

Elder Law Syllabus - Fall - 2021

Irvin G. Condon, CPA, Esquire, Judge of Probate
Charleston County Probate Court, 100 Broad Street, Suite 469, Chas SC 29401
Work Phone: (843) 958-5193 - Cell Phone: (843) 817-2039
irvcondon@charlestoncounty.org irvcondon7@gmail.com

Office Hours: By appointment, before or after class. Email, text, or call me anytime.

Course Objectives and Requirements:

This will be a practical course with many experiential learning opportunities. We will learn elder law by lectures and guest lectures by experts on specific topics. If practical, depending on the class size, we will visit the Charleston County Probate Court, senior centers, housing facilities, Trident Area Agency on Aging, a funeral home, and meet with general counsel of a local hospital. You will draft estate-planning documents from a set of facts you create. You will be part of the cast that acts out a play on a Will contest. You will identify the laws of guardianship and conservatorship. You will participate in the Court Assistance and Monitoring Program for adult guardianships and a training modeled by the ABA Commission on Law and Aging and compose a visitor report after you analyze a guardianship case file and meet virtually with a ward. The Charleston County Probate Court was one of two courts in the nation selected to be pilot courts. You will define elder abuse and categorize the different types of elder abuse. You will learn and analyze the probate process in South Carolina and compare it to the Uniform Probate Code and the probate laws of other states. You will identify how seniors maintain income during retirement by analyzing the three-legged stool plus one. You will discuss and examine Medicare, Medicaid, and the Affordable Care Act. You will compare and contrast housing options and the financing of housing options. You will describe how to plan a funeral and research and write a short report on a selected memorial or cemetery. Through guest lectures and your research, you will list and describe community resources related to elders.

Please be prepared for each class by reading the assigned readings. **See attached monthly calendars for weekly assignments.** I will expect you to participate in class. Please dress professionally for the site visits and for guest lecturers. Please be flexible, as we may have to rearrange some class topics based on the availability of guest lecturers.

Course Textbook and Materials:

The required textbook is **Elder Law: Cases and Materials, Sixth Edition, Frolik and Barnes**. I will provide charts, outlines, files, etc. related to the course material. We will refer to other materials such as A Practical Guide to Elder Law and Special Needs Law in South Carolina, Franchelle Millender, SC Bar.

Attendance Policy:

See the Charleston School of Law Policy which states "No student may miss more than 15 percent (rounded to the nearest whole number) of the class meetings in any course or seminar. For example, for a course that meets twice per week, a student may miss no more than four class periods. For a course that meets once a week, a student may

miss no more than two class periods. A student who is tardy or exits class early may, at the discretion of the professor, be marked absent.” Tardy is being more than 15 minutes late and leaving early is leaving class 15 minutes early. Both are subject to the discretion of the professor.

Basis for the Course Grade:

Your grade is determined as follows: Estate Planning Drafting Project is 20%, Court Assistance and Monitoring Project is 20%, Housing Report is 10%, the Cemetery/Memorial Report is 5% and the Final Exam is 45%. For the two projects and the two reports, you will receive individualized feedback and the opportunity to resubmit each one for half the points missed. There will be a total of 1,000 points plus extra points for extraordinary work. The two projects and the two written reports have values of 200, 200, 100, and 50 respectively and the final exam is 450 points. Your final grades are scaled to achieve a desired class grade point average. Accordingly, 900 points is not necessarily a specific grade like an A or a B; grades depend on how you do relative to the entire class.

For the guardianship project, there will be specific deadlines to complete specific tasks and failure to meet those deadlines will result in a loss of points and a lower grade. The final exam will be essay and multiple-choice questions. The final exam will be closed book and proctored. Students with disabilities should contact Dean Margaret Lawton as soon as possible to request reasonable accommodations. You should be prepared for class and participate. I reserve the right to bump a student’s final letter grade up by a third if the student submits extraordinary work during the semester.

Credit Hour Policy:

Under Charleston School of Law policy, the amount of work for each credit hour of a course must be:

- At least 750 of in-class minutes (12 ½ hours), which may include 50 minutes of final examination time; and
- At least 1800 minutes (30 hours) of out-of-class student work.

This is a three credit hour class, meaning that, in addition to attending classes each week, you should plan to spend a minimum of 6 hours per week preparing for class.

Elder Law
Irvin Condon
(843) 817-2039
irvcondon7@gmail.com

Subject to change

August 2021

August 2021

September 2021

| | | | | | | | |
|----|----|----|----|----|----|----|----|
| Su | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Mo | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| Tu | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| We | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| Th | 29 | 30 | 31 | | | | |
| Fr | | | | | | | |
| Sa | | | | | | | |

| | | | | | | | |
|----|----|----|----|----|----|----|----|
| Su | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| Mo | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| Tu | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| We | 26 | 27 | 28 | 29 | 30 | | |
| Th | | | | | | | |
| Fr | | | | | | | |
| Sa | | | | | | | |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--------|---------|-----------|----------|--------|----------|
| Aug 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | | |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | Sep 1 | 2 | 3 | 4 |

Please note page references are to the textbook - Elder Law Cases & Materials, Sixth Edition, Frolik and Barnes

17 What is Elder Law?
Course Overview
Estate Planning - Chapter 1, pages 1-30

24 GLC Training
noon to 1pm
via zoom
Class - Estate Planning - Chapter 2
Pages 31-72 & Materials Provided

31 GLC Training
noon to 1pm - zoom
Class - Estate Planning - Chapters 10 and 11
Advance Directives 407-494

subject to change

Elder Law

September 2021

Irvin Condon
 (843) 817-7039
 irvcondon7@gmail.com

| September 2021 | | | | | | | October 2021 | | | | | | |
|----------------|----|----|----|----|----|----|--------------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 26 | 27 | 28 | 29 | 30 | | | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| | | | | | | | 31 | | | | | | |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--------------------------------|--|--|----------|--------|----------|
| Aug 29 | 30 | 31 | Sep 1 | 2 | 3 | 4 |
| 5 | 6 Labor Day (United States) | 7 GLE Training noon to 1pm - Zoom | 8 Class - Probate Process in SC Materials Provided | 9 | 10 | 11 |
| 12 | 13 | 14 Estate Planning & Probate Wrap Up | 15 Turn in Project | 16 | 17 | 18 |
| 19 | 20 | 21 Guardianship and Conservatorship Chapter 9 pages 349-406 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 Guardianship and Conservatorship Elder Abuse, Neglect & Crime | 29 | 30 | Oct 1 | 2 |

Subject to change

Elder Law

October 2021

*Irvin Condon
(843) 817-2039
irvcondon7@gmail.com*

October 2021

| | | | | | | |
|----|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | | | | | | |

November 2021

| | | | | | | |
|----|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | | | | |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--|--|---|---|----------|--------|----------|
| Sep 26 | 27 | 28 | 29 | 30 | Oct 1 | 2 |
| 3 | 4 | 5 <i>See September</i> | 6 <i>Elder Abuse Neglect & Coine 495-542</i> | 7 | 8 | 9 |
| 10 | 11 <small>Columbus Day (United States)</small> <i>Fall Break</i> | 12 <i>No Elder Law Class (Monday classes)</i> | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 <i>Housing Chapter 8 313-348 Nursing Homes - Chapter 7 267-312</i> | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 <i>Speakers Trident Area Agency on Aging Planning a Funeral - Funeral Home Director</i> | 27 | 28 | 29 | 30 |
| 31 <small>Halloween (United States)</small> | Nov 1 | 2 <i>See November</i> | 3 | 4 | 5 | 6 |

Elder Law

Subject to change

November 2021

Irvin Condon

(843) 817-2039

irvcondoc7@gmail.com

December 2021

November 2021

| | | | | | | |
|----|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

| | | | | | | |
|----|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | | | | |

| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|--------|--------|--|--|--|--|----------|
| Oct 31 | Nov 1 | 2 Election Day (United States) | 3 Income Maintenance (3 lesses school plus one) Chapter 4 pages 131-180 | 4 | 5 | 6 |
| 7 | 8 | 9 Report to Class ward visits and housing | 10 | 11 Veterans Day (United States) | 12 | 13 |
| 14 | 15 | 16 Health Care Chapter 5 p 181-206 Paying for long term care Chapter 6 237-266 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 Emerging Trends - Public Solving Courts - Course Recap | 24 | 25 Thanksgiving Day (United States) | 26 Day After Thanksgiving Day (United States) | 27 |
| 28 | 29 | 30 Reading Pays | Dec 1 Final Exams | 2 | 3 | 4 |