

Legal Hotline Connection

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Capturing Outcomes for Senior Legal Services

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

It can be a daunting task to capture outcomes from legal services. The Legal Services Corporation, which funds any of the legal service providers involved in the Model Approaches to Senior Legal Services, tried to recognize best practices among its grantees and developed the [Civil Legal Outcomes Toolkit](#). The basic premise from their work is that you figure out what will work in your service area given the resources that you have available.



The National Legal Aid and Defenders Association compiled the efforts of many programs across the country in their 2013 [Measuring Outcomes – Overview of Some \(of Many\) Efforts](#). A quick scan through this shows just how varied the efforts are to try and put a measurable outcome to legal services. There are several other toolkits and summaries related to outcomes and legal aid that you can find with a quick search online.

Generally, outcomes are recorded for three reasons: measure effectiveness, justify funding, or promote the service. Which one(s) of these will you use any outcome reports for? Take the time to do some research to find out what will be most effective in accomplishing your goal. For example, do you need monetary impact (costs avoided, money recovered, etc.)? Or do you need legal status change (no longer facing foreclosure, has health insurance again, etc.) The data needed for these two types of outcomes is somewhat different.

Another important fact in this process is the outcomes are different at different points in time: immediate outcome, intermediate outcome, and long-term outcome. For example, a client who calls the hotline about being evicted and receives advice has an immediate outcome of a better understanding of her legal situation and the options available for her to pursue. An intermediate outcome would be when she took the information she received and followed the attorney's advice by going to court and winning her case, so her outcome is no longer just her understanding of the situation improving, but that she could avoid eviction, remain in home, and avoid having to pay additional fees, etc. (You can find several webinars and presentations at www.legalhotlines.org/measuring-outcomes that explain the differences.)

The long-term outcome of the legal services intervention is how did this affect her overall trajectory in life? If possible, it would be great reporting to say that because we helped someone with a power of attorney for finances that they avoided a conservatorship. As you probably see, this is not an easy statement to support because it uses a “but for” analysis and assumes that nothing else in her course of life could have caused things to change.



Several senior legal helplines have been conducting a study over the past two years on capturing the immediate outcome based on the client’s perception. One of the strongest findings so far is that the legal advocates are very skeptical at recording anything that declares with certainty that because of their conversation with the client, the legal situation is improved in a specific way. They were comfortable declaring that the client reported understanding the situation better, feeling better about their matter, etc. It proved quite challenging to provide quantitative measures like costs saved, based on the stage in the process.

Another interesting thing that we found with this study is that the legal advocates found it very difficult to select just one outcome and appreciated being able to close the case with two outcomes. In a survey we conducted, we found that the advocates appreciated the opportunity to ask the client about this because it brought closure to the matter.

I encourage you to look at the work done by the Georgia Senior Legal Hotline a couple of years ago on capturing outcomes. (You can find the documentation at legalhotlines.org/measuringoutcomes.) They were fortunate to have a Borchard Fellow with them for a year who focused on capturing outcomes. The process that they used was to identify cases of a legal subject matter, for which they reached out to the client by phone and letter to find out what happened in their situation. Their efforts for capturing these intermediate outcomes have become what other senior legal helplines measure their efforts against.

Jan May from the Legal Counsel for the Elderly, wrote an article for the Management Information Exchange magazine, *Tempering the Need to Measure Outcomes with Common Sense: Hotlines as a Case in Point*, that highlights the need to look at the cost versus the benefits received. While his focus was outcomes for senior legal hotlines, the concepts are easily transferable to the larger senior legal services programs.

When designing your system, you must make sure you can justify the added time it will take to find out about the outcome, record them in the case management system, aggregate them for

reporting, and interpreting them to make sure the data is correct. For many legal services programs, the money received through OAA Title III-B is usually less than 10% of their overall budget. If they are already capturing a set of outcomes for another funder, they may have to pay to have additional fields added to the case management system just to capture another set of outcomes. So, make sure that you are asking them to collect what they will see you use and get buy-in repeatedly in the development process.

Good luck with your efforts to measure outcomes. Remember, don't reinvent the wheel. It is very likely that another state has gone through a similar problem that you may face in this endeavor. Please give me a call if the Center for Elder Rights Advocacy Staff can be of assistance.

An Elder Justice Coordinator Thinks About Elder Abuse, Neglect, and Exploitation

by Ellen Cheek, Staff Attorney, Florida Senior Legal Helpline

When Florida's Department of Elder Affairs received a Phase II Model Approaches Grant, the position of "Elder Justice Coordinator"(EJC) was created with the goal of determining the role Legal Services programs should play in preventing and addressing elder abuse, neglect and exploitation. When I became the designated EJC, it seemed that my more than decade-long experience as a staff attorney on



the statewide Florida Senior Legal Helpline would stand me in good stead. Florida is a large and especially diverse state with significant numbers of seniors of every socio-economic level and I had counseled literally thousands of clients from almost every one of the state's 67 counties. I was aware of effective referrals in some cases and disappointing outcomes in others, of apparently successful initiatives by non-lawyer groups as well as good ideas and collaborative efforts which were ultimately unsustainable. How has this experience informed my thinking about creative, non-duplicative, coordinated and meaningful responses to abuse, neglect and exploitation of vulnerable seniors? What do I hope to share with other civil legal services advocates at the upcoming Elder Justice Conference? Most basically, in the absence of a simple, workable definition for elder abuse, neglect and exploitation (and there really doesn't seem to be one), I offer the following framework for discussion:

- Statutory definitions which define the requirements for intervention by state adult protective services (APS) agencies and/or criminal prosecution are extremely valuable but address only a fraction of the cases for which advocates seek remedies.
- Statutes which define abuse, neglect and exploitation solely by chronological age are unrealistic and arguably ageist.
- There are remedies and resolutions (existing and yet to be created!) in addition to criminal or civil prosecution and/or APS intervention. It is imperative to be aware of those and find resources in all communities.

With these broad concepts in mind, concerned advocates can gather and discuss the specific factors which characterize abusive and exploitative situations. Panelists will discuss how the issue presents so that advocates can recognize the legal issue embedded in certain problems (benefit denials, housing troubles, etc.), what risk factors are common to victims, as well as factors common to perpetrators, and the scams which are targeted specifically at seniors as seniors.

EJC 2017: Applying Principles of Person-Centered Care on a Senior Legal Hotline

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

Applying medical principles to legal ethics is often an impossible task. Social workers, medical providers, and lawyers simply don't speak the same languages. Nevertheless, particularly in the context of providing legal assistance to seniors, some of the medical community's approaches seem both relevant and valuable. The Administration for Community Living recently circulated draft principles for a person-centered approach to serious or advanced illness, which provide some insight on how person-centered care can be applied in the context of delivering legal services on a telephone hotline. Ellen Cheek, who is the Elder Justice Coordinator with the Florida Senior Legal Helpline, Toni Allen, who serves as the Ombudsman Care Management Supervisor with the Allegheny County Area Agency on Aging, and I presented a workshop at the Equal Justice Conference regarding how to apply these principles of person-centered care in the context of delivering legal services on a hotline. Some general principles which we discussed:



1. Respect the autonomy of the client. As in any attorney client relationship, the attorney provides options. The client makes the ultimate decision.
2. Ascertain the client's goal(s) in seeking legal advice. Tailor the advice, to the extent possible, toward achievement of that goal.
3. Provide full information to the client. Although it is advisable to provide advice in simple understandable language, it is not acceptable to "dumb down" advice by leaving out critical information. Do not omit negative consequences in an attempt to avoid upsetting the client or avoid presenting too much information.
4. Always mention advance planning tools, such as power of attorney documents, even when the legal issue does not involve questions about advance planning. Utilize self-help tools to facilitate availability of advance planning documents for hotline clients, but be cautious about possible misuse of self-help forms.
5. Remember the ethical mandate that when counseling a client with diminished capacity, to the extent possible a normal attorney-client relationship should be maintained.
6. Consider supportive decision-making for clients with diminished capacity. Don't apply rigid prohibitions against including the client's caregivers in decision making if the client requests inclusion of caregivers.
7. Adopt a broad policy allowing clients to follow up on the hotline as their legal issue develops and facts change.
8. To the extent possible, make your hotline accessible to those with disabilities and diminished capacities. Avoid creating unnecessary obstacles to obtaining services.
9. Affordable access to services for clients is essential. Legal hotlines fill an important need by providing a convenient point of access, especially as full service legal services programs become more overwhelmed.

2017 National Aging and Law Conference

Save the date for [the National Aging and Law Conference](#) in convenient Silver Spring, Maryland, a short 20-minute metro ride from downtown Washington, DC. NALC 2017 will be held at the DoubleTree by Hilton in Silver Spring, MD, on October 26-27, 2017.



The theme of this year's conference is Carry it On: Promoting Elder Rights in a New Era, highlighting the evolving field of aging and the opportunities and challenges facing older Americans.

NALC has an agenda of 30 workshops and 4 plenary sessions, over a compact two-day schedule. There are up to five concurrent workshops from which to choose. The main body of the conference includes up to 11.5 CLE credits (including 1 credit of ethics.) A hot buffet lunch is included both Thursday and Friday and a breakfast buffet on Friday. Both days include coffee, tea, water and soft drinks during the day. The Conference Opening Reception, sponsored by the Borchard Foundation Center on Law and Aging, will include light refreshments and an opportunity to network at the end of the afternoon plenary on Thursday.

New this year is an optional pre-conference intensive on Wednesday, October 25th focusing on Supported Decision Making and Older Adults (SDM). The agenda includes an overview of the basics of SDM, an update on laws regarding SDM, drafting SDM agreements, a review of the PRACTICAL tool for lawyers, restoration of rights, and legal ethics. Attendance is limited to the first 30 participants, the added cost is \$150 and includes 5.75 CLE credits (including 1.0 credit of ethics,) lunch and all-day refreshments.

We look forward to seeing you in October. Please feel free to email David Godfrey, Senior Attorney and Program Chair, ABA Commission on Law and Aging, with any questions (David.Godfrey@Americanbar.org).