

# How Elder Law and Disability Law Intersect with Other Sections

By Christine Caswell



The Elder Law and Disability Rights Section is comprised of attorneys dedicated to helping seniors and those with disabilities. The two groups are combined because of the overlapping needs between these populations.<sup>1</sup> Many attorneys I have come to know from the section were originally social workers, hospital employees, or worked for nursing homes. They want to help their clients with the legal issues associated with aging and dealing with disabilities.

The section began as the Senior Justice Committee around 1980 and became the Elder Law and Disability Rights Section in 1983.<sup>2</sup> For the 2016–2017 calendar year, the section had 1,229 members.<sup>3</sup>

While there may be a perception that the section focuses on helping clients qualify for public benefits, its mission is actually much broader. Elders and those with disabilities have many of the same issues as the rest of the population—divorce, consumer problems, bankruptcy, business ownership, and litigation—but these issues are magnified when questions arise concerning competency, the need for ongoing care, and discrimination. Moreover, these different legal areas may conflict when determining what is in the best long-term interests of these clients.

In this edition of the *Michigan Bar Journal*, our members discuss some of the problems that occur when other legal issues arise for clients being served by the elder law and disability rights community. Rosemary Buhl and Katie Lynwood explore the intersection of family law, estate planning, and elder law. Christopher W. Smith and Michael D. Lieberman examine the differences between elder law and bankruptcy planning. Lewis M. Seward discusses recent changes to Social Security law and how those changes may hurt clients

of elder law and disability rights attorneys. Jennifer L. VanderVeen explains why elder law attorneys may need to work with business attorneys, and Michele P. Fuller and Donna M. MacKenzie discuss why litigators may need to work with elder law and disability rights attorneys in certain settlement situations. Finally, W. Josh Ard discusses consumer law and its implications for elders. ■



*Christine Caswell, manager and owner of Caswell Law PLLC in Lansing, is a member of the SBM Elder Law and Disability Rights Section, serves on the section council, and is managing editor of ELDERS Update, the section's quarterly newsletter. Caswell practices primarily in elder law and estate planning and serves as a trustee and conservator. She is also on AARP's legislative committee and is a member of the Small Business Association of Michigan.*

*Special thanks to Michele Fuller and Rosemary Buhl for their contributions to this theme issue.*

## ENDNOTES

1. Caswell, *The Evolution of Elder Law and Disability Rights*, 93 Mich B J 22 (November 2014) <<https://www.michbar.org/file/barjournal/article/documents/pdf4article2488.pdf>> (accessed November 28, 2017).
2. *Id.*
3. November 14, 2017, email from SBM Sections & Committees Administrator Heather Anderson to author (on file with author).