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Elder Law: An Annotated Bibliography, 2011–2016

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This bibliography covers law review articles published, for the most part, after 2010. Articles for which the title is self-explanatory or that concern only a single case, state, statute, or government website, are cited, but not annotated. For older annotations in this Journal, see Barbara Glesner Fines, *Elder Law Bibliography*, 16 J. Am. Acad. Matrim. Law. 593 (2000). Another excellent annotated bibliography is the one compiled by Judy K. Davis & Karen Skinner, *Gerontology and the Law: A Selected Annotated Bibliography: 2009-2011 Update*, 86 S. Cal. L. Rev. 1389 (2013).

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Death and Dying

Maxine H. Harrington, Advances in Neuroimaging and the Vegetative State: Implications for End-of-Life Care, 36 Hamline L. Rev. 213 (2013) (explaining the differences, factually and legally, between comas, locked-in syndrome, minimally conscious state, and vegetative states).

David C. Leven, Health Justice Denied or Delayed at the End of Life: A Crisis Needing Remedial Action, 58 N.Y.L. Sch. L. Rev. 403 (2014) (addressing the undertreatment of pain at the end of life and possible legal avenues for relief).

Harvey M. Tettlebaum, Comment, Quality Measurements, Payment, and the Law: Disincentives to Physician-Patient Discussions of End-of-Life Care, 6 J. HEALTH & LIFE SCI. L. 63 (2013) (explaining the requirements and the shortcomings of the information the Patient Self-Determination Act requires to be conveyed to patients).

Ellen Waldman, Bioethics Mediation at the End of Life: Opportunities and Limitations, 15 Cardozo J. Conflict Resol. 449 (2014) (exploring the pros, cons, and possible processes for mediation with a mediator trained in bioethics to assist in end of life agreed solutions).

Aging With Dignity, *Five Wishes*, https://agingwithdignity.org/docs/default-source/default-document-library/product-samples/fwsample.pdf?sfvrsn=2 (last visited Sept. 14, 2016).

Adam Lamparello, Suicide: A Legal, Constitutional, and Human Right, 18 Tex. Wesleyan L. Rev. 797 (2012).

James Schoeberl, Note, Constitutional Law: How Minnesota Unconstitutionally Broadened Its Assisted-Suicide Statute—State v. Melchert-Dinkel, 41 Wm. MITCHELL L. Rev. 398 (2015) (Minnesota).

Hospice

James F. Barger, Jr., Life, Death, and Medicare Fraud: The Corruption of Hospice and What the Private Public Partnership Under the Federal False Claims Act Is Doing About It, 53 Am. CRIM. L. REV. 1 (2016) (exploring False Claims Act suits against providers who submit false bills for end of life care under Medicare, Medicaid, and TRICARE).

Sam Halabi, Selling Hospice, 42 J.L. MED. & ETHICS 442 (2014) (examining the split between for-profit and non-profit hospice organizations and reviewing the corporate and regulatory structure of the largest for-profit hospice service provider, Vitas).

Monica J. Franklin & Susie Stiles, Hospice: Improving the Quality of Life for the Terminally Ill—When Should I Choose Hospice?, 50 Tenn. B.J. 26 (June 2014).

Leslie Fried, Medicare's Hospice Benefit for Beneficiaries With Alzheimer's Disease, 33 BIFOCAL 31 (Dec. 2011).

National Hospice and Palliative Care Association, *Hospice Care*, http://www.nhpco.org/about/hospice-care (last visited Sept. 14, 2016).

Physician-Assisted Dying

Kenneth Klothen, Tinkering With the Legal Status Quo on Physician Assisted Suicide: A Minimalist Approach, 14 Rutgers J. L. & Religion 361 (2013) (addressing consent, compassion, and necessity defenses to criminal charges against assisting suicide).

Paul T. Menzel, Advance Directives, Dementia, and Eligibility for Physician-Assisted Death, 58 N.Y.L. Sch. L. Rev. 321 (2014) (evaluating the qualifying criteria for physician-assisted death (PAD)—terminal illness or unbearable suffering and contemporary competence—and how those preclude PAD in cases of chronic severe dementia).

Steve Perlmutter, *Physician-Assisted Suicide - A Medicolegal Inquiry*, 15 MICH. St. U. J. MED. & L. 203 (2011) (reviewing the U.S. Supreme Court's end-of-life cases).

Timothy E. Quill, *Physicians Should "Assist in Suicide" When It Is Appropriate*, 40 J.L. Med. & Ethics 57 (2012) (comparing methods of physician assistance in suicide—from accelerating opioids to prescribing palliative sedation).

Christina White, Comment, *Physician Aid-in-Dying*, 53 Hous. L. Rev. 595 (2015) (assessing the constitutional landscape and the five state statutes regarding physician-assisted suicide).

David Bryant, Note, The Need for Legalization and Regulation of Aid-in-Dying and End-of-Life Procedures in the United States, 18 QUINNIPIAC HEALTH L.J. 287 (2015).

Stephen Hoffman, Euthanasia and Physician-Assisted Suicide: A Comparison of E.U. and U.S. Law, 63 Syracuse L. Rev. 383 (2013).

Browne C. Lewis, A Graceful Exit: Redefining Terminal to Expand the Availability of Physician-Facilitated Suicide, 91 Or. L. Rev. 457 (2012).

Lindsay Reynolds, Note, Losing the Quality of Life: The Move Toward Society's Understanding and Acceptance of Physician Aid-in-Dying and the Death With Dignity Act, 48 New Eng. L. Rev. 343 (2014).

Kathryn L. Tucker, Aid in Dying: An End of Life-Option Governed by Best Practices, 8 J. HEALTH & BIOMEDICAL L. 9 (2012) (Hawai'i).

Kathryn L. Tucker, Give Me Liberty at My Death: Expanding End-of-Life Choice in Massachusetts, 58 N.Y.L. Sch. L. Rev. 259 (2014) (Massachusetts).

Kathryn L. Tucker, Vermont's Patient Choice at End of Life Act: A Historic "Next Generation" Law Governing Aid in Dying, 38 Vt. L. Rev. 687 (2014) (Vermont).

<u>Refusing Treatment</u> (See also Surrogate Decision-Making—Advance Directives)

Nadia N. Sawicki, A New Life for Wrongful Living, 58 N.Y.L. Sch. L. Rev. 279 (2014) (urging recognition of a tort claim for wrongful prolongation of life, based on the established right to refuse medical treatment).

Lois Shepherd, *The End of End-of-Life Law*, 92 N.C. L. Rev. 1693 (2014) (arguing that "end-of-life decisions should be treated like other important medical decisions" rather than according to a set of narrow guidelines that require physician certification of terminal illness or unconsciousness).

Donald H.J. Hermann, Artificial Nutrition and Hydration and the Patient in Persistent Vegetative State: Roman Catholic Magisterial Teaching on the Right to Refuse Medical Treatment Versus the Obligation to Provide Ordinary Care, 40 U. Dayton L. Rev. 407 (2016).

Meir Katz, When Is Medical Care "Futile"? The Institutional Competence of the Medical Profession Regarding the Provision of Life-Sustaining Medical Care, 90 Neb. L. Rev. 1 (2011).

Marvin Lim, A New Approach to the Ethics of Life: The "Will to Live" in Lieu of Inherent Dignity or Autonomy-Based Approaches, 24 S. Cal. Interdisc. L.J. 27 (2014).

Christina Q. Nguyen, *Death as Liberty*, 49 U.S.F. L. Rev. 387 (2015) (California and Texas).

Frederick R. Parker, Jr., Law, Bioethics, and Medical Futility: Defining Patient Rights at the End of Life, 37 U. ARK. LITTLE ROCK L. Rev. 185'(2015).

Krista M. Pikus, Life in Death: Addressing the Constitutionality of Banning the Removal of Life Support From Brain-Dead, Pregnant Patients, 51 Gonz. L. Rev. 417 (2016).

Thaddeus Mason Pope, Clinicians May Not Administer Life-Sustaining Treatment Without Consent: Civil, Criminal, and Disciplinary Sanctions, 9 J. HEALTH & BIOMEDICAL L. 213 (2013).

Thaddeus Mason Pope & Lindsey E. Anderson, Voluntarily Stopping Eating and Drinking: A Legal Treatment Option at the End of Life, 17 WIDENER L. REV. 363 (2011).

Dementia

Mollie Gurian, Local Coverage Determinations for People With Alzheimer's Disease: An Examination of Policy Changes Since 2001, 33 BIFOCAL 14 (Oct. 2011) (explaining the Functional Assessment Staging scale for evaluating coverage of services for Alzheimer's patients).

Vaughn E. James, No Help for the Helpless: How the Law Has Failed to Serve and Protect Persons Suffering From Alzheimer's Disease, 7 J. HEALTH & BIOMEDICAL L. 407 (2012) (raising concerns about guardianships that are forced on people with Alzheimer's, as well as due process problems with any litigation involving these patients).

Alzheimer's Organization, *Types of Dementia*, http://www.alz.org/dementia/types-of-dementia.asp (last visited Sept. 14, 2016).

Artie Berns, Dementia and Antipsychotics: A Prescription for Problems, 33 J. Legal Med. 553 (2012).

Rebecca Dresser, A Fate Worse Than Death? How Biomarkers for Alzheimer's Disease Could Affect End-of-Life Choices, 12 Ind. Health L. Rev. 651 (2015).

Katie Franklin, Comment, Physician-Assisted Death, Dementia, and Euthanasia: Using an Advanced Directive to Facilitate the Desires of Those With Impending Memory Loss, 51 IDAHO L. REV. 547 (2015).

Meghan Funk, Alzheimer's Disease and Decision-Making: Are Mental Health Directives Appropriate for Illinois Residents?, 22 Annals Health L. Advance Directive 64 (2013) (Illinois).

Sarah Jin, Private Use of Electronic Tracking Devices on Individuals With Dementia: Balancing Possible Ethical and Legal Issues With Potential Safety Benefits, 22 Annals Health L. Advance Directive 14 (2013).

Paul T. Menzel, Advance Directives, Dementia, and Eligibility for Physician-Assisted Death, 58 N.Y.L. Sch. L. Rev. 321 (2014).

Ann M. Murphy, Vanishing Point: Alzheimer's Disease and Its Challenges to the Federal Rules of Evidence, 2012 MICH. St. L. Rev. 1245.

James H. Pietsch, Becoming a "Dementia-Capable" Attorney—Representing Individuals With Dementia, 19 Haw. B.J. 1 (2015).

Beth A. Swagman & Caroline M. Dellenbusch, An Overview of Dementia and Competency, 93 MICH. B.J. 26 (Nov. 2014).

Stephanie L. Tang, Note, When "Yes" Might Mean "No": Standardizing State Criteria to Evaluate the Capacity to Consent to Sexual Activity for Elderly With Neurocognitive Disorders, 22 ELDER L.J. 449 (2015).

Evelyn M. Tenenbaum, Sexual Expression and Intimacy Between Nursing Home Residents With Dementia: Balancing the Current Interests and Prior Values of Heterosexual and LGBT Residents, 21 Temp. Pol. & Civ. Rts. L. Rev. 459 (2012).

Discrimination

Jennifer Delarosa, Note, From Due Diligence to Discrimination: Employer Use of Social Media Vetting in the Hiring Process and Potential Liabilities, 35 Loy. L.A. Ent. L. Rev. 249 (2015).

Nancy Levit, Changing Workforce Demographics and the Future of the Protected Class Approach, 16 Lewis & Clark L. Rev. 463 (2012).

Age Discrimination

Chelsea K. Painter, Note, Mandatory Retirement: Diminishing the Goals of the Age Discrimination in Employment Act, 52 U. LOUISVILLE L. REV. 405 (2014) (examining categories of employment where mandatory retirement based on age and irrespective of performance is still legal).

Joseph A. Acosta, State Constitutional Law - Equal Protection - Pennsylvania Supreme Court Upholds Mandatory Retirement Age Provision of the Pennsylvania State Constitution. Driscoll v. Corbett, 69 A.3d 197 (Pa. 2013), 67 Rutgers U.L. Rev. 1201 (2015) (Pennsylvania).

Employment Law - Age Discrimination - Seventh Circuit Holds That the ADEA Does Not Preclude 1983 Equal Protection Claims - Levin v. Madigan, 692 F.3d 607 (7th Cir. 2012), 126 HARV. L. REV. 1414 (2013).

Christine R. Lewis, Note, A Gross Injustice: Proving Age Discrimination by Federal Employers Under the ADEA in the Wake of Gross v. FBL Financial Services, Inc., 87 St. John's L. Rev. 271 (2013).

Katlyn J. Lynch, Note, Sex-Plus-Age Discrimination: State Law Saves the Day for Older Women, 31 ABA J. LAB. & EMP. L. 149 (2015).

Mark A. Paige & Perry Zirkel, Teacher Termination Based on Performance Evaluations: Age and Disability Discrimination?, 300 Educ. Law Rep. 1 (Feb. 27, 2014).

Craig Robert Senn, Ending Discriminatory Damages, 64 ALA. L. REV. 187 (2012).

Emer M. Stack, Note, A New Split on Old Age: Preclusion of § 1983 Claims and the ADEA, 82 FORDHAM L. REV. 331 (2013).

Lauren Tauro, Note, No Country for Old Men?: The Non-Preclusive Effect of the Age Discrimination in Employment Act on § 1983 Age Discrimination Claims, 88 St. John's L. Rev. 255 (2014).

U.S. Equal Employment Opportunity Commission, *Age Discrimination*, https://www.eeoc.gov/laws/types/age.cfm (last visited Sept. 14, 2016).

Richard L. Wiener & Katlyn S. Farnum, *The Psychology of Jury Decision Making in Age Discrimination Claims*, 19 PSYCHOL. PUB. POL'Y & L. 395 (2013).

Jina Kim Yun, Comment, The New Danger of Being Fired: Section 525(b)'s Disproportionate Effect on Older Workers and a Call to Amend, 7 Nw. J. L. & Soc. Pol'y 196 (2012).

Nancy L. Zisk, What Is Old Is New Again: Understanding Gross v. FBL Financial Services, Inc. and the Case Law That Has Saved Age Discrimination Law, 58 Loy. L. Rev. 795 (2012).

Disability Discrimination

Nicole Buonocore Porter, *The New ADA Backlash*, 82 Tenn. L. Rev. 1 (2014) (exploring post-ADA Amendments Act case law and concluding that "courts are also reluctant to require employers to change these default rules of the workplace (hours, shifts, attendance policies, etc.).").

Laura Rothstein, Disability Discrimination Statutes or Tort Law: Which Provides the Best Means to Ensure an Accessible Environment?, 75 Ohio St. L.J. 1263 (2014) (comparing the use of negligence, negligent infliction of emotional distress, and torts based on building code violations with suits premised on specific disability discrimination statutes).

Michael Ashley Stein et. al., Accommodating Every Body, 81 U. Chi. L. Rev. 689 (2014) (arguing that accommodation should be based on individual need rather than a disabled person's fit into an identity category).

Michelle A. Travis, *The Part and Parcel of Impairment Discrimination*, 17 EMP. RTS. & EMP. Pol'y J. 35 (2013) (explaining the ADAAA's effects on the "regarded as" impaired provisions of disability discrimination law).

Mark C. Weber, *The Common Law of Disability Discrimination*, 2012 Utah L. Rev. 429 (explaining possibilities for common law disability discrimination remedies, apart from statutory solutions).

Mark C. Weber, Intent in Disability Discrimination Law: Social Science Insights and Comparisons to Race and Sex Discrimination, 2016 U. Ill. L. Rev. 151 (applying the implicit bias literature to disability discrimination to show ways of establishing unlawful intent).

Cheryl L. Anderson, Unification of Standards in Discrimination Law: The Conundrum of Causation and Reasonable Accommodation Under the ADA, 82 Miss. L.J. 67 (2013).

Frederick J. Melkey, The Emerging Trend of Extending ADA Reasonable Accommodation Beyond the Workplace to Include Commuting Issues: A Comment on Colwell v. Rite Aid, 7 Mod. Am. 22 (2011).

Lydia Petrakis, Comment, Sick Leave Policies Requiring Medical Certification Violate the ADA and Rehabilitation Act: Why the Second Circuit Got It Right and the Sixth Circuit Got It Wrong, 23 GEO. MASON U. CIV. Rts. L.J. 365 (2013).

Lawrence P. Postol, ADA Open Issues: Transfers to Vacant Positions, Leaves of Absence, Telecommuting, and Other Accommodation Issues, 8 Elon L. Rev. 61 (2016).

John E. Rumel, Federal Disability Discrimination Law and the Toxic Workplace: A Critique of ADA and Section 504 Case Law Addressing Impairments Caused or Exacerbated by the Work Environment, 51 Santa Clara L. Rev. 515 (2011).

Jacob Schutz, Note, Association Discrimination Under the Americans With Disabilities Act: The Case of Dependent Healthcare Costs, 27 ABA J. LAB. & EMP. L. 485 (2012).

Craig Robert Senn, Minimal Relevance: Non-Disabled Replacement Evidence in ADA Discrimination Cases, 66 Baylor L. Rev. 65 (2014).

Matthew S. Smith, Protecting Former Employees With Disabilities Who Receive Fringe Benefits Under Title I of the ADA, 29 ABA J. LAB. & EMP. L. 349 (2014).

U.S. Equal Employment Opportunity Commission, *Disability Discrimination*, https://www.eeoc.gov/laws/types/disability.cfm (last visited Sept. 14, 2016).

Mark C. Weber, Accidentally on Purpose: Intent in Disability Discrimination Law, 56 B.C. L. Rev. 1417 (2015).

Divorce

Bella Feinstein, A New Solution to an Age-Old Problem: Statutory Authorization for Guardian-Initiated Divorces, 10 NAELA J. 203 (Fall 2014) (evaluating the laws in the eighteen states that allow guardians to initiate divorce proceedings on behalf of their incapacitated wards).

Arin Fife, Don't Let Divorce Derail Your Retirement Plans: Understanding Your Options Before, During, and After Your Marriage, 37 Fam. Advoc. 30 (Summer 2014) (explaining how to evaluate marital and nonmarital portions of retirement accounts).

Micah H. Huff & Martha C. Brown, Structuring a Divorce When a Spouse or Child Is Disabled, 46 Fam. L.Q. 199 (2012) (covering eligibility for numerous government benefits: Social Security Disability Insurance, Supplemental Security Income, Medicare, Medicaid, and housing assistance programs, as well as construction of various types of trusts).

Paula G. Kirby & Laura S. Leopardi, *The Challenging Phenome*non of Gray Divorces, 50 Fam. L.Q. 3 (2016) (covering valuation matters regarding pensions, residences, Social Security, executive compensation, and addressing vocational assessment in midlife). Allison Anna Tait, *Divorce Equality*, 90 WASH. L. REV. 1245 (2015) (arguing for indirect spousal contributions toward the increase in business assets and enhanced earning capacity as marital property).

Grant Bakke, Comment, Divorce—Proceedings and Disposition of Property: The Effect of the Death of a Party During a Divorce Proceeding on the Incidental Issues to the Divorce: Albrecht v. Albrecht, 2014 ND 221, 856 N.W.2d 755, 91 N.D. L. Rev. 209 (2015) (North Dakota).

Stephen Bravo & Michael Mattson, Problems With Asset Allocation in Divorce Where One Spouse Owns a Business, 26 J. Am. Acad. Matrim. Law. 279 (2014).

Matthew L. Brunson, Note, Family Law—Providing for Those Who Cannot Provide for Themselves: A Proposal for the Arkansas General Assembly to Follow in the Footsteps of an Already Expansive Guardianship Law and Grant Guardians the Right to File for Divorce on Behalf of a Ward, 38 U. ARK. LITTLE ROCK L. Rev. 271 (2016) (Arkansas).

Rebecca A. Copeland & John W. Schmidtke, Jr., *Property Division in Hawaii Divorces After* Gordon v. Gordon, 20 HAW. B.J. 4 (Feb. 2016) (Hawaii).

Sara Craig, Transmutations and the Presumption of Undue Influence: A Quagmire in Divorce Court, 25 Hastings Women's L.J. 81 (2014).

Thomas E. Crowley III & Stephanie A. Rezents, Spousal Support and the Marital Standard of Living in Hawai'i Divorces, 18 Haw. B.J. 4 (Sept. 2014) (Hawaii).

Willard H. DaSilva, Steven J. Eisman, *Gray Divorce and Remarriage*, 83 N.Y. St. B.J. 26 (Aug. 2011) (New York).

Kara Francis, Comment, A Remedy Beyond Reach: The Stringent Standard in Illinois for Exclusive Possession of the Marital Home During Divorce Proceedings, 63 DEPAUL L. REV. 803 (2014) (Illinois).

Kirsten Gallacher, Fault-Based Alimony in No-Fault Divorce, 22 J. Contemp. Legal Issues 79 (2015).

Erin Durand Hollis, Divorce and the Closely-Held Vermont Business Owner, 40 Vt. B.J. 22 (Winter 2015) (Vermont).

Dale E. Johnson, *Divorce in the Land of Startups*, 43 Colo. Law. 47 (Dec. 2014) (Colorado).

Ross S. Levey & Kelley L. Menzano, *Marriage and Divorce at Midlife and Beyond*, 100 ILL. B.J. 544 (Oct. 2012) (Illinois).

Najmeh Mahmoudjafari, Comment, What Is the Bottom Line? Valuing Art, Antiques, and Other Personal Property in a Divorce, 26 J. Am. Acad. Matrim. Law. 465 (2014).

Carlyon S. Mccaffrey, *The Use of Trusts to Structure Divorce Settlements*, 27 J. Am. Acad. Matrim. Law. 29 (2015).

N. Christopher Menges & Patrick J. Schaeffer, *Bifurcated Divorce Action: Establishing Compelling Circumstances and Sufficient Economic Protections*, 85 PA. B.A. Q. 131 (July 2014) (Pennsylvania).

Shanice Naidu, Note, What's Love Got to Do With It? The Value of Celebrity Status in Divorce Proceedings, 33 CARDOZO ARTS & ENT. L.J. 573 (2015).

Elizabeth Nanez, There Are Fifty Ways to Leave Your Lover but Only Two Legal Ways in Texas: Updating Texas Health and Safety Code Section 711.002 to Protect Disposition of Family Members, 8 Est. Plan. & Community Prop. L.J. 343 (2015) (Texas).

Margaret "Pegi" Price & Jack Hamlin, Using Special Needs Trusts in Divorce Cases, 38 Fam. Advoc. 36 (Fall 2015).

Douglas P. Radunz, *Death During Divorce*, 69 Bench & B. Minn. 29 (June 2012) (Minnesota).

Megan Randlett et. al., A Divorce Judgment and a Beneficiary Designation: What Happens When They Conflict?, 28 ME. B.J. 128 (Summer 2013) (Maine).

Kristen P. Raymond, Note, Double Trouble - an Ex-Spouse's Life Insurance Beneficiary Status & State Automatic Revocation Upon Divorce Statutes: Who Gets What?, 19 Conn. Ins. L.J. 399 (2013).

Deborah Rysso, Know Thy Trust: A Plain English Guide to Orchestrating Assets in Divorce Cases, 38 FAM. ADVOC. 6 (Fall 2015).

Amy L. Snyder, Military Benefits and Divorce, 47 MD. B.J. 30 (Apr. 2014).

Jonathan W. Wolfe, *How a Trust May Impact Your Divorce Case*, 38 FAM. ADVOC. 14 (Fall 2015).

Elder Abuse and Neglect (See also Nursing Homes and Other Long-Term Care)

Andrew R. Fischer, Note, *Elder Abuse: A Private Problem That Requires Private Solutions*, 8 J. HEALTH & BIOMEDICAL L. 81 (2012) (evaluating trusts and powers of attorney as ways to address elder abuse).

National Center on Elder Abuse, www.ncea.aoa.gov/Stop_Abuse/Get_ Help/State/index.aspx (last visited Sept. 14, 2016) (providing links for all state Adult Protective Service and long-term care ombudsman offices).

Benjamin Pomerance, Finding the Middle Ground on a Slippery Slope: Balancing Autonomy and Protection in Mandatory Reporting of Elder Abuse, 16 Marq. Benefits & Soc. Welfare L.R. 439 (2015) (examining mandatory elder abuse reporting laws and the immunity protections for good faith reporters).

Lesley Ann Clement & Valerie Dawson, The Faces of Elder Abuse, 48 Trial 42 (Oct. 2012).

Ginger L. Fowler, Protecting a Frail Generation: Georgia's Need for Civil Protections Against Elder Abuse, 6 J. Marshall L.J. 351 (2012) (Georgia).

Jeffrey R. Gottlieb, A New Weapon Against Elder Abuse: Presumptively Void Transfers to Caregivers, 103 ILL. B.J. 24 (2015) (Illinois).

Amber Hollister, Elder Abuse: Lawyers' New Mandatory Abuse Reporting Requirement, 75 OR. St. B. Bull. 9 (Jan. 2015) (Oregon).

Nina A. Kohn, Elder (In) justice: A Critique of the Criminalization of Elder Abuse, 49 Am. Crim. L. Rev. 1 (2012).

Elisia Gatmen Kupris, Protection of Our Elderly: A Multidisciplinary Collaborative Solution for Alaska, 30 Alaska L. Rev. 47 (2013) (Alaska).

Daniel L. Madow, Comment, Why Many Meritorious Elder Abuse Cases in California Are Not Litigated, 47 U.S.F. L. Rev. 619 (2013) (California).

Justin Seigler, Note, Injustice in Indian Country: The Need for a Serious Response to Native American Elder Abuse; 19 ELDER L.J. 415 (2012).

Julie Sirrs, Protecting the Elderly: Should Montana Provide Civil Cause of Action for Elder Abuse?, 40 Mont. Law. 15 (Nov. 2014) (Montana).

Joy Solomon et. al., Changing of the Guardians: A Criticism and Analysis of the New York Guardianship Statute's Impact on Elder Abuse Victims, 10 NAELA J. 149 (Fall 2014) (New York).

William White, Elder Self-Neglect and Adult Protective Services: Ohio Needs to Do More, 27 J.L. & HEALTH 130 (2014) (Ohio).

Financial Abuse

Taylor Lemick, Note, Society's Response to the "Invisible" Abuse of Elders: Understanding and Addressing the Financial Abuse of Society's Most Vulnerable Citizens, 23 ELDER L.J. 151 (2015) (evaluating the difficulty of uncovering elder financial abuse in the absence of mandatory reporting laws, and comparing various states' statutes).

Kristen M. Lewis, Financial Abuse of Elders and Other At-Risk Adults, SW028 ALI-CLE 373 (2015) (covering indicators of such abuse and civil and criminal remedies for it, as well as prevention methods, such as use of revocable living trusts rather than powers of attorney).

Catherine A. Schraegle, Comment, Keeping It Away From the Family: Defending Baby Boomers' Financial Interests From Their Own Children Breaching Fiduciary Duty, 8 Est. Plan. & Community Prop. L.J. 367 (2015) (offering some legal planning al-

ternatives—such as drafting powers of attorney with specific limitations, inter vivos gifts, and state-appointed guardians—to curb the risks of children financially abusing their parents).

Matthew N. Andres, Making Elder Financial Exploitation Cases Part of a Sustainable Practice: Tips From the Experiences of the University of Illinois College of Law's Elder Financial Justice Clinic, 23 Elder L.J. 297 (2016).

Roberta K. Flowers & H. Amos Goodall Jr., *In Fear of Suits: The Attorney's Role in Financial Exploitation*, 10 NAELA J. 175 (Fall 2014).

Kevin E. Hansen et. al., Criminal and Adult Protection—Financial Exploitation Laws in the United States: How Do the Statutes Measure up to Existing Research?, 42 MITCHELL HAMLINE L. REV. 897 (2016).

R. Craig Harrison, Protecting the Elderly From Financial Exploitation: The Dilemma and Solution, Part I, 88 Fla. B.J. 77 (June 2014) (Florida).

Reid Johnson, Comment, Eradicating Elderly Exploitation: How Simple Solutions Can Protect the Elderly Population of Texas From Financial Abuse, 15 Tex. Tech Admin. L.J. 209 (2013) (Texas).

Kristen M. Lewis, *The Crime of the 21st Century: Financial Abuse of Elders*, 28 Prob. & Prop. 10 (Aug. 2014).

Niall McCarthy, Fighting Financial Elder Abuse in California, ASPATORE, 2015 WL 1802913 (Mar. 2015) (California).

Andrew Jay McClurg, *Preying on the Graying: A Statutory Pre*sumption to Prosecute Elder Financial Exploitation, 65 HASTINGS L.J. 1099 (2014).

National Adult Protective Services Association, What Is Financial Exploitation?, http://www.napsa-now.org/get-informed/what-is-financial-exploitation/ (last visited Sept. 14, 2016).

Jeffrey M. Salas, Retirement Adrift: Financial Elder Abuse, 86 Wis. Law. 18 (Mar. 2013).

Catherine A. Schraegle, Comment, Keeping It Away From the Family: Defending Baby Boomers' Financial Interests From Their Own Children Breaching Fiduciary Duty, 8 Est. Plan. & Community Prop. L.J. 367 (2015) (Texas).

Lori A. Stiegel, Combating Elder Financial Exploitation: COLA's New CLE Training, 25 Experience 4 (Summer 2015).

Sally M. Wagley, Maine's Improvident Transfers Act: A Unique Approach to Protecting Exploited Elders, 36 BIFOCAL 18 (Oct. 2014) (Maine).

Estates and Trusts

Ralph C. Brashier, *The Ghostwritten Will*, 93 B.U. L. Rev. 1803 (2013) (drawing on surrogate decision-making literature, this article examines the legality of allowing a competent decision-maker to designate a surrogate to alter his or her estate in the event of the decision-maker's later incapacity).

David Goldman & Charles Jamison, *The Future of Estate Planning: The Multigenerational Life Plan*, 5 Est. Plan. & Community Prop. L.J. 1 (2012) (addressing disposition of firearms, heirlooms, digital assets, and pets).

Deborah S. Gordon, *Forfeiting Trust*, 57 Wm. & Mary L. Rev. 455 (2015) (evaluating case law regarding forfeiture provisions that disinherit beneficiaries who challenge trusts).

Nancy J. Knauer, "Gen Silent": Advocating for LGBT Elders, 19 ELDER L.J. 289 (2012) (covering estate planning and benefits issues for LGBT couples).

David A. Rephan & Joelle Groshek, ABLE Act Accounts: Achieving a Better Life Experience for Individuals With Disabilities With Tax-Preferred Savings (and the Old Reliable Special and Supplemental Needs Trusts), 42 MITCHELL HAMLINE L. REV. 963 (2016) (explaining ABLE accounts, which allow disabled individuals "to save cash-only assets, while still maintaining eligibility for SSI and Medicaid").

Martin M. Shenkman, Estate Planning for the Chronically Ill, Aging, and Otherwise Vulnerable or Isolated Client, 30 Prob. &

PROP. 22 (June 2016) (discussing the use of outside fiduciaries to protect vulnerable clients).

Keri L. Vanderwarker, Comment, Beware or Be Blindsided: Avoiding Estate Planning Pitfalls, 77 Alb. L. Rev. 271 (2014) (explaining the ways in which powers of attorney and health care proxies can undermine estate plans).

Robert Whitman, Capacity for Lifetime and Estate Planning, 117 Penn St. L. Rev. 1061 (2013) (discussing standards of capacity for various different activities, from capacity to contract to capacity to convey property and make gifts).

Robert Barton et al., Gifts to Caretakers: Acts of Gratitude or Disguised Malfeasance? New Statutes May Decide for Us, 29 Prob. & Prop. 2 (June 2015).

Gerry W. Beyer & Naomi Cahn, Digital Planning: The Future of Elder Law, 9 NAELA J. 135 (Spring 2013).

Heidi L. Brady & Robin Fretwell Wilson, *The Precarious Status of Domestic Partnerships for the Elderly in a Post-Obergefell World*, 24 Elder L.J. 49 (2016).

Molly Brimmer, Comment, When an Ex Can Take It All: The Effect-and Non-Effect-of Revocation on a Will Post-Divorce, 74 Md. L. Rev. 969 (2015).

David J. Correira & Eric D. Correira, Estate Planning for Florida Snowbirds, 62 R.I. B.J. 11 (Dec. 2013) (Florida).

John C.P. Goldberg & Robert H. Sitkoff, Torts and Estates: Remedying Wrongful Interference With Inheritance, 65 Stan. L. Rev. 335 (2013).

Keith A. Herman, How to Draft Trusts to Own Retirement Benefits, 39 ACTEC L.J. 207 (2013).

Peter T. Kirkwood & Allison L. Kirkwood, Estate Planning: Death Soon After Divorce, 89 Fla. B.J. 33 (Jan. 2015) (Florida).

Kevin S. Lazar, Note, Hillman v. Maretta: Federal Employees' Group Life Insurance Act Preempts Virginia Statute Revoking Beneficiary Status for Ex-Spouses, 12 NAELA J. 71 (Spring 2016).

Joyce Moore, Will Contests: From Start to Finish, 44 St. Mary's L.J. 97 (2012) (Texas).

Thomas A. Rodriguez & Brooke W. Brestel, Conservator-Created Wills: Issues in Litigation, 44 Colo. Law. 53 (Aug. 2015) (Colorado).

Julieanne E. Steinbacher & Adrianne J. Stahl, Key Tips on the Use of Trusts in Estate and Long-Term Care Planning: Looking to the Future, 82 PA. B.A. Q. 59 (Apr. 2011) (Pennsylvania).

Elizabeth Sy, Comment, The Revised Uniform Fiduciary Access to Digital Assets Act: Has the Law Caught Up With Technology?, 32 Touro L. Rev. 647 (2016).

Robert Whitman, Capacity for Lifetime and Estate Planning, 117 Penn St. L. Rev. 1061 (2013).

Ethics (See also Representing the Elderly)

Roberta K. Flowers & Rebecca C. Morgan, Ethics in the Practice of Elder Law, 35 BIFOCAL 79 (Feb. 2014) (offering an excerpt from the book of the same name regarding identifying the client).

James H. Pietsch & Margaret Hall, "Elder Law" and Conflicts of Interest in the United States and Canada, 117 Penn St. L. Rev. 1191 (2013) (addressing undue influence as well as ethical pitfalls in helping elderly clients do Medicaid planning and obtain veterans' benefits).

Don D. Ford III, Avoiding the Ethical Dilemma of Representing a Client Whom You Believe Has Become Incapacitated, 55 ADVOC. (Texas) 74 (Summer 2011) (Texas).

Michael A. Kirtland, *The Ethical Dilemmas of Diminished Capacity Rule 1.14 of the Model Rules of Professional Conduct*, 25 EXPERIENCE 14 (Summer 2015).

Nina A. Kohn & Catheryn Koss, Lawyers for Legal Ghosts: The Legality and Ethics of Representing Persons Subject to Guardianship, 91 Wash. L. Rev. 581 (2016).

Malya Levin & Deirdre Lok, Ethics and Elder Abuse: An Attorney's Obligations, 26 Experience 36 (Winter 2016).

Liza Magley, Clients With Diminished Capacity Seek Attorneys With Augmented Integrity, 27 GEO. J. LEGAL ETHICS 705 (2014) (D.C.).

Kerry R. Peck, Ethical Issues in Representing Elderly Clients With Diminished Capacity, 99 ILL. B.J. 572 (2011) (Illinois).

Margaret Sholian, Comment, An Ethical Dilemma: Attorneys' Duties Not to Reveal Elder Abuse in Washington State, 90 WASH. L. Rev. 1471 (2015) (Washington).

Thomas E. Spahn, Elder Abuse and Child Abuse: Ethics Rules in Common, 25 Experience 47 (Summer 2015).

Michael Wald & Eli D. Pierce, Elder Ethics: How Supported Decision-Making Could Protect Incapacitated Seniors, 79 Tex. B.J. 104 (Feb. 2016) (Texas).

Grandparent Custody or Visitation

Jeff Atkinson, Shifts in the Law Regarding the Rights of Third Parties to Seek Visitation and Custody of Children, 47 Fam. L.Q. 1 (2013) (addressing the provisions of third party or grandparent visitation statutes).

Jeffrey A. Parness, Troxel Revisited: A New Approach to Third-Party Childcare, 18 Rich. J.L. & Pub. Int. 227 (2015) (examining de facto parent law in state cases and statutes and exploring what special factors might work to create an exception to Troxel v. Granville that states cannot compel parents to permit grandparent visitation or childcare).

Rebecca L. Scharf, *Psychological Parentage*, Troxel, and the Best Interests of the Child, 13 GEO. J. GENDER & L. 615 (2012) (arguing that the relationship between a child and the child's primary psychological parent should matter more in visitation disputes than formal categories).

Tricia V. Argentine, Comment, Grandparents Act as the "National Guard" of Their Families—Always Eager and Ready to Re-

spond When in Need: A Call for Expansion of Grandparent Visitation Rights in North Carolina, 37 N.C. Cent. L. Rev. 68 (2014) (North Carolina).

Matthew G. Bennett, *Idaho Custody Determinations: Limits on Standing*, 50 Idaho L. Rev. 141 (2013) (Florida and Idaho).

Sacha M. Coupet, "Ain't I a Parent?": The Exclusion of Kinship Caregivers From the Debate Over Expansions of Parenthood, 34 N.Y.U. Rev. L. & Soc. Change 595 (2010).

Carla Schiff Donnelly, When Custody of the Grandkids Is at Issue—One of the Most Difficult Areas of Pennsylvania Family Law Offers Unique Challenges and Opportunities for Grandparents, 36 PA. LAW. 22 (Dec. 2014) (Pennsylvania).

Kristina V. Foehrkolb, When the Child's Best Interest Calls for It: Post-Adoption Contact by Court Order in Maryland, 71 Md. L. Rev. 490, 542 (2012) (Maryland).

Michael K. Goldberg, Over the River and Through the Woods –Arizona Grandparent Visitation, 1983 to Present Day, 51 Ariz. Att'y 16 (Sept. 2014) (Arizona).

Michael K. Goldberg, Using Expert Testimony to Make the Case for Grandparent Visitation, 103 ILL. B.J. 38 (Oct. 2015) (Illinois).

Ronald H. Kauffman, Bleeding Grandparent Visitation Rights, 86 Fla. B.J. 42 (Oct. 2012) (Florida).

Michelle E. Kelly, Comment, De Facto Parents in Maryland: When Will the Law Recognize Their Rights?, 46 U. Balt. L.F. 116 (2016) (Maryland).

William Link, Note, Looking for the Best Interests of the Child in Custody Disputes Between a Natural Parent and a Third Party in Michigan, 88 U. Det. Mercy L. Rev. 335 (2010) (Michigan).

Kathleen Meara, Note, What's in a Name? Defining and Granting a Legal Status to Grandparents Who Are Informal Primary Caregivers of Their Grandchildren, 52 FAM. Ct. Rev. 128 (2014).

Jeffrey A. Parness, Expanded Stepparent and Grandparent Third Party Childcare in Illinois, 40 S. Ill. U. L.J. 1 (2015) (Illinois).

Victor-Hugo Schulze, II, The Enforceability of Grandparent Visitation Orders, 20 Nev. Law. 6 (June 2012) (Nevada).

Leah C. Schwartz, Note, Family Law—Blood as Best Interests: The Wyoming Supreme Court Expands Associational Rights and the Preference for Kinship Placement; In Re JW, 226 P.3d 873 (Wyo. 2010), 11 Wyo. L. Rev. 549 (2011) (Wyoming).

Dorothy Wolbert, Constitutionality of State's Grandparent Statute in Question in Case Featuring Divorced, Fit Parents, 18 LAWYERS J. 14 (Mar. 18, 2016) (Pennsylvania).

Health Care

Spencer L. Durland, *The Case Against Institutional Conscience*, 86 Notre Dame L. Rev. 1655 (2011) (criticizing judicial recognition of conscience clauses in end-of-life care that permit Catholic hospitals to refuse certain procedures).

Michael J. Malinowski, Throwing Dirt on Doctor Frankenstein's Grave: Access to Experimental Treatments at the End of Life, 65 HASTINGS L.J. 615 (2014) (arguing that the terminally ill should constitute a "vulnerable population," which would limit the reach of experimental treatments available to them).

Winsor C. Schmidt, Medicalization of Aging: The Upside and the Downside, 13 Marq. Elder's Advisor 55 (Fall 2011) (covering issues such as de facto guardianships for the elderly by their physicians and the use of adult protective services in medical decision-making).

Peter K. Stris & Victor O'Connell, *ERISA & Equity*, 29 ABA J. LAB. & EMP. L. 125 (2013) (explaining ERISA claims for inappropriate provision of health care benefits).

Anthony M. Carr, The Wavering Line Between Medical Malpractice and Ordinary Negligence in Elder Abuse Litigation, 19 HAW. B.J. 81 (2015).

Don R. Castleman, Conflict of Conscience: Refusal of a Health Care Provider to Withdraw Life Support, 3 Est. Plan. & Community Prop. L.J. 175 (2011).

Ryan McCarthy, Aegrescit Medendo: Addressing Barriers to Medical Malpractice Litigation Faced by the Elderly, 18 Elder L.J. 391 (2011).

Colleen E. Medill, Comparing ERISA and Fair Labor Standards Act Claims Under the Affordable Care Act, 20 Emp. Rts. & Emp. Pol'y J. 173 (2016).

Suzanne M. Scheller, Sending the Wrong Message: The Current State of Minnesota Law Raises Multiple Barriers to Meaningful Resolution for Our Elder Population When Bringing Medical Malpractice Claims, 42 MITCHELL HAMLINE L. REV. 993 (2016) (Minnesota).

Stephen P. Smith, Pursuit of Ch. 415 Neglect or Abuse of a Vulnerable Adult Claims Against Hospitals in Florida, 89 Fla. B.J. 26 (Mar. 2015) (Florida).

Katherine T. Vukadin, Delayed and Denied: Toward an Effective ERISA Remedy for Improper Processing of Healthcare Claims, 11 YALE J. HEALTH POL'Y, L. & ETHICS 331 (2011).

Katherine T. Vukadin, Unfinished Business: The Affordable Care Act and the Problem of Delayed and Denied ERISA Healthcare Claims, 47 J. MARSHALL L. REV. 887 (2014).

Medicaid and Medicare

Sean R. Bleck et. al., *Preserving Wealth and Inheritance Through Medicaid Planning for Long-Term Care*, 17 MICH. St. U. J. MED. & L. 153 (2013) (explaining income and resource eligibility rules for Medicaid as well as the rules regarding asset transfers).

John A. Miller, Medicaid Spend Down, Estate Recovery and Divorce: Doctrine, Planning and Policy, 23 ELDER L.J. 41 (2015) (evaluating the Medicaid rules that provide an impetus for divorce to qualify economically for benefits).

Jack K. Beckett & Phyllis J. Erlich, Medicaid Planning for Maryland Family Lawyers, 49 Md. B.J. 26 (Apr. 2016) (Maryland).

Chadwick Bothe, The Stigma of Survival: Medicaid Estate Planning, 51 S. Tex. L. Rev. 815 (2010).

William J. Brisk & Rebecca M. Flewelling, Trusts Used in Medicaid Planning: The Doherty Challenge to Irrevocable Income Only Trusts and Its Aftermath, 96 MASS. L. REV. 95 (2015).

Gene Coffey, The Affordable Care Act's Changes to Medicaid's Coverage for Long-Term Services and Supports, 7 NAELA J. 93 (Spring 2011).

Mary Crossley, Giving Meaning to "Meaningful Access" in Medicaid Managed Care, 102 Ky. L.J. 255 (2014).

Katie M. Dean & David C. Grabowski, Care Coordination for Dually Eligible Beneficiaries, 8 St. Louis U.J. Health L. & Pol'y 35 (2014).

Department of Health & Human Services, What's Medicare?, https://www.medicare.gov/Pubs/pdf/11306.pdf (June 2015).

John K. DiMugno, The Evolving Law on Federal Preemption of Extracontractual Claims Against Medicare Advantage Plans, 23:1 EXPERIENCE 18 (2013).

Monica J. Franklin, What Is the Difference Between the Medicaid Five-Year "Look-Back" and a Medicaid Penalty Period?, 51 Tenn. B.J. 31 (June 2015).

Monica J. Franklin & Gabrielle Blake, Two Crucial Words for Your Medicare Vocabulary: "Observation" vs. "Admission," 49 TENN. B.J. 28 (Oct. 2013).

Doug Goggin-Callahan, Medicare Prescription Drug Coverage: Barriers to Access at the Pharmacy Counter, 84 N.Y. St. B.J. 44 (June 2012).

Amanda Jacobowski, Note, Calculating Death: Implications of the Six-Month Prognosis Certification Requirement for the Medicare Hospice Benefit, 19 ELDER L.J. 187 (2011).

Stephanie Masaba, Comment, Diagnosed With Time Is Money: Arbitrary Medicare Provisions Differentiating Observation Services From Inpatient Admissions Violate Beneficiaries' Due Process Rights, 23 Wm. & MARY BILL RTS. J. 1185 (2015).

Mary Helen McNeal, Say What? The Affordable Care Act, Medicare, and Hearing Aids, 53 Harv. J. on Legis. 621 (2016).

John A. Miller, Medicaid Spend Down, Estate Recovery and Divorce: Doctrine, Planning and Policy, 23 Elder L.J. 41 (2015).

John A. Miller & Aaron O. Roepke, *Medicaid Planning in Idaho*, 52 Idaho L. Rev. 507 (2016) (Idaho).

Raymond C. O'Brien, Selective Issues in Effective Medicaid Estate Recovery Statutes, 65 CATH. U. L. REV. 27 (2015).

Jonathan W. Padish, Note, Distinction Without a Difference: Reforming the Medicare Three-Day Qualifying Stay Rule for SNF Care, 21 Elder L.J. 465 (2014).

John B. Payne, Ethical and Public Policy Considerations Related to Medicaid Planning, 84 PA. B.A. Q. 139 (Oct. 2013).

Christopher W. Smith, Advising Clients on Medicare, 93 MICH. B.J. 34 (Nov. 2014).

Angela M. Swanberg & James B. Steward, *Medicaid Estate Recovery Update-What You Need to Know Now*, 93 MICH. B.J. 28 (May 2014) (Michigan).

Dylan Scot Young, A Judicial Solution to the Medicaid Gap: Using Section 1983 to Do What the Federal Government Cannot, 84 Geo. Wash. L. Rev. 511 (2016).

Housing

Naomi Karp et al., Choosing Home for Someone Else: Guardian Residential Decision-Making, 2012 UTAH L. REV. 1445 (addressing supported living situations, group homes, and various types of institutional settings).

Keriann L. Riehle, TODDs: A Transfer on Death Dilemma? A Comprehensive Analysis of Minnesota's Transfer on Death Deed

Blair J. Berkley, Canceling Deeds Obtained Through Fraud and Undue Influence, 39 W. St. U. L. Rev. 129 (2012).

Linda S. Ershow-Levenberg, *Preserving the Primary Residence:* The Minefield of Real Estate Transactions in Elder Law Planning, 24 Experience 13 (Summer 2014).

Kary C. Frank, Ladybird Deed—Purposes and Usefulness, 95 MICH. B.J. 30 (June 2016) (Michigan).

Risa E. Kaufman, Martha F. Davis & Heidi M. Wegleitner, *The Interdependence of Rights: Protecting the Human Right to Housing by Promoting the Right to Counsel*, 45 COLUM. HUM. Rts. L. Rev. 772 (2014).

Statute—Minn. Stat. § 507.071, 9 Wm. MITCHELL J.L. & PRAC. 1 (2015) (Minnesota).

U.S. Department of Housing and Urban Development, Filing Your Housing Discrimination Complaint Online, http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination (last visited Sept. 14, 2016).

Reverse Mortgages

Paul V. Black, Reverse Mortgages and the Current Financial Crisis, 8 NAELA J. 87 (Spring 2012) (explaining the requirements, fees, and interests costs, as well as Medicaid ramifications, of reverse mortgages).

Dan Latona, Note, Reversing Course: Strengthening Consumer Protections for Reverse Mortgages, 23 ELDER L.J. 417 (2016) (examining cases claiming false or deceptive advertising practices regarding the reverse mortgage process).

Tara Twomey, Crossing Paths: The Intersection of Reverse Mortgages and Bankruptcy, 89 Am. Bankr. L.J. 363 (2015) (considering the possibility of bankruptcy as a solution when a homeowner faces foreclosure on a reverse mortgage).

Robert T. Cannon, Keeping Grandma Off the Street: Can HECM Reverse Mortgages Keep More Seniors From Becoming Homeless?, 8 NAELA J. 67 (Spring 2012).

Kathryn Reed Edge, Reverse Mortgages: Paying the Piper, 52 Tenn. B.J. 25 (Apr. 2016).

Federal Trade Commission, *Reverse Mortgages*, https://www.consumer.ftc.gov/articles/0192-reverse-mortgages (last visited Sept. 14, 2016).

Ben Jakubowicz, Note, What the HECM Is a Reverse Mortgage: The Importance of the Home Equity Conversion Mortgage in an Aging America, 54 U. LOUISVILLE L. REV. 183 (2016).

René L. Robertson, Note, "But It's My House Too": HUD's Failure to Include Statutorily Required Protections for Non-Borrowing Spouses in Reverse Mortgage Regulations, 27 QUINNIPIAC PROB. L.J. 94 (2013).

Wendy Little Schieke, The Advisability of Reverse Mortgage to Pay for Care Needs, 47 Mp. B.J. 26 (June 2014).

Elliot Wong & Ingrid Evans, Protecting Borrowers From the Pitfalls of Reverse Mortgages, 24 Experience 20 (Summer 2014).

Miscellaneous

Department of Health and Human Services, *Eldercare Locator*, http://www.eldercare.gov/Eldercare.NET/Public/Index.aspx (last visited Sept. 14, 2016) (providing an electronic directory of services, such as financial assistance or long term care, in different communities, researchable by zip code).

Lee Beneze et. al., Survey of Illinois Law: Elder Law, 36 S. Ill. U. L.J. 823 (2012) (Illinois).

Susan J. Butterwick & Susan D. Hartman, *Elder Mediation:* Coming of Age, 20 DISP. RESOL. MAG. 19 (Fall 2013).

Jessica Cocco, Note, Smart Home Technology for the Elderly and the Need for Regulation, 6 Pitt. J. Envil Pub. Health L. 85 (2011).

Judy K. Davis & Karen Skinner, Gerontology and the Law: A Selected Annotated Bibliography: 2009-2011 Update, 86 S. Cal. L. Rev. 1389 (2013).

Paige Dowdakin, Note, Revisiting Roxy Russell: How Current Companion Animal Trust and Custody Laws Affect Elderly Pet "Guardians" in the Event of Death or Incapacity, 20 ELDER L.J. 411 (2013).

Thomas L. Hafemeister et. al., Parity at a Price: The Emerging Professional Liability of Mental Health Providers, 50 San Diego L. Rev. 29 (2013).

Donna Harkness, What Are Families for? Re-Evaluating Return to Filial Responsibility Laws, 21 ELDER L.J. 305 (2014).

Owen J. Kelly, The Pennsylvania Supreme Court Elder Law Task Force Report and Recommendations: A Blueprint for Justice, 86 PA. B.A. Q. 141 (Oct. 2015) (Pennsylvania).

Kathleen A. Negri, The Older Americans Act: What Every Elder Law Attorney Needs to Know, 42 Colo. Law. 41 (May 2013).

Katherine C. Pearson, Filial Support Laws in the Modern Era: Domestic and International Comparison of Enforcement Practices for Laws Requiring Adult Children to Support Indigent Parents, 20 Elder L.J. 269 (2013).

Charles P. Sabatino & Elena S. Boisvert, *Voting Obstacles and Opportunities in Long-Term Care*, 48 Mp. B.J. 34 (Apr. 2015).

Nicole Marie Saitta & Samuel D. Hodge, Jr., Wrongful Prolongation of Life—A Cause of Action That Has Not Gained Traction Even Though a Physician Has Disregarded a "Do Not Resuscitate" Order, 30 Temp. J. Sci. Tech. & Envil. L. 221 (2011).

W. Wade W. Scott & Erica L. Sharp, *The Wolf at the Door: Filial Responsibility Under Delaware Law*, 20 WIDENER L. REV. 239 (2014) (Delaware).

Nursing Homes and Other Long-Term Care

Bridget Haeg, The Future of Caring for Elders in Their Homes: An Alternative to Nursing Homes, 9 NAELA J. 237 (Fall 2013) (describing the rules regarding Medicaid payments for personal care services).

Kerry Koehler, Note, Comparative Shopping in Nursing Homes, 11 J. Health & Biomedical L. 439 (2016) (explaining how to research public information about nursing homes).

Y. Tony Yang, Legal Considerations for Assisted Living Facilities, 28 J.L. & Health 308 (2015) (addressing state licensure requirements as well as statutory causes of action for harms to residents).

Linda K. Chen, Comment, Eradicating Elder Abuse in California Nursing Homes, 52 Santa Clara L. Rev. 213 (2012) (California).

Kenneth L. Connor, C. Caleb Connor, Find the Hidden Evidence of Nursing Home Ownership, 48 Trial 14 (Oct. 2012).

Lori A. Curtis, The Need for Clarification in the Arizona Landlord Tenant Act as It Applies to Live-in Caregivers, 6 Phoenix L. Rev. 579 (2013) (Arizona).

Hannah R. Jamison, Note, Quality Assurance Privilege in Nursing Home Litigation: Why Kentucky Should Adopt the Narrow Approach, 103 Ky. L.J. 269 (2015) (Kentucky).

Sheena J. Knox, Note, Eldercare for the Baby-Boom Generation: Are Caregiver Agreements Valid?, 45 Suffolk U. L. Rev. 1271 (2012).

Mark R. Kosieradzki & Joel E. Smith, *Mismanaged Meds*, 48 TRIAL 28 (Oct. 2012).

Diane Feeney Mahoney et. al., *Prescribing Practices in Long-Term Care: Invisible Influences*, 13 MARQ. ELDER'S ADVISOR 31 (2011).

Caitlin McNulty, *Illinois Nursing Home Care Act: Addressing the Needs of the Mentally Ill in Nursing Homes*, 22 Annals Health L. Advance Directive 145 (2013) (Illinois).

Joseph S. Miller, Laizure v. Avante at Leesburg: A Wrong Turn on the Road to Vindicating Nursing Home Residents' Rights, 20 BARRY L. REV. 131 (2014) (Florida).

Victor A. Molinari et. al., Mental Health Treatment in Nursing Homes, 13 MARQ. ELDER'S ADVISOR 1 (Fall 2011).

Meghan Murray, Extension of Liability for Abuse Against Nursing Home Residents Under the Nursing Home Care Act, 22 Annals Health L. Advance Directive 99 (2013).

Nursing Home Compare, Medicare.gov, http://www.medicare.gov/nursinghomecompare/search.html (last visited Sept. 14, 2016).

William Pipal, Note, You Don't Have to Go Home but You Can't Stay Here: The Current State of Federal Nursing Home Involuntary Discharge Laws, 20 Elder L.J. 235 (2012).

Daniel Redman, They Stood Up for Us: Advocating for LGBT Elders in Long-Term Care, 21 Temp. Pol. & Civ. Rts. L. Rev. 443 (2012).

Michael J. Ritter, Note, Quality Care for Queer Nursing Home Residents: The Prospect of Reforming the Nursing Home Reform Act, 89 Tex. L. Rev. 999 (2011).

Thomas E. Simmons, The Intersection of Agency Doctrine and Elder Law: Attorney-in-Fact Authority to Arbitrate Nursing Home Claims, 49 J. Marshall L. Rev. 39 (2015).

Tobin A. Sparling, Preventing Resident-to-Resident Abuse in Long-Term Care: Targeting Sex Offenders but Missing the Mark, 15 MARQ. ELDER'S ADVISOR 55 (Fall 2013).

Scott Suzuki, Long-Term Care in Hawaii, 19 Haw. B.J. 59 (2015) (Hawaii).

Breanna M. Taylor, Note, Drugging Grandma: The Severe Dangers of Chemically Restraining Nursing Home Residents With Potent Antipsychotic and Psychotropic Pharmaceuticals, 24 ELDER L.J. 213 (2016).

Evelyn M. Tenenbaum, Sexual Expression and Intimacy Between Nursing Home Residents With Dementia: Balancing the Current Interests and Prior Values of Heterosexual and LGBT Residents, 21 Temp. Pol. & Civ. Rts. L. Rev. 459 (2012).

U.S. Department of Health & Human Services, *Costs of Care in Your* State, http://longtermcare.gov/costs-how-to-pay/costs-of-care-in-your-state/ (last visited Sept. 14, 2016).

Alexander Warso, Note, Something Catchy: Nursing Home Liability in the Senior Sexually Transmitted Disease Epidemic, 22 ELDER L.J. 491 (2015).

Contracts for

John R. Schleppenbach, Something Old, Something New: Recent Developments in the Enforceability of Agreements to Arbitrate Disputes Between Nursing Homes and Their Residents, 22 ELDER L.J. 141 (2014) (reviewing challenges to the enforcement of nursing home arbitration agreements).

Kelly Bagby & Samantha Souza, Ending Unfair Arbitration: Fighting Against the Enforcement of Arbitration Agreements in

Long-Term Care Contracts, 29 J. Contemp. Health L. & Pol'y 183 (2013).

Paul Bland, Fighting Mandatory Arbitration Clauses, 48 TRIAL 22 (Oct. 2012).

Rhys E. Burgess, Comment, Protecting Those Who Cannot Protect Themselves: The Efficacy of Pre-Dispute Arbitration Agreements in Nursing Homes, 17 Loy. J. Pub. Int. L 1 (2015).

Beth Davis, Comment, Mandatory Arbitration Agreements in Long-Term Care Contracts: How to Protect the Rights of Seniors in Washington, 35 SEATTLE U. L. REV. 213 (2011) (Washington).

David L. McGuffey, Note, Marmet Health Care Center v. Brown: *Nursing Home Arbitration Agreements*, 8 NAELA J. 239 (Fall 2012).

Kerry R. Peck, Creating Effective Agreements for Payment of Family Caregivers, 37 BIFOCAL 63 (Feb. 2016).

Benjamin Pomerance, Arbitration Over Accountability? The State of Mandatory Arbitration Clauses in Nursing Home Admission Contracts, 16 Fla. Coastal L. Rev. 153 (2015).

Gina Salamone & Zach Hesselbaum, Personal Care Contracts: A Necessary Evil for Illinois Families, 26 DCBA BRIEF 20 (Oct. 2013) (Illinois).

Long-Term Care Financing and Insurance

David Cutner, *Planning and Paying for Long-Term Care*, Aspatore, 2014 WL 4160079 (July 2014) (covering Medicaid, Medicare, eligibility for benefits, and nursing home care).

Judy Feder, *The Challenge of Financing Long-Term Care*, 8 St. Louis U.J. Health L. & Pol'y 47 (2014) (evaluating the risks that individuals in particular demographic groups will need long-term care).

Enrique Zamora et. al., Long-Term Care Insurance: A Life Raft for Baby Boomers, 26 St. Thomas L. Rev. 79 (2013) (covering tax credits for the purchase of long-term care insurance, the components of policies, and when those policies become payable).

Michael J. Amoruso & Allan Povol, *Tax Tips When Planning for Long-Term Care*, 83 N.Y. St. B.J. 64 (Aug. 2011).

Corinne Chandler & Glenn Kantor, A Long-Term Care Insurance Primer, 48 TRIAL 40 (Oct. 2012).

Lawrence A. Frolik, *Private Long-Term Care Insurance: Not the Solution to the High Cost of Long-Term Care for the Elderly*, 23 ELDER L.J. 371 (2016).

Andrew M. Hyer et. al., Paying for Long-Term Care in the Gem State: A Survey of the Federal and State Laws Influencing How Long-Term Care Services for Idaho's Growing Aged and Disabled Populations Are—and Will Be—Funded, 48 IDAHO L. REV. 351 (2012) (Idaho).

Eric S. Kim, Paying for the Long-Term Care of the Elderly: Current Sources of Payment, Potential Issues, and a Proposal for a New Way to Finance Long-Term Care, 22 Annals Health L. Advance Directive 172 (2013).

William Siebers & Zach Hesselbaum, *Paying for Long-Term Care in Illinois*, 100 Ill. B.J. 536 (Oct. 2012) (Illinois).

Eileen Walsh & Whitney Wilson, An Introduction to Funding Long-Term Care Without Medicaid, 35 BIFOCAL 17 (Oct. 2013).

Representing the Elderly

George J. Demakis, State Statutory Definitions of Civil Incompetency/incapacity: Issues for Psychologists, 19 PSYCHOL. Pub. Pol'y & L. 331 (2013) (listing definitions of incompetency or incapacity for each state).

Mary Helen McNeal, Slow Lawyering: Representing Seniors in Light of Cognitive Changes Accompanying Aging, 117 Penn St. L. Rev. 1081 (2013) (summarizing cognitive changes that can occur with the aging process and offering communication techniques addressed to these changes to assist attorneys in following their clients' wishes).

Raymond C. O'Brien, Attorney Responsibility and Client Incapacity, 30 J. Contemp. Health L. & Pol'y 59 (2013) (addressing issues of capacity, delusions, and undue influence and

offering practical solutions for the attorney representing a client with these difficulties).

Roberta K. Flowers, The Five Commandments of Preparing Diminished-Capacity Witnesses, 22: 2 Experience 28 (2012).

William S. Friedlander, *Through the Haze*, 52 Trial 20 (Apr. 2016).

Kerry R. Peck, Ethical Issues in Representing Elderly Clients With Diminished Capacity, 99 ILL. B.J. 572 (Nov. 2011) (Illinois).

Thomas E. Spahn, *Involving Third Parties Risks Attorney-Client Privilege Protection*, 26 Experience 47 (Fall/Winter 2016).

Retirement Income

Kathryn L. Moore, An Overview of the U.S. Retirement Income Security System and the Principles and Values It Reflects, 33 COMP. LAB. L. & POL'Y J. 5 (2011) (covering the roles of private savings, Social Security, and pension plans).

Retirement Benefits Planning Update, 26 Prob. & Prop. 44 (Feb. 2012).

Military Retirement

Raymond Strangways & Bruce Rubin, *Primer on Military Retirement*, 19 J. Legal Econ. 17 (Apr. 2012) (discussing the components of military retirement pay—pay grade, years of service, and the influence of various Congressional acts—and detailing considerations for lump sum benefits, cost of living adjustments, and disability retirement pay).

Mark E. Sullivan & Charles R. Raphun, Dividing Military Retired Pay: Disability Payments and the Puzzle of the Parachute Pension, 24 J. Am. Acad. Matrim. Law. 147 (2011) (explaining ways to calculate the portion of military retirement pay that constitutes longevity pay, and is thus part of marital assets, as opposed to disability pay, which is not divisible).

Brentley Tanner, The Battle for the Biggest Assets: Dissolution of the Military Marriage and Postdivorce Considerations for Aging Clients, 50 FAM. L.Q. 49 (2016) (explaining calculations under the different types of retirement pay calculations).

Wener Vieux, *The Military Retirement System: A Proposal for Change*, 218 Mil. L. Rev. 1 (2013) (describing two systems of retirement pay—final basic pay and high three).

Department of Defense, *Military Compensation*, http://militarypay.defense.gov/Pay/Retirement.aspx (last visited Sept. 14, 2016).

Paul Jennings, Comment, The Battle After War: Why Disabled Texas Veterans Are Fighting for the Military Retirement They Deserve, 17 Tex. Tech Admin. L.J. 153 (2015) (Texas).

Lindsay I. McCarl, The Case for Concurrent Veterans Benefits: Duplicative but Not Duplicitous, 20 Feb. Cir. B.J. 409 (2011).

Mark E. Sullivan, "Help!—It's My First Military Divorce Case," 40 Vt. B.J. 28 (Fall 2014).

Pensions

Gregory K. Brown, What the Matrimonial Lawyer Needs to Know About Non-ERISA Plans, Executive Compensation, and Other Related Plans, 26 J. Am. ACAD. MATRIM. LAW. 291 (2014) (offering a primer on nonqualified deferred compensation plans, stock options, and the tax treatment of these benefits).

Jeffrey Dahl, Forty Years of ERISA Jurisprudence: A Legacy of Limited Protections but the Steady Erosion of Contract Rights, 13 J. Tex. Ins. L. 3 (2015) (tracing decisions that have limited the protections of employee pension benefits).

Justin A. Kesselman, Can State Law Remedies Revive Statutes Stricken by ERISA's Preemption Provision?, 38 ACTEC L.J. 245 (2012) (evaluating whether constructive trusts or UPC rules making ex-spouse beneficiaries liable avoid the pre-emption doctrine of Egelhoff v. Egelhoff).

Gavin Reinke, Note, When a Promise Isn't a Promise: Public Employers' Ability to Alter Pension Plans of Retired Employees, 64 VAND. L. REV. 1673 (2011) (examining possible constitutional

challenges to state changes to public pensions that diminish recipient benefits).

Matthew B. Andersen, Note, Employee Retirement Income Security Act Governed Health Plans Win, Equitable Doctrines Lose: A Look Into US Airways v. McCutchen and Its Impact on Future ERISA Litigation, 16 Dug. Bus. L.J. 291 (2014).

Emily M. Balch, Note, Blowing the Whistle: Protection for Employees Who Informally Report ERISA Violations, 37 J. CORP. L. 675 (2012).

R. Joseph Barton & Adrianne W. Webb, Navigating the Unfriendly Skies of ERISA Reimbursement, 50 Trial 22 (Oct. 2014).

Donald T. Bogan, The Silliness of ERISA: The Plan Is Not the Only Proper Party Defendant in an ERISA Benefits Claim, 16 MARQ. BENEFITS & Soc. WELFARE L. REV. 395 (2015).

Monya M. Bunch, Evaluating ERISA Retaliation Claims, 50 TRIAL 50 (Jan. 2014).

Matt Christensen, What Happened to My Pension Plan?!? Pension Fund Claims, Contracts, and Bankruptcy, 58 ADVOCATE (Idaho) 28 (Dec. 2015).

Adolyn B. Clark, *ERISA Breach of Fiduciary Duty: Shifting the Burden of Proving Causation to the Defendant*, 83 Def. Couns. J. 180 (2016).

Javier J. Diaz, Comment, Illusory Rights Under the Arbitrary and Capricious Standard: Adding Remedial Safeguards to the Judicial Standard of Review Beyond ERISA Denial of Benefits Claims, 11 SETON HALL CIR. REV. 392 (2015).

Alex Greenberg, Student Work, West Virginia Courts Attempting to Equitably Distribute Defined Benefit Pension Plans During Divorce Proceedings: An Examination of the Immediate Offset and Deferred Distribution Methods, 114 W. VA. L. REV. 1121 (2012) (West Virginia).

Jeffrey A. Herman, Equitable Estoppel in ERISA: Reviving a Dead Remedy, 31 ABA J. LAB. & EMP. L. 129 (2015).

Robert E. Hoskins, Equitable Estoppel as a Remedy Under ER-ISA, 56 S.D. L. Rev. 456 (2011).

John C. Hughes, New ERISA Fee Disclosures Rules: Are Your Clients Compliant?, 55 ADVOCATE 30 (Dec. 2012).

Peter M. Langdon, Note, For Whom the Plan Tolls: Tatum v. RJR Pension Investment Committee and the Emergence of Exacting Scrutiny Awaiting Fiduciaries in Breach in the ERISA Litigation Landscape Post Dudenhoeffer, 49 CREIGHTON L. REV. 437 (2016).

Brian R. Lehrer, Attorneys' Fees in ERISA Cases, 274 N.J. Law. 25 (Feb. 2012).

Matthew L. Lundy, Recurring Issues With Florida's Municipal Pension Plans in Family Law Cases, 89 Fla. B.J. 42 (Feb. 2015) (Florida).

Kate Watson Moss, Comment, ERISA and Arbitration: How Safe Is Your 401(k)?, 64 DEPAUL L. REV. 773 (2015).

Colin Osiecki, Comment, Can Tribal Courts Issue Domestic Relations Orders That Will Be Honored by Pension Plan Administrators Under ERISA?, 108 Nw. U. L. Rev. 711 (2014).

Carson D. Phillips-Spotts, Comment, Exhausted Yet? Stephens v. Pension Benefit Guaranty Corporation and the Application of the Exhaustion Doctrine to Statute-Based ERISA Claims, 67 ME. L. REV. 377 (2015).

Emilia A. Quesada, Discovery in ERISA Cases? How Florida Federal Courts Are Changing the ERISA Landscape One Case at a Time, 90 Fla. B.J. 43 (Feb. 2016) (Florida).

Linda J. Ravdin, Making Pension Promises in a Prenup: The Impact of ERISA, 33 FAM. ADVOC. 28 (Winter 2011).

Adam Reinke, Comment, Reversing the Perversion: Interpreting ERISA to Protect Employees Who Report Violations of Federal Law to Their Managers, 61 Emory L.J. 1287 (2012).

Jessica Rutzick, ERISA Basics: A Guide to Identifying and Handling an ERISA Claim, 37 Wyo. Law. 29 (Aug. 2014).

Paul M. Secunda, Constitutional Contracts Clause Challenges in Public Pension Litigation, 28 HOFSTRA LAB. & EMP. L.J. 263 (2011).

Clare Staub, Comment, Fiduciary Liability Issues in ERISA Pension Plan Terminations, 11 Hous. Bus. & Tax L.J. 427 (2011).

Social Security

Steven A. Brand et al., Social Security Retirement Benefit Options, 29 Prob. & Prop. 40 (Dec. 2015) (explaining the variables that affect benefit amounts).

Joseph F. Emmerth, What the Social Security Administration Will Not Tell You, 26 DCBA BRIEF 32 (Oct. 2013) (providing rules for the calculation of benefits).

Monica J. Franklin, When Should I Apply for Social Security?, 50 Tenn. B.J. 31 (Feb. 2014).

Matthew Hector, *Illinois Supreme Court: Social Security Can't Be Used to Offset Pension at Divorce*, 103 ILL. B.J. 13 (Aug. 2015) (Illinois).

Francine Lipman & Alan Smith, The Social Security Benefits Formula and the Windfall Elimination Provision: An Equitable Approach to Addressing "Windfall" Benefits, 39 J. Legis. 181 (2013).

U.S. Social Security Administration, *Social Security*, https://www.ssa.gov/ (last visited Sept. 14, 2016).

Reid K. Weisbord, Social Security Representative Payee Misuse, 117 Penn St. L. Rev. 1257 (2013).

Shana Wynn, The Social Security Administration's Representative Payee Program, 37 BIFOCAL 66 (Feb. 2016).

Disability Benefits

Jacob Bender, Comment, Torn Between Two Masters: Flaws in the Social Security Disability Process, 45 U. Tol. L. Rev. 619 (2014) (addressing disparities in administrative law judge determinations).

Gerald K. Ray & Jeffrey S. Lubbers, A Government Success Story: How Data Analysis by the Social Security Appeals Council (With a Push From the Administrative Conference of the United States) Is Transforming Social Security Disability Adjudication, 83 Geo. Wash. L. Rev. 1575 (2015) (containing statistics on appeals, grants of review, and remands).

Elliott Andalman & Michelle Amick Prikhodko, Social Security Disability Claims in Changing Times, 50 Trial 32 (Sept. 2014).

Nora Coon, Note, Honest or Histrionic? Credibility Evaluation in Judicial Review of Social Security Disability Decisions, 23 Geo. J. on Poverty L. & Pol'y 161 (2015).

Nathaniel Foote, "Final Decisions" on Disability Benefits: Federal Court Review of the Social Security Commissioner, 49 TORT TRIAL & INS. PRAC. L.J. 715 (2014).

Jim Fraiser, Established Procedures in Social Security Disability Cases, 60 Fed. Law. 66 (July 2013).

Jim Fraiser, Weight Given to Treating Physician Opinions in Social Security Disability Cases: The Fifth Circuit's Interpretation of Sections 20 C.F.R. 404.1527(d)(2) & 416.927(d)(2), 31 Miss. C. L. Rev. 329 (2013).

Oren R. Griffin, Social Security Disability Law and the Obstacles Facing Claimants With Mental Disabilities, 36 LAW & PSYCHOL. REV. 147 (2012).

Adrienne Jones, The More Things Change, the More They Stay the Same: A Section 504 Examination of the Social Security Administration's Use of 1993 Medical Criteria to Determine Disability in 2014, 22 Am. U. J. Gender Soc. Pol'y & L. 651 (2014).

Jeannie H. Kim, Social Security Disability Law 101, 55 Orange Cty. Law. 26 (July 2013).

Harold J. Krent & Scott Morris, *Inconsistency and Angst in District Court Resolution of Social Security Disability Appeals*, 67 HASTINGS L.J. 367 (2016).

Amrita Maharaj, Note, The Lack of Deference to Medical Opinions in Adjudicating Social Security Disability Claims, 63 Buff. L. Rev. 207 (2015).

Dara E. Purvis, A Female Disease: The Unintentional Gendering of Fibromyalgia Social Security Claims, 21 Tex. J. Women & L. 85 (2011).

Martina Sherman & William Reynolds, Long-Term Disability Claims: A Primer for Social Security Attorneys, 62 Feb. Law. 50 (Dec. 2015).

Stacey A. Tovino, Will Neuroscience Redefine Mental Injury? Disability Benefit Law, Mental Health Parity Law, and Disability Discrimination Law, 12 Ind. Health L. Rev. 695 (2015).

U.S. Social Security Administration, *Disability Benefits*, https://www.ssa.gov/disabilityssi/ (last visited Sept. 14, 2016).

Hannah Weinberger-Divack, Note, Redefining Disability: Increasing Efficiency and Fairness in SSDI, 21 ELDER L.J. 263 (2013).

Veterans' Benefits

Robert N. Davis, *Veterans Fighting Wars at Home and Abroad*, 45 Tex. Tech L. Rev. 389 (2013) (addressing a variety of problems that returning soldiers face, including unemployment and homelessness, as well as recent Supreme Court decisions regarding veterans' benefits).

Kristina Derro, Service-Connected Disability Claims Before the U.S. Department of Veterans Affairs: A Brief Tutorial, 94 MICH. B.J. 26 (Feb. 2015) (explaining service-connected compensation and non-service related pension benefits).

Sanford J. Mall, *The Future of Veterans' Benefits*, 9 NAELA J. 167 (Fall 2013) (detailing eligibility for a variety of veterans' compensation, pension, burial, and other benefits).

Benjamin Pomerance, Fighting on Too Many Fronts: Concerns Facing Elderly Veterans in Navigating the United States Department of Veterans Affairs Benefits System, 37 Hamline L. Rev. 19 (2014) (explaining how veterans can lose benefits if the veteran is deemed incompetent, and evaluating the torturous process for appeal of veterans' benefits decisions).

David E. Boelzner, EAJA Fees for Reasons-and-Bases Remands: The Perspective of a Veterans' Lawyer, 7 Veterans L. Rev. 1 (2015).

Michael T. Bryan, Educating Clients About Veterans' Benefits to Help Pay for Long-Term Care: Key Issues and Challenges, Aspatore, 2014 WL 4785175 (Aug. 2014).

Tamika L. Butler, Employment and Reemployment Rights of Veterans, 35 L.A. Law. 16 (Nov. 2012).

Marlene W. Coir & Laura Mancini, Assisting Veterans and Active Military Personnel With Benefit Claims and Other Legal Matters, 94 Mich. B.J. 44 (Feb. 2015).

Margaret A. Costello, Heroes or Hopeless? Homeless Veterans Caught in a Dysfunctional System, 13 J. L. Soc'y 417 (2012).

Terry Douglas, Cash Benefits for Aging Veterans, 47 Mp. B.J. 40 (June 2014).

Sean Dowsing & Emily Edwards, *Practical Tips for Representing Veterans With VA Claims*, 58 ORANGE CNTY. LAW. 46 (Jan. 2016).

Stacy L.Z. Edwards, The Department of Veterans Affairs' Entitlement Complex: Attorney Fees and Administrative Offset After Astrue v. Ratliff, 63 Admin. L. Rev. 561 (2011).

Richard L. Frankel, Representation of Veterans in Disability Compensation and Pension Claims, ASPATORE, 2013 WL 5292016 (Oct. 2013).

Rebecca Izzo, Comment, In Need of Correction: How the Army Board for Correction of Military Records Is Failing Veterans With PTSD, 123 Yale L.J. 1587 (2014).

Craig M. Kabatchnick & Jonathan B. Kelly, Unsung Survivors: VA Advocacy for the Spouses, Widows, and Children of Elderly Veterans, 13 Marq. Elder's Advisor 243 (2012).

Adam J. Larson, Aid and Attendance Pension Benefits for Veterans and Surviving Spouses: Effective Methods to Defray Medical Expenses for Elders, 8 NAELA J. 37 (Spring 2012).

Elizabeth A. Leyda, Comment, The War(riors) at Home: Examining USERRA's Veterans' Reemployment Protections When

Hostility Follows Soldiers to the Workplace, 28 GA. St. U. L. REV. 851 (2012).

Nancy Y. Morgan, Attorneys Serving Veterans: Steps to Appealing Service-Connected Disability Denials, ASPATORE, 2014 WL 4785178 (Aug. 2014).

William G. Nolan, The Veterans' Benefit Known as "Aid and Attendance," 74 Ala. Law. 392 (Nov. 2013).

Alma Nunley, Note, Service Dogs for (Some) Veterans: Inequality in the Treatment of Disabilities by the Department of Veterans Affairs, 17 QUINNIPIAC HEALTH L.J. 261 (2014).

R.J. Pinto, Comment, The FTCA, Veterans, and Future Medical Expenses, 49 SAN DIEGO L. REV. 501 (2012).

Michael T. Reese & Stacy Clark, Helping Veterans and Their Family Members Obtain Disability Benefits, ASPATORE, 2014 WL 4785177(Aug. 2014).

Reid C. Schweitzer, Note, Veterans Affairs Benefits for Sexually Assaulted Male Veterans, 19 Wm. & MARY J. WOMEN & L. 637 (2013).

R.F. "Ben" Stewart, III & Douglas I. Friedman, Beyond the Veterans' Benefit Known as "Aid and Attendance," 76 ALA. LAW. 374 (Nov. 2015).

James Sullivan, Many Veterans Age 65 and Older Can Choose Between VA Benefits and Medicare, 27 DCBA BRIEF 30 (July 2015).

Irina F. Tentser, Unemployment Benefits for Veterans Under the UCX Program, 35 L.A. LAW. 28 (Nov. 2012).

U.S. Department of Veterans Affairs, Veterans Benefits Administration, http://www.benefits.va.gov/benefits/ (last visited Sept. 14, 2016).

Andrew Woodbury, Witnesses to War: Using Lay Evidence to Assert a Veteran's Claim for Benefits, 23 Feb. Cir. B.J. 159 (2013).

Surrogate Decision-Making

American Bar Association, *Health Care Decision-Making*, http://www.americanbar.org/groups/law_aging/resources/health care_decision making.html#1 (last visited Sept. 14, 2016).

Constance L. Brigman, How Long Can Michigan Tread Water Without a Family Consent Law?, 93 MICH. B.J. 32 (May 2014).

Eric D. Correira, Why Rhode Island Needs Default Surrogate Consent Statutes, 60 R.I. B.J. 11 (Apr. 2012) (Rhode Island).

Nina A. Kohn, Matched Preferences and Values: A New Approach to Selecting Legal Surrogates, 52 SAN DIEGO L. REV. 399 (2015).

Erica Wood, If There Is No Advance Directive or Guardian, Who Makes Medical Treatment Choices?, 37 BIFOCAL 10 (Oct. 2015).

Advance Directives

Brooke M. Benzio, Advance Health Care Directives: Problems and Solutions for the Elder Law and Estate Planning Practitioner, 26 St. Thomas L. Rev. 37 (2013) (identifying practical problems such as qualifications for a surrogate, interpreting legal and medical terms, and portability across state lines of advance directives).

Beverly Petersen Jennison, Reflections on the Graying of America: Implications of Physician Orders for Life-Sustaining Treatment, 12 Rutgers J.L. & Pub. Pol'y 295 (2015) (explaining the meaning of physicians' orders for life-sustaining treatments (POLST) and their difficulties—they are simply doctors' orders with no room for change or assessment under the circumstances).

Ruth F. Maron, Note, Who Has a Will to Live?: Why State Requirements for Advance Directives Should Be Uniform(ly Revised), 24 REGENT U. L. REV. 169 (2012) (surveying state definitions and requirements about advance directives).

Dorothy D. Nachman, Living Wills: Is It Time to Pull the Plug?, 18 ELDER L.J. 289 (2011) (reporting on studies of medical prov-

iders' attitudes toward advance directives and living wills and how effective these documents were to carry out patients' wishes).

Robert B. Wolf et. al., The Physician Orders for Life-Sustaining Treatment (POLST) Coming Soon to a Health Care Community Near You, 40 ACTEC L.J. 57 (2014) (explaining the differences between living wills, health care powers of attorney, and POLTs, which create immediately effective medical orders that can often be signed by physicians' assistants and nurse practitioners; and explaining the types of treatment options that can be covered by POLTs).

Diana Anderson, Review of Advance Health Care Directive Laws in the United States, the Portability of Documents, and the Surrogate Decision Maker When No Document Is Executed, 8 NAELA J. 183 (Fall 2012).

Liliana Kalogjera Barry, Health Care Decision Making in the Veterans Health Administration: The Legal Significance for Informed Consent and Advance Directives, 14 MARQ. ELDER'S ADVISOR 269 (2013).

Donna A. Casey & David M. Walker, *The Clinical Realities of Advance Directives*, 17 Widener L. Rev. 429 (2011) (Delaware).

Vanessa Cavallaro, Comment, Advance Directive Accessibility: Unlocking the Toolbox Containing Our End-of-Life Decisions, 31 Touro L. Rev. 555 (2015) (New York).

Judy Ann Clausen, An Americans With Disabilities Act Critique of Advance Directive Override Provisions, 71 N.Y.U. Ann. Surv. Am. L. 25 (2015).

Janet L. Dolgin, *Dying Discourse: Contextualizing Advance Care Planning*, 34 QUINNIPIAC L. REV. 235 (2016).

Allyson R. LaBruzza, Comment, In Case of Emergency, Please Comply: Louisiana's Outmoded Advance Directive Legislation and the Patient's Need for Reform, 61 Loy. L. Rev. 705 (2015) (Louisiana).

John Oliver, Promoting the Use of Advance Directives by People With Serious Mental Illness Under Virginia's Health Care Deci-

sions Act: Implementation Study Update, 31 Dev. Mental Health L. 1 (Oct. 2012) (Virginia).

Robert J. Santoro, Note, Giving POLST a Pink Slip: Why Connecticut Was Right to Reject the National POLST Paradigm, 28 QUINNIPIAC PROB. L.J. 411 (2015) (Connecticut).

Rachelle Sico, End-of-Life Care: The Legal, Cultural, and Interdisciplinary Barriers Hindering the Effective Use of Advance Directives, 22 Annals Health L. Advance Directive 44 (2013).

Stanley A. Terman, It Isn't Easy Being Pink: Potential Problems With POLST Paradigm Forms, 36 Hamline L. Rev. 177 (2013).

Amy Vandenbroucke et. al., *POLST: Advance Care Planning for the Seriously Ill*, 36 BIFOCAL 91 (Apr. 2015).

Samuel W. Wardle, *The Advance Directive Statute Revisited*, 67 U. MIAMI L. REV. 861 (2013) (Florida).

Durable Powers of Attorney

Mark R. Caldwell et al., Winning the Battle and the War: A Remedies-Centered Approach to Litigation Involving Durable Powers of Attorney, 64 Baylor L. Rev. 435 (2012) (focusing not on whether an attorney has breached a duty, but on identifying and collecting property and assessing damages for the breach).

John C. Craft, Preventing Exploitation and Preserving Autonomy: Making Springing Powers of Attorney the Standard, 44 U. Balt. L. Rev. 407 (2015).

John C. Craft, Preventing Power of Attorney Abuse—A Lawyer's Role, 75 Ala. Law. 116 (Mar. 2014) (Alabama).

Lynn Foster & Dan Young, The New Uniform Power of Attorney Act: What You Need to Know, 47 Ark. Law. 20 (Winter 2012) (Arkansas).

Michael J. Polk, Quick and Dirty Tips to Prevent Power of Attorney Abuse, 27 S.C. Law. 18 (May 2016) (South Carolina).

Alexis Rowe, Note, Overseeing Durable Power of Attorney in Iowa: Discouraging Abuse, Honoring Principals, 63 Drake L. Rev. 1201 (2015) (Iowa).

Guardianships

Nina A. Kohn et. al., Supported Decision-Making: A Viable Alternative to Guardianship?, 117 Penn St. L. Rev. 1111 (2013) (evaluating the empirical literature regarding supported decision-making for people with cognitive disabilities and assessing whether supported decision-making can be used in lieu of or as a complement to the current guardianship system).

Karna Sandler, A Guardian's Health Care Decision-Making Authority: Statutory Restrictions, 35 BIFOCAL 106 (Apr. 2014) (presenting a chart of each state's restrictions on guardians' ability to make decisions about residential care, experimental treatments, invasive procedures, and withdrawing life-sustaining treatment).

American Bar Association, *Guardianship Law & Practice*, http://www.americanbar.org/groups/law_aging/resources/guardianship_law_practice.html (last visited Sept. 14, 2016).

Richard C. Boldt, The "Voluntary" Inpatient Treatment of Adults Under Guardianship, 60 VILL. L. REV. 1 (2015).

Joseph P. Buttiglieri, Guardianship and Conservatorship Contested Proceedings, 95 Mich. B.J. 42 (Jan. 2016) (Michigan).

Jean Callahan et. al., Guardianship Proceedings in New York State: Findings and Recommendations, 37 BIFOCAL 83 (Apr. 2016) (New York).

Eleanor B. Cashmore, Note, Guarding the Golden Years: How Public Guardianship for Elders Can Help States Meet the Mandates of Olmstead, 55 B.C. L. Rev. 1217 (2014).

Jenica Cassidy, Restoration of Rights in the Termination of Adult Guardianship, 23 Elder L.J. 83 (2015).

Douglas G. Chalgian, *Adult Guardianship: the New Divorce*, 92 MICH. B.J. 44 (Mar. 2013) (Michigan).

David M. English, Amending the Uniform Guardianship and Protective Proceedings Act to Implement the Standards and Recommendations of the Third National Guardianship Summit, 12 NAELA J. 33 (Spring 2016).

Catherine H. Goodman & R. Dyann McCully, *Extraordinary Remedies in Guardianships*, 7 Est. Plan. & Community Prop. L.J. 159 (2014) (Texas).

Mary L. Greenwood, Being an Attorney for a Guardianship—or the Attorney for a Guardian of a Senior Ward, ASPATORE, 2013 WL 1718298 (Mar. 2013) (Florida).

Mark B. Heffner, From Idiots and Lunatics to Incapacitated Persons and Respondents: The Evolution of Guardianship Law in Rhode Island, 21 ROGER WILLIAMS U. L. REV. 554 (2016) (Rhode Island).

Gwen Levitt et al., Mental Health Power of Attorney and Guardianship Efficacy & Barriers, 52 ARIZ. ATT'Y 54 (June 2016) (Arizona).

National Conference of Commissioners on Uniform State Laws, Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, 46 Fam. L.Q. 297 (2012).

Angelina M. Pargoff, Note, Estate Planning—A Race to the Poorhouse: Should Guardians Have a Duty to Impoverish Their Wards for Asset Protection Purposes Thereby Preserving Assets for Heirs?, 34 W. New Eng. L. Rev. 251 (2012).

Jeffrey A. Parness, Guardianship and Nontraditional Families—Families Have Evolved, and the Law of Guardianship Is Evolving to Accommodate New Familial Relationships, 100 ILL. B.J. 660 (Dec. 2012) (Illinois).

Nelson A. Raust, Understanding the Processes for Establishing and Maintaining a Guardianship, ASPATORE, 2013 WL 1718296 (Mar. 2013) (New Hampshire).

Leslie Salzman, Guardianship for Persons With Mental Illness—A Legal and Appropriate Alternative?, 4 St. Louis U.J. Health L. & Pol'y 279 (2011).

Winsor C. Schmidt, Guardianship for Vulnerable Adults in North Dakota: Recommendations Regarding Unmet Needs, Statutory Efficacy, and Cost Effectiveness, 89 N.D. L. Rev. 77 (2013) (North Dakota).

Catherine Seal & Spencer Crona, Standards for Guardian Fees, 2012 UTAH L. REV. 1575.

Kurt M. Simatic, Comment, Someone's Afoot: Wisconsin's Foreign Guardianship Transfer Law, 95 MARQ. L. REV. 1083 (2012) (Wisconsin).

Joy Solomon et. al., Changing of the Guardians: A Criticism and Analysis of the New York Guardianship Statute's Impact on Elder Abuse Victims, 10 NAELA J. 149 (Fall 2014) (New York).

Stephanie Villavicencio & Alex Cuello, Standards and Basic Principles of Examining and Evaluating Capacity in Guardianship Proceedings, 26 St. Thomas L. Rev. 64 (2013) (Florida).

Kristin K. Woods, Guardianships: The Fine Line Between Protection and Exploitation, 25 UTAH B.J. 20 (DEC. 2012) (Utah).

Living Wills

Kim Dayton, Standards for Health Care Decision-Making: Legal and Practical Considerations, 2012 UTAH L. REV. 1329 (addressing the history of substituted medical decision-making, detailing the National Guardianship Association Standards of Practice, and providing a roadmap for health care decision-makers, including how to gather evidence, identify medical providers, and evaluate insurance matters).

Dorothy D. Nachman, *Living Wills: Is It Time to Pull the Plug?*, 18 ELDER L.J. 289 (2011) (assessing cases holding medical providers liable for complying with living wills and for not complying with them).

Michael A. Kirtland, Revision of Colorado's Living Will Statutes, 60 Colo. Law. 29 (Apr. 2011) (Colorado).

Justin Waddell, Dead Letters: Protecting the Intentions of a Living Will Declarant With a Dedicated Advocate, 25 Geo. J. Legal Ethics 801 (2012).

Ashley Whitefield, End of Life Care: Why Living Wills Are Ineffective and Why Death With Dignity Acts Are a More Effective Approach, 22 Annals Health L. Advance Directive 32 (2013).



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