

Neighborhood Legal Services Association **The NLS Press**

A publication of NLSA, serving Allegheny, Beaver, Butler, and Lawrence Counties in Pennsylvania

Volume 2, Issue 4

Spring 2004

Safety Nets and Self-Sufficiency: Keeping Welfare Reform's Promise to Low Income Families

by Mary Ellen Droll, Esquire
NLSA Senior Welfare Attorney

The concept of welfare, in all its past and current incarnations, has frequently conjured negative images and moral judgments. But at its best, welfare provides poor families in Pennsylvania and throughout this country a safety net and a hope of security and self-sufficiency. The real struggle lies in keeping welfare reform's promise of self-sufficiency by assuring genuine access to the support and benefits which the law provides to low income families.

These families may be eligible for a number of benefits through the Pennsylvania Department of Public Welfare including cash assistance in the form of Temporary Assistance to Needy Families (TANF) or general assistance (GA) to individuals without children, medical assistance, food stamps, and other special allowances to help poor heads of household pursue education and sustainable employment. All these benefits can be powerful tools to help low income families

weather an isolated economic downturn, provide income until they receive disability benefits, or help individuals and families gain the security and tools they need to escape a life of poverty in which they would otherwise be trapped.

Low income heads of household with minor children may be eligible for cash assistance in the form of TANF. Under the welfare reform act (Personal Responsibility and Work Opportunity Reconciliation Act), Aid To Families With Dependent Children (AFDC) was replaced by TANF, which includes a requirement that recipients work toward employment and self-sufficiency. Recipients must enter into an Agreement of Mutual Responsibility (AMR) outlining their work and educational goals and the path which the recipient is agreeing to follow to achieve self-sufficiency. These goals may include substance abuse treatment, completion of a GED, pursuit of a higher education degree or other trade

certification, or necessary steps to protect one's family from domestic violence. These goals are essential for low income individuals to obtain the training, skills and stability they need to become truly self-sufficient. However, recipients must often fight to have their goals of training and education count as part of their work requirement.

Food stamps are a traditional and successful bulwark against not only hunger, but homelessness as well. Food
(Continued on page 3)

in this issue

Welfare Reform	1
Justice O'Connor	2
Welfare Reform (cont'd)	3
Poverty Tour U.S.A.	4
A Case Study	5
Staff Profile	6
The Pro Bono Corner	7

NLSA
Board of Directors, 2003

President:

-Kenneth M. Argentieri, Esq.

President-Elect:

-Mark F. Nowad, Esq.

Vice-President:

-Ms. Jessie Edison

Secretary:

-Robert Morgan, Esq.

Assistant Secretary:

-Mr. Kent Bey

Treasurer:

-Francis C. Rapp, Jr., Esq.

Assistant Treasurer:

-Ms. Judy A. McElroy

Immediate Past President:

-Jon Geoffrey Hogue, Esq.

Directors:

-Rachel Lorey Allen, Esq.

-Ronald D. Barber, Esq.

-Ms. Linda S. Bargerstock

-Ms. Sylvia Basich

-Mr. David A. Blaner

-Theodore Bobby, Esq.

-Jamie S. Boutwell, Esq.

-Jerry G. Cartwright, Jr., Esq.

-Jaclyn A. Cherry, Esq.

-Laura Cohen, Esq.

-Mr. Walter Lee Coker

-Maria Greco Danaher, Esq.

-Terrance Degnan, Esq.

-Ms. Marian Detman

-Ms. Linda C. Fisher

-Ms. Phyllis Fortson

-Ms. Veronica Hanulik

-Robert B. Harper, Esq.

-Ms. Nancy L. Jones

-Stephen R. Kaufman, Esq.

-Margaret Mahoney, Esq.

-Angela Melton, Esq.

-Rosalia G. Parker, Esq.

-Michael J. Pater, Esq.

-Roy A. Powell, Esq.

-Jacqueline O. Shogan, Esq.

-Matthew H. Smith, Esq.

-Stephan K. Todd, Esq.

-Mr. Paul Ward

-Mr. Ronald Wilson

O'Connor Says Lawyers Can Do More¹

Justice Sandra Day O'Connor, speaking to a group of volunteer attorneys in Phoenix, identified both the accomplishments and the great need in the pro bono area.

"There is more innovative pro bono work being done than at any time in history, but there has also never been a wider gulf between the need and the availability of legal services. . . . "We have much to be proud of as a profession, but we should be ashamed in terms of our response to the needs of those who can't afford to pay for our services."

Justice O'Connor enumerated the number of cases handled by the attorneys who are part of the Volunteer Lawyers Program of Maricopa County. But she also mentioned two other numbers that starkly illustrate the unmet demand. One-third of America's poor are faced with a civil legal problem each year, and publicly financed attorneys can only handle about 12 percent of that caseload.

The legal issues often come down to the basics of life: food and shelter. The federal TANF program doles out \$16.5 billion annually in block grants to the states. This funding is often the only source of income for single parents with children; given the sheer size of the program, Justice O'Connor said mistakes are inevitably made that either reduce or terminate benefits. "Attorneys that get involved in these cases will win the benefits appeal more than two-thirds of the time," she said.

Similar success is possible for people facing eviction because they can't pay the rent. Justice O'Connor said tenants with legal representation will keep possession of their homes in about half of the cases.

"Pro bono work is an example of the best that our legal profession can do to make equal justice under the law a reality," O'Connor said. "It can make an enormous difference for people who are scrambling daily for the basic necessities of life."

"We need to bridge the gap between the oversupply of lawyers and the desperate demand for pro bono services," she said. "If more attorneys take on pro bono work as part of their legal practice, we can mobilize an enormous workforce."

¹From an article in the *Arizona Business Gazette* by Mike Fimea, Feb. 19, 2004.

NLSA is a member of the Southwestern Pennsylvania Legal Services Consortium. Established in 1997, the fourteen county Consortium is a functional integration of Laurel Legal Services, Neighborhood Legal Services Association, and Southwestern Pennsylvania Legal Services. Together, these programs serve a poverty population that is greater than the individual eligible population of sixteen other states. SPLSC was formed in response to an ongoing era of reduced governmental funding and the rising need of low-income people for professional legal services. The Consortium model enables the organizations to function in a coordinated manner throughout the region. At the same time, each program retains its own individual structure and identity permitting them to optimize the benefits of that coordination within their local communities.

Safety Nets *(continued from page 1)*

stamps have been repeatedly credited with helping low income families stabilize their budgets by freeing up their limited income (whether it be from employment or public benefits) to secure stable and suitable housing and maintain necessary utilities. Food stamps may account for as much as 25% of a poor family's disposable income.² By using a formula that takes into consideration what a family must pay for housing and utilities, food stamp benefits help a family achieve not only food security but security in all essentials.

Special allowances are benefits available to welfare recipients to assist them in their pursuit of education and employment. These benefits generally assist heads of household with transportation needs, childcare needs, and money for professional clothing, uniforms, books or tools for employment. For example, a transportation allowance might include a monthly bus pass, a lump sum payment toward purchase of an automobile, or assistance in repair of an automobile so that a head of household can continue her education or employment. One of the most essential special allowances is for child care expenses so that parents working on a degree, training, or employment may pursue the requirements of their AMR.

If a head of household does not comply with the job search or work requirements for receiving TANF, then the entire family may lose its cash assistance. These sanctions are imposed when a DPW caseworker believes that a TANF recipient has

not complied with the requirements of the AMR. However, a TANF recipient may request a fair hearing to challenge a DPW determination and to either contest the finding or show good cause why she could not comply.

Whenever DPW takes an action to either deny or terminate benefits, a recipient or applicant may request an informal conference to discuss the issue or a fair hearing to challenge the agency action. Fair hearings are formal administrative hearings of record. NLSA provides representation to individuals at informal conferences and at fair hearings to defend against proposed sanctions on benefits, to resolve AMR disputes, and to advocate for the client's educational and training goals. This representation can be essential to ensuring that welfare recipients' legitimate education and training goals are respected and supported and that their circumstances and needs are addressed in their AMR. NLSA also provides representation to defend against food stamp and cash assistance denials or terminations.

²Food Assistance Policy Questions, By Betsy Kuhn, Director, Food and Rural Economics Division, U.S. Department of Agriculture, Economic Research Service, Poverty Research News, Joint Center For Poverty Research, Nov/Dec 2000 (www.jcpr.org/newsletters/no14_no6/articles.html#story7); Recent Trends in the Food Stamp Program, By Sheila Zedlewski, Urban Institute, July 19, 2000 (www.urban.org/TESTIMON/zedlewski7-19-00.html).

NLSA represented a young woman named Cindy, who received TANF benefits on behalf of herself and her minor children. As part of her AMR Cindy was required to complete a job search and participate in a paid work experience. DPW contended that Cindy had failed to work the required number of hours. Cindy initially insisted that she had substantially complied but eventually conceded that she had been having difficulties that interfered with her attendance at the paid work experience. She finally acknowledged that she was in an ongoing abusive relationship and that on at least one occasion she had reported to her paid work experience visibly beaten in the face. When her supervisor insisted she go to the hospital, Cindy complied but she did not feel comfortable telling her DPW caseworker about the abuse. At a fair hearing, DPW sought a family sanction and insisted that Cindy should have told them sooner of the domestic violence and therefore could not now establish a good cause defense. However, the hearing officer agreed with Cindy that telling them at the hearing and providing them the medical records was all she needed to establish that she had good cause for not fully complying with the number of work hours. The hearing officer rejected the DPW's imposition of a sanction and found good cause.

Poverty Tour U.S.A.

by Barbara Kern

Anyone who questions the need for welfare benefits for families at or below the poverty level would do well to view a recent 2 minute website presentation produced by the U.S. Conference of Catholic Bishops available at www.nccbuscc.org/cchd/povertyusa/tour2.htm.

"Poverty Tour U.S.A." graphically illustrates the financial pressure of life in the state of poverty. Taking the poverty level income for a family of 4 (\$18,392), the program then begins to deduct basic living expenses for this same family, using figures from the Bureau of Labor Statistics, The Agency for Healthcare Research and Quality, HUD, and the Chicago Transit Authority.

The end result, after payments for rent, utilities, food, transportation, health insurance, and child care costs, leaves the family \$159 in debt at the end of the year. These calculations do not even consider expenditures for such goods as the children's school clothes and supplies-costs which most American families would consider necessities. And obviously there is no room in this budget for family emergencies. A death in the extended family and the need to pitch in and help pay funeral expenses may have a devastating effect on the family's ability to pay its basic living expenses for months.

Applying some of these figures to the Pittsburgh metropolitan area (which includes Allegheny, Beaver, Butler, Westmoreland, Fayette, and Washington Counties), we find the situation no more sanguine.

Over half the annual budget of a family living at the poverty level in this area goes toward shelter costs. The fair market rent for a 2 bedroom unit is \$615 a month, or \$7,380 annually.¹ While electric costs have remained fairly stable, costs of gas for heating have risen by 26.9% since the last half of 2002.² Therefore, the \$1,944 utility figure, which was based on the Bureau's 2001 Consumer Expenditure Survey, is likely to be well over \$2,000 in the Pittsburgh area today, especially in view of the fact that much of the housing which is affordable for low income families is old housing

with leaky windows and poor insulation.

Amartya Sen, Nobel laureate in economics, has defined poverty as the lack of freedom to have or do basic things that one values.³ While more than one factor contribute to this lack of freedom, absence of even the most basic financial security inevitably plays a major role. Heads of families living in poverty are rarely able to take the steps necessary to improve the family's socio-economic position and move them forward with their lives.

What *does* enable these families to take those sometimes risky steps is the bundle of benefits they may receive through housing subsidies and the public assistance program in their state. These benefits include payment for child care so that the single mother can obtain education or training that will lead to more than a minimum wage job; continued health care for the children through the CHIP program even though dad's employer may not provide health insurance benefits; or financial help to buy the second hand car which will get mom or dad to an otherwise inaccessible job.

NLSA sees its efforts in this area of the law as having a twofold effect. We are here to assist those clients who, because of health conditions or other circumstances, may need this safety net throughout their lives. At the same time, our role is to represent those for whom welfare benefits, if properly applied, will provide the means to move out of poverty. In the current fiscal year, NLSA attorneys have provided legal assistance in 134 cases involving DPW benefits.

¹*Federal register*, Vol. 68, No. 190, October 1, 2003

²Department of Labor, Bureau of Labor Statistics

³"How to Define Poverty? Let Us Count the ways," Louis Uchitelle, *The New York Times*, May 26, 2001.

Staff Profile: Mary Ellen Droll

by Barbara Kern

In 1992 Mary Ellen Droll was pursuing a joint degree in law plus a Masters in International Organizations with an emphasis on human rights organizations at American University in Washington D.C.. As part of that program she had spent a semester at the Moscow University, where she honed the Russian language skills she had acquired in high school and college language courses.

In her third year at American University's Washington College of Law Mary Ellen became interested in the school's clinical program - a program which grew out of its strong public service attitude.

The school had established numerous clinical programs from which to choose. In line with the rest of her academic background, Mary Ellen's first interest was the Human Rights Clinic. But when she found that this program was filled, she turned instead to the Public Interest Clinic, where she spent a year dealing with cases involving veteran's benefits and the merit system protection board for government workers. Her work in this clinic helped form the foundation for a 12 year career in public interest law.

That career began in 1994 with the Appalachian Research and Defense Fund of West Virginia, now a part of a statewide legal service program. Her work there involved representing clients with a variety of legal problems.

In November, 1998, Mary Ellen came to Neighborhood Legal Services Association, where she has continued what she terms her generalist approach to law, handling cases in areas from public benefits to family to housing and consumer. She enjoys such a practice because each area requires the development of different legal skills.

One day may find her in bankruptcy court, where she is helping a client use the procedures offered in a Chapter 13 bankruptcy

to save her housing. The next day may find her before a Section 8 hearing officer in an effort to prevent her client from being terminated from the Section 8 Program. And yet another day may find her negotiating a PFA in Family Court in the morning and arguing a client's case at a DPW fair hearing in the afternoon. She is currently the Senior Attorney for Welfare at NLSA.

Mary Ellen sees her role in public interest law as giving her clients an opportunity to gain more control over their lives, often by correcting an unbalanced power relationship in which they are involved. That relationship may involve an abusive spouse, an unscrupulous landlord, or a predatory lender.

She feels that the legal help which she provides, often in conjunction with counseling from other agencies, helps a client gain the control needed to move forward to a better life.

NLSA is fortunate to have on its staff a young woman so dedicated to helping those in need in our community. That quality extends to her fellow staff members, all of whom know that they can count on her for whatever assistance they require.



LETTER: A CASE STUDY

In each issue of the Newsletter we present a client case study so that you will have a better understanding of the positive impact your pro bono work can have. A few weeks ago we received the following letter. We are printing this letter in its entirety because it illustrates the importance of your contribution far better than any case study we could write.

Mr. Edward Wehrenberg, Esq.
226 Sheryl Lane
Pittsburgh, PA 15221

Dear Mr. Wehrenberg:

I want to thank you and tell you how much I appreciate your valuable time and legal representation you provided me in my time of need. You were kind and very considerate in a reassuring professional manner. May God bless you.

Being handicapped with both legs and on SSI, there is no way I could have afforded an attorney. Six and one-half years ago I faced amputation of both legs below the knees and have spent most of that time since in casts, post-operative boots, wheelchair, crutches and leg braces. I live on \$760.00 a month. \$200.00 of that goes to the bank for a home equity loan because of the financial position [the Defendant] put me in. Therefore, I live on \$560.00 a month. Your representation "free of charge" was tremendously appreciated. I am grateful to you.

I'm sure many handicapped people, like me, have put up with abuse...financial, physical and mental because I didn't want to go into a nursing home. I didn't tell my children because I didn't want them to worry. They live 300 miles from me and both daughters are battling cancer.

This man, in the past, has put a 44 magnum gun to my head and cocked it, pushed and threatened me, damaged my furniture, punched dents in my car and finally took my self esteem away by telling me about other women via the internet! His last incident (Re: [Municipal] Police on []-[]-03) landed him via swat team efforts (3 police departments responded) in Western Psychiatric Hosp. on a 302 (mandatory 10 days). The doctors diagnosed him as bipolar-major volitive, schizophrenic and addicted to alcohol. A walking bomb. His parents sold their home and moved without telling him and never told him where they moved to. He told the doctors he hated me and wanted to kill me because I stopped giving. Thus, I applied for the PFA.

I am so glad to be out of such a dangerous situation. You saved my life. I thank you for providing a "final and legal" end to all of this. I may be ugly and crippled, but by God, I'm alive and free! Again, I thank you with all my heart. You are kind and wonderful and a very good attorney. I hope you continue to offer your knowledge and position to help others as you have me.

Gratefully,

[Name withheld at client's request]

ENC: 1

CC: 1) Executive Director, Neighborhood Legal Services Assoc.
2) Judge O'Malley, Court of Common Pleas of Alleg. Cnty., - Family Div.
3) Files
4) Lawyer Referral Service, Allegheny Cnty. Bar Assoc.

The Pro Bono Corner

NLSA is pleased to announce that the Pennsylvania Bar Association has recognized 4 NLSA volunteers at its awards breakfast on May 13 at the Hershey Lodge and Conference Center in Hershey, Pa. The awards presentation was part of the three day annual PBA Conference.

Maria Greco Danaher of Dickie McCamey & Chilcote, PC and Francis E. Corbett II of Calaiaro Corbett & Brungo, PC volunteer for the Central office and have been previously recognized by the Allegheny County Bar Foundation for their volunteer contributions to NLSA's programs in the area of Protection from Abuse and bankruptcy law.

Ms. Danaher not only volunteers to take PFA referrals herself; she has also been instrumental in the development of an active PFA team at her law firm, thus insuring the firm's on-going assistance in this area.

Mr. Corbett accepts both pro bono and reduced fee bankruptcy referrals. In addition, he schedules volunteer attorneys for the twice monthly NLSA Debt Advice Clinic and is a frequent volunteer at the clinic himself.

Marion Laffey-Ferry, a long time volunteer for the Butler office, has been nominated for her consistent willingness to represent

clients in family law cases. Ms. Laffey-Ferry has been a volunteer for NLSA for 18 years. "Burn-out," a term frequently heard among those doing volunteer work in the poverty law area, is obviously not a term in her vocabulary.

The Aliquippa office in conjunction with the Beaver County Bar Association has nominated **Hilary A. Kinal** for his many years of volunteer work for NLSA. Mr. Kinal's pro bono efforts, which have not been limited to NLSA and the Bar Association, are an outgrowth of his commitment to families. He has also accepted many reduced fee referral cases involving PFA and custody issues. In one notable case Mr. Kinal secured admission to the United States Tax Court in order to represent a client on an Earned Income Tax Credit matter - a case which he ultimately won, thus insuring his client's right to an income source that is very helpful to low income families.

We hope that the outstanding pro bono records of these attorneys will serve as a model to all members of the private bar, and especially to the newest members who are just entering the profession. As we have often said, when the work is shared by many, the burden is lighter for all.



NLSA would also like to acknowledge the efforts of a member of the judiciary for his contribution to the success of the McKees Rocks Community Legal Clinic sponsored by the Pittsburgh Pro Bono Partnership. On February 11, 2004, the **Honorable Eugene F. Scanlon Jr.**, Administrative Judge of Family Division in Allegheny County Common Pleas Court, signed an Administrative Order allowing attorneys volunteering to take referrals of custody and divorce cases from the clinic to enter a limited appearance in custody cases and to file IFP praecipes in custody and divorce cases. This order illustrates the court's understanding of the importance of volunteer efforts in the area of family law and will certainly encourage more attorneys to volunteer to assist clients in these areas.

If you would like to volunteer or have questions concerning the type of volunteer work available at NLSA, please contact Barbara Kern at 412-255-6700, ext. 449.



NEIGHBORHOOD LEGAL SERVICES ASSOCIATION
928 PENN AVENUE
PITTSBURGH, PA 15222

Nonprofit
Organization
U.S. Postage
PAID
Pittsburgh, PA
Permit No. 1080

NLSA's mission is to meet the civil legal needs of poor and vulnerable individuals by securing the rights and obtaining the benefits to which they are entitled through effective legal representation of eligible individuals and groups.



Articles in this newsletter are for general information only and do not constitute specific legal advice. If you have a legal problem, you should consult an attorney.

The NLS Press

Edited by: [Barbara Kern, Esq.](#)
Layout by: [Amy Carpenter, Esq.](#)
Executive Director:
[Robert Racunas, Esq.](#)

Contact Us:

928 Penn Ave., Pittsburgh, PA 15222
website: www.nlsa.us



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.