



Activity Brief

2015-2016 Academic Year

The Marty Jacob Legal Clinic for Protecting the Rights of Holocaust Survivors and the Elderly

At **Bar-Ilan University**

July 2016



This report is dedicated to Mr. Joel Jacob for his support and contribution on behalf of the clinic.

Your involvement inspires us all



Joel Jacob at Bar-Ilan University

The following report is based on information from the initial draft of the 2016 Hebrew report on the Marty Jacob Legal Clinic for Protecting the Rights of Holocaust Survivors and the Elderly. For more complete information on the programs and activities of the Clinic, please see the full Hebrew report.

About the Clinic

The Legal Clinic for the Rights of Holocaust Survivors and the Elderly was established by the BIU Faculty of Law in 2010 and offers pro-bono legal assistance to the elderly and holocaust survivors regardless of race, religion, or creed. The Clinic is dedicated to promoting the rights of the elderly and holocaust survivors in Israel, working to make Israeli society and its legal system more responsive to the needs and abilities of this population, and raising awareness of this issue among law students – the legal professions of the futures – teaching them to be more sensitive socially and legally to the elderly and to holocaust survivors.

The elderly population in Israel is growing each decade, as is the population of the “very old” (people aged 75 and above). At the same time, the numbers of Holocaust survivors is dwindling, and the survivors who remain are growing older. Age and longevity can bring further growth and meaning to living, but is also very often accompanied by reduced physical and cognitive functioning which affects the quality of life for these older people.

Aging and longevity can bring growth and meaning to life, but it is also accompanied by increased functional, physiological and/or cognitive impairment. These conditions negatively affect the quality of life of the elderly. The Clinic operates with the belief that it is the responsibility of the legislative and judicial powers to take steps to permit the elderly to live in dignity, unleash their talents and attain their wishes; and to ensure the provision of needed health care, welfare and protection.

The many challenges that aging populations bring to the fore of public policy are the fertile soil of legal and legislative social action. It is possible to work to promote a reality of respect for the elderly population, and the Clinic sees this purpose as its destiny.

The central purpose of the Clinic is educating students to offer holistic and sensitive legal intervention, seeing the person behind the case, exposing students first hand to the lives of the elderly and Holocaust survivors. Meeting face-to-face with elderly Holocaust survivors dramatically changes the way our future lawyers understand the difficulties and the problems this population faces and helps our students recognize the erroneous and harmful stereotyping associated with aging, and discrimination and violation of the rights and dignity of the elderly that it engenders.

The clinic serves as a unique meeting place between the world of academia, legal theory and law, between professional practice and between old people and their families. Clinic students, professional staff, learn how to use legal instruments to bring about social change and promoting the rights of the elderly in society in Israel.



A Letter from the Directors



Adv. Keren Tzafrir



Dr. Meital Segel-Reich

By:

Keren Tzafrir, Adv.

Director, Marty Jacob Legal Clinic

Dr. Meital Segel-Reich,

Academic Director, Marty Jacob Legal Clinic

During the 2016 school year, the Marty Jacob Legal Clinic was active on several levels and in many areas assisting the elderly and Holocaust survivors in Israel. Activities included socio-legal intervention on an individual level and extended to policy advancement in the legal system.

Throughout the year, the clinic answered approx. 250 requests for assistance. Referrals to the Clinic came through various means, including: The Holocaust Survivors Rights Authority, the Senior Citizen's Office of the Ministry for Social Equality, walk-ins, phone calls, and inquiries by fax, e-mail, and through the Clinic's website. Requests for assistance by individuals were commonly made after getting a recommendation from a friend of acquaintance, or after learning of the Clinic's activities in the media. In addition, the Clinic also initiated visitations after identifying prevalent needs within local elderly communities. An example of this: the Clinic's students visited home-bound elderly Holocaust survivors and assisted them in exercising their rights.

This year, 14 students interned at the Clinic. These students received comprehensive training in legal theory and geriatric law, with particular emphasis in the field of the rights of Holocaust survivors and carefully chose concrete issues. Students studied each area becoming specialists. Areas included: consumerism in old age, nursing, legal training, economic exploitation in old age, and so forth.

Seminar classes were delivered by the Clinic's academic supervisor as well as by the Director of the Clinic, the Clinic's social worker, and guest lecturers who are experts in their fields. There were also practical lessons, including a moot court class on the issue of discrimination against the backdrop of the issue of employment age, and a group project for drafting a bill of rights for family

members of elderly persons who act as their "informal caregivers."

The practical activities of the Clinic extended over a wide range of legal areas related to the elderly. Of the course of the year, students participated in a number of important events and Clinic initiatives. Chief among these were:

The National Guardianship Symposium, where the Clinic hosted hundreds of professionals from all over the country, including: the Minister of Justice, Ms. Ayelet Shaked; the Director of the Justice Department, Ms. Emi Palmor; judges, the Constitutional Committee Chairman, MK Nisan Slomianski, and academicians. The Symposium's emcee was MK Itzik Shmuli, Chairman of the Knesset's Pensioners Group Meeting, who has introduced bills for continued elderly care that have been passed by the Knesset into law

A joint conference with the *Ken LaZaken* (Yes to the Elderly) Association regarding the rights of Holocaust survivors who immigrated to Israel after 1953.

In addition, the Clinic's students participated in various Knesset committee discussions, gave lectures at the Sycamore Day Center for the Elderly in Ramat Gan, where they spoke on various topics and met with members of the Center about realizing their rights. Students also participated in a workshop held by the Ministry for Social Equality's Senior Citizen's Hotline on the subject of Holocaust survivor's rights, and were treated to a broad review of the field and the practical tools used to actualize these citizen's rights.

Beyond the general operations of the Clinic, each of our students performed various tasks in pairs. Student pairs engaged in various areas, such as:

legal capacity and guardianship, rights of Holocaust survivors, health and nursing insurance, friend of the court briefs on the matter of nursing care and the geographical dispersal of caregivers, survivors hospitalized in psychiatric institutions, the elderly as consumers, including a proposal on the issue of aggressive telemarketing and marketing targeting the elderly, a proposal for "levels" and appropriate conditions for determining nursing allowances. Each team advanced the issue being investigated in a systemic manner, held consecutive meetings with professionals dealing with that issue, investigated this issue from a comparative international perspective and offered suggestions for streamlining and improving regulatory legislation in a concrete way. The students held meetings with elders and families, assisted in providing legal consultation with guidance from the Clinic's directors and social worker, who follow the students' activities carefully by sending letters to various authorities regarding human rights, and assisted in composing legal briefs submitted to the court.

Students also wrote letters to various regulatory bodies including the Bank Regulation Authority and the heads of the Pensioners Lobby in the Knesset. They were in constant contact with leading professionals and academics in the field. Some of the referrals were made by the relevant teams in relation to a concrete case, while other referrals were initiated as part of the teams work. Students not only wrote detailed bills that passed for further legislation, but also professional reviews of their research field. They even composed an entry for Wikipedia under the title "Supported Decision-Making." At the end of the year, students delivered class lectures, sharing their knowledge with colleagues and the policy proposals they carried out.

We wish to thank all those who made possible the Clinic's work and activities for the protection and promotion of the rights of the elderly and Holocaust survivors in Israel.

We thank our guest lecturers who shared their knowledge in their field: Prof. Ehud Bodner, Adv.

Chaim Kalir, Dr. Amit Shrira, Dr. Sarah Alon, Dr. Miki Schindler, Mrs. Avlina from the Senior Citizen's Hotline in the Ministry for Social Equality, Holocaust survivor Mr. Nachman Berenstein, and Prof. Moshe Cymerman.

Thanks also to our friends in the Faculty of Law: Prof. Shahar Lifshitz, Dean; Dr. Ya'akov Habba, Assist. Dean; Dr. Shiri Regev Messalem, Manager of the Legal Clinics Administration; the directors of the sister clinics in the Faculty; Adv. Merav Givon, Head of Faculty Administration; Mr. Avshalom Steinmetz; Mr. Uri Goldshmidt; Mrs. Sylvie Lipsker; Mrs. Limor Bar-Sadeh; Mrs. Aliza Benin; Mrs. Orna Ben-Haim; Mrs. Brachah Fogel; and Mrs. Ortal Shemesh.

Thanks to the members of the Clinic: Social worker Shir Farkas for her important contribution both for the professional and personal supervision of the students as they handled sensitive issues that required a multi-disciplinary approach; and for the professional guidance of the referrals to the clinic. It goes without saying, we have much gratitude to all of our students, for their work, their energy, and their time.

We wish all the Clinic's graduates success, in their efforts through the legal tools at their disposal to promote social interests and to protect human rights, especially in relation to elderly people and Holocaust survivors. We invite our students to maintain their connection with the Clinic as Friends of the Clinic by continuing to be active in the field in the future.

Finally, we would like to thank Mr. Joel Jacob and the trustees of the Bottle Crew for their unswerving support of the Marty Jacob Legal Clinic for Protecting the Rights of Holocaust Survivors and the Elderly. Your sponsorship of the Clinic has enabled the variety of activities described above and ensures the education of better prepared and capable attorneys in Israel for Elder Law clients and Holocaust survivors.

Thank you for your support.

Adv. Keren Tzafrir, Clinic Director

Dr. Meital Segel-Reich, Academic Director

Clinical Staff



Shir Farkas, MSW



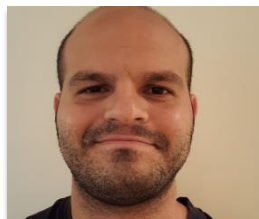
**Keren Tzafrir,
Adv.**



**Dr. Meital Segel-
Reich**



Neta Aurbach



Danal Salim



Dvir Peretz



Ittay Shamir



Merav Levi



Michal Shlichter



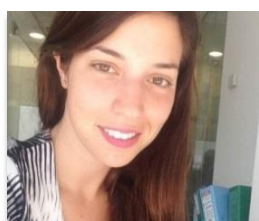
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Yuval Shimchis



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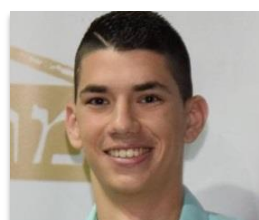
Rotem Levi



Inbar Goldshtuf



Chen Janah



Ohad Manour



Reut Leiner

Selected Casework

Below is a brief list of the referral types the Clinic addressed during the 2016 academic year.

- Determination of level of disability by the National Insurance Institute.
- Refunds to Holocaust survivors for medication not covered by socialized medicine
- Medical treatment and MD house-calls
- Single-year benefit payments for Holocaust survivors
- Maximizing benefit entitlement
- Nation Insurance Institute
- Assisting Holocaust survivors regarding exorbitant legal fees for services rendered

Promoting Policy Changes

As mentioned above, the Clinic took an active role in promoting policy changes and fostering a more sensitive attitude in society towards the needs of the elderly. These efforts took place on several fronts. The list below merely highlights the specific areas in which the Clinic was active. For in-depth descriptions of the modes, methods, and outcomes, please see the original Hebrew report.

Handling of Geographical Restrictions in the Nursing Industry

Rotem and Merav Levy

As part of our work at the Clinic, we were exposed to problems inherent in the nursing industry's geographical regulations. The regulations divide Israel into three zones, and foreign workers arriving in Israel are limited to working in one of these three regions. This dramatically restricts the ability of people to choose caregivers. People in nursing homes can choose only foreign worker associated with their residential area.

We realized that this was a widespread problem, and the course of action we chose to take was to file a petition with Israel's Supreme Court, which has the authority to cancel such regulations. Further research demonstrated that regulation also harms the population of foreign workers, so we decided to file a joint petition in conjunction with *Kav LaOved* "Worker's Lifeline" organization.

In addition to the Supreme Court petition, we are also working to cancel the regulation via the Knesset by mobilizing MKs, including Itzik Shmuli and Michal Rozin, and bringing attention to the issue in the appropriate Knesset committees.



Rotem Levi presenting the dilemma of geographical worker restrictions to MK Itzik Shmuli

Assistance to Home-Bound Holocaust Survivors

Denal Salim and Yuval Samhis

Our task was to assist a Holocaust survivor confined to his home to exercise his rights granted him by law. I.N. is an 80 year-old Holocaust survivor who lives alone in Givat Shmuel. We visited with I.N. for several hours with the aim of understanding what kind of help and support he needed. This visit, which was the first meeting of many, acquainted us with his environment, his lifestyle, and his circumstances.

Initially we had a negative impression about I.N.'s personal situation and his ability to function physically and cognitively, an impression which was further reinforced by the neglected appearance of the apartment. However, as our visit lengthened, we realized that I.N. is quite lucid and even entertaining. Despite suffering three strokes and diabetes, our client turned out to be an intelligent and educated man with a fascinating past. I.N. related to us his experiences during World War II and what happened from the moment he moved to Israel in 1967. We started working on the exercising his rights.

We formulated a list of economic and healthcare benefits he needed. As part of our mission, and as part of our work method, we worked in collaboration with a number of different entities. For example, we contacted a company that provides nursing services I.N. was in need of. We investigated the number of hours of in-home care he is entitled under the law, including added hours for the purpose of cleaning the apartment. We checked his National Insurance rights regarding income supplements and discounts on property taxes, water, and the like. We also contacted the Ministry of Welfare to take advantage of some of his disability pension in favor of bringing him to visit a senior citizen's center close to his home, in order to relieve his loneliness.

Finally, our main task was to ensure that I.N. would receive his Holocaust survivor's allowance. To do this we contacted the Holocaust Survivors Rights Authority and the Claims Conference to determine the appropriate allowance possible under the circumstances. Then we met him again at home to fill out the forms to obtain various benefits. During this second visit, I.N. began talking about the fate of his family and their becoming separated during the Holocaust.

So far, we've have been instrumental in gaining some of I.N.'s benefits. While we are waiting for answers regarding eligibility and other issues, we continue checking to see if there is anything else we can do to improve his situation in other ways. We talk with him on the phone to update him what is happening and ask him about his condition.

Other areas of action

Student teams also worked on the following research and policy projects:

Topic	Team
" Supported Decision Making " article for Wikipedia (Hebrew)	Neta Auerbach and Linoy Gedker
Drafting a bill to deal with the issue of economic exploitation of the elderly	Amber Goldstof and Itai Shamir
Limiting exploitation of the elderly through telemarketing	Reut Liner and Dvir Peretz
Raising awareness of unnecessary hospitalization of the elderly during holidays	Chen Janah and Ohad Manor
Psychiatric hospitals for Holocaust survivors	Michal Shlichter

A Gallery of Activities

At the Shikma Day Center



Conference on the rights of Holocaust survivors who came to Israel after 1953



Meeting with MK Itzik Shmuli

**Meeting with
Holocaust survivor Mr.
Nachman Bernstein**



**Holocaust Memorial Day
Ceremony**



Conference on Trends and Innovations in Custodianship



Knesset Conference – Long-Term Care Insurance Reform Campaign





Inbar and Ittay giving a lecture on economic exploitation at the Sycamore Senior Citizen's Center, Ramat Gan.

Once again, we would like to thank
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