

~ The Advocate Asks ~ Elder Law attorneys talk about their pro bono work at the Saugus Senior Center that their firm has been doing for 30 years

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Editor's Note: For this week's article we sat down with Attorneys Stephen J. Spano and Andrea A.J. Witt of the Saugus law firm of Spano Dawicki & Witt and asked them to talk about the service they provide for two hours or more on the first Thursday of every month. Spano grew up in East Boston and graduated from Dominic Savio High School in East Boston in 1973. He attended Bunker Hill Community College and received an Associate's Degree in Liberal Arts. That's where he also met his wife, Francine Dawicki, who is also a partner in his law practice. They celebrated their 48th anniversary on Sept. 1. He and his wife have lived in Saugus for 34 years. Spano is the founding partner at Spano Dawicki & Witt. He has been practicing law for 34 years and has had their law firm in Saugus for 25 years. Spano attended UMass Boston, where he received a Bachelor's Degree in English

with a minor in Psychology. He studied at Northeastern University, where he received a Master's in Business Administration (1989). He received his Juris Doctorate in 1993 from New England School of Law. Spano is the oldest of seven children, with six younger sisters. His mother suffered from Alzheimer's Disease, and it was her illness and his work with Gerontologists Susan and Andrew Dibner, the founders of the Lifeline System, which led him to a career in elder law. He served as Vice President of the Board of Directors of Greater Lynn Senior Services for many years. He also served on the board of the Friends of the Saugus Senior Center, Inc. for several years. He is an adjunct professor at Western New England University School of Law, where he teaches elder law, Medicaid asset protection, guardianship and special needs law. He is co-host, along with Attorney Andrea Witt, of the weekly television segment "A Legal and Financial Minute, or Two." In his spare time, he is a beekeeper, pilot and former triathlete. He's also an aspiring unicyclist and advanced pogo stick enthusiast.

Andrea A.J. Witt is a partner at Spano Dawicki & Witt and a dedicated, Board-Certified Elder Law Attorney. Born and raised in Winchester, Andrea proudly calls it home for her family today. She kickstarted her academic journey at Boston College, graduating with honors in Political Science in 1998, before delving into law at Suffolk University Law School. There, she not only earned her Juris Doctor in 2001 but also served as Chief Managing Editor of the Suffolk Transnational Law Review. After dedicating time to raising her two children, Andrea reentered the professional arena, focusing her expertise on elder law, probate and trust administration. Joining Spano Dawicki & Witt in 2012, she has since become a trusted advocate for her clients, specializing in estate planning, probate and trust administration, guardianship, conservatorship and navigating the complexities of MassHealth benefits. Beyond her legal prowess, Andrea is passionate about educating others. She volunteers at various institutions, teaching courses on elder law issues and providing pro-bono consultations to her community. She's a frequent speaker at conferences, sharing her knowledge with healthcare professionals, social workers, attorneys, and the general public. When she's not in the courtroom or the classroom, Andrea enjoys cheering on her kids at their sports events and musical theater performances. She's knee-deep in the college search process with them and takes joy in watching her nieces and nephews grow. And when life gives her a breather, you'll find Andrea gearing up for outdoor adventures – she recently hiked Glacier National Park in Montana. She's also a past marathoner, conquering numerous races in her time. She's a 1994 graduate of Winchester High School. She received her Bachelor's degree in Political Science from Boston College in 1998. She graduated from Suffolk University Law School in 2001. She's been a licensed attorney since 2003. She has been with Spano and Dawicki since 2012. She has two children: Maggie, 20, a sophomore at Connecticut College and Gus, 18, taking a post graduate year at Suffield Academy, and committed to attend and play baseball at Hobart College in fall 2025. They live with Witt's longtime boyfriend/partner, Anthony Volo, at their home in Winchester. Witt does pro bono work at the Winchester and Woburn Senior Centers.

Spano and Witt are two of just 29 Board Certified Elder Law Attorneys in Massachusetts. Highlights of this week's interview follow.

Q: Tell me about the program you have at the Saugus Senior Center. Do you have a name and how did the idea start?

Spano: The idea actually started with a longtime director of the Saugus Council on Aging named Frances Regal. She had me on her program in January or February of 1994 and asked me if I would be willing to come to the Senior Center and donate an hour or two of my time every month. We said "Yes." And we worked out some details and we started in April of 1994, a little more than 30 years ago. So, it was really not our idea, but the idea of the director of the Council on Aging: Frances Regal.

Q: But it has continued.

Spano: Yes. Because there's so much demand for it.

Witt: Going to the Senior Center is something we really enjoy. It gives us a chance to meet with different clients. It feels good to be able to answer some questions and help people who might not otherwise get the help that they need. When you have one good experience, you branch out and hope to have more good experiences, so we reached out to local communities to see who would appreciate participating in a program like this, and we've gotten really great feedback from the senior centers and from the people that we've met there.

Spano: And now it's not just Saugus; it's Winchester, Woburn and Salem in addition to Saugus. And we're out there once a month. And the people who come to us are normally people who, a) they may not be able to afford going to an attorney; b) they may have questions that are simple so we can answer them there or work with them in many cases on referrals to other organizations. We talked about Neighborhood Legal Services and the Northeast Justice Project. We often refer them there or we give them the numbers to places where they can get help. All they need is a little guidance to get them going.

Q: This service you do is free. It's totally pro bono.

Witt: That's right. I think it's accurate, too, that sometimes people have a problem and they don't know where to turn. They don't know if this is a legal problem or something they should call an accountant for: Is this a problem at all that needs a solution? And they are clueless of where to turn. It's really kind of daunting to call up an attorney and then for them to ask whether this attorney is really good and knows what I need, so to just come to the Senior Center, which is a place where they have typically have come before and feel comfortable at, and sit down at a table quite like this in a quiet, confidential room with the door closed, it

gives them an opportunity to sit down in a less formal setting and get their questions answered. I find that every time somebody leaves, they are usually a little bit relieved or feel reassured and are glad that they came. And they realize what they thought was a huge problem isn't such a huge problem – that it has a somewhat simple solution. Or they might leave thinking this is a bigger problem than what I recognized and I need to talk to somebody who can help me – whether we can solve the problem quickly or whether we recommend to dive a little bit deeper and need to attain an attorney to actually do some work. Either way, we feel like it's a productive time and at least they get some of their questions answered.

Q: Do they make the most of their time? Do you always get four or more people signed up? How many clients do you manage during that time?

Spano: This month we tried to keep it to four because if people go over, we don't want a long line of people waiting. This month in Saugus, they wanted to know if we could have five and possibly six. Sometimes we get seven or eight. We can book out a few months in advance.

The Council on Aging Senior Centers actually manage the program, and that also makes the people feel more comfortable because they're not calling a law firm and they're not meeting in a law firm. When you go to the doctors, they say you have this artificially inflated blood pressure when you go there because you are nervous about being at the doctor. Well, people are nervous about going to lawyers many times. This time, it's like us coming to their home. And they're in control. Not us.

Q: What's the most you've had ever?

Spano: There were some times that we were backed up and I took 10 or more people. But we try not to do that.

Q: It probably went over the two hours on those occasions.

Spano: Oh, it took more than that. It took half a day. We could probably open an office in a Senior Center and spend all day, every day for an entire year and just have people coming in. You look at the wonderful work that places like the Northeast Justice Project do, and they can have a multi-year waiting list, because there are people who just can't afford services, and that's a factor of the legal environment today, unfortunately.

Q: When you look at all of the cases, what's the subject or topic that sticks out the most?

Witt: I've got two that stick out. The first one is people who are very scared about home care and how they can protect their assets. And that very often, somebody has put a bug in their ear that transferring the house to their children is going to solve all of their problems. Or

drafting an irrevocable trust and putting all their assets into that trust – and that’s going to solve all of their problems. So, that’s something we talk about: the consequences of both of those actions. Those two, I see a lot of.

The other thing I see a lot of is probate issues. Somebody has died – a friend, a parent or a child. They know there’s this process they call probate. Maybe an attorney is involved; maybe they’re not yet involved. But people are very confused about how that process works and what their rights are. And that’s when you have the things you see on TV, like people fighting over the vase or the jewelry – and stories like that.

Spano: You can’t escape the incessant commercials on the radio, television and on the Internet about “Don’t lose your home if you go in the nursing home.” There’s a real problem with that. The five-year rule. What’s amazing is that most people don’t go into a nursing home and live there for more than 90 days. And it’s probably less than 20 percent of the people. And some statistics show that it’s around five to seven percent.

As evidence to that, you have been on the North Shore for a long time; you’ve seen nursing home after nursing home close. Since we’re all aging and the Baby Boomer generation is hitting the bubble, why aren’t they building more nursing homes? That’s because the reality is that people aren’t going to them. So this fear [losing your home to a nursing home] is based on a false premise.

But fear motivates people to call you and buy your services. Once they transfer the house to the children, even if the children are the best kids in the world, if that kid has a child going to college and they’re applying for financial aid or they get in a car accident or something and somebody sues them or they get into a divorce, now, part of that house is going to somebody else. And there are cases, and we get them every single week, where somebody wanted to get the house back in their name, sell it and move into assisted living – and the son said, “No.” And we see this all of the time.

And the consequences are that once you transfer that house into your irrevocable trust or to another person, it’s no longer yours. And the people who are doing this advertising fail to tell people that. And it’s just immoral. It’s wrong. And of all the things that cause pain to people, that seems to be the worst.

And the other situation, which I see all of the time, is people saying, “Why do I need a will or a health care proxy or power of attorney for my spouse? I can make their health care decisions. I get everything after they die.” That’s not always the case. Because the law doesn’t – if you don’t have a will – give everything to the surviving spouse. In addition, if I were to have a concussion today, or go into a coma without a health care proxy, my wife cannot make health care decisions for me. She would have to go to court for a very time-consuming, lengthy process called a guardianship. It’s sad.

Q: Is the joint tenant thing – I went through it in my own experience. It seems like if you have a close family, it's a good thing if you have the joint tenancy. So when the transition happens ...

Spano: Joint tenancy can be an excellent option. But there are downsides to it as well. For example, what if there are three children and you put all three children on the house with you? And one is now going through a divorce. That's now going to be part of the divorce proceeding, where if you left it to them in the will, and you died many years later and the divorce would be finalized. So the house wouldn't be subject to those divorce proceedings. And unfortunately, since half of all marriages end in divorce.

Witt: I think the problem of multiple children owning a home is that typically everybody is in a different financial situation. So let's say a new roof has to be put on – if those kids can't decide to put the roof on. More than nine times out of 10, you run into problems when siblings own a house together. It's just a difficult thing to maintain for any period of time.

Spano: Now if you're an only child, it's an entirely different situation. But let's say you're one of the children living in the home and you've got the parent out of the nursing home. Let's say the child took care of the parent for 12 years. Yet, the parent had three children and they put all three children on the deed – if the other two children wanted to sell the property. Yet, that child gave up their property and moved in with mom to take care of her. The siblings don't care that the child gave up their home to take care of mom. That's a situation we see a lot.

Witt: There are all different situations and they don't apply to everybody. There is no one-size-fits-all plan. You have to look at the totality of the circumstances. What are the dynamics and the family? How many people are in this family? There could be children. There could not be children.

Q: What's the most unusual case that you have fielded from the Senior Center?

Witt: I'm dealing with an interesting case right now with a mobile home: a transfer that might not have been done correctly. Somebody signed it over to the next person 30 years ago, but it wasn't done correctly, and then nothing was done for 30 years. But now, we have quite a mess to unravel. So, that was sort of a different one than I expected and usually see.

Spano: I was thinking that time was your enemy. Time is the enemy of most people. They just let things go over and over. The sad cases, they come to us.

As far as the cases that stick out, they tend to be the cases that get emotional and are not intellectual. We get spouses coming in who are shaking and they're telling us their spouse is going into the nursing home and they are going to lose their home. That's not the case. And we can look up the deed on the iPad as we're sitting there and we can see that the house is in both names and we tell them that as long as you continue to live in that house, the state is

not going to put a lien on it while you are in it. And what happens when your spouse dies – you are going to be the sole owner of the house. The state is not going to put a lien on it. Even if you are not the power of attorney, when your spouse dies, you will be the sole owner of the house and you can sell the house.

Q: One last question: Why would you recommend to people out there to come to the Senior Center and take advantage of your program?

Spano: There are people who can't afford it and they have some questions. It doesn't cause you any harm other than the time you have taken out of your day to go there.

On the other hand, if you think you have a complex question, you should hire an attorney and go to that attorney. But if you're concerned, it's keeping you up at night and it's a question you don't know the answer to, I tell people, "Google does not have a law degree," and you should seek out somebody who knows what he or she is doing.

The program makes it easy for individuals and families that might not have the financial resources to consult with an attorney to be able to do so – for free. People can meet an attorney to have their basic questions answered and to obtain referrals to other organizations that may be able to help them for free. And there's no age requirement. People under 65 can participate in the program.

Witt: It's a really good opportunity. A lot of people come in very nervous because they don't feel comfortable talking to a lawyer. But when they leave, they say they're really glad they came here. They tell us, "You were very easy to talk to. I didn't realize this wasn't such a big deal." I think we're good for that.

While we're wearing suits today, I rarely go to the Senior Center wearing suits. It's not necessary. It can be somewhat intimidating.

It's a good opportunity to sit down with someone and comfortably feel you can talk out a problem. I think they leave feeling they were glad that they came and feeling better that they got to talk about whatever they wanted to talk about.