



**ELDER JUSTICE**  
**DECISION-MAKING CAPACITY**  
SYMPOSIUM

*The Role of Decision-Making  
Capacity in Elder Justice Cases that  
Reach Civil and Criminal Courts*

**Tuesday , April 19, 2022 to Thursday, April 21, 2022**

Every day the lives of older adults are profoundly and negatively impacted in both the criminal and civil justice systems based on mistaken assumptions and inadequate assessments of their capacity to make decisions for themselves. In order to raise greater awareness of these issues and improve how elder justice professionals approach these issues, the **Department of Justice** will be hosting the Elder Justice Decision-Making Capacity Symposium, a three-day virtual conference on April 19-21.

The Symposium will highlight what we know today about the aging brain and its impact on decision-making, and discuss the protocols and tools available to assess decision-making capacity. The Symposium will then focus on the myriad of ways that perceptions of an older adult's decision-making capacity can have profound implications on their treatment in criminal and civil proceedings. These may include elder abuse or fraud prosecutions not being pursued; unnecessary or inappropriate guardianships being imposed; and civil legal remedies being denied to older victims of elder abuse, neglect and financial exploitation.

By shedding light on the latest science as well as best clinical, legal and judicial practices, the Symposium aims to increase access to justice while promoting the self-determination of older adults.

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DEPARTMENT OF JUSTICE  
**ElderJustice**  
INITIATIVE



# Elder Justice Decision-Making Capacity Symposium:

The Role of Decision-Making Capacity in Elder Justice Cases that Reach Civil and Criminal Courts

## AGENDA



APRIL  
19

**1:00pm – 1:30pm**

### **Welcome and Introduction to the Symposium**

*Vanita Gupta, Associate Attorney General, US Department of Justice*  
*Charles P. Sabatino, JD, Consultant, Aging and Law*



**1:30pm – 2:15pm**

### **Advances in Aging Brain Research and Its Relevance for Decision-Making**

*Jason Karlawish, MD. Professor of Medicine, Medical Ethics and Health Policy, and Neurology; Co-Director, Penn Memory Center; Director, Outreach, Recruitment, and Retention Core of the Penn Alzheimer's Disease Research Center*




To provide a scientific foundation for the Symposium, this session describes how advances in cognitive science (aging brain, dementia, social cognition, and neuroscience) inform our understanding of decision-making capacity in older adults. Multiple health conditions can impair a person's capacity to make decisions. Some of these health conditions cause decisional impairments that are ephemeral, situational, or context specific. Others cause capacity to diminish over time. This is especially true when the condition is progressive cognitive impairments caused by Alzheimer's disease and related diseases. Notably, a diagnosis of cognitive impairment (MCI or dementia) does not determine whether a person lacks decisional capacity. Therefore, an understanding of the aging brain and cognitive impairment specifically, can and should inform a capacity assessment.



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APRIL  
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2:15pm – 2:25pm

Break

2:25pm – 3:55pm

### **The Role of Clinicians in Conducting Forensic Decision-Making Capacity Assessments with Older Adults**



*Eric Drogin, JD, PhD, ABPP*, Harvard Medical School, Affiliated Lead of Psycholegal Studies, Psychiatry, Law, and Society Program, Brigham and Women's Hospital

*Daniel Marson, JD, PhD*, Professor Emeritus, Department of Neurology, Heersink School of Medicine, University of Alabama at Birmingham

*Laura Mosqueda, MD, FAAFP, AGSF*, Professor of Family Medicine and Geriatrics, Keck School of Medicine of the University of Southern California, Director, National Center on Elder Abuse



Facilitator: *Lisbeth Nielsen, PhD*, Director, Division of Behavioral and Social Research, National Institute on Aging




In both civil and criminal cases, a key piece of evidence may be a decisional capacity assessment. Significant advances in both research on the aging brain and tools/methods for assessing capacity have been made in recent years. The current prominence of issues related to protecting autonomy, understanding cultural lenses, and ensuring access to justice for all citizens has resulted in greater awareness of the concept of decisional capacity and greater scrutiny of how decisional capacity is assessed by clinicians. With this increased attention comes opportunities to address concerns and improve current processes utilizing the most current evidence. This panel of clinical experts will discuss: best practices for conducting capacity assessments; information that should be contained in the referral letter to the clinician; guidance for justice system professionals on clinician qualifications and the content of capacity evaluation reports; and guidance to clinicians on assessing capacity and providing expert testimony. Finally, the panelists will discuss how to promote the dignity and independence of older adults to the greatest extent possible when capacity issues arise in court cases.



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APRIL  
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3:55pm 4:05pm

Break

4:05pm – 4:50pm



### **The Impact of Questioning an Older Adult's Decision-Making Capacity: Maximizing Self-Determination, Minimizing Harm**

*Nina Kohn, JD*, David M. Levy Professor of Law, Syracuse University College of Law; Distinguished Scholar in Elder Law, Solomon Center for Health Law and Policy at Yale Law School

This session will consider the impact that capacity assessment has on older adults and efforts to promote elder justice. Specifically, it will explore what is at stake when justice system professionals question older adults' decisional capacity, and when clinicians offer judgments about individuals' decisional capacity. It will then explore how collaboration and dialogue between policymakers, justice system professionals, and clinicians can ensure that capacity assessments have value, and do not lead to unintended or inappropriate consequences.



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APRIL  
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1:00pm – 1:15pm

Recap

1:15pm – 3:15pm

### **A Panel of Experts Discuss Decision-Making Capacity of Older Adults in the Criminal Justice System Context**



*Judge Melinda J. Young, King County Superior Court*

*Jane Walsh, Chief Deputy District Attorney, Elder and At-Risk Unit, Denver District Attorney's Office*



*Candace J. Heisler, JD, Assistant District Attorney, San Francisco (Retired), Heisler and Associates*

*Detective Larry "Skip" Swain, Elder Abuse Unit, Fresno County Sheriff's Office*

*Michelle Gayette, APS Director, Assistant Director, Adult & Aging Services, North Dakota Human Services*



*Randy Otto, PhD, ABPP, Associate Professor, University of South Florida*

*Facilitator: Andy Mao, National Elder Justice Coordinator, and Deputy Director, Commercial Litigation Branch*



Decision-making capacity is relevant to criminal elder abuse cases in several ways. In some cases, a defendant may claim that the alleged victim consented to the action central to the case, when the victim's impaired decision-making capacity actually undermines or negates consent. In other circumstances, criminal justice professionals may decline to pursue a criminal case based on the assumption that the older adult with dementia will make a poor witness, be unable to testify, or will be deemed incompetent to testify when in fact many persons with dementia retain testimonial capacity.



This panel of experts will discuss how decision-making capacity affects their respective professional activities, what individuals in each profession need to know about decision-making capacity, how clinicians assess capacity in criminal cases, how professionals can best work together, and the use of expert testimony. This discussion will highlight what the field needs in order to promote the dignity and independence of older adults to the greatest extent possible.



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**3:15pm - 3:25pm**  
**Break**



**3:25pm - 4:25pm**

**Participant Discussion of Decision-Making Capacity Issues**

*Moderator: Lisa W. Schifferle, Senior Policy Analyst, Office for Older Americans,  
Consumer Financial Protection Bureau*



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APRIL  
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1:00pm – 1:15pm

Recap



1:15pm – 3:15pm

**A Panel of Experts Discuss Decision-Making Capacity of Older Adults in the Civil Justice System Context**



*Judge Lauren S. Holland*, Lane County Circuit Court, Oregon Judicial Department

*Alison Hirschel*, Director & Managing Attorney, Michigan Elder Justice Initiative

*Charles P. Golbert*, Public Guardian, Office of the Cook County Public Guardian

*Rima Rivera*, New York City Adult Protective Services, Human Resources



Administration

*Bonnie Olsen, PhD*, Vice Chair for Research, Professor of Clinical Family Medicine,

Department of Family Medicine, Keck School of Medicine of the University of

Southern California



Facilitator: *Edwin Walker*, Deputy Assistant Secretary for Aging, Administration for Community Living, US Department of Health and Human Services



Decision-making capacity is a key factor in many civil cases, including guardianship, will contests and suits to compensate victims of financial exploitation. This panel of experts will discuss how decision-making capacity affects their respective professional activities, what individuals in each profession need to know about decision-making capacity, how to assess the qualifications of clinicians, how clinicians do and should assess capacity in civil cases, and how these professionals can collaborate. The session will stress best practices for promoting the dignity and independence of older adults to the maximum extent possible.



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**3:15pm – 3:30pm**  
**Summary and Next Steps**



*Andy Mao*, National Elder Justice Coordinator, Deputy Director, Commercial Litigation Branch





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**Eric Y. Drogin** is a Fellow of the American Psychological Association (APA), a Fellow of the American Academy of Forensic Psychology, and a Diplomate and former President of the American Board of Forensic Psychology. Dr. Drogin currently holds faculty appointments with Harvard Medical School, the Harvard Mass General Brigham (MGB) Forensic Psychiatry Fellowship Program, the Brigham and Women's Hospital (BWH) Harvard Medical School Psychiatry Residency Training Program, and the Beth Israel Deaconess Medical Center (BIDMC) Harvard Psychiatry Residency Training Program.

He is the Affiliated Lead of Psycholegal Studies for the Psychiatry, Law, and Society Program (at BWH) and participates in the Forensic Psychiatry Service (at BIDMC) and the Program in Psychiatry and the Law (at Massachusetts Mental Health Center). Additional positions have included Chair of the APA's Committee on Professional Practice and Standards, Chair of the APA's Committee on Legal Issues, and Chair of the APA's Joint Task Force with the American Bar Association (ABA). Dr. Drogin received his Doctor of Philosophy (Ph.D.) degree in Clinical Psychology from Hahnemann University.

Dr. Drogin is a Life Fellow of the American Bar Foundation. He serves as an Instructor for the Harvard Law School Trial Advocacy Workshop, as an Adjunct Professor of Law and Mental Health for the University of New Hampshire's Franklin Pierce School of Law, as an Honorary Professor of Law for the Prifysgol Aberystwyth (formerly "University of Wales"), and as Chair of the ABA's Life Sciences Division. Additional positions have included Chair of the ABA's Science and Technology Law Section, Chair of the ABA's Committee on Behavioral and Neuroscience Law, and Commissioner of the ABA's Commission on Mental and Physical Disability Law. Dr. Drogin received his Juris Doctor (J.D.) degree from the Villanova University School of Law.

Currently serving as an Associate Editor of the International Journal of Law and Psychiatry, and formerly serving as the Editor in Chief of the Journal of Psychiatry & Law and as the Co-Editor in Chief of Psychological Injury and Law, Dr. Drogin has authored or co-authored over 300 legal and scientific publications to date. He regularly presents training seminars for attorneys and mental health professionals on such topics as forensic assessment, ethics, and professional development. Dr. Drogin's multidisciplinary practice encompasses mental health law, expert witness testimony, and trial consultation.



**Michelle Gayette** is the Assistant Director with the North Dakota Department of Human Services Adult & Aging Services Division. Michelle has worked for the state of North Dakota for 24 years; the last 11 overseeing the Vulnerable Adult Protective Services (VAPS) program. In her current role she also oversees the Guardianship Establishment Fund, is the designated Legal Services Developer, and helps to oversee the Aging and Disability Resource Link. Michelle works with the Alzheimer's Association to train law enforcement and victim services professionals statewide on issues of abuse in later life. Michelle is a Licensed Addiction Counselor and has a bachelor's degree in Addiction Counseling and a master's degree in Management.



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**Charles P. Golbert** is the Cook County Public Guardian. His office serves as guardian for 700, mostly older individuals with disabilities, and manages more than \$100 million of diverse estate assets including assets in other states and countries. The office also represents more than 7,000 children in abuse and neglect cases in Juvenile Court and 700 children in highly contested divorce and parentage disputes in the Domestic Relations Court. With an interdisciplinary staff of 220 people, it is one of the largest guardianship and child advocacy offices in the country.

A 30-year veteran of the office, Mr. Golbert has litigated and supervised complex and high profile cases in every area of the office. Before his appointment as Public Guardian, Mr. Golbert served as a trial attorney in the Juvenile Division, a supervising attorney in the Special Litigation Division, the head of the Appeals Division and, for 13 years, as the Deputy Public Guardian and director of the Adult Guardianship Division. He has represented thousands of children and people with disabilities, in both state and federal court and in the appellate courts, in a wide variety of matters including complex financial exploitation recovery litigation, diverse issues in Probate and Domestic Relations proceedings, Juvenile Court abuse and neglect proceedings, federal civil rights actions, institutional reform class action litigation, policy and legislative matters, and money damages lawsuits on behalf of children harmed in foster care including cases that achieved six and seven figure recoveries. Before joining the Public Guardian's Office, Mr. Golbert was a litigation attorney at the firm now called Katten, Muchin and Rosenman.

Mr. Golbert earned his juris doctor degree, and his bachelor of arts degree with honors in economics, from Northwestern University. He has taught as an adjunct professor at the University of Illinois Chicago School of Law, is a longtime faculty member of the ChildLaw intensive trial advocacy course at Loyola University Chicago School of Law, and presents locally and nationally at other law schools, universities, conferences, and continuing legal education programs.

Mr. Golbert has authored or coauthored 15 law journal articles, a book chapter, and dozens of essays, op-eds, and book reviews. One of the journal articles won a national award for writing in elder law. Mr. Golbert has served as Articles Editor, Executive Editor, and Editor in Chief of the Journal of the National Academy of Elder Law Attorneys (NAELA Journal). He is the primary author of legislation, now law, to protect children and people with disabilities from abuse and exploitation.

A sought-after commentator, Mr. Golbert has been quoted in hundreds of news programs and newspaper articles. He has held leadership positions in numerous local and national bar and professional organizations such as the Chicago Bar Association, NAELA, and the National Guardianship Association.



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**Candace J. Heisler, JD**, served as an Assistant District Attorney for the City and County of San Francisco for over 25 years during which time she headed the Domestic Violence, Charging, Misdemeanor, and Preliminary Hearing Units. She was an Adjunct Professor at Hastings College of the Law for more than 20 years. She now teaches a graduate course at Virginia Tech on ethics and aging. Candace was a prosecutor in San Francisco for 25 years where she handled courtroom assignments and headed many units including the Charging Unit which supervised the domestic violence and then elder abuse cases.

She has written for and trained a variety of professionals about elder abuse, domestic violence, and the criminal justice system for such organizations as the American Bar Association, Futures Without Violence, National Clearinghouse on Abuse in Later Life, OVC and OVW, and the Judicial Council of California. She frequently presents at the annual National Adult Protective Services Association and state Adult Protective Services conferences on related topics and has authored several curricula on interviewing alleged perpetrators, undue influence, and working with the criminal justice system for APS Professionals.

Publications include Elder Abuse Detection and Intervention: A Collaborative Approach; "Elder Abuse" in Victims of Crime, "Elder Abuse Forensics: The Intersection of Law and Science" in Elder Abuse: Research, Practice and Policy, and "Ethics and Vulnerable Elders: The Quest for Individual Rights and a Just Society."

Awards include: California Governor's Victim Services Award; San Francisco Commission on the Status of Women Leadership Award; and California Crime Victims United "Prosecutor of the Year" Award; California District Attorneys Career Achievement Award; Robert Presley Institute of Criminal Investigation Excellence in Instruction Award; the National College of District Attorneys' Distinguished Faculty Award; and the National Committee for the Prevention of Elder Abuse (NCPEA) "Rosalie Wolf Award", and Hastings College of the Law "Alumna of the Year."

She teaches for and consults with a wide variety of governmental, educational, and private entities.



**Alison Hirschel** is the Director and Managing Attorney of the Michigan Elder Justice Initiative where she oversees and supports legal advocacy and ombudsman programs for older adults and people with disabilities. She also serves as a Public Interest/Public Service Fellow and on the adjunct faculty at the University of Michigan Law School and previously taught at the University of Pennsylvania Law School. Alison writes and speaks frequently on issues that affect vulnerable adults. She is the co-chair of Michigan's Medical Care Advisory Council, President-Elect of the National Consumer Voice for Quality Long Term Care, and she was

appointed to serve on Michigan's Elder Abuse Task Force and the Governor's Nursing Home COVID-19 Preparedness Task Force. She was also a delegate and author at the 4th National Guardianship Summit. Alison is also a former Commissioner on the American Bar Association Commission on Law and Aging. Alison received her B.A. in 1981 from the University of Michigan and her J.D. in 1984 from Yale Law School.



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**Lauren Holland** was elected to the Lane County District Court bench in Oregon in 1992 and became a Circuit Court Judge in 1998. Oregon's Circuit Courts are court of general jurisdiction. As a trial judge, Judge Holland hears civil and criminal cases as well as all of the guardianship and conservatorship cases in her court. She is the Chair of Oregon WINGS and past president of the Oregon Circuit Court Judges Association. She has been a leader in identifying, presenting and implementing standards, structure and best practices for guardianships and conservatorships both in her own court and statewide.

Judge Holland has presented on guardianships and conservatorships at national and state conferences to community members, judges, lawyers, legislators, medical and other professional organizations. She also serves as a Commissioner on the ABA Commission on Law and Aging and was a delegate to the Fourth National Guardianship Summit (2021).



**Jason Karlawish** is a physician and writer. He researches and writes about issues at the intersections of bioethics, aging, and the neurosciences. He is the author of *The Problem of Alzheimer's: How Science, Culture, and Politics Turned a Rare Disease into a Crisis and What We Can Do About It* and the novel *Open Wound: The Tragic Obsession of Dr. William Beaumont* and has written essays for The New York Times, The Washington Post, Forbes, The Hill, STAT, and the Philadelphia Inquirer. He is a Professor of Medicine, Medical Ethics and Health Policy, and Neurology at the University of Pennsylvania and Co-Director of the Penn Memory Center, where he cares for patients.



**Nina A. Kohn** is the David M. Levy Professor of Law and Faculty Director of Online Education at Syracuse University College of Law, and the Solomon Center Distinguished Scholar in Elder Law with the Solomon Center for Health Law and Policy at Yale Law School. She is also a faculty affiliate with the Syracuse University Aging Studies Institute, a member of the American Law Institute, and a former Visiting Professor at Yale Law School. Professor Kohn's research focuses on how the law shapes and responds to the experience of growing older and the needs of older adults. Her recent work has appeared in diverse fora including

the Harvard Civil Rights-Civil Liberties Law Review, the Georgetown Law Journal Online, and the Washington Post. She is also the author of *Elder Law: Practice, Policy & Problems* (Wolters Kluwer, 2d ed. 2020). Kohn is the Reporter for the Uniform Law Commission's Uniform Health Care Decisions Act and Advisor to the American Law Institute's Restatement of the Law Third, Torts: Concluding Provisions project. Kohn previously served in Reporter for the Third Revision of the Uniform Guardianship and Protective Proceedings Act and has testified about guardianship abuse before the U.S. Senate Special Committee on Aging. Kohn earned an A.B. from Princeton University and a J.D. from Harvard University.



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**Andy Mao** is the Department of Justice's National Elder Justice Coordinator, as well as a Deputy Director in the Civil Fraud Section of the Commercial Litigation Branch. As the Department's elder justice coordinator, Mr. Mao leads the Elder Justice Initiative and helps to support and coordinate the Department's law enforcement and programmatic efforts to combat elder abuse, neglect and financial exploitation. In his work in the Fraud Section, Mr. Mao focuses primarily on health care fraud matters and has litigated matters in the hospital, pharmaceutical, and nursing home contexts. He joined the Department in 2000 after completing his federal clerkship in the District of New Jersey. Mr. Mao is a graduate of Cornell University and the University of Virginia School of Law.



**Daniel Marson, JD, PhD**, is a clinical neuropsychologist, licensed attorney, and Emeritus Professor in the Department of Neurology at the University of Alabama at Birmingham (UAB). He directed the Department's Division of Neuropsychology (1995-2016) and the UAB Alzheimer's Disease Center (2005- 2015) where he is now Director Emeritus. Dr. Marson graduated magna cum laude and Phi Beta Kappa from Carleton College (1976), and earned his JD at the University of Chicago Law School (1981), and his PhD in clinical psychology (geropsychology and neuropsychology specializations) at Northwestern University Medical School (1990). Dr. Marson has lectured nationally regarding competency and other medical-legal and ethical issues in dementia and other neurocognitive disorders.

He has published over 130 papers, handbooks, and book chapters on these topics. He has been principal investigator on multiple National Institute of Health (NIH) funded studies of decisional and functional capacity in Alzheimer's disease, mild cognitive impairment, and traumatic brain injury. His work on financial capacity in older adults has been featured in the New York Times, USA Today, BBC, Kiplinger Report, and NPR. At the national level, Dr. Marson is a past president and fellow of the National Academy of Neuropsychology (NAN). Dr. Marson recently served on the Commission on Law and Aging of the American Bar Association. Dr. Marson frequently testifies as an expert witness in probate court and other legal matters involving older adults. On a personal note, Dr. Marson has played the diatonic harmonica for many years and is a lover of blues, jazz, and folk music. He has published in the jazz magazine *Downbeat*.



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**Laura Mosqueda, MD, FAAFP, AGSF**, is a professor of Family Medicine and Geriatrics at the Keck School of Medicine of the University of Southern California (KSOM). She is a widely respected authority on elder abuse and care of the elderly and underserved. Since joining the KSOM in 2014, her roles have included: Chair of the Department of Family Medicine, Associate Dean of Primary Care, and Dean.

She is the principal investigator of an NIA-funded R01 study to understand the causes of the abuse of people with dementia and is the Director of the National Center on Elder Abuse, a federally funded initiative that serves as the nation's coordinating body and clearinghouse for information on research, training, best practices, news, and resources.

Dr. Mosqueda is currently a fellow in the Health and Aging Policy Program. As a clinician, researcher, educator, and academic administrator, she has a unique perspective that is informed by her extensive experiences in the community, including her role as a volunteer long-term care ombudsman.



**Lisbeth Nielsen, PhD**, is director of the Division of Behavioral and Social Research (BSR) at the National Institute on Aging (NIA). BSR supports transdisciplinary social, behavioral, psychological, and economic research on the processes of aging at the individual and societal level to elucidate how behavioral and social factors influence health and well-being in mid-life and older age.

Since joining NIA in 2005, Nielsen developed numerous research initiatives in the psychology of aging, served as liaison to the Resource Centers on Minority Aging (RCMAR) program, and helped spawn several transdisciplinary aging research

networks. She played major roles in the NIH Science of Behavior Change (SOBC) Common Fund program and the Basic Behavioral and Social Sciences Opportunity Network (OppNet). Nielsen has been an advocate for the study of aging processes across the full life course, including research on early life influences on later life outcomes and on processes in midlife that play a causal role in shaping trajectories of aging.

Nielsen holds a BA in Philosophy from Rhodes College, an MA in Psychology from Copenhagen University, and a PhD in Cognitive Psychology and Cognitive Science from the University of Arizona. Prior to joining NIA, Nielsen conducted research in affective and decision science of aging at Stanford University. She is a fellow of the Academy of Behavioral Medicine Research, the Association for Psychological Science, and the Mind and Life Institute.



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**Bonnie Olsen, PhD**, is a clinical psychologist with extensive experience as a geropsychologist, working in academic medicine for over 20 years. She provides cognitive assessment and short-term mental health treatment in a collaborative geriatric primary care setting. As the Vice-Chair of Academic Affairs in the Department of Family Medicine at the Keck School of Medicine at USC, Dr. Olsen is involved in a number of research and program grants that focus on interprofessional geriatric education and elder abuse education and prevention.

She is particularly interested in elder mistreatment as it occurs in the context of dementia caregiving and understanding decisional capacity. In 2009, she was awarded the Gold Humanism Honor Society's Gold Star Award for Humanism in delivery of health care and has remained dedicated to community service throughout her career. Dr. Olsen is a passionate advocate and expert for elder justice and the prevention of elder abuse and has guest lectured throughout the country on the topic.



**Randy K. Otto, PhD, ABPP**, is an Associate Professor in the Department of Mental Health Law & Policy at the University of South Florida, where he also has adjunct appointments in the Departments of Psychology and Criminology. He has co-authored books on forensic psychological evaluation, expert testimony and report writing, and ethics in forensic psychology practice. Dr. Otto is licensed to practice psychology in Florida & Hawaii, and is board certified in clinical psychology and forensic psychology by the American Board of Professional Psychology. He has evaluated older persons who are involved in a variety of criminal and civil proceedings for over 30 years.



**Rima Rivera** is a Regional Director for the NYC Adult Protective Services (APS) and has spent 33 years of her public service career working with the NYC Human Resources Administration Department of Social Services.

Ms. Rivera is a licensed social worker and received her Master of Social Work from Fordham University. Ms. Rivera is a member of the NYC Elder Abuse Center's Enhanced Multidisciplinary Team in the boroughs of Queens and Brooklyn and is a certified Mental Health First Aid Instructor.

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**Charles P. Sabatino, JD**, is an independent consultant on aging and law, and the immediate past director of the American Bar Association’s Commission on Law and Aging as of February 2022. In his work with the Commission since 1984, he was responsible for the ABA Commission’s policy development and practice research, as well as education, in areas of health and long-term care, guardianship and capacity, surrogate decision-making, end-of-life care, and legal services delivery to older persons. He is the editor and co-writer of *Assessment of Older Adults with Diminished Capacities: Handbook for Lawyers* (2nd Ed., 2021) as well as other Commission publications, articles, and resources.

He is a Fellow and former president of the National Academy of Elder Law Attorneys and an adjunct professor at Georgetown University Law Center, his alma mater, where he taught Law and Aging from 1987 to 2020. He is also a member of the National Academy of Social Insurance, a legal consultant to the National POLST Paradigm Leadership Council, and a member of the D.C. and Virginia bars.



**Detective Larry “Skip” Swain** started his law enforcement career in August 1992 with the Mariposa County Sheriff’s Office in Mariposa California. Throughout his career he has been assigned to a number of specialized investigative areas. In 2002 Detective Swain made a lateral transfer to Fresno County Sheriff’s Office in Fresno California. Since late 2010 Detective Swain has been assigned to the Elder Abuse Unit; there he is co-located in the Senior Resource Center with multiple agencies that serve the elder and dependent population. Those agencies including Adult Protective Services, the Public Guardian’s Office, the Long Term Care

Ombudsman’s Office, the Public Authority, In Home Supportive Services, Older Adult Mental Health, and Victim/Witness Services. Detective Swain investigates elder abuse in many forms including physical abuse, financial abuse and financial exploitation, caregiver neglect, and suspicious elder deaths. He remains active in prevention of elder abuse, speaking at numerous events and addressing groups regarding how to safeguard themselves. He is also active in the education of others including law enforcement personnel and other professionals helping to identify and report elder abuse or neglect.

Detective Swain assisted in the development of Elder Abuse Guide for Law Enforcement, in conjunction with the National Center on Elder Abuse, USC Keck School of Medicine, and it was funded by the USDOJ. EAGLE is a web based tool that is being used to assist first responders in the investigation of elder abuse. Detective Swain spoke at the Elder Investors Summit in Washington DC in 2017 and in 2019 was invited to meet with US Attorney General Barr regarding elder financial exploitation. Detective Swain was honored with a Public Safety Hero Award locally in 2019 for his work relating to elder abuse investigations.





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As the Deputy Assistant Secretary for Aging, **Edwin L. Walker** leads the Administration on Aging in advocating on behalf of older Americans. In this capacity, he guides and promotes the development of home and community-based long-term care programs, policies, and services designed to afford older people and their caregivers the ability to age with dignity and independence and to have a broad array of options available for an enhanced quality of life. This includes the promotion and implementation of evidence-based prevention interventions proven effective in avoiding or delaying the onset of chronic disease and illness.

Prior to joining HHS in 1992, Mr. Walker served as the Director of the Missouri Division of Aging, responsible for administering a comprehensive set of human service programs for older persons and adults with disabilities.

He received a Juris Doctor degree in law from the University of Missouri-Columbia School of Law and a Bachelor of Arts degree in Mass Media Arts from Hampton University.



**Jane Walsh** is a Chief Deputy in the Denver District Attorney's Office. She heads up their Elder and At-Risk Protection Unit, prosecuting a wide range of crimes against older adults and people with disabilities. She previously established a similar unit in the Boulder District Attorney's Office, where she worked for seven years. Prior to that, she was an attorney in Oxford, England.

Jane specializes in cases of undue influence, power of attorney theft and exploitation.

She has proposed and supported new legislation to expand protections for vulnerable victims. Colorado now has a statute which permits rapid scheduling of video preservation depositions for older victims or witnesses. She also proposed and worked on a Bill to criminalize the unlawful imprisonment and abandonment of at-risk persons. [View her recent TED Talk here.](#)



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**Judge Melinda J. Young**, King County Superior Court Judge, appointed to the bench in January 2019. King County is the 12th largest county in the country and one of the busiest courts. It is a court of general jurisdiction, with judges presiding over family law, criminal law, and civil law cases. Before becoming a judge, Melinda was a prosecutor with the King County Prosecuting Attorney's Office for 24 years. She had a wide range of experiences in the prosecutor's office, supervising a homicide unit, domestic violence unit, and misdemeanor unit.

She helped start Washington state's first mental health court, a therapeutic court for those with mental illnesses charged with criminal offenses. Melinda has tried over 100 felony cases to a jury. In the last ten years before being appointed to the bench, she oversaw the Economic Crimes Unit, which included a dedicated elder abuse team. The elder abuse team prosecuted financial exploitation and neglect cases, assisted law enforcement and educated the public on elder abuse issues.

