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INTRODUCTION

TEACHING ELDER LAW

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This Volume of the *Stetson Law Review* focuses on teaching Elder Law. I am extremely excited about this Volume because it covers two of my favorite topics: Elder Law¹ and teaching. I would like to thank the editors for producing this Volume, as well as the previous editors who approved this project.² I am also extremely grateful to the authors for their willingness to write about their approaches to teaching Elder Law. I hope that this Volume will not only contribute to the body of literature on Elder Law, but also offer guidance, insight, and ideas to those currently teaching Elder Law, as well as those who are considering teaching Elder Law in the future.

Elder Law gained momentum as a practice area beginning in the 1980s³ and is now an established and recognized practice

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1. Over the years, I have been very excited about the subject of Elder Law and have written enthusiastically about its future as a practice area. *E.g.* Rebecca C. Morgan, *Elder Law in the United States: The Intersection of the Practice and Demographics*, 2 J. Intl. Aging L. & Policy 103 (2007) [hereinafter Morgan, *Intersection*]; Rebecca C. Morgan, *The Future of Elder Law Practice*, Wm. Mitchell L. Rev. (forthcoming).

2. *Teaching Elder Law* was approved by the 2009–2010 Editorial Board. This Volume was published by the 2010–2011 Editorial Board, which consisted of the following editors: Amy C. Burns, Chrissy Carpenter, Cheryl Cooper, M. Caroline Edridge, Jacob Hanson, Jessica Hoch, Rachel A. Kestenbaum, Meagan L. Martin, Patrick Stephen McArdle, Darcie A. Mulay, Megan Elizabeth O'Neill, Kyle Romig, Natalie F. Saginor, Sean Saval, Vanessa A. Van Cleaf, Daniel D. Whitehouse, Kimberly H. Wochholz, and Johanna Wood.

3. The National Senior Citizens Law Center (NSCLC) was founded in 1972. Natl. Senior Citizens L. Ctr., *About Us, Our Mission*, <http://www.nslc.org/NSCLC/about-us/>

area.⁴ Elder Law is now recognized in legal education, and has become part of the curriculum at many schools.⁵ There are various approaches to teaching Elder Law, whether as a doctrinal course, a seminar, a clinic, or as a course that combines a number of methods. Some schools offer students a chance to concentrate their studies in Elder Law.⁶ There are also three LL.M. degree programs in Elder Law.⁷

Who teaches Elder Law courses? In some instances, the course is taught by a full-time, tenure-track or tenured professor.⁸

whoware (accessed Dec. 28, 2010); *see also* Morgan, *Intersection*, *supra* n. 1, at 106 n. 19 (noting that the goal of the NSCLC is promoting the welfare of low-income elders). The ABA Commission on Law and Aging was established in 1978. Daniel Skoler, *Reflections on the Origins of the Commission on Law and Aging*, 30 ABA Bifocal 83 (July 2009) (available at http://www.abanet.org/aging/pdfs/Jul_09_Ann_ABA_Bifocal_J.pdf). The National Academy of Elder Law Attorneys (NAELA) was founded in 1987. Natl. Acad. Elder L. Attys., *About NAELA*, http://www.naela.org/Public/About/Public/About_NAELA/About.aspx (accessed Dec. 28, 2010).

4. Charles P. Sabatino, *Future of the Profession: Elder Law 2009–2039?* 30 ABA Bifocal 105, 107 (July 2009) (available at http://www.abanet.org/aging/pdfs/Jul_09_Ann_ABA_Bifocal_J.pdf).

5. Nina A. Kohn & Edward D. Spurgeon, *Elder Law Teaching and Scholarship: An Empirical Analysis of an Evolving Field*, 59 J. Leg. Ed. 414, 418–419 (Feb. 2010) (noting that 112 of 192 law schools offer Elder Law courses).

6. For example, Stetson University College of Law (Stetson Law) offers a Certificate of Concentration in Elder Law for its students. Stetson U. College of L., *Center for Excellence in Elder Law*, <http://www.law.stetson.edu/elderlaw> (accessed Jan. 2, 2011). The other law schools with Elder Law concentrations include the University of Kansas School of Law, the John Marshall Law School, California Western School of Law, Albany Law School, and the University of Pittsburg School of Law. U. of Kansas Sch. of L., *Elder Law*, <http://www.law.ku.edu/~kulaw/academics/elderlaw/overview/> (accessed Jan. 2, 2011); John Marshall L. Sch., *Elder Law Certificate*, http://www.jmls.edu/academics/tax_eb_law/elderlaw_certificate.shtml (accessed Jan. 2, 2011); Cal. W. Sch. of L., *Academic Programs, Area of Concentration, Child, Family & Elder Law*, http://www.cwsl.edu/main/default.asp?nav=academic_programs.asp&body=academic_programs/child_family_law.asp (accessed Jan. 2, 2011); Albany L. Sch., *Family and Elder Law*, http://www.albanylaw.edu/sub.php?navigation_id=528 (accessed Jan. 2, 2011); *see also* U. of Pitt. Sch. of L., <http://www.law.pitt.edu> (accessed Jan. 2, 2011) (offering a dual degree in social work and law that also covers Elder Law issues).

7. Stetson Law offers an LL.M. in Elder Law that, with the exception of one in-person course, is offered completely online. Stetson U. College of L., *Elder Law LL.M.*, <http://www.law.stetson.edu/elderlaw/llm> (accessed Jan. 3, 2011). The University of Kansas also offers an LL.M. in Elder Law. Kansas U. Sch. of L., *LL.M. Program in Elder Law*, <http://www.law.ku.edu/academics/elderlaw/llm/index.shtml> (accessed Jan. 3, 2011). Additionally, the Western New England College School of Law offers an LL.M. in Estate Planning and Elder Law. W. New Eng. College Sch. of L., *Welcome, Message from the Director*, <http://www1.law.wnec.edu/llm/> (accessed Jan. 3, 2011). There are LL.M. degrees in related areas of law at several schools, such as estate planning or tax law, but those are not discussed here because this Volume of the *Stetson Law Review* focuses only on Elder Law.

8. Kohn & Spurgeon, *supra* n. 5, at 419.

In other instances, Elder Law courses are taught by clinicians.⁹ At some schools, the Elder Law course is taught by an adjunct professor.¹⁰

The authors of the articles in this Volume reflect this, with some teaching doctrinal courses and others overseeing clinics, while others serve as adjunct professors.

The first article, *Elder Law As Proactive Planning and Informed Empowerment during Extended Life*, offers Professor Richard L. Kaplan's step-by-step approach to teaching a course in Elder Law.¹¹ Professor Kaplan opens his course with a discussion of what Elder Law is,¹² and why it is important, noting the increasing demographics as well as the changing needs of the various cohorts of aging Americans.¹³ Professor Kaplan explains an important distinction between Elder Law and other "more traditional" courses that are routinely part of a law school curriculum, such as "Estate Planning, [and] Trusts and Estates," noting that Elder Law deals with "the needs of people as they live longer" while other courses cover how property is distributed after death.¹⁴

In the first three weeks of his course, Professor Kaplan focuses on ethics, elder abuse, and advance directives, mainly because many students have had experiences with elders and

9. *See id.* at 416 nn. 10–11 (indicating that sixteen out of forty-five surveyed Elder Law professors hold clinical positions).

10. *See id.* at 420 (stating that "approximately one-third of law schools offering an [E]lder [L]aw course rely exclusively on adjunct faculty to teach it").

11. 40 *Stetson L. Rev.* 15 (2010).

12. Elder Law is susceptible to various definitions, including "[t]he field of law dealing with the elderly, including such issues as estate planning, retirement benefits, social security, age discrimination, and healthcare." *Black's Law Dictionary* 595 (Bryan A. Garner ed., 9th ed., West 2009). NAELA defines Elder and Special Needs Law this way:

Elder and Special Needs Law are specialized areas of law that involve representing, counseling, and assisting seniors, people with disabilities, and their families in connection with a variety of legal issues . . . with a primary emphasis on promoting the highest quality of life for the individuals. Typically, Elder and Special Needs Law attorneys address the client's perspective from a holistic viewpoint by addressing legal, medical, financial, social[,] and family issues.

Natl. Acad. of Elder L. Attys., *What Are Elder Law and Special Needs Law Attorneys?* http://www.naela.org/Public/About/Media/What_is_an_Elder_Law_Attorney/Public/About_NAELA/Media/What_is_an_Elder_Law_Attorney_.aspx?hkey=44484710-0825-4e5d-b799-74ff6b73e374 (accessed Jan. 3, 2010).

13. Kaplan, *supra* n. 11, at 16–18. Professor Kaplan notes that the different needs of the cohorts, for example, the oldest-old (eighty-five and older) and those twenty years younger, "demonstrate[] rather vividly the potential breadth of Elder Law." *Id.* at 16.

14. *Id.* at 17.

those topics are “accessible to many students.”¹⁵ During the unit on advance directives, titled “Controlling One’s Medical Destiny,”¹⁶ Professor Kaplan’s students are “joined by medical students who receive the same [course] materials and participate along with the law students.”¹⁷

The rest of the semester focuses on what Professor Kaplan describes as “three major, and to some extent overlapping, issues: (a) what financial resources will be available to finance the client’s life; (b) where will the client live; and (c) how will the client pay for his or her medical care.”¹⁸ Professor Kaplan intentionally focuses his course “on planning rather than reacting.”¹⁹ Thus, in allocating the time spent on the various topics, he devotes more of the course to those topics that focus on planning, such as retirement security, and less time on topics that discuss reacting, such as “responses to criminal abuse of the elderly.”²⁰ In Professor Kaplan’s view, “[t]he key is empowerment of the older citizen so that person can exercise maximum control over his or her assets and autonomy.”²¹ Professor Kaplan concludes his article by noting that although his course emphasizes “the laws and practices that affect older Americans *today*,”²² laws and practices facing older Americans in the future may be different, and “the increasing ethnic diversity of America’s” elders may change the issues facing them and the planning offered to them by Elder Law attorneys.²³

Professor Linda S. Whitton titled her article *Everything You Ever Needed to Know about Good Lawyering You Can Learn from Elder Law*.²⁴ Professor Whitton begins her article by noting that “Elder Law reminds the student that law practice should be, above all else, client-centered.”²⁵ This proposition leads to a discussion of who the client is and a recognition as the course begins

15. *Id.* at 18.

16. *Id.* at 20.

17. *Id.* at 23.

18. *Id.* at 25. Professor Kaplan discusses these areas in detail in his article. *Id.* at 25–70.

19. *Id.* at 70.

20. *Id.*

21. *Id.*

22. *Id.* (emphasis in original).

23. *Id.* at 70–71.

24. 40 Stetson L. Rev. 73 (2010).

25. *Id.* at 73 (citations omitted).

that “no ‘poster elder’ exists who typifies what it means to be old or who embodies representative ‘elder’ legal needs.”²⁶ Professor Whitton discusses the question of “why Elder Law?” noting not only elder persons’ demographics and characteristics but also the concomitant legal benefits.²⁷ She examines why students would enroll in an Elder Law class, and observes that the reasons range from wanting a practice that helps people both proactively and reactively, to personal experiences or a desire to help aging relatives, to plans to represent service providers in the field of aging.²⁸

Professor Whitton sees teaching Elder Law as a unique opportunity to teach in one course “all of the essential tenets of good lawyering.”²⁹ Professor Whitton summarizes this as “[l]awyers represent clients, not problems”; “[z]ealous representation demands undivided loyalty”; “[p]rofessional judgment transcends personal bias”; and “[o]ptimum solutions often balance competing interests.”³⁰ Professor Whitton then discusses these tenets in detail in her article.³¹ She concludes by noting that “[b]oth the ‘devil’ and the ‘ah-ha’ revelations of these tenets are in the details. By examining these details through specific course objectives and carefully crafted pedagogy, we who teach Elder Law can transform our students from mere passive observers into participating colleagues on the Elder Law journey.”³²

Professor Kim Dayton, in her article *The Accidental Elder Law Professor*,³³ illustrates how Elder Law as a practice has evolved over the last twenty years by taking the reader on the journey of her personal evolution into a professor in the field of Elder Law.³⁴ Observing that Elder Law has become “richer and more complicated as a practice specialty,” Professor Dayton points out that the “ways in which its substance is conveyed to students [have] also become richer and more complicated.”³⁵ She also notes that Elder Law allows her to apply her myriad scholarly interests

26. *Id.* at 74.

27. *Id.* at 74.

28. *Id.*

29. *Id.*

30. *Id.* at 75.

31. *Id.* at 75–95.

32. *Id.* at 95.

33. 40 *Stetson L. Rev.* 97 (2010).

34. *Id.* at 98.

35. *Id.*

to educating her students, other attorneys, and elderly clients.³⁶ Professor Dayton, a/k/a “webmom,” also discusses the role that technology has played in the development of Elder Law and how she incorporated her students’ works into the first comprehensive online compilation of Elder Law resources and research, the Kansas Elder Law Network.³⁷ She reviews the format for her Elder Law class at the University of Kansas School of Law,³⁸ and her move to the William Mitchell College of Law where she not only teaches Elder Law courses, including a course on Feminist Theory, Law, and Aging, but also designed the school’s Center for Elder Justice and Policy.³⁹

Described as her “magnum opus,” Professor Dayton discusses the Elder Justice and Policy Keystone, which “was developed primarily to serve as a vehicle for exposing students to the complexities of Elder Law at the policy level.”⁴⁰ The Keystone adds segments of advanced legal research—“gone cyber, of course!”—that also require students to learn “technology-related skills.”⁴¹ Professor Dayton concludes her journey with a wish list of future courses, including elder mediation and a planned class titled “Comparative Perspectives on Law and Aging.”⁴² She ends the article with her philosophy:

[I]f the substantive content of ‘Elder Law’ is offered to students in many formats, [and] made relevant . . . to them through exposure to the stories of real seniors . . . and afforded practical significance through drafting classes and clinics, then many of those students will develop the same passion for this field as I have.⁴³

Professor Roberta K. Flowers, in her article *Ethics and Elder Law: Teaching Students to Ask the Right Questions*, offers her thoughts on teaching ethics using an Elder Law construct.⁴⁴ Although Professor Flowers has taught ethics in Stetson Law’s

36. *Id.*

37. *Id.* at 102–107.

38. *Id.* at 110–111.

39. *Id.* at 112–119.

40. *Id.* at 118.

41. *Id.* at 119. In addition to the weekly class, the Keystone has three components: an outside placement (in person or virtual), a paper, and a technology portion. *Id.*

42. *Id.* at 130–132.

43. *Id.* at 132.

44. 40 Stetson L. Rev. 133 (2010).

LL.M. in Elder Law, her model could be easily adapted to a J.D. ethics course.⁴⁵ Professor Flowers believes that teaching the students to ask the right questions is imperative in a course on ethics and Elder Law.⁴⁶ Through Elder Law examples, Professor Flowers observes that a professor can demonstrate those ethical issues, teach the general professional responsibility rules, explore “the unique roles played by Elder Law attorneys in the lives of their clients and their clients’ families; and . . . [help] the students learn to identify the questions and concerns raised in this . . . area of law.”⁴⁷ Professor Flowers also notes that by tying the teaching of professional responsibility to “a substantive area of law, the students are more interested in how the . . . [r]ules apply when dealing with a specific client population.”⁴⁸ She also uses the ethics course as a way to teach students about “the important roles played by attorneys.”⁴⁹

Professor Flowers devotes the next section of her article to the questions that must be asked, including: “Who Is the Client?”; “How Do I Deal with the Family?”; “Is the Client Suffering from Diminished Capacity?”; and “Should I Talk to Clients about the Emotional, Moral, and Social Aspects of Their Conduct?”⁵⁰ The final section of her article is devoted to Professor Flowers’ methods of teaching Elder Law ethics, including video vignettes, role-playing, and drafting.⁵¹

Professor Kate Mewhinney, in her article *The Human Touch: Clinical Teaching of Elder Law*, explains the model used by the Elder Law clinic at the Wake Forest University School of Law.⁵² Professor Mewhinney describes several Elder Law clinics and also provides a detailed insight into how the Wake Forest clinic operates.⁵³ Her article discusses a range of clinic-related issues,

45. *Id.* at 134 n. 6. Professor Flowers indicates that Stetson Law is “exploring . . . attaching an Elder Law Ethics course to a skills course on interviewing and counseling.” *Id.* at 144. Additionally, she has included an appendix to her article that matches the various Model Rules of Professional Responsibility to Elder Law-specific situations. *Id.* at 146–150.

46. *Id.* at 133.

47. *Id.* at 134.

48. *Id.*

49. *Id.* at 135.

50. *Id.* at 138–142.

51. *Id.* at 142–145.

52. 40 Stetson L. Rev. 151 (2010).

53. *Id.* at 154.

covering the topics of case selection and resolution; her own teaching structure; and administrative issues, including funding, staffing, intake, and case management.⁵⁴ Although Professor Mewhinney's article centers on " 'in-house' or faculty-supervised Elder Law clinics," she mentions "the externship approach to clinics," noting that "many of the teaching issues are the same."⁵⁵

Professor Mewhinney begins with this observation: "for the clinical professor, one of the most rewarding parts of being a lawyer is being engaged in helping a client. Clinical teachers get to help students find this moment when they, too, can enjoy the satisfaction of solving problems for real people."⁵⁶ Professor Mewhinney sees a particular advantage to an Elder Law clinic in educating law students: the students universally "can relate to the clients, because most students have older relatives."⁵⁷ She also states: "Elder Law clinics tend to have lovable clients. The clients are often eager to hug the helpful students, to compliment them on their skills, and to assure them that, with the clients' years of life experience, they know a brilliant future lawyer when they see one!"⁵⁸ Professor Mewhinney comments that these clients appear "safe" to the students, thus allowing the students to get to the heart of "effective lawyering."⁵⁹ Professor Mewhinney wraps up her introduction with a look at the challenges faced by an Elder Law clinic, including staying abreast of changes in the law and balancing the students' desires to work on more cases with their need to take more time to learn and reflect on their experiences while also learning "practical judgment."⁶⁰

Professor Mewhinney notes that the cases handled may differ from clinic to clinic, depending on a number of variables.⁶¹ The Wake Forest clinic surveys each clinical student before the semester begins to obtain experiential, preferential, and schedule-related background information.⁶² Throughout her article, Professor Mewhinney provides examples of situations that clinical

54. *Id.* at 170–215, 221–234.

55. *Id.* at 155 n. 8.

56. *Id.* at 153.

57. *Id.* at 156.

58. *Id.*

59. *Id.*

60. *Id.* at 160.

61. *Id.* at 172.

62. *Id.* at 173.

students have faced, and what those students have learned through handling such situations.⁶³ In the section devoted to administrative matters, Professor Mewhinney covers a broad range of topics, including office management, funding, staffing, schedules, client eligibility, the intake process, case management, and client feedback.⁶⁴ Professor Mewhinney ends her article by encouraging other clinicians to share their own “approaches to teaching and service” because, as she observes, this type of “teaching has that most powerful element—the human touch.”⁶⁵

Professor Katherine C. Pearson wrote her article, *The Lesson of the Irish Family Pub: The Elder Law Clinic Path to a More Thoughtful Practice*, during her sabbatical and presented it at the Eighth International Journal of Legal Education Conference at Northumbria University.⁶⁶ She opens with a quote from a former law student commenting on his Elder Law clinical experience,⁶⁷ and uses this quote to explain how “experiences in such [Elder Law] clinics are often highlights of a student’s legal education and have relevance beyond the specialization of Elder Law.”⁶⁸ Noting that traditional clinical teaching involves a “story that demonstrates the theme,” Professor Pearson uses the “Tale of Carroll’s Pub”⁶⁹ to illustrate her theme for the article: “[T]he need for practitioners who are sensitive to concerns of older adults.”⁷⁰ She walks the reader through the creation of the Penn State Elder Law Clinic, including the clinic’s funding, structure, and the type of expertise needed to run the clinic.⁷¹ Professor Pearson includes a discussion of how important it is to incorporate teaching ethics into the substantive law, and explains the clinic’s interdisciplinary focus.⁷² The Penn State Elder Law Clinic ordinarily requires

63. *Id.* at 173–191.

64. *Id.* at 221–234.

65. *Id.* at 235.

66. 40 *Stetson L. Rev.* 237 (2010). Professor Pearson’s article is based on this presentation, which was made in Newcastle-upon-Tyne, England. *Id.* at 238 n. 2.

67. *Id.* at 237.

68. *Id.* at 238.

69. *See id.* at 238, 239 n. 5 (noting that “[t]he history of Carroll’s Pub is taken from the proceedings in *Carroll v. Carroll*, [1999] 4 IR 241 (Ir. 1999)”).

70. *Id.* at 238.

71. *Id.* at 241–244.

72. *Id.* at 242.

its students to commit for two semesters,⁷³ and the clinic's orientation includes an in-depth review of its policy manual.⁷⁴

Professor Pearson also describes the physical setup of the clinic and the reason for using an open floor plan.⁷⁵ She then escorts the reader through the beginning of the semester for new clinical students, describing the ethical issues those students face, the weekly clinical meetings, and some of the challenges met by prior students.⁷⁶ She returns to the story of Carroll's Pub to underscore the importance of teaching ethics, and gives examples of how the substantive and ethical issues are interwoven with the students' clinical studies.⁷⁷ Professor Pearson also discusses the trends she has noticed over the years while operating the Penn State Elder Law Clinic, and suggests that the "recurring issues" that surface indicate a "need for systemic solutions, rather than case-by-case advocacy."⁷⁸ She provides as an example the use of the term "responsible party" in nursing home admission agreements.⁷⁹ After Professor Pearson wrote several articles on the topic, a Pennsylvania legislator decided to sponsor a bill to change the law and the law students in both the Elder Law clinic and her Law and Aging Policy class drafted the legislation and a supporting memorandum.⁸⁰ She also discusses the integration of Elder Law into "traditional" law school courses.⁸¹ Professor Pearson concludes her article by noting the need for attorneys to represent elders, and how Elder Law clinics furnish lawyers with a chance "to establish a personal practice of ethical reflection and decisionmaking."⁸²

In *Teaching Elder Law at the University of Hawaii—Integrating Health Law and Cultural Issues into the Curriculum*, Professor James H. Pietsch adds valuable insight about integrating both health law and cultural considerations into Elder Law

73. *Id.* at 250.

74. *Id.*

75. *Id.* at 251.

76. *Id.* at 250–255.

77. *Id.* at 245–249.

78. *Id.* at 255.

79. *Id.* at 256.

80. *Id.* Professor Pearson notes that although the legislation did not pass, it gave the students a significant opportunity to practice oral and written advocacy along with an appreciation for the challenges of legislative advocacy. *Id.*

81. *Id.* at 257.

82. *Id.* at 258.

programs.⁸³ Professor Pietsch sets out two goals for his article: reviewing the history of the Elder Law courses at the University of Hawaii William S. Richardson School of Law and “illustrat[ing] how these curricula integrate practical lawyering skills with other inextricably related areas of law while simultaneously inculcating an understanding of the important role that cultural diversity plays in providing effective legal services.”⁸⁴ The students must complete the school’s Law, Aging, and Medicine course as a prerequisite to beginning clinical studies.⁸⁵ Professor Pietsch begins his discussion by demonstrating the interconnection between Elder Law, health law, and cultural competence, noting an increase in the popularity of “legal-health partnerships” and how such partnerships must occur in the appropriate context.⁸⁶

When examining Elder Law courses at other law schools, Professor Pietsch suggests that Elder Law courses currently do not have “the same stature or stability that [h]ealth [l]aw courses have enjoyed in academia, as either teaching areas or research foci,” noting also that “Elder Law has . . . failed to attract the attention of many research-funding entities.”⁸⁷ Professor Pietsch observes that health law applies to the entire population, whereas Elder Law applies only to a subset.⁸⁸ Elder Law has been a part of the curriculum at the University of Hawaii William S. Richardson School of Law for about twenty years, with courses on Law, Aging, and Medicine; Health Law; and Bioethics and the Law, as well as the school’s Elder Law clinic.⁸⁹ Professor Pietsch notes that in the Law, Aging, and Medicine class, several of the students are healthcare professionals,⁹⁰ and health law and cultural issues are integrated into the class from day one.⁹¹ He also details the educational interactions his students and he have with these

83. 40 Stetson L. Rev. 263 (2010).

84. *Id.* at 265.

85. *Id.* at 264. The course was formerly known as “Elder Law.” *Id.* Professor Pietsch teaches “traditional courses . . . including Elder Law, Health Law, and Bioethics,” as well as clinical courses. *Id.* at 264 n. 5. He comments that “[t]he Elder Law Clinic courses emphasize the development of skills through experience.” *Id.* at 264–265 n. 5.

86. *Id.* at 267–271.

87. *Id.* at 273.

88. *Id.* at 275.

89. *Id.* at 276–279. Professor Pietsch notes that the course originally titled “Legal Problems of the Elderly” is now called “Law, Aging, and Medicine.” *Id.* at 277.

90. *Id.* at 282.

91. *Id.* at 281.

healthcare professionals throughout the semester.⁹² The school's Elder Law clinic is part of the University of Hawaii Elder Law Program (UHELP), which is a direct legal services provider.⁹³ Professor Pietsch describes the types of cases handled by the clinic and provides examples of how health law is so frequently a part of Elder Law.⁹⁴ He also discusses the way in which "cultural issues are integrated into the Elder Law Clinic."⁹⁵ Professor Pietsch concludes his article by noting that UHELP is considering adding a veterans' legal services clinic.⁹⁶ Professor Pietsch's decision to integrate health law and cultural issues into the Elder Law curriculum "appears to have resulted from a combination of serendipity, personal interest, and perhaps a dose of reality."⁹⁷

The next two articles in this Volume look at teaching Elder Law from the perspective of an adjunct professor. Both adjuncts writing for this Volume are, coincidentally, former presidents of the National Academy of Elder Law Attorneys (NAELA) and long-time adjunct Elder Law professors.⁹⁸ First, Craig C. Reaves, who practices privately in Kansas City, Missouri, describes his purpose and intent in teaching Elder Law in *My Approach to Teaching Elder Law*.⁹⁹ Mr. Reaves teaches as an adjunct at the University of Kansas School of Law, where he instructs a two-hour introductory course, and at the University of Missouri-Kansas City School of Law, where he teaches a one-hour course on selected Elder Law issues that are often encountered by estate planning attorneys.¹⁰⁰

Mr. Reaves describes the importance of using stories to illustrate concepts and, whenever possible, personalizing the concepts for his students to facilitate discussion.¹⁰¹ Mr. Reaves walks the reader through a typical semester, beginning with the first class

92. *Id.* at 282.

93. *Id.* at 277–278.

94. *Id.* at 288–290.

95. *Id.* at 290.

96. *Id.* at 299.

97. *Id.* at 298.

98. Craig C. Reaves, *My Approach to Teaching Elder Law*, 40 *Stetson L. Rev.* 301 (2010); Charles P. Sabatino, *A Values Approach to Teaching Elder Law*, 40 *Stetson L. Rev.* 333 (2010).

99. Reaves, *supra* n. 98.

100. *Id.* at 301.

101. *Id.* at 301–302.

and how he sets the tone for the semester.¹⁰² In the section on ethics, Mr. Reaves includes a review of the NAELA Aspirational Standards.¹⁰³ In addition to the various Elder Law topics covered, Mr. Reaves gives the students “a helicopter view of estate planning” so the students can “see estate planning from a different perspective” even though students may have already taken estate planning or related courses.¹⁰⁴ Mr. Reaves also discusses estate planning for those parents who have children with special needs; additionally, he includes a general discussion of special needs trusts.¹⁰⁵

The final article, *A Values Approach to Teaching Elder Law*, is authored by Mr. Charles P. Sabatino, who teaches Elder Law at Georgetown Law School.¹⁰⁶ Having taught Elder Law courses as an adjunct professor for a number of years, Mr. Sabatino notes that his “framework has evolved . . . into a paradigm that starts with the underlying values or goals of representing older persons and persons with disabilities.”¹⁰⁷ Mr. Sabatino identifies the “core goals” of Elder Law as “the preservation and enhancement of dignity, autonomy, and quality of life,” noting that some legal issues will stem directly from these goals.¹⁰⁸ In his course, the integral legal subjects include topics involving issues of “personal decisionmaking.”¹⁰⁹ Mr. Sabatino also notes that other Elder Law issues revolve around three points that are connected to “these fundamental goals: long-term care and health; housing . . . ; and financial well-being.”¹¹⁰ Mr. Sabatino has developed a chart of his “Elder Law Paradigm,” which he has included in his article.¹¹¹ In explaining the paradigm, Mr. Sabatino notes that one advantage is that it “avoids merely defining Elder Law by the clientele it

102. *Id.* at 303–307.

103. *Id.* at 310. For a full version of the NAELA Aspirational Standards with commentary provided by NAELA’s Professionalism and Ethics Committee, see Natl. Acad. Elder L. Attys., *Aspirational Standards for the Practice of Elder Law with Commentaries*, 2 NAELA J. 5 (2005) (available at http://www.naela.org/App_Themes/Public/PDF/Media/AspirationalStandards.pdf).

104. Reaves, *supra* n. 98, at 324–325.

105. *Id.* at 328–329.

106. Sabatino, *supra* n. 98, at 333.

107. *Id.* at 333–334.

108. *Id.* at 334.

109. *Id.*

110. *Id.*

111. *Id.* at 334, 339 fig. 1.

serves.”¹¹² Mr. Sabatino’s seminar is titled “ ‘Aging and the Law,’ rather than ‘Elder Law,’ because [his] emphasis is as much on aging policy as it is on the practice of Elder Law.”¹¹³ He describes his goals for the course as “conveying an understanding of the nature of Elder Law, . . . [and giving] students a basic, working knowledge and analytic approach to real problems seniors and their families face, from both a policy perspective and a practice perspective.”¹¹⁴ Mr. Sabatino’s course also provides his students with an option to satisfy the school’s writing requirement by producing a paper.¹¹⁵ Students who do not choose this option receive less credit and submit three shorter papers.¹¹⁶ In addition, during the semester, the students accompany a long-term care ombudsman to a nursing home for a site visit.¹¹⁷ Mr. Sabatino concludes his article by noting the potential for this field’s expansion into a number of directions, and recognizing the value of an interdisciplinary approach to teaching Elder Law because “[t]he fundamental client goals of autonomy, dignity, and quality of life simply do not fit within the niche of any one profession.”¹¹⁸

CONCLUSION

All of these articles offer extremely valuable insights into the variety of approaches to teaching Elder Law and will be of great use not only to the experienced law professor teaching Elder Law, but also to anyone who is considering teaching an Elder Law class in the future. Elder Law courses play an important role in the law school curriculum and this Volume underscores that importance. Again, I thank the authors for sharing their insights and providing the reader with nine blueprints for teaching Elder Law courses, and to the editors of the *Stetson Law Review* for publishing this Volume.

112. *Id.* at 335; *see also* Sabatino, *supra* n. 4, at 105–107 (providing further analysis and discussion of this paradigm by Mr. Sabatino, and reiterating that the core goals of Elder Law should be “directed by the values of the client and not by the attorney or others”).

113. Sabatino, *supra* n. 98, at 336.

114. *Id.*

115. *Id.* at 337.

116. *Id.*

117. *Id.*

118. *Id.* at 338.