

Elder Law Syllabus
Professor Stacey A. Tovino
Hamline University School of Law
Health Law Institute 2012 Summer Term

General Course Information

Course: Elder Law
Law School Credits: 2; or
CLE Credits: 24
Event Code: 165729
Days and Times: June 16 (9:00 a.m. to 5:00 p.m.); June 18 to 21 (4:30 p.m. to 9:15 p.m.)
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Course Description and Objectives

Welcome to Elder Law. This course examines several legal, ethical, and social issues raised by our nation's growing elder population. Special attention is given to: (i) age and other forms of discrimination experienced by elders; (ii) elder abuse, neglect, and financial exploitation; (iii) end-of-life issues, including senior settlements, health care directives, surrogacy, and physician-assisted suicide; (iv) guardianship and conservatorship; (v) housing and health care provider regulation; (vi) property management, including durable powers of attorney for property, joint ownership and financial accounts, trusts, and estate planning; (vii) managing and paying for health care and retirement, including Medicaid, Medicare, long-term care insurance, Old Age, Survivor's, and Disability Insurance (OASDI), employer-based pension plans, and individual retirement accounts; and (viii) ethical issues in elder representation. The objectives of this course include familiarizing students with the major legal, ethical, and social issues faced by elders in the United States and preparing students to represent both elders and elder health care and social service providers in a range of civil, criminal, and regulatory matters.

Course Materials

Your course materials include one required textbook; that is, A. KIMBERLEY DAYTON, MOLLY M. WOOD & JULIA BELIAN, ELDER LAW: READINGS, CASES AND MATERIALS, 3rd ed. (2007), ISBN: 1-4224-0794-2 (the "Textbook").

Course Attendance

At the beginning of each class session, I will distribute a class roster for you to sign. If you are absent for more than 20% of our total in-class minutes, I will treat your absences as "excessive" in accordance with the Hamline University School of Law Student Handbook.

Course Evaluation

I will base 100% of your course grade on one final paper that shall be submitted to me via email (Stacey.Tovino@UNLV.edu) by 11:59:59 p.m. Central Standard Time on Friday, August 24, 2012. The paper shall be 15 pages long (1" Left, Right, Top, and Bottom Margins; double-spaced; and Times New Roman 12-point font), inclusive of footnotes (not endnotes) formatted in accordance with the most recent edition of The Bluebook: A Uniform System of Citation, available at <https://www.legalbluebook.com/>. I will evaluate papers based on: (1) identification, clarity, and originality of thesis; (2) timeliness/currency of elder law-related topic; (3) quality of research, including identification and proper referencing of sources; (4) use and reliance on primary legal authorities (including statutes, regulations, and judicial opinions) versus sole reliance on secondary authorities (including law review articles, newspaper articles, and Web sites that do not constitute primary authorities); (5) originality and persuasiveness of argument. Within one week following the conclusion of class (*i.e.*, by 11:59:59 p.m. Central Standard Time on June 28, 2012, you shall submit to me via email (Stacey.Tovino@UNLV.edu) a proposed paper topic, including your tentative thesis and a rough outline of your paper. I will respond with additional ideas, comments, suggestions, and recommendations within 48 hours of receipt of your proposed paper topic. [Please note that a student who does not submit the final paper to me by the deadline identified above will receive a grade of "F" for the paper, unless properly excused. In addition, failure to meet any other course requirement, including submission of your proposed paper topic, can be the basis for a final grade of "F" in the class, unless properly excused (AR-105(B)(8)).]

Course Schedule

For the first day of class on Saturday, June 16, 2012, please read the assigned materials for Segment 1 (Age and Other Forms of Discrimination) and Segment 2 (Elder Abuse, Neglect, and Financial Exploitation). After the first day of class, I anticipate that we will cover approximately one to one and one-half Segments per day of class, although the condensed nature of this week-long summer course makes it difficult for me to predict exactly how fast we will cover the materials listed below. I will announce at the end of each class session the material I anticipate we will cover during the following day of class.

Segment 1: Age and Other Forms of Discrimination

Read Textbook pages 125-178.

Segment 2: Elder Abuse, Neglect, and Financial Exploitation

Read Textbook pages 369-449.

Segment 3: End-of-Life Issues (including Senior Settlements, Health Care Directives, Surrogacy, and Physician-Assisted Suicide)

Read Textbook pages 609-684.

Segment 4: Guardianship and Conservatorship

Read Textbook pages 345 - 368.

Segment 5: Housing and Health Care Provider Regulation

Read Textbook pages 489-561.

Segment 6: Property Management

Read Textbook pages 275-320

Segment 7: Managing and Paying for Health Care and Retirement

Read Textbook pages 451-487; and
Quickly skim Textbook pages 207-273

Segment 8: Ethical Issues in Elder Representation

Read Textbook pages 73-123.

Last Revised:

April 4, 2012, 9:54 a.m. Pacific Time