LAW STUDENTS STEP UP TO HELP OLDER ADULTS

How often do you get to talk to a person who is 101 years old? Jordan Burke had this opportunity. It wasn't easy, but not for the reasons you might expect. Mental capacity? Fine! Stamina for a long interview? Got it! The problem was that Jordan’s client was very hard of hearing. Jordan used several strategies to tackle this. First, she used a nifty hearing assistive device we have in our office for just this situation. Second, Jordan simplified and shortened her questions. Most importantly, she added empathy, patience, and eye contact. There you have it … Jordan has picked up some key skills of an elder law attorney.

Students thrive in this type of learning environment. They are drawn in by the human drama of others’ lives, and they relish understanding complicated laws. What else brings them to the Elder Law Clinic?

• A chance to dress like a lawyer!
• Four course credits with no exam.
• Their own varied caseload with feedback and supervision from an experienced attorney.
• Learning about something that affects all families—namely, aging—so that they can be of help to their own families.
• A chance to help the community.

A listening ear from Grant Hancock.

For me, it was an honor to teach and collaborate with these students. Let's hear more about what they did!
SPEAKING UP FOR A VETERAN

Jordan Burke’s client, a Vietnam-era vet, had been homeless at times. Let’s call him Bobby. In the last year, things had gotten better for Bobby. The Veteran’s Administration had helped him rent an apartment and provided transportation for his medical appointments. Neighbors took him to get his groceries. So what was the problem? Bobby had recently landed in the hospital after some heavy drinking. The hospital wanted him declared incompetent, and so it filed a court case seeking guardianship.”

Jordan was court-appointed to represent Bobby. What was the legal issue? It was whether he was able to “manage” his affairs. Jordan interviewed him, his psychiatrist, a hospital social worker, and his neighbors. She reviewed his medical records and requested that Bobby be re-evaluated. As a result of her advocacy, Jordan was able to demonstrate that his support system and his mental ability showed he could, in fact, manage his affairs. The case against Bobby was dismissed, and he returned home.

CAN WE JUST LEAVE GRANDPA WITH YOU?

Kim Allison participated in a medical program for patients with memory problems. She observed how professionals assess mental capacity and recommend medications for cognitively impaired people. One gentleman had advanced dementia, and his grandchildren were exhausted from caring for him. They asked the physicians if they could just leave him at the hospital. While we often hear about difficult issues related to caregiver stress, this family’s level of despair was certainly far beyond the norm.

In the Elder Law Clinic, students learn about resources to help families coping with dementia and other serious illnesses. They might suggest an adult day program or inquire about the relatives’ getting time off under the Family and Medical Leave Act. They often suggest using the Senior Services’ Help Line and support groups at the J. Paul Sticht Center on Aging. We have great services in our community, but families are still struggling with the burdens of caregiving.
WHAT WOULD YOU DO?

Mabel Shoup (not her real name) is 89. Years ago, she appointed her son to help with her finances under a power of attorney. Now she has Alzheimer’s disease, is very confused, and lives in the locked area of an assisted-living home. Her son came to the Elder Law Clinic for advice. He needs to sell her house in order to help pay for her safer living situation at the assisted living home. But she often asks about her old home, and she enjoys outings to go see it, reconnect with the garden, and wave at neighbors.

Several students had clients like Mrs. Shoup’s son. The adult children want to do “what is right.” They don’t want to tell their parent about selling the house, but they also don’t want to lie. Sorting out what the legal power is versus what’s “right” is challenging. If the son is acting in the mother’s best interests, and there are no better options, his action in selling the house is legal. On the other hand, do you think it’s the “right thing?”

ALUMNI NEWS

♦ Kathleen Rodberg (’12) has been certified by the North Carolina State Bar Board of Legal Specialization as a specialist in elder law. She practices in Asheville. Congratulations, Kathleen!

♦ Amanda Perez (’18) joined Patrick, Harper & Dixon in Hickory where she practices elder law and estate planning. She is also accredited to assist clients with VA claims and benefits.

♦ Malcolm Boyd (’18) is an associate with Ott Cone & Redpath in Greensboro where he provides legal advice related to physician and hospital revenue cycle management. He also handles Medicaid appeals on behalf of healthcare systems. He writes, “The Medicaid training I received while in the Elder Law Clinic is extremely useful in my current position.”

♦ Tiffany Tyler (’13) joined Strauss Attorneys in Hendersonville. The practice includes estate planning, estate administration, and elder law.

♦ Ben Winikoff (’15) was a guest speaker in Professor Mewhinney’s new Disability Law class. Ben spoke about employment discrimination litigation handled by the firm of Elliot Morgan Parsonage, based in Winston-Salem and Charlotte.

♦ Kathryn Muhlenkamp (’15) has returned to Winston-Salem to join Greenwood Law. She handles estate planning, elder law, and special needs law.
CLINIC STUDENTS REFLECT

- **Pride:** In watching the “Gen Silent” documentary about LGBT elders, I learned that they are more likely to age alone. They often face hostility from their own families as well as from the broader community. As an attorney, I will commit to being welcoming and accepting of LGBT clients.

- **Paradox:** It’s rewarding to help clients control their future through planning. There’s a sense of relief that comes with having a simple document such as a will or power of attorney. As tough as it may be initially to consider death or disability, there is empowerment in taking control over one’s future, even somewhat paradoxically, where that may mean ceding some control through a power of attorney.

- **Proactive:** For my own family’s needs, I now have a better understanding of the importance of being proactive regarding estate planning. Also, I learned that the difference between a good and a great attorney is the ability to explain legal issues in a way anyone can understand.

- **Professional ethics:** I came to appreciate the way the Clinic deals with its clients. Without the Clinic’s guidance, I would have tended to ignore an elderly client and dealt mostly with the more “competent” person who brought him. My mindset would have been similar to how I would approach a parent-child situation. I’ll be more careful now. The Clinic teaches us to preserve the dignity of older clients by respecting them as autonomous adults to the greatest extent possible.

WE GOT MAIL!

- **Grant Hancock** was kind and didn’t make me feel rushed. I’m very pleased!

- **Kim Allison** was so thoughtful. She understood the complexity of my situation. I appreciate that the whole process was quick and easy.

- I found **Jordan Burke** to be very polite and easy to talk to.

- **Lasley Cash** helped me make a will. She gave me some things to think about that I never would have thought of. I thank God for the law clinic. She will make a great attorney.

- I really appreciated that **Shellie Bryant** was polite and patient in helping me understand. She was thorough in explaining everything.
Aimee Smith (’02) has been a popular guest speaker with our clinic students. She is a partner at Craige Jenkins Liipfert & Walker in Winston-Salem and specializes in elder law.

PROFESSOR KATE MEWHINNEY

• Recorded a segment on elder abuse for the medical school’s Geriatrics Podcast Series.
• Participated in the “Walk to End Alzheimer’s” and raised over $1,000.
• Spoke about “Legal Tools to Combat Elder Abuse and Exploitation” as part of the Sticht Center’s Aging Well Series.
• Addressed the local chapter of Adult Children of Aging Parents (ACAP) on “Elder Law and Your Parents.”
• Was selected to serve as mediator in a Forsyth County Superior Court action involving breach of fiduciary duty.

Love What You See?

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STUDENTS IN THE COMMUNITY

Lasley Cash (above) spoke about legal planning to senior citizens at Ephesus Seventh-Day Adventist Church.

Kim Allison staffed a voter information table at a low-income health center. Democracy North Carolina provided materials on topics such as access for disabled voters and the right to assistance with voting.

Grant Hancock gave a talk about consumer protection laws at N.C. Services for the Blind.

Jordan Burke (below) addressed 160 veterans at a program sponsored by Trellis Supportive Care. For this event, she collaborated with Mark Hensley of North Carolina’s AARP.
LETTERS TO DEAN SUZANNE REYNOLDS

♦ Recently, I visited your Elder Law Clinic and was very pleased with this community service. Shellie Bryant was so professional and kind. She gave me valuable advice and guidance on my end-of-life legal options. Thank you!

♦ I had been concerned about getting help with my will and power of attorney. I could not afford to do this on my limited income. I am so thankful for this service and appreciate this help more than words can tell you.

♦ The Elder Law Clinic is an invaluable service to the community. Thank you for offering it.

Shellie Bryant receives a warm welcome.