Course Content

Elder Law is a three hour elective that will focus on the legal issues impacting the average older client. Emphasis will be placed on planning and practice applications. Following discussion of demographic trends, we will address the following topics:

- Pension Law
- Government benefits (Social Security, Supplemental Security Income, Medicare, Medicaid)
- Housing and Consumer Fraud
- Long-Term Care (types, rights of patients, financing)
- Guardianship and conservatorship
- Planning for incapacity
- Health-care decisionmaking
- Elder abuse

Course Materials

Readings on Elder Law
Power Point slides.

Course Requirements

All students will be required to write a 10-15 page paper. Students wishing to receive writing credit must write a longer 20-25 page paper. In either event, the paper will count as 50% of the grade. The balance of the grade will involve a take-home exam asking questions that typically arise when counseling a client. The exam answer may be no more than 2,500 words.

The last week of class is reserved for student presentations on paper topics. All students must participate. Failure to participate will result in a one letter reduction in the paper grade.

The take-home exam will be available sometime during the last week of class and will be due no later than 2:00 pm on the last day of the exam period.

For those not taking the course for writing credit, papers will be due in Room 203 no later than 2:00 pm on the last day of the exam period. Those taking the course for writing credit must submit two drafts; an extremely well-written first draft on which I will write comments, and an even better final copy. Barring exigent circumstances, the first draft will be due no later than the Wednesday before Thanksgiving break. The final copy is due in Room 203 no later than 2:00 pm.
on the last day of the exam period.

Attendance Policy

According to American Bar Association accreditation guidelines, students must attend 80% of all classes. Any student who misses more than 8 regularly scheduled classes during the semester may be withdrawn from the course. Attendance will be taken beginning with the second week of class.

Guest Lecturers

No one is an expert on all aspects of Elder Law. We will have several guest lecturers.

Instructor

I am the W.F. Fratcher Professor of Law at the University of Missouri at Columbia, where I have taught since 1999. My courses have included Property, Trusts and Estates, Estate Planning, Federal Income Tax, Fiduciary Administration and Elder Law. Before becoming a law teacher, I was an associate in the estate planning and probate department at the Chicago law firm of McDermott, Will and Emery, and an estate planning and tax associate and later partner at the Chicago law firm of D’Ancona and Pflaum.

I spend much of my time as a Uniform Law Commissioner. I was the Reporter (principal drafter) of the Uniform Trust Code, the Uniform Health-Care Decisions Act, and the Uniform Adult Guardianship Jurisdiction Act. I also spend much of my time working with professional organizations. I am currently the Chair-Elect of the ABA Section of Real Property Trust and Estate Law, and Co-Chair of the Guardianship Reform Task Force of the Missouri Developmental Disabilities Council. I was formerly the Chair of the ABA Commission on Law and Aging, Chair of the National Conference of Lawyers and Corporate Fiduciaries, and Chair of the Probate and Trust Committee of the Missouri Bar.

Office Hours

I maintain an open door policy. The best time for questions is immediately after class.

Audio/Video Recording

Recording of any part of the class session is not permitted without my permission.
Mandatory Notices

Academic Dishonesty

Academic dishonesty can result in a lowered grade or failure of the course, dismissal from the school, and even disqualification for the bar exam. Academic dishonesty includes but is not limited to cheating, plagiarism, unauthorized possession of exams, and unauthorized changing of grades.

ADA Statement

If you have special needs eligible for assistance under the Americans with Disabilities Act (ADA) and desire such assistance, please contact the Office of Disability Services, Memorial Union S5, 882-4696, or the Associate Dean for Academic Affairs immediately. Reasonable efforts will be made to accommodate your special needs.

Diversity of Viewpoints

The School of Law community welcomes diversity and respects student rights. Students who have questions concerning the quality of instruction in this class may address concerns to either the Dean or Director of the Office of Student Rights and Responsibilities. All students will have the opportunity to submit an anonymous evaluation of the instructor at the end of this course.

Learning Objectives

Students will:

1. acquire substantive law background for practice in the fields of elder law and special needs planning;
2. become familiar with counseling issues relevant to planning for retirement, health and long-term care, and possible future incapacity;
3. become familiar with current policy debates concerning possible changes in the laws relevant to elder law and special needs planning;
4. gain experience in making oral presentations

Assessment: summative (paper and exam)

Standard 303 compliant (simulation/law clinic/field placement)? No