MESSAGE FROM THE CHAIR – Naomi Cahn

Dear Section Members,

Hi everyone. It’s been quite an eventful year. When we met last January, we were anticipating the roller-coaster ride of an election year, but not a pandemic. The pandemic prompted our first summer program, coordinated by Katie Liss (DePaul) and Section leadership, that featured Nina Kohn (Syracuse), on how to teach effectively online.

The tragic events highlighting the ongoing, and even more urgent need for attention to racial justice/injustice throughout society and in the curriculum, prompted a Section program that developed a list of resources set out later in the newsletter.

With all these and other developments, the topic of the Section’s program at the annual meeting, aging and intersectionality, is timely. We are thrilled that the program has a number of other sections co-sponsoring it, as described below. Mark your calendars to attend this program, scheduled for Wednesday, Jan. 6, from 2:45-4:00 pm ET. It will be preceded by our Section’s networking session, scheduled for Wednesday, Jan. 6, from 12:15-1:15 pm ET. Mary Helen McNeal will assume leadership of the Section following the meeting. The Section is also co-sponsoring another program with the Section on Poverty. Given the compressed AALS schedule, however, the first part of that program is in direct conflict with ours, but we can all “head over” (via Zoom) to that program when ours is done.
Finally, we welcome the involvement of Section members. The programs on racial justice and pedagogy came into existence because of the initiative of Section members.

Thank you!

Happy grading and here’s to a healthy, safe and just year!

ANNUAL MEETING INFORMATION

AGING & THE LAW PROGRAM

Networking Session

Wednesday, Jan. 6, 12:15 p.m. – 1:15 p.m. EST

Intersectionality, Aging, and the Law

Co-Sponsored by AALS Sections on Civil Rights, Disability Law, Family & Juvenile Law, Minority Groups, Poverty Law, Sexual Orientation & Gender Identity Issues, Trusts & Estates, and Women in Legal Education

Wednesday, Jan. 6, 2:45 p.m. - 4:00 p.m. EST

The program focuses on intersectionality and aging.
Participants will address this subject from numerous perspectives. The topics include structural discrimination based on race and gender, demographic changes, age diversity, wealth inequality, and the impact of the pandemic on autonomy and rationing. The conception of the program is broad.

Moderator: Jalila Jefferson-Bullock (Duquesne)

Panelists:

Alexander Boni-Saenz (Chicago-Kent), Age Diversity
Naomi Cahn (UVA) & Nina Kohn (Syracuse), How Law and Sex Shape What It Means to Be Old
Veronica C. Gonzales-Zamora (UNM), The Triple Threat: Millennium Women of Color
Jessica Mantel (Houston), Allocating Scarce Medical Resources During a Pandemic: Rationing Based on Age is not the Same as Rationing Based on Disability
Katherine Pearson (PSU), Pandemic Protections: Where is the Line in Patient Autonomy?
Tara Sklar (U Arizona), Frailty, Vulnerability, and Big Data

Co-sponsored program:

Civil Rights in a Time of Coronavirus
Section on Civil Rights and Poverty Law Joint Program, Co-Sponsored AALS Sections on Aging & the Law and Comparative Law
Wed., Jan. 6, 2:45-5:30 pm

SECTION LEADERSHIP

The Section on Aging and the Law held its elections for leadership positions for the 2021-2022 year via email. We are delighted to announce the following slate has been elected by acclamation:

Chair: Mary Helen McNeal (Syracuse)
Chair-Elect: Jalila Jefferson-Bullock (Duquesne)
Secretary: Alex Boni-Saenz (IIT-Chicago Kent Law)
Treasurer: Katie Liss (DePaul)

Exec. Comm.: Naomi Cahn (UVA), Joan Foley (Touro), Richard Kaplan (Illinois), Alicia Kelley (Widener-Delaware), Nina Kohn (Syracuse), Browne Lewis (NCCU), Rachel Lopez (Drexel), Rebecca Morgan (Stetson), and Jessica Dixon Weaver (SMU).

SECTION PROGRAM RESOURCES – Addressing Racial Justice Issues in Class

compiled by Katie Liss, DePaul

Course Suggestions:
- Update your syllabus to set clear expectations: create learning objectives on racial justice and/or add supplemental materials upfront, if necessary
• Suggest a new learning outcome on racial justice: (i.e. “Identify how current estate and disability planning furthers structural racism and inequity, strategies to address those inequities, why BIPOC clients are underserved by the profession, and how to effectively provide needed services to these client constituencies.”)
• Have students bring in current topics/articles to discuss on a weekly basis
• Bring in an elder law attorney of color to talk with your class
• Topics to generate discussions on racial justice: wealth gaps, home ownership, impact of redlining, retirement contributions, healthcare/Medicaid planning, disparities in the criminal justice system with respect to graying prisons

**Clinic Suggestions:**
- Direct outreach to the community to build trust (i.e. network with legal aid organizations, churches)
- Develop modules on how to help students find their voice when microaggressions occur in the class

**Case Law:**
*Chaney v. Plainfield Healthcare Center*, 612 F.3d 908 (7th Cir. 2010).

**Articles:**
- *Consensus, Compassion, and Compromise?: The FIRST Step Act and Aging Out of Crime*, 32 FEDERAL SENTENCING REPORTER 70 (December 2019).
- Racial Disparities in nursing Homes:
  - [https://www.nytimes.com/2020/06/21/business/nursing-homes-evictions-discharges-coronavirus.html?fbclid=IwAR24Oyq2FVhjOuVYA4OWNTulsPm1x04O1e1W5xpfY5pqFJ1i1LKAi6yeJ5M](https://www.nytimes.com/2020/06/21/business/nursing-homes-evictions-discharges-coronavirus.html?fbclid=IwAR24Oyq2FVhjOuVYA4OWNTulsPm1x04O1e1W5xpfY5pqFJ1i1LKAi6yeJ5M)
- Racialized Interactions in the Law School Classroom: Pedagogical Approaches to Creating a Safe Learning Environment: [https://jle.aals.org/cgi/viewcontent.cgi?article=1562&context=home](https://jle.aals.org/cgi/viewcontent.cgi?article=1562&context=home)

**Resource Guide:**
- [https://lawlibguides.seattleu.edu/estate](https://lawlibguides.seattleu.edu/estate)
ANNOUNCEMENTS

Stetson’s JOURNAL OF AGING LAW & POLICY Call for Papers

Stetson’s Journal of Aging Law & Policy, the preeminent journal for cutting-edge issues of national and international aging law and policy, is seeking articles for its Volume 13, which will be published in May 2022. Stetson’s Journal of Aging Law & Policy is a unique journal with an elder law emphasis that also focuses on both law and policy. If you are interested in submitting an article for publication, please email Nicholas Marler, Managing Editor, at nmarler@law.stetson.edu. Submission requirements: Articles must be in 12-point font and double spaced. Citations should be in accordance with either the ALWD or BlueBook citation manuals and the article must be related to a relevant elder law topic. Submission preferences: The Journal seeks articles that are between 10,000 and 20,000 words. However, consideration may be given to articles that fall outside of this word requirement. Questions should be directed to Nicholas Marler, Managing Editor, at nmarler@law.stetson.edu.

University of Arizona

The Health Law & Policy Program has launched a fully online, multidisciplinary Graduate Certificate in Aging Law & Policy. We welcome speakers to present on hot topics and emerging issues in the field as part of this new program. Visit https://law.arizona.edu/aging-law-and-policy-graduate-certificate for more information. If interested in being a speaker, then email law-healthcare@arizona.edu.

NEWS AND NEWSWORTHY

Alexander A. Boni-Saenz:

Publications:


Naomi Cahn:

Publication:

Media:


“Five Tips to Decrease Social Isolation for Older People During COVID-19,” Forbes (Mar. 18, 2020),

Blog:


Lawrence Frolik:

Publications/Books:


WISE MOVES: CHECKLIST FOR WHERE TO LIVE, WHAT TO CONSIDER, AND WHETHER TO STAY OR GO (2020 joint publication by AARP and ABA) (with Sally Balch Hurme).

Jalila Jefferson-Bullock:

Publications:


Presentations:

The Impact of Covid-19 on Congregate Facilities, ABA Section of State and Local Government Law, virtual.

Let My People Go: A Call for the Swift Release Offenders in the Wake of COVID-19, University of Miami School of Law, virtual.
Richard Kaplan

Presentations:


What the Income Tax Debate in Illinois is All About, League of Women Voters, Champaign.


Tara Sklar:

Publications:

The Return of Typhoid Mary? Immigrant Workers in Nursing Homes, ___ J. OF ELD ER POL'Y ___ (forthcoming 2021) (with Shefali Milczarek-Desai).


Digital Health Privacy and Age: Quality and Safety Improvement in Long-Term Care, 17 IND. HEALTH L. REV. 85 (2020) (with Rachel Zuraw).

Implementation and Enforcement of Quality and Safety in Long-Term Care, in Assessing Legal Responses to COVID-19, Scott Burris, Sarah de Guia, Lance Gable, Donna Levin, Wendy Parmet, Nicolas Terry, eds. (2020).


States are Making it Harder to Sue Nursing Homes over COVID-19: Why Immunity from Lawsuits is a Problem, The Conversation, June 9, 2020 (with Nicolas Terry).
Media:


*First the police, now it’s long-term care’s turn to face ‘defunding’ calls,* McKnight’s Long-Term Care News, September 10, 2020.

Thank you! We hope to see you in January at the Annual Meeting!