Pro Bono and Public Service

Law School Elder Law Clinics: Providing Training for Law Students and Meeting a Critical Need to Serve the Elderly

By John Hardin Young

The William & Mary Law School recently established an Elder Law Clinic. The Clinic is located in the Law School and provides services to aging clients in Williamsburg, Virginia, and surrounding communities who cannot otherwise afford legal assistance. The Clinic is under the direction of Helena Mock, managing attorney for the Clinic, a practicing attorney and graduate of William & Mary Law School. In announcing the opening of the Clinic, the Law School said:

The elderly face many legal issues that are often difficult to manage alone. Concerns for the elderly can range from issues such as Medicaid, disability, guardianship, or abuse, to simple estate planning. These issues can be overwhelming and confusing to seniors and their families, and the Elder Law Clinic can help.

I had a chance to catch-up with Helena and ask some questions about the Clinic. Here are my questions and her insightful responses.

**Jack:** What led you to want to start an Elder Law Clinic at William & Mary Law School?

**Helena:** There is a very definite need in our community, but there are not enough qualified elder law attorneys. And, in the next few years, the demand will only increase. The purpose of the Elder Law Clinic is not only to provide assistance to seniors, but also to inform and train law students about this important area of law in the hopes of motivating and encouraging more of them to go into the field of elder law.

**Jack:** How many law school students do you anticipate working with the Clinic in the first year? In subsequent years?

**Helena:** Currently, we anticipate that the clinic will run in both the fall and spring semesters. As things progress, we may add a summer session. I have eight students each semester. We may increase this to 10 next year, but since we only have one attorney supervising all of the cases (and each student team will have approximately four to five cases at any given time) we will eventually reach maximum capacity.

**Jack:** What services will the Clinic provide to seniors?

**Helena:** The Clinic will provide basic estate planning (wills, powers of attorney, and medical directives) and handle guardianship/conservatorship actions, elder abuse and consumer protection cases, Medicare and social security questions, Medicaid and VA Pension Benefit applications, simple estate administrations, and nursing home and senior housing issues.

**Jack:** Why is the Clinic important to seniors and the community?
Helena: I believe there is a misconception that all Williamsburg residents are affluent. We have countless seniors in our community who are struggling. Additionally, in Virginia our laws are not designed to protect seniors. Numerous organizations exist to help seniors with a variety of issues such as housing, food service, health care, and consumer issues, but seniors face very unique legal issues as well. And, although members of the Williamsburg Bar Association are very giving with their time and services through our Legal Aid Clinic, more help is needed. Additionally, there is a shortage of attorneys specializing in Elder Law issues. As the senior population increases, there will be even more people in need. The Elder Law Clinic was established to provide meaningful assistance to seniors while also providing training to law students in the hopes that we can increase the number of practicing attorneys who have the experience, knowledge, and desire to meet the unique legal needs of seniors.

Jack: Are there similar programs at other law schools?
Helena: Yes, several other law schools have developed elder law clinics. Many have been in existence for a long time. Some are associated with a local medical school, and law students and medical students work collaboratively on solving elder issues. In my research for the William & Mary clinic, I discovered that each clinic sets its own focus areas and establishes its own criteria for qualification for services.

Jack: How can senior lawyers and lawyers who provide elder law services help the Clinic?
Helena: We are always looking for experienced attorneys who are willing to assist the Clinic by participating in workshops or drafting sessions. We are also developing a list of qualified attorneys in the area who can assist with cases the Clinic cannot accept, either because the potential client does not meet our income/asset requirements or because we are full. I do anticipate that once the word gets out about what we are doing, we will have more work than we can handle.

For more information about the William & Mary Law School Elder Law Clinic, you can reach Helena at elderlaw@wm.edu.

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