

**SAN DIEGO COMMUNITY COLLEGE DISTRICT  
CITY, AND MIRAMAR COLLEGES  
ASSOCIATE DEGREE COURSE OUTLINE**

**SECTION I****SUBJECT AREA AND COURSE NUMBER:** Legal Assistant 200**COURSE TITLE:** Elder Law**Units: 3**  
Grade Only**CATALOG COURSE DESCRIPTION:**

This specialty elective in the Legal Assistant program focuses on legal topics that affect older people. These topics include financial and estate planning, health care, personal planning and protection, and consumer protection. This course benefits students seeking employment in law firms handling elder law and senior care housing facilities.

**REQUISITES:****Advisory:**

LEGL 105 with a grade of "C" or better, or equivalent  
or  
LEGL 110 with a grade of "C" or better, or equivalent

**FIELD TRIP REQUIREMENTS:** May be required**TRANSFER APPLICABILITY:** Associate Degree Credit & transfer to CSU and/or private colleges and universities**TOTAL LECTURE HOURS:** 48 - 54**TOTAL LAB HOURS:****STUDENT LEARNING OBJECTIVES:**

Upon successful completion of the course the student will be able to:

1. Identify various areas of law that affect older people
2. Apply unique techniques designed for interviewing elder clients
3. Differentiate and prepare various documents used in estate planning
4. Prepare a durable power of attorney
5. Locate, read, and interpret statutes dealing with estate planning
6. Locate, read, interpret, and compare statutes dealing with health care issues affecting the elderly
7. Prepare health care directives
8. Identify and apply techniques used to collect information on behalf of elderly clients
9. Research and evaluate public benefits available to the elderly client
10. Prepare guardianship documents
11. Describe special statutes and litigations that protect the elderly.

**SECTION II****1. COURSE OUTLINE AND SCOPE:**

## A. **Outline Of Topics:**

The following topics are included in the framework of the course but are not intended as limits on content. The order of presentation and relative emphasis will vary with each instructor.

- I. Introduction to elder law
  - A. Multidisciplines within elder law
  - B. Growing need for elder-law specialists.
- II. Unique practice problems with elderly clients
  - A. Gathering and preserving information
  - B. Accessing the firm
  - C. Interviewing disabled clients
  - D. Ethical considerations
    - 1. Identifying the client
    - 2. Evaluating the client's capacity.
- III. Financial and estate planning and administration
  - A. Wills
  - B. Trusts
  - C. Gifting
  - D. Durable power of attorney
  - E. Retirement benefits
  - F. Life insurance
  - G. Intestacy
  - H. Probate
  - I. Post-death transfers.
- IV. Resources and benefits for the elderly client
  - A. Housing
    - 1. Subsidized housing
    - 2. Landlord/tenant and rent-control issues
    - 3. Utilities/weatherization programs
    - 4. Home sharing
    - 5. Home equity conversion
    - 6. Assisted-living housing developments
    - 7. Tax credits and/or abatements for homeowners.
  - B. Medicare/Medicaid
  - C. Social Security Income (SSI)
  - D. Veteran's benefits
  - E. Food stamps
  - F. General assistance (trustee benefits)
  - G. Unemployment insurance
  - H. Private pensions.
- V. Health care planning
  - A. Planning long-term health care needs
    - 1. Hospitals: elder care services and payment options
    - 2. Nursing homes or alternatives: protective services for abuse or neglect, patient self-determination, and rights of patients and nursing facilities.
  - B. Insurance options
    - 1. Medicare/Medicaid
    - 2. Medigap policies
    - 3. Long-term disability policies
    - 4. Dreaded disease policy
    - 5. Other health insurance options.
  - C. Mental health services
  - D. Civil commitment.
- VI. Planning for death, disability, and illness
  - A. Power of attorney
  - B. Appointment of health care representative
  - C. Living wills/advanced directives.

## B. **Appropriate Outside Assignments:**

Outside assignments may include, but are not limited to, the following:

- I. 1. Visit a nursing home
- II. 2. Visit adult protective services
- III. 3. Find six agencies that are concerned with elder care issues. Interview people working at those agencies
- IV. 4. Contact a state representative and determine pending legislation that may affect seniors in your community
- V. 5. Conduct mock interviews with elderly clients.

**C. Writing Assignments:**

Writing assignments are required and may include, but are not limited to, the following:

- I. 1. Draft a will or trust
- II. 2. Draft a durable power of attorney
- III. 3. Draft a living will and appointment of health care representative or advanced directive
- IV. 4. Draft correspondence to clients, nursing homes, banks, insurance companies, etc.
- V. 5. Draft a memo explaining probate and non-probate assets
- VI. 6. Complete essay exams and semester research projects.

**D. Reading Assignments:**

Reading assignments are required and may include but, are not limited to, the following:

- I. 1. Assigned textbook and study guide
- II. 2. Reviews of substantive and procedural laws that govern elder law and the rights of the elderly
- III. 3. Supplemental readings in elder law field from electronic sources or law journals, such as West's Paralegal Today and California Lawyer
- IV. 4. Hypothetical cases.

**E. Appropriate Assignments that Demonstrate Critical Thinking:**

Critical thinking assignments are required and may include, but are not limited to, the following:

- I. 1. Locate, compare, and contrast various kinds of medigap insurance policies
- II. 2. Research and analyze administrative procedures regarding Medicare, Medicaid, and Social Security
- III. 3. Differentiate and prepare legal forms for filing
- IV. 4. Apply principles of professional ethics to specific, factual situations involving elder law.

**2. METHODS OF EVALUATION:**

A student's grade will be based on multiple measures of performance unless the course requires no grade. Multiple measures may include, but are not limited to, the following:

- I. Essay examinations Semester research projects outlining elder law issues Out-of-class writing assignments that test application of technical skills with the elderly Participation and contribution to group activities Oral presentations on elder law issues.

**3. METHODS OF INSTRUCTION:**

Methods of instruction may include, but are not limited to, the following:

- \* Lecture Discussion
- \* Computer Assisted Instruction
- \* Discussion Seminar
- \* Audio-Visual
- \* Collaborative Learning
- \* Distance Education
- \* Lecture

\* Distance Education

**4. REQUIRED TEXTS AND SUPPLIES:**

Textbooks may include, but are not limited to:

**TEXTBOOKS:**

1. Averill. Averill's Uniform Probate Code in a Nutshell, 2001 ed. West Publishing Co., 2001,
2. Berman, D.. Social Security, Medicare, and Pensions, 6th ed. Nolo Press, 1997,
3. Davidson, C.. The Over 50 Insurance Survival Guide, 1995 ed. Merritt, 1995,
4. Helewitz, J.. Basic Wills, Trusts, and Estates for Paralegals, 2nd ed. Aspen Law and Business, 2002,
5. Hower, D.. Wills, Trusts, and Estate Administration for Paralegals, 5th ed. West Publishing Co., 2002,
6. Matthews, J.. Beat the Nursing Home Trap, 2nd ed. Nolo Press, 1997,
7. Mennell. Wills and Trusts in a Nutshell, 2nd ed. West Publishing Co., 1994,

**MANUALS:**

**PERIODICALS:**

**SOFTWARE:**

**SUPPLIES:**

1. Advocates Guide to Medicaid

**ORIGINATOR:** Darrel Harrison

**CO-CONTRIBUTOR(S)**

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