



The Fundamentals of Elder Law (University Casebook Series)

Raymond O'Brien, Michael Flannery

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This casebook contains the fundamentals for a lively, contemporary course in elder law. It emphasizes illustrative factual cases and statutes, and is supported by materials from elder law practitioners and statistical data. It is distinctive in its emphasis upon state and federal court decisions, not simply recitation of statutory provisions. Elder law is of burgeoning historical and social importance. Statistics indicate that by 2030 almost one-fifth of all Americans will be 65 or older. Among the legal issues pertinent to an aging population are estate planning objectives in the context of possible incapacity, integrating nonprobate and probate transfers, asset protection planning, philanthropy and dynasty options, and beneficial tax planning. Recently enacted statutes provide guidance in personal health care decision-making and designating guardians and surrogates to exercise authority when needed. And clients and institutions require legal assistance to navigate federal benefits such as Medicare, Social Security, Veterans Benefits, and the interaction of state-federal Medicaid opportunities. Statistics also indicate that almost two-thirds of all individuals over age 65 will need some form of long-term care. For many, the choices will involve home care or some form of institutional care, with payment derived from private funds, insurance, or government assistance. All of these options will involve legal parameters.

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