The Merry Month of May: Travel Musings
By Roger A. Stetter

I spent the month of May in foreign travel and it was fun. One of the highlights of this trip was a totally unexpected encounter with my former law school professor and his wife who I had not seen for more than 40 years. It was raining and there was an interminably long waiting line outside the van Gogh Museum, so we decided to go to a cafe for pastries and coffee and save van Gogh for another day.

Another was a visit to the Anne Frank house in Amsterdam. In 1942, Anne’s father, Otto Frank, fled Germany with his wife and two daughters and opened a jam and spice business in a canal house in Amsterdam. Shortly thereafter, the Nazis invaded Holland and the Franks went into hiding on the upper two floors of the canal house where they lived for two years before discovery by the Nazis. Otto Frank, the sole survivor, recovered his daughter’s diary after the war and arranged to have it published in Holland in 1947.

One cannot visit the Anne Frank house or read her diary without feeling terribly sad that such a brave young girl should have lost her life in the Holocaust. Yet it is heartening to know that Anne achieved her ambition of becoming a writer — indeed one of the most widely read and admired writers in the world.

Finally I would like to recall our hotel in Stockholm. Situated at the tip of a small island, it was surrounded by lovely trees, a tennis court and lawn furniture suitable for easy reading or pleasant chatter. The hotel, inhabited almost entirely by Scandinavians on holiday, was so beautiful and peaceful that we truly experienced the Joys of Being Idle while in its midst and under its spell.¹ Hooray for Northern Europe in springtime!

FOOTNOTE

¹. The only foreigner we met at the hotel was a 40-something Irishman dashingly dressed like the fashion photographer in the 1960s film classic, Blow-Up, directed by Michelangelo Antonioni.

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Looking for a Housemate, Not a Mate, in Later Life
By Harriet Edleson
(Reprinted from The New York Times Online, July 11, 2014)

When Marianne Kilkenny was in her mid-50s, she decided she’d had enough of living and working in Silicon Valley but was not sure what to do next. She found the answer while reading Joan Medlicott’s novel, *The Ladies of Covington Send Their Love*, during a visit to Asheville, N.C.

Kilkenny, now 64, moved to Asheville a year later with a plan to create communities like the fictional one that had captured her attention: three women in their 60s living together in a farmhouse in North Carolina. Today, not only has she succeeded in living that very life, she is also determined to help other women (and men) arrange shared housing as they grow older, while avoiding some of the potential downsides of such a move.

To that end, she founded an organization called “Women for Living in Community,” which offers advice, sometimes for a modest fee, to people interested in shared living arrangements.

“We weren’t intended to drive into the garage and turn on the TV,” said Kilkenny, who is divorced and has no children. Instead, she believes “aging in community” is a viable alternative to growing older alone or in a more traditional situation, like marriage.

A still small but growing number of women approaching the common retirement age of 65 or 66 appear to agree. According to the Census Bureau’s 2012 American Community Survey, among “nonfamily households,” the percentage of women 65 and older who choose not to live alone has grown to 3.8 percent, up from 2.96 percent in 2005, the first year numbers were included in the report. For men 65 and older, the percentage during the same period remained the same at 9.1 percent.

While men typically remarry at higher rates than women, women are increasingly looking for alternatives to living alone, said Rachel Caraviello, a gerontologist and vice president for programs and services at Affordable Living for the Aging in Los Angeles.

With housing costs typically a third or more of living expenses for people 55 and older, the desire to share living space is often driven by economics.

“There’s a real uptick in people who need rental income,” said Kirby Dunn, executive director of HomeShare Vermont, which has been in the business of helping people find housemates for 30 years. “With the recession, people were looking at home-sharing as a way to financially help themselves during difficult times.”

But equally compelling, and the reason for Kilkenny’s life choice, can be the desire for companionship or the sense of security derived from having a housemate — especially these days, when family members are often far apart.

“Over the past several decades, we’ve seen kind of a shift in the way people live,” said Billie Campbell, senior program manager of the Thomas Jefferson Planning District Commission in Charlottesville, Va., which supports aging in place and is working on a home-sharing program.
“Multigenerations used to live together,” she said. “Houses have gotten bigger but households have gotten smaller.” For people who want to stay in their homes, taking in a tenant — a housemate — can be an option.

Another determining factor can be the increasing desire of older people to remain in the community where they live, rather than moving to a place that might be more affordable. According to an AARP Public Policy Institute Report released in April, “What is Livable? Community Preferences of Older Adults,” among those ages 50 to 64, 71 percent want to continue to live in the community where they reside. By age 65 and older, the percentage jumps to 87 percent.

But whether they consider themselves housemates or roommates, and whether one person owns the house, the residents co-own it or all are renters, sharing space requires research and time to find the right combination of people.

Chris Lambrecht, 66, moved in with a female friend, 59, when the owner of the condominium he was renting defaulted on his mortgage and it was bought by an investment company. He paid $600 a month and half of the utilities, Internet and TV for a total of $850. Both were divorced; he twice, she once. They shared a couple of meals a week, and rented a three-bedroom house with a month-to-month agreement and no lease from July 2013 until February 2014.

“We got along until I got a girlfriend,” said Lambrecht, who lives in the Atlanta area. Since leaving the roommate situation, he has been renting a three-bedroom, one-story farmhouse on three acres from friends for $1,200. His son stayed with him for a month but Lambrecht plans to continue looking for a “homemate.” He expects it will take from three to as long as six months to find the right person, preferably a male baby boomer, he said. “It’s a three-hour process with two meetings. You want to get to know a person.”

Kilkenny, author of *Your Quest for Home*, a book she published through CreateSpace, advises knowing yourself as a way to find compatible housemates. “You have to do your internal work,” she said. “Identify what you want first.”

From a safety and security standpoint, background checks and references are essential. Beyond that, it comes down to how well you can get along in shared space.

“Not everyone can live together well,” agreed Dunn at HomeShare Vermont. “It does require a certain amount of flexibility on both people’s part. It’s a little bit of a dance that you have to do.”

Organizations such as the National Shared Housing Resource Center, which lists agencies throughout the country, can help people find others with whom to share space.

“There are issues that can come up in shared housing,” Kilkenny said. A chief one is the ability to continue to pay. As a former human resource professional, she relies on her interviewing skills to evaluate potential candidates for a shared living arrangement. She might, for example, ask someone who has revealed plans to help an adult child with a down payment on a house, “How might that affect your ability to pay rent?”

She also does what she calls “behavioral interviewing” to reveal potential hidden attitudes or situations that would mean someone is not the right candidate to be a housemate. Some organized home-share programs encourage a trial period of two weeks or longer to determine whether a match is suitable.

Other things to consider are the kind of agreements made for payment, the length of the arrangement and plans for its termination when it’s not working.
For example, where Kilkenny lives, there is a one-year lease with the landlord of the house, with 60 days’ notice required for moving out and a written agreement among the housemates. “You need to have an exit strategy,” she said. “If this isn’t working, what do we need to do so there are no hard feelings afterward?”

In the 1980s house she has lived in for three years, Kilkenny occupies the mother-in-law suite with a separate kitchen and pays $900 a month, while two housemates pay $700 each. One lives in a room called the Abode, and the other lives in the original master bedroom, known as the Treehouse. A third housemate, who lives in a furnished room known as the Cocoon, pays $500.

Kilkenny, who had a mortgage for many years, enjoys the freedom of not having to maintain the property and having no mortgage debt.

“We became fairly independent,” she said of herself and many of her contemporaries. “Then, at the end of the day, you’re sitting in front of the TV eating your little ol’ dinner and you realize you would like to have someone say, ‘How was your day?’ I am no longer fiercely independent. I now can be interdependent and this is by choice.”
The New Old Age: Again Comes Love, Then Comes Marriage... 
Well, Maybe not for Older Persons
By Edward J. Walters, Jr.

Many older couples who have lost a spouse, over time, find solace, friendship and love in the arms of another. They often find that they have much in common, fall in love and move in together.

But sometimes that’s as far as it goes because, for them, the best decision is to live together and not get married.

According to the United States Census Bureau, while more people of all ages are living together, the growth of unmarried couples is fastest among the older segment of the population. In 2010, 2.8 million people aged 50 and over cohabited, up from 1.2 million in 2000, according to the United States Census Bureau. The statistics reveal that those who cohabit are most likely to stay that way instead of splitting or getting married.

According to study results and findings of Stephanie Coontz, a professor at Evergreen State College in Olympia, Wash., and author of *Marriage, a History: How Love Conquered Marriage*, cohabitation is really taking hold across the generations and it is now a viable alternative to marriage, especially for older adults.

That study found: “For young people, social factors such as economic and educational status are very big predictors of who marries and who cohabits. In contrast, older people may lack an incentive to get married. They no longer are at the stage of life when they feel like they want or have to have a big wedding to please family, to announce their commitment to the world, to protect future children or to accumulate wedding gifts. Second, there are some real disincentives for some: complicated finances... prior experience with the hassles of dissolving a marriage if something were to go wrong.”

What about that old stigma of “living in sin”?

“The stigma has largely disappeared for most Americans, except for small pockets of people,” Coontz said. “Older Americans may be more likely to disapprove of cohabitation in the abstract, but they also have fewer relatives alive to shock and offend. Possibly those two tendencies balance each other out.”

**Why? What Are the Concerns?**

The decision not to marry most often boils down to a matter of money. A partner who remarries may stand to lose Social Security benefits or a survivor’s pension. Potential medical burdens pose a special problem. Under the law, married people are responsible for the debts of their spouses. Nursing homes can be extremely expensive and Medicaid covers expenses only after the couple has exhausted most of their assets.

The tax code sometimes forces married couples to pay more than single people, so many couples decide to act as married people — but not to get that marriage certificate. For many people, the marriage penalty has been reduced, and, in some cases, married couples pay lower taxes than single peers, but the tax code is still full of provisions that place burdens on married couples. The penalties are particularly severe for high-income taxpayers. If unmarried partners...
each make $405,000, they will pay taxes at a rate of 33 percent. But if the couple marries, they will pay at a rate of 39.6 percent.

Middle-income people also can increase their burdens by thousands of dollars when they marry. Older unmarried partners who each earn $60,000 may be able to deduct up to $6,500 in contributions to an individual retirement account, but, if the partners married, their joint income would be too high to take any deduction.

Some couples delay marriage because of Social Security. Under the rules, a survivor is entitled to a share of a late spouse’s benefits. But survivors who remarry before age 60 lose the benefits. Government pensions also cause some people to postpone marrying. Under the rules, survivors may be entitled to half of a spouse’s pension, but if they remarry before age 55, they lose the pension.

Many couples also refuse to marry because of concern about protecting the inheritances of children. While prenuptial agreements can stipulate who heirs will be, the partners often worry that legal documents may not be airtight or could be changed after a spouse dies. What happens if a couple lives together for years in property owned by one of them? In some cases, when the owner dies, that person’s children may claim the property and evict the survivor.

**Protecting the Parties**

Lawyers should urge unmarried clients to draw up agreements specifying which partner is responsible for expenses and who will inherit assets. Many couples ignore the advice and share expenses informally. These arrangements can result in complicated legal problems if the couple splits or if one partner dies suddenly.

To avoid such situations, the parties should hire a lawyer to draw up agreements that will protect both partners.

Even if they don’t draw up formal agreements about living arrangements, the partners should at least insist on signing health proxies, giving each the right to make medical decisions for the other.

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Oven Roasted Garlic Brussels Sprouts
Recipe & photograph by Laura Flowers
www.thecookingphotographer.com

The “Spicy” section is reserved for discussions of one of the state’s most “relished” topics: FOOD. If you have a great recipe to share or if you want to write a food-related article, email Editor Ed Walters at walters@lawbr.net.

Ingredients:

2 lb Brussels sprouts, trimmed and halved (quartered if large)
5 cloves garlic, minced fine or pressed through a garlic press
1/2 cup water
2 tablespoons extra-virgin olive oil
1/2 teaspoon sea salt
1/2 teaspoon black pepper

Directions:

Move oven rack to the upper third and preheat to 425 degrees.

In a 9x13 inch baking dish, toss together Brussels sprouts, garlic, water, oil, salt and pepper and spread out in a single layer.

Bake for 40-50 minutes until caramelized to taste, tossing once about 25 minutes into cooking time. Remove from oven and toss Brussels sprouts in the pan scraping up brown bits into the sprouts.
Book Review: *Speeches* by Paul R. Baier
Reviewed by Edward J. Walters, Jr.

I think one of the best things an older man can do for younger men is to tell them the encouraging thoughts his experience has taught him. It is better still if he can lift up their hearts — if after many battles which were not all victories, the old soldier still feels that fire in him which will impart to them the leaven of his enthusiasm.

—Oliver Wendell Holmes, Jr.

I am admittedly a huge fan of Professor Paul Baier — ever since he gave me one of my highest grades in law school. I also admire the way he has spent his career associating with lawyers, and often actually practicing law, something many law professors are not wont to do. I am proud to be able to “review” Professor Baier’s new book, *Speeches*, and I wholeheartedly recommend it to you.

His book is patterned after Justice Oliver Wendell Holmes’ book by the same name, which, also, was a compilation of speeches given by Holmes. (The cover is almost identical to Holmes’ book.)


You will find one of your heroes here, no matter your political philosophy. My favorite, of course, was his speech about (and this photograph of) one of my all-time heroes, Justice, then Judge, Al Tate, pictured to the right.

Professor Baier highlights who these judges were on a personal level, excerpts the more salient parts of what they had to say in their opinions and outlines their impact on our law and on our society in general.

For any of us who care about the law, how we got here and who we are, this is a book for you.

This book is a publication of the Louisiana Bar Foundation by its first Scholar-in-Residence Paul R. Baier, Professor of Law at Louisiana State University Paul M. Hebert Law Center.
Copies are available from Professor Baier for $20, which includes postage. Make your check payable to the “Louisiana Bar Foundation.” All proceeds go to the Louisiana Bar Foundation’s Civil Justice Initiative. He will personally inscribe the book to you if you care to have a signed copy. To order copies, email: paul.baier@law.lsu.edu.

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Humor: The Gift of an Orange

One day in Contract Law class, a professor asked one of his better students, “Now if you were to give someone an orange, how would you go about it?” The student replied, “Here’s an orange.” The professor was livid. “No! No! Think like a lawyer!” The student then recited, “Okay, I’d tell him, ‘I hereby give and convey to you all and singular my estate and interest, rights, claim, title and advantages of and in, said orange, together with all its rind, juice, pulp and seeds, and all rights and advantages with full power to bite, cut, freeze and otherwise eat, the same, or give the same away with and without the pulp, juice, rind and seeds, anything herein before or hereinafter or in any deed, or deeds, instruments of whatever nature or kind whatsoever to the contrary in anywise notwithstanding . . . .’”