

Marquette Elder's Advisor

Volume 3
Issue 2 *Fall*

Article 2

Fall August 2012

From the Editor

Alison McChrystal Barnes

Follow this and additional works at: <https://scholarship.law.marquette.edu/elders>



Part of the [Elder Law Commons](#)

Repository Citation

Barnes, Alison McChrystal (2012) "From the Editor," *Marquette Elder's Advisor*. Vol. 3: Iss. 2, Article 2.
Available at: <https://scholarship.law.marquette.edu/elders/vol3/iss2/2>

This From the Editor is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. It has been accepted for inclusion in Marquette Elder's Advisor by an authorized editor of Marquette Law Scholarly Commons. For more information, please contact elana.olson@marquette.edu.

From the Editor

As this issue goes to press, the academic year is coming to an end at most law schools across the country. On the one hand, it's about time. Students and professors alike have juggled conflicting obligations and unreasonable time demands. Law school is a task that passes in seasons, and by April everyone is tired and cranky. One last push for exams, and everything looks more laid back—even if the next item on the calendar for the professor is a summer class. Maybe I can get the “m” key put back on my computer and (seems ironic) maybe spend one whole day with no hours at that keyboard.

At *ELDER'S ADVISOR*, though, the end of the year has a distinct down side. Our students are leaving, students who have spent two years learning how to talk to prospective authors, when to edit a sentence because it's unclear or leave it alone because it speaks in their author's unique voice, and how to check online and Blue Book an obscure medical citation. As of May 20, though, they move on to other worlds as members of the legal profession. We are losing five this year. Five students who have edited our way into a third year of publication, and filled the pages of two forthcoming issues to be edited by their successors.

We'll mourn our move out of our first little office. Our new office is shared space (and sound) with folks who so far seem to be from another planet. We've been careful to be optimistic, congenial, mature-type neighbors for a whole semester. But, for the moment, it is a relief to set down the effort. No one has to grit their teeth, stick their fingers in their non-telephone ear, and wonder if our cohabitants might—just maybe—be making all that noise on purpose. Just when that elusive author is finally on the phone. Just when you have six minutes to nail that manuscript deadline, or be late to class.

This is a breather from all that purposefulness. Time to laugh and say, “Thanks. We got through this year together.” We'll eat and drink together, commit to stay in touch, and joke about familiar, annoying traits (mostly mine, I bet).

What about next year? The year that, as you are reading this published copy, is already under way. We need a staff of about twelve very sharp people to do all the things that make an issue ready to go. Surely, new students will identify themselves, find this work is a good fit for them. In fact, three already have, each of them a potential leader.

The student editor's job is a large one from the start. Instead of a year of anonymity in the library stacks that some of you experienced on a very traditional law review, new members of *ELDER'S ADVISOR* prepare quickly to cold-call prospective authors, reach agreement about topics and deadlines for a manuscript, cite check and Blue Book their own articles, and make sure their galleys are right. That takes training and support, and recognizing each student's strengths and vulnerabilities. It results, within a few weeks, in a volume in hand that each member worked to bring you.

Who are the students who will work on this elder law journal? The profile of students who seek to be members of the *Journal* staff changes from year to year, but some generalizations seem valid. A disproportionate number are students over the traditional age (i.e., at least twenty-five) and have had some other professional work, including an art gallery owner, a medical social worker, nurses, police, business people, a scientist, a human resources executive, a paralegal—you see what I mean. About one-third are married, have kids at home, or both. Some are in our part-time program, and many work a substantial number of hours for an outside employer.

At Marquette, many have a commitment to health law because of the more extensive course selection in this lively field. We have reached out to the estate and financial planners.

This profile may say more about the *Journal's* requirements of student workers than it does about their long-term devotion to elder law issues. We try to be more adaptable, so those with other obligations can nevertheless fulfill the requirements for membership and academic recognition. And, there's not much room for Mickey Mouse tasks or meetings when fifteen to twenty pieces must be ready for publication every quarter. So, perhaps, the bolder, self-motivated and broadly experienced student is attracted to this journal of elder law.

A quirkier change in the staff is the disappearing men this year, in a law school population that is about fifty-fifty. We had a steady population of guys, about one-third of the staff, for the first two years of publication. Probably, this year is an anomaly. On the other hand, interest among women students is consistently higher, perhaps reflecting that women more readily recognize their cultural role as caregivers. Several women elder law students, including a won-

derful student who was seventy years of age and caring for her husband at home, have talked about their experiences as family care-giving leaders. Others speak of the obligations they foresee when their parents become old.

A growing proportion of elder law students, men and women, talk about the practice opportunities in the field. They not only discern that they are drawn to the type of work and client relationships elder law typically provides, but they also see the rising public interest in retirement planning and benefits representation. For a student of the class of 2002, it seems that the year 2010, when the first baby boomers reach retirement age, is close enough to justify making some career plans.

At Marquette, we have an array of possibilities for study related to elder law, including the *Journal*. Across the country, there are a number of elder law clinics that provide some intensive experience with aged clients and their problems. But I wonder whether law schools across the country are preparing enough students for practice in elder law.

Elder law, as an academic subject, falls in a group with other relatively new fields that cut across the traditional legal theories of tort, contract and property. Elder law, like much of health law, sports law, mediation, cyberlaw or privacy law, is a field defined by the needs of the clients, and potentially draws upon any relevant common law or statutory cause of action.

Like many of the newer fields of law, elder law study is likely to be open only to second and third year students who have all the basic courses behind them. Though information is quite sparse, it appears that perhaps forty of about 185 American law schools offer a course in elder law in a given year. I suspect that many offer it every other year so it is available at some time to all students enrolling in elective courses. No doubt some schools have not had a course in elder law, but it is very difficult to tell which ones.

One reason for the lack of information is that many elder law teachers are adjunct faculty, practitioners from the community who offer their expertise as the core of their course. A good number of those teachers are regular attendees at National Academy of Elder Law Attorneys meetings, and *ELDER'S ADVISOR* readers. Teaching provides the opportunity and motivation for reading new literature, thinking new ideas and interacting with soon-to-be lawyers who see elder law with a fresh understanding.

The resources for teachers have been enriched in the past year by the entry of a new casebook, *ELDER LAW*, by Tom Gallanis, Kimberley Dayton and attorney Molly Wood, joining *ELDERLAW* (we didn't realize in 1992 that it was two words) by Frolik and Barnes. Gallanis et al. have a nice statutory supplement that will prompt a revival of the supplement Larry Frolik and I abandoned on the theory that you could get that stuff on the web for free. In these days of mar-

keting education as a consumer product, student convenience is a priority.

Maybe, if you like hard work, it's time to think about teaching a course in elder law. The down side is, every year some of them leave. But they come back.

Alison McChrystal Barnes
July 2001

