“Working in the Elder Law Clinic is like having a regular job with the added advantage of close supervision and guidance from the professors,” said Elder Law Clinic student Maryam Arif. “We get direct client contact, go to court, and draft documents that help ordinary people solve everyday problems.”

Aside from physical and emotional issues that may require attention, elders and their families often have to tackle a number of legal issues, such as planning for incapacity and death, navigating the maze of government benefits, or securing a guardianship as a last resort for an elder who needs help in managing her personal and property needs. Elders also face situations of neglect and abuse, which require urgent legal intervention.

“Students in the clinic work closely with clients, other professionals, the courts, and families to map out and resolve the elder’s specific legal needs,” said Elder Law Clinic Director Joe Rosenberg. “The Law School curriculum, including clinic seminars and supervision, provides students with a critical perspective, legal knowledge, and lawyering skills that prepare them for client representation,” added Rosenberg, who supervises each case and works closely with students individually and in teams.

The cases on which students work can vary from adult guardianships that involve litigation to estate planning that requires students to draft wills, trusts, powers of attorney, and advanced health directives. In addition, in a testament to the credibility and reputation of the Elder Law Clinic, phone calls from courts and prospective clients seeking CUNY Law’s assistance in guardianship proceedings are common.

Specifically, courts appoint the Elder Law Clinic to serve as court evaluator or attorney in guardianship cases to protect individuals who are alleged to be incapacitated. Students investigate these cases to ensure that the allegations are authentic, and, if a guardian is appointed, that the guardian is granted only those powers that are necessary.

Arif talked about the complexities of these cases. “These cases can determine who may or may not ultimately gain control of someone’s finances, property, health care decisions, and other personal matters, including where to live,” said Arif. “These are major life decisions, so it’s critical that we investigate each case thoroughly and protect the rights of the elderly, some of whom may be vulnerable to financial exploitation and abuse.”

Arif is in the process of arguing in support of an elderly woman who contacted CUNY Law because a guardian was appointed to oversee her personal and property needs after a New York Supreme Court in Queens County deemed her incapacitated following an eviction proceeding. Each month, the caseworker from the guardianship agency gives Arif’s client only a small portion of her Social Security check to live on, while asserting that the remainder is going into a trust. “The client is understandably distressed and wants to be free from their control,” said Arif. “I have been working with her and believe that she is able to care for herself with the support of friends and family, making a guardian unnecessary. We will go to court on her behalf, should the guardian refuse to step down,” she added.

In cases in which the clinic serves as court evaluator (the “eyes and ears” of the court), clinic students work with the judge and attorneys for the parties, and an array of other professionals (including doctors, nurses, social workers, psychologists, and home care workers) analyze legal and nonlegal issues, outline a series of recommendations in a written report, and testify at the hearing.

Although graduating students in this clinic are prepared for elder law practice, they also often apply their clinic experience in family law and general community-based practices.

Elder Law Clinic Director Joe Rosenberg and Student Maryam Arif