# LAW AND AGING SEMINAR

Daniel L. Skoler and Charles P. Sabatino—Fall Semester 1987

Materials for the course will be provided in reprint or photocopy form. Adequate casebooks and course texts for this subject are still in development. The one regularly utilized "text" will be the 115-page Representing Older Persons: An Advocates Manual (Natl. Sr. Citizens Law Center—1985 ed.) Several chapters of the Manual are relevant to seminar topics and will be assigned. This is a work of moderate length with 10-12 page chapters. A variety of other pertinent readings will be assigned.

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<tr>
<th>Session No.</th>
<th>Topic and Assignments</th>
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<tr>
<td>1- Aug. 24</td>
<td>Demographics, Aging Process and Intro to Equity Issues</td>
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<td>1-Profile of Older Americans, brochure (AARP 1986).</td>
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<td>2-Butler, ch.1 on &quot;Tragedy of Old Age&quot;, Why Survive: Being Old In America, 12pp. (Harper &amp; Row, 1975)</td>
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<td>3-On the Other Side of Easy Street, pamphlet (Villers Foundation, 1987— 50 pp., split assignment.)</td>
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<td>4-Highlights from Generational Equity (debate report, ASA Connection, 1986 — 2 pp.)</td>
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<td>5-The Beat Years of our Lives (Newsweek, 1985— 1 p.)</td>
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<td>6-Effective Counseling of the Elderly, 3 pp.(ABA,1985)</td>
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<td>7-Articles on Why we Age Differently (Newsweek, 1986) and Japan's Graying Population (Wash. Post, 1986)</td>
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<td>2- Aug. 31</td>
<td>Age Discrimination</td>
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<td>1-Ch. 1, Older Persons Manual (1985, 11pp.)</td>
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<td>2-Clearinghouse Review Age Discrimination Updates (1986 &amp; 1987—3 pp.)</td>
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<td>4-Debate Commentary on ADEA (BNA Forum, 1985—3pp)</td>
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<td>5- 57 Chicago-Kent Law Review, Symposium Issue on ADA (excerpts, intro, Eglit &amp; Schuck articles—10pp.)</td>
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<td>6- 3 Discussion Problems, Center for Soc.Gerontology Training Manual (assignments—3 two student teams) [GUEST SPEAKER— Burton D. Fretz, Exec.Dir. NSCLC]</td>
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<td>3- Sept.14</td>
<td>Income Maintenance—Social Security, SSI and Private Pensions</td>
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<td>1-Historical Developments: Fed. Programs for Aging from Krauskopf, Advocacy for the Aging (3pp)</td>
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<td>2-Orientation Materials for ALJ's (5 pp., SSA)</td>
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<td>3-Ch.1, Social Security Handbook, DHHS (6 pp)</td>
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<td>4-Skoler, Appeal Rights for Elderly, ABA BIFOCAL (3pp)</td>
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<td>5-U.S.Sup.Ct. headnotes in misc. Soc.Sec.cases(22pp)</td>
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<td>6-Making of Aging Policy (5 pp.)</td>
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4- Sept. 21  Same—Litigation & Reform Perspectives
               1-Ch. on Soc. Sec. & SSI, Older Persons Manual (13 p.)
               2-Recommendations on Reform of Federal Disability
                   Benefit program (15 pp., ABA symposium mono.-1986)

5- Sept. 28  Same
               1-Ch. on Private Pensions, Older Persons Manual (10 p.)
               2-Summary of Recommendations, Natl Commn. on Social
                   Security (16 pp.)
               3-Pension System in the USSR (1 p.—PSC Trip Info
                   Manual, 1986)

6- Oct. 5  Medicare/Medicaid & Subsidized Living Care Programs
            (Nursing Homes, Home Care, Life Care Contracts, etc.).
            1-Ch. on Medicare (11 pp.), Older Persons Manual
            2-Medicare Part B Hearings Update, NCSLC Weekly (1 p.)
            3-Sabatino, Advocate's Primer on Long Term Care
               Insurance, Clearinghouse Review (7 pp, 1986)

7- Oct. 12  Same
               1. Ch. on Home and community Based Care (8 pp.),
                  Older Persons Manual.
               2, Sabatino, Home Care Quality: Exploring the Unknown,
                   ABA Bifocal (6 pp, 1986, 2 parts)
               3. Life Care Contracts: Retirement Without Risk? (6 pp)
                   Senior Consumer Alert (1986, AARP/NAAG/NCLC).

8- Oct. 20  Same
               1-Ch. on Medicaid (11 pp.) from Krauskopf, Advocacy
                  for the Aging (West, 1983)
               2-Ch. on Nursing Homes (12 pp), Older Persons Manual
               3-Consumer Guide to Nursing Home Admission Agreements
                  (4 pp.) (1986, Cal. Law Center on Long Term Care)
               4-Article on Policies for Nursing Home Care, L.A.

9- Oct. 26  Surrogate Decisionmaking for Elderly: Guardianship,
               Conservatorship and Protective Services
               1-Ch. on Protective Servives & Guardianship, Older
                  Persons Manual (10 pp.)
               2-Excerpts, pp. 3-5, 19-27, 44-52, 56-59, 83-88 (25 pp.)
                  ABA/NJC Recommended Judicial Practices Monograph
                  (Wood, ed., 1986)
10-Nov. 2 Planning for Incapacity; Death & Dying Decisional Arrangements & Legal Instruments
1. NY Times Article (Why Don't Doctors let her Die?)
3. "Right to Die" Case Summaries (23 pp.)
4. Wilson and Rogers, A medical Perspective on Withdrawing or Withholding Life Sustaining Therapies, Probate Notes (1987)

11-Nov. 9 Same, plus Estate Planning & Asset Preservation Aspects
1. Decisionmaking Mechanisms Paper (Sabatino, 8pp.)
2. Sample forms (e.g. durable power of attorney, Calif. health care durable power, living will)

12-Nov.16 Consumer, Safety & Resource Interests of Elderly: Crime, Fraud, Special Problems and Needs
1. Excerpt on "Victimization of Elderly", ch. 10 Butler's Why Survive—4pp.)
2. Excerpt from "Consumer Fraud & the Elderly", ch.8 (Krauskopf's Advocacy for the Aging—6 pp.)

13-Nov.23 Ethical Issues in Representing the Elderly
1- Allee, Representing Older Persons: Ethical Dilemmas ABA Bifocal (3 pp.)
2- Strauss & Dubler, Ethical Implications of Older Clients & Disabled Clients (paper, 198-, 21 pp)
3- Kraemer, The Attorney, the Nursing Home and the Resident (2 pp.)

14-NOV. 30 Practice Opportunities and Arrangements re Elderly: (Pro Income-Sustaining and Pro Bono) & COURSE REPRISE
1. Doing Well by Doing Good: Legal Services to Elderly in a Paying Private Practise (ABA pamphlet, 18 pp).
2. "Course in A Nutshell" presentation by instructors (most likely unaccompanied by any writing).

That's it!

Paper Due Date: December 21 (final deadline)

Note: Papers must be submitted to Office of Registrar for issuance of receipt and assurance of credit for course.