

## ELDER LAW

**OFFICE NUMBER:** 356  
**OFFICE PHONE:** 346-3840  
**E-MAIL ADDRESS:** lharris@uoregon.edu  
**SECRETARY:** Debby Warren, whose desk is near my office. If you can't find me, see Debby or the third floor receptionist.

**ELECTRONIC INFO:** I've created a Blackboard site and a website for this class. Here's the url for the website: <http://www.uoregon.edu/~lharris/elderlaw/eldermainpage.html>

**OFFICE HOURS:** MW 2:30-4 p.m. I'll also be glad to talk to you at other times if I'm in my office and not busy. Just knock. If this doesn't work, leave me a note telling me how to reach you, and I'll get in touch as soon as possible. You can also e-mail me, but I won't receive a message at night or on the weekend.

**REQUIRED MATERIALS:** Class packet, available from the bookstore. There are two volumes, which should both be available now.

**BASIS FOR GRADE:** Your grade will be based on a combination of written work, a class presentation, and class participation

*Class attendance and participation:* 20% of grade. You must attend substantially all the classes to receive credit.

*Written work:* 60% of grade. Write documents (may be a brief, legislative testimony, motion for summary judgment and supporting memorandum, etc.) for each of two problems that we will discuss in class. These problems will be simulations of work that you might do as an Elder Law attorney. I will hand out a summary of the problems in class. This writing project will satisfy the basic or the comprehensive writing requirement. If you want comprehensive credit, you must turn in at least one draft to me before turning in the final. I am happy to look at one or more drafts for anyone, but it's required only if you want the comp credit.

*Class presentation:* 20% of grade. You must make a presentation to the class about your written work. You will also visit a long-term care facility and report about it to the class.

## SYLLABUS

- Jan. 8** – Introduction to Elder Law (materials volume 1, p. 1-32)
- Jan. 10** – Private pensions (pp. 33 -61)
- Jan. 15** –Social Security benefits --(pp. 62- 107) (see study questions p. 62)
- Jan. 17** – Retirement policy (pp. 108-155) (see study questions p. 131)
- Jan. 22** -- Paying for health care -- Medicare (pp. 156 -223) (see study questions p. 185)
- Jan. 24** – Continue Medicare as needed, Supplemental Security Income and Medicaid (pp. 224 - 231)  
(see study questions p. 229)
- Jan. 29** – Introduction to long-term care (pp. 232-264) , guest speaker: Letty Morgan
- Jan. 31** – Quality control in long-term care (265-343); in addition, please explore the websites at <http://www.medicare.gov/NHCompare/Home.asp> and at [www.medicare.gov/HHCompare/Home.asp](http://www.medicare.gov/HHCompare/Home.asp). Reports on visits to long-term care facilities
- Feb. 5** – Continue reports on visits to long-term care facilities; Paying for long-term care – Medicaid (344 – 366); we will focus on the problems on p. 357
- Feb. 7** – Paying for long-term care -- Medicaid continued (367 – 385, 390 - 420), long-term care insurance and reverse mortgages (421- end of volume 1)
- Feb. 12** – Finish materials on paying for long-term care

### START VOLUME II OF MATERIALS

- Feb. 14** – Health care decision-making -- The competent adult's right to make decisions (1-25)
- Feb. 19** – Decision-making for incompetent people in the absence of a living will (26-49)
- Feb. 21** – Decision-making for incompetent people in the absence of a living will (50-56), begin advance directives (57-85) (see study questions p. 57-58)
- Feb. 26** – Finish advance directives and discuss HIPPA and POLST (86 - 99)
- Feb. 28**— Physician aid-in-dying (100-127)
- Mar. 4** – 128-144, audio tape of interview with PAS client
- Mar. 6** – Guardianships and conservatorships basics(145-199)
- Mar. 11** – Determining capacity, role of attorneys, alternatives to guardianships (200-286)
- Mar. 13** – More alternatives and the fiduciary office (287- 336)
- Mar. 18** – Elder abuse (338 – end of book) – Possible guest speaker
- Mar. 20** – Practicing elder law – Possible guest speaker

### SPRING BREAK MARCH 24-APRIL 1

- April 2** – Problem 1 – Regulating assisted living facilities -- administrative rule making
- April 4** – Problem 2 – Should Oregon law allow the spousal refusal strategy? – legislative hearing

**April 9** – Problem 3 – Modification of trust to create Medicaid eligibility -- appellate brief and argument

**April 11** – Problem 4 – Health care decision-making for incompetent persons – trial court or appellate brief and argument

**April 16** – Problem 5 – Enforcement of advance directives – appellate brief and argument

**April 18** – Problem 6 – Guardianship Hearing – trial memorandum and argument