

## Elder Law Resources

Elder Law, in many respects, is an umbrella term that encompasses many different practice areas. Relevant practice areas include: estate, tax, retirement, and financial planning, guardianships and conservatorships, living wills and trusts, advance medical directives, long-term care and health care, Medicare/Medicaid and other government benefits, and elder abuse and exploitation issues. For more information on elder law practice, see Walter T. Burke, *The Emergence of Elder Law*, EXPERIENCE, Winter 1998, at 4 and Amelia E. Pohl, *What is Elder Law Anyway?*, 19 NOVA L. REV. 459 (1995)

### Table of Contents

Research Tips.....	1
Selected Elder Law Resources.....	2
Advising and Representing Elderly Clients.....	3
Estate, Tax, Retirement, and Financial Planning.....	3
Guardianships and Conservatorships.....	5
Living Wills, Advance Medical Directives, Living Trusts.....	5
Long Term Care and Health Care.....	6
Medicare, Medicaid, Social Security and Social Security Disability.....	7
Employment Discrimination.....	8
Elder Abuse.....	8
Journals and Newsletters.....	9
Internet Resources.....	10

### Research Tips

- When researching elder law issues, look both for resources specifically focused on the elderly and for resources devoted to specific practice areas.
- On Westlaw and Lexis, use the topical practice area folders to locate relevant resources. Both services have a folder specifically for Elder Law but also check related practice areas.
- For each resource you search, try multiple searches with different phrases to catch variations in terms.
- Check for indexes such as the library catalogs (books) and the Index to Legal Periodicals and LegalTrac (legal articles) using controlled vocabulary subject terms. Searching with established subject headings helps insure that you do not miss relevant articles simply because you didn't use the "right" term in your search. Potentially useful Subject Headings include:

Older people	Trusts and Trustees
Aged	Guardian and Ward
Abused elderly	Capacity and Disability
Elder Abuse	Medical Care
Old Age Assistance	Advance Directives (Medical Care)
Social Security	Living Trusts
Medicare	Power of Attorney
Medicaid	Right to Die
Nursing Homes	Legal Assistance to Older People
Tax Planning	Long-term Care Facilities
Estate Planning	Retirement planning
Wills	

- Searching Google Scholar can help you identify medical, psychology, and social science-focused articles and can link you to full-text access through University of Iowa-licensed resources. While Google Scholar provides some access to legal resources, the Index to Legal Periodicals and LegalTrac provide better access to law-related journal articles.

## Selected Elder Law Resources

### Overviews

#### **Treatises and Practice Guides:**

*ElderLaw in a Nutshell* by Frolik and Kaplan, 4<sup>th</sup> ed., 2006  
Law Reserve KF390.A4 F752 2006 [Older editions in the regular stacks.]

*Elder Law* by Margaret C. Jasper, 2<sup>nd</sup> ed. (overview for laypersons)  
Law Library KF390.A4 J37 2001

*Elder Law Answer Book* by Fleming  
Law Library KF 390 .A4 F54 2004

*Elderlaw: Advocacy for the Aging* by Krauskopf, Brown, Tokarz, and Bogutz, 2<sup>nd</sup> ed.  
Law Library KF 390 .A4 K7 1993  
Westlaw: ELDERLAW

*Understanding Elder Law: Issues in Estate Planning, Medicaid, and Long-Term Care Benefits* by Hunt, Day, and McCauley  
Law Library KF 390 .A4 H86 2002

#### **Self-Help Publications:**

*Complete Legal Guide to Senior Care: Making Sense of the Residential, Financial, and Medical Maze* by McWhorter Sember  
Law Library KF 390 .A4 S446 2003 SH

## Advising and Representing Elderly Clients

### **Treatises and Practice Guides:**

*Counseling Older Clients* by Barnes, Johns, and Martin, 2<sup>nd</sup> ed.  
Law Library KF 337.5 .A33 B37 2005

*Advising the Elderly Client* by Dayton, Guare, Mezzullo, and Wood  
Law Library KF 3737 .A92 1992 (updated through 2003)  
Westlaw: ADVELD

*Representing the Elderly Client: Law and Practice* by Begley  
Law Library KF 390 .A4 B44 1999 (updated through 2006)  
Law Library Audiovisual CD-ROM 647

*Representing the Elderly or Disabled Client: Forms and Checklists with Commentary* by  
Begley  
Law Library KF 390 .A4 B442 2000 (current through 2004)  
Law Library Audiovisual Disk 330

*Elder Law Forms Manual: Essential Documents for Representing the Older Client*, by  
Margolis  
Law Library KF390 .A4 M371 1992b (updated through 2005)

*Elder Law Portfolio Series* edited by Bickford  
Law Library KF 390 .A3 E429  
[A series of articles which provide in-depth, practical guidance for practitioners]

## Estate, Tax, Retirement, and Financial Planning

### **Treatises and Practice Guides:**

*Tax, Estate, and Financial Planning for the Elderly*, by Regan, Morgan, and English  
Law Library KF 750 .R45 1985 (updated through 2006)  
LexisNexis: Legal > Area of Law - By Topic > Elder Law > Search Analysis, Law  
Reviews & Journals > Matthew Bender(R) > Federal > Tax, Estate & Financial  
Planning for the Elderly

*Tax, Estate, and Financial Planning for the Elderly: Forms and Practice*, by Regan,  
Gilfix, Morgan, and English  
Law Library KF 750 .R454 1991 (updated through 2008)  
LexisNexis: Legal > Area of Law - By Topic>Elder Law > Search Analysis, Law  
Reviews & Journals > Matthew Bender(R) > Federal > Tax, Estate & Financial  
Planning for the Elderly: Forms and Practice

*Elder Law and Financial Strategies: Planning for Later Life* by Hyman  
Law Library KF 390 .A4 H96 2008

*Estate and Personal Financial Planning* by Koren  
Law Library KF 6297 .E87 1988 (updated through 2008)

Westlaw: KOREN-EPFP

***Third-Party and Self-Created Trusts: Planning for the Elderly and Disabled Client*** by  
Kruse, Jr.  
Law Library KF 773 .K78 2002

***CCH Financial and Estate Planning Guide***, 13<sup>th</sup> ed.  
Law Library KF750 .K45 2001

***Page on Wills***

Law Library KF 755 .P3 1960 (updated through 2008)  
LexisNexis: Legal > Area of Law - By Topic > Elder Law > Search Analysis, Law  
Reviews & Journals > Page on Wills

***Scott on Trusts***, 5<sup>th</sup> ed.  
Law Library KF 730 .S3 2006

***Modern Estate Planning***

Law Library KF 748 .M6  
LexisNexis: Legal > Area of Law - By Topic > Elder Law > Search Analysis, Law  
Reviews & Journals > Matthew Bender(R) > Federal > Modern Estate Planning

***Murphy's Will Clauses***

Law Library KF 748.1 .M82  
LexisNexis: Legal > Area of Law - By Topic > Elder Law>Search Analysis, Law  
Reviews & Journals > Matthew Bender(R) > Federal > Murphy's Will Clauses:  
Annotations and Forms with Tax Effects

***Federal Taxation of Income, Estate, and Gifts*** by Bittker and Lokken, 3<sup>rd</sup> ed.  
Law Library KF 6335 .B57 1999 (updated through 2008)  
Westlaw: WGL-IEG

***Federal Income Taxation of Estates and Trusts*** by Zaritsky and Lane, 3<sup>rd</sup> ed.  
Law Library KF 6443 .L3 2001 (updated through 2004)  
Westlaw: WGL-TAXET

***Estate and Retirement Planning Answer Book*** by Mitchell, 4<sup>th</sup> ed.  
Law Library KF 750 .M65 2002 (with 2003 Supp.)

**Looseleaf Services:**

***Benefits Coordinator***

Law Library KF 3509 .A6 B46 LL  
Westlaw: RIA\_PENBEN

***CCH Individual Retirement Plans Guide***

Law Library KF 3510 .A6 I5 LL

***Pension Coordinator***

Law Library KF 3512 .A6 P44 1974 LL

Westlaw: RIA\_PENBEN

### **Current Awareness:**

#### ***BNA Pensions and Benefits Reporter***

Law Library HD 7106 .U5 B78a CA

Westlaw: BNA-PEN

LexisNexis: Legal > Area of Law - By Topic > Pension & Benefits > Search Analysis,  
Law Reviews & Journals > By Publisher > BNA > BNA Pension & Benefits  
Reporter

BNA: [https://libproxy.law.uiowa.edu:2443/login?url=http://pubs.bna.com/ip/BNA/  
PEN.NSF](https://libproxy.law.uiowa.edu:2443/login?url=http://pubs.bna.com/ip/BNA/PEN.NSF)

## **Guardianships and Conservatorships**

### **Treatises and Practice Guides:**

#### ***Guardianship, Conservatorship, and the Law*** by Jasper

Law Library KF 553 .J37 2008

#### ***Guardianship & Conservatorship: A Handbook for Lawyers***, by Summers

Law Library KF 553 .S85 1996

#### ***Guardianships of Adults: Achieving Justice, Autonomy, and Safety*** by Quinn

Law Library KF 553 .Z9 Q56 2005

#### ***Assessment of Older Adults with Diminished Capacity: A Handbook for Lawyers*** by Moye

Law Library KF 390.A4 A874 2005

#### ***Judicial Determination of Capacity of Older Adults in Guardianship Proceedings: A Handbook for Judges***

Law Library KF 553 .Z9 J83 2006

## **Living Wills, Advance Medical Directives, Living Trusts**

### **Treatises and Practice Guides:**

#### ***Durable Powers of Attorney and Health Care Directives*** by Jordan, 4<sup>th</sup> ed.

Law Library KF 1347 .D87 2004

Westlaw: DURPOA

#### ***Advance Medical Directives***, (includes a 2004 Supp.)

Law Library KF 3827 .E87 L54 1992

#### ***Planning for Uncertainty: Living Wills and Other Advance Directives for You and Your Family 2d***,

Law Library KF 3827 .E87 D68 2007

#### ***Living Trusts: Forms and Practice***, by Bickel

Law Library KF 734 .B53 1993 (updated through 2006)  
LexisNexis: Legal > Area of Law - By Topic > Estates, Gifts & Trusts > Search  
Analysis, Law Reviews & Journals > By Subtopic > Estate, Gift & Trust > Living  
Trusts: Forms & Practice

**Self-Help Publications:**

*Living Trusts*, by Moy, 3<sup>rd</sup> ed.  
Law Library KF 734 .M69 2003

*Living Trust Kit: Save Taxes, Avoid Probate, and Ensure Financial Security for Your  
Loved Ones*, by Rolcik  
Law Library KF 734 .Z9 R64 2004

**Long Term Care and Health Care**

**Treatises and Practice Guides:**

*Long Term Case Advocacy*, by Carlson  
Law Library KF 3826 .N8 C37 1999  
LexisNexis: Legal > Area of Law - By Topic > Elder Law > Search Analysis, Law  
Reviews & Journals > By Subtopic > Elder Law > Long-Term Care Advocacy

*Long Term Care Handbook*, edited by Goldsmith  
Law Library KF 3826 .N8L66 2005

*Nursing Home Federal Requirements*, by Allen  
Law Library KF 3826 .N8A3 2007

*Nursing Home Litigation: Investigation and Case Preparation*, by Iyer, 2<sup>nd</sup> ed.  
Law Library KF 3826 .N8 N864 2005

*Nursing Home Litigation: Pretrial Practice and Trials*, by Krisztal  
Law Library KF 3826 .N8 N865 2003

*Home Care Compliance Manual*, by Nathanson and Cuervo, 2<sup>nd</sup> ed.  
Law Library KF 3826 .H64 H65 2002

*Residence Options for Older and Disabled Clients*, by Frolik  
Law Library KF 2042 .O43 T76 2008

*Treatise on Health Care Law*, by MacDonald, Kaufman, Capron, and Birnbaum  
Law Library KF 3821 .T74 1991  
LexisNexis: Legal > Area of Law - By Topic>Health Care > Search Analysis, Law  
Reviews & Journals > Matthew Bender(R) > Treatise on Health Care Law

**Current Awareness:**

*BNA's Health Care Policy Report*,

Law Library KF 3605 .A15 B55  
Westlaw: BNA-HCP  
LexisNexis: Legal > Area of Law - By Topic > Elder Law > Search Analysis, Law  
Reviews & Journals > BNA > BNA Health Care Policy Report  
BNA: [https://libproxy.law.uiowa.edu:2443/login?url=http://pubs.bna.com/ip/BNA/  
HCP.NSF](https://libproxy.law.uiowa.edu:2443/login?url=http://pubs.bna.com/ip/BNA/HCP.NSF)

***BNA's Health Law Reporter,***

Law Library KF 3821 .A15 B55  
Westlaw: BNA-HLR  
LexisNexis: Legal > Area of Law - By Topic > Elder Law > Search Analysis, Law  
Reviews & Journals > BNA > BNA Health Law Reporter  
BNA: [https://libproxy.law.uiowa.edu:2443/login?url=http://pubs.bna.com/ip/BNA/  
HLR.NSF](https://libproxy.law.uiowa.edu:2443/login?url=http://pubs.bna.com/ip/BNA/HLR.NSF)

## **Medicare, Medicaid, Social Security and Social Security Disability**

### **Looseleaf Services:**

***CCH Medicare & Medicaid Guide***

Law Library KF 3608 .A4 C64

***Social Security Law and Practice,***

Law Library KF 3649 .S57 1987

Westlaw: SSLP

### **Treatises and Practice Guides:**

***Social Security Practice Guide,*** by National Organization of Social Security Claimants'  
Representatives

Law Library KF 3649 .S63 1984

LexisNexis: Legal > Area of Law - By Topic > Elder Law > Search Analysis, Law  
Reviews & Journals > By Subtopic > Social Security > NOSSCR Social Security  
Practice Guide

***Social Security and Medicare Answer Book,*** by Pratt, 3<sup>rd</sup> ed.

Law Library KF 3649 .P73 2007

***Law of Medicare and Medicaid Fraud and Abuse,*** by Gosfield, 2007 ed.

Law Library KF 3608 .A4 J67 2007

Westlaw: MEDFRAUD

***Medicaid & Medicare Claims and Procedures,*** by McCormick, 4<sup>th</sup> ed.

Law Library KF 3605 .M3 2005

Westlaw: MEDCLAIMS

### **Current Awareness:**

***BNA Medicare Report,***

Law Library KF 3608 .A4 A132  
Westlaw: BNA-MED  
LexisNexis: Legal > Area of Law - By Topic > Elder Law>Search Analysis, Law  
Reviews & Journals > BNA > BNA Medicare Report  
BNA: [https://libproxy.law.uiowa.edu:2443/login?url=http://pubs.bna.com/ip/BNA/  
MCR.NSF](https://libproxy.law.uiowa.edu:2443/login?url=http://pubs.bna.com/ip/BNA/MCR.NSF)

## Employment Discrimination

### **Treatises and Practice Guides:**

*Employment Discrimination*, by Larson, 2<sup>nd</sup> ed.

Law Library KF3464 .L37 1994

LexisNexis: Legal > Area of Law - By Topic > Labor & Employment > Search Analysis,  
Law Reviews & Journals > Larson on Employment Discrimination

*Age Discrimination* by Eglit, 2<sup>nd</sup> ed.

Law Library KF 390 .A4 E34 1993 (updated through 2008)

*Age Discrimination in Employment Law*, by Lindemann and Kadua

Law Library KF 3465 .L56 2003

*Litigating Age Discrimination Cases*, by Ruzicho and Jacobs

Law Library KF 3465 .R89 1986

Westlaw: LITADCS

*Employee Rights Litigation: Pleadings and Practice*, by National Employment Lawyers  
Association, edited by Goodman

Law Library KF 3457 .E47 1991

LexisNexis: Legal > Area of Law - By Topic > Labor & Employment > Search Analysis,  
Law Reviews & Journals > By Publisher > Matthew Bender(R) > Employee Rights  
Litigation: Pleading and Practice

### **Current Awareness:**

*BNA's Employment Discrimination Report*

Law Library KF 3464 .A15 B53

Westlaw: BNA-EDR

LexisNexis: Legal>Secondary Legal>BNA>Labor & Employment Materials>BNA  
Employment Discrimination Report

BNA: [https://libproxy.law.uiowa.edu:2443/login?url=http://pubs.bna.com/ip/BNA/  
EDR.NSF](https://libproxy.law.uiowa.edu:2443/login?url=http://pubs.bna.com/ip/BNA/EDR.NSF)

## Elder Abuse

*Abuse and Neglect of Vulnerable Adult Populations*, by Otto

Law Library HV 6626.3 .A225 2005

***Elder Maltreatment: Abuse, Neglect, and Exploitation in an Aging America*** by the  
National Research Council  
Law Library HV 6626.3 .B66 2003

***Elder Abuse Detection and Intervention: A Collaborative Approach***, by Brandl, Dyer,  
Heisler, Otto, Stiegel, and Thomas  
Law Library HV 6626.3 .E458 2007

***Crime and Elder Abuse: An Integrated Perspective***, by Payne, 2<sup>nd</sup> ed.  
Law Library HV 6636.3 .P39 2005

## **Iowa Resources**

***Handbook for Older Iowans: a Legal Information and Resource Guide (2002)*** produced by  
the Young Lawyers Division of the Iowa State Bar Association.  
Law Library Reserve KFI4291.A3 H36 2002\_[Older editions in the regular stacks.]

***Iowa Practice: Methods of Practice, chapters 18-28***  
Law Library Reserve KFI 4280 .I6 v. 1-2

***Iowa Practice: Probate***  
Law Library Reserve KFI 4280 .I6 v. 13-14

***Iowa State Bar Association 2007 Probate and Trust Manual***  
Law Library Reserve KFI 4344 .I6 2007

## **Journals and Newsletters**

***Marquette Elder's Advisor***  
Law Library K13.A765  
Westlaw: MARQEA (coverage begins in 2003)

***Elder Law Advisory***  
Westlaw: LDLAWADV (coverage begins in 2006)

***Elder Law Journal***—University of Illinois College of Law  
Law Library K5 .L34  
Westlaw: ELDLJ (coverage begins in 1993)  
LexisNexis: Legal>Secondary Legal>Law Reviews & Journals>Individual Law Reviews  
& Journals>D-F>The Elder Law Journal (coverage begins in 1994)  
HeinOnline: <http://heinonline.org/HOL/Index?index=journals/elder&collection=journals>  
(coverage begins in 1993)

***Elder Law Weekly***  
This journal seems to focus more on medical studies than law but, to view the tables of  
contents for the weekly issues, <http://www.newsrx.com/newsletters/Elder-Law-Weekly.html>

***Journal of International Aging Law & Policy***

Online access: <http://www.law.stetson.edu/centers/AARPJournal/>

***NAELA Quarterly / National Academy of Elder Law Attorneys***

Law Library KF390.A4 N24 (coverage begins in 1996)

Westlaw: NAELAJ (coverage begins in 1999)

LexisNexis: Legal > Area of Law - By Topic > Elder Law > Search Analysis, Law Reviews & Journals > Law Reviews & Journals > National Academy of Elder Law Attorneys Journal/Quarterly (coverage begins in 1999)

***NAELA Journal*** (continues the NAELA Quarterly)

Law Library K14 .A22

Westlaw: NAELAJ (coverage begins in 2005)

LexisNexis: LexisNexis: Legal > Area of Law - By Topic > Elder Law > Search Analysis, Law Reviews & Journals > Law Reviews & Journals > National Academy of Elder Law Attorneys Journal/Quarterly (coverage begins in 2005)

***NAELA News***

Law Library KF337.5.A33 N34 (coverage begins in 2001)

***ACTEC Notes and ACTEC Journal/ American College of Trust and Estate Council***

Law Library KF 765 .A15 P76 (coverage begins in 1990)

LexisNexis: LexisNexis: Legal > Area of Law - By Topic > Elder Law > Search Analysis, Law Reviews & Journals > Law Reviews & Journals > ACTEC - American College of Trust and Estate Counsel Journal (coverage begins in 2005)

## **Internet Resources**

### Government Agencies

U.S. Administration on Aging: <http://www.aoa.dhhs.gov/>

U.S. National Center on Elder Abuse:  
[http://www.ncea.aoa.gov/ncearoot/Main\\_Site/index.aspx](http://www.ncea.aoa.gov/ncearoot/Main_Site/index.aspx)

U.S. National Institute on Aging: <http://www.nia.nih.gov/>

U.S. Social Security Administration: <http://www.ssa.gov/>

U.S. Centers for Medicare and Medicaid Services: <http://www.cms.hhs.gov/>

Iowa Department of Elder Affairs: <http://www.state.ia.us/elderaffairs/index.html>

### Organizations

American Association of Retired Persons <http://www.aarp.org/>

American Bar Association Commission on Law & Aging <http://www.abanet.org/aging/>

Center for Medicare Advocacy: <http://www.medicareadvocacy.org>

Center for Social Gerontology: <http://www.tcsg.org/>

National Academy of Elder Law Attorneys: <http://www.naela.com/>

National Association of State Units on Aging: <http://www.nasua.org/index.html>

National Council on Aging: <http://www.ncoa.org/>

National Committee for the Prevention of Elder Abuse: <http://www.preventelderabuse.org/>

National Elder Law Foundation: <http://www.nelf.org/>

National Senior Citizens Law Center: <http://www.nsclc.org/>

### Gateways to Internet Resources

AARP Internet Resources on Aging: <http://www.aarp.org/internetresources/>

Association of American Law Schools Section on Aging and the Law Resources:  
<http://law.wfu.edu/aals/resources/>

Borchard Foundation Center on Law & Aging Links:  
<http://www.borchardcenter.org/links.html>

CataLAW Elder Law page: <http://www.catalaw.com/topics/Elder.shtml>

ElderLawAnswers: <http://www.elderlawanswers.com/>

LLRX [Law Library Resource Xchange] Elder Resources on the Internet:  
<http://www.llrx.com/features/elderresources.htm>

MegaLaw.com—Elder law page: <http://www.megalaw.com/top/elder.php>

NAELA Resources page: [http://www.naela.org/public\\_resourcelinks.aspx](http://www.naela.org/public_resourcelinks.aspx)

Senior Law: Elder Law & Legal Resources on the Web:  
<http://www.seniorlaw.com/resource.htm>

USA.gov Senior Citizens' Resources: <http://www.usa.gov/Topics/Seniors.shtml>

WashLaw WEB -- Elder Law: <http://www.washlaw.edu/subject/elder.html>