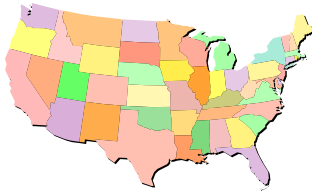


Issue No. 44

Winter 2007

**Older Americans Act Legal Assistance:
An Overview of Different Models
Employed in States**

By Ellie Crosby Lanier and Shoshanna Ehrlich



Introduction

The Older Americans Act (OAA) requires that states specify a minimum proportion of OAA funds received by Area Agencies (AAAs) to provide legal assistance for people over age 60.¹ Legal Assistance under the Older Americans Act (OAA) is delivered under a wide ranging number of schemes. Understanding how the statewide senior legal hotlines fit into these arrangements is even more complicated. Your legal hotline may be part of an OAA Title IIIB legal provider. Even if it is not, your program is certainly working closely with Title IIIB providers to handle those cases that cannot be handled via phone, web, or assisted self-help measures. If your legal hotline is associated with a Title IIIB provider, you are undoubtedly well aware of how the hotline integrates with that program, Legal Services Corporation (LSC) funded programs, and other legal providers in your state.

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"This publication was supported, in part, by a grant from the US Department of Health and Human Services, Administration on Aging. Grantees undertaking projects under government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official Administration on Aging policy."

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The AARP Foundation is AARP's affiliated charity. Foundation programs provide opportunity, justice and security for older persons in need. Low-income older workers receive the job training and placement they need to re-join the workforce. Free tax preparation is provided for low- and moderate-income individuals, with special attention to those 60 and older. The Foundation's litigation staff protects the legal rights of older Americans in critical health, long-term care, consumer and employment situations. Additional programs provide information, education and services to ensure that people over 50 lead lives of independence, dignity and purpose. Foundation programs are funded by grants, tax-deductible contributions and AARP.

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If your hotline is not part of a Title IIIB program, you might not have a full understanding of how the OAA funding for legal services works in your state. Furthermore, different states use such different paradigms that key personnel in your state, including the Legal Services Developer, might not be aware of Title IIIB legal delivery models elsewhere. In order to be able to make the most informed and innovative decisions for updating your state's legal services system for the elderly, it is crucial to know how other states handle their obligations under the OAA.

If you were asked to *define* legal assistance funded under the Older Americans Act you would probably turn to the language of the Act itself for guidance. And there you would learn that the Act defines legal assistance as “legal advice and representation provided by an attorney to individuals with economic and social needs; and includes to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the direct supervision of an attorney; and counseling or representation by a non-lawyer where permitted by law.”²

On the other hand, if you were asked to *describe* legal assistance under the Older Americans Act in this country you might describe something that looks closer to a patchwork quilt than a comprehensive system of civil legal representation for those who are socially or economically needy. The reason for these differences lies in the fact that different jurisdictions have responded to the Act's definition in vastly different ways, and therefore the legal services available to needy seniors vary wildly from state to state and within states, often from place to place. This article attempts to provide an overview of the variety of ways that legal assistance is provided under the auspices of the Older Americans Act and, to a lesser extent, to discuss resources devoted and benefits and disadvantages of the different models employed.



One of the hallmarks of the OAA is the ability of regional Planning and Service Areas (Area Agencies on Aging) (PSAs or AAAs) to tailor available services based on local conditions, needs and resources. This flexibility is helpful because it enables local agencies to assess community needs and resources and to offer appropriate services to address those most pressing concerns.³ A disadvantage of the system is that seniors calling with legal problems can receive very different levels of assistance depending on where they live. In some cases living on one side of a county line can mean the difference between the ability to obtain full-representation by an entity with vast elder law experience and no available OAA-funded legal help. States with senior legal hotlines have an advantage because at least some legal assistance is provided for their citizens, even in those places where area agencies do not fund a legal program. The legal hotline can also streamline intake to all legal resources in the state such as LSC programs, Volunteer Law Projects, Bar referral projects or other types of legal assistance in the state. The hotline also provides a lifeline for homebound and rural seniors to access legal services.

Some states are designated as single planning and service areas so the State Unit on Aging makes these contract decisions. A review of Title IIB-funded legal programs nation-wide indicates that the continuum has many stops between no service and full service, and these reflect the variety of models for legal assistance utilized currently under the OAA.

The Need for Objective Assessment of Unmet Need and Available Resources

A complicating factor is that unmet legal need has been somewhat more difficult to measure in the past than other types of services, such as home delivered meals, transportation, or home care. Seniors queried for untargeted surveys may not recognize an unmet legal need, and measuring the value of preventive services such as legal education to avoid being a victim of fraud can be problematic. Without reliable information about actual need, a AAA may be reluctant to provide funds for the program, especially when faced with limited resources and waiting lists for other services.

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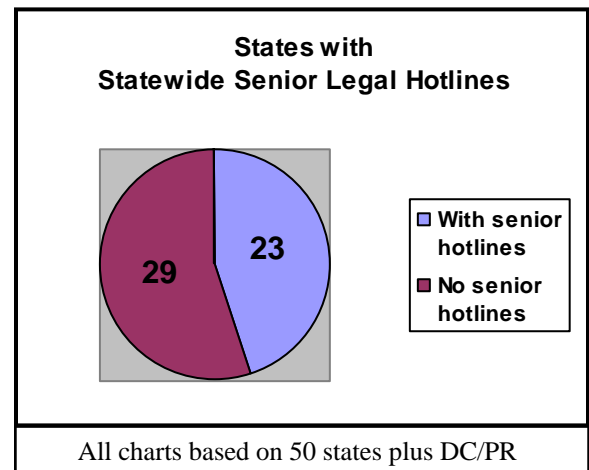
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AoA's Model Approaches grants, as well as efforts of entities such as the ABA's Access to Justice Support Project, AARP, and the Center for Social Gerontology can help states identify, design and undertake reliable efforts to quantify the unmet need for legal help among vulnerable and underserved populations.⁴ Systems assessments also play an important role because they help decision-makers identify available entities and priorities to assure that, to the extent possible, funds expand rather than duplicate available services. Because hotlines typically refer clients who have legal needs greater than can be met by telephone assistance, hotlines are familiar with availability and priorities of legal providers throughout their service area and are therefore in an excellent position to assist with system assessments. The Spring issue of the LHQ will focus on legal needs and system assessments.

With objective information in hand, State Units and Area Agencies on Aging can make informed decisions about the best entities to provide legal assistance service and how to structure its delivery to most effectively address their community and state needs.⁵

Statewide Senior Legal Hotlines

Understanding how the senior legal hotlines fit into the puzzle of legal service delivery for seniors requires a bit of historical perspective. There are presently 27 states that have a statewide senior legal hotline plus ones in the District of Columbia and Puerto Rico). Some of these were established by AARP back in the late '80s and early 90's. The rest were established with AoA Title IV (rather than Title III) funds from the early 90's through the present. All were established with start up grants and have had to continue operations with other types of funding. Only one state (WV) dedicates its Title III funding solely to operating a statewide senior legal hotline. WV decided to use its small amount of Title IIIB funds, about \$80,000 for the entire state, to operate the senior legal hotline. The WV planners believed more seniors would receive the full spectrum of legal services via the centralized system of advice and referral that if each of the AAAs was awarded a fraction of the funds.



Almost all of the senior hotlines are housed in either a statewide Title IIIB provider program, a local Title IIIB provider program, and/or an LSC funded program. A few are 'standalone' hotlines that are not attached to a full-service program (MI, KY). When a statewide senior legal hotline is in place, it can serve to integrate, coordinate, and streamline access and delivery of legal services to seniors. These hotlines provide telephone advice to senior callers statewide, as well as referral or intake to full service legal assistance, clinics, and *pro bono* projects. Most of the senior hotlines provide brief services to a greater or lesser degree. With the exception of WV, they generally do not operate with Title IIIB funds. However, where the contracted Title IIIB program uses the legal hotline as its intake, advice, and referral component, the program may not designate which funds were used to provide services at the hotline level.

Title IIIB-funded Legal Assistance Projects: Overview of Different Models

Most states use more than one legal services provider as the Title IIIB contracted entity. However, twelve states, the District of Columbia and Puerto Rico, contract with a single entity.⁶ The states who contract with multiple entities often use a combination of LSC-funded programs as well as other non-profit legal services. Many AAAs contract with private attorneys.

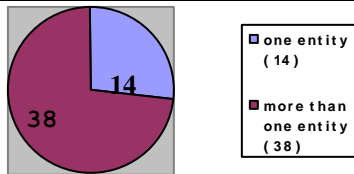
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Those states using the single entity model tend to be states that either consist of a single planning and service area administered by the state unit acting as AAA for the state (for example, ND, DE, WY, AK), or states with a well-established provider with offices throughout the state. This provider is most often the LSC-funded program (ID, OK, ND) but in some cases may be a non-LSC program (NH) or a program which serves only seniors (ME, DC). A few states have in-house programs using paralegals or benefits specialists in the local areas, instead of contracting with an outside legal services provider (for example TX, WI, or MT).

In states where a well-established statewide legal services program with offices throughout the state exists, using that program as the sole contractor may provide a variety of benefits, including simplifying planning and coordination, streamlining access and intake, implementing changes, gathering data, and assuring that seniors in all counties have access to comparable legal assistance.

Number of States contracting with only one IIIB entity



LSC Funded Legal Services

In most states, AAAs (or the state where there is a single PSA) contract with a local, regional or statewide Legal Services Corporation-funded program.

Benefits to this arrangement include:

- a partially overlapping target client population (LSC is charged with serving low income, IIIB legal programs are to target socially and economically needy);⁷
- vast substantive legal knowledge in LSC offices of those problems most likely to be faced by low income older persons such as housing, public benefits, and consumer law;
- access to the full-range of legal services from telephone advice, pro se assistance, and clinics to full-representation;
- strong relationships with the private bar and vital pro

bono programs in most areas;

- a local presence and activities in most communities;
- creative uses of technology to increase efficiency and improve access;
- a central role in most state coordinated Access to Justice efforts so older persons needs can be considered as part of justice system; and
- strong working relationships between LSC offices and other providers who serve low income or vulnerable clients, including those who work with non-English speaking and other rapidly growing populations.

Finally, since the selected entity is the Legal Services Corporation grantee, it is easy to satisfy the Older Americans Act requirement that IIIB legal assistance be coordinated with LSC funded programs locally.⁸

While the benefits outlined above are vast, problems can occur when IIIB funds go to Legal Services offices. Some Area Agencies feel that while LSC offices are responsive to the needs of the low income population generally, they are less responsive to the needs of moderate income and socially isolated seniors. Older persons may be reluctant to use a service meant for the poor (even though they might qualify as low income). Furthermore, LSC offices must screen for eligibility, yet under the OAA, IIIB legal programs are not allowed to base services on a means test.⁹ Differences in the data collection needs of Area Agencies and the Legal Services Corporation can cause problems for programs. Of course, the Legal Services Developer has an important role to play in working through these challenges, and most states have found creative ways to overcome these and other challenges raised by this model.

LSC Office Elder Law Project

This model provides a way to avoid many of the problems of co-location while maintaining its benefits, by establishing a discrete elder law office within a Legal Services office. The elder law unit can then establish separate intake and reporting procedures and can make referrals to the traditional legal services office, when appropriate. Outreach and promotional materials can be geared to the OAA target population, and staff can develop expertise in areas of most concern to seniors while retaining access to

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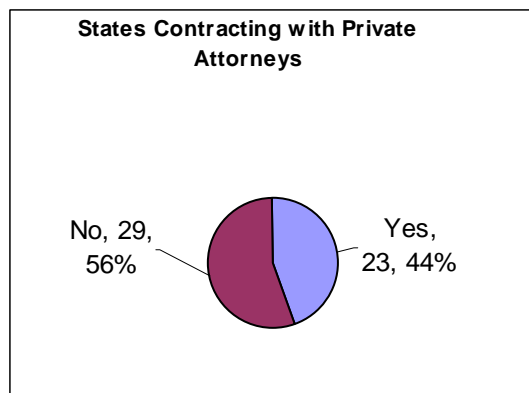
the wealth of poverty law resources, training and expertise found in the legal services office. There are many well-established examples of this model found throughout the country.

Non-LSC Funded Legal Services (Legal Aid) for the Elderly Projects

A few Area Agencies contract with non-profit entities solely devoted to providing legal services to OAA eligible clients. These are usually funded by Title IIIB, IOLTA, state funding, or a variety of other funding streams. Examples include Legal Counsel for the Elderly in Washington, D.C., the Philadelphia SeniorLAW Center, and Maine Legal Counsel for the Elderly. This model avoids some of the issues discussed in relation to legal services programs, supports a high level of expertise in dealing with seniors and elder law issues. A drawback may be a smaller pool of funding to support the program and inability to maximize resources from the Legal Services Corporation.

Private Attorney Model

Some Area Agencies have selected private elder law firms to deliver IIIB legal assistance. Twenty-three (23) of the fifty states/DC/PR use Title IIIB funds for private attorneys in one or more areas.¹⁰



The private attorney model can range from multiple Area Agencies contracting with a multi-office firm (AL), to a single area contracting with a firm, solo practitioner, or multiple lawyers or firms. Benefits to using a private firm include, but are not limited to, local visibility and perceived stature in the Bar, the ability to contract for hours, rather than funding an entire program, and the potential for contracting with

a lawyer who specializes in elder law areas.

Potential shortcomings of this model include its cost per unit of service, risk of provider focus on cases such as wills and powers of attorney that may not be areas of concern for the most needy or vulnerable, and the possibility that fee generating cases might be handled by the firm rather than referred outside of the project creating a potential conflict of interest. Again, the Legal Services Developer can work with Area Agencies to assure that appropriate safeguards are in place to address these concerns.

Attorney/Paralegal on Staff at AAA-Direct Provision

Area Agencies in some states have elected to hire a lawyer or run the program with staff at the Area Agency. Benefits of this model to Area Agencies include increased oversight and understanding of the legal program, ability to integrate it into other network efforts, and facilitated referral and follow up, among other things. This model is used in some way in 16 of the 52 states/territories and there are a couple of states that use the direct service model exclusively.¹¹ Direct provision of legal assistance by AAA staff would appear to require an extra showing by the AAA in order to comply with the direct service prohibition in the Act.¹² This model also raises questions about potential conflicts of interest. For example, can a client challenge a decision made at the Area Agency level to reduce or deny services through an in-house attorney? Are there adequate safeguards in place to protect information that is legally confidential under either the Older Americans Act or state bar rules of professional responsibility for lawyers? Is it a conflict for an Area Agency to select its own program as the “best entity” to provide legal assistance?

Volunteer Referral Panels

Some Area Agencies use volunteer panels to either supplement or provide the bulk of legal assistance services in a region. Cost is an obvious selling point for this model, though the model requires coordination to work, so funds are necessary for someone to monitor the posture and resolution of cases and to make sure that worthy cases are placed in a timely manner. Relying on volunteers alone to provide legal

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assistance can be problematic, however, if no one is willing or able to take a client's case. Monitoring may also pose problems, since a volunteer attorney might chafe at the oversight or follow-up needed to assure quality. Fortunately, this model is most often used in conjunction with more comprehensive plans. A variation of the AAA referral panel model is the volunteer referral model operated by a county or regional bar association. As with other private bar models, it may be difficult to find attorneys with expertise in the areas of most concern to the target population, such as consumer cases, elder abuse, or nursing home discharges.

Paralegal Model

This model takes a number of forms, from a paralegal on staff at an area agency, to programs that use paralegals to deliver legal assistance and outreach, backed and supervised by attorneys at another agency. Cost efficiency is a benefit of this model, since more expensive lawyer time is saved for review and supervision of work done by the paralegal. Adequate supervision is essential to assure that the paralegal does not engage in the unauthorized practice of law without a license. Also, this model works best where it is paired with or housed in a program or office that can provide a full range of legal services, including representation in court.

Benefits Specialist Model



A variation of the paralegal model is the “benefits specialist,” an entity that may be housed within an Area Agency, part of another, non-legal office, or in some circumstances, housed within an LSC-funded entity. These specialists focus on assisting clients to obtain benefits ranging from food stamps to SSI. Two states (WI and TX) use this model exclusively with their Title IIIB funds. Benefits specialist programs can be combined with Health Insurance Counseling projects or stand on their own. An advantage of the model is that in many cases, it costs less to fund a benefits specialist than it does to fund a lawyer, and trained and supervised benefits specialists

can handle administrative hearings for clients. In addition, if the specialist is not performing legal work, there is no need for close, direct supervision by a member of the bar. Also, undeniably, access to benefits helps improve the lives of those who are most needy. On the other hand, older persons who need legal advice or representation on non-benefits matters have limited access under this model, since OAA funds are directed solely to assisting with benefits, though it is presumed that areas using this model work hard to develop pro bono or resources to fill that need.

Law School Clinics

Law school clinics utilize students, faculty and institutional resources to provide legal assistance in an area. Institutional resources such as space, phones, faculty expertise and an extensive law library are among the benefits of this model. It also has the added benefit of training future bar members to be knowledgeable about and sensitive to the needs of low income and vulnerable seniors. Barriers associated with the model include service availability- students are only available to work during certain parts of the year, and the office may not be open during exam or vacation times or will need to cut back on services provided then; limits on types of cases handled- clinics often choose to focus on cases that can be handled in one semester so that a student can see the case through, or clinics may choose to focus on areas that law students can handle with limited supervision such as legal advice or negotiation, and though this is not always true, students may not be able to travel to outlying counties because insurance and travel costs can be a barrier. Finally, a law school clinic exists primarily to provide the students with a positive learning experience. This goal may sometimes conflict with the needs of the client population and prevent more serious needs from being addressed through the program.



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No programs



Surprisingly, even though it is a priority service under the Older Americans Act, in many areas of the country there is no available Title IIIB funded legal assistance. Areas that do not fund legal assistance may have a variety of reasons. They may feel that the local need for the service is not sufficient,¹³ the available funds are insufficient to support a program, or there are no good candidates to host the program in their region. It is not clear whether areas that have no programs have received waivers, though the Older Americans Act clearly anticipates this process.¹⁴

Best Entity

With respect to plans for legal assistance, the Older Americans Act requires that the grantee selected “is the entity best able to provide the particular services;” However, given the range of funding available, which in 2005-2006 varied from 0%- 10.58% of total state IIIB expenditures¹⁵, and the number and type of potential providers, the “best entity” can and does look different in different places. This is yet another area where the role of Legal Services Developer is critical to assure state and area agencies offer consistent, high-quality legal assistance services that most closely meet the requirements and vision of the Older Americans Act.¹⁶

Conclusion

This article grew out of an effort to identify and post an updated national list of Title IIIB legal assistance providers. A review of funded entities indicated that there remain wide disparities not only in the funds available for the service, but also in both the structure and services provided by funded entities. For an updated listing of Title IIIB providers in each state, or to find the provider who serves a particular area, go to www.legalhotlines.org.

Endnotes:

1. OAA Section 307 (a) (2) (c) (2006); *See also*, OAA Section 306 (a) (2) (c) (2006), which requires states to assure an adequate proportion will be allotted for legal assistance.
2. OAA Section 102 (a) (33) (A) (b) (2006).
3. OAA Section 307 (a) (11) (D) (2006).
4. For comprehensive information on the topic of Legal Needs Studies, see resource material from the Access to Justice Support Project at www.nlada.org/Civil/Civil_SPAN/SPAN_Library/document_list?topics=000055&list_title=State+Legal+Needs+Studies%3A+Reports, and additional material at www.abanet.org/legalservices/sclaid/atjresourcecenter/resourcematerials.html. *See also* see TCSG Best Practice Notes (March 2005, Volume 14, Nos. 1 and 2).
5. OAA Section 307 (a) (11) (b) (2006).
6. www.aoa.gov/prof/agingnet/NAPIS/SPR/2006SPR/tables/Table9b.pdf.
7. OAA Section 102 (a) (33); *see also* OAA Section 307(a)(11) (b), OAA Section 306 (4) (A) (i), (ii) (2006) and Legal Services Corporation Act Section 1007 (a) (2) (B) (2007).
8. OAA Section 307 (a) (11) (b) (2006).
9. OAA Section 315 (a) (2) (B) and OAA Section 315 (b) (3) (2006).
10. www.aoa.gov/prof/agingnet/NAPIS/SPR/2006SPR/tables/Table9b.pdf.
11. www.aoa.gov/prof/agingnet/NAPIS/SPR/2006SPR/tables/able9b.pdf.
12. OAA Section 307 (a) (8) (A) (2006).
13. The author was presented with this argument while serving as Legal Services Developer in Georgia.
14. OAA Section 306 (a) (2) (C), *see also* OAA Section 307 (a) (2) (C).
15. *See* www.aoa.gov/prof/agingnet/NAPIS/SPR/2006SPR/tables/Table6b.pdf for information on 2006 expenditures and percentages. *See also*, OAA Section 306 (a)(2) (2006).
16. OAA Section 307 (a) (11) (B). For information on how Legal Services Developers view the “best entity” requirement and the elements that they believe should be considered in making this determination, *see* Thomas, Natalie and Ingham, Richard, “State Legal Assistance Development Program Study: Finding a Place in the Elder Rights Puzzle”, October 2003, pages 78-79.

Reverse Mortgages and Client Security: 5 Questions Hotlines Should Ask Clients Before Suggesting They Consider a Reverse Mortgage

Adapted from AARP Foundation Reverse Mortgage Education Project materials by Bronwyn Belling,



As most advocates are aware, a “reverse mortgage” is a loan against a client’s home that the client does not have to be paid back for as long as he or she lives there. Reverse mortgage funds can be paid to clients all at once, as a regular monthly advance, or at times and in amounts that a client chooses. The client pays the money back plus interest when he or she dies, sells the home, or permanently moves out. To be eligible for most reverse mortgages, a client must own the home and be 62 years of age or older.

Because of this flexibility, reverse mortgages are becoming a popular way to enable a client to avoid foreclosure or loss of a home due to predatory loans. While a reverse mortgage may be a viable option for many clients, it is important to ensure that the vehicle is appropriate before making a referral. AARP does not endorse any reverse mortgage lender or product, but believes clients should have adequate information in order to make an informed decision about these loans and other, less costly, alternatives. Here are five questions hotline advocates should discuss with their clients to help them decide whether a reverse mortgage might be a good option:

1) Does the client really need a reverse mortgage? Start by assessing honestly why the client is interested in a reverse mortgage. Does the client need money in order to take that dream vacation? If so, a reverse mortgage is an expensive way to pay for it. Taking out a pricey loan to make investments or to purchase insurance products is also not a good idea. Make sure that the needs the client wants to address are really worth the costs of the product. If someone

is trying to sell the client something and recommending a reverse mortgage to pay for it, that’s generally a good sign that the client doesn’t need it and should not be buying it.

2) Does the client have less costly options? Are there other financial resources that the client could use before taking out a loan? If the client could easily make the monthly repayments on a home equity loan or home equity line-of-credit, these alternatives are less costly than a reverse mortgage. Many state and local governments offer low-cost reverse mortgages that can be used to pay property taxes or make home repairs. Though the housing market has slowed in many areas, has the client looked into the costs and benefits of selling the home and moving to a less expensive one?

3) Can the client afford a reverse mortgage? These loans are expensive, and the amount the client owes grows larger at an ever increasing rate. The younger the client is when taking out a reverse mortgage, the longer compound interest will grow, and the more the client will eventually owe. On the other hand, due to high up-front costs, these loans can be especially costly if a client plans to sell and move just a few years after taking one out.

4) Can the client afford to start using up the home equity now? The more the client uses now, the less the client will have later when he or she may need it more, for example, to pay for future emergencies, health care needs, or everyday living expenses, if the client’s current needs grow or his or her income does not keep pace with inflation. The client may need the home equity to finance major home repairs or a move to assisted living down the road. If the client is not facing a financial emergency, then he should consider postponing a reverse mortgage. Homeowners who wait have “a reasonable expectation of securing a better product at a lower cost in the not-too-distant future,” according to a report by the Fidelity Research Institute.

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5) Does the client fully understand how these loans work? Reverse mortgages are quite different from any other loans, and the risks to borrowers are unique. Before considering one, encourage the client to do the homework carefully and thoroughly to assure that he or she fully understands the benefits and costs associated with reverse mortgages. Furthermore, all reverse mortgages are not created equally and a client who enters into a reverse mortgage without being fully informed can trade one financial problem for another.

AARP has client-friendly information on-line at www.aarp.org/money/revmort/.

Consumers can order one single copy of AARP's 46-page consumer guide "Home Made Money" in print at no cost by calling 1-800-209-8085. Hotlines may request multiple copies (up to 25 at a time) for educational purposes by sending an email to:

RMCounsel@aarp.org

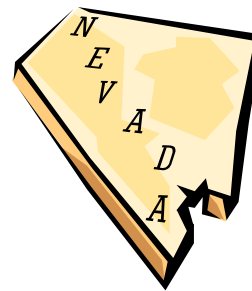
with the specifics including shipping address; please allow 3- 4 weeks for delivery

Clients considering a reverse mortgage need to obtain a referral to an exam-qualified counselor who can provide reverse mortgage counseling by telephone or in person. Many hotlines and legal aid programs have become approved by the US Department of Housing and Urban Development (HUD) to provide this service. Those that don't should develop a relationship with a HUD-approved housing counseling agency with exam-qualified counselors on staff who can provide the service. Counseling usually takes about one hour and involves at least two telephone calls. Counselors describe the various loan features and costs, explain some of the pros and cons of these transactions and help clients learn about other less costly alternatives. Exam-qualified counselors' names, locations and availability are listed online at www.hecmresources.org/network.cfm.

In sum, reverse mortgages may be a great solution for callers who are in financial distress and who may

need access to their home equity in order to keep or remain in their homes. Hotline advocates can play an important role helping clients assess the appropriateness of a reverse mortgage and by linking appropriate clients with counseling to more fully assess the utility of a reverse mortgage for their situation.

The **Nevada Senior Legal Helpline** is open for business. It started taking calls statewide (except for Clark county) from residents over 60 years in January 2008. The Helpline will begin service to the Las Vegas area next year. The Helpline is housed at Nevada Legal Services which has operated a statewide, multi-office low-income intake hotline since 2000.



The Helpline was launched with an AoA Model Approaches to Statewide Legal Assistance Systems Award to the Nevada Division of Aging Services. Sally Ramm is the Legal Services Developer in Nevada charged with overseeing the project. The Nevada Division for Aging Services has contracted with Nevada Legal Services for implementation of the project.

Anna Marie Johnson, Director of Advocacy at NLS and David Olshan, Directing Attorney for the Intake and Senior hotlines are responsible for operating the Senior Legal Helpline. It is staffed with two full time equivalents, including one attorney and one paralegal.

Client Phone Number: 1-877-693-2163

Hours: 8-5 Pacific Time

From the Frontline

MISSION IMPOSSIBLE

*By Elaine Roberts Musser**

Every volunteer attorney who mans the phones of any legal hotline for seniors has been faced with at least one "Mission Impossible". Many who serve get these sorts of calls on a frequent basis. But how to gracefully extricate oneself from such a tricky state of affairs is the hard question.

A CASE OF MENTAL ILLNESS: I had a lady telephone one day, claiming strange people were breaking into her house and stealing things. She sounded perfectly normal, appropriately concerned, and eager for some sort of assistance. Naturally I asked her if she had reported her suspicions to the police. Apparently local law enforcement had been less than helpful for whatever reason, according to her version of events.

Of course I wondered how this woman discovered someone had illegally entered the premises. My caller explained the technique she had cleverly devised to detect intruders: sprinkling flour on the floor. Sure enough, the very next morning, footprints appeared imprinted on her powdered linoleum. It was proof positive of an uninvited presence. She carefully explained to me that neighborhood hoodlums cut a hole in her roof to obtain ingress.

Realizing perhaps a mental health concern was rearing its ugly head in this particular set of circumstances, I asked the frightened lady if she was home alone. My suspicions of paranoia were confirmed when the poor dear refused to have her visiting sister speak with me. The reason given was the CIA might be bugging the telephone, so it would be best if we hung up.

A click on the other end of the line suddenly ended the conversation. The mysterious woman never called again. I deeply regretted not getting her name, phone number or address first thing - a policy I adopted religiously afterward. Unfortunately there was no practical way of tracing her identity, to find the assistance she so desperately needed.

**Elaine Musser is a volunteer attorney with the Senior Legal Hotline in Sacramento, CA.*

As an aside, in cases of suspected delusions - if you are lucky enough to still have the client on the other end of the line and realize something is "off" - avoid getting involved in the details of the delusion. Nor attempt to convince the client his or her allegations are illogical. Instead try to persuade the client that he needs help from social service agencies - to ensure the client is safe. Offer to call Adult Protective Services or Mental Health Services. If available, a direct conversation between the client with either an on-site social worker or the client's own physician can be encouraged.

However, it must be disclosed to the client if any such professionals are contacted, they are mandated reporters - who must convey any suspected abuse to Adult Protective Services. Unfortunately the client may refuse additional help as a result. Nevertheless, an attorney is not a mandated reporter, but rather should assume the client who calls expects confidentiality. Without the client's permission, a volunteer attorney for a hotline can only call APS if convinced the caller is in imminent, serious danger to themselves or others.

A CASE OF THE BLUES: A gentleman called one morning at the hotline, claiming his family was abusing him. He resided in an assisted living facility, and was terribly lonely. His claim was one of being left there by his brother, deserted with no means of transportation. Evidently life within the four walls of his room was boring him to death, or so this pitiable fellow alleged.

I suggested contacting the nearest senior center, to determine what services were available in the community. The plaintive man didn't seem very enthusiastic about my proposal. Instead he continued to grumble about his plight, insisting I call his brother and see for myself what was going on. So I did just that, but an entirely different story emerged. Based on the ensuing conversation, I was informed relatives had provided my client with a new computer as well as the latest model television. He was given enough money to call a cab anytime convenient to him. Seemingly the world was his oyster!

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The question really boiled down to one of credibility - whose story was I to believe? Before contacting the assisted living facility, I decided to talk one more time with the original caller. I asked him if he could catch a taxi when desired. To my surprise, his answer was definitively in the affirmative. He had indeed he had been supplied with the latest electronic gadgetry. I subsequently proposed the elderly chap visit his local senior center to join in some activity that interested him. Abruptly there was an about-face, a distinctive change in tune. Finally out popped what it was the forlorn guy really wanted.

After pointless discussion, the gentleman finally asked me if would I please find his old girlfriend for him. Somewhat taken aback by the odd request, I smiled to myself. Realization dawned that this was really the assistance he had been searching for all along. Gently I broke it to this discontented male the hotline did not provide that kind of service. What a disappointment my revelation was!

A CASE OF "I WANT WHAT I WANT": I was contacted by an elderly citizen one afternoon. He testily demanded a different conservator be placed in charge of his finances other than his frail ex-wife. The senior had just received a copy of his latest fiscal statement as required by law, outlining where each and every dollar had been spent. The infuriated man was outraged at what his nursing home was charging him for "rent", and the shocking "cost of medications" (insurance co-payments).

He also expressed disgust at the shamefully high price tag of his disposable diapers purchased for incontinence. Clearly the fellow refused to take into account rampant inflation over the years. Because there was an allegation of fiscal mismanagement, it was my legal obligation to investigate the charge. In consequence of his hefty income and the fact that none of his family wished to serve as his conservator, I felt it wisest to arrange for a professional to take over managing his monetary affairs.

A paid and knowledgeable conservator satisfactory to the client was hired, who actually formulated clever ways to save him quite a bit of money. This substantial savings even took into account whatever fees were paid for services rendered by the professional conservator. And those charges were certainly not insignificant.

Over the next month, my relationship with the client waxed sentimental as his affairs were put in order. He often chatted with me about his former profession as a ferryboat captain, and all the responsibility it entailed. Such employment required split-second decision making, accompanied by a great deal of responsibility. So many lives hung in the balance should the slightest mistake ever transpire.

He was a fascinating man to talk with, who seemed to have an excellent grasp on reality in normal conversation. But apparently he suffered from something called "frontal lobe dementia". As it was explained to me, people suffering from this disorder can carry on perfectly normal day-to-day conversation, but have great difficult understanding fundamental concepts of daily living. Simple financial tasks such as balancing a checkbook are beyond their capabilities.

Our rapport with each other seemed excellent - or so I thought - until the petulant senior received his next financial statement. The outraged elder went ballistic once more when he saw how much "rent" he was still shelling out, not to mention the ridiculous "price" of his pharmaceuticals. Again he demanded a change in conservator.

When I refused his request, the caller became infuriated with me. He immediately telephoned the judge who had been originally assigned to the case. However, the busy magistrate had long since ceased taking notice of the pesky man's repeated phone calls. Nevertheless, the wily ferry captain later figured out a way to economize despite us. Much to the consternation of the facility where he was living, the resourceful character decided to wash out all his disposable diapers in the bathroom sink. The thrifty but eccentric sailor then hung them on lighted lamps to dry for future use!