

## ELDER & HEALTH LAW CLINIC

### Goal of Clinic

Elder law (including health issues for the elderly) is a growing area of legal specialization. It requires a command of complicated substantive state and federal law, as well as a high level of ethical competence. Many cases involve an interdisciplinary approach to lawyering. In furtherance of this, students engage in joint classes with UC Davis Medical students to explore common areas of practice. Students also interact with Adult Protective Services Social workers to staff cases and otherwise provide legal representation for the “whole” client.

The clinic is, in essence, a civil practice clinic, serving those age 60 and over in Sacramento county. Areas of practice include elder financial abuse litigation, elder abuse restraining orders, health care access (Medicare & MediCal), income access (Supplemental Security Income, Social Security & VA benefits), consumer matters, powers of attorney, trusts, and simple estate planning.

The clinic’s Homeless Advocacy Project provides legal services to those experiencing or at risk for homelessness. This project is part of a Medical Legal Partnership with local primary and behavioral health clinics. Legal issues include expungement of criminal records, access to public income benefits and collaborative court representation to reduce fines and fees. By addressing these civil legal needs, pathways to housing and employment are increased.

Students interview and counsel clients, conduct factual investigation and legal research, develop case theories and strategies, manage case files, draft documents, engage in civil discovery and depositions, negotiate, and present or defend cases in superior court and before administrative agencies. Students also have the opportunity to represent and counsel clients in transactional matters concerning planning for death, incapacity and a variety of other issues.

Priority cases include:

- Elder Abuse - Financial, Emotional and Physical
- Social Security, Supplemental Security Income and other Income Security Issues
- Medicare, MediCal, In-Home Supportive Services and other Health Access Issues
- Substitute Decision-Making Issues such as Powers of Attorney, Advance Health Care Directives and Physicians’ Orders for Life-Sustaining Treatment
- Debtor-Creditor, Consumer Protection
- Wills, Trusts and Small Estate Planning
- Expungement of criminal records, reduction of fines & fees, and child support modification

### Structure of Clinic

- This is a one-semester clinic for three graded units, which includes an hour long, weekly clinic instructional meeting. In addition, law students will engage in client representation and counseling for a total of 150 hours.
- **Students are encouraged to enroll for two semesters to fulfill their experiential learning requirement and to gain additional skills and work on cases with more complexity.**
- Enrollment in the Elder & Health Law Clinic is limited to eight students.

### Prerequisites for Enrollment

Concurrent or prior enrollment in the Elder Law and Social Policy course, **or equivalent course work or experience is required.** In addition, a student must be enrolled in, or have successfully completed Evidence and Civil Procedure in order to meet the California State Bar certification requirements.

**Instructor**

Melissa Brown, Professor of Lawyering Skills and the co-author of *Advising the Elderly and Disabled Client*, is the supervising attorney. She has decades of private practice experience in a small firm representing elderly, injured and disabled clients, which includes legislative and appellate advocacy. Staff attorney Lacey Mickleburgh and Professor Dorothy Landsberg provide additional student supervision. Contact information: [mbrown1@pacific.edu](mailto:mbrown1@pacific.edu).

**Why This Clinic is Valuable**

The Elder and Health Law Clinic is an opportunity to do what lawyers do. The cases allow students to engage in legal counseling, negotiation, drafting documents, and management of their own cases. Court appearances allow real life experience and interaction with attorneys, judges and witnesses. Many of the cases call upon the student attorney to question his or her own values about quality of life, fairness, and the wisdom of law and policy.