Access to Justice for Older Persons in the United States

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Access to Justice Principles

- **Promote Accessibility** — eliminate barriers that prevent people from understanding and exercising their rights.

- **Ensure Fairness** — deliver fair and just outcomes for all parties, including those facing financial and other disadvantages.

- **Increase Efficiency** — deliver fair and just outcomes effectively, without waste or duplication.

US Department of Justice
Fig. 1: An Elder Law Paradigm

4. Housing
   (Living Environment):

   Core Goals:
   Autonomy
   Dignity
   Quality of Life
   per client’s values

1. Decision-Making
   Tools & Protections

2. Financial Well-being:

3. Health & L-T Care
Fig. 2: Elder Law Paradigm

Housing (Living Environment):
- Access to Options:
  - Home Care
  - Retirement Housing
  - C-B Care & Services
  - Assisted Living/CCRCs
  - Nursing Home Care
  - Home Equity Conversion

Core Goals:
- Autonomy
- Dignity
- Quality of Life
  per client's values

Financial Well-being:
- ADEA/Employment issues
- Pension & Other Retirement Benefits
- Public Benefits:
  - Social Security/Pensions
  - Medicare & Medicare Rx benefit
  - Medicaid Planning
  - Veterans Benefits, etc.
- Special Needs Planning
- Home Equity Conversion
- Estate Planning,
  - Wills & Trusts
  - Property Transfers
  - Medicaid Planning
  - Special Needs Trusts

Health & LTC:
- Private Benefits:
  - Employer based insurance
  - Long-Term Care Insurance
- Public Benefits:
  - Medicare (& Medigap)
  - Medicaid
  - Veterans
  - Other

Collaborative Fields:
- Architects/designers
- Employment services
- Real estate financing
- Transportation

Collaborative Fields:
- Financial planners/Brokers
- Insurance agents
- Banks & Trust Companies

Appt. Financial Surrogate
- Durable Powers of Attorney
- Inter-vivos Trusts
- Representative Payee
- Guardianship/Conservatorship

Appt. Health Care Agent
- Advance Directives for HC
- Protection: Guardianship
- Adult Protective Services

Housing (Living Environment):
Examples of Access to Justice Challenges

- Civil Legal Services
- Guardianship representation
- Protection from Elder Abuse/Exploitation
- Employment discrimination
- Ill-equipped Courts
- Ill-equipped prisons
- Voting in long-term care settings