

Elder Access to Justice Roundtable Conference

“Oops! I Did It Again”: Exploring Alternatives to Guardianship

By Michelle C. Berk, Esq., Chair, Elder Law Committee

The 7th Annual Elder Justice Conference was held on June 17, 2022, both virtually and in person, after a two-year hiatus at the Villanova Conference Center. The theme of this year's conference was Exploring Alternatives to Guardianship. While guardianship can be a useful and necessary tool to protect the health and well-being of a senior, there are alternatives that can and should be considered first. The purpose of this conference was to introduce the alternatives to guardianship, in an interdisciplinary and interactive manner. The emphasis was on exploring the panoply of social and other services and supports in the community in conjunction and in coordination with legal remedies, and to utilize them in the best interest of seniors. Participants were social workers and providers of supportive services to seniors and attorneys practicing in the fields of elder law, estates, and estate and disability planning state-wide. Continuing education credits were offered.

The conference offered prominent participants and programming. Our keynote speaker was the founder and longstanding Chair of the Roundtable, Judge Lois E. Murphy, Orphans' Court Administrative Judge. Her Honor is a statewide and nationwide leader in guardianship reform. Judge Murphy introduced the conference with a description of the history and status of guardianships within the court system tied into the theme of pop star Brittany Spears' fascinating guardianship litigation. Judge Murphy's remarks were introduced with a rousing rendition of a Brittany Spears song lamenting her adjudication of incapacity and ensuing powerless and decrying its imposition upon her.

We were honored by the participation of the Honorable Sheila Woods-Skipper, Administrative Judge of the Philadelphia Orphans' Court, who moderated a panel discussion with case



studies. Esteemed panelists included Pam Waltz, Esq., Community Legal Services and Chair Elect of the Pennsylvania Bar Association Elder Law Section, Disability Rights of Pennsylvania, and the Center for Advocacy for the Rights and Interests of the Elderly (CARIE). The presentation reviewed the history of guardianship in Pennsylvania and the reasons why guardianship may be pursued as well as to introduce how and why less restrictive alternatives to guardianship should be considered, statutory, ethical, and clinical perspectives of guardianships; and the alternatives for older adults and the disabled population were thoroughly explored in case studies.

Participants then had the opportunity to attend a variety of workshops. Workshops on Mediation and on Supportive Decision Making and Community Supports were presented by distinguished, experienced leaders in these fields. A workshop was offered on the Restorative Justice, a practice that seeks to identify harms and infractions and repair them. I had the honor of presenting the Legal Alternatives to Guardianship workshop along with Dana Goldberg, Esq., of the SeniorLaw Center. Practical, ethical, legal, and statutory alternatives were explored, emphasizing the need for advance planning.

The participants had the opportunity to interact and present questions both virtually and in person. All participants and attendees had an excellent opportunity to gain an increased understanding of Guardianship and the myriad of alternatives to consider in representing their clients in making informed decisions in the best interest of seniors. The Roundtable is appreciative of the input and support from the distinguished panels' moderators, presenters, and sponsors. The conference continues to be a great success due to the longstanding, tireless efforts of the dedicated planners and support staff to whom we owe a debt of gratitude. ■