

# Legal Hotline Connection

## February 2016

### In this Issue...

- I. [Running a Hotline is More than Answering the Phone: A Collaborative Workshop](#)
- II. [Update: Capturing Elder Abuse Data](#)
- III. [Ethical Challenges of Using Law Student Interns/Externs to Expand Services to Low-Income Older Adults](#)
- IV. [Guest Blogger – How Understanding the Brain in Conflict Can Help Hotline Staff Better Serve Clients](#)
- V. [Making Time for Team](#)
- VI. [Model Approaches to Statewide Legal Assistance Systems RFP Coming Soon](#)
- VII. [Webinar: Recognizing and Remediating Elder Financial Abuse in Medicaid Denials](#)
- VIII. [Webinar: Let's Get Grandpa's House Back!](#)

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#### Staff at the Center for Elder Rights Advocacy:

**Keith Morris**, Project Director  
**Christopher Jackson**, Project Administrator  
**Darling Garcia**, Project Specialist  
**Mike Walters**, Project Specialist  
**Mary Haberland**, Project Specialist  
**Shoshanna Ehrlich**, Project Consultant

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# Running a Hotline is More than Answering the Phone: A Collaborative Workshop

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

The [Equal Justice Conference](#) is quickly approaching! Hosted at the Palmer House Hilton in Chicago, **pre-conference day is May 11<sup>th</sup> followed by the conference on May 12-14.** The Equal Justice Conference joins all components of the civil legal aid community to discuss and address issues related to the delivery of legal services to low-income individuals in need of legal assistance.



The [Center for Elder Rights Advocacy](#) and the [National Association of Senior Legal Hotlines](#) are excited to host a pre-conference workshop at the EJC: **Running a Hotline is More than Answering the Phone: A Collaborative Workshop.** The pre-conference workshop will be a day of idea sharing, problem solving, and resource gathering. The workshop will be split into two sessions, morning and afternoon, running from 9 AM to 4:30 PM on May 11th. **This workshop is open to all types of legal hotlines, not just senior legal hotlines, as the topics to be discussed are relevant to all hotlines.**

The morning session will include discussions on the operating of a legal hotline with tips on structuring intake, new technology to consider, and how to do effective follow up. We will explore questions like:

- What technology is available to help handle hotline calls?
- What standards of service do programs use to determine how effective their model might be?
- How are satisfaction surveys, outcome data, etc. being used?
- How is this data actually collected?

The afternoon will shift the focus to staffing the hotline with discussions on using remote staffing, looking at the cost of free help, hiring all part-time staff, and models of supervision and evaluation. We will explore questions like:

- How are legal hotlines being staffed?
- How do I decide what the right staffing model is for my program?
- What costs are involved in using law students, volunteers, etc.?
- Are programs partnering with law schools to make it easier to recruit? How do you decide if it is cost-effective?

The workshop will also look at template documents like client surveys, job descriptions, etc. All of these topics will be covered through a collaborative exchange with the presenters and the workshop participants, so bring your ideas and challenges!

- **When: Wednesday, May 11, 2016**
- **Time: 9 AM to 4:30 PM**
- **Where: Palmer House Hilton, Chicago, IL**
- **Cost: Included in the basic Equal Justice Conference registration**

To register for the EJC and the pre-conference day, [click here to visit the ABA's website](#). For more information about CERA, visit [www.legalhotlines.org](http://www.legalhotlines.org).

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## Update: Capturing Elder Abuse Data

By Michael Walters, Legal Hotline Managing Attorney, Pro Seniors, Inc., and Project Specialist, Center for Elder Rights Advocacy

In the [December 2014 Legal Hotline Connection](#), I highlighted efforts to capture and report elder abuse cases. Since the article appeared, capturing and reporting data related to abuse and exploitation of seniors have become increasingly important for senior hotlines. Senior hotlines have, since their inception, often been the first refuge for seniors who have been victimized by abuse and exploitation. The knowledge that qualified legal advice could be obtained without charge, within a safe environment protected by attorney client privilege, has always been an important resource for victims. Senior hotlines have always prioritized the legal help provided in these sensitive situations. But more and more, our funders want us to be able to quantify and explain the advice we



give to senior victims of abuse. A hotline must not only provide assistance to victims, but it must also have data to show the sort of assistance that is being provided. The [article explains one way](#) that a hotline can capture the information regarding calls about elder abuse in such a manner that the data can be reported accurately to our funders.

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## Ethical Challenges of Using Law Student Interns/Externs to Expand Services to Low-Income Older Adults

Bifocal, the ABA Commission on Law and Aging's bi-monthly journal, [recently published an article](#) by Ellie Lanier, Managing Attorney, UGA School of Law; Keith Morris, President, Elder Law of Michigan, and Director, Center for Elder Rights Advocacy; and Alaina Anderson, Attorney-Advisor, U.S. Department of Transportation, Pipeline & Hazardous Materials Safety Administration, Office of Chief Counsel. The article highlights the ethical challenges of using law student interns and externs.



By exploring and addressing a range of ethical dilemmas related to using law students to expand access to services, the article discusses the distinction between legal advice and legal information, the unauthorized practice of law, state bar student practice rules, appropriate supervision, law school versus on-site supervision responsibilities, confidentiality contracts, database encryption, and what to do if a student “goes rogue.” The article [can be found online at the ABA's website](#).

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## Guest Blogger – How Understanding the Brain in Conflict Can Help Hotline Staff Better Serve Clients

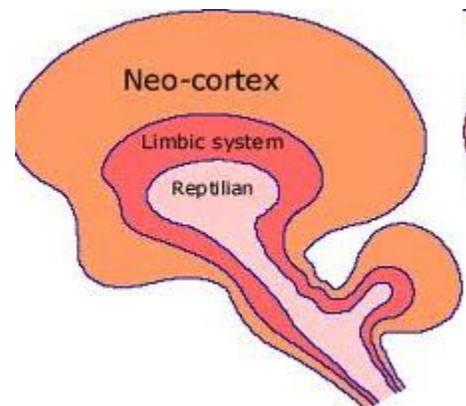
By Ellie Lanier, Managing Attorney, Mediation Practicum, University of Georgia School of Law

In October 2015, David Godfrey and I did a presentation at the National Aging and Law Conference on *Neuroscience and Communication Skills for Working with Older Adults* and I was asked to expand on the topic for this issue of the Legal Hotline Connection.

Let's be honest, no one really wants to talk to a lawyer...unless involved in a legal matter or conflict. Hotline callers can be concerned, worried, anxious, impatient, overwhelmed, or angry (or a combination of all of the above) so it can be tremendously helpful to take a page from mediation training and understand a little about the neuroscience behind the "brain in conflict."

Neuroscience has recently gained prominence in litigation and has been used to inform jury selection and sentencing, among other areas. As a long-time mediator and elder law attorney I think it holds equal promise in the areas of elder law and legal hotlines because it can help increase our understanding of a client's perspective and therefore be used to improve communication with clients.

Neuroscientists, by studying how our brains work, have learned that the different areas of the brain serve different functions: for example, Paul McLean, former director NIH's Laboratory of the Brain and Behavior breaks our brains down into three parts (triune brain). The brainstem, limbic system, and prefrontal cortex play important and very divergent roles in how we react; and which of the three is in charge depends on the level of perceived threat. In the triune brain, the brainstem and cerebellum are reactive parts that focus on basic survival needs. This is the part of the brain where the "flight/fight/freeze" reaction initiates. The limbic system consists of several other areas of the brain and is thought to be associated with emotions and attachments, and the prefrontal cortex is the most advanced area of the brain, helping us create a sense of self, develop empathy, make moral judgments and gain insight. When our brain is in fight/flight/freeze mode we are unable to access the more developed parts of the brain to make a rational appraisal of how or whether to act. The "reptilian" part of the brain helped us tremendously in our cave dwelling times, but its reactive nature can get in the way of making solid decisions.



David Rock, a prominent social science researcher, posits that when we perceive a threat to one of five social domains, our brain automatically goes into fight/flight/freeze mode. A hotline attorney who understands the sources of these "threats" can help address the perceived source of the threat and help a caller get to a calmer place where a decision can be made.

The five social domains are status, certainty, autonomy, relatedness, and fairness (or SCARF.) When we perceive a threat in one of those areas, our brainstems go into overdrive, emitting hormones and chemicals that make rational appraisal difficult at best. As you listen to an upset caller, see if you can identify the source of the perceived threat and whether it falls

into one of these social domains. Then use attending skills and active listening to try to address/remove the perceived threat. Often, an acknowledgement and an open attitude will do wonders. But above all, don't allow an upset caller to activate your brainstem with a SCARF threat. That can result in "emotional contagion" (a topic for another column.)

*[Ellie Lanier](#) teaches elder law and mediation at the University of Georgia School of Law. She was the first manager of the Georgia Senior Legal Hotline.*

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## Making Time for Team

By Mary Haberland, Managing Attorney, Florida Senior Legal Helpline, and CERA Project Specialist

One of the biggest challenges I've faced managing the Florida Senior Legal Helpline is creating a team from attorneys who work from their homes. In the beginning only one of our three team attorneys worked off-site, and she was a former colleague who returned to work part-time after relocating from Tampa to Miami. Easy! Ten years



later, though, we've grown to a team of seven attorneys, five of whom work part-time from their homes in three different cities. Of these, four joined our helpline only seven months ago, when we doubled our staff after being awarded state funding for the first time. While all of our new hires are experienced attorneys with a Legal Services background, only one had previously provided legal advice over the telephone. We're still learning how to effectively work together to handle an increasing number of applicants.

Because our staffing model relies on experienced attorneys, initially I was naïve about the time I would need to spend on "team." I thought it was sufficient to create a folder of resources that team attorneys can access through Office 365, and to hold quarterly conference call meetings to discuss general updates within our organization. I continued to review and respond to each individual attorney who submitted a challenging case for review, suggesting follow-up research, advice, and services, or referring appropriate cases to partner programs. I offered those who live locally the opportunity to participate in trainings sponsored by our Tampa office or our regional partners, and to attend occasional case acceptance meetings for our program's extended services teams. This minimalist management works well with the other helpline I

supervise, a regional program that primarily serves callers under 60. However, it soon became apparent that the senior legal helpline presents additional challenges.

For example, the level of services we provide through the senior helpline is more extensive: nearly two-thirds of our callers aren't eligible under Legal Services Corporation guidelines, yet many are still low-income. They can't afford an attorney, but live in a community with limited Title III-B funding. With fewer options for providing extended services or representation to these seniors through their local programs, our attorneys were developing creative solutions on their own, which – in the absence of “team” – provided remedies that served only their individual clients. Additionally, the scope of the problems raised by seniors is more complex; sometimes the attorneys ask for my input about issues that are beyond my expertise. A few of the attorneys told me they find it hard to work alone, and miss case discussions. Others wanted training to become proficient in new substantive areas. Clearly, my occasional group e-mails and usual management practices weren't meeting their need to be part of a team. So – in response to their requests and with gentle guidance from my now-assistant senior helpline manager, we've made the following changes:



- New attorneys now receive a 2-day orientation in our main Tampa office, which includes attending a case acceptance meeting for one of the extended services teams in the Legal Services program in which we're based. In addition to providing context for evaluating which cases are likely to be priorities for representation, the team meetings link new team attorneys with potential mentors within our law firm who they can later e-mail with questions about substantive legal issues;
- Required monthly conference calls which replace the quarterly calls. During their monthly meetings the attorneys discuss new developments in the law, training opportunities, creative solutions for addressing common problems, and specific legal questions;
- Including helpline attorneys on the e-mails I send to experts within our nonprofit law firm when I ask for their input about a case submitted by a home-based attorney. This practice not only facilitates an exchange of opinions, but further develops the home-based attorneys relationships with attorneys on our extended services teams;
- Circulating case questions among our senior legal helpline attorney group in an electronic version of a case acceptance meeting;

- Asking for their input on new resources for clients, and for their help with improving referral connections with providers in the communities in which they live;
- Encouraging them to attend free webinars sponsored by CERA, the National Consumer Law Center, and others. Additionally, two of our partner Legal Services programs have agreed to invite helpline attorneys who live in their communities to in-house trainings;
- Traveling to Miami one or two times each year with our full-time SLH attorney, to have an in-person meeting with team attorneys who live in South Florida to discuss a wide-ranging agenda that they help to develop.

While our model doesn't always work as planned, when we've achieved "team" we're able to replicate great results, expand agency contacts, and share shortcuts that can help us move beyond legal advice, and actually resolve our client's legal problems.

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## Model Approaches to Statewide Legal Assistance Systems RFP Coming Soon

The [Model Approaches to Statewide Legal Assistance Systems \(Model Approaches\)](#) grants help states develop and implement effective approaches for integrating low cost legal mechanisms into statewide legal/aging service delivery networks in order to enhance overall service delivery capacity. Legal assistance provided through well-integrated and cost-effective delivery systems directly enables older adults to remain independent, healthy, and financially secure in their homes and communities.

As a key centerpiece of the Model Approaches projects, Senior Legal Helplines (SLHs) assist seniors in accessing legal services to ensure their rights and enhance their independence and financial security. Since 2006, Model Approaches projects have assisted thousands of older consumers with priority legal issues related to public benefits, health care, housing, advance planning, and consumer protection. In FY 2013, in addition to awarding 4 new Model Approaches projects, ACL awarded 7 new Model Approaches Phase II grants to evolve legal service delivery systems to even higher levels of capacity, performance, and service delivery impact.

The Administration for Community Living will be releasing a RFP for its next cycle of Model Approaches Phase I and Phase II grants in the coming weeks. Be on the lookout for a post on our blog when the RFP has been released.

# Webinar: Recognizing and Remediating Elder Financial Abuse in Medicaid Denials

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

Financial exploitation problems are some of the most vexing issues facing senior legal hotlines. Worse, how to help a senior who has been victimized twice? First, the senior was financially exploited. Now, the senior is in a nursing home and needs Medicaid coverage, but the Medicaid office decides that the money taken from the client constituted “an improper transfer,” resulting in a denial or imposition of a penalty.



On February 16, 2016, Jennifer Goldberg, Directing Attorney at [Justice in Aging](#), and Amy Kurlansky, Attorney at [Pro Seniors, Inc.](#), presented an excellent webinar which provided an overview of public benefit problems that may arise in cases involving financial exploitation, and some possible remedies for clients facing this problem. The webinar drew an audience of over 1200 advocates. [The webinar can be viewed here](#) and you can [download the materials here](#).

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## Webinar: Let’s Get Grandpa’s House Back!

On January 21st, the National Consumer Law Center hosted a webinar about legal remedies to financial exploitation of property entitled [Let’s Get Grandpa’s House Back!](#) Presenters included: David Godfrey, Senior Attorney at the ABA Commission on Law & Aging; Lori Stiegel, Senior Attorney at the ABA Commission on Law & Aging; and, Denis Culley, Staff Attorney at Maine’s Legal Services for the Elderly. The webinar presentation and its materials [can be found online](#).

