Book Review


by Maren Benedetti


Don’t be fooled by the modest size of this book, it contains the depth and detail of a much heftier volume. Ms. Rosenblatt delves into a great deal of detail about when and how Elder Law issues will pop up, even in a non-Elder Law focused practice. With over 45 years of experience working with elders, Ms. Rosenblatt fuses her keen legal sense with her background as a nurse, raising awareness of the special needs of elder clients and their families.

Ms. Rosenblatt starts off by turning the tables, encouraging the reader to confront his or her own beliefs about aging and some common myths and stereotypes that we all probably hold when we think about or encounter an aging client. She reminds us to interact with each aging client as an individual, with his or her own unique strengths and vulnerabilities.

It quickly becomes apparent that we, as legal practitioners, can’t just lump all aging clients into one category. We must take the time to assess each client’s own abilities and challenges in order to appropriately help them navigate their way through whatever legal issues they are having. There are a whole host of physical and psychological changes that each client may be dealing with as they age: diminished vision and hearing, physical changes, reduced attention span and stamina, dementia, and everything in between. It is our duty, as legal representatives, to take stock of these issues and to keep them in mind while we are communicating with our aging clients and their families.

In our work with elderly clients, we will often encounter family members with very strong opinions about how the client’s finances should be managed and how to best support the elderly client in their desire to live out their life in the manner they choose. Sometimes those family members don’t agree about the best approach to handle the many complex issues that come with aging. Ms. Rosenblatt provides some strategies and practice tips for dealing with some of those interfamily conflicts and encourages us to use the familiarity and knowledge that family members possess about our clients to help us get a better understanding of the client’s particular needs. She reminds us that we are also “counselors” at law, and sometimes a client who is resistant to the advice of their families will carefully consider their lawyer’s advice.

Just as we know that children and adolescents have been found by the courts to lack capacity to marry, to sign legal contracts, or even to commit a crime, so too have elders been found to have different levels of capacity and competence. This diminished capacity is not just for those activities but for others, like the capacity to write a will or the competence to manage their own financial affairs. Sometimes an elder will seem competent in a social setting but is easily confused when trying to make simple calculations, such as deciding how much to tip a waiter, or is unable to advocate for his or herself in a medical appointment. From bringing in geriatric specialists, to interviewing family members, Ms. Rosenblatt highlights some of the tools available to lawyers to help assess the capacity and competence of our aging clients.

Ms. Rosenblatt presents the reader with a series of common legal issues that may come up in an Elder Law practice, highlighting the challenges many clients have with losing individual freedoms when they become unable to drive, manage their own financial affairs, or care for themselves in their own home. All of these issues can lead to conflict between the elder and his or her family members, or even between the family members. These issues can feel like a minefield for a lawyer representing an elder. Ms. Rosenblatt provides practical strategies for successfully traversing these challenges with the aging client and avoiding the breakdown of the family.

Of course, there comes a point in many families when the elder and the adult children cease to see eye to eye about the best path forward. Sometimes, the adult children will oppose each other, or one sibling might accuse another of trying to influence or take advantage of the aging client. Sometimes one of the siblings is abusing the aging client in order to gain a financial advantage over the other siblings in the aging client’s will. Ms. Rosenblatt provides a number of examples of different families and how they approached the changing needs of the elder.

Ms. Rosenblatt makes a persuasive pitch to get these families engaged in mediation sooner rather than later. Often what starts as a simple dispute results in family members becoming so entrenched in their positions that it is nearly impossible for them to reach common ground. The elder becomes estranged from adult children. Adult children refuse to speak to each other, while the resources of the elder (or the estate) become significantly depleted. She recommends finding a mediator who has experience with elders and enlisting additional professionals (such as a geriatric psychologist or a geriatric care manager) to better understand the limitations of the elder and help the family reach agreement.
Working with Aging Clients is an invaluable resource for any legal practitioner, whether they specifically have an elder law practice or they only rarely come into contact with an aging client. The practical tips, advice, and observations have changed my perspective on elders, not just in my legal practice, but in my life practice. I recommend this book to anyone who has regular contact with elders, in their offices or in their life.

Maren Benedetti is an associate at Cogdill Nichols Rein Wartelle Andrews in Everett, Washington. She has a BA in Music from Portland State University and a JD from Gonzaga University. Maren practices Criminal Defense, Estate Planning, Employment, Personal Injury, and Family Law. When she is not in the office she is spending time at her CrossFit Box and with her wife and four children.