

# Elder Law and Disability Rights

## Resources to Assist the Attorney in the Age of the Silver Tsunami

By Laura Mancini

It is said that someone in the United States turns 65 every seven or eight seconds.<sup>1</sup> Senior citizens now represent some 13 percent of the U.S. population, and that number will increase to 20 percent by the year 2030.<sup>2</sup> The statistics are even higher in Michigan, with 16.2 percent of the state's total population currently over the age of 65<sup>3</sup>—a percentage that is also expected to increase during the next decade. This unprecedented demographic change is being referred to in popular culture as the “Silver Tsunami.”

Related to this growth, an estimated 25 percent of Michigan's population has some form of disability, with the largest concentration of this group being older than 55.<sup>4</sup> As the senior and disabled population increases, demand will skyrocket for legal services unique to the needs of these groups, including estate planning, Social Security, Medicare and Medicaid, employment, housing, transportation, public accommodation, and more. Attorneys have many resources to assist them in these practice areas; this article highlights some of them.

### Bar associations and professional associations

These organizations often serve as treasure troves of information for specialty areas of the law, and they do not disappoint when it comes to elder law and disability rights. The American Bar Association (ABA) sponsors the Commission on Law and Aging<sup>5</sup> and the Commission on Disability Rights.<sup>6</sup> Each commission has its own web page with information about its publications, events, continuing legal education opportunities, discussion lists, and social media channels. The Disability Rights web page

also provides a resource center for disabled attorneys and law students to assist with employment and law school matters.

The State Bar of Michigan has an Elder Law and Disability Rights Section.<sup>7</sup> Much like the ABA sections, this group lists information about events, discussion lists, reports, and links to its newsletter, *ELDRS Update*.

The National Academy of Elder Law Attorneys<sup>8</sup> is a professional organization for attorneys with its own Michigan chapter. The academy's website contains information on its publications, events, and continuing education and offers a searchable knowledge base of the organization's resources. The site also contains information for the public, including a lawyer referral service and a consumer library.

### Institute of Continuing Legal Education (ICLE)

ICLE is an important source for Michigan legal information. Its *Advising the Older Client or Client with a Disability*<sup>9</sup> is available in print and as part of the organization's premium partnership package. ICLE also offers an online Elder Law Certificate Program for attorneys and hosts the annual Elder Law Institute conference.

### Books and journals

Thomson Reuters publishes the *Advising the Elderly Client*<sup>10</sup> treatise, which provides a detailed overview of the major legal issues facing this population. Carolyn Rosenblatt discusses best practices for representing older clients in *Working with Aging Clients*,<sup>11</sup> published by the ABA. The organization also distributes Robert Flowers and Rebecca Morgan's *Ethics in the Practice of Elder Law*,<sup>12</sup> which details the challenges

unique to this field. Likewise, the ABA has created a *Checklist for an Elder-Friendly Office*.<sup>13</sup> Available for download from the ABA website, the list helps attorneys ensure that their offices are equipped to serve elderly or disabled clients. To assist attorneys in preparing elder law documents, Harry Margolis has authored the *ElderLaw Forms Manual*<sup>14</sup> for Wolters Kluwer.

For journals in this field, attorneys may wish to consult the University of Illinois College of Law's *Elder Law Journal*.<sup>15</sup> It advertises itself as the nation's oldest scholarly publication on elder law. Issues are available on its website as well as through Westlaw and HeinOnline.

For disability law, attorneys may want to consult two Thomson Reuters titles: *Disabilities and the Law*<sup>16</sup> and *Public Accommodations under the Americans with Disabilities Act: Compliance and Litigation Manual*.<sup>17</sup> Both titles provide an overview of the Americans with Disabilities Act<sup>18</sup> and litigation issues that arise with its compliance. Bloomberg BNA publishes *Disability Discrimination and the Workplace*,<sup>19</sup> a treatise specifically addressing disability rights as they pertain to employment. For attorneys new to the field of disability rights, the ABA publishes *Understanding the ADA*<sup>20</sup> by William Goren. The organization also offers *Being Prepared: A Lawyer's Guide for Dealing with Disability or Unexpected Events*.<sup>21</sup> Attorneys Debra and Lloyd Cohen give practical advice and guidance to attorneys who experience unexpected temporary or permanent disability during their career. Michael L. Perlin and Heather Ellis Cuculo write about disability rights as they pertain to criminal law and civil commitments in *Mental Disability Law: Civil and Criminal*,<sup>22</sup> published by LexisNexis in print and ebook formats.

These are just a few of the many research materials available to attorneys practicing elder law and disability rights. As the field continues to grow, it is expected that the number of research publications will also grow. An attorney can become overwhelmed by the sheer amount of information currently available or soon to become available. Law libraries are—and will continue to be—essential resources for attorneys to consult when they need help finding the right information for their clients. ■



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*Committee from 2009 to 2017. Currently, she is a member of the SBM Committee on Affordable Legal Services and the Michigan Legal Help Advisory Board.*

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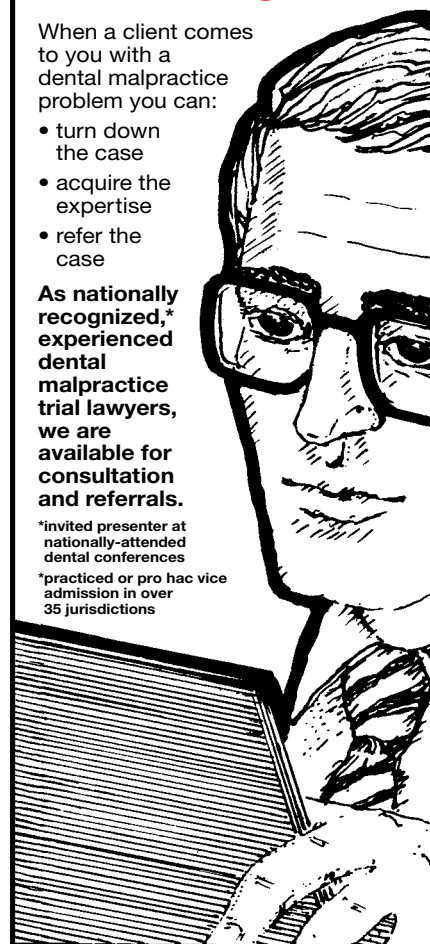
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