

Ad Hoc Committee Report

SENIOR LEGAL SERVICES

OVERVIEW

- ✘ 6/20/17 Board of Supervisors Direction
- ✘ 6/27/17 Charter Approved
- ✘ Meetings Held (7)
- ✘ 10/24/17 Update Provided to Board of Supervisors

HISTORY

- ✘ Senior Legal Program began on March 1, 1976
- ✘ First Attorney was George Appelbaum; employer was Legal Services of Northern California
- ✘ Part of a multi-county Area on Aging
- ✘ In 1982, employees of Community Action Council became County employees

REGULATIONS

- ✘ Residents age 60 and older
- ✘ Supportive Services/Priority Services
 - + Access to Services
 - + In-Home Services **and**
 - + Legal Assistance
- ✘ Requires an “adequate” proportion of Title IIIB Funding is allocated to SLS
- ✘ Does not mandate a service level

OTHER REQUIREMENTS

- ✘ Seniors cannot be denied based on income or other means testing
- ✘ Seniors cannot be charged a fee for service
- ✘ Seniors cannot be denied services requested if within Priority Services
- ✘ Senior Legal Services can accept donations

LEGAL SERVICES

- ✘ On average every month, Senior Legal Services:
 - + Answers over 450 phone calls
 - + Conducts 150-200 face to face appointments
 - + Prepares over 100 documents for clients

- ✘ Most clients request help with:
 - + Estate Planning/Wills/Trusts
 - + Health Care Directives and Power of Attorney
 - + Housing

STATEWIDE REVIEW

- ✘ El Dorado County is the only California County that provides in-house Senior Legal Services
- ✘ High quality, high service level
- ✘ Other Counties rely on non-profit agencies, attorneys or advice only services
- ✘ Other Counties are funded by IOLTA, local grants, endowments, contract work and awards

WITHIN COUNTY MODELS OF SERVICE

- ✘ Public Defender, County Counsel and District Attorney
- ✘ No change to Administrative overhead costs
- ✘ County Counsel solely represents the County

COUNTY COUNSEL – RISKS IDENTIFIED

1. Senior Legal Attorney must protect confidential communication.
 - + Client may refuse to waive attorney/client privilege or may later revoke
 - + Attorney appears County focused when encouraging clients to waive their rights
 - + A non-attorney would not have the expertise to judge the work of Senior Legal Services

COUNTY COUNSEL – RISKS IDENTIFIED

2. Strong perception that Senior Legal Attorneys are speaking and acting on behalf of the County.
 - + Letterhead has been modified to indicate that Senior legal represents individuals.
 - + Not sufficient to prevent the perception that Senior Legal is working on behalf of the County.

COUNTY COUNSEL – RISKS IDENTIFIED

3. Potential conflict of interest with regards to client benefit issues.
 - + No mitigation available for Senior Legal to fulfill prescribed duties and avoid all conflicts of interest
 - + Could delete duty to inform Seniors regarding benefits and assist them in obtaining benefits
 - + Negative impact to services available for Seniors

SENIOR LEGAL SERVICES PROPOSED SOLUTIONS

1. Senior Legal Services Attorneys cannot be monitored by a Non-Attorney.
 - + County Counsel is monitored by the Board of Supervisors
 - + Rule does not specify if the third person is not an Attorney
 - + Rule 1-600 is not intended to apply to the activities of a public agency

SENIOR LEGAL SERVICES PROPOSED SOLUTIONS

2. Lack of Oversight

- + Oversight begins with the County in their hiring process by ensuring competent Attorneys
- + Possible to have clients sign an authorization to allow a designated authority, who is an attorney, to review the files

SENIOR LEGAL SERVICES PROPOSED SOLUTIONS

3. Conflict of Interest

- + Senior Legal Services does not represent clients who are adverse to the County.

4. Prior Complaints

- + Language on Senior Legal Services letters states that information contained does not reflect the position of the County
- + Senior Legal Services created a Referral Policy to avoid future concerns

OPTIONS

1. Reduction in allocated positions based on attrition and explore other staffing options
2. Create a Task Force in FY 2018/19 to identify alternative funding sources
3. Explore the possibility of a special tax for serving older adults

RECOMMENDATION

1. Maintain current structure of Senior Legal Services with HHSA
2. Senior Legal Services has been determined to be the most cost effective, efficient and highest quality of service
3. Utilize comparable level of General Fund support for Fiscal Year 2018/19
4. Continue to look into other possibilities for sustainable funding

NEXT STEPS

- ✘ Ad Hoc Committee Meeting on April 25
- ✘ Consensus Questionnaire
- ✘ Funding Options/Future Committee Structure