

# Clearinghouse Review

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ELDER LAW

# Senior Attorney Volunteer Projects Multiply

by Stephanie Edelstein and Jan May\*

*Senior lawyers are drawn to serving the elderly poor for many reasons. We understand the process of aging . . . [and] we have a natural bond with those who were children when we were children, those who fought the same war we fought, reared a family during the same years and faced retirement at the same time we did. Fate left most senior lawyers in a better financial position than many of our fellow senior citizens, and we want to help.<sup>1</sup>*

Mary Pat Toups articulates the views of many retired lawyers who volunteer or who would like to volunteer. In the October 1993 CLEARINGHOUSE REVIEW, the authors introduced the concept of senior volunteer attorneys delivering legal services to low-income persons of all ages in legal services offices, where they receive administrative and staff attorney support, malpractice coverage, and the opportunity to interact with peers.<sup>2</sup>

For many years, senior attorneys have contributed their talents on an ad hoc basis at Legal Counsel for the Elderly/AARP in Washington, D.C., Legal Services of Eastern Missouri, Legal Services of Metropolitan Denver, and Georgia Legal Services, among others. Their efforts existed in relative isolation until recently when the concept came of age. In 1990 with Ford Foundation funding, Legal Counsel for the Elderly, the ABA Commission on Legal Problems of the Elderly, and Legal Services of Middle Tennessee (LSMT) initiated a model senior attorney volunteer program in LSMT's Nashville office. That project has

proven a great success. Twelve volunteers, each devoting approximately one-half day a week, have handled hundreds of cases for clients who otherwise would go unserved. These achievements have generated a great deal of interest on the part of other programs around the country, inspiring projects in Salt Lake City, Toledo, and Cincinnati.

Just as legal services programs have developed an interest in the talents of senior lawyers, more senior lawyers have begun promoting the concept of pro bono to their peers. Articles about existing opportunities and the rewards of pro bono have appeared in bar journals and retirement guides.<sup>3</sup> The ABA Senior Lawyers Division has a pro bono committee, and many state and local bar associations are following suit. These activities are important because the cooperation and involvement of the local bar and other leaders in the legal community are essential to establishing and maintaining a senior attorney volunteer project.

In April 1994, in conjunction with the ABA Pro Bono Conference and with funding from the Legal Services Corporation, Legal Counsel for the Elderly/AARP, and the ABA Commission on Legal Problems of the Elderly held a one-and-one-half-day conference on senior attorney volunteerism. Representatives from successful projects shared information, resources, and practical tips on recruiting, training, and managing volunteers. Participants were interested to hear of the wide range of work that the volunteers perform, including intake, advice and counsel, guardianships and powers of attorney, heir prop-

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<sup>1</sup>Mary Pat Toups, *Senior Lawyers Across the U.S. Are Serving the Elderly Poor*, SHEPARD'S ELDER CARE/LAW NEWSLETTER 9 (May 1993).

<sup>2</sup>Stephanie Edelstein and Jan May, *Senior Attorney Volunteers: A Resource for Legal Services Programs*, 27 CLEARINGHOUSE REV. 619 (Oct. 1993).

<sup>3</sup>Edward D. Spurgeon & Mary Jane Ciccarello, *Utah Senior Lawyer Volunteer Project Opens Its Doors*, 14 BIFOCAL 1 (1993); Ellen Holden Clark, *When the Pros Take on Pro Bono*, 3 EXPERIENCE 1 (Summer 1993); John H. Pickering & Stephanie Edelstein, *Post-Retirement Practice Opportunities for Senior Lawyers*, in AMERICAN BAR ASSOCIATION, LAWYERS' GUIDE TO RETIREMENT (1994).

erty and other real estate matters, and, in a nonrepresentative role, public speaking, mentoring, fund-raising, and recruitment. Some handle complex litigation, while others prefer to limit their involvement to discrete projects on individual cases or cases that do not involve litigation. Experienced managers had the opportunity to exchange information, resolve problems, and consider future directions and new initiatives for their projects.

Senior attorneys discussed the reasons why they volunteer, the obstacles they have faced, and how these obstacles can be overcome since state licensing requirements may pose a problem. Some senior lawyers have converted their bar membership to inactive status or may have moved to a state in which they are not licensed. Recognizing this, Arizona, California, Florida, Idaho, New York, and Texas have modified their practice rules to permit retired lawyers to engage in pro bono activities under certain circumstances. Other issues included the volunteer's need for malpractice coverage, flexibility of hours, training, and support.

All participants engaged in problem-solving exercises, and attendees set about developing work plans for implementing projects in their own programs. In the months since the conference, mentoring relationships have been established, and, with the assistance of experienced managers, participants are beginning to implement their work plans.

The need for additional legal services has been documented time and again. Legal services programs turn away hundreds, if not thousands, of eligible clients every year. In many cases, potential clients are rejected because their problem is not within the program's priorities. Senior attorney volunteers can provide much-needed assistance, thereby increasing the number of cases handled and expanding the subject areas in which representation can be provided. For information and materials about starting a senior attorney project or expanding an individual volunteer arrangement into a more structured program, contact Jan May at Legal Counsel for the Elderly/AARP, (202) 434-2164, or Stephanie Edelstein at the ABA Commission on Legal Problems of the Elderly, (202) 331-2633.