

Assessing the Capacity of Georgia’s Legal Services Programs to Meet the Priority Civil Legal Needs of Vulnerable Older Georgians

2013

- Mrs. Lane is a 90 year old widow whose monthly income is \$900. Her son tricked her into signing a quit claim deed, which transferred ownership of Mrs. Lane’s home to her son. Her son kicked her out of her own home and placed her in an unlicensed personal care home.
 - Mr. Bright has significant medical expenses and, at times, must choose between food and health care. Mr. Bright went to the local Department of Family and Children Services (DFCS) office to apply for food stamps; but the caseworker told Mr. Bright that his gross income was too high to qualify and refused to give Mr. Bright an application.
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This paper examines the capacity of Georgia’s “legal services delivery system” to provide legal services to our most vulnerable seniors. The Georgia Senior Legal Hotline drafted this paper as part of the “Model Approaches to Statewide Legal Services Delivery” project funded by the U.S. Administration on Community Living/Administration on Aging.¹ The audience for this paper is Georgia’s Aging Network. The goal of the paper is to provide the Aging Network--from staff attorneys to the Area Agency on Aging (AAA) directors to the Division of Aging Services (DAS) staff--a common framework for thinking about the role of legal services in helping our most vulnerable citizens live with dignity and independence.

In drafting this paper, we collected data from legal service providers and reviewed several documents produced by the Division of Aging Services. The Georgia Legal Services Program (GLSP) and the A.L. Burruss Institute of Public Service & Research at Kennesaw State University provided valuable data and significant insight and assistance.²

¹ In 2010, the Georgia Senior Legal Hotline was awarded a three year “Model Approaches” grant to: strengthen the Hotline as a low-cost mechanism for delivering legal advice and brief legal services; better integrate the Hotline with the “full-service” legal providers and the Aging Network; assess the legal needs of vulnerable seniors; and evaluate the capacity of the “legal services delivery system” to meet the priority legal needs to the most vulnerable seniors. Under the grant, representatives from the larger Aging Network agreed to provide support and assistance.

² For the Georgia Gerontology Society’s 2013 Annual Conference, the Hotline, the Georgia Legal Services Program and the Burruss Institute teamed up for a joint presentation titled “Addressing the Civil Legal Problems that Jeopardize the Health, Safety, and Independence of Vulnerable Adults – Georgia’s Legal Services Delivery System.” This collaboration and exchange of ideas and data have improved this paper significantly from its first rough draft.

The Hotline distributed a draft of this paper to the Model Approaches Stakeholders Working Group.³ In September 2013, the Working Group met to review and discuss what we have learned and what actions we can take as a community to use our scarce resources to help the most vulnerable seniors. The Working Group used the paper to guide our discussion. This paper includes comments and recommendations provided by Group members.

The paper is divided into the following sections:

1. Who are “vulnerable” seniors and how many vulnerable seniors live in Georgia? (page 2)
2. What is a “priority” legal need (page 4) and how many priority legal problems do vulnerable seniors have (page 4)?
3. What is the Legal Services Delivery System (page 6) and how many vulnerable seniors does it serve (page 11)?
4. How many seniors need legal services but don’t get legal services (page 12)?
5. How can we increase the capacity of Georgia’s “legal services delivery system” and serve more seniors (page 13)?

1. Who are “Vulnerable” Seniors and How Many “Vulnerable” Seniors Live in Georgia?

Although the definitions may vary by funding source, there is consensus among funding sources and providers that our target populations are very low income, disabled, and marginalized citizens. For Title IIIB funded legal services, “vulnerable” seniors are defined as seniors with the greatest economic and social needs per section 102 of the Older Americans Act.⁴ Other legal services attorneys operate under strict income and asset guidelines, but also

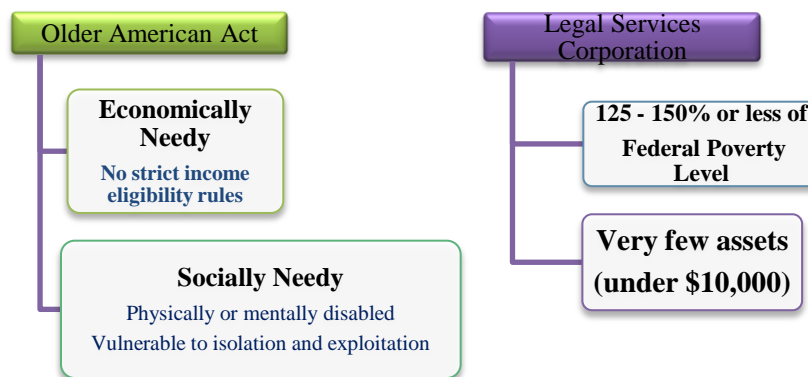
³ Model Approaches Stakeholders Working Group, attendees at the September 11, 2013 meeting:

- Georgia Association of Area Agencies on Aging - Maureen Kelly (for Gail Thompson)
 - ADRC – Andrew Parker (for Cheryl Harris)
 - Georgia Legal Services Program senior attorney Savannah office – Robert Bush
 - Georgia Legal Services Program managing attorney Dalton office – Cynthia Gibson
 - Georgia Legal Services Program managing attorney Macon office - Phil Bond
 - Atlanta Legal Aid Society, managing attorney – Steve Krumm
 - Atlanta Legal Aid Society, staff attorney – Elaine Poon
 - Atlanta Legal Aid Society, Deputy Director – Cheri Tipton
 - ELAP provider – Sherry Jackson
 - Georgia Bar Association/GLSP Pro Bono coordinator – Mike Monahan
 - DAS Legal Services Developer – Natalie Thomas
 - Georgia Senior Legal Hotline – Dina Franch and Hilary Leland
- Unable to attend:
- Georgia Council on Aging -- Kathryn Fowler
 - State Ombudsman – Melanie McNeil

⁴ Per Section 102 of the Older American’s Act: “greatest economic need” means “the need resulting from income at or below the poverty level” and “greatest social need” means “the need caused by non-economic factors, which include— (A) physical and mental disabilities; (B) language barriers; and (C) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that (i) restricts the ability of an individual to perform normal daily tasks; or (ii) threatens the capacity of the individual to live independently.”

define “vulnerable” Georgians as those individuals who are living in or near poverty and/or living with physical and mental disabilities, language barriers, and/or geographic isolation.

Target Populations by Funding Source



There are over 1.5 million Georgians ages 60 and older.⁵ How many are economically and socially needy? The State has extensive data on seniors who fall into demographic categories that are often used as “indicators” of economic and social need. Data on these “indicators” show that of Georgians who are 65 and older: 11% (165,000) live in poverty; 25% live alone and 2% have limited English language skills;⁶ 47% (705,000) suffer from at least one disability; and 24.2% (363,000) of non-institutionalized individuals over 65 have a disability that prevents them from leaving home alone.⁷ Thirty-four percent (34%) of older Georgians live in rural areas⁸. Data from the DAS Adult Protective Services Program shows a significant increase in the number of reports of abuse, neglect, exploitation. From 2009 to 2013, the number of intakes for victims 60+ has almost doubled, increasing from 6,379 to 11,570.

Abuse, Financial Exploitation and Sexual Abuse - SFY09-SFY13⁹

SFY	Total # Intakes	# of 60+ Intakes	# 60+ Abuse	# 60+ Fin. Exp.	#60+ Sexual Abuse
2009	6643	6379	1180	1188	46
2010	8758	8435	1648	1980	69
2011	9171	8848	1919	2119	63
2012	11689	11179	2477	2853	103
2013	12149	11570	2503	3221	84

⁵ State Plan on Aging FY 2011-2015, Georgia Department of Human Resources, Division of Aging Services at p. 13.

⁶ State Plan on Aging FY 2011-2015, p 15.

⁷ State Plan on Aging FY 2008-2011, p.15

⁸ Id. at p.14.

⁹ Thank you to APS for providing us with this data and creating the chart.

Based on the above data, it appears that several hundred thousand older Georgians fit the definition of “greatest social and economic” need—living in or near poverty and/or living with physical and mental disabilities, language barriers, and/or geographic isolation.

2. What Are “Priority” Legal Needs?

Although the definitions may vary by funding source, there is consensus among funding sources and providers that priority legal needs involve significant threats to financial and physical health, independence, and self-determination. This includes, but is not limited to: threats to income (which includes a vast range of legal issues, ranging from deceptive consumer practices to financial exploitation by family members), access to health care, threats to stable housing (rental and owned), and access to public benefits (like food stamps, Medicaid, and Medicare Savings Programs).¹⁰ Priority legal needs also include services necessary to promote self-determination such as advance directives for health care and financial powers of attorney.

Non-priorities would include consumer disputes in which the harm to the senior is not significant. Drafting Last Wills and Testaments are not a priority because the health and safety of the senior is not jeopardized if that senior does not have a will. The exception is if a senior wants to bequeath a home to another senior or disabled adult. However, “wills” are a popular pro bono project for the private bar and so most legal services programs have developed pro bono “wills” projects.

As will be discussed later in this paper, legal services providers do not have the capacity to handle all priority legal problems presented by seniors. Thus, the legal services providers set “case acceptance priorities” that are often a smaller subset of the larger set of priority legal problems. For example, many providers do not handle landlord tenant problems involving private housing. They focus their resources on public and subsidized housing. In another example, some providers do not litigate consumer cases involving financial exploitation. These providers do not have the resources to handle all types of priority cases and so develop “case acceptance priorities” that may, out of necessity, have to exclude some types of very serious legal problems.

3. How Many Priority Legal Problems Do Vulnerable Seniors Have?

Studies show that up to 80% of vulnerable seniors experience priority legal problems. In 2011, the Hotline conducted an informal legal needs survey of 100 vulnerable seniors. Eighty

¹⁰ The Older Americans Act (OAA) mandates that AAAs, “give priority to legal assistance related to: income, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and age discrimination.” LSC has similar priorities. In 2011, the Legal Services Developer asked Title IIIB legal services providers to vote on core priority areas. The top issues were, in descending order: Nursing Home Medicaid, financial exploitation, public benefits, and housing. Defense of guardianship was last. See “At This Time -- A Report on the Capacity of the Legal Services Delivery System,” Natalie Thomas, Legal Services Developer, State Division of Aging Services, June 2012. page 33-34. Referred to as “DAS Capacity Report.”

percent (80%) of respondents had at least one legal problem that may jeopardize their health, independence, or safety; 70% had two or more legal needs; and 37% had 8 or more legal needs.¹¹

Similarly, a 2009 report on the civil legal needs of low and moderate income Georgians of all ages found that more than 60% experience one or more civil legal needs per year.¹² This comprehensive study was commissioned by the Supreme Court of Georgia Equal Justice Commission, Committee on Civil Justice and conducted by the Burruss Institute of KSU. The 2009 survey was a formal study of 1,543 low and moderate income households included phone surveys with 427 seniors (65+) and in-person interviews with 49 “hard to reach” (65+).

For this capacity assessment, the KSU Burruss Institute separated-out the responses for the 427 seniors who were surveyed by telephone and the 49 hard-to-reach seniors who were interviewed in person. It then compared the responses of these seniors to the responses of the more vulnerable class of seniors interviewed for the Hotline’s study. The comparison shows that the more vulnerable older Georgians experienced a greater number of legal problems

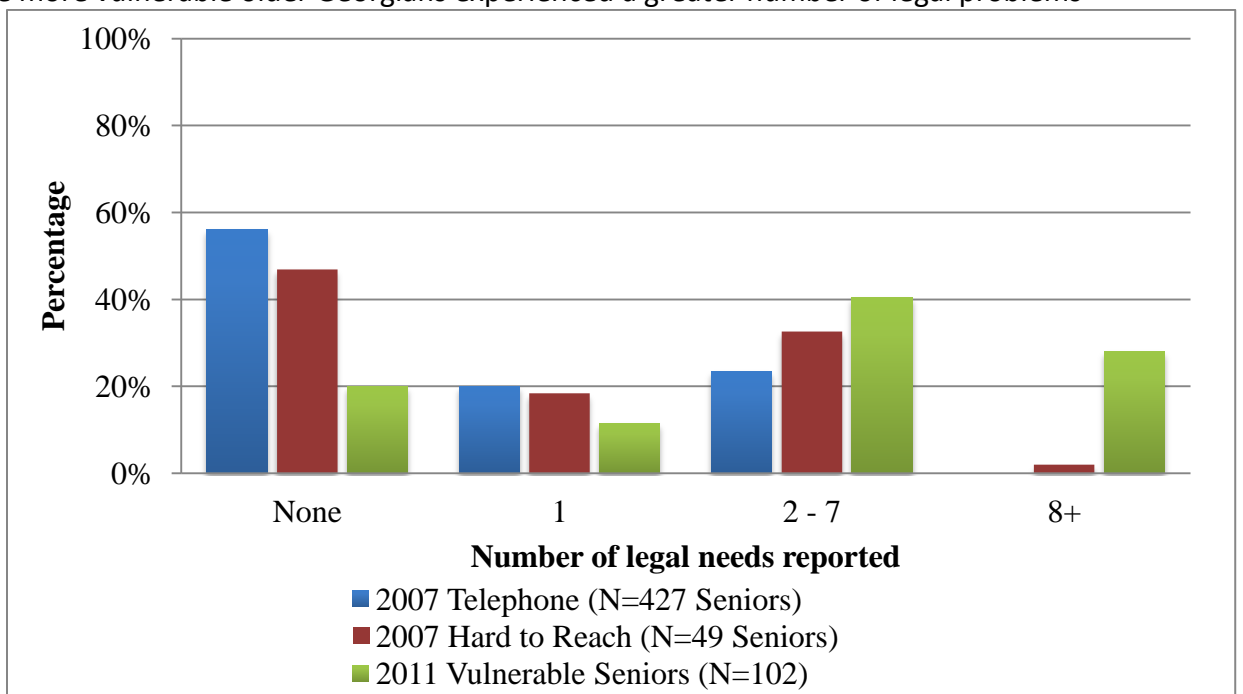


Chart provided by A.L. Burruss Institute of Kennesaw State University

¹¹ Indicators of the Civil Legal Needs of Georgia’s Socially and Economically Disadvantaged Seniors, p.6, www.legalhotlines.org/legal_needs.php

¹² In 2007/2008, the Supreme Court of Georgia Equal Justice Commission, Committee on Civil Justice, commissioned a comprehensive assessment of the civil legal needs of Georgia’s low and moderate income population. The 2009 report is posted on-line at http://www.georgiacourts.org/files/legalneeds_report_2010%20final%20with%20addendum.pdf

4. What is the Legal Services Delivery System and how many vulnerable seniors does it serve?

The “legal services delivery system” is not a single organization, but instead is a loose confederation of organizations that have developed partnerships based on a common goal: to help the most vulnerable older Georgians live healthier, safer, and more independent lives with dignity.

This paper focuses on legal services organizations that that contract with the Legal Services Corporation (LSC)¹³ to provide legal assistance to low income Georgians of all ages and those that participate in the Title IIIB funded Elderly Legal Assistance Program.

The Atlanta Legal Aid Society and the Georgia Legal Services Program contract with LSC and both organizations also receive the majority of Title IIIB legal services funding.¹⁴ The other recipient of Title III B legal services funding is the Law Offices of Sherry Jackson.

Georgia Legal Services Program: GLSP was established in 1971 and provides legal assistance to low income Georgian of all ages who live in the 154 counties outside the metro-Atlanta area

Atlanta Legal Aid Society: ALAS was established in 1924 and provides legal assistance to low income Georgian of all ages who live in the five core metro-Atlanta counties. ALAS operates the statewide Georgia Senior Legal Hotline. The Hotline was established in 1998 and provides advices and brief legal services statewide. The Hotline works in partnership with the State Division of Aging Services and the Georgia Legal Services Program (GLSP). The Hotline has expertise in efficient handling of advice only and brief services cases. The goal is for the Hotline to handle these types of cases and thus, “free up” the other legal services providers who can then handle more complex cases.

Law Offices of Sherry L. Jackson, P.C.: The Law Offices of Sherry Jackson is a private law firm run by a former GLSP attorney.

Funding for legal services comes from many different sources:

¹³ Legal Service Corporation is a non-profit organization established by Congress in 1974. LSC-funded programs help people who live in households with annual incomes at or below 125% of the federal poverty guidelines. LSC is the single largest funder of civil legal aid for low-income Americans in the nation. See <http://www.lsc.gov/about/what-is-lsc>

¹⁴ The Older Americans Act authorizes statewide legal services under Title III, Part B. DAS contracts with Georgia’s twelve area agencies on aging (AAA) for the administration of legal services for older Georgians. The AAAs in turn, contract with legal service providers. In Georgia, all but one ELAP are housed within ALAS and GLSP. One ELAP is housed with the private law firm, the Law Offices of Sherry Jackson (a former GLSP attorney). Funding varies significantly from AAA to AAA. DAS monitors the contracts and collects and compiles case and client data. The DAS Capacity Report details the history of Title III B legal services from the perspective of the Legal Services Developer and includes an excellent compendium of examples of cases handled by legal services contractors over the years.

- The Legal Services Corporation funds legal services for low income individuals regardless of age. LSC provides 32% of ALAS's income and 59% of GLSP's income. Total LSC funding in 2011 was \$7,704,075 for GLSP¹⁵ and \$2,909,444 for ALAS.¹⁶
- Total III-B funding for legal services in 2011 was \$1,044,446.
- The Georgia Bar Foundation, which was named by the Supreme Court of Georgia in 1983 to receive "IOLTA" funds¹⁷ to support legal services for the poor, provides funding to legal service providers. The legal services programs that receive IOLTA funding include ALAS and GLSP. In the last four years, IOLTA funding has decreased by about 90%.
- Law firms and individual attorneys provide cash donations to both ALAS and GLSP. The private bar provides 15% of ALAS's budget and 3% of GLSP's budget.
- Both GLSP and ALAS also receive funding from foundations, local government grants, other federal grants, and individual donations. In particular, ALAS has received funding for the Senior Legal Hotline under the ACL's Model Approaches grant program.

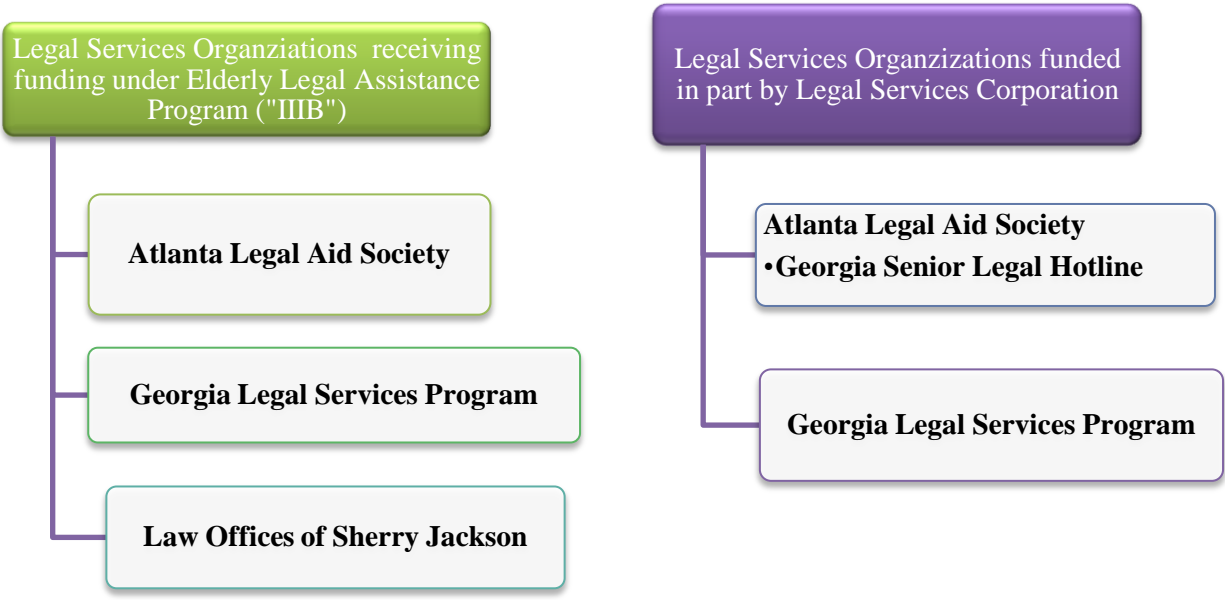
It is important to note that funding for legal services has dropped significantly in recent years. Since 2008, ALAS's overall budget has dropped 7.5% (to \$8.49 million) and GLSP's overall budget has dropped 16.5% (to \$11.47 million).¹⁸ The Senior Legal Hotline is facing a 36% budget cut when its current federal grant ends October 2013.

¹⁵ See GLSP's 2011 Annual Report at <http://www.glsp.org/wp-content/uploads/2012/01/AnnualReportWEB.pdf>

¹⁶ See ALAS's 2011 Annual Report at <http://www.atlantalegalaid.org/ar.pdf>

¹⁷ IOLTA stands for "Interest on Lawyers Trust Account." A lawyer who receives funds that belong to a client must place those funds in a trust account separate from the lawyer's own money. Client funds are deposited in an IOLTA account when the funds cannot otherwise earn enough income for the client to be more than the cost of securing that income. The client - and not the IOLTA program - receives the interest if the funds are large enough or will be held for a long enough period of time to generate net interest that is sufficient to allocate directly to the client. Every state operates an IOLTA program. These funds, together with state and federal appropriations as well as private grants and donations, enable nonprofit legal aid providers to help low-income people with civil legal matters such as landlord/tenant issues, child custody disputes and advocacy for those with disabilities. For more information on IOLTA, please see <http://www.iolta.org/grants>.

¹⁸ "Hard times put squeeze on legal aid in Georgia," Meredith Hobbs, Daily Report, July 7, 2012.



ALAS and GLSP contribute a significant amount above the required match for IIB funds, so a decrease in their overall funding does impact ELAP. The chart on the next page shows the amounts contribute by the legal services providers.

Title IIIB Legal Services Providers – Funding by Region - 2011

	ARC	CSRA	Coastal	Heart	GA Mtns	Middle	NEGA	NWGA	River Valley	Southern	SOWEGA	SCres/ Three Rivers
Title IIIB legal services contract \$\$ (figure includes match)	140,830	134,823	114,682	72,401	69,657	63,529	66,941	106,391	67,622	72,630	66,335	68,605
Non Title IIIB funds provided by legal service provider \$\$	392,007	7,273	14,780	20,577	10,823	22,715	11,613	9,328	12,710	125,934	56,207	15,000
Actual Cost of Providing Service \$\$	532,837	142,096	129,462	92,978	80,480	86,244	78,554	115,725	80,332	198,564	122,542	83,605
Legal service provider	ALAS	GLSP	GLSP	GLSP	GLSP	GLSP	Law office of Sherry Jackson	GLSP	GLSP	GLSP	GLSP	GLSP

While this paper focuses on the work of these organizations, many other organizations – smaller legal services providers, pro bono organizations, law firms, state and local bar association, law schools -- provide significant legal services and/or administrative and in-kind support to both ALAS and GLSP. LSC and IIIB funded legal services providers work closely with these other organizations. Please see Appendix A for more information.

In addition to direct legal services providers, the “legal services delivery system” includes the Division of Aging Services’ State Elderly Legal Assistance Development Program (“DAS ELAP”). The DAS ELAP does not provide legal services; it monitors the IIIB contracts and collects and compiles case and client data. The DAS ELAP is staffed by one attorney. The DAS ELAP program works with the AAAs and IIIB legal assistance providers to establish programmatic goals, objectives, outcomes and strategies for obtaining them.¹⁹

In 2011, the “legal services delivery system” provided direct legal representation to approximately 8,400 seniors and provided community education to over 14,000 seniors. Additionally, legal service providers provide information and referrals to thousands more seniors for whom they do not provide direct representation. For example, in 2011, the Hotline

¹⁹ DAS Capacity Report, p. 20.

opened approximately 4,000 cases, but handled around 10,000 calls. Legal Services providers do not open cases for each senior who seek assistance. Cases are opened only for those seniors for whom attorneys provide, at a minimum, legal advice based on that individual's circumstances. Cases should not be opened if the attorney provides only educational material.

Legal Services Providers Included in this Capacity Assessment

LEGAL SERVICE PROVIDER	SERVICE AREA	Legal Services Provided	Other Services
Atlanta Legal Aid Society	General Law Units: serve 5 Metro-Atlanta Counties: Fulton, DeKalb, Cobb, Gwinnett, Clayton (Health Law Partnership, Home Defense, and Relative Caregiver Projects may represent individuals outside the metro-Atlanta Area)	Litigation and extended services; Brief Services; Legal advice	Community Education Referrals to other sources of assistance (ex. social Services)
	Title IIIB provider: Senior Citizens Law Project; serves Fulton, DeKalb, Cobb, Gwinnett, Clayton)	Same as above	Same as above
	Georgia Senior Legal Hotline and Relative Caregiver Hotline (statewide)	Legal Advice; Brief Services; rarely Extended Services; Referrals to other legal services providers	Referrals to other sources of assistance (ex. social Services)
Georgia Legal Services Program	General Law Units serves 154 Counties (all of Georgia except the 5 counties served by ALAS)	Litigation and extended services; Brief Services; Legal advice	Community Education Referrals to other sources of assistance (ex. social Services)
	Title IIIB provider: General Law Units provide Title III B legal services	Same as above	Same as above
Law Offices of Sherry Jackson	Title IIIB provider based in Athens; serves 12 counties in East Georgia.	Litigation and extended services; Brief Services; Legal advice	Community Education Referrals to other sources of assistance (ex. social Services)

The type of legal services provided vary greatly by program and even within each program and include: "legal advice only," "brief/limited services," and "extended services." Legal Services organizations are required by LSC to categorize the type of legal service provided to clients. The ELAP uses the same closing codes.²⁰

- "Legal Advice" means that the attorney gathered relevant facts from the client, researched the law, and advised the client as to her rights and advice as to how to protect her rights.
- "Brief services" ("limited action") means that the attorney took action on a client's case; for example, drafting a letter to a collection agency or calling a DFCS casework to resolve a problem; helping the client execute a Financial Power of Attorney.
- "Extended services" is a broad category including extensive negotiation (whether or not the parties reach a settlement), litigation ("going to court") and administrative hearings.

²⁰Detailed definitions of the LSC case closing are posted on the LSC website. See http://grants.lsc.gov/sites/default/files/Grants/RIN/Grantee_Guidance/CSR/CSR%20Handbook%202008%20as%20amended%202011.pdf

“Legal advice” cases may require 1 -2 hours of attorney time. “Brief services” may take 2-5 hours. Cases involving litigation may require anywhere between 10 hours for a simple eviction to hundreds of hours of attorney time for a complex predatory mortgage lending case. As expected, the Hotline handles a significantly higher number of “advice only” and “brief services” cases, while the “full-service” legal providers handle fewer but more time-intensive “extended services” cases.

In 2011, legal service providers handled approximately 8,425 cases for older Georgians:²¹

	Legal Advice	Brief Services	Extended services	TOTAL	FUNDING
Title III-B Legal Services --ELAP (ALAS, GLSP, Law offices of Sherry Jackson)	871	812	627	2,310	\$1,737,140 Source: -Title IIIB (\$1,044,446, includes match contributed by legal service provider) -ALAS general operating funds (\$393,007) -GLSP operating funds (\$288,074) -Law Office of Sherry Jackson (\$11,613)
Georgia Senior Legal Hotline	2,467	1,401	152	4,020	\$281,000 Source: -ALAS general operating funds (\$110,000) -AoA model approaches grant (\$100,000) - Preserving Safe and Stable Families grant (\$50,000) - DAS in-kind support (valued at \$21,000)
Atlanta Legal Aid Society (excluding Hotline and ELAP cases)	1,073	177	177	1,433	N/A Source: ALAS general operating funds
Georgia Legal Services (excluding ELAP cases)	257	195	216	668	N/A Source: GLSP general operating funds
Total	4,668	2,737	1,020	8,425	

²¹ We measure the number helped in terms of the number of cases handled. To count as a “case,” the attorney must provide specific legal advice and services that address the senior’s specific legal problem. In contrast, community education is when an attorney provides general legal information but is it up to the senior to take that legal information and apply it to his or her own situation.

Each program sets priorities that are consistent with the priorities mandated by their funding sources, that reflect the legal expertise of the provider, and that are achievable given the resources of the program. As stated earlier, not all legal services programs have the expertise and/or resources to handle all the possible types of priority legal problems. Some providers do not handle veterans benefits, predatory mortgage cases and thus, do not include that topic in their community education and outreach materials.

Client Demographics by program (2011)

	Under 150% poverty	Minority	Disabled
Hotline	54%	58%	42%
ELAP (Title IIIB)	60%	53%	42%
ALAS non-Title IIIB cases	100%	76%	51%
GLSP non-Title IIIB cases	100%	n/a	n/a

5. How Many Seniors Need Legal Services but don't Get Legal Services?

Anecdotal evidence from Georgia's legal service providers show that they do not have the capacity to help all seniors who seek help. In a recent article, Phil Bond, managing attorney, Georgia Legal Services branch office in Macon, said his office took on 76 new clients last January, but that there was three to four times that number of people the office couldn't help. "We don't have the capacity...It's really frustrating."²²

Likewise, the Hotline reports that it must limit the number of calls it accepts each week.²³ The Hotline receives dozens of calls "after hours" as evidenced by the number of "hang ups" recorded by the messaging system.²⁴

A national study from 2009, found that legal services providers could only serve half of all who sought help.²⁵ Furthermore, of those who received some service, many did not receive

²² See <http://www.remappingdebate.org/article/relentless-push-bleed-legal-services-dry>; June 6, 2012.

²³ The Hotline's messaging system accepts new calls Monday – Thursday from 9 am-2 pm; it takes emergencies only on Fridays. At the peak of its funding back in 2009, the Hotline accepted new calls Monday –Friday 9 am-3pm.

²⁴ Dina Franch, former Managing Attorney, Georgia Senior Legal Hotline.

²⁵ "According to a 2009 report by the Legal Services Corporation, the offices it funded to provide civil legal assistance were turning away half of all people who were coming to them for help. The study estimates this to be about one million people per year who are not given assistance because of insufficient resources. For every

the level of service needed. For example, a senior facing eviction from privately owned rental housing may need a lawyer to represent him at trial, but the legal services provider only has resources to provide self-help advice.²⁶ The Hotline reports that many times, the Title IIIB legal services providers cannot accept a referral for a client who needs more than “brief services.” The “full service” providers are working a maximum capacity and not all providers handle all priority case types.

6. How can we increase the capacity of Georgia’s “legal services delivery system” and serve more seniors?

Like many other programs, funding has decreased significantly over the past several years:

- Since 2008, ALAS’s overall budget has dropped 7.5% (to \$8.49 million).²⁷
- Since 2008, GLSP’s overall budget has dropped 16.5% (to \$11.47 million).²⁸
- In 2009, the Hotline lost \$259,000 in annual state funds, but secured funding through ALAS and federal grants. In October 2013, the Hotline’s federal grant ends, resulting in a loss of \$100,000 (approximately 36% of its budget).
- Since 2009, ELAP’s budget has decreased 3% (from \$1,041,480 to \$1,011,902).²⁹

As discussed earlier in this paper, ALAS and GLSP contribute a significant amount above the required match for IIIB funds, so a decrease in their overall funding does impact ELAP.

Maintaining current funding is critical. If the Hotline cannot make up the 36% loss of funding (\$100,000), its capacity to handle brief services cases will greatly diminish and the other legal service providers will experience a significant increase in demand. The Coalition of Advocates for Georgia’s Elderly (COAGE) has included funding for the Hotline as a priority within its request to the State legislature for increase funding for Home and Community Based Services.

Despite the economic recession, there are some low- and no-cost opportunities to increase our ability serve a greater number of vulnerable Georgians. At the September 2013, the Stakeholders Working Group meeting attendees discussed several ideas:

person helped by LSC-funded programs, another is turned away. Fifty percent of those actually seeking help are turned away for one primary reason: lack of resources. If anything, this finding is an understatement. Many who are eligible for help never seek it—they do not know they have a legal problem, do not know help is available, or do not know where to go for help.” See, “Documenting the Justice Gap in America,” <http://dev.lawhelp.org/documents/501631LSC-justicegap.pdf>

²⁶ Many legal services providers prioritize subsidized housing cases over private landlord-tenant because eviction from subsidized housing means not only loss of shelter but also loss of a public benefit.

²⁷ “Hard times put squeeze on legal aid in Georgia,” Meredith Hobbs, Daily Report, July 7, 2012.

²⁸ Id.

²⁹ DAS ELAP Budget data provided by e-mail, August 2013.

1. Improve targeting of priority legal problems (decrease work on non-priority issues) for the the most vulnerable seniors.
2. Increase efficiency and effectiveness of Community Education.
3. Increase statewide collaboration through annual meeting of the Stakeholders Working Group and through support of the Elder Law Task Force.
4. Use available no-cost and low-cost mechanisms for meeting and training.

Let's look at each of these points in more detail:

1. Targeting

- A. Targeting the most vulnerable seniors. According to the DAS 2012 Capacity Report, 100% of ELAPs ensure legal assistance is available to OAA targeted populations. However, attorneys at the September 2013 meeting expressed the need to do more in this area, and the need to "get beyond" senior centers and also reach individuals who do not attend senior centers. In particular, attorneys expressed the need to work with DAS on a plan to serve older adult victims of abuse, neglect, and exploitation. For example, out-reach to vulnerable seniors who are victims of unlicensed personal care home operators and other exploiters. This would be a good area for cross-training and collaborative development of screening tools for the aging network.

The attorneys discussed the need to share a common reporting mechanism to track cases involving abuse and exploitation. Not all legal services providers currently track these cases. Abuse and exploitation may be aspects of consumer, advance directives, public benefits, and other substantive law cases. For example, a case classified as a collections case could involve financial exploitation, as in the case of an adult child who forges a senior's signature on a credit card application. Under the Model Approaches grant, the Hotline created a stand-alone field the attorneys could mark if the case involved abuse, neglect, and/or financial exploitation.

Attendees of the stakeholder meeting discussed the need to decrease calls to providers from seniors with non-priority issues. Various organizations spend a great deal of time handling inquiries from seniors who have non-priority issues. Case services data doesn't capture the number of calls (and time spent fielding calls) from seniors who are not in priority demographic groups or who do not suffer from a priority legal problem. It is very time consuming to explain to seniors that either their problem is not a priority or that they do not fall into a priority demographic.³⁰

³⁰ Explaining to someone why their case is not a "priority" is challenging. Here is a classic scenario: Mr. Jones calls the Georgia Senior Legal Hotline because he thinks the phone company overcharged him by \$50. He wants the Hotline to "vindicate his legal rights." The Hotline attorney advised him to mail a "dispute" letter to the telephone company, but told him that she did not have the time to call the telephone company; the Hotline also refused to refer the case to the Title IIIB legal services provider.

We need to re-strategize how legal services are marketed so that we can reduce the time spent screening seniors who do not meet the definition of “vulnerable.” Cross-training and evaluating outreach materials and websites are good places to start.

We discussed whether developing more internet based materials would help as more computer savvy seniors may have their questions answered by going on-line. ALAS, GLSP, and the State Bar collaborate on a website with legal information. DAS also has legal information on its website. In Georgia, the internet is not seen as a way to reach the most vulnerable seniors. The recent legal needs study shows that the most vulnerable seniors (with the exception of LGBT seniors) do not have access to the internet and do not know how to operate a computer).³¹

B. Targeting Priority Legal Issues. A review of case service data shows that , as a group, legal service providers are doing a good job opening cases only for priority issues.³² See Appendix C for data on the top case types handled by ALAS, GLSP, Title IIIB, and the Hotline.

There is lack of resources to handle all the priority legal problems presented by vulnerable seniors. While a provider may be handling priority cases like nursing home medicaid issues, the provider may not have either the resources or the expertise to handle financial exploitation cases.

Lack of expertise can be addressed through collaboration and training. To target scarce training resources, legal services providers need to distinguish between situations in which the legal services provider (1) has legal expertise but not the resources or (2) lacks the legal expertise to handle a priority case type. As a part of the Model Approaches grant, the Hotline developed a detailed form on which IIIB providers could mark the case types handled and the level of service provided for that case type. Only half of the IIIB providers responded. The Hotline uses this form to help make “good” referrals to the IIIB providers. A “good” referral is one in which the IIIB provider is likely to provide a higher level of service than that offered by the Hotline. If the IIIB provider offers the same level of service already provided by the Hotline or does not handle the case type, then the referral may be an inefficient use of resources and can be a disappointment for the senior. A similar form could be used to ask providers to clarify why that provider doesn’t handle the case type—lack of resources or lack of expertise.

The Working Group debated the perennial question of whether attorneys are doing too many non-priority wills. We agree that wills are a great pro bono project and that it is important to engage the private bar. Also some providers have used wills as way to engage with previously underserved seniors, such as the LGBT community. Some providers think it would be helpful to capture data on the number of priority wills and separate out the number of wills executed by pro bono attorneys. Others thought that there is no need to collect this

³¹ The lack of internet capability was highlighted recently, after DFCS inadvertently placed the Hotline’s telephone number on all of its public benefits notices sent out. The Hotline was flooded with hundreds of calls, many from seniors who received a notice directing them to “go online” to re-certify for public benefits. Of course, the seniors did not have the ability go on-line to recertify and were terrified their benefits would be terminated.

³² DAS Capacity Report, p. 36.

data because DAS is satisfied with the reasons providers give for going over the 10%-of-caseload limit. There was no consensus on whether, as a community, we should track these cases.

2. Increase Effectiveness of Community Education through Statewide Collaboration³³

At the November 2012 Elder Law Task Force Retreat³⁴, Community Education (“CE”) was one of the most discussed issues. The consensus was that community education is important, but generally speaking, is of questionable effectiveness. A more effective and efficient CE program could better serve seniors and at the same time, free up more attorney hours for case work.

The Task Force identified the following:

- Presentations typically take place at senior centers, are often made to the same individuals year after year and may not target the most vulnerable, especially homebound seniors.
- We do not know whether community education works. Findings from the Hotline’s outcomes study indicate seniors may not really understand legal information presented to them.³⁵ Satisfaction surveys do not measure effectiveness.³⁶
- Traveling to present educational sessions is expensive and a huge time commitment..

During the Retreat, the group brainstormed possible actions to address the issues and formed a community education subcommittee which continues to meet on a regular basis. The subcommittee make the following recommendations:

³³ For a list of the top community education topics for ELAPs, please see Appendix D.

³⁴ In November 2012, with funding from the Model Approaches grant, over 30 legal services attorneys and DAS staff gathered for a three day retreat. Experts were invited to provide training on legal issues. Speakers from DAS (ADRC, forensics, APS) provided an overview of the Aging Network. Legal Service providers also brainstormed ideas to improve on our effectiveness, include how to streamline referrals between different organizations like the Hotline and GLSP.

³⁵ In 2010/2011, the Hotline conducted a study of the ability of seniors to understand and act on legal advice and understand written materials. The study found that seniors were unlikely to understand written education materials that covered more than one topic at a time: for example, letters with information about multiple types of public benefits. Even more significantly, seniors were overwhelmed when more than two types of legal problems for example landlord-tenant and public benefits. Based on this information, the Hotline enacted a series of changes to its practices, including greatly simplifying written information, addressing one issue at a time, and developing a “follow up” project in which volunteer attorneys contact seniors to see if the senior has been able to act on the Hotline’s advice and if not, to provide further service. The Hotline’s Outcomes Report is posted on-line at <http://www.legalhotlines.org/outcomesurveys.php>
The 2012 follow up report is available by contacting Dina Franch at dmfranch@atlantalegalaid.org.

³⁶ Education is effective when a senior can use that information to access a benefit or solve a problem. Seniors survey in the Hotline study were overwhelmingly satisfied with the Hotline attorney, but as discussed in the previous footnote, satisfaction did not mean that the senior truly understood and could act on the attorney’s advice.

- Make sure target populations understand the materials and presentations developed. Use software to evaluate the reading level of printed materials. Work with University experts in the field of adult learning and gerontology.
- Develop standardized presentations that all legal service providers share.
- Train volunteer attorneys to give the presentations. Topics such as Financial Powers of Attorney and Advance Directives could be handled by volunteers. This would free the legal services attorneys to handle topics that require more expertise, for example, public benefits.
- Use technology, like the DAS WebEx system, where possible, to reach more people at one time.
- Develop a plan to reach vulnerable seniors who do not utilize seniors centers.
- Explore educating service providers and front-line members of the aging network.
- Evaluate efforts. Develop meaningful measures to determine if seniors understand and can act on the information to protect their rights.³⁷

Attorneys identified barriers to taking these reforms. The most significant barrier was lack of time. In addition changing CE practices could require amending IIB contracts (for those legal services providers who operate under IIB contracts). The CE subcommittee prepared a short bullet point summary of the CE ideas (See Appendix B) for presentation before the G4A meeting in September 2013.

The requirement that IIB providers address “disaster preparedness” in their community education sessions was discussed. Many providers did not know about this requirement or what it meant. This could be an appropriate topic for the DAS to develop standard materials and presentations that could be broadcast by WebEx.

3. Increase statewide collaboration through annual meeting of the Stakeholders Working Group and through support of the Elder Law Task Force.

The Stakeholders Working Group found the September 2013 meeting valuable and recommended that the group get together once a year.

Likewise, the Elder Law Task Force can serve as the mechanism for legal services providers to share ideas and improve collaboration. The Task Force brings together both Title IIB and non-Title IIB legal services programs and providers. The Task Force is a fledging entity, created under the Model Approaches grant. The CE Subcommittee is an example of the creativity and problem-solving that can come out of collaboration.

³⁷ GLSP attorney (and CE Subcommittee member) Rachael Henderson conducted and evaluated a very successful community education campaign at one senior center. The education campaign focused on increasing the number of seniors who apply for and receive property tax relief. Over the course of several months, she returned to the senior center to ask seniors if they had applied for the tax exemption. After several months of continuous visits and reminders, Rachael was able to report that most seniors had applied. The lesson: follow up is critical.

It would therefore be wise to ensure that both the Stakeholders Working Group and the Elder Law Task Force be institutionalized so that they continue the community's commitment to collaboration.

4. Explore no-cost and low-cost ways to support and institutionalize collaboration.

Taking any of the above actions will require significant collaboration and time. The community needs to determine how to make time for legal services providers and the aging network to engage in the brainstorming, and planning and piloting of ideas to improve services. As in the case of community education, there are still ways to reallocate resources to fund planning and evaluation and improve services. The DAS ELAP coordinator states that a barrier to statewide training is lack of funding; the ELAP has not provided dedicated training for IIIB providers since 2006.³⁸ Working Group members suggested several no-cost and low-cost recommendations for holding meetings and conducting trainings and information sessions:

- Use the DAS WebEx technology. The Director of DAS has already given permission for the Elder Law Task Force to use the DAS Web Ex technology. The Task Force held its first virtual meeting in July 2013.
- “Piggy-back” on other meetings so that travel costs are kept to a minimum. For example, the Working Group could meet when AAAs meet and/or when GLSP managers meet in Atlanta.
- Conference calls. When all else fails, simple conference calls can provide a mechanism for meeting.

CONCLUSION

The reality is that there are not the needed the resources to help all the vulnerable seniors who suffer from priority legal problems. However legal services providers have developed many creative ideas to improve on an already excellent legal services delivery system. Additionally, under the Model Approaches grant, legal services providers have had time and resources to get to know one another and to get to know other parts of the Aging Network better. They are therefore in a good position to develop a mechanism for sharing ideas and implementing actions that will help more vulnerable seniors live stable, safe, and dignified lives.

³⁸ DAS Capacity Report, p. 24.

Appendix A - Other Legal Services Providers and Partners

1. Direct service providers like the Law Center for the Homeless (metro-Atlanta) and the Georgia Advocacy Organization (statewide).

2. Pro bono organizations including the State Bar of Georgia pro bono program, the Atlanta Volunteer Lawyers Foundation and DeKalb Volunteer Lawyers Foundation. Additionally, Atlanta Legal Aid and Georgia Legal Services employ pro bono coordinators who recruit individual attorneys and law firms who provide services. Georgia Appleseed also recruits and trains volunteer attorneys who handle heir property cases.

3. Law firms like Alston + Bird, Troutman Sanders, and Kilpatrick Stockton sponsor significant pro bono projects that serve seniors and taking individual cases on a pro bono basis. For example: Alston + Bird provides daily administrative assistance to the Georgia Senior Legal Hotline; Troutman Sanders drafts Qualified Income Trusts; and Kilpatrick Stockton consistently accepts pro bono referrals in Metro-Atlanta.

4. State and local bar associations like the Elder Law Section of Atlanta Bar Association, which partners with Senior Legal Hotline to advise and assist seniors with Advance Directives/Powers of Attorney and the Fulton County and DeKalb County Bar Associations, which sponsor Probate Information Centers, located at their respective probate courts.

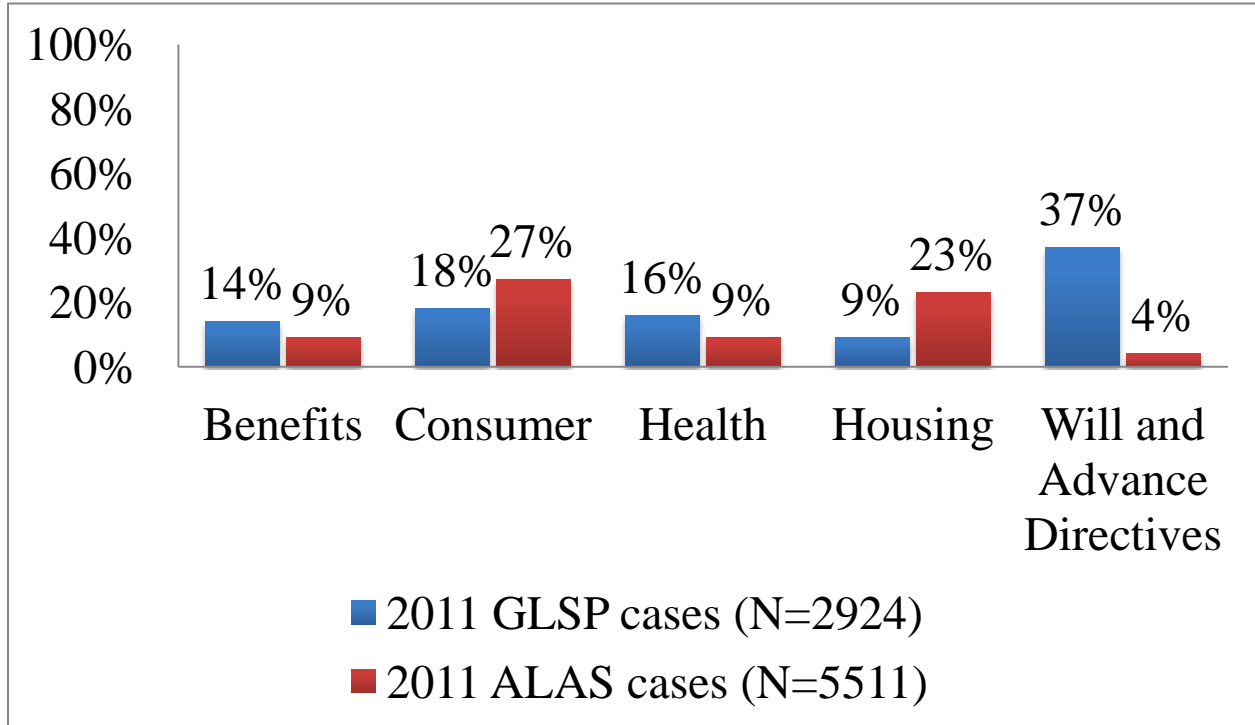
5. Georgia's law schools provide services to seniors too. While none of the law schools have elder law clinics, they operate other clinics that serve seniors. Georgia State University School of Law houses a Tax Clinic and, in partnership with Atlanta Legal Aid and several hospitals, runs a Health Law clinic.

Appendix B - Community Education (“CE”) summary provided to G4A

1. The goal of community education is to arm seniors with the knowledge they need to prevent serious legal problems or at least mitigate the negative effects of legal problems.
2. Attorneys are concerned that we do not know whether our community education efforts are working – are the seniors able to understand what we are saying and make use of that information to increase their well-being?
3. Attorneys know that many of their clients have a difficult time understanding their legal rights even when we provide one-on-one counseling. If the most vulnerable seniors have a hard time understanding when we provide personal counseling, we question how much these same seniors understand when we give CE presentations on different legal topics.
4. The Hotline conducted a study of the ability of seniors to understand and act on legal advice and understand commonly used written materials. The results were humbling. Many seniors did not understand the advice or materials. Again, this made us question how effectiveness of CE presentations.
5. Legal Services attorneys from GLSP, ALAS, and the Hotline, have met several times to brainstorm ways to improve community education that it is both more effective and reaches more seniors.
6. Some of our ideas include:
 - a. Working with experts in gerontology and adult learning to create educational materials that our target populations may better understand.
 - b. Working with these same experts to develop evaluation tools (and perhaps enlisting students to help!).
 - c. Developing “standardized” presentations covering 6-12 priority legal topics. This would ensure high quality presentations across the state.
 - d. Training volunteers who could give these “standardized presentation.”
 - e. “Broadcasting” presentations to several senior centers at the same time through WebEx technology
7. We think that planning and implementing these ideas will require statewide collaboration among legal services providers and input and advice from the AAAs.
8. One idea that we discussed at the Stakeholder’s Meeting was the possibility of re-writing the IIIB contract provisions to encourage collaboration on these promising ideas.
9. The Older Americans Act gives states broad discretion in designing an outreach program and the above ideas and suggestions meet the requirements of the OAA.
10. We would love the opportunity to present and discuss these ideas to the AAAs.

Appendix C - Types of Cases Handled

I. Top Types of Cases Handled by ALAS and GLSP for Georgians 60+, 2011 (All Funding Sources)



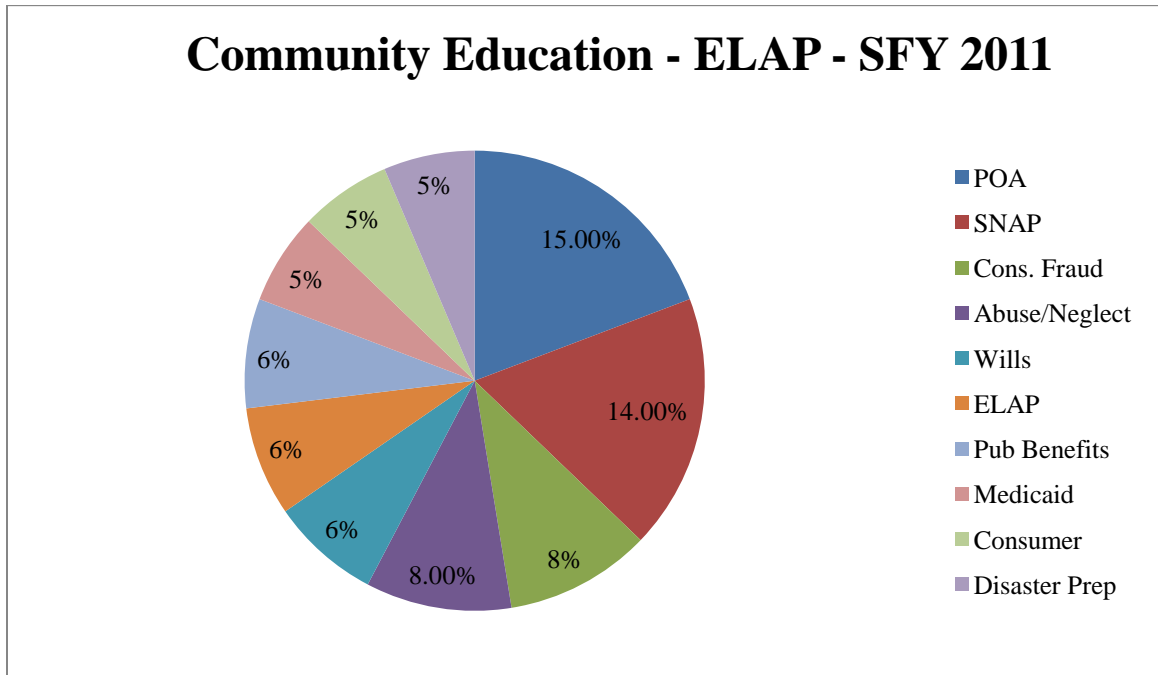
II. IIIB legal Service Providers: In 2011, the most common case types handled by IIIB legal service providers were, in descending order:

- Consumer (collections/repossessions/contracts/garnishment/other finance) 18%
- Health Care (including Nursing Home Medicaid/Medicare/) 18%
- Advance Directive/Financial Power of Attorney 15%
- Wills 13%
- Public Benefits 13% (food stamps 4.5%, SS 1.7%)
- Housing 10% (homeownership 3.2%, foreclosure 1.9%, rental 2%)

III. Georgia Senior Legal Hotline. In 2011, the most common case types handled the Hotline were, in descending order:

- Consumer 26%
- Housing 18%
- Public Benefits, including nursing home Medicaid 17%
- Kinship Care 9%
- Estate/Probate 7%
- Family Law 6%
- Advance Directive for Health Care/Financial Power of Attorney 4%
- Wills 3%

Appendix D - ELAP Community Education topics



POA – Power of Attorney, SNAP – Supplemental Nutrition Assistance Program, ELAP – Elderly Legal Assistance Program