

# Why Elder Law? A Recent Graduate's Perspective

By Malya Levin, Deirdre Lok and Joy Solomon

The challenges and obstacles facing today's cadre of new attorneys are well known. A simple Internet search reveals a plethora of longtime practitioners dispensing much needed advice to these nascent lawyers regarding which skills to develop, what experience to seek to distinguish themselves and help create a path for a successful career. In 2012, the



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American Bar Association (ABA) created a Task Force on the "Future of Legal Education." The group consists of two sub-committees. One is charged with "examining the potential for innovation and improvement in how law schools deliver education," while the other will focus on "the economics of legal education and its impact on individual graduates and the profession." Both committees are currently soliciting comments from legal professionals, with the goal of producing a report by fall 2013.<sup>1</sup>

These developments indicate a growing realization among recent graduates that waiting for their law schools to steer them into a rewarding career is not a realistic expectation. Students and new lawyers must balance the needs of the job market with their own professional ambitions and proactively seek out fields of practice that, while perhaps underemphasized in an academic setting, will provide them with many of the tools and practical skills they seek.

This backdrop creates a timely framework for analyzing the enriching and attractive aspects of a career in elder law. Both experienced practitioners and institutional gatekeepers like the ABA believe that the unique facets of elder law can help new lawyers to find a career in a growing field, gain varied experience, learn how to apply legal ethics, develop professional connections and continuously master new skills. Here is an analysis of the ways in which some of these words of wisdom are actualized in the field of elder law.

## Find a Growing Field with Ever-Increasing Legal Needs

Much is made of the fact that there are an increasing number of law school graduates and a decrease in the number of jobs available. The irony, however, is that there are also large swaths of the population who do not have access to quality legal representation.



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New attorneys are therefore seeking to position themselves in under-recognized growth areas. The elderly are often particularly vulnerable and in need of legal safeguards. Also, their numbers are poised to swell in the coming decades. Gaining the skills that will be useful in servicing the increasing legal needs of senior citizens will allow new law school graduates to carve out a client base for themselves and to buck the trend experienced by many new lawyers who are having difficulty putting their degree to use.

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## Experience a Variety of Substantive Practice Areas

The legal needs of older adults are as varied and individualized as the range of legal remedies itself. The practice of elder law extends far beyond the stereotypical conceptions of trusts, estates and guardianships. A new elder law attorney might be exposed to issues of criminal law, property, tort, trial litigation and civil procedure, family law, health law, civil rights issues, and domestic and family violence.

Elder law is the coming together of all aspects of law. During my time working with the clients at the Weinberg Center's elder abuse shelter, it was not uncommon to use my knowledge of state civil procedure, property issues, contracts, and wills all in a single case.

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Achieving a level of mastery over these varied areas gives new lawyers practical skills that will make them increasingly valuable in the job market. While some of these areas are emphasized in a traditional law school curriculum, many of the most practically applicable ones are not. For example, administrative regulations surrounding access to public benefits such as social security, public assistance and housing are complex and ever-changing. Navigating Medicare, Medicaid and other legal issues surrounding the health care system, including the laws and regulations that govern interactions with geriatricians, psychiatrists and other medical personnel, can also be a daunting task that is almost guaranteed to require the assistance of a qualified professional. Mastery of these systems is an extremely valuable asset and is given short shrift in law school.

Another example of a desirable area of expertise is prevention and remedy of financial exploitation of the elderly. This is an astoundingly prevalent phenomenon, with 4.1% of all older adults in New York State experiencing a major financial exploitation event<sup>2</sup> and a national annual financial loss to victims of \$2.9 billion.<sup>3</sup> Experience in combating this epidemic will also involve interaction with the District Attorney's office, law enforcement and other multi-disciplinary teams.<sup>4</sup> Practicing elder law inevitably involves navigating this maze of interlocking systems, and that ability will prove increasingly invaluable to employers in a variety of practice areas.

### **Gain Exposure to Professionalism/Ethics Issues**

This advice is linked to the other frequent charge to focus on interpersonal/communication skills. The stereotype of a new lawyer who spends the first years of his career reviewing documents in a windowless room is based largely on the traditional paths emphasized by law schools. However, this sort of experience can leave a skill set gap that is deleterious to a lawyer's employment prospects. Employers want a new team member who is capable of interacting with clients in a way that reflects positively on the firm and the profession, and of handling ethical issues that often arise in a timely and sophisticated way. The practice of elder law involves a good deal of client interaction, and those clients, and by extension their attorneys, are generally engaged in critical decision making that often involves the divergent interests of many different parties. An elder law attorney therefore becomes practiced at interacting professionally and productively with clients and/or their families who are often stressed or distressed.

Since aging is linked to increasingly complex medical needs as well as decreased cognitive capacity, lawyers in this field gain expertise in managing rela-

tionships with clients whose demeanor and demands might be difficult to interpret. New lawyers will learn the skill of forming relationships and building trust, breaking through the suspicion and wariness that older adults can understandably exhibit. Competence in these areas will set a young lawyer apart from his peers and allow him easier access to further career opportunities.

### **Find a Mentor and Forge Relationships and Connections**

This is an area in which the new lawyer who begins his career in a large transaction or litigation firm setting may in fact not have the opportunities that lead to long term career success and fulfillment. Large firms with traditional hierarchies often provide little time for one-on-one protracted interactions with more experienced attorneys. Elder law, on the other hand, is a smaller field composed mostly of smaller and more specialized practices and firms. New lawyers are able to form closer working relationships with the lawyers in the firm's upper strata and can cultivate a mentor relationship. A mentor can help a new lawyer to pinpoint and focus on skill areas that need improvement, further sharpen strengths, navigate difficult assignments or political issues and strategize around long-term career goals. Studies link mentoring with job satisfaction across careers,<sup>5</sup> and the field of elder law allows new lawyers to forge this critical connection more quickly and easily than more traditional paths.

In a traditional firm setting, where roles tend to be more rigid and hierarchical, the opportunity to advocate for change or progress in a particular arena is rare to non-existent. Elder law practitioners, by contrast, make up a small and intimate community, and so there are a plethora of opportunities for even new lawyers to join collaborative projects and committees and begin to build connections in the field. Precisely because of the wide variety of legal areas implicated in the practice of elder law, the community is constantly collaborating to digest and synthesize new developments, address emerging problems and make recommendations for future change. These groups welcome new voices and eager hands, and provide opportunities for new attorneys that others may not have access to until well into their careers.

### **Take Risks and Keep Learning**

As discussed above, the legal needs of older adults are extremely varied and each client presents a new and often dramatically unique story. Therefore, it is difficult for the elder law attorney to master a particular set of legal tools and then remain within that comfort zone, utilizing the same legal arsenal over and over. While this experience might be common in a larger

firm or a different practice area, the opposite is generally true for the elder law practitioner. An elder law attorney accustomed to preparing probate documents might suddenly find herself representing a client in housing, family or civil court. An attorney whose last ten cases were petitions for guardianship in civil court might have to file a divorce petition for the eleventh case. This nearly constant need to quickly navigate and master new legal arenas will ensure that new attorneys acquire both a wider skill base as well as the qualities of flexibility, adaptability, and resourcefulness sought by legal employers of all sorts.

## Endnotes

1. [http://www.americanbar.org/groups/professional\\_responsibility/taskforceonthefuturelegaleducation.html](http://www.americanbar.org/groups/professional_responsibility/taskforceonthefuturelegaleducation.html), last visited December 10, 2012.
2. Lifespan of Greater Rochester, Inc., Weill Cornell Medical Center of Cornell University, New York City Department for the Aging, *Under the Radar: New York State Elder Abuse Prevalence Study*, May (2011) at <http://www.ocfs.state.ny.us/main/reports/Under%20the%20Radar%2005%2012%2011%20final%20report.pdf>, pg. 3.
3. Metlife Mature Market Institute, *The Metlife Study of Elder Financial Abuse*, June (2011) at <https://www.metlife.com/assets/cao/mmi/publications/studies/2011/mmi-elder-financial-abuse.pdf>, pg. 2.
4. In New York City, some of these teams include: New York City Elder Abuse Network (NYCEAN), Brooklyn Elder Abuse Meeting at the Brooklyn DA's office (BEAM), Bronx Elder Abuse Task Force Meeting at the Bronx DA's office, Elder Abuse Case Coordination and Review Team (EACCRT), Brooklyn Multi-Disciplinary Team and New York City Elder Abuse Center Multi-Disciplinary Team.
5. Tammy D. Allen, Lillian T. Eby, Elizabeth Lentz, Lizzette Lima and Mark L. Poteet, *Career Benefits Associated with Mentoring for Protégés*, *Journal of Applied Psychology*, Vol. 89, No. 1, 127, 130 (2004).

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