



GREATER BOSTON LEGAL SERVICES

... and justice for all

NEWS

Fall/Winter

2007

GBLS Elder Law Unit Saves Client from Guardianship Abuse

In November 2006, 74-year-old "Grace Carr" was taken to a Boston hospital suffering from stress-related heart problems. Hospital staff wanted to perform surgery, but Mrs. Carr told them her primary care doctor had previously advised her that surgery could further jeopardize her health.

Without notifying Mrs. Carr, the hospital filed a petition for a guardian to make a decision about the surgery, accompanied by a medical certificate indicating mental illness, but without any specifics. The judge granted the motion without any further evidence or findings.

While in the hospital, Mrs. Carr was not given her clothing, nor her purse and wallet. She contacted GBLS for help and was assigned to an Elder Law Unit attorney who intervened on her behalf after the guardian had been appointed, preventing the surgery.

Mrs. Carr was then sent to a nursing home, despite expressing a strong preference for returning home, and even though a Boston elder protective services agency was willing to provide homecare services. She remained in the nursing home against her will and without access to her personal belongings for close to 3 months.

With GBLS' help, Mrs. Carr filed an objection to the guardianship petition and a motion for an independent competency evaluation, that found her to be competent. Her primary care doctor also documented that she was quite capable of making informed medical decisions. On the basis of this evidence, the hospital agreed to dismiss the underlying guardianship petition.

Mrs. Carr's story does not end there. After the daughter who shared her subsidized, 2-bedroom



Elder Law Unit client "Grace Carr" in her new home
Photo by Betsy Crimmins

apartment was moved to a psychiatric hospital, Mrs. Carr was unable to return home and ended up in an assisted living facility. Her guardian having falsely claimed she had cleared out the apartment, Mrs. Carr contacted GBLS again when her landlord moved to evict her as her personal possessions remained in the unit. GBLS Elder Law Unit staff arranged to have her goods moved and avoid having an eviction on her credit record.

Mrs. Carr, the allegedly "incompetent" woman, on her own found another subsidized apartment. She is now happily living in her new apartment in Somerville with home care services.

This case illustrates the problems with guardian-

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Greater Boston Legal Services is the primary provider of free civil legal assistance to poor people living in the City of Boston and 31 surrounding cities and towns.

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GBLS' 2007 Associates Drive Raises Over \$221,000 for our Family Law Clients!

Associates from law firms in the Greater Boston area have been raising money to support GBLS and its Family Law Unit for 18 years. This year's Associates Drive, co-chaired by Jennifer Antoniazzi of Holland & Knight, Katherine Haffner of Bingham, McCutcheon and Jerome Tichner of McDermott, Will & Emery, was the most successful ever, raising over \$221,000. More than 800 associates from 32 firms participated in the Drive and a record number of firms—21—matched the donations made by their associates. (One firm, Anderson & Krieger, double matched!)

The Associates Drive in Boston is unique in the country, and Boston's associates regularly contribute more than the entire private bar campaign in some cities. Thanks to the efforts of the co-chairs and the hard-working captains at each firm, hundreds of victims of violence and their children in Greater Boston who otherwise could not afford legal services, face their abusers in court with a skilled advocate by their side.



Enjoying themselves at the end-of-drive celebration hosted by Holland & Knight are (from l-r): Kate Haffner, Jerry Tichner, Al Turco, Ben McGovern, Max Bodoin and Brook Ames. Many thanks to Jennifer Antoniazzi, Katie Regan and Regan Harrison for organizing the event. Photo by Kip Lang

John Carroll: A Lifetime Commitment to Legal Services and a Legacy to GBLS

John Carroll grew up in Boston down the road from where he now practices law. Born to Irish immigrants, he knew that what set America apart was opportunity for everyone to have a better life.

“GBLS attorneys use their considerable skills to do what no one else will do: give voice to the voiceless. The people they help are not rich and powerful, but are equal before the law.”

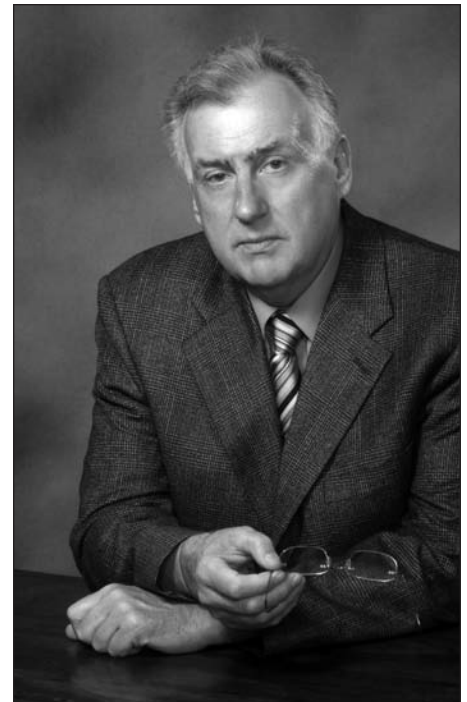
John attended Boston College, then served in the Navy before entering Boston University School of Law. After law school he went to work for South Dakota Legal Services that served two contiguous Native American reservations, Pine Ridge and Rosebud. Despite the tremendous poverty and despair he encountered there, the work was incredibly rewarding. Advocating for clients who had so many unasserted rights not only meant he was always in court, it also brought numerous victories which made a real difference in their lives.

When he returned to Boston, John took a temporary position at GBLS, and then

started working at Merrimack Valley Legal Services. Later he practiced personal injury law, eventually becoming a partner with the firm of Meehan, Boyle, Black and Bogdanow.

Never losing his passion for justice for the poor, John has served on the GBLS board for the past ten years. He's made it his mission to reach out to the Personal Injury Bar. He believes there is an “affinity of interests” between their work and the mission of GBLS to help ordinary people get justice against the powerful.

Last year John led by example, making a \$50,000 bequest in his will to GBLS. This gift will be a lasting legacy to his commitment during his lifetime. He believes “GBLS attorneys use their considerable skills to do what no one else will do: give voice to the voiceless. The people they help are not rich and powerful, but are equal before the law.”



GBLS Board member John Carroll
Photo by Bachrach Studios

Online Giving



Use a modern invention to support a timeless ideal!
You can help ensure access to justice for low-income people in Boston without leaving your computer! Make a donation online to help support our services to clients.
Visit us at www.gbls.org, and click on DONATE.

GBLS Advocates and Partners Achieve Personal Needs Allowance Increase for Elders in Nursing Homes

One of the key issues affecting quality of life for nursing home residents on MassHealth is access to a Personal Needs Allowance (PNA). The PNA had remained unchanged since 1991, when it was decreased from \$72.80 to \$60.00. From this meager allowance, residents had to pay for all their personal needs, including toiletries, haircuts, clothing,

shoes, magazines, outings, postage, telephone calls, etc. Raising the PNA has been a priority of GBLS' nursing home work. In May 2007, with its nursing home consumer coalition, GBLS organized compelling testimony to the Legislative Committee on Elder Affairs from many nursing home residents. These residents spoke of how the lack of

spending money limited their independence and diminished their day-to-day experience in a painful way. The strength of this testimony propelled the bill to success, and resulted in a budget item increasing the PNA back to \$72.80, effective immediately. This victory will make life better for residents in every nursing home in the state.

Awards, Appointments, Elections...

Congratulations to all on their achievements!

- **Manisha Bhatt:** appointed to Boston Bar Journal Board of Editors for the next 3 years
- **Manisha Bhatt and Kelly Leighton:** 2007 Family Law "Rising Stars", Boston Magazine and Super Lawyers Magazine
- **Sherley Cruz:** Public Interest Leader, Boston Bar Association 2007 Public Interest Leadership Program; Access to Justice Fellow; elected Secretary of Massachusetts Association of Hispanic Attorneys
- **Joanne Daniels-Finegold:** Marie Feltin Award, Boston Center for Independent Living
- **Mercer Edwards:** GBLS Dow-Gardiner-Landrum Award
- **GBLS:** Organization Advocacy Award, for our "outstanding advocacy efforts in making the MBTA accessible to all persons with disabilities within our Commonwealth", Massachusetts Statewide Independent Living Council
- **Todd Kaplan:** Margot P. Kosberg award, Cambridge Human Rights Commission
- **Nancy Kelly:** Lelia J. Robinson Award, Women's Bar Association
- **Nancy Kelly and John Willshire-Carrera:** Mangepca Fanhangel Community Award, Brazilian Women's Group
- **Zenobia Lai:** 2007 Community Unsung Heroine, Massachusetts Commission on the Status of Women
- **Kelly Leighton:** re-appointed as member of the Boston Bar Association Family Law Section Steering Committee

- **Melanie Malherbe, Jay Rose, and Margaret Turner:** received a GBLS Milestone Award for their twenty years of service to GBLS
- **Dan Manning:** 2006 Lawyer of the Year, Massachusetts Lawyers Weekly
- **Cyndi Mark:** 2007 YMCA Academy of Women Achievers member; Access to Justice Fellow
- **Jeff Purcell:** GBLS Dow-Gardiner-Landrum Award
- **Pauline Quirion:** Community Service Award, Massachusetts Bar Association; Boston Magazine "Super Lawyer" 2006 and 2007; appointed as commissioner by the Governor to the Judicial Nominating Commission; re-appointed Delegate in the Massachusetts Bar Association House of Delegates; re-appointed Co-Chair of Women's Bar Association Rosa Parks Committee
- **Audrey Richardson:** Outstanding Workers' Rights Lawyer award, Brazilian Immigrant Center
- **Bob Sable:** Legal Services Award, Massachusetts Bar Association
- **Jane G. Smith:** Southgate Volunteer Award
- **Stephen Young:** GBLS Dow-Gardiner-Landrum Award
- **Barbara Zimbel:** Lawyer Award for outstanding achievement, Massachusetts Chapter of the National Lawyers Guild; re-appointed Co-Chair of Women's Bar Association Rosa Parks Committee
- **Team who worked on New Bedford cases:** Daniel Levy Award, National Immigration Project



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ship procedure in the Probate Courts that have led to GBLS' long-standing efforts at legislative reform on behalf of the Mass. Association of Older Americans and several individual clients. An Elder

Law Unit attorney and Mrs. Carr recently met with Rep. Eugene O'Flaherty, co-chair of the Judiciary Committee, to tell him how Mrs. Carr and others are harmed by the current guardianship laws. Rep. O'Flaherty committed to working to move the guardianship reform bill the

attorney co-authored through the Judiciary Committee.

GBLS and our partners will continue to fight for guardianship reform on behalf of the many seniors like Mrs. Carr who are the victims of the current procedures.

Law Firm Survey Highlights Strong Support for GBLS

In the fall 2006, Jeff Coburn of Coburn Consulting of Boston, MA, with the support of David Rountree, Senior Vice President at Citizens' Bank, generously developed and conducted a survey of Boston law firms and lawyers on GBLS's behalf.

Why did we do it?

As part of a strategic planning process, we wanted feedback from our supporters in the legal community about GBLS and the services it provides to poor people in Greater Boston.

How was it performed?

242 survey questionnaires were mailed to law firms in the Greater Boston area. There was a very high response rate of 35% to the survey. 60% of the respondents were members of the 100 largest law firms in Massachusetts.

What did our supporters say?

GBLS enjoys an extremely positive image and reputation (93%)
The mission of GBLS is both clear (80%) and important (98%)

Our supporters associate GBLS with words such as "compassion", "dedicated", "effective", and "commitment".

GBLS is recognized as efficient and cost effective (92%)

They consider four GBLS practice areas to be particularly important to the Greater Boston community:

- Affordable housing (91%)
- Access to health care & disability benefits (90%)
- Protection from domestic violence (87%)
- Elder issues (84%)

You can help ensure access to justice for low-income people in Boston. Help support our services to clients.

Visit us at www.gbls.org, and click on DONATE.

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