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LAW FIRM BUSINESS

Ropes & Gray helps seniors pro bono

By Ameera Butt
Daily Journal Staff Writer

At first glance, an elderly Georgian immigrant and a national law firm best known for defending corporate America may seem like strange bedfellows.

But when the state gutted a program for the elderly in an attempt to deal with the state's widening budget deficit, this unlikely pairing of Marietta Arakelova and Ropes & Gray LLP fast became allies.

Arakelova, 75, immigrated to the U.S. in 1998 and attends the Golden State Community-Based Adult Services in San Francisco, which offers medical services, meals and other assistance to low-income seniors.

She comes to the adult day health center three times a week to get her blood pressure and diabetes checked out. Arakelova suffers from hearing problems, depression, diabetes and lower back pain, according to center officials.

"She likes being around people. She used to be a teacher in Georgia and Azerbaijan so it's important to maintain that connection," said her translator Sonia Maryasov. "She likes that the staff is very caring, [and] caters to her needs."

In response to the state cutting the Adult Day Health Care program as a Medi-Cal health benefit, Disability Rights California and others filed a federal lawsuit in response to the elimination. The suit later settled.

A new program called Community-Based Adult Services began this year as a result of the settlement in the Adult Day Health Care litigation, according to Elissa S. Gershon, senior attorney in the Bay Area regional office for Disability Rights California.

The new Community-Based Adult Services would be offered through Medi-Cal and went into effect on April 1.

Arakelova was one of many seniors across California who was deemed ineligible to continue to receive services after state officials decided some seniors didn't qualify.

She and 75 other seniors at the adult day health center in San Francisco filed appeals with the Department of Social Services and

its administrative law judges to continue to receive benefits under a new program earlier this year.

Gershon wrote in an email approximately 2,431 seniors across California filed appeals with the state as of mid-August.

That's where law firm Ropes & Gray LLP stepped in to help Arakelova and the others. Seven attorneys got involved in pro bono cases in February after the clients had filed their appeals with the state.

They represented 14 seniors, including Arakelova, in their appeals cases, winning rulings for all of them.

"Marietta was just a wonderful joy. She is very spirited and she has this wonderful personality," said Lauren E. Foster, a Ropes & Gray associate in the health care practice who represented Arakelova. "As spirited as Arakelova was, she obviously suffered from a number of these ailments. You could see it in her eyes, the fear, if these services were taken away from her."

Foster said it really drove home for her, personally, how important the hearings were and how important it was to advocate for the seniors.

"I kept thinking about my poor grandma who is in such good health at 93, but these people are not. They come from backgrounds where they're not able to pay for care," Foster said.

They will continue to receive services until the next reassessment period by the center and services retroactive to April 1, according to Aimee H. Kelley, an associate in the health care group at Ropes & Gray's San Francisco office.

Both Kelley and Alice Ho, an associate in the health care group, said they were excited to be involved in something like this because it's such a "vulnerable situation." "These are adults who are seniors who have a lot of chronic situations, mental disabilities, especially low income seniors because it's Medi-Cal," Ho said. "And so we're trying to have a place for them to go so they can avoid hospitalization and institutionalization and be able to maintain their health and well being

with required level of nursing, social worker and therapeutic work."

Ho said the state's argument was that it was in its right to essentially overturn the face to face assessments where nurse assessors went into the centers and determined, based on a live interview, eligibility for the CBAS program.

"It was a violation of the settlement agreement and it was their argument it was their right to do so and no administrative law judge had the authority to review that issue," Ho explained.

Katya Hope, head of the psychiatric psychological services at Golden State Community-Based Adult Services, said having Ropes & Gray attorneys come in and help with the appeal cases was "huge."

"They [clients] were very intimidated by the state and weren't sure what to do. I tried to convince them the American legal system was generally pretty solid. They had no confidence in anything happening.

They didn't even want to do the appeals," Hope said.

Around 100 people were denied services, and 76 of those appealed with the state, according to Alla Lisitsa, program director at Golden State Community-Based Adult Services.

Other associates assigned to the appeals cases were, Joanne Kwan, Nicola M. McMillan, Angela Y. Poon and Jessica L. Server. Poon and McMillan are now at Gibson Dunn & Crutcher LLP.

Bay Area Legal Aid and Morgan, Lewis & Bockius LLP also helped out in individual, separate appeals cases.



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