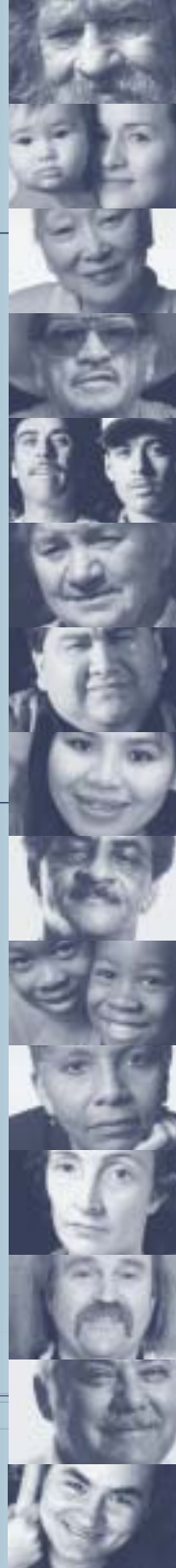


MAINTAINING THE SAFETY NET:

LEGAL SERVICES LAWYERS WORK CLOSELY WITH COMMUNITIES TO HELP THOSE IN NEED



THE ACCESS TO JUSTICE SERIES



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The Brennan Center for Justice at NYU School of Law unites thinkers and advocates in pursuit of a vision of inclusive and effective democracy. Our mission is to develop and implement an innovative, nonpartisan agenda of scholarship, public education, and legal action that promotes equality and human dignity while safeguarding fundamental freedoms.

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About The Access to Justice Series

This paper is the fourth in a series issued by the Center illuminating the accomplishments of legal services programs throughout the country, and documenting the impact of restrictions recently imposed by Congress on the federally funded Legal Services Corporation. It is the result of extensive investigative reporting by award-winning journalist Patrick J. Kiger in close collaboration with the Brennan Center's Laura K. Abel, Elisabeth S. Jacobs, Ilana Marmon, Kimani Paul-Emile, Amanda E. Cooper, and David S. Udell. The following individuals have been consulted as advisors for this series: Bonnie Allen, William Beardall, Martha Bergmark, Ann Erickson, Victor Geminiani, Peter Helwig, Steve Hitov, Carol Honsa, Alan W. Houseman, Esther Lardent, Linda Perl, Don Saunders, Julie M. Strandlie, Mauricio Vivero, Jonathan A. Weiss and Ira Zarov.

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The fourth installment of the Access to Justice Series, *LEGAL SERVICES LAWYERS WORK CLOSELY WITH COMMUNITIES TO HELP THOSE IN NEED*, illuminates the importance of legal services advocates to the larger communities in which their clients live.

Interesting partnerships develop that may at first seem unexpected: legal services lawyers in dialogue with landlords to improve conditions for tenants; legal services lawyers doing legal research to answer questions from nursing home staff about problems of frail and elderly patients; legal services lawyers and local officials working together to ensure that new federal programs benefit local low income citizens.

These partnerships reflect a natural relationship that develops as legal services advocates gain particularized knowledge, through direct representation of thousands of clients, about how the law affects individuals and communities. This knowledge is often invaluable to legislators, government administrators, community leaders, and many others. Even traditional adversaries often seek to work with legal services lawyers in order to benefit from this knowledge.

These stories offer a real-world counterweight to the views of certain critics who argue that legal services lawyers are ideologically driven zealots making mischief for taxpayers. That turns out not to be the case.

David S. Udell
Director, Poverty Program
Brennan Center for Justice at NYU School of Law



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SOLVING PROBLEMS FOR DEVELOPERS OF LOW-INCOME HOUSING

The city of Bend is located in the idyllic expanse of central Oregon, where the high desert meets the snowy Cascades. It is not the sort of impoverished place where one might expect to find an intense demand for an attorney funded by the Legal Services Corporation (LSC), a federal program that for the past 25 years has provided free legal representation for low-income people in non-criminal matters, such as child custody and landlord-tenant disputes.

Compared to the housing projects of Brooklyn or the hardscrabble rural poverty of southern Texas, Bend seems like a problem-free paradise. Tourism is rapidly becoming the area's major industry; vacationers flock to the area to fish for trout, rock climb, and bicycle in the summers, and explore ski slopes and cross-country trails in winter. Retirees and young high-tech professionals covet its clear air and real estate that is still a bargain by California standards. Since 1990, the population in Deschutes County, where Bend is located, has grown by 33 percent.

"Here in Bend, \$200,000 still buys a lot more house than in California," notes attorney Bob Turner, who for the past decade has worked in the local satellite office of Legal Aid Services of Oregon (LASO). "Of course,

that's starting to change, because so many people want to live here."

There is a dark side to this phenomenal boom of tourism and service industries: The area's traditional economic mainstays — logging, ranching, and agriculture — have suffered steep declines. In surrounding Crook, Deschutes and Jefferson counties, jobs in the logging and wood-processing trades have declined by nearly one-half, and unemployment has risen from 5.5 percent in 1990 to nearly 11 percent in 1998. Displaced skilled workers are now struggling to get by on minimum wage jobs in fast-food restaurants or at resorts. The number of people living below the poverty line in Deschutes County has grown by 60 percent since 1990, from 8,200 to more than 13,000, twice as fast as the overall population has increased.

"We do have a lot of jobs here that pay well, but they're going to folks who have long work histories ... or recent arrivals," notes Sharon Miller, director of the local Community Action Agency, which provides a variety of services to low-income people, including a food bank, emergency winter-heating grants, and help in finding daycare providers. "If you're re-entering the work force or low skilled, you don't have many opportunities."

Legal Services office provides help for low income residents

By RANDY HILL
Mail Tribune Staff Writer

GRANTS PASS — Free legal help for low income residents in Josephine County is on the way.

Oregon Legal Services will open a branch here Feb. 19 to help people handle non-criminal concerns, said Janay Haas, OLS attorney and regional director for the Grants Pass office.

The agency plans to offer assistance with civil problems such as landlord-tenant conflicts, public assistance, civil rights and consumer issues, Haas said.

The OLS office is in the Family Resource Center at 223 S.E. M St. An open house is scheduled between 3 p.m. and 5 p.m. on Feb. 7.

OLS is primarily federally funded, Haas said. Money for the new office also comes from the Campaign for Equal Justice, which is supported by Oregon attorneys. The Meyer Memorial Trust recently awarded the campaign a three-year \$750,000 matching grant.

To qualify for services, clients can earn no more than 125 percent of the federal poverty level. For example, a single parent with two children could have a gross monthly income of no more than \$1,186.

Josephine County was selected,

she said, because "the area really needed help. We believe there's a huge client base here." The county has the lowest per capita income in Oregon.

A recent state study on affordable housing estimated about 20,000 people in the county may be eligible for OLS aid, Haas said.

In the county's population at large, there is one attorney for every 1,600 residents. So Haas, who expects to be stretched thin, said she'll emphasize client education and self-help when practical.

She will also work with boards of directors of non-profit social service agencies serving poor people. Another attorney may join the staff this summer.

"The need for Oregon Legal Services to be in this county is long overdue," said Esther Jackson, director of Women's Crisis Support Team. "For too many years, we've seen women have to stay in dangerous situations because they didn't have money for quality legal representation."

"If a woman is making \$3 an hour, it's very difficult to pay \$75 or \$100 an hour legal fees," Jackson said.

The OLS office takes the place of Josephine County Legal Aid. During the past 20 years, a pool of volunteer attorneys has assisted

an average of 45 people per month, according to Grants Pass attorney Richard Adams.

"We all recognized our efforts weren't enough," Adams said. "The need was too great." He said Legal Aid lawyers encouraged OLS to move into Grants Pass.

Appointments can be made by calling 476-1050 between 1 p.m. and 5 p.m. Monday through Thursday.

Opening the new office goes against a decade-long trend in which federal money for legal aid services has been cut by more than one third, Haas said.

In fact, the Grants Pass branch is one of only five new offices to have opened in the United States since 1980, she said.

Haas moved to Grants Pass recently from Portland, where she had been an OLS attorney in Clackamas County for five years. A graduate of Southern Oregon State College and Lewis and Clark College of Law, Haas has also taught at several paralegal training schools and served as consultant to the Idaho governor's Council on Domestic Violence.

Legal aid workers make about 25 percent as much as private practice attorneys, she said.

But Haas said she enjoys "working with clients I like, that I can look in the face."

(Source: Mail Tribune, January 31, 1992)

Legal Services office opens in Grants Pass

By ROY SCARBROUGH
Correspondent, The Oregonian

At a time when the national trend has been to cut back on legal services to the poor, attorney Janay Haas was busy unpacking boxes in a new Oregon Legal Services office in Grants Pass.

"I don't think we are going to be wanting for clients," said Haas as she prepared for Monday's opening of the office. Word of the opening brought about 150 calls for help at the office last week, she said.

Haas said she was not surprised. Josephine County has one of the lowest per capita income levels in the state. Oregon Legal Service estimated that as many as 20,000 of the 63,000 Josephine County residents meet the strict income eligibility limits for free legal services. For example, a two-person household would need to have a monthly income below \$925 to be eligible.

The opening of this office, and the continued operation of 12 others around the state, was made possible by a fund-raising effort among Oregon attorneys called the

"Lower-income people have more real-life legal problems than middle- and high-income people."

— Attorney Janay Haas,
Josephine County Legal Services

Campaign for Equal Justice, launched last April. The Meyer Memorial Trust contributed \$750,000 and attorneys participating in the fund-raising efforts have agreed to contribute \$250 a year to support legal services throughout the state.

Most people do not realize the extent that the poor require legal services, said Haas, who moved to Grants Pass recently after working for the Oregon Legal Services office in Oregon City.

"Lower-income people have more real-

life legal problems than middle- and high-income people," she said. "Those of us in the mainstream can worry about tax shelters, IRAs and real estate contracts, but low-income people have to deal with things like 'What happens if I can't pay the rent this month.'"

Participating law for the poor, "has a much more emergency room flavor to it," she said.

Prior to the opening of the office, a group of Grants Pass attorneys had been providing legal services for free to 40 to 50 clients a month. Many more went unserved, Haas said. That's because the attorneys seldom handled cases involving welfare and social service agency clients.

"That is a fairly esoteric area of law," she said, "and attorneys who do corporation and business law don't have time to get up to speed just to be competent in welfare issues. That shortcoming has probably lead to some families being denied Medicaid and other critical benefits," she said.

(Source: The Oregonian, February 2, 1992)

Still semi-rural, the Bend region doesn't have much in the way of resources for people who need help. Instead, Miller and other providers to the poor — private non-profits and government agencies — have turned increasingly to the LASO office. "There aren't that many advocates for low-income people here, especially ones who are lawyers," Miller explains. "So over the years I've gotten into the habit of being able to call up Bob and say, 'Here's a legal issue that one of our clients has, what should we do about this?' Or, 'Can you give a seminar for us on landlord-tenant law?' Or, 'Can you sit on our board?' I've even called him sometimes for advice on personnel legal issues. If he doesn't have the information I need to help one of our clients, he'll call someone else in legal services who has that expertise and get the answer."

Turner's representation of individual low-income clients has flowed naturally into working on big systemic problems that affect them, especially lack of affordable housing. As a result, he has developed links to service providers all over his office's central Oregon service area. For instance, a few years ago, local public housing authority officials — who are sometimes



Left: Sharon Miller, director of the Bend, OR Community Action Agency

Right: Legal Aid Services of Oregon attorney Bob Turner



adversaries of Turner and his clients in landlord-tenant litigation — cajoled him into attending what they described vaguely as a meeting about low-income housing.

Before he knew it, Turner found himself summarily appointed a board member and tenant advocate for the Cascade Community Development Corp. (Cascade), a nonprofit public-private partnership that the Housing Authority had created to build essential affordable apartments for low-income working families, disabled people, and the elderly. "A

bit of a sneaky trick on their part," Turner jokes.

Over the past seven years, Turner, now president of the Cascade board, has done the tenant legal work on a half-dozen development projects for Cascade, resulting in the creation of nearly 100 housing units for low-income residents. "I work pretty closely with the Cascade staff, going to meet with bankers," Turner says. "It's a great concept. The construction is publicly funded, but the tenants pay rent, which is set to be affordable to someone who earns 60 percent of the median income in our area. Our tenants are mostly the working poor. I mean, even the Heritage Foundation [a conservative think tank] would love this."

When Turner works for Cascade, he brings an understanding of low-income people's problems to the job, as well as flexibility and compassion that provide a counterweight to management's economic concerns.

“Basically, he ended up doing a lot of things for us that we wouldn’t have expected, that, in all honesty, we didn’t have a clue how to do. As a result, we’re now helping a lot of people have a decent place to live so they can hold jobs and take care of their families, develop good rent histories, eliminate all the legal and other barriers to self-sufficiency.”

Sharon Miller, director of the Bend, Oregon Community Action Agency

Cascade Executive Director John MacInnis describes Turner’s contribution as crucial. “When we build housing, we’re big on having legal advice every step of the way, so that we stay within the law and our funding requirements,” MacInnis explains. “If I didn’t have Bob to turn to [for landlord-tenant advice], I’d end up having to go downtown and pay someone \$200 an hour for advice. And that attorney might not have the expertise in all kinds of different areas, the way that Bob has from his legal services background.”

Although Turner’s representation of low-income people flowed naturally into creating much-needed housing for them, the new role has taken a little getting used to. “I’ve had concerns from the start about the conflict — the tension between working on the one hand for tenants’ rights, and helping manage an apartment building on the other,” Turner says. “But when it comes down to it, I consider my role to be an advocate for low-income people.” When Turner works for Cascade, he brings an understanding of low-income people’s problems to the job, as well as flexibility and compassion that provide a counterweight to

management’s economic concerns. “You want people to pay their rent, of course, so the project can pay for itself. You also want a landlord who will give people a break,” he says.



Residents and staff of the Cascade Community Development Corporation’s Kearney Avenue Apartments

To that end, when Turner worked on a similar affordable housing project for the Community Action Agency, he wrote the tenant agreement rules in a way that gave as much consideration as possible to tenants’ rights. “When we were trying to select a property management firm,” Community Action Agency Executive Director Miller recalls, “Bob made calls to check the

applicants’ credentials, to make sure that we picked someone with a good reputation for treating tenants fairly . . . Basically, he ended up doing a lot of things for us that we wouldn’t have expected, that, in all honesty, we didn’t have a clue how to do. As a result, we’re now helping a lot of people have a decent place to live so they can hold jobs and take care of their families, develop good rent histories, eliminate all the legal and other barriers to self-sufficiency.” It took a legal services lawyer to make all that happen.



PROVIDING LEGAL BACKUP FOR PUBLIC OFFICIALS HELPING SENIORS

Bob Turner is not unusual. Critics of LSC often try to portray the lawyers it funds as iconoclastic, ideologically motivated outsiders, stirring up trouble in communities where they are not wanted. The reality is that in addition to representing low-income people in court, legal services attorneys help them by joining forces with civic-minded individuals, social-service organizations, and local and state government agencies. Communities with few other places to turn to for help have learned to depend upon legal services lawyers' skills, expertise, and imagination. In many instances, legal services lawyers have even found themselves working with the same individuals and organizations that they sometimes face in court, such as state welfare bureaucracies, in order to benefit low-income people.

At a time when the public resources available to help low-income people have been stretched thin, and when there are too many holes in society's safety net, many service providers and advocates for the poor say they simply could not do their jobs without help from legal services lawyers.

Legal Services Lawyers Routinely Partner Up with the Private Bar

One of the most useful links that legal services programs have to their communities is the recruitment of private attorneys to represent low-income people. LSC-funded programs are required to devote one-eighth of their federal grant money to work with the private bar. Across the nation, more than 150,000 lawyers are registered as pro bono volunteers with LSC-funded legal services programs. Legal services programs facilitate the efforts of these volunteers by screening and interviewing clients and by providing expert advice to private attorneys whose own experience may not prepare them for the particular legal problems encountered by low-income clients.

(Source: Legal Services Corporation)

Communities with few other places to turn to for help have learned to depend upon legal services lawyers' skills, expertise, and imagination.

“If we didn’t have legal services, I’d just have to hang up my hat.”

Nursing home ombudsman Virginia McKee

“If we didn’t have legal services, I’d just have to hang up my hat,” says nursing home ombudsman Virginia McKee of northeast Mississippi. In protecting the interests of frail elderly patients, McKee says she continually utilizes the services of Catherine “Ginny” Kilgore, the elder law specialist at North Mississippi Rural Legal Services. “When I get into something sticky on behalf of a nursing home resident, I need a legal mind to back me up,” she says. “When I’ve got Ginny as a sounding board, then I can go in and deal with the nursing home and the state board of health and be confident that I’m on solid ground in terms of the law. When it comes to dealing with Medicaid and so on, I have to have those rules down, and Ginny is definitely the expert. I like being able to go in there for my client and tell the other side that I know I’m right, because she wrote the book.”

Even when Kilgore’s own hefty caseload prevents her from handling a new case, McKee relies on her to find legal representation for clients. “I get in touch with her; she’ll call ahead and find a private attorney to handle a nursing home client’s case pro bono. That’s been a huge help,” says McKee. But Kilgore also sometimes becomes directly involved in particularly tricky cases at McKee’s request. “If a resident has to have a feeding tube to live, for example, I’ll get Ginny to go in with me and determine whether the person is legally competent to make his or her own decision on that,” McKee says. “I’ve got another case, for example, where my client’s sister-in-law had all the assets signed over to her, and

the client didn’t even realize it. The client is frail and drifts in and out, with occasional lucid moments. What I’ll do is call Ginny, and we’ll meet there at the nursing home and wait for the right moment when the client is clear-headed and focused enough to be able to tell us what she really wants. And then Ginny will give me the legal advice I need to figure out what to do about it. Really, I don’t feel like I could do my job without her.”

Tom Coward, an official with the northeast Mississippi Area Agency on Aging, similarly relies upon Kilgore’s expertise and willingness to help. The agency subcontracts with North Mississippi Rural Legal Services to provide legal representation to the low-income elderly, but Coward notes that Kilgore’s efforts go way beyond what is contractually required. “She’s always giving us information, studying any possible legislation that might affect us,” he says. “For example, when the legislature passed a law creating a state trust fund to handle the money from the settlement with tobacco companies, Ginny got a hold of the legislation and then explained it to us.”

Coward explains that Ginny is able to fill a need that the agency cannot — meeting face-to-face with the clients. “She’ll go out to senior centers and make presentations and hear the actual questions that are on the elderly’s minds — whether it’s about wills, or healthcare, or social security benefits, or whatever the things are that affect their daily lives. Ginny is very astute at listening to their questions and getting them answers.”

“[Legal services attorney Catherine Kilgore] will go out to senior centers and make presentations and hear the actual questions that are on the elderly’s minds — whether it’s about wills, or healthcare, or social security benefits, or whatever the things are that affect their daily lives.”

Tom Coward of the Mississippi Area Agency on Aging



TEAMING WITH DOMESTIC VIOLENCE COUNSELORS TO PROTECT WOMEN AND CHILDREN

Community activists working to protect women from domestic violence have come to depend upon legal services lawyers for help. “Oregon Legal Services has been one of the strongest partners we’ve had in the community,” says Toni Anderson, executive director of the Central Oregon Battering and Rape Alliance (COBRA).

The domestic violence organization operates a 23-bed shelter, five satellite offices, and a hotline in the semi-rural region on the other side of the Cascades from Portland and Salem. It has very limited resources to assist the more than 2,000 women and children who turn to it each year for help. “We’re able to afford 15 staffers. Until recently, we were paying them a little above minimum wage, but now we’ve been able to raise them to nine or ten dollars an hour,” says Anderson. “We’re trying to get more funding; but right now, the only way we could afford a lawyer on staff would be to cut back on the other services we provide. And our women have so many other immediate needs, like just having a safe place to stay.”

That is where Legal Aid Services of Oregon stepped into the breach. They obtained additional funding through the Americorps program to hire two additional legal services attorneys. “They based them in our facility part of the time,” says Anderson. “They provided the staff, we provided the space. When women come in, [the attorneys are] there to handle situations such as a batterer who is contesting a restraining order in court or trying to keep a battered woman from seeing her kids. Having quick access to a



Oregon Legal Services clients

“When women come in, [the Legal Aid Services of Oregon attorneys are] there to handle situations such as a batterer who is contesting a restraining order in court or trying to keep a battered woman from seeing her kids. Having quick access to a lawyer means so much to these women, at a time when they’re really feeling desperate and vulnerable.”

Central Oregon Battering and Rape Alliance Executive Director Toni Anderson

lawyer means so much to these women, at a time when they’re really feeling desperate and vulnerable.”

Some critics have accused legal services attorneys of helping to break up families, but that argument does not carry much weight with shelter workers such as Anderson. Her clients’ families already have been torn apart by violence; COBRA works to keep the mother and children safely together under one roof. The help of legal services attorneys is all the more crucial because COBRA staff are seeing more violent incidents of abuse than in the past. “There are a lot of weapons in rural Oregon,” says Anderson. “And the lethality factor is really high. Having [LASO] here to intervene and make sure the legal system works for these women — they’ve helped us to save a lot of women’s lives.

“One of the big problems here, in a rural area, is lack of access to services. There isn’t a victim assistance program in the county, for example, to follow up and

“Without legal services, there wouldn’t be anyone to advocate for domestic-violence survivors.”

Central Oregon Battering and Rape Alliance Executive Director Toni Anderson

make sure that law enforcement makes the restraining orders stick.” On one occasion, a COBRA client obtained a restraining order to keep her husband away from her home. He went to the home one day when she was away and removed all their possessions, while the police stood by and watched him violate the order. “Without legal services, there wouldn’t be anyone to advocate for domestic-violence survivors,” warns Anderson.

In addition to representing COBRA’s clients, LASO has provided assistance to the organization itself. “They’ve been a big help to us in resolving turf issues here between the law enforcement agencies and the shelter,” Anderson says. For example, a conflict once developed between the shelter and the district attorney’s office over the shelter’s confidentiality policy. The district attorney wanted easy access to the shelter’s clients and information so it could prosecute their abusers, but the shelter, which wanted to give the women privacy and control over their lives, would allow access only if the women were willing.

LASO stepped in as an intermediary, Anderson explains, and helped the district attorney’s office understand why the policy was so important to the clients’ emotional well being. At the same time, LASO helped the district attorney and the shelter staff develop better lines of communication, so that shelter workers could quickly obtain a release from willing clients when the district attorney wanted to pursue a case. “Basically, legal services got everybody to cool down,” Anderson says. “They were the right agency to be in the leadership role, because they had earned the trust of the shelter and understood the advocate’s side of things, but they also understood the legal system.”

In addition, LASO attorneys Sybil Hebb and Chris Lohrey have organized a domestic violence council where shelters, hospitals, prosecutors, and attorneys discuss and coordinate their policies and efforts. That cooperation and communication helps them work together, rather than hinder one another.

In this spirit, LASO is currently working with the district attorney’s office to create a program in which



domestic violence victims can have immediate access to a legal services attorney based in the district attorney's office. The district attorney's role is to investigate and prosecute people who commit crimes on behalf of the state; an independent lawyer can concentrate on dealing with the victim's needs — whether that means applying for benefits so a stay-at-home mom can make ends meet, or going to court on her behalf to seek a divorce or negotiate custody and child support arrangements. "Having that kind of separate support available actually makes victims more willing to cooperate with prosecutors," Anderson adds. "That means that we have a better chance of winning convictions against batterers."

In Richmond, the Central Virginia Legal Aid Society has played a similar role in developing a partnership involving prosecutors, law enforcement agencies, shelters, and domestic violence activists. "We do a lot of victim

representation as part of a referral network," explains Central Virginia Legal Aid Executive Director Henry McLaughlin. "We can't solicit clients [because of LSC regulations] but we can do outreach to the other groups in the community and tell them what we do, and their clients will be able to find us through them."

Arlene Bassel, an official with the Richmond YWCA's women's crisis hotline, relies heavily upon Central Virginia Legal Aid to help those who call in for assistance. "Most of our calls are domestic-violence related, and they have a domestic violence program, so we usually send them to Legal Aid first," she explains. "It's very important to have them [Legal Aid] out there." One YWCA client who benefited from Central Virginia Legal Aid's help was a 23-year-old

woman named Stephanie, who sought help in 1997 when her husband of five years kicked her out of their home and refused to give her custody of their two small children. She feels that if Legal Aid had not helped her, "He would have killed me."



Central Virginia Legal Aid Executive Director Henry McLaughlin



Central Virginia Legal Aid Senior Managing Attorney Marilyn Goss

Legal Services Programs Often Team Up with States to Protect Vulnerable Citizens

Legal services providers in New York State have worked closely with the state government for nearly 14 years on the Disability Advocacy Program (DAP), a legal advocacy initiative for disabled New Yorkers that has saved the state over \$45 million in public assistance benefits and obtained over \$325 million in retroactive federal disability payments for clients. Established in 1984 to provide legal assistance to disabled New Yorkers who need help seeking federal Supplemental Security Income and Disability Insurance Benefits, DAP advocates have helped transfer tens of thousands of disabled New Yorkers from state to federal benefit plans. This move saves the state substantial revenues and offers disabled citizens more comprehensive benefits. While disabled New Yorkers with DAP representation have won 85 percent of their appeals to the federal Social Security Administration, nearly 90 percent of appeals made without legal services representation are denied. Programs similar to DAP exist in Maryland, Illinois and many other states throughout the nation.

(Source: New York State Office of Temporary and Disability Assistance, *Report to the Legislature, Disability Advocacy Program 1984-1998*, December 1998)

SITTING DOWN WITH LANDLORDS TO IMPROVE THE LAWS

Legal services attorneys' reputation for fairness and integrity has helped them win the trust of some seemingly unlikely allies. In Oregon, the landlords who make up the statewide Multifamily Housing Council sometimes find themselves up against LASO attorneys who are representing tenants in court. Yet the chief lobbyist for the landlords, Emily Cedarleaf, has plenty of praise for LASO. For the past two decades, Cedarleaf has been joined in her efforts to reform Oregon's landlord-tenant laws by poverty lawyers — first by LASO and then, after LSC prohibited its grantees from most forms of lobbying, by the non-LSC-funded Oregon Law Center.

“Back in the early 1980s, when legal services was still allowed to do legislative lobbying, I was up against them in the state legislature one day, debating the fine points of changes in the landlord-tenant law,” Cedarleaf recalls. “A legislator suggested, ‘Hey, you all should go out in the hallway and figure things out.’ So we did.” Cedarleaf and Michael Marcus, then LASO's litigation director, now a state judge, began trying to find common ground.

They realized that both sides really wanted the landlord-tenant law to be clear and workable and to protect equally the interests of law-abiding tenants and law-abiding landlords. Out of those informal discussions grew an eight-person landlord-tenant roundtable that includes two poverty law attorneys, two representatives from tenants' organizations, and four representatives from the landlords' side. The roundtable is gradually working its way through the entire body of Oregon landlord-tenant law, studying and debating changes that would improve each section, and then making recommendations to the Oregon legislature.

“It's not as if we agree on everything,” Cedarleaf says. “Basically, we both come in with our positions and the most extreme parts drop off. Then we find the common ground.” This past year, for example, the group reworked the section of the law on the responsibilities of landlords to maintain habitable dwellings for tenants. Until then, the legal standards in Oregon had been so vague that they exacerbated landlord-tenant quarrels. The lawyers, tenants, and landlord



representatives slowly and laboriously hammered out a clearer, fairer law, defining multiple tiers of services that landlords have to provide, the amount of time within which landlords must respond to different problems, and what tenants can do to enforce their rights. “Now, basically, everybody knows exactly what they can and can’t do and what the consequences are,” says Cedarleaf.

“Over the years, we’ve developed a relationship of trust with legal services lawyers,” Cedarleaf explains. “They understand where we’re coming from, and we’ve developed a better understanding of what their clients go through, of the horrible things that a minority of landlords do to tenants.” Bridge-building, informational efforts by legal services lawyers have even motivated the landlord organizations to help crack down on exploitative practices by bad landlords.

A few years ago, for example, a landlord had turned the applicant-screening fee allowed by state law into a racket. “Every Saturday, he’d put out a ‘for-rent’ sign on a house, take 35-40 applications, charge a fee of \$100 for each one, and then never rent the unit,” Cedarleaf

explains. “People began coming in and complaining to legal services, and they told us about it. So in 1995, we rewrote the section, requiring the landlord to give the money back if he didn’t actually screen the applicant. In addition, he has to give a tenant a good-faith estimate of how many other applications there are for a particular unit. That way, the law protects everyone.”

And in contrast to the critics who accuse legal services attorneys of filling the court dockets with ideologically-motivated lawsuits, Cedarleaf actually credits them with helping resolve many landlord-tenant disputes without ever going to court. “They’ve worked with us to develop dispute-resolving mediation outside the courts, and to work out the agreements in writing for landlords to follow Basically, they want to keep tenants from being evicted, and we want to avoid litigation, so everybody wins. We’re both out to protect housing. We’re never going to agree on everything, but they’re willing to work with us. I’d hate to go forward on anything without them.”

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Emily Cedarleaf, chief lobbyist for the Oregon Multifamily Housing Council, a landlords’ group



HARVESTING HOPE WITH FAMILY FARMERS

Since legal services lawyers have taken on big agribusiness in the past to make sure that workers got fair treatment, opponents like to portray them as the enemy of all farmers. Actually, in Indiana and other states across the nation, legal services lawyers have worked extensively with family farmers' organizations, giving legal advice on how to help keep beleaguered family farmers from losing their land. "When we got hit with low crop prices and high interest rates back in the 1980's, a lot of farmers suddenly found themselves in a desperate situation," recalls Susan Bright, a Centerville, Indiana farmer and a founder of the Indiana Rural Crisis Hotline. "People who'd owned land and tractors and had their own businesses



Indiana Rural Crisis Hotline founder Susan Bright



suddenly were financially strapped Farmers needed legal help to keep from going under, but they didn't have the money to pay expensive lawyers. That's why Norman Metzger was such an asset." Metzger, the executive director of the Legal Services Organization of Indiana (LSOI), worked with other legal services lawyers to set up seminars around the state, offering farmers free legal advice on how to survive. After lobbying by farmers, the Indiana legislature allocated \$600,000 to fund a farm counseling center through which LSOI attorneys could represent farmers who, though cash-poor, technically wouldn't qualify for federal legal services. In the late 1980's, when legislative lobbying by federally-funded

legal services organizations was still permitted, LSOI also was part of a national effort that convinced Congress to pass the Farm Credit Reform Act. The measure allowed farmers to write off federal Farmers Home Administration loans to lighten their debt load, enabling them to hang on to their homesteads.

"You have to understand what it was like for us," Bright explains. "You'd walk into a mortgage office and you were a broke farmer, which meant that you didn't have any rights. You might as well have been a criminal. That's why I just can't praise legal services enough. They were the first people I'd come in contact with who didn't treat us like lowlife scum."

"People who'd owned land and tractors and had their own businesses suddenly were financially strapped Farmers needed legal help to keep from going under, but they didn't have the money to pay expensive lawyers. That's why Norman Metzger [the executive director of the Legal Services Organization of Indiana] was such an asset."

Indian Rural Crisis Hotline founder Susan Bright



HELPING THE PHILADELPHIA UNEMPLOYMENT PROJECT SAVE HOMES

In Philadelphia, numerous government and non-government agencies rely on help from Community Legal Services (CLS). Formerly funded by LSC, CLS abandoned its federal funding because of Congress' 1996 restrictions barring LSC-funded lawyers from doing legislative lobbying on behalf of low-income clients, challenging welfare regulations, and other activities. "They're a major source of information for us on various policy issues that affect low-income people," explains John Dodds of the Philadelphia Unemployment Project, a private nonprofit agency that helps workers who have lost their jobs avoid home foreclosures and obtain health care. "We're out representing people at administrative hearings and providing services, and we don't have the background or the legal expertise to keep up with and learn how to deal with all these changes in the laws by ourselves."

During the recession of the early 1980's, when LSC programs were still allowed to do legislative advocacy, CLS helped the Unemployment Project develop a piece of state legislation, the Emergency Mortgage Assistance Program, to keep suddenly unemployed workers from losing their homes. "They helped us write the model bill and advised us on how to lobby the legislature to pass it," Dodds recalls. In 1983, thanks to those efforts, the legislature enacted the first such state law in the nation, which provided state loans to cover unemployed workers' mortgage payments for up to three years. "Since then, more than 25,000 families across the state have been able to keep their houses because of the program," Dodds explains. "We're about advocacy and positive social change. CLS has been there to give us the technical assistance that helps to move things along."

Legal Services Programs Work Closely with Groups Representing the Homeless

In Richmond, Virginia, Henry McLaughlin, executive director of the Central Virginia Legal Aid Society, advises groups including the Southern Christian Leadership Council and A Society Without A Name, For People Without A Home (ASWAN), a local organization of homeless people. McLaughlin has advised the homeless members of ASWAN on how to obtain seats on a local board that decides how federal funding to help the homeless will be spent. "Henry's the one who boosted us and really got us going," ASWAN co-founder John Felts told a local newspaper interviewer. "He made us see the light and realize that we can change circumstances, but we've got to do it ourselves."

(Source: Style Weekly, April 22, 1997)



WORKING WITH GOVERNMENT TO IMPROVE CITIZENS' LIVES

Like many LSC and non-LSC funded poverty law programs across the nation, CLS sometimes has worked directly with government agencies. On occasion, these are the same bureaucracies that CLS has sued on behalf of low-income clients. CLS has helped the Philadelphia city administration, for example, to cope with federal welfare reform. Philadelphia, like other municipalities across the nation, feared that changes in federal welfare laws would require it to spend millions on services to homeless people, children and others who fell through welfare reform's cracks.

Philadelphia Mayor Ed Rendell's administration invited CLS to participate in a "response team" of government officials, advocates of low-income people, and service providers to come up with strategies to deal with the problem. During those discussions, CLS encouraged the Mayor's administration to approach Pennsylvania Governor Tom Ridge with the suggestion that he seek a waiver of new limitations on food stamp eligibility for areas of the state with high unemployment. Ridge liked the idea, and Pennsylvania ultimately received one of the first such waivers in the country, preserving millions of dollars of food assistance for poor residents.

Working with Government and Others to Help Clients Get and Keep Jobs

In New York City, LSC-grantee MFY Legal Services is helping public assistance recipients make a smooth transition from welfare to work. MFY's New Starts Initiative (NSI), supported with foundation funds, provides legal assistance to low-income clients trying to become self sufficient by getting jobs or starting their own businesses. Many clients face formidable barriers to employment such as domestic violence, consumer and tax debt, a threat of eviction, and inaccurate criminal records. Legal assistance is a necessary part of the solution to these problems. Working in coalition with nearly 15 community organizations and government programs, and using the pro bono efforts of two private law firms, NSI is contributing to the success of job programs run by government and non-profit agencies by helping clients get and keep jobs.

(Source: Jacques Leandre, NSI Coordinator, MFY Legal Services)



CLS has also helped the city plan its new community court system, which will not only hear cases involving defendants charged with minor infractions, but also will hook up homeless people with social services, benefits programs or legal assistance to help improve their lives.

“Sometimes we’re still a pain in the neck to the city,” explains CLS Executive Director Catherine Carr, “because our vision of things is the client’s perspective, and it doesn’t always jibe with what the city officials’ vision is. But sometimes we’re also an ally. We’ve got a smart city administration, and they’ve picked up on the role we can play in helping them solve problems and in helping them to find federal money so they don’t have to pay for services out of the city’s pocket.”

CLS also provides similar help to Pennsylvania’s Department of Public Welfare. CLS Senior Attorney Richard Weishaupt is a co-chair of the department’s Income Maintenance Advisory Committee. Another attorney, Louise Hayes, is a member of its Employment Training Advisors Committee. CLS has helped the state with a variety of

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Community Legal Services Executive Director Catherine Carr



Philadelphia Community Legal Services Executive Director Catherine Carr

issues, including preserving federally-funded benefits for children with disabilities. To that end, CLS assisted the state in an effort to encourage every family with a child whose benefits had been terminated under changes in federal law to exercise their right to appeal.

Legal services lawyers may seem like unlikely allies with the state and local bureaucracies they sometimes sue. Nevertheless, across the nation, governments value the information and technical assistance they receive from legal services lawyers. That is one reason why in 1996 United States Senator William Cohen, R-Maine, who later became Secretary of Defense in the Clinton administration, opposed legislation that would have prevented state government officials from consulting federally-funded legal services attorneys. “There are



times, in my own state,” Cohen said on the Senate floor, “when state legislators ask legal services attorneys for advice about how they should shape laws and regulations to help out people in need

A number of years ago there was a lapse in a federal program that provided assistance for displaced workers. The Maine Legislature requested advice from [Maine’s LSC-funded] Pine Tree Legal Assistance to determine how the law could be changed to ensure that these workers could qualify for state unemployment benefits.”

Although the restrictions ultimately imposed by Congress in 1996 barred federally-funded legal services lawyers from lobbying legislators on behalf of clients, those lawyers can still provide advice and information and even testify at hearings, when legislators request it. In Hawaii, state Representative Dennis Arakaki, chair of the State House’s Human Services Committee, attests to the value of such help from LSC-funded Legal Aid Society of Hawaii. “We count on the Legal Aid Society to counterbalance what the state administration tells us. I don’t want to say that the state people aren’t honest, but they see things from their own perspective, their desire to hold the line on benefits. We need to get another view, from someone who understands people’s needs. Legal Aid Society provides us with some really strong arguments, documentation, legal citations, that we can use to question the administration or hold its feet to the fire.”

“Also, although we have our own legal staff [in the legislature], they’re not really familiar with the rules and regulations at the federal level. Legal Aid Society

has worked with those rules and regulations so they can give us some good insights on what they mean, and what sort of federal help is out there to help people in Hawaii. For example, they helped us understand the federal . . . low-income rental requirement that was about to expire. They provided us with some background information and legal language to enable us to block, or at least hold off a bit, the eviction of people who were living in those units.

“I’ve also asked them for help on child support enforcement in the state of Hawaii. We’ve had problems here, and they were able to provide assistance, in terms of understanding what legal rights the custodial parents have. They also gave us background on the federal requirements and what the state needs to do to be able to comply. They’re very helpful to us, and I can only think that if they weren’t limited by federal law, and were free to speak and be proactive and advocate, they probably could do a whole lot more.”

Across the nation, other officials and service providers who have forged links to legal services attorneys agree. They know that they and their communities ultimately would benefit if Congress eliminated the restrictions and allocated more money for LSC. Back in Oregon, the Community Action Agency’s Sharon Miller puts it this way: “I know Bob Turner and [Legal Aid Services of Oregon] are really spread thin — they’ve got this huge area to cover, and so many people who need their help. Bob’s really extended himself, but there’s only so far you can be stretched.”

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Hawaii state Representative Dennis Arakaki



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