WHAT’S ON YOUR MIND?

Clients come to our Clinic with both legal issues and emotional needs. One client is worried about her grown child who needs more help than his siblings. Other clients come with spouses who are becoming frail or forgetful. They are overwhelmed by complicated health care systems and by drastic changes in family dynamics. Many are challenged by their lack of financial resources, though they are rich in community, religious, and family support.

Opening up and listening to clients isn’t a skill we teach in traditional doctrinal classes, where fundamental legal principles are the focus. In this Clinic, students get to practice listening and empathizing. They learn to integrate these "people skills" with the traditional tools of lawyering -- such as gathering the facts, researching the law, and drafting documents. Students find they do better and more satisfying work when they are open to hearing their clients’ goals and concerns.

The unpredictability and human side of law practice challenges and teaches us. Here are a few of our cases and our students’ reflections on their experiences. Some stories are changed for confidentiality reasons.
FREED FROM COURT SUPERVISION

Amanda Perez was appointed to represent someone who had been declared incompetent several years ago, but who felt he was now able to manage his affairs. The gentleman has some mental health issues, but he has managed to go to college (in his 60s), live in his own house, and get regular mental health treatment. Amanda gathered medical records, interviewed witnesses, and did a home visit. Her recommendation that her client be “restored to capacity” was accepted by the court.

PROFESSOR KATE MEWHINNEY

- Presented a webinar sponsored by the N.C. Dispute Resolution Commission on “How Can N.C.’s Mediation Programs Address the Needs of an Aging Population?”
- Will participate in “Advancing Legal and Medical Collaboration in Advance Care Planning,” an invitation-only conference in Washington, D.C. Sponsors are the ABA Commission on Law and Aging, the American Academy of Hospice and Palliative Medicine, and the U. of California at San Francisco Med. Ctr., with support from the Hartford Foundation and the Borchard Foundation on Law and Aging.
- Serves on the county’s Elder Abuse Task Force which includes law enforcement agencies, the District Attorney’s office, and the Department of Social Services.

98 YEARS OLD AND ALONE

Living alone at age 98 is rare. And it is risky. A gentleman with no close family was doing so when his doctor reported him to the public agency that investigates neglected elders. Adult Protective Services (APS) filed a court case to have the man declared incompetent. Matt Freeze handled the case as the court-appointed guardian ad litem. His client was adamant about staying in the apartment he had lived in for 37 years. He had been getting only a couple hours of help each day, but this was ending. For several weeks, Matt collaborated with APS to set up a new support system. Ultimately, the client’s limitations made this impossible, so Matt recommended a guardian be appointed. The court agreed.

TACKLING TAXES

Kristina Syrigos’s client had her home foreclosed on a few years ago. She didn’t realize that her unpaid mortgage would appear as “income” to the IRS. Now, the State of North Carolina is getting part of the client’s Social Security income each month, to recover state income taxes. Kristina researched the laws on taxes and on the protection of Social Security income. The case is working its way through the IRS and then the state tax system. We hope to show that the tax debt can be reduced or eliminated under current legal rules.
ALUMNI NEWS

Monica Berry (’17) writes, I am the newest associate at Ingersoll & Hicks in Winston-Salem. Since starting here I have already drafted several estate plans and am starting on a guardianship.

Tim Lewis (’16) is now an attorney for the Eastern Band of Cherokee Indians. He writes: The laws here are somewhat different than N.C. The Cherokee Code does not incorporate N.C. elder protections. So, I have been working with a few agencies on the tribe (Adult Protective Services, Public Health and Human Services, and nursing homes) to come up with solutions to prevent the abuse and exploitation of elders.

Julia Gravely (’12) writes from Reston, VA: My practice area centers on estate planning and administration for clients from northern Virginia, D.C., and Maryland. We handle a variety of elder law cases, working with care managers to assist elderly clients and their families with issues ranging from estate and incapacity planning to more logistical transition issues as clients navigate the challenges of aging.

David McLean (’99) of Greensboro and Angela Kreinbrink (’06) of High Point, returned for Career Week to discuss elder law practice.

STUDENT REFLECTIONS

♦ Brandy Nickoloff reflected on her experience: “This Clinic course opened my eyes to the complexity of aging people and their problems. I feel that I became much more skilled at handling the difficult dynamics of a client’s life and family.”

♦ Jasmine Gregory (shown at right) said: “I am better prepared to help my parents and grandparents as they age.”

♦ Samer Roshdy most enjoyed getting to know each of the clients he worked with on a personal level. He remarked, “I also liked giving a talk on legal issues, at Green Street Methodist Church. The audience asked great questions and seemed to appreciate the information I provided.”

♦ Amanda Perez observed, “Each client and their families are different. Some may have great support systems, while others may have nothing to help them as they age. And it’s not like the Clinic is just ‘old people law’ like so many people think. It’s more than just wills. They don’t just have elder issues. They have life issues that we all face.”

♦ John McCool writes: “I now feel way more comfortable talking to my clients about tough issues, like death and dying,” he said. “Before, I would beat around the bush. Being upfront on tough issues is important and plays a role in planning for end-of-life care.”
OUR MEDICAL PARTNERS

Medical issues are often the trigger for legal needs. A person gets sick and realizes she needs a will. Folks may need to appoint a financial surrogate or figure out how to pay for long term care. Fortunately, law students in the Elder Law Clinic get to learn directly from medical providers, such as the Kate B. Reynolds Hospice Home and our University Medical Center’s J. Paul Sticht Center on Aging and Rehabilitation.

Jasmine Gregory shadowed geriatrician Jo Cleveland, M.D. as she and a multi-disciplinary team saw patients in the Memory Assessment Clinic. The team spent extensive time interviewing both the patients and their family members. Jasmine observed: “The doctors and counselors were inspiring. I learned a lot about bedside manner and about hearing out and supporting the caregivers.”

Kate Callahan, M.D., M.S., was a guest speaker on mental capacity issues in aging. She is the Program Director of the Clinical Fellowship in Geriatric Medicine at Wake Forest School of Medicine.

Learn more about the Medical Center’s services for older patients at the J. Paul Sticht Center at www.wakehealth.edu/agingresearch/ or call 336-713-8250.

NURSING HOME CAUTIONED BY STATE BAR

Recently, the State Bar found a nursing facility to have violated the "unauthorized practice of law" statute. The facility had advised a resident's relative to get a power of attorney (POA) and had provided a form to her. The State Bar determined that the facility social worker had supervised the execution of the document and their employee had notarized it. These employees were not licensed attorneys.

The resident had had a severe stroke, and was the subject of an incompetency (guardianship) proceeding when the POA was signed. Soon after it was signed, a court adjudicated her incompetent, and her guardian revoked the POA. The guardian ad litem, Professor Kate Mewhinney, filed a complaint about the nursing home's actions with the State Bar. See elder-clinic.law.wfu.edu/files/2017/12/Letter-from-NC-State-Bar-11.9.17.pdf.
DEAR DEAN SUZANNE REYNOLDS . . .

My experience with the Elder Law Clinic, where student **Jasmine Gregory** assisted me, was a pleasant surprise. I have the utmost respect and admiration for the Wake Forest School of Law and the Elder Law Clinic.

You are giving Winston-Salem a true gift because of the Elder Law Clinic. **Kristina Syrigos** did such an excellent job for me. Every part of my visits was handled so professionally and explained thoroughly. I cannot thank you enough for this free service. Kristina will be a fine attorney. I am very grateful.

**Brad Fleming** was very professional and knowledgeable about my will and attentive to my wishes. I have been recommending the Elder Law Clinic to all my friends. This truly gives me peace of mind that when the time comes and I can’t speak for myself all my wishes will be in place and taken care of by the people I have chosen.

On behalf of N.C. Services for the Blind, I would like to thank **Matt Freeze** for providing an excellent presentation to our support group. The impact your services make in our community makes a difference!

Our caregivers are always overwhelmingly grateful for the session that the Elder Law Clinic offers to our **Dementia Caregivers Support Group**. The attendees frequently call your former students for legal work.

**Amanda Perez** was very insightful. She gave excellent advice with supporting materials to assist my decisions. Amanda also took time to chat on a personal level. Thank you for your service!

**The Clinic is a blessing to the elderly and especially to me.**

It is hard for me to verbalize my appreciation for **Samer Roshdy** and the staff at the Elder Law Clinic. Everything done by them was so professional and easy for me to follow. They made me comfortable throughout the whole procedure.
THE FUTURE OF AGING

Mark your calendars for an innovative look at the future of aging. This two-day free program takes place on the Wake Forest University campus and will bring in speakers from many disciplines. On the subject of law, we are excited that Charlie Sabatino will come from Washington, D.C. He directs the Commission on Law and Aging of the American Bar Association.

Save the Date:
Aging Re-imagined on May 3-4, 2018
agingre-imagined.events.wfu.edu

Kristina Syrigos (center) and DSS workers head to court.