

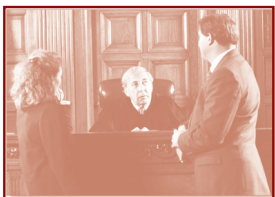
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# EQUAL JUSTICE

News for our partners on the path to equal access

# MATTERS



## Of Bench & Bar PRESERVING HOMES: A Community of Concern

By Jason Hague, NLSA Staff Attorney

*Early this year, Sean W. contacted NLSA for legal assistance in a desperate attempt to save his family's home. Our legal options were limited. The home was already in foreclosure so the window for negotiating with the lender effectively had closed. A Sheriff's Sale was scheduled within days of Sean's call, leaving little opportunity to examine the complaint for potential defects. Even declaring Chapter 13 as a last resort would be of no use, because Sean's mortgage payments were too far in arrears. NLSA was able to delay, but not prevent, repossession of the home — which at least allowed time for the family to make appropriate living arrangements.*

### Ending the siege mentality

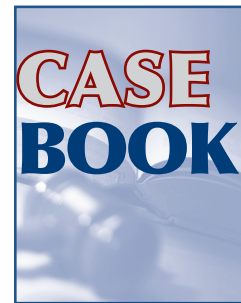
With the mortgage credit crisis sweeping the nation and predatory lenders still at large, it is no surprise that NLSA has been experiencing heavy demand from low-income homeowners in our service area. On July 29th, the Pittsburgh Business Times reported that the five-county Pittsburgh region experienced a 66.5 percent increase in home foreclosures during June. In raw numbers, 418 homes were lost to foreclosure that month, a figure that translates to one in every 383 households. In Allegheny County alone, 257 homes were repossessed in a single month. Any way you look at it the picture is grim; and there is no letup in sight.

Particularly frustrating is that these cases typically come to NLSA at the crisis stage, when few, if any, legal remedies remain to prevent the loss of a home. As a result, every foreclosure case becomes an emergency to be managed under siege, putting clients at a significant disadvantage. NLSA set out to improve those odds by finding a way to intercede earlier in the process.

### The Housing Preservation Project

That effort resulted in the development of the Housing Preservation Project, a

(Continued on page 6)



## INTERNS MAKE AN IMPACT

By Amanda Franzen  
MLK Intern, Summer 2008

*Each summer, NLSA welcomes a group of aspiring lawyers to learn about poverty law and to assist our clients under the supervision of our experienced attorneys. Amanda Franzen is one of seven promising legal interns from local universities who participated in the 2008 summer program, which was focused on housing issues. The students served in a Magisterial District Judge project in which they advised clients on landlord tenant issues and interviewed and helped to prepare clients for landlord-tenant hearings.*

In just ten short weeks as NLSA interns, our small group of law students provided legal assistance to more than 300 low-income clients who could not pay for a lawyer. At the same time, we acquired more practical skills, knowledge, and

(Continued on page 3)

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# Partnerships: Homeless Legal Assistance Project

By Kimberly A. Waller

NLSA's homeless clients are among more than two million nationwide who are without a home during the course of a year; and that number is rising.<sup>1</sup> Some may be surprised to know that the vast majority (40%) of homeless people are families with children. Of the remainder, about 30% are substance abusers, 23% are severely mentally ill, and 10% are military veterans.

The problems of the homeless go well beyond the physical and mental challenges of living on the street. Homelessness frequently involves civil legal problems that can be managed with proper legal assistance. The question is, how effectively is NLSA and the legal services community as a whole, providing that assistance in Allegheny County, where the homeless population reached 2,105 in January 2007, an increase of over 430 from the previous year.<sup>2</sup>

That issue was among many on the mind of Pamela Dalton-Arlotti, NLSA's Director of Program Performance and Compliance, when she attended last year's Equal Justice Conference in Denver, Colorado. There she heard a presentation by Federal Court Judge Jay C. Zainey of the Eastern District of Louisiana. After listening to Judge Zainey describe services offered to homeless individuals in New Orleans following the Katrina disaster, Pam was convinced that developing strategic partnerships with local homeless shelters and housing programs would be key to strengthening the quality of legal services NLSA offers to the homeless population.

Shortly thereafter, a grant from the Allegheny County Bar Foundation enabled NLSA to create the "Homeless Legal Assistance Project." The Project's first objective was to accurately define the problem. We mailed self-administered

surveys to homeless shelter agency workers in Allegheny County, as well as to shelters in Beaver, Butler and Lawrence Counties. The survey sought information both about the civil legal needs of the homeless and the agency workers' capacity to identify those legal needs and to offer appropriate advice and/or referrals. Half of the agencies completed and returned our survey, from which we learned

the following:

The most prevalent legal problem facing the homeless involves Supplemental Security Income eligibility and determinations.

Next in line were matters involving child support,

landlord-tenant issues, domestic violence, barriers to employment and public housing. Of the agencies that responded, 85.7% help their clients obtain legal services. More than 82% of the respondents do not currently receive any form of training to identify legal needs. Nearly 97% of responding agencies would be receptive to receiving such training.

Next steps for NLSA's Homeless Legal Assistance Project are to respond to that interest by developing legal training sessions for homeless shelter staff, and to meet the most pressing client needs by designing one or more legal clinics specifically for homeless residents of Allegheny County. Success will be a group effort. NLSA's goal is to encourage collaboration among all legal services providers in the area, as well as local law schools and the private bar of Allegheny County, to effectively serve the civil legal needs of the growing homeless population in Western Pennsylvania.

*Kim Waller joined NLSA as an intern in August 2007 and has worked closely with Pam Dalton-Arlotti over the past year to implement the Homeless Legal Assistance Project. Kim earned her undergraduate degree in Social Work from the University of Pittsburgh and recently entered Pitt's School of Law.*

## References

1 Tipllett, W. (2004). Ending Homelessness. CQ Press: An Independent Researcher, 14-23.

2 Point in Time Study of the Homeless Population of Allegheny County. (2007). Allegheny County Department of Human Services, 1-34.

appreciation for the importance of equal access to justice than money can buy.

The primary focus of the summer program was landlord-tenant law, with a few credit card collection cases in the mix. We worked as certified legal interns, following a case from start to finish, doing the research, and, if necessary, representing clients in court. We represented clients at hearings before district judges or arbitration panels. We represented clients who had been denied public housing at grievance hearings. We prepared and filed appeals and Writs of Certiorari. We drafted answers, consent orders and motions. We wrote and presented preliminary objections at special motions court before the Honorable R. Stanton Wettick, Jr. In many cases, we were able to serve clients involved in housing disputes simply by providing telephone advice or calls to the landlord. Each case was closed with a letter to the client confirming our advice. Every step of the way, we were mentored by NLSA's dedicated attorneys.

We are both proud of and deeply grateful for the experience. Today we are better listeners, negotiators, writers, interviewers and advocates. We are

more dedicated and better able to analyze law and policy as they apply to a specific set of facts. We have a better grasp of legal tools and a greater understanding of the disproportionate impact of the law on those living in or attempting to emerge from poverty. Above all, we now share a commitment to public interest law — either as a career path or as a pledge to incorporate pro bono service in our practice as private attorneys.

That brings me to one more thing we learned this summer. NLSA, like legal services organizations nationwide, is able to assist only about one in five eligible people who ask for help. We did the math. If seven legal interns can make a lasting difference in the lives of 300 clients in just 10 weeks, imagine what hundreds more private bar volunteers from our region could accomplish toward the promise of equal justice under law. As future attorneys, we plan to be among them.

*Amanda Franzen is a third year law student from Pennsylvania State University's Dickinson School of Law. She was a Martin Luther King, Jr. Intern this past summer.*

## A case in point:

As a 2008 summer intern with NLSA, second year Duquesne Law student **Aaron Hrach** resolved a self-help eviction case in two days, with "lots of hard work and plenty of assistance from my supervising attorneys." The case involved an elderly landlord who had, without notice, padlocked the apartment occupied by a woman and her grown son who were delinquent in their rent. Legal eviction requires a landlord to obtain an order for possession, a process that purposefully takes about 30 days to allow an evicted tenant to find a new home. Aaron spoke with the 104-year-old landlord, who had not even begun the legal eviction process. When Aaron tried to reason with him, he became intransigent, refusing to acknowledge that he was breaking the law. The logjam was broken when a constable was sent to serve the landlord with injunction pleadings. Faced with court proceedings in which he would surely be found to have committed an illegal self-help eviction, the landlord finally agreed to remove the padlocks.

*"The internship experience at NLSA has been far more structured, informative, and hands-on than I could have ever expected. We're doing what real attorneys do every day we're here, and there are very few internships that you can say that about."*

**Aaron Hrach**

*NLSA Intern, Summer 2008*

# Support Equal Justice Under Law

4

ways you can donate

## 22nd Annual Equal Justice Campaign

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The Allegheny County United Way  
Campaign is going on now!

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Pittsburgh, PA 15222

### Pledge to donate

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

## People: Our Most Powerful Asset

NLSA has endured into our fourth decade because so many dedicated people have made it possible.

### Our Award Winning Staff

Our creative and capable staff support a core of dedicated legal professionals who together benefit clients and the legal aid community across Pennsylvania.

**NLSA Executive Secretary Sharon Goldsmith** was honored by the Southwestern Pennsylvania Client Consortium for her many years of work on behalf of clients.

**Thelma Reese, NLSA Administrative Assistant**, received the 2008 Excellence Award from the Pennsylvania Legal Aid Network. Thelma began her career more than 35 years ago as a paralegal in our former office in Lawrenceville. She now supervises support personnel in our Pittsburgh office.

**Staff Attorney Nicole Scialabba, Esq.** was given the 2008 Recent Graduate Achievement Award by the Women's Law Association of the Duquesne University School of Law.

**Staff Attorney Eileen Yacknin, Esq.** was named Civil Legal Aid Lawyer of the Year by the Pennsylvania Bar Association in recognition of her exceptional contributions to improving civil legal aid in the Commonwealth.

### Our Generous Donors

Again this year, we were heartened by the coalition of donors who came together to support the 21st annual Equal Justice Campaign. Led by the legal community and joined by public and private donors who also care deeply about the future of NLSA and the principle of equal access to justice, your generous contributions provided over \$225,000 in much-needed funds. Thank you for making it possible for NLSA to assist so many more in need in the coming year.

### Our Conscientious Board

Our all-volunteer Board of Directors is NLSA's guiding light as we work to assist both clients and the community at large. Recently, our Board elected:

**Mary K. Austin, Esq.**, Associate Counsel for UPMC Health System, to serve as **president**. Ms. Austin began her term earlier this summer and succeeds Robert P. Morgan, Esq. of Eckert Seamans.

Other changes include:

- President Elect: **Efrem M. Grail, Esq.**, partner, Reed Smith
- Vice President: **Sylvia Basich**, Beaver County Clients' Council
- Secretary: **Laura Cohen, Esq.**
- Assistant Secretary: **Nancy L. Jones**
- Treasurer: **Stella L. Smetanka, Esq.**
- Assistant Treasurer: **Rochelle Jackson**

Pennsylvania Senators Jane Clare Orie and Jay Costa, Jr. were reappointed to the Board for a second term.

### Welcome New Board Members

- Laura A. Candris, Esq.
- Sarah L. Carlins, Esq.
- Gary M. Lang, Esq.
- Max W. Laun, Esq.
- Mark T. Vuono, Esq.

### Thank You Former Board Members

for your extraordinary leadership and support of NLSA's mission:

- Theodore N. Bobby, Esq.
- Maria Greco Danaher, Esq.
- Mark F. Nowak, Esq.
- Roy A. Powell, Esq.
- Jaime S. Tuite, Esq.
- Ronald Wilson

## The Pennsylvania Code

### Rule 6.1. Voluntary Pro Bono Public Service

*“A lawyer should render public interest legal service.*

*A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations, by service in activities for improving the law, the legal system or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.”*

### Our Indispensable Attorney Volunteers

A committed community of volunteer attorneys help NLSA broaden access to legal services for the poor. Please join them:

#### 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

### Our Dedicated Campaign Volunteers

We simply could not do it without our EJC chairs and committee. A standing ovation to all those named below whose generous contributions of time and effective presentations to their peers helped to make our 21st annual campaign such a huge success. We cannot thank you enough.

#### EJC 21 Campaign Co-Chairs

James Mahood  
W. Thomas McGough

#### EJC 21 Campaign Committee

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Eric N. Anderson  
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For more information on EJC 22 or to get involved, please contact Christine Kirby at **412.586.6137** or at **kirbyc@nlsa.us**

# Of Bench and Bar

## PRESERVING HOMES: A Community of Concern

Southwestern Pennsylvania Legal Services Consortium initiative designed to identify and assist poor and vulnerable homeowners at risk of foreclosure before they have been sued by lenders; ideally, before they have missed a mortgage payment. A project grant from IOLTA enabled NLSA and its Consortium partners, Laurel Legal Services and Southwestern Pennsylvania Legal Services, to revise our intake procedures and dedicate an in-house attorney to assist homeowners at risk of foreclosure and provide client education to reduce future risk of losing their homes.

Since the project began on July 1, 2008, all callers who request assistance from NLSA — whether the request involves credit card debt, obtaining a PFA, Elder Law issues or any other civil legal matter — are asked a series of questions designed to reveal those at risk of losing their homes. Those that require legal assistance are scheduled for interviews. Within the first ten days of project launch, the new interview process, developed by NLSA Managing Attorney Barbara Kern, identified three clients at future risk of foreclosure and in need of legal assistance. The outcomes for these now active cases are still in question. However, the outlook is significantly better due to early intervention than it would be if our clients had already

been sued.

Generally, a longer timeline provides greater opportunity to negotiate a workout plan or loan modification with the lender that enables clients to remain in their homes. More time can mean more leverage, permitting, for example, a careful examination of the complaint for legal or procedural defects. If litigation does become necessary, however, getting involved sooner rather than later allows time to thoroughly prepare the case.

### **Joint efforts**

Doing a better job of revealing at-risk homeowners is both the good news and the bad news. Our outreach is likely to expose more need among the populations we assist than NLSA will be able to meet in-house with current project funding. Of course, for NLSA and legal services organizations nationwide, demand that outstrips capacity has been the status quo for decades. It is the reason NLSA is so deeply grateful to our colleagues in the private bar who meet some of their public interest obligations by representing NLSA clients. It is why NLSA readily joins forces with others who share the responsibility to ensure equal access.

Some of those joint efforts are directed specifically at staunching the flow of foreclosures in our region. In fact, a fairly broad community of concern has

(continued from page 1)

come together to address the growing plight of homeowners, uniting NLSA and other legal services organizations with the bench and private bar, housing counselors, financial institutions and others.

One example of such cooperation is the free clinic operated by the Anti-Predatory Lending Project of the Pittsburgh Pro Bono Partnership. NLSA Managing Attorney Dan Haller works closely with the project, helping to train and prepare attorneys from local law firms and corporate law departments who volunteer to counsel and represent clients who have been victimized by predatory lending practices. Since the clinic's inception in January, 2005, these valued volunteers have helped numerous low-income and elderly homeowners — a population deliberately targeted by unscrupulous lenders and mortgage brokers — to avoid foreclosure and to rescind bad loans.

NLSA also is participating in a more recent effort focused on a possible court-ordered plan that would extend the time period between official notice of foreclosure and scheduling a home for a sheriff's sale. The purpose is to allow borrowers more time to meet with lenders and work out deals that could save their homes — an opportunity that may be more promising under a plan suggested

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**One Day Only**  
**Saturday, September 20, 2008**

## **Shop to Ensure Equal Access!**

If you believe in equal access to justice *and* equal access to bargains, Macy's Shop For a Cause is the perfect way to support both passions. You can be part of this annual event benefiting local non-profit organizations simply by purchasing a \$5 shopping pass from NLSA. NLSA uses the proceeds to serve clients; you use the shopping pass to access all-day special savings throughout the store. In addition to discounts, Shop for a Cause customers have a chance to win

thousands of dollars worth of prizes at Macy's. Anyone can participate, so spread the word to our colleagues and supporters alike!

For more information about Shop for a Cause, visit the news section of NLSA's website at [www.nlsa.us](http://www.nlsa.us) or go to [www.macys.com/campaign/shopforacause.jsp](http://www.macys.com/campaign/shopforacause.jsp)

**To purchase your shopping pass, please call NLSA at 412.586.6137.**



**(continued from page 6)**

to the court. The Honorable Joseph M. James, President Judge of Common Pleas Court, asked Barbara Griffin, Esq., Pro Bono Coordinator of the Allegheny County Bar Association (ACBA), to coordinate the key players to discuss options for resolving foreclosure actions well before sheriff sales are scheduled. Along with NLSA's Dan Haller, the group includes Sheriff William P. Mullen, Thomas E. Reilly, Esq., chair of ACBA's Real Estate Committee, representatives of housing counseling organizations and attorneys representing area lenders. Judge James would like the solution

in Allegheny County to be "a little less formal" than the program worked out in Philadelphia that imposed a one-month moratorium on all sheriff's sales of owner-occupied properties. He has stated his interest in early intervention, however, and his willingness to "look at a less structured way to do it."

### **Being there**

That reasoned perspective from the bench, which focuses on how to preserve rather than diminish homeownership, is typically shared by lenders in our region, provided matters have not progressed to a point of no return. Financial institutions recognize that neither good business nor good will is served by foreclosure. So, even

in these uncertain economic times, the momentum actually favors the homeowner who sees trouble ahead and reaches out quickly for legal help. As attorneys, our responsibility is to support that prudent request for assistance by being there in sufficient numbers to provide it.

As a relatively new staff attorney at NLSA, I'd like to add my thanks to colleagues in the private bar for all the hours and expertise you now contribute to represent our clients in housing and other legal matters. As the lead attorney in the Housing Preservation Project, thank you in advance to new volunteers who will help to ensure equal access to distressed homeowners who turn to NLSA in the days to come.

Donate Now On-Line



Equal Justice Campaign  
www.nlsa.us

## Contact us

Phone: **412.255.6700**

Email: **nlsa\_news@nlsa.us**

Website: **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

## 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](mailto:kirbyc@nlsa.us).

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