

# Legal Hotline Connection

## November 2016

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# Vulnerable Seniors are Most Vulnerable During and After a Disaster

By Christopher Jackson, Communications Coordinator, Elder Law of Michigan, Inc., and Project Administrator, Center for Elder Rights Advocacy

This year, the Federal Government [has issued](#) 44 Major Disaster Declarations for natural disasters occurring across the country. Even with substantial warning and preparation for many of these disasters by state and local governments, hundreds have still lost their lives in these disasters. Many of these deaths, as well as injuries, could be prevented with proper preparedness. A [2014 study](#) found that only 1 in 3 seniors had participated in an educational program or had read materials related to disaster preparedness. Educating individuals on what they can do to better prepare for disasters is vital to protect lives and prevent injuries.



The American Red Cross [has released a disaster preparedness guide](#) specifically for seniors to use in their planning for disasters. This is especially important due to seniors being some of the most vulnerable when disaster strikes. [According to Elaine Wethington](#), a professor at the Cornell Aging and the Environment Initiative, “Over half of the people who died in Hurricane Katrina were age 65 and older.” The disproportionate impact of natural disasters on seniors is [well documented in various scientific studies](#) that have been conducted over the years on the physical impacts of natural disasters.

Wethington also pointed out that “The risk of death among people who are socially isolated is greater than the risk of death among older people who smoke.” The negative impact that social isolation has on seniors is [well documented in research and literature](#), so it is not a surprise that it also has an impact on seniors when it comes to planning for natural disasters. Yet, social isolation is only one factor that leads to higher vulnerability for seniors facing natural disasters. [Other factors include](#) inability to move out of harm’s way, a reluctance to evacuate, and chronic health conditions.

Legal Hotlines can expect to be called upon to assist seniors leading up to and after a natural disaster strikes, regardless of whether it is a forecasted disaster, such as a hurricane, or an unforeseen disaster, such as an earthquake. Many seniors will have questions regarding their rights and how to deal with the disaster’s impacts such as:

- What local government agencies to contact about services available;
- When to attempt to leave their homes before a disaster;
- Who to contact regarding utility issues;
- Where can they access basic necessities, healthcare, and other supplies or needs;
- How to protect themselves from shady contractors and other for-hire service providers; and,
- Questions related to estate planning.

Luckily, most hotline attorneys are well versed in topics like these as they are questions posed daily on hotlines across the country. For more information on assisting seniors in disaster preparedness, visit [the American Red Cross website](#).

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## Five Ways to Make Your Hotline Disaster-Ready

By Keith Morris, President, Elder Law of Michigan, Inc., and Director, Center for Elder Rights Advocacy

If there is one thing that I have learned in the past few years, it is to be ready for anything. We have had to deal with a week-long power outage, a flood, an evacuation due to a gas leak, a cut fiber optic cable that once provided internet service, threat of violence from a client, and countless blizzards. Each time we encounter one of these challenges, we learn something that we could have done better.



After working on several versions of our emergency plan, and after working with two other hotlines on reviewing their plans, I have a couple of suggestions that I thought other hotline programs, and even non-hotline programs, might find helpful.

### **1) Have an actual plan document that everyone knows how to find.**

Anyone that knows me will tell you that I have been pushing for a paperless office for years. (Notice I didn't say we have achieved this.) But, a lesson learned is to have a printed summary of your emergency plans for when the power goes out or the internet goes down. If you stop and think about it, the best plan in the world does no good if it is posted on a nice internal website that no one has access to because there is no power.

At the very least, you should have posted somewhere the steps to take when the internet connection is lost, your phone system goes down, and the power goes out. And if you are a small program that doesn't have at least two full time technology-staff, you need to make sure that all managers or designated staff know how to get to this information.

You should include a checklist of things to check to make the extent of the problem can be determined. For example, someone should know what other tenants in your building have the same internet provider. Another example would be to look out the window and see if the building across the street still has power or if the traffic lights are off. I know these sound like something you would already know to do, but when the stress of the moment is happening, it never hurts to give someone a little extra guidance.

Once the extent of the problem is determined, they should know who to call and in what order to call them. While it is important that you be kept updated on everything that is going on, it is probably more important to find out from the power company how long the outage is expected to last.

**2) Post a safe designated meeting location if you have to evacuate—and also an alternate location in case the other location isn't safe.**

In the not too distant past, we had to immediately evacuate our offices due to a gas leak. At the time, our designated meeting location was across the street. So, everyone left the building and scattered. It took several hours before we knew whether or not everyone was safe and what we were going to do.

**3) Make sure your volunteers know your emergency procedures.**

We are very fortunate to have law students, retired attorneys, and other volunteers come into our office every week. On more than one occasion, one of these very dedicated volunteers made their way through dangerous conditions to come to the office to volunteer. Be sure that you have a way to keep them informed.

**4) Set up a system with at least two ways to inform everyone about emergency situations.**

We used to use a phone tree whenever the office was going to be closed due to dangerous weather. Now, we let everyone know the standard we use for determining when to close the office, we post a notice on our internal communications page, and we change the greeting on our call-in voicemail. Everyone in our office knows that a decision to close the office is based on whether the nearby university is closed, and they know that we stick with that approach and post our decision by 7am.

**5) Have a process to make sure that the clients are informed.**

If you lose power, and you still have client appointments, how do you handle those? Do you ask staff to make the calls from home? There are some advantages and pitfalls of having staff

make calls to clients on their personal phones. Depending on the technology, your staff may be able to log into your phone system from anywhere and work just like they are sitting at their desks.

If that isn't the case, you should at least have one or two people call each person that has an appointment and let them know what is going on and that someone will reschedule with them as soon as you return to full operations. But remember, you have to have a process to know who to call so make sure you can access that information securely even if your office has no power or internet connection.

Someone should have pre-recorded a greeting that informs all callers about the situation. Oh, and everyone should know who is responsible for activating that greeting. If your phone system is still housed at your offices, make sure you have a system to handle the calls when the power goes or internet go out. Your phone provide should be able to put a short greeting for emergencies on all lines.

These are just a couple of the basics. You may have some other suggestions that you are willing to share. Please feel free to post these in the comments. If your program needs a template to start an emergency plan, let me know and I will send you a couple that I found through my research.

Good luck.

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## Running a Hotline without Power

By Michael Walters, Legal Hotline Managing Attorney, Pro Seniors, Inc. and CERA Project Specialist

Cincinnati, other than the occasional flood or tornado, is thankfully not prone to natural disasters. However, in 2008, the remnants of Hurricane Ike caused massive power outages throughout the Cincinnati area. Certain locations, including my home, were without power for a week. Pro Seniors was without power for two weekdays. There have been numerous other shorter power outages during my tenure as manager of the hotline at Pro Seniors, the Ohio statewide senior legal hotline.



Even a one-day disruption in power can cause serious problems in scheduling, and it can inconvenience dozens of clients who were expecting a call to discuss an important legal problem. This one aspect of disaster recovery allows our hotline attorneys to call clients, even

when our office's electrical power is out, rendering our network and case management system non-functional.

One caveat is that our procedures can only be used if cell phone service is available. Without working cell phones, it would simply be impossible to call clients. I would also add that our procedures are designed for a hotline which primarily uses remote hotline attorneys. The logistics of having multiple attorneys making cell phone calls from a central location with no power would probably make using these procedures much more difficult.

**1) Use an automated case report that is emailed to home email addresses:**

Pro Seniors generally schedules appointments approximately two days in advance. That means that as of close of business on Monday, the scheduled appointments for Wednesday are probably already known. Tom Bedall, the Managing Attorney at Pro Seniors, is a master at using Crystal Reports. Crystal Reports allows us to create reports using data in our case management system. These reports can then be uploaded to the Crystal Reports Server and scheduled to run automatically at a future date and time then be emailed to groups of users. So every morning, in my home email, I receive a pdf report showing all scheduled Hotline appointments, sorted by date and attorney. The report is automatically emailed to several management employees at their home email addresses. This allows me, if necessary, to individually call hotline attorneys on their cell phones and give them the name, telephone number, scheduled time, legal problem, and case number for each of their scheduled appointments. Another point to note is that we uploaded all staff home addresses, phone numbers and email addresses into a password protected staff area of our public website for 24/7 emergency access. In case of an emergency, e.g., if our server is down so that no one could access our case management system, we could have several staff members call multiple hotline attorneys with their hotline appointment information, or alternatively email it to them. This allows the attorneys to at least make the calls to the client, even if notes and time have to be added later.

**2) Utilize the ability to email to the case:**

Most case management systems can be programmed to allow automated emails directly to the case notes. For example, for Pro Seniors Pika case management system, the body of any email to [case number]@pika.proseniors.org will be deposited into a case note and any attachment to the email will be saved in the case documents screen. This allows a hotline attorney, using any word processing program, to email a copy of their notes to the case. So, if the attorneys simply choose to type case notes on their phone using their home email, those notes can be emailed directly to the case notes in the case management system. Even if the server is down, the emails would be received later when the server is again operational. It would thus only be necessary for the hotline attorney to later add their case time when access

to the CMS is again available. Obviously, for security reasons, use of email to the case should be limited to staff only. Otherwise clients could potentially email irrelevant information into the case notes.

### 3) Use paper scheduling as a back-up plan:

In this day and age, it may be considered heresy to suggest the use of pen and paper, but that is how we continue to initially schedule clients at the front desk. The paper system allows the intake specialist (not an attorney) to obtain the critical information from the client to schedule the appointment, and go on quickly to the next call. The paper intakes can be added to the case management system later during a slower time at the desk, or they can be added by a different employee if the phones remain busy for an extended period of time. On numerous occasions, the existence of a stack of paper appointments has “saved” me in the case of a typographical error in the information entered in the case management system. The paper intakes would also provide a low-tech alternative to the automated scheduling report discussed in #1 above. Staff members could simply pull the paper intake sheets and call the hotline attorneys to provide the information.

Power outages are to be expected occasionally at any legal hotline. The growing availability of smart phones in many cases allows the critical functions of a hotline attorney to continue, even without access to the case management system. Anticipation of the possibility of an outage, using automated reports, cell phones and even old-fashioned paper, can help minimize disruption of the hotline and allow the needs of the clients to continue to be served even during an outage.

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## When Disaster Strikes – What Senior Clients Should Know and How to Tell Them

by Ellen Cheek, Staff Attorney, Florida Senior Legal Helpline

In a [February 2016 blog post](#), Attorney Ellie Lanier explained how understanding the brain in conflict can help Hotline staff serve clients; in particular, she cited a neuroscience acronym – SCARF — which summarizes the threats that trigger the fight or flight response in the human brain. Threats to **S**tatus (a sense of one’s importance); **C**ertainty (ability to predict the future); **A**utonomy (the feeling of control over events); **R**elatedness (discriminating between



friend and foe); and **Fairness**, are all triggers. It is easy to imagine that the aftermath of a storm or other disaster could implicate each and every “SCARF” factor. The senior who loses electrical power or whose home is damaged as the result of a hurricane, fire or flood can certainly feel uncertain and unable to control her circumstances; the inability to get help or to decide who to trust in crisis can threaten both “status” and “relatedness.” The advocate who knows that these are neurological triggers and that a brain in fight or flight mode may not be able to calmly process information or make rational decisions is in a better position to recognize risks a senior disaster survivor may face, and to communicate effectively both before and after a disaster. To the extent that preparation might help a senior cope, the Florida Senior Legal Helpline has created an information sheet for clients which seeks to:

**EDUCATE TARGET POPULATIONS** – In Florida we recently “weathered” two hurricanes, and we are now sending the attached two-sided mailer entitled “Storm Season Reminders – Be Prepared!” with every closing letter regardless of legal problem code. The flyer includes suggestions for disaster preparation and response from a legal point of view; while other resources may stress supplies of batteries and water, our mailer advises seniors to gather the documents they will need to prove entitlement to disaster relief, make insurance claims, and qualify for benefits. It contains tips for documenting damages and provides phone numbers to address immediate needs (replacement food stamps/EBT benefits, FEMA assistance, etc.) The tone is straightforward and informative and contains explicit directions (e.g., “KEEP all receipts for cleanup and restoration expenses”).

**HIGHLIGHT RISKS** – Because the senior survivor may well be operating with a “brain in conflict,” the aftermath of a disaster can be fraught with potential pitfalls. The mailer calls attention to some of the most common, if not the most obvious to a preoccupied senior survivor. There are admonitions to verify that housing inspectors, insurance adjusters and contractors are licensed and instructions how to do so. There are warnings about imposter FEMA representatives. Common legal issues are highlighted with contact information for the Senior Legal Helpline in case further advice is needed.

The [attached mailer](#) is provided to you in Word format so you can modify to include your state-specific information. The content is more useful *before* a major disaster declaration; you may want to prepare a different mailer to address post-disaster issues. Awareness of the impact of a disaster upon a senior’s logical capacity will inform the choice of material included and the tone that will be most helpful to maximize effective communication with senior survivors.

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# Lessons Learned: Clearing Title and the Obstacle Many Helpline and Legal Services Clients Experience

By Darling Garcia, Director of Operations, Elder Law of Michigan, Inc., and CERA Project Specialist

It has been 13 years since I graduated from law school and these years have been filled with rewarding lessons that have allowed me to have personal and professional growth. As a young attorney, I started my career as a judicial clerk, a solo practitioner, and ultimately a legal services attorney (both as a Legal Aid attorney and a Hotline attorney). As cliché as it may seem, the most profound and meaningful legal experience is, by far, my experience as a legal services attorney.

As we all know, legal services attorneys are expected to handle several legal cases in various legal fields, rarely are provided with administrative support for the cases, and are always ready and willing to handle a new case even if it means working the weekend. Legal services attorneys, by the nature of our work environment, can spot legal issues that might turn into impact cases or identify any undercurrent that are affecting the demographic we serve.



Awhile back, a client walked into a legal service provider with the following situation: Client bought his home under a land contract, which had been fully paid. The seller recorded the land contract [\[1\]](#) but never issued a warranty deed to client. Five years had elapsed since the land contract was fully paid, client never had a need for warranty deed. Client had been paying property taxes and kept up with insurance and other upkeeps that were needed for the home. Three years earlier, client's spouse had a health crisis that disrupted the financial stability for the household. This financial disruption turned into downward spiral that threatened the client's ability to maintain a basic need: shelter. By the time client reached the point of seeking legal counsel, the client faced the following: 1) property tax foreclosure, 2) local housing code ordinance violation-failure to repair house, and 3) a wheelchair bound and convalescing spouse needing proper home modifications.

As the attorney assigned to the case, it was clear to me what needed to get done and I quickly demanded specific performance of the land contract and alternatively planned for legal action

to be filed and prepped for a quiet title action. In due course, all the issues the client was facing were getting resolved and I began to see a drastic change in the client's demeanor and facial expressions. Tax foreclosure was delayed and the client entered into a payment plan to resolve the foreclosure. The most challenging issues were the failure to repair the house and home modification. Local resources were "technically" available to client and in theory, client by utilizing these local resources could receive an interest free loan to get the roof done (major repairs included new roof, weatherization of the entire home, and ADA compliant modifications) with weatherization funds and local grants to help with the cost for modification. In practice, these resources were not within client's reach. The various organizations and agencies that managed these local resources had policies and procedures that required proof of title to the home and this requirement kept client away from resources.

Persistent advocacy with the various organizations and agencies, and legal skills eventually resolved this client's issues. Soon thereafter, as in many legal aid cases, a usual suspect/a pattern began to emerge and lack of clear title to real property prevented many clients from utilizing resources available to them. A demand for specific performance on the land contract and a quiet title action ultimately provided the client with a deed to the house. However, the most impactful approach was to form partnerships with the organizations and agencies that managed the local resources. The partnership allowed for a meaningful dialogue and a place to advocate for changes in policies and procedures so that other clients could receive the much-needed help. These are the lessons I learned:

- **Ask questions and ask more questions.** Clients know if they own or rent their home. Clients are very descriptive and can give you clues as to how they "acquired ownership" to their home. It is imperative to ask questions so that you fully understand the client's issues and learn to connect the dots. Many times, clients present relatively minor issues but the more questions you ask, the easier it will be to identify root problems.
- **Advocate and form partnerships.** As attorneys, we are trained to handle legal issues and can advocate for our clients. However, often times, our legal and advocacy skills need to be modified to achieve a broader impact. The impact of a prolonged outcome when we litigate a case (even in cases where all the facts are in our favor) is often a key factor for clients not wishing to pursue legal recourse. Forming partnerships is therefore essential to creating feasible outcomes for clients.
- **Adapt and plan for the inevitable.** Learn to adapt to the limitations that are either generated by the client or the circumstances and counsel clients for worse case scenarios. Early in my career, I discovered that clients genuinely appreciate clear vision of how things are likely to unfold in their case and they plan for the best and worst case scenarios.

In Michigan, a quiet title action is brought in circuit court and pursuant to [MCL 600.2932](#), a broad authority is given for actions to quiet title and “any person, whether he is in possession of the land in question or not, who claims any right in, title to, equitable title to, interest in, or right to possession of land, may bring an action in the circuit courts against any other person who claims or might claim any interest inconsistent with the interest claimed by the plaintiff, whether the defendant is in possession of the land or not.” Additionally, actions brought pursuant to MCL 600.2932 are equitable in nature and therefore the court reviews all factors to reach its equitable decision. [MCL 600.5801](#) provides the limitations on actions. The statute provides for different time periods for filing a quiet title action depending on who is the plaintiff and who is the defendant, however, generally, a quiet title action must be filed within 15 years.

I hope that wherever you find yourself practicing law, you can develop and build partnerships with other organizations to better help and serve clients.

[1] In Michigan land contract purchasers obtain equitable title, legal title remains with the seller. The property can still be sold, encumbered and can be the subject of tax liens and foreclosure even if purchaser obtains equitable title. Enforcement of a land contract in Michigan is generally handled under contract law.

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## The Shoshanna Ehrlich Excellence in Senior Legal Hotlines Advocacy Award

Article provided by [the National Association of Senior Legal Hotlines](#)

**Shoshanna Ehrlich** retired in 2015 from a twenty-five year career in legal hotlines. Her work was a unique three-dimensional journey viewed through the organizational, historical, and geographic aspects of legal hotline services. From 1989-1996, she worked at Legal Services of Greater Miami, Inc. (LSGMI) as a legal hotline attorney/project director for the statewide senior legal hotline, and supervising attorney for their Elder Law Unit. From LSGMI Shoshanna went to the AARP Foundation, which recruited her to work on its Legal Hotline Technical Assistance Project, a national support center for legal hotline planners and managers. In 2009, the Legal Hotline Technical Assistance Project moved to Elder Law of Michigan’s



Center for Elder Rights Advocacy, where Shoshanna was thrilled to continue her work with legal hotlines for another six years.

From a historical perspective Shoshanna was on the frontier of hotline operations, one of six initial senior legal hotlines operating at that time. Today there are statewide senior legal hotlines in a majority of states, telephone intake and advice is a widespread service at legal aid programs, and the power of hotline services has exploded along with the internet. Shoshanna experienced and participated in the process step by step, and [Legalhotlines.org](http://Legalhotlines.org) was one of the first websites in the Legal Services world. The Legal Hotline Technical Assistance Project helped drive an international expansion through its many activities and resources. For many years Shoshanna also served on the planning committee for the National Aging and Law Conference, and on the NLADA/ABA Equal Justice Conference Delivery and Innovations Track work group.

From a geographic perspective, Shoshanna traveled to 26 states to observe their senior hotline operations first-hand. She shared their practices through the Technical Assistance Project, and provided insights learned from her wide view of programs. Canada and Australia also participated in Project newsletters and workshops.

The National Association of Senior Legal Hotlines and the Center for Elder Rights Advocacy are proud to honor Shoshanna's many accomplishments on behalf of seniors across the country by naming her the first recipient of the 2016 "Shoshie", a new award created in her honor. To view a video of the award ceremony, [visit this link](#).

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## 2017 Equal Justice Conference

### Save the Date!

The 2017 Equal Justice Conference (EJC) is quickly approaching. The EJC will be hosted in Pittsburgh, PA at the David L. Lawrence Convention Center on May 4th through the 6th.

A preconference day will be hosted on May 3rd, with CERA and the National Association of Senior Legal Hotlines are hosting a preconference session entitled: **Running a Legal Hotline is more than Answering the**

**Phone: A Collaborative Workshop.** Building on our successes from last year, this will be a day of idea sharing, problem solving, and resource gathering. The morning session will focus on the



new technology being used across the country to provide legal services. It will include demonstrations of new integrations, software, etc. There will also be a discussion about how programs are using technology in new and innovative ways to better meet the demands. The afternoon will shift the focus to managing the hotline. Some of the topics include managing remote employees, handling generational differences in communications, building a quality control process, identifying elder abuse cases, dealing with potential elder abuse victims, motivating without money, and engaging the hotline advocates in fund development. All of these topics will be covered through a collaborative exchange with the presenters and the workshop participants, so bring your ideas and challenges.

The cost of the preconference session is \$50, in addition to the basic conference fee (includes beverages and light snacks). For more information about the preconference day or the Equal Justice Conference, visit [the ABA's conference website](#).