

Elder Mediation

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Course Description

The US has a graying population. By the year 2030, almost one in four Americans will be over the age of 60. The fastest growing demographic in the country is comprised of those persons over 100 years of age. Aging is accompanied by a host of new challenges in interpersonal, health care and financial realms. Older or ill adults, disabled (or differently abled) adults of any age, their families and senior care professionals frequently find themselves in conflict over what to do and how to do it.

The role of the elder mediator is to help participants communicate, learn and work together to resolve their conflicts in ways that meet the needs of the aging, ill or disabled parties who are often at the heart of the controversy. This course is designed to help each mediator develop a knowledge base of common aging and caregiving issues sufficient to help him or her recognize critical issues and to direct families to helpful resources. We will discuss the most commonly encountered aging and caregiving issues, including physical challenges, dementia, surrogate decision-makers, in-home or residential care options and the costs of long-term care. We will learn about mediation issues, techniques and goals unique to the needs of this aging/ill/disabled population and their caregivers. In doing so, we will also explore how to help families (and all of us) have productive conversations and we will consider how humans make their decisions.

The course has been revised to include a larger component of mock mediations, so sharpen both your acting and listening skills and leave your inhibitions at home. Explore the goals, perspectives and frustrations of the parties to an elder mediation, as well as the challenges of the mediator working to help them. Along the way, you will also learn a great deal about aging and caregiving issues.

Key Learning Objectives

1. Students will be able to identify the types of parties who will benefit from elder mediation.
2. Students will gain an understanding of the special components involved in scheduling an elder mediation (who, when, where, how and why).
3. Students will consider the emotional and family history components of a multi-generational family conflict, including denial, conflicts of interest and hidden agendas.
4. Students will develop a knowledge of basic elder care issues sufficient to help them recognize issues confronting families and to direct those families to helpful resources for further education and advice.
5. Students will identify and consider the implications for mediation when one or more of the parties may have cognitive or communicative challenges.

6. Students will learn to identify legal decision-makers and those who should morally/ethically be part of the decision process.
7. Students will discuss how to have difficult conversations with the parties, including conversations about the often taboo topic of an impending death.
8. Students will be able to identify possible signs of elder abuse or financial exploitation and will explore their duties under the law and the impact on the mediation should those topics arise.

Demonstration and Measurement of Objectives

1. Students will demonstrate their grasp of the necessary parties to an elder mediation and the mechanics of scheduling a successful and respectful mediation through role plays, class discussion, quizzes and the final written exam.
2. Students will demonstrate their understanding of the emotional and family history components of an elder mediation through class discussion, role plays, their caregiver interviews, quizzes and the final exam.
3. Students will demonstrate their knowledge of elder care issues through class discussion, role plays, their caregiver interviews, quizzes and the final exam.
4. Students will demonstrate their knowledge and understanding of cognitive and communicative challenges that affect decisional capacity, as well as related mediation techniques and strategies, through class discussion, role plays, their caregiver interviews, quizzes and the final exam.
5. Students will demonstrate their skills designed to help families have difficult conversations and make decisions through class discussion, role plays and the final exam.
6. Students will demonstrate their knowledge of elder abuse and financial exploitation, as well as of their legal duty and the effect of abuse or exploitation on the mediation process, through class discussion, role plays and the final exam.

Grading Scale

93-100 = A Student has demonstrated excellent knowledge of elder mediation strategies and basic elder care issues through class discussions, written submissions and written testing.

90-92 = A- Student has demonstrated a solid knowledge of elder mediation strategies and basic elder care issues through written submissions and testing and has made meaningful contributions to class discussions.

87-89 = B+ Student has demonstrated a good knowledge of elder mediation strategies and basic elder care issues and has participated well in class discussions

83-86 = B Student has demonstrated an acceptable knowledge of elder mediation strategies and basic elder care issues

80-82 = B- Student has demonstrated a substantial effort to understand elder mediation strategies and basic elder care issues, but neither class participation nor written work show evidence of a solid command of the subjects

77-79 = C+ Student's written work and class performance have not proven a satisfactory grasp of elder mediation strategies or basic elder care issues

Grading

Class participation – 25%

Weekly quizzes - 20%

Final exam - 30%

Caregiver interviews – 25%

Class Policies

Attendance: Class attendance is mandatory. Much of the subject matter will be taught through lecture and not from a text. Participation in class discussion and role plays will be an important part of the learning experience. We will also have weekly quizzes focused on the prior week's lecture material. If you absolutely must miss a class, please request permission from the instructor in advance and arrange to obtain notes from a fellow student and to make up the weekly quiz. Missed classes not excused by the instructor will affect your participation grade.

Late or missed assignments/exams: Tardy written assignments will result in a 20% point reduction for each day they are late unless a prior extension has been granted by the instructor. Eight weekly quizzes will be given during the term; the top 7 grades for each student will be counted and the lowest grade (or one missed quiz) discarded.

Add/Drop Policy: If you cannot complete this course, please refer to university policies for withdrawal deadlines, policies and procedures.

Grade of Incomplete: If a student completes at least half of the course requirements and has an excellent excuse, accepted by the instructor, for being unable to complete the remaining requirements on schedule, the instructor may grant a grade of Incomplete. At that time, the instructor will state to the student and Registrar the requirements in order for the student to complete the course and the time frame for doing so. Failure to complete those requirements successfully by the deadline will result in a failing grade. For further considerations regarding a grade of Incomplete, please consult university policies.

Honor Code: Students are expected to adhere to the SMU Honor Code and university policies on scholastic integrity at all times. Please see the Student Handbook and refer to http://www.smu.edu/studentlife/PCL_05_HC.asp.

Religious Observance: If a religiously observant student needs to miss a scheduled class due to a religious holiday, the student should notify the instructor in writing in advance and develop an approved plan to make up the missed work in a timely fashion.

Disability Accommodations: Students needing accommodations for a disability should contact Services for Students with Disabilities at 214-768-4557 to explain their needs and arrange appropriate accommodations. Students are also asked to notify the instructor before class begins regarding any special needs in the manner of instruction.

Courtesy in the classroom: Classroom participation is mandatory. Please be punctual and do not leave before class is finished without advance approval of the instructor; latecomers and early departures are disruptive to other students. Please silence your cell phones and put them away during class. If you are a professional on call and must monitor your phone, please explain that to the instructor prior to class and set your phone to vibrate only. Beverages are permitted in the classroom.

Class Dates and Times

Thursdays, 6:00 pm to 10:15 pm (Classes will consist of a nightly mix of lecture, classroom discussion and role plays, with short weekly quizzes starting in week 2.)

2014: 8/7, 8/14, 8/21, 8/28, 9/4, 9/11, 9/18, 9/25, 10/2

Take-home final exam due week of 10/6-9 (due date TBD)

Required Books and Materials

Read one of these elder individual/family caregiver stories:

Elder Rage –or- Take My Father ... Please!, by Jacqueline Marcell, Impressive Press, ISBN 0-96-79703-1-8, available from Amazon, Barnes & Noble or from author (call 949-975-1012, web www.ElderRage.com, e-mail jmarcell@elderrage.com) (approx \$18 - \$20)

OR

Your Name is Hughes Hannibal Shanks, by Lela Knox Shanks, Univ of Nebraska Press, Lincoln, 1999, ISBN 0-8032-9328-3, available from Amazon (\$12.50) or Univ of Nebraska Press. See www.nebraskapress.unl.edu/ (approx \$12 - \$14)

OR

Come Back Early Today, by Marie Marley, PhD, Joseph Peterson Books, Olathe, KS, 2011, ISBN 978-0-9835706-1-5, available from the author at <http://www.ComeBackEarlyToday.com> or from Amazon (approx \$13 - \$15)

OR

Losing My Mind: An Intimate Look at Life with Alzheimer's, by Thomas DeBaggio, The Free Pre, ISBN 978-0-7432-0566-5, available from Amazon, (approx. \$12)

Read both of the following:

Difficult Conversations: How to Discuss What Matters Most, by Douglas Stone, Bruce Patton, Sheila Heen, Penguin Books, NY, 2010. ISBN 13: 978-0143118442 (approx \$10.50 at Amazon)

AND

Long Goodbye: the Deaths of Nancy Cruzan, by William H. Colby, Hay House, 2002, Carlsbad, CA, ISBN 13: 978-1-4019-0132-5 (also ISBN 10: 1-4019-0132-8). There are copies on Amazon (\$0.01 to \$9.25) and there are used copies available through <http://www.alibris.com> (\$0.99 and up).

Class/Assignment Schedule

In addition to the assigned reading and class participation set out below, all students will be expected to complete the following by the dates indicated in the syllabus:

Identify and interview two family caregivers for elderly or disabled adults (from two separate families, please). Write and submit a 3-page summary of each interview and share insights from your interviews with the class. (Prior students have found this one of the most valuable portions of the class.)

8/7/14: Introduction to Elder Mediation

Mediation topics: What is an elder mediation -- who, why, what, when, where?

Eldercare topics: Physical challenges of aging. Who is a caregiver?

Assignments:

1. Come to class prepared to open your eyes to the everyday challenges of aging.
2. Begin reading the caregiver book you chose, one of *Your Name is Hughes Hannibal Shanks, Elder Rage –or- Take My Father ... Please! or Come Back Early Today or Losing My Mind* (reading to be completed throughout the course in preparation for the final exam).
3. Read chapters 1-10 of *The Long Goodbye*.

8/14/14: Dementia

Mediation topics: All parties may not be equal in ability, but all are equal in dignity. Concept of a “vulnerable adult”.

Eldercare topics: Dementia, including Alzheimer’s disease, and cognitive incapacities.

Quiz: Physical Challenges of Aging

Discuss goals of family caregiver interviews.

Assignments: Read chapters 11-18 of *Long Goodbye*.

8/21/14: The capacity to mediate

Mediation topic: Can/should a cognitively impaired party participate in the mediation? How might he/she be heard?

Eldercare topics: Decision-making capacity and capacity assessments.

Quiz: Dementia

Assignments: Read chapters 19-24 of *Long Goodbye*.

8/28/14: Legal planning in aging, illness and disability

Mediation topic: Who is the actual decision-maker here?

Eldercare topics: Overview of powers of attorney, advance directives, wills and trusts, guardianship.

Quiz: Capacity

Assignments: Read chapters 25-32 of *Long Goodbye*.

9/4/14: Aging in Place and In-Home Care

Mediation topics: Where to meet and why; the importance of building your senior care professional network

Eldercare topics: Adapting the current home to accommodate physical/cognitive changes; senior move managers; hoarding; nonmedical home care, home health, adult day care and respite care.

Quiz: Legal planning

Assignments:

1. **Submit 3-pg written summary of your personal interview with a family caregiver** for an elderly or disabled adult. Please de-identify all personal information on the family. Points to consider will be addressed in the 8/14 class.
2. Read chapters 33-37 of *Long Goodbye*.

9/11/14: Senior Housing Options

Mediation topic: Exploring Family Dynamics surrounding Residence Options – Denial, Control, Hidden Agendas

Eldercare topic: Overview of housing options, including Independent living (IL), assisted living (AL), dementia care residences, skilled nursing facilities (SNF), long-term acute care hospitals (LTAC) and residential group homes (RGH).

Quiz: Aging in place and in-home care

Assignments: Read chapter 33 – Epilogue of *Long Goodbye*.

9/18/14: Financial Concerns

Mediation topic: Financial conflicts among family members

Eldercare topic: Explore the basic differences among Social Security, Social Security Disability, Medicare, Medicaid and VA benefit programs. Learn which of these will help pay the costs of long-term care and when they will do so.

Quiz: Housing Options

Assignments: Read chapters 1-4 of *Difficult Conversations*.

9/25/14: The taboo subject for families (and professionals) and the topic argued about most loudly with the least resolution

Mediation topic: How to help families talk about difficult subjects

Eldercare topics: End-of-life issues, hospice, funerals, probate of an estate; driving!

Quiz: Financial concerns and benefit programs

Assignments:

1. Read chapters 5-8 of *Difficult Conversations*.
2. **Turn in second 3-pg caregiver interview summary.**

10/2/14: Abuse/Exploitation of a Vulnerable Adult

Mediation topic: What do we hear and what should we do about it? When does a mediator have a duty to report abuse or exploitation? Can a mediation continue after that?

Eldercare topics: Elder abuse, exploitation of a vulnerable adult, Adult Protective Services and principled resolution.

Quiz: Driving; dying

Assignments:

1. Read chapters 9-12 of *Difficult Conversations*.
2. Complete reading of your chosen individual/family caregiver book.

Week of 10/6-9: Final written take-home examination (due date TBD)

- The final examination is to be an individual effort. You may not work together.
- The first portion of the final exam will ask you to consider the elder individual's/caregiver's story you chose to read in light of the caregivers you interviewed and their experiences.
- The second portion of the final exam will present progressive facts in a hypothetical elder mediation and will ask you to use your knowledge and skills to identify and expound on the

elder care and relational issues raised by the family, resources to which you might refer the parties and the mediation skills and strategies you believe would allow you to best help this family resolve their conflicts in a principled manner.