

## PROFESSOR'S SURVEY

*Attached you will find a survey designed to help generate the first comprehensive study of the dynamic field of elder law.<sup>1</sup> This study is being conducted by the Elder Law Study Group, a group of legal academics and elder law experts, brought together by the Borchard Foundation Center on Law and Aging and the Institute for Laws of Health and Aging at Pacific McGeorge School of Law, to describe the current status of the field of elder law teaching and scholarship and to formulate recommendations for the further development of the field.*

*Your participation in this study is critical to its success. Please complete the survey and return it in the attached self-addressed, stamped envelope.*

*Thank you in advance for your time. If you have any questions or concerns, please contact either: Nina A. Kohn, Associate Professor of Law, Syracuse University College of Law ([nakohn@law.syr.edu](mailto:nakohn@law.syr.edu)), or Edward D. Spurgeon, Distinguished Professor of Law, Pacific McGeorge School of Law ([nspurgeon@pacific.edu](mailto:nspurgeon@pacific.edu)).*

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<sup>1</sup> For the purposes of this study, elder law is defined as a specialized area of law focused on counseling and representing older persons or their representatives on later-in-life planning and other legal issues of particular importance to older adults. The study recognizes that, unlike many other areas of the law, elder law is defined primarily by the client population to be served, not by a distinct set of legal doctrines.

**Part A: About You**

A1. At what school do you teach?

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A2. What is your academic status? (please check all that apply)

- tenured doctrinal
- tenure-track doctrinal
- tenured clinical
- tenure-track clinical
- non-tenure track doctrinal
- non-tenure track clinical
- visiting
- adjunct

A3. What graduate degree(s) do you hold? (please check all that apply)

- JD
- Masters in: \_\_\_\_\_
- PhD in: \_\_\_\_\_
- Other: \_\_\_\_\_

A4. Do you have experience representing clients on elder law issues?

- Yes, I currently represent clients on such issues.
- Yes, I previously represented clients on such issues.
- No, I have not engaged in client representation on these issues.

A5. Have you ever taught a course or courses on elder law? If so, please list the relevant course(s):

*If your answer to Question A5 is "no," please skip ahead to Section C.*

A6. Which, if any, of the above courses do you currently teach?

A7. Did you previously teach a course or courses on elder law that you no longer teach? If so, why did you stop teaching the course(s)?

A8. If you previously taught a course on elder law that you no longer teach, is someone else now teaching it?

- Yes
- No
- Not applicable

A9. At what point in your academic career did you begin teaching elder law?

- I began teaching elder law in the first year I taught at a law school
- 1-3 years into my law teaching career
- 3-6 years into my law teaching career
- 6-10 years into my law teaching career
- 10-20 years into my law teaching career
- more than 20 years into my law teaching career

A10. What year did you begin teaching elder law? \_\_\_\_\_

A11. How frequently does your law school generally offer an elder law course?

- Every semester
- Annually
- Semi-annually
- Other (please specify): \_\_\_\_\_

**Part B: About Your Course(s)**

B1. Which one of the following best describes the format of your existing elder law course(s). If a course uses multiple formats, please choose a primary (1°) and secondary (2°) format. Please do not select more than two formats.

<i>Course 1</i>		<i>Course 2</i>		<i>Course 3</i>		
1°	2°	1°	2°	1°	2°	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lecture
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Socratic Method
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Group discussion
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Writing seminar
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clinical client representation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Experiential learning not involving client representation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (please specify):

\_\_\_\_\_  
 \_\_\_\_\_

B2. What subject areas do you cover in your elder law course(s)?

<i>Course 1</i>	<i>Course 2</i>	<i>Course 3</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Demographics of aging
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ethics
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Determination of capacity
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Age discrimination
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Social security
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pensions
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Medicare coverage
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Medicaid coverage
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other forms of health coverage
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Estate planning
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Medicaid planning
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nursing home rights and/or litigation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Guardianship and its alternatives
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Advance directives
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	End-of-life issues
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Elder abuse
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Senior housing
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Grandparent's rights
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Disability rights
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	International/comparative elder law
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Local/regional aging service providers
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (please specify): _____

B3. How many credits are offered for your elder law course(s)?

<i>Course 1</i>	<i>Course 2</i>	<i>Course 3</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 credit
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 credits
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 credits
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4 credits
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5 credits
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (please specify): _____

B4. Which of the following are required of students in your elder law course(s)? Which are optional? Please check the box marked "Req." next to any required component, and the box marked "Opt." next to any component that is made available to students but not required of them.

<i>Course 1</i>		<i>Course 2</i>		<i>Course 3</i>		
Req.	Opt.	Req.	Opt.	Req.	Opt.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Final exam
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Midterm exam
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Final paper
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Short paper(s)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Class participation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exercise(s)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Supervised client representation in an in-house clinic
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Supervised client representation in an externship
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Visit to a senior-oriented facility
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Attending talks by guest speakers from other disciplines
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (please specify): _____

B5. What teaching materials do they use in your use elder law course(s)?

<i>Course 1</i>	<i>Course 2</i>	<i>Course 3</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Frolik & Barnes Casebook (4th ed.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Frolik & Barnes, Statutory & Regulatory Supplement
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dayton, Wood, & Belian Casebook (3d ed.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dayton, Wood, & Belian, Statutory & Regulatory Supplement
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Elder Law in a Nutshell
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A state-based treatise
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exclusively your own materials
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Your own supplemental materials
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (please specify): _____

- B6. What are the strengths of your current teaching materials?
- B7. What are the weaknesses of your current teaching materials?
- B8. If you could have your ideal teaching materials spontaneously appear in front of you, how would they be different from those which you currently use?
- B9. Do you integrate age-related issues into other non-elder law courses you teach? If so, which other courses and which issues?
- B10. Does your law school offer elder law education to students other than those earning a JD (e.g., as part of a certification program, LLM, or interdisciplinary program)? If so, please explain:
- B11. On average, how many students enroll in your elder law course(s) each year?
- Course 1: \_\_\_\_\_
- Course 2: \_\_\_\_\_
- Course 3: \_\_\_\_\_

- B12. In the last three years you taught elder law, in your estimation, how many of the law students taking the course(s) planned to pursue careers where elder law is a significant component?
- None
  - < 10%
  - 10%-20%
  - 20%-30%
  - > 30%
  - I don't know

### Part C: About Scholarship

- C1. Do you publish scholarly work in the field of elder law?
- Yes: I currently publish scholarly work in the field of elder law.
  - No: I have published scholarly work in the field of elder law in the past, but do not do so currently.
  - No: I have never published scholarly work in the field of elder law.

*If you answered, "yes" to question C1, please continue with the next question. If you answered "no," please skip questions C2-C5 and instead proceed to Section D.*

- C2. What topics are the primary focus of your elder law related publications?

- C3. Who do you see as the primary audience(s) for your elder law related publications? If you have multiple such audiences, please rank in order of importance with "1" being the most important. Do not rank more than three.

- \_\_\_ Practicing attorneys
- \_\_\_ The judiciary
- \_\_\_ Policymakers
- \_\_\_ Other legal academics
- \_\_\_ Non-legal academics
- \_\_\_ Students
- \_\_\_ The public (e.g., elders, caregivers, etc.)
- \_\_\_ Other (please specify): \_\_\_\_\_

C4. Would you say that your scholarship falls into a particular school of thought?

- Yes  
If yes, please specify: \_\_\_\_\_
- No
- Unsure

C5. What is your preferred forum for publishing your work?

- A general law review
- A specialty law review
- A practitioner-oriented periodical (e.g., a magazine or newsletter)
- An interdisciplinary or non-legal academic journal
- A book or book chapter
- Other (please specify): \_\_\_\_\_

C6. In the past five years, how many times have you published in each of the following?

- | 0                        | 1                        | 2-3                      | > 3                      |  |
|--------------------------|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A general law review                               |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A specialty law review                             |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A practitioner-oriented periodical                 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | An interdisciplinary or non-legal academic journal |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A book (including a chapter in a book)             |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other (please specify): _____                      |

#### Part D: About the Future

D1. Which, if any, of the following organizations do you find helpful in informing your work?

- National Academy of Elder Law Attorneys (NAELA)
- National Elder Law Foundation (NELF)
- Gerontological Society of America/Association for Gerontology in Higher Education (GSA/AGHE)
- American Bar Association (ABA)
- State or local bar associations
- American Association of Law Schools (AALS)
- Other: \_\_\_\_\_

- D2. Which, if any, of the following organizations do you find helpful in sharing your work?
- National Academy of Elder Law Attorneys (NAELA)
  - National Elder Law Foundation (NELF)
  - Gerontological Society of America/Association for Gerontology in Higher Education (GSA/AGHE)
  - American Bar Association (ABA)
  - State or local bar associations
  - American Association of Law Schools (AALS)
  - Other:\_\_\_\_\_
- D3. In your opinion, are there adequate avenues for informing your work in the field of elder law?
- Yes
  - No
  - I don't know
- D4. If you answered "no" to question D3, what changes would you recommend?
- D5. In your opinion, are there adequate avenues for sharing your work in the field of elder law?
- Yes
  - No
  - I don't know
- D6. If you answered "no" to question D5, what changes would you recommend?

**Part E: Anything Else?**

- E1. While we have attempted to make this survey comprehensive, we recognize that it can not and does not cover all topics. Please feel free to use this section (and any additional pages you wish) to tell us anything else about elder law teaching and scholarship.