

Housing

Senior Homeowners Benefit from New Housing Bill

By Holly Robinson, Associate Staff Director
ABA Commission on Law and Aging

The Housing and Economic Recovery Act (H.R. 3221), passed in late July 2008, makes substantial improvements to the federally-insured reverse mortgage program, benefiting seniors whose main asset is their home and who may want to use part of the equity to pay off existing mortgages, property taxes or other debts, pay for health care, make needed home repairs, or supplement retirement income. Reverse mortgages allow Americans 62 years and older to get a lump sum or a monthly check that comes out of their home equity. They do not have to pay the money back until they stop living in their home permanently, pass away, or sell the house.

Key provisions making reverse mortgages more attractive to seniors include:

- * Larger loan amounts;
- * Lower loan origination fees;
- * Broader eligibility requirements, particularly for owners of cooperatives and those looking to use a reverse mortgage to purchase a home, most likely in a downsizing event;
- * Prohibitions on requiring the purchase of an annuity and other financial or insurance product as a condition of qualifying for a reverse mortgage;
- * Restrictions on cross-selling financial products; and
- * New counseling requirements.

The new law makes it easier and less expensive for seniors to access the cash value of their homes and expands the amount they can borrow. The U.S. Department of Housing and Urban Development estimates that it will take up to 90 days from the date of passage to provide detailed interpretation of the changes and up to 180 days to implement them.

For more information, contact a HUD-approved Housing Counseling Agency online at: www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm?weblistaction=summary&filterSvc=hec&filterMultiState=yes

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Registration is now open!

Setting the Agenda: Advocating for Elders After the Election December 3-6, 2008, Arlington, Va.

This conference promises to be the most comprehensive conference on elder law in the nation. Thank you for your on-going support and we hope to see you in December!

To register and for the latest information, go to: <http://www.wynjade.com/aarpnalc08/index.cfm>

For questions, contact Marcy Gouge at mgouge@aar.org

2008 NALC is sponsored by the AARP Foundation, together with the ABA Commission on Law and Aging, National Senior Citizens Law Center, The Center for Social Gerontology, Center for Medicare Advocacy, Inc., National Academy of Elder Law Attorneys, National Consumer Law Center, and the National Association of State Units on Aging.

Call for Nominations for NALC Award, see pg. 71

Elder Abuse Prevention

By Ellen VanCleave Klem, Associate Staff Director
ABA Commission on Law and Aging

The ABA Commission on Law and Aging has added new and updated resources to its elder abuse Web page, at <http://www.abanet.org/aging/elderabuse.shtml>.

These resources include a new paper on neglect; forty new charts and explanations analyzing adult protective services laws; an updated chart and explanation of citations to elder abuse laws; and materials on the Elder Justice Act.

BIFOCAL

BAR ASSOCIATIONS IN FOCUS ON AGING AND THE LAW
JOURNAL OF THE AMERICAN BAR ASSOCIATION
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BIFOCAL, ISSN 0888-1537, is published bi-monthly (six times a year) by the ABA Commission on Law and Aging, 740 15th St., N.W., Washington, DC 20005. The views or opinions expressed herein do not necessarily represent the policies of the American Bar Association unless specifically adopted as such. Questions? Contact the Commission at (202) 662-8690, or see our Web page at: www.abanet.org/aging. © 2008 American Bar Association.

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New Paper on Neglect

Neglect of Older Persons: An Introduction to Legal Issues Related to Caregiver Duty and Liability aims to provide information on the duty and liability of caregivers to program administrators, policy makers, legislators, researchers, and others. This paper discusses case law on two issues: (1) whether there is a duty to care for an older person and (2) whether such a duty has been breached. Find this paper on the elder abuse Web page under "Neglect."

Forty New Charts and Explanations Analyzing Adult Protective Services Laws

Because state and federal legislative staff, other policy makers, program administrators, practitioners, educators, researchers, reporters, and others often want to know how many state APS laws contain provisions about a particular issue and what those laws say, the ABA Commission has prepared forty new charts and explanations on the following sixteen issues:

1. Abuse Registries
2. Access to Victims
3. APS As Guardian
4. Definitions of Capacity to Consent
5. Definitions of Caregiver
6. Confidentiality of Information and Records
7. Criminal Background Checks
8. Emergency or Involuntary Services to Victims
9. Immunity for Good Faith Reporting
10. Mandatory Training
11. Multidisciplinary Teams
12. Prohibitions of Retaliation Against Reporters of Suspected Elder Abuse
13. Reporting and Referrals to Law Enforcement
14. Threshold Eligibility Criteria
15. Types of Abuse
16. Undue Influence

Updated Chart and Explanation of Citations to Elder Abuse Laws

Several years ago the ABA Commission staff prepared "Adult Protective Services, Institutional Abuse and Long-term Care Ombudsman Program Laws: Citations by State" and its accompanying explanation, "Information About Laws Related to Elder Abuse." The ABA Commission has updated these documents with information current as of December

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Inside the Commission

Outcomes Assessment Report—ABA Commission on Law and Aging Is a Highly Valued and Effective National Legal Resource Center

In the Spring of 2008, the ABA Commission on Law and Aging contracted with a national consulting firm to conduct an outcomes-based assessment of its work under its U.S. Department of Health and Human Services' Administration on Aging grant. Using an online survey and interviews with key stakeholders, results indicate overwhelmingly that the ABA Commission is a highly valued resource for the law and aging community.

Respondents credited the ABA Commission with playing a significant role in bringing about important networking, systemic, and informational outcomes. Specifically, the ABA Commission:

- Builds links across the law and aging community;
- Helps stakeholders get the legal information they need to help seniors; and
- Helps the various parts of the law and aging community function as a coherent whole.

While the ABA Commission received high marks for both quality and value, there is still room for growth. Following are the recommendations that the ABA Commission should pursue to make their services more effective:

- (1) **Vigorously market ABA Commission services and products to the law and aging community.** Private sector attorneys, in particular, voiced a need for greater outreach and advertising of the Commission's services. However, stakeholders across the board indicated a need for the ABA Commission to do more to promote its services.
- (2) **Offer more training and networking opportunities through local partners at sites around the country.** Doing so would make training more accessible and help the ABA Commission, its partners, and the participants in the training sessions to build new relationships and collaboration.
- (3) **Tap existing networks within the law and aging community** to promote collaboration, coordination, and a deeper understanding of each others' roles. The goal here is cross-pollination—to share information across areas of

specialization, so that the system functions as a more integrated whole.

- (4) **Explore the potential to facilitate networking and communication among legal services developers.**
- (5) **Teach stakeholders how to engage pro bono attorneys.**
- (6) **Keep up the good work.** The ABA Commission is plainly having a significant impact on the law and aging community. Continued investment in the activities the ABA Commission already undertakes is well warranted.

A copy of the full report is online at www.abanet.org/aging/pdfs/COLA_Assmt_2008.pdf

Activities of the ABA Commission on Law and Aging

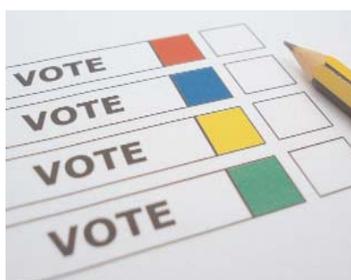
The Commission's work as a national legal resource center takes many forms. These include:

- Producing and distributing the *Bifocal* e-journal
- Organizing and maintaining the ElderBar and Collaborate listservs
- Organizing—with others—the annual National Aging and Law Conference
- Speaking and conducting trainings at various conferences and events across the country
- Providing technical assistance by phone, e-mail, or in person on legal issues affecting seniors
- Distributing legal summaries, updates, and other written materials aimed at legal professionals
- Distributing brochures and other written materials aimed at consumers.

Accommodating Cognitive Impairments in Voting: Shaping Clinically and Ethically Sound Institutional and Public Policy

By Ellen VanCleave Klem, Lori Stiegel, and Charles P. Sabatino, ABA Commission on Law and Aging

The ABA Commission on Law and Aging has commenced an 18-month project to identify, publicize, and catalyze policy and practice strategies nationwide that promote proper access to the polls by persons with cognitive impairments and protect against the fraudulent manipulation of the vote of this population. With funding from the Albert and Elaine Borchard Foundation Center on Law and Aging and the Greenwall Foundation, the project will accomplish these goals by:



1. Surveying state election policies and activities addressing accommodations for persons with cognitive impairment in order to identify promising practices;

2. Developing an easily accessible clearinghouse of information and resources on the subject;

3. Identifying and describing the experiences in the November 2008 election of those election boards that provide direct outreach and support to residents of long-term care facilities and publishing a report of the findings; and

4. Supporting and evaluating a demonstration project of “mobile polling” in Vermont and publishing the evaluation in a peer-reviewed journal. Dr. Jason Karlawish of the University of Pennsylvania Department of Medicine, Geriatrics Division, will lead this component in conjunction with the Hon. Deborah Markowitz, Secretary of State of Vermont.

This project stems from the groundbreaking recommendations of the March 2007 symposium, *Facilitating Voting As People Age: Implications of Cognitive Impairment*. Drawing upon the knowledge of medical experts and legal experts in aging and civil rights, the symposium crafted recommendations that define and assert a positive claim of persons with diminished mental capacity

to participate as fully as possible in the electoral process. Such a claim necessarily places greater responsibilities on government, health and long-term care providers, and the legal profession to shape clinically and ethically sound policies for accommodating the special needs of this population.

The symposium recommendations were adopted as ABA policy in August 2007.

The project is guided by an advisory committee composed of:

Paul S. Appelbaum, MD, Professor of Psychiatry and Director, Division of Psychiatry, Law, and Ethics, Department of Psychiatry, College of Physicians and Surgeons of Columbia Univ.;

Richard Bonnie, JD, John S. Battle Professor of Law, Professor of Psychiatry and Neurobehavioral Sciences, and Director of the Institute of Law, Psychiatry and Public Policy at the University of Virginia;

Naomi Karp, JD, Strategic Policy Advisor, Consumer and State Affairs Team, AARP Public Policy Institute;

John Lindback, Director, Elections Division, Oregon Secretary of State’s Office, and President, National Association of State Election Directors;

Edward D. Spurgeon, JD, LL.M., Gordon D. Schaber Chair in Health Law & Policy, and Director of the Inst. on Health & Aging Law & Policy at Pacific McGeorge School of Law; and

Michael A. Williams, MD, Medical Director, LifeBridge Health Brain & Spine Institute, Baltimore, MD, representing the American Academy of Neurology.

For more information on the project, links to the symposium issue of the *McGeorge Law Review*, and ABA policy on voting, please visit the ABA Commission’s newly created Voting and Cognitive Impairments Web page at: <http://www.abanet.org/aging/voting/home.html>.

Still Here: Barriers to Voting Facing Residents of Nursing Homes and Long-Term Care Facilities

By Carolyn Mounce

Carolyn Mounce, a certified volunteer long-term care ombudsman based in Houston, Texas, has worked since 2004 to encourage and help long-term care residents register and vote.

On July 25, 2008, Ms. Mounce submitted the following testimony to members of Texas's House Committee on Elections, Subcommittee on Mail-In Ballot Integrity, including the Hon. Rafael Anchia, chair, Hon. Lon Burnham, and Hon. Kirk England.

In her testimony, Ms. Mounce drew on her years of experience involved directly with nursing home and assisted living residents. She identifies some of the barriers to voting facing residents of long-term care facilities and others in the elder community. She raises questions about why there is not more effort made to help these citizens exercise their vote, and she makes suggestions for how to accommodate both elders in the community and in long-term care facilities who are entitled to and express a desire to vote.

The integrity of the mail-in ballot represents three things in a long-term care facility:

1. Validating the person's identity;
2. Making certain that the person has the capacity to vote; and
3. Ensuring that the ballot represents the desires of the person to whom it was sent.

Validating Identity

As an ombudsman, I have been actively trying to register long-term care residents to vote since 2004. This year has been the worst year ever. Long-term care residents are experiencing a 75 percent rejection rate. I would like to

include the fact that it made no difference if the residents themselves filled out the forms, or if someone assisted them—the applications were rejected.

All of the rejection letters request a photocopy of the person's driver's license or state identification card. These people have lived in their own homes for years and they only needed to present their voter registration card to vote. Since they no longer drive, their driver's license may have expired or been misplaced. I understand the reasons for requiring identification, but these people have no transportation to the local Department of Public Safety office to get a state ID. I have had no success in efforts to get the Department of Public Safety to go to the residents.

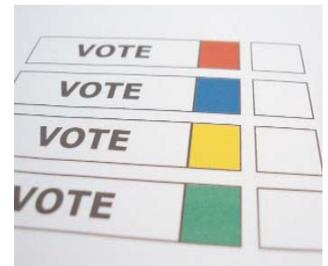
A large number of elderly people will be removed from the voter database, simply because they no longer drive.

Capacity to Vote

Much has been written about this topic. I include it only because it may be an issue in the minds of those not involved with long-term care residents. I am a volunteer deputy voter registrar and an election clerk. Like the majority of my counterparts, I do not have the training, nor desire, to determine a person's mental capacity.

My personal policy is that if someone expresses a desire to vote, then I do the best I can to get them registered and get them access to the ballot.

A person under guardianship has not necessarily had their right to vote revoked. Recently, I was unable to complete the registration form of a gentleman who was under guardianship because the guardian refused to give me the information. The gentleman was sitting at the table with me and he expressed a desire to vote. He was able to fill out his registration card except for the last four digits of his social security number. He was able to give me three digits, but not the fourth. The social worker called the guardian for the information, but the guardian refused to release the information. As a result, this person will be denied the right to vote. As an ombudsman or a volunteer deputy registrar, how can I know that this person's right to vote has been revoked by a judge and not by a guardian with an attitude?



Carolyn Mounce is a certified volunteer long-term care ombudsman based in Houston, Texas.

Continued on next page

Still Here: Voting in Long-Term Care

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Ensuring That the Ballot Represents the Desire of the Person to Whom It Was Issued

This is another topic on which much has been written. I will speak again from personal experience as an election clerk at the polling place, and as an ombudsman with mail-in ballots. During the past four years, I have developed a sense of awe and respect for the people involved in the election process. They have a great deal of pressure with deadlines and the sheer volume of ballots. They are always criticized by the losing side and subject to much scrutiny by the press. I have confidence that the election workers are doing their best to maintain the integrity of the ballots.

I have polled other ombudsmen in Texas and have received information on only one instance of voter fraud.

In a nursing facility, the activity director is the person who is usually charged with assisting residents to vote. No special training or certification is required to become an activity director. In this instance of fraud, the activity director knew the person who was running for a local office. She marked the ballots of residents to vote “For” this person. Her defense was that she didn’t know it was wrong. And sadly, that was probably true.



There have been instances in the community, where people were asked to sign a request for a ballot by mail and never received the ballot. Someone was having the ballots sent to another address and filling them out.

Mobile polling is the best way to service long-term care residents and others in the community with

transportation or impairment problems. Vision and hearing problems are common. A device with headphones to play a recorded ballot would be a great help. The ballot could be read with an impartial voice in the language of choice. Large buttons would be easier for people with arthritis in their hands, arms or shoulders, and those with vision problems. To start, even just an election judge and clerk, who could travel from facility to facility with e-Slates, or just to supervise the mail-in ballots, would be an improvement. The mobile clerks could begin by going only to state-licensed facilities. The Texas Department of Aging and Disability Services has a list of facilities and the number of beds they have.

“You are still members of this community. You are still a citizen. You can still vote.”

A second option might be to have a facility staff member attend a special voter assistance training program. Once this is done, if there is a problem, the staff member could get their certification revoked and the facility could be fined. A simple deficiency on a survey would not be sufficient to make sure that the facility fulfilled their obligations. Some type of financial penalty would be the only thing that would get their attention. However, there is a large turnover in staff at long-term care facilities, so this training would need to be an ongoing effort.

A third option, and the option most residents like best, is to provide transportation to the closest local early polling location during early voting. The residents love the chance to get out and back in to the community. Early polling locations would need to have additional Disabled Access Units and the clerks would need training in assisting the disabled. This would not eliminate the mail-in ballot, but reduce the number.

Suggestions

In addition to all of the above options, the size of the type on the ballot can be a problem. During some of my presentations, I handed out a sample ballot from the Harris County Elections Department. The residents liked it because the type was large and the ballot itself was large and easy to handle. Maybe there should be an add-on option to request a ballot with large type on the request for ballot by mail.

Investigate some type of biometric or fingerprint comparison to validate ballots by mail.

Train mail-in ballot assistants. When someone is assisting a voter with a ballot by mail, there should be some type of reminder about the ability to vote a straight party ticket. Should the assistant be required to read all the unopposed races? Should the assistant be required to read and mark all races on the ballot? The assistant needs to know to return the entire ballot, even if all the races are not marked.

From the facility and resident side, there is a huge lack of knowledge. Staff members are not aware of how to register the residents, or how to request a mail-in ballot. I have found some that are not even aware of the election dates. Some staff members are not citizens or may not vote. For the last few months, the ombudsmen in Houston have been distributing to facilities packets filled with brochures and information regarding voter registration and voting. We are trying to get the information in the hands of those who need it.

Provide long-term care residents with a voter registration card at the time of their admission and have the social worker follow up with each resident, each year, regarding their desire to vote. This would need to be documented and reviewed by the state surveyors.

Find some better way to transition older drivers to a state identification card.

I will end the way I begin my voting presentations to long-term care residents by saying: "You are still members of this community. You are still a citizen. You can still vote."

In August 2007, the ABA House of Delegates adopted a voting rights and cognitive impairment policy submitted by the Commission on Law and Aging (see Bifocal 28(6) August 2007, at http://www.abanet.org/aging/docs/Aug_07_ABA_Bifocal_J.pdf).

The policy is based upon the joint effort of the ABA Commission on Law and Aging, the Borchard Foundation Center on Law and Aging, and the Capital Government Center on Law and Policy at the Pacific McGeorge School of Law in Sacramento, California.

The groups hosted a working symposium of national experts in law and aging, medicine, long-term care, voting technology, and elections administration entitled Facilitating Voting As People Age: Implications of Cognitive Impairment, which convened in March 2007 at the Pacific McGeorge School of Law.

To learn about the ABA policy on voting rights and cognitive impairment, as well as the Facilitating Voting As People Age Symposium, go to the Web page of the ABA Commission on Law and Aging at www.abanet.org/aging

NALC 2008

Call for Nominations for National Aging & Law Award

The sponsors of the 2008 National Aging & Law Conference invite nominations for the National Aging and Law Award.

The National Aging and Law Award, given in the spirit of the previous Arthur S. Flemming Award (national advocacy) and Paul Lichterman Award (state/local advocacy), honors individuals who have made significant contributions to justice for older persons.

The award rotates between recognizing outstanding achievement in:

- Law, Aging, and Social Policy at the National Level; and
- Legal Services and Elder Rights Advocacy at the State and Local Levels.

To submit a nomination, go to www.tcsg.org/NominationForm.doc and download the "Nomination Form/Narrative" (or you may generate your own document so long as you provide all the information called for on the "Nomination Form").

Submit the nomination form via e-mail to:

Brooke McCreary, Program Assistant
The Center for Social Gerontology
2307 Shelby Ave.
Ann Arbor, MI 48103
E-mail: bmccreary@tcsg.org

Questions? Contact Brooke McCreary at bmccreary@tcsg.org

Deadline for receipt of nominations is Friday, September 26, 2008.

Setting the Agenda: Advocating for Elders After the Election

December 3-6, 2008, Arlington, Va.

To register and for the latest information, go to: <http://www.wynjade.com/aarpnal08/index.cfm>

Inside the Commission/Emeritus Pro Bono

The ABA Commission on Law and Aging is launching two new initiatives promoting emeritus attorney pro bono programs to meet the legal needs of veterans and indigent persons needing guardianships

Vulnerable seniors and low- and moderate-income individuals face more than 80 percent of their civil legal problems on their own. Yet, one source of volunteers, retired and otherwise inactive lawyers, face barriers to doing pro bono work because they are no longer active bar members or may live in a state in which they are not licensed to practice law.

Emeritus attorney pro bono rules provide a limited license for retired and non-practicing lawyers, who otherwise may retire from the active practice of law, to practice on a volunteer basis for non-profit legal services providers serving vulnerable seniors and low- and moderate-income individuals. Many lawyers who retire or otherwise leave the active practice of law convert their bar membership to inactive status to avoid the expense of mandatory bar dues and continuing legal education programs. Some lawyers, particularly retirees, may have moved to states in which they are not licensed to practice law.

Twenty-eight jurisdictions have adopted emeritus attorney pro bono rules, including seven states in the last two years. Broad coalitions support the adoption of emeritus attorney pro bono rules. For example, in 2007, emeritus attorney pro bono rules were proposed by a state bar

pro bono services committee, a state bar executive director, a state access to justice commission, and a coalition of groups representing these organizations and others in the access to justice community.

Some state bars have established emeritus attorney pro bono programs that are responsible for implementing the rule. Bar staff provide information to members about the limited license status, handle emeritus applications, assist with recruitment of attorneys, and facilitate the placement of attorneys with legal services programs. Rule requirements vary (for a list of state rules see www.abanet.org/legalservices/probono/emmeritus.html).

With support from the ABA Enterprise Fund, the ABA Commission on Law and Aging is initiating two new projects this fall to provide states with innovative ways to promote their emeritus attorney pro bono rules to retired and non-practicing lawyers who may be interested in volunteering.

The first project is the Veterans Advocacy Pro Bono Project. This two-year project consists of establishing pilot projects in up to four states with emeritus attorney pro bono rules that will assist veterans in getting pro bono legal assistance during the benefits application and claims process, or during the appeals process.

The pilot programs will require the cooperation of a state bar emeritus attorney pro bono program or a state with an emeritus attorney pro bono rule that wishes to establish a program, and one or more bar-sponsored or non-profit legal services program through which the emeritus pro bono attorney would be assigned a case and that can assist in outreach to veterans, including homeless veterans and veterans at risk of homelessness.

The pilot project will also assist veterans with obtaining a referral to a non-emeritus pro bono attorney through the ABA Administrative Law Section Veterans Affairs Pro Bono Committee if the veteran is ineligible for pro bono services from the emeritus attorney pro bono program or if an emeritus pro bono attorney is not available. The project will offer one substantive law training program on veterans law using either a video or Web-based format to volunteers through the pilot programs that will be available for replay. States that are interested in establishing a Veterans Advocacy Pro Bono pilot project may apply for a technical assistance grant of up to \$5,000, which may be used for recruitment and outreach materials, additional trainings, postage, and related costs of establishing and operating the pilot.

The second project, the Emeritus Attorney Pro Bono Indigent Guardianship Project, is designed to address the special legal needs of hospital and long-term care facility patients who are incapacitated and have no available surro-

Free Brochure

Using Emeritus Attorney Pro Bono Programs to Help States Meet Unmet Civil Legal Needs

The ABA Commission on Law and Aging has published a brochure designed to help states successfully recruit emeritus pro bono attorneys to provide critically needed legal services to vulnerable seniors and low- and moderate-income individuals who are now facing their legal problems on their own.

Limited print copies are available for free from the ABA Commission, or access the PDF version online at www.abanet.org/aging/docs/V2_pro_bono_emeritus_brochure_3-5.pdf.

For information to assist in enacting rules or establishing a program, contact Holly Robinson at Robinson@staff.abanet.org.

gate decision-maker. For a small group of these individuals, a family member or friend may be willing and available to serve as guardian, but neither has the financial resources to hire a lawyer to establish the guardianship.

The project will offer up to 10 mini-grants of \$2,500 each to states with emeritus attorney pro bono rules to develop model approaches to specifically recruit emeritus pro bono attorneys to provide legal services to low-income individuals who are seeking to establish a guardianship of an incapacitated adult who has a compelling need for a surrogate decision-maker.

In August 2006, the ABA House of Delegates adopted a resolution encouraging states to adopt practice rules that establish guidelines to allow pro bono legal services by qual-

ified retired or otherwise inactive lawyers under the auspices of qualified legal services or non-profit programs.

The Enterprise Fund projects will promote that resolution, enhance the awareness of the emeritus attorney pro bono rule or program in the state's legal and pro bono communities, and provide critically needed legal services to individuals who would otherwise not have legal assistance.

For information regarding emeritus attorney pro bono rules or the Enterprise Fund projects, contact Holly Robinson, ABA Commission on Law and Aging, at (202) 662-8694 or e-mail robinsoh@staff.abanet.org.

—*Holly Robinson, Associate Staff Director
ABA Commission on Law and Aging*

Emeritus Attorney Pro Bono Rules

New Illinois Supreme Court Rule Permits Retired, Inactive, and Corporate Attorneys to Perform Pro Bono Work

By Dina R. Merrell, Associate Director
The Chicago Bar Foundation

On July 1, 2008, amendments to the Illinois Supreme Court Rules 716 and 756 went into effect that give retired and inactive attorneys, as well as corporate attorneys with limited admission status, the ability to provide on a pro bono basis critical legal assistance to vulnerable and disadvantaged people who would otherwise be shut out of the justice system.

The Chicago Bar Foundation led a coalition of groups that drafted and advocated for the amendments; that Coalition also included attorneys from Caterpillar's legal department and the Illinois Coalition for Equal Justice. The Illinois Attorney Registration and Disciplinary Commission (ARDC) provided technical assistance to the group in the drafting process, and the Chicago Bar Association and the Illinois State Bar Association supported the proposal along with a number of other individuals and organizations. The amendments grew out of a desire of retired, inactive, and in-house attorneys across the state who wanted to help meet the legal needs of the most vulnerable in Illinois, but were previously barred from doing so.

By adopting these amendments, Illinois follows 27 jurisdictions that have adopted similar rules by which retired and

inactive attorneys can engage in pro bono work. In a nutshell, the amendments to Rules 716 and 756:

- Provide that retired, inactive, and in-house attorneys with limited admission status may do pro bono work—without charge or expectation of a fee—for individuals of limited means or charitable, civic, community or other similar groups; and
- Include safeguards to ensure that clients are receiving high-quality legal services and that the profession is adequately protected.

Potential pro bono attorneys covered by these amendments must:

- Provide pro bono services under the auspices of a sponsoring entity, which is defined as “a not-for-profit legal services organization, governmental entity, law school clinical program, or a bar association providing pro bono services”;
- Register their pro bono participation, along with verification from the sponsoring entity, with the ARDC on an annual basis; and
- Participate in any trainings required by the sponsoring entity (the amendments exempt retired or inactive attorneys engaged in pro bono from meeting Illinois' MCLE requirements).

Legal Aid organizations that want to work with these attorneys must:

- Submit an application to the ARDC describing the organization's pro bono program in which

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Illinois Pro Bono Rule

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retired, inactive, or in-house counsel may participate;

- Certify that the organization will provide appropriate training and support to attorneys;
- Provide malpractice insurance to pro bono attorneys; and
- Submit an annual statement to the ARDC verifying the continuation of any pro bono programs and describing any changes in pro bono programs in which retired, inactive, or in-house counsel participate.

The ARDC recently posted to its Web site the procedures to implement the amendments and the forms that orga-

nizations and pro bono attorneys must complete in order to perform pro bono work under the amended rules (see: [http://www.iardc.org/Rule%20756\(j\)ProBonoAuthorizationForms.html](http://www.iardc.org/Rule%20756(j)ProBonoAuthorizationForms.html)). For more information, contact Dina Merrell at dmerrell@chicagobar.org or visit www.IllinoisProBono.org.

Nevada Becomes 28th State to Adopt Emeritus Attorney Pro Bono Rules

On June 9, 2008, the Supreme Court of Nevada released ADKT 425, creating an emeritus attorney pro bono program under Supreme Court Rule 49.2.

For a copy of the new rule, see: www.nvbar.org/pdf/adkt425.pdf or visit the Nevada Supreme Court's Web site, at www.nvsupremecourt.us.

Inside the Commission

The ABA Commission on Law and Aging is pleased to announce this year's Coleman Summer Intern **Rachel Ney** and Borchard Foundation Center on Law and Aging Intern **Angela Gandy**.

During her internship, **Angela Gandy** produced an article based on review of temporary emergency adult guardianship statutes across all 51 jurisdictions. Her article is the first intensive analysis of these provisions in 15 years. In addition, Ms. Gandy assisted with researching the legal issues of mandatory binding pre-dispute arbitration in nursing home contracts, and attended a hearing concerning pending federal legislation.

Ms. Gandy brought to the ABA internship 20 years in the healthcare field as an intensive care unit coordinator and an insurance reimbursement specialist. She is a rising third-year law student at the University of the District of Columbia, David A. Clarke School of Law. Ms. Gandy also has completed an internship with the District of Columbia City Council Committee on Health, contributing legal research and analysis of proposed health care legislation and current services focusing on the underserved and elderly. She will graduate in May 2009 and is committed to remain in elder-centered public interest law.



**Angela Gandy, 2008
Borchard Foundation
Summer Intern**



**Rachel Ney
2008 Coleman
Summer Intern**

Rachel Ney is a rising third-year law student at New York Law School, where she is president of the Tax and Estate Planning Society. Ms. Ney has been committed to the field of elder law throughout her law school career, which is evidenced by her participation in her school's elder law clinic. During the clinic she had the opportunity to serve as a court evaluator in a guardianship proceeding. Ms. Ney also has had exposure to trust and estate planning, Medicaid planning, and estate administration.

This summer Ms. Ney worked with associate staff director Holly Robinson on a paper that compares provisions in state laws concerning continuing care retirement communities with the Fair Housing Act. It recommends that states incorporate the Fair Housing Act provisions prohibiting discrimination on the basis of disability into state CCRC laws as a way of educating residents and providers on protections. In fall

2008, Ms. Ney will continue work on a documentary that explores long-term care financing. After graduation, Ms. Ney plans to pursue a career advocating for the elderly.

Consumer Resources

The Consumer's Tool Kit for Health Care Advance Planning is aimed at helping people who are either thinking of making a health care advance directive (such as a living will or durable power of attorney for health care), or have already signed one.



In either case, people should be aware that just having a written advance directive by itself does not ensure that their wishes will be understood and respected.

Studies have shown that standard advance directive forms do little to influence end-of-life decisions without: 1) informed, thoughtful reflection about your wishes and values, and 2) personal communication between you and your likely decision-makers before a crisis occurs.

Good advance planning for health care decisions is, in reality, a continuing conversation—about values, priorities, the meaning of one's life, and quality of life.

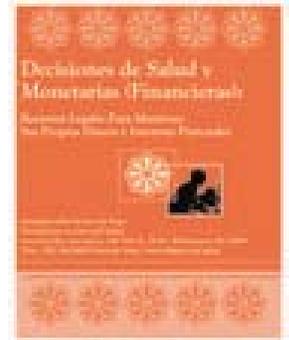
To help in this process, this tool kit contains a variety of self-help worksheets, suggestions, and resources. The tool kit does not create a formal advance directive. Instead, it helps do the much harder job of discovering, clarifying, and communicating what is important in the face of serious illness.

Consumer's Tool Kit for Health Care Advance Planning
28 pp. (2005), PC# H4436
\$5 (bulk pricing avail).

To order, contact the ABA Commission on Law and Aging at abaaging@staff.abanet.org.

Free! Spanish Version of Health and Financial Decisions Brochure and Video

In 2003, the ABA Commission on Law and Aging produced a Spanish version of its most popular consumer brochure **Health and Financial Decisions: Legal Tools for Preserving Your Personal Autonomy**. The Commission also produced a 19-minute Spanish-subtitled version of the video **In Your Hands: The Tools for Preserving Personal Autonomy**. The video comes with a program guide that provides sample scripts and discussion points to help present the program. The video is available in DVD and VHS format. The materials encourage seniors to use legal planning tools to ensure that their personal, health care, and financial wishes are honored in the event they become sick, disabled, or incapacitated.

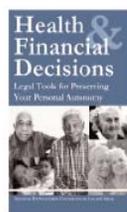


These brochures are wonderful tools for attorneys and advocates who work with Spanish-speaking seniors, their family members, and caregivers.

The Spanish version is now available for free, including shipping, while supplies last. To request copies of the brochure and video (in VHS and DVD formats)—and don't be shy, we have plenty—e-mail: abaaging@abanet.org or phone (202) 662-8690.

Read What People Are Saying About the ABA Commission's Health and Financial Decisions Brochure:

“I am the team leader of our Member Services Outreach Meetings team at the Arizona State Retirement System (ASRS) and it is my staff that uses your booklets.



We offer educational meetings, called Know Your Benefits, to the half-million non-retired ASRS members to educate them on the ASRS program and its benefits. We do hundreds of meetings annually throughout the State of Arizona. We are required by Arizona statute to provide member outreach and education and provide certain specific information.

One of the areas that we are required to cover is information on the social issues related to retirement. We feel that educating our members on the documents that are covered in your booklet **Health and Financial Decisions** helps to accomplish the directive, so these are provided in our packets for the meeting.

—Frances Dyer, Team Leader
Member Services Outreach Meetings Team
Arizona State Retirement System

Continuing Legal Education

Complimentary CLE Programs From 2007 National Aging and Law Conference Available Online!

**More than 700 lawyers have
downloaded complimentary CLE
programs from 2007 NALC!**

If you didn't have the opportunity to attend the 2007 National Aging and Law Conference, you now have the chance to listen to some of the expert workshops that were presented.

The ABA Commission on Law and Aging is offering complimentary CLE programs on its Web site at: <http://www.abanet.org/aging/cle/home.shtml>.

Following is the list of available podcasts. Each podcast is delivered in a single zip file, consisting of the 1) MP3 audio file, 2) written course materials in PDF, and 3) self-study CLE certificates for the program.

- ◆ Medicare Part C: More Medicare Disadvantage than Medicare Advantage PART 1
- ◆ Medicare Part C: More Medicare Disadvantage than Medicare Advantage PART 2
- ◆ Holding Guardians Accountable: What Can Courts Do? Promising Practices from a National Study
- ◆ Medicare Part D Exceptions and Appeals: The Good, the Bad, and the Ugly
- ◆ Understanding the Legal Needs of Older GLBT Adults and How Hotlines Can Effectively Address Their Needs
- ◆ The Durable Power of Attorney: A Tool for Empowerment or Exploitation?
- ◆ Elder Mistreatment in the Community and in Long-term Care Settings: A Multi-Disciplinary Project to Study Mistreatment and Enhance the Safety Net
- ◆ Hot Topics in Fair Housing for Older People
- ◆ AoA's Model Approaches to Statewide Legal Services: Ensuring Access to the Safety Net for the Nation's Most Needy Elders

- ◆ It's Not What You Say: Using Measurable Outcomes to Measure the Value of Legal Assistance

For technical help with the downloads, contact the ABA Center for CLE at CenterforCLEWeb@staff.abanet.org.

Our thanks to the AARP Foundation for making audiotapes of the original sessions, to the speakers for graciously agreeing to allow the tapes to be used, and to the ABA Standing Committee on Continuing Legal Education, with a grant award from the Underserved Lawyers Fund, for their support in making these podcasts available.

Continuing Legal Education

Ethical Issues to Consider When Providing Legal Services to Elders

Difficult professional ethical issues frequently arise in providing legal services to elderly clients, especially in the context of their family network. Using an audience-polling system and a series of thought-provoking vignettes, this Web cast will examine key ethical issues in elder law. This program covers:

- ◆ Key ethical issues in an elder law practice
- ◆ How to recognize and deal with these ethical issues
- ◆ The criteria of Model Rule 1.14 and how to apply them to a client relationship
- ◆ The range of protective actions available under Model Rule 1.14
- ◆ The "red flags" for diminished capacity
- ◆ The signs of undue influence
- ◆ The Model Rules on confidentiality and conflicts
- ◆ The Model Rules' requirement of informed consent

Faculty are Rebecca C. Morgan, Boston Asset Mgmt. Faculty Chair in Elder Law and Director of the Ctr. for Excellence in Elder Law at Stetson Univ. College of Law, St. Petersburg, Fla., and Director of the ABA Commission on Law and Aging Charles P. Sabatino.

Duration: 1 hour, 30 minutes; MP3 File Size: 79 MB; 72 pages of course materials included in separate file; MCLE Credit.

For more information and to download podcasts, go to: www.abanet.org/cle/podcast/j08eicpod-reg.html

Urban Outfitters in Nursing Homes

By Gene Coffey

I recently saw the movie *The Savages*, starring Philip Seymour Hoffman and Laura Linney, a story about two adult children trying to care for their sick father. The movie was well worthy of the two Oscar nominations it received (Linney for Best Actress, and Tamara Jenkins for Best Original Screenplay), but I was actually motivated to see it because of how closely the issues in the movie relate to my work.

I spend my days tracking changes to federal and state laws that impact access to long-term care services, and these days, a lot of the changes are designed to “rebalance” the delivery of long-term care from nursing homes to the community.

Consumers overwhelmingly prefer community-based services, but federal and state programs serving those in need of long-term care have historically relied on nursing homes for delivery. From the perspective of the policymakers, however, a change is necessary, because our aging population is about to explode, and with that will come a dramatic increase in the demand for services.

Congress has amended both the Medicaid Act and Older Americans Act within the past few years to provide more opportunities for home- and community-based long-term care services, which generally come at a lower cost. Consumers, their family members, and aging advocates all welcome the expansion of opportunities. “Public stakeholder” partnerships are forming (as actually required by the relevant federal laws) between these public groups and the state and federal officials implementing the new programs to

Gene Coffey is a staff attorney at the National Senior Citizens Law Center in Washington, D.C., and has been providing legal representation to Medicaid beneficiaries since 1997.

This item first appeared 4/16/2008 on “Talking Justice,” the blog of NPR’s Justice Talking, a project of the Annenberg Public Policy Center at the University of Pennsylvania, Kathleen Hall Jamieson, Director. Reprinted with permission.



ensure that the goals of these programs—primarily to allow our aging population to choose their own services and “age in place”—are actually realized.

But this does not necessarily mean that nursing homes are soon to be relics of the past. Indeed, more than a million people are still in nursing homes, and the numbers are increasing, even if the percentage of people in need of long-term care entering nursing homes is declining.

In *The Savages*, nursing facility care is what is chosen for Lenny, father to Wendy (Linney) and Jon (Hoffman). The story is about the adjustment the two siblings make to their lives after they are suddenly thrust into a caregiving role for their estranged father (played by Philip Bosco), who was forced out of a retirement community in Arizona and moved by Wendy and Jon to a nursing home in Buffalo. It is one depressing movie, although the story is very real. I truly enjoyed the film, and what stood out most for me during the movie was Wendy’s purchase of a red pillow and lava lamp from Urban Outfitters for her father’s nursing facility room.

Why does she do it? Though Wendy has been estranged from her father for years, she has become very concerned about his well-being. In her effort to make her father’s life as comfortable as possible, she becomes acutely aware of his surroundings. Her father’s nursing home is a dreary, sterile-looking place, and his room is indistinguishable from one you’d find in a hospital. The surroundings are so dismal that it strikes Wendy that the environment might actually be harming Lenny’s health. And so she goes to Urban Outfitters.

The effort itself is a poignant display of the care she has for her father, but what is more important is her motivation to buy the specific items she did. As she explains to Jon, the colored pillow and a lava lamp present a stark contrast to the sterile environment of his room, and provide some likeness of a home.

If you are ready to simply dismiss the likelihood that mere items have any measurable impact on someone like Lenny, you ought to go buy Beth Baker’s book *Old Age in a New Age—The Promise of Transformative Nursing Homes*.

Baker’s book documents a growing movement that challenges the unfortunately long-held belief that the “warehousing” of aging individuals who are dependent on others due to physical or cognitive impairments is an appropriate method of treating our aging population. As the thinking goes, individuals who have developed



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Urban Outfitters

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dementia, or who have extensive physical impairments, have, after all, lost their ability to work, as well as that one “thing” we value so highly in our society—independence. So, really, let’s call a spade a spade, and consider that there really isn’t much else we can do with these people. And think about it—many of them are very frail and just happy enough to be without pain, and others are not really all that aware of their surroundings, so they’re not too upset to be there. While the facilities may not be attractive places, we can at least say that they serve their practical purpose, right?

The question for anyone who maintains this thinking is simple—do you want to be in a nursing home one day? Baker titles her first chapter after one of the most oft-heard refrains of parents for generations: “Promise Me You’ll Never Put Me in a Nursing Home.” This plea is partly grounded in a fear that, if we do end up in a nursing home, we may very well be fully aware of the misery of our environment, and suffering because of it, even if we are lucky enough to be without pain and with our overall physical needs taken care of (which, as Baker documents, is historically not something nursing home residents have actually been able to count on).

Again, more home- and community-based opportunities for receiving long-term care are developing, and more innovative ideas on how to deliver noninstitutional care will undoubtedly surface in the coming years. Baker herself notes

that many people whose medical conditions would in the past have meant nursing home placement are now receiving services outside of them (e.g., assisted living facilities).

Baker states that her work is based on the reasonable assumption that “we will continue to need places where elders live, beyond their own homes.” What her book does from there is provide some evidence that this might not necessarily be bad news. This is because of a growing commitment within the industry to change the culture within nursing homes, and one of the primary features of the change is exactly what Wendy tried to do for Lenny—make him feel at home.

Baker cites to anthropologists, psychiatrists, and aging experts on the value we humans place on “home,” and notes how the “longing for home reverberates” in works ranging broadly from the Homeric epics, the *Wizard of Oz*, *Huck Finn*, and the *Lord of the Rings*. She goes on, “The narrative separation from home, initiation, and return to home echoes throughout the history and cultures, according to Joseph Campbell in *The Hero with a Thousand Faces*. Heroes have adventures, slay dragons, gain power or wisdom, but in the end, they head home.”

This ingrained longing for home does not simply apply to a small geographic area, but to the items we have in whatever abode we label “home.” Baker relates an exercise she undertook in which she listed all of her favorite belongings, and then crossed off each one that would not be permitted in a nursing home. She was in tears by the end of it.

Is it any wonder then, Baker asks, that nearly half of the residents of nursing homes, who have had to leave their

Subscribe to *Bifocal*, e-Journal of the ABA Commission on Law & Aging

Every other month, you will receive timely, interesting, and valuable legal information pertaining to older persons, generated through the joint efforts of public and private bar groups and the aging network.

The ABA Commission distributes *Bifocal* online six times a year to elder bar section and committee members, legal services providers, elder law and other private practitioners, judges, court staff, elder advocates, policymakers, law schools, elder law clinics, law libraries, area agencies on aging staff, long-term care ombudsmen, senior health insurance benefits program staff, service providers, and other professionals in the law and aging networks.

Each issue of *Bifocal* features news on the delivery of legal services to seniors through publicly-funded programs, the private bar, pro bono activities, community

legal education programs, activities of state and local bar groups, innovative projects, resource reviews, and substantive law articles.

To read the most recent issue, as well as to search back issues, go to <http://www.abanet.org/aging>

To contact the editor with news about your bar section’s or committee’s activities, or to submit an article for consideration, e-mail Jamie Philpotts at philpotj@staff.abanet.org.

To subscribe, e-mail your name and professional affiliation to Bullockt@staff.abanet.org. Include the word “SUBSCRIBE” in the subject heading.

homes and enter facilities bereft of any semblance of home, suffer from depression? Many in the industry are working to change the atmosphere of nursing homes. They are creating “homes” within their facilities. Home certainly begins, in part, with the addition of the lava lamps and red pillows, but it also extends to those other “features” of home that we take for granted, like having the freedom to eat when we want, make our own choices about when we go to bed and when we get up, and having a reasonable amount of privacy. As Baker documents, some facilities have actually built small house-like structures within the extended grounds of their facilities.

These efforts are not merely scattered and individual, but are instead part of a very organized and coordinated movement. The Pioneer Network, for example, is a nationwide coalition of stakeholders dedicated to “creating places for living and growing rather than for declining and dying.” The Network recently hosted a sold-out national symposium in Washington, D.C., called “Creating Home in the Nursing Home.” (For more information on the Pioneer Network, see: www.pioneernetwork.net.)

There is also the Eden Alternative, an organization devoted to having “elders live [in] habitats for human beings, not sterile medical environments” (see: www.edenalt.org). The organization actually certifies nursing homes as “Eden” homes based on their compliance with certain standards.

What these facilities (and others that have no affiliation with either the Pioneer Network or Eden) have accomplished is, based on what Baker presents, truly extraordinary. It is indeed remarkable the differences that have been made for so many nursing facility residents across the country.

But challenges certainly remain. For starters, the preexisting nursing home culture developed over the length of a century, back to when poorhouses or “almshouses” sheltered aging individuals, persons with disabilities, and impoverished adults who were without work. Baker writes that they were “designed to discourage lazy people from gravitating to these,” so life was deliberately made unpleasant in them. I had read this before in Michael Katz’s book *In the Shadow of the Poorhouse*, in which he describes how the “able-bodied” were eventually driven out of these poorhouses, leaving ultimately the aged. As he puts it, “For the most part, poorhouses became old-age homes, which paid a high price for their origin.” Fully turning this century-old tide may take a little bit of time.

There is also the issue of government enforcement of existing quality of care standards. While some facilities are busy trying to accomplish culture makeovers, some still remain, as Baker notes, almost dangerous places to put people. A government-sponsored report last year found that a number of such nursing homes have been continuously given

mere slaps on the wrists by the federal agency responsible for enforcement of federal quality of care standards. In other words, for some facilities, there is still a lack of an incentive to actually improve.

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Get Connected on Elderbar— A Community of Law and Aging Advocates

Join **Elderbar**, the listserv that brings together public and private sector legal advocates and the aging network. **Elderbar** is for you if you are a:

- Title IIIB legal services provider
- Legal services developer
- Senior hot line attorney or staff
- Long-term care ombudsman
- Senior Health Insurance Benefits Program staff
- Area agency on aging staff
- State unit on aging staff
- OAA-funded elder rights advocate
- LSC, IOLTA-funded, or other non-profit or public sector legal services organization
- Law school elder law or clinical staff
- State or local bar association elder law section or committee leader
- Service provider in the aging network
- National law and aging advocate

Elderbar gives you the opportunity to communicate across the boundaries of the law and aging networks and the public and private legal sectors. Share ideas and information about programs, bar section and committee activities, and learn how others are responding to the increasing demand and finite funding for legal services for seniors.

Elderbar is a project of the ABA Commission’s National Legal Assistance Support Center. It is a closed list; messages can only be posted and read by members.

To get connected to **Elderbar** send your name, e-mail address, and professional affiliation to Holly Robinson at Robinson@staff.abanet.org.

Lawyerly Conceits

Making the Stories of Our Clients and Our Lives Accessible Through Poetry and Prose

Lawyers are more than the sum of their academic degrees and professional experiences. Between a demanding work load and a plurality of professional obligations, many lawyers nevertheless have found an outlet in creative writing.

This *Bifocal* column showcases the often unseen talents of those who work in the field of law and have found a creative outlet in writing.

If you have written a poem or a prose piece, or have penned a book or movie review, or simply have an inspired observation, *Bifocal* welcomes the opportunity to share your work. For consideration, e-mail Jamie Philpotts at philpotj@staff.abanet.org.

This month, we feature a poem by Rhonda K. Dahlman. Ms. Dahlman was formerly staff and supervising attorney at Legal Counsel for the Elderly in Washington, D.C. An accomplished litigator and advocate, Ms. Dahlman created the Alternatives Project, which provides a holistic approach to the resolution of landlord-tenant disputes on behalf of elder disabled tenants. She authored a manual outlining the project as model for use by other jurisdictions across the country and provided trainings at both the local and national level. Ms. Dahlman was awarded the District of Columbia Bar Foundation's Jerrold Scoutt Prize in 2002 in recognition of her commitment to providing legal services to low-income elderly clients. Ms. Dahlman is a graduate of Antioch School of Law and previously served as a staff attorney for 13 years at Neighborhood Legal Services Program, also in Washington, D.C. She is presently an artist and writer living on Cape Breton Island in Nova Scotia, Canada.

elders have so much to say
in the voicelessness of speech
elders hold the wisdom
the elders' voice must speak

our aging is not shameful
our aging is not weak
our aging is our process
it is this gift to seek

Urban Outfitters

Continued from page 79

But putting these and other issues aside, the book provides a fascinating and encouraging look into what might fairly be called a revolution quietly taking place.

If we need any more evidence of the importance of the change, and the need for it, consider what happened in the aftermath of Wendy's purchase of the red pillow for Lenny. Wendy visits her father and discovers that the pillow is gone. She begins frantically looking up and down the halls, interrogating staff and demanding that it be found, but then suddenly comes across a woman sitting by herself in a wheelchair alone in a hallway clutching the pillow. From the profile we see of this woman, it appears that it would have taken every last bit of energy she had to actually wheel herself into Lenny's room, reach up to his bed to take the pillow, and wheel herself out. Nevertheless, no other explanation is given, so it appears that that is exactly what she did. All for one red pillow that was specifically purchased to help remind someone of home.



Elder Abuse Resources

Continued from page 66

31, 2006, and placed them on the elder abuse Web site under the heading "Laws Related to Elder Abuse."

Materials on the Elder Justice Act

The ABA Commission's elder abuse Web page contains materials on the Elder Justice Act (S. 2070 and H.R. 1783), including a summary of the Act; the ABA's position on the Act; the statement of Joseph D. O'Connor, chair, ABA Commission on Law and Aging, on behalf of the ABA, submitted to the Subcommittee on Crime, Terrorism, and Homeland Security of the House Judiciary Committee of the U.S. House of Representatives on the Subject of the Elder Justice Act; and background links to the Elder Justice Coalition and the National Center on Elder Abuse.

The Web page also includes information on how to find the bills on the Library of Congress's Web site, THOMAS, and information about their status in the legislative process and their co-sponsors.

Partnerships in Law and Aging 2008 Program Awardees

The ABA Commission on Law and Aging and the Albert and Elaine Borchard Foundation Center on Law and Aging are pleased to announce the 2008 Partnerships in Law and Aging Program Awards.

This year the program made six grants to encourage development of collaborative, law-related projects that promote elder rights and improve access to the justice system.

This is the tenth year of the Partnerships in Law and Aging Program.

The Request for Proposals for the next funding cycle will be available in December 2008, and will be announced in *Bifocal*, on the Elderbar listserve, and on the ABA Commission's Web site.

Following is a list of the organizations funded, their partners, and a brief description of the projects. The projects began on July 1, 2008.

- ◆ **Services and Advocacy for GLBT Elders (SAGE), New York, New York**
"Legal Services for GLBT Elders Project"

This project will benefit lesbian, gay, bisexual, and transgender seniors in New York City and nationwide through new initiatives that will (a) enhance awareness among LGBT seniors about the legal issues that impact them uniquely or disproportionately; and (b) enhance access by LGBT seniors to legal services by expanding SAGE's pro bono legal clinic, which is now significantly understaffed, underpublicized, and under-resourced.

Partners: New York Legal Assistance Group; Tom Sciacca, Legal Clinic Attorney; National Center for Lesbian Rights

- ◆ **Access to Justice Foundation**
Lexington, Kentucky
"Improving Guardianship in Kentucky"

This project will develop and disseminate consumer and professional education materials on guardianship/conservatorship of adults in Kentucky. It will use those materials to organize and present the state's first comprehensive, statewide conference on guardianship.

Partners: Kentucky Guardianship Association; University of Kentucky Graduate Center on Gerontology; Kentucky Cabinet for Health and Family Services

- ◆ **New Mexico Legal Aid, Inc.**
Albuquerque, New Mexico
"Access Express/Respuestas Rápidos"

Web-based information for the public and training for remote public libraries and rural private lawyers will make them resources for isolated elders statewide.

Partners: New Mexico Supreme Court Law Library

- ◆ **Legal Aid of Napa Valley**
Napa, California
"The Pro Bono Initiative: Community-Wide Lawyering for Seniors"

The Pro Bono Initiative is a new and innovative pilot project that combines the expertise of Legal Aid attorneys with that of private practitioners to collaboratively work to increase the number of Napa County seniors receiving essential direct legal representation and legal education free of charge.

Partners: Napa County Bar Association; Napa County Women Lawyers; Dickenson Peatman & Fogarty

- ◆ **Rappahannock Legal Services**
Culpeper, Virginia
"Community Elder Law Education"

Using an existing regional partnership supporting seniors, the project will increase availability and capacity of legal services for vulnerable seniors in the Rappahannock Rapidan area of central Virginia through attorney training, increased access to direct legal services, and creation of a senior consumer guide regarding legal services.

Partners: Rappahannock Legal Services, Aging Together, Rappahannock Rapidan Community Services Board/Area Agency on Aging

- ◆ **Neighborhood Legal Services Michigan - Elder Law & Advocacy Ctr.**
Redford, Michigan
"Elder Law & Advocacy Center/Law School Free Legal Aid Clinic"

The partnership between Wayne State University Law School and Neighborhood Legal Services will create a new full-service walk-in-ready legal clinic targeting older adults in Detroit. Efficiency and effectiveness of services offered by the clinic will be enhanced through implementation of self-help educational clinics and ongoing development of technological resources.

Partners: Neighborhood Legal Services Michigan; Wayne State University Law School; Elder Law & Advocacy Center/Law School Free Legal Aid Clinic

Grant Opportunity

Borchard Foundation Center on Law & Aging Requests Proposals for 2009 Academic Research Grants

The Borchard Center on Law & Aging awards up to 4 grants of \$20,000 each year. This Request for Proposals is open to all interested and qualified legal, health sciences, social sciences, and gerontology scholars and professionals. Organizations per se, whether profit or non-profit, are not eligible to apply, although they may administer the grant. However, two or more individuals in the same institution or different institutions may submit a collaborative proposal.

The objectives of the grants are to further research and scholarship about new or improved public policies, laws, and/or programs that will enhance the quality of life for the elderly, including those who are poor or otherwise isolated by lack of education, language, culture, disability, or other barriers.

The Center expects grantees to meet the objectives of the grant program through individual or collaborative research projects that analyze and recommend changes in one or more important existing public policies, laws, and/or programs relating to the elderly; or, anticipate the need for and recommend new public policies, laws, and/or programs for the elderly necessitated by changes in the number and demographics of the country's and the world's elderly populations by advances in science and technology, by changes in the health care system, or by other developments. It is expected that the research product will be publishable in a first-rate journal.

The Center makes no more than four annual grants up to \$20,000 each. Larger budgets using outside matching funds are encouraged but not required. Favorable weight is given to proposals that indicate, where appropriate, that active attempts will be made to solicit required additional funds for the project (including a list of sources to be approached). Grant funds may be used for the approved budget purposes, which may include reasonable compensation for the principal investigator(s), consultant(s), and research assistant(s), print and computer-based research materials, and other necessary expenses. Ordinarily, summer salary support will not be approved where the applicant is eligible for significant support from his or her university or other institutions. Grant funds may not be used for university overhead or administrative charges, and the Center will not otherwise pay any such costs.

Applicants must submit seven copies of the application form (available on the Center's Web site), seven copies of a Research Grant Proposal (limit five pages, double spaced, not including appendices and any letters of support), and seven copies of each applicant's curriculum vitae to:

The Borchard Foundation Center on Law & Aging
Attn: Mary Jane Ciccarello, Assistant Director
335 4th Avenue
Salt Lake City, Utah 84101

The Research Grant Proposal should include a description of the research project, a detailed budget (including matching support), a discussion of how the research meets the objectives of the Center's grant program, why the project is otherwise important, and a description of the intended written research product and the publication(s) to which the work product will be submitted for publication.

All materials must be postmarked by September 30, 2008. No faxed applications or materials are accepted. Proposals will be reviewed and grants awarded by a committee composed of the Center's academic advisory board members, executive director, assistant director, and fellows. Selections will be made on or about December 15, 2008.

Upon completion of the research project, but not later than December 31 of the year following the award (unless the committee, for good cause, extends the completion date), grantees must submit seven copies of a final written report that includes a description and chronology of the research and results, an accounting for grant funds, and copies of any publications or products developed. In addition, a short written progress and status report must be submitted not later than June 30 of the year the award is granted. Upon publication of the research product, seven reprints must be given to the Center.

For further description of the Academic Research Grant Program, the Request for Proposals, and the application form, please see the Center's Web site at <http://www.borchardcenter.org/argp.html>.

For any further information, please contact Mary Jane Ciccarello, Assistant Director, at 801-532-3626, mjcr@xmission.com.

**All materials must be postmarked
by September 30, 2008.**