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Bar Associations in Focus on Aging and the Law

Elder Abuse

Utah's Jilene Gunther Details Costs Of Financial Exploitation of Elderly

Interview conducted by Lori A. Stiegel, Senior Attorney, ABA Commission on Law and Aging, with Jilene Gunther, Legal Services Developer, Utah Division of Aging and Adult Services.

In 2010, Jilene Gunther, Utah's legal services developer, conducted what is believed to be the first state-specific study of the costs of elder financial exploitation and concluded that Utah's older residents, businesses, and government lost up to \$52 million in 2009 as a result of the exploitation. The study, which is reprinted in this issue of *Bifocal*, assessed and extrapolated losses in the 57 financial exploitation cases that Utah Adult Protective Services (APS) substantiated in 2009. Ms. Gunther also analyzed various factors in the cases, including types of financial exploitation, methods used by perpetrators, relationship between victims and perpetrators, whether victims became eligible for Medicaid

[Read The Utah Cost of Financial Exploitation on p. 46](#)

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Nation's First Elder Abuse Forensic Center Wins U.S. Attorney General's Award, see page 57 in this issue.

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Save the Date

National Aging and Law Institute

November 10-12, 2011
Seaport Hotel, Boston, Mass.

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BIFOCAL

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Save the Date



National Aging and Law Institute

November 10-12, 2011
Seaport Hotel, Boston, Mass.

The 2011 National Aging and Law Institute is a merger of the NAELA Advanced Institute and the National Aging and Law Conference, a coalition formed by NAELA, the American Bar Association Commission on Law and Aging, the Center for Medicare Advocacy, the National Senior Citizens Law Center, the Center for Social Gerontology, the National Consumer Law Center, the AARP Foundation, and the National Association of State Units on Aging.

Hotel and registration fees should be about the same or a little lower than 2010. For hotel reservations, phone (800) 440-3318 (Reference: NAELA).

The conference will likely return to the Washington, D.C., area in 2012.

More information will follow as it comes available. To request a conference brochure, send an e-mail requesting information on the National Aging and Law Institute to naela@naela.org.

Inside Practice

How Do Consumers Find a Lawyer?

The ABA Standing Committee on the Delivery of Legal Services has recently published the results of a Harris Interactive survey of how adults find a lawyer when they need one.

The report has good data broken down by age and income of how consumers would look for a lawyer and opinions on unbundled services. The report can be downloaded [here](http://www.americanbar.org/content/dam/aba/migrated/2011_build/delivery_legal_services/20110228_aba_harris_survey_report.authcheckdam.pdf) (or go to: http://www.americanbar.org/content/dam/aba/migrated/2011_build/delivery_legal_services/20110228_aba_harris_survey_report.authcheckdam.pdf.)



Please Note the New Web Addresses:

American Bar Association: <http://www.americanbar.org>

ABA Commission on Law and Aging:

http://www.americanbar.org/groups/law_aging.html

Power of Celebrity at the Senate Special Committee on Aging Hearing

By Lori A. Stiegel, Senior Attorney
ABA Commission on Law and Aging

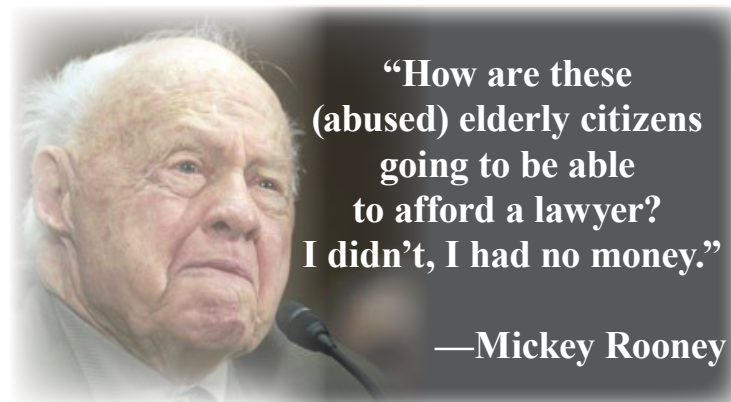
Six senators came. Those senators stayed even after they made their statements for the record. Spectators started lining up two hours before the hearing. The large room was packed. Dozens of television cameras faced the witness table. Anyone who had attended an elder abuse hearing previously knew that each of these facts was unusual and that they were due to the presence of the first witness, 90-year old “actor and entertainment legend” Mickey Rooney.

Just a few weeks before the March 2 hearing, the news broke that Mr. Rooney was seeking an order of protection against his stepson and the stepson’s wife because they had financially exploited and psychologically abused him. Thus, a hearing that had been planned to highlight the release of a Government Accountability Office (GAO) report on adult protective services (APS) and elder abuse became an emotional event, with the star witness turning and addressing the audience as he walked to his seat and then, as he exited, kissing the head of committee chairman Sen. Kohl (D-WI) in gratitude.

Mr. Rooney described his experience and its emotional impact, noting that he was “literally left powerless” and with “absolutely no control” of his life. He called upon other elder abuse victims to tell their stories and he urged Congress to end elder abuse “NOW.” Following a question and answer session during which Mr. Rooney repeatedly stressed the need for older victims to have legal help to prevent or stop abuse, five professionals testified.

Kay E. Brown of the GAO presented the findings of the GAO study—“Elder Justice: Stronger Federal Leadership Could Enhance National Response to Elder Abuse” (<http://www.gao.gov/>

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Elder Abuse Resource

ABA Commission to Develop Pocket Guide on Legal Issues Related to Elder Abuse

By Lori A. Stiegel

The ABA Commission on Law and Aging was awarded funding to develop a pocket guide on legal issues related to elder abuse for criminal justice system professionals.

The funding for this project is provided by the Bureau of Justice Assistance. It is a portion of the \$5.6 million awarded by the U.S. Department of Justice’s Office of Justice Programs (OJP) initiative to strengthen the criminal justice system through the support and development of new practices and innovative strategies for resolving systemic problems.

The project’s goal is to fill the knowledge gap of justice system professionals and policy makers about elder abuse through development, national dissemination, and support of state-specific replication of the pocket guide. This goal will be met through these measurable objectives: (1) develop and nationally disseminate the pocket guide to state and local justice system professionals and policy makers; (2) provide funding and technical assistance to six demonstration projects that will adapt the pocket guide to reflect their state’s laws and resources; (3) develop and nationally disseminate Replicating the ‘Pocket Guide on Legal Issues Related to Elder Abuse’ in Your State to share lessons from the demonstration projects with other states or communities.

The project is well under way and we anticipate that the pocket guide will be disseminated at no cost (in print and online) in August 2011.

The Commission will issue the request for demonstration project proposals (RFP) at the same time or shortly thereafter so that interested groups can see the pocket guide before deciding whether to submit a proposal. The RFP will specify the funding amount, applicant criteria, and obligations of the ABA and the subgrant recipients.

Elder Abuse Updates

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products/GAO-11-208). Ms. Brown highlighted the “significant challenges” that APS programs face in identifying, investigating, and resolving increasingly complex elder abuse cases. She announced that GAO had recommended that the federal government support efforts to improve collection of APS data and that Congress should consider establishing an APS resource center and mandating studies of the extent of elder abuse.

Kathleen Quinn of the National Adult Protective Services Association explained the role of APS in relation to other challenging social issues, including criminal victimization and Medicaid costs. She also called for establishment of a national APS resource center.

Dr. Mark Lachs of the Weill Cornell Medical College spoke about a large New York State study of the prevalence and incidence of elder abuse. The study found that “for every elder abuse victim that makes it into an official service or reporting system, another 23 to 24 go undetected.” (NOTE: This is a far larger number of unreported cases than evidenced in previous studies.) He asked Congress to support research and the development of multidisciplinary elder abuse teams.

Bonnie Brandl of the National Clearinghouse on Abuse in Later Life talked about the need for and results of collaborative responses to older victims of abuse. She called for additional resources to support collaborative efforts in communities and states and to “create and enhance victim services and to hold offenders accountable.”

Marie-Therese Connolly of the Woodrow Wilson International Center for Scholars and Life Long Justice discussed the limitations of existing

knowledge on the extent and costs of elder abuse, the fragmented system of response to the problem, and the lack of evaluation of interventions. To address these problems, she recommended that Congress provide funding and establish federal infrastructure to implement that funding.

Video of the hearing and the witness statements are available on the special committee’s Web page: http://aging.senate.gov/hearing_detail.cfm?id=331550&.

The ABA Government Affairs Office submitted a letter for the hearing record that supported expanding resources for civil legal services or victim services to elder abuse victims and for the investigation and prosecution of perpetrators. The ABA letter also called for federal leadership to ensure that APS and legal and other services are of sufficient quality to protect and serve victims. The letter is available here: http://www.americanbar.org/content/dam/aba/uncategorized/2011/2011mar01_agings_l.authcheckdam.pdf.

There was extensive print and television coverage of the hearing. Indeed, a recent Google search for “Mickey Rooney elder abuse” yielded 315,000 hits. Most significantly, the New York Times published an editorial on March 17 decrying the “immense” emotional and financial costs of elder abuse and calling for Congress to “seize the moment to help repair (the) threadbare web of protection” by “filling the gaps in data collection and services” (<http://www.nytimes.com/2011/03/17/opinion/17thu2.html?ref=opinion>).

Still No Appropriations for the Elder Justice Act

The Elder Justice Act (EJA) that was enacted in 2010 as part of the Patient Protection and Affordable Care Act (P.L. 111-148) remains unfunded. None of the FY 2011 budget bills contained any appropriations for

EJA activities. When Congress finally passed FY 2011 budgets in early April—more than halfway through the federal fiscal year following a series of continuing resolutions and a near government shutdown—the Department of Health and Human Services budget did not contain any funding for the EJA. The Elder Justice Coalition had already turned its attention to obtaining appropriations for the EJA in FY 2012. For more information about the Elder Justice Coalition and its activities, see <http://www.elderjusticecoalition.com/>.

Elder Abuse Bills Introduced in 112th Congress

On the date of the special committee’s hearing, March 2, Senator Kohl introduced two pieces of elder abuse legislation. The first is the Elder Abuse Victims Act (EAVA) of 2011 (S. 462). It would authorize \$20 million in each of fiscal years 2012 through 2014 to, among other things:

- create an Office of Elder Justice within the U.S. Department of Justice that would fund and conduct data collection, technical assistance and training, and studies of state laws and practices;
- support data collection from law enforcement agencies and prosecutors’ offices about elder abuse cases referred and filed, and their outcomes; and
- establish an elder victims grant program to make grants and provide technical assistance to support state and local APS agencies, courts, law enforcement agencies, and prosecutors.

The second piece of Senator Kohl’s legislation is the End Abuse in Later Life Act of 2011 (S. 464), which would amend the Violence

Against Women Act by expanding the topics covered by that training program (currently domestic violence, dating violence, sexual assault, stalking) to include exploitation and neglect.

Senator Gillibrand (D-NY) introduced the Senior Financial Empowerment Act of 2011 (S. 465) on that same day. This bill would, among other things, require the Federal Trade Commission to provide consumer education about fraud against seniors and would authorize \$20 million in each of fiscal years 2012 through 2016 for grants to state attorneys general, state and local law enforcement agencies and groups, senior centers, and other local nonprofit organizations that provide assistance to seniors for the purpose of carrying out mail, telemarketing, and Internet fraud prevention education programs for seniors.

Representative Deutch (D-FL) introduced the Seniors Financial Fraud Prevention Act (H.R. 773) on February 17. This bill would establish within the Federal Trade Commission an Office for the Prevention of Fraud Against Seniors to provide oversight of the financial market, consumer education, and to handle consumer complaints.

Elder Abuse

Research Demonstrates Effectiveness of Wisconsin's New Individual-at-Risk Restraining Order

University of Wisconsin Law School Professor Marsha Mansfield, Wisconsin Department of Health Services Advocacy and Protection Systems Developer Jane Raymond, and Wisconsin elder law attorney Betsy Abramson researched the first 30 months of use of Wisconsin's individual-at-risk restraining order, analyzed the data, and made recommendations to strengthen practice and the law. The findings show that the law has worked very well in the areas for which it was designed—especially in the inclusion of financial exploitation and emotional abuse as behaviors that can be restrained, and its atypical provision that permits someone other than the individual-at-risk to file the petition (in those cases, a guardian ad litem must be appointed and the petitioner must give notice to the individual at risk). An article describing the full study was published in the January 2011 issue of the *University of Il-*

linois College of Law Elder Law Journal and has been posted, with permission, on the Wisconsin Department of Health Services Web site: <http://www.dhs.wisconsin.gov/aps/Publications/Articles/IllinoisUniversityCollegeofLaw-Fall2011.pdf>.

A condensed version was also published in the November 2010 issue of *Wisconsin Lawyer*: http://www.wisbar.org/AM/Template.cfm?Section=Elder_Law_Section&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=98103

The research was funded by the Borchard Foundation Center on Law and Aging Academic Research Grant Program. (Information about this research project provided by Alice Page, JD, MPH, Adults-at-Risk Policy Analyst, Bureau of Aging and Disability Resources Division of Long Term Care, Wisconsin Department of Health Services.)

Elder Abuse Resources

The **ABA Commission on Law and Aging** is continually expanding its catalog of online resources for professionals working in fields related to elder abuse.

Visit the **ABA Commission's Elder Abuse Web page** for the latest information on:

- the Elder Justice Act;
- Judicial System's Role in Cases Involving Elder Abuse;
- Elder Abuse Fatality Review Teams;
- The Brooke Astor Case;
- Guardianship Jurisdiction;
- Durable Power of Attorney Abuse; and
- Neglect.

The **Elder Abuse Web page** provides free and valuable charts of state laws related to elder abuse. Charts address:

- Annual Summaries of State Legislation Amending Adult Protective Services Laws
- Abuse Registries
- Access to Victims
- APS As Guardian
- Capacity to Consent
- Caregivers
- Confidentiality of Information and Records
- Emergency or Involuntary Services to Victims
- Reporting
- Threshold Eligibility Criteria
- Types of Abuse
- Undue Influence, and more.

Go to: http://www.americanbar.org/groups/law_aging/resources/elder_abuse.html

The Utah Cost of Financial Exploitation

By Jilene Gunther, MSW, JD, Legal Services Developer, Utah Division of Aging and Adult Services
This report was originally published in March 2011 by the Utah Division of Aging and Adult Services.
Reprinted with permission.



On my desk sits a photo of my grandfather standing next to Margaret Thatcher. It reminds me of the good works my grandfather did within Utah and throughout the world helping others. Despite the great world collections my grandfather acquired from his charity works and from living abroad, the photo is one of the few items I have to remember him. My grandfather was financially exploited within his own home by someone who was a close friend—almost like family—and whom he was trying to help. She stole cash from his wallet and carried item by item many, but not all of his treasures he and my grandmother had collected throughout their lives out of their house.¹

[The quote's author] is not alone. Every day in this nation seniors are exploited. These seniors who are heralded as our greatest generation are now under attack across our nation in one of the grimmest battles—the fight against financial exploitation. But unlike other battles they've faced, the enemies are often those closest to them, and ones they least expect—family members and close friends. The crime goes silent as many seniors who are financially exploited, like the gentleman in the

The author, Jilene Gunther, in Washington at the March 2, 2011, Senate Special Committee on Aging Hearing "Justice for All: Ending Elder Abuse, Neglect, and Financial Exploitation."



story above, [find it] too painful to report, it is embarrassing to admit, and often goes unidentified and thus unreported.² Exploitation is not prejudice of race, social position, or financial status. Yet, while this crime is silent, it does not go unnoticed. The effects of financial exploitation are recognized by all of us—families, businesses, taxpayers, government programs—such as Medicaid—and seniors. Yet there is little national data on financial exploitation; the exact costs of financial exploitation are largely unknown.³

And Adult Protective Services (APS) workers, the frontline fighting this battle, have taken and continue to take significant deep budgets cuts to their programs around the nation while still maintaining the requirements to address elder abuse under the Older Americans Act. Compounding this issue is that little research has been done to show the extent of financial exploitation and exactly how exploiters are accessing these funds. Thus, workers are left to advocate for seniors using stories with little supporting data. While the costs of domestic violence have been calculated for decades, a cost analysis of financial exploitation using Adult Protective Services records has never been undertaken.

Seeing this issue, as a full-time Legal Services Developer charged with coordinating the legal service delivery system that includes Adult Protective Services, I began to examine the costs of financial exploitation, the methods exploiters are using to access seniors' assets, and many other variables using data from Adult Protective Services cases. This exploratory research attempts to paint a picture for policy makers of the importance of financial exploitation, the potential costs of exploitation, as well as to help understand how financial exploitation is occurring in order to better target prevention efforts. The exploratory research estimates that Utah seniors, businesses, and the government could have lost \$51,506,100 in 2009 due to financial exploitation.

Study Design

This exploratory study from the Utah Division of Aging and Adult Services' Legal Services Developer provides an introductory examination of the cost of financial exploitation to Utah seniors. The purpose is to attempt to calculate the financial loss to Utah seniors, financial institutions, and government entities; and to also determine the variables and methods perpetrators employ to exploit. This report serves



as a tool to help our local Adult Protective Services program to have more effective and targeted prevention.

The Utah Cost of Financial Exploitation Study was conducted by examining all the substantiated financial exploitation cases of Utah Adult Protective Services. Fifty-seven cases were reviewed in-depth to determine financial loss. Cases were reviewed for documentation regarding dollar amount taken and property stolen. In cases involving property we gathered as much information as provided in the case notes to determine the value of that lost property. In fewer than 10 percent of the cases, we did not have all the facts to make an exact valuation. In these circumstances we always erred on the fiscally conservative side as well as used the average cost of a like property. For example, if a 2003 Ford Taurus was listed as stolen with no additional details describing the vehicle, we estimated the value using the average value of a 2003 Ford Taurus listed in the Kelly Blue Book, assumed it was in fair condition, and estimated the number of miles on it by the average amount of miles a person drives in a given year. Cases that did not have enough evidence to be substantiated were not examined; other agencies more so than Adult Protective Services receive reports regarding scam artists, insurance fraud, telemarketing fraud and other like fraud; thus, it could be possible that the costs of financial exploitation to Utah seniors are higher than reflected in this study.

To conduct valuations we used the Kelly Blue Book and Utah sold real estate numbers, and consulted with local pharmacists, insurance

life expectancy tables, and other valuation tools. We looked for as much information as possible to make these valuations, including where the real property was located and the average price of homes selling in the area over the last six months; model, make, usage and condition of the car; and average out-of-pocket prices for medications. We also used the average yearly Utah Medicaid cost for a Utah senior in conjunction with consulting the life expectancy table to determine how many years the senior might be on Medicaid.

**Stealing seniors’
assets could cost Utah
\$52 million annually.**

Examining financial exploitation without attempting to account for unreported cases would not be telling the entire story. It would be comparable to trying to calculate the number of drivers that speed by only examining the number of drivers who receive tickets without taking into account those that receive warnings and those who speed and do not get caught. It is well established that there are a substantial amount of unreported financial exploitation cases.⁴ Studies differ on the number of cases unreported. In a recent study by Cornell University, the researchers calculate that for every one reported financial exploitation case, 44 go unreported.⁵ Another study stated that only 1 in 25 are reported.⁶ In estimating a range for the dollar amount lost, we used the above figures but made our conservative hypothesis of how many cases go

unreported based on statistics from government officials and reports⁷ that state that only 1 out of every 10 seniors report abuse. This study is only just that it explores the potential costs of financial exploitation, variables involved in exploitation, and relationships to victims. It provides dollar amounts based on estimations, statistics and hypotheses. It is an exploratory study to highlight the importance of examining the costs of financial exploitation and need for further research in this area. It is the first step of many needed to capture the true cost of financial exploitation to our society. This study did not assess financial losses associated with physical, sexual, or emotional abuse.

Variables Examined

All 57 substantiated Adult Protective Services financial exploitation cases were included in the study. There were two phases to this study. The first was a valuation of financial loss. The second was a more in-depth examination on several variables including:

- Who made the referral
- The perpetrators’ relationship to the victim
- Type of financial exploitation
- Method used by the perpetrator
- Non-monetary deprivation
- Subsequent Medicaid eligibility
- Police and prosecution involvement

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Get Connected, Stay Connected on Elderbar

Join **Elderbar**, the listserv that brings together public and private sector legal advocates and the aging network. **Elderbar** is for you if you are an:

- Elder law attorney
- Title IIIB legal services provider
- Legal services developer
- Senior hotline attorney or staff
- Long-term care ombudsman
- Senior Health Insurance Benefits Program staff
- Area agency on aging staff
- State unit on aging staff
- OAA-funded elder rights advocate
- LSC, IOLTA-funded, or other non-profit or public sector legal services organization
- Law school elder law or clinical staff
- State or local bar association elder law section or committee
- Service provider in the aging network
- National law and aging advocate

Elderbar gives you the opportunity to communicate across the boundaries of the law and aging networks and the public and private legal sectors. Share ideas and information about programs, bar section and committee activities, and learn how others are responding to the increasing demand and finite funding for legal services for seniors.

Elderbar is a project of the **ABA Commission's** National Legal Assistance Support Center as part of its role in the National Legal Resource Center, funded by the Administration on Aging. It is a closed list; messages can only be posted and read by members.

To get connected to **Elderbar** send your name, e-mail address, and professional affiliation to David Godfrey at david.godfrey@americanbar.org.

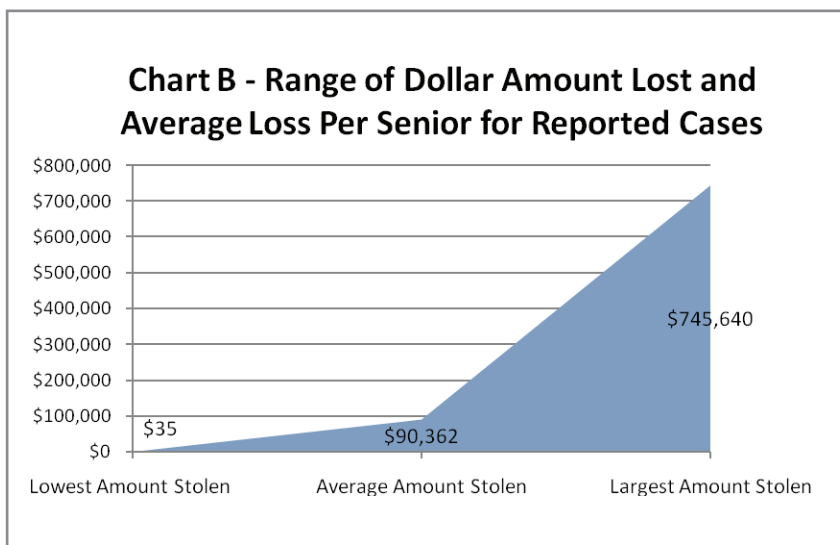
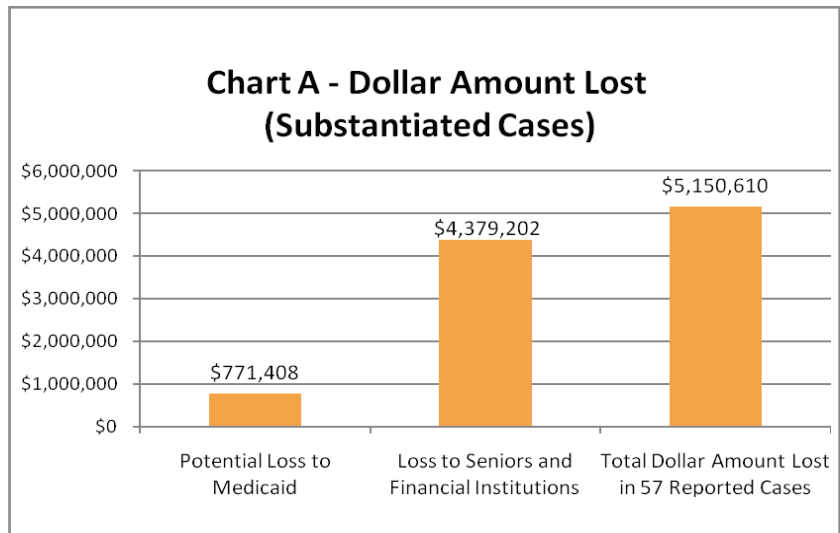
Utah Cost of Financial Exploitation

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Findings

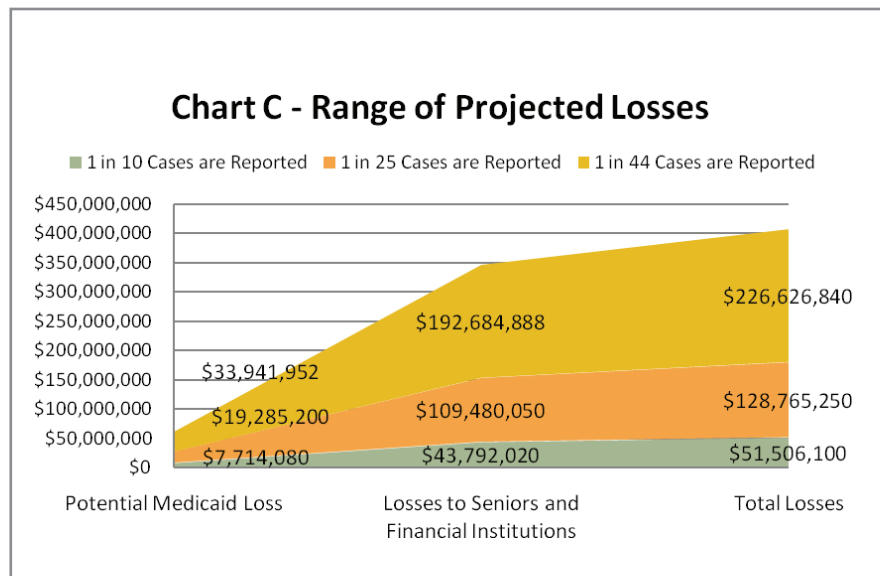
Overall Financial Loss Due to Financial Exploitation

Out of the 57 cases reviewed \$5,150,610 was lost due to stealing seniors' assets. The loss to Medicaid could potentially be \$771,408. The range stolen was from \$35 to \$745,640. The average loss is \$90,362 per senior.

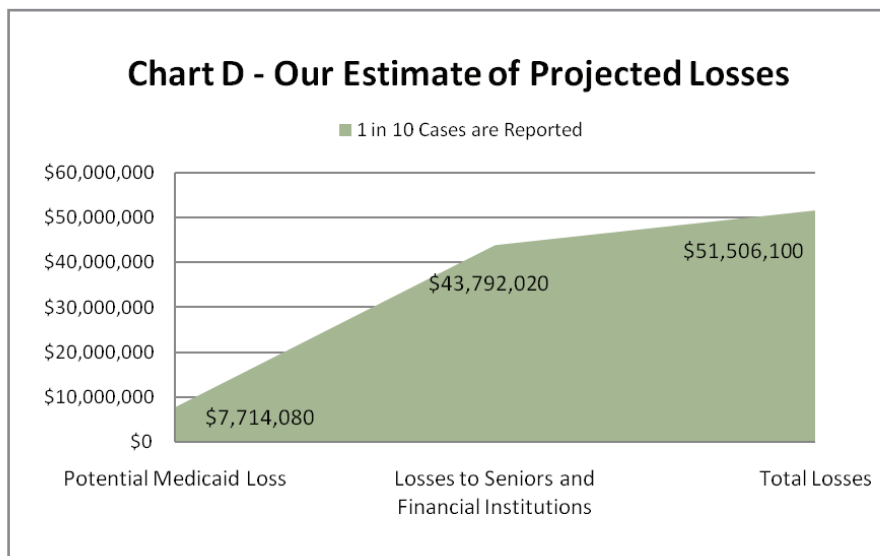




It is well established that there are a substantial amount of unreported financial exploitation cases.⁸ To accurately estimate the costs of financial exploitation, unreported cases must also be evaluated. (Estimating costs only for reported cases and ignoring unreported cases would be comparable to estimating the number of drivers that speed by only looking at those who receive speeding tickets.) Studies estimate that for every one financial exploitation case reported anywhere from 10 to 44 go unreported.⁹ Considering these estimates the cost of stealing seniors' assets could range anywhere from \$52 million to \$227 million of losses per year.



The study errs on the most conservative range and estimates that Utah seniors, businesses, and the government lost up to \$52 million in 2009 due to financial exploitation, thus, exploitation from seniors may cost Utah up to \$1 million dollars per week.



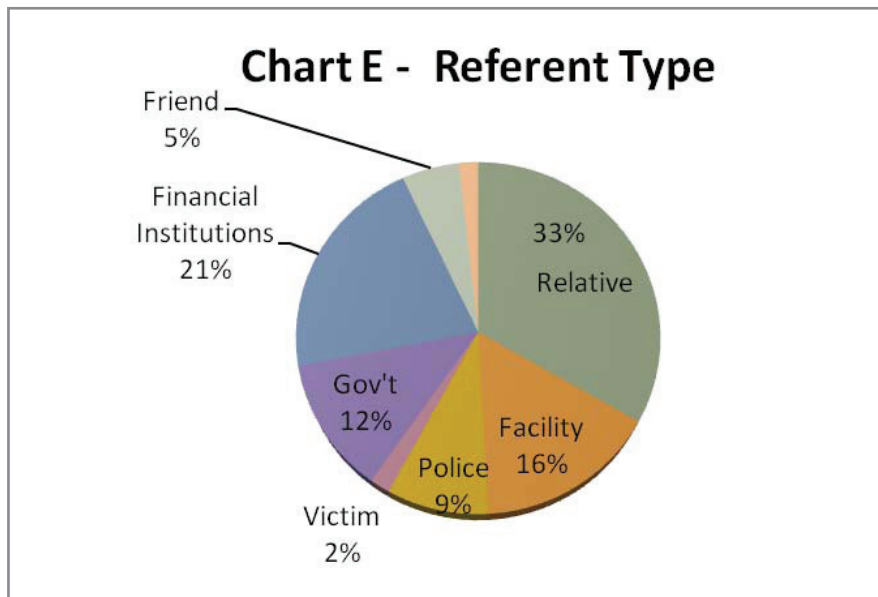
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Utah Cost of Financial Exploitation

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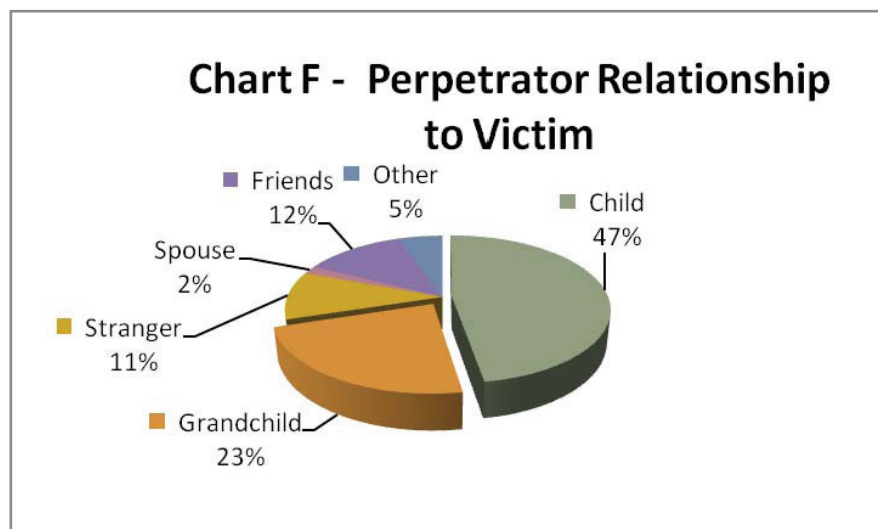
Referrals Made to Adult Protective Services

Thirty-three percent of the case referrals come from relatives of the victim and 21 percent from financial institution employees. Only 2 percent of referrals were from the victims. This perhaps indicates that victims are often embarrassed about reporting financial exploitation or are unaware of the exploitation that is occurring.



Perpetrator's Relationship to the Victim

The majority of perpetrators (72 percent) were family members. Only a few (11 percent) were strangers. This reflects national data and also indicates that those who perpetrate are taking advantage of their close relationship with seniors.



Methods Used to Exploit

To learn more about prevention, we examined the methods perpetrators were using to exploit seniors. We found they were doing so in the following ways:

Property

- Personal Property
- House (stolen either through deeding property or through deception)
- Car Theft or “Borrowing”
- Rent (living off senior despite agreement to move out or pay)

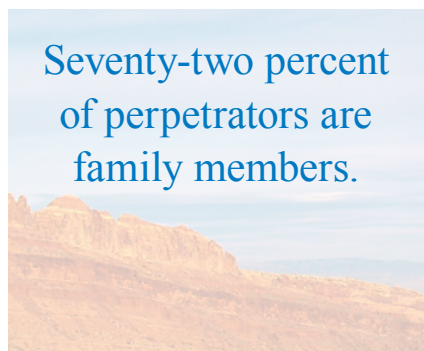
Finances

- Investment Fraud
- Withdrawals from Bank Account
- Cash
- Check (forgery)
- Credit Card (open debit card without knowledge, identity theft, or “borrow card”)

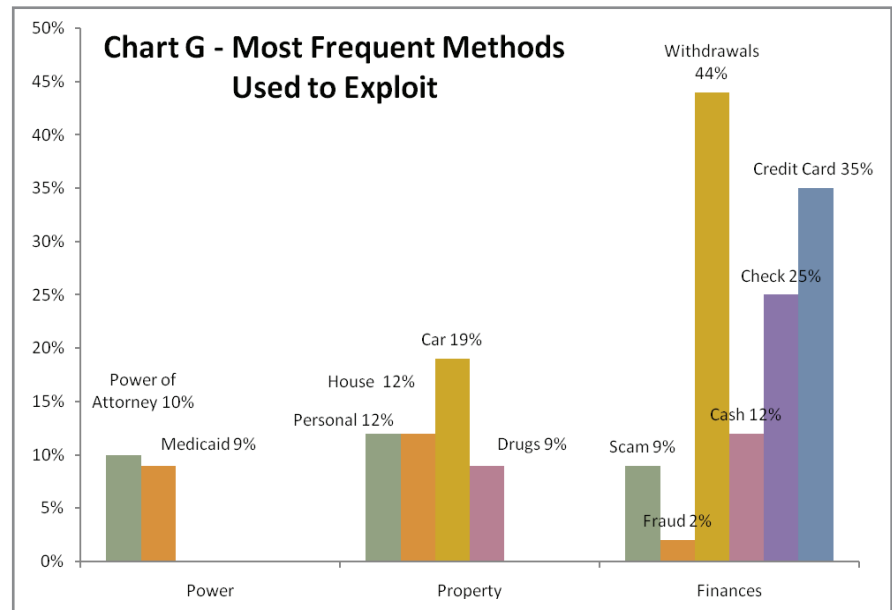
Power

- Misuse of Power of Attorney (person uses a power of attorney to steal money)
- Medicaid (exploited senior now forced to be dependent on Medicaid)

We found that the top methods used to exploit seniors were bank with-

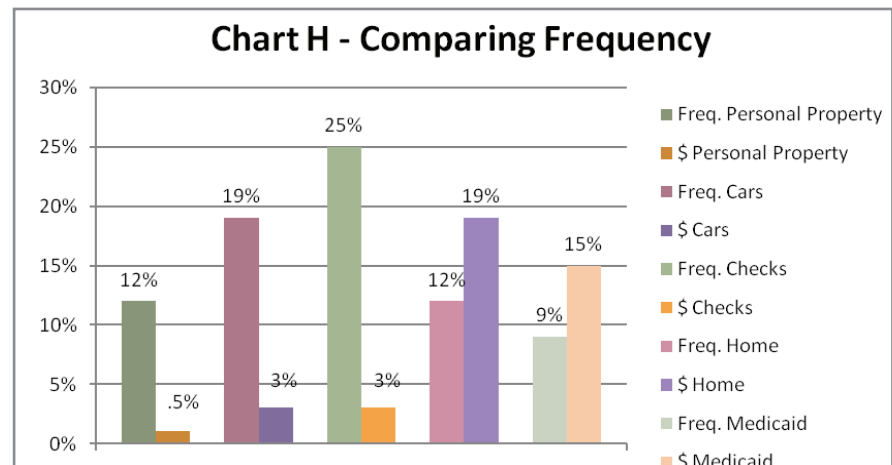


drawals (44 percent), credit cards (either misuse or identity theft) (35 percent), stealing and forging checks (25 percent), and car theft (19 percent). We also found that many perpetrators were using more than one method to exploit; thus, increasing the frequency of the categories of methods used.



Comparing Frequency of Methods Used and Percentage of Total Stolen

We also compared frequency of the method used and the percentage of the total amount stolen for that same category. This illuminated where seniors are taking the biggest monetary hit. While 12 percent of cases involved stealing personal property, that category only represents 0.5 percent of the total amount of money exploited. In 19 percent of the cases seniors are exploited for their cars, yet the cash amount only represents 3 percent of the total dollar amount. Stealing or forging checks occurred in 25 percent of the cases, yet that method only represents 3 percent of the total amount stolen. Only 12 percent of the cases involved stealing a home, yet this category represented 19 percent of the total amount stolen. This comparison, illustrated in Chart H, demonstrates that the methods involving Medicaid, stealing a home, and bank withdrawals are big ticket items.



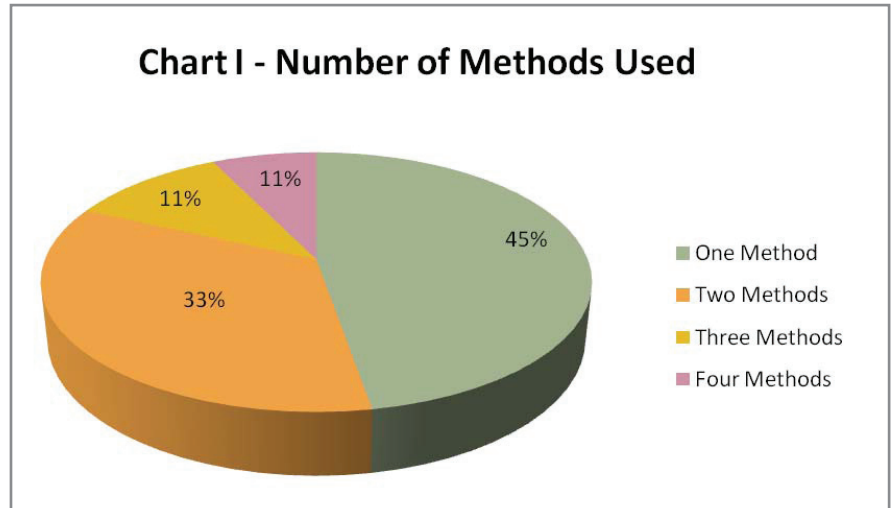


Cost of Financial Exploitation

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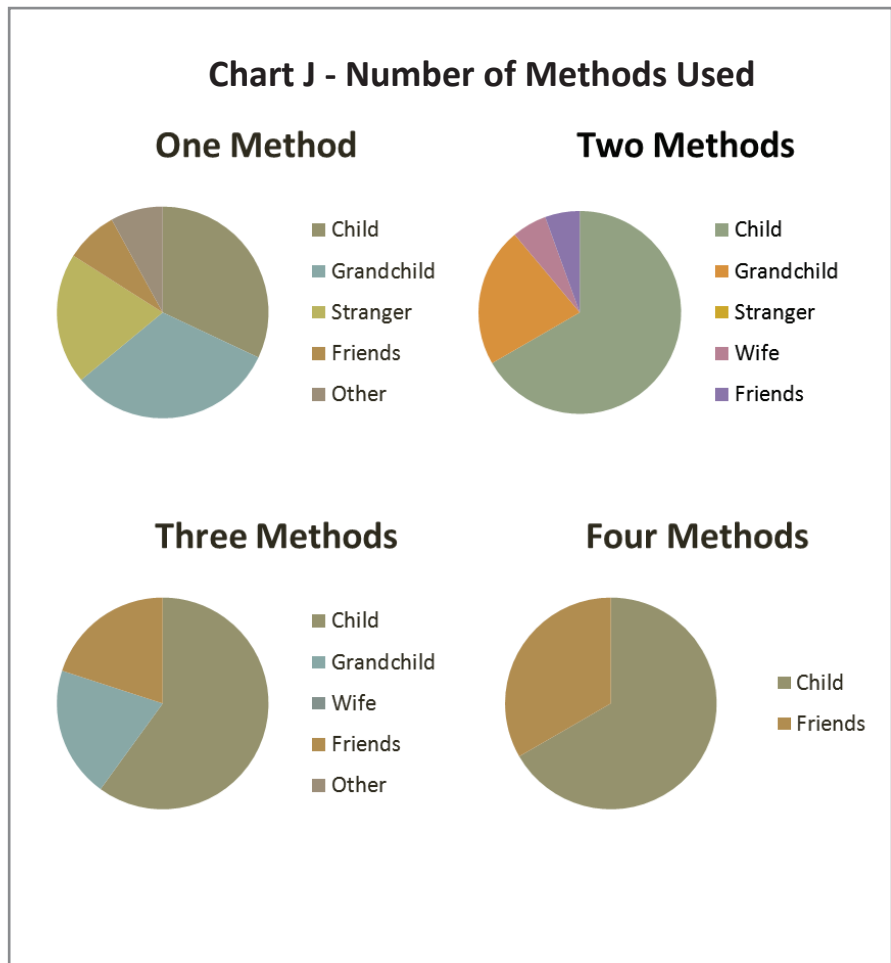
Number of Methods Used per Case

In most cases, perpetrators used multiple methods to exploit (55 percent). Forty-five percent used one method to exploit.



Comparing Frequency of Methods Used and Relationship with Perpetrator-Victim

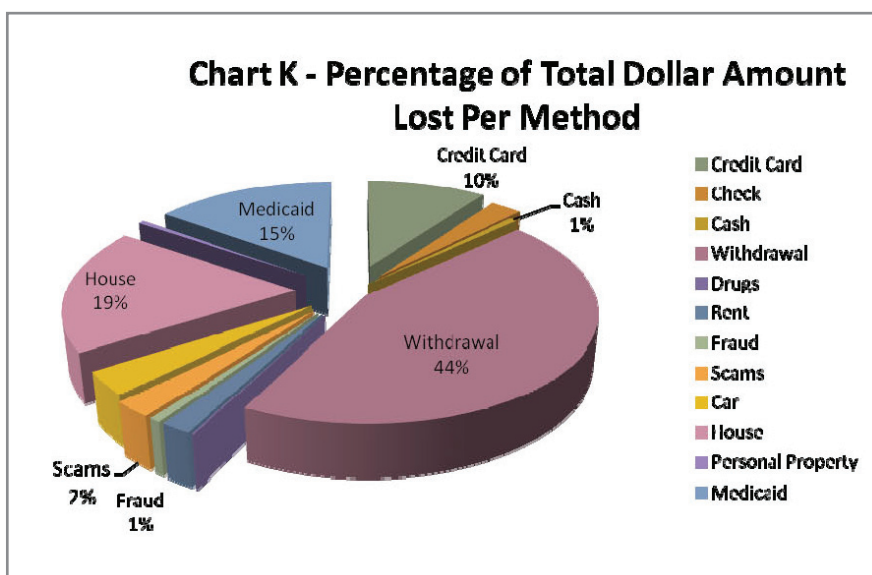
Analysis of the perpetrators' relationship with the victim and the number of methods used by the perpetrator showed a definitive trend. Strangers and grandchildren were more likely to use one method to exploit. Those closer to victims—children and friends—were more likely to employ two, three, and four types of exploitation methods.



Financial Institution Related Transactions and Withdrawals

Examination of the data indicated that 57 percent of the total amount stolen involved financial institution related transactions including withdrawals, credit cards, and checks. Yet only 21 percent of Adult Protective Services referrals (from the 57 substantiated cases examined) came from financial institutions. This discrepancy demonstrates that Adult Protective Services needs to work more closely with financial institutions in identifying and reporting suspected financial exploitation.

Bank withdrawals represent 44 percent of the total amount lost. Half of the cases involving bank withdrawals specified how the money was withdrawn. Out of those specified cases many had several types of withdrawals. A third of the cases either involved a withdrawal within the financial institution, a joint bank account, or a transfer online. Half of the specified bank withdrawal cases involved a debit card affiliated with the bank account. This illustrates the need for seniors to be educated on the dangers of joint accounts and lending out credit cards, as well as the concept of online banking and debit cards.



Potential Utah Medicaid Cost

We found that some of these cases involved a senior being exploited to such an extent that the senior was either now on Medicaid or was in the application process.¹⁰ All of the seniors in this situation had a significant amount of their life savings stolen. Attempting to estimate a loss to Medicaid is challenging. It assumes that the significant amounts stolen propelled the seniors to qualify for Medicaid (but for the exploitation (Medicaid eligibility) would not have occurred), and that the senior would not gain assets and thus would be on Medicaid for the duration of their life. Using the senior's current age and national life expectancy demographic tables, we estimated the number of years a senior would be on Medicaid. These costs based on the above assumptions are estimated to amount to \$771,408 for reported substantiated cases. Considering that only one in ten cases are ever reported, this cost could potentially reach \$7.8 million dollars. Again calculating these costs are challenging and forced us to rely

partially on assumptions and thus act only as potential costs that need to be further examined. These estimations however paint a picture of the potential Medicaid costs and demonstrate the need for further specific research beyond this exploratory study.

Non-Monetary Losses

We also made note of losses that we could not put a value on. Examples included eviction from public housing, drug users or dealers in the home, changes to a will or to a deed, threat of loss of home, credit damage, loss of power when senior had an oxygen tank, financial institution defrauded by an exploiter using an invalid power of attorney, loss of trust with family, and embarrassment and anxiety.

Police and Prosecution Involvement

Not including cases referred to law enforcement following substantiation, 11 cases specifically mentioned the police. One police agency turned down the case stating it was a civil matter. Another case was rejected because it was "too big." One case was turned down due to a lack of victim cooperation and another because it involved a power of attorney. One case did involve an arrest. In six cases Adult Protective Services and the police worked together to investigate the case further.

Conclusion

Stealing senior's assets are estimated to cost Utah up to \$52 million dollars in 2009. This amount, any amount is too much. Everyone in Utah is losing—seniors, government, banking institutions, and taxpayers. Perpetrators are those that are closest to seniors—relatives and friends. The majority of perpetrators are using bank related transactions to steal from seniors.

Continued on page 54

Cost of Financial Exploitation

Continued from page 53

Those with the closest relationships with seniors—children—are using multiple ways to access and exploit seniors. The estimations in this study paint a picture of the potential costs of exploitation and demonstrate the need for further specific research beyond this exploratory study. This exploratory study demonstrates that multidisciplinary collaborations among Adult Protective Services, banks, and law enforcement agencies could help prevent financial exploitation of seniors and thus be highly cost-effective. Specific recommendations include:

Bank Training

Adult Protective Services should train and work more closely with banks to enhance the identification and referral of suspected financial exploitation cases to Adult Protective Services. Training should include how seniors are being exploited as shown in this study; thus financial institutions can help prevent exploitation before it occurs. The state should encourage banks to develop seminars for their customers on how to prevent financial exploitation, alternatives to joint accounts, debit cards, online banking, and other banking basics.

Encourage Police and Prosecutor Involvement

Adult Protective Services should train and work more closely with law enforcement agencies so police can better understand the criminal nature and importance of investigating abuse of seniors. Adult Protective Services should become knowledgeable on what law enforcement and attorneys need for a successful prosecution.

Create an Interdisciplinary Legal and Banking Team

The Legal Services Developer should create a team with Adult Protective Services and the Banking Industry to determine how to tighten up Power of Attorney laws, and help develop ideas for banking products that will give seniors more control over their accounts.

Create Guardian Bank Account

Perpetrators under the guise of assisting a senior with their finances allows the perpetrator unnecessary access that results in exploitation. The elder abuse field in conjunction to the banking industry needs to develop a special guardian account that allows for more control, greater security options, and monitoring by a third party.

Develop Training to Target Prevention

APS should use these finding to help target prevention. Training to seniors should focus on the methods perpetrators are using to exploit, the dangers of deeding over property and co-signing loans, how to legally evict unwanted “guests,” how to appropriately handle finances when one is unable to, the basics of banking in the twenty-first century, and limiting others access to their finances.

Notes

1. The identity of author and victim withheld to protect privacy.
2. See Gunther, J & Van Langeveld, A (2011, in press). *Utah Legal Needs Study*. Utah Div. Aging & Adult Servs.: Funded by the AoA Model Approaches Grant.
3. MetLife Mature Market Institute et. al. (2009). *Broken Trust: Elders, Family, and Finances. A Study on Elder Financial Abuse Prevention*.
4. Humphrey, T. (2003). *Nichols Seeks Stiffer Laws Against Elder Abuse; Knox Attorney General Says State Needs to*

Get Tough on Scam Artists, Knoxville News-Sentinel; Camron, V. *Abuse of Elders Goes Unreported, Committee Says; Group's Goal Is Prevention*, Chi. Trib., Mar. 24, 2004, Morrison, J. *Fraud and the Elderly*, Mont. Law., Mar. 2003,

5. (2011). *New York State Elder Abuse Prevalence Study. Preliminary Report*. Cornell University.
6. Wasik, J.F. (2000). *The Fleecing of America's Elderly*. Consumer's Digest, March/April.
7. *Id.*
8. *Supra* n. 4.
9. *Supra* n. 5.
10. It is not uncommon for an exploited senior to have difficulty qualifying for Medicaid because the exploitation is often considered a transfer under the Medicaid rules.

Acknowledgments

The researcher wishes to thank the seniors of Utah who have had the courage to report their exploitation, Adult Protective Services workers – our first responders who tirelessly work to help prevent and stop exploitation—without their grisham reports this project would not have been possible; Lori Stiegel, Angela Linford, Paul Gunther, Kathryn Draper, Rick Warne, and Sharon Bertelsen for editing this report on short notice. Thanks also to Nan Mendenhall, Utah Director of Adult Protective Services and Diane Stewart, former Utah Director of Adult Protective Services, for their cooperation, support and seeing the potential for the role that Legal Services Developers should have within the elder rights field. For additional information please contact Jilene Gunther, jgunther@utah.gov.

Jilene Gunther Interview

Continued from page 41

following the exploitation, and whether law enforcement agencies and prosecutors were involved in the cases. The findings sparked six recommendations to improve policy and practice related to financial exploitation.

Recognizing the contribution that the study makes to the body of elder abuse literature and its potential as a model to other states interested in assessing these costs, the Commission decided to publish the study and this interview of Ms. Gunther to foster national awareness of the study's results and methodology.

Lori Stiegel: What prompted you to conduct this study?

Jilene Gunther: At a time when Utah's APS program faced elimination due to budget constraints, I thought such a study would help to protect APS and support the need for tailoring our efforts to prevent financial exploitation. I am a big proponent of using numbers to justify the need for and outcomes of programs, especially in these economic times.

Stiegel: Assessing the costs of elder financial exploitation isn't a skill taught in law school. How did you figure out how to do this?

Gunther: I had no models to look at, but I worked my way through college and graduate school as a research assistant. I had a great research professor, Amanda Moore McBride, who encouraged me and taught me practical research evaluation skills. Moreover, I'm a social worker by passion and a lawyer by trade. This background provided the perfect training. I understand the issues as a social worker and as an attorney. I have the legal training to gather and pres-

ent evidence. I created and conducted the first statewide assessment of legal needs of seniors (see http://www.nlrc.aoa.gov/Methods/Best_Practices/Need_Capacity_Assessments.aspx) and that experience informed me that financial exploitation is not always recognized and reported. As the legal services developer, I conducted a legal and qualitative review of APS cases, so I knew that caseworkers were noting dollar amounts lost and listing property stolen in their reports. When APS funding was threatened I realized we had untapped evidence enabling us to paint a picture for policymakers on the importance of fighting exploitation.

Stiegel: Did you have help?

Gunther: I did most of the work myself, but I made plenty of phone calls. I first spoke with the APS program director about my idea and she provided me with the records for the substantiated financial exploitation cases. My experience doing the legal and qualitative review of APS casework taught me how to read the case files.

Stiegel: How much time did the study entail?

Gunther: I didn't keep detailed records, but I'd estimate that it took a large majority of each day over a period of three months.

Stiegel: How much did the study cost?

Gunther: Not a cent—just my time.

Stiegel: What did the work entail?

Gunther: I reviewed the 57 substantiated cases to determine what the financial losses had included. Fortunately, Utah's APS caseworkers write very detailed notes. Those notes enabled me to assign dollar figures to

those losses. As the report explains, I used the Kelly Blue Book to determine values for lost cars and Utah sold real estate records for homes. I called pharmacists to determine the retail costs of stolen medications. I used insurance life expectancy tables to calculate potential costs incurred by the Medicaid program.

Stiegel: How did you know which variables to examine?

Gunther: I knew that I wanted to calculate costs so I started there. This study is unlike a legal needs survey where you can create the questions and, thus, the variables you want to examine. I was working with closed cases, so I couldn't create variables. Instead I just looked for patterns of existing variables reported across cases. Sometimes I didn't realize a consistent variable existed until after reading a few cases. For example, I read a third of the cases before realizing I could identify the method perpetrators were using to exploit seniors' assets. So I went back and reread those twenty cases. Although it was not my plan at the start, it made sense to analyze other factors, such as who was referring these cases to APS, the types and number of exploitation methods used, relationships between victims and perpetrators, and whether law enforcement or prosecutors were involved in these cases.

Stiegel: What did you learn from the experience that would help others trying to replicate your study in their states?

Gunther: First, I would set up a reporting method so APS workers could include even more detail in their case reports. For example, including details about the exact make and condition of cars stolen would make use of the Kelly Blue Book easier and

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Jilene Gunther Interview

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more precise. Second, I would like to find a way to include suspected-but-not-substantiated cases; we could learn a lot from them for purposes of prevention, even if we didn't calculate those financial losses. But there was much to learn about training and prevention just from reviewing the substantiated cases, and those lessons are shared in the six policy and practice recommendations. Anyone who wants to replicate this study should first check to see if they can obtain access to confidential APS records for research purposes.

Stiegel: What has happened in Utah since the report was issued?

Gunther: Well, the legislature did not eliminate funding for the APS program, although I can't say that my study was wholly responsible for that. As we plan to repeat the study, APS is creating a detailed form that caseworkers will fill out after making a substantiated financial exploitation finding. And I am going to shadow

an APS caseworker on a financial exploitation case to see what other detailed information can go on that form. We are also using our findings to tailor our prevention training.

I honestly thought that the excitement would end after the U.S. Senate Hearing in Washington, D.C., but it hasn't—thank goodness! Upon my return I met with the president of one the largest community banks in Utah. I went to pitch the study and the importance of bank training, and instead I found myself the subject of a pitch. This bank wants assistance in creating a whole program on identifying and preventing exploitation. The bank also wants to fund the printing of our book *Navigating Your Rights—The Utah Legal Guide for Those 55 and Over* (<http://www.hsdaas.utah.gov>), which focuses heavily on elder abuse and consumer rights; create a training program for its employees; offer community seminars for its senior customers; and collaborate to create a groundbreaking banking tool that will help close gaps to some financial exploitation methods.

Stiegel: I saw some newspaper stories about your study listed in the Nation-

al Center on Elder Abuse newsfeed. What happened after that national exposure of your work?

Gunther: Kathleen Quinn, executive director of the National Adult Protective Services Association, mentioned the study in her testimony before the Senate Special Committee on Aging hearing "Justice for All: Ending Abuse, Neglect and Financial Exploitation" on March 2 (http://aging.senate.gov/hearing_detail.cfm?id=331550&). I went to Washington, D.C. for the hearing—after all, it's not every day that my work gets referenced during a Senate hearing! While I was in Washington I met with staff of Utah's Senator Hatch, the Special Committee on Aging, and the Administration on Aging. My study was submitted to the special committee as written testimony for the hearing record. The special committee's staff has shared my study with several other senate offices. I couldn't have dreamed this and feel honored to have helped paint a picture for national policymakers on the impact of financial exploitation.

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Nation's First Elder Abuse Forensic Center Wins U.S. Attorney General's Award

Congratulations to the Elder Abuse Forensic Center (EAFC) of Orange County, California, which received the U.S. Attorney General's Award for Professional Innovation in Victim Services on April 8, 2011. According to the Department of Justice (DOJ)/Office for Victims of Crime Web site, <http://www.justice.gov/opa/pr/2011/April/11-ag-451.html>, this award "recognizes a program, organization or individual that has helped expand the reach of victims' rights and services" and was bestowed

for providing direct services for the prevention, assessment and treatment of elder abuse and neglect. EAFC addresses cases of elder abuse and neglect using a multidisciplinary collaboration of area agencies. EAFC takes all of the resources available from existing elder advocacy agencies and channels them to combat and prosecute elder mistreatment.

The Annual Victims' Service Awards are presented during a ceremony held in Washington, D.C., the week before National Crime Victims' Rights Week is observed in states and communities. The awards ceremony and the national observance and candlelight ceremony held the previous night were organized by the DOJ Office of Justice Programs (OJP) and its Office for Victims of Crime.



Pictured (from left to right): Detective Cherie Hill, Anaheim Police Department; Kerry Burnight, Ph.D., University of California Irvine; U.S. Attorney General Eric Holder; Laura Mosqueda, M.D., University of California Irvine; Gerlyn Bowman, Orange County Adult Protective Services.



At the National Crime Victims' Rights Week National Observance and Candlelight Ceremony. Pictured (from left to right): Gerlyn Bowman, Supervisor, Orange County, Calif., APS; Candace Smith, Supervisor, Orange County, Calif., APS; Cherie Hill, Detective, Anaheim, Calif., Police Department.

Planning for Future Health Care Decisions . . . Your Way

By Charles Sabatino, Director, ABA Commission on Law and Aging

The Department of Veterans Affairs is producing a new online workbook for advance care planning that should be released in the near future. The workbook breaks new ground in providing one of the most comprehensive, understandable, and practical guides for anyone ready, or getting close, to engage in advance care planning for health care decisions. *Planning for Future Health Care Decisions... My Way* functions as an interactive, online navigator through virtually every aspect of planning ahead for health care decisions.

The project represents a major revamping of the pioneer workbook published in 1998 *Your Life Your Choices—Planning for Future Medical Decisions: How to Prepare a Personalized Living Will*, one of the very first workbooks developed to walk individuals through the challenging process of thinking about and communicating their values, preferences, and goals with respect to advance care planning.

In reviewing a near final draft, we found its strongest feature to be its adaptability to adults with quite differing planning needs and interests. Individuals can decide which of ten worksheets are most relevant to their situation and interests, al-

though some, such as “Choosing a Spokesperson” and “My Strongly Held Beliefs,” will be key for everyone. All the worksheets are intended to facilitate both self-reflection and discussion with one’s family, friends, health care providers, and most importantly, the person chosen to act as one’s health care agent or proxy. Indeed, the naming and educating of an agent or proxy to make medical decisions for you in the event of incapacity is the first priority in health decisions planning.

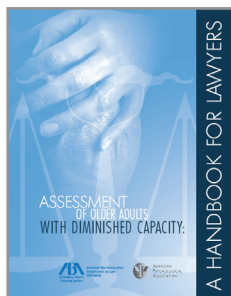
Other worksheets, such as “Mental Health Care Preferences” will be of interest only to certain persons managing mental health conditions. The user controls where and how far to go in answering a probing array of questions in the worksheets. That’s important, since everyone approaches this kind of planning at different stages of life—whether they are healthy twenty-something adults, young adults with a long-term disability, healthy middle-aged adults or those with manageable chronic conditions, frail elders, or those now facing end-of-life decisions. A final chapter provides additional background information on common conditions (unconsciousness, dementia) or treatments (CPR, dialysis, feeding tubes,

ventilators) that can pose decision-making challenges for everyone.

A much earlier draft of the guide that leaked out during its development in 2009 was criticized by some in the media as the VA’s new “death book,” because it allegedly skewed advice toward premature terminations of treatment. That attack will surely not apply to this completed work. The central approach of this guide is to facilitate the process of understanding and communicating the uniqueness and dignity of the individual so that their personhood drives medical decisions in the future, rather than someone else’s values.

The major, but unavoidable, limitation of the workbook is that the formal product derived from completing all the steps is an advance directive that will be recognized anywhere in the Veterans’ health system, but not necessarily anywhere else.

The ideal of a single form valid everywhere is still a long way off, because of the unfortunate variability of advance directive laws across the country. Nevertheless, use of the workbook will both inform and supplement any advance directive and will most certainly enhance the depth of guidance given to anyone who is authorized to step in to make health care decisions.



Resources for Lawyers with Older Clients

Assessment of Older Adults with Diminished Capacity: A Handbook for Lawyers

By the ABA Commission on Law and Aging and
American Psychological Association

2007 (2nd ed.) Product Code 4280025. ISBN #1-59031-497-2. 80 pp. \$25
Order [here](#) or contact the ABA Commission at aging@americanbar.org

Florida State University College of Medicine-Law Center Adapts ABA Commission's Health Proxy Guide

Making healthcare choices for another adult is a role no one really wants, but anyone might get. A new publication for Florida residents just made that role a little easier.

The booklet, *Making Medical Decisions for Someone Else: A Florida Handbook*, is based on one created in 2006 by the **ABA Commission on Law and Aging**. The **ABA Commission** offers it as a template for states to adapt.

At the Florida State University College of Medicine, the Center for Innovative Collaboration in Medicine & Law seized that opportunity.

"I did my own research on relevant Florida law, and I also sent out a draft for comments to the Florida Hospital Association, the Florida Medical Association, the state long-term-care ombudsman, the Bio-Ethics Network of Florida, the ABA commission, and others," said Marshall Kapp, director of the Medicine & Law Center, who has posted the completed handbook at www.med.fsu.edu/?page=innovativeCollaboration.home.

"It basically deals with planning for incapacity at a time when medical decisions may need to be made, and you won't be able to make them for yourself anymore," Kapp said. **"It also deals with the rights and duties of the substitute decisionmakers."**

The 20-page booklet uses plain language to walk decisionmakers through their new role. It alternates between encouragement ("Anxiety is normal") and advice ("The aim is to choose as the patient would probably choose, even if it is not what you would choose for yourself").

One theme the booklet stresses is the importance of communicating with the patient, when possible, and learning what he or she prefers. To assist in that process, the booklet includes a two-page quiz. The quiz instructs decisionmakers to answer the questions as they think the patient would answer them; have the patient answer them; and then compare and discuss the two sets of answers.

Charles Sabatino, director of the ABA Commission, said that for most people serving as a healthcare substitute decisionmaker comes as a surprise.

"They don't realize that it's a serious and difficult job until they are pulled into it in a crisis," he said. "And unlike most jobs we take on, there are very few educational resources out there to train us for that role. The guide fills a deep gap in resources."

In addition, he noted that Florida was home to the Terri Schiavo case. Schiavo, a St. Petersburg resident, was in a coma from 1990 to 2005. The state and nation were divided by the legal battle that raged between her husband and her parents over whether Schiavo would have wanted to be kept alive through a feeding tube. Eventually the courts, the Florida governor, and even the U.S. president were involved.

"A big part of why a booklet like this is important," he said, "is that in the vast majority of circumstances there can be a meeting of the minds that is reached, and ultimately things can be done on the basis of consensus rather than conflict. We ought to be educating both professionals and the public in a way to avoid future Schiavo cases."

Let us help *you* adapt **Making Medical Decisions** for Your State

Let the **ABA Commission on Law and Aging** help you develop the healthcare proxy guide for your state.

The guide is for anyone serving as a substitute decision maker for health care, including as an agent under a power of attorney for health care, a family member under a state default surrogate law, or a guardian. It's a short, consumer-friendly booklet that presents key information about the role of a health care proxy, sets out steps for making health care decisions, and suggests resources for getting additional help.

The **ABA Commission** will provide you with a template with clearly marked sections for you to complete with specifics about your state's laws and resources.

Adapting the guide is an excellent project for bar associations, elder bar sections and committees, and other groups.

[View Making Medical Decisions for Someone Else.](#)

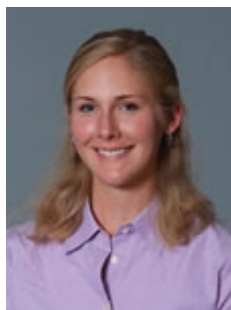
For more information about adapting the guide for your state, contact Erica Wood at erica.wood@americanbar.org.

The article was originally published in *The Florida Bar News* (Vol 38, No. 6, March 15, 2011). Reprinted with permission.

Inside the Commission

The ABA Commission on Law and Aging is pleased to announce Spring 2011 extern Jessica Guzik.

Ms. Guzik is a third-year law student at Washington and Lee University School of Law in



Lexington, Virginia, and an alumna of the University of Notre Dame.

Washington and Lee's new third-year program enabled Ms. Guzik to work for the **ABA Commission** in Washington, D.C., two days a week while attending classes in Lexington.

At the Commission, Ms. Guzik is researching state statutory requirements for advance directives and using this research to assist Commission Director Charles Sabatino in drafting a universal healthcare power of attorney.

Ms. Guzik also is writing an article on the use of electronic signatures in advance directives, an abstract of which will appear in a future issue of *Bifocal*, e-Journal of ABA Commission on Law and Aging. In addition, she established the ABA Commission's Twitter account.

Upon graduation from law school, Ms. Guzik will clerk for Judge William C. Carpenter, Jr., of the Delaware Superior Court.

Book Review

ERISA and Employee Benefits Law: The Essentials

By David Pratt and Sharon Reece

Sponsored by the ABA Senior Lawyers Division

ABA Publishing (Nov. 22, 2010)

ISBN/ISSN: 978-1-61632-090-4, Product Code: 5460207

\$119.96, order from <http://apps.americanbar.org/abastore/>

Reviewed by David Godfrey, Senior Attorney
ABA Commission on Law and Aging

Don't let the word ERISA in the title scare you away. This book contains an extensive overview of retirement income and benefits programs written in a clear and readable style. The text explains some very complex concepts in an understandable way and is heavily footnoted with references for further research.

The book artfully provides an overview of a broad range of topics, including defined benefit pension plans, defined contribution pension plans, Social Security, health care plans for retirees (including employer provided private insurance and Medicare), an overview of pensions and benefits issues in estate planning and tax, the impact of divorce and bankruptcy, pension reform, and ERISA enforcement and litigation.

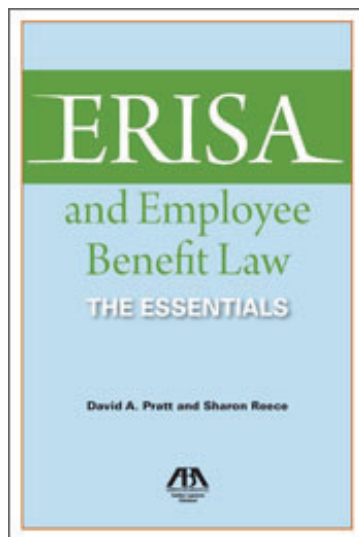
There are times when every elder law practitioner needs to know the difference between a 401K, a 403b, an IRA and SEP IRA. This book provides definitions and distinctions of the many commonly used (but seldom understood) programs.

The text covers issues such as who is eligible for a retirement plan, how benefits are calculated and paid, to whom they are paid, vesting, distributions other than retirement, and the duties of the various parties.

There is one chapter devoted to planning to make retirement income last for the life of the beneficiaries.

This is an ambitious amount of material to cover in just over 500 pages, but the authors do an excellent job. Details not found in the text should be easily located from the more than ample footnotes and references.

Although I have been working in and around these topics for a decade, I found new appreciation for and understanding of these programs. The book explains why things work the way they do, in addition to how things work. I would recommend this book to any lawyer working with older clients. I would also recommend this book to law school professors teaching classes on the basics of retirement income and benefits.

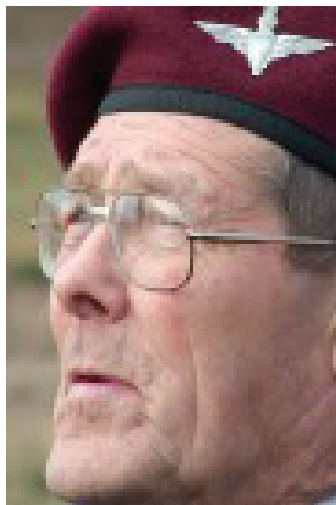


A Primer on Veterans Administration Law, Practice and Procedure

Free CLE Self-Study DVD

Recorded before a live audience, the **Primer on Veterans Administration Law, Practice and Procedure** program covers the basics of Veterans Administration law with extensive accompanying written materials. The program is designed to fulfill the Veterans Administration (VA) Attorney Accreditation Requirement.

The VA requires that attorneys with initial accreditation complete within 12 months a program that is approved for a minimum of 3 hours of CLE credit by any state bar association (38 CFR 14.629 (b) (iii)). The VA will accept completion of CLE approved in any state, even if the training is not approved in the state that the attorney is licensed in. To facilitate this requirement, self-study CLE credit has been requested in CO, FL, MO, NM, NY, VI, and WV. Other MCLE accrediting agencies may not accept this program toward meeting CLE requirements for license renewal and accreditation may expire after specific time periods in some



states. Order your free copy [here](#).

This program was produced by the Paralyzed Veterans of America and Howrey LLP and distributed by the ABA Commission on Law and Aging.

The ABA Veterans Advocacy Pro Bono Project is a joint effort of the ABA Commission on Law in Aging in collaboration with ABA Section of Administrative Law and Regulatory Practice; Standing Committee on Bar Activities and Services; Commission on Homelessness and Poverty; Standing Committee on Pro and Public Service; and the Senior Lawyers Division. The project was made possible in part by generous funding from the ABA Enterprise Fund.

Complimentary CLE Webinars on Representing Veterans

The **ABA Commission on Law and Aging** is pleased to make available at no charge three MCLE webinars on advanced topics in representing veterans with VA benefits claims.

The webinars were developed as part of the ABA's Veterans Advocacy Pro Bono Project. They offer a beyond-the-basics examination of key topics in obtaining veterans' benefits.

Each webinar runs approximately 90 minutes and CLE credit has been applied for in all available jurisdictions. In addition to being eligible for state bar license renewal, these programs will count toward the Veterans Administration Initial Attorney Accreditation Requirement.

A Closer Look at the Veterans Administration Schedule for Rating Disabilities (VASRD) (Audio only)

Presenters: David Godfrey, Carrie Weletz

Program date: January 26, 2011

Run Time: 01:29:01

ZIP file size: 126.9 MB.

http://www.abanet.org/cle/podcast/nosearch/dl/abacle_A_Closer_Look_cetlvba.zip

Establishing Service Connection on Disability Claims

Presenters: David Godfrey, Michael P. Horan

Program date: November 10, 2010

Run Time: 01:26:01

ZIP file size: 9.9 MB.

<http://www.abanet.org/cle/podcast/nosearch/dl/cet10bespod.zip>

Understanding Discharge Review

Presenters: James S. Richardson, David Godfrey

Program date: October 27, 2010

Run Time: 01:25:05

ZIP file size: 116.2 MB.

<http://www.abanet.org/cle/podcast/nosearch/dl/cet10udrpod.zip>

For additional information on MCLE or to search for ABA sponsored CLE courses by topic, go to: http://www.americanbar.org/publications_cle/mandatory_cle.html.

Elder Law Essentials CLE Series

Quarterly Program for Attorneys Interested in Learning About Elder Law

Organized by the ABA Commission on Law and Aging

Cosponsors: ABA Sections of Family Law, Health Law, GP Solo, IR&R and the Senior Lawyers and Young Lawyers Divisions

Ethical Issues in Elder Law

When: June 28, 2011, 1:00 p.m. - 2:30 p.m., EST

Moderator: Prof. David English, University of Missouri Columbia Law School

Faculty: Prof. Rebecca Morgan, Stetson Univ. College of Law; and Charles P. Sabatino, ABA Commission on Law and Aging

Description: Difficult professional ethical issues arise frequently in providing legal services to older clients, especially because of the complex interplay of family involvement, challenges of diminished capacity, and fiduciary arrangements. This program will enable attendees to recognize and respond appropriately to questions of who is the client, potential conflicts of interest, diminished capacity, justification for protective actions, and selected fiduciary dilemmas.

What Every Lawyer Needs to Know About Elder Abuse

When: Sept. 13, 2011, 1:00 p.m. - 2:30 p.m. EST

Faculty: Lori S. Stiegel, ABA Commission on Law and Aging, and TBD

Description: Abuse, neglect, and exploitation of the elderly is reaching epidemic proportions in America and affects all races and socio-economic groups. Very often the abuse is committed by a member of the victim's own family, or within the confines of a long-term care facility. Unfortunately, prosecution of such crimes is very limited. This program will give attendees the basic knowledge and skills needed to understand the nature and extent of the problem as encountered in a law practices, to spot elder abuse and neglect, to better arm clients against the risk of abuse, and to understand the civil and criminal resources available for responding to elder abuse.

What Every Lawyer Needs to Know About Medicare in 2011

Original Webcast January 18, 2011. Available from the ABA Web store as a CD, MP4 download, or as an online seminar [here](#).

Moderator: Robert Roth, Washington, DC

Faculty: Leslie Fried, ABA Commission, and Diane Paulson, Greater Boston Legal Services.

Description: Don't be left in the dust! The first Baby boomers become eligible for Medicare this year. This webinar will provide an overview of the Medicare program and benefits. In addition, it will include information on some significant improvements to the Medicare program included in the health care reform law that begin in 2011. This webinar will inform attendees about these important changes to the Medicare program and how they will affect clients who are Medicare beneficiaries in the next several years.

Adding Elder Law to Your Practice: The Basics

Original Webcast April 5, 2011. Available from the ABA Web store as a CD, MP4 download, or as an online seminar [here](#).

Moderator: Jeffery Snell, Chair, ABA Commission

Faculty: Charles P. Sabatino, ABA Commission, and Prof. Larry Frolik, Univ. of Pittsburgh School of Law

Description: More lawyers are recognizing the need and opportunity for adapting their practice to an aging clientele. Some choose to develop a concentration in what has become described as Elder Law. Others choose to maintain their current focus but want to ensure that they have the knowledge and skills for dealing with older clients. This program will provide an understanding of the nature of the field of elder law, knowledge of the aging network and resources to meet the non-legal needs of older persons; and the adaptations and skills needed to serve an aging clientele and their families.