

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 7

In Support of Emeritus Attorney Pro Bono Programs to Assist the Elderly

WHEREAS, the United States Census data indicate the number of elders in the United States population is projected to reach an unprecedented proportion of the general population (to approximately 20% by 2050); and

WHEREAS, numerous surveys substantiate the increase in elder abuse, neglect, and financial exploitation cases over the last decade with the expectation of further increases; and

WHEREAS, national and state financial conditions have led to an increase in the number of low income individuals who need assistance with legal issues that affect their basic human needs (such as medical, housing, government benefits); and

WHEREAS, it is estimated that approximately 80% of the legal needs of America's low income citizens are unmet; and

WHEREAS, economic conditions have had a particularly detrimental impact on the growing elderly population and have resulted in an increasing number of such older Americans subsisting on a fixed income at or below the federal poverty guidelines; and

WHEREAS, in the face of such economic and social hardship, many states have taken laudatory steps to enact "emeritus" rules that enable retired attorneys, often through the auspices of qualified legal aid organizations, the opportunity to provide critically necessary volunteer legal services to vulnerable populations, including the elderly; and

WHEREAS, the American Bar Association (in collaboration with the American Association of Retired Persons), as well as state and local bar associations, have instituted special projects and programs to enlist the services of retired attorneys as volunteers to respond to the unmet civil legal needs of the elder population; and

WHEREAS, such pro bono emeritus rules and programs have enabled retired attorneys to provide special services for the elderly, such as drafting legal documents (powers of attorney, advance directives, wills), providing legal guidance and assistance, facilitating the appointment of guardians, participating in educational programs for the elderly, assisting social service resource and non-profit legal service centers; and

WHEREAS, according to an American Bar Association survey, participation in such pro bono emeritus programs has been modest, the need for pro bono service far exceeds available resources, and given that pro bono emeritus programs have the potential to allow for a large number of volunteers to help make a real difference in delivering legal assistance to the most vulnerable clients, such as the elderly population;

NOW, THEREFORE, BE IT RESOLVED that the Conference of State Court Administrators, does hereby encourage state supreme courts and their respective bar associations, both state and local, to support pro bono emeritus rules and to promote participation in pro bono emeritus programs to help address the growing needs of vulnerable elders who are unable to afford legal services.

Proposed by the Elders and Courts Committee at the 2015 Midyear Meeting of the Conference of State Court Administrators.