Legal Hotline Connection
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The newsletter is produced by Elder Law of Michigan's Center for Elder Rights Advocacy, a partner in the National Legal Resource Center. For more information about CERA, visit www.legalhotlines.org. For more about the NLRC and to access its many resources, visit www.nlrc.acl.gov.

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CERA Presents at NALC

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

The National Aging and Law Conference 2015 (NALC) was held October 29-30, 2015 at the Hilton Arlington in Arlington, VA. NALC brought together substantive law, policy, legal service development and legal service delivery practitioners from across the country with a full two-day agenda packed with 24 workshops and 4 plenary sessions. CERA staff were able to present as part of three of these workshops. Below are highlights of these panels and links to the materials for download.

Fund Development for Senior Legal Services

The funding for senior legal services is insufficient. For many senior legal service program managers, the words "fund development" cause a cold sweat. This workshop will look at reframing senior legal services to make programs eligible for additional grant funding, using client-focused and community-focused traditional fundraising in a senior legal services program, and integrating fund development as part of a larger communications plan.

Speakers:

- Keith Morris, President, Elder Law of Michigan, and Director, Center for Elder Rights Advocacy
- Karen Buck, Executive Director, Pennsylvania SeniorLAW Center
- Christopher Jackson, Communications Coordinator, Elder Law of Michigan, and Project Administrator, Center for Elder Rights Advocacy

Download the Materials

Ethical Challenges of Using Law Student Interns/ Externs

Through case studies and an interactive discussion process using response ware, participants in this session will explore and address a range of ethical dilemmas related to using law students to expand access to services. Issues for discussion include the distinction between legal advice and legal information, 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."

Speakers:

- Ellie Lanier, Managing Attorney, UGA School of Law
- Keith Morris, President, Elder Law of Michigan, and Director, Center for Elder Rights Advocacy
- Alaina Anderson, Attorney-Advisor, U.S. Department of Transportation, Pipeline & Hazardous Materials Safety Administration, Office of Chief Counsel

[Download the Materials](#)

Model Approaches – Phase II: Building Legal Service Delivery Systems that Combat Elder Abuse

We cannot prosecute our way out of the problem of elder abuse. ACL's grant initiative, Model Approaches – Phase II, is building comprehensive systemic capacity for civil legal responses to elder abuse. Through the leadership of Legal Assistance Developers (LADs), Phase II is creating legal service delivery systems optimally responsive to complex legal issues emerging from elder abuse, neglect, and financial exploitation. Phase II grantees are integrating the effective use of community aging/ disability partnerships and low cost legal service delivery mechanisms to prevent and address elder abuse. Speakers:

- Omar Valverde, Aging Services Program Specialist, Administration for Community Living
- Keith Morris, President, Elder Law of Michigan, and Director, Center for Elder Rights Advocacy
- Lynne Caswell, Legal Assistance Developer, Maine DHHS – Office of Aging and Disability Services

- Jaye Martin, Executive Director, Legal Services for the Elderly
- Alexis Ringman, Project Administrator, Elder Law of Michigan and Center for Elder Rights Advocacy

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Wheaton v. McCarthy: A Hotline Success Story

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

On September 1, 2015, the Federal Sixth Circuit Court of Appeals issued a decision in Wheaton v. McCarthy, 800 F.3d 282 (6th Cir. 2015). The *Wheaton* Court held, in a case of first impression for the Federal courts, that in determining eligibility for Medicare savings programs (MSP), the definition of family must include the non-Medicare eligible resident spouse of the applicant.

Medicare savings programs (such as QMB, SLMB, and QI-1) are federally mandated Medicaid benefits which pay the Part B Medicare premium and, in some cases, the Medicare deductibles and copayments for eligible beneficiaries. Eligibility for the programs is determined by whether the applicant has income which is less than 135 percent of the Federal poverty level. The determination of whether household income meets eligibility standards depends in part of the number of persons in the "family." Ohio (as with several other states) only counted persons who were eligible for Medicare as part of the "family". Thus, an applicant for an MSP who had annual income of $16,000 for 2015 and who had a 64-year-old spouse who was not yet entitled to Medicare, would not be eligible for any MSP because Ohio considered the family size of the applicant to be one person, even if no one else in the family had income. This policy resulted in thousands of otherwise eligible Ohio seniors being denied the benefits of these important programs.

Wheaton is groundbreaking law and the decision could potentially benefit hundreds of thousands of seniors if the reasoning of the Sixth Circuit is adopted elsewhere. But one interesting aspect of the case is the role of the Pro Seniors, Inc. legal hotline in developing the case. Senior legal hotlines are a statewide mechanism that allows issue spotting and

development of legal problems affecting seniors throughout the state. *Wheaton* is an illustration of how hotlines can help develop impact litigation benefiting senior citizens.

In 2011, Tom Bedall, the managing attorney for Pro Seniors, was completing an MSP application for a client. The client had a spouse and dependent children. Unlike the standard Ohio application for Medicaid and food stamps, Tom discovered the MSP application did not provide a way to list children in the "household." Further research revealed the problem. Only Medicare beneficiaries were treated as part of the household for purposes of eligibility for MSPs.

Tom met with our staff attorneys to discuss the problem and to seek help identifying affected clients. Our hotline had already participated in a project identifying potentially eligible MSP beneficiaries, and our case management system already included flags to alert the hotline attorney that the client's income (captured at intake) met MSP eligibility standards. Tom discussed the potential issue with the hotline attorneys and asked the attorneys to help identify potential clients.

Over the next few months, the hotline identified several clients and referred them to staff attorneys to help develop their cases. This allowed Pro Seniors to obtain multiple named plaintiffs across the state. Congress for many years has been concerned at the low enrollment rate in the MSPs. The *Wheaton* case has eliminated one of the barriers to enrollment which could benefit senior citizens across the nation.

The existence of our hotline was critical to developing this litigation. Our hotline intake annually captures over 6,000 Ohio seniors calling about a variety of legal problems. The hotline can therefore be an invaluable resource for identifying affected clients and referring those clients to our litigators for representation. The task of identifying potential clients was accomplished in a matter of a few months. The same task would have taken much longer if not for our thousands of existing hotline clients.

The senior hotline in Ohio played an invaluable part in identifying the problem, finding affected clients, and changing the law to help seniors with Medicare costs. Senior hotlines are a unique tool in resolving global legal problems affecting seniors.

Miriam Sheline and William Hambley, staff attorneys at Pro Seniors, litigated the Wheaton case.

LEAN Thinking at the Legal Hotline

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

A good non-profit manager must utilize all of the tools available to maximize the effect and efficiency of his or her program. We have already adopted many of the financial management practices of "for-profit" businesses. It is a necessity to use good data as the basis for making decisions. Funders expect strong fiscal management, non-duplication of services, and innovative collaborations to meet the needs of the communities we serve.

Because most nonprofits are service organizations, there really hasn't been much advancement in the area of process improvement and increased efficiencies. We have exploited the advances in technology to make improvements to our systems, but how many of us have actually employed process design principles to make sure that we are improving the overall experience for our clients?

While we are very proud of the systems and processes we have developed for the Legal Hotline for Michigan Seniors, we recognize that there is definitely room for improvement. With the support of the Michigan State Bar Foundation and Michigan State University's College of Law's Legal R&D program, we have started a process to identify improvements that can be made to our process of delivering legal advice. It is based on the LEAN Thinking model first used by Toyota.

Basically, the process involves identifying small improvements that can be made to improve the overall experience. We start with documenting our current process and then reviewing how each hotline attorney adheres to that process. Then, for those that vary from the process, we examine why and determine if perhaps they have a better way of doing it. We will be looking at each part of the hotline experience and will try to identify unnecessary steps to remove from the process.

Once we were able to see the delivery of legal services as a manufacturing process, the legal hotline staff have been able to start identifying possible improvements to test. We are currently working on data gathering and analysis to help identify baseline measures that we can use to help us determine success. These measures will include length of call, number of

times we had to contact the client, the client's measure of satisfaction, and potentially the impact of the service provided.

We are very grateful for the opportunity to participate in this analysis with our legal hotline. After starting the review, I know question why we didn't think to do something like this years earlier. I plan to write a series for our blog on the development of this process, the challenges and revelations, and my personal observations on the process. Stay tuned for more.

There's No Place Like Home, If You Can Prove Title
by Ellen Cheek, Staff Attorney, Florida Senior Legal Helpline

In low-income communities throughout the country, generations of families live in houses and mobile homes to which they may be legally entitled, but for which they lack proper record title. Title-challenged residents commonly include heirs who cannot afford to probate the property after the record owner's death, or those whose "do-it-yourself deed" results in an invalid conveyance.

Often, title problems arise in the context of disaster – only those with title are eligible for FEMA and many other forms of disaster-related relief to repair and rebuild. Without assistance to their low-income residents, entire communities can be devastated. One need only look to New Orleans to understand the magnitude of the problem; after Hurricane Katrina, a program called The Pro Bono Project Greater NOLA tackled more than 6,000 title cases in order to facilitate relief for low-income residents. The efforts of legal service and pro bono private attorneys were heroic. Advocates worked to remedy title defects when time was of the essence, but the system was crippled by storm-related conditions. The task took years in some cases, and the greatest impact was on the most vulnerable residents. For more information about the disparate impact on our client populations, view the video "Achieving Equity in Housing Recovery."

Policymakers have learned much about disaster response from Katrina, and advocates for the poor will always confront countless issues in the wake of a disaster. However, title issues present an opportunity to be proactive. Title deficiencies are pre-existing; fortunately, so are the remedies. Recently, Bay Area Legal Services in Tampa, Florida, home of the Florida Senior Legal Helpline, partnered with the Hillsborough County Bar Association to present a training on clearing title for low-income house and mobile home residents. In addition to receiving substantive materials about legal remedies and information about how to obtain indigent

waivers of filing fees, attorney participants were given free CLE credits in exchange for committing to take at least one pro bono case within twelve months. They were also promised access to a roster of seasoned mentor attorneys. Training sponsors hope that the program will be replicated throughout Florida. The materials could be adapted for national use as well.

The benefits of such a proactive project are clear – providing low-income residents with clear title allows access not only to disaster-related relief, but to community development funds and property tax exemptions designed to benefit vulnerable homeowners at any time. That assistance, in turn, helps maintain the integrity of entire communities. There is no place like home – if you can prove title.

Ellen Cheek has been a full-time attorney with the Florida Senior Legal Helpline at Bay Area Legal Services since 2006. She has provided civil legal advice and resolved legal problems for thousands of elderly Floridians during that time. Ellen's interest in elder law issues began in 1975 when she was hired as the first staff attorney for Senior Advocates, a unit of the Legal Aid Society of San Mateo County, California. An honors graduate of Mount Holyoke College and the University of Santa Clara School of Law, Ellen is licensed to practice in Florida, California, and the District of Columbia.

Five Tech Tips for Better Meetings
By Keith Morris, President, Elder Law of Michigan, and Director, Center for Elder Rights Advocacy

Scheduling meetings, holding productive meetings, following up on the commitments. These are becoming a bigger part of our daily work. I am always on the lookout for new software or

online services that might be useful — or at least fun to try. Here are a couple of new ones that I have discovered lately that perhaps you might find interesting:

1. [Room.co](): This is "stress-free video meetings and screen sharing, right within your browser." It is very easy to start a video meeting with up to three other participants. There is no sign-in required and no software to download. I like how easy it is to use for the non-techie, and that it is free.

2. [Solid by Wisembly](): I have been looking for a meeting manager for quite a while. So far, this is the most user friendly one that I have found. It looks at your calendar to list your meetings and then allows you to create and share agendas with meeting participants. You can then enter notes from the meeting as well as action items, which are then summarized for distribution. It is very easy to use and free.

3. [Uberconference.com](): For $10/month, I have a dedicated conference number that is the same every time and doesn't require pin numbers. It is a local number that I selected, and I could even make it a toll-free number for only $10 more each month. Participants can connect through a dedicated website, by dialing the provided number, or by having uberconference call them at the specified time. If you host several conference calls each month, the convenience of uberconference is worth the $10.

4. [agreeAdate.com](): I have used several different services over the past few years to assist with scheduling meetings. I have found agreeadate.com to be one of the easiest ones to use. It is very clean and easy-to-understand. The free version limits the number of people you can invite to participate in the scheduling. However, you can upgrade for $7.99/month if you need more than 20 people. I also like how easy it is to communicate with the participants, and how it provides custom reminders.

5. [Glip.com](): Using a service like Glip.com is a great way to keep team members informed without actually meeting. I like this service because it is focused around teams, projects, and tasks–which is what most of our meetings are organized around. Unlike the other business communication services that are organized around a social media approach, Glip.com still focuses on the outcome and purpose and not solely on the methods of communication. It is free with a limited amount of video chat, and only $5/user/month for the full service.