

2019 Hawaii Access to Justice Conference
“Expanding Access to Civil Justice”
June 7, 2019

Workshop Summary¹

“Legal Planning for the Worst—It May Not Be Enough”

Panel Presenters:

James Pietsch, Professor of Law, William S. Richardson School of Law, University of Hawai‘i (facilitator); **Lenora Lee**, Faculty Specialist, William S. Richardson School of Law, University of Hawai‘i; and **Michele Bray**, instructor, University of Hawai‘i School of Nursing and Dental Hygiene

This session provided a practical perspective to end of life planning, through both a legal and medical lens. The presenters highlighted the limitations of the legal system to address an individual’s late life needs, while suggesting what actions can be taken to be as prepared as possible.

Michele Bray, who is a Doctor of Nurse Practice and a faculty member of the School of Nursing and Dental Hygiene at UH Manoa, discussed the importance of disaster planning. Throughout her portion of the presentation, Dr. Bray emphasized the need for everyone, especially the elderly, to have adequate food and water to sustain an emergency situation such as an earthquake or a hurricane. She also discussed the importance of developing detailed disaster plans and communicating with neighbors to ensure community preparedness should disaster strike. Understanding how to be prepared for such an emergency is critical, particularly for the elderly.

The second section of the session, presented by law school faculty specialist Lenora Lee, Ph.D., described the unique challenges faced by the ever-growing elderly population. She stressed the importance of working with the elderly while they still have the capacity to draw up wills, powers of attorney, advance health care directives, and more. Dr. Lee also highlighted the changing demographics of the elderly population, a group rapidly increasing in size, increasingly female, and increasingly at risk for dementia and other cognitive issues that come with advanced aging.

Finally, Professor James Pietsch closed the presentation by discussing several unique characteristics of current Hawai‘i law, including the state’s recent Uniform Power of Attorney Act. He cautioned that the act provides potentially sweeping powers and a presumption of validity that could be abused by unscrupulous individuals. He further stressed the importance of working with the elderly while they are of sound mind and before disaster or disappointment strikes to ensure that decisions made on their behalf reflect their individual values.

¹ A draft was prepared by Nicholas J. Severson, Legal Intern, Legal Aid Society of Hawai'i and edited by the presenters.