

## **JAMES H. PIETSCH, JD**

AB, Georgetown University, Washington, DC, 1970

JD, The Catholic University of America, Washington, DC, 1974

### **UNIVERSITY OF HAWAI'I AT MĀNOA**

Professor of Law, William S. Richardson School of Law

Adjunct Professor of Geriatric Medicine and Psychiatry, John A. Burns School of Medicine

Adjunct Professor of Nursing, Nancy Atmospera-Walch School of Nursing

Director, University of Hawaii Elder Law Program (UHELP)

### **TEACHING**

William S. Richardson School of Law

Law 521 Law, Aging and Medicine

Law 590D Elder Law Clinic

Law 532 Health Law

Law 520G Advance Health Law (EXL)

John A. Burns School of Medicine

Law and Ethics Seminars for Geriatric Fellows and Psychiatry Fellows

Nancy Atmospera-Walch School of Nursing

Nurse 449 Gerontology, Health Care and the Law

### **UNIVERSITY/LAW SCHOOL SERVICE:**

Vice Chair, U. H. Committee on Human Studies Biomedical Institutional Review Board

Member, Kapi`olani Community College Legal Assistant Program Advisory Board

Faculty Advisor, Law Student Public Service (Pro Bono) Program

Member Law School Academic Standards and Online Committees

Collaborative Faculty Member, Center on Aging

### **CURRENT COMMUNITY SERVICE:**

Member, The Queen's Medical Center Ethics Committee

Member, Hawaii Legal Services Access to Justice Consortium

Member, International Committee of the National Academy of Elder Law Attorneys (NAELA)

Director of UHELP which provides free direct legal services to socially and economically needy older persons and their caregivers and families in the community.

### **PAST PUBLIC SERVICE**

U.S. Army Medical Service Corps and Judge Advocate General's Corps (Active and Reserve)

Supervising Attorney, Elder Law Unit, Legal Aid Society of Hawaii

Member, Governor's Blue Ribbon Panel on Living and Dying with Dignity

Member, Hawai'i State Legislature Mental Health Laws Task Force

Member, Kuakini Medical Center and Kaiser Medical Center Ethics Committees

Chair, Governors Committee on Elder Abuse

Rule of Law Advisor, US Embassy Iraq, Kurdistan Regional Reconstruction Team

Rule of Law Advisor, US Embassy Iraq, Baghdad Provincial Reconstruction Team  
Special Advisor to the Law and Order Task Force, Multi-National Force Iraq  
Rule of Law Consultant to USAID-sponsored Access to Justice Program, Iraq  
Consultant to US Pacific Command on Rule of Law Issues, Timor-Leste  
Recorder, Hawaii Chapter, American Judicature Society Special Committee on Mandatory Retirement Age for Judges  
American Bar Association, Real Property, Trust and Estate Section Law Liaison to the Standing Committee on Legal Assistance for Military Personnel  
American Bar Association Advisor to the Uniform Laws Commission Model Veterans Treatment Court Act Drafting Committee  
Member Legal Committee, State Task Force on Alzheimer's Disease and Related Dementias

### **HONORS/AWARDS**

Fellow of the American Bar Foundation  
1990 Paul Lichterman Award for Contributions in Law and Aging  
2000 Legion of Merit (Military Service)  
2002 Na Lima Kokua Award, Hawaii Pacific Gerontological Association  
2003 Hung Wo and Elizabeth Lau Ching Foundation Award Recipient for Faculty Service  
2010 The Secretary of the Army Award for Public Service (Pro Bono Service in Iraq)  
2011 Hawaii Alliance for Retired Americans and Kokua Council Shining Light Award  
2017 Robert W. Clopton Award for Distinguished Community Service  
2022 The Regents Medal for Excellence in Teaching Award  
2023 National Association of Social Workers Hawai'i Chapter Friend of Social Work Award

### **PROFESSIONAL MEMBERSHIP:**

Hawaii Bar Association  
Iowa State Bar Association  
Bar of the Supreme Court of the United States  
American Bar Association

## **BIBLIOGRAPHY**

### **Books and Handbooks**

- Pietsch, J. & Lee (2024). *The Essential Elder Law Hawai'i Handbook, Including Helpful Forms for Our Akamai Kupuna, Families and Caregivers*, Executive Office on Aging, State of Hawai'i Department of Health.
- Pietsch, J. & Lee (2023). *Deciding What Documents I Need—Forms for Elder Law, A Legal Handbook for Hawaii's Caregivers, Families and Older Persons*, Hawaii Justice Foundation.
- Pietsch, J. & Lee (2022). *Deciding To Navigate Elder Care--A Legal Handbook for Hawaii's Caregivers, Families and Older Persons*, Hawaii Justice Foundation.

- Pietsch, J. & Lee (2021). *Deciding What To Do and Why Not Now?--A Legal Handbook for Hawaii's Caregivers, Families and Older Persons*, Hawaii Justice Foundation.
- Pietsch, J. & Lee (2020). *Deciding What Matters and What to Do--A Legal Handbook for Hawaii's Caregivers, Families and Older Persons*, Hawaii Justice Foundation.
- Pietsch, J. & Lee (2017). *Chances Are, A Caregiver's Legal Planner, Including a Kokua Packet*, City and County of Honolulu.
- Pietsch, J. & Lee (2016). *Deciding What's Next —and Trying to Remember, A Legal Handbook for Hawaii's Caregivers, Families and Older Persons*, City and County of Honolulu.
- Pietsch, J. & Lee, L. (2014). *Deciding What's Next —and Who in the World Cares? A Legal Handbook for Hawaii's Caregivers, Families and Older Persons*, City and County of Honolulu.
- Pietsch, J. & Lee, L. (2011). *Deciding What's Next? —A Legal Handbook for Hawaii's Caregivers, Families and Older Persons*, City and County of Honolulu.
- Pietsch, J. & Lee, L. (2008). *Deciding Who Cares? —A Legal Handbook for Hawaii's Caregivers, Families and Older Persons*, City and County of Honolulu.
- Pietsch, J. & Lee, L. (2005). *Deciding What If?—A Legal Handbook for Hawaii's Caregivers, Families and Older Persons*, City and County of Honolulu, Three Editions, 2003-2005.
- Pietsch, J. (2003). *A Practitioner's Legal Guide to Healthcare Decision Making*, The Geriatric Education Center of the Pacific.
- Braun, K., Pietsch, J. & Blanchette, P. (Editors) (2000). *Cultural Issues in End of Life Decision Making*, Sage Publications.
- Pietsch, J. & Lee, L. *The Elder Law Hawaii Handbook--Protecting Your Health, Wealth, and Personal Wishes*, University of Hawaii Press, 1998. 1999 Ka Palapala Po'okela Award.
- Pietsch, J. & Lee, L. (1991-1997) *The Akamai Kupuna, A Handbook for Hawaii's Older Adults*. Seven Editions--1994 Ilima Award.

### Chapters in Books

- Hawaii State Bar Association, “Divorce and Older People,” update in Hawaii Divorce Manual (2022).
- Hawaii State Bar Association, “Divorce and Older People,” in Hawaii Divorce Manual (2015).
- Alternatives to Guardianship and Supported Decision Making in Dayton, Kim (Editor), Comparative Perspectives on Adult Guardianship (2014).
- Principle author, Chapter 17, Medicare and Medicaid; Chapter 18, Planning for Incapacity, *Hawaii Bar Association Encyclopedia of Financial and Estate Planning* (2009)

- Braun, K., Pietsch, J. & Blanchette, P. (2000). An introduction to culture and its influences on end-of-life decision-making. In Braun Pietsch, Blanchette (Eds.) *Cultural Issues in End-of-life Decision-Making*, Sage Publications.
- Pietsch, J. & Braun, K. (2000). Autonomy, Advance Directives, and the Patient Self-determination Act. In Braun, K. Pietsch, J. & Blanchette, P. (Eds.) *Cultural Issues in End-of-life Decision-Making*, Sage Publications.
- Blanchette, P. & Pietsch, J. (1999). "Evaluation of Competence" In: Gallo JJ, Busby-Whitehead J. Rabins P, Silliman R. Murphy J (Eds). *Reichels Care of the Elderly: Clinical Aspects of Aging*, 5<sup>th</sup> Edition. Baltimore: Lippincott Williams & Wilkins; 1999: 686-691.

### Articles in Journals

- “Elder Law Hawai`i Update and Preview 2024,” Hawaii Bar Journal, Volume 28, Number 13, March 2024.
- “Training Students, Conducting Research and Engaging with Public Policy at the University of Hawai`i Elder Law Program,” Public Policy & Aging Report, Cambridge Press, Volume 33, Issue 1, 2023.
- “Elder Law Hawai`i and the Post COVID-19 Pandemic Transition Period,” Hawaii Bar Journal, June 2021.
- “The University of Hawaii Elder Law Program (UHELP): Celebrating 30 years of Advocating for Older Persons, their Families, and their Care Providers,” Hawaii Bar Journal, Volume 25, Number 2, February 2021.
- “The Role of Laws and Lawyers in Helping Avoid Disappointment at the End of Life, Part 2,” Hawaii Bar Journal, Volume 23, Number 12, December 2019.
- . “The Role of Laws and Lawyers in Helping Avoid Disappointment at the End of Life, Part 1,” Hawaii Bar Journal, Volume 23, Number 8, August 2019.
- “Matters of the Heart—Keeping Pace with Technology and the Law in Deactivation of Cardiac Implanted Devices,” 7 The Elder Law Journal Volume 25 Number 1, 2017.
- “Becoming a ‘Dementia-Capable’ Attorney—Representing Individuals with Dementia,”1 Hawaii Bar Journal, Vol. 17 No. 13 (2015).
- “Elder Law” and Conflicts of Interest in the United States and Canada, James H. Pietsch and Margaret Hall, 1192 Penn State Law Review Vol. 117:4 (2013).
- “Elder Abuse and Laws to Protect Older Persons in Hawaii,”93 Hawaii Bar Journal, Vol. 16 No. 13 (2013).
- “Expanding Access to Justice for Needy Elderly Through Law School Experiential Programs,” 30 The Elder Law Journal 2, (2013).
- “Teaching Elder Law at the University of Hawaii—Integrating Health Law and Cultural Issues into the Curriculum,” 40 *Stetson Law Review* 263 (2010).

- “Who’s Afraid of Protecting Older Persons? —Addressing the False Illusion of Having to Keep “Elder” Out of Elder Abuse Laws,” *Georgetown Journal of Poverty Law and Policy* (2009)
- “Creating a Culture of Caring at the End of Life in Hawaii—Ten Years of Progress Since the Establishment of the Governor’s Blue Ribbon Panel on Living and Dying with Dignity,” *Canadian Journal of Elder Abuse* Vol. 1 (2009)
- “Elder Law Hawaii,” Special Issue, *Hawaii Bar Journal* Vol. 13, No. 13 (2009)
- “Elder Law Update,” *Hawaii State Bar Association Journal* (April 2009)
- “U.S. Experience Regulating Non-Allopathic Medicine,” 1 *ETHNIC L. & MED.* (2006)
- Pietsch, J. (2004) “Health Care Decision Making and Physician Aid in Dying in Hawaii,” *Journal of Law and Medicine*, Vol. No. 25, 303-332.
- Beh, H., & Pietsch, J. (2004) “Legal Implications Surrounding Adolescent Health Care Decision-Making in Matters of Sex, Reproduction and Gender,” *Child and Adolescent Psychiatry Clinics of North America* Vol. No.13, 675-694.
- Kipnis, K. & Pietsch, J. (2001) "The Reach of Ethics into the Law," *Healthcare Ethics Committee Forum*, Vol. No 13:41-48, 2001.
- Koch, T., Braun, K & Pietsch, J. (2000). "Multicultural Perspectives in Bioethics: End-of-life Decision Making," *Cambridge Quarterly of Healthcare Ethics*, Vol. 9:123-128.
- Pietsch, J. (1999). "The Death of the Living Will And The Making of Health Care Decisions Under Hawaii’s New But Not Quite Uniform Health-Care Decisions Act," *Hawaii Bar Journal*, Vol. 3 No.13, 29-55.
- Koch, T., Braun, K. & Pietsch. (1999). "Social Necessity, Individual Rights, and the Needs of the Fragile: Euthanasia in the Context of End-of-Life Decision Making," *Journal of Ethics, Law, and Aging*, Vol. 5:17-28.
- Pietsch, J. (1999). "Frequently Asked Questions (and Answers) About Hawaii’s New Uniform Health Care Decisions Act (Modified)," *Hawaii Medical Journal*, Vol. 58, No. 12: 277-281.
- Koch, T., Braun, K. & Pietsch. (1998). Response to "Difference and the Delivery of Healthcare" (special section), *Cambridge Quarterly of Healthcare Ethics*, Vol.7, No 1, 27-40.
- Pietsch, J. (1998) Book Review of *Choosing Who's to Live*, edited by James Walters.1997, *Journal of Ethics, Law and Aging*, Vol. 4: 52-55.
- Pietsch, J. (1996). "Legal Issues Concerning Medical Treatment Decisions (Part 2): *Hawaii Bar Journal*, April 1996 edition.
- Pietsch, J. (1996) "Lethal Aid—Physician or Lawyer-Assisted Suicide?" *Hawaii Medical Journal*, Vol. 55, No. 12: 274-275.
- Pietsch, J. (1995). "Legal Issues Concerning Medical Treatment Decisions (Part 1)" *Hawaii Bar Journal*, December 1995 edition.

- Pietsch, J. (1995) "Toward an Exit Visa—Regulating Health Care Decision Making," *Hawaii Medical Journal*, Vol. 55, No. 12: 274-275.
- Pietsch, J. (1995) "Advance Directives," *The Proceedings of the Straub Foundation*, Vol. 50. No.1.