

**Directions for completing this form:** Place the title of your workshop in the space indicated, followed by the name and contact information for each of the presenters. Provide a brief description of your workshop by placing the cursor on the line below "Brief Description" and commence typing. To complete the "Topical Outline", place cursor next to each Roman numeral and begin typing. Then place the cursor next to the "a." to begin listing sub-topics. To list more than one sub-topic, push "Enter" and "b." should appear on the next line, and so on. Place the cursor on the line under "Notes" to begin providing your notes. To list bibliographic information, place the cursor next to "1." and start typing. Push "Enter" to move on to "2." and etc.

## ABA/ NLADA 2008 Equal Justice Conference

Removing Barriers and Increasing Access to Justice for Older Persons and  
Persons with Disabilities through State Planning, Systemic Advocacy and  
Aging and Disability Resource Centers

### Presenters:

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**Brief Description:** This workshop addresses issues of access to justice for older persons and persons with disabilities. It provides an overview of aging and disability resource centers and demonstrates use of technology to facilitate access and how legal services offices partner with ADRCs to improve services to these populations. Participants will be encouraged to think about systemic solutions to overcoming barriers to both accessing the courts and the judicial process. Advocates will share their experience tackling barriers through collaborative efforts with the bar, courts and other stakeholders.

### Topical Outline:

- I. Overview of Ways to Increase Access to Justice for Older Persons and Persons with Disabilities- Holly Robinson
  - a. Wide range of approaches

- i. systemic access issues- State ATJ Movement as driving force in many states
- ii. provision of direct services through partnerships such as IN
- iii. provision of legal information, planning assistance and referrals
- iv. definition ADRC and AoA's Choices for Independence Initiatives

## II. Description of Indiana Legal Services /ADRC Partnership- Carie Schenk

- a. Why do we need an ADRC in Indiana?
  - i. 12% of the population in Indiana is sixty or over
  - ii. Indiana has the highest ratio of nursing home beds per 1000 Medicaid eligible individuals over the age of 85 in the Nation
  - iii. Of the elderly and disabled currently on Medicaid 92% of those individuals are in a nursing home
- b. Why should the ADRC partner with Indiana Legal Services?
  - i. Together, we're effecting change!
  - ii. The ADRC provides legal service attorneys with a glimpse of the "big picture" in the community
  - iii. The ADRC microcosm highlights prevalent problems and legal issues among our target population
  - iv. Between our ADRC and Legal Services, we have the opportunity to educate an enormous amount of people, in various positions, about the multifaceted problems, both legal and social, facing older and disabled individuals
- c. Our System
  - i. Several entry points
    - 1. Individual may go directly to the ADRC
    - 2. Individual may come directly to the Legal Services Office
    - 3. Individual may dial 211
  - ii. Once an individual has entered the system, they will be directed to an options counselor.
    - 1. Options counselors are trained to spot all of the individual's problems, even if the individual is currently only concerned with one issue.
    - 2. After determining what the issues are, the options counselor will delegate problems to appropriate agencies; legal issues will be sent to Indiana Legal Services
    - 3. This method also works in the reverse, if an older adult comes to us with a legal problem, but also has several other issues, the individual will be referred back to the ADRC for counseling
    - 4. Example: Individual comes to my office because her gas has been illegally shut off; in working with her I find out that she's eligible for utility assistance, food stamps and Medicaid and budget counseling. I help her with the illegal shut off and send her to the options counselor. By the time she is finished, her legal problem is fixed and she's in a much better situation than she was prior to her visit with us.

- d. Which aspects of our partnership are most beneficial to our work as legal service attorneys?
  - i. Marketing/Outreach
    - 1. ADRC is able afford substantial amounts of community marketing via bulletin boards, radio, event sponsorship, etc.
  - ii. Overcoming stigma
    - 1. My program does not impose income limits on older adults; however, many older adults perceive legal services to be a charitable organization or similar to welfare programs. There is a stigma attached to utilizing free legal services, but not to utilizing the ADRC. The options counselors at the ADRC are able to overcome these perceptions and encourage people to use our services.
  - iii. Common Goals
    - 1. Both the ADRC and Legal Services are working towards a common goal—protecting the autonomy and dignity of the older adults in our community.
  - iv. Training
    - 1. We often offer in-service training for the options counselors and case managers at our ADRC. Specifically, we train these individuals to spot possible legal issues; and to send the problem our way.
    - 2. We give education and outreach presentations to seniors at Nutrition sites run by the ADRC
    - 3. Education is contagious! We train the ADRC staff to spot legal issues, the ADRC staff trains us to better understand the challenges and barriers faced by older adults and disabled individuals, and we all return to our respective agencies and train other staff members, volunteers and interns who, in turn, educate the clients and the cycle continues; eventually our target population will understand their rights and their ability to protect those rights.
  - v. Dissemination of Materials
    - 1. This works both ways. Legal Service materials are provided to clients of the ADRC and vice versa.
- e. Challenges we face
  - i. Conflicts of interest
    - 1. Difficult to make lay people understand issues surrounding conflicts of interest
  - ii. Patience
    - 1. Legal work is not quick
  - iii. Our abilities/limitations as attorneys
    - 1. The Magic Wand problem
- f. Results
  - i. Between March 2004 and March 2006, ADRCs were contacted by 750,000 individuals

- III. Web-based Access and linkages- Krista Boston
  - a. Demonstration of Minnesota web-based ADRC
  - b. Target Population and Services Available through MN ADRC
  - c. Evolution of Project Plan and Selected Approach
  - d. Results Obtained and Future Plans
  
- IV. Access to Justice Commission Initiated Innovations- Deborah Perluss,
  - a. Description of the Washington State Access to Justice Board's Systems Impediments Committee and Accomplishments
    - i. Overcoming Barriers to Access for Persons with Disabilities, featuring Committee's work on a strategic effort to first identify the physical and other barriers faced by persons with disabilities, then to provide resources for courts to overcome the barriers, to develop and promote a General Court Rule that sets a process for courts to receive and determine requests for accommodations, and finally to promote and advocate for funding for an Access Coordinator position at the State Administrative Office of the Courts
    - ii. Washington Principles on Technology Access, adopted by Order of the Washington Supreme Court and implemented through continuing work on a statewide Technology Plan.

#### **Bibliography & Website Links:**

1. [http://www.aoa.dhhs.gov/prof/aging\\_dis/aging\\_dis.asp](http://www.aoa.dhhs.gov/prof/aging_dis/aging_dis.asp)
2. [www.indianajustice.org](http://www.indianajustice.org)
3. [www.link-age.org](http://www.link-age.org)
4. <http://www.adrc-tae.org/tiki-print.php?page=MinnesotapagePublic>
5. *Ensuring Equal Access for Persons with Disabilities: A Guide for Washington Courts*, Aug. 2006, and related brochure, both available at <http://www.wsba.org/atj/default1.htm>
6. Access to Justice Technology Principles and related Washington Supreme Court Order, available at <http://atjweb.org/frontpage>
7. See also Resources Available on Court Obligations to Accommodate Persons with Disabilities, National Centers for the Courts:  
<http://www.ncsconline.org/wc/CourTopics/FAQs.asp?topic=AmeDis#FAQ99in>