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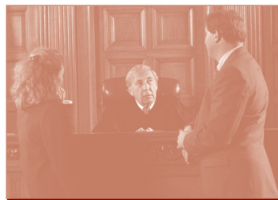
# EQUAL JUSTICE

News for our partners on the path to equal access

# MATTERS

*As you can see, our newsletter is entering spring with a new look and a new name. In that spirit of renewal, I'd like to take a fresh look at the ties that bind NLSA with you, our valued colleagues on the bench and bar.*

*Bob Racunas, Executive Director*



## Of Bench & Bar

### COMMON BONDS: NLSA and the Private Bar

**Shared History**

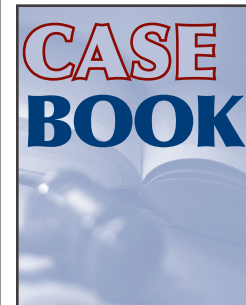
The bond between private attorneys and public interest lawyers goes back to NLSA's beginnings. Until forty-two years ago, residents of our region who could not pay for a lawyer had no access to legal representation in court. In 1966, a small group of distinguished jurists and private attorneys in southwestern Pennsylvania led a campaign to remedy this imbalance. Their efforts, together with the support of key visionaries in the Allegheny County Bar Association, established Neighborhood Legal Services Association as a non-profit, public interest law firm with the mission to provide civil legal assistance to poor and vulnerable residents of Allegheny County, and later, to Beaver, Butler and Lawrence Counties. The lawyers who provide that assistance — today as well as in the past — are highly qualified attorneys, exceptional men and women, deeply committed to the practice of poverty law and the principle of equal access to justice for rich and poor alike. Some served with NLSA for several years before moving on to the private sector, many becoming highly respected members of the bench and bar. Others have made the choice, despite very modest compensation, to spend entire careers with our organization.

**Shared commitment**

Our shared commitment to equal access is rooted in the principles of our shared profession, not our individual career choices. As attorneys, we all pledge to uphold the commitment to equal justice under law. It is the reason that members of the justice community pulled together in the first place to establish NLSA. It is why many of you have made NLSA your charity of choice — for which we are deeply grateful. It is what makes the private bar a natural resource for all legal services providers and a stalwart partner for NLSA in helping us to hold our own through hard times.

(Continued on page 3)

*Everything we do at NLSA is intended to serve our client community. In each issue of **Equal Justice Matters**, our CASEBOOK section will explore some aspect of our client service.*



### SAVING A HOUSE: What NLSA Lawyers Do

Catherine Martin, Managing Attorney

In many ways, NLSA is the legal equivalent to an emergency room. The cases we take always involve an essential legal need, something that can't wait such as imminent loss of income or housing. That is why we have always represented defendants in mortgage foreclosure cases. We try to save a family's home because for most people buying a house represents both the biggest financial investment they ever will make and the dream of a secure future for themselves



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*The best of times for legal services organizations is a dim memory trailing back several decades. In those days, funding for ours and other legal services programs brought our nation closer to the ideal of equal access to justice for all. Today, financial resources may be harder to come by, but, in our region, human resources are gaining strength. In this space, we will feature some of the community programs and partnerships that make up our service network and help NLSA to keep the spirit of "neighborhood" in our name.*



## Partnerships An Overview

Pam Dalton-Arlotti, Director of Program Performance and Compliance

### Client involvement

Our clients are the front lines of our service network. Client involvement is essential, both to delivering quality legal services to our community as well as to maintaining a bond with the local community. Keeping lines of communication open and active is a top priority. Thirteen clients sit on our governing Board of Directors to provide input to our programming and feedback about our services. We also communicate through this newsletter, with case histories and examples that have application to the client community; and through educating the private bar about the legal needs of the poor. We provide vast amounts of information on our website about legal issues of special importance to low-income residents, including extensive links to related resources. Our community outreach includes People's Law Clinics hosted one evening a week at our Pittsburgh office, Family Law Clinics focusing on Custody and Visitation at our Butler and Lawrence County office and **Older & Wiser** seminars presented in neighborhoods on topics of concern to the elderly and their caregivers.



### Social service partners

Our relationships with other public service organizations are invaluable. Civil legal problems typically spread over several domains and the expertise needed to solve them is rarely found under one roof. Sharing knowledge and pooling resources is key to fully serving our clients. NLSA works with domestic violence shelters, homeless shelters, community action agencies, Career Link offices, the Mon Valley Unemployed Committee, and agencies such as Action Housing and the Urban League. We also have entered into a contractual relationship with Allegheny County to provide on-site

legal services to the elderly at Allegheny County senior centers. Members of our staff stay connected to the community through involvement on boards and committees of area organizations and agencies that serve a common client base. Our involvement with the Hispanic Lawyer's Committee of the Allegheny County Bar Association ensures that we will be able to meet the legal needs of a growing Latino community.

### Legal colleagues

Finally, NLSA and our consortium partners established the Public Interest Law Forum to ensure that numerous community and county organizations meet regularly to discuss and address specific legal issues facing low-income and vulnerable residents of our region. These organizations include, but are not limited to:

The Disabilities Law Project; KidsVoice; Regional Housing Legal Services; the Community Justice Project; Duquesne University School of Law; the Educational Law Project; the American Civil Liberties Union; the Pennsylvania Health Law Project; Pittsburgh Aids Task Force; The Westmoreland County Bar Association; YWCA; Allegheny County Mental Health Legal Services; Allegheny County Bar Association; CASA; University of Pittsburgh School of Law; Women's Center & Shelter of Greater Pittsburgh; and Legal Hotline for Older Americans.

All of these relationships work together, ensuring an effective, visible and ongoing neighborhood presence to meet the diverse needs of our shared community.



# Of Bench and Bar

## COMMON BONDS: NLSA and the Private Bar

(continued from page 1)

As many of you know, times have been particularly challenging in recent decades. Continuing erosion of federal funding has narrowed the ways in which we can assist our clients and forced NLSA to restrict the kinds of cases eligible for representation at administrative hearings and court proceedings. As a result, virtually all of the cases that we handle today are crises that threaten the fundamental safety and security of elderly and low-income people. These are basic quality of life issues, such as decent housing, essential benefits to children and people with disabilities, fair lending and employment practices and protection from abuse and neglect.

Reduced funding also has reduced our footprint. In 1980, at the high point of federal support for legal services providers, seventy-five NLSA lawyers covered four counties from a dozen offices. Today fewer than half that number attempt to cover the same territory from a single office in each of our four counties. To preserve our reach, we have changed our service delivery model. One example is our telephone Helpline through which we dispense brief legal advice and support. We also

host People's Law Clinics one evening a week to provide debt advice and address child custody, divorce and support issues.

### Shared challenges

One of the key strategies for helping to offset our loss of staff has been to build capacity through private attorney involvement. As volunteers, you have accepted thousands of pro bono referrals, taught hundreds of low-income clients to represent themselves at hearings, partnered in scores of community education seminars and embraced poverty law training at your firms to enhance preparation for delivering pro bono services. In all of those ways and more you have been indispensable in our drive to provide legal services to as many low-income clients as possible.

The private bar also is the engine of NLSA's Equal Justice Campaign, which is now underway. We launched this annual appeal to the private sector over twenty years ago to help bridge the growing gap in federal funding. Dedicated colleagues have chaired our Campaign from its inception. You have led solicitations

within your own firms and given generously yourselves. Some of you have offered matching gifts that one year boosted our proceeds to an all time high of \$300,000. Even that substantial figure, however, cannot compensate for deficits of the kind NLSA sustained following the 2000 census. Then, a loss of population in our region — despite an increase in our area's absolute need for service — led to a permanent annual funding cut of \$400,000. More recently, a decrease in the Federal Funds Rate has affected IOLTA dollars available to NLSA — a blow to our funding that is expected to pack a \$650,000 wallop in the coming fiscal year.

### Shared responsibility

Your support and a focus on leveraging our remaining resources have enabled a downsized NLSA to keep pace with legal services providers nationwide, which is to assist one in five income eligible residents who request legal help. Recent new activity in the delivery of legal assistance to the poor is beginning to improve those odds in Allegheny County. Still, the unmet need across our region is staggering.

Clearly, we have a long way

to go; but we travel in good company. NLSA and the private bar are two sides of the same coin. Many of you have stood with us from our earliest days, contributing equal measures of pro bono service and financial support. Others represent a new generation of commitment to equal justice under law.

This year, we mark the fiftieth anniversary of the day on which our nation celebrates "the principle of government under law." Eight years after President Eisenhower proclaimed Law Day, NLSA's incorporators were moved by the obligation of our profession to ensure that the "rule of law" would be accessible equally to all residents of our region. Today, private attorneys and public interest lawyers alike continue to shoulder that professional responsibility. As our own fiftieth year approaches, we commend our private bar colleagues whose mutual dedication to equal justice under law has enabled NLSA to endure and to assist so many more in need.

(CASEBOOK Continued from page 1)

and their children.

We are not able to save every house; but we examine each foreclosure case with that goal in mind. What we do and what we achieve in trying to save a house can range from the predictable to the sublime. Here's how it works:

- **First, we try to negotiate.** Lenders are far more willing to rewrite loans now than in the past because they typically don't want to own any more real estate. Current efforts in Congress to deal with the foreclosure crisis have encouraged lenders to voluntarily implement some of those proposed solutions. We have had some wonderful outcomes when we have been able to work with other agencies to line up alternate financing if the original loan is not rewritten. All parties benefit from this type of settlement. The client's house is saved. Payments on the defaulted loan resume for the lender. And the community avoids having yet another abandoned house in the neighborhood. In several cases, the lender has just walked away from the loan, not caring whether the borrower makes another payment. In one case, a lender even tried to give the house back after taking it to a Sheriff's Sale! Unfortunately for that lender, our client was happy to be rid of the property and refused to take it back, even without a mortgage.

- **We litigate in state court.** Litigation may involve a variety of issues. There may be preliminary objections because the plaintiff's lawyer verified the complaint. There may be challenges to standing because the plaintiff does not appear to own the loan. Defense on the merits is more of a possibility these days because there is a bright light shining on the misdeeds of some mortgage lenders and loan servicers. Sometimes technical violations of Truth in Lending laws and other consumer protection statutes can be raised as counterclaims; or we can file them separately and consolidate counterclaims with the foreclosure

case. Of course, litigating any case is a gamble and, in a foreclosure case, the stakes are especially high. We try not to take action that risks raising the costs our client will have to repay without any corresponding benefit. Through discovery, however, we have seen some shocking lending abuses, such as false income information submitted by a mortgage broker, grossly inflated appraisals and the deceptive refinancing of a first mortgage when the borrower had no desire to refinance that loan. With a truly predatory loan of that kind, the benefits of litigation can be significant.

- **We file bankruptcy.** In the bizarre world of bankruptcy, economic reality often prevails. It may be possible to wipe out a junior mortgage where the first mortgage balance exceeds the value of the real estate. Why? Because that junior lien holder is secured only to the extent of the value of the collateral. Erasing that junior mortgage can be the difference between a hopeless situation and a successful solution. Chapter 13 provides a mechanism for repayment of mortgage arrears, and a forum to litigate any disputes over the extra charges. Usually viewed as a last resort, Chapter 13 actually can be useful early in a foreclosure case in order to prevent litigation costs in state court and to start repayment as soon as possible.

- **We ask for help.** NLSA trains pro bono lawyers on foreclosure defense issues as a way to increase the assistance available to low-income borrowers. Sometimes we ask for help with projects that have been affiliated with NLSA. Other cases stand on their own. Whatever the case, we always welcome new additions to this highly valued community of volunteer lawyers who are able to help.

(Continued on back panel)

# Support Equal Justice Under Law

## 4

### ways you can donate

## 21st Annual Equal Justice Campaign

### Contribute securely online

using your credit card.

Go to  
[www.nlsa.us](http://www.nlsa.us)  
and click  
Donate Now

### Send a check

payable to  
Equal Justice Campaign  
to  
NLSA  
928 Penn Avenue  
Pittsburgh, PA 15222

### Select #534

on the  
United Way  
Contributor Choice  
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### Pledge to donate

by June 30, 2008.  
Contact Christine Kirby,  
our campaign coordinator:  
412.586.6137 or  
[kirbyc@nlsa.us](mailto:kirbyc@nlsa.us)

## Please...

join the indispensable community of volunteer attorneys who help NLSA broaden access to legal services for the poor.

### Volunteer

to represent victims of domestic violence in Protection from Abuse hearings. To volunteer, please contact your local NLSA office.

### Pittsburgh/Allegheny County

Mary Ann Troper-Malley 412.586.6134 • troperma@nlsa.us

### Beaver County

Shelby Scheeler • 724.378.0595 • scheelers@nlsa.us

### Butler County

Gerry Redmond • 724.282.3888 • redmondg@nlsa.us

### Lawrence County

Claudia Bistyga • 724.658.2677 • bistygac@nlsa.us

### Volunteer

to work at NLSA's Debt Advice or Family Law Clinic.

Wednesday evenings, 5:45 PM to 7:45 PM

### Contact

Barbara Kern • 412.586.6138 • kernb@nlsa.us

**For more information about volunteer opportunities, please contact:**

### Pittsburgh/Allegheny County

Barbara Kern 412.586.6138

### Beaver, Butler & Lawrence Counties

Michelle DeBord 724.598.3901

## ...and Thank You

### to our Volunteers!

On behalf of NLSA and our clients, we gratefully acknowledge our volunteer attorneys in Allegheny, Beaver, Butler and Lawrence Counties for your generous contributions of time and expertise throughout 2007. The exemplary work of the following participants in our Protection from Abuse (PFA) volunteer program deserves special note:

- **The law firm of Dickie, McCamey & Chilcote represented 142 PFA Plaintiffs.**
- **Attorney Gary M. Lang represented 34 PFA plaintiffs.**
- **Attorney Timothy G. Uhrich represented 27 PFA plaintiffs.**

We also thank attorneys Kathryn Kenyon, Linda V. Hernandez, Melaine S. Rothey, and Jonnie Joseph for their comprehensive and caring assistance to new volunteers.

## A Wish List

NLSA relies extensively on the generous donations of caring individuals, law firms, corporations and community groups. From time to time, we also have a need for specific items to assist us in delivery of high-quality legal services. To donate any of the following items, please contact Christine Kirby at 412.586.6137 or kirbyc@nlsa.us.

### For Case and Evidence Handling

- Digital Camera
- Combination TV/DVD Player
- Forensic Accounting Services

### For Older & Wiser Community Outreach

- LCD Projector
- Laptop
- Portable Projection Screen

Donate Now On-Line



Neighborhood Legal Services Association

**Equal Justice Campaign**

[www.nlsa.us](http://www.nlsa.us)

## Contact us

Phone: **412.255.6700**

Email: [nlsa\\_news@nlsa.us](mailto:nlsa_news@nlsa.us)

Website: [www.nlsa.us](http://www.nlsa.us)

Neighborhood Legal Services Association is funded in part by Pennsylvania Department of Community and Economic Development.

Neighborhood Legal Services Association is a charitable organization registered in Pennsylvania. The official registration and financial information may be obtained from the Pennsylvania Department of State by calling toll-free within Pennsylvania 1-800-732-0999. Registration does not imply endorsement. Federal regulations applying to NLSA require that we notify all donors that no funds can be expended by NLSA for any activity prohibited under P.L.104-134 or otherwise prohibited by 45 C.F.R. Sec. 1600 et. seq.



Neighborhood Legal Services Association

928 Penn Avenue  
Pittsburgh, PA 15222

## CASEBOOK (continued from page 3)

### A case in point:

**“William,” age 95 and legally blind, risked losing his home to mortgage foreclosure for failing to make monthly payments that were substantially more than his monthly Social Security benefit. This untenable situation was created when a lender approached the elderly man, who owned his home free and clear, and promised to make repairs in exchange for placing a lien on the property. William’s home then was mortgaged for triple its market value and the promised repairs never were started. NLSA successfully defended against the Mortgage Foreclosure Complaint asking for damages against the predatory lender. A negotiated settlement was reached requiring the lender to cancel the contract and the mortgage. The Complaint was withdrawn and William again owns his home debt free.**