



# Consumer Debt

Public Law Center

Presentation developed with the input and support of the  
DCA Statewide Medical-Legal Partnership Network



# Speaker Information

**Monica Bedia** is a Staff Attorney in the Consumer Law Unit where she assists clients in a wide range of consumer related issues and issues affecting the elder community. She also assists in the various clinics run by the Consumer Law Unit. Prior to joining PLC, Monica worked at a boutique bankruptcy law firm in Los Angeles. Monica graduated with her B.A. in English from the University of Southern California and earned her J.D. from Loyola Law School.



**Morgan Cienfuegos Padgett** is a Staff Attorney in the Consumer Law Unit, where she works with older adults who have faced hardships such as financial abuse, physical abuse, and home equity scams. Additionally, she focuses on the Consumer Law Unit's Federal Pro Se Clinic which is free self-help clinic operated in the Ronald Reagan Federal Courthouse in Santa Ana. Morgan earned her J.D. from Western State College of Law and her B.A. in English Literature from California State University, Long Beach.





601 Civic Center Drive West, Santa Ana, CA 92701

(714) 541-1010

[www.publiclawcenter.org](http://www.publiclawcenter.org)

- Provides free legal services
  - Low-income and elderly residents in Orange County
- In 2019, provided legal assistance to 500+ adults aged 60+
- Services Include:
  - Housing & Homelessness Prevention
  - Consumer Law
  - Elder Justice
  - Family Law
  - Immigration
  - Medical-Legal Partnership
  - Veterans
  - Community Organization

# The Facts:

- 23 Staff Attorneys
- 1,600 volunteers
- Annually:
  - 65,000 hours of pro bono legal service
  - 4,500 cases
- 2019: legal assistance to 500+ adults over the age of 60



# Case Study

Ms. S is 81 years old. She is having trouble keeping track of her monthly bills. Some payments have lapsed, and she is afraid she might be in collections. Every week she receives phone calls and mail from debt collectors. She can't remember if she paid her last mortgage payment and fears she might face foreclosure.



# Does Ms. S need legal help?



## Most Likely

- She might be in collections.
- There might be an active case against her in civil court.
- She might be facing foreclosure.

## How can pro bono legal services help?

- Cease and desist letter
- An attorney might be necessary to represent her if there is an active case against her in civil court and she cannot represent herself.
- Connect to resources to stop foreclosure

# What questions can you ask Ms. S?

## Questions:

- Do you have trouble keeping track of your bills?
- Do you pay your mortgage every month?
- Do you know which creditors are trying to collect from you?
- Is there anyone that can assist you in keeping track of your monthly expenses and payments?



# Signs Ms. S needs help:

- She might be using payment methods that makes it harder for her to manage her finances (i.e., she may not have direct payments in place or might be trying to pay by check or credit card when creditors only accept direct transfers, etc.).
- She might not know which bills gets paid but refers to other people who she thinks are responsible for paying her bills.
- She is confused as to which creditor is trying to collect from her and for what.



# Are there remedies?

- Cease and desist letter
- Full scope representation
  - Where an attorney signs a retainer agreeing to represent the individual in case. For PLC, this generally would be a case filed in Orange County Superior Court.
- Connect to resources to stop foreclosure
  - CA Mortgage Relief Fund; other funding projects



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# Case Study

Ms. S has a daughter that can help her. Her daughter lives close and visits her often. Her daughter tries to help manage Ms. S's finances. Sometimes Ms. S buys things and then forgets what she buys. Her daughter's finances are currently stable, but she does not have any savings and works two jobs to make ends meet.



# Do you see any other potential risks to Ms. S's financial situation?



- Daughter helping with client's finances
  - This might be a risk for financial elder abuse if daughter starts to dip into Ms. S's funds to cover her own expenses. I would ask what the relationship is like, whether finances are kept in separate accounts, and the level of understanding Ms. S has over what her daughter is handling.
- Ms. S may be on a fixed income, so increasing debt can put her at risk of losing her home or the inability to pay bills.
- Ms. S may be at risk of falling victim to credit repair companies and debt consolidation scams
  - Consolidation scams are where a third party offers to consolidate your debt and takes your money so that the third-party company can then pay each creditor. But really the third-party company takes the money, never pays anyone, and then disappears.
- Given the constant stress of being in financial trouble, she may fall for a phone scam



# Do you see any other potential risks to her financial situation?

Yes!

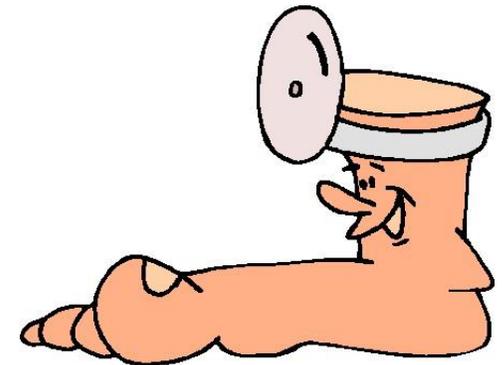
- Since Ms. S is 81, she might need to see a doctor regularly
- If has any injuries or severe medical complications, she may have large medical bills

# What questions can you ask Ms. S to help better understand if she needs legal assistance?

- Are you feeling overwhelmed/experiencing stress?
  - If so, how is it impacting your day-to-day? (e.g., trouble sleeping, racing thoughts, avoidance of problems)
  - Do you suffer from anxiety?
    - Try to get at specific indicators (overwhelmed because... nervous because...). Sometimes when we ask clients directly about conditions their own biases around mental health may make it, so they aren't as comfortable answering.
- Do you feel confident making decisions about your finances on your own?
- Do you have enough money to pay your bills every month?
- Are you running out of money at the end of the month?
- Do you have issues with unpaid bills or loans?

# Case Study

Ms. S had to have surgery on her foot. She also has an eye impairment but does not think she can pay for surgery to remove her cataracts. A year ago, she had to have emergency dental surgery to remove a tooth. She paid the dentist office with a credit card.



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# What options may be available to address the debt?

- Payment plans
- Extensions / At-risk extensions
- Re-financing
- Debt forgiveness or hardship waiver
  - This is most common with medical debt/income overpayments/credit card
- There are instances with it's NOT a good idea to pay debt
  - Statute of limitations
  - Fixed income / low income
  - Judgment proof
    - Garnishments

# How can you help support a legal case?

- Ms. S could improve her situation if she could show her creditors evidence of all these hardships she is facing and/or evidence that due to her health conditions she needs to remain in her home. A short letter from a doctor's office can provide this evidence and support.



# How can a letter from a primary care provider help clients in these situations?

- Letters from primary care physicians confirming the conditions a patient is experiencing can provide compelling evidence to show creditors that the patient is experiencing a hardship and can open the door for the creditor to offer payment plans, decrease the debt, or waive it all together.
- Letters can also help a homeowner apply for an at-risk extension. These letters attest that the patient's health will be at risk if they lose their housing and become unhoused.

# Letters from Physicians: What do I include?

Examples of helpful points to include in a letter from a physician:

- Medical condition/s
- Treatment plans
- Importance of having stable housing while recovering from or having a continuous medical conditions

Ghost writing is an option!

- A physician can ask the patient or law office to ghost write or provide a sample of the information they would like the physician to include.

## Sample Doctor's Note

*(should be on doctor's letterhead)*

[ Date ]

[ Patient ] has been under my care for [ describe period of time (for example, months, years) ]. [ Patient ] has [ name of condition ] that significantly interferes with [ her/his ] ability to [ describe limitations, especially related to the relevant impairment ]. As a result, [ patient ] has a (for example, qualifying disability under the federal Fair Housing Act and the California Fair Employment and Housing Act, or a medical condition that will worsen if she does not have access to stable housing, clean water, etc.).

Due to [ patient ]'s condition, exposure to [ name detrimental situation, for example, tobacco smoke is detrimental to [ her/his ] health and increases the risk of [ patient ] suffering an adverse event, such as [ describe negative health impact ].

I urge you to grant [ patient ]'s accommodation request to [ describe the accommodation request (for example, ban smoking in the common areas, allow to move to a vacant unit away from the drifting smoke, make the surrounding units nonsmoking, release from rental agreement so can move, etc.) ]. This accommodation is necessary to ameliorate the conditions of [ patient ]'s disability.

# Where can you refer folks for legal services?

## Public Law Center – Orange County Pro Bono Law Firm

- Office: 601 Civic Center Dr West, Santa Ana, CA 92701
- General phone line: (714) 541-1010
- Consumer extension: 366
- Housing extension: 303
- Bankruptcy Clinic: extension 235
- Website: <https://www.publiclawcenter.org/need-help/>



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# More Legal Services in Orange County



## Disability Rights CA

- Los Angeles Office: 350 South Bixel Street, Suite 290, Los Angeles CA 90017
- Phone: 1-213-213-8000
- Website: <https://www.disabilityrightsca.org/contact-us>

## Community Legal Aid SoCal

- Santa Ana – Main Office
- 2101 North Tustin Avenue, Santa Ana, CA 92705
- Phone: 800-834-5001
- Website: <https://www.communitylegalsocal.org/contact-us/>

## Self-help court

- <https://www.occourts.org/self-help/>

# Private Legal Referrals

Orange County Bar Association  
Lawyer Referral & Information Service  
(949) 440-6747  
[www.lrisoc.org](http://www.lrisoc.org)



# Where can you refer folks for non-legal matters?

Are there options at your medical facility?

- Payment plans, health care agents, resources for low-income patients, patient advocate for billing, etc.
- Medical Social Work teams can potentially help with medical debt waiver application
- Council on Aging: helping seniors remain healthy, connected and protected
  - <https://www.coasc.org/>

Cal Optima – Case Management and Rental Support  
Supported Decision Making

- [https://www.aclu.org/wp-content/uploads/legal-documents/faq\\_about\\_supported\\_decision\\_making.pdf](https://www.aclu.org/wp-content/uploads/legal-documents/faq_about_supported_decision_making.pdf)



# How to Claim Continuing Medical Education (CME) Credit?

**Step 1.** Please complete our evaluation survey using the link provided in the chat.

For this activity, we provide CME and CAMFT credits. Please select the correct link based on the credit type you are claiming.

# How to Claim Continuing Medical Education (CME) Credit?

**Step 2.** Please scan a QR code on this slide to claim credit.

- Use your phone camera to scan a QR code and tap the notification to open the link associated with the CME portal.
- Enter your first name, last name, profession, and claim **1 CE credit** for the webinar.

Insert Session Specific  
QR Code Here

# Cognitive Health Assessment Training



The cognitive health assessment (CHA) is a dementia screening approach intended to be used with older adult patients whenever a cognitive screen is indicated. The assessment is completely free, validated in primary care, easy to score and available in multiple languages!

**Dementia Care Aware clinical experts are excited to offer your organization a live training on the CHA!**



All members of the organization are encouraged to join and learn about this multidisciplinary screening approach. Eligible trainees can claim 1 CE credit.

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More information about program offerings and opportunities can be found at [DementiaCareAware.org](https://DementiaCareAware.org). Learn more about education and training opportunities offered at DCA!



# The Dementia Care Aware Warmline

1-800-933-1789



**A provider support and consultation service that connects primary care teams with Dementia Care Aware experts!**

The warmline is a service that connects clinicians and primary care teams with experts to:

- Answer questions about dementia care that come up as they implement the cognitive health assessment and care plan; and
- Help connect providers to health systems implementation resources and practice support consultation services.

Consultants are available to answer questions Monday – Friday from 9am to 5pm. Voicemail messages left after hours will be returned the next business day.

My patient screened positive, what are next best practices for next steps and care planning?

How do I bill for the cognitive health assessment?

What guidelines are available to help inform clinical decision making?

What resources and tools are available to help my organization become more dementia capable?



More information about program offerings and opportunities can be found at [DementiaCareAware.org](https://DementiaCareAware.org). Learn more about the warmline!

# Additional MLP Network Training Topics

- Advance Care Planning
- Capacity
- Consumer Debt
- Disability Forms
- Elder Abuse & Neglect
- Housing
- Income Supports
- Medi-Cal / IHSS / Long-Term Care
- Paid Family Leave
- Planning Needs & Considerations for Immigrants
- Preventing the Need for Conservatorship



# Thank You | Questions?

