

Book Review

Brashier, Ralph C. 2010 *Mastering Elder Law*. Durham, NC: Carolina Academic Press.

Reviewed by Stephen M. Marson, Ph.D., Editor

As a gerontologist and forensic social worker, I was quite pleased to receive *Mastering Elder Law* to review. Although Brashier does not explicitly express his intended audience, it is obvious that he intended his work to be used by law students and lawyers. I believe that Carolina Academic Press did not understand that they could capture a larger audience with this work. Although there is some legalese scattered throughout the book, there is not enough to deter gerontological social workers—particularly nursing home social workers—from purchasing it to include within their libraries. Simply stated, this is easy to read for nonlawyers. In addition, several other key strengths are notable.

First, I have read *many* books that have “Elder Law” in the title. The major weakness of all of these volumes is the timeliness. Laws change. This reality is a clear expectation for lawyers, but not gerontological practitioners. Thus, virtually all books addressing elder law have a very short shelf life. Brashier’s work is the clear exception. He is able to keep the reader timely by offering web pages that offer greater information and updates on legal standards. Not only is this a great benefit to readers of *The Journal of Social Work Values and Ethics*, it should benefit lawyers, also.

Second, a common colloquial expression within social work practice is, “there is the law and then—there is *the law*.” The harsh reality is our legal system is not blind. Although judges, lawyers, and legislatures make efforts to be fair, oftentimes our legal

system is unbalanced. Everyone *is not* treated in the same manner, laws are sometimes *not* enforced, professionals can violate laws *without getting caught*, and most importantly, the cost (financial and personal) for addressing these clear concerns is problematic. In the end, nothing is done. This commentary is not new information to any reader of this review. What is new is that Brashier employs this perspective as a theme in many sections of his work. He commonly warns the reader that just because a statute is in the book, it doesn’t mean that it will be enforced. A clear discussion of this theme can be seen on page 42, where the legal aspects of “the least restrictive alternative” are addressed. In addition, Brashier reports that courts are motivated to dispose of cases as quickly as possible—not much time to think for the social worker who has not planned in advance. Social workers must be prepared to have the energy to advocate!

Third, court actions are not always consistent with what social workers are taught and what they have read in their textbooks. In addition, the law in general, may not always be parallel to social work values and ethics. Entry level social workers might find themselves paralyzed with shock in the practice arena, but reading Brashier will prepare practitioners for the expected. He does a good job of providing case scenarios in which court outcomes are contrary to the social worker’s value/ethical expectations (see page 31 for an example).

For gerontological social workers, chapter 6’s section on Social Security will not

include any new information. I suspect that social workers might know more about Social Security regulations than the average lawyer. Chapter 6's section on retirement and pension programs is clearly worth reading. I could not find information in chapter 7 (Supplemental Security Income), chapter 8 (Medicare), and chapter 9 (Medicare) that is not thoroughly known by most practicing gerontologists.

The major weakness of the book might be its major strength. Throughout my reading, Brashier would capture my undivided attention on a critical issue of law. Here, he would note that each state addressed the topic in a unique manner. While reading, I found myself becoming frustrated. I asked myself, "Why can't he create a table that lists each state and the manner the topic is addressed for each respective jurisdiction?" I have seen this type of table in other books. In reflection after I completed the book, two issues emerged. First, laws change. There is

no guarantee that a table of state laws and regulations would be accurate after publication.

Commonly, Brashier fails to offer a URL to assist. Frankly, social workers would not know where to seek out current and correct information. Second, Brashier's intended audience includes legal professionals. They will have no problem seeking out up-to-date information. For social workers, the lack of specific information regarding jurisdictional statutes is the only weakness of this book. For legal professionals, there is no problem.

In general, when compared to other books addressing elder law, Brashier's work is clearly a cut above. He writes in a manner that is understandable by social work practitioners. I strongly recommend academic libraries that have a social work specialty include this volume. In addition, this is a particularly good reference piece to include within a nursing home library.