

## **Linda S. Whitton**

### ***Curriculum Vitae***

Professor Emerita of Law  
Valparaiso University School of Law

### ***Education***

J.D., Distinction (1<sup>st</sup> in Class) 1986, Valparaiso University School of Law  
(Law Review, Moot Court, 1986 Valparaiso University Distinguished Student, 1985 Indiana Bar Association Scholar, 1984 Balfour Scholar)

B.A., High Distinction, 1979 Valparaiso University (Alpha Lambda Delta Honor Society)

***Licensure*** – Indiana Bar (1986)

### ***Full Time Employment History***

- Professor of Law – Valparaiso University School of Law, Valparaiso, Indiana (1997-2015)  
(Subject areas: Elder Law, Property, Business Planning, Business Associations)
- Associate Professor of Law – Valparaiso University School of Law, Valparaiso, Indiana (1994-1997)
- Assistant Professor of Law – Valparaiso University School of Law, Valparaiso, Indiana (1991-1994)
- Associate – Anderson, Tauber & Woodward, P.C., Merrillville, IN (1989-1991)  
(General and Corporate Transactional Practice)
- Associate – Henderson, Daily, Withrow & DeVoe, Indianapolis, Indiana (1988-1989)  
(Corporate, Commercial, and Real Estate Practice)
- Law Clerk to the Honorable S. Hugh Dillin – United States District Court for the Southern District of Indiana, Indianapolis, Indiana (1986-1988)
- Communications Director – Federal Home Loan Bank of Chicago, Chicago, Illinois (1979-1981)

### ***Other Professional Activities***

- Reporter, Drafting Committee for the Uniform Interjurisdictional Recognition of Substitute Decision-Making Documents Act
- Reporter, Uniform Power of Attorney Act
- ABA Section Advisor to the Joint Uniform Law Commission/Uniform Law Conference of Canada Study Committee on InterJurisdictional Recognition of Substitute Decision-Making Documents
- ABA Liaison to the National College of Probate Judges (2011-2012)
- Member, Implementation Committee for the Third National Guardianship Summit
- Appointed Member, National Conference of Lawyers and Corporate Fiduciaries (2008 – 2012)
- Academic Fellow, American College of Trust and Estate Counsel (Elder Law Committee)
- ABA Section of Real Property, Trust & Estate Law: Standing Committee Member (2002 – Present); Liaison to the National College of Probate Judges (2011 – 2012); Supervisory Council Member (2002 – 2008); Chair, Health Care Decisions Committee (1998 – 2004); Originator and Chair of the National Health Care Decisions Week initiative (1999-2005); Chair, Law Reform Study Committee (1997); Vice Chair, Long Term Care Committee (1996)
- Delegate, Third National Guardianship Summit (2011)
- Commissioner, ABA Commission on Law and Aging (2007 – 2010)
- Steering Committee Member, Elder Law Teaching and Scholarship Study (2008)
- Advisory Editor, AARP Public Policy Institute Report, *Power of Attorney Abuse: What States Can*

*Do About It.*

- Co-Chair, Advisory Committee to the Joint Editorial Board for Uniform Trust & Estate Acts (2001-2003)
- Visiting Adjunct Professor, IU School of Law, Indianapolis (AY 2000/2001)
- AALS Section on Aging & the Law – Chair (1999); Chair-elect (1998), Secretary (1997), Executive Committee member (1996)
- Board of Directors – Whispering Pines Health Care Center, Valparaiso, Indiana (1993-1999, 2000 to 2003, President of Board 1997-1999)

**Awards**

- Seegers Distinguished Professor Chair (2013-2015)
- Michael and Dianne Swygert Research Fellow (2010-2012)
- Valparaiso University School of Law Jack Hiller Distinguished Faculty Award (2000)
- 1998 ABA *Probate & Property* Excellence in Writing Award for Best Overall Article

**Publications**

**Books**

EVERYDAY LAW FOR SENIORS (Paradigm 2010, 2012) (co-authored with Lawrence A. Frolik).

**Articles**

*Understanding Duties and Conflicts of Interest—A Guide for the Honorable Agent*, 117 PENN. ST. L. REV. 1037 (2013).

*Surrogate Decision-Making Standards for Guardians: Theory and Reality*, 2012 UTAH L. REV. 1491 (co-authored with Lawrence A. Frolik) (prepared as a solicited discussion paper for the Third National Guardianship Summit (Oct. 2011, Salt Lake City, Utah).

*The UPC Substituted Judgment/Best Interest Standard for Guardian Decisions—A Proposal for Reform*, 45 U. MICH J.L. REFORM 739 (2012) (co-authored with Lawrence A. Frolik).

*Everything You Ever Needed to Know About Good Lawyering, You Can Learn from Elder Law*, 40 STETSON L. REV. 73 (2010).

*The Uniform Power of Attorney Act: Striking a Balance Between Autonomy and Protection*, 1 PHOENIX L. REV. 343 (2008).

*Coming to Ohio? The Uniform Power of Attorney Act*, 18 OHIO PROB. L. J. 135 (2008) (co-authored with Richard E. Davis).

*Durable Powers as an Alternative to Guardianship: Lessons We Have Learned*, 37 STETSON L. REV. 7 (2007).

*Navigating the Uniform Power of Attorney Act*, 3 NAELA J. 1 (2007).

*The New Uniform Power of Attorney Act: Balancing Protection of the Principal, the Agent, and Third Persons*, in PROCEEDINGS OF THE 41<sup>ST</sup> ANNUAL HECKERLING INSTITUTE ON ESTATE PLANNING 9-1 (Matthew Bender 2007).

*Planning for End-of-Life Health Care Decisions—What National Survey Results Reveal*, PROB. & PROP.,

Jan./Feb. 2006, at 38.

*Crossing State Lines with Durable Powers*, PROB. & PROP., Sept./Oct. 2003, at 28.

*Finding the Elder Voice in Social Legislation*, in AGING: CULTURE, HEALTH AND SOCIAL CHANGE 101 (D.N. Weisstub et al. eds., 2001).

*Finding the Elder Voice in Social Legislation*, 24 INT'L J. LAW & PSYCHIATRY 149 (2001).

*Navigating the Hazards of the Eldercare Continuum*, 6 J. OF MENTAL HEALTH & AGING 145 (2000).

*Re-examining Elder Law Practices: Reflections on Ageism*, PROB. & PROP., Jan./Feb. 1998, at 8. (Awarded the 1998 Probate & Property Excellence in Writing Award for the Best Overall Article).

*Ageism: Paternalism & Prejudice*, 46 DEPAUL L. REV. 453 (1997).

*Caring for the Incapacitated – A Case for Nonprofit Surrogate Decision Makers in the Twenty-First Century*, 64 U. CIN. L. REV. 879 (1996).

*An Old(er) Master Stands on the Shoulders of Ageism to Stake Another Claim for Law and Economics*, 31 VAL. U. L. REV. 89 (1996) (co-authored with Paul H. Brietzke).

*Heath Care Advance Directives: The Next Generation*, RES GESTAE, June 1995, at 18.

*Durable Powers as a Hedge Against Guardianship: Should the Attorney-at-Law Accept Appointment as Attorney-in-Fact?*, 2 ELDER L. J. 39 (1994).

### **Selected Presentations**

- Sept. 2013 – Robert H. McKinney School of Law Program on Law and State Government (Indianapolis, IN)(Panelist, *Legal Tools for Balancing Autonomy and Protection: Advocacy, Scholarship, and Practice*)
- Mar. 2013 – Texas Tech. Univ. School of Law Estate Planning and Community Property Law Journal Symposium (Lubbock, TX) (Presenter, *The Uniform Power of Attorney Act: Striking and Balance between Autonomy and Protection*)
- Nov. 2012 – National Aging and Law Institute (Washington, DC) (Panelist, *Finances and Fiduciaries: Diminished Capacity and Diminishing Resources in a Post-Election World*; Panelist, *Teaching Elder Law*)
- Oct. 2012 – ABA national webinar (Presenter, *Drafting Financial Powers of Attorney: Avoiding Financial Exploitation of the Elderly*)
- Sept. 2012 – Alaska State Bar (Anchorage, AK) (Presenter, *Power of Attorney Hot Topics and a Guided Tour of the Uniform Power of Attorney Act*)
- May 2012 – NGA Colloquium on Guardianship (Albuquerque, NM) (Presenter, *Person Centered Guardianship: Rethinking the Substituted Judgment and Best Interest Standards*)
- Apr. 2012 – NAELA Annual Meeting (Seattle, WA) (Presenter, *Interjurisdiction Recognition of Powers of Attorney*)
- Mar. 2012 – ACTEC Annual Meeting Elder Law Committee program (Miami, FL) (Presenter, *Guardian Decision-Making Standards: Theory, Reality & A Proposal for Reform*)
- Feb. 2012 – University of Iowa National Health Law and Policy Resource Center Colloquium (Iowa City, IA) (Featured speaker, *Planning for Incapacity with Powers of Attorney*)
- Jan. 2012 – AALS Section on Aging & the Law Program (Washington, DC) (Presenter, *Guardian Decision-Making Standards: Theory, Reality & A Proposal for Reform*)

- Oct. 2011 – ACTEC/Univ. of Michigan Symposium—The Uniform Probate Code: Remaking of American Succession Law (Ann Arbor, MI) (Presenter— *The UPC Substituted Judgment/Best Interest Standard for Guardian Decisions—A Proposal for Reform*)
- Oct. 2011 – Third Nat’l Guardianship Summit (Salt Lake City, UT) (Plenary Session Presenter *Surrogate Decision-Making Standards for Guardians: Theory and Reality*)
- Sept. 2011 – Hanyang Univ. School of Law—Developments of Adult Guardianship Systems in the U.S.A. and Korea (Seoul, South Korea) (Plenary address—*Surrogate Decision Making in an Aging World: Legal, Policy and Practical Challenges*)
- July 2011 – SEALS Conference (Hilton Head, SC) (Panelist—*Teaching Elder Law: What Works? What Doesn’t?*)
- June 2010 – Minnesota State Bar Trust & Estate Section Annual Meeting (St. Paul, MN) (Keynote address—*A Guided Tour of the Uniform Power of Attorney Act; Workshop—Durable Powers: Tools for Empowerment or Exploitation?*)
- May 2010 – National College of Probate Judges Annual Meeting (Portland, OR) (Plenary address *Power of Attorney Abuse and What States Can Do About It*)
- May 2009 – Colorado State Bar Association, Trust & Estate Section (Denver, CO) (Keynote Address—*A Guided Tour of the Uniform Power of Attorney Act; How the Act can Empower and Protect Your Client*)
- Mar. 2009 – Australian Guardianship Administration Conference (Brisbane, AU) (Keynote Address—*Durable Powers as an Alternative to Guardianship: Lessons We Have Learned*)
- Dec. 2008 – National Aging and Law Conference (Washington, DC) (Topic—*Power of Attorney Abuse: Strategies for Legislative Reform*)
- Apr. 2008 – Valparaiso University Law and Poverty Conference (Topic—*Caught in the Middle: How Incongruent Social Legislation is Undermining the Economic Stability of the Elderly Middle Class*)
- Jan. 2008 – Speaker, Phoenix Law Review Symposium (Phoenix, AZ) (Topic – *The Uniform Power of Attorney Act: Striking a Balance Between Autonomy and Protection*)
- Nov. 2007 – Panelist, Canadian Conference on Elder Law (Vancouver, CA) (Topic – *Power of Attorney Hot Topics*)
- Nov. 2007 – Panelist, Canadian Conference on Elder Law (Vancouver, CA) (Topic – *Power of Attorney Law Reform: Comparing American and Western Province Approaches*)
- Oct. 2007 – Panelist, National Aging and Law Conference (Washington, DC) (Topic –*The Durable Power of Attorney: A Tool for Empowerment or Exploitation?*)
- Sept. 2007 – Panelist, 2007 Fall Joint Meeting of the ABA Section of Real Property, Trust and Estate Law and the ABA Section of Taxation (Vancouver, CA) (Topic –*Power of Attorney Hot Topics—American and Canadian Perspectives*)
- Apr. 2007 – Symposium Panelist, 2007 ABA Section of Real Property, Probate and Trust Law Spring Symposia (Washington, DC) (Topic – *Advancing the Law—What’s Behind Those New Uniforms?*)
- Mar. 2007 – Symposium Panelist, 2007 ACTEC Annual Meeting (Scottsdale, AZ) (Topic – *Hot Buttons on the New Uniforms*)
- Jan. 2007 – Plenary Speaker, 41st Annual Heckerling Institute on Estate Planning (Orlando, FL) (Topic – *Charting a Course for Convenience or Incapacity—New Aids to Navigation in the Uniform Power of Attorney Act*)
- Jan. 2007 – Workshop Presenter, 41st Annual Heckerling Institute on Estate Planning (Orlando,

- FL) (Topic – *One Size Fits All—Tailoring a Form Power of Attorney to Meet Individual Client Needs*)
- Apr. 2006 – Panelist, D.C. Bar Association, Trusts & Estates Section Program (Washington, D.C.) (Topic – *Acceptance of Powers of Attorney by Financial Institutions*)
- Sep. 2005 – Speaker, Joint Fall Meeting of the ABA RPPT and Tax Sections (San Francisco) (Topic – *Exploring the New Uniform Power of Attorney Act*)
- May 2005 – Speaker, National Academy of Elder Law Attorneys 2005 Symposium (San Francisco) (Topic – *New Uniform Acts Affecting Elder Law*)
- Apr. 2005 – Panelist, ABA RPPT Spring Symposium (Washington, DC) (Topic – *Exploring the New Uniform Power of Attorney Act*)
- Jan. 2005 – Speaker, Annual Meeting of the New York State Bar Association Trusts & Estates Law Section (New York) (Topic – *Powers of Attorney in the New Century: National Perspectives*)
- Jan. 2004 – Panelist, Joint Program of AALS Sections on Agency, Partnership, LLCs and Unincorporated Associations, Aging and the Law, and Donative Transfers (Atlanta) (Topic – *Financial Powers of Attorney: Uses & Abuses*)
- Apr. 2003 – Program Chair and Speaker, ABA RPPT Spring Symposium (New York) (Topic – *Crossing State Lines with Durable Powers*)
- Oct. 2001 – Program Chair and Panelist, National Aging & Law Conference (Washington, D.C.) (Topics – *Elder Law Education: Clinics, Courses, and Concentrations; Health Care Decision Making in the New Millennium: Legal and Medical Perspectives*)
- Oct. 2000 – Inaugural Lecture, Valparaiso University School of Law (*Law & Aging: Lessons from the Rearview Mirror*)
- July 2000 – Program Chair & Moderator, ABA Annual Meeting Presidential Showcase Program (New York City) (Topic – *Health Care Decision Making in the New Millennium: Legal and Medical Perspectives*)
- Jan. 1999 – Program Chair and Panelist, AALS Program, Section on Aging and the Law (New Orleans) (Topic – *Taking it to the Streets: Enriching Traditional Elder Law Courses with Practicum Experiences*)
- May 1997 – Speaker, ABA RPPT Spring Symposium (Washington DC) (Topic – *Professional Ageism: Another Form of Elder Abuse?*)
- Nov. 1995 – Institute on Law & Pastoral Ministry (Valparaiso) (Topic – *Church Property Issues: Usage, Taxation & Liability*)
- Sept. 1995 – Int’l Federation on Ageing Global Conference (Jerusalem) (Topic – *Empowerment of the Elderly through Private Legal Documents: The American Experience with Advance Directives*)
- Nov. 1994 – Institute on Law & Pastoral Ministry (Valparaiso) (Topic – *Elder Abuse*)
- Sept. 1994 – Concordia Seminary Symposium, “Moving Into the 21st Century: The Church and the Older Adult” (St. Louis) (Topic – *An Attorney’s Perspective on Aging*)
- Feb. 1994 – Annual Meeting of the Association for Practical and Professional Ethics (Cleveland) (Topic – *Durable Powers as a Hedge Against Guardianship: Should the Attorney-at-Law Accept Appointment as Attorney-in-Fact?*)