

### National Healthcare Decisions Day Set for April 16, 2008

The ABA is pleased to join with leading organizations to promote National Healthcare Decisions Day on April 16, 2008. The purpose of the National Healthcare Decisions Day is to encourage people to discuss their wishes with respect to healthcare and to execute an advance healthcare directive. Studies have shown that only 29 percent of Americans have an advance healthcare directive, although more than 71 percent have thought about end-of-life issues. Our goal is for all Americans, regardless of age or current health status, to begin the dialogue.

### What Is An Advance Directive?

All adults can benefit from thinking about what their healthcare choices would be if they are unable to speak for themselves. These decisions can be written in an advance directive so that others know what they are. Advance directives come in two main forms:

- ◆ A “healthcare power of attorney” (or “proxy” or “agent” or “surrogate”) documents the person you select to be your voice for your healthcare decisions if you cannot speak for yourself.
- ◆ A “living will” documents what kinds of medical treatments you would or would not want at the end of life.

The ABA Commission offers on its Web site the following free resources to help you make, discuss, and document future healthcare wishes and decisions:

- ◆ Tool Kit for Health Care Advance Planning
- ◆ 10 Legal Myths about Advance Medical Directives

(Go to: <http://www.abanet.org/aging/publications/onlinepublicationsconsumers.shtml>)

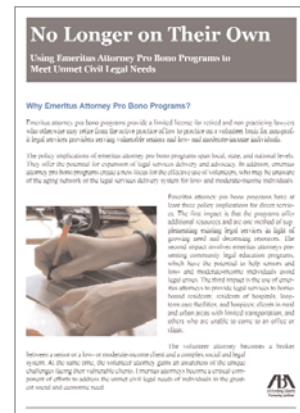
*Continued on page 48*

### State Bar/Pro Bono Emeritus Attorney Programs

## No Longer on Their Own: Using Emeritus Attorney Pro Bono Programs To Meet Unmet Civil Legal Needs

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

The ABA Commission on Law and Aging recently published a new 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 view the brochure online at <http://www.abanet.org/aging/>.

For information to assist in enacting rules or establishing a program, contact Holly Robinson at [RobinsonH@staff.abanet.org](mailto:RobinsonH@staff.abanet.org).

## Inside

Complimentary, Online CLE Programs from 2007	
Nat'l Aging & Law Conference Available. . . . .	46
New Resources: Housing Options for Older Adults (p. 48), "Facilitating Voting As People Age" issue of McGeorge Law Review Online . . . . .	49
Grants to Fund Pilot Projects for Transitioning And Retired Pro Bono Attorneys . . . . .	48
Film Review: Do Not Go Gently: The Power of Imagination in Aging . . . . .	49
Web Sites Offer Help to Seniors Applying for Economic Stimulus Plan Payments . . . . .	50

## New Resource

### Online, Complimentary CLE Programs from 2007 National Aging & Law Conference Now Available!

If you didn't have the opportunity to attend the National Aging and Law Conference (NALC) held October 10-13, 2007, in Arlington, Virginia, 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 online, complimentary CLE programs on its Web site at: <http://www.abanet.org/aging/cle/home.shtml>.

The downloads include the audio file in MP3 format, the accompanying written course materials in PDF, and the self study CLE certificates for the program.

## BIFOCAL

BAR ASSOCIATIONS IN FOCUS ON AGING AND THE LAW  
JOURNAL OF THE AMERICAN BAR ASSOCIATION  
COMMISSION ON LAW AND AGING

### Commissioners

Joseph D. O'Connor, Chair  
Betsy J. Abramson  
James F. Carr  
John J. Copelan Jr.  
Arthur R. Derse  
Robert B. Friedland  
Sarah Lenz Lock  
Jennifer Moye  
Rudolph N. Patterson  
Karen J. Sarjeant  
Nancy G. Shor  
Ann Soden  
Barbara A. Soniat  
Hon. Sandra Thompson  
Linda S. Whitton

### Board of Governors Liaison

Larry McDevitt

### Commission Staff

Charles P. Sabatino, Director  
Erica F. Wood, Assistant Director  
Lori A. Stiegel  
Leslie B. Fried  
Holly Robinson  
Ellen VanCleave Klem  
Jamie Philpotts  
Sonia Arce  
Trisha Bullock

### Editor

Jamie Philpotts

*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](http://www.abanet.org/aging). © 2008 American Bar Association.

The MP3 audio file and PDF course materials for each podcast will be downloaded in a single ZIP file.

To play an audio download in MP3 format, you will need a media player such as iTunes, Windows Media Player, Real Player, or Quicktime. For instructions on loading MP3 files to a portable media device, please refer to your device's instruction manual. Presentations available are:

**Holding Guardians Accountable: What Can Courts Do? Promising Practices from a National Study** (Run Time: 75 minutes, ZIP file size: 62 MB)

**Medicare Part D Exceptions and Appeals: The Good, the Bad, and the Ugly** (Run Time: 60 minutes, ZIP file size: 54.4 MB)

**Understanding the Legal Needs of Older GLBT Adults and How Hotlines can Effectively Address Their Needs** (Run Time: 60 minutes, ZIP file size: 53 MB)

**The Durable Power of Attorney: A Tool for Empowerment or Exploitation?** (Run Time: 75 minutes, ZIP file size: 58.9 MB)

**Elder Mistreatment in the Community and in Long-Term Care Settings: A Multi-Disciplinary Project to Study Mistreatment and Enhance the Safety Net** (Run Time: 75 minutes, ZIP file size: 69.4 MB)

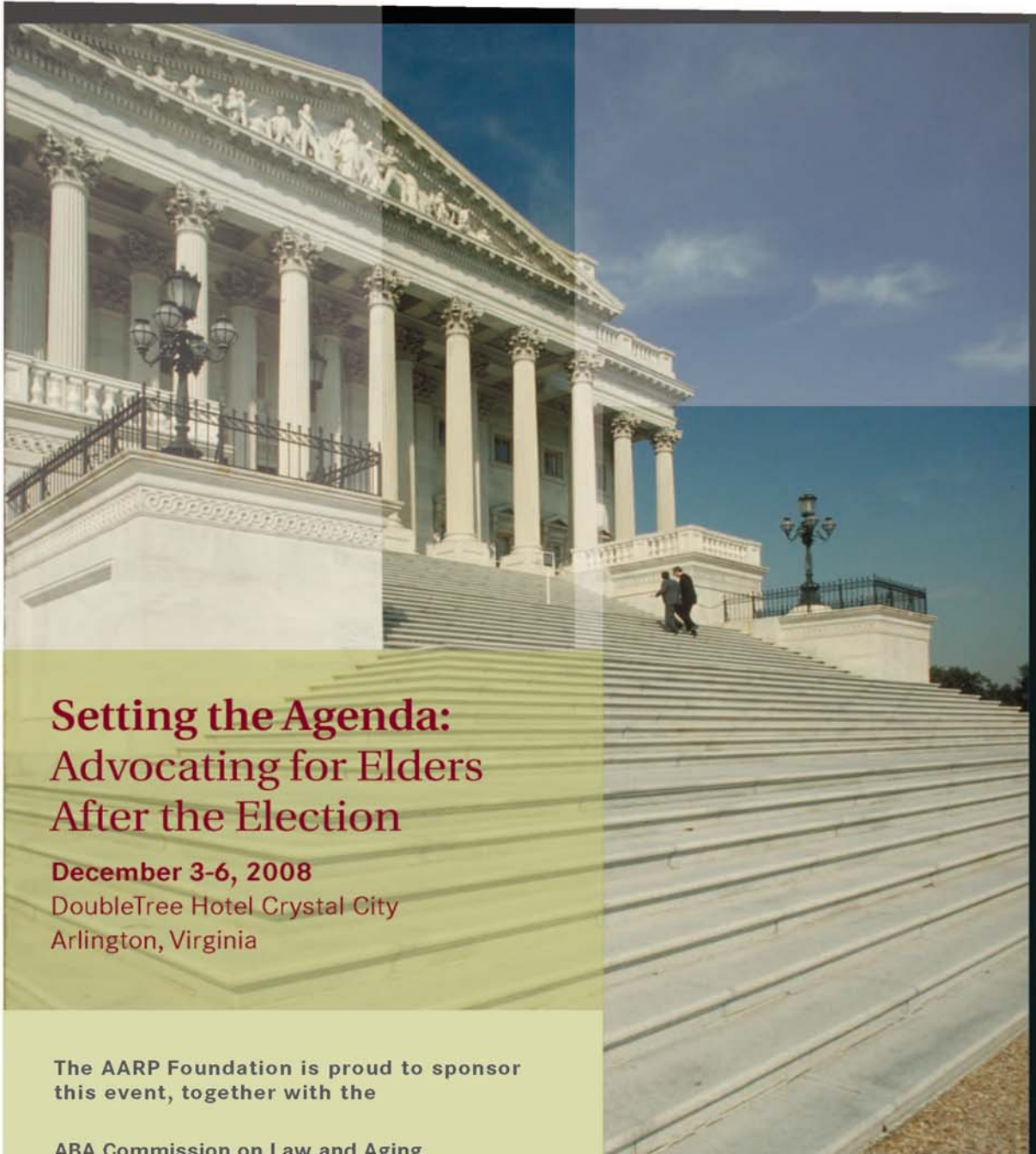
**Hot Topics in Fair Housing for Older People** (Run Time: 75 minutes, ZIP file size: 73 MB)

**It's Not What You Say: Using Measurable Outcomes to Measure the Value of Legal Assistance** (Run Time: 63 minutes, MP3 File Size: 57.9MB)

For technical help with the downloads, you may contact the ABA Center for CLE at [CenterforCLEWeb@staff.abanet.org](mailto: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.

Additional resources will be posted on a regular basis, so check future issue of *Bifocal* and the Elderbar Listserve often!



## Setting the Agenda: Advocating for Elders After the Election

**December 3-6, 2008**

DoubleTree Hotel Crystal City  
Arlington, Virginia

The AARP Foundation is proud to sponsor  
this event, 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  
National Association of State Units on Aging

NATIONAL AGING & LAW CONFERENCE

**NALC**  
&

## Healthcare Decisions Day

Continued from page 45

A number of organizations offer additional resources about advance directives, how to obtain them, and how individuals and families can make important decisions before a serious illness. For the list of resources and other useful links, go to: [http://www.nationalhealthcaredecisionsday.org/takeaction/advance\\_directive](http://www.nationalhealthcaredecisionsday.org/takeaction/advance_directive).

### Get Involved!

We are asking our state and local bar colleagues to join in the effort to communicate the importance of advance planning. Find the tools and resources needed to get your organization involved at: <http://www.nationalhealthcaredecisionsday.org>.

### New Resource

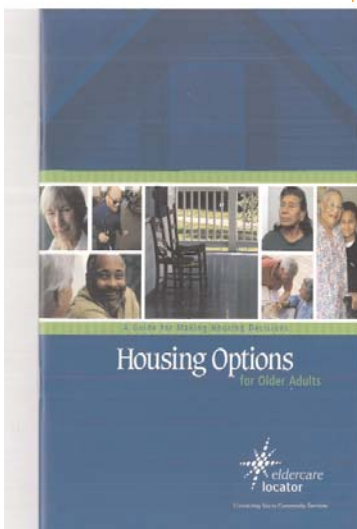
#### Housing Options for Older Adults: A Guide for Making Housing Decisions

This new guide provides consumers an overview of the types of housing available to older adults and highlights both personal and legal issues to consider in making housing decisions.

Written for the Eldercare Locator by Holly Robinson, of the ABA Commission on Law and Aging, and produced by the National Association of Area Agencies on Aging, the guide outlines the benefits and challenges, personal considerations, and primary legal issues for each option. The guide also includes questions to consider when making a housing decision and key resources.

The 24-page guide includes chapters discussing "Owning a Home," "Renting a Home," "Living in a Group Setting," "Living in a Nursing Home," and a glossary and list of additional resources.

Copies are available for free, while they last. E-mail your request to the ABA Commission on Law and Aging at [abaaging@abanet.org](mailto:abaaging@abanet.org).



### Funding Opportunity/Pro Bono Emeritus Attorney Programs

#### Grants Available to Fund Pilot Projects for Transitioning and Retired Pro Bono Attorneys

The Pro Bono Institute's Second Acts Project<sup>SM</sup> provides institutional support for transitioning and retired attorneys who contribute significant time, skills, and experience to help public interest organizations meet the complex legal needs of low-income and underserved communities.

The project works with law firms, corporate legal departments, and public interest organizations to develop strategies that raise awareness and support effective pro bono models that engage substantial numbers of transitioning and retired attorneys in second and volunteer careers.

The Pro Bono Pilot Project grantee organizations will receive \$160,000 in annual funding. The Institute will provide individual organizations up to \$40,000 annually over three years for a total of \$120,000 in project funding.

Funding will be awarded to eligible organizations for up to three years, renewable each year subject to satisfactory performance and compliance with grant requirements. The term of the first year of funding will be 12 months, which will run from August 1, 2008, through July 31, 2009.

Organizations interested in applying must be a provider of legal services or a pro bono organization with 501(C)(3) status from the IRS. Eligible organizations must also have at least one full-time attorney on staff and office space where the project will be housed.

Eligible organizations from all U.S. geographic areas can be selected for funding; organizations that provide services in Santa Clara, San Mateo, and Santa Cruz counties in California are strongly encouraged to apply.

**For more information and an application form, go to: <http://www.probonoinst.org/secondacts.php>.**

**Applications must be received by the Pro Bono Institute on or before 5:00 p.m. (EST), Friday, May 16, 2008.**

The Pro Bono Institute staff are available to answer questions about the Second Acts Project<sup>SM</sup> and the funding application process. For assistance, please contact Benjamin Bay, project assistant, at [secondacts@probonoinst.org](mailto:secondacts@probonoinst.org) or (202) 664-4245.

---

## New Resource

### Now Available Online— Facilitating Voting As People Age: Implications of Cognitive Impairment

In March 2007 the Capital Government Center on Law and Policy at Pacific McGeorge School of Law in Sacramento hosted a working symposium of national experts in law and aging, medicine, long-term care, voting technology, and elections administration, to discuss the critical issues surrounding voting by older persons in light of the growing incidence of dementia and other cognitive impairments. (See Charles P. Sabatino, *Facilitating Voting As People Age: Implications of Cognitive Impairment*, 28 *Bifocal* 55 (April 2007); also see *ABA Adopts Voting Rights and Cognitive Impairment Policy Submitted by Commission on Law and Aging*, on the Web page of the ABA Commission on Law and Aging at [www.abanet.org/aging](http://www.abanet.org/aging)).

The symposium, titled *Facilitating Voting As People Age: Implications of Cognitive Impairment*, covered issues such as how aging and cognitive impairments fit into broader issues of access to voting, absentee balloting, voting in long-term care settings, defining and assessing capacity to vote, and the implications of voter technology.

The group developed a number of recommendations aimed at protecting the voting rights of people with legal capacity and providing necessary assistance in voting, while protecting the integrity of the voting process.

The McGeorge School of Law has made available the entire special symposium issue on “Facilitating Voting As People Age: Implications of Cognitive Impairment” on its Web site at: <http://www.mcgeorge.edu/x762.xml>.

There are a very limited number of hard copies of this special issue available. If you would like to have a hard copy of this issue, send your request to the ABA Commission at [abaaging@abanet.org](mailto:abaaging@abanet.org).

## Film Review

### Do Not Go Gently: The Power of Imagination in Aging

The one-hour documentary *Do Not Go Gently* features the lives, work, and wisdom of three remarkable artists, each pioneers in their respective mediums, who have maintained their creative productivity well into their golden years. Narrated by legendary newsman Walter Cronkite, the film follows 82-year-old Gee’s Bend quilter Arlonzia Pettway; 90-year-old ballet dancer Frederic Franklin; and 109-year-old composer Leo Ornstein through a typical day to illustrate the role of creativity and art in staying happy and healthy at any age.

Interviews with renowned gerontologist Dr. Gene Cohen, whose groundbreaking work provides a deeper understanding of the aging brain, decipher the science of lifelong creativity. The film also documents the principles of creativity as applied to senior citizens at day care centers and nursing homes in Washington, D.C.

I thought the film was wonderful and wanted to let others know it is available for viewing online at <http://www.donotgently.com/>.

—Ellen M. Klem, J.D.,  
Associate Staff Director  
ABA Commission on Law and Aging

### 2008 Equal Justice Conference

#### Pursuing Justice, Balancing Challenges and Opportunities

May 7-9, 2008, Minneapolis

For more information, go to  
<http://www.abanet.org/legalservices/ejc/>

---

### Join the ABA today and become part of the most prestigious legal organization in the country!

- Stay on top of the latest developments in the law and the legal community;
- Gain access to leadership and networking opportunities;
- Select from more than 30 specialty sections, divisions, and forums, and over 600 ABA listserves; and
- Take advantage of valuable discounts on the products and resources you need.

Don’t delay! Join the ABA today at <http://www.abanet.org/join/>

---

## New Resource

### Help for Seniors Applying for Economic Stimulus Plan Payments

Two more Web sites have posted information to help seniors, and the professionals and volunteers who help them, understand eligibility and steps to take in order to receive the taxpayer's rebate payment under the 2008 Economic Stimulus Plan.

The \$168 billion economic rescue plan, passed by Congress and signed into law by the President in February 2008, features rebates for most taxpayers, including the millions of seniors who receive Social Security payments and who usually are not required to file a tax return.

This is important to note, since the payment will be triggered by the filing of a 2007 tax return.

Individuals with at least \$3,000 in qualifying income in 2007, which does not include SSI benefits, must file a 2007 federal tax return in order to get their rebate. Supplemental Security Income does not count towards the \$3,000 minimum, so SSI recipients must have at least \$3,000 in income from other sources to qualify for the stimulus payment.

#### Find Online Help

Several seniors'-advocacy organizations have posted information on their Web sites to help people understand the edibility requirements and the steps they need to take to receive their payment. These sites are:

- ◆ The National Council on Aging's "My Medicare" Web site offers a wealth of information to

professionals who work with Medicare beneficiaries. Go to "The Economic Stimulus and How It Affects Your Clients" page at <http://www.mymedicarecommunity.org/showthread.php?t=2700>. The site includes fact sheets; instructions on how and where to file; links to IRS pages specific to low-income seniors and people with disabilities; and more.

- ◆ Ohio's ProSeniors Inc., offers on its Web site an online pamphlet titled *Economic Stimulus Payments for Social Security Recipients*. The pamphlet can be viewed and downloaded at <http://www.proseniors.org/PDFDocs/Consumer/ESP.pdf>. It includes valuable links to IRS government pages that provide additional details.

#### Find In-Person Help

- ◆ The Volunteer Income Tax Assistance (VITA) program provides free tax help to low- and moderate-income taxpayers with incomes generally below \$40,000. The Tax Counseling for the Elderly (TCE) program provides free tax help to people age 60 and older. Call 1-800-829-1040 to find the location, dates, and hours of the closest VITA or TCE site.
- ◆ The AARP offers the Tax-Aide counseling program at more than 7,000 sites nationwide during the filing season. To find a site call 1-888-227-7669 or visit the AARP Web site at <http://www.aarp.org/money/taxaide/>.

**Get Connected to Elderbar** the listserv that brings together public sector law and aging advocates and the private bar. Elderbar is for you if you are a:

- ◆ Title IIIB legal services provider or developer;
- ◆ Long-term care ombudsman;
- ◆ Other OAA-funded advocate;
- ◆ Legal Services Corporation, other non-profit, or public sector legal advocate;
- ◆ Law school elder law or clinical staff;
- ◆ Bar association elder law section or committee member or leader, or
- ◆ 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 sectors. You may share ideas and information about bar section and committee structures and activities, and learn what others are doing in the face of funding shortages and practice restrictions to meet the legal needs of older people. Elderbar is a project of the ABA Commission's National Legal Assistance Support Center. Messages can only be posted and read by members.

To subscribe, send your name, e-mail, and professional affiliation to: [RobinsoH@staff.abanet.org](mailto:RobinsoH@staff.abanet.org).