A photograph of two elderly individuals sitting side-by-side. The person on the left is wearing a blue long-sleeved shirt and light-colored pants. The person on the right is wearing a light blue sweater with yellow trim and light-colored pants, and is holding a black cane. Their hands are clasped together on the cane. The background is slightly blurred, showing what appears to be a waiting area with other chairs.

# Legal Services: Provisions and Prohibitions: How Legal Aid of North Carolina, Inc. Represents Seniors Using OAA Funds and Other Funding Sources

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By Meredith K. Gregory, Esq.  
Managing Attorney  
Senior Law Project  
Legal Aid of North Carolina, Inc.



# Presentation Summary

- What I will be talking about today:
  - Introduction
  - OAA Funding
  - Other Funding Sources
  - Some Limitations



# Your Presenter

Meredith K. Gregory, Esq.

Managing Attorney

Senior Law Project

Legal Aid of North Carolina, Inc.



# What is Legal Aid of North Carolina, Inc.

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**LEGAL AID**  
OF NORTH CAROLINA

We are lawyers

Civil non-profit law firm

We represent poor people in many areas of civil (non-criminal) law

Learn more at [www.legalaidnc.org](http://www.legalaidnc.org)

# Mission Statement

Legal Aid of North Carolina is a statewide, nonprofit law firm that provides free legal services in civil matters to low-income people in order to ensure equal access to justice and to remove legal barriers to economic opportunity.



# What is Legal Aid of North Carolina, Inc.?

Celebrating 20 years this year

500 staff, 25+ offices and special  
projects across the state

We assist more than 70,000  
people every year



# What is the Senior Law Project of Legal Aid?

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Special division of LANC serving clients aged **60 and over**

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Headquartered in Asheville

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Has 11 attorneys spread across the state

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Handle the same cases as all of LANC

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But specialize in issues affecting seniors, including elder abuse

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We run a **Senior Legal Helpline** which seniors can use to apply for our services



What types of  
cases does  
LANC handle?

We do more than write free wills!

Examples of types of cases we handle:

- Elder Abuse
- Domestic Violence
- Housing (evictions, foreclosures)
- Consumer
- Government Benefits (Medicaid, food stamps)
- Other Issues



# How to Apply for Services

## Helpline (all ages)

- **1-866-219-LANC (5262)**

## Senior Legal Helpline (for ages 60+)

- **1-877-579-7562**

## Apply online at

- **[www.legalaidnc.org](http://www.legalaidnc.org)**



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# Older Americans Act Title III Funding

- The Older Americans Act (OAA) of 1965 contains Title IIIB, which funds Legal Services to Americans aged 60 and older
- Legal Aid (and a few other legal service providers across the state) receive Title IIIB funds and use those to represent seniors in civil legal matters
- LANC is not the only recipient of Title IIIB funds
  - We receive the Title IIIB funding for 83 out of 100 counties
  - Other legal service providers receive it for other counties
  - There are a few AAA's that issue vouchers for private attorneys

Who can we  
serve with  
Title IIIB  
funds?

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People aged 60 and older

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Who need legal assistance

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We cannot assist with lobbying  
or political activities

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We cannot represent anyone  
*seeking* guardianship

# OAA—No Means Test

Under the OAA, there is no means test

There is no outright income or asset ceiling

However, in using these funds to provide legal services, we must target certain underserved groups:

- Those with most economic need
- Those with most social need
- Frail, homebound, isolated
- Disabled
- Limited English proficiency
- People with cognitive decline



# OAA Priority Legal Issues

- Income maintenance
- Healthcare
- Long Term Care
- Nutrition
- Housing
- Utilities
- Defense of Guardianship
  - (*not* seeking guardianship over someone else)
- Abuse, Neglect, Exploitation
- Age Discrimination
- Other—should be used sparingly

# OAA Priority Legal Issues

Note that wills are not included as a priority legal issue under Title IIIB at all!

- Although POA's, HCPOA's, and Living Wills are included under "Defense of Guardianship"

There is an "other" category but it should be used sparingly

A lot of senior centers and their visitors really want wills prepared and tend to think of Legal Aid as preparing wills

- We understand this wish in the community, but we have to limit our will cases because it is actually not a priority legal issue under Title IIIB

# Title IIIB Limitations

Title IIIB funding is very limited

Last year we received about \$900K in T3 (This includes special Cares Act T3)

It runs out in most counties over the course of the fiscal year

In some urban counties, it runs out very quickly

Last fiscal year, we ran out of Title IIIB funding in Wake County in **five weeks**

Once Title IIIB funding runs out, we must look to other funding to serve seniors

# Other Funding Sources

- Legal Aid has over 30 funding sources, large and small
- With regard to seniors, our most important sources:
  - **Title III**
    - About \$900K last year
  - **Governors' Crime Commission Elder Abuse Grant**
    - About \$375K per year
  - **Legal Services Corporation funding**
    - About \$13.2 million in 2020
- Each is unique and has its own requirements, including who we can serve and what we must report
- Even though we have some senior-specific funding, LSC still pays for about **70%** of the Senior Law Project's work



# Governor's Crime Commission (GCC) Elder Abuse Grant

- This funding allows us to serve *victims* of elder abuse
- There is no means test, similar to Title IIIB funding
  - But again we must target those most in need
- We received about \$375K last year

# GCC Funding— Some Limitations

- In order for us to use GCC EA funding to serve a senior, there must be and **ELDER ABUSE** component in the senior's legal issue
- If there is elder abuse, we can assist with related matters
- For ex, if client had money stolen, we could represent in an eviction case if she cannot pay her rent due to the theft
- But we could not represent someone with this funding if they simply cannot afford to pay their rent because they are low-income and housing costs are astronomical

# GCC Grant—Some Limitations

- Also, we can only represent the **VICTIM** of elder abuse
  - Ex: Daughter calls us and reports that she is worried her brother is financially exploiting their mother
  - We could not open a file in daughter's name using our GCC funds
  - We would direct to other resources, such as APS or law enforcement

## Legal Services Corporation (LSC) Funding

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LSC is a nonprofit agency that administers funding from the federal government

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This is the source of the majority of our funding at Legal Aid,  
\$13.2 million in 2020



# LSC Funding—Some Limitations

LSC funding has a lot of requirements

Most importantly, this funding requires that clients be **very low-income**

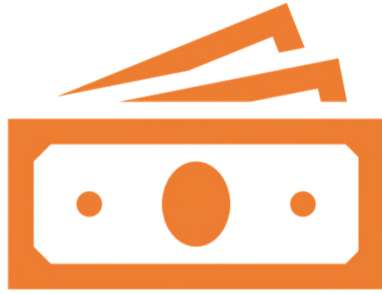
Applicants must have income below **187% of the federal poverty level**

This is not a high limit

- For a household of one person
  - Limit: \$2,118/month, \$25,413/year
- For a household of 2 people:
  - Limit = \$2,853/month, \$34,240/year

You do not have to be filthy rich to land outside of these limits

# Other Funding Sources



We do have some other sources of funding to serve seniors



But these tend to be grants that are relatively small and/or region-specific

# Summary of Major Funding Sources

## Title IIIB funding

- Can serve anyone age 60+, no income/asset limits
- Limited funding, runs out quickly
- \$900K/year

## GCC Elder Abuse Grant

- No income/asset limit
- Legal issue must be related to elder abuse
- \$375K/year

## LSC Funding

- Client must be at or below 187% of federal poverty level
- \$13.2 million

# Contacting Legal Aid

Please be aware that  
Legal Aid faces  
**OVERWHELMING  
DEMAND** on a daily basis

Attorney services are very  
expensive, and we are a  
free service

There are a lot of low-  
income people in North  
Carolina

**There are approximately  
8,000 North Carolinians  
who qualify for our LSC  
funding for every one  
Legal Aid attorney**

We simply do not have  
the resources to meet the  
demand that we face



# Our Senior Legal Helpline

- People who call our Senior Legal Helpline face long wait times
- We apologize for this because we know how frustrating this is!
- Our Senior Legal Helpline receives approximately 125 – 150 calls per day
- This is double to triple the number of calls we received before the pandemic, but our resources have not doubled or tripled
- At 20 minutes a call (assuming no diminished capacity, etc.), it would require 50 hours of work per day just to answer 150 calls per day
- We have 2 full-time intake staff and 11 attorneys in SLP

## Title IIIB Funding Limits

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As another example, earlier this year a service provider expressed frustration that a senior could not get through to us, and then when the senior did get through, she was denied services for being-over income, even though we receive Title IIIB in that county

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We understand this frustration!

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This was a senior who was facing a serious legal issue and desperately needed a lawyer

## Title IIIB Limits (continued)

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In the rural county where the senior lived, we receive about \$1,250/year from Title IIIB

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At the bargain hourly rate we charge in this county, that amount pays for about 19 hours of legal services

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A simple advice case with no extended service takes an absolute minimum of 3 hours, so this funding could pay for about 6 simple advice-only cases

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An extended-service case could take 70, 80 hours or more

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Again, we receive 125-150 calls per day to our Senior Helpline

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19 hours/6 advice cases does not go very far with that kind of demand

# Prioritizing Legal Issues

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We also must triage emergencies on a daily basis, and prioritize cases based on consequences for the client

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If a client is facing a termination of Medicaid or eviction from subsidized housing, we drop everything and deal with that issue right away

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Those cases involve consequences for the client's health and safety

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If a senior is calling for a will and has no medical emergency, they may need to wait several weeks before we are able to provide that service

# Tips for Accessing Legal Aid's services

- Fridays tend to be our least busy days on the Senior Legal Helpline
- Call early in the day
  - We open at 9am
  - But unfortunately be prepared to wait on hold
- Our all-ages Helpline accepts on-line applications from 12:30 – 4 pm every day
  - After you apply online, answer the phone, even if you don't recognize #!
- If a seniors has resources and is able to pay an attorney, we encourage them to contact a private attorney
  - They will probably get served more quickly with less waiting on hold



# More Resources Needed!

- The bottom line is that **we are vastly under-resourced in the face of overwhelming demand for services**
- If you believe that our seniors need legal services and you have the ear of anyone involved with our funding, please consider putting in a plug to fund Legal Aid and other service providers
- In particular, our Title IIIB funding allows us to serve seniors who would otherwise fall through the cracks, those who are not quite poor enough for our federal funding but still cannot afford a lawyer

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