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### LSC Updates - May 8, 2009

#### LSC News

#### LSC Board Meets in Portland, Oregon

LSC's Board of Directors met in Portland, Ore., on April 24 and 25. The meeting included a visit to the Portland office of Legal Aid Services of Oregon, a luncheon reception featuring remarks by the State Bar President and Chief Justice of the Supreme Court, a pro bono awards ceremony, and meetings of all five Board committees.

Prior to the meeting, The Oregonian published [an op-ed by LSC President Helaine M. Barnett](#), in which she recognized the state's legal community for rising to the challenge of providing legal aid to the poor, but noted that a vast unmet need for services still exists. "Legal Aid Services of Oregon, for example, has an office in Pendleton with only three full-time attorneys and two part-time attorneys to serve six counties, to cover an area of 14,011 square miles—making it virtually impossible to fulfill the promise of Equal Justice Under Law," Barnett wrote. "These times require all of us to keep working to make the promise of equal justice a reality."

The Board learned more about **Legal Aid Services of Oregon** during its visit to the program. LASO, led by Executive Director Tom Matsuda, provides legal services throughout the state from 12 offices with a total staff of more than 100, about half of which are lawyers. Oregon suffers from high rates of unemployment and foreclosure; fortunately, LASO enjoys strong support from the state's legal community. The Board heard presentations on the program's statewide projects that provide services to migrant farmworkers (Oregon is ranked sixth among states that use the most migrant labor); and Native Americans (there are nine federally recognized tribes in the state).

At a **luncheon reception** following the program visit, guest speakers Gerry Gaydos, president of the Oregon State Bar Association, and the Honorable Paul J. DeMuniz, Chief Justice of the Oregon Supreme Court, discussed the importance of providing equal access to justice for Oregon's poor. Gaydos has long been a supporter of legal aid and has donated hundreds of hours to legal aid clients in his hometown of Eugene. Chief Justice DeMuniz has made access to justice for all Oregonians one of the top three goals of his tenure. Before serving on the court, he practiced law and was well-known for taking pro bono cases, including ones dealing with important civil rights issues. The reception also featured a pro bono awards ceremony for private attorneys who have provided extraordinary services to clients of Legal Aid Services of Oregon. ([See following article.](#))

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The Board's official work began with the meeting of the **Provision for the Delivery of Legal Services Committee**. Members heard updates from LSC staff on four issues-private attorney involvement, LSC's loan repayment assistance program, Native American funding and deferred law firm associates- and heard a presentation from Tom Matsuda on recruitment and retention strategies at Legal Aid Services of Oregon. The committee asked LSC staff to recommend, at the next Board meeting, whether LSC should make its pilot loan repayment assistance program permanent in light of new and similar programs launched by Congress.

The **Finance Committee** heard LSC staff reports on the distribution of Basic Field grants for fiscal year 2009, the Corporation's financial reports for the first six months of the fiscal year, and the appropriations process for fiscal 2010. The committee voted to recommend that the full Board adopt a consolidated operating budget for fiscal year 2009 but asked LSC staff to return to the next meeting for a further discussion of proposals for salary increases at LSC. The committee also asked LSC staff to submit a proposal for returning money to LSC's loan repayment assistance program that had been reprogrammed into the Management & Grants Oversight account last year to avert possible layoffs at LSC. The committee voted to recommend that the full Board adopt a resolution approving the Office of Inspector General's revised budget request for fiscal 2010-from \$3.5 million to \$4.2 million.

The **Operations and Regulations Committee** heard a staff report on the role of grantee boards of directors in grantee governance and oversight. The committee asked LSC staff to recommend whether the Corporation should require grantee boards to have audit committees. The committee also voted to recommend that the full Board deny a rulemaking petition to expand the financial eligibility requirement for victims of natural disasters.

The **Governance and Performance Review Committee** heard a staff report on the transition manual and plan for the new Board of Directors that will be nominated by the Obama Administration. The committee discussed ways that the current Board could work with new members to ensure they have a full understanding of issues confronting LSC and the progress the Board has made with respect to governance and grantee oversight. The committee also heard a progress report from the Inspector General on his work plan for fiscal 2009.

The **Audit Committee** heard staff reports on issues related to LSC's annual audit for fiscal 2008 and solicitation for an outside auditor for fiscal 2009.

The **full Board of Directors meeting** began with the Chairman's report and reports from individual members. Helaine M. Barnett discussed highlights from her President's Report, including competition for the grant to provide legal services in Wyoming, plans to update the *Justice Gap* report, efforts to help grantees respond to the foreclosure crisis, priorities for 2009 Technology Initiative Grants, and medical-legal partnerships. The Inspector General also reported on activities in his office.

The Board then heard reports from its Committees. From the Finance Committee, the Board voted to approve the Corporation's consolidated operating budget for fiscal 2009 and the OIG's revised budget request for FY 2010. The Board asked LSC staff to return to the next Board meeting with a proposal for returning money to LSC's loan repayment assistance program from the Management & Grants Oversight account. From the Operations and

Regulations Committee, the Board voted to deny the petition for rulemaking to expand the financial eligibility requirement for victims of natural disasters. From the Governance and Performance Review Committee, the Board voted to ask LSC's General Counsel and the Inspector General to develop a protocol for conducting performance reviews of LSC's President and IG in public and closed sessions.

The Board also heard a report from representatives of the American Bar Association's Commission on Interest on Lawyers' Trust Accounts. Jonathan Asher, chairman of the commission and executive director of Colorado Legal Services, and Beverly Groudine, staff counsel to the commission, appeared via video and tele-conference to discuss the impact the economic downturn is having on IOLTA programs throughout the country. In California for example, IOLTA revenue was \$22.8 million in 2008 but is projected to be only \$3 million in 2009. Connecticut and Michigan are confronting similar declines.

[Transcripts for the meetings](#) of the Finance Committee and the full Board are currently available on LSC's website. The remaining transcripts will be posted when they are available.

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## LSC Board Honors Oregon Pro Bono Attorneys

LSC's Board of Directors presented Pro Bono Awards to five members of Oregon's legal community whose work demonstrates an extraordinarily wide range of pro bono activities on behalf of clients of Legal Aid Services of Oregon. The awards were presented during a luncheon reception on April 24 held in connection with the Board's meeting in Portland, Oregon. Awards were presented to George Galloway, Lisa Neal-Graves, Paul Saucy, the Honorable Elizabeth Perris and Evans Van Buren. Staff from LASO introduced each award-winner and described their accomplishments.



**From left to right: LSC Board Member David Hall, Lisa Neal Graves, Paul Saucy, Judge Elizabeth Perris, Evans Van Buren, George Galloway and LSC President Helaine M. Barnett.**

**George Galloway** began taking pro bono cases while working for a large Portland law firm, but his dedication to low-income Oregonians has continued into his retirement. Galloway has literally spent thousands of hours representing LASO clients, even in child custody cases, which many pro bono attorneys do not want to handle. Even in retirement, he remains aware that having a law degree is a privilege and brings with it a responsibility to society.

**Lisa Neal-Graves** was recognized for her work with the Intel Corporation's

monthly Pro Bono Clinic, which connects the software company's in-house attorneys with LASO clients. Neal-Graves has been the glue that holds this project together. Her enthusiasm inspires her Intel colleagues to say "yes" when asked to volunteer and her compassion for low-income people is an inspiration for all.

**Paul Saucy** has accepted family law pro bono referrals for nearly 30 years and encourages his partners and associates to do so as well. He has provided free continuing legal education trainings to LASO staff and is a mentor for staff attorneys new to family law practice. Saucy is always available to answer questions from staff and strongly believes in the responsibility of the profession to give back to the community. He and his daughter Lauren are engaged in private practice in Salem.

**The Honorable Elizabeth Perris**, a bankruptcy court judge in Portland, co-founded the Oregon State Bar's Bankruptcy Clinic, which is co-sponsored by LASO and the Bar's Debtor-Creditor Section. The clinic opened its doors in 1996 and is one of the most successful pro bono collaborations between legal aid, the bench and the bar in Oregon. Judge Perris has been actively involved with the clinic throughout its history: she frequently speaks at the clinics' informational seminars for clients, she helps recruit and train new pro bono volunteers and she sits on the pro bono committee that coordinates the project.

**Evans Van Buren** has volunteered for LASO's Senior Law Project for 31 years-longer than any other volunteer with the program. In 2008 and 2007, Evans staffed eight clinics for the project, logged 57 hours of pro bono and helped 67 clients. He also mentors new pro bono volunteers and receives high praise from clients and staff alike.

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## President Recommends \$435 Million Budget for LSC

The Legal Services Corporation would receive \$435 million in Fiscal Year 2010 under the budget sent to Congress by the Obama Administration on May 7, an increase of \$45 million. Most of the proposed budget, \$410.4 million, would provide for the delivery of civil legal services to low-income individuals and families across the nation.

The White House budget recommendation includes funding for technology grants, for an education loan repayment program to help programs recruit and retain lawyers, for Management & Grants Oversight to ensure improved accountability and compliance by 137 nonprofit programs that receive federal funding through LSC, and for the Office of Inspector General.

The LSC Board of Directors has asked Congress to provide an appropriation of \$485.8 million for Fiscal Year 2010. Of that amount, 95 percent, or \$460 million, would be distributed as basic field grants that provide for civil legal aid.

[Click here for more information.](#)

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## House Passes Bill with \$35 Million for Foreclosure Legal Assistance

The U.S. House of Representatives passed the Mortgage Reform and Anti-Predatory Lending Act ([H.R. 1728](#)) on May 7 by a vote of 300 to 114. Section 216 of the bill would authorize the Department of Housing and Urban Development to distribute \$35 million in grants to legal aid organizations to provide foreclosure legal assistance to low-income homeowners and tenants. The bill directs HUD to give priority to organizations operating in the 100 metropolitan areas with the highest rates of foreclosure, as defined by the Office of Management and Budget. The bill prohibits the funds from being used for class-action litigation.

The legislation originated in the House Financial Services Committee, chaired by Rep. Barney Frank (D) of Massachusetts; Rep. Spencer Bachus of Alabama is the Committee's top Republican. In describing the legal assistance section, the Committee's report states, "As more families face foreclosure, the need for affordable legal assistance for homeowners and tenants increases. Throughout the country, legal assistance organizations report a dramatic increase in unmet need for foreclosure-related legal services."

The bill now goes to the Senate. [Click here for more information.](#)

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## Legal Aid of West Virginia Salutes Congressman Mollohan

Congressman Alan B. Mollohan (D-WV), Chairman of the House subcommittee responsible for funding LSC, received a Star Award from Legal Aid of West Virginia at the group's Law Day luncheon held on May 1 in Wheeling, W. Va. Mollohan received the award for working to increase funding for the Legal Services Corporation. LSC received a \$40 million funding increase for fiscal year 2009, the vast majority of which has been distributed in grants to legal aid organizations across the country, including Legal Aid of West Virginia.



**Congressman Alan Mollohan accepts his Star Award from Legal Aid of West Virginia.**

Even with the increase, "Funding now is at a fraction of the dollars there were when we first started," said Mollohan in a Wheeling News-Register article. "It's a real irony that it is such a struggle to provide a means for legal rights to Americans." He encouraged the attorneys present to donate their time or money to ensure that legal aid is properly funded and able to provide equal

access to justice for all citizens.

Adrienne Worthy, executive director of Legal Aid of West Virginia, said, "Congressman Mollohan is more than just West Virginia's representative, he works to increase access to justice for all Americans. He understands the importance of legal aid on a local level and translates that understanding to action on a national level. Congressman Mollohan is a true friend of legal aid programs and the clients they serve."

LSC President Helaine M. Barnett, in a statement prepared for the event, said, "As a lawyer and as a Member of Congress, Chairman Alan Mollohan is a champion of the nation's promise to provide equal justice for all....We salute Chairman Mollohan for that support and for the lifetime commitment he has made to ensuring high-quality civil legal assistance is provided to the nation's poor."

[Click here for more information.](#)

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## Senator Brown Helps Open New Legal Aid Headquarters

Senator Sherrod Brown (D-OH) attended the opening of the Center for Equal Justice in Toledo, Ohio, on April 27. The Center will serve as the new headquarters for Legal Aid of Western Ohio and Advocates for Basic Legal Equality, a non-LSC-funded program. "This center will be a headquarters for social and economic justice in Northwest Ohio," said Senator Brown in a press release. "This center will help expand legal services available to low-income Ohioans. Beyond providing a home for these services, this building will contribute to the economic development of downtown Toledo." Brown secured \$712,500 in federal funding to help pay for renovations to the building, which had been largely vacant for more than 30 years. The Toledo Blade reported that Brown has endorsed a \$45 million increase in LSC's budget to \$435 million, the same number proposed by President Obama. "President Obama believes in the mission of Legal Services," said Brown in the article. But, he warned, "No guarantees what's going to happen."

[Click here for more information.](#)

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## Free Web Trainings for LSC-Funded Attorneys: Action Required!

The Practising Law Institute, a nonprofit organization dedicated to providing affordable continuing legal education, is offering free memberships to all attorneys at LSC-funded legal services programs. Members will have unlimited access to the Institute's upcoming and archived "CLE Now" web-based and audio trainings, many of which provide CLE credit. To take advantage of this offer, program attorneys must individually express their interest by completing an online application, which must be submitted no later than June 1. Please direct any questions to [Cynthia Schneider](#) in LSC's Office of Program Performance.

[Click here for the application.](#)

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## Field News

### Arizona: Ax Hits Legal Aid, Often Last Hope

Adam Curtis, Arizona Daily Star – May 4, 2009

The economy is pushing more people to seek free legal advice at a time when legal-aid organizations nationwide are being forced to reduce services.

Facing a significant loss in funding and an increase in operating costs, Southern Arizona Legal Aid imposed a hiring freeze in January 2008, said Executive Director Anthony Young. It has not replaced nine staff members, including six lawyers.

The freeze was an attempt to stay ahead of an anticipated decline in revenue from a trust fund supported by lawyers. Dropping interest rates cost the agency \$100,000 in 2009, with more losses expected in 2010.

The 2009 loss was offset by a 9 percent increase from [LSC], the federal fund[er] that is Legal Aid's largest revenue source. But with further cuts in state funding likely, the federal increase may not be enough to avoid further cuts, Young said.

"We're trying to adapt and come to grips with being a smaller organization," he said.

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### Penn.'s Northwestern Legal Services Celebrates 40th Anniversary

Lisa Thompson, Erie Times-News – May 7, 2009

Erie County Legal Services helped clear the path to Thelma Grady's future when a divorce left her alone at age 40 with six children and mounting financial problems that were no fault of her own.

At the end of her work career many years later, the legal-services agency-now called Northwestern Legal Services-came to her aid again. It obtained disability benefits for the damage done to her legs and shoulders by 25 years of standing on concrete floors and manually pressing clothes at a dry-cleaning shop.

"God knows what would have happened," Grady said. "There was nowhere else to turn."

Laws are there to protect people like Grady, 77. But she, like many others, did not have the means to enter and navigate the justice system.

Grady, a first client of what would become Northwestern Legal Services and a longtime member of its board of directors, will be among the crowd that gathers [on May 7] at the U.S. District Courthouse in Erie to celebrate the 40th anniversary of the agency's founding.

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### Legal Action of Wisconsin Turns 40

Lisa Kaiser, ExpressMilwaukee.com – April 22, 2009

When a handful of attorneys organized to represent the interests of the poor in Milwaukee, they didn't think their mission would last more than a year.

But now, 40 years later, the work of Legal Action of Wisconsin endures.

The organization, which serves low-income people who otherwise could not afford representation, grew out of two legal service organizations in the early 1970s: Freedom Through Equality and Milwaukee Legal Services.

Legal Action Executive Director John Ebbott was one of those early attorneys who tried to improve access to the courts for the poor. He said it was an exciting time to work on cases for prisoners and migrant farmworkers, because judges in the federal courts, building on recent Supreme Court decisions, were interested in expanding the rights of the poor and disadvantaged. Other attorneys helped individuals deal with evictions, denial of public benefits or family law.

"Our clients were mostly poor people without education, or had mental health issues and weren't treated well by society," said Milwaukee County Circuit Court Judge Tom Donegan, who worked for Legal Action from 1974 to 1984.

Ebbott called that time the "halcyon days" for public-interest law, because the country as a whole advocated for equal justice for all.

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## Missouri Legal Aid Lawyer Wins Kutak-Dodds Award

Julie Levin of Legal Aid of Western Missouri in Kansas City has been named the 2009 Kutak-Dodds Prize winner by the National Legal Aid and Defender Association.

The award goes to one legal aid attorney every year whose work has promoted the enhancement of human dignity and quality of life for people unable to afford legal representation. "It's essentially an award for the best legal aid attorney of the year," said Gregg Lombardi, Legal Aid of Western Missouri's Executive Director. "Julie won it for her groundbreaking work on public housing issues in Kansas City, which has been a key component in the vast improvement in Kansas City's public housing in the last 20 years."

"Levin's work in Kansas City has been a beacon of hope for those in the public housing system and an example of positive change for those in need across the nation," said Jo-Ann Wallace, President and CEO of NLADA, in announcing the award.

Florence Roisman, who was the first Kutak-Dodds award winner in 1989 and who has been a colleague of Ms. Levin's for more than 20 years, was pleased to learn of the award. "Julie is an outstanding advocate for renters and low-income people. She's done path-breaking work in Missouri. Her work on behalf of public housing residents in Kansas City has been a model for legal aid lawyers throughout the country," said Ms. Roisman, who is now a law professor at Indiana University School of Law.

"I am very grateful for this recognition of my work and of the importance of safe, decent affordable housing for low income people," said Ms. Levin.

The award will be presented to Ms. Levin on June 3 at the NLADA annual dinner in Washington, D.C.

[Click here for more information.](#)

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## State Law School Honors Atlanta Legal Aid Leader

### *Third Award from Georgia's Legal Community This Year*

Steve Gottlieb, Executive Director of the Atlanta Legal Aid Society since 1980, has received three major honors from Georgia's legal community in 2009.

The latest-the Ben F. Johnson, Jr. Public Service Award-was presented to Gottlieb by the Georgia State University College of Law in April. According to the law school, the award is given annually to a Georgia lawyer "whose life and career reflect the high tradition of selfless public service that our founding dean, Ben F. Johnson Jr., exemplified during his career". After retiring from the deanship of Emory University Law School, the late Dean Johnson founded GSU's College of Law in 1982.

In March, the State Bar of Georgia's Bench and Bar Committee voted to grant its Chief Justice Thomas O. Marshall Professionalism Award to Gottlieb. Each year, the Marshall Award recognizes one lawyer and one judge "who have demonstrated the highest professional conduct and paramount reputation for professionalism."

In January, the Georgia Bar Foundation recognized Gottlieb with its James M. Collier award given to "an individual who has done extraordinary work to assist the Georgia Bar Foundation in accomplishing its mission." The Bar Foundation distributes IOLTA funds to legal aid groups, including the Atlanta Legal Aid Society. The award had never before gone to a grantee. The Bar Foundation president had high praise for Gottlieb, asserting that he is "a special resource to the Georgia Bar Foundation."

[Click here for more information.](#)

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## County Bar Association Praises Oklahoma Legal Aid Director

Gary A. Taylor, executive director of Legal Aid Services of Oklahoma, received the first annual Howard K. Berry, Sr. Award from the Oklahoma County Bar Association at its Law Day luncheon on May 1. He was honored for his service to the Bar and to the community in his 30-year career with LASO. Taylor assumed leadership of the program in 2003 and, prior to that, served as Litigation Director and staff attorney with LASO and one of its predecessor programs, Legal Aid of Western Oklahoma.

Taylor said he was gratified and humbled by the award. "Whatever of note I've managed to accomplish in my legal career couldn't have been done without all the staff, friends, and funding partners of legal aid lending their effort and support to our mission over the years. I feel I've been truly blessed to be able to do the work I have a passion for; everyone should be so fortunate."

[Click here for more information.](#)

## Success Story from Legal Services of Northern California

*Legal aid is about helping ordinary people with real-life problems. Client stories illustrate the day-to-day struggles-and victories-of poor Americans seeking justice under law.*

### Housing Voucher Saved for Disabled Woman

*Legal Services of Northern California's spring 2009 newsletter tells the story of how the program helped a disabled mother of two reclaim her Section 8 housing voucher after it was improperly taken away. Here is Mrs. Anderson's story:*

The Section 8 housing voucher program provides much-needed economic and personal stability to lower-income households. Through the program, local housing authorities provide a portion of the rent directly to the private landlord with the balance (usually around 30-40 percent of income) remaining the tenant's responsibility.

In the current economic crisis, this rental assistance is critical to families and individuals struggling to keep afloat whether on low-wage salaries, unemployment benefits or disability assistance. Contrary to popular belief, the vast majority of people and families who qualify for a Section 8 voucher do not have one. In the Sacramento area, the waiting list for a voucher has not been open for nearly two years. Thus, a Section 8 voucher is a precious commodity to our clients fortunate enough to have one.

LSNC client "Mrs. Anderson" and her two children were one such fortunate family who then lost this critical assistance in 2008. Due to the side effects of powerful medications Mrs. Anderson has taken since 2003 for the treatment of cancer, Mrs. Anderson was unable to comply technically with annual inspection rules under the Section 8 program and the housing authority proceeded to terminate Mrs. Anderson's voucher assistance. At the hearing where Mrs. Anderson provided medical proof of her disability and the side effects of the medications she had to take for her cancer, the hearing officer responded that "we all take medication," admonished Mrs. Anderson for not being more on top of things, and approved the termination of her Section 8 assistance.

After this devastating loss, Mrs. Anderson came to LSNC for help. LSNC attorneys filed a Petition for Writ of Mandate on Mrs. Anderson's behalf to set aside the decision on the grounds that 1) the hearing officer failed to take mitigating circumstances surrounding Mrs. Anderson's failure to comply with Section 8 inspection rules, as is required, and 2) that the housing authority failed to provide Mrs. Anderson with a reasonable accommodation for her disability with respect to enforcing the inspection requirements. The court ruled in favor of Mrs. Anderson, finding that terminating her Section 8 voucher assistance was too harsh a penalty and also that her reasonable accommodation request should be evaluated. LSNC's representation helped restore an economic life line for Mrs. Anderson and her children.

Postscript: Sadly, LSNC recently learned that our client Mrs. Anderson passed away. Our advocates are working to ensure that her adult son can retain the Section 8 voucher so that he and his two minor siblings, now in his care, can

stay together in their decent, safe and affordable rental home.

[Click here to download a copy of LSNC's Spring 2009 newsletter.](#) (2.5 MB)

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Created by Congress in 1974, LSC's mission is to promote equal access to justice in our Nation and to provide high quality civil legal assistance to low-income persons. LSC Updates is produced by LSC's Office of Government Relations & Public Affairs. Questions, comments, or articles can be submitted to Sean Driscoll, Special Assistant, at [driscolls@lsc.gov](mailto:driscolls@lsc.gov).

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