

Elder law booms as nation ages

BY SELMA MOIDEL SMITH

**Liaison
Report**
INTERNATIONAL

Lawyers of all ages are turning in increasing numbers to the practice of elder law. With the "graying of America," lawyers in every area of practice are encountering a greater proportion of older clients.

"Counseling the Older Client" was the subject of a Continuing Legal Education course presented on May 1 during the Spring Council Meeting of the ABA Senior Lawyers Division in Philadelphia.

Erica F. Wood, Associate Staff Director of the ABA Commission on Legal Problems of the Elderly, discussed the attorney-client relationship and effective counseling of the older client. Wood emphasized the necessity of learning the techniques of communication which are essential in all substantive elder law topics. These include family law, financial and estate planning, real property, probate, trusts, tax planning, disability planning (including use of powers of attorney, trusts, and health care advance directives), among many others in this broad-based field.

WOOD REFERRED to the National Academy of Elder Law Attorneys (NAELA), founded in 1988, which grew out of an initial gathering of five elder law lawyers at the 1984 ABA Annual Meeting. Membership now stands at 3,300. NAELA publishes a directory of members, including those certified by the National Elder Law Foundation, and holds educational conferences, in addition to providing consumer publications. NAELA may be reached online at www.naela.com.

From the standpoint of legal education, it is important to recognize these realities. Just as medical schools are adding courses to prepare young physicians for a practice in geriatric medicine, the law school curriculum increasingly

reflects the importance of preparing young lawyers to deal with the problems of the elderly.

Peter J. McGovern, who teaches elder law at The John Marshall Law School in Chicago, notes that, in the past five years, there has been a four-fold increase in the number of law schools offering such courses. McGovern, who is also Chair of Continuing Education for

medical viewpoint was addressed by Dr. Diane G. Snustad of the University of Virginia, who discussed such issues as normal and abnormal aging, cognition, memory, assessment of competence, medical directives, and elder abuse. The financing of long-term care by insurance was addressed by Harry L. Hathaway, Vice-Chair of the Elder and Long-Term Care Committee of the Senior Lawyers Division.

For those who may be interested in entering the practice of elder law, this course presented several important considerations: First, that elder law is an expanding and necessary field of practice; second, that the field is especially well suited to the solo and small firm practitioner, in addition to the larger law firm; and third, that many useful resources are available, including organizations, publications,

and experts such as those named above. Key national organizations include: the ABA Commission on Legal Problems of the Elderly, the Legal Advocacy Group of AARP, the National Senior Citizens Law Center, and the Center for Social Gerontology.



At the Spring council meeting, from left, ABA President Jerome J. Shestack, NAWL Liaison Selma Moidel Smith, ABA Executive Director Robert A. Stein, SLD Chair-elect Newton P. Allen, and SLD Chair Leigh B. Middleditch, Jr.

the SLD, says, "This is a vital and expanding field of knowledge for the profession, and lawyers who acquire the skills needed in this relationship can render a valuable service to the public."

Other aspects of counseling the older client were also presented. The

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