

National Survey of Legal Assistance for the Elderly: Results and Implications

Acknowledgments

The National Survey of Legal Assistance for the Elderly was a product of the efforts of several individuals at The Center for Social Gerontology. TCSG Research Associate Judy Falit devoted endless hours to conducting the survey itself and carrying out the initial analysis of the data. Her work with the data, which serves as the basis for this report, appeared in TCSG's *Best Practice Notes on Delivery of Legal Assistance to Older Persons*, vol. 8, nos. 3&4, November 1997.

TCSG Co-Directors Penny Hommel and Jim Bergman both used several of their many hats in analyzing the data, writing sections of the report, and editing others. As with so many of TCSG's publications, this report is greatly enhanced by their tireless efforts. Staff Attorney Matthew Batista, who joined in after this project was well underway, also dedicated many hours to editing, writing, and generally tying up loose ends.

Introduction

In the past two-plus years, the legal services community serving the elderly has faced significant turmoil as a result of the Legal Services Corporation (LSC) funding cuts and restrictions on activities, and the uncertainty of the status of elder rights and legal services in the Older Americans Act (OAA). All of these developments have threatened the delivery of effective legal services and broader elder rights advocacy. As The Center for Social Gerontology (TCSG) heard from more and more legal service providers and leaders in the Aging Network that, as a result of these developments, legal service providers were increasing the use of or being forced to increase the use of new delivery systems such as pro se, hotlines, and brief service, the crucial need to assess the overall status of legal services for the elderly became apparent.

Therefore, during the Winter and Spring of 1997, TCSG undertook one of the first such assessments since these changes developed. To provide a basis for programmatic and policy analysis, and decision making on the national, state and local levels, TCSG conducted a national mail survey of legal services

providers, Area Agencies on Aging and state-level Legal Services Developers. The goal of the national survey was to examine the following issues:

- What types of legal services providers for the elderly are being funded with LSC and/or Title IIIB OAA monies?
- Has Title IIIB funding for legal services for the elderly decreased, increased or remained level?
- Has there been a change in the level or delivery of service being provided and the issue areas being addressed by the LSC and/or OAA-funded legal programs for the elderly in the past two years?
- What types of older persons are receiving service, i.e. are legal services being effectively targeted to the most vulnerable elderly?
- In areas where there were splits and/or mergers in LSC programs and restructuring of civil legal services for the poor with new programs set up to receive only LSC funds subject to the LSC restrictions, and others set up to receive only non-LSC funds so they can provide the full range of advocacy services, has the Older Americans Act money gone to the LSC or the non-LSC entity, why, and how is it working?

This national survey, one of the first examinations of how states and localities are adjusting to these new limitations, provides a snapshot of the results of the above changes and their effects on the delivery of legal services to the most vulnerable elderly. The findings clearly raise concerns about the future of legal services for the most vulnerable elderly.

Immediately following this introduction is a brief section on **Methodology** which explains details about the survey including who received a survey and who responded to the survey.

Following the section on methodology is the **Highlights of Findings & Implications for Action**, which presents an overview of the five key findings of the survey results. Highlights from the survey data are presented to support these findings.

The **Discussion of Survey Highlights** immediately follows the Highlights. This section presents a detailed review of the five key findings of the survey results. Data that support these key findings are presented, and the implications of the findings are discussed.

Following the Discussion, there is a fairly detailed review of the survey data organized by respondent, entitled **Report of Survey Findings by Respondent Type**. That is, the **Legal Services Developers** section highlights the survey data

reported by Legal Services Developers; the **Area Agencies on Aging** section highlights the survey data reported by Directors of Area Agencies on Aging; the **Title IIIB Providers** section highlights the survey data reported by Directors and Managing Attorneys of Title IIIB-funded legal assistance providers; the **Title IIIB/LSC Providers** section highlights the survey data reported by Directors and Managing Attorneys of Title IIIB/LSC-funded legal assistance providers; and the **LSC Providers** section highlights the survey data reported by Directors and Managing Attorneys of LSC-funded legal services providers.

The last section of the report presents a **Report of Survey Findings by State**. This final section provides the opportunity to compare practices data from selected survey questions and allows for comparison among states as well as within states by provider-types.

Methodology

The National Survey involved gathering data on a number of issues surrounding the provision of legal assistance to older persons throughout the U.S. Data were collected from February through May 1997. In an attempt to attain a comprehensive look at legal assistance efforts, surveys were sent to five different sources within the aging and legal networks: legal services developers, area agencies on aging (AAA), legal assistance providers receiving OAA Title IIIB funding but not LSC funds (Title IIIB providers), legal assistance providers receiving OAA Title IIIB and LSC funding (Title IIIB/LSC providers), and legal services providers receiving LSC funding but not OAA funding (LSC providers).

Efforts were made to identify all AAAs and all legal assistance providers receiving LSC and/or OAA funding. A list of AAAs was obtained from the National Directory for Eldercare Information and Referral; a list of LSC providers was obtained from the Legal Services Corporation; and a list of Title IIIB providers was obtained from the legal services developer in each state. As much as was possible, all AAAs, developers, and civil legal assistance providers for the poor were surveyed. In all, 51 LSDs, 649 AAAs, 317 Title IIIB providers, 185 Title IIIB/LSC providers and 101 LSC providers were sent a mail survey. A follow-up mailing, conducted in early May, was sent to 51 AAAs, 241 Title IIIB providers, 102 Title IIIB/LSC providers, and 27 LSC providers.

Response rate to the survey was very good. This report represents the survey responses of 90% (46) of the LSDs, 59% (380) of the AAAs, 46% (158) of the Title IIIB providers, 61% (112) of the Title IIIB/LSC providers, and 47% (47) of the LSC providers. Overall, fifty percent (304) of all legal assistance providers responded to the survey. Surveys that were unsuccessfully mailed, are not included in these figures.

The groups targeted for the survey can basically be broken into two groups: *providers* and *Aging Network offices* (LSDs and AAAs). The format and contents of the surveys varied based on the targeted group, however common issues were addressed in each type of survey. For example, because the goal of the survey was largely to determine the impact of changes in LSC funding and restrictions and the possibility of changes in the Older Americans Act (OAA), surveys for *legal assistance provider* groups contained questions regarding:

- *Organizational and planning issues* (incl. provider restructuring, staff size and expertise; involvement in state legal services planning);
- *Service delivery issues* (incl. types of cases handled, level of service provided, client demographics, location of client contact, number of hours spent on each client, outreach, and new delivery systems);
- *Funding issues* (incl. funding sources, whether the provider sought funding other than from AAAs, funding levels, how many AAAs fund individual providers, etc.).

Surveys sent to the Aging Network grouping, legal services developers (LSDs) and Area Agencies on Aging (AAAs), contained questions regarding:

- *Contracting for legal services* (incl. changes in providers, number of providers, etc.);
- *State planning* (incl. level of involvement, if any, in LSC planning);
- *Funding issues* (incl. percentage of Title IIIB funding that is devoted to legal services, Title IIIB funding levels generally, etc.);
- *Advocacy issues* (incl. amount of time spent on advocacy, and level and types of impact work undertaken).

Although surveys contained the common themes listed above, questions in the different surveys were tailored to the specific issues and experience of the audience addressed. Efforts were made, however, to phrase questions using

similar language across surveys so that a comparison could be made between responses from the different groups.

Many of the questions that asked about changes were followed up with a question that asked the respondent to indicate to what they attributed the particular change. In this way, the survey attempted to gather information about the extent to which various changes in legal services to the elderly are attributed to LSC cuts, restrictions, and possible OAA changes.

Prior to discussing and analyzing the results presented in the remainder of this report, the limitations of the data should be considered. As noted above, the data were collected through a mail survey and were not corroborated with "hard data" such as first-hand observations. As with any mail survey, the data are based solely on the perceptions of the respondents and thus may be subject to bias. Surveys were addressed to the Executive Director or managing attorney of each office; however, the actual respondent of the survey varied, as directors often passed the survey along to others within the organization to complete. It was assumed that the Director of the office would enlist the most knowledgeable staff person to respond to the survey, but this cannot be verified.

Finally, although 50% of legal assistance providers, nearly 60% of AAAs and 90% of LSDs responded to the survey, there can be self-selection bias with a mail survey. That is, it is possible that those organizations that *did not* respond to the survey are substantially different than those that *did* respond. For example, those legal assistance providers that did not respond may have significantly reduced services to the elderly and did not want to report this decrease to TCSG. Unfortunately, we cannot be certain of the differences between those that did and did not respond to the survey. In spite of these limitations inherent in any mail survey, it yielded substantial and valuable information on legal services for the elderly that has never before been compiled. Further, it provides important insights into the impact that the LSC cuts and restrictions and the potential OAA changes are having on legal assistance to vulnerable elders.

Highlights of Findings & Implications for Action

In light of recent funding cuts in Legal Services Corporation (LSC) funding, restrictions placed on activities of LSC providers, many of whom also provide services under the Older Americans Act (OAA), and the uncertainty of legal as

a priority service in the reauthorization of the OAA, The Center for Social Gerontology (TCSG) conducted a national mail survey in Spring 1997 to assess the status of legal assistance for older persons.

From among the survey findings, TCSG has identified the following five findings as areas of particular concern regarding the delivery of legal assistance for older persons.

1. Survey data indicate that in general, the aging and legal networks do not work together as effectively as they might to maximize the limited resources available for the delivery of legal assistance to older persons in social and economic need, raising serious concerns as to whether needs of older persons are being adequately considered in these times of change.

- Over 25% of Title IIIB and Title IIIB/LSC providers are *not* involved in planning and discussions with the Area Agency on Aging (AAA) that funds them.
- Although over 85% of AAAs consider legal assistance extremely or fairly important, 55% of AAAs surveyed indicated that if legal assistance were removed as a priority from the OAA, they expected funding for legal assistance in their state to decrease.
- 58% of Title IIIB providers who are not in LSC programs indicated they are *not* involved in discussions with the local LSC legal services provider.
- Over 88% of AAAs and 66% of state legal services developers indicated that they had *not* been involved in the LSC state planning process.

2. The survey data indicate a shift towards increased use of technology in both intake systems and the delivery of legal assistance. Such a shift raises concerns about whether channels through which the most vulnerable older persons can obtain necessary legal assistance are being preserved.

- Over 70% of Title IIIB/LSC providers with new intake systems indicated that their new system was a hotline or phone intake system.

- Over 50% of Title IIIB providers who are not in LSC programs and who have new intake systems indicated that their new system was a hotline or phone intake system.
- Over 80% of LSC providers who do not have Title IIIB money and who have new intake systems indicated that their new system was a hotline or phone intake system.

3. The data indicate that only limited efforts are made to seek additional funding or to pursue all possible funding sources to assist in the delivery of civil legal assistance for older persons.

- Only 45% of Title IIIB providers not in LSC programs indicated that they had sought funds in addition to OAA for legal assistance for older persons.
- Only 50% of Title IIIB/LSC providers indicated that they had sought additional non-OAA funds for legal services for older persons.
- Only 40% of LSC providers indicated they had sought additional funds specifically for legal services for older persons.
- Private foundations, the United Way, and IOLTA programs were the most common sources approached for alternative funds for legal assistance for older persons.

4. The data indicate that there has been an increase in the provision of brief service and phone advice, creating a concern that vulnerable older persons needing in-depth legal assistance may not be receiving needed service.

- Over 50% of Title IIIB/LSC providers indicated an increase in the level of phone/brief advice provided to older clients.
- Over 33% of Title IIIB providers not in LSC programs indicated an increase in the level of phone/ brief advice provided to older clients.

- Over 21% of LSC providers indicated an increase in the level of phone/brief advice provided to older clients.

5. The data indicate that the majority of Title IIIB providers that do not receive LSC funds and are therefore not subject to LSC restrictions on activities have not increased the level of their impact and elder rights advocacy work. As a result, there may be an overall decrease in impact/elder rights advocacy work on behalf of vulnerable elders given the restricted ability, confirmed by the LSC-funded respondents, of LSC providers to perform impact work.

- Approximately 67% of Title IIIB non-LSC providers indicated that they have not changed the level of impact work they provide for older persons.
- At least 7% of Title IIIB non-LSC providers indicated a decrease in all types of impact work specified (legislative advocacy, administrative reform and class actions).

Discussion of Survey Highlights

This section presents a detailed review of the five key findings of the survey results, which were summarized in the preceding section of this report and are summarized as:

Issue 1. Data indicate that in general, the aging and legal networks do not work together as effectively as they might to maximize the limited resources available for the delivery of legal assistance to older persons in social and economic need.

Issue 2. Data indicate a shift towards increased use of technology in both intake systems and the delivery of legal assistance. Such a shift raises concerns about whether channels through which the most vulnerable older persons can obtain necessary legal assistance are being preserved.

Issue 3. Data indicate only limited efforts are made to seek additional funding or to pursue all possible funding sources to assist in the delivery of civil legal assistance for older persons.

Issue 4. Data indicate that there has been an increase in the provision of less complex levels of legal assistance for the elderly, creating a concern that vulnerable older persons needing in-depth legal assistance may not be receiving needed service.

Issue 5. Data indicate that the majority of non-LSC providers have not increased the level of their impact and advocacy work. As a result, there may be an overall decrease in impact/elder rights advocacy work on behalf of vulnerable elders given the restricted ability of LSC providers to perform impact work.

Data that support these key findings are presented, and the implications of the findings are discussed below.

An important point to note throughout this report and discussion is that in order to distinguish the different types of providers surveyed (i.e. those that receive Title IIIB funds but not LSC funds from those that receive LSC and Title IIIB funds, etc.), the following definitions are used:

- "Title IIIB provider" means a provider that receives Title IIIB funds, but not LSC funds;
- "LSC/Title IIIB provider" means a provider that receives both LSC and Title IIIB funds.
- "LSC provider" means a provider that receives LSC funds but not OAA Title IIIB funds;

TCSG realizes that these definitions, particularly the definition of a "Title IIIB provider", are more narrow than typically used; however they are necessary for the purpose of clarity of survey results.

Issue 1: *Survey data indicate that, in general, the aging and legal networks do not work together as effectively as they might to maximize the limited resources available for the delivery of legal assistance to older persons in social and economic need, raising serious concerns as to whether the needs of older persons are being adequately considered in these times of change.*

The Aging Network and LSC State Planning

In an effort to examine and develop comprehensive state-wide systems of delivering legal assistance, LSC has periodically requested, and states have

instituted with and without this request, a planning process, via interdisciplinary commissions, statewide legal services conferences, legal needs studies, etc. The purpose of this planning process, for most states, is to have LSC providers work closely with others in their state's legal community (i.e. bar associations, judiciary, funders, non-LSC-funded programs, and other interested groups) to develop a statewide plan, while considering changes in areas such as technology, geographic need, and delivery system models, for providing efficient, effective, high-quality legal assistance and referral. The result of these planning processes define to a large extent the states' system for delivery of civil legal services to the poor.

As is clear from reviewing the Report on Survey Data by Respondent Type below, LSC providers were more aware of the state-wide LSC planning document than were Title IIIB/LSC providers. While we can only surmise, this may indicate that the Title IIIB staff within LSC programs were not as actively involved in the statewide LSC planning effort as were other LSC personnel. In addition, the aging network as a whole appears to have been largely missing from the LSC planning process. For example, over 88% of the Area Agencies on Aging (AAAs) and 65% of legal services developers (LSDs) responding indicated that they did not participate in LSC state planning.

The LSC state planning process provides a critical opportunity for the aging network to plan and partner with the legal network. The planning stages provide an invaluable opportunity to raise awareness of the particular legal assistance needs of older persons and to discuss legal assistance delivery mechanisms to meet these needs. This is particularly the case in regard to the planning for increased use of technologies and changes to intake systems, which are a part of many of the statewide LSC planning efforts. It appears that a unique opportunity for joint planning and mutually supportive advocacy for new funding has thus far been missed due to the lack of involvement of AAAs, legal service developers (LSDs), and others in the state offices on aging in the state-wide LSC planning in many areas of the country. As planning and discussions continue in the coming months, this could still be corrected.

State Unit on Aging and Legal Services Developers

A critical link between the aging and legal networks in each state is the legal services developer (LSD). The LSD can prove to be an invaluable asset in facilitating communication and partnerships between the aging and legal networks.

However, as detailed in the section entitled Report on Survey Data by Respondent Type, on average developers spend less than half of their time (46%) on legal services development issues. Furthermore, almost half of the developers have indicated that they have increasingly less time to perform their LSD responsibilities. This decrease in the amount of time devoted to the role of developer is a cause for concern. Developers need to be able to concentrate their efforts on the delivery of legal services for the elderly and spend more time on legal assistance development and elder rights advocacy.

Furthermore, the LSD needs to take a leadership role in bringing the different networks together and identifying ways in which these groups can collaborate. It is essential that the LSD in each state is given the necessary time and resources to develop a comprehensive network devoted to legal assistance for the elderly and elder rights advocacy.

Area Agencies on Aging

Although at the writing of this survey report the Older Americans Act has not yet been reauthorized, there has been a significant amount of discussion over the past several years regarding how the language of this Act may change. One possibility is that legal assistance will be removed as a priority service from the Act; that is, area agencies on aging would not be required to spend a minimum percentage of their Title IIIB funds on the provision of legal assistance for the elderly. If legal assistance is removed as a priority service, it could have significant effects: 55% of AAAs that responded to the survey indicated that if legal assistance were removed as a priority, they expected funding for legal assistance in their state to decrease.

Given this current tenuous situation surrounding legal as a priority service in the OAA, and the fact that a quarter to a third of Title IIIB and Title IIIB/LSC providers indicated that they are *not* involved in planning and discussions with their AAA, it appears that legal assistance providers are missing an opportunity to discuss with AAAs the negative results that could occur if legal assistance loses its priority status. During this time of uncertainty and change, it is extremely important for legal providers to be communicating and working with their local AAAs, demonstrating the critical importance of legal assistance for the vulnerable elderly. According to the survey results, over 85% of AAAs consider legal assistance extremely or fairly important; it is essential for legal assistance providers to build upon this belief to assure that legal remains a priority service in the Older Americans Act.

Legal Assistance Providers

Just as it is important for legal providers to develop a strong working relationship with the local AAA, it is essential to develop a working relationship with non-Title IIIB legal assistance providers. As detailed in the "Title IIIB Providers" section of this report, 58% of Title IIIB providers indicated they are *not* involved in discussions with the local LSC provider. This suggests a lack of coordination among two key legal providers that have a responsibility to serve vulnerable, older persons. Furthermore, the Older Americans Act requires Title IIIB providers, if they are not LSC providers, to "coordinate its services with existing Legal Services Corporation projects in the planning and service area in order to concentrate the use of funds provided under this title on individuals with the greatest such need."

While it is clear that a number of Title IIIB and LSC providers have established working relationships, it appears that there is significant room for additional coordination among these providers. Given that funding for legal assistance is increasingly difficult to find, it is imperative that all legal assistance providers, regardless of their funding source, work together to ensure access to legal assistance for the most needy and vulnerable older persons. Communication and coordination among providers should address a range of issues from determining the most effective use of Title IIIB funding to developing protocols for referrals of various types of cases and older clients given the LSC restrictions on permissible activities and the requirement that LSC programs serve only individuals living at no more than 125% of the poverty level.

Issue 2: The survey data indicate a shift towards increased use of technology in both intake systems and the delivery of legal assistance. Such a shift raises concerns about whether channels through which the most vulnerable older persons can obtain necessary legal assistance are being preserved.

It is apparent that over the past few years, legal assistance providers have made changes that affect all aspects of their delivery system. Approximately half of Title IIIB/LSC and LSC providers have downsized their organization. Furthermore, LSC providers indicated that they have experienced staff cuts across the board -- attorneys, paralegals and support staff have all decreased in the past few years.

In addition to changes in staff composition, many providers of all three types also indicated changes in their intake systems; over one-third of the providers receiving Title IIIB and LSC funds indicated that they had recently changed their intake system. Overwhelmingly, changes to intake systems have relied

increasingly on technology -- hotlines, intake over the phone, and the use of computers. Finally -- most likely as a result of the above mentioned staff changes -- all three provider types have been less able to meet with clients outside of the office.

The decreased number of out-of-office consultations, in conjunction with increased reliance on phone intake and hotlines, raises concerns about whether the most vulnerable and needy elderly clients will be able to access the legal assistance they require. As providers search for ways to remain viable and to maximize the number of clients served in these times of funding cuts and limited activities, technological efficiencies become a natural alternative. However, those elderly clients that are the most vulnerable -- e.g., nursing home residents; those for whom English is not their first language; those who do not have a telephone; those who are physically unable to use a telephone -- may have difficulty navigating these technological forms of civil legal assistance and may have difficulty understanding and following advice received over the phone.

This is an area in which joint planning by legal providers, legal services developers and AAAs could be particularly valuable since AAAs are generally very familiar with information and referral systems, as well as the use of technology for serving vulnerable elders. In addition, collaboration on the use of technology in the delivery of legal assistance for the elderly could serve to forge stronger relationships between the two networks.

Issue 3: The data indicate that only limited efforts are made to seek additional funding or to pursue all possible funding sources to assist in the delivery of civil legal assistance for older persons.

As detailed in the following section entitled Report on Survey Data by Respondent Type, almost half of all legal assistance providers did not seek additional funding for legal assistance for the elderly over the past two years. This result is particularly surprising since many providers attribute changes in their delivery of legal assistance to recent cuts in OAA and/or LSC funding. Furthermore, providers that did seek additional funding reported a high level of success, indicating that applying for additional funds to serve the elderly may be an effective use of time.

Based upon the survey data, it appears that the majority of providers that do seek additional funds favor specific grants from sources such as private

foundations, United Way, or local governments. These funds are typically allocated to a single organization for a specific time period. Beyond these targeted grants, in several states legal assistance providers working with their legal services developers and others have successfully sought funding from their state legislatures. State appropriations generally create a long-term source of funds directed towards civil legal assistance for the poor of all ages.

Obtaining funds from a state legislature is most likely when sought by a coalition of various groups, including members of the legal and aging networks. Legal providers in the following states have recently received funding from their legislatures: Iowa, Massachusetts, Oklahoma, Virginia, and Washington. Each of these states faced different circumstances and legal providers forged unique coalitions to achieve their state funding. For example, in Oklahoma and Washington the aging network played a critical role in securing funds for civil legal assistance from the state legislature; funding which included legal assistance for the elderly.

Issue 4: The data indicate that there has been an increase in the provision of brief service and phone advice, creating a concern that vulnerable older persons needing in-depth legal assistance may not be receiving needed service.

The survey data indicate that the majority of both Title IIIB and Title IIIB/LSC legal assistance providers have neither increased or decreased the provision of more complex levels of service. At the same time, Title IIIB and Title IIIB/LSC providers report an increase in the provision of telephone advice and brief service. Thus, Title IIIB providers as a whole appear to have experienced increases in the provision of legal assistance. Perhaps the Title IIIB funds, expressly targeted to those older persons in social and economic need, compel these providers to perform a range of legal assistance. Similarly, the partnership with AAAs and the aging network inherent in receiving Title IIIB funds may underscore the importance of providing a wide array of service levels for older persons.

For LSC non-Title IIIB providers, survey data indicate an increase in the level of phone and brief advice and a decrease in document preparation and representation/litigation. These data imply a shift away from the more complex types of legal assistance (document preparation and representation/litigation) to the more simple (phone and brief advice). Whether this change in levels of service is directly related to the above mentioned staff and funding changes is

unclear. As one respondent stated: "Static and decreased funding means less service per client or less clients."

Regardless, it is important to ensure that the necessary level of service is being provided and is available to the most needy and vulnerable older persons. As with the technological changes to intake systems, too much emphasis on brief services may interfere with the most needy and vulnerable older persons receiving the legal assistance they need. Further, as discussed in Issue 5 below, it may suggest that impact work is being decreased. This raises very serious concerns and underscores the importance of all provider types working with AAAs, legal services developers and others to identify ways of sustaining high impact elder rights work on behalf of the most vulnerable elders.

Issue 5: The data indicate that the majority of Title IIIB providers that do not receive LSC funds and are therefore not subject to LSC restrictions on activities have not increased the level of their impact and elder rights advocacy work. As a result, there may be an overall decrease in impact/elder rights advocacy work on behalf of vulnerable elders given the restricted ability, confirmed by the LSC-funded respondents, of LSC providers to perform impact work.

Survey data show that approximately two-thirds of Title IIIB non-LSC providers indicated that there had been "no change" in the levels of impact work they provided to older persons. While the large majority of Title IIIB providers have not changed their level of impact work, LSC providers-- both those that receive Title IIIB funds and those that do not -- have had to *reduce* the level of impact work they provide since some of these activities are expressly prohibited by the recent LSC restrictions. While the restrictions on LSC providers do preclude certain types of impact work (i.e. class actions, welfare reform, etc.), there remain areas legitimately within the restrictions where impact work can be done. Nevertheless, over half of the responding LSC-funded providers reported a decreased ability to do impact work on behalf of older persons.

The stagnant level of impact work reported by Title IIIB providers, coupled with the mandated limitations on impact work by all LSC providers, implies an overall decrease in the level of impact work provided on behalf of older persons.

Furthermore, 42% of area agencies on aging indicated that they do not encourage their legal assistance providers to participate in elder rights impact work. As a result, impact work for older persons is often not viewed as a priority for legal assistance providers. Therefore, it is possible that some of the most meaningful types of elder rights advocacy are not being vigorously pursued on behalf of the most vulnerable elderly.

Report of Survey Findings by Respondent Type

This section provides a fairly detailed report on the survey data organized according to the various categories of respondents. That is, the [Legal Services Developers](#) section highlights data reported by Legal Services Developers; the [Area Agencies on Aging](#) section highlights data reported by Directors of Area Agencies on Aging; the [Title IIIB Providers](#) section highlights data reported by Directors and Managing Attorneys of Title IIIB-funded legal assistance providers who do not receive LSC funds; the [Title IIIB/LSC Providers](#) section highlights data reported by Directors and Managing Attorneys of Title IIIB/LSC-funded legal assistance providers; and the [LSC Providers](#) section highlights the survey data reported by Directors and Managing Attorneys of LSC-funded legal services providers. These breakdowns are designed to assist in more fully understanding the above highlighted issues as well as the variances among the three provider types.

Legal Services Developers

Tenure of Legal Service Developers

Legal services developers were asked to report how long they have held their position. Based upon their responses the average tenure of developers is 4 1/2 years, although time in the position ranged from only a few months to over sixteen years.

Time Devoted to LSD Responsibilities

The amount of time a Legal Services Developer allocates to the position and duties varies; many individuals serving in that position have other job titles and responsibilities. Survey data show that percentage of time spent on the position ranges from 2-100%. Of their time spent on the LSD position and duties, the average developer spends 46% of it with LSC programs promoting legal services for the elderly and elder rights advocacy. Just over 43% of the LSD

respondents indicated that they spend less time on their LSD duties than when they started in the position. The primary reasons cited for spending less time as developer included funding cuts, increases in other work responsibilities and reduction in staff. In contrast, 16% of developers indicated they spend more time on LSD responsibilities. Reasons cited for spending more time as developer included increased community and coalition involvement, increased knowledge of LSD responsibilities and an increase in specific projects.

Priority of Legal Services

Legal Services Developers were asked to speculate as to how funding for legal services would change in their state if legal were no longer a priority service in the Older Americans Act. Over 70% indicated that they would expect funding for legal services to decrease if it were no longer a priority service. Approximately 20% indicated that they would not expect funding for legal services to change, while 9% indicated that they did not know how funding levels would be affected if legal were removed as a priority service.

Involvement in LSC Planning

The majority (56.5%) of responding LSDs reported that neither they nor anyone in the state agency were involved in state LSC planning. Of the 34.6% that were involved, the majority were "engaged in planning discussions" or "participated in informal networking." Only a little over 30% of those involved in planning were formally involved (i.e. served on a planning committee) in the process. Results showing that where LSDs are involved in LSC planning, they are involved only informally suggest that LSDs must initiate, and perhaps work harder to ensure that the needs of older persons are considered.

Tracking LSC Changes

Legal Services Developers were asked whether they have implemented, or are in the process of implementing a plan to track how LSC changes affect legal services for older persons. Nearly 70% of the LSDs who responded reported that they had no plan implemented or no plan in the process. Twenty-four percent of responding LSDs reported that they have a plan for tracking how LSC changes affect legal services for older people.

Statewide Standards for Title IIIB Legal Assistance

Legal Services Developers were asked to report on whether their state currently has statewide standards for the delivery of Title IIIB legal assistance to older

individuals. Sixty-seven percent of responding LSDs reported that their state did have statewide standards in place. Twenty percent reported that no statewide standards were in place in their state. Just over 2% reported "Don't Know" and 11% reported "Other."

Working with Area Agencies on Aging

When asked if AAAs in their state had changed with whom they contract for legal services, just over 41% of the responding LSDs reported "No." Thirty-seven percent of the responding LSDs reported that AAAs had changed with whom they contract for legal assistance. Seven percent reported "Don't know"; 9% reported "Other."

Legal Services Developers were also asked if AAAs in their state have changed their funding levels for legal services. Fifty percent reported that funding levels in their state had not changed; twenty-two percent reported a decrease in the level of funding; only 9% reported an increase.

Minimum Percentage of Funding for Title IIIB Legal Assistance

The Older Americans Act requires that each state set a percentage of Title IIIB funds to be spent by AAAs on legal services. Legal Services Developers were asked to state the set minimum percentage of funding that is to be spent in their state. The average percentage was 4.4%; the median is 5%. That is, on average, 4.4% of all Title IIIB funds in a given state are to be spent on legal assistance services for older persons.

Click [here](#) for a complete listing of each state's LSD.

Area Agencies on Aging

Providers of Title IIIB Legal Assistance

Area agencies on aging were asked to identify the types of providers they utilize for the provision of IIIB legal assistance. Sixty-two percent of AAAs indicated they use LSC providers (Title IIIB/LSC providers); 25% indicated they use private attorneys (Title IIIB providers); 13 % indicated "Other."

Area agencies on aging were asked if they had changed legal assistance providers over the past few years, 89% indicated that they had not. Of the 33

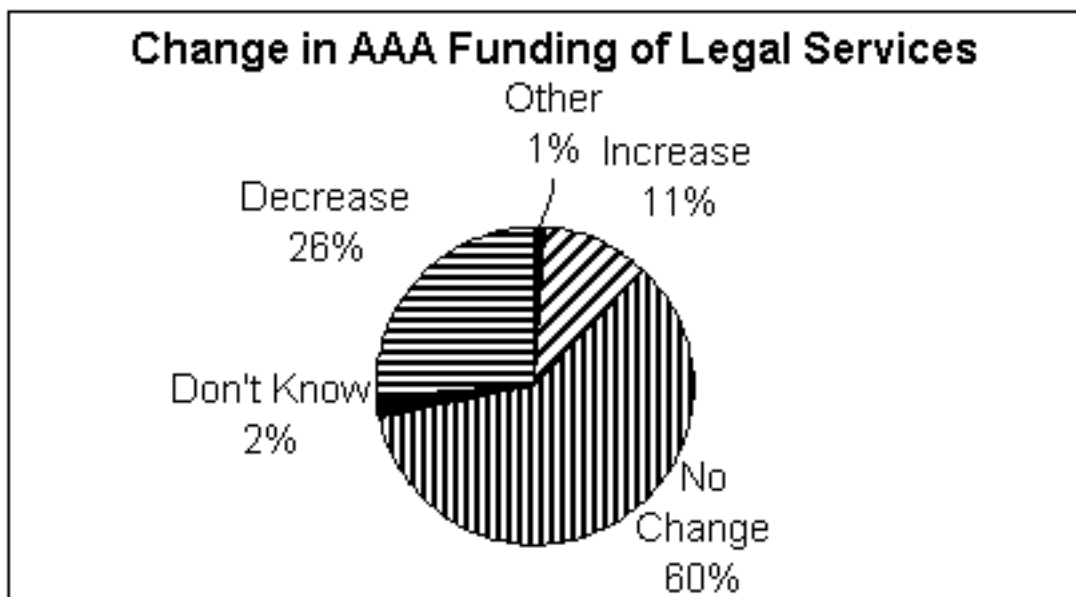
AAAs that had switched their providers in the past few years, over 60% indicated that the change was not due to LSC cuts and/or restrictions on activities.

AAAs Involvement with LSC Planning

Area agencies on aging were asked if they had been involved with the LSC state planning. Over 88% indicated that they had *not* been involved in this planning process. Of the 32 AAAs that were involved in the process, over half were engaged in planning discussions concerning legal assistance for older persons; half participated in informal networking. Under 20% of those that were involved in the process indicated that they exerted influence to promote legal assistance for older persons in the planning.

AAA Funding of Legal Assistance

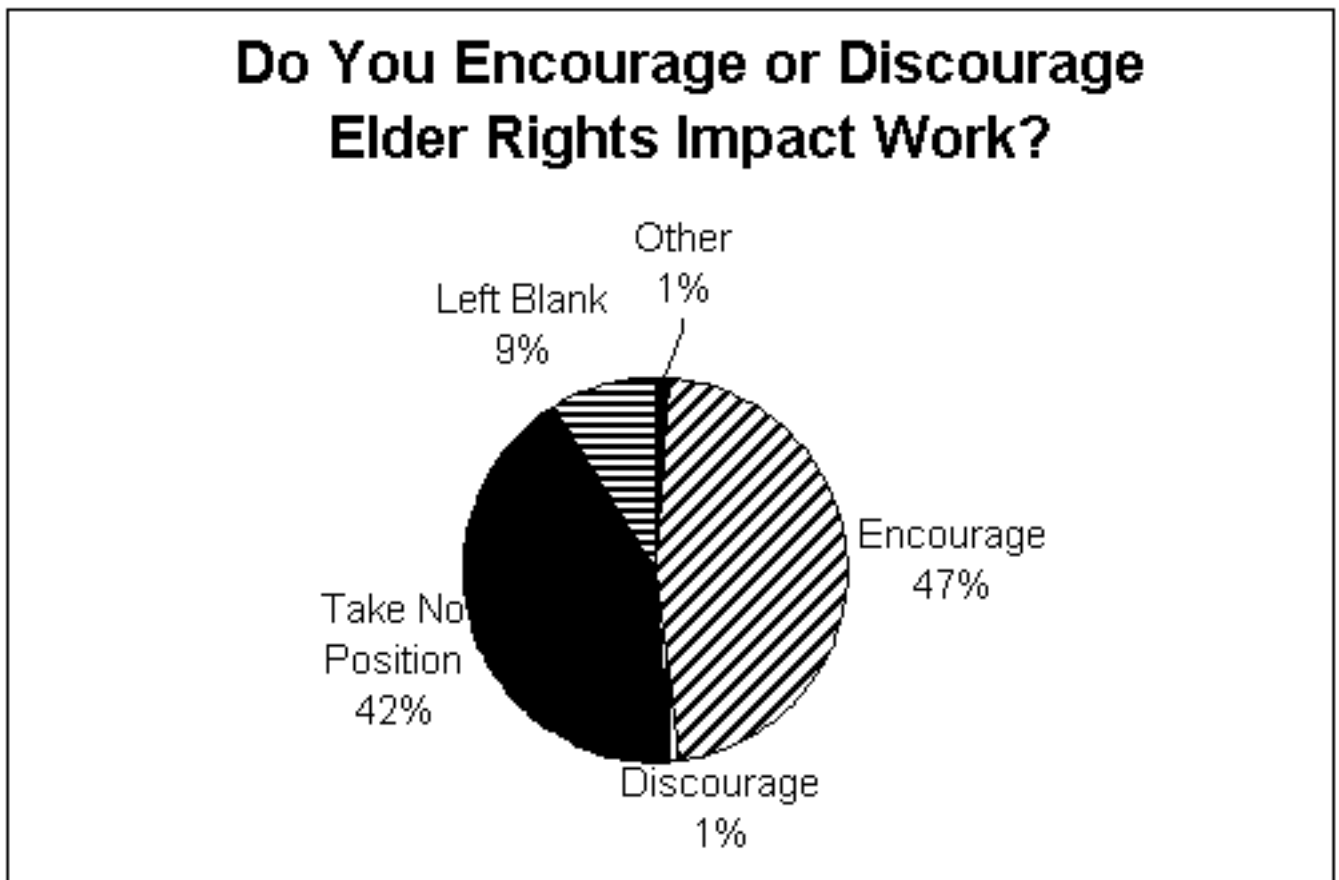
Area agencies on aging were asked if they had changed their level of funding allocated for legal assistance in the past two years. Sixty-one percent indicated "no change" in the level of funding; 25% indicated a decrease in funds allocated for legal assistance; 11% indicated an increase in funds. The average AAA allocates approximately \$39,360 per year to legal assistance; the average percentage of Title IIIB funds allocated to legal assistance each year is 9.55%. Only 22% of AAAs supplement the Title IIIB funds allocated to legal assistance.



Impact Work and Advocacy

Area agencies on aging were asked to identify in what types of impact work their legal assistance providers engaged. Over 48% indicated that their legal assistance providers conducted litigative advocacy; almost 38% indicated their providers engaged in administrative advocacy; and 22% indicated their providers engaged in legislative advocacy.

Area agencies on aging were also asked whether they encouraged or discouraged their legal assistance providers to engage in elder rights impact work. Forty-seven percent indicated that they encouraged their legal assistance providers to engage in impact work; 42% indicated they took no position regarding elder rights impact work; only 1% indicated they discouraged their providers from engaging in elder rights impact work.



Priority of Legal Assistance

Area agencies on aging were asked to speculate as to how funding for legal assistance would change if legal were no longer a priority service in the Older Americans Act. Almost 55% indicated that they would expect funding for legal assistance in their state to decrease if it were no longer a priority service.

Approximately 22% indicated that they would not expect funding for legal to change, while 21% indicated that they did not know how funding levels would be affected if legal were removed as a priority service.

Finally, AAAs were asked to rate the importance of legal compared to other AAA-funded services. Approximately 50% of AAAs rated legal as a "fairly important" service; 36% rated legal as an "extremely important" service; and 7% rated legal as a "relatively unimportant" service; the remaining 7% indicated "No Opinion" or did not respond to the question.

Title IIIB Providers

Relationship with and Funding from Area Agencies on Aging

Title IIIB legal assistance providers were asked from how many Area Agencies on Aging (AAA) they receive Title IIIB funding. Ninety percent of these providers indicated that they receive funding from one or two AAAs. Title IIIB providers were also asked if their Title IIIB funding has changed over the past two years. Almost 50% indicated that there has been "no change" in their Title IIIB funding; 28% indicated a decrease in funding; 12% indicated an increase. Over 50% of those providers that had experienced a change in their funding attributed it to overall cuts in Title IIIB.

Almost two-thirds of Title IIIB providers indicated that they were actively involved in planning and discussions with their AAA(s). As there may be a bias towards indicating an active relationship with their AAA, it is telling that almost 30% of the Title IIIB providers indicated they were *not* involved in such discussions. Similarly, only two-thirds of the Title IIIB providers indicated that they had made special efforts to communicate with their AAA; a full quarter of Title IIIB providers indicated that they did *not* make special efforts. Over 95% of those providers that indicated they were involved in discussions with their AAA stated that these discussions include how best to target legal assistance for the most vulnerable older persons; almost 80% stated these discussions address the delivery of impact work.

Funding of Legal Assistance

Funding for legal services to older persons comes from only a handful of places, the two traditional sources being Title IIIB funds and LSC funds. Of the responding Title IIIB providers, just over 30% indicated that they had at some

time received LSC funds. Only 45% of Title IIIB providers indicated that they had sought funds from sources other than OAA and LSC for legal assistance for the elderly. Of those that did seek funding from other sources, the most popular alternative sources of funding sought were IOLTA, private foundations, and United Way. Of the 45% of Title IIIB providers that sought funds from other sources, the graph below depicts the percentage that sought funding from particular sources (in the graph, "Other" includes Federal grants not including OAA and LSC funds, donations, fundraising efforts, and miscellaneous). Almost 60% of Title IIIB providers who sought additional funding indicated that they were successful in their search; only 13% indicated that they were *not* successful in obtaining supplemental funds. Over 40% of Title IIIB respondents attributed the need for additional funds to Title IIIB reductions.

Changes to the Intake System

Almost 80% of the Title IIIB providers indicated that they had *not* made changes to their intake systems over the past two years; only 18% indicated that they had changed their system. Over 50% of the Title IIIB providers with new intake systems indicated that their new system relied on either phones (hotlines, phone intake) or advanced technology (computer kiosks, etc.). Two-thirds of those Title IIIB providers that changed their intake system indicated that the new system simply supplemented, rather than replaced, the existing system.

Changes in Types of Cases

Title IIIB providers were asked if they had witnessed a change in the types of cases they handled for older persons. For example, the survey asked if cases involving health care, housing, or elder abuse had increased or decreased over the past two years. The most prevalent answer to all types of cases was "no change."

However, Title IIIB providers were most likely to indicate an "increase" in those types of cases most relevant for groups that The Center for Social Gerontology considers the most vulnerable older persons. Specifically, 42% of Title IIIB providers indicated an increase in elder abuse, neglect, and exploitation cases; 38% of Title IIIB providers indicated an increase in health care, insurance, and health-related benefits cases; and 29% indicated an increase in guardianship cases ($p < 0.001$).

Change in Level of Service

Title IIIB providers were asked if the level of service they provide to their older clients had changed over the past two years. Specifically, respondents were asked if there had been a change in the level of phone/brief advice, preparation of documents, or representation/litigation provided to older clients. Although the most prevalent answer was "no change," over one-third of Title IIIB providers indicated an increase in both phone/brief advice and preparation of documents; 22% indicated an increase in representation/litigation. Significantly, Title IIIB providers and Title IIIB/LSC providers were much less likely than LSC providers who do not receive Title IIIB funds to indicate a decrease in the more complex levels of service ($p < 0.001$).

Over 40% of Title IIIB non-LSC providers indicated their caseload had increased over the past two years. Furthermore, 17% perceived an increased level in referrals *from* LSC providers and 20% indicated a decrease in their ability to refer *to* LSC providers. Over 40% of those Title IIIB providers that indicated these changes in the delivery of legal assistance to older people attributed them to the LSC funding cuts and restrictions.

Changes in Types of Older Persons Served

Title IIIB providers were asked if, over the past two years, there had been a change in the types of minority elderly, low-income elderly, or nursing home residents they serve. Although "no change" was again the most prevalent response, over one-quarter of Title IIIB providers indicated an increase in the number of low-income elderly and nursing home residents they served. Over one-third of Title IIIB providers indicated an increase in the number of frail/socially vulnerable clients they served.

Title IIIB providers were also asked if there had been a change in the number of clients they meet outside of the office. Almost 60% indicated "no change" in the number of out-of-office visits they conduct; 19% indicated an increase in out-of-office consultations.

Changes in Outreach for Title IIIB Assistance

Title IIIB providers were asked to indicate changes in their outreach practices; over fifty percent indicated "no change" for each of the following outreach categories: number/location of offices, number of intake sites, use of secondary referral sources, community education to target populations, and use of print media to advertise services. However, 23% of the Title IIIB providers indicated an increase in the use of secondary referral sources; 32% indicated an increase

in community education to targeted populations; and almost 25% indicated an increase in the use of print media.

Impact Work and Elder Rights Advocacy

Title IIIB providers were asked if there had been any changes in the level of impact work provided over the past few years. Title IIIB Providers were asked specifically about class action suits, legislative advocacy and administrative reform. Approximately two-thirds of Title IIIB providers indicated that there had been "no change" in the levels of any of these types of impact work. At least 7% indicated a decrease in all types of impact work specified; 7% indicated an increase in legislative advocacy and administrative reform; 10% did not indicate how the level of impact work provided had changed over the past few years.

Title IIIB/LSC Providers

Relationship with and Funding from Area Agencies on Aging

Title IIIB/LSC legal assistance providers were asked from how many Area Agencies on Aging (AAA) they received Title IIIB funding. Over 85% of these providers indicated that they receive funding from one or two Area Agencies on Aging (AAA). Title IIIB/LSC providers were also asked if there has been a change in the funding from their AAA over the past two years. Almost 50% indicated that there has been "no change" in their OAA funding; 33% indicated a decrease in funding; 16% indicated an increase. Over 50% of those providers that had experienced an increase or decrease in their funding attributed this change to overall changes in Title IIIB.

Over 60% of Title IIIB/LSC providers indicated that they were actively involved in planning and discussions with their AAA(s). As there may be a bias towards indicating an active relationship with their AAA, it is telling that over 35% of the Title IIIB/LSC providers indicated they were not involved in such discussions. Similarly, not quite two-thirds of the Title IIIB/LSC providers indicated that they had made special efforts to communicate with their AAA; over 30% of Title IIIB/LSC providers indicated that they did not make special efforts. Over 95% of those Title IIIB/LSC providers that indicated they were involved in discussions with their AAA stated that these discussions include how best to target legal assistance for the most vulnerable older persons; only 60% stated these discussions include the delivery of impact work.

Funding of Legal Assistance

One-half of the Title IIIB/LSC providers that responded to the survey indicated that they had sought additional funds for legal services to older persons beyond funding they received from AAAs and LSC. Of those who sought additional funding the most popularly sought alternative sources were private foundations and United Way. Of those that sought other sources of funds, the graph on the following page depicts the percentage that sought funding from various other sources (in the graph on the following page, "Other" includes Federal grants (other than Title IIIB or LSC), donations, fundraising efforts, and miscellaneous). Over 60% of the Title IIIB/LSC respondents indicated that they were successful in their search for additional funding; 23% indicated they were *not* successful in obtaining other funds. Over 80% of Title IIIB/LSC respondents attributed the need for additional funds at least in part to the recent LSC funding cuts.

Changes to the Intake System

Not quite one-third of the Title IIIB/LSC providers indicated that they had made changes to their intake systems over the past two years. Sixty-five percent of respondents who reported changes in their intake system indicated that their new intake system simply supplemented their previous system. Over 70% of the Title IIIB/LSC providers with new intake systems indicated that their new system was a hotline or phone intake system.

Changes in Types of Cases

Title IIIB/LSC providers were asked if they had witnessed a change in the types of cases they handled for older persons. For example, the survey asked if cases involving health care, housing, or elder abuse had increased or decreased over the past two years. The most prevalent answer to all types of cases was "no change." However, 38% of Title IIIB/LSC providers indicated an increase in health care, insurance and benefits cases; 26% indicated an increase in elder abuse, neglect and exploitation cases; and 25% indicated an increase in public benefits (SSI, Social Security, etc.) cases.

Change in Level of Service

Title IIIB/LSC respondents were asked if the level of service they provide to their older clients had changed over the past two years. Specifically, respondents were asked if there had been a change in the level of phone/brief advice, preparation of documents, or representation/litigation provided to older

clients. Interestingly, of the three provider-types, Title IIIB/LSC providers indicated the largest increase in phone/brief advice -- over fifty percent indicated an increase in this level of service ($p < 0.001$). Over half of the Title IIIB/LSC providers indicated "no change" for the remaining two levels of service (preparation of documents and representation/litigation).

This increase in phone and brief advice may indicate that Title IIIB/LSC providers are shifting from more complex levels of service (representation/litigation) to more simple ones (phone and brief advice). Almost half of Title IIIB/LSC providers that indicated a change in their level of service attribute this change to LSC and/or Title IIIB funding cuts.

Changes in Types of Older Persons Served

Title IIIB/LSC providers were asked if, over the past two years, there had been a change in the types of minority elderly, low-income elderly, nursing home residents, or frail/socially vulnerable populations they serve. Although "no change" was the most prevalent response, almost 30% of Title IIIB/LSC providers did indicate an increase in the number of frail/socially vulnerable clients served.

Title IIIB/LSC providers were also asked if there had been a change in the number of clients they meet outside of the office. Twenty-eight percent indicated that they have decreased the number of out-of-office visits they conduct; 50% indicated that there was no change in out-of-office consultations. Over 70% of those respondents that indicated a change in meeting clients outside of the office attributed the change to LSC and/or Title IIIB funding cuts.

Title IIIB/LSC providers were also asked if there has been a change in the number of hours spent on legal assistance to the elderly. Over 30% indicated an increase in the number of hours spent on legal assistance to the elderly; 27% indicated a decrease in the number of hours spent serving this population. Over 50% of those Title IIIB/LSC providers that indicated a change in time spent attributed that change to LSC and/or Title IIIB funding cuts.

Changes in Outreach for Title IIIB Services

Title IIIB/LSC providers were asked to indicate changes in their outreach practices. Over 60% indicated "no change" in the number of intake sites, location of offices, use of secondary referral sources and use of print media. However, 26% of the Title IIIB/LSC providers indicated an increase in the use

of community education to target populations; 20% indicated an increase in the use of secondary referral sources; and almost 20% indicated a decrease in the number of intake sites.

Organizational Structure & Staffing

Title IIIB/LSC providers were asked if they had restructured their organization in the past two years. Over 50% of the Title IIIB/LSC respondents indicated that they have down-sized their organization; 45% indicated they had not restructured. Over 90% of the Title IIIB/LSC providers that indicated they had restructured their organization attributed these changes at least in part to the recent LSC funding cuts.

Title IIIB/LSC providers were also asked if they had changed the composition of their staff over the past two years. Over half of the Title IIIB/LSC providers indicated that they had experienced decreases in the number of attorneys and support staff in their offices; 38% indicated decreases in the number of paralegals. Almost 80% of those indicating changes in the composition of their staff attributed these changes at least in part to the LSC funding cuts.

LSC State Planning

Title IIIB/LSC providers were asked if their state had developed a statewide LSC planning document. Not quite 60% of Title IIIB/LSC providers indicated that the state prepared an LSC planning document; over 25% of Title IIIB/LSC providers indicated that they "did not know" if the state had prepared an LSC planning document. Among those Title IIIB/LSC providers that indicated the state had developed a planning document, approximately 90% were involved in the planning process. Only slightly over 50% of those Title IIIB/ LSC providers involved in the LSC state planning process indicated that specific consideration was given to older people.

LSC Providers

Funding of Legal Services

Twenty-six percent of LSC providers that responded to the survey indicated they had previously received Older Americans Act Title IIIB funding. However, almost 60% of LSC providers indicated they had sought additional funds for legal services for older persons beyond funds they received from LSC

or had previously received from Title IIIB. The most popularly sought sources of funding were private foundations, United Way and the state legislature. Of the almost 60% of LSC providers that indicated they had sought funds from other sources, the graph below depicts the percentage that sought funds from particular sources (in the graph below, "Other" includes Federal grants other than LSC or Title IIIB, donations, fundraising efforts, and miscellaneous). Less than 40% of the LSC respondents indicated that they were successful in seeking additional funds; 26% indicated that they were *not* successful in obtaining other funds. Almost 90% of LSC respondents attributed the need for additional funds at least in part to the recent LSC funding cuts.

Changes to the Intake System

Over two-thirds of the LSC providers indicated that they had made changes to their intake systems over the past two years; almost half of these respondents indicated that their new intake system replaced their previous system. Interestingly, these figures are much higher than those reported by Title IIIB non-LSC providers where almost 80% indicated they had *not* changed their intake system. LSC cuts and encouragement from LSC in the form of planning program letters, which have periodically required LSC providers to analyze programs statewide and develop a comprehensive plan that includes intake systems are possible explanations for the disparity. Over 80% of the LSC providers with new intake systems indicated that their new system was a hotline or phone intake system; 13% indicated an increased reliance on advanced technology like kiosks, etc.

Changes in Types of Cases

LSC providers were asked if they had witnessed a change in the types of cases they handled for older persons. For example, the survey asked if cases involving health care, housing, or elder abuse had increased or decreased over the past two years. The most prevalent answer for all types of cases was "no change." However, 21% of LSC providers indicated an increase in public benefits cases (SSI, Social Security, etc.); while 17% indicated a decrease in elder abuse, neglect and exploitation cases.

Change in Level of Service

LSC providers were asked if the level of service they provide to their older clients had changed over the past two years. Specifically, LSC respondents were asked if there had been a change in the level of phone/brief service, preparation of documents, or representation/litigation provided to older clients.

Although the most prevalent answer was again "no change," over 21% of LSC providers indicated an *increase* in phone/brief advice and a *decrease* in both preparation of documents and representation/ litigation. This change in levels of service implies that LSC providers are shifting from more complex levels of service (representation/litigation) to more simple ones (phone and brief advice). Over half of LSC providers that indicated a change in their level of service attribute this change to the LSC funding cuts.

Changes in Types of Older Persons Served

LSC providers were asked if, over the past two years, there had been a change in the types of minority elderly, low-income elderly, nursing home residents, or frail/socially vulnerable populations they serve. Although "no change" was again the most prevalent response, LSC providers indicated that the number of clients from these populations had decreased significantly more than the other legal assistance providers (Title IIIB non-LSC and Title IIIB/LSC providers) ($p < 0.001$). Almost 25% of LSC providers answered "don't know" in response to this question, indicating that these populations may not be specifically targeted by LSC providers.

LSC providers were asked if there had been a change in the number of clients they meet outside of the office. Almost 30% indicated that they have decreased the number of out-of-office visits they conduct; 36% indicated that there was no change in out-of-office consultations. Over 60% of those respondents that indicated a change in meeting clients outside of the office attributed this change to LSC funding cuts.

LSC providers were also asked if there had been a change in the number of hours spent on legal services to the elderly. Over 25% of LSC providers indicated a decrease in the number of hours spent serving this population; only 6.5% indicated an increase; 25% indicated no change in the number of hours; another 25% answered "don't know."

Organizational Structure & Staffing

LSC providers were asked if they had restructured their organization in the past two years. Almost 50% of the LSC respondents indicated that they have downsized their organization; almost 10% indicated that they had merged with other LSC programs; and 10% were newly created organizations. Just over 20% indicated that they had not restructured at all. Almost two-thirds of the LSC providers that indicated they had restructured their organization attributed these changes to the recent LSC funding cuts.

LSC providers were also asked if they had changed the composition of their staff over the past two years. Over half of the LSC respondents indicated that they had experienced decreases in the number of attorneys, paralegals, and support staff in their offices. Almost 90% of those indicating changes in the composition of their staff attributed these changes to the LSC funding cuts.

LSC State Planning

LSC providers were asked if their state had developed a statewide LSC planning document. Over 80% of LSC providers indicated that the state prepared an LSC planning document. Among those LSC providers that indicated the state had developed a planning document, approximately 90% were involved in the planning process. Fifty-one percent of those LSC providers involved in the planning process indicated that specific consideration was given to older people. Eight percent indicated that elders were not specifically considered and 38% indicated that they did not know if they were.

Conclusion

Over the past few years, the environment surrounding legal assistance for the most vulnerable elderly has become increasingly unstable. Funding cuts from Legal Services Corporation; stagnant or decreased Title IIIB funding; and the uncertainty of the Older Americans Act and legal as a priority service, have all affected the delivery of legal assistance to older persons. TCSG's national survey on legal assistance provides one of the first examinations of how states and localities are adjusting to these new limitations.

TCSG's survey findings suggest that the past few years have produced both positive and negative changes in the delivery of legal assistance to the elderly. However, the survey results raise real concerns about the level of joint planning between legal providers and the aging network in these times of upheaval. This period of crisis could have been an opportunity for forging mutually supportive efforts to obtain new funding for legal assistance for the elderly (as happened in some states, such as Oklahoma and Washington) and/or for creating new delivery system methods that focused on elders' needs (as happened in states such as Vermont and Washington). These opportunities still exist, but it appears that more efforts must be made by both the legal and aging networks in this area.

Furthermore, the survey results suggest that there is a need for a detailed examination by legal assistance providers and the aging network of how the delivery system changes that have occurred have affected the accessibility of legal assistance to the most vulnerable elderly. In particular the increased use of technology in intake systems and the increase in phone/brief advice needs further study in relation to their impact on access to legal assistance by the most vulnerable elderly.

Finally, the aging network must examine whether impact work on key elder rights issues is being reduced, and how it can be retained, expanded or enhanced. The reported shift towards brief service may limit the degree of impact work provided for older persons. Further, the aging network needs to examine its own view of the role of legal providers in overall elder rights advocacy, especially in light of the survey finding that 42% of area agencies on aging do not encourage impact work by their Title IIIB legal providers.

This is a critical period for legal assistance for the elderly, and the results of TCSG's national survey suggest that much too little attention is currently being focused on the forces that are at work and their impact on protecting the legal rights of the most vulnerable elderly. The time is ripe for a concerted joint effort by legal providers and the aging network to reinvigorate legal assistance for the elderly at the local, state and national levels.