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MASTERING ELDER LAW

THIRD EDITION

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CECIL C. HUMPHREYS PROFESSOR OF LAW
UNIVERSITY OF MEMPHIS SCHOOL OF LAW



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SERIES EDITOR'S FOREWORD

The Carolina Academic Press Mastering Series is designed to provide you with a tool that will enable you to easily and efficiently “master” the substance and content of law school courses. Throughout the series, the focus is on quality writing that makes legal concepts understandable. As a result, the series is designed to be easy to read and is not unduly cluttered with footnotes or cites to secondary sources.

In order to facilitate student mastery of topics, the Mastering Series includes a number of pedagogical features designed to improve learning and retention. At the beginning of each chapter, you will find a “Roadmap” that tells you about the chapter and provides you with a sense of the material that you will cover. “Checkpoints” at the end of each chapter encourage you to stop and review the key concepts, reiterating what you have learned. Throughout the book, key terms are explained and emphasized. Finally, a “Master Checklist” at the end of each book reinforces what you have learned and helps you identify any areas that need review or further study.

We hope that you will enjoy studying with, and learning from, the Mastering Series.

Russell L. Weaver
PROFESSOR OF LAW &
DISTINGUISHED UNIVERSITY SCHOLAR
UNIVERSITY OF LOUISVILLE,
LOUIS D. BRANDEIS SCHOOL OF LAW

PREFACE

I thank Donna Harkness, William Kratzke, Janet Richards, Dorothy Wells, and Nicholas White for their insightful comments and suggestions on various chapters or previous editions of this book. I am especially grateful to Phill Ruston and Cheyenne Staten for their excellent research assistance and to Karol Landers for her terrific administrative assistance on this edition.

I also thank the students in my Elder Law classes at the University of Memphis. Their interest and curiosity provide a continuous opportunity for me to learn new things and to see old things afresh. Their stories and the stories of their families evidence the importance of Elder Law and the growing need for lawyers to serve America's elderly population.

I dedicate this book to my mother, Alice Dean Brashier, who passed away in her nineties as the manuscript was nearing completion. She was a constant source of encouragement as I worked on this project. When I sometimes became dispirited in writing about the many (and often sad) legal problems the elderly can face, my mother's life—filled with grace, wit, and wisdom—reminded me that old age can also be a time of great beauty and meaning.

In part, this book discusses how elder law has evolved over the past few decades. I hope the continuing evolution of elder law will promote what we should intuitively know: that it is up to us to ease the path for our elderly to enjoy a wonderful old age. In so doing, we in turn will receive the benefit of the many lessons and blessings the elderly can bestow upon us.

ABOUT THE AUTHOR

Ralph C. Brashier, Cecil C. Humphreys Professor of Law at the University of Memphis, has been a faculty member since 1990. He received his LL.M. from Yale Law School.

Professor Brashier teaches in the areas of elder law, wills and estates, and property. His scholarship focuses on the need for laws that better reflect the increasing complexity of modern family structures and that respect and encourage the autonomy of the elderly.

Professor Brashier has received the Farris Bobango Award, the highest recognition of scholarship at the law school. Twice the recipient of the University of Memphis Distinguished Teaching Award, he has also received the Law School Alumni Association Distinguished Teaching Award and the Murrell Ethics and Professionalism Teaching Award. On thirteen occasions, the law school graduating class has selected him as Professor of the Year.

