

Enhancing Legal Services Delivery to Senior West Virginians

Summary/Abstract

Goal: The overall goal of this project is to create a comprehensive, well-integrated, cost-effective, efficient, and high quality legal services delivery system for needy senior West Virginians.

Objectives:

1. Convene an Elderlaw Advisory Group to make our legal services delivery efficient, effective, higher quality, targeted, and broader access.
2. Do a legal needs assessment and delivery system assessment.
3. Cost-effectively dispel legal mythology among seniors.
4. Efficiently and cost-effectively provide quality, relevant legal trainings online.
5. Improve our state's system of response to financial exploitation of seniors by people in positions of trust.
6. Reach out to and serve the special legal needs of LGBT seniors.
7. Bring WVSLA and LAWV together to carefully integrate our programs' services to seniors.
8. Enhance pro bono referral especially to our target populations.

Outcomes: Creation of a comprehensive, well-integrated, cost-effective, efficient, and high quality legal services delivery system for needy senior West Virginians.

1. The law and aging community in our state will learn the legal needs of our neediest seniors.
2. Our target populations of seniors will have increased awareness of how legal assistance can preserve independence, and increased access to quality legal services.
3. Seniors and senior service providers will receive valuable elderlaw information geared toward helping seniors preserve their independence.
4. Increased number of hours pro bono attorneys devote to serving seniors in our state.

Products: Legal Needs and Delivery System Assessment, advisory group recommendations, Legal FAQ book, WV Aging and Law quarterly, "You Already Have a Will" law student volunteer workshop model, "Elderlaw Myths: A Reality Check" materials, online elderlaw training modules for non-lawyers, LGBT seniors cultural competence video, MOU's.

I. Problem Statement :

West Virginia's Seniors West Virginia's population always ranks among oldest of any state in the country. In 2007 the median age is 40.3 behind only Maine and of our 1.8 million residents more than 362,000 are age 60 or over, second to Florida in highest percentage of state population 60+. If you flattened out West Virginia it would probably be bigger than Texas. The median altitude is 1500 feet, higher than any other state east of the Mississippi, and our largest city, Charleston, has only 50,000 people. Our state is one of the most rural states in the country and is the only state which is entirely within the Appalachian region. We epitomize many of the characteristics of Appalachia including: high rates of poverty and economic depression, a large and increasing older population, a rural-industrial economic base which is being left behind in the service and information age, serious barriers to delivery and utilization of all kinds of services caused by mountainous terrain and fierce independence of our residents. Appalachian seniors are proud people with strong connections to the land. We have had hotline clients who have never left the county where they were born. Many of our seniors have spent a lifetime demonstrating amazing self-sufficiency. The diminishment of mental and physical capacities that aging can bring are particularly hard on the dignity of these proud people. They don't like to ask for help.

But poverty is the hallmark of Appalachia. Of our state's seniors 65 and over, an estimated 12% of our 1.8 million people live in poverty, nearly 60,000 people. And as West Virginia's seniors get older their likelihood of living in poverty increases. The average income of West Virginians age 60 and older is less than 150% of the federal poverty line. 25.4% of our 65+ population has mobility or self-care limitations. 48.2% of our 65+ population has disabilities, making us 5th highest in the nation.

More than 30% of West Virginians age 65 and older live alone, and more than 4% of them are institutionalized or living in group care facilities. And of our population age 60 and older, more than 1/3 has less than a 9th grade education. We have some of the highest illiteracy rates in the country among our seniors. Yet West Virginia has the highest home ownership rate in the nation. Preservation of the (often meager) family homestead is a strong value among our seniors.

These characteristics make our seniors are particularly vulnerable when faced with legal problems.

Legal Issues that Endanger Senior West Virginians' Independence Though many varied areas of civil law impact our seniors, three particular kinds of legal problems cause substantial risk of loss of independence: financial exploitation by people in positions of trust, mental capacity and surrogate decision-making, and mistaken reliance on popular legal mythology.

Financial exploitation by people in positions of trust is very complex problem that many our state partners in aging and law, as well as law enforcement, adult protective services, faith communities, domestic violence services, banking, and others have been actively struggling with for about five years. Our state's systems for intervention are fractured and ineffective, and we have all been slowly educating ourselves on the complexity of the dynamics of this devastating form of elderabuse. When a senior West Virginian is stripped of her savings through undue influence of a grandchild or a new "friend" from church, that senior is much more likely to end up prematurely in a nursing home. We know that civil legal advocacy is one piece of the puzzle that is prevention, intervention, and remedy of such exploitation, but an essential piece of solving this horrible problem in our state. We need to figure out how all the pieces most effectively can come together, what is the best role of civil legal services, and how can we most effectively and efficiently deliver those services to the seniors who need them most.

Many of our state's seniors either fail to plan for the possibility of incapacity, or make plans based on a mistaken understanding of what the law provides. Planning for the possibility of incapacity is one of the most effective ways a senior West Virginian can preserve her autonomy and independence. Legal issues related to mental capacity and surrogate decision-making, both personal, medical, and financial, are a vital area for quality legal services to empower seniors. Our state's durable power of attorney law leaves seniors largely unprotected from fiduciary abuse and at the same time allows third parties to easily refuse to respect even validly-given financial authority. The roles, limits, and utility of financial powers of attorney are frequently misunderstood by both seniors, their families, power of attorney agents, and third parties.

Elderlaw mythology is common in West Virginia. There are several particular elderlaw myths that continue to circulate and often cause seniors to make bad choices that negatively impact their access to healthcare or their financial independence. For example, it is commonly believed among senior West

Virginians that if you at least pay a few dollars toward a bill every month on time there is nothing the creditor can do to you. Of course this is far from the truth. Failure to understand this can have devastating consequences to a needy older person with chronic healthcare needs who lives in a very rural area where there may be only one specialist available within an hour driving radius. Her doctor may drop her as a patient for failure to pay, even though she has been dutifully paying her \$5 to him every month, as her balance continued to grow.

Another popular myth is that when you go to a nursing home the state takes your house. There is of course a grain of truth in this myth, related to long-term care Medicaid estate recovery. Because of a tapestry of legal protections very little recovery is actually done in WV, yet many older people who truly need assistance (through our Medicaid Waiver program or nursing home care) sadly never accept it because they are afraid of an estate recovery that would never actually happen. There are elderlaw myths related to intestate succession, contracts, landlord/tenant law, and several other areas that directly relate to a senior's ability to maintain her independence.

Legal Resources in West Virginia Outside the hotline at WVSLA there is very little access to legal services for most of our seniors. In remote rural areas of West Virginia frequently local Bar Associations are very small, many counties have fewer than 10 practicing attorneys. In those regions specialization is nearly impossible, and since elderlaw issues can often be complex and require significant updating, seniors in these areas are not well-served legally by the private bar alone. We have one statewide LSC provider, Legal Aid of West Virginia (LAWV). The Long-term Care Ombudsman program (LTCO) is a project of LAWV and has only one attorney. Legal Services Developer is only 5% of our developer's job at our state unit on aging. The West Virginia State Bar has no Elderlaw committee. The National Academy of Elderlaw Attorneys has only 16 members in West Virginia. Therefore there is little elderlaw expertise currently available in West Virginia outside the hotline, which has only one attorney.

These characteristics of West Virginia's significant senior population, and our lack of elderlaw resources, make a senior legal hotline a particularly appropriate gateway for the delivery of legal assistance to our at-risk seniors. Reaching isolated, vulnerable seniors is a real challenge, and the neediest clients of course

are the hardest to reach.

The Senior Hotline West Virginia Senior Legal Aid's statewide senior legal hotline has been taking calls since September 1996. We are a very small stand-alone hotline, with only two full-time employees (one director/attorney and one legal assistant/office manager) and a part-time Title V senior worker. We are located in Morgantown, home of West Virginia University and the state's only law school, so we are fortunate to have access to law students, undergraduate students, and social work students who rotate through as volunteers and interns, as well.

The Hotline got off the ground using only West Virginia's Title IIIB funds, with no special start-up grants. We were awarded a Title IV demonstration grant in 1999. We have closed over 10,000 cases, averaging about 750 per year, and between three and five cases per day.

We are a call-back hotline, where clients give intake information to an intake worker during their call, then are given a telephone appointment time for our attorney to call back later that day. We spend substantially more time with each client than the high-volume, less rural, information/advice-oriented hotlines. Because our seniors have very little access to other legal services (we are also the statewide Title IIIB provider), and because we have a holistic approach to our clients, clients typically receive more in-depth services from us. Our hotline closes fewer than 50% of its cases with advice or information, focusing the bulk of our resources on brief services (including communicating with adverse and other parties, reviewing documents, drafting documents, etc.). We take more time even with our advice and information cases than the typical high-volume hotline, as well. For a senior who needs help resolving a small-claims dispute we often give explicit instructions on how to pursue the case pro se in our magistrate court system. These kinds of cases often have several steps, with the client calling back for more help after each step. Clients who are having consumer financial problems may send us stacks of documents to review, after which we may make a series of calls to advocate negotiated solutions on the client's behalf. For litigation and other representation we engage local attorneys for over 150 hours of pro bono services annually.

We serve our clients holistically, understanding that the legal solution won't solve the whole problem if we don't identify and address the other aspects of the clients circumstances that impact the legal problem.

Numbers will never be fundamental to our true goals in serving our seniors.

We actually serve seniors in every one of the 55 counties every year, but one of the challenges of a centralized legal hotline is overcoming the lack of local community presence. WVSLA has a long history of providing on-site elderlaw workshops for seniors and senior service providers as well as in statewide and regional conferences for SHIP, homecare providers, social workers, and lawyers. These presentations enable us to deliver valuable legal information, but also to engage local senior service providers to spot legal issues ripe for referral to our hotline, and to develop relationships in the communities with aging service providers who can assist us locally in serving our clients. For example, we often ask a county SHIP counselor (each county senior center has a SHIP counselor on staff) to arrange transportation to a senior with a hearing problem to come to her office, put us on speakerphone and help the client understand and communicate with us, help us find the right document in the stack, fax relevant documents to us, help client complete and file forms, etc. Especially in the rural coalfields, we have learned that a senior who needs legal help is far more likely to actually get connected with our service through a personal referral and some local help accessing us than by cold calling a number on a flyer.

We are now ready to move to the next level of truly integrating our hotline services with the other partners in law and aging in our state, increasing access to legal services for all seniors especially our hard-to-reach target populations, and delivering more quality legal services especially to our most vulnerable seniors. We are so small that making the most of the systems already in place is our best chance of having greater impact in the lives of needy West Virginia seniors. Our seniors deserve the best, most efficient system possible, and we are ready to work hard to make real improvements.

II. Goal and Objectives The overall goal of this project is to create a comprehensive, well-integrated, cost-effective, efficient, and high quality legal services delivery system for needy senior West Virginians. Our objectives to accomplish this goal are:

1. Convene an Elderlaw Advisory Group in our state consisting of all the partners in both aging and law who will work together to identify and eliminate duplication, identify gaps in services, create new capacities to fill those gaps, enhance accountability among partners, and broker Memoranda of Understanding among

partners to make our legal services delivery system to needy seniors more efficient, more effective, higher quality, more targeted, and broader access.

2. Identify the legal needs of the seniors in our state in the greatest economic and social need, and identify the system of capacities we currently have in our state to serve the legal needs of needy senior West Virginians.
3. Cost-effectively dispel legal mythology among seniors by delivering quality legal information explaining the realities of specific commonly misunderstood elderlaw issues.
4. Efficiently and cost-effectively provide quality, relevant legal trainings online to senior service providers, ADRC counselors, SHIP counselors, LAWV intake specialists, and others designed to enhance their ability to spot legal issues ripe for referral.
5. Improve our state's system of response to financial exploitation of seniors by people in positions of trust through promoting prevention, victim-centered intervention, and remedy.
6. Serve the special legal needs of LGBT seniors through joint cultural competence training, specialized outreach, and delivery of a legal workshop for LGBT seniors.
7. Bring WVSLA and LAWV together to carefully integrate our programs' services to seniors through the Elderlaw Task Force, sharing space and jointly mentoring a new Health Law Fellow, fostering more regular communications, and working together on individual cases.
8. Enhance the pro bono referral program at WVSLA to provide more free legal services from local private attorneys to needy senior West Virginians, especially to our target populations.

III. Proposed Intervention

Elderlaw Advisory Group: The hub of our project will be a new Elderlaw Advisory Group made up of all the essential partners in law and aging in our state, plus important partners for enhancing outreach and holistic delivery to our targeted senior populations. The group will include representatives from WVSLA, LAWV, the state aging unit, the state SHIP director, the state ADRC coordinator, each of the 4 Area Agencies on Aging, several of the county aging programs, the LTCO, the WV Presbytery (a member of the state Council of Churches), the statewide independent living council, the West Virginia Advocates (our state P&A for people with disabilities), and the Native American Indians Federation of WV, and others. (Please

see support letters.) The group will be the forum of leaders where we will do the work of changing our system of legal services delivery to make it as effective, targeted, efficient, and successful as possible. To accomplish this the group will: carefully review the legal needs assessment and legal capacity assessment report, identify where gaps exist and build new capacities to fill them, identify duplications of effort, examine the roles of the partners across the whole spectrum of legal services delivery from outreach through follow-up, determine what are the most appropriate roles for each of the partners, and help broker agreements between the partners to create a reliable and accountable referral system designed to get the neediest seniors to the quality legal services that can help them most.

The individual members of the group have already each been invited to join, and the response has been overwhelmingly positive. One of the great advantages of being in a relatively small state is that in a field like law and aging we tend to personally know all the players, and we are very fortunate to have a genuine comradery in place already. Several of us are very excited to bring the new partners we have identified into the fold. Many of us have wanted to find ways to make this system more efficient and effective for a long time, but this project will enable us to have the time and resources to really move it forward.

We are excited about this advisory group's opportunity to build bridges between the aging advocacy and disability advocacy realms. The cultures of our two different worlds of advocacy are very different. But we know that there is substantial overlap in our client bases. Our different cultures present some potential barriers to collaboration, but we look forward to opening this door and finding common ground for the benefit of both people with disabilities and seniors. Identifying needs and opportunities for joint trainings will be part of every meeting, and we look forward to training together to enhance our knowledge, skills, and the relationships between us.

The group will define a set of outcomes measures for hotline cases. WVSLA has more than 10 years of data regarding outputs for its cases, but we have not captured data on outcomes in the past. The advisory group will consider the research already done on hotline outcomes, specifically Shoshanna Ehrlich and Ellie Crosby's 2006 outcomes study report and the 2004 Oklahoma outcomes study, and will devise its own framework. WVSLA will add this new assessment of outcomes to its client services operation and include

outcomes data in its annual report. In Year Three of the project the advisory group will undertake a review of the outcomes data we have collected to measure our progress and to reassess our initial determinations about the outcomes we with think are both important and achievable.

Unlike most states we have only one Title IIIB provider statewide (WVSLA) and one LSC provider statewide (LAWV), so standardization and consistency are really built into our system already, to a certain extent. Therefore, developing standards is not a priority for us at this time. However, the advisory group will review our current system's consistency and determine if we should develop standards for our system.

Though the group will focus on the issues we have already identified as particularly important (financial exploitation, mental capacity and decisionmaking, and dispelling elderlaw mythology), the group will be flexible enough to adopt other focus areas it may identify as critical, including needs identified in the assessment.

The group will also work closely with the Financial Exploitation Task Force (FX). FX has been recently reconstituted. It was founded by the LTCO and AARP WV several years ago, and primarily focused on educating ourselves and each other about the problem of financial exploitation of seniors by people in positions of trust and available resources for intervention. FX had some successes; it inspired AARP WV to start a Money Management program in our state, and inspired our state APS to change its policy to include the investigation of financial exploitation as part of its charge to eliminate adult abuse and neglect. But then the task force lost momentum and fizzled out a couple of years ago. It has recently revived itself, and is currently determining the direction it will take. FX has agreed to share information with the elderlaw advisory group, and to be available to consult on individual financial exploitation cases brought by legal services providers.

The group will interface with the brand-new Access to Justice Commission (ATJ) created by our state Supreme Court. WVSLA and LAWV each have ex-officio membership positions, and Jennifer Singleton, Special Projects will join the advisory group as liaison with the Court and the ATJ. The ATJ has committed to help us through its Elderlaw committee, Sustainability committee, and Pro Bono committee (please see support letters).

Senior Legal Needs Assessment and Legal Assistance Delivery Assessment: Sherry Kuhl of the Center on Aging will oversee the development, data collection, analysis, and final report for a statewide assessment of the legal needs of our state's seniors, with a focus on the needs of our target populations. Sherry has reviewed the assessments completed in UT, GA, KY, MI, and OH, and will liberally borrow from their tools and methodologies. Our assessment will include not only a survey of seniors in every county, but will also include focus groups in each of the four area agency regions, surveys taken by telephone and in person for our target populations, including nursing home and assisted living residents (please see support letter from the ombudsman program), and surveys of aging service providers and professionals. We will consult with both CERA and TCSG to learn about what methodologies might work best for us and what pitfalls to avoid. Cathy will co-write the final report which will be the primary document to inform the advisory group's work to improve our system, and will include conclusions and recommendations about fulfilling the needs identified.

Cathy, in conjunction with our legal services developer Ray Woods, will research and produce a report on the system we currently have in place to deliver legal assistance to our seniors. This report will be substantially simpler than for virtually all of the previous Model Approaches states since we have only one statewide LSC program (LAWV) and one statewide Title IIIB program (WVSLA).

Dispelling Elderlaw Mythology: Because of the nature of mythology, this is an objective that requires us to proactively reach out to seniors, rather than merely be ready when they call for help. We will develop and deliver two different kinds of workshops at senior centers throughout the state. First, we will partner with Megan Annitto at WVU College of Law (please see support letter) to recruit and train interested law students to deliver workshops called "Don't Worry, You Already Have A Will." Cathy will develop a curriculum on intestate succession, Megan will recruit students, and Cathy will train student volunteers to teach workshops at senior centers focusing on dispelling the myth that the state gets your stuff if you die without a will. Our state's intestate succession law is actually really good, it tracks very closely with what the majority of people want regarding who will inherit from them. GBLT seniors and other non-married couples are not well-served by this law, so this workshop will also carefully address those issues. With this project students will get a rare opportunity to get first-hand experience with senior West Virginians and pro bono credit, seniors will get

valuable myth-busting, and the project will be and extremely low-cost and efficient. The scheduling, communications, and information distribution to the students will be web-based through a wiki and email. Cathy will also train students in-person and give them an opportunity to practice and get feedback on their presentation skills. We will give a pre-test and post-test to participants at the workshops to see what our participants have learned. At WVSLA we have long struggled to reconcile the fact that wills are not a priority for our program so we can't justify devoting substantial legal resources to them, yet so many seniors and people who serve them worry unnecessarily about dying without a will. These workshops will address that problem efficiently.

The second type of workshop will be "Elderlaw Myths: A Reality Check." Cathy will develop and deliver this workshop at senior centers in the coalfield counties where we have historically missed our client outreach targets. She will also take guidance from the advisory group on other sites to deliver the workshop to best reach African American and Native American populations. This workshop and its delivery strategy will be designed specifically to increase access to these hard-to-reach target populations.

She will also coordinate with Marcia Meeks, our state SHIP director, to deliver in SHIP's target outreach regions and include additional information about the LIS for Medicare Prescription Drug plans (please see her support letter) . We will give a pretest and post-test to each participant to see what myths we have successfully dispelled in these workshops. The handout for the workshop will also be made available to the ADRC counselors, long-term care ombudsmen, and the aging network at large, and will be freely available for downloading on WVSLA's website. And of course at all our workshops we explain what legal services are available through WVSLA and partners and how to access them, and encourage attendees to take extra brochures to share with seniors they know who can use our help.

Develop and deliver online elderlaw training modules: The statewide ADRC network is only a couple of years old in our state. Many of those counselors are recent social work graduates with limited experience in working with older people. These folks can really use quality training on elderlaw fundamentals and issue spotting, but bringing everyone together across the state is expensive and disruptive to services. We will develop a series of elderlaw training modules designed specifically for non-lawyers working with older people,

and make them freely available online. The audience will include ADRC, SHIP, LTCO, LAWV's new telephone intake program staff, county senior service providers, Aged and Disabled Waiver providers, and the public. The substantive areas of law will be mostly state-specific, since relevant, quality state-specific elderlaw information is hard to find. The focus will be legal issues critical to maintaining independence, and will include practical issuespotting tips, explanations of fundamental concepts, definitions and terminology. WVSLA strives to not dumb down our legal information for non-lawyers, instead we use the legal terminology but explain it, so the reader/viewer gets the terms and phrases needed to Google for more. Topic areas will include Medicaid estate recovery and LTC Medicaid eligibility, mental capacity and surrogate decisionmaking, financial exploitation, intestate succession and estate issues, dealing with debt and screening for bankruptcy, reverse mortgages, homestead protections and tax credit, and others the network identifies. We will undertake a redesign of our website in 2010 and these modules will place prominently there.

We will continue to publish our annually updated book of more than 100 Legal Questions Frequently Asked by Senior West Virginians both in paper and on the web, and the questions and answers therein will supplement the modules and can be printed and shared freely with clients who are less likely to be internet users.

The modules will allow free easy access to quality relevant training at the participants own paces and on their own schedules. We discussed the possibility of doing webinars, but were told by ADRC and SHIP folks that something they could access during the gaps in their schedules would be far more useful. We have been invited to join the periodic conference calls for both of these networks, and we will take that opportunity to tell folks about the trainings and also get their feedback on what works, what doesn't, and what other elderlaw topics they need to learn about to support the work they do.

This will be an extremely low cost solution. At WVSLA we already have the equipment, software, and skills to produce trainings with audio, video, online slides, outlines, wikis, and more. Our program has moved the vast majority of our internal operations to web-based technologies to further our goals of expanding accessibility to volunteers and employees with disabilities, reducing paper and physical storage needs, supporting our employees and volunteers to be able to work from remote locations, and keeping our

institutional knowledge evolving and easy to collaboratively build, improve, and update.

Improve our state's system of response to financial exploitation of seniors: Financial exploitation of seniors by people in positions of trust is an area where we know we need to do better, and the partners are poised and ready for leadership to help create some direction. Melissa Wright, attorney for the long-term care ombudsman program (a project of LAWV) will devote time to activities of the newly-revived FX task force, including bringing in expert presenters, working on a campaign to raise awareness about the issue with an eye toward prevention, working on creating opportunities for the component groups of the intervention system (APS, law enforcement, civil legal assistance, aging services, domestic violence services, and others) to train together so we can continue to raise our in-state expertise and develop integrated client-centered strategies for intervention. WVSLA's partnership with LAWV (please see below) will also focus on collaborating on financial exploitation cases.

Reach out to and serve the special needs of LGBT seniors Lesbian, gay, bisexual, and transgender seniors are a very hidden population with critical legal needs. The pervasive traditional conservative Christian culture among seniors in our state creates bias against LGBT seniors that discourages them from identifying themselves as members of the LGBT community. We know that family for many GBLT seniors often means chosen family rather than the legally-defined relationships of family. This means that many of our default positions under the law regarding property, surrogate decisionmaking authority, estate distribution, spousal and other benefits do not fully protect GBLT seniors. Outreach is especially difficult for this population, but these legal issues make them particularly vulnerable if they don't have access to quality, sensitive, and relevant legal assistance.

Sam Leizear, from the Division of Social Work at WVU (please see support letter) will deliver a webinar on fundamental cultural competence for serving LGBT seniors. We will offer the training to LAWV, ADRC, SHIP, LTCO, and other partners, and will archive the presentation to be available in the future. Sam will also consult with us to identify and work with existing trusted networks within the LGBT community to do a specialized legal workshop for LGBT seniors.

Create solid partnership between WVSLA and LAWV concentrating exclusively on seniors: WVSLA

and LAWV are the main legal services providers in West Virginia. For our neediest seniors to get the best legal assistance possible these two entities must work closely together toward this goal. We are fortunate to have good working relationships between our programs. We also share the vision of effectively and efficiently serving more seniors in the greatest need, and increasing access and quality legal services to our state's seniors. This project will enable us to focus on truly integrating our services for seniors. WVSLA brings the strengths of years of experience exclusively serving older people, close relationships with the aging network to aid outreach and holistic delivery, expertise particularly in both elderlaw and the delivery of the advice/information/brief services side of legal services. We have learned through handling over 10,000 senior cases that serving West Virginia seniors well requires some specialized knowledge of their culture, values, capacities, and needs. We know that often the issue presented is not the really critical legal issue that lies underneath, and skill and experience can tease that out. We know that many of our seniors can't read, whether for educational or vision health reasons, and proud senior West Virginians are not likely to reveal that. We also know that effective delivery of legal advice and information requires a very different skillset than litigation.

LAWV brings the strengths of having multiple local offices around the state staffed with a total of more than 50 lawyers, decades of experience in poverty law litigation, an outstanding regional long-term care ombudsman program, a new statewide telephone intake system, and a Health Law post-graduate fellowship. LAWV attorneys bring a depth of knowledge in the specific areas of law that they practice, and they bring valuable experience in navigating our state's court systems to our partnership.

These strengths from both programs have never been carefully integrated for the benefit of needy seniors in our state. This project will enable WVSLA to shift its current Title IIIB funding to hire a staff attorney who will handle the hotline casework, while Cathy's system building work will be funded through this grant. This grant will also fund a portion of Melissa Wright's (the long-term care ombudsman program attorney) time on this project. Melissa currently shares office space with WVSLA, as does the new Health Law Fellow. We have found that sharing space is a great way to facilitate the natural exchange of lots of incidental information about our work and our programs and our cases that wouldn't otherwise likely get shared.

Specifically Cathy and Melissa, with input from the advisory group, will develop a list of the kinds of

cases and clients that lend themselves best to our working on them collaboratively. We have a good foundation for working together, and we are eager to expand in a positive direction for the benefit of seniors.

Ultimately an MOU between our two programs will create very specific expectations regarding who will handle which casetype, referral protocols, case collaboration roles, outcome reporting, and accountability not only between our programs but also for the advisory group and all the partners in law and aging who rely on us to serve the legal needs of our senior clients.

Enhance pro bono representation of seniors: Our Bar of about 5000 attorneys in the state is very generous and has demonstrated willingness to serve needy seniors in their communities. LAWV's pro bono program coordinator of 30+ years Diane Young helped WVSLA create our own pro bono referral system 10 years ago. We have maintained open communications and cooperation ever since. We have never, however, taken the time to examine and coordinate our efforts better to avoid duplication and be sure no seniors slip through the cracks. Diane will join our advisory group (please see her support letter) and will work with us specifically on a project designed to match pro bono attorneys who will do housecalls for seniors with disabilities, both in the community and in nursing homes and assisted living, who need legal services.

We will be a placement site for Masters level social work students through the Hartford placement rotation who will assist us with our legal needs assessment, client intake, case follow-up, and pro bono referral.

Sustainability Considerations: Our success in this project, in many ways, naturally sustain itself. Once the decisions are made and the agreements brokered about the roles of the partners in the system of delivery of legal services to our neediest seniors the system will continue in this new direction and arrangement. Once we have identified and built relationships and understandings with the partners that give us trusted entry into our target population communities, we have opened a door to access that should naturally stay open. Once we have created accountability between and among the partners in our delivery system, the partners will have the means to hold each other accountable for delivering on the promises we have made to each other.

The funding to keep the new full-time staff attorney position in addition to the full-time director/attorney position at WVSLA, however, will require something new at the end of this project. WVSLA has included as part of the match for this project a state grant we have received to contract for

professional fund development services. We will contract with someone to develop a plan for us to secure renewable funding to support the staff attorney position for the foreseeable future.

IV. Targetting and Outreach This project seeks to reach out to and most effectively serve the low-income, minority especially African American and Native American, LGBT, rural, disabled, and seniors living in nursing homes and assisted living in our state. We have large populations of low-income, rural, and disabled seniors throughout our state, and we know that access to quality legal services can have a huge impact on these seniors. This is true for the entire spectrum of services from legal advice to representation in litigation. Even though we have large numbers of these seniors they can be hard to reach and serve because of our geography, climate, culture, and depressed economy.

Even harder to reach and serve are our African American seniors, Native American seniors, LGBT, and seniors living in residential healthcare settings including nursing homes and assisted living facilities. African Americans make up less than 4% of our population, and concentrations of African Americans tend to be in the southern coalfields, which are very geographically isolated, and some of the larger towns scattered around the state. But there is a diverse culture within the African American community in our state as evidenced by a number of different organizations promoting black artists, academics, history and traditions. The convenor of our advisory group is African American and will help us identify the people and entities in our state that will help us improve our outreach and delivery of services to this target population.

Native Americans in West Virginia are among the poorest seniors in our state, can be extremely culturally isolated, are victims of substantial bias, and have a historical distrust of public and social services. Native Americans had no citizenship rights and could not vote in West Virginia until 1924, and it was illegal for a Native American to own property in West Virginia until 1964. Many of our state's Native Americans are descended from escapees from the Cherokee Trail of Tears. All this has created an environment where Native Americans commonly deny their heritage, and the census figures indicating less than .5% of our total population is likely a substantial undercount. Reaching out to and effectively serving the legal needs of these seniors is challenging and requires connection with trusted entities and people in the community. The leader of the Native American Indian Federations in West Virginia will join our advisory group and help us learn

how to best reach and serve this hidden population of seniors.

Seniors living in nursing homes and assisted living also tend to be poor, are naturally isolated and are therefore especially vulnerable to our focus issues of financial exploitation and mental capacity and decisionmaking needs. Our strong partnership with the long-term care ombudsman program, as well as our special pro bono project for homebound seniors, will help us better reach and serve this target population.

LGBT seniors tend to be a very hidden population in our state, but have critical legal needs that can impact their choice and independence. Our project is designed to reach out and serve their unique legal needs in a culturally competent way.

Each of these populations deserves specialized attention and requires partnerships with people and entities they trust to both reach and serve effectively. Our program priorities of preserving home, income security, access to healthcare, and person autonomy are designed to help us target the needs of these special populations.

V. Outcomes The overall outcome of the project will be a well-integrated, comprehensive system of outreach and delivery of legal services to the seniors in our state who need legal help most and for whom we can provide the most valuable assistance. This will admittedly not be easy, but it is a goal we are very eager to work toward, and one we can achieve through this project. We will produce a legal needs assessment and assessment of our current legal capacity, both of which will provide a basis for our advisory group to provide input on our improved system.

This project will result in increased awareness among our target populations of the how legal assistance can help seniors preserve their independence, and increased access to legal services for seniors in our target populations which we will measure as increased numbers of hotline calls from our target populations, increased numbers of cases of financial exploitation and mental capacity and decisionmaking. We will identify more of the critical legal issues that face our target populations through our needs assessment and our focused outreach. We will serve numbers of individuals in our target populations that exceed their representation in our overall senior population.

Seniors and senior service providers who receive information at the workshops and through the

online elderlaw training modules will score better on the post-tests than on the pretests, indicating that they have learned valuable elderlaw information. Targeted senior populations in at least 15 counties will receive useful information to protect their independence through on-site workshops.

We will develop protocols and an MOU between WVSLA and LAWV and other partners in law and aging as a result of the new clarified roles in collaboration. We will enhance our data collection to include outcomes rather than just outputs.

Our pro bono enhancement will result in increased numbers of cases and increased numbers of hours of pro bono service delivered to needy senior West Virginians through both WVSLA and LAWV's pro bono systems.

VI. Project Management The primary project leader will be Cathy McConnell, Executive Director of WVSLA. She will oversee each of the components of the project and will be responsible for their progress toward their respective goals. For the Elderlaw Advisory Group she will recruit members, manage communications, prepare agendas, provide materials, and assist the Convenor during and between meetings. For the intestate succession workshops she will develop the curriculum, arrange the logistics, monitor and train the students, and will work with Megan Annitto at the College of Law who will recruit students. She will hire a staff attorney in the first six weeks of the project who, once trained and oriented, will handle nearly all WVSLA's hotline cases leaving Cathy free to spend her time on this system-building project.

Ray Woods, our Legal Services Developer, will be the convenor of the Elderlaw Advisory Group. He will serve as our liaison with the state aging unit, and will provide space and support for the advisory group.

Melissa Wright, long-term care ombudsman attorney, will manage the portion of the legal needs assessment that includes seniors who live in long-term care settings across the state. She will also lead the FX group and Elderlaw Task Force of WVSLA and LAWV.

Sherry Kuhl will oversee the development, implementation, and final report for the statewide senior legal needs assessment. She will supervise the social work interns who will do the telephone surveys of seniors, and she will assist the regional long-term care ombudsmen who will survey the nursing home and assisted living residents. Sherry will run the focus groups and deliver the mail surveys, as well.

VII. Evaluation Cathy will tabulate the results of all the pre- and posttests for all the workshops and trainings to determine and report the results to the advisory group. We will do two rounds of intestate succession workshops, and will use the evaluation data to improve our second round of workshops based on what we learned. Likewise Cathy will tabulate the test results from the elderlaw myths workshops and present that data to the advisory group. Since she will be delivering those workshops herself she will be able to quickly incorporate lessons learned after each workshop. Cathy will continue to accumulate the evaluation data from the online trainings and review them quarterly and report to the advisory group.

The advisory group will ultimately evaluate the progress of the project overall, and particularly will review the specifics of the Memoranda of Understanding that result from this project to determine if the needs and capacities identified have been efficiently coordinated in this new service plan, and whether we have successfully created a comprehensive delivery system.

VIII. Dissemination We will publish notices of the availability of the online elderlaw trainings through the West Virginia Aging and Law newsletter we publish, as well as to the aging network, ADRC network, AAA's, SHIP network, and LAWV listserv directly by email.

Melissa and Cathy will be willing and available to prepare a workshop or serve on a panel at the National Aging and Law Conference in 2011 and/or 2012 to disseminate information about the progress of our project. We will also offer an article for publication in the Legal Hotline Quarterly in Year 3 about lessons learned and promising practices in our project. We will disseminate our needs assessment and capacity report to all partners plus the broader law and aging community through listservs and hosting on our website. We will disseminate information about our LGBT project through existing LGBT networks in WV.

IX. Organizational Capability The project leader Cathy McConnell has been with WVSLA since 1996, first as staff attorney, then as director since 1998. She has handled all of the hotline cases for the past two years since WVSLA has not been able to afford a staff attorney. She is a founding member and past Chair of the National Association of Senior Legal Hotlines, and has presented numerous elderlaw workshops to seniors, senior service providers, social workers, attorneys, and others at local, state, and national conferences. In her personal life she is videographer and enthusiast for webbased collaboration technologies and information

design, and brings those skills and knowledge to this project. She has published 11 annually updated editions of our 300+ page Legal Questions Frequently Asked by Senior West Virginians, 10 years of quarterly law and aging newsletters, numerous outreach brochures and issue pamphlets, and annual reports. She has collaborated on substantial projects, publications, and trainings with partners, and has taught CLE trainings for lawyers on Medicare and Medicaid.

Sherry Kuhl , through her work at the WVU Center on Aging, has had multiple experiences of program evaluation with both the WVSeniors outreach grant project as well as other projects that she has initiated at the Center with entities such as AT&T and the National Library of Medicine. These experiences in writing and conducting surveys has given her some insight into the process and how to make them successful when working with an older population and should be a plus for this project.

Melissa Wright has provided legal backup for the long-term care ombudsman program of LAWV for 2 years. She has eight years of experience as a public defender. She also was a Public Interest Summer Fellow at WVSLA when she was in law school at WVU, when she did the research and writing for the 3rd edition update of our FAQ book.