

# **ELDER LAW RESEARCH GUIDE**

Karen E. Kalnins

[kkalnins@okcu.edu](mailto:kkalnins@okcu.edu)

Reference Librarian

Oklahoma City University Law Library

Last Updated 12/4/08

## **Introduction and Purpose**

With ever-increasing numbers of Americans aging and living longer, elder law has grown in importance. Elder law covers a wide variety of issues such as estate planning, government benefits, healthcare, age discrimination, and disabilities.

This guide will give you a brief overview of the law in this area and outline the print and electronic resources available at the OCU Law Library. The guide will also mention freely available electronic resources. However, this guide should not be construed as or substituted for legal advice.

## **Defining Elder Law**

Elder law can be defined as the body of law that applies to people aged sixty-five and older. This law can apply to various aspects of someone's life such as taxes, public benefits, healthcare, and housing.

## **Elder Law Research**

The resources you use to research an elder law issue will depend on the facts presented and advice needed. So, the resources you use to set up a trust will differ from the sources you will need for a benefits denial case. If you are unfamiliar with this area of the law, it may be helpful to begin your research with a secondary source.

**NOTE:** Remember to check the coverage of any research source you use.

## **OCU Resources**

Below is a sample list of materials you may find helpful when researching an elder law issue. These resources are available electronically or at the Oklahoma City University Law Library. This list is not all-inclusive.

### **Secondary Materials**

**\*Note-Check each title for specific holdings and availability.**

#### **Treatises/Casebooks**

Generally, treatises give researchers a broad overview about a topic or area of the law. Casebooks can also provide background information but their target audience is students rather than practitioners.

1. *10th annual elder law institute: representing the elderly client of modest means / chair, Barbara J. Collins* at [KF337.5.A33 E44 1998](#).
2. *Elder law / Conference on Consumer Finance Law* at [KFO1291.A3 E5 1998](#).

3. *Basic elder law, 2000 / chair, Jeffrey G. Abrandt* at [KF337.5.A33 B38 2000](#).
4. *Oklahoma elder law: taking control in the planning process / by Jonathan W. Burch ... [et al.]* at [KFO1291.A3 O52 1994](#).
5. *Medicaid in Oklahoma / prepared by Forrest J. Danley ... [et al.]* at [KFO1291.A3 M43 2004](#).
6. *Basic elder law, 2001 / chair, Jeffrey G. Abrandt* at [KF337.51.A33 B38 2001](#).
7. *The lawyer's guide to elder injury and accident compensation / by James T. O'Reilly* at [KF1257 .O73 2004](#).
8. *Lawyer's guide to elder injury and accident compensation [electronic resource] / by James T. O'Reilly* is available electronically via the subscription database [Westlaw](#).
9. *Elder law / by Margaret C. Jasper* [KF210.A35 J37 1996](#).
10. *Elder Law forms manual: essential documents for representing the older client / Harry S. Margolis* at [KF390.A4 M37 1992](#).
11. *Planning for aging or incapacity, 1994: legal and financial issues / co-chairpersons, Barbara J. Collins, Peter J. Strauss* at [KF750.Z9 P55 1994](#).
12. *The elder law handbook: a legal and financial survival guide for caregivers and seniors / Peter J. Strauss and Nancy M. Lederman* at [KF390.A4 S755 1996](#).
13. *Elder law in a nutshell / by Lawrence A. Frolik, Richard L. Kaplan* at [KF390.A4 F752 2006](#).
14. *18th annual elder law institute / co-chairs, Jeffrey G. Abrandt, Douglas J. Chu* at [KF337.5.A33 E44 2006](#).
15. *Medicaid in Oklahoma / prepared by Forrest J. Danley ... [et al.]* at [KFO1291.A3 M43 2004](#).
16. *15th annual elder law institute / co-chairs, Jeffrey G. Abrandt, Douglas Chu* at [KF337.5.A33 E44 2003](#).
17. *Aging: culture, health, and social change / edited by David N. Weisstub ... [et al.]* at [HV1451 .A36 2001](#).
18. *Basic elder law, 2001 / chair, Jeffrey G. Abrandt* at [KF337.51.A33 B38 2001](#).

19. *Elderlaw [electronic resource]: advocacy for the aging / Joan M. Krauskopf ... [et al.]; updates by the editorial staff* is available electronically via the subscription database [Westlaw](#).
20. *Tax and estate planning, health care and elder law / Conference on Consumer Finance Law* at [KFO1340.A75 T38 1998](#).
21. *The lawyer's guide to elder injury and accident compensation / by James T. O'Reilly* at [KF1257 .O73 2004](#).
22. *Elder abuse detection and intervention: a collaborative approach / Bonnie Brandl ... [et al.]* at [HV6626.3 .E458 2007](#).
23. *Myers on evidence in child, domestic, and elder abuse cases / John E.B. Myers* at [KF9673 .M94 2005](#).
24. *Elder care in Oklahoma: legal and financial issues. / Jerry D. Balentine ... [et al.]* at [KFO1291.A3 E534 2003](#).
25. *The American Bar Association legal guide for Americans over 50* at [KF390.A4 A54 2006](#).
26. *A guide to elder law practice [electronic resource] / Timothy L. Takacs* is available electronically via the subscription database [Lexis-Nexis](#).
27. *National survey of state laws / Richard A. Leiter, editor* at [KF1 .N38 2005](#).

### **Journals/Law Reviews**

Journal and law review articles offer another research opportunity because often the authors will present in-depth analysis about a particular issue and include useful citations.

1. *NAELA Quarterly* is available from 1995 to 2004 in the library's periodicals wing.
2. *National Academy of Elder Law Attorneys Journal* is available electronically from 2005 to present via the subscription database Lexis-Nexis and from 2005-2007 in the library's periodicals wing.
3. *The Elder law journal* is available electronically from 1993 to present via the subscription database Hein Online and from 1993 to present in the library's periodicals wing.
4. *Elder law review* is available electronically from 2002 to present via the subscription database Hein Online.

### **Primary Materials**

**\*Note-Check each title for specific holdings and availability.**

The materials listed below are primary federal and state legal authority.

#### **Federal Statutory Materials**

1. *U.S.C.* (U.S. Code) is available in the library at [KF62 1958 .A2](#) and electronically via various Web sites such as <http://www.law.cornell.edu/uscode/> and <http://uscode.house.gov/>.
2. *U.S.C.A.* (U.S. Code Annotated) is available in the library at [KF62.5 .W45](#) and electronically via the subscription database Westlaw.
3. *U.S.C.S.* (U.S. Code Service) is available in the library at [KF48 .U54](#) and electronically via the subscription database Lexis-Nexis.

#### **Federal Administrative Materials**

1. *C.F.R.* (Code of Federal Regulations) is available in print at [KF70 .A3 date](#) and electronically via the subscription databases Lexis-Nexis, Westlaw, and Hein Online. The publication is also freely available via the government Web site <http://www.gpoaccess.gov/cfr/index.html>.
2. *Federal Register* is available in print at [KF 70 .A2 date](#) and electronically via the subscription databases Lexis-Nexis, Westlaw, and Hein Online. The publication is also freely available via the government Web site <http://origin.www.gpoaccess.gov/fr/>.

#### **Federal Case Law**

1. *U.S. Reports* are available at [KF101 .U54](#) and electronically via the subscription database Hein Online.
2. *Supreme Court Reporter* is available at [KF101 .W4](#) and electronically via the subscription database Westlaw.
3. *U.S. Supreme Court Reports, Lawyers' Edition* are available at [KF101 .U58](#) and electronically via the subscription database Lexis-Nexis.
4. *Federal Reporter 1<sup>st</sup>, 2d, 3d* is available at [KF105 .F4](#) and electronically via the subscription databases Westlaw and Lexis-Nexis.
5. *Federal Supplement 1<sup>st</sup> and 2d* is available at [KF120 .F42](#) and electronically via the subscription databases Westlaw and Lexis-Nexis.

#### **State Materials**

1. *Oklahoma Statutes* are available in the library at [KFO1230 .O5](#), electronically via the subscription databases Westlaw and Lexis-Nexis, and freely available via <http://www.oscn.net>.
2. *Oklahoma Statutes Annotated* are available in the library at [KFO1230 .O52](#) and electronically via the subscription databases Westlaw and Lexis-Nexis.

3. *Oklahoma Administrative Code* is available in the library at [KFO1235 2001 A22](#), electronically via the subscription databases Westlaw and Lexis-Nexis, and freely available via <http://www.sos.state.ok.us/>.

### **Subscription Databases**

**\*Note-You need an individual login and password to access these resources.**

1. Westlaw has a specific elder law practitioner tab which contains various resources related to elder law including, but not limited to, primary federal and state resources, secondary sources, and forms.
2. Lexis-Nexis also has a tab focused on elder law. This resource has primary law, forms, news, and briefs in one convenient location.

### **Freely Available Resources**

These resources are available through the Internet and can provide useful information about various aspects of elder law.

#### **Federal**

1. <http://www.ssa.gov> -Social Security Administration
2. <http://www.medicare.gov> -Information and resources for people using medicare.
3. <http://www.va.gov> -U.S. Department of Veterans Affairs
4. <http://www.pbgc.gov> -Pension Benefit Guaranty Corporation

#### **State**

1. <http://www.legalaidok.org/> -Legal Aid Services of Oklahoma

#### **Nongovernmental organizations**

1. <http://www.elderlawanswers.com/> -Find state-specific news and information at this site.
2. <http://www.neln.org/> -National Elder Law Network

#### **Professional Associations**

1. <http://www.naela.org/> -National Academy of Elder Law Attorneys
2. <http://www.nelf.org/> -National Elder Law Foundation
3. <http://www.aateela.org/> -American Association of Trust, Estate, and Elder Law Attorneys

#### **Blogs**

1. [http://lawprofessors.typepad.com/elder\\_law/](http://lawprofessors.typepad.com/elder_law/) -A blog written by elder law professors.

Last updated 12/4/08