

Transcript

Elder Law

By John Patrick Quigley

As the baby boomers come of old age, they have created increased demand for products and services for the elderly, including legal products and services, and have also increased their powers as a demographic group.

LAWS FOR ELDERS

In 1982, California enacted the first statute addressing the problem of elder abuse. The last significant legislation was in 2008, significantly increasing remedies for financial abuse by persons who would take advantage of elder dementia. This includes not only beauty queens and African officials who need financial help in smuggling vast sums of money out of their countries, but also greedy relatives who try to influence changes in wills. The standard of proof in such cases is "a preponderance of the evidence." The stakes are high and the law is still being developed. Physical abuse cases require the higher standard of "clear and convincing" proof. SB 558, supported by trial lawyers and opposed by nursing home associations, would change this to the lower standard, but it was stalled this summer in the Assembly Appropriations Committee.

LAWYERS FOR ELDERS

The increase in the life and influence of the elderly has increased work for lawyers handling Trusts & Estates. Some lawyers have branched out into other fields, both related and unrelated. The result has been the relatively

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Title 51 - Final Positive Law

By Kelsey Chrisley

Title 51 of the United States Code, National and Commercial Space Programs, signed into public law on December 18, 2010, besides being the first new title addition in 83 years, is a recent example of converting United States Code titles into positive law titles.

The Office of the Law Revision Counsel, an independent office in the United States House of Representatives, is required by 2 U.S.C. §285b (1) to convert one title at a time into positive law. That is, to convert the compilations of enacted federal statutes into a positive law title, where the title itself is enacted as a statute. According to the Office, positive law codification "restates existing law, enacts existing law as a 'positive law' title, improves organization, removes obsolete provisions, and corrects technical errors." (Office of the Law Revision Counsel, n.d.) *

With the enactment of Title 51, there is now one location for national and commercial space programs instead of legislation dispersed among Title 15, Commerce and Trade, Title 42, Public Health and Welfare, and Title 49, Transportation. Title 51 does not modify or provide for any new

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new specialty that has become known as Elder Law. Both Elder Law and Trusts & Estates are sections of the Orange County Bar Association which have contributed funds to our library for materials.

LAW MATERIALS FOR ELDERS

Our most current and popular treatises are the Rutter Group's Elder Abuse Litigation, in the Reading Room Annex KFC111.A34B35 and on Westlaw, California Elder Law Resources, Benefits and Planning: An Advocates Guide, Reading Room Annex, KFC111.A34C352, and California Elder Law Litigation: An Advocates Guide, Reading Room Annex, KFC111.A34C3515. Both have CDs that can be checked out and are in CEB's OnLAW computer program. 

Also of interest in OnLAW is CEB's Action Guide: Capacity and Undue Influence: Assessing, Challenging, and Defending, Floor 3, KFC110.A15C37 (2010). Other materials are in our fall book display and on the adjacent table, including an August 2011 bibliography.

SERVICES FOR ELDERS

Don't overlook the Rainbow Resource Directory (2010/2011 for Orange County), at the Reference Desk, HV89.O7O935. See especially the sections on Legal Assistance, Senior/Nutrition Services, Senior/Multiple Services, Senior/Housing, Senior/Home Care/Infusion Therapy, Counseling/Mental Health/Anger Mgmt, and Self-Help/Support Groups. The latter includes such senior groups as Clutterers Anonymous (p. 300). 

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programs, but reorganizes the statutes to make it easier to find existing law and to allow for further growth. Title 41, Public Contracts, was signed into public law on January 4, 2011, and is now a positive law title.

Other titles that are currently under the positive law title codification process are listed below along with the associated website to obtain the latest status updates or to provide comments/analysis.

- Title 35, Patents, Trademarks, and Other Intellectual Property, uscode.house.gov/cod/t35/
- Title 36, Patriotic and National Observances, Ceremonies, and Organizations, uscode.house.gov/cod/t36/
- Title 52, Voting and Elections, uscode.house.gov/cod/t52/
- Title 53, Small Business, uscode.house.gov/cod/t53/
- Title 54, National Park System, uscode.house.gov/cod/t54/
- Title 55, Environment, uscode.house.gov/cod/t55/

For further information on Title 51 and the positive law process, please refer to Rob Sukol's article, "Positive Law Codification of Space Programs: The Enactment of Title 51, United States Code" in the *Journal of Space Law*, 37(1), 1-48., which is located on Floor A at call number KZD 1006.J68. In addition to the *Journal of Space Law*, please see *The Air & Space Lawyer*, located at KF 2472.A5, also on Floor A, for additional hot topics concerning space and aviation.

For additional information about the Office of the Law Revision Counsel, United States House of Representatives, please see the website at uscode.house.gov/lawrevisioncounsel.shtml. For a compiled listing, which delineates which title is a positive law title, please see Richard J. McKinney's "United States Code: List of Positive Law Titles With Enacting Cites and Location to Revision Notes", www.llsdc.org/attachments/wysiwyg/544/usc-pos-law-titles.pdf.

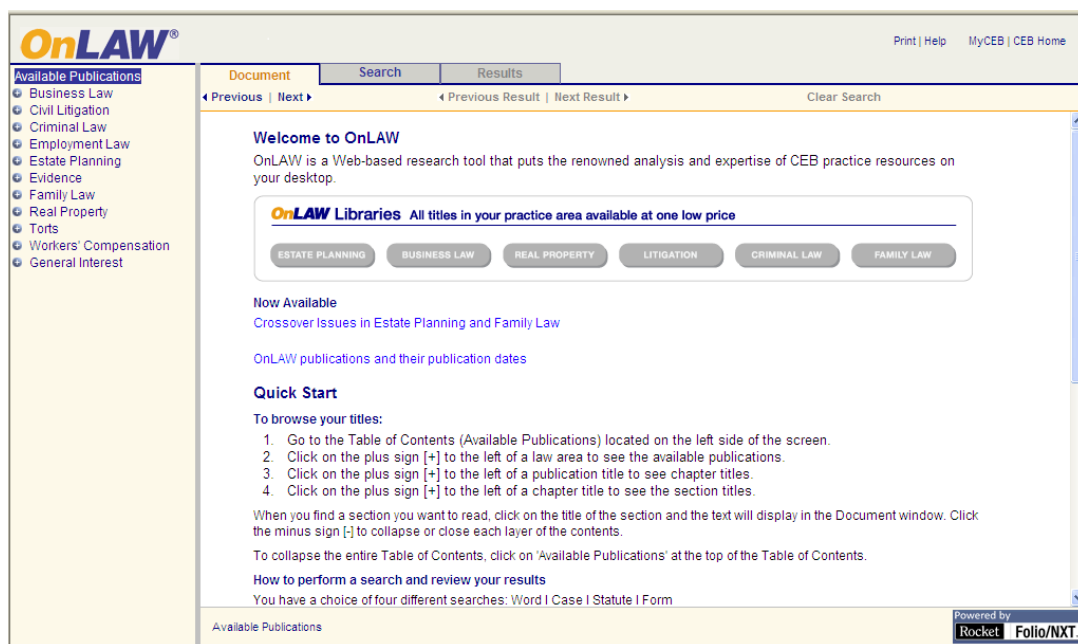
* Office of the Law Revision Counsel, United States House of Representatives. (n.d.). Positive Law Codification in the United States Code, uscode.house.gov/codification/Positive%20Law%20Codification.pdf, Retrieved Sep. 8, 2011. 



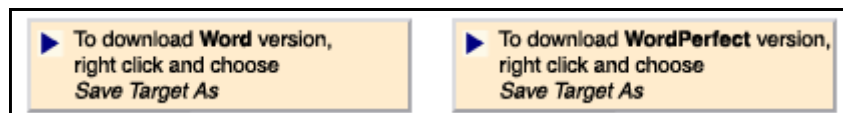
Database Focus

by Molly Solazzo

CEB's OnLaw database contains the full text of all CEB loose-leaf publications, and most of the Action Guides. The software is the familiar Folio. Clicking into the database from OCPLL's intranet page (available on all Public Terminals in the Library's computer area) reveals the "Welcome" screen. This is where notices about changes to the database are posted, information about how to perform a search or browse titles, or other pertinent information. On the left of the screen are the OnLaw topics. Each topic expands to show specific CEB publications, each publication can be expanded to a table of contents, to publication chapters, sections, etc.




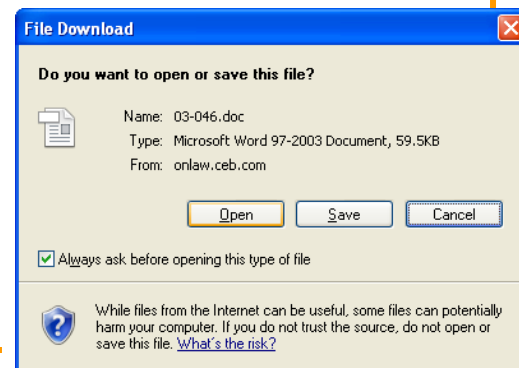
Publisher restrictions do not allow for downloading with ONE happy exception: CEB drafted forms can be downloaded. You will know the option is available when you see the following at the top of any "form":



OCPLL restrictions do not allow using *Save Target As*, but we've made it even better for you.

Simply click on the box "To download Word version ...". This will bring a pop-up window "File Download." Click "Open."

The form will automatically open up in OpenOffice. From there you can edit the document as you wish, print it out, or save it to your flash. 



by Lu Nguyen

ask a
librarian

What is Conservatorship?



A conservatorship is a court case where a judge appoints a responsible person or organization (called the "conservator") to care for another adult (called the "conservatee") who cannot care for himself or herself, or manage their own finances. The court provides helpful information on this topic at its website:

www.courts.ca.gov/selfhelp-conservatorship.htm



by Mora Prestinary

On Display

Interested in Elder Law rights and litigation? Stop by and see our current book display on Elder Law.

Featured are elder law resources such as books, free information sheets, and a bibliography of materials in the Library. Ask at the Public Services desk to see any books in the display case.



Looking at the Web

Business Permits: www.calgold.ca.gov/

If you are unsure of the appropriate permit you need for your business, this web site provides a wizard which will direct you to the applicable agency/agencies for issuance and administration of business permits, licenses and registration requirements. Covers all levels of California government.

Crime Mapping: www.crimemapping.com/

This web site is dedicated to helping law enforcement agencies provide the public with valuable information about crime activity by neighborhood.

Title 51: National & Commercial Space Programs:

[uscode.house.gov/cod/t51/Pub%20L%20111-314%20\(auth%20version%20from%20GPO\).pdf](http://uscode.house.gov/cod/t51/Pub%20L%20111-314%20(auth%20version%20from%20GPO).pdf)

"On December 18, 2010, Public Law 111-314 was enacted into law. The event is remarkable for a number of reasons, but most striking is this simple fact: For the past 83 years, the United States Code has been limited to 50 titles, but now a new title has been added: Title 51, United States Code, "National and Commercial Space Programs."

ELDER LAW WEB SITES:

US Department of Health & Human Services, Administration on Aging:

Elder Rights Protection: www.aoa.gov/AoARoot/AoA_Programs/Elder_Rights/index.aspx

AoA Programs: www.aoa.gov/AoARoot/AoA_Programs/index.aspx

AoA : Tools & Resources: www.aoa.gov/AoARoot/AoA_Programs/Tools_Resources/index.aspx

National Institute on Aging: www.nia.nih.gov/



Hungry?

If you have the time and inclination, in addition to the cafeterias located in the Superior Court, and in Civic Center Buildings 12, 34, and 411, there are a number of good to very good sit-down restaurants within walking distance of the Civic Center.

Here are some of our favorites:



1) Cafe Chiarini

1002 W. 3rd Street
(714) 277-4495
cafechiarini.com
American/Mediterranean
Mon-Fri 6 am to 4 pm

2) Chapter One

227 N. Broadway
(714) 352-2225
chapteronetml.com
American, Pub food
11 am to 2 am 7 days a week

3) Memphis At the Santora

201 N. Broadway
(714) 564-1064
memphiscafe.com/santora
American, Southern
Mon 11 am to 3 pm
Tues-Fri 11 am to 2 am
Sat 10 am to 2 am
Sun 10 am to 3 pm (Brunch)

4) Lola Gaspar

211 W. 2nd Street
(714) 972-1172
lolagaspar.com
Latin/European fusion
Mon-Thurs/Fri 11:30 am -1:30/2am
Sat 5 pm to 2 am
Sun 5 pm to midnight

5) Gypsy Den

125 N. Broadway # D
(714) 835-8840
gypsyden.com
American (Vegetarian & Non)
Mon-Wed 7:30 am to 10 pm
Thurs & Fri 7:30 am to 11 pm
Sat 8 am to 11 pm
Sun 8 am to 9 pm

6) 828 Pho

220 W. 1st Street
714-568-0338
828pho.com
Vietnamese
Mon-Sat 10 am to 8 pm

7) Original Mike's

100 S. Main Street
(714) 550-7764
originalmikes.com
American, Traditional
Mon 11 am to 5 pm
Tues-Thurs 11 am to midnight
Fri-Sun 11 am to 2 am

8) Bistro 400

400 W. 4th Street
(714) 543-9821
bistro400.com
American/Continental
Mon-Thurs 11am to 9pm
Fri 11 am to 2am
Sat 5 pm to 2am

9) The Crosby

400 N. Broadway
(714) 543-3543
thisisthecrosby.com
American fusion
Mon-Sat 5 pm to 2 am

10) La Brisas

409 N. Broadway
(714) 542-1057
Mexican
8 am to 8 pm 7 days a week

11) Mil Jugos

318 W. 5th Street
(714) 836-4601
miljugos.com
Venezuelan
Mon-Sat 10 am to 5 pm

12) El Curtido

300 W. 5th Street
(714) 973-0554
Salvadorian
Sun-Thurs 11 am to 8 pm
Fri & Sat 11 am to 9 pm

13) Pop's Cafe

112 E. 9th Street
(714) 543-2772
American, Diner
Mon-Fri 7 am to 2:30 pm
Sat & Sun 7 am to 1:30 pm

New!

OpenOffice Software

The Library now provides OpenOffice's suite of software on all Public Internet computer terminals. To use click on the OpenOffice icon on the desktop.

Documents can be created, edited, and printed or saved to your flash drive in the format of your choice including PDF.



Conference Rooms at OCPLL

by Tricia Trujillo

Welcome to our improved Conference Room B! Of our two conference rooms that can be reserved, Conference Room B is the largest. It seats around 25 people if the tables are used and more if only chairs are needed.

Conference Room B now has a new set of Herman Miller training tables and comfortable, lightweight and mobile chairs. This user friendly furniture can be rearranged to meet a group's particular needs. One of the tables also can be adjusted to accommodate those with disabilities.

To further meet the needs of Conference Room B users, upgrades to the electrical outlets are in progress so that computer training workshops are possible. And last but not least, a new white board has been ordered.

For further information about reserving our conference rooms, please visit our website at www.ocpll.org and go to the Conference Rooms link, or call Tricia at 714-834-3011.

Ongoing Workshops at the Law Library

Clean Up Your Criminal Record

Every 2d and 4th Tuesday of the month at 2 pm.

You must check-in at 2 pm to be admitted and you must bring your California criminal record(s) from the Court(s) in which convicted, OR, your California Dept. of Justice Rap Sheet; if necessary your own interpreter.

How to Answer an Unlawful Detainer

Every Thursday at 9 am.

You must check-in at 9 am to be admitted, and you must bring a copy of your Summons & copy of the Complaint, and if necessary your own interpreter, envelopes, & stamps.

www.ocpll.org

Monday-Thursday	8 am - 8 pm
Friday	8 am - 5 pm
Saturday	9 am - 5 pm

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