

# Legal Hotline Connection

## June 2018

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The newsletter is produced by Elder Law of Michigan's Center for Elder Rights Advocacy. For more information about CERA, visit [www.legalhotlines.org](http://www.legalhotlines.org).



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# Things I Learned at the Center for Elder Rights Advocacy

By Mike Walters, Attorney, Legal Hotline Managing Attorney, Pro Seniors, Inc., Project Manager, CERA

## **Pro Seniors, Inc.**



I had a general, private law practice when I began working part-time, as a hotline attorney at Pro Seniors in 2000. I quickly discovered that hotline advice was well suited to my personality. I had always been able to convey legal advice to clients in a “down to earth” manner. I knew enough about different areas of law to be able to speak to clients on just about any legal issue. I was used to doing my legal research quickly.

Legal hotline advice also suited my weaknesses as an attorney. I have an unfortunate tendency to be glib, I always sound definitive, even when I am unsure about the answer, and I have a face made for the telephone. All these strengths and weaknesses played perfectly into a 30-minute legal advice call, and I soon became overconfident in my abilities as a hotline attorney.

When I accepted the full-time manager position at Pro Seniors in 2006, I really thought I had learned everything I needed to know to do hotline advice. My early management style was to apply what I knew to the other attorneys on the hotline. “Good” hotline advice was the advice I would have given in the same situation. Variance from my style was likely to engender criticism.

The Pro Seniors Legal Hotline was to be a model of “professionalism,” using my guideposts. Professionalism, meaning that the clients were called on time, the advice provided was accurate, and to the extent possible, the clients had a good experience. I was cynical about anything that might be considered “touchy feely” and I was proud of my frugality. Conferences were a waste of money. Scholarly articles on management and hotline policy were a waste of time. A legal hotline should, to the extent possible, be run like a business, providing a service.

That was the person who joined CERA as a project specialist in 2014. Shortly after joining CERA, I began working on projects, ranging from the annual Equal Justice Conferences, writing articles

for the Hotline Connection, and participating in numerous webinars emphasizing legal hotline work. The experience, in addition to the wise guidance of colleagues such as Keith Morris, Shoshanna Erlich, Mary Haberland, Ellen Cheek, and Laurie Heer-Dale, taught me what I didn't know.

### **1. Legal hotlines aren't producing widgets.**

Clients come from a variety of backgrounds, they have different levels of orientation, and they come to a hotline call in different states of mind. Any hotline policy which fails to tailor the advice to the specific client, taking into account the severity of the client's problem, and the orientation of the client, is deficient. Primary consideration in any hotline call should be to make the legal advice "client-centered."

### **2. Hotline attorneys aren't producing widgets.**

One of the advantages of a legal hotline is the variety of attorneys, with different personalities, working on the hotline. Some attorneys are extremely empathetic to clients, taking extra time to let the client tell the story in the client's own way, even if it means the call may go overtime. Other attorneys are "all business" and are skilled at asking the client questions designed to elicit the relevant facts quickly and deliver the legal advice efficiently.

Any experienced hotline attorney can "shift" the style somewhat to suit the client, but there will always be variances in style, dependent on the personality of the attorney. This is a strength of a legal hotline. Particularly with experienced screening staff, clients can be matched with an attorney who best fits the client's personal circumstances.

Managers should encourage diversity in personalities on the hotline, and within reason, should accommodate variance in the number of calls taken in a specific time period. The "slowest" attorney may be providing the most important help to the clients.

### **3. Conferences are valuable.**

I attended four Equal Justice Conferences in my time with CERA, and the information I learned at those conferences were invaluable to me as a manager. I became a better manager because I learned: technical innovations that saved our hotline immeasurable time and money, how to better accommodate clients with diminished capacity, and I learned substantive law that helped our hotline staff give better advice to our clients. I also met many colleagues from the hotline and Legal Service communities who imparted wonderful wisdom and experience to me.

### **4. Training for hotline attorneys is critical.**

New legal issues are always arising, and sharing information among experienced hotline attorneys is invaluable, even for legal problems that recur on the hotline. On a hotline, it is

difficult to organize substantive training for ongoing and emerging legal issues because of the small staff, modest funds, and limited time. A technical support organization such as CERA allows legal hotlines to pool their resources and provide important training to hundreds of hotline attorneys across the nation, at an affordable cost. Our employees at Pro Seniors have benefitted greatly from the dozens of webinars presented by CERA over the years.

#### **5. The hotline community is supportive.**

Legal Hotline employees love sharing information. All one need do is ask, and colleagues will happily share tips, research, policy manuals, common sense advice on management, and wisdom on how best to help clients. The ongoing communication among hotlines, facilitated by CERA and NASLH, is probably the most valuable tool I had access to in my time with CERA. The generosity of my colleagues was a revelation to me, and I will always cherish the relationships I have developed through CERA.

When I joined CERA, I thought I knew everything about giving hotline advice. My work at CERA taught me what I didn't know. The wonderful people I met through CERA made me a better attorney, a better manager, and a better person.

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## [The Benefits of Community—How Senior Legal Helplines Facilitated the Passage of Landmark Legislation to Protect Vulnerable Adults](#)

By Ellen Cheek, Attorney, Elder Justice Coordinator, Florida Senior Legal Helpline

### **Florida Senior Legal Helpline**

Thanks to technical support from the Center for Elder Rights Advocacy (CERA), senior legal helpline managers and attorneys have had a forum to “meet” and communicate which has served us very well. Attorneys share equipment questions and best practices for providing legal advice to seniors on the telephone. We also discuss common substantive issues and brainstorm solutions. An ongoing focus has been elder abuse, neglect, and financial exploitation.

One of the biggest problems with elder financial exploitation is that by the time a court considers the exploitation, the vulnerable adult's assets – and often the exploiter – have already disappeared. This is especially devastating to a senior, whose advanced age and/or health problems often make it impossible to help them find a legal remedy to recover their

assets. Our Helpline colleague from West Virginia, Attorney Cat McConnell, had an innovative approach to this problem which she presented at the National Aging & Law Conference in October 2016. After hearing Ms. McConnell explain her state's proposed version of a fast track, temporary injunction to protect the assets of an exploitation victim from being dissipated before a court could consider the larger issues, I followed up with her for details. Although the West Virginia bill is not yet law, the input about her experience, including the proposal's particulars as well as the stakeholders with whom she collaborated, proved invaluable.

Inspired by the West Virginia effort, I took the concept to the Legislative Committee of the Elder Law Section of the Florida Bar. That committee drafted a Florida version of the proposal, found sponsors in both houses of Florida's bicameral legislature, and filed the bill in December 2017. A tremendous education effort by members of the Florida Bar followed, as the bill was shepherded through a variety of committees in both chambers. On March 23, 2018, Governor Scott signed the bill, providing a unique and totally Florida remedy and the first of its kind in the nation. Because of this new law, a vulnerable adult who has been financially exploited or is at risk of being so can get an ex parte protective order, pro se and without fee, which permits a temporary freeze of assets. With an effective date of July 1, 2018, forms are being developed by the Florida Supreme Court and training is underway for many constituencies including Legal Services lawyers, the private bar, judges, clerks and court administration, as well as the protective services network of investigators and social workers.



Helplines are not only a cost-effective way to deliver legal services in financially challenging times; they also provide a view into a wide variety of issues because of the volume of clients they serve. The Florida statute exemplifies the innovation which is possible when similarly situated colleagues have a forum to share their issues and their ideas for resolution. CERA focuses on legal services for seniors, but the collaborative model which CERA has supported is being replicated across the nation for many different interest groups – such as low-income veterans and pensioners, to name a few. I'm grateful to be a member of OUR group, for the relationships we've developed, and for the opportunity to continue and foster those relationships through our membership in the National Association of Senior Legal Hotlines.

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*The 2017 Senior Legal Helplines Annual Report will be posted soon on the [LegalHotlines.org](http://LegalHotlines.org) website!*

# The More Things Change, the More They Stay the Same

By [Keith Morris](#), Attorney, President of [Elder Law of Michigan](#), Project Director, CERA

With the honor of being able to provide technical assistance to the senior legal helplines being transitioned to the [National Center for Law and Elder Rights](#) (NCLER) this month, I couldn't help but reflect on how things are different—but still the same.

When the Center for Elder Rights Advocacy (CERA) was created about 10 years ago, it was to provide technical assistance to senior legal hotlines. At that time, Shoshanna Ehrlich, who had been working with hotlines for several years, came to work for us because her previous employer, AARP, made the strategic decision to not continue that type of programming. If it hadn't been for Shoshanna's willingness to work with us, we would have not had the success that we have had so far. Thanks, Shoshanna. I know you still read the Legal Hotline Connections!

When we look back at the type of work CERA staff undertook 10 years ago, it is quite different than it has been in the past couple years. The following are a few observations about how the world of senior legal hotlines has changed in that time:

**1. Hotlines have become an accepted method of delivering legal services to older adults.**

There was a time when having a hotline was an innovation in legal service delivery. I was fortunate to join the hotline community several years into the education process, but I still recall conversations with legal assistance developers who thought that all senior legal hotlines did was information and referrals. Today, most states have a hotline of some fashion, with many states using hotlines as the point of entry into legal services delivery system.

**2. More senior legal hotlines are now part of an established LSC-funded legal aid organization.**

With the changes in funding and attitudes towards hotlines, it has become more sustainable to house the senior legal hotline as part of a larger program. Many of the senior legal hotlines today are housed with a statewide or regional intake unit/low-income legal hotline.

**3. Hotline funding has become more diversified, but there is still a need for sustained funding.**

For as long as I have been involved with senior legal hotline programs, the issue of funding has been on almost every meeting agenda. Regardless of whether the senior legal hotline is part of an LSC-funded program, there has been a conscious effort to find other funding to support the

programs. Funding from the Department of Housing and Urban Development, the Department of Justice, State General Funds, etc. have helped many senior hotline programs sustain their efforts and even grow. But, at the next conference, there will still be discussions about sustainable funding.

#### **4. Technology is more affordable and its value more appreciated.**

I remember the first national conference that I attended, a presentation titled “50 Tech Tips” had standing room only because it was the only presentation that really addressed how to use technology. At a conference I attended earlier this year, there were even technology vendors in the exhibit hall. The workshops weren’t necessarily about technology, but technology was a core component of discussions about client services, staff supervision, etc. Most programs today have been able to acquire technology that is enough to meet their needs. It may be not be the newest and fastest, but the discussions about where to find the money to replace the monitor that just went out don’t seem to be happening as much. The focus has shifted to software as a service as the next area we can use to enhance our programming. (FYI, since I didn’t know what it meant until I looked it up: Software as a Service (SaaS) basically means using software not on your computer but through a website. You pay/access the service while you need it and then you exit the website and the software is not yours.)

#### **5. There is a greater willingness to share information and resources.**

I have said many times that 2007 changed the nonprofit community. Why? With the recession and funding cuts came discussions of collaborating more and increasing efficiency. Since that time, there has been a lot less guarding of ideas and information, and a willingness to share the brochure that was just finished, or even grant proposals to someone whom you have competed against in the past for funding. Perhaps there is more willingness to share and collaborate because technology makes it easier to do so. With listservs, websites, email, and every other way of communicating that has developed in the last 10 years, it has become almost a reflex for us to ask for help and resources from others in the hotline community. I am very thankful for the many resources we have been able to use because another hotline program was willing to share. That is basically why the legalhotlines.org site exists anyway.

#### **6. The need for good data and more good stories being told has grown tremendously.**

Senior legal hotlines have been collecting data and reporting their efforts before that was the thing to do. Perhaps it is because, back then, we felt like we had to defend our programs and show the work we do. Whatever the reason for the start and continued creation, senior legal hotlines have used these reports to help others understand more about the type of services that are provided, the types of legal issues that are addressed, and the background of the client who is seeking help. Today, this is all standard information. Hotlines are looking at increased reporting on impacts from the service and efficiencies the hotline service model provides.

For as much as our work has changed, two aspects have not: the types of problems our clients are facing, and the effectiveness of using a telephone to give them access to services. There are basically six types of cases that make up over 50% of the cases that the hotlines help with. While they may change in ranking, these six types of cases have been the same top six since we started keeping track of the data that way. What are they? Collections, Home Ownership, Private Landlord/Tenant, Advanced Directives, Wills and Estates, and Medicaid. Year after year, these have remained very consistent.

The telephone overcomes many of the barriers that prevent older adults throughout the country from accessing legal services. A homebound senior who lives in a rural community without internet connectivity can still receive some legal services by telephone. I am not saying that every case can be handled by the hotline. But remember, what type of legal service would that person receive if there were no hotline to call? Other than the telephones have changed, and a growing number of the hotline calls are by mobile phone, the way we provide the service is basically the same. Some of the advice has changed as well. I used to tell clients to screen their calls with an answering machine to avoid creditor calls. Who does that anymore?

Thanks everyone for allowing the Center for Elder Rights Advocacy the opportunity to work alongside you to help older adults throughout the country. I hope that we have been changed for the better.

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## [NASLH Awards Scholarships to Attend the Equal Justice Conference](#)

The National Association of Senior Legal Hotlines held its 2018 annual meeting at the Equal Justice Conference, held in San Diego, CA in May.



### **Here are the 2018 Equal Justice Conference Scholarship Recipients:**

- Norma Baker, Legal Hotline for Texas
- Wendy Bookler, Pennsylvania SeniorLAW Helpline
- Michelle Goetz, Legal Hotline for Michigan Seniors
- Willilliam Gardella, Legal Services Law Line of Vermont

### **NASLH Awards the Shoshie Award to Keith Morris**

The National Association of Senior Legal Hotlines and the Center for Elder Rights Advocacy are proud to honor Keith Morris' many accomplishments on behalf of seniors across the country by naming him as the third recipient of the 2018 "Shoshie," award created in the honor of [Shoshanna Ehrlich](#).

## [My First Equal Justice Conference](#)

By [Michelle Goetz](#), Attorney, Project Coordinator for Elder Law of Michigan, Inc. and CERA

As the Project Coordinator for Center for Elder Rights Advocacy (CERA), I was not only able to be involved in the planning process, I was also able to attend the 2018 Equal Justice Conference for the first time. At the conference, I was able to assist with the preconference presentations for CERA, titled Running a Hotline is More Than Answering the Phone: A Collaborative Workshop. I was also able to attend many other conference panels that the conference had to offer. Here are some of the things that I learned:

1. The Equal Justice Conference provides invaluable opportunities to network and connect with other entities with similar interests.
2. The Legal Hotline Community is very supportive of each other and have a lot of great resources to share with others.
3. San Diego, California is a beautiful city with lots of great restaurants and beautiful bay views.

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## It is Time to Plan And We Can Help

Please remember to check out the important upcoming events on the [legalhotlines.org](https://legalhotlines.org) website to help you remember all the important events that are happening. Check out the [events calendar](#).

***Here are a few of the events we have added for you.***

### **Senior Legal Hotline/Helpline Manager's Group Calls**

On the 3<sup>rd</sup> Thursday of every other month (September, November) at 2pm, the senior legal hotline/helpline managers group meets to discuss relevant topics. This include technology tips to what new types of issues are we seeing on the hotlines. In this past year, we have talked about client agreements, data reporting, and decedent debt.



### **National Association of Senior Legal Hotlines Meetings**

On the alternating 3<sup>rd</sup> Thursday of every other month (August, October, December), at 2pm, the National Association of Senior Legal Hotlines holds its meetings to share information on topics like grant opportunities, management of volunteers, and the Older Americans Act Reauthorization. There is usually a guest presenter who shares information about their services so that we can make better referrals for our clients.

## 2018 National Aging and Law Conference



# National Aging and Law Conference



Save the date for the [National Aging and Law Conference](#) in historic Old Town Alexandria, Virginia. NALC 2018 will be held at the Crowne Plaza Old Town Alexandria, on October 24-26, 2018.

For the fifth year, the ABA Commission on Law and Aging is proud to host the National Aging and Law Conference. The 2018 National Aging and Law Conference will focus on a theme for Advocating for Aging with Dignity.

### **2018 National Aging and the Law Conference**

October 24-26, 2018

Washington, DC

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#### [Elder Law of Michigan, Inc.](#)

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