



EQUAL JUSTICE AMERICA

Summer 2023 EJA Fellow:



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Organization: Michigan Elder Justice Initiative

Update 1: Thanks to an Equal Justice America fellowship, I'm able to work with the amazing folks at the Michigan Elder Justice Initiative this summer. In my first few weeks, I've been in awe of the amazing attorneys, experts, and advocates who make up the MEJI team.

Last week, I got to sit in on the legal training that MEJI gives to Michigan's Adult Protective Service (APS) workers. APS workers are charged with checking in on vulnerable adults at risk of abuse, neglect, or exploitation. The MEJI team led us through a series of thought-provoking exercises on the tools that the law has to offer for these folks—from personal protective orders, to powers of attorney, to guardianship/conservatorship. But, they also cautioned us to think about how certain tools can themselves be abused and challenged us to think of creative ways to preserve and promote the at-risk individual's autonomy: Can you use a one-time directive to protect certain funds instead of a full-on financial conservatorship? Can you help set up a health care power of attorney to prevent a restrictive guardianship in the future? What a great way to start my internship—thinking about the power and pitfalls of the systems that we have in place!

Equal Justice America is a nonprofit that helps fund law students working in civil legal aid positions. The organization's goal is to build a strong pipeline of future public interest lawyers, ensuring that everyone has access to justice.

Update 2: Time is flying by this summer, and it is time for my second #EJAFellowUpdate. This week, the amazing attorneys at the Michigan Elder Justice Initiative taught me how to fill out SCAO form PC 675—a Petition to Terminate/Modify Guardianship. Before completing the form for the client, my bosses told me all about how they interview clients who want to end their guardianship or change who their guardian is. First, it was interesting to hear how my bosses navigate discerning a client's wishes when the client is unclear. It was a good reminder of all the listening skills that public interest lawyers need to build! Then, we talked through what sort of questions the probate court will ask when balancing the protected individual's need for autonomy with



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their safety. Finally, we thought about how to squeeze all of that into a short and sweet form! Hopefully, the form we completed will help our client get a new guardian and move to a less restrictive setting.

Learning how to complete petition was a great lesson in lawyering: while some work might be complicated CREAC briefs, a carefully and concisely filled out form has a lot of power to change a client's life.

Update 3: Michigan Elder Justice Initiative, where I am working this summer thanks to an Equal Justice America Fellowship, is planning to submit an amicus brief in an upcoming MI Supreme Court case about if a guardian should be able to delegate their powers and duties without signing a power of attorney. I've been lucky enough to watch and help my amazing bosses pull together materials and start drafting the brief. It is interesting to see how different this sort of research is than what I did before law school—it involves not just pulling together materials from databases (ie, cases from WestLaw and Nexis), but also drawing on MEJIs' previous clients' experiences. MEJI has also been doing groundwork interviews with other organizations that directly represent people subject to guardianship to ensure that they are not misrepresenting any interests or concerns of certain subpopulations. I love the powerful feedback loop that MEJI has created—using their direct representation to amplify the voices and general concerns of people subject to guardianship, but it is also a weighty responsibility given that people subject to guardianship often cannot submit their own briefs. I can't wait to see what the finished amicus brief looks like and I have my fingers crossed that the case turns out well.

Update 4: Summer is speeding along and things at Michigan Elder Justice Initiative are as busy as ever. Recently, I learned about the importance of connections between legal aid groups across the United States. MEJI was attempting to help a client located in Michigan, but the case implicated Arizona law. MEJI attorneys are of course very capable of researching the law other states and did some due diligence work to make sure they understood the background. But, then, my bosses reached out to colleagues at legal aid groups in Arizona to make sure that they had the correct read of what Arizona law requires to revoke a power of attorney. The Arizona advocates were able to help the MEJI crew understand not just the black letter rule, but how probate courts in a certain part of the state might see a case like the one that they were dealing with. On a theoretical level, it was fascinating to compare Michigan law to Arizona law on power of attorney revocation—and to learn about why the requirements might differ between the states and between the types of power of attorney.

Update 5: I can't believe that my summer with the Michigan Elder Justice Initiative has come to a close! When working at Georgetown CCF prior to law school, I learned about the importance of Medicaid (and CHIP) in covering America's children and I fell in love with Medicaid law. Now, after a summer at MEJI, I am even more in love with Medicaid—which I didn't think was possible!

My first few weeks at MEJI helped expand my Medicaid horizons. I started the summer with a deep dive into Michigan's Medicaid reimbursement system for nursing homes and an intro to non-income based eligibility pathways. These research projects reinforced familiar lessons from the kids' Medicaid world—state discretion



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and program design choices have a big impact on beneficiaries' experience; the importance of ongoing communication between advocates, the state, and the Centers for Medicaid and Medicare Services; and, the promise of the Medical Care Advisory Committees in promoting beneficiary participation in program design. And, the projects showed me some new facets of Medicaid—the intricacies of *how* Medicaid funds the majority of long-term care; the way Medicare and Medicaid regulations interact; and, the complexity of non-income based eligibility rules and the role of civil legal aid attorneys in helping folks navigate waiver programs so that they can live independently.

In addition to learning more about the wonders of Medicaid, MEJI introduced me to an area of law I knew almost nothing about—guardianship, conservatorship, and powers of attorney. At the beginning of the summer, one of the MEJI attorneys told me that modifying and dissolving inappropriate guardianships and conservatorships is some of the “real life” civil rights work that legal aid attorneys do all the time. Now, at the end of the summer, I couldn't agree more: sitting in on an Adult Protective Services legal training, helping with a guardianship modification petition, drafting an amicus brief about guardianship delegation, and researching the modification of powers of attorney across state lines gave me an appreciation for this often-ignored area of the law that has a huge impact on individuals' ability to direct their own lives.

I can't wait to jump into the Pediatric Advocacy Clinic at U of M this semester, where I'm sure I'll put the civil legal aid and advocacy skills I learned at MEJI to work. Thanks to Equal Justice America for making this amazing summer possible!