

# The Essential Role of the State Legal Assistance Developer

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# Housekeeping

- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems getting on the webinar? Send an e-mail to [NCLER@acl.hhs.gov](mailto:NCLER@acl.hhs.gov).
- Written materials and a recording will be available at [NCLER.acl.gov](http://NCLER.acl.gov). See also the chat box for this web address.

# About NCLER

The National Center on Law and Elder Rights (NCLER) provides the legal services and aging and disability communities with the tools and resources they need to serve older adults with the greatest economic and social needs. A centralized, one-stop shop for legal assistance, NCLER provides Legal Training, Case Consultations, and Technical Assistance on Legal Systems Development. Justice in Aging administers the NCLER through a contract with the Administration for Community Living's Administration on Aging.

# About The Center for Social Gerontology

The Center for Social Gerontology, Inc. (TCSG), is a non-profit research, training and social policy organization dedicated to promoting the individual autonomy of older persons and advancing their well-being in society.

TCSG's mission is to help society adapt to the dramatic increase in the numbers of old and very old, and to insure that older persons at all socio-economic and health levels are able to meet their needs and use their talents and abilities in a changing society.

# Overview of the Session

- Will Look at the Language of Older Americans Act – What It Says about Legal Assistance Developers (LADs) & Their Essential Role
- You Will Hear From **Two Outstanding Developers** – Jane Thomas of LA & Homa Woodrum of NV – on:
  - How *language of the Act can be translated* into exemplary practices;
  - Impact *Empowered LADs* can have on legal assistance and elder rights advocacy;
  - Recommendations for *strengthening role of LADs* nationwide.

# Older Americans Act and Legal Assistance Developers

# Older Americans Act and the LAD Role

Importance of LAD is directly linked to achieving overriding OAA objectives

- OAA is more than just the programs and services it creates. At core, it is an Advocacy Act.
- Title I establishes purpose: to advance objectives that are intended to secure and protect essential rights, benefits and opportunities for older persons.

# Quoting From Title I – Declaration of Objectives

*Congress hereby finds and declares ...it is the joint and several duty and responsibility of the governments (federal, state, local, tribes) to assist our older people to secure equal opportunity to the full and free enjoyment of the following:*

For example --

- adequate income in retirement;
- the best possible physical and mental health without regard to economic status;
- obtaining and maintaining suitable and affordable housing;
- opportunity for employment without discrimination; and
- freedom, independence, and choice in planning and managing their own lives.

**LADs Play Key Role** in Achieving This Broad OAA Mission



# Legal Assistance Developers At a Glance

- Older Americans Act Reauthorization of 2016 mandates that States Have LADs
- Must look to each state's framework for providing/supporting the role
  - Many have part-time developers often with other responsibilities – hopefully complementary/overlapping
  - Most have AAAs, but 9 do not (including NV) – different dynamics
  - Variety of experience: many LADS have long experience, but some are new

# Legal Assistance Developers At A Glance (cont.)

- LADs have a variety of training and guidance
- LADs have a variety of legal experience
- Different approaches across the states:
  - Legislative contact – allowed or not
  - Judicial contact – allowed or not
  - Legal Grantee contact
  - Broad Community contact

# Review of What the OAA Says About LADs

Chapter 4, Title VII calls for states to provide a developer (and other personnel) sufficient to ensure:

- State leadership in securing and maintaining the legal rights of older individuals;
- State capacity for coordinating provision of legal assistance;
- State capacity to provide technical assistance, training and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen and other persons, as appropriate;
- State capacity to promote financial management services to older individuals at risk of conservatorship;

# What the OAA Says About LADs (cont.)

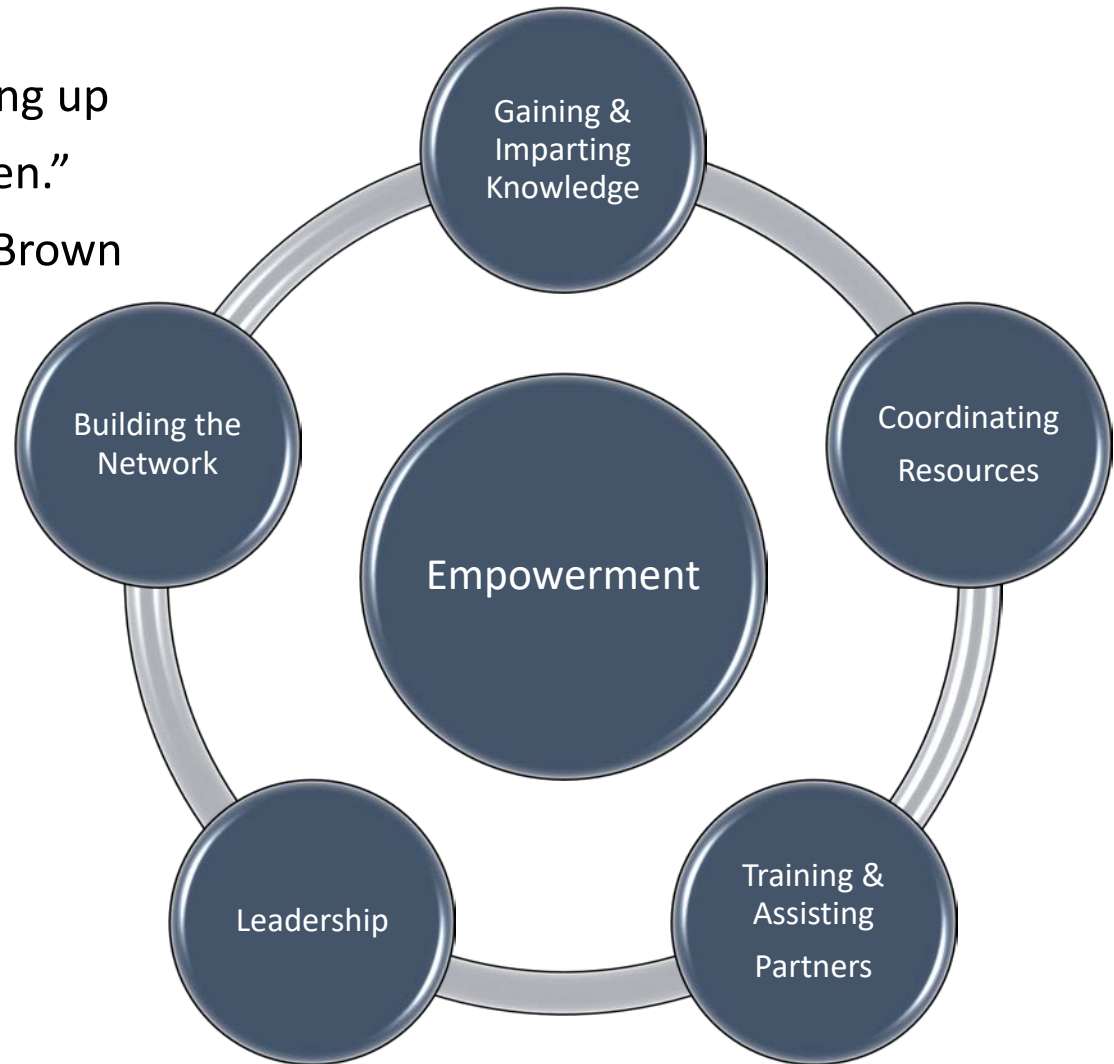
- State capacity to assist older individuals in understanding their rights, exercising choices, benefiting from services and opportunities authorized by law, and maintaining the rights of older individuals at risk of guardianship; and
- State capacity to improve the quality and quantity of legal services provided to older individuals (42 USC § 3058j)

Each of these roles offers important opportunities for leadership.

# Empowering LADs: Tools We Have & How We Use Them

“Courage starts with showing up  
and letting ourselves be seen.”

- Brené Brown



# Leadership in Securing and Maintaining Legal Rights of Elders (1 of 3)

- Laying the groundwork
  - Informing yourself
  - Connecting with others
  - Having a seat at the table

# Leadership (2 of 3)

- The “Elevator Pitch”
  - Develop your message
    - To the public
      - “Did you know there is funding for legal services for older adults that isn’t income dependent?”
    - To others in aging fields
      - “Did you know our interests align?”
    - To providers
      - “Did you know the state developer can provide technical assistance?”

# Leadership (3 of 3)

- Ensure Legal Providers have capacity to address Priority legal Issues Related to:
  - Health Care (e.g. Medicare & Medicaid)
  - Income (e.g. Social Security & SSI)
  - Long Term Care (in the community and in institutions)
  - Nutrition (e.g. SNAP)
  - Housing
  - Discrimination (in Employment & Services)
  - Protection from Guardianship
  - Rights of Disaster Victims



# Coordinating Resources for Provision of Legal Assistance

- Funding is just one piece of the puzzle
- Explore other resource opportunities:
  - State Access to Justice Commission(s)/Committee
  - Law Libraries
  - Outreach by providers
  - Learning of funding sources
    - Distribution of IOLTA (Interest On Lawyer Trust Accounts) funds
    - State Bar Foundations
    - Law School Clinics
    - Community Non-Profits
    - US Dept. of Justice
    - Disaster Funds (e.g. FEMA)

# Coordination (cont.)

- Can you name providers of legal services in your state?
  - Do you connect with them?
  - Do they connect with you?
  - Encourage open communication
- What are provider areas of focus or priorities?
  - What is their funding mix?
- What are the Gaps? Who (of target groups) is being missed?

# Building Partnerships Through Training & Technical Assistance

- Technical assistance, training and other supportive functions to:
  - Area Agencies on Aging
  - Legal Assistance Providers
  - Ombudsmen
  - Other Persons, as appropriate
- Could seem daunting, or, could be an opportunity!
  - Latitude to explore options uniquely tailored to your state
    - Outreach
    - Trainings
    - Memorandums of Understanding
  - Learn from subject matter experts

# Knowledge to Assist Elders in Understanding Rights & Exercising Choices (1 of 3)

- LAD must provide State capacity to assist older individuals in:
  - Understanding their rights
  - Exercising choices
  - Benefiting from services and opportunities authorized by law, and
  - Maintaining the rights of older individuals at risk of guardianship
- LAD must first know what is out there for the people they serve:
  - Resource Navigation
  - Work with Area Agencies on Aging
  - Talk to other LADs

## Knowledge (2 of 3)

- Don't assume you know all the issues
- Ways to learn about rights and choices
  - Listening Tours
  - Coordinated Community Response Teams
  - Existing Grants in your state
  - Peace of Mind for Older Adults

## Knowledge (3 of 3)

- How to reach target groups? Outreach, outreach, outreach
  - What are grant funded providers currently offering?
  - Can the LAD be included in presentations to different stakeholders?
  - Can the LAD serve on committees or commissions regarding rights?
  - AAA newsletter: section on legal rights
- Monitor legislative efforts

# Building the Network to Improve Quality and Quantity of Legal Services

- Are older adults in your state aware that there are Older Americans Act funded services available to them?
  - Help correct the misconception that there are income thresholds or caps for legal assistance in this area
- Connecting older adults to free forms and resources online
- Targeting analysis is not in a vacuum
  - Interplay with other funding sources

# Building the Network (cont.)

- Issues for aging populations
  - Ageism & Discrimination
  - Caregivers (Informal & Formal)
  - Exploitation and Abuse (Civil and Criminal Remedies)
- Improving legal services training
  - Ex: Nevada's Task Force on Alzheimer's Disease is recommending that modules about understanding dementia be provided in continuing legal education formats
  - Encouraging pro bono service with the promise of training & support



# Using Reporting to Tell a story

- LADs need to be able to “make the case” for critical importance and value of these services.
- Important to “tell the story” of legal services and impact they have on lives and well-being of needy elders:
  - To AAAs/SUAs
  - To current and potential funders
  - To aging service providers
  - To federal/state policy makers and
  - To multiple others

Reporting example from Louisiana

# Questions?

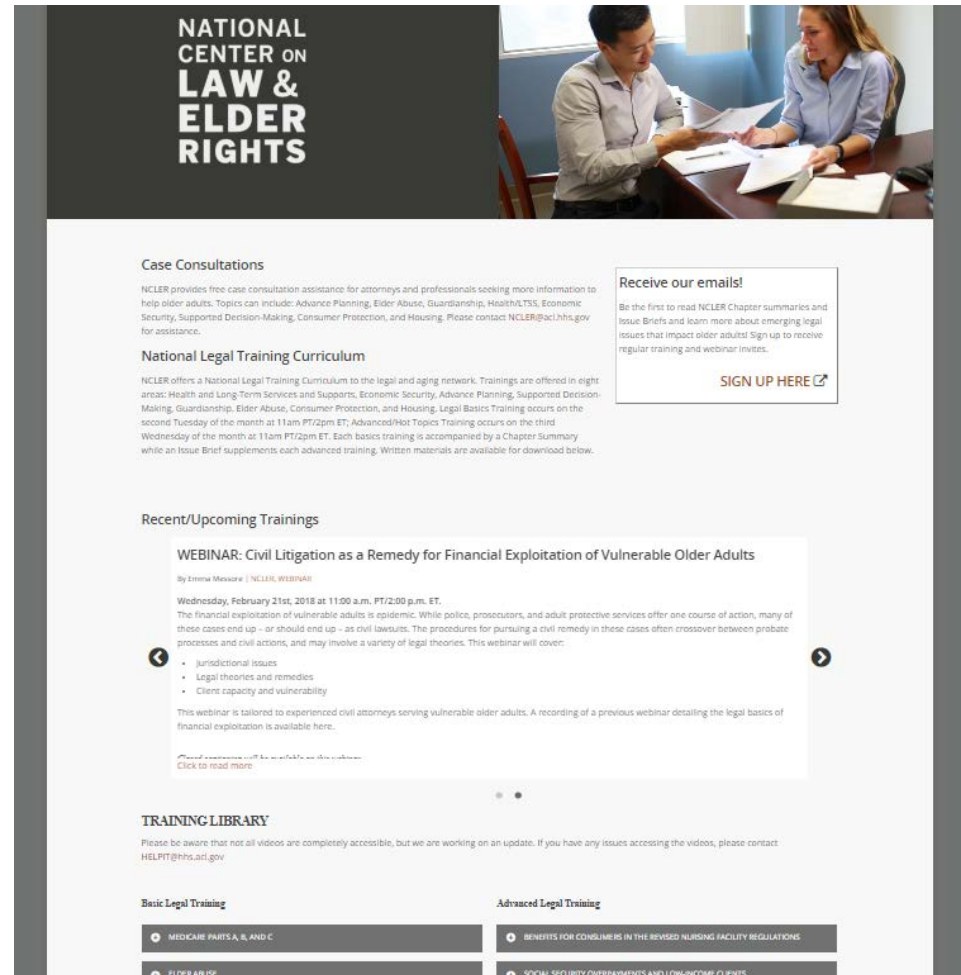


# Additional Resources on LADs

- [The Center for Social Gerontology](#)
- *The Essential Role of the State Legal Services Developer: Blueprint for a Model Job Description*. Best Practice Notes on Delivery of Legal Assistance to Older Persons. Vol. 13, Nos. 1 & 2, (TCSG, December 2004)
- [National Association of Legal Services Developers](#)
- Issue Brief

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**NATIONAL CENTER ON LAW & ELDER RIGHTS**

**Case Consultations**  
NCLER provides free case consultation assistance for attorneys and professionals seeking more information to help older adults. Topics can include: Advance Planning, Elder Abuse, Guardianship, Health/MLTSS, Economic Security, Supported Decision-Making, Consumer Protection, and Housing. Please contact [NCLER@acl.hhs.gov](mailto:NCLER@acl.hhs.gov) for assistance.

**National Legal Training Curriculum**  
NCLER offers a National Legal Training Curriculum to the legal and aging network. Trainings are offered in eight areas: Health and Long-Term Services and Supports, Economic Security, Advance Planning, Supported Decision-Making, Guardianship, Elder Abuse, Consumer Protection, and Housing. Legal Basics Training occurs on the second Tuesday of the month at 11 am PT/2pm ET; Advanced/Hot Topics Training occurs on the third Wednesday of the month at 11am PT/2pm ET. Each basics training is accompanied by a Chapter Summary while an Issue Brief supplements each advanced training. Written materials are available for download below.

**Recent/Upcoming Trainings**

**WEBINAR: Civil Litigation as a Remedy for Financial Exploitation of Vulnerable Older Adults**  
By *Internal Measure* | [NCLER Webinar](#)  
Wednesday, February 21st, 2018 at 11:00 a.m. PT/2:00 p.m. ET.  
The financial exploitation of vulnerable adults is epidemic. While police, prosecutors, and adult protective services offer one course of action, many of these cases end up – or should end up – as civil lawsuits. The procedures for pursuing a civil remedy in these cases often crossover between probate processes and civil actions, and may involve a variety of legal theories. This webinar will cover:

- Jurisdictional issues
- Legal theories and remedies
- Client capacity and vulnerability

This webinar is tailored to experienced civil attorneys serving vulnerable older adults. A recording of a previous webinar detailing the legal basics of financial exploitation is available here.

[Click to read more](#)

**TRAINING LIBRARY**  
Please be aware that not all videos are completely accessible, but we are working on an update. If you have any issues accessing the videos, please contact [HELPT@hhs.acl.gov](mailto:HELPT@hhs.acl.gov)

**Basic Legal Training**

- MEDICARE PARTS A, B, AND C
- ELDER ABUSE

**Advanced Legal Training**

- BENEFITS FOR CONSUMERS IN THE REVISED NURSING FACILITY REGULATIONS
- SOCIAL SECURITY OVERPAYMENTS AND LOW-INCOME CLIENTS

# Additional NCLER Resources

- [NCLER](#)
  - Resources on:
    - Legal Assistance Developer 101
    - Developing State Standards of Delivery
    - Capacity Assessment
- Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at [ConsultNCLER@acl.hhs.gov](mailto:ConsultNCLER@acl.hhs.gov).