

STATEMENT OF
LORI STIEGEL
SENIOR ATTORNEY, COMMISSION ON LAW & AGING
AMERICAN BAR ASSOCIATION

The three most famous cases of elder financial exploitation – Brooke Astor, Mickey Rooney, & Huguette Clark – illustrate all the roles that lawyers may play in these cases. Those roles include:

Preventing	Failing to Prevent
Detecting	Failing to Detect
Remedying (e.g., protecting victim, recovering assets, seeking damages, prosecuting)	Failing to Remedy
	Facilitating
	Committing

EIFFE Legal is intended to educate civil lawyers about those roles, and the possibility that they may be held accountable through professional discipline, civil liability, or criminal penalties if they do not act ethically or lawfully. In collaboration with IPT and IPI, the Commission will do this by:

1. Modifying the EIFFE Medical program to tailor it to the legal content and skills needed by lawyers who counsel individuals and their families.
2. Piloting the model curriculum in three or more states through partnerships with state bar associations and state securities regulators.
3. Promoting replication of EIFFE Legal across all state bars and through ABA continuing legal education channels, including a national webinar through the ABA’s Center for Professional Education.

The kick-off event for EIFFE Legal will be held at the ABA Annual Meeting in Boston, Massachusetts on Saturday, August 9th, from 10:30 a.m. to noon. Titled “The Epidemic of Elder Financial Exploitation: Ethical Traps for Lawyers and Skills Every Lawyer Needs,” our session is one of the 34 Showcase continuing legal education programs. It was selected from 200 proposals and is co-sponsored by 13 other ABA entities, reflecting ABA support of EIFFE Legal and Charlie’s earlier point about this issue’s relevance to ALL lawyers.

Our Showcase program features a stellar line-up of experts – two of whom were involved in the Astor, Rooney, & Clark cases.

The Commission's chair, Professor David English, will moderate the program, which we hope will open with remarks by ABA President James Silkenat. Then:

1. I will provide an overview of elder financial exploitation and systems that respond to it.
2. Patricia Struck, Wisconsin's securities regulator and a former IPT trustee, will speak about the role of securities regulators in educating investors and protecting them from fraud.
3. Dr. Daniel Marson, professor in the Department of Neurology at the University of Alabama at Birmingham, will discuss scientific research on financial decision-making capacity that explains vulnerability to financial exploitation.
4. Bruce Ross, a member of the legal team representing Mickey Rooney against his exploiter and also involved in the Huguette Clark probate case, will discuss ethical issues and rules to consider when representing older clients.
5. Elizabeth Loewy, a lead prosecutor of the Brooke Astor case who also investigated the Clark case, will address what her office considers when investigating attorneys involved in questionable trust and estate matters related to older or impaired clients.