

# Preface

This book is for attorneys who have an interest in dealing with the legal problems of their older clients and for attorneys who are interested in practicing elder law or at least having an appreciation and understanding of that practice. It is also designed to be of interest to attorneys who are aging and want to be better informed about the programs and legal choices that they face.

This book focuses on the legal issues that can arise in old age and the various laws and governmental programs that address those issues. An attorney can read through the book or dip into the individual chapters. Each chapter stands alone; every chapter both illuminates an issue and describes how the law has responded.

The book is divided into three parts that reflect the different stages of aging. Part I, Retirement Considerations, discusses the issues that arise with retirement, including income and paying for medical care. Part II, Post-retirement Issues, addresses the issues that most, older individuals face in their 70s, such as housing concerns and identifying alternate decision makers for their property and person. Part III, Later-Life Concerns, focuses on the problems associated with the end of life, such as the need for long-term care and planning for the possible loss of mental capacity.

This book is not intended as a treatise, therefore the lack of extensive footnotes. I have provided footnotes for cases and statutes, but not for the more general statements. Every statement in the book can be verified on the Internet. Those looking for an expanded discussion on any topic are encouraged to search the Internet or consult an appropriate legal treatise or single-volume text that explores the topic in detail.

**Note:** Like many authors, I do not feel comfortable using the singular pronouns “he,” “him,” and “his” as a gender neutral term. Even if meant to be gender neutral, they cannot help but be read as referring to men. The gender reference is not avoided by using “she,” “her,” and “hers.” To avoid the gender connotation,

many authors now use “he and she.” That is awkward, however, and leads to having to use “his and hers” and “him and her.” An alternative is to use a plural noun. For example, rather than “The client may prefer to keep his or her finances secret from his or her children, because he or she is a private person,” the sentence can read, “Some clients prefer to keep their finances secret from their children, because they are private persons.”

Although the plural is preferable, it is not always workable. The better solution, and the one adopted in this book, is to use “they,” “them,” and “their” to refer to a single individual. For example, “A client may prefer to keep their finances secret from their children, because they are a private person.” Some object to that use, claiming it to be ungrammatical. Perhaps, but plural pronouns have long been used to refer to a single person, and the practice is becoming increasingly common. Given the desire of modern writers and readers for gender neutral pronouns, the use of “they,” “them,” and “their” is going to become evermore common. And so that is how I use those terms in this book.