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*On Delivery of
Legal Assistance to Older Persons*

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INTRODUCTION This issue of *Best Practice Notes* is dedicated to the group of individuals whose job it is to develop and enhance legal/elder rights advocacy in the States--Legal Services Developers. The main article is in two parts. Part One describes the key role of developers in ensuring strong, effective legal assistance/elder rights advocacy in the States. Part Two provides a Job Description for a Model State Legal Developer.

A Message from NALSD Chair, Bill Graham

The Center for Social Gerontology focuses in this issue of Best Practice Notes on the critical role of the State Legal Services Developer. Never has the role been more critical and the need so great.

The face of elder law is changing. The problems our senior citizens face today are more complex and the knowledge and skill needed to address those problems are also ever-changing. These are times when our elders are confronted not only with landlord tenant and public benefit issues, but increasingly complex prescription drug programs. They are also victims of consumer fraud and scams, and targets for financial exploitation. In addition, a growing number of older Americans have limited English proficiency. States are beginning to document the unmet need for legal services of seniors who are socially or economically needy. Given the breadth of these demographic and landscape changes, the need for state leadership on legal assistance is critical. The developer plays a crucial role in training, service coordination, resource development, targeting, and quality assurance.

A central tenet of the Older Americans Act is to ensure access to benefits and services for our most vulnerable elders. The legal services developer plays a key role in addressing these problems. From locating and advocating for resources critical to legal providers, to helping a senior find an attorney with the proper expertise, to advocating for changes in the law, the developer is indeed critical to championing the rights of our elder population and to ensuring that the promise of the Older Americans Act is fulfilled. Thanks to Penny Hommel and Ellie Crosby Lanier for this in-depth piece on the role of the Legal Services Developer.

B ill G raham

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**THE ESSENTIAL
ROLE OF THE
STATE LEGAL
SERVICES
DEVELOPER:
BLUEPRINT FOR
A MODEL JOB
DESCRIPTION**

*By: Eleanor
Crosby Lanier
& Penelope
Hommel***

Introduction

The purpose of this article is to assist state units on aging (SUAs) meet the challenge of providing the leadership on legal assistance development which is essential to ensure that older persons have access to, and the benefits of, a comprehensive and effective state legal assistance/elder rights system. Further, it describes how many of the key roles of the State Legal Services/Assistance Developer (hereafter "Legal Developer") can provide very useful and welcome assistance to area agencies on aging (AAAs), local legal service providers, the State ombudsman and many others.

The article also makes the case for the vital need for funding specifically directed to the state legal developer position. Unfortunately, inadequate legal development resources in a large number of states have meant that many of our most vulnerable elders in need of legal services -- those least able to advocate on their own behalf -- must go without. Too often, this is with devastating results, ranging from loss of their home due to lack of a legal advocate in cases of home repair fraud, to loss of autonomy and basic civil rights due to lack of legal representation to defend them against inappropriate guardianship.

The article is in two parts.

PART ONE discusses the *critical role played by the State Legal Developer*. It traces and examines:

- A. The Historical Progression of Legal Services under the Older Americans Act and Resulting Need for Strong State Leadership to Assure that Limited Legal Services Are the Highest Quality and Have Maximum Impact on Those Most in Need;
- B. The Evolution of Essential Roles/Responsibilities of the Legal Developer from 1976 when the Administration on Aging (AoA) First Began Issuing Guidance;
- C. Current Requirements for State Legal Development in the OAA;
- D. Evidence of Serious Weaknesses in Many States in their Legal Development Functions, Due in Large Part to Inadequate Funding; and
- E. Need for a Job Description Based on "Best Practices" for a Model State Legal Development Program.

PART TWO then presents a *blueprint for a job description* to guide states on how to strengthen their legal development programs. It outlines essential tasks, responsibilities and possibilities for action at the state and local level, as well as time commitment, and recommended qualifications. Given the magnitude of critical job functions, it calls for at least one full-time knowledgeable staff person in each state. While The Center for Social Gerontology (TCSG) recognizes that this job description goes beyond the resources many states have at this time, we present it as a blueprint for a model that states can begin to build.

The article concludes by highlighting the many benefits for older persons in states with a vibrant and adequately funded legal development program. And it re-emphasizes the importance of funding.

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**PART ONE. CRITICAL ROLE OF THE LEGAL DEVELOPER IN
PROVIDING STATE LEADERSHIP ON LEGAL ASSISTANCE AND ELDER RIGHTS**

A. Historical Progression of Legal Services Under the OAA and Resulting Need for Strong State Leadership

Although both legal services and the position of Legal Developer have been addressed in the Older Americans Act (OAA) for many years now, the initial Act as passed in 1965 did not mention either legal services or a State Legal Developer. Provision of legal services at the AAA level came first to Act, and it grew out of the Act's strong focus on securing basic rights and benefits for older persons. Its initial appearance on the OAA canvas came in **1973** when the Act first permitted AAAs to use funds to provide legal services,¹ and the Regulations first contained legal services in the definition of Title III Social Services.

In **1975**, there were several important developments that followed a number of Congressional hearings and a growing recognition of the serious, unmet need for legal services among our older population, particularly low income and minority elders. 1975 was the first year that Congress included in appropriations report language, a directive that AoA use Title III model projects funds to strengthen legal representation for older persons. In response, AoA began to fund model legal services delivery projects and technical assistance programs designed to assist states in developing and integrating legal services into their state plans on aging and to provide training resources for legal services.

Further, in the 1975 Amendments to the OAA, Congress identified legal services as one of four priority services that must be funded under Title IIIB by all AAAs.² In making legal a priority service, Congress recognized that, while not always a popular service to fund at the local level, legal assistance is a critical service that enables older Americans to exercise their rights, access benefits to meet basic needs such as income, food, shelter and health care, and have access to civil legal redress when they are harmed by such things as consumer fraud or predatory lending. Also, in the 1975 Amendments, Congress added language to Title IV on training of attorneys and paralegals.³ The purpose of these Title IV grants, first awarded by AoA in 1976, was to provide training and materials to lawyers, lay advocates, paralegals and law students throughout the country.

The **1978** Amendments to the Act, further strengthened the priority for legal services by making it *one of three priority services* that must be funded by all area agencies.⁴ Those three priorities, that continue to the present, are:

- Access services (e.g., transportation, outreach, information and assistance)
- In-home services, and
- Legal assistance services.

¹ Public Law 93-29 §304(c)(4)(C), May 3, 1973

² Public Law 94-135 §106(a) and (b), Nov. 28, 1975

³ Public Law 94-135 §110(c), Nov. 28, 1975

⁴ Public Law 95-478 §306(a)(2), Oct. 18, 1978

B. Evolution of Essential Roles and Responsibilities of the State Legal Developer from 1976

With the advent of legal as a priority service in the Act that had to be funded by AAAs across the country, AoA recognized that states would need a legal services development program to provide leadership on such things as: assisting AAAs in selecting the best possible legal providers; helping to target limited legal resources to those in greatest need; and ensuring coordination and training of providers. AoA first made grant funds available to the states for this purpose in 1976. From 1976 to 1984, states had to apply competitively to AoA for these legal services development grants, under guidelines issued each year by AoA.

As this article explores, these AoA guidelines were extremely important in beginning to define the leadership role of the states and essential developer responsibilities. Many of the State legal development tasks that were identified and enumerated in AoA's grant guidelines from 1976 to 1984, and that grew out of model projects funded almost thirty years ago, remain relevant to the development of strong state legal services delivery and elder rights systems today. And they provide the foundation for the job description and best practices for a model state legal developer presented here.

In 1976 AoA issued two important developer missives. The first was a Program Instruction (PI) in June 1976 which announced availability of funds to “*put State Agencies in a leadership position for the development of a legal services capacity ...*”⁵ This approach was modeled after State Long-term Care Ombudsman demonstration projects, and its goal was to provide state-level leadership on legal assistance issues and development, recognizing that this is key to the development and operation of a strong system throughout any state.

The second was a Technical Assistance Memorandum (TA Memo) in August of 1976⁶ in which AoA first spelled out legal services development activities. The purpose of this TA Memo was to clarify the June PI and provide guidance to states in developing their grant applications. Developer activities set forth in the TA Memo included:

- assistance to AAAs to design legal services programs;
- assistance to Legal Services Corporation (LSC) offices and/or Legal Aid programs to expand services and to develop programs to serve all older persons;
- assistance to AAAs in development of private bar resources;
- working with law schools to provide research, training, and/or direct services to older persons;
- designing appropriate training for the aging network in a state;
- providing assistance to the Long-term Care Ombudsman program to develop legal back-up to programs; and
- monitoring legislation and assisting with advocacy efforts to benefit older persons.

⁵ Administration on Aging Program Instruction (AoA-PI-76-31) June 23, 1976.

⁶ Administration on Aging Technical Assistance Memorandum (AoA-TA-76-42) August 23, 1976.

AoA's August 1976 TA memo went on to further list activities which are not appropriate for a Legal Services Developer to undertake. These included:

- acting as house counsel,
- engaging in litigation, and
- direct client counseling and representation.

In **1978**, AoA founded the Older Americans Advocacy Assistance (OAAA) Program. Its purpose was to enhance the leadership capacity of SUAs by providing states with technical assistance and support for both their Long-term Care Ombudsman and Legal Development Programs. The OAAA Program was the first program that worked to establish a comprehensive system within each state to protect and enhance the rights of vulnerable older persons in institutions and in the community. Its purpose was to assure access to benefits and protection under established state and federal laws, and to work for favorable changes under the law. Finally, the OAAA strove to improve the coordination and effectiveness within all states of the two primary advocacy programs in existence at that time: the Long-term Care Ombudsman Program and Legal Services for Seniors. To support this effort, AoA also provided leadership within its national office through establishment of an Advocacy Assistance Unit. As noted above, this unit continued to issue guidance in the form of Program Instructions for grants to State agencies each year until 1984.

In **1984**, Congress amended Title III of the OAA to require that each SUA “*assign personnel to provide State leadership in developing legal assistance programs for older individuals throughout the State.*”⁷ At the same time, Congress moved the source of funding for State Legal Developers from Title IV to Title III State Administrative funds. One significant result of moving funding from Title IV grants to Title III state administration was that AoA discontinued its grants and related Program Instructions.⁸ The change meant that each state began to define its own approach to providing state leadership and to establishing the roles of state developer, rather than having national-level guidance that was linked to funding. Some states chose to use the increased Title III administrative monies to fund legal development. However, without a strong mandate to do so in the Act, a number of states directed minimal funds to this purpose.

In the intervening years, State Legal Development programs have slowly evolved in some states and have stagnated in others. A major reason is that, beyond what states provide from their administrative monies, there is no funding dedicated specifically for legal development activities. As a result, legal assistance programs at the local level suffered and today, legal delivery systems in many states are ill-equipped to meet the needs of even the most vulnerable elders. A strong State legal developer can

⁷ Public Law 98-459 §307(a)(18), Oct. 9, 1984.

⁸ Over the years, AoA has continued to provide support and guidance through its National Support Centers in Law & Aging under Title IV which calls for a national legal assistance support system. The Center for Social Gerontology is one of the national support centers, and we have placed high priority on helping states to design and develop their legal services development and elder rights systems under the Act.

work to coordinate programs and develop additional resources, assuring that available funds maximize services to those most in need.

The next major change for state legal development came in **1992**, when Congress reauthorized the Act and, for the first time, specifically named developers and detailed their important functions. Most notable overall in the '92 Amendments was the establishment of a new Title VII -- Vulnerable Elder Rights Title. The purpose of Title VII was not to create new programs, but to consolidate state responsibility for coordinating and strengthening existing programs to assist vulnerable elders “*in securing and maintaining benefits and rights.*”⁹ Title VII calls on states to develop comprehensive elder rights advocacy systems, particularly for those who are most socially and economically vulnerable. One important state responsibility is to develop, as part of the State Plan, an elder rights plan that prioritizes “*statewide activities aimed at ensuring ... access to, and assistance in securing and maintaining, benefits and rights.*”¹⁰ The developer is a key and integral part of the SUA’s development of its elder rights plan.

Specific to the legal developer, Chapter 4 of the new Title VII greatly strengthened language to require that all states have a developer, gave the position a title (legal assistance developer), and enumerated key developer roles and state responsibilities for legal assistance and vulnerable elder rights development. Further, it recognized the magnitude of the developer task, and requires states to have sufficient *other personnel*¹¹ to accomplish it. According to Bill Benson, who was staff director of the Senate subcommittee [Subcommittee on Aging, Senate Committee on Labor & Human Resources] responsible for the 1992 reauthorization and the creation of Title VII, the intent of these changes with respect to the developer was --

*"to ensure that legal developers were at the forefront of state efforts to promote the legal rights of vulnerable elders and to develop adequate resources and programs to protect those rights. While other components of Title VII focused on specific issues or services, such as nursing home residents' complaints or elder abuse prevention, the developer was to be at the center of advocacy efforts to have a comprehensive approach to elder rights."*¹²

The new Title VII language provided a more detailed explanation of the purpose behind the developer position and the central role the legal developer plays in a state’s overall elder rights system. It charged the legal developer with more than merely coordinating legal programs for elders at the state level. It demonstrated that Congress envisioned the job as improving both the quality and quantity of legal services to vulnerable elders and, further, that the legal developer would play a central role in the establishment and protection of elder rights for those most

⁹ Older Americans Act Reauthorization Amendments of 1991, S Rep No 102-151, 102d Cong, 1st Sess, 103-104 (1991).

¹⁰ 42 U.S.C. §3058d(a)(3)

¹¹ 42 U.S.C. §3058j

¹² Bill Benson to Ellie Crosby on 8/27/04

vulnerable.¹³ At this same time, the AoA was called upon in Title II to develop guidelines and a model job description for states in choosing and evaluating legal developers.¹⁴

The 1992 amendments also retained and strengthened the Title III requirement that all states assign staff to the legal development role. As of 1992, Title III says that "...each state will assign personnel (one of whom shall be known as a legal assistance developer) to provide State leadership in developing ..." ¹⁵ This meant that the Act contains a requirement in both Titles III and VII that states must have a legal developer, and a good delineation of roles in Title VII.

As will be discussed further below, although the developer role was outlined/ highlighted in 1992, and although Title VII authorizes an appropriation specific to developers, there has never been an appropriation, and therefore many states have not funded sufficient staff to accomplish legal development tasks.

C. Current Requirements in the Older Americans Act

In the most recent amendments to the OAA (**2000**), there was significant effort to streamline the Act overall and provide more flexibility at the local level. Part of this streamlining was to shorten the description of developer roles in Chapter 4 of Title VII to the basics/essentials. With many of the specific roles removed from Title VII, **a model job description becomes even more important to assist states in fleshing out roles and responsibilities for this crucial, yet often misunderstood and underused, position.** It is important to note however, that while much of the specific guidance has been removed, Title VII still continues to define in broad terms, the essential and critical roles of the developer. It describes a rich and wide variety of activities that, if undertaken seriously, would result in substantial improvements in the lives of our older citizens, particularly those least able to advocate on their own behalf.

The current Chapter 4, Title VII language calls for the state agency to –

*... provide the services of an individual who shall be known as a **State legal assistance developer**, and the services of other personnel sufficient to ensure*

- (1) State leadership in securing and maintaining the legal rights of older individuals;*
- (2) State capacity for coordinating the provision of legal assistance;*
- (3) State capacity to provide technical assistance, training and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons, as appropriate;*
- (4) State capacity to promote financial management services to older individuals at risk of conservatorship;*
- (5) State capacity to assist older individuals in understanding their rights, exercising choices, benefiting from services and opportunities authorized*

¹³ Public Law 102-375 §731, Sept. 30, 1992

¹⁴ 42 U.S.C. Section 3012 (a)(23)

¹⁵ 42 U.S.C. §3027(a)(13)

by law, and maintaining the rights of older individuals at risk of guardianship; and
(6) *State capacity to improve the quality and quantity of legal services provided to older individuals.*¹⁶

Title VII also continues to call on states to develop a vulnerable elder rights plan which prioritizes statewide activities to ensure that older persons “*have access to, and assistance in securing and maintaining, benefits and rights.*”¹⁷ The developer continues to have a key role in designing and implementing the Elder Rights plan.

In addition to requirements in Title VII, the 2000 Amendments contain significant responsibilities for States in the State Plan section of Title III regarding legal services. The State Plan must --

*“... provide assurances that each State will assign personnel (one of whom shall be known as a legal assistance developer) to provide State leadership in developing legal assistance programs for older individuals throughout the State.”*¹⁸

The State Plan must also assure that states will --

- evaluate the need for supportive services, including legal assistance¹⁹;
- specify a minimum proportion of Title IIIB funds to be expended by each AAA on each of the three priority services (access, in-home, and legal services).²⁰
- assure that
 - AAAs enter into contracts with legal providers who have experience and capacity to deliver the needed services and who will be subject to regulations adopted by the Assistant Secretary for Aging, and
 - AAAs and providers attempt to involve the private bar in furnishing services on a pro bono and reduced fee basis.²¹
- assure that
 - no legal services will be provided unless the grantee has a program designed to serve older persons with social or economic need, and has agreed, if not a LSC grantee, to coordinate with existing LSC projects in the area to concentrate the use of IIIB funds on those in greatest need, and
 - each AAA makes a finding after assessment, that any legal grantee selected for funding is the entity best able to provide the needed services.²²
- provide for coordination of legal services within the State and provide advice and technical assistance in the provision of services, and support the furnishing of training and technical assistance.²³

¹⁶ 42 U.S.C. §3058j

¹⁷ 42 U.S.C. §3058d.(a)(3)

¹⁸ 42 U.S.C. §3027(a)(13) (Emphasis added.)

¹⁹ 42 U.S.C. §3027(a) (2)(A)

²⁰ 42 U.S.C. §3027(a)(2)(C)

²¹ 42 U.S.C. §3027(a)(11)(A)

²² 42 U.S.C. §3027(a)(11) (B)

²³ 42 U.S.C. §3027(a)(11) (C)

- assure that services furnished with IIIB funds will be in addition to services furnished with non-OAA funds (for example LSC or IOLTA), and that efforts will be made to maintain existing levels of services through these other funding sources.²⁴
- assure 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.²⁵

D. Evidence of Serious Weaknesses in Many States in Their Legal Development Functions

As a result of changes to the Act and evolution over the years, the job of the developer varies state by state, with some states devoting minimal time and resources to it, and a few states devoting substantial personnel and resources. Likewise, across the country, the quality and availability of legal assistance for seniors varies considerably. There is one inescapable fact, however. States that have devoted resources and staff to legal development have better, more coordinated and more widely available legal assistance and elder rights systems with notable results and benefits for older persons, particularly the most needy.

A recent groundbreaking national study of legal developers identified the chasm between what legal developers *should* do based on the requirements of the Older Americans Act and our learning over the years, and what most legal developers *actually* do on a day-to-day basis.²⁶ The Borchard study found that the legal developer position at the state level is woefully under-funded and in some cases entirely unfunded. As a result only a handful of states have assigned personnel to work on legal development activities on a full-time basis. In fact, the Borchard study notes that most state legal developers have multiple program responsibilities in addition to the legal development role and that these responsibilities sometimes are in direct conflict with the role of legal developer. Upon hearing that only two or three states presently have full-time legal developers, Bill Benson said, *"I am saddened to learn that, not only because the role for developers articulated in Title VII is large enough that a developer working full-time at double-speed couldn't do it all, but that so undermines the vision of Arthur Fleming when he gave states funding to establish the legal developers as he did for long-term care ombudsmen."*²⁷

E. Need for a Job Description Based on "Best"

Having looked at the shortcomings in many state development programs, and contrasting that with the several states that can serve as models, the Borchard study concludes:

²⁴ 42 U.S.C. §3027(a)(11)(D)

²⁵ 42 U.S.C. §3027(a)(11)(E)

²⁶ Thomas, Natalie, and Ingham, Richard, Borchard Center on Law and Aging State Legal Assistance Development Program Study October 2003.

²⁷ Bill Benson to Ellie Crosby on 8/27/04.

**Practices” for
a Model Legal
Development
Program**

With a fully functional State Legal Services Development Program, Title III B legal services providers receive necessary training in areas of law that will be used to protect and maintain the benefits and rights of the vulnerable elderly while assisting them with exercising those rights. Seniors become educated about issues that could be considerably more costly to them and others later. A well-developed program ensures access to information and representation on a number of priority aging and elder law issues because someone helped to develop the program specifically to meet those needs. Seniors become less likely to fall prey to home repair fraud, telemarketing scams, and are able to make advance decisions regarding their health care, end-of-life decision making and surrogate decision planning. Other aging advocates, such as long term care ombudsmen, elder abuse prevention advocates, state health insurance counseling programs, caregiver support programs and others, have a local legal resource for clients that they serve and do not have to frantically search for adequate and quality representation or watch their clients go without.²⁸

The above represents the potential benefits to a state that adequately supports and utilizes a strong legal developer. Unfortunately, most states are far from this goal. A State Unit on Aging Director, whose legal developer has been nationally recognized for her work, recently said,

I have learned from speaking with other SUA directors that most states do not have a full time Legal Assistance Developer. I cannot imagine trying to have a comprehensive elder rights and advocacy program statewide without the leadership of a strong legal services developer.²⁹

Now, more than ever, there is a need for strong support and endorsement from all levels of the aging network and from the legal community as to the importance of state leadership on legal advocacy and elder rights systems, and the importance of the State legal services developer in creating, nurturing, guiding, and coordinating those systems. Just as it is impossible to think there can be strong and effective statewide ombudsman programs without a state-level ombudsman to develop, support, and coordinate local efforts, it is impossible to think there can be an effective legal advocacy system for older persons without strong state-level leadership from a developer.

It is for this purpose – to provide a blueprint for states wishing to move toward a model legal development program – that we present the “Job Description” in Part Two below.

²⁸ Thomas, Natalie, and Ingham, Richard, Borchard Center on Law and Aging State Legal Assistance Development Program Study, October 2003. (p.105)

²⁹ Statement made 8/16/04 by Maria Greene, Georgia SUA Director.

**PART TWO: BLUEPRINT FOR A JOB DESCRIPTION
FOR A MODEL STATE LEGAL SERVICES/ASSISTANCE DEVELOPER**

**Introduction
to the Job
Description**

As mentioned above, the 1992 Amendments to the OAA recognized the need for guidance for States in defining the legal developer role, and called on AoA for guidelines and a model job description for choosing and evaluating developers.³⁰ The Center for Social Gerontology believes strongly in the importance of a job description to serve as a touchstone for states and to highlight the many crucial roles that need to be played by developers. Thus, in our capacity as a National Support Center in Law and Aging, we have worked with AoA, the National Association of Legal Services Developers (NALSD), and many others toward this end. We are now very pleased to be able to provide a job description and hope it will be of value in enhancing state legal development programs.

The job description presented here was designed to be comprehensive, and to include the broad spectrum of important activities for the developer. It draws on earlier NALSD and AoA drafts, and builds on years of consultation with AoA, NALSD, individual developers, state and area agency directors, legal providers and numerous others, as well as recommendations from the *Borchard* Study cited above. It provides a prototype of what the job could be; however, we recognize the need for flexibility of the SUA director and legal developer to determine which functions are priorities in the state. And while we recognize that it may be impossible for the developer (whether or not she/he is full time) to accomplish all of the listed activities, it reflects what TCSG considers to be “best practices” with respect to functions and structure. Given that the ability to address each activity is a key part of the legal developer’s role, we offer it as a model to work toward. It is TCSG’s intent to encourage states to review the possibilities and to tailor the listed activities to best meet identified needs and priorities at the state and local levels.

Perhaps most important, we recognize that until funding can be obtained specifically to support legal development, it is unlikely that a significant number of states will be able to undertake a number of the job description’s “best practices” on any significant level. Therefore, it is hoped that it will serve as the impetus for an exploration of need and conversations among appropriate staff at SUAs and throughout the aging network as to the available resources for accomplishing state goals related to elder rights and legal assistance development.

We also note that over the years, questions have arisen as to the need for the position to be full time. While we are not aware of legislative authority to require a full-time position, language in both Titles III and VII points clearly in that direction in calling for each State to “assign personnel (*one of whom shall be known as a legal assistance developer*) to provide State leadership ... ”³¹ It has been noted above that the Act’s requirements would more than fill the plate of a full-time staff person, and

³⁰ 42 U.S.C. §3012(a)(23).

³¹ 42 U.S.C. §3027(a)(13) Emphasis added.

TCSG believes that full time staff is essential to accomplish the wide range of tasks that are key to effective legal development.

The job description below is divided into the following main sections, with Section II providing the core of essential roles and responsibilities.

- I. Mission/Purpose of the Legal Developer Role (pg. 12)
- II. Responsibilities of the State Legal Developer (pg. 13)
- III. State Policies/Procedures to Ensure Effective Legal Development Program (pg. 19)
- IV. Qualifications for a State Legal Developer (pg. 21)

JOB DESCRIPTION FOR **A MODEL STATE LEGAL SERVICES / ASSISTANCE DEVELOPER**

SECTION I. MISSION / PURPOSE OF THE LEGAL DEVELOPER ROLE

A model job description for any position under the Older Americans Act should be viewed in terms of the overall mission/purpose of Act. As articulated in the Title I Declaration of Objectives, the purpose of the OAA is to assist older persons to secure a number essential rights and benefits. Further, there is a strong focus throughout the Act -- and most particularly for legal services -- on targeting OAA services to those who are most vulnerable, those in greatest social and economic need. When reviewing the essential rights and benefits enumerated in Title I, it is difficult to imagine how they can be secured without strong legal programs throughout all states, and that requires strong leadership and support from the State developer. Rights and benefits enumerated in the Title I Declaration of Objectives include:

- adequate income in retirement,
- access to the best possible mental and physical health services,
- suitable housing to meet needs at costs which older citizens can afford,
- a comprehensive array of community based long term care services, and full restorative services for those needing institutional care,
- freedom from discrimination in employment,
- access to low-cost transportation,
- freedom independence, and the free exercise of individual initiative in planning and managing their own lives, and protection against abuse, neglect, and exploitation.³²

The 1992 reauthorization of the Act further strengthened this mission by creating a new Vulnerable Elder Rights Title (Title VII) which calls on all State Units on Aging to take substantially increased leadership in developing an advocacy system that brings together diverse groups of service providers and advocates and to coordinate efforts to identify and address the needs and concerns of their state's most vulnerable elders. Key to developing a strong and effective elder rights advocacy system is the state legal assistance developer.

³² 42 U.S.C. §3001.

SECTION II. RESPONSIBILITIES OF THE STATE LEGAL DEVELOPER

For the legal developer and his or her program staff to be effective in this role, he or she must have the following functional responsibilities:

- A. Responsibilities re the OAA Title IIIB Legal Services System, and
- B. Responsibilities for Coordination of the State's Vulnerable Elder Rights System and Planning Process.

SECTION II.A. DEVELOPER RESPONSIBILITIES RE THE OAA TITLE IIIB LEGAL SERVICES SYSTEM

Introduction. Legal assistance is one of three priority services under Title IIIB of the OAA,³³ meaning that Congress believed that legal assistance is a critical service for the nation's elders. Thus, a primary role of the State developer is to ensure that the limited Title IIIB funds available for legal services are orchestrated to be of the highest quality, have maximum impact and are targeted to those in greatest need. Thus the core of developer responsibilities involves working with AAAs, IIIB legal providers, and many others to coordinate and oversee legal assistance throughout the state. This includes assuring that legal programs, AAAs and the state unit on aging (SUA) operate in compliance with the Act's mandates, that programs receive adequate funding to accomplish these mandates, and that eligible clients receive high quality and appropriate legal services.

The Developer's Title IIIB duties are divided into five broad categories:

- 1 Provide Leadership and Assistance to Ensure Program Quality, Integrity and Compliance
- 2 Build and Maintain Provider Relationships and Coordination with Others
3. Determine Training/Education Needs and Provide/Arrange Training/Education
4. Build Understanding and Support for the Importance of Legal Services and Expand Resources to Address Gaps in Service.
- 5 Provide Leadership for Strategic Advocacy on Priority/Systemic Issues and Preventive Law

1. Provide Leadership and Assistance to Ensure Program Quality, Integrity and Compliance

1.a. Provide Overall Leadership in Designing and Implementing a Statewide Vision of a Legal Advocacy Delivery System Focused on the Most Vulnerable Elders

The developer is to work with AAAs, legal providers, others in the SUA and aging network to achieve a statewide vision of a high quality, high impact legal delivery system. This key overarching role that distinguishes the Legal Developer is that s/he is the one person in the state who must conceptualize and then implement, a statewide vision of a legal advocacy delivery system that is the most effective possible to meet the needs of vulnerable elders. That vision is the benchmark against which the developer will determine his/her priority duties. That is, the litmus test for whether tasks listed below are high priority is whether, and to what degree, they contribute to achieving that vision. In developing, refining and implementing that

³³ 42 U.S.C. § 3026 (a) (2).

vision, the developer will seek advice and counsel from a wide variety of sources, including legal providers, AAAs, other SUA staff, particularly those involved in elder rights, and other local and statewide elder rights and legal advocacy leaders. Likewise, the developer will facilitate ongoing, formal and informal statewide planning and assistance efforts with the above groups.

1.b. Provide Ongoing Technical Assistance

The developer must be familiar with laws, regulations, guidelines, and standards affecting program development and implementation and provide technical assistance on these matters to AAAs and Title IIIB legal providers, and also provide TA to enhance the quality and quantity of legal assistance. Recognizing that the developer is looked to by both the AAAs and legal providers for assistance, the Developer must work to ensure that s/he helps both, but is not perceived as a spokesperson for either. The Developer's role is to promote and enhance high quality, high impact legal services for vulnerable elders, not to promote the interests of one party or the other.

1.c. Provide Leadership in Developing Legal Programs That Provide a Full Range of Legal Advocacy Services

The developer is to work with AAAs and legal providers in developing legal programs designed to address the needs of older persons through the full range of legal assistance options (as permitted by law) including: information; consultation; direct representation; impact litigation, legislative and administrative advocacy, and education.

1.d. Ensure that Services are Appropriately Targeted Without Means Testing

The developer is to work with AAAs and legal providers to:

- identify groups of needy older persons who should be targeted for services – those in greatest social and economic need, paying particular attention to low-income minority individuals and older individuals residing in rural areas;*
- assess the extent to which those target populations are being reached and served;*
- plan outreach strategies to reach underserved target groups;*
- develop case priorities and other mechanisms to ensure that legal assistance services are targeted toward those most in need;*
- provide technical assistance on implementing targeting plans*
- assure that targeting plans/procedures do not involve means testing.*

1.e. Develop, Review and Update Statewide Standards for Delivery of Legal Assistance

The Developer is to take the lead in working with SUA staff, AAAs, legal providers, and relevant others to establish statewide standards for the delivery of legal assistance. Standards should be reviewed on an annual basis, and revised as needed to ensure they provide effective guidance at the state and area level. Legal Assistance Standards can be defined as a set of guidelines which describe and define the essential elements of a high quality, high impact delivery system to address legal needs of the state's most vulnerable seniors, and which set out key roles and responsibilities of the major actors – legal providers, AAAs, and the SUA. They provide an important tool for self assessment by legal providers and for AAAs and the SUA to assess their legal services delivery systems.

1.f. Review & Assist with the RFP/Contracting Process

The developer is to assist AAAs in the selection of providers and in the contracting process by:

- *providing guidance on the development of Requests for Proposals (RFPs) and a selection process that is fair and is designed to choose the entity best able to provide quality services*
- *working with AAAs to ensure they assess potential providers pursuant to the OAA and established standards/guidelines for selecting the “best entity.”*

1.g. Develop Monitoring Tools and Monitor Title IIIB Legal Assistance

The developer, in conjunction with AAAs, providers, and SUA staff, is to develop tools and monitor and evaluate Title IIIB legal assistance programs on an annual basis for compliance with the OAA and other federal and state laws and regulations, as well as any state standards for delivery of legal assistance, and state bar requirements for the practice of law. The developer is to work with providers and AAAs to build on strengths and address weaknesses seen in monitoring.

1.h. Establish & Maintain Statewide Reporting System with Outcome Measures

The developer is to work with AAAs, legal providers, SUA staff and others to reduce burdensome, useless reporting and to establish and maintain a system for meaningful reporting that accurately captures work performed by legal providers, as well as such things as the types of priority legal issues being addressed, the level of service being provided, the extent to which target populations are being served, and the impact or outcomes for older persons receiving service. The developer is to assure that reported information is actually used, including to compile and share information statewide and use it to build support and expand resources for legal assistance services.

1.i. Oversee Waivers

The developer is to review and oversee waivers requested by the AAAs or providers with respect to the OAA and the funding and provision of legal assistance services.

1.j. Draft and Implement the Section of the State Plan on Legal Assistance & Review Area Plans

The developer is to consult with others in the SUA and draft and monitor implementation of the legal assistance section of the state plan, and should review and comment upon the legal assistance portions of area plans to assure compliance with the OAA and any state standards.

2. Build and Maintain Provider Relationships and Coordination with Others

2.a. Provide Leadership and Coordinate Title IIIB Legal Assistance Providers

The developer is to work on a regular basis with the state’s Title IIIB legal providers and AAAs to ensure coordination, communication and sharing of information and resources on issues and on new or emerging trends or problems.

2.b. Coordinate IIIB Programs with Legal Hotlines

The developer is to coordinate IIIB legal services with any legal hotline(s) serving older persons to ensure that each is receptive to referrals from the other and to maximize the benefit to older persons of the two types of delivery mechanisms.

2.c. **Facilitate Communication and Coordination with Legal Services Corporation Grantees, Private Bar, Protection & Advocacy, and Others**

The developer is to work with the Title IIIB legal providers and AAAs to coordinate IIIB services with LSC, the state bar, Protection and Advocacy, pro bono programs, hotlines, lawyer referral programs, ADR programs, law schools and others to ensure that there is a coordinated overall system to maximize services available from the various groups and to ensure that limited Title IIIB resources are targeted to those most in need.

3. **Determine Training/Education Needs and Provide/Arrange Training/Education**

3.a. **Provide for Education and Training of Non-legal Service Providers and Older Persons**

The developer is to provide and/or arrange for education and training of professionals, volunteers, and older persons on elder rights, requirements and benefits of specific laws, and methods for enhancing the coordination of services.

3.b. **Provide for Training of AAAs, Attorneys and Other Elder Rights Advocates**

The developer is to provide and/or arrange for training, on a regular basis, for AAA staff, Title IIIB legal providers, private attorneys and other elder rights advocates in the aging network on the legal concerns affecting older persons in the state, as well as on issues related to the legal services delivery system.

3.c. **Coordinate with the Ombudsman, Health Insurance/Benefits Counselors and Others for Training**

The developer is to coordinate and consult with the state long term care ombudsman and health insurance/benefits counseling programs and relevant others to take advantage of opportunities for cross training, joint training and conferences, and other educational projects.

4. **Build Understanding and Support for the Importance of Legal Services and Expand Resources to Address Gaps in Service**

4.a. **Assess Unmet Needs for Legal Assistance**

In most states there is no good data to show the extent to which older persons' need for legal services goes unmet. The developer is to periodically take the lead in organizing a needs assessment, and it should pay particular attention to older persons in greatest need. Needs assessment results should be used by the developer to advocate for more services where indicated and to pursue additional resources.

4.b. **Expand Access and Legal Advocacy Resources**

To expand the array of services and resources accessible to older persons, the developer is to promote the development of, and provide technical assistance to: pro bono attorney programs, state and local bar committees on aging/young lawyers committees, Legal Services Corporation programs, legal hotlines, alternative dispute resolution programs, and law school and other higher education curricula addressing rights and benefits of older persons. An important part of this function is to increase non-OAA resources for legal and elder rights assistance.

- 4.c. **Seek Additional Funding From Sources Beyond Title IIIB**
The developer is to work with AAAs and providers to seek funding beyond Title IIIB for provision of legal services generally and for special projects focused on priority issues and/or target populations.
- 4.d. **Promote Understanding of, and Support for, the Importance of Legal Services**
The developer is to assist the AAAs, providers and others in the SUA in promoting understanding of the importance of legal services in the lives and well-being of older persons, and assist in developing materials on how to access legal services and which describe the priority services available from IIIB providers.
5. **Provide Leadership for Strategic Advocacy on Priority/Systemic Issues and Preventive Law**
- 5.a. **Identify Systemic/Priority Issues and Develop Strategies to Address Them**
The developer is in a unique position to identify patterns of recurring problems for older persons where systemic change in policy, law or procedure is needed, as well as high priority legal issues that call for a coordinated effort across the state. The developer is to gather information from, and provide information to, legal providers, AAAs, state elder rights partners, and others of such systemic/priority issues and help coordinate efforts to effect needed changes.
- 5.b. **Stay Abreast of Emerging Trends and Changes in the Law and Inform Others**
The developer is to stay abreast of emerging trends in law as well as changes in Federal and State law /regulation which affect the rights of the elderly, and assure that SUA staff, legal providers, AAAs, the public and others as appropriate have adequate information and understanding to address these trends/changes.
- 5.c. **Assist SUA as It Sets Legislative and Budget Priorities**
The developer is to assist in identifying and researching pertinent legal issues which impact older people for consideration by the SUA as it sets legislative and budget priorities.
- 5.d. **Assist SUA in Drafting, Reviewing and Analyzing Proposed Legislation/ Regulations and Preparing Responses**
The developer is to assist the SUA in drafting, reviewing and analyzing proposed state legislation/regulations which impact older people, and provide comments/analysis to the state director on aging, and assist in preparing responses and other follow-up activities.
- 5.e. **Provide Leadership for Preventive Law**
The developer is to provide leadership for preventive law. This includes gathering and maintaining knowledge of laws, regulations/ procedures affecting rights and benefits as well as on widespread problems confronting a number of older persons in the state, and working with legal providers, AAAs and others to educate older persons on these issues and empower them to avoid potential problems by being forewarned.

SECTION II.B. DEVELOPER RESPONSIBILITIES FOR COORDINATION OF THE STATE'S VULNERABLE ELDER RIGHTS SYSTEM AND PLANNING PROCESS

In carrying out broad elder rights responsibilities under Title VII -- the Vulnerable Elder Rights Title -- the state legal assistance developer is to:

1. Provide Leadership and Participate in Development of the State Elder Rights Plan

The developer is to gather information from elder rights advocates throughout the state, and coordinate with elder rights partners in the SUA, including the ombudsman, abuse prevention specialist, and insurance/benefits counseling, to develop the elder rights section of the State Plan.

2. Identify and Prioritize Elder Rights Issues

The developer is to work with the above mentioned groups and others to identify and set priorities that advance the status of elder rights in the state and address unmet needs. This includes analyzing methods for expanding advocacy services and access to the justice system. Efforts should focus on priority needs of the most vulnerable elders and include such things as: monitoring implementation of civil rights and age discrimination laws in the state and monitoring the status of substitute decision-making, including systems and services related to adult guardianship, representative payee systems, and advance directives.

3. Develop a Strategic Advocacy Agenda on Priority Elder Rights Issues

The developer is to work with the above mentioned groups and others to develop a strategic elder rights agenda for bringing about needed change on priority issues. In developing the agenda, the full range of advocacy tools should be considered including education, individual case work, impact litigation, legislative, and administrative reform. The developer should work to coordinate expertise and available resources to implement the agenda.

4. Establish Working Agreements to Promote Elder Rights

The developer is to establish working agreements where necessary and appropriate to promote coordination of advocacy efforts with state and federal organizations including: the State Attorney General's Office, State Long Term Care Ombudsman Office, State Adult Protective Services, State Consumer Protection Agency, State Court System; the Equal Employment Opportunity Commission, Social Security Administration, Center for Medicare and Medicaid Services, Department of Veteran's Affairs, and others.

5. Provide Leadership for Coordination/Collaboration Among Elder Rights Programs

Title VII brought key OAA advocacy programs for vulnerable elders under the umbrella of the Elder Rights Title to foster coordination and collaboration to maximize the impact that each of the programs can have - both jointly and separately - on the needs of the vulnerable elderly. The developer is to provide leadership for coordination and collaboration among Title III legal services, the State Long-Term Care Ombudsman and Elder Abuse Prevention Programs, Insurance/Benefits Counseling Programs, as well as other elder rights advocacy groups.

6. **Identify and Address Systemic Issues of Concern to the State's Most Vulnerable Elders**

The legal developer is to work jointly with other elder rights programs to identify issues of particular importance to the lives and well being of vulnerable elders that cannot be adequately addressed with individual case representation and require systems change. When identified, the developer is to provide leadership on developing strategic plans for achieving the needed systems change.

SECTION III. STATE POLICIES/PROCEDURES TO ENSURE AN EFFECTIVE LEGAL DEVELOPMENT PROGRAM

Introduction: The ability of the state legal developer to work effectively on behalf of the state's elders requires that she/he operate independently, confidentially, and free from conflict or compromise. These have been hallmarks of the position from its inception, with the early guidelines provided by AoA through the initial RFP and related Program Instructions in the mid-seventies specifying that state legal development does not include acting as counsel to the state agency. Accordingly, this job description includes the sections below addressing potential issues that could impair a state developer's ability to act independently to assure the system is working as it should.

SECTION III.A. CONFLICTS OF INTEREST

The primary role of the Legal Developer is to ensure that there are adequate, effective and high quality legal assistance services available to older persons in the state. Thus the developer's primary duty is to the older persons of the state. The state will not require the Legal Developer to be involved in activities that may place him or her in conflict with this duty. For example, an improper conflict of interest may result from the Legal Developer simultaneously serving as legal counsel for the State Unit on Aging, since the counsel's duties as attorney for the State could easily interfere with the developers duties to ensure a legal assistance system that protects older persons who may be harmed the state's programs or operations.

SECTION III.B. CONFIDENTIALITY

The Legal Developer will not be required to disclose information regarding the identity of a client eligible person who contacts the Legal Developer for information and referral for legal assistance unless the Developer is authorized to reveal the information in writing or orally by the older person. If authorization is given verbally, it must be documented contemporaneously in writing by the Legal Developer or a member of his or her staff.

The Legal Developer will not be required to disclose the identity of any person who registers a complaint with the developer regarding legal assistance services.

These confidentiality requirements are in keeping with Bar Disciplinary Rules governing the practice of law and with OAA confidentiality requirements for legal assistance.³⁴

SECTION III.C. INTERFERENCE AND RETALIATION

The Legal Developer will be allowed to perform the duties and functions, as required by the Older Americans Act and its regulations and as outlined in this job description, without interference or retaliation by the State Unit on Aging, Area Agencies on Aging, Title IIIB legal assistance providers, or others. She/he will not be disciplined by the State Unit on Aging for completing developer duties or responsibilities, provided those duties or responsibilities are performed in good faith.

SECTION III.D. COMPLIANCE WITH STATE BAR RULES

Because the legal developer job involves development and support for legal assistance programs for vulnerable adults in a state, SUAs must be cognizant of applicable bar rules governing the practice of law within the state. Therefore, regardless of whether the legal developer is a licensed attorney, he or she must (with SUA support) assure that the practices of local legal assistance programs not only comply with the OAA, but also comply with State Bar and Disciplinary Rules governing the practice of law. These rules address not only confidentiality and conflicts-of-interest issues, but extend to areas governing the unauthorized practice of law in a state. The Bar rules were designed not simply to protect attorneys, but to assure that clients are protected from improper or illegal practices. This protection should extend to those who work in the legal development program, as it is part of the legal developer's job to assure that the program operates without conflicts of interest, breaches of client confidentiality, or the unauthorized practice of law.

SECTION III.E. FULL TIME STATUS

In order to complete the duties and functions outlined in the Older Americans Act and described in this job description, it is necessary that the Legal Developer be a full-time position with staff sufficient to ensure that all the duties and responsibilities can be carried out. The Legal Developer is to be classified in the state system at a level comparable to that of the Long-term Care Ombudsman, Insurance and Benefits Counseling Supervisor, and Adult Protective Services Supervisor.

³⁴ 42 U.S.C. § 3027(f), 42 U.S.C. §3026(d), 42 U.S.C. §3058d(b).

SECTION IV. QUALIFICATIONS FOR A STATE LEGAL DEVELOPER

It is recommended that a Legal Developer have the following qualifications:

SECTION IV.A. EXPERIENCE AND COMPETENCY IN:

- Legal analysis, consultation and negotiation,
- formulation of policies and procedures,
- program administration, management and coordination of services,
- effective written and oral communication skills, and
- demonstrated ability to work with groups.

SECTION IV.B. KNOWLEDGE AND UNDERSTANDING OF:

- Legal assistance programs for older individuals,
- areas of the law affecting older persons, particularly those with economic or social need,
- the aging network,
- state and local bar associations, law schools, and the private practice of law, and
- social and protective services systems.

SECTION IV.C. EDUCATION AND EXPERIENCE:

- A law degree or a master's degree in social work or a related field, and
- two or more years experience with legal assistance programs for the elderly, and
- two or more years experience in the field of aging.
- Additional experience may be substituted for education for existing Legal Assistance developers.

END OF JOB DESCRIPTION

CONCLUSION Now, more than ever, there is a need for strong support and endorsement from all levels of the aging network and from the legal community as to the importance of statewide legal advocacy and elder rights systems, and the importance of the State legal services developer in creating, nurturing, guiding, and coordinating those systems. We hope this article and Job Description are helpful in moving us toward that support and endorsement. For, as noted at the start of this article, just as it is impossible to think there can be strong and effective statewide ombudsman programs without a state-level ombudsman to develop, support, and coordinate local efforts, it is impossible to think there can be an effective legal advocacy system for older persons without strong state-level leadership from a developer.

Given the tremendous variation we see in legal developers state to state, we also hope the article and Job Description will assist states in moving toward more uniform legal

development programs that can provide much needed leadership. A strong legal developer who is provided time and other resources with which to do the job assures that high quality services are provided to those most in need, without duplication, and that providers and area agencies are accountable and are providing services as required by law.

In far too many states, the job of the legal developer remains one of vast unrealized potential. States that have made a commitment to a strong legal development program have reaped the benefits of improved local legal assistance programs; cooperative efforts between local legal providers and AAAs; improved coordination and support for elder rights services at both state and local levels; and statewide advocacy efforts, such as adult guardianship reform, that benefit all citizens of a state. Conversely, states that have not devoted resources have not seen such positive results as their legal developers, while skilled professionals, have not been able to devote the time necessary to achieve these improvements.

Only with adequate funding for legal developers will the full potential of Elder Rights under the Older Americans Act be attained. While the Job Description describes what TCSG believes is optimal/best practice for states, the magnitude of the most essential leadership tasks is tremendous and would require at least one full-time staff person solely devoted to legal development activities. However, without a sufficient Congressional appropriation, the goals of Titles III and VII of the Older Americans Act are unlikely to be met and state and local legal assistance programs and their clients will continue to suffer from this limited state leadership. TCSG therefore recommends that all relevant parties (AoA, SUAs, Legal Developers, advocacy groups and others) should work together to develop adequate funding from Congress and other sources for state legal development programs if the promise contained in Title I of the OAA is to be achieved for older Americans.

* * * * *

**MINI WHITE
HOUSE
CONFERENCE
RECOMMENDA-
TIONS SUPPORT
THE NEED FOR
STRONG LEGAL
DEVELOPER IN
EVERY STATE**

In October of 2004, in preparation for the 2005 White House Conference on Aging, a Mini White House Conference on Legal Services was held in conjunction with the National Aging and Law Conference in Washington DC. The Mini-conference considered significant changes to the environment in which legal assistance services are delivered, noting the significant rise in the numbers and needs of limited English proficient elders, the increase in technology applications in delivery of services, the impact of restrictions, restructuring and stagnant funding on Legal Services Corporation grantees, and increased life expectancies, among other things.

The 2005 White House Conference on Aging and the next reauthorization of the Older Americans Act present advocates with two upcoming opportunities to improve the delivery of legal assistance to our country's most vulnerable elders. The Mini-Conference recommendations allow us to speak with a unified voice on legal assistance issues.

The Mini-Conference set forth three primary recommendations. The first, which relates directly to the article that is the subject of this BPN, is printed below. The second recommendation deals with our future need for well trained attorneys, and urges law schools to take a leadership role. The third recommendation addresses the need for validated and reliable methods for aging professionals to assess the capacity of clients in a range of settings, and calls for experts to develop training and educational materials on capacity assessment. For more information or to obtain a copy of the full recommendations, please visit http://www.whcoa.gov/about/whcoa_events.asp#Oct04

Recommendation #1 is as follows:

“1. There is a growing need for the expansion of legal services for the baby boomers as well as those who are currently elderly. Realignment of public and private funded legal services programs and the expansion of other methods of providing legal services (hotlines, websites, discrete task, self-help, dispute resolution, and clinical programs) underscores the need for coordination of these services with each other and with other elder rights and advocacy programs, as well as the private bar.

(a) Older Americans Act, Legal Services Corporation, Interest on Legal Trust Account and other public and private funding is essential to the provision of coordinated, high quality, culturally competent, affordable legal services to older persons in need. Such funding should include adequate and predictable minimum levels for legal services under the Older Americans Act.

(b) to support such a system and to ensure that older persons are well served by it, the Older Americans Act should provide for adequate training and support services at the national, state and local levels. The Older Americans Act should fund and each state should designate a full-time legal services developer who is empowered to take a strong leadership role.”

For updates and information about reauthorization, please be sure to visit TCSG’s Reauthorization Updates on our website: <http://www.tcsg.org/law/oa/reauth.htm>

**MARK YOUR
CALENDAR --
GUARDIANSHIP/
CAREGIVER
MEDIATION
TRAINING
10/17-19/05**

The Center for Social Gerontology (TCSG) will present its Adult Guardianship/Family Caregiver Mediation Training on October 17-19, 2005 in Ann Arbor, MI. It is designed for trained, experienced mediators who wish to expand their practice to include mediation of issues/disputes that arise when guardianship over an older person is being considered, and/or when elders and their families are confronted with difficult decisions regarding the care of a vulnerable family member. Given the growing importance of family caregivers and the need to support them as they confront extremely difficult decisions that can easily lead to family conflict, we added the caregiver focus several years ago. The training is also available to a limited number of persons interested in establishing guardianship/caregiver mediation programs. Detailed information on logistics, registration, and the curriculum will be posted shortly at www.tcsg.org/med.htm

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