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Sent: Friday, June 19, 2009 3:38 PM
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Subject: Legal Services E-Alert -- June 19, 2009

BRENNAN CENTER FOR JUSTICE

at New York University School of Law



Each week, the Brennan Center for Justice at NYU School of Law publishes the Legal Services E-Alert, reaching a wide audience with the most important articles on civil legal aid and access to justice for low-income people.

THIS WEEK'S HEADLINES

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THIS WEEK'S STORIES

FEATURE STORY

1. More Than 1,000 Homeowners Have Kept Homes With Help From North Carolina's 8-Month-Old Foreclosure Prevention Program; Program Connects Homeowners with Housing Counselors and Legal Aid

"[NC Foreclosure Prevention Project Prevents More than 1,000 Foreclosures](#)," Asheville Citizen-Times (NC), June 16, 2009

Asheville Citizen-Times reports: "Governor Bev Perdue and the N.C. Office of the Commissioner of Banks ("NCCOB") today announced that the State Home Foreclosure Prevention Project ("NC Foreclosure Project") has helped more than 1,000 North Carolina homeowners avoid foreclosure since the program's inception in November 2008 The program requires mortgage companies to file notices with the State in advance of foreclosure on subprime loans and authorizes the Commissioner of Banks to delay a foreclosure filing by 30 days, if the Commissioner believes a foreclosure can be prevented. 'The success of this program shows that foreclosures can be prevented if homeowners, lenders, counselors and the State work together,' said Mark Pearce, Deputy Commissioner of Banks. 'In these tough economic times, stopping unnecessary foreclosures not only benefits individual homeowners, but stabilizes property values for neighborhoods across the State.' Working with major mortgage companies, non-profit service providers, and state agencies, NCCOB developed a program to notify homeowners nearing foreclosure proceedings early and to make it easier for homeowners to access the existing network of over 150 certified housing counselors across the state. The NC Foreclosure Project also provides an opportunity for homeowners to have their subprime loans reviewed for potential violations of law by NCCOB-trained volunteers, who help NCCOB identify instances of suspected predatory lending and refer them to private or public enforcement. A network of legal service providers is available to assist homeowners referred by counseling agencies to provide further review of loans or foreclosure defense. In addition, NCCOB staff monitors the progress of loan work-outs to address communication breakdowns between housing counselors and mortgage companies. In the first seven months of operation, the program has prevented more than 1,000 foreclosures and connected over 3,000 homeowners to housing counseling agencies for foreclosure prevention counseling. The economic impact of the program to date is estimated at \$86 million."

LEGAL SERVICES ACTIVITIES AND ACHIEVEMENTS

Employment

2. LSC-Funded Legal Aid Society of Cleveland Sees 56% Jump in Requests for Help This

Year; Many Seeking Help for Unemployment, Severance Issues

Olivera Perkins, "[Legal Aid Society of Cleveland Facing More Clients with Employment Issues](#)," The Plain Dealer (OH), June 15, 2009

The Plain Dealer states: "Francine Thompson tried to apply for Unemployment Compensation when she got laid off last October, but the state told her she would have to wait until July because she had gotten a severance package. Then Thompson learned that coworkers with severance packages were already collecting. 'Why can't I?' Thompson asked. The jobless computer analyst wanted to fight to collect sooner, but she couldn't afford a lawyer. She turned to The [LSC-funded] Legal Aid Society of Cleveland. So have a lot of laid off-workers. 'We have seen this marked increase in the number of people coming to us for legal help relating to employment issues,' said Melanie Shakarian, the organization's director of development. 'We are on pace to field 904 requests for help this year. That is 56 percent ahead of 2008 and 68 percent of two years ago.' She said the organization, focused on serving low-income individuals, is turning away as many as another 1,400 people. Demand doesn't seem to be waning. At a recent advice clinic on employment issues at the Spanish American Committee in Cleveland, nearly 40 people showed up, about double the number who attend clinics focused on general legal issues, Shakarian said. Some, like Thompson, hadn't been able to collect right way because their severance packages were misclassified. Others had problems with 401(k) accounts, online procedures and employers' claims that they had been fired for cause."

Government Benefits

3. Welfare Recipients in Los Angeles County with Young Children May Be Exempted from Work Requirements, as County Seeks to Lower Costs of Program's Administration

Troy Anderson, "[County Welfare Reform Proposal Would Drop Low-Income Parent Job Requirement](#)," The Daily Breeze (CA), June 15, 2009

The Daily Breeze reports: "To preserve benefits for 380,000 CalWORKS recipients, Los Angeles County's chief executive officer on Monday [June 15, 2009] proposed a radical overhaul of the welfare-to-work system that would drop requirements that low-income parents of young children have jobs. The proposal would save the state about \$200 million by reducing the need to provide expensive child-care services to parents. County CEO Bill Fujioka, who is expected to make a presentation to the Board of Supervisors today [June 15, 2009], recommended in the report that CalWORKS parents with children under 2, or at least two children under 6 years old, should be exempt from the requirement to participate in welfare-to-work activities. 'Exempting these parents would achieve state savings by reducing employment services and child-care expenditures which frequently exceed the CalWORKS grant for these families,' Fujioka wrote. 'By focusing on parents of young children, this proposal will maximize savings per case, and thereby minimize the number of parents who would need to be exempted or excluded from welfare-to-work activity.' The proposal comes as lawmakers debate whether to eliminate welfare benefits to 1.5 million Californians as part of efforts to balance the state budget. Last week, members of the Budget Conference Committee, tasked with finding solutions to the state's \$24 billion budget deficit, voted 6-1 to reject Gov. Arnold Schwarzenegger's proposal to close the CalWORKS program. The

committee expressed an interest in pursuing a proposal from the Legislative Analyst's Office to exempt some families with young children from the work requirements."

Housing

4. Public Agencies Fail to Translate Documents Despite "Specific Federal Instructions;" Jacksonville Area Legal Aid Represents Spanish-Speaker Against Jacksonville Housing Authority

Deirdre Conner, "[Lawsuit: Housing Authority Won't Translate Documents](#)," The Florida Times-Union, June 15, 2009

The Florida Times-Union states: "A growing population of immigrants and refugees is leading to increased conflict with public agencies over the translation of vital documents into Spanish and other languages. Advocates in the Hispanic community and people who help refugees say housing is especially difficult for people who don't speak English well. Case in point, they say, is a complaint against the Jacksonville Housing Authority by a woman who says it refused to translate documents. Her lawyers say the authority ignored specific federal instructions to do so and filed a complaint with the U.S. Department of Housing and Urban Development [Mailin] Soto and her attorneys from Jacksonville Area Legal Aid say the Housing Authority refused to translate anything orally, and that no written information was available in Spanish. A Legal Aid investigator visited the Housing Authority in the fall and made the same determination when he asked about translation A judge denied Soto's request for an injunction to keep her voucher Regardless of the outcome in the Soto case, changes have been happening at the Housing Authority. In the past couple of months, the agency has contracted with a company that does telephone interpretations and has designated an employee as the go-to interpreter for Spanish-speaking clients. A sign now hangs at the door with a sentence in multiple languages indicating that translation assistance is available The issue has a reach far beyond the Spanish-speaking community, said Barbara Carr, director of refugee and immigration services for Lutheran Social Services. With Jacksonville a top city for refugees resettled by the federal government, housing is a big problem, she said. 'Basically what they're doing is denying people access to federally funded programs,' Carr said With the recession leaving more families - Hispanics included - in danger of becoming homeless, [Nilda Alejandro, president of the Puerto Rican Chamber of Commerce, the Council of Spanish Speaking Organizations and an advocate for translating vital information into Spanish,] said the problem is growing, and ultimately could contribute to increasing the crime rate. 'When they're looking for help,' she said, 'there's no one to help.'"

LEGAL SERVICES STRUCTURE

5. Texas Legislature Comes Through with "Desperately Needed Funding" for Civil Legal Aid

Darren Barbee, "[Legislature Finds Funding to Bolster Legal Aid in Texas](#)," The Fort Worth Star-Telegram (TX), June 3, 2009

The Fort Worth Star-Telegram states: "After months spent agonizing over the loss of millions of

dollars in funding for civil legal services for the poor, state and local legal aid officials say the Legislature has come through with desperately needed funding. Combining money from the state budget with other new revenue sources, legal aid services are expected to get about \$26 million over the biennium, said Betty Balli Torres, executive director of the Access to Justice Foundation. While that is about \$9 million short of what is needed, she said other funding, such as partnerships with banks, will help narrow that gap. Three organizations in the state that provide legal services to the poor received additional federal funding that helps to bridge the gap. That includes [LSC-funded] Legal Aid of NorthWest Texas, based in Fort Worth. It will see a \$400,000 drop in funding from state sources. But because of an additional \$733,000 from the federal Legal Services Corp., the organization expects to be in good shape for the rest of this year and through 2010, said Errol Summerlin, its executive director 'The turnaround is simply extraordinary in a period of six months, to be going from OK we're going to have to retrench, to wow now we're able to maintain and actually expand services that we lost in 2008,' he said. Thirty-seven other Texas groups didn't get the federal funding. The reduced state funding will mean streamlining and belt tightening for most, but they were facing a much more dire situation after seeing a colossal drop in earnings from their primary funding source. Legal aid services depend on interest generated in lawyers' trust accounts, a program known as IOLTA administered by the Access to Justice Foundation. Because interest rates have plummeted, proceeds are expected to drop to \$1.5 million this year compared with \$20 million in 2007."

ANNOUNCEMENTS

1. New Brennan Center White Paper: *A Call to End Federal Restrictions on Legal Aid for the Poor*

The Brennan Center releases a new white paper today, [A Call to End Federal Restrictions on Legal Aid for the Poor](#), a survey of the harms and inefficiencies in the delivery of civil legal aid created by the 1996 restrictions on the federal Legal Services Corporation. The paper calls on Congress to take the following steps to expand access to justice in this time of critical need:

1. Remove the restriction that extends the LSC restrictions to state, local, private and other non-LSC funds that legal aid organizations receive.
2. Remove restrictions on LSC-funds that interfere with the ability of legal services attorneys to protect their clients' rights, that is, eliminate the restrictions: on seeking attorneys' fee awards; on class actions; on legislative and administrative advocacy, and on solicitation.
3. Remove restrictions that prohibit representation of documented immigrants and people in prison who need help with reentry matters.

To read the white paper, [click here](#). To learn more about the Brennan Center's campaign to lift the federal legal services restrictions, [click here](#).

2. North Carolina Bar Association and Philadelphia Bar Association Honored with 2009

Harrison Tweed Award for Their Outstanding Efforts to Increase Access to Justice for the Poor

The ABA's Standing Committee on Legal Aid and Indigent Defense [announces](#): "The North Carolina Bar Association and the Philadelphia Bar Association (PA) will each receive a 2009 Harrison Tweed Award, [an award given annually by the American Bar Association Standing Committee on Legal Aid and Indigent Defendants and the National Legal Aid and Defender Association,] for achievement in preserving and increasing access to legal services for the poor. The award winning activities of each of these bar associations demonstrate the wide range of activities that bars engage in to promote access to justice. The [North Carolina Bar Association](#) is being recognized for its innovative '4ALL' campaign to increase access to legal services for the poor through a four-prong approach: educate, legislate, donate and participate. The [Philadelphia Bar Association](#) is being honored for its role in creating, supporting and sustaining the Residential Mortgage Foreclosure Diversion Pilot Project, which has saved hundreds of low-income homeowners from the loss of their homes."

 The Legal Services E-Alert is produced by Emily Savner and edited by Laura Abel and David Udell. Because the E-Alert collects stories reported by others, the views presented are not necessarily those of the Brennan Center.

The majority of the text presented in the E-Alert is drawn verbatim from original news sources. The bolded headlines are produced by the Brennan Center. Whenever possible, we provide a link to the full text of the original article.

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If you would like to provide the E-Alert with information about your work or clippings from your local paper, please contact Emily Savner at emily.savner@nyu.edu or 212-998-6288.

You can obtain information about civil legal services for low-income people or about the Brennan Center at: www.brennancenter.org.

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