ELDER LAW (Cat 739 Sec 512)
Spring 2014 Semester
SYLLABUS

Instructors: Kevin F. Bress, Esq.
Kimberly L. Battaglia, Esq.

Office Address: P K Law
901 Dulaney Valley Road, Suite 400
Towson, Maryland 21204

Phone: 410-938-8800

Course Objectives

This course will equip you with the tools you will need to advise a client on the myriad of issues that face a person who is confronting the legal and financial issues involved with going into a long term care institution, such as a nursing home. Besides the core legal issues involved with long term care planning, such as the rules regarding Medicaid, there are numerous estate planning issues, real estate principles, tax concepts and trust options which must be understood as a logical part of that study.

Families with a member suffering from a long term disability will often seek the advice of an "elder law" attorney. Getting to know the client is where it all begins. Getting the right information in an elder law context, and then properly understanding and using that information, is an important focus of the course.

As your instructors and as practicing elder law attorneys, we will not only expose you to the world of long term care but also share our experiences from actual situations to help you to identify and develop solutions to the problems of an aging population. Whether the afflicted person is wealthy or indigent, an elder law attorney can be of assistance by advising of the numerous programs that are available and how to protect a person's life savings in the process.

The course will emphasize problem solving and pre-crisis planning for a potential long term care stay. We'll explore alternative living options such as assisted living, home healthcare, and continuing care retirement communities. The role of Medicare and Medicaid in paying for the cost of care will be contrasted. Once we review the Medicaid eligibility rules, we will practice developing strategies to enable families to protect some of their life's savings.

You will be introduced to certain fundamental concepts of financial planning and estate planning, as well as selected topics regarding the estate tax, gift tax and income tax.

Required Reading

Your subscription to LexisNexis should give you access to the text: Frank, Jason. *Elder Law in Maryland.* 4th ed. LexisNexis, 2012.

Final Examination

The final exam in this course will consist of short answer questions and one comprehensive case study. Students will not be permitted to use any materials for this ***closed book*** exam**.**

Course Policies

In a course of this nature, attendance is of paramount importance. Each class session will build upon the previous sessions, and a better understanding of this subject matter is definitely gained from the interactive discussion and analysis in the classroom. Therefore, it is essential that students miss no more class time than is absolutely necessary. Students will be called upon to provide responses to questions and the quality of participation will weigh heavily on the participation component of each student's grade.

Grading

Your grade in this course will be based upon class participation and your grade on the final examination.

Your grade will be calculated as follows:

Class Participation and Attendance	15%
Final Examination	85%

Reading Assignments

Students should *have read* the assignment *before* the corresponding week's class and be prepared to discuss the material.

Text: Frank, Jason. *Elder Law In Maryland.* 4th ed. LexisNexis, 2012

Week 1 – January 14:	Appendix Intro A and Intro B (at beginning of text).
Week 2 – January 21:	Chapter 7 – Asset Management
Week 3 – January 28:	Chapter 7 – Asset Management, continued
Week 4 – February 4:	Chapters 9 & 10 - Medical Decision Making and Guardianship
Week 5 – February 11:	Chapters 1 & 2 – Social Security and Medicare
Week 6 – February 18:	Chapter 2 continued – Chapter 3 Veterans Benefits
Week 7 –: February 25:	Chapter 8 – Probate + Handout: *Estate Planning*
Week 8 – March 4:	Long Term Care Insurance – Handout to be supplied
Week 9 – March 11:	Chapter 11 – Housing
Week 10 – March 18:	SPRING BREAK
Week 11 – March 25:	Chapter 12 - Medicaid Rules
Week 11 – April 1:	Chapter 12 – Continued
Week 12 – April 8:	Case Study – Single Applicant
Week 13 – April 15:	Case Study – Married Applicant
Week 14 – April 22:	Make up class - Review

Final Exam – T.B.A.