept 1 - Estate and Life Planning Basics**

Will  
Power of Attorney  
Advance Directive & POLST  
Disposition of Remains

Beneficiary Designation Property  
Trusts

Readings:

Elder Law by Lawrence Frolik : Ch. 10 - Alternatives to Guardianship  
Elder Law and Estate Planning - Barrett Article p. 1-22  
Will Example (Single Person, Simple)  
Power of Attorney Illustration  
Medical Advance Directive Blank Form  
(Class to fill out during lecture)  
Disposition of Remains Form  
Beneficiary Designation Examples - IRA, TOD, POD Forms  
POLST (Physician's Orders for Life Sustaining Treatment)

**September 6 Labor Day Holiday**

Makeup will be scheduled

**September 8 - Housing Choices for the Elder**

Prepare Students for Project - No class Monday 9/13, so students will do project for  
Brief oral report (five minutes maximum), 2 page written report on a senior  
housing facility

Readings:

Elder Law by Lawrence Frolik  
Ch. 8 p. 182-186 ONLY  
Ch. 7 p. 152-179 (entire chapter)  
Long Term Care Ombudsman Website advice on facility selection  
[www.oregon.gov/LTCO/facilitypick2.shtml](http://www.oregon.gov/LTCO/facilitypick2.shtml)  
Medicare "Nursing Home Compare" Website information - Maryville Nursing Home

Additional Materials (optional)

<http://www.medicare.gov/Help/Overview.asp>  
Nursing Home Compare service, by zipcode, name etc.

**Sept. 13 - No class** - Teacher in Boston lecturing on Same Sex Marriage and Estate Planning  
for ALI ABA Sophisticated Estate Planning Seminar, and watching Red Sox

**Sept. 15 - Reports**

Teacher reports on same sex marriage and domestic partner planning in  
Massachusetts  
Students report on the senior housing project results

Readings:

Elder Law Planning for Same Sex Couples - Barrett Article

## **Sept 20 - Elder Law Health Crisis Strategies**

- Role of Lawyer
- The family dynamics/care team dynamics
- Private Pay for Care - costs, long term care insurance
- Medicaid crisis application

### Readings:

- Elder Law by Lawrence Frolik
  - Ch. 5, p. 103-111 ONLY
  - Ch. 6 p. 134-150
- Medicaid Application

## **Sept 22 - Elder Law Health Crisis Strategies (cont.)**

- Long Term Care Costs
  - Medicaid Basics
  - Spousal Protections in Medicaid
  - Planning Strategies for couples
    - Married
    - Unmarried

### Readings:

- Elder Law by Lawrence Frolik
  - Ch. 5. P. 103-132
- Elder Law Planning and Same Sex Couples - Barrett article
- Spousal Protections for Medicaid - office handout

## **Sept 27 - Helping Disabled Relatives and Friends**

- Care team - are they paid, or volunteers?
  - Intergenerational Fairness
  - Threat of Financial Abuse, Emotional Abuse
- Changing needs/team members over time
- Deciding for the ill friend
- Drafting the Medical Advance Directive and Additional Instructions
- Drafting the Financial Power of Attorney
- Implementing the written directions
- Taking Charge and Accepting or Avoiding Personal Liability

### Readings:

- Elder Law by Lawrence Frolik Ch. 16 p 402-420
- Relative Responsibility - office handout; prior handouts - bring all

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