



## Coalition to Assist Limited Capacity New Yorkers

A joint project of Project Guardianship and NYLAG's LegalHealth Program

### Webinar Event Transcript

### Article 81 Guardianships During COVID-19: Perspectives from the Bench

Thursday, March 4<sup>th</sup>, 2021, 5:00 – 6:30 p.m.

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**Kimberly George, Project Guardianship:** So, welcome everybody, tonight's panel event is titled "Article 81 Guardianships During Covid-19. Perspectives from the Bench". I'm Kimberly George, President of Project Guardianship and co-sponsor of this evening's webinar.

Project Guardianship was founded in 2005 as a program of the Vera Institute of Justice to fill a gap in the justice system that left unprotected a population of largely low-income aging adults and people with disabilities and mental illness, who lack family and other supports. Since its founding Project Guardianship has demonstrated that a nonprofit program centered on human dignity can enable people with little resources and support to live more safely and independently, while also saving public dollars.

Project Guardianship offers a comprehensive model of guardianship. Each client has a multi-disciplinary team consisting of an attorney, a case manager, and a finance manager and the client teams are supported by a benefits coordinator and a property manager. We specialize in keeping people in their homes and out of institutions, as well as moving people back home. We also have expertise in making end of life decisions in accordance with the law and in accordance with the clients' wishes. We serve as guardian to clients, regardless of their ability to pay, and we have the capacity to provide services for the most complex cases.

We also provide research and recommendations for a better guardianship system and advocate for more equitable responses to providing services for people who need protective arrangements. This includes working with partners to find solutions that not only improve guardianship but also divert people from guardianship whenever possible.

We are therefore grateful to be partnering with Legal Health at New York Legal Assistance Group to bring you tonight's panel which is part of a series of webinar events that are intended to be opportunities to hear from experts on different guardianship topics and to begin to form a reform agenda for a coalition around Article 81 guardianship.

A colleague will tell you more about the coalition in a moment, but first I'd like to pass it over to Stu Sherman to introduce our co-sponsor Legal Health.

**Stu Sherman, LegalHealth, NYLAG:** Thank you so much I'm Stu Sherman, senior staff attorney of LegalHealth, and the founder of its guardianship and guardianship alternative practice.

LegalHealth is a division of the New York Legal Assistance Group, it was started in 2001 and is celebrating its 20th anniversary this year. We provide free legal assistance to new Yorkers who are experienced serious or chronic health problems and financial hardship. We have clinics and 35 hospitals and health centers, including many of New York's public hospitals. We bring together legal and medical professionals to improve the lives of clients and address social determinants of health. Our attorneys assist with a wide range of civil legal matters, including housing, immigration public benefits, family law, advanced care planning, and health coverage access.

In 2019 we identified the need, among our clients to assist with relatives that have lost capacity. The family members were unable to get help for their relatives without capacity, because they did not have legal authority to do so. As a result, they couldn't speak with banks, health insurers, pension funds, or government agencies. This disconnect left many individuals, without the ability to get needed healthcare services for their loved ones, including home care services, necessary to maintain care in the community instead of nursing homes.

In 2020, with the support of the Fan Fox Foundation we developed a project to assist these families by finding guardianship alternatives and when none are available, assisting with guardianship petitions. This coalition and today's event is an extension of this work and now I'm going to pass it over to Beth Williams, who will tell you a little bit more about the coalition we're building for the future.

**Beth L. Williams, Esq, Project Guardianship:** Thank you Stu and good evening everybody, my name is Beth Williams and I serve as the Deputy Director of Legal Services for Project Guardianship.

I'm going to share a little bit about the coalition that's sponsoring this event, and then I will introduce our panel of judges and after that we'll get started with a discussion that you have been waiting for. Project Guardianship and Legal Health have joined forces to establish the Coalition to Assist Limited Capacity New Yorkers. Our aim is to join with other organizations and stakeholders who regularly work with people with diminished capacity, including healthcare providers, nonprofit organizations providing services to people who are aging or living with disabilities, legal aid providers, judges, and policymakers, among others to communicate about the issues facing this population and the systems that serve them.

In addition to this evening's event the Coalition will sponsor three other webinar events in 2021. We plan to hold an event on guardianship in rural communities in New York State, as well as an event on guardianship in the context of disability rights and supported decision making. We will also host a discussion with national experts who focus on guardianship and guardianship reform so stay tuned for announcements about those upcoming events.

It's our hope that, through our efforts to share information that we will continue to identify service gaps, develop practical solutions, and draw attention to the need for reform at the state and the federal level. At the conclusion of this evening's event, we will send an email to the attendees with a link to sign up for more information about the coalition, and we will also include

a link to a survey, where we hope you will provide your feedback on the event so expect that to arrive in your inbox after the event. Without further ado, I'd like to introduce our distinguished panel of judges.

First up, we have the Honorable Lisa S. Ottley who is acting Supreme Court justice in Kings County Brooklyn, where she presides over guardianship matters, a motion part and trials and she was elected to civil court and 2008 In 2010 she was appointed the supervising judge of the civil court. As supervising judge of the Civil Court Kings County, she presided over the trial assignment part in civil court. Prior to her appointment as acting justice of the Supreme Court she presided over cases in both the Civil and Family Court in Kings County and arraignments in criminal court, and we are happy to have Judge Ottley with us tonight.

The Honorable Wyatt Gibbons is a Supreme Court justice in Queens County where he presides over guardianship matters. Justice Gibbons began his career as an assistant district attorney in the Queen's County DA's office. He was assistant Attorney General with the US Virgin Islands attorney general's office in St Thomas and then he spent 27 years in private practice where he focused mainly on Criminal Defense and Article 81 guardianships he tells us that he has worn every hat in the Article 81 guardianship world, with the exception of court examiner.

The Honorable Charles M. Troia is acting Supreme Court Justice in Richmond County, he presides over a guardianship Part, a civil case management Part, a civil mental hygiene part, and a medical malpractice part in Richmond county. He serves as chairman of the Guardianship Roundtable for the first and second departments, Co-chair the Guardianship Task Force for the second department, and he is a member of the 18-B advisory panel. He lectures extensively on guardianships and mental health, he also serves on the Court of claims, having been appointed by the governor last summer. Judge Troia resides in Staten island and as a second-generation native Staten Islander.

The Honorable Lisa Sokoloff is acting Supreme Court Justice in New York county where she also presides over guardianship matters. Justice Sokoloff is currently a member of the New York Supreme Court gender fairness committee and a former co-chair of the gender fairness committees of the Manhattan civil and criminal courts.

And finally, the Honorable Ta-Tanisha James is a Supreme Court Justice in New York County where she presides over the integrated part. Cases are transferred to Judge James's part when a tenant living in New York County is the subject of both a civil court housing part case and a Supreme Court Article 81 guardianship case. Upon transfer both cases are combined and adjudicated by Judge James there by eliminating the need for an alleged incapacitated person to appear before two different courts.

So, this is our panel of judges and we thank all of them for joining us this evening we appreciate you sharing your time and your knowledge, and we hope this will be a lively discussion. With that I turn it over to John Holt who will moderate the panel discussion this evening.

**John Holt, Project Guardianship:** Thanks Beth. I'm John Holt time the Director of Legal Services and Policy for Project Guardianship.

I'm very excited to be moderating our panel discussion this evening, and I want to extend a big thank you to all of our distinguished panelists. And to everyone who is taking time this evening to be in attendance, so thank you.

We have a number of topics that we hope to cover, but before we jump into the discussion, a reminder to our attendees. Please use the Q&A function throughout the program to post questions for the panelists we have saved about 25 minutes at the end of the program and we will hopefully get as many of these questions asked to the judges as possible. So don't be shy, please post as many questions as you can to the Q&A and we'll try and get them to the judges and now our first question is going to go to Judge Troia.

Judge, any discussion about the future of guardianship is necessarily going to have to take into account the experiences of this past year. But it's also arguable that the pandemic served to highlight and heighten the strengths and weaknesses that were already latent in our guardianship system, how would you characterize the state of guardianship immediately before the onset of COVID-19, way back in March of 2020, if you can remember that far back.

I think you're actually muted.

**Hon. Charles Troia:** I'm sorry about that we're not used to muting when we're on these teams, Skype, zoom, whatever it is. We're always the ones that are unmuted.

Just before we began this presentation, I mentioned that you know we're almost about exactly one year ago, where all this started. And when all this started when the virus started, the pandemic started, none of us really had any idea what it was that we were going to be dealing with. Quite frankly I thought it was something that was going to be over, in a few weeks. As I said earlier, when they canceled the St Patrick's Day parade in Manhattan, I realized that there were issues and that this was serious, and it did have a great, great detrimental effect to the guardianship world. It really did.

We deal with, as everyone can appreciate, the most vulnerable, the ones that were hit the hardest by this pandemic, by this virus. Not just individuals that were in nursing homes, it's individuals that are elderly, it's individuals that suffer from some type of prior mobility issues, it's individuals that have modalities issues, these are the individuals that were hit the hardest and certainly the courts were hit, guardianship parts were hit the hardest. I don't think we've ever seen the loss of so many of our wards in such a short period of time. We're still calculating on that and, yes, the effect on us was devastating, but what it also showed us was the weaknesses and showed us that we really do have a bar and bench committed are to succeed, even during this pandemic and I've never seen a bar respond so well to an emergency, as I did with the Elder Law Bar.

And the judges that preside over Article 81's. We used, and you'll hear from my colleagues as they address what went on for us with the pandemic, the different avenues that we chose to follow to ensure that wards were protected, to ensure that we were available to address every emergency situation.

But yes, even prior to the pandemic there were issues with guardianships. You know, there was absolutely no such thing as a perfect system, but I will tell you, I personally think we have a

wonderful system in New York, Is it perfect? Absolutely not, but again perfection does not exist in this world.

Our greatest need, which existed prior to the pandemic, which exists now during the pandemic, and will continue to exist after the pandemic the need for not for profit agencies to be available to serve as guardians for our wards. That is a need that will not change, and yes I've spoken at various events where Project Guardianship was present, when you released your report, I guess, two years ago, 2020 seems like a complete blur, so it throws you off on time spacing. I've lauded the work of Project Guardianship when it was The Guardianship Project of the Vera Institute, but what I will say is, we need more. We need individuals, we need agencies that are willing to help those that truly have nothing because if an individual has family if an individual has finances, then yes, we can always find a guardian for them. But we need agencies such as Project Guardianship, not for profits that are willing to pick up the slack to fill the gap and the gap is huge.

Regardless of the pandemic it still exists. I would at this time, like to turn it back to you, Mr. Holt because I know that the individuals here on this presentation are truly, truly concerned with how we reacted and how we're moving forward with the pandemic and that they will be addressed by my colleagues and I would like to get to that portion.

**John Holt, Project Guardianship:** Absolutely and before we jump into some of the questions that will kind of highlight that I'd like to open it up to the panel, if anyone else has a response just in terms of kind of what you saw is the baseline of the guardianship system before we entered into pandemic and maybe speak a little bit about some of the strengths and weaknesses of the system, as you see them from the bench.

Judges, I think all of you are muted, but not sure if I have the ability to unmute you, but Judge Sokoloff if you'd like to respond.

**Hon. Lisa A. Sokoloff:** Yes.

I completely agree with Judge Troia that the lack of guardians for poor people with no families, has always been an issue, and certainly the pandemic amplified that.

Another issue that I see that has existed before and still exists is the fact that there's no source for compensation for court evaluators. So, if you're dealing with poor people and there's no asset base from which to pay them. Not having a source of compensation, you can always get Mental Hygiene Legal Services to act as attorneys for poor AIPs, and you can get attorneys who are willing to accept the 18B rate, as paltry as it may be, but it's at least some money.

But there's very little unless you're dealing with an institution like a hospital, that there is no source of funds and the Court Evaluators as the eyes and ears for the Court in many ways, are the most important and pivotal part of any case a good quarter evaluator can make a judge's life so much better and help a judge come to the most informed decision and it's awful to have to beg people or to have your Court Attorney beg people to accept those positions because there's likely to be no pay, and I think that if we could resolve that or I understand now because of the pandemic and the budgets issues all over the state, certainly the city's budget that there's unlikely to be a source of funds, but that's something that we should try to address, because without

compensation for people who really do the hardest work at the beginning of the case you're not going to get the best possible outcomes.

**John Holt, Project Guardianship:** From our perspective, I think one of the interesting things we saw before the outbreak of the pandemic was some interesting pilot programs that were trying to get other professionals, non-lawyer professionals, in as guardians, what do you think, and this is for the entire panel, anyone who wants to respond, do we think we have the right mix of skill sets in terms of the people who were willing to serve as guardian and should we consider that if we're talking about monetary enticement for people to serve as guardian in the future?

**Hon. Charles Troia:** Well, I think I think we've come to the conclusion that the skill set to serve as Guardian is certainly more than just an attorney. We look to social workers, we look to nurses, we look to teachers, and yes John you're right there just before the pandemic hit, just before this: incredible budget crunch, that we were subjected to after the pandemic hit, there were variety of programs that we lost as a result of the budget. Smaller programs, but every little bit helps and I believe you might have been involved with some of them out on Long Island that had started, and it's a shame that we lost them because those focused on skill sets other than attorneys.

Social workers and nurses are to me one of the greatest resources that we can go to. You know, a lawyer goes to law school, I went to law school, I can understand the law, I can handle myself in a courtroom, but if you asked me what route to find someone assisted housing I couldn't tell you. That's what a social worker is designed to do that's what a social worker is trained for that's their educational background.

Supportive housing is a great need in most of our cases. Nursing, geriatric nurses, are very, very big force with us, you know something that Judge Sokoloff and the other judges from New York County started was an outreach which is really important, which we can, if we can use this opportunity to put in a plug for it, I would like to. What we're trying to do is get a diverse group of individuals to serve as both counsel for the alleged incapacitated person and as court evaluators. We want individuals that speak a variety of different languages, that come from different cultures that come from different backgrounds.

You know when we preside over a case. We're advised from a court evaluator as to what a particular individual is doing. In order to properly serve that individual, we need to understand that individual, we need to have a good insight into their culture, into their background, so that we can assist them in continuing to live the life that they would want to live, not by our standards, but by their own standards, and by their own beliefs and to have individuals, from a vast array of cultures with information that they can provide to the Court to explain to the Court: No this is how this person, this is their culture understand this. It makes it easier for us.

Individuals from different backgrounds that speak different languages, all that. The more diverse we have individuals on our OCA approved panels to serve as court evaluators and to serve as counsel to AIP and to serve as guardians makes our ability to do our job so much easier and so much more successfully and that serves our community. Judge Sokoloff who is the one that was leading this effort, I believe with Judge Rosado or I'm not exactly sure. Judge Sokoloff.

**Hon. Lisa A. Sokoloff:** Do you mind if I comment.

**John Holt, Project Guardianship:** Please do.

**Hon. Lisa A. Sokoloff:** Yes, my colleague judge James and my colleagues Mary Rosado and Carol Sharpe and I commenced a guardianship diversity initiative at the end of last year, because we felt there weren't enough African Americans and individuals from different backgrounds, particularly bilingual individuals, who are in the practice that we could appoint as attorneys for the AIP, as court evaluators and as guardians. And we decided to do something about it, so we did some outreach to all the different bar associations, the affinity bars they're called, and we were co-sponsored by through our dear friend Joanne Quinones, by the Franklin H Williams Judicial Commission and we launched a program and we got a wonderful response and we're going to be speaking at the round table of judges next week about expanding our outreach to bring more people in.

We had a great initial program. People signed up, and at the insistence of my colleague Carol Sharpe we didn't want anyone to be brought in, and to be hanging by a thread, so to speak. The Elder Law Committee of the New York Women's Bar Association has been assisting us and they put together a mentorship program so that everyone who joins the guardianship diversity initiative will be paired with someone who will give them assistance, help them with forms answer their stupid questions.

And we've encouraged everyone who's joined to reach out to our Court attorney's directly and I am not going to speak for Judge James but I will tell you that the people that have reached out to my part we've given them assignments and they've done a great job and we're really thrilled with the people that have been brought in, and we hope to bring in more people to expand the pool of people in this practice and just to help with general diversity throughout the system.

Did you have a good experience Ta-Tanisha?

**Hon. Ta-Tanisha James:** I have. The response has been wonderful and not only have I had individuals seeking to serve as court evaluator, attorney for the AIP, I've actually had the opportunity, actually just last week to assign, appoint a mentee and mentee so a new person who's new to this world as a guardian. She will be working under the guidance of a seasoned veteran but it's one of those low asset cases where you know it's usually really hard to find a guardian to serve.

And this mentee is using this as a learning opportunity and I feel comfortable that safeguards are in place, because there's a mentor, like I said a veteran who's going to be there with her every step of the way. And I'm really proud of this project that Justice Sokoloff thought of and brought to fruition.

**John Holt, Project Guardianship:** Really amazing it's these kinds of innovations that are really going to serve us well, especially in these kind of trying times and it's a good segue to our next question for you Judge Ottley.

Obviously, the entire world changed in March of 2020 and our guardianship system was no exception, what do you see as the biggest impacts that the pandemic had specifically on court

personnel and procedures and how successful have we been as a court system and addressing those impacts?

**Hon. Lisa S. Ottley:** Good evening everyone and thank you for inviting me to be a part of the panel. So of course it's had a tremendous impact on the guardianship parts and the system in general, because what we're used to doing is having everything readily available to us, and I think, and Judge Troia can also speak to this because he sits on the advisory committee, but our concern was once we get underway well you know how we're going to get the documents. And some of these documents, having been personal documents, medical information so if we're up loading downloading, whatever they're calling it on NYSCEF, who's going to have access and who's going to be able to look at these documents, so that was key for me.

Because while we're talking about guardianships, I don't always allow everyone in my courtroom because there's certain information that just should not be out there. And that was some of the issues that came up, who's going to have access, I know a lot of the Court Evaluators were concerned about their reports, so in terms of NYSCEF and what goes on our system that's one of the things that shouldn't be up on the system and accessible to everyone.

The ability to put that information out there, who has access to the files and so on and so forth, has been a tremendous concern. It's been a concern for the attorneys whether or not they should turn over certain documents. And once the petition is in fact filed, the judges actually getting those petitions in time so that we can read them, address them, sign off.

A lot of things have happened, but I think overall that we've seen an improvement in how these things are being handled, computerized, because other you know, we had a file, the file would come up to us, we'd have it readily available, we'd calendar it. Now we are waiting for everything to come to us. So, the e-filing system, I think it's been moving better. It was much slower initially, but it's gotten better, and I think that most of the attorneys, while there's been some hiccups, it's gotten better and it's working.

**John Holt, Project Guardianship:** Judge, do you think there's any concerns, we should have about access to the e-filing system for lay guardians, for people who are potential petitioners who may not have the same access to a computer or Internet and how should we take that into consideration as a court system that serves a very vulnerable population?

**Hon. Lisa S. Ottley:** Well, I know that for people who had problems, even attorneys and judges in terms of having access to the files, if it's mailed into us, and I know that I've received self-represented litigants who come in seeking guardianships it gets to me, eventually. But when my law clerk is in or my secretary's in, they check the regular mailbox because it will be sitting in there, and so we get it upstairs. We have a limited amount of personnel in terms of non-judicial staff in the courthouse but we're still managing. So if you mail it in, if you come in, and I know that's happened in Kings County, that's kind of difficult, but we do get the phone call, you know to say someone's trying to file something we can't let them in a building, what do we want them to do? So, a lot of different things have happened, but most of the time, the mail, so you know we're taking the hard copy.



**John Holt, Project Guardianship:** Judge Gibbons I know you took the bench when a lot of these changes were already in effect, I'm curious what your viewpoint is as someone who, who came into guardianship when -e-filing filing and a lot of these changes already were happening?

**Hon. Wyatt N. Gibbons:** You know, for me, because I'm the newbie on the block, I didn't really know the backroom office procedures of the Court itself. I was a practitioner up until the day I got elected and I knew that I sent my papers in and somehow they magically made their way to a judge who signed them and then I was told went to appear in court. So I've kind of had the benefit of not having to unlearn an old system, and I started just in the new system. There are obviously residual cases, you know they're not all e-filed now but I again had to learn how that system worked and I didn't have any background to determine if it was working, the same as it always had been. I'd assumed that it was, in light of the pandemic, probably a little bit slower because everyone's getting used to the new system, the staffing is down. I know the guardianship part was up the entire time of the pandemic and though they had to work with less staff and on rotation basis, nobody stood down during that time. I know my colleague Lee Mayersohn and Bernice Siegel they were working nonstop, and I know the clerks were working nonstop to keep up with the backlog, to keep up with the new stuff that was coming in. I was describing it's like the post office, I mean it never, there is paper all the time.

One of my initiations into this was I didn't know that there was a drawer in the guardianship part where all of my orders and papers are stored until they're brought up to me and when I found out about that they were literally like 60 different orders and documents that needed to be reviewed and signed. And when I didn't get to it right away, then next day there was like another 20, so it scared me and I realized that this is something you have to stay on top of every minute.

Whether it's e-filed or it's the old hardcopy system there's so much stuff and the e-file I guess only adds to it, because now it's so fast it goes right from the file system to the guardianship clerk and they send it to me via email, and our email mailboxes are constantly filled. We have a series a system now where my clerk red flags everything and we divide and conquer. That way, we know who's done what. We'll take the flag off and replace it with a check, so I know that he's done this motion that has to get out, I've done this order to show cause that just came in and try and stay on top of it so. I don't really know how different this system is, I just know how it is now, and it is busy, let me tell you.

**John Holt, Project Guardianship:** The other big change has clearly been the use of virtual hearings and conferences. I'm curious what the experience has been of the panelists and how well that's been working, especially for AIP's. people who have differing abilities to use technology and how is that addressing the needs of people in the guardianship system.

**Hon. Lisa S. Ottley:** Well, for me, I think, generally that my Team's hearings have been going well, even in terms of when we have to get an IP on when the appearance, is not being waved and we have to go into the nursing homes. The nursing homes and the facilities have been cooperative and they've worked with us and making sure that the IP has a private room, whether it's in their particular room, or what they deem to be a community room, they will have their caseworker there or the person who is working with them so that they can be seen whether or not the individual has the ability to communicate. But I know that I always say well just put the camera on

the individual so that we can see whether that person is nodding or smiling, and so on and so forth.

So I think for me it's been good other than one thing and that's if it's a very heavy contested guardianship and we're starting to deal with exhibits and I have to tell the attorneys it hasn't changed just pretend that you're in person, you still have to mark your exhibits, you still have to ask the proper questions in terms of getting it in, in terms of foundation, nothing has changed. It becomes a little bit more difficult for the attorneys.

I have one now where case they have video that has to be translated and I said well listen, if it's that difficult for all of you, stip as to those that you can actually agree to put into evidence and let's move it forward. But that's the only difficult part right now, I think that we've been moving along very smoothly in my part. I think most of the attorneys have been happy that they're able to move in and out without any difficulty.

**John Holt, Project Guardianship:** I'm going to move to a related but slightly different angle of this COVID impact this question goes to you Judge Gibbons. disruptions to our lives and the restrictions that were put in place to reduce the threat of cognitive clearly made it more difficult for guardians to act on behalf of the people that they've been appointed for and for examiners and the courts to oversee the work of the guardians. I know you had mentioned you served as a guardian your private practice, how do you think the pandemic has changed the way guardians, have had to do their job and how's the Court had to adapt their compliance and oversight to reflect those changes?

**Hon. Wyatt N. Gibbons:** I think that a lot of the impact on the guardians, it might be a little early for me to tell based on any feedback from them. But the obvious issue that jumps out is a logistic one. How does a guardian adequately oversee their ward without being able to physically see and interact with them?

If an IP is in a facility, then there's generally staff that can inform them of any particular needs, but an IP in the community is generally a little more difficult to assess and then aid and that's especially true for the 36 guardians. Similarly, I think some of the routine tasks that would need to be accomplished by a guardian, especially in the beginning stages of a guardianship, such as Rep Payee for social security or for VA benefits, establishing bank accounts, liquidating existing ones.

Many of these institutions are still going to require in person visits, certainly government offices are more backed up now than they've ever been.

And unless there's some prior relationship with a bank, setting up a new guardianship or trust account is going to require a physical appearance. Also liquidating funds or inventory safe deposit box will certainly require personal appearances. So those types of roadblocks are going to be encountered. I haven't had anyone come back to me, yet I only started making appointments around middle September and I like to think that the people that I've appointed are well versed in this area, so when they hit a roadblock instead of rushing back to the Court, they try another avenue, and then they try a third avenue, or maybe a fourth avenue before they would say you know I gotta go back to the Court for some direction. So that's why it might be a little too early to tell.

But I think one of the most critical issues, especially for the Part 36 appointments, are establishing a relationship and rapport and trust with your new ward, who generally you're not going to know from a hole in a wall, right? The Part 36 guardians, this is a business, they do this as their job and it's not a family member. So you know you the ward doesn't know you from a hole in the wall and suddenly you burst into their orbit, sometimes foisted upon them against their will, and you take over these intensely personal and critical aspects of their prior lives.

It's kind of like hi you don't know me but I'm redirecting all of your assets into an account and I'm going to control and I'm going to collect all your mail and I'm going to move you out of the only home you've ever lived in and I'm going to put you in a strange place with other complete strangers. And that's a little hyperbole, but those are the things that these guardians deal with, and to do that in a virtual setting I think is impossible and that's going to be a big hurdle to overcome to establish that type of humanistic rapport, that actual one-on-one contact that you need to develop trust and understanding. You know a lot of our wards are suffering from dementia, there's suspicion that goes on, there's a complete lack of understanding and it's so important to be able to make that one-on-one contact and I think that's going to be a big big hurdle to overcome.

**John Holt, Project Guardianship:** Question for the rest of the panel, in light of those kind of challenges and it's certainly been the experience that we've had as a guardian in new cases that we've accepted, does it change the way that you think about guardian success or their ability to handle a case, does it change at all the way that you interact and what you expect from guardians during this time period?

Judge James looks like maybe you were nodding along slightly to it, so I'll put you on the spot.

**Hon. Ta-Tanisha James:** Oh, not a problem, I think that I have become more patient because I understand that it is difficult to get things in place to protect the individuals, who come before me. Most of my cases are low asset moderate asset individuals and so I'm working primarily with community guardians and things are just slower and it takes longer to get things in place.

Unfortunately, all the while, particularly for the most difficult, egregious cases, that's hard for me to accept because the longer it takes for services to be put in place, that means that individual is continuing to be at risk. And many of my cases, actually nearly all of my cases, involve a housing component. So that means that you know it, it affects my ability to settle the housing case the longer it takes to get services in place for the for the individual. Meaning if it's a nuisance situation and nothing is being done to abate the nuisance situation, a landlord is less likely, no matter how hard I press, to want to agree to settle a matter.

**John Holt, Project Guardianship:** Any other responses from the panel in terms of how you've approached dealing with guardians, who are kind of struggling with this and I'll add a little bit of wrinkle to it, which is it's been especially challenging time as I think we acknowledged before just with the number of clients who have passed away and the final accounting procedures and just the fact that practitioners are people and they're dealing with the deaths of people that they've worked with for very long periods of time, and it can be very challenging. Any thoughts about how to kind of handle that from the bench and to help support guardians, in that way?

**Hon. Charles Troia:** Well John I really think that most of everyone involved with guardianships has taken a deep breath and has tried to relax and understand that things are going to take time and as Judge James said, it can be really frustrating, at times, especially when you're dealing with someone that's at risk.

But we do understand, I mean when this pandemic broke out it broke out just before annual accountings were due. Annual accountings are due in May, we had to figure out how can we expect the guardians to file annual accountings when they are not permitted by law to see their attorneys to meet with their accountants. That was back in the early stages of pandemic where pretty much everything was shut down so we had to extend the time for filing of the accountings.

We adapt that I think that we continue to adapt that we understand that there's going to be some delay. Honestly, one of the biggest frustrations with me is with the Federal Government and their delay with social security. They had a delay pre-pandemic and I think the delays just tenfold since the pandemic and for some reason, I'm not exactly sure it's related to the pandemic.

But we've dealt with it, and as Judge Ottley mentioned with respect to e-file, as my colleagues mentioned with respect to doing now virtual hearings, as opposed to in person hearing, it was difficult at first. There's always a resistance and nervousness about change, but as Judge Ottley said we're working out all the all the kinks to all these problems. We're becoming a really great imagination to come up with ways sometimes to go forward with your hearings.

And yes, there are some kinks but we're working them out. One of the advantages of this virtual is that we used to have snow days, and especially with our cases if it was a bad snow day you knew you weren't doing any of your hearings because your alleged incapacitated persons were not making it to the courthouse. We would have had a number of snow days this past winter. We didn't have any. A foot and a half a foot of snow outside I still went forward with all my hearings, everybody was virtual there was no reason not to.

Nursing homes rehab facilities hospitals everybody's becoming equipped more with iPads and ways to sign up to Teams. We're working on as Judge Ottley mentioned, problems with respect to e-file.

We see the obstacles, it's taking time, we're responding, and I think fairly quickly. And one thing with respect to individuals who have passed, and I don't know if this is public knowledge, but I believe it's the Office for Court Administration, it's the Inspector General's Office Fiduciary Services, when this pandemic broke and we started losing so many people. IG's Office itself was obtaining from all the different public administrators, individuals who had passed that didn't have families. And they were running them by the various clerks in the different courthouses to see if they had guardians, to ensure that if someone who passed had a guardian, had a proper burial. That was something that was never done pre-pandemic and that was instituted by the Inspector General and everybody chipped in. We're working with what we have, and I think we were succeeding. I think we've been very successful.

**John Holt, Project Guardianship:** I couldn't have scripted the transition any better judge, because I want to shift the focus now to looking forward to the future, and this question

goes to Judge Sokoloff. Clearly we are not, on the other side of the pandemic, but there are some glimmers of normalcy as more New Yorkers are becoming vaccinated and some of the restrictions are being lifted. What do you see as the post-Covid future for guardianship and how's that going to be influenced by the experiences that we've had during the pandemic, both good and bad?

**Hon. Lisa A. Sokoloff:** Well, I think the fact that we have adapted so well to video that that will always be a component or available to us in the future. I think it's less likely that we're going to be doing hospital and bedside hearings in the future when we've learned that with video availability, we can handle things very, more than adequately.

When we used to have to go to someone's home or into a nursing home. That meant a court officer, my clerk, the court reporter, and I would have to be picked up in a van and driven someplace, park, get there hold the hearing, and then the reverse would happen and half a day or more would be lost on something that perhaps took an hour or less.

Sometimes they're obviously hearings, that take a lot more time than that. Now we can do that without having to spend all that time in transit, uprooting everyone, having to get back before five o'clock so that we don't have to pay the court officer or the court reporter over time and also quite frankly, for the safety of everyone.

Just before the pandemic I didn't realize it, but I came down with a very mild case of shingles and I had walked through a nursing home and exposed everybody that I passed to that virus. And why should we do that now, when we realize that, for the most part we can do this, all very, very safely and I think that, even though things will get better and we're obviously going to be opening up for in person cases and for in person trials and for in person hearings in the future, that there's always going to be concerned with this pandemic or the next pandemic.

And I think that it's unlikely that we're going to be at least, I will say for my own self I don't think I would want to do that again, to go bedside, when we can do what we do so well from our own court rooms or in front of our own video cameras. Also, quite frankly, we I've had cases during this pandemic where somebody did not have access to Internet service in their own homes, because they chose not to or because something was going wrong, and they came down to the courthouse. And in New York county we had a special court room setup that was quasi pandemic-proofed and they sat in there on a video feed and I was in another part of the courthouse of the court system and we held the hearing and we accommodated it. And I think that with technology I think certain things will change. We actually had a discussion when we did the launch of the guardianship initiative about court evaluators and home visits. Many of my evaluators still made home visits throughout the pandemic. They put on their protection and they went in to see, most of the times there were not other people there, but sometimes there were, but they wanted to see where the IP lived, particularly if the AIP was in a hospital or nursing home. There was a debate amongst the four of us. Some of us thought court evaluators should still go out because that's the only way to really see what's going on. Others were willing to accept court evaluators who did not. So that's certainly a practice that'll be questioned.

I personally think as long as it's safe, you know not in the raging part of a pandemic, that court evaluators should make visits to the home to see what's going on, what it looks like. Sometimes that's, the only way you find out if the AIP has assets is to find their mail. Actually, I'll tell you a

quick funny story, if you don't mind. I had a case where during the pandemic, a 40 year old, Down Syndrome man, and his father were both transported to the hospital with COVID and they were both very sick. The father died, he was that person's, that Down Syndrome man's sole caretaker and there was no information about him. The Court evaluator was able to get the key and go into the home and the home had a trap on the door, because the gentleman with Downs would try to escape and when he tried to get out he couldn't get out of the apartment and had to go down the fire escape.

That was obviously above and beyond, but we were very grateful to him, because he was able to determine whether or not there were any relatives, to find a phone book, to see if the father had any money in a bank account. So, I think it's very important that court evaluators, as much as possible, still go to the home.

**John Holt, Project Guardianship:** We have time for one more question before we turn to the Q&A portion of this and this question is for you Judge James. We spent our time this evening really talking about the impact of COVID-19 on the guardianship system and I want to flip that dynamic a little bit and ask you. How do you think that the guardianship system can have a positive impact on our public health system in the future, and another public health emergency God forbid another one comes to pass?

**Hon. Ta-Tanisha James:** So to continue with what Judge Sokoloff was just saying, my colleagues and I worked throughout the pandemic, tirelessly, and we could not have done it without the attorneys, the paraprofessionals, social workers, case managers who worked alongside with us courageously, , consistently during the height, and at times putting their own health at risk, right. But it was necessary in order to protect the vulnerable population that we all serve. Whether it's granting the guardianship, denying the guardianship, or fashioning some other remedy in between.

I think that the lessons that we learned, at least I pray that the lessons that we learned, the skills that we've acquired will be readily applicable to any future crises. If nothing else we've certainly learned that we are flexible and are capable, perhaps with some resistance, but learning and adapting to serve those who we are fortunate to be charged with the with the privilege to serve. When I hear your question, I have to say that I'm going to take judicial license and just say I wish that the health care system would do more to aid us in our endeavor. Meaning it just takes so long before cases are brought to our attention, and that means that if something more restrictive could have been in place we've lost that opportunity to do so because it's taken so long. Or worst-case scenario, or in the more terrible situations, an individual continues to remain at risk.

I know that the Court is discussing, some of my colleagues have been discussing, considering ways in which to serve individuals, without having to deal with a full panoply and requirements of a full guardianship, meaning through Article 81.16(b).] I think NYLAG and I'm not really sure Vera is a part of that as well, but just where there are situations where we can avoid a full guardianship but still service individuals with like basically a one shot situation where just consent is needed for procedure or whether an individual just needs some asset planning to qualify for Medicaid so that the individual can receive services in the home. I mean those are ways in which were thinking about how to service vulnerable population that we see every day.

It's frustrating for me, though. I mean, I had a personal experience, literally just this weekend or relative of mine, 86, fell, injured herself, it's the second time in six months that she's done that. I took her to the hospital, Mount Sinai. Brain bleed various lacerations and injuries to her face, frail individual, all the check marks that you would think a hospital or a social worker who's working within the hospital with pause for discharging her to make sure that she is safe when she goes home. And I even called to say, you know before you discharge her, can we talk about what sort of services we can put in place for her. to see if there is anything, just to broach the conversation because she shuts me down whenever I try to have it with her. And it wasn't done. And I can imagine how many other individuals, thankfully she has me she has others, but I can just imagine how many other individuals like her who are sent out. And that was a prime opportunity where we could have intervened to make sure that things could be placed, put in place for her that would obviate the need for a full guardianship. But that's those are my thoughts.

**John Holt, Project Guardianship:** I am curious how much people think that this is partly a product of the lack of understanding and knowledge about issues of capacity and the guardianship system amongst policymakers, people in public health, and if it is a factor, how do we educate people about that and make them see more than just the scandals and guardianship abuse that seems to get headlines, Judge Sokoloff?.

**Hon. Lisa A. Sokoloff:** I would like to follow up a little bit on what Judge James just said. I think that we're going to see a lot of changes in terms of how hospitals, both public and private, act in the future. It used to be that whenever there was a person who didn't have capacity or they were unsure of safe discharge, that they would bring a proceeding. But they all seem to be hurting terribly and they're not as eager to do that as they used to be.

A case that came before me, a person was in a skilled nursing facility after a hospitalization and the social worker actually encouraged this person's son, who lived 2000 miles away to move for guardianship instead of the nursing facility doing so, which would have been the way it would be done in the past.

And also I've noticed, whereas hospitals used to be a little bit more flexible with dealing with people who had no assets, while benefits were applied for or PRUCOL, people who had citizenship issues and PRUCOL benefits were applied for, they're not so cooperative anymore and it's and the excuse I've been told, is that they're all under tremendous pressure. And I think that's going to affect this for some time in the future and make it a lot more difficult for all of us.

**John Holt, Project Guardianship:** Are we about to see a big influx of petitions coming from these institutional petitioners who have been forbearing on bringing actions during the pandemic?

**Hon. Lisa A. Sokoloff:** They've been bringing them during the pandemic, but I think they're bringing them less, even though people need them because they're getting pressure not to do it. I mean the money, people are telling the law firms, you know we don't want to do this, we don't want to do that. Normally, they would pay the services of the court evaluator up to a certain account, now they're not so eager to do that. Often, they would waive their fees, at the end, now they want to be paid.

I just think it's going to be a lot more difficult to take care of these people, who, in most cases, are incapacitated and do need help, because the hospitals can't assist, can't keep them a little bit longer until their benefits are obtained so they can be transferred to another place for long term care or whatever they might need. Can't have full time nursing, can't be sent home with appropriate home helper care because they're not willing to wait for Medicaid to be applied for. It's going to affect how things work in the future.

**Hon. Lisa S. Ottley:** I understand what you're saying Judge.

**Hon. Lisa A. Sokolff:** But you disagree.

**Hon. Lisa S. Ottley:** No, I'm just saying I haven't seen that in Brooklyn. In fact a case that I just had yesterday, I spoke to the hospital and I said listen I need to make sure that the court evaluator is paid, please offline discuss this and see if the hospital will pick up the payment, because they weren't any assets. So when I got the final order and judgment for signature, I see that they had worked it out and that's something that prior to getting on for the hearing my law clerk usually will ask the question okay here's what the situation is how we going to pay the Court Evaluator? Have you had this discussion? Well initially, she didn't have the discussion, but they were able to work it out. I always ask the question and I guess Brooklyn is a little bit different, but the hospitals normally work it out. And they have been bringing cases, because they are concerned about a safe discharge.

Now for me, the issue is when we don't have anybody, is how do I make that happen. And what I see in terms of the Part 36 list is that we don't have a lot of geriatric care managers who could make that happen and work with the hospitals.

There is one that she's fantastic, and I'm not giving her name, because I want to keep her, but anyway you'll discover her. She works with me all the time, even in terms of with her fee, because she's passionate about it, and she wants this to work out. So I think it's just again the prodding and the conversation with the individuals who really are advocates for people who need the help. So they're going to either waive their fee, and we have to watch out for them later on when there is a case and has the ability to pay them. So, I see a little bit different in Brooklyn, but I do agree with you.

**John Holt, Project Guardianship:** Thank you Judge, and I don't want to give short shrift to our attendees, so I'm going to turn it over to Stu Sherman who's going to come back and pose some questions for the panel from our attendees Q&A, so Stu take it away.

**Stu Sherman, LegalHealth, NYLAG:** Alright, thanks John so there's been a lot of really great questions, probably only have a chance to answer some of them.

The first one is coming from Peter Strauss. Can we truly provide fairness and constitutionally protected rights when CE's, counsel, and, yes, judges, cannot be physically present with an AIP during a hearing? How does counsel have a private discussion with her or his client? Are we satisfied with the seemingly necessary solution of hearings?



**Hon. Charles Troia:** I'll address that if you don't mind. Is it the ideal situation? No. Would you prefer to have an attorney sitting next to their client during the course of a hearing? Yes, absolutely. The same thing as in a criminal matter, we would want the attorney next to the criminal defendant so that he or she can communicate with that person.

But, we've made inroads to try and cure any defects. Again, it's not perfect, but we now have in the system that the Court uses, the Teams system, we now have what are called breakout rooms and I've been using them all week. I used it just before getting on here today, where I needed an attorney to speak with their client and my clerk was able to put them into a separate room, with no one else, and they were able to contact us by email when they were ready to come back in. It's amazing. As I said earlier, it's like Star Trek, you're being zapped from one place to the other. Is that ideal, is it perfect? No, but it beats having someone being in a facility and not being able to get out. I think that's more of a curtail of someone's freedom, being locked out, being locked up and not having to be able to get before the court. This way at least they are able to get before the court safely.

**Hon. Lisa A. Sokoloff:** And we we've also, I'm sorry I jumped in before you, we've also had people take themselves off video and mute themselves, while everybody takes a break and the Attorney and the AIP consult with each other over the telephone and then we come back. So, they've been able to have their private conversation, when necessary, and then we come back and we're all present and there. You can work it out we've done it and I don't believe anyone's rights have been impinged upon.

**Hon. Ta-Tanisha James:** I was going to say the same thing. In fact, I allot additional time for these hearings now. So, a hearing that would have taken an hour, hour and a half, I allot two hours right, just so that we can pause. Whether it's turn, your camera off and mute yourself or actually log off, speak to your attorney and come back in 10 minutes. It's just too important to make sure that individuals due process rights are protected, while also ensuring that everyone else is safe too.

**Stu Sherman, LegalHealth, NYLAG:** Great, so the next question is a compendium, people have asked this in different ways, but how have restrictions on visitation impacted the ability to assess capacity for judges and court examiners? Or, in your opinion, have they impacted that ability?

**Hon. Charles Troia:** Well, actually, that question should be addressed to Judge Diamond and that's for county because that's one of his things that upsets him so much is that, yes, we did have a great deal of limited contact for a period of time, while the nursing homes were on lock down, all the hospitals were so restrictive with visitation, and that was a problem. There were a lot of problems that fortunately were short term, when the pandemic first hit to give everyone an opportunity to work out a way around and a way to proceed safely.

And I think the nursing homes have adjusted, they have adapted sometimes we've had to come down a little hard on them. Telling a facility that was charging someone \$10,000 a month to stay there, that they really needed to invest an iPad for the facility so that they could do virtual hearing as matter of fact, I think I ordered them to invest in the iPad, but I think they've all adapted to the limitations.

Again not ideal, not perfect. We did not like being restricted from our wards for any period of time, because they are our wards, but we had to adapt and I think that we did. And I look at this all in the terms of we were, we still are in the midst of a pandemic. We have to make sure that people's rights protected, but we have to do it safely.

**Hon. Wyatt N. Gibbons:** I'd like to just hearken back to what Judge James said, we have to be more patient. If someone couldn't meet with a party or with their client, I would just give an adjournment and we would try and keep a short, leash on it, and maybe make it only a couple of days or a weeks adjournment, but you have to be able to pivot and where you would normally, want to go through with the hearing you have to be understanding say, okay the time of COVID and if you need a couple days to try and meet or work out a technical glitch, or get a laptop or an iPad or iPhone to your client, we have to accommodate them.

But I do think as Justice Troia said, everyone has really did yeoman's work in adapting, apart from the technological aspect I've had caseworkers that have shown up at their client's homes, the AIP's home in full protective gear, I mean head to toe covered, but just so they could get there, because this person didn't have access and needed to be represented somehow.

Again, it's just a matter of being able to pivot and adapt. And the compassion that everyone that's involved in these cases shows, we know that this is important, we know these people are vulnerable, it has to get done, we're gonna figure out a way to get it done and it just basically requires that patience.

**Stu Sherman, LegalHealth, NYLAG:** A related question from Felice Wechsler. Many IP's have cognitive impairments, and/or vision or hearing impairments, and therefore have difficulty communicating via small flat screens. Do you agree that bedside hearings be held for these individuals if they're unable to travel to court? And I guess adding to that in the future, post-Covid, do you see bedside hearings coming back or do you see them being replaced in a way by the technological innovations that have come?

**Hon. Lisa S. Ottley:** I think that they've already been replaced and again I've had where the facility has accommodated the Court and everyone else in terms of like Judge Troia said, if you have an iPad, you have some sort of device where the AIP is able to sign on, have the privacy, and participate, if in fact they're able to participate, or where the appearance hasn't been waived.

I've had several hearings, where the AIP was able to sign on, where the hospital even accommodated in having a family member inside a room, a community room, with the protective gear and so on and so forth. So, I think again that, when everyone is cooperating and making sure that their voices are heard that it's working and then it can remain that way. In terms of bedside hearings, I don't believe now that we have teams in place or any other type of forum in place that is virtual that it is going to be necessary to go into the actual facility. I think that we have now the ability, where most of the facilities are equipped to handle what would have been a bedside hearing is now a virtual hearing, so I think that will continue at that type of forum.

**Hon. Lisa A. Sokoloff:** And we've held hearings with real time, so that whatever the Court reporter is typing is typed out on the screen for the AIP to see so they can, if they had hearing issues they

could actually read what was being said in real time. I've done that quite a few times and it's worked out pretty well. For people who've had profound hearing losses.

**Hon. Wyatt N. Gibbons:** And I think Teams has a transcript provision. You can click on it and it transcribes in real time and it's pretty accurate from what we've seen.

**Stu Sherman, LegalHealth, NYLAG:** Question from Sonya Mittelman related to this as well. The AIP's and petitioners are among the least likely to have access to updated technology. Are there any public places available where they can go in order to be able to effectively participate in proceedings over Teams, or in general are there technological access issues that you've seen or foresee in the future?

**Hon. Lisa A. Sokoloff:** Well, as I mentioned before, in Supreme New York we actually have available fully spaces for individuals who don't have access to technology to come in and be protected and to participate in the hearing. So, you know we're always adapting and trying to figure out how to best make sure everyone can be included.

**Hon. Charles Troia:** Every single Supreme Court within the city, and this was our deputy chief administrative Judges, Judge Silver and Edwina, both made sure initially when this pandemic hit that every courthouse had a room available that anyone can go into to have access to the internet, to have access to Teams, that I think at the time we were using Skype, now we're now we're using Teams. But every single Supreme Court does have access to that, that an individual can go into, and I think all of us have used it I can't imagine any county that hasn't used it yet.

**Stu Sherman, LegalHealth, NYLAG:** The next question is more of a public health question, do you foresee a situation where evaluators are required to get vaccines before home visits possibly requiring vaccinations for AIP's as well, and the general question is what is the mechanism to ensure safety for both evaluators and AIP's? And that's coming from Christopher Martin.

**Hon. Wyatt N. Gibbons:** Ideally, yes, we'd love everybody to get vaccinated. The judges can't get vaccinated unless you're you know over 65 or have some underlying comorbidity. So, you know we would love to be able to do that. If I could sign an order I'd sign it right now but I don't see a way to do that, until the vaccines are readily available to anyone that wants it, then the question might become can we order that a court evaluator, or you know, a court attorney has to have the vaccine before they can go on with their duties. And that issue touches on a lot of a lot of aspects as far as, privacy and maybe religious beliefs, whether we can foist that upon someone. But it's a real consideration if you're going to be interacting with somebody that's vulnerable or in a vulnerable setting maybe you need to be vaccinated before you embark upon those duties.

**Hon. Lisa A. Sokoloff:** The vaccine protects people from getting so ill that they have to be hospitalized or die and it adds to herd immunity, but it doesn't necessarily protect others in the same room. And I can't imagine that we'd ever be requiring people to get vaccinated. I think we all hope that people want to be vaccinated and that with the third vaccine coming on so quickly that all of you can be vaccinated if you haven't already been vaccinated.

**Hon. Ta-Tanisha James:** Inherent in that question is an interesting point. That we as judges are sending court evaluators into the homes of individuals and possibly exposing them to risk. And, and I guess that's something that we just need to weigh when we are determining what has to be done or should be done for cases.

**Hon. Wyatt N. Gibbons:** We get a hazard stipend maybe or something.

**Stu Sherman, LegalHealth, NYLAG:** So, I think we have time for one more question so I'll ask a very broad one that was coming from Beth. What do you see as the future of guardianship?

**Hon. Wyatt N. Gibbons:** People are going to continue to grow old and infirm. They're going to be around you know, like I said, like the post office and we're going to have to continue to adapt and pivot as circumstances demand. I don't think that we're ever going back to the straight in person on everything. I think there's going to be some sort of hybridization. I know my calendar runs very smoothly on in a virtual setting. But who knows what the future is going to hold I think as Justice Sokoloff said, you know this pandemic, the next pandemic, the next thing that creates an impact, but society is going to continue to get old and infirm and there'll always be a need for guardianships I think.

**Hon. Charles Troia:** I think there's always going to be need for guardianships, if anything, I think that, while the pandemic may not have had an effect on individuals that are suffering from dementia in terms of increasing individuals getting dementia, I think that the pandemic certainly has had an effect on individual's mental health, and we also deal with you know guardianship cases and not restricted just to individual suffering from dementia it's also includes individual suffering from mental health issues, in addition, of course, to our physical impairments.

But sometimes the mental, actually not sometimes, most times the mental health cases the most difficult to deal with, and I think those we're going to see an increase in and we've also seen, at least I've seen an increase in pro se applications because individuals are there, a great number more individuals suffering from the economic impact and I've seen an uptake in pro se applications because individuals just don't have the funds to go to an attorney and Mr. Sherman perhaps your agency can help us because we'd love to have an agency that we could refer individuals that appear pro se to.

**Stu Sherman, LegalHealth, NYLAG:** Well, we're just getting started but as we found there is a very big need for it. So, with the last question for Judge James. You know we're in the midst of a housing crisis, the pandemic has created a potential wave of evictions with the moratorium on evictions possibly when it might end. Do you see that wave coming and that impact being impacted by guardianship or the greater need for guardianship?

**Hon. Ta-Tanisha James:** Well, for my part, it hasn't stopped, just like from my colleagues it hasn't stopped. So yes, there is the moratorium on actual evictions, but you know, there is the caveat within that moratorium, where certain nuisance behaviors can allow a judge to let a case go forward to eviction, meaning to actually have an individual who is incapacitated and causing a nuisance to actually be put out of his or her home.

I expect to see uptick directly in the number of cases, and as Judge Troia was just saying the monetary cases are easy, in comparison. It's the mental health ones that are that are so much more difficult. You know, it's my hope that more people are willing to work with us, because we are in dire need of finding guardians, certainly court evaluators for those pro se applications.

I am fortunate in that I serve in what used to be called hybrid part, and so many of my cases are brought by DSS, which means that there there's some limited, limited, limited monies available to appoint people in these cases. But you know, we are ready, and we are expecting to see more cases come May.

**Stu Sherman, LegalHealth, NYLAG:** So, we're running short on time does anyone have any last thoughts they like to add, before we conclude for the evening?

**Hon. Charles Troia:** I don't know if you can beat Judge James' ending just now. I'm sorry that was perfect.

**Stu Sherman, LegalHealth, NYLAG:** Great well, I want to thank you all for coming. We have a limited time, so to wrap it up and give some final words on this, I want to thank all the panelists for being here for spending their evening with us, for speaking to everyone out there. It's been it's been a pleasure. It's been incredibly insightful. This has been a very difficult year in many ways, a very tragic year, and you know, I think, as everyone has identified prior to this year, there was a greater need for assistance in many areas, including assisting low-income individuals and there's a need for additional assistance of petitioning and guardians of greater diversity and all these issues have been amplified by the pandemic.

You've seen COVID-19 upending many the protections we had in place and there's been a lot of need for rapid adaptation. It's been a very impressive to hear from everyone here about what you've been doing, how you've been able to adapt, what some of the lessons learned are going forward for the future ,and what might be beneficial with the technological changes, but also what might need to resume or what still needs improvement.

Also wanted to end the evening, I want to thank the moderator John Holt for doing such a fantastic job.

**John Holt, Project Guardianship:** Of course, that's when I'm muted, thank you Stu.

**Stu Sherman, LegalHealth, NYLAG:** So, there's been a number of people that helped put this together, both from Project Guardianship and New York Legal Assistance Group, Beth Williams, Randye Retkin, Kimberly George, Susan DeMaio, Adela Datja. Thank you all for putting together what has been a fantastic evening.

And just want to mention to everyone that the next event will be in June. We are putting together the coalition that we've been discussing, and we will have three more events throughout the year on different topics. We're excited to have some of you back. And then I'm going to throw in if you're interested in joining the coalition, I put the link in the chat. Click on that and it will send you to a form that you can fill out if you'd like to join and be part of the coalition we're building, I

think this was a really incredible first meeting and webinar to really set the tone for what I think will be a great collaborations.

In addition, be on the lookout, there will be a post event survey. We'll be asking people that attended through email to provide your feedback on this and also more on the shape the coalition you think might take. If you have signed up for that will be you know be on the lookout for an email, so we can have a meeting to discuss that going forward.

With that to conclude, unfortunately, we do have to end, again, thank you all so much for coming out, this has been spectacular and really appreciate you all being here.

**Hon. Wyatt N. Gibbons:** Thank you very much, everyone.

**Hon. Lisa S. Ottley:** it's a pleasure, thank you.

**Hon. Wyatt N. Gibbons:** Take care everyone. Good evening.

**Hon. Charles Troia:** Thank you.