

WEDNESDAY  
**JULY 13**

## DO THE ELDERLY GET THE LEGAL ADVICE THEY NEED?

**July 13, 2011**

Working with researchers from Northern Ireland and England, Penn State's Dickinson Law Professor Katherine Pearson will lead a year-long study that examines whether the U.S. legal system is meeting the legal advice needs of older adults.

As director of The Dickinson Schools of Law of the Pennsylvania State University Elder Protection Clinic, where law students conduct research and represent older adults on a variety of legal matters, Pearson's clinical experiences provide an evidence base about the legal needs of older adults who may not have easy access to attorneys.

"This is an opportunity to go beyond our clinical work. I discovered a model for this research while visiting at [Queen's University Belfast](#), in Northern Ireland during my time there as a Fulbright Scholar in 2010," said Pearson. In research commissioned by the Changing Ageing Partnership (CAP) in Northern Ireland in 2009, [Joe Duffy](#), a lecturer in the School of Sociology, Social Policy and Social Work at Queen's University Belfast, and Dr. [Subhajit Basu](#), senior lecturer in CyberLaw at the [University of Leeds](#), conducted focus groups and interviews throughout Northern Ireland, asking whether and how the legal needs of older adults were being addressed in that country.

"In the U.S., we have a recognized specialization for lawyers practicing 'elder law.' But, we may or may not be meeting core needs of some older adults and their families, as that specialization tends to focus on allocation of family assets and long-term care financing. We're going to expand on the Northern Ireland study by incorporating a written questionnaire that asks questions about how families, including older adults, use the legal system to approach issues associated with aging. We will then conduct focus groups and interviews with key audiences, including people who have used lawyers in the last five years and people who have never consulted with lawyers for planning issues, as well as service providers," explained Pearson.

### The Northern Ireland Study

In the Northern Ireland study, Basu, who has a background in electronic commerce, had a particular interest in how the Internet could be used to enhance access to legal information for older adults. "One of the key concerns raised in the Northern Ireland study was how to measure the quality of online information," said



L to R: Joe Duffy, Katherine Pearson, and Subhajit Basu.

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Basu. Pearson’s Pennsylvania-based research will also assess how older adults in Pennsylvania, especially in rural areas, use the Internet for accurate legal information.

Duffy, who teaches law to social workers at Queen's, summarized the findings of the Northern Ireland study saying, “Older people expressed serious reservations about engaging with the legal system due to their feelings of uncertainty, lack of confidence and a fundamental absence of trust towards lawyers. Furthermore, they seemed to struggle with not only knowing where to access legal advice but also in identifying whether in fact their problems required a legal response.” Duffy said.

Pearson observed that one of the innovative aspects of this comparative study will involve working in partnership with older people as peer researchers in key aspects of the research design, data collection and analysis. This is a particular expertise which Duffy brings to the U.S. project, given his experience in working with peer researchers in other projects.

“The CAP report intrigued me,” said Pearson, “especially the narratives from older persons. For example, respondents said lawyers often were not meeting their needs and that lawyers need to give older persons more time to explain their problems. At the same time, they wanted cost efficient answers. Time and money are not an easy balance in the law. It will be interesting to compare the Northern Ireland results to similar research in the U.S.”

**Pilot Project**

Supported by a grant from the [Worldwide Universities Network \(WUN\)](#), Penn State University, and The Dickinson Schools of Law of the Pennsylvania State University, Professors Basu, Duffy and Pearson spent two intensive weeks together at the Law School to design a pilot project for research in Pennsylvania. The program in Pennsylvania will include a written survey tool, focus group strategies, and sample questions. Basu and Duffy also had the opportunity to witness law students in action at the Elder Protection Clinic and to hear the challenging legal questions often raised by older adults in the United States. “I’m excited by this model of education, which combines social work, health care, and law to provide the public with better services,” said Duffy.

During the visit to The Dickinson Schools of Law of the Pennsylvania State University, Duffy, Basu and Pearson also worked together to finalize their academic paper which combines the findings from the Northern Ireland study with the initiatives that have been well established by the clinics. Within this paper, they recommend the need for a “joined up” approach among professionals to effectively meet the needs of older people.

Pearson projected that the Pennsylvania based research will take place over the next year, with a goal of publishing the results in time for the annual Elder Law Institute hosted by the Pennsylvania Bar Institute each summer. Pearson is completing her year as chair of the [Elder Law Section](#) for the Pennsylvania Bar Association, a section with more than 800 members.

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