

Brooklyn Law School Elder Rights Clinic Takes Unique Housing Court Approach

By Deirdre Lok

This article is based on one published in 2013 in Vol. 35, Issue No. 1, of Bifocal, a journal of the ABA Commission on Law and Aging and is reproduced with permission.

Fall 2013 marked the launch of the Elder Rights Clinic at Brooklyn Law School, which joined the growing numbers of such clinics to address the growing legal needs of the 60-plus age bracket. As more baby boomers enter this age bracket, the legal needs of older adults will continue to expand dramatically. By 2030, it is estimated that the borough of Brooklyn alone will have as many as 410,000 residents over the age of 65, according to the New York City Department of City Planning. Today, 53 percent of Brooklyn residents in that same demographic struggle with desperately low incomes.

To address the pressing needs of this vulnerable population, Brooklyn Law School, Brooklyn Legal Services Elderlaw Project, and the Weinberg Center for Elder Abuse Prevention at the Hebrew Home at Riverdale have collaborated to create a new clinic. It is the latest in the Law School's 30-year history of clinical and externship programs to benefit from close partnerships with community-based organizations.

This clinic is the first of its kind in the New York area. Most law school clinics serving older adults focus on estate planning, guardianship, or consumer advocacy. The Elder Rights clinic takes a unique approach by looking at older adults that are forced to go through the rigors of the Brooklyn Housing Court. The reality is that an older adult who faces housing issues in New York City is also likely to face any one of a number of other medical, social, and legal concerns, including financial management and/or planning requirements; benefit needs and/or management issues; medical problems; elder abuse signs and symptoms (physical abuse, sexual abuse, financial exploitation, verbal or emotional abuse, neglect); diminished capacity; or the raising of grandchildren, a situation in which a growing number of grandparents find themselves. An older adult who does not have a safe and stable place to live is at higher risk and greater vulnerability to physical and emotional decline, financial despair, and abuse.

The Brooklyn Elder Rights Clinic structure means that clinic students experience hands-on work across diverse kinds of projects and cases. At Brooklyn Legal Services, students are handling eviction cases specific to senior citizens. Students take on every phase of client representation, from case intake through strategic case assessment, motion practice, court appearances, and possibly even hearings or trial. This direct client interaction with the older adult population is building invaluable client-interviewing skills and an ability to assess client capacity. Students are also

learning how to identify and intervene in cases of elder abuse and to evaluate other basic food, housing, and health-care needs. The process of advocating for an older adult at an administrative hearing offers another invaluable opportunity for learning. The ever-changing laws and regulations surrounding Medicaid benefits, health care, and insurance require students to position themselves on the cutting edge of a type of practice that long-time practicing attorneys are learning as well.

The weekly seminar complements the case and project work by exploring foundational legal concepts and developing necessary skills. Topics have included access to justice, capacity issues, health and aging, advance legal planning, older adult benefits, eviction proceedings, elder abuse, and the guardianship process. In addition, students are working on projects assigned through their seminar that focus on older adults' rights. Lisa Okamoto, a 3L, is drafting the first newsletter that will go out to all lay guardians in New York State to inform them of the basic tenets of a supplemental needs trust and the New York State Medicaid Savings Plan. Andrew Pollack, 3L, and Charles Barker, 3L, teamed up to plan and prepare a debate hosted at Brooklyn Law School around the issue of assisted suicide, or aid in dying. Daniel Goldenberg, 2L, researched and collected multiple legal intake forms and screens utilized by legal services providers, analyzed them, and drafted a proposal to include screening questions for signs of elder abuse. These projects provide essential writing, networking, organizing, and analysis skills that will serve as a foundation in whichever areas of law the students ultimately choose. At the same time, the projects demonstrate how diverse, exciting, and challenging the area of elder law and elder rights can be.

The hope is that, through the Clinic's work, law students, newly admitted attorneys, and those seeking to enter law school will begin to identify elder law as a richly rewarding field, that they will come to understand that they will be able to work with older adults on issues that transcend standard estate planning and will drafting, and that they can be educated and made aware of critical aging concerns that our communities must face.

Find out more about the Brooklyn Law School Elder Rights Clinic at http://www.brooklaw.edu/academics/curriculum/coursedescriptions/course.aspx?id=L_180. **VOE**

Deirdre Lok (dlok@hebrewhome.org) is assistant director and general counsel for The Harry and Jeannette Weinberg Center for Elder Abuse Prevention at the Hebrew Home at Riverdale in New York. She is also a member of the ABA SLD, where she co-chairs the Elder Abuse Working Group of the Elder Law Committee.