July 12, 2011

Honorable Kathy Greenlee
Assistant Secretary for Aging
U.S. Department of Health and Human Services
Administration on Aging
Washington, DC  20201

Honorable Edwin Walker
Deputy Assistant Secretary for Program Operations
U.S. Department of Health and Human Services
Administration on Aging
Washington, DC  20201

RE: Elder Rights and Legal Assistance in Older Americans Act Reauthorization

Dear Ms. Greenlee and Mr. Walker:

The American Bar Association has been hosting and facilitating a series of forum calls on reauthorization of the Older Americans Act (OAA) based on discussions started at the 2010 National Aging and Law Conference (NALC). At NALC, the message to the legal and elder rights organizations interested in reauthorization of the Older Americans Act was clear: to be effective in achieving enhancement to the legal assistance and elder rights components of the Act, the organizations need to collaborate in ways not previously done. To that end, representatives of a number of legal and elder rights organizations have been convening regularly via conference call since January 2011. (See attached list of participating organizations.)

The purpose of this letter is two-fold.

1. To provide the Administration on Aging (AoA) an update on our collaborative efforts and report four recommendations for reauthorization on which all of the participating organizations have reached consensus; and

2. To ask AoA to look carefully at the consensus recommendations and adopt them to the extent possible in its reauthorization efforts, as well as to request a meeting to further discuss these four recommendations and to offer our assistance and expertise to AoA.

The focus of our collaborative meetings has been to review and discuss the various related proposals and policies that have been generated since January 2011 by the groups. We identified
elements common to all of the proposals and policies, and adopted them as consensus recommendations which all of our participating organizations support. They include:

1. The need to target effectively scarce OAA legal and elder rights resources to the most needy older persons who are least able to advocate on their own behalf, and to give priority to the most critical legal needs of those target groups, e.g. protect and enhance income, housing, access to health care, and other rights and benefits essential to meet basic needs;

2. The need for all states to develop and maintain high-quality, high-impact, targeted legal assistance and elder rights delivery systems that give priority to those legal issues that reflect the most critical needs of target groups, that coordinate the various legal resources for maximum impact and for cost-efficiency, and that are an integral part of the broad aging service network;

3. The need to strengthen State Legal Assistance Developers to develop and maintain the state legal assistance and elder rights delivery systems; and

4. The need for a level of funding adequate to develop the needed delivery systems and provide legal services to older Americans in social or economic need.

Though these four recommendations are common to all existing proposals that we have reviewed, our participating organizations recognize that additional recommendations might be appropriate for inclusion in reauthorization of the Act. Each of the participating organizations has additional objectives more tailored to their particular mission and target groups and will be bringing those to your attention.

However, as noted, because there is consensus among all of our organizations that the above four recommendations should be pursued in reauthorization efforts, we request that AoA consider them carefully and include them in its own efforts to the maximum extent possible. We hope that, together, we can work toward the overarching objective that we all desire to achieve; specifically, the preservation of elder rights through legal assistance, with the goal of assisting older Americans, particularly those in greatest need of assistance, to live healthy, safe, and independent lives in their communities.

With that objective in mind, we would like to arrange a meeting with you and representatives of the participating organizations to learn your thoughts on the four consensus recommendations, to provide a bit more detail on how these consensus recommendations might be addressed in reauthorization, and to discuss how best to move forward. Further, if AoA determines it would like to pursue particular aspects of elder rights and legal assistance development and services through the regulatory process, members of the group stand ready to assist in any way we can. A number of us have extensive history both with the Act and its regulations, and we are happy to share that with AoA. Charlie Sabatino, Director of the ABA’s Commission on Law and Aging, will follow up with your staff to obtain possible options for a meeting of our group. If you have
any questions regarding these recommendations, please contact Charlie Sabatino at (202) 662-8686 or charles.sabatino@americanbar.org.

Sincerely,

Thomas M. Susman

Attachment: Organizations Participating in Regular Conference Calls to Collaborate on Elder Rights and Legal Assistance under Reauthorization of the Older Americans Act (Attachment A)
Attachment A

Organizations Participating in Regular Conference Calls to Collaborate on Elder Rights and Legal Assistance under Reauthorization of the Older Americans Act

ABA Commission on Law and Aging
Center for Elder Rights Advocacy
The Center for Social Gerontology
Community Legal Services of Philadelphia
The Legal Aid Justice Center
Legal Services of South Central Michigan
Michigan Poverty Law Program
National Academy of Elder Law Attorneys
National Association of Legal Services Developers
National Association of Senior Legal Hotlines
National Consumer Law Center
National Council on Aging
National Legal Aid and Defenders Association
National Senior Citizens Law Center
Pension Rights Center