

LEGAL COUNSEL FOR THE ELDERLY

2016 ANNUAL REPORT



CHAMPIONING THE DIGNITY AND RIGHTS
OF SENIORS IN WASHINGTON, D.C.

LEGAL
COUNSEL
for the
ELDERLY



MESSAGE FROM

THE EXECUTIVE DIRECTOR
AND THE BOARD CHAIR

WHAT WE DO, WE DO TOGETHER

A key element of the success of this or any organization is successful collaboration both within and outside of the organization. This report highlights a very successful year. So much of that success depends on effective collaborations among different groups, among different disciplines, and leveraging our collective resources to advance our mission. You, the supporters of Legal Counsel for the Elderly (LCE), are a key part of that collaboration. Sara Kropf, our outgoing Board Chair, exemplifies such collaboration with her leadership, wisdom, upbeat attitude and commitment to the mission and goals of LCE. Thank you, Sara.

Let us now turn to some other effective collaborations. Take, for example, our housing work. Aside from having a robust team of capable attorneys, we have two very experienced social workers who work alongside the attorneys in providing a holistic approach to our clients' housing issues, preventing many evictions. In the long-term care area, our long-term care ombudsmen have in recent years collaborated more than ever before with our public benefits team on issues such as the Elderly and Persons with Physical Disabilities Waiver Program whereby



JAN ALLEN MAY, ESQ.
EXECUTIVE DIRECTOR



PETER R. KOLKER, ESQ.
2017 BOARD CHAIR

monies that would otherwise go to nursing homes is diverted to provide home care for individuals in the community. Knowledge of long-term care, coupled with knowledge of public benefits, is necessary to successfully navigate these often turbulent waters. In the last few years, we have developed a robust systemic reform project that is possible in large part because specific experts in our various practice groups have identified systemic issues which our systemic reform attorney has been able to develop and place with law firms on a pro bono basis. Our longstanding positive relationships with law firms throughout the city are key to making this happen. Probably our longest standing collaboration has been with volunteers, lawyer and non-lawyer alike, who have worked often alongside staff on the legal problems of our clients out in the community at speaking engagements or staffing booths at community fairs and forums providing information, education and referrals to the community at large. Our community outreach efforts, especially targeting isolated individuals (for example, homebound, institutionalized, limited English-speaking) are second to none.

I could go on and on about such collaborations, but let the pages that follow speak for themselves.

We have reason to believe that the next few years will be challenging since funding cuts have been proposed in the very programs that our clientele relies on in such areas as housing, health and income, not to mention federal legal services itself. You can expect that LCE along with our network of local and national supporters will redouble our efforts, in light of these developments, to advocate on behalf of our clients and the client community. These proposed cuts only serve to emphasize the importance of our mission, to champion the dignity and rights of older residents of the District of Columbia. It is a mission to which we continue to dedicate ourselves collectively, strategically and collaboratively in 2017 and the years ahead.

**“Our clients
endure hardship
that reminds me
to appreciate
all I have.”**

*— LCE Manager Jennifer Berger,
Alternatives Project*




Ms. G — Saved Her Home Healthcare Benefits

MISSION

Legal Counsel for the Elderly helps low-income, older D.C. residents by: stopping home foreclosures and eviction, preserving and promoting affordable housing, maintaining public benefits and income representing seniors victimized by scams and predators, probating estates, working directly with the courts to oversee and administer guardianships, and—by leveraging thousands of hours of pro bono help from area law firms—producing hundreds of wills, financial powers of attorney, advanced health directives and other estate planning legal documents.

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WHAT WE DO



Client Cover Story

Wanda Witter walked into LCE with suitcases. They were packed with Social Security notices and copies of letters she had written to the Social Security Administration (SSA) regarding her benefits.

Disputing the amount of her Social Security payments, Ms. Witter had returned the checks she received. She felt that cashing them would accept SSA's calculation of her benefits. She estimated that she was owed \$100,000. Since Ms. Witter was homeless, with no fixed address, SSA had stopped sending the checks.

LCE Senior Attorney Daniela de la Piedra met with Ms. Witter, did some research and concluded that Ms. Witter was indeed owed the \$100,000.

Thanks to her long-standing connections with SSA, Daniela was able to secure Ms. Witter's check within three months—something Ms. Witter had been trying to do for a decade. Ms. Witter is once again receiving her monthly checks and is now cashing them. She is off the streets and in her own home. Her suitcases remain packed with the correspondence, and stored in her closet.



Holistic Services

In the course of helping a client, LCE attorneys and social workers sometimes discover other concerns that need to be addressed. Fortunately, LCE has the ability to refer clients within the organization for help with those issues.

A perfect example is a Vietnam era veteran who was facing eviction for non-payment of rent. LCE's Alternatives to Landlord/Tenant Court Project (ALT) assisted Mr. W and his daughter, averting his eviction.

While working with Mr. W, an ALT social worker learned that he had been diagnosed with leukemia. He suspected the cancer originated from contaminated water at Camp Lejeune. He was right. The social worker referred Mr. W to Staff Attorney Rebekah D. Mason and Pickering Fellow Loneshia Reed, with LCE's Veterans Advocacy Project.

Just before he left office, former President Obama, agreed to pay a total of \$2 billion in benefits to qualified veterans who served at Camp Lejeune. Rebekah is helping Mr. W with the complicated claims process. Since he is currently living on restricted income, the end result could be a life changer.

Saving Clients From Homelessness

At the time Ms. B came to LCE she was 75 years old. She was about to lose the home she had been living in for 25 years. Ms. B had been sued for foreclosure by the reverse mortgage lender. She came to LCE on the verge of homelessness, as the foreclosure sale was already scheduled.

Staff Attorney Kerry Diggin reviewed the complaint and noticed that the lender erroneously claimed Ms. B was not living in her



home, which is a requirement of a reverse mortgage. Since Ms. B was living in the home, Kerry worked with her to gather proof of residency and presented the paperwork to the lender. The foreclosure was dismissed. Ms. B is still in her home.

**“I see my mother
in every client
I serve, which
makes me want
to give them the
very best service
I can give.”**

— LCE Manager Tina S. Nelson

2016 HIGHLIGHTS

LCE opened 5,772 cases in 2016 and obtained more than \$14 million in benefits for our clients. Hotline attorneys handled 3,000 calls. We also helped shape a number of city-wide policies on behalf of seniors.

Alternatives to Landlord Tenant Court Project (ALT)

- > Expanded its eviction prevention services with the addition of a Equal Justice Works Fellow, sponsored by Sidley Austin and KPMG. The fellow works with the DC Housing Authority Housing Choice Voucher Program participants to help avoid displacement due to tenant-or housing provider-caused failures of Housing Quality Standards inspections.
- > Actively participated in the Rent Control Coalition with other non-profit organizations to get comprehensive rent control reform introduced by the DC City Council. The bills that were introduced in 2016 protect low income tenants who are elderly and/or with disabilities from loopholes that

allow rent increases that exceed normal rent control increases.

Consumer Fraud and Financial Abuse Unit (Consumer)

- > Worked with the DC Council and other stakeholders on the Financial Exploitation of Vulnerable Adults Amendment Act of 2015, which was passed by the D.C. Council and signed by the Mayor in August 2016. The Act criminalizes financial abuse of vulnerable adults through “undue influence” and broadened the definition of vulnerable adults.
- > Took advantage of the model DC Superior Court early mediation program that LCE helped establish two years ago, to save a 96-year old senior’s home by applying for a new protection available to certain “at risk” reverse mortgage borrowers.

Office of the District of Columbia Long-Term Care Ombudsman (DCLTCOP)

- > Investigated 671 complaints, resolving 87% to the satisfaction of the resident and/or complainant.
- > Advocated for 127 residents of the Washington Home (TWH) which closed on December 15, 2016. For more than a year, DCLTCOP monitored the closure process and worked to ensure safe discharges for the

**“It’s an honor to
help veterans apply
for benefits.”**

*— Staff Attorney Rebekah D. Mason,
Veterans Advocacy Project*

“I see the work I do as a way to honor my elders, and to keep up the cycle of togetherness across generations.”

—Janay Todd, Business Operations

remaining residents in order to protect their rights and help minimize transfer trauma. DCLTCOP is currently following up with residents to determine how they are doing and to assist with any concerns related to their care, quality of life or residents’ rights.

- > After battling with the Department of Health Care Finance (DHCF) for more than three years in the Office of Administrative Hearings, an Elderly Persons with Physical Disabilities (EPD) Waiver beneficiary finally had a stair lift installed in her apartment. LCE represented the client throughout this process, and worked with DHCF to change the regulations to make sure this service can be provided to EPD Waiver beneficiaries more readily in the future.

Pro Bono Project

- > Steptoe & Johnson obtained over \$129,000 on behalf of an LCE client who had been swindled by an unscrupulous home improvement contractor.
- > Placed 820 new cases with pro bono DC attorneys. The Pro Bono Project had a record-breaking number of 50+ new pro bono litigation cases in 2016.

Project HELP

- > Assisted client in resolving a 3-year dispute with a funeral home and obtained a \$785 refund for the purchase an unnecessary vault and headstone.
- > Assisted a client with a Supplemental Security Income overpayment, secure a refund of that portion of her benefit that had been withheld, and set up a manageable repayment plan, saving her \$400 per year.

Public Benefits & General Services Unit (PBGs)

- > Assisted a client in obtaining 24 hours of personal care aide services, after which the home health agency attempted to terminate the client from their agency due to the increased hours of care needed. Through litigation, thwarted the home health agency’s attempt to terminate her from their services. After filing an emergency petition seeking to remove an ineffective guardian who was complicating the legal case due to her inaction, the guardian cooperated in getting the case resolved. Approximately \$162,936 in benefits was obtained for this retired teacher who had disabilities that

confined her to her bed.

Senior Medicare Patrol (SMP)

- > Conducted 261 group outreach and education events reaching approximately 6,134 beneficiaries, family members, and caregivers; and 167 individual interactions with, or on behalf of, a beneficiary.
- > Provided outreach to hard-to-reach populations including LGBT, Latino, Asian and Pacific Islanders, low-literate, and non-English speaking communities.

Systemic Reform

- > Met with representatives of the Superior Court Committee on Access to the Courts to present them with laminated copies (with longer paper versions) of the “bench card,” providing helpful information regarding a variety of elder rights. LCE’s Bench Card and Guide were distributed to all D.C. judges at a judicial conference.
- > The Office of Tax and Revenue (OTR) changed its policy on Schedule H for individuals owing property taxes, in response to arguments developed in a Systemic Reform project. OTR agreed with our analysis

that residents should be able to pay their property taxes with the Schedule H credit, helping home owners to save their homes. The Systemic Reform unit filed Schedule H applications for 157 low-income seniors, seeking over \$220,000 in tax credits. The Unit confirmed receipt of \$150,000 in credits and are continuing to follow up on the remaining \$70,000.

Veterans Advocacy Project (VAP)

- > Obtained a \$4,000 debt waiver for the surviving spouse of a veteran. The VA said the surviving spouse no longer qualified for survival benefits due to her Social Security income. Our client was not aware of the income requirements and therefore accumulated the large debt.
- > Secured \$1,351 in monthly non-service connected Aid and Attendance benefits for a homebound Vietnam-era veteran who requires the constant administration of oxygen.

Communications

- > Obtained 65 TV, radio, print and online stories about LCE cases and services. Forty

of those mentions focused on securing \$100,000 in back Social Security payments for an LCE client. Appeared in the *Washington Post*, on *NBC Nightly News with Lester Holt*, *Univision*, two DC TV stations; two DC radio stations; *Washington Hispanic*; *Current Newspapers*; several TV station’s and numerous websites across the country.

- > Continued LCE’s regular segment on *The Senior Zone* radio program.



Mr. B — Saved from Foreclosure

FINANCIAL STATEMENT

For year ending December 31, 2011

REVENUES

Contributions, Grants & Support	\$5,737,266
In-Kind Contributions	3,953,214
Investment Revenue and Gains	723,217
Miscellaneous	6,803
TOTAL REVENUES	\$10,420,500

EXPENSES

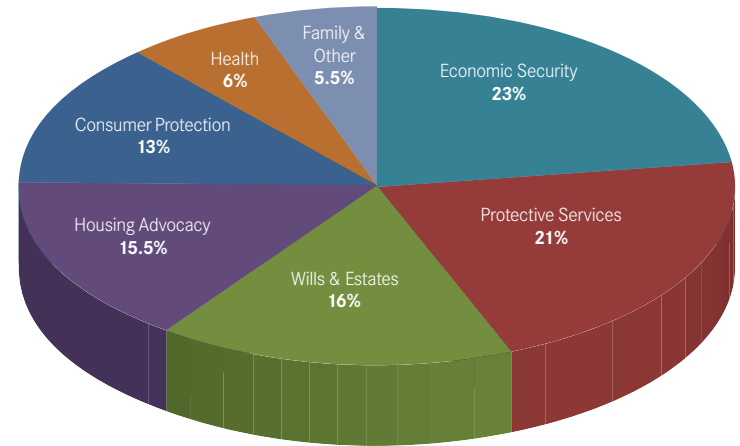
Program Services	\$7,760,003
Management & General	1,892,742
Resource Development	161,446
TOTAL EXPENSES	\$9,814,191

CHANGE IN NET ASSETS \$606,309

NET ASSETS AT THE BEGINNING OF THE YEAR \$12,747,882

NET ASSETS AT THE END OF THE YEAR \$12,919,368

Net assets include 'The Philip Friedman Consumer Protection Fund' (\$3,948,645) and 'The John R. Pickering Law Student Scholarship Fund' (\$344,221).



TOTAL NUMBER OF CASES: 5,478



Ms. L — Relieved of \$27,848 VA Debt

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Mr. B — Six weeks Without Power — Power Restored

**“I love helping
vulnerable seniors
achieve a better
quality of life.”**

— Senior Medicare Patrol Admin. Asst. Lillian Lewis

THE YOUNG LAWYERS ALLIANCE

The Young Lawyers Alliance of the Legal Counsel for the Elderly was launched in December 2014 to promote the organization's mission and strengthen its impact. Young Lawyers Alliance members serve as the LCE's champions within their law firms and their professional networks, helping to raise the LCE's profile and grow resources—both financial and pro bono—to support its services to vulnerable D.C. seniors.

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**“I love what I
learn from my
clients about
what DC was like
in the 1950s and
‘60s, and how the
neighborhoods
have changed.”**

— Legal Associate Kathy Ferger

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Legal Counsel for the Elderly greatly appreciates the generous direct and in-kind support donated by AARP to advance our mission.

We also express our sincere gratitude to the following individuals, families, law firms, foundations, companies, and government agencies for their investment in our work in 2016 and for their ongoing commitment to our older neighbors in need:

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**“I work at LCE
because it is not
just a job; it is
a true calling.”**

— Pro Bono Manager Sheryl R. Miller

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Part of the Senior Service Network
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