



Monroe County Commission on Aging

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Community Services: Legal Assistance

Service Name: Legal Assistance

Service Definition: The provision of legal counsel to older individuals through counsel, advice, court representation, legal research, document preparation, and general advocacy on an individual's behalf.

Unit of Service: One hour of time spent in intake, advice/counsel, referral, representation, legal research, preparation of legal documents, negotiation, or legal education.

Contract Type: Fee-for-Service

Minimum Requirements:

ALLOWABLE SERVICE COMPONENTS

Intake - The initial interview to collect demographic data and identification of the clients' legal difficulties and questions.

Advice and Counsel - Where the client is offered an informed opinion, possible courses of action and clarification of his/her rights under the law.

Referral - If a legal assistance program is unable to assist a client with the course of action that he/she wishes to take, an appropriate referral should be made. Referral may also be necessary when legal services providers observe individual needs, which they are unable to resolve, such as income maintenance, social service or health service needs.

Representation - If the client's problem requires more than advice and counsel and the case is not referred to another source, the program may represent the person in order to

achieve a solution to the legal problem. Representation may include legal research, negotiation, and preparation of legal documents, correspondence, appearance at administrative hearings or courts of law, and legal appeals where appropriate.

Legal Research - The gathering of information about laws, rights or interpretation of laws that may be performed at any point after intake has occurred, to resolve an individual's legal problems. Such information will be used to assist providers of legal services in counseling individuals, in representing them in hearings and a court of law, or in negotiations with potential legal adversaries.

Preparation of Legal Documents - Writing documents that serve to protect individual rights, such as contracts, wills, or leases, which might later be used in a court of law.

Negotiation - As the client's representative, program staff may contact other persons concerned with the client's legal problem in order to clarify factual or legal contentions and possibly reach an agreement to settle legal claims.

Legal Education - Preparation and presentation of programs to inform elderly persons of their rights, the legal system, and alternative courses of legal action.

MINIMUM STANDARDS

1. Each legal assistance program must have an established system for targeting and serving those in greatest social and economic need.
2. Service must be provided by, supervised by, or have direct contact with an attorney licensed to practice law in the State of Michigan who can perform or supervise any of the components listed above.
3. A paralegal, defined as an individual trained in accredited paralegal courses or in the specific legal service subject areas in which they will be assisting an attorney or a law student with under thirty (30) hours of course work under the supervision and guidance of a licensed attorney, can perform any of the components listed above with the exceptions of representation in court and final review of legal documents. Although a paralegal may represent a client at an administrative hearing, representation in court must be by an attorney. Preparation of legal documents may be assigned to a paralegal. However, all finalized documents must be reviewed and approved by an attorney.
4. Law students who have completed thirty (30) hours of course work at an accredited law school can perform any of the service components under legal assistance acting under the guidance and supervision of a licensed attorney.
5. The program may support the initiative of a class action suit when large groups of seniors are affected by a legal inequity.
6. Programs may not represent older adults acting in a business capacity, former or present.
7. Each program must provide at a minimum advice and counsel, representation and education service components.

8. Each program must demonstrate coordination with local long-term care ombudsman/advocacy programs operating within the project area.
9. When a legal assistance program identifies issues affecting clients, who may be remedied by legislative action, such issues should be brought to the attention of the area agency, Michigan Office of Services to the Aging and the Michigan Legal Services legislative branch, as permissible and appropriate.
10. **Each program must give priority to legal assistance related to income preservation, health care, long-term care, nutrition, housing, utilities, protective services, defense of guardianship, abuse, neglect, and discrimination.**
11. Legal Assistance programs must have the capacity to serve older adults in their homes, if necessary.
12. Legal Assistance programs are required to document efforts to create cooperative working relationships with the local bar association and other professional attorneys' groups, to maximize coordination and use of resources.
13. A legal assistance agency may not be required to reveal any information that is protected by attorney/client privilege. An agency shall make available non-privileged, non-confidential, and unprotected information, which will enable the Monroe County Commission on Aging to monitor the agencies performance under the contract.
14. Programs must service the Monroe County area and service only verified Monroe County residents.
15. Programs must serve residents age 60 and older.

8/14/09