

Training Series 2023: Closing the Justice Gap for Older Adults

Join the Legal Services Corporation and the Administration for Community Living for a new training series hosted by the National Center on Law and Elder Rights, Closing the Justice Gap for Older Adults.

The most recent LSC Justice Gap Report shared that 70% of low-income older adult households had at least 1 civil legal problem in the past year, but older adults did not receive any or enough legal help for 91% of substantial problems. This training series is designed for legal aid attorneys, staff, and partners to build capacity, expertise, and skills to provide counsel to older adults, with a person-directed and trauma-informed approach. We hope you'll join us in this series, as we all have more to learn. Please find more information below (additional presenters may be added).

Part 1: Representing Older Adults in Nursing Facility Eviction Cases

February 28, 2023, 2:00-3:30pm ET

[Register Here](#)

This webinar in the *Closing the Justice Gap for Older Adults* training series will provide legal aid attorneys and staff with practical and readily actionable information and tools to represent older adults in nursing facility evictions.

Residents of nursing facilities may be threatened with improper evictions. Sometimes the facility alleges that it cannot meet the resident's needs, even when the facility is legally obligated to provide the required care. Sometimes evictions are based improperly on discrimination against Medicaid-eligible residents. Unfortunately, because many residents and their family members are unaware of their rights, they often experience practices that may lead to homelessness and other trauma. Legal assistance and legal services attorneys play an important role partnering with Long-term Care Ombudsman advocates in fighting these evictions.

Presenters will share action-oriented strategies for representing nursing facility residents in these cases, including:

- Recognizing common, and possibly improper actions;
- Building partnerships, such as with long-term care ombudsmen, to connect with residents threatened with eviction;
- Establishing an attorney-client relationship with residents in long-term care settings;
- Using facility records to support the resident's case;
- Strategies for effectively navigating short timelines, preparing for and appearing at administrative hearings; and
- Next steps after the hearing decision issues.

Presenters:

- Introduction: Ron Flagg, Legal Services Corporation and Hilary Dalin, Administration for Community Living
- Eric Carlson, Justice in Aging
- Stephanie Langguth, Legal Aid of the Bluegrass
- Beverly Laubert, Administration for Community Living
- Amity Overall-Laib, National Long-Term Care Ombudsman Resource Center

Part 2: Representing Clients with a Range of Decisional Capabilities

April 18, 2023 2:00-3:15pm ET

[Register Here](#)

This second webinar in the *Closing the Justice Gap for Older Adults* training series will explore how legal aid advocates may reach out to, receive referrals and represent older individuals experiencing legal issues that threaten their autonomy and rights, even – or especially when – their decisional abilities may be questioned by some. This training will explore the ethical considerations involved in outreach and referrals, and the representational elements of such attorney client relationships, including duty of loyalty to the client, determining client goals for representation and the elements of legal capacity.

Individuals with cognitive impairments, such as dementia, and people subject to or at risk of guardianship are frequently met with barriers to request services for themselves. Ensuring that they are not turned away at the intake stage is an important step to make sure that older adults have access to representation in legal matters and court proceedings, particularly in matters that have a significant impact on their lives.

Presenters will share:

- An overview of how questions of decisional capabilities arise in legal aid cases;
- How unconscious bias impacts determinations of eligibility for services;
- Promising practices for establishing an attorney-client relationship with older adults who have experienced trauma or whose decisional abilities may be questioned by some; and
- Tips for improving office intake procedures to ensure that older adults are not turned away from representation without an opportunity to have their legal problem explored so as to enter into an attorney-client relationship.

Presenters:

- Introduction: Legal Services Corporation, Hilary Dalin & Tovah Kasdin, Administration for Community Living
- Jim Berchtold, Justice in Aging
- Emily Miller, Michigan Advocacy Program (CVLAP)

Part 3: Partnering with Adult Protective Services: Leveraging Strengths across Disciplines

June 13, 2023, 2:00-3:15pm ET

[Register Here](#)

This webinar in the *Closing the Justice Gap for Older Adults* training series will explore how Adult Protective Services (APS) and civil legal aid can work together to address elder abuse, neglect, and exploitation. Presenters will discuss how a broad range of civil legal remedies empowers restoring agency to older adults who have experienced maltreatment and reduces risk of recurrence.

1 in 10 older adults are estimated to experience elder abuse, and legal aid attorneys may see these cases come through their doors in a variety of ways. APS and Legal Aid have access to unique tools and resources, and collaborative approaches can strengthen responses to abuse.

Presenters will share:

- How elder abuse can present in common legal aid cases;
- An overview of who APS can help, what issues they can help with, and the programs and services APS can provide;
- Ethical considerations when working with APS, such as the concepts of mandatory and permissive reporting, and privacy and confidentiality rules for APS and legal aid and;
- Examples of collaborations with APS, legal services, and other aging services providers that leverage all community resources to address issues of abuse, neglect, and exploitation.

Presenters:

- Introduction: Legal Services Corporation and Tovah Kasdin, Administration for Community Living
- Leslie McGee, APS Technical Assistance Resource Center

Part 4: You Can Make a Difference—Defending Against or Terminating Guardianship

August 23, 2023, 2:00-3:15pm

[Register Here](#)

The fourth webinar in the *Closing the Justice Gap for Older Adults* training series will prepare legal aid attorneys to represent individuals who may be subject to guardianship or who are under guardianship. When representing a person with a guardian or someone who is allegedly in need of a guardian, an attorney may need to take extra steps to ensure their client has the right to counsel of their choice and to be a strong advocate on behalf of the client. This includes ensuring the client is present in the proceedings and treated with dignity and that the client's due process rights are upheld. By using procedural and evidentiary tools—including alternatives to guardianship—advocates can increase clients' independence and autonomy and restore their civil rights.

Presenters will share:

- Considerations for representing clients with a range of decisional capabilities;
- Strategies for advocating for clients' rights;

- Standards and burdens for opposing, modifying, or terminating guardianship; and
- Building systems and partnerships to engage with clients in need of these services.

Presenters:

- Introduction: Legal Services Corporation and Hilary Dalin, Administration for Community Living
- Jim Berchtold, Justice in Aging
- Gabrielle Marshall, Texas Rio Grande Legal Aid