

SECTION ON AGING & THE LAW NEWSLETTER WINTER 2021-22



MESSAGE FROM THE CHAIR – MARY HELEN MCNEAL

Dear Section Members,

IN THIS ISSUE

Message from the Chair

Annual Meeting Info

Section Leadership
Nominations

Announcements

News and Noteworthy

Thank you for the opportunity to serve as Chair of the Section. As I reflect on the Section and this past year, my first thought is of our annual meeting program on January 6, 2021 amidst turmoil and violence, at the U.S. capitol. The presenters were tenacious and focused, and I want to think them all—Ruqaiyah Yearby, Verónica Gonzalez-Zamora, Jessica Mantel, Tara Sklar, Naomi Cahn, Nina Kohn, Katherine Pearson, and Alex Boni-Saenz—for carrying on the midst of this uncertainty.

This state of uncertainty has continued, with COVID-19 periodically subsiding and surging, and political discord and racial justice issues continuing to permeate our culture and the news. These issues make the law we teach critical, and many of us have been both invigorated and challenged by the connections between our work and world events. In fact, the Section sponsored a discussion, led by Richard Kaplan and Browne Lewis, on “Incorporating Current Issues in Teaching Aging and the Law” in April of last year.

Because of continued uncertainty and the COVID situation, the AALS Annual Meeting will be virtual once again. The Section will be sponsoring two programs: 1) A networking event on Wednesday January 5th, from 2-3 PM, at which we will hold our annual business meeting; and 2) The Section’s Program on Aging and Inequality, on Saturday, January 8th, from 12:35-1:50 PM. Our program is co-sponsored by 7 other Sections! Please make a point of attending. Also, note our Section is co-sponsoring a program with the Criminal Law Section on “The Carceral Logics of Care: Policing Hospitals, Policing Access to Care” on Thursday, January 6th at 3:10 PM and a program entitled “Social Security: Looking Backwards and Looking Forward” on January 9th at 12:35 PM.

Finally, I would like to thank Katie Liss and Alex Boni-Saenz for their diligence in keeping the Section on track this past year. Happy holidays, and hope to see you at BOTH of our annual meeting program events.

Section on Aging & the Law Officers

Chair: Mary Helen McNeal
Professor and Director, Elder and Health Law Clinic
Syracuse University Law School
mhmcneal@law.syr.edu

Chair-Elect: Jalila Jefferson-Bullock
Associate Professor
Duquesne University School of Law
jeffersonbulloj@duq.edu

Secretary/Newsletter Editor: Alexander A. Boni-Saenz
Associate Dean for Scholarship & Faculty Development
Associate Professor; Norman & Edna Freehling Scholar
Chicago-Kent College of Law
abonisac@kentlaw.iit.edu

Treasurer: Kathryn Liss
Director of the Schiller DuCanto & Fleck Family Law Center
DePaul University College of Law
kliss3@depaul.edu

Executive Committee:
Naomi R. Cahn
University of Virginia Law School
ncahn@law.virginia.edu

Joan C. Foley
Touro College Jacob D. Fuchsberg Law Center
jfoley@tourolaw.edu

Richard L. Kaplan
University of Illinois College of Law
rkaplan@illinois.edu

Alicia Kelly
Delaware Law School of Widener University
abkelly@widener.edu

Nina A. Kohn
Syracuse University College of Law
nakohn@syr.edu

Browne C. Lewis
North Carolina Central University School of Law
blewis39@ncsu.edu

Rachel E. Lopez
Drexel University Thomas R. Kline School of Law
Rel62@drexel.edu

Rebecca C. Morgan
Stetson University College of Law
morgan@law.stetson.edu

Jessica Dixon Weaver
SMU Dedman School of Law
jdweaver@mail.smu.edu

ANNUAL MEETING INFORMATION

Aging and the Law Section Program

Networking Meeting

Wednesday, January 5th, 2022 (2:00-3:00pm EST)

Come network and socialize with other scholars in the field of law and aging!

Aging and Inequality

Co-Sponsored by Civil Rights, Clinical Legal Education, Disability Law, Family and Juvenile Law, Law, Medicine, and Health Care, Poverty Law, and Sexual Orientation and Gender Identity Issues Sections.

Saturday, January 8th, 2022 (12:35-1:50pm EST)

This session will examine the variety of issues that touch upon aging and inequality. Presentations will touch upon the impacts of COVID-19, both on those afflicted and on long-term care workers, family law in later life, and discrimination on the basis of family and relationship status and how it affects the older adult population.

Moderator: Mary Helen McNeal (Syracuse University)

Presentations:

Barbara Pfeffer Billauer (University of Porto): *The Process of Pariah-tizing the Elderly & Its Ramifications During the COVID Pandemic*

Naomi Cahn (University of Virginia), Clare Huntington (Fordham), and Elizabeth Scott (Columbia), *Inequality, Aging, the Family, and Family Law*

Mary Anne Case (University of Chicago), *How Discrimination on the Basis of Family and Relationship Status Hurts the Elderly*

Shefali Miczarek-Desai (University of Arizona) & Tara Sklar (University of Arizona), *Racial Justice in Long-Term Care: Amplifying the Voices of Immigrant Workers*

SECTION LEADERSHIP

The Section on Aging and the Law will hold its elections for leadership positions for the 2022-23 year on Wednesday, January 5th from 2-3pm at the virtual Networking Meeting at the 2022 AALS Annual Meeting. We are delighted to announce the following slate of candidates:

Chair – Kathryn Liss (DePaul University College of Law)

Chair-Elect – Joan Foley (Jacob D. Fuschberg Law Center, Touro College)

Secretary – Tara Sklar (University of Arizona James E. Rogers College of Law)

Treasurer – Kendall Kerew (Georgia State College of Law)

Executive Committee: Alex Boni-Saenz, Naomi Cahn, Richard Kaplan, Alicia Kelly, Nina Kohn, Browne C. Lewis, Rachel E. Lopez, Mary Helen McNeal, Rebecca C. Morgan, and Jessica Dixon Weaver.

ANNOUNCEMENTS

Joan Foley, Kermit Gitenstein Distinguished Professor of Health Law & Policy and Professor of Legal Process, organized and delivered the Closing Remarks of the Aging, Health, Equity, and the Law Conference. Touro College Jacob D. Fuchsberg hosted the virtual Aging, Health, Equity, and the Law Conference on September 13, 2021. The conference theme focused on structural and systemic questions about discrimination and equity that older adults experience, and on policies recognizing these different challenges and promoting equity. The conference featured individual presentations, panel presentations, and discussion groups, as well as networking and mentoring sessions. The keynote address was delivered by Professor Nina Kohn, Syracuse University College of Law, and Distinguished Scholar in Elder Law, Solomon Center for Health Law & Policy, Yale Law School. Touro Dean Elena Langan and Provost Patricia Salkin spoke in the plenary session. Articles from speakers at the conference will be published in a forthcoming spring 2022 Touro Law Review edition.

Professor Tara Sklar accepted two additional appointments at the University of Arizona, including in the College of Medicine-Tucson where she serves as the Senior Faculty Advisor for Telehealth Law & Policy and in the University of Arizona Health Sciences (composed of Nursing, Medicine, Pharmacy, and Public Health Colleges) to serve as Senior Faculty Advisor for the new Innovations in Healthy Aging initiative. They plan on offering a series of hybrid events in Arizona and Washington DC as part of the new Innovations in Healthy Aging. Call for Proposals related to these events will be shared with the AALS Section on Aging and the Law in 2022. Professor Sklar also reports the following grant: Racial Justice in Long-Term Care: Amplifying the Voices of Immigrant Workers, Arizona Office of Research Innovation & Impact and Hispanic Serving Institution Seed Grant, (PIs: Tara Sklar and Shefali Milczarek-Desai) (2021-2022).

NEWS AND NEWSWORTHY

Alexander A. Boni-Saenz:

Publications

- [*Legal Age*](#), 63 BOSTON COLLEGE LAW REVIEW __ (forthcoming 2022).
- [*Age Diversity*](#), 94 SOUTHERN CALIFORNIA LAW REVIEW 303 (2021).
- *Advance Consent and Network Consent*, in ROUTLEDGE HANDBOOK OF DISABILITY AND SEXUALITY (Russell Shuttleworth & Linda Mona, eds. 2021).
- [*Are Sex Robots Enough?*](#), 47 JOURNAL OF MEDICAL ETHICS 35 (2021).

Victoria Haneman

Publications

- *Prepaid Death*, __ HARV. J. ON LEGIS. __ (2022) (forthcoming)
- *Alkaline Hydrolysis*, __ ACTEC L.J. __ (2021) (forthcoming)
- *Funeral Poverty*, 55 U. RICH. L. REV. 387 (2021) (lead article)
- *Tax Incentives for Green Burial*, 21 NEV. L.J. 491 (2021)

Richard Kaplan

Publications

- *Estate Planning for Retirement Benefits after the SECURE Act*, 46 ACTEC L. J. 79 (2020).
- *What Every Student Loan Borrower Needs to Know About the New Relief Law*, CRAIN'S CHICAGO BUSINESS, March 22, 2021, online.
- *The Era of Low Taxes is Over*, U. ILL. L. REV. ONLINE, PRESIDENT BIDEN'S FIRST 100 DAYS IN OFFICE, April 30, 2021.
- *Medicare for All vs. Medicare As Is: Eight Key Differences*, 12 J. AGING L. & POL'Y 115 (2021).
- *The New Income Projection Rules for Defined Contribution Plans*, 172 TAX NOTES FED. 897 (2021) (with Barry E. Federici).

Presentations

- *Elder Law Impact of COVID-19*, East Central Illinois Estate Planning Council, Decatur.
- *Incorporating Current Issues in Teaching Aging and the Law*, AALS Section on Aging & the Law, virtual.
- *Incorporating Cultural Sensitivity in Elder Law Courses*, Aging, Health, Equity, and the Law, Touro College Jacob D. Fuchsberg Law Center, virtual.
- *Preferencing Nonmarriage in Later Life*, Roundtable on Nonmarriage and the Law, Washington University School of Law, virtual.

Tara Sklar

Publications

- Justice Ginsburg's Health Law Jurisprudence: Equity is Inextricably Linked to Healthcare, in *The Jurisprudential Legacy of Justice Ruth Bader Ginsburg*, Ann Bartow & Ryan Vacca, eds., New York University Press (forthcoming 2022) (with Kirin Goff)
- Workforce Development in Healthy Aging Through the Social Determinants of Health, Aaron Guest & Elaine Jurkowski, eds., American Public Health Association Press (2021) (with Michelle Newman, et al.)
- Implementation and Enforcement of Quality and Safety in Long-Term Care in COVID-19 Policy Playbook: Legal Recommendations for a Safer, More Equitable Future, S. Burris, S. de Guia, L. Gable, D.E. Levin, W.E. Parmet, and N.P. Terry, eds., Boston: Public Health Law Watch (2021)
- The Return of Typhoid Mary? Immigrant Workers in Nursing Homes, 1 *Journal of Elder Policy* 175 (2021) (with Shefali Milczarek-Desai).

Presentations

- Frailty, New Technologies, & Health Justice, Association of American Law Schools 2021 Annual Meeting, Section on Aging & the Law, January 6, 2021
- Vaccine Distribution in Long-Term Care: Is it Working?, University of Arizona Health Sciences, February 5, 2021
- Where Do We Go From Here? Long-Term Care After COVID-19, University of Indiana, Robert H. McKinney School of Law Annual Conference, February 26, 2021 (Keynote)
- Long-Term Care After COVID-19, Symrolic 2021: 9th International Research Conference on Rule of Law in Context: Indian and Global Perspectives, Symbiosis Law School, March 13, 2021
- Future Preparedness: End of Life Care & Bereavement in a Pandemic, Collaborative for Global Adaptive Pandemic Solutions, University of Arizona, May 17, 2021
- Triumphs & Tensions of the Telehealth Boom, Harvard Law School, April 7, 2021
- Long-Term Care as the Frontier for Home Use Diagnostics & Digital Health, HealthTech Connect, December 3, 2021.

Megan S. Wright

Publications

- *Resuscitating Consent*, 63 B.C. L. REV. (forthcoming 2022).
- *Legal Issues in Dementia*, in *THE BEHAVIORAL NEUROLOGY OF DEMENTIA* (Bruce Miller & Brad Bouve eds., forthcoming) (with Jalayne Arias & Ana Tyler).
- *Implementing Ethical and Legal Supported Decision Making: Some Unresolved Issues*, 21 AM. J. BIOETHICS 40 (2021).
- *Equality of Autonomy? Physician Aid in Dying and Supported Decision-Making*, 63 ARIZ. L. REV. 157 (2021).

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