

**Nina A. Kohn**  
**Board of Advisors Distinguished Professor of Law**  
**Distinguished Professor of Law**

**Books**

ELDER LAW: PRACTICE, POLICY, AND PROBLEMS (2<sup>nd</sup> ed. 2020).

ELDER LAW: PRACTICE, POLICY, AND PROBLEMS (2014).

**Law Review and Other Scholarly Articles**

*Top Ten Tips Palliative Care Clinicians Should Know About Caring for Patients Under Guardianships* (with Dhrity Bhowmik, MD et al.), 27 J. Palliative Med. 104 (2024).

<https://www.liebertpub.com/doi/epub/10.1089/jpm.2024.0318>

*Using What We Have: How Existing Legal Authorities Can Fix America's Nursing Home Crisis* (with Adrianna Duggan, Justin Cole, & Nada Aljassar), 65 WM & MARY L. REV. 127 (2023).

*Defending Voting Rights in Long-Term Care Institutions* (with Casey Smith), 103 B.U. L. REV. 1025 (2023).

*Malpractice Litigation in Elective Lumbar Spinal Fusion: a Comprehensive Review of Reported Legal Claims in the U.S. in the Past 50 Years* (with Justin K. Zhang, et al), 22 SPINE J. 1254 (2022).

*Protective Orders & Limited Guardianships: Legal Tools for Sidelining Plenary Guardianship* (with David A. English), 72 SYR. L. REV. 225 (2022).

*Teaching Law Online: A Guide for Faculty*, 70 J. LEGAL EDUC. 230 (2021).

*Realizing Supported Decision-Making: What it Does – and Does Not – Require*, 21 AM. J. BIOETHICS 37 (2021).

*Legislating Supported Decision-Making*, 58 HARV. J. LEGIS. 313 (2021).

*Nursing Homes, COVID-19, and the Consequences of Regulatory Failure*, 110 GEO. L.J. ONLINE 1 (2021).

*How the Guardianship System Can Help Address Gun Violence*, 48 Supp. J. L. MED. & ETHICS 133 (2020).

*Online Learning and the Future of Legal Education*, 70 SYRACUSE L. REV. 1 (2020).

*A Framework for Theoretical Inquiry Into law and Aging*, 21 THEORETICAL INQUIRIES IN L. 187 (2020).

*For Love and Affection: Elder Care and the Law's Denial of Intra-Family Contracts*, 54 HARV. C.R.-C.L. L. REV. 211 (2019).

*Building Bridges between Gerontology and Elder Law* (with Maria Brown & Israel A. Doron), 65 GERONTOLOGY 98 (2018).

*Whom Do You Represent?: The Role of Attorneys Representing Individuals with Surrogate Decision Makers*, 53 CT. REV. 64 (2017).

Introduction to Special Issue, 53 CT. REV. 53 (2017).

*Identifying Connections Between Elder Law and Gerontology: Implications for Teaching, Research, and Practice* (with Maria T. Brown & Israel Doron), 25 ELDER L.J. 69 (2017).

*Lawyers for Legal Ghosts: The Legality and Ethics of Representing Persons Subject to Guardianship* (with Catheryn Koss), 91 WASH. L. REV. 581 (2016).

*Matched Preferences and Values: A New Approach to Selecting Legal Surrogates*, 52 SAN DIEGO L. REV. 399 (2015).

*The Nasty Business of Aging*, 40 LAW & SOC. INQUIRY 506 (2015).

*A Call to Expand Elder Law Education* (with Edward D. Spurgeon), 35 BIFOCAL 123 (2014).

*Vulnerability Theory and the Role of Government*, 26 YALE J. L. & FEMINISM 1 (2014).

*A Call to Action on Elder Law Education: An Assessment and Recommendations Based on National Survey* (with Edward D. Spurgeon), 21 ELDER L.J. 345 (2014).

*A Critical Assessment of Supported Decision-Making for Persons Aging with Intellectual Disabilities* (with Jeremy A. Blumenthal), 7 DISABILITY & HEALTH J. S40 (2014).

*Supported Decision-Making: A Viable Alternative to Guardianship* (with Jeremy A. Blumenthal & Amy T. Campbell), 117 PENN ST. L. REV. 1111 (2013).

*Elder (In)Justice: A Critique of the Criminalization of Elder Abuse*, 49 AM. CRIM. L. REV. 1 (2012).

*Elder Rights: The Next Civil Rights Movement*, Keynote Address at the Temple Political & Civil Rights Law Review Symposium: Aging in the U.S.: The Next Civil Rights Movement? (Oct. 22, 2011), 21 TEMP. POL. & CIV. RTS. L. REV. 321 (2012).

*Elder Law Teaching and Scholarship: An Empirical Analysis of an Evolving Field* (with Edward D. Spurgeon), 59 J. LEGAL EDUC. 414 (2010).

*Rethinking the Constitutionality of Age Discrimination: A Challenge to a Decade-Old Consensus*, 44 U.C. DAVIS L. REV. 213 (2010).

*The Lawyer's Role in Fostering an Elder Rights Movement*, 37 WM. MITCHELL L. REV. 49 (2010).

*Outliving Civil Rights*, 86 WASH. U. L. REV. 1053 (2009).

*Cognitive Impairment and the Right to Vote: Rethinking the Meaning of Accessible Elections*, 1 CAN. J. OF ELDER L. 28 (2008).

*Designating Health Care Decisionmakers for Patients without Advance Directives: a Psychological Critique* (with Jeremy A. Blumenthal), 42 GA. L. REV. 979 (2008).

*Preserving Voting Rights in Long-Term Care Institutions: Facilitating Resident Voting While Maintaining Election Integrity*, 38 MCGEORGE L. REV. 1065 (2007).

*Elder Empowerment as a Strategy for Curbing the Hidden Abuses of Durable Powers of Attorney*, 59 RUTGERS L. REV. 1 (2006).

*Cambridge Law School for Women: The Evolution and Legacy of the Nation's First Graduate Law School Exclusively for Women*, 12 MICH. J. GENDER & L. 119 (2005).

*Second Childhood: What Child Protection Systems Can Teach Elder Protection Systems*, 14 STAN. L. & POL'Y REV. 175 (2003).

### **Book Chapters**

*Age-Based Classifications in an Age of Centenarians*, in LAW AND THE 100-YEAR LIFE (Anne Alstott & Abbe Gluck eds., 2025).

*Humane and Resilient Long-Term Care: A Post-COVID Vision*, in COVID-19 AND THE LAW: DISRUPTION, IMPACT, AND LEGACY (I. Glenn Cohen et al. eds, 2023).

*Fiduciary Principles in Surrogate Decision-Making*, in OXFORD HANDBOOK OF FIDUCIARY LAW (R. Sitkoff et al. eds., 2019).

*Improving Health Care Decision-Making Through a Shared Values and Shared Preferences Approach to Surrogate Selection*, in NUDGING HEALTH: HEALTH LAW AND BEHAVIORAL ECONOMICS (I. Glenn Cohen et al. eds., 2016).

*Voting & Political Participation*, in THE LAW AND ETHICS OF DEMENTIA (Charles Foster et al. eds., 2014).

*Legal Gerontology: How a Legal Perspective Can Contribute to the Gerontological Imagination*, in GERONTOLOGY: PERSPECTIVES AND ISSUES (Kenneth F. Ferraro & Janet M. Wilmoth eds., 4th ed. 2013).

*A Civil Rights Approach to Elder Law*, in BEYOND ELDER LAW: NEW DIRECTIONS IN LAW AND AGING (Israel Doron & Ann M. Soden eds., 2012).

*Aging and Law: Using a Multi-Dimensional Model to Understand the Legal Response to Aging* (with Israel Doron), in AGING IN PERSPECTIVE AND THE CASE OF CHINA: ISSUES AND APPROACHES (Sheying Chen & Jason L. Powell eds., 2010).

### **Reports, News and Commentary**

*The New Uniform Health Care Decisions Act: An Overview*, 45(1) BIFOCAL (Sept. 10, 2023), [https://www.americanbar.org/groups/law\\_aging/publications/bifocal/vol45/vol45issue1/new-health-care-decisions-act/](https://www.americanbar.org/groups/law_aging/publications/bifocal/vol45/vol45issue1/new-health-care-decisions-act/).

*Voters Live Here: Understanding the Voting Rights and Needs of Long-Term Care Residents*, Generations Today March-April 2023 (American Society on Aging) (Mar. 15, 2023) <https://generations.asaging.org/voting-rights-and-needs-ltc-residents>

*Opinion, Modern Laws and Out-of-Court Solutions Can Advance Guardianship – Expert Views on Adult Guardianship* (with Robert Dinerstein, Deborah Enix-Ross & Ellie Lanier), U.S.L.W. (Mar. 9, 2023).

*Hospitals That Ditch Masks Risk Exposure* (with Irina D. Manta), BILL OF HEALTH (Harvard Law Petrie-Flom Center, Feb. 20, 2023). <https://blog.petrieflom.law.harvard.edu/2023/02/20/hospital-liability-covid-infection/>

*Opinion, Britney Spears' Case Has Shown Why Guardianship Laws Need to Change*, THE GUARDIAN (Online) (Aug. 19, 2021), <https://www.theguardian.com/commentisfree/2021/aug/18/britney-spears-case-guardianship-laws>

*Long-Term Care After Covid: A Roadmap for Reform*, BILL OF HEALTH (Harvard Law Petrie-Flom Center, June 2, 2021), <https://blog.petrieflom.law.harvard.edu/2021/06/02/long-term-care-covid-reform/>.

*It's Time to Care About Home Care*, THE HILL (May 31, 2021), <https://thehill.com/opinion/healthcare/556178-its-time-to-care-about-home-care>.

*COVID Awakened Americans to a Nursing Home Crisis. Now Comes the Hard Part*, WASH. POST (Apr. 28, 2021), <https://www.washingtonpost.com/outlook/2021/04/28/nursing-homes-covid-pandemic-reform-staffing/> (featured in the SUNDAY OUTLOOK section, May 9, 2020 and reprinted in NEWSDAY, Aug. 29, 2021, <https://www.newsday.com/opinion/coronavirus/covid-19-pandemic-nursing-home-crisis-elder-care-solutions-america-staffing-funds-1.50232965>).

*Netflix's "I Care a Lot" Should Worry You* (with David M. English), THE HILL (Feb. 24, 2021), <https://thehill.com/opinion/civil-rights/540212-netflixs-i-care-a-lot-should-worry-you>.

*When it Comes to Healthy Aging: Location, Location, Location* (with Jennifer Goldberg), THE HILL (Oct. 15, 2020), <https://thehill.com/opinion/civil-rights/521267-when-it-comes-to-healthy-aging-location-location-location>.

*Coronavirus Isolated Nursing Home Residents. Now it Might Keep Them From Voting: States Can Step In to Help, But Many Aren't*, WASH. POST (Oct. 14, 2020), <https://www.washingtonpost.com/outlook/2020/10/14/nursing-homes-voting-covid-discrimination/>.

*Older Adults are Feeling the Heat, Literally* (with Karl Pillemer), THE HILL (Aug. 29, 2020), <https://thehill.com/opinion/civil-rights/514236-older-adults-are-feeling-the-heat-literally>.

*Come Fall, Universities Must Expand Vision: Traditional Learning Can be Replicated Online*, ALBANY TIMES UNION (June 6, 2020), <https://www.timesunion.com/opinion/article/Come-fall-universities-must-expand-vision-15322062.php>.

*Nursing Homes Need Increased Staffing, not Legal Immunity* (with Jessica L. Roberts), THE HILL (May 23, 2020), <https://thehill.com/opinion/healthcare/499286-nursing-homes-need-increased-staffing-not-legal-immunity>.

*The Pandemic Exposed a Painful Truth: America Doesn't Care About Old People*, THE WASHINGTON POST, May 10, 2020 at B4 (reprinted as *Not Enough Care About Old People*, THE POST-STANDARD, May 10, 2020 at E5).

*Addressing the Crisis in Long-Term Care Facilities*, THE HILL (Apr. 23, 2020), <https://thehill.com/opinion/civil-rights/494337-addressing-the-crisis-in-long-term-care-facilities?rnd=1587666321>

*Move Class Online ... But Do It Right*, SYRACUSE.COM (Mar. 19, 2020), <https://www.syracuse.com/opinion/2020/03/syracuse-law-prof-move-class-online-but-do-it-right-commentary.html>.

*JDinteractive: An Online Law Degree Program Designed to Expand Access to Justice*, N.Y. ST. B.A. J., Sept. 2018, at 30.

Legal Update Column, *The Criminal Justice System's Response to Elder Abuse: Law-Psychology Research to the Rescue?*, AMERICAN PSYCHOLOGY LAW SOCIETY NEWSLETTER (Spring 2010).

## **Book Review**

*Old Age in an Era of Migrant Elder Care*, 15 INT'L J. OF LAW IN CONTEXT 234 (2019) (reviewing DAPHNA HACKER, *LEGALIZED FAMILIES IN THE ERA OF BORDERED GLOBALIZATION* (2017)).