



NEWSLETTER

Elder Abuse Awareness

By Miranda C. Franks, Esq.

Our elders have contributed so much to our lives and our community; it is important to protect them and make sure that they do not become victims of abuse. Often a family member, caregiver, friend, or neighbor begins to take on the responsibility of assisting an elderly acquaintance. As we age, activities for daily living become increasingly more difficult to do on our own. It is great to have the assistance of a trusted individual. All too often though, the caretaker begins to help himself to the detriment of the elder in his care. It becomes easy to take advantage of an elder in a weakened physical or mental state.

Unfortunately, statistics show that adult children are the most common perpetrators of financial elder abuse. Some adult children feel that they have an entitlement to their parents' assets, or due to the current financial climate they may have lost a job or run into credit problems. The elder is coerced into signing over assets and real estate. Sometimes the financial abuse is initiated by making the elder feel guilty, or by threatening to withhold affections and attention. Sometimes, actual physical abuse is inflicted on the elder. Family members should be aware and intervene if the burden of care rests on a family member or friend who appears to be overwhelmed and/or financially unstable.

There are increasing numbers of con artists working scams on the elderly. Elderly men are given attention by much younger, attractive women in the form of flirting and compliments. These are abusers who intentionally set out to charm their way into the lives of unsuspecting elders. The abuser may offer to shop for the elder or drive them to appointments. Once in the elder's good graces, the abuser will add items for her own personal use, or ask for reimbursement far beyond the actual cost of the purchased items. The con will confess that she loves him and ask him to buy expensive items, pay rent, buy cars or jewelry, or pay off credit cards and debts. Often this abuse is not reported because when the elder realizes he was victimized, he is too ashamed to make the crime public.

Upcoming Events Calendar

May 14

Estate Planning and Probate Section
12:15 - 1:15 p.m.

Law Offices of Nancy Kaupp Ewin, Esq.
8166 La Mesa Blvd., La Mesa

Topic: TBA

Speaker: TBA

May 19

Family Law Section

12:00 - 1:15 p.m.

East County Court, Dept. 7

250 E. Main Street, El Cajon

Topic: Malpractice: Risk Management

Speaker: Heather Rosing, Esq.

May 20

Civil Litigation Section

12:00 - 1:15 p.m.

BJ's Restaurant, Grossmont Center, La Mesa

Topic: What's Your Story? Developing and

Effectively Presenting Case Themes in

Litigation

Speaker: John Gomez, Esq.

May 25

Memorial Day

State and Federal Courts Closed

Perhaps the worst type of abuse is the caregiver who is brought into the elder's residence to provide the care and assistance needed by the elder. Family members and loved-ones make sure that the caregiver is provided with room, board, and a salary, believing that all is fine. The caregiver turns out to be a drug addict or alcoholic and is consumed by her addiction and rendered unable to follow through with her duties. The elder is neglected, malnourished and dehydrated. Or, the caregiver has a pattern of inflicting physical or sexual abuse. If the family members live out of state and the elder has difficulty communicating, the crime can continue in secret until it is too late.

As a business owner or even as a concerned neighbor, you can help stop or prevent elder abuse. Know the warning signs and know who to call if you suspect that there is some type of elder abuse. Every individual has a right to grow old with dignity and respect.

Warning signs of Elder Abuse:

- Obvious lacerations, abrasions, bruises, swelling on the elder's body
- Elder experiencing tenderness or pain at the slightest touch
- Rope burns or obvious discoloration of skin from use of restraints, or cigarette burns
- Elder acting different from ordinary self when around caretaker
- Elder is withdrawn and fearful, experiencing unusual mood changes or anger
- Elder is disengaged in a business transaction, confused by his or her surroundings
- Elder engaging in transactions inconsistent with regular pattern of spending
- Elder seems hesitant or nervous around a particular family member
- Elder experiences sudden weight loss or shows signs of dehydration or malnutrition
- Elder lacks necessities such as eyeglasses, hearing aids, dentures, or walker

If you witness or suspect that someone is the victim of elder abuse you can immediately contact San Diego County Adult Protective Services (APS) at 1-800-510-2020. APS is a mandatory investigative agency, and will assist elders and their families.

Some of the above signs of elder abuse may be indications of self-neglect. Elders need assistance when it appears that they cannot take care of themselves, manage their resources or resist undue influence. A Court can appoint a Conservator to make sure that abuse and neglect does not happen, and that necessary assistance is obtained.

If you have a family member requires assistance, please make sure that you take the following precautions before hiring a caregiver:

- Insist on personal references and make sure you verify the references.
- Obtain a background check through a licensed agency.
- Use a caregiver service that is bonded and insured.
- Remove all valuables, such and jewelry and weapons from the home

If it appears that a Conservatorship is necessary, or if you are a caregiver and want the protection of the Court by becoming a Conservator, please contact an experienced probate attorney who can assist you. Let's all work together to ensure that every elder receives the protection and help that they deserve.

Article Written by:

Miranda C. Franks, Esq.*

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*Miranda C. Franks has assisted families in establishing Conservatorships for the protection of their elderly loved ones for over twenty years.

Law Library News

By Cheryl Weeks-Frey, Librarian

The San Diego Law Library and county law libraries throughout the state of California are asking for your help in supporting Senate Bill 711. Senate Bill 711 will allow county law libraries to engage in for-profit activities outside of our mission to provide free access to the law. You can support the San Diego Law Library by writing a letter to your Legislators in support of SB 711. More information on SB 711 and a sample letter can be found at: <http://sandiegolawlibrary.org/support-sb-711/>. The committee is meeting on May 12, so time is short!



Cheryl Weeks-Frey, Esq. | Community Outreach Officer

P: [\(619 441-4451\)](tel:6194414451) E: cwfrey@sdlawlibrary.org

Save the Date!

On June 18, 2015, the Foothills Bar Association will hold its annual Membership Drive and Mixer beginning at approximately 5:30 p.m. at Hooley's Irish Pub in Grossmont Center, La Mesa.

More Information to follow...

Law Office of Patrick F. O'Connor
Civil Litigation Only
Serious Personal Injury
Employment
Defamation
AV-Rated. One of San Diego Magazine's TOP LAWYERS of 2015.
Tele. 619-463-4284
E-mail: patrick@pfoaw.com

Looking for Speakers for Future FBA Civil Litigation Section Meetings:

If you have a litigation topic you would like to present at an upcoming Civil Litigation Section MCLE meeting, please contact Section Co-Chairs Mark Raftery at mraftery@epsten.com or Elizabeth Smith-Chavez at liz@smithchavezlaw.com.

**Newsletter Advertising Rates
Business Card Size
\$25.00 for two months
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The Foothills Bar Association seeks a chairperson for the criminal law section. Responsibilities will involve scheduling speakers for lunch time MCLE programs on topics of interest and providing Section meeting status reports to the Foothills Board of Directors. Interested attorneys should contact Cheryl Stengel at clstengel@outlook.com.

Foothills Bar Association Notice of Board Meeting:

The Foothills Bar Association Board of Directors meets on the third Tuesday of each month. The next meeting will be on May 19, 2015 at the Kriger Law Firm, 8220 University Avenue, 2nd Floor Conference Room, La Mesa, CA. The meeting will begin at 4:45 p.m. If you want your voice to be heard in policy discussion and upcoming events planning or would simply like to learn more about the organization, your attendance is welcome.

The Family Court needs settlement conference judges. Please volunteer and share your expertise. Contact Kelly Fabros at 619-456-4065 or Kelly.Fabros@SDCourt.CA.Gov.

BENEFITS OF WRITING AND SUBMITTING AN ARTICLE FOR THE FBA NEWSLETTER



- 1) Flexes your literary muscle
- 2) Increases your Google presence
- 3) Gets you instant name recognition among
your FBA member peers
- 4) Teaches you something new if you choose a topic about which you know nothing
and become an expert
- 5) Promotes your expertise or just gives you the ability to show off what you
already know

**The Foothills Bar Association welcomes articles and
contributions from members each and every month.
SUBMIT YOUR ARTICLE TODAY!**

Submit articles in Word format and e-mail to
clstengel@outlook.com.



**FOOTHILLS BAR ASSOCIATION
OF SAN DIEGO COUNTY**
Service, Professionalism, Collegiality

THE CIVIL LITIGATION SECTION OF
THE FOOTHILLS BAR ASSOCIATION PRESENTS:

**“WHAT’S YOUR STORY – DEVELOPING AND
PRESENTING CASE THEMES IN LITIGATION”**

Speaker

John Gomez, Esq.

**Wednesday, May 20, 2015 – Noon to 1:15 p.m.
BJ’s Restaurant, Grossmont Center, La Mesa**

The seminar is free for members of FBA and only \$10.00 for non-members. Walk in registrants will be accommodated as space allows.

Mark Raftery, Cheryl Stengel, and Elizabeth Smith-Chavez,

Co-Chairs

The Foothills Bar Association certifies that this activity has been approved by the State Bar of California for 1.0 hour General MCLE credit

Registration for the Program on May 20, 2015

Name _____ Number Attending _____

Telephone _____

Fax registration to Mark Raftery at (858) 527-1531 or email to
mraftery@epsten.com by May 18, 2015

2015 FBA OFFICERS, DIRECTORS, SECTION CHAIRS & COMMITTEES

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REPRESENTATIVES

Dan Bacal, SDCBA	619-588-2064
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SECTION CHAIRS/MEMBERS

FAMILY LAW:	Traci Hoppes
CIVIL LITIGATION:	Cheryl Stengel, Mark R. Raftery & Elizabeth Smith-Chavez
ESTATE PLANNING:	Nancy Kaupp Ewin, Carolyn R. Brock

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SUBMISSIONS

Your submissions are welcome! Send articles, letters, flyers, and other non-advertising submissions to Cheryl Stengel at clstengel@outlook.com.

ADDRESS CHANGES

Send change of address or telephone number to Bradley Schuber at bschuber@krigerlawfirm.com

**Foothills Bar Association
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Anytown, State 54321**