

From the Editor

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From the Editor

Any meeting with elder law professionals—and perhaps especially the NAELA UN-Program, which always falls in mid-winter—reminds me of how much our clients, and all the older people in our lives, come to mean to us. On a personal level, they’ve gone before us in this life, so we can only hope they know something we don’t know. Something we’ll find out one day soon that provides a bit more calm, or zest, or hope, or appreciation—whatever is short in our own personal mix.

In the course of our professional tasks, a bond of caring can easily develop because the topics are intimate. In estate planning, even in writing a simple will, we discuss that person’s wishes for their material possessions and savings, once they can’t take it with them. The will or trust inevitably reflects self-defining memories and cherished people, values such as fairness and discipline, emotions of anger or gratitude.

Nearly all attorneys now do health care planning along with financial documents. So, along with the disposition of material things, we consider with our clients what is best for our future bodies, should they become mute and unresponsive to the world but not officially eligible for a funeral. More straight talk about an elder’s wishes than many have confided to relative or friend.

These sober moments between you are consigned to the attested pages and filed in the kitchen drawer.

I’ve learned so much from talking with older people. And there’s nothing quite like an old lawyer. I want to tell you a little about one of them, one I called “my oldest friend” until his death at 99 in 1999. His name was George, and he really lived the whole span of his lifetime, the length of the 20th century. Much of it was memorable, by anybody’s standards.

We both traveled to London in 1992 for the American Bar Association meeting (held there every eight years, as it was in 2000). He wanted to go just once more to a big meeting abroad, and was good enough to depend a little on me, his daughter’s friend. The rewards in terms of conversation and meeting contacts were unbeatable. For one thing, he wore his World War I medal, awarded for his service in the cavalry, and started conversations with “I fought for your country!” And the barristers and solicitors laughed, were charmed, and knew it was a serious matter—braving the nerve gas and artillery fire where many of their great-grandfathers had died. “Never had ridden a horse, never been west

of New Jersey.” He chose the cavalry because he was told that as an engineer’s helper he would have to carry around 40 pounds of tools. He made less money in the cavalry: \$56 a month plus \$15 to his father, who saved it for his return. He could not express the combination of wanderlust, naïveté, and courage that must have led a boy into the dirt and deprivation of living just behind the lines.

Becoming a lawyer? George said he slept through a night (make that fly-by-night) law school program while he worked days as an economist at the “Bureau of Foreign and Domestic Commerce” (now the Commerce Department). He couldn’t take the time for day school, with a young wife at home and the first of four children. That marriage lasted four decades, until she died when he was barely 70. Twenty-five years after her death, his reflections on their life together told the story of a lifelong love, the light of his life.

The description George gave of this government era was a lesson in pre-administrative law. The United States in the 1920s was a country with the government of a village, a government of individual personalities where a question could prompt the head of Commerce to walk to the office of, say, the Treasury Secretary and in conversation become informed and come to a policy decision. A federal government almost without administration, and therefore without any clear theory of administrative law.

George got fired from that job after only a few years. He said it was because of his pessimistic predictions of approaching economic depression. “Hoover got fired, too, you know.”

He went to economically distressed places all around the world in his long-term job for International Telephone and Telegraph. For example, he negotiated the sale of ITT’s Argentinean subsidiary to the Peron government. It took time, waiting to see important people where clock time had so little power. Eva Peron, often observed idling with her cortege of friends, he declared to be extraordinarily crude in her speech and exploitative in her ideas and plans. Later, he met with the young Castro in Cuba. He traveled to Japan just after its defeat and wrestled with the ethics of buying the art offered to him for a pittance because food was dearer to its sellers.

George led a team for the Eisenhower administration to devise a plan to limit crippling inflation

in Bolivia. He could make his plan seem so simple for noneconomists: Stop printing more money for the government’s debts and programs, and let the private sector develop strategies for well-being inside the country. He wrote two books: *Taxation in Colombia* and *Inflation and Development in Latin America*. His negotiation and business acumen made this night-school lawyer a lecturer at Harvard and Michigan in his semi-retirement in the 1960s.

It would still be another 20 years until he took up cross-country skiing—because downhill is really too dangerous. He also shifted his interests as an author, writing a historical novel—well, a “bodice-ripper” really, with the good guy as a silent type with a chiseled chin and all the women pale and perfect innocents in distress. He was very pleased to write something that sold far more copies than had his previous efforts as an author. I once sampled pages 1 to 3 off his bookshelf, but it was really hard on a post-feminist sensibility.

Day-to-day life in his 90s found George cooking with enthusiasm and care. He sometimes shopped at three grocery stores because it annoyed him to pay \$1.29 for tomatoes when better ones were 89 cents elsewhere. One memorable meal: New Year’s Eve 1991, with a huge batch of traditional oyster stew made of scalding cream, bivalves, butter, and salt, and served up with discussion of whether there is such a field as administrative law (which I teach).

George’s life failed in the hurly-burly of last minute Christmas shopping at the local Wal-Mart, with his visiting son. Way to go.

An extraordinary life? Of course. A life of such scope and events is worth reflection, as we help each older person recall what they value and what made their lives good. George’s long life brought a fine old age, in which he stayed interested in the current day in detail, and in the lives of the younger generations. I heard him speak with lively interest about both the great-niece working as a waitress and the son who won a major literary prize.

There are many great moments and great lives among the older people we see, though not many have the skills to tell the whole tale so well. The great life’s experience might be closer to home, like much of Emily Dickinson’s, or even confined to a cell, like much of Nelson Mandela’s. Or, it might be more like the powerful emotion expressed by one old subsistence farmer, sitting beside his wife on a

tiny Florida porch, reflecting on his 60 years of domestic tranquility: "She never spent a night away from this house saying she quit me."

There are many ways to live life well, but each seems to have common elements. No scripts for others based on our own experience and strengths. A strong sense of values to hold you together when

the future looks bleak. Strong bonds to the people who know you for yourself. Seems to me we could all wish, and maybe plan, for such a fate.

Alison McChrystal Barnes
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