

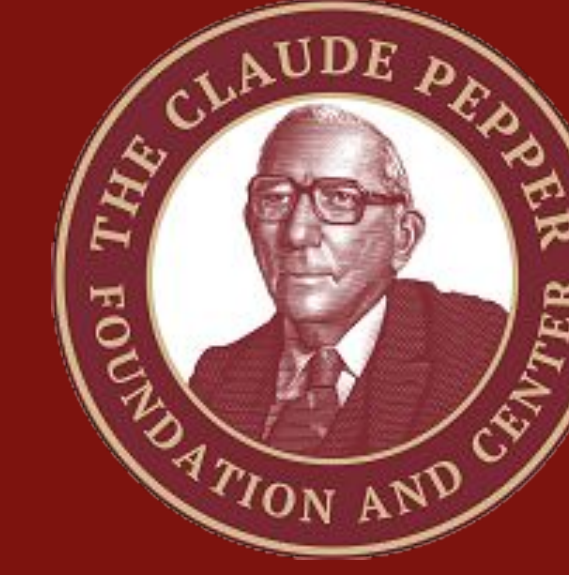


# Evaluating the Legal Needs of Low-Income Elder Floridians

By Whitney Bouk and Hayden Thomas; Supervised by Professor Rima Nathan, J.D.



Florida State University College of Law Public Interest Law Center,  
Claude Pepper Elder Law Clinic



## Introduction

Elderly citizens are one of the most ignored groups throughout the United States, facing a number of age-related issues that leave them without the help and attention they need. As a growing subgroup of Florida's population, low-income elderly citizens have unique legal needs that are often difficult or expensive to satisfy. In the past, research has been conducted by organizations including the American Association of Retired Persons (AARP) and the Florida Department of Elder Affairs (DOEA), each distributing surveys targeted at identifying the general needs of elderly Florida citizens. The gap in information and time left by these two surveys produced in 2012 (DOEA) and 2006 (AARP), left many questions about elder Floridians' legal needs unanswered, prompting the Claude Pepper Elder Law Clinic at the Florida State University College of Law to pursue the construction and distribution of a new survey. The survey specifically focuses on identifying the predominant legal needs of elder Floridians and the quality of the legal services they are receiving.

Areas of the law expected to be in high demand by elders include but are not limited to, probate, estates (wills, trusts), health (Medicaid, Medicare, medical malpractice), family issues, power of attorney, guardianship, fraud, exploitation, abuse, housing, employment, and government benefits.

## Research Question

**What are the predominant legal needs for low-income elders in the state of Florida?**

## Example Questions

In the past three years, have you felt you needed legal advice for any of the following issues? Select all that apply.

- Employment
- Health-related
- Consumer
- Guardianship or Power of Attorney
- Family Matters
- Benefits
- Housing
- Abuse, Exploitation, or Fraud
- Estate Planning/Disputes
- Personal Injury
- Probate
- Other (please explain in the text box below)

If you did not use legal services when you felt you needed them, what were your primary reason(s)?

- Too expensive
- Unsure of who to contact
- Unsure if the problem qualified as a legal issue
- Felt I could solve it myself
- Lack of transportation
- Inability to contact the services
- Embarrassed
- Privacy Concerns
- Used an alternate non legal service
- Other (please explain in the text box below)

Figure 1. Assessing Legal Needs

Figure 2. Reasons for Not Using Legal Services

## Methods

The research will be in a survey format distributed to all 67 counties in Florida.

Survey questions are focused on:

- Qualitative data
- Individual experiences of participants
- Distributed through the American Association of Retired Persons.

The target group for the survey will be low-income elderly persons

- **Low-Income:** defined as having a total annual gross household income that does not exceed eighty percent of the median annual income adjusted for family size for households in the area and with elderly being defined as persons fifty years of age or older.

Other demographic questions regarding age, race, marital status, gender, income, health, location, and presence or lack thereof of dependents are also included in the survey.

Ethical considerations are considered with the exemption of a question asking their name, as well as informed consent established at the beginning of the survey, and the availability for a participant to opt out of completing the survey at any time.

## Previous Research

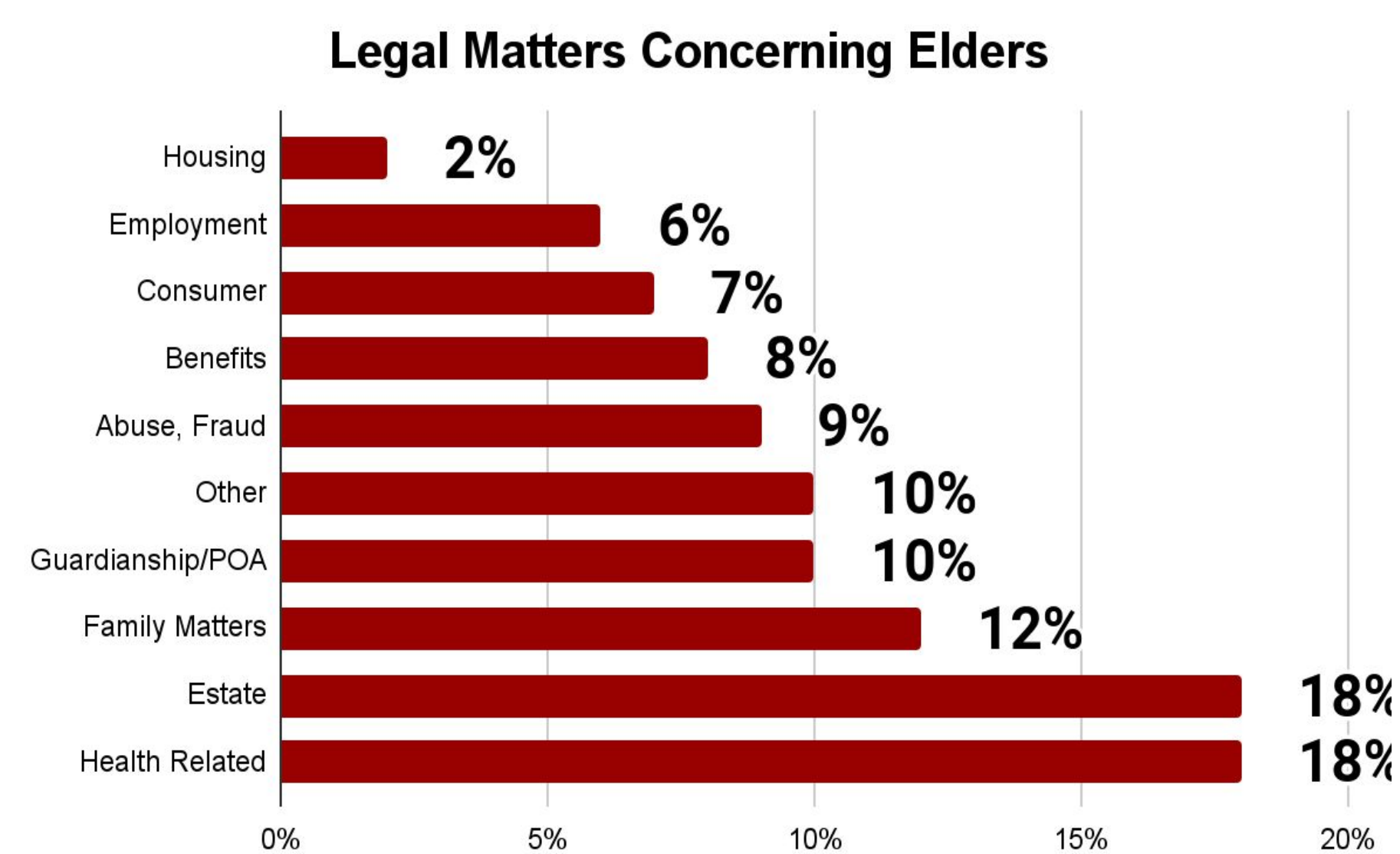


Figure 3. Legal Matters Concerning Elders (DOEA, 2012)

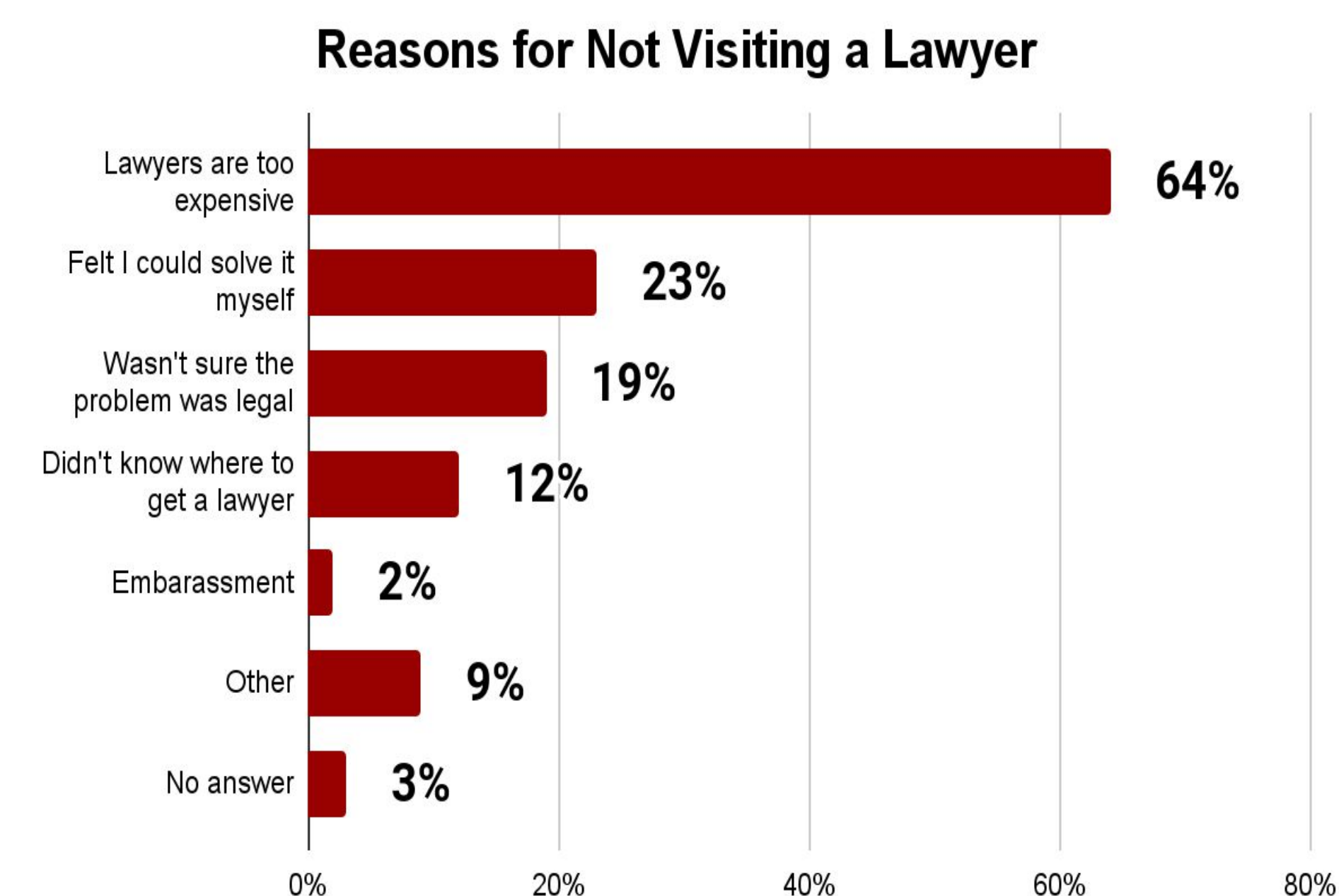


Figure 4. Reasons for Not Visiting a Lawyer (AARP, 2006)

## Results

Due to the lengthiness of survey production and distribution required by this project's goals, results have not been determined yet, as the survey has not been officially distributed. In order to distribute the survey, a third-party distribution service will be necessary to ensure the validity of the results. However, we are able to look at past similar surveys completed in 2006 and 2012 by the AARP and the DOEA. We expect many of the results previously reported in these surveys to be similar to the results finalized by our survey, with a few minor changes. Factors including an increase in income disparity and increases in elder populations have increased the quantity of low-income elderly in need of legal services.

Because it has been over ten years since the previous two surveys were completed, there are likely to be some shifts in legal needs, including a greater demand for legal services related to:

- Internet scams
- FEMA issues caused by the increasing frequency and intensity of hurricanes.
- housing issues caused by increasing rent prices and related expenses.
- probate services as the assets within estates are becoming more diverse and nuanced, with additional technological developments/investments such as cryptocurrency.

In addition, we expect many respondents to have a high demand for services previously in high demand, including: guardianship, power of attorney, government benefits, family issues, and estate issues/planning.

When building the survey, we have made sure to include questions asking respondents to identify how their legal needs have changed over the last decade. Respondents will also be asked to rate the quality of the legal services they have received, giving the clinic information on how to improve the quality of legal services.

## Discussion

When completed, our results will provide invaluable information to public interest legal services, government agencies, and nonprofits in Florida. These organizations and services will gain insight into the most pertinent legal needs among elders so they can tailor their services to these demands. Additional parties, including private attorneys looking to improve their practice or complete pro bono work and healthcare companies working with Medicare and Medicaid, will benefit from this information. This research will give organizations providing legal aid an idea of how their services have been rated in recent years, allowing them to make improvements where necessary. Additional analyses based on population subsets will give legal services additional information on which communities most urgently need services and which communities are doing better than expected. The potential improvements made possible by this research will expand the reach of elder legal services, giving an increasingly ignored population the attention they deserve.

## References & Acknowledgements

A huge thank you to Professor Rima Nathan, our UROP colloquium leaders, and the Florida State University College of Law Claude Pepper Elder Law Clinic for their mentorship, guidance, and support throughout our research process.

