

NAELA NEWS

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Elder Law in Israel



NAELA member discusses similarities and differences in the practice of Elder Law in Israel and the United States with an Elder Law pioneer.

The most prominent building of the University of Haifa is a high-rise building on the top of Mt. Carmel that towers over the city of Haifa. On the 10th floor is the Department of Gerontology office of Israel Doron, head of the department and a pioneer in the field of Elder Law whose work also towers in the development of Elder Law in Israel. In March 2015, I paid a visit to Professor Doron (Issi, as he prefers to be called) and his colleague Carmit Shay, Esq. Over chocolate, we discussed and compared notes on the practice of Elder Law in Israel and the United States.

Professor Doron is an inspired attorney and prolific writer on the rights and protections of the elderly. His article, *Law and Ageing in Israel: The Development of a New Field of Law*,¹ gives an in-depth overview of the practice of Elder Law in Israel. In another article, *From National to International Elder*



From left, author Kathleen Kienitz, Carmit Shay, Esq., and Professor Doron. Above, just down the street from the University of Haifa, you'll find a breathtaking view of the port of Haifa and the Mediterranean.

Kathleen Kienitz, CELA, met with Professor Doron of the University of Haifa in Israel in April 2015.

1 Israel Doron, *Law and Ageing in Israel: The Development of a New Field of Law*, 2 J. Int'l Aging L. & Pol'y, 33 (Summer 2007).

Law,² Professor Doron discusses the importance of international cooperation in the development of Elder Law

2 Israel Doron, *From National to International Elder Law*, 1 J. Int'l Aging L. & Pol'y, 43 (Fall 2005).

in our increasingly globalized world. In fact, he mentions NAELA in the context of its having "opened its ranks to lawyers from outside the United States, and . . . [having] organized sessions dealing with the international aspects of Elder Law in a number of

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Travel

conferences.”³ More recent articles include *Elder Self Neglect: A Geriatric Syndrome or a Life Course Story*,⁴ and *A Judicial Rashomon: On Ageism and Narrative Justice*.⁵

Promoting the Rights of the Elderly, Education, and Advocacy

Carmit Shay, a former student of Professor Doron and adjunct faculty of law at the University, is very involved with the Association of Law and the Service of the Elderly. The association strives to provide services familiar to many of our United States legal services agencies including: promoting the rights of the elderly, education, and advocacy. Additionally, the association provides a legal resource center on elder rights, including popular and professional legal materials. It cooperates with national and international organizations with similar goals. The association also has a hotline and takes on high-impact cases including appeals to the Supreme Court of Israel. A recent case involved holding the Ministry of Justice accountable for doing their job in overseeing guardians.

Ageism in Israel

As the titles of Professor Doron's articles suggest, a big focus of his work is ageism. Israel has a mandatory retirement of age 67. This is in stark contrast to our country where the laws protect against age discrimination in the work place. The one

3 *Id.* at 66.

4 Tova Band-Winterstein, Israel Doron & Sigal Naim, *Elder Self Neglect: A Geriatric Syndrome or a Life Course Story*, 26 *J. Aging Stud.* 109 (2012).

5 Israel Doron, *A Judicial Rashomon: On Ageism and Narrative Justice*, 27 *J. Cross-Cult. Gerontology* 17, (2012).



The author met with Professor Israel Doron in the Eshkol Building at University of Haifa, which houses the Department of Gerontology.

thing Israelis do not have to worry about, however, is qualifying for assistance for long-term care. Their social security system provides 22 hours per week of in-home care, and if one opts to use daycare outside of the home, the number of hours of care received can be doubled. For nursing home care, they do require that half of the assets of a married couple be applied toward the care. Thus, there is still the possibility of asset depletion, which has led to a fairly robust private long-term care insurance system. Another huge benefit in Israel is the right to paid sick leave to tend to a parent's illness.

A Growing Aging Population

Although the social service net in Israel is considerably more generous

than in the United States, Professor Doron is worried that many services are threatened. Just like in the United States, public coffers are strained. In what Professor Doron refers to as the “neo-liberal atmosphere,” there is a general fear that the increase in the aging population will put too great a strain on the state budget resulting in the knee-jerk tendency among the populace to demand reduction of the benefits for seniors.

In the arena of advance medical directives, Israel is only recently catching up with the United States.

In 2006, Israel enacted its first laws for the terminally ill. In a nutshell, it covers only those who are documented to have expected life spans of six months or less; and for those people, a designated agent is allowed to refuse treatment. Although this may seem *de minimus* by comparison with the advance directive laws in most of the states in the United States, it is a major improvement. Without an advance directive with these provisions, the protocol in the medical community in Israel has been to require artificial hydration and nutrition in cases

in which the life expectancy was as low as two weeks.

Israel and the United States share many of the same concerns over the needs of their elderly populations. In the arena of public benefits, Israel, like so many other Western nations, puts the United States to shame. In terms of the laws protecting seniors in other respects, the United States seems to continue to lead the way. Professor Doron’s work is a wonderful example of the synergy that is possible from collaboration of Elder Law practitioners from various parts of the world. ■



Save the Dates



April 7–9, 2016

Denver Marriott City Center
Denver, Colorado

Preconference Program

April 6, 2016: Essentials Practicum



Join us in Denver, Colorado, for the 2016 Annual Conference!