
Preface

This casebook is different than other casebooks you may have used in your law school studies. Although the subject area is elder law, we approach the study of elder law in this book in a different way. We view elder law as a “horizontal” area of law, in that elder law can encompass a number of legal issues, such as contracts, torts, property, agency, evidence, criminal law, constitutional law, administrative law, professional responsibility, and more. We realize that many of these subject areas are the subject areas that are covered in a law school’s required curriculum. From this thinking arose our idea for this book, *Elder Law in Context*. The *context* of this book is this: We discuss elder law in the context of these various areas of law. We wrote this book so it can be used either for an elder law specific course or for a capstone course.

As do traditional casebooks, we relied heavily on cases to illustrate the various issues and topics. Consistent with our view of elder law as a horizontal area of practice, many of the cases discuss multiple issues involving elder law, so you may find that a particular case builds on a topic discussed in a prior chapter or sets the stage for a topic to come later. In those instances, the cases may be longer in length to allow you to learn about the various topics illustrated in the cases.

We don’t, however, just rely on cases to convey the material to you. We also use various other sources, such as statutes, regulations, agency publications, and websites. We do this so that you can learn about all the resources that exist in elder law. In some instances we provide the material for you, such as the cases. In other instances, we ask that you read material outside of the book, such as statutes and regulations. This makes learning a more interactive experience for you. Many of these materials can be found on this casebook’s companion website, http://aspenlawschool.com/books/Morgan_ElderLaw/.

Note that the cases and other excerpted materials have been edited for length and to enhance their readability. We have indicated the omission of some text by using ellipses, but most deleted text, including original footnotes and citations, have been omitted without indication. Footnotes are numbered consecutively from the beginning of each chapter, and the few original footnotes we have retained have been renumbered. Footnotes that we have added to excerpts are identified by the following notation:—Eds.

We also want to be sure you have an opportunity to apply what you have learned. To that end, you are provided with a hypothetical client, who appears in each of the chapters. You will be given client facts as needed for the subject area, questions are posed to you, examples are offered, and at the end of most chapters we include a practical exercise that allows you to use what you have learned in answering a question from your client.

One other thing sets this book apart from other casebooks that you have used. Five of us co-authored this book; all of us are experts in specific fields. We wanted to make sure our voices came through in the chapters that we authored, so you may notice different writing styles if you compare the various chapters.

As you go through the materials in this book, keep in mind the practical knowledge you are obtaining. Even if you don't plan to practice elder law or a related field, all of us are aging, and regardless of your practice area, the knowledge you will gain from this book will apply to your clients or their families.

We hope you enjoy your course and this book.

Professors Morgan, Bauer, Flowers, Morrissey, and Radwan

May 2017