

**Testimony before the
House Aging and Older Adult Services Committee
Hearing on Senior Legal Services**

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Good morning, Chairman Hennessey, Chairman Samuelson and members of the Committee. My name is Karen Buck and for 21 years I have had the pleasure of serving as Executive Director of SeniorLAW Center, a nonprofit legal services organization dedicated to protecting the rights of older Pennsylvanians. We are grateful for your time to talk today about senior legal services and the powerful impact having an attorney and advocate makes for seniors and their families in the crises of their lives. I have had the pleasure of working closely with Chairman Hennessey and many others in this room in our common mission of protecting elder rights and pursuing elder justice across the Commonwealth, and look forward to working with all of you in the future.

Today's hearing is about access to justice and that is our mission at SeniorLAW Center and the mission of most of whom you will hear from today. We are nonprofit lawyers and advocates who pursue justice in aging.

Our mission at **SeniorLAW Center** is to improve the lives of Pennsylvanians 60 and older and protect their rights through legal representation, education and advocacy. Founded in 1978 and celebrating our 40th anniversary this year, we are the only nonprofit organization in Pennsylvania solely focused on protecting the legal rights of older people. And one of just a few in the country. We serve well over 6,000 older Pennsylvanians each year, including grandmothers raising grandchildren who have been abused, neglected, or abandoned, seniors facing mortgage foreclosure or wrongful eviction by an unscrupulous landlord, elders beaten by their own family members or caregivers, and senior veterans exploited of their homes, life savings and possessions.

With three offices in Philadelphia and the surrounding counties, and more on the way, we provide a voice, an advocate, and access to justice, and work with hundreds of partners across Pennsylvania to train, educate, share resources and best practices, and promote access to justice. Last year alone, SeniorLAW Center opened over 3,600 individual cases for Pennsylvania seniors, educated over 3,350 seniors to prevent legal problems from occurring, and trained over 1,300 professionals working with and serving Pennsylvania seniors to help them identify problems and help get their patients and consumers the legal help they desperately need. Thousands of additional seniors were served through our statewide HelpLine in diverse communities throughout Pennsylvania. *All of our services are free.*

The law affects the lives of seniors in profound ways. Seniors have complex unique challenges of accessing traditional legal services and unique legal problems requiring specific expertise, including reverse mortgages, kinship care, the dynamics of elder abuse and financial exploitation, isolation, transportation, mobility and sometimes cognitive challenges, the interplay between desiring independence and need for care. Seniors may be homebound or bedbound, needing assistance in their homes and communities, or access via telephone or technology, not simply in offices they must travel to, and creative modes of accessing help and knowing their rights.

Our work in legal services literally saves lives: elders who are victimized are 3x more likely to die prematurely. We help seniors obtain protection from devastating physical abuse, sexual assault, family violence, and financial exploitation, which costs seniors and families

\$2.9 billion across our nation. As you know well, these issues of elder abuse affect *all of our communities and families*, no matter how rich or poor, what color, rural, urban or suburban. Elder abuse is a national, Pennsylvania and local health and legal crisis. As legal services leaders, we partner with law enforcement, the courts, PCCD, Protective Services, domestic violence providers, the aging network, the legal community, law schools, and many others to look at comprehensive and holistic responses, through both criminal and civil justice partnerships. Elder abuse is an area of critical need in which legal services is playing a leading role.

Our client Ray White, now 92, served his country as a First Lieutenant with the Ninth Air Force in WWII where, among other roles, he transported paratroopers to the Battle of the Bulge. After the war, Ray became a stockbroker and anticipated a comfortable retirement in a home he purchased in Center City Philadelphia. But in 2012, a man befriended Ray, claiming to have a mutual interest in antique cars, which Ray owned and cherished. An almost one-year deception scheme commenced in which Ray was coerced into turning over the title to his antique vehicles and taking out a home equity loan for the perpetrator's benefit, manipulating Ray into unknowingly selling his home (and stealing the proceeds), and taking or destroying all of Ray's personal belongings—including his WWII military memorabilia. Ray found himself penniless and homeless on the doorstep of the VA hospital.

SeniorLAW Center assembled a legal team made up of its legal staff and a corps of exceptional pro bono attorneys who dedicated hundreds of hours on Ray's behalf, seeking civil remedies, developing facts, and working closely with the Philadelphia Police Department and the Philadelphia District Attorney's Office to help support Ray through the investigation, trials, plea, withdrawals of plea, and finally, conviction. We are pleased to report that the perpetrator was sentenced to 7 ½ to 14 ½ years in prison. We successfully pursued an array of civil remedies against a number of entities and actors involved in this multi-faceted exploitation.

Ray spoke eloquently about the devastating—and often deadly—impact of elder abuse in his victim impact statement:

“I speak today for the many thousands of elderly victims as myself; in many cases the realization that you've been victimized comes too late, and the scammer has your property and money... If we allow these voracious predators to prey upon our vulnerable senior citizens, they will be successful in taking our nest eggs and money. Too late we ignore the red flag warnings, when we should be notifying the police. When a senior citizen becomes a victim of a crime, it is a life shattering experience. There are many potential unsuspecting elderly victims facing poverty who choose to end their lives, or just give up hope in living. I know this too well, that [it] is equivalent to murdering those victims.”

Although he suffered physically, emotionally, and financially, Ray was fortunate to make his way to law enforcement and to SeniorLAW Center with the support of outraged

veterans' groups. *This is legal services* -- and just one of thousands of stories any one of us testifying today can tell.

HOUSING AND SAFE SHELTER

Through representation of older homeowners and older tenants, legal services enables seniors to stay in their homes and avoid homelessness or institutionalization. You probably know that mortgage foreclosure, reverse mortgage foreclosure, and real estate tax foreclosure are critical problems facing older people, be it due to the loss of a spouse, a critical health issue, poverty, or exploitation. Legal services strengthen the ability to **Age in Place**. Just one example is the relationship between our work in housing law and emphasis on home and community-based services. Last year alone, we handled over 1,000 housing cases, preventing homelessness and saving the homes of senior homeowners and senior tenants. Without a home, the provision of home and community-based services is relatively meaningless. **There will be no point to “aging in place” if there is no place, no home.** Or if that home is uninhabitable. Or stolen by the filing of a fraudulent deed. Or sold at sheriff sale due to foreclosure. Or left to deteriorate due to an unscrupulous repair contractor. Legal services works to resolve all of these issues for seniors.

KIDS AND KIN

We enable kids to stay in kinship care where they can thrive in the loving homes of grandparents or other kin vs. being placed into foster care. The opioid crisis has hit families hard and many grandparents, great-grandparents and other older relatives are stepping up to parent when birth parents cannot, due to addiction, incarceration, poverty, death, even military service. We help grandparents navigate the family court system in dependency and domestic relations forums and enable them to obtain custody so they can make decisions for the kids in their care about education, health care, and give kids a sense of permanency at time of crisis in their young lives. We also connect them with other resources – housing, financial, counseling, respite -- to address their lives holistically. Our work is intergenerational. It affects the young and old. It is collaborative. It is powerful.

RETURN ON INVESTMENT

Legal services is a great return on investment. A report by the Pennsylvania IOLTA Board in 2012 estimated that every dollar invested in legal services reaped *more than an \$11 return*. We can see this easily in senior legal services. Preventing homelessness and shelter costs, keeping kids out of foster care, avoiding guardianship, enabling seniors to remain in their own homes, providing protection from abuse, “stopping the bleeding” of financial exploitation and pursuing remedies and restitution – all reap financial benefits not only for the seniors and families we serve but their communities and the state at large.

While we focus on those in the greatest economic and social need per the federal Older Americans Act, at SeniorLAW Center we, like other IIIB providers, have no strict income cutoff and recognize that those of moderate income, not just those in poverty, need help. In addition to our expansive direct individual representation, we are proud to provide free legal advice, information, referrals and advocacy services to seniors in each of Pennsylvania's 67 counties through our Pennsylvania SeniorLAW HelpLine, from small communities in central and Northern and Southeastern Pennsylvania, to farming communities in Lancaster County, to

urban centers through central and western Pennsylvania, in diverse urban, suburban and rural communities. Our statewide legal helpline is the only one of its kind and helps overcome obstacles of accessing services and the disparity of services in our Commonwealth. While it is not full representation, it is what thousands of seniors need to know their rights, make good legal decisions, obtain advice on next steps, and refer those who are eligible and need individual representation in other parts of the state to our excellent legal services colleagues who are on the ground. **Justice should not be denied or allocated dependent on where you live.** That is why statewide legal services and a statewide helpline is essential, as an integral part of an aging and legal services system and investing in community-based services.

You will hear more about our statewide services and programs from our Legal Director Wendy Bookler and our state's new Legal Assistance Developer at the Department of Aging, Deborah Hargett-Robinson, with whom we are working on a groundbreaking project to help strengthen senior legal services across PA working with dozens of diverse partners in all parts of the state.

And in legal services we look to maximize investment in our work and build capacity through creative partnerships and innovations. Recently we helped launch Pennsylvania's first Elder Justice Resource Center with judicial leadership, located in Philadelphia's City Hall, to help unrepresented litigants navigate the legal system. Our many pro bono partnerships with law firms, corporate counsel and Bar Associations in many parts of the state expand our ability to serve clients, create new advocates, and develop awareness of the plight and challenges of older people. Our staff, as do many of our legal services partners, look also to helping address the root causes of our clients' problems, whether it be illegal self-help evictions by Landlords or the lack of civil remedies and protections for elder abuse victims and failure to prosecute crimes against the elderly. With AARP we have just launched a new program to build pro bono partnerships to pursue systemic reform and community impact, led by former Secretary of Aging Nora Dowd Eisenhower, who has recently joined the SeniorLAW Center team. We also help lead a diversity of innovative court-based access to justice projects for seniors -- in Family Court, Landlord/Tenant Court, Mortgage Foreclosure Diversion Court and the Elder Justice Resource Center -- all of which help seniors navigate a complex judicial and legal process. We hope to replicate some of these in other Pennsylvania communities that may need and want them. With our statewide HelpLine, hundreds of volunteers, strong pro bono partnerships, three offices and more on the way, 8 diverse community-based legal clinics, and focused services for senior veterans, victims, grandparents, homeowners, tenants, those with Limited English, and much more, we are a growing force to address access to justice for older Pennsylvanians.

CIVIL JUSTICE GAP AFFECTS PA SENIORS

And yet all of us who toil in senior legal services-- independent providers like SeniorLAW Center, members of the Pennsylvania Legal Aid Network, IIB providers who contract with the Area Agencies on Aging around the state, and our pro bono partners -- together we are able to meet just a fraction of the need. Estimates nationally and here in Pennsylvania tell us that *only 1 in 5 low-income people who need legal help get it from any resource.* That means 80% go without. And that is no different for older people despite the consequences being often much more severe. Low-income elders, individuals and families

who cannot afford a lawyer for their most basic legal problems -- shelter, domestic and family violence, child custody, loss of health care or basic income -- do not have the right to one and must navigate the legal system alone. As you all know, there is no civil right to counsel. So you can be elderly and wrongfully evicted, but you do not have a right to an attorney to represent you. You have no right to an attorney to represent you to get protection from abuse, to help rescue your grandchildren from the child welfare system, or even to be defended in a guardianship, which is at the discretion of the court. And so the burden falls to legal services to protect our elders' rights.

In "Toward Equal Justice for All: Report of the Civil Legal Justice Coalition," live testimony, written statements, and studies presented at three statewide hearings held by the Senate Judiciary Committee comprehensively document that the lack of representation for low-income, unrepresented litigants negatively affects the courts' administration and undermines the rule of law. Former Chief Justice Ronald Castille, honorary chair of the Coalition, testified at the May 23, 2013 hearing: "The unfortunate (and often tragic) fact is that many Pennsylvanians face formidable legal situations in our civil courts where those citizens may face dire consequences as the result of a civil legal matter that can greatly impact their lives or their futures...and the vast majority are left to fend for themselves in an unfamiliar courtroom without legal representation." The Chief Justice further stated: "*As a Commonwealth, we should be treating civil legal services for indigent individuals and families as an important government service, like roads and public service and courts...*" The report, which includes the Chief's testimony, concludes that increased civil legal aid is needed to ensure fairness for all in the justice system, help streamline the court system, and maximize Commonwealth funds.

Each of our communities is required is to provide some specific funding for senior legal services through their Area Agencies on Aging and Title IIIB of the Older Americans Act. The IIIB program is vital – but it is fragmented and services are inconsistent from county to county and have had only the most nominal increases in funding far from even keeping up with Cost of Living. As you'll hear from our colleagues at the Department of Aging, we are working on that! And trying to help communities maximize the impact of those services by focusing on priority areas of law that have the greatest impact on seniors' lives and helping to create no-cost and low-cost resources and pursue innovation.

We are proud of our Pennsylvania law schools and work with almost all of them to help build the next generations of advocates for those in need. Yet despite the sheer number of older people in Pennsylvania – approaching 3 million -- and shocking rates of poverty, there are few law school programs focusing on elder rights. Fewer still focusing on priority basic needs issues of housing, abuse, financial exploitation, health care, consumer protection, poverty, which affect their lives so profoundly. We can do better and call on our law schools to work with us to invest the energies of new advocates in the generations that made the opportunities they enjoy possible. We are grateful to Pennsylvania IOLTA, which provides significant funding each year to legal services and the law schools to serve the legal needs of the poor, for recognizing the need for future investment in elder rights law school programs.

Despite being an excellent return on investment and an essential part of the aging network which affects many other aging services, senior legal services continue to be severely

underfunded. We operate on a patchwork of funding streams, the great majority of which we identify and pursue ourselves. Title IIIB programs provide small amounts of money to serve enormous numbers of older people, whose need continue to grow in number and complexity. Title IIB funding from our AAA, the Philadelphia Corporation for Aging, currently represents *less than* 10% of our budget. Not all of our senior legal services programs receive funding from the Pennsylvania Legal Aid Network, which receives the majority of state and IOLTA funding, and is itself significantly underfunded in light of current need and impact, and there is currently no senior-focused PLAN program member. We can and should invest better in justice for our seniors.

Finally, every Pennsylvanian can be proud that our state Supreme Court has made elder justice a priority. We at SeniorLAW Center are proud to have been appointed to the Court's Elder Law Task Force, led with excellence by Madame Justice Debra Todd, and have been deeply involved in the Court's groundbreaking work over the past several years which continues with its Advisory Council on Elder Justice in the Courts, on which we serve with Rep. Hennessey, the Secretary of Aging and others in this room. At the highest level of Pennsylvania's judicial system, elder justice is a priority. Few states can say this. If you have not read the Court's report and detailed recommendations for civil and criminal justice reform for older Pennsylvanians to increase access to justice, I recommend it to you as a blueprint for action. It also includes excellent recommendations on increasing resources for legal services and addressing the civil justice gap.

Legal services have dramatic impact on the lives of older Pennsylvanians every day. Together we do so much yet the elders of our Commonwealth need greater access to our services. Thank you for your leadership and for being committed to justice. We look forward to working with you and all of our elected leaders and partners to help make Pennsylvania an exceptional place to age, with justice for all.