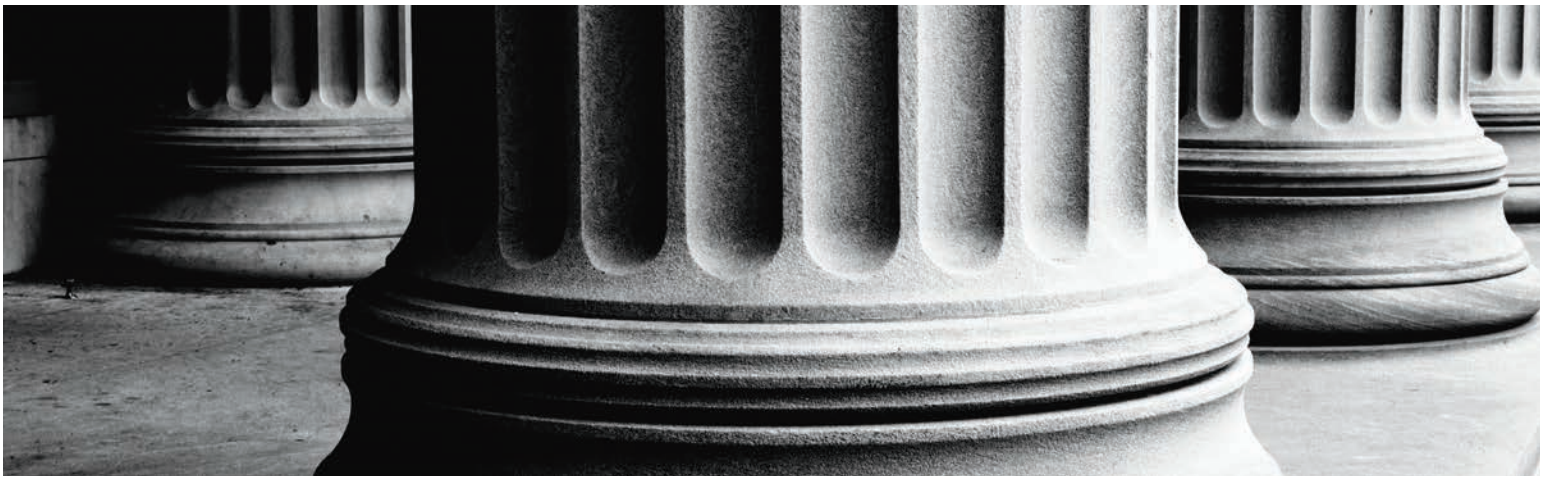


# The Access to Justice Project



# The Access to Justice Project

Elder victims of financial abuse are under-served in terms of civil legal remedies. There are many barriers to justice: limited income, access to information, few native language resources, a limited ability to secure police reports for cases that are predominantly civil in nature, even the legal process itself can be quite daunting.

Additionally, attorneys often do not take these overwhelming and complex cases due to the lack of specialized training in this area. Social workers have little exposure to civil law and sometimes miss opportunities to refer their clients to civil attorneys.

The Access to Justice Project seeks to bridge these divides locally through education and outreach.

## Partners

Institute on Aging is honored to partner with True North Foundation, and Legal Aid Association of California to bring you this brochure.

## About this Brochure

This brochure details San Francisco civil legal resources specializing in various remedies for elder financial abuse. You will find contact information, rates and fees, types of law practiced, and other relevant facts to assist you in securing local civil legal representation.

## Education

To view our educational resources tailored for local civil attorneys and social workers **visit: [www.ioaging.org/access-to-justice](http://www.ioaging.org/access-to-justice)**  
\*Check back frequently for updates.

For easy reference, you can find explanations of common legal terms on the back of this brochure.



## Asian Pacific Islander Legal Outreach

## Bay Area Legal Aid

**San Francisco Office:** 1121 Mission Street  
San Francisco, CA 94103 • **Phone: 415.567.6255**  
**Oakland Office:** 1305 Franklin Street, Suite 410  
Oakland, CA 94612 • **Phone: 510.251.2846**  
info@apilegaloutreach.org  
www.apilegaloutreach.org

1035 Market Street, 6th Floor  
San Francisco, CA 94103  
**Legal Assistance Line: 415.354.6360**  
**Toll Free: 800.551.5554**  
www.baylegal.org

### Mission

To tear down long-standing barriers that have denied Asians and Pacific Islanders equal justice and equal access to our legal system.

Bay Area Legal Services is a regional, non-profit public interest law firm providing the highest quality legal counsel by: Assisting individuals and non-profit groups with limited access to legal services; Resolving the legal problems of our clients; and Preserving the independence, hope, and dignity of those we serve.

### Age Requirements

No age requirement

60 and older

### Language Access

More than a dozen languages, including Cantonese, Chiu-Chow, English, Hindi, Ilocano, Japanese, Korean, Lao, Mandarin, Spanish, Tagalog, Taiwanese, Urdu, Vietnamese

Varies based on staffing

### How to make an appointment

To make an appointment, API Legal Outreach recommends calling into one of their offices. They do not provide any legal advice in response to email inquiries.

To make an appointment, call our Legal Advice Assistance hotline at:  
415.354.6360 or toll-free at 800.551.5554

### Legal Services

Violence Against Women, Immigrant Rights, Seniors and Elder Abuse, Human Trafficking, Youth, Social Justice

Domestic Violence, Family Law Issues, Health Care, Housing, and Public Benefits. Legal Aid Services can also refer clients to other organizations in the event that the issue is outside of their areas of practice

### Additional Services

APILO has several outreach programs listed on its website [www.apilegaloutreach.org/elder.html](http://www.apilegaloutreach.org/elder.html)

Advance Planning, Caregiver Advocacy, Consumer Protection, Family Law, Health Care Rights, and Housing Preservation

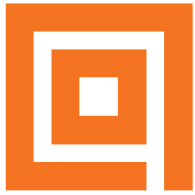
### Rate/Structure

Free and sliding scale services to those receiving public benefits or who are low income.

Pro Bono



|                                   | California Advocates for Nursing Home Reform                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Bar Association of San Francisco, Lawyer Referral and Information Service                                                                                                                                                                                                        |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                   | 650 Harrison Street, 2nd Floor<br>San Francisco, CA 94107<br><b>Phone: 415.974.5171</b><br><a href="http://www.canhr.org">www.canhr.org</a>                                                                                                                                                                                                                                                                                                                                                                                                                                     | 301 Battery Street, 3rd Floor<br>San Francisco, CA 94111<br><b>Phone: 415.989.1616</b><br><a href="http://www.sfbar.org/lawyerreferrals/onlinereferral.aspx">www.sfbar.org/lawyerreferrals/onlinereferral.aspx</a><br><a href="http://www.sfbar.org/Iris">www.sfbar.org/Iris</a> |
| <b>Mission</b>                    | To provide access to legal representation for long term care residents and their family members and, consistent with the intent of the Elder Abuse and Dependent Adult Civil Protection Act, to enable interested persons to engage attorneys to take up the cause of abused elderly persons and dependent adults.                                                                                                                                                                                                                                                              | To assist members of the public with quality legal representation and education.                                                                                                                                                                                                 |
| <b>Age Requirements</b>           | 60 and older                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 55 and older                                                                                                                                                                                                                                                                     |
| <b>Language Access</b>            | Chinese, English, Japanese, Spanish                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Cantonese, English, French, Mandarin, Spanish, Tagalog, Vietnamese                                                                                                                                                                                                               |
| <b>How to make an appointment</b> | Call 415.974.5171 to schedule a telephone consultation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Contact Antonio Hernandez or Carole Conn at 415.989.1616.                                                                                                                                                                                                                        |
| <b>Legal Services</b>             | Lawyer Referral Service: CANHR has the only State Bar certified, statewide Lawyer Referral Service specifically designed to refer consumers to attorneys who specialize in estate planning for long term care, elder abuse and elder financial abuse issues.                                                                                                                                                                                                                                                                                                                    | Elder Financial and Physical Abuse; Nursing home neglect; Consumer scams                                                                                                                                                                                                         |
| <b>Additional Services</b>        | Residential Care/Assisted Living, Continuing Care Retirement Communities, Medi-Cal Information/Estate Planning for Long Term Care, Elder Abuse/Financial Abuse, Advocacy Support, Legal Service Support and more.                                                                                                                                                                                                                                                                                                                                                               | Wills, estate planning with trusts, conservatorships, guardianships, durable power of attorney, will contests                                                                                                                                                                    |
| <b>Rate/Structure</b>             | Fees vary depending on the legal services requested and geographic location. Elder abuse, neglect and financial abuse cases are on a contingency fee basis, which means that you will pay fees if the case has a successful outcome. Estate planning services are available on a regular fee, reduced fee, or pro bono basis, depending on the client's income, resources and legal need. If the Lawyer Referral Service is unable to make a referral on a contingency, pro bono, or reduced fee basis, CANHR staff will do their best to provide you with self help resources. | 30-minute free consultation for the elder. Some cases are taken on contingency or for free (pro bono)                                                                                                                                                                            |



## La Raza Centro Legal

## Legal Assistance to the Elderly

474 Valencia St. #295  
 San Francisco, CA 94103  
**Phone: 415.575.3500**  
 info@lrcl.org  
 www.lrcl.org/index.php

995 Market Street, Suite 1400  
 San Francisco, California 94103  
**Phone: 415.538.3333**  
 info@laesf.org  
 www.laesf.org

### Mission

La Raza Centro Legal is a community-based legal organization dedicated to empowering Latino, immigrant and low-income communities of San Francisco to advocate for their civil and human rights.

To ensure Elders and younger individuals with disabilities residing in San Francisco the ability to exercise their legal rights and fully access to all benefits and services to which they are entitled.

### Age Requirements

60 and older

18-59 years old for individuals who have a disability, and 60 and older

### Language Access

English, Spanish

Cantonese, Mandarin, Spanish

### How to make an appointment

Please make an appointment by calling 415.575.3500. All appointments take place at La Raza Centro Legal, 474 Valencia St. #295, San Francisco, CA 94103.

Call 415.538.3333 for intake

### Legal Services

Immigration Law, Workers' Rights, Senior Law

Eviction, Supplemental Security Income (SSI), Elder Abuse, Consumer Fraud

### Additional Services

Our Senior Law Program provides legal advocacy to immigrant and disabled seniors in the areas of public benefits, tenants' rights, consumer fraud, estate planning and various kinds of abuse.

Advice, referrals and/or representation to eligible individuals who are experiencing the following: tenants issues; Social Security and SSI problems; Medicare, Medicaid, & Medi-Cal problems; Elder Abuse; consumer or debt collection problems; and simple wills.

### Rate/Structure

Pro Bono  
 For Senior Law, individuals must be San Francisco residents, and of age 60 and over, or must have a disability.

Pro Bono  
 In order to qualify for pro bono service, individuals must be a San Francisco Resident and either age sixty or older, or age 18-59 and have a disability.



## Swords to Plowshares

1060 Howard Street  
 San Francisco, CA 94103  
**Phone: 415.252.4788**  
 SupportVets@stp-sf.org  
 www.swords-to-plowshares.org/about

## Medical-Legal Partnership for Seniors Clinic (MLPS)

100 McAllister Street, Suite 300  
 San Francisco, CA 94102  
**415.581.8933**  
 troyay@uchastings.edu  
 UCSF Consortium

### Mission

War causes wounds and suffering that last beyond the battlefield. Swords to Plowshares' mission is to heal the wounds, to restore dignity, hope, and self-sufficiency to all veterans in need, and to prevent and end homelessness and poverty among veterans.

In the Medical-Legal Partnership for Seniors Clinic (MLPS), Hastings students develop key lawyering skills through representation of low-income elderly patients at a UCSF medical clinic. Students assist clients in legal issues related to health, such as advance health care planning, estate planning, and public benefits.

### Age Requirements

Serves all ages

60 years and older

### Language Access

Varies based on staffing

Access to phone translation services

### How to make an appointment

Drop in, call 415.252.4788, or email SupportVets@stp-sf.org

Only accessible to patients of UCSF partner programs with referral by UCSF medical provider  
 Advance Health Care Directives, Powers of Attorney, Simple Wills, Public Benefits

### Legal Services

Swords' Legal Team provides attorney representation and consultation to veterans of any era and discharge status. Swords provides free attorney representation in Department of Veterans Affairs (VA) benefits and military discharge upgrade cases and works closely with clients to access the benefits they have earned, to help veterans avoid or escape homelessness, increase their financial stability, and focus on their long-term health and well-being.

No

### Additional Services

Employment & Training, Supportive Housing, Health & Social Services, Women Veterans, Advocacy & Policy, Combat Community.

In the Medical-Legal Partnership for Seniors Clinic (MLPS), Hastings students develop key lawyering skills through representation of low-income elderly patients at a UCSF medical clinic. Students assist clients in legal issues related to health, such as advance health care planning, estate planning, and public benefits.

### Rate/Structure

Pro Bono  
 Swords to Plowshares only provides legal representation to low income and homeless veterans, of any discharge status, who reside in San Francisco.

Free  
 Yes  
 Must be a patient of a UCSF program partnering with the MLPS



## Bayview/ Hunters Point Community Legal

4622 3rd Street, San Francisco, CA 94124  
415.735.4124  
virginia@bhpcommunitylegal.org  
www.bhpcommunitylegal.org  
[https://www.facebook.com/BHPCCommunityLegal?ref=br\\_tf](https://www.facebook.com/BHPCCommunityLegal?ref=br_tf)  
[@bhpcommlegal](http://www.linkedin.com/company/bayview-hunters-point-community-legal)

### Mission

Our mission is to provide access to justice for the residents of Bayview/Hunters Point, the highest need neighborhood in San Francisco. We help residents solve any legal issue for which for-profit attorneys are unavailable. We do this by working outside the courtroom, representing clients in everything from investigations to mediation to administrative filings. And when a case does require courtroom appearances, we work with our partners to find competent and low-cost legal counsel.

### Age Requirements

18 years and older

### Language Access

Main services in English. Some assistance available in Spanish, Cantonese and Mandarin.

### How to make an appointment

Either drop into our office, any time 9-5 on Monday, Wednesday, Thursday, and Friday, or call us at 415.735.4124.

### Legal Services

BHPCL will provide representation concerning legal problems for which our assistance is requested, in any subject area within the scope of our expertise and pursuant to our mission, for which for-profit attorneys are unavailable, EXCEPT that representation will NOT include appearances before a judicial tribunal, or any work on any case once a complaint has been filed in a court of competent jurisdiction. Services only available to people living, working, or with legal needs in the 94124 zip code.

### Additional Services

BHPCL provides low cost legal services based on a sliding scale.

### Rate/Structure

\$60 – For individual, pre-tax incomes between \$50,000 - \$74,999 per year  
\$30 – For individual, pre-tax incomes between \$35,000 - \$49,999 per year  
\$15 – For individual, pre-tax incomes between \$15,000 - \$34,999 per year  
\$5 SUGGESTED DONATION – For Individual, pre-tax income less than \$15,000 per year



# Common Legal Terms

**Attorney - Client Privilege:** A legal privilege that ensures communications between an attorney and his or her client are kept private and confidential.

**Civil Judgment:** A document signed by a judge determining that a suing party has been harmed and recognizing that another is responsible for that harm. A copy of the judgment may be delivered to the sheriff with instructions to seize the property of the person against whom the judgment is entered.

**Civil Law:** Laws governing disputes between individuals and/or organizations. In a civil matter, the victim brings the case. The person found liable in a civil case may have to give back property or pay money to the victim, but he or she will not serve jail or prison time. The intent of bringing a civil case is to make the victim "whole," i.e. help the victim recover from the consequences of his or her loss.

**Co-Counsel:** An attorney who assists in the representation of a client.  
**Commercial elder financial abuse:** The economic exploitation of elders by sellers of products and services, which often involves issues of capacity to contract, undue influence, and misrepresentation. Tools used to commit commercial elder financial abuse may include advertising, promotions, free-lunch seminars, sales presentations, emails, or phone calls.

**Contingent Fee:** Payment to an attorney based on a percentage of the amount of money recovered; the percentage typically ranges between 33-1/3% and 40%. Contingent fee agreements shift the risk of loss from an unsuccessful lawsuit from the client to the attorney and therefore the fee paid is typically higher than where the fee is based on an hourly rate.

**Criminal Law:** Laws governing criminal acts. In a criminal case, the government brings the case. The person convicted of a crime may be fined, incarcerated, or both. Criminal cases are brought in order to punish the person who committed the wrongful act and to deter others from committing similar wrongful acts.

**Damages:** Money awarded to compensate for an injury or loss.

**Dependent Adult:** A resident of California who is between the ages of 18 and 64 years and who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights.

**Domestic Elder Financial Abuse:** The economic exploitation of elders by family members, caregivers, acquaintances, and neighbors that often involves the transfer of an elder's property or an inappropriate bequest obtained through undue influence.

**Elder:** A resident of California who is 65 years or older.

**Elder Law Attorney:** An attorney who specializes in the legal needs of elders. This specialization could include estate planning, wills, trusts, public benefits, advance care planning, physical abuse or financial abuse.

**Esquire:** A person who has passed the bar examination and, as a result, is permitted to practice law.

**Financial Abuse:** The wrongful taking of property of an elder or dependent adult. In general, a taking of property is wrongful if it is clearly harmful to the elder or was obtained through fraud or undue influence.

**In Pro Per:** A person who appears in court on his or her own behalf and without a lawyer.

**J.D.:** Juris Doctor. The degree earned upon completing law school in the United States. Not all J.D.s take the bar exam, so not all J.D.s are licensed attorneys.

**Meritorious Claim:** A legal action that is based on facts likely to result in a civil judgment.

**Physical Abuse and Neglect:** Physical or mental harm inflicted on an elder or dependent adult through conduct or neglect including assault, battery, constraint, deprivation, or a variety of other wrongful means.

**Pro Bono:** Legal work provided for free, often to indigent clients or nonprofit agencies serving marginalized and/or underserved populations.

**Senior Legal Services Providers:** Nonprofit agencies that provide legal services to low and moderate-income older adults. Types of cases handled by SLSPs may include restraining orders, preventing the loss of public benefits such as SSI and SSDI, providing eviction or foreclosure defense, or educating consumers about frauds and scams. Due to extremely limited budgets and resources, SLSPs must limit their focus areas and types of cases they accept.

**Standing:** The right to appear in court and assert a particular legal claim. Not all persons who are harmed by wrongful conduct have standing. For example, a conserved elder who is harmed by physical abuse does not have standing to bring an elder abuse action; rather, the action must be brought by the conservator.

**Statute of Limitations:** The period of time in which a person must file a lawsuit on a particular claim. When the time begins and ends can be quite difficult to calculate.

**Viable Claim:** A claim for which the filing of a lawsuit is justified. A meritorious claim is not always a viable claim. For example, an elder may be exploited for \$1,000 and therefore have a meritorious claim for financial abuse. However, the claim may not be viable because the costs of pursuing a lawsuit do not justify the amount likely to be recovered. Similarly, an elder may be exploited for \$100,000 and therefore have a meritorious claim for financial abuse. However, the claim may not be viable because the wrongdoer no longer has any money and the costs of pursuing a lawsuit do not justify the amount likely to be recovered.

## Institute on Aging | Connect

We are answering your call on aging. Whether you or a loved one needs help because of physical challenges, an Alzheimer's diagnosis or you simply have questions related to aging, the experts at Institute on Aging Connect are just a simple phone call away. Our friendly, highly knowledgeable staff can connect you to top notch programs, services and resources within and outside of our agency, whether you have financial means or not. **415.750.4111** ■ **650.424.1411**

## Institute on Aging

3575 Geary Boulevard, San Francisco, CA 94118  
**415.750.4111** ■ [www.ioaging.org](http://www.ioaging.org)