

*Disclaimer:*

*This article has been written by the author in her personal capacity for informational purposes only. It is not an official document of the Illinois Department on Aging or the State of Illinois.*

---

## **Pro Bono Opportunities With the Illinois Aging Network**

*By Karen Alice Kloppe*

Free legal assistance is available to qualifying older adults in priority civil cases<sup>1</sup> based on available funding allocated to each of the 13 Area Agencies on Aging<sup>2</sup> in the Illinois Aging Network under the Older Americans Act (OAA) of 1965, as amended. (Public Law 89–73 as amended through Public Law 116–131.) The goal is “to assist older individuals in understanding their rights, exercising choices, benefiting from services and opportunities authorized by law, and maintaining the rights of older individuals at risk of guardianship. See 42 USC 3058j(5) and 42 USC 3002(33) (defining the term “legal assistance”).

Examples of how legal assistance plays out in practice in terms of advocacy, advice, and representation are summarized on the website of the Administration for Community Living as follows:

- “•Access to public benefits, including SS/SSI/SSDI, Medicaid and Medicare, veteran benefits, and unemployment compensation;
- Drafting advance directives and designating surrogate decision makers who will effectuate older adults' wishes if they become incapacitated;
- Issues related to guardianship with a focus on representation for older persons who are the subject of guardianship actions;
- Access to available housing options, including low income housing programs that allow independence in homes and communities;
- Foreclosure or eviction proceedings that jeopardize the ability to stay independent in homes and communities;
- Gaining access to the full benefit of appropriate long-term care private financing options;
- Maintaining long-term financial solvency and economic security;

---

<sup>1</sup> OAA priority civil cases include abuse, age discrimination, defense of guardianship, health care, housing, income, long-term care, neglect, nutrition, protective services, and utilities. See 42 U.S.C. 3027.

<sup>2</sup> See <https://ilaging.illinois.gov/forprofessionals/aaa-list.html>.

- Ensuring elder rights protections for older persons transferring from long-term care facilities to home and community-based care; and
- Elder abuse, including consumer fraud and the financial exploitation of older persons.”

See <https://acl.gov/programs/legal-help/legal-services-elderly-program> and 42 USC 3027(a)(11)(E).

Unfortunately, in order to maximize services in the face of limited funding and other capacity restrictions, eligibility for legal assistance is targeted to those clients age 60 and older with the “greatest economic needs” (under the poverty level) and “greatest social needs” (defined terms under the OAA) with particular attention to under-served population groups (minorities based on both racial and ethnic status, people living with dementia and related disorders or other physical and mental disabilities, individuals with limited English proficiency, and residents in isolation and rural areas). See 42 USC 3002(23), 42 USC 3002(24), and 42 USC 3027(a)(16) (plan assurances).

While the resulting access-to-justice gap is not new, it bears attention because the ever-growing population of older adults<sup>3</sup> is increasingly facing more difficult challenges to aging with dignity due to poverty<sup>4</sup> and other resource disparity issues. The most recent data from *The 2022 Justice Gap Study* by the Legal Services Corporation indicates that 70% of senior households (aged 65 years and older) experienced at least one civil legal problem in the past year while another 31% had problems in five or more instances and 14% dealt with 10 plus matters often involving concerns relating to consumer issues, health care, and income maintenance. See <https://justicegap.lsc.gov/the-report/> and <https://www.lsc.gov/our-impact/publications/budget-requests/fiscal-year-2024-budget-request>.

Expanding access to justice to meet unmet legal needs in the Illinois Aging Network requires a renewed personal and professional commitment to volunteerism. No matter your area of expertise, opportunities are available to any interested legal professionals - attorneys in private practice,

---

<sup>3</sup> Consider the following statistics relating to the older population in the United States: The population age 65 and older increased from 40.5 million in 2010 to 55.7 million in 2020 (a 38% increase) and is projected to reach 94.7 million in 2060. The 85 and older population is projected to more than double from 6.7 million in 2020 to 14.4 million in 2040 (an 117% increase). In 2020, persons reaching age 65 had an average life expectancy of an additional 18.5 years (19.8 years for women and 17.0 years for men). See U.S. Census table S0101: <https://www.census.gov/acs/www/data/data-tables-and-tools/subject-tables/>.

<sup>4</sup> In 2020, nearly 1 in 10 people aged 65 and older (9% or 5 million) lived below the poverty level. Another 2.6 million, or 4.6% of older adults, were classified as “near-poor” (income between the poverty level and 125% of this level). Older women had a higher poverty rate (10.1%) than older men (7.6%) in 2020. See Health and Human Service Poverty Guidelines: <https://aspe.hhs.gov/prior-hhs-poverty-guidelines-and-federal-register-references>.

government attorneys, in-house counsel, retired lawyers, paralegals, and law students – who are willing to help with cases on a *pro bono* basis or support other advocacy activities at the following OAA-funded legal assistance providers:

<u>AAA/Planning and Service Area</u>	<u>Funded Legal Assistance Provider</u>
1, 2, 3, 4, and 5	Prairie State Legal Services, Inc. <sup>5</sup> <a href="https://pslegal.org/">https://pslegal.org/</a>
6	Andrew Mays, Attorney at Law Mays Law Office, LLC Quincy, IL <a href="https://www.quincystates.com/">https://www.quincystates.com/</a>
7, 8, and 9	Land of Lincoln Legal Aid, Inc. <sup>5</sup> <a href="https://lincolnlegal.org/">https://lincolnlegal.org/</a>
10	Leslie Wayne Smith, Attorney at Law Law Offices of Leslie Smith Albion, IL <a href="https://lesliesmithlaw.yolasite.com/">https://lesliesmithlaw.yolasite.com/</a>
11	Southern Illinois University School of Law <a href="https://law.siu.edu/community/civil-practice-clinic.php">https://law.siu.edu/community/civil-practice-clinic.php</a>
12	Legal Aid Chicago <sup>5</sup> <a href="https://legalaidchicago.org/">https://legalaidchicago.org/</a>
13	Center for Disability and Elder Law <a href="https://www.cdela.org/">https://www.cdela.org/</a>  Legal Aid Chicago <sup>5</sup>

It is not possible for these providers to provide free services to all the older adults who request assistance with short-term transactional needs such as applying for public benefits, drafting a power of attorney or a simple will, or responding to questions about the rights of a renter. New *pro bono* volunteers will help free up time for these legal assistance providers to handle cases requiring more extended representation or specific expertise in elder law.

---

<sup>5</sup> Grantee of the Legal Services Corporation. See <https://www.lsc.gov/grants/our-grantees> and <https://www.lsc.gov/grants/our-grantees/illinois-state-profile>.

Legal professionals can also support the Illinois Aging Network by volunteering to serve on various advisory groups, boards, commissions, councils, task forces, or teams<sup>6</sup> in both the non-profit and public sectors at local, regional, state, and national levels. Yet another service option is to consider stepping up as a presenter at community education and outreach events or continuing legal education trainings sponsored by the Department on Aging (and related health/human service agencies), the Area Agencies on Aging, or legal assistance providers. (See <https://ilaging.illinois.gov/forprofessionals/training.html>.) Even if you do not currently have the time to offer your professional skills, a charitable contribution or a non-monetary, in-kind donation allows limited funding to extend further so more people will benefit from legal assistance.

In closing, it is important we “[n]ever lose sight of the fact that old age needs so little but needs that little so much.”<sup>7</sup>

#### Related Resources:

- Illinois Department on Aging  
[Illinois Department on Aging](#)
- FY 2022 – FY 2024 State Plan on Aging  
[State-Plan\\_2022-2024\\_July2021\\_FINAL-VERSION.pdf \(illinois.gov\)](#)
- Volunteer Opportunities for Professionals  
<https://ilaging.illinois.gov/forprofessionals/volunteeropportunities.html>  
<https://ilaging.illinois.gov/resources/newspublicationsandreports/publications/volunteerandintergenerationalprograms.html>
- Public Interest Law Initiative  
<https://pili.org/pro-bono/opportunities/>

---

<sup>6</sup> Attorneys serve on Fatality Review Teams and Multi-disciplinary Teams under the Adult Protective Services Program. Advocates are also needed to help nursing home residents under the Long-Term Care Ombudsman Program (see <https://ilaging.illinois.gov/programs/ltombudsman/ombuds-volunteer.html>).

<sup>7</sup> Margaret Willour.