

DON'T SKIP THIS! PRAISE FOR THE PRACTICING LAWYER AND THOSE TO WHOM CREDIT IS DUE



We are very excited to share this book with you. We had you in mind from the beginning. Our primary goal was to create a book that will be read by, be applied by, and be helpful to attorneys working with persons with dementia and their families. That is why we, as your fellow practicing attorneys, agreed to fit this project into our lives.

We acknowledge you! You are the counselors at law who spend 60 to 80 hours working per week. You have a spouse or significant other who wishes that you would just say no to the endless lists of things that you agree to do. You are the leaders who must meet a payroll; woo clients; go to court; attend funerals, weddings and bar mitzvahs—and still see your kids' or grandkids' soccer games.

We, Kerry and Rick, really want to thank our own devoted sweethearts, Hillary Peck and Rose Law. They have put up with us for a long time. We know we do a lot of things that make you roll your eyes, but we admit that you bring out the best in us!

This book would not be possible without the sacrifices of the legal teams at both Peck Bloom, LLC and Law ElderLaw, LLP. Our teams supported us both personally and financially in the creation of this book.

This book idea originated with the American Bar Association. ABA editor Erin Nevius brought the concept to Kerry Peck. Once Kerry got inspired, he asked Rick Law to “help out.” As lawyers who practice law alongside our adult lawyer children, we did use a little parental encouragement to enlist Brandon Peck, Esq. and Diana Law, Esq. to become contributors. Together we got the project rolling.

From the start, we knew that you should hear from the many voices of insight and wisdom that are outside of the law. These are the voices of caregivers, health care professionals, and others who need to be heard, so that your clients with dementia and their families can find not only legal solutions but also care and peace of mind.

Katherine Motley, an experienced member of the Law ElderLaw team, is a gifted writer, storyteller, and teacher. She has the title of Executive VP of Operations, but that underestimates her client-centered experiences within the elder law firm. She is an author in her own right of a book entitled *7 Secrets to Success in Your Law Firm* and the co-author with Rick Law of a book entitled *Cruising Through Retirement—Avoiding the Potholes*. Many of this book’s practice pointers and client stories were written by Kathy. It would not be too much of a stretch for us to call her a co-author of this book.

Anything that Jessica Bannister of Law ElderLaw decides to do, she does extremely well. We often refer to her as “VP of Special Projects.” For this project she was the organizational hub of operations. She coordinated the diverse interviews, research assignments, editorial deadlines, and administrative details. Without Jessica, we could not have delivered this project on time.

Special thanks needs to be extended to Kerry Peck’s dear friend and colleague Sanford I. Finkel, M.D. Over the years they have both been involved with intriguing cases and discussions involving testamentary capacity as it may be influenced by dementia, depression, psychosis, medication, and end-of-life issues. They enjoy being both friends and neighbors.

As lawyers we know when to call in expert help. For the chapter on special needs trusts, we reached out to nationally recognized attorney Timothy L. Takacs of Hendersonville, Tennessee. Tim has been an especially close friend of Rick and Diana Law. We have deeply appreciated his mentorship in guiding us in the development of our own elder law practice.

Our chapter on financial exploitation is a treasure, thanks in part to the contributions of attorney Charles (Chuck) Golbert, Deputy Public

Guardian of the Office of the Cook County Public Guardian of Chicago, Illinois. He is responsible for overseeing the operation of the office's guardianship services for its 800 adult wards with disabilities, including legal and social services and management of more than \$100 million in collected ward assets. He has been lead counsel in numerous financial exploitation lawsuits that have achieved the recovery of tens of millions of dollars in assets stolen from persons with Alzheimer's disease and other disabilities.

Another voice that we deeply appreciate is that of our friend Shay Jacobson. Shay is the President and CEO of Life Care Innovations, Inc., the largest home healthcare agency in the Chicago metropolitan area. Her operation focuses on disputed guardianships as well as complex care management for persons with substantial disabling conditions. She is an able storyteller and a consummate professional. Her compelling stories provide lead-ins for our chapters on guardianship and financial exploitation.

We still needed even more help to put together the various puzzle pieces of research, interviews, and stories. That role was filled by attorney Robert Wilson. Bob's day job involves editing several legal and tax journals. For the year and a half that we spent working on this project, he helped us provide you, the reader, with a beautifully put together piece of work—as opposed to having a lot of random puzzle pieces lying on the table after we each threw in our disparate contributions.

We want to thank the wonderful people we interviewed who generously allowed us to use their stories within this book. You will find the interviews between the chapters or woven into the fabric of the text.

- Cherie Aschenbrenner, Crime Prevention Specialist and Elderly Service Officer, City of Elgin, Illinois Police Department
- Dr. Dean Bryson, educational psychologist
- Scott Ewing, Chief Operating Officer at The Oaks, Orangeburg, South Carolina
- Dr. Sanford Finkel, clinical professor of psychiatry at the University of Chicago Medical School *and* an active clinician
- Amy Flynn, Elder Abuse Supervisor, Senior Services, Kane and Kendall Counties, Illinois
- Charles (Chuck) P. Golbert, Deputy Public Guardian and Supervisor of Adult Guardian Division, Office of the Cook County, Illinois Public Guardian

- Jo Huey, Licensed Nursing Home Administrator, Alzheimer's caregiving trainer, and author
- Shay Jacobson, RN, Bachelor and Masters degrees, Master Guardian, founder and president of Lifecare Innovations, Lifecare Solutions, and Lifecare Guardianship in the Chicago metropolitan area
- Harry Johns, President & CEO, Alzheimer's Association
- Rev. James McGee, CEO of the Oaks, a Continuous Care Retirement Community, Orangeburg, South Carolina
- Dr. Sara F. Mosey, Au.D., Doctor of Audiology, San Diego, California
- Dr. Nishad (Nick) Nadkarni, licensed physician and surgeon in Wisconsin and Illinois, board certified general and forensic psychiatrist
- Caroline Peterson, R.N. with a special certificate in hospice and palliative care
- Stacie Pierce, COTA (Certified Occupational Therapy Assistant), CSA (Certified Senior Advisor), ATP (Assistive Technology Practitioner) CAPS (Certified Aging in Place Specialist), from The Oaks, Orangeburg, South Carolina
- Dr. William Theis, Senior Scientist in Residence, Alzheimer's Association
- Linda Voirin, Victim's Advocate, Seniors & Persons with Disabilities Unit, Office of Joseph H. McMahon, Kane County, Illinois State's Attorney

Our research assistants included law students from two Chicago area colleges of law. From John Marshall College of Law, we were assisted by Amanda C. Wyzykowski and Brittany Bergstrom. From Northern Illinois University College of Law, we were assisted by Bryant Storm, Brandon Ayers, and Colby Hathaway.

It is not an exaggeration to say that working on this book has substantially expanded our own lives and taught us more than we had ever imagined. We are very proud to have been the team captains on this project. We truly hope we can help you, the reader, make a positive difference for persons with dementia and those who love them.



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