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NEW PROGRAM PROVIDES HOLISTIC APPROACH TO CLIENT SERVICE

by Barbara Kern

A recent trend in the provision of legal services to the poor involves a greater awareness of the importance of an holistic approach to serving client needs. This new delivery system arises from consideration of a number of interacting developments within the low-income population.

First, an increasing number of legal services clients are now working in low-wage employment as they and their families move from welfare to self-sufficiency. Nationally, 78% of families under the poverty line have one or more adults in the workforce. The percentage of working mothers with children under age three grew from 41% in 1980 to 61% in 2000.¹

The public policy changes leading to this situation have transformed the basic welfare system from one of

income support to one of work and work supports. The TANF caseload has dramatically declined nationally from 5 million families in 1995 to 2.2 million families by June, 2000, and to 2.0 million families by March, 2003.

This change has had a particularly deleterious effect on health care coverage for poor children. A 2000 study found that, in most states, one-half of parents (and more than one-third of children) in families that leave Welfare lose Medicaid. From 2001 through 2003, revenue losses and budget cuts resulted in 1.2 million to 1.6 million low-income people (including 490,000 to 650,000 children) losing publicly funded health coverage.

Finally, as a result of these changes, client needs have altered. Workers in low wage jobs require a strong support system to enable them just to survive on those wages. Added to this is the job instability associated with such low wage positions. Therefore, the availability of food stamps; child care, transportation, and supplementary cash assistance;

and medical benefits becomes critically important if a family is to be able to weather the transitional period in moving from welfare to self-sufficiency.

In recognition of the changing circumstances of its client population, the Southwestern Pennsylvania Legal Consortium² has established as one of its priorities the developing, financing, and

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²Southwestern Pennsylvania Legal Services, Laurel Legal Services, and Neighborhood Legal Services Association.

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¹All statistics in this article were obtained from the Proposal for Iolita Funding submitted by Southwestern Pennsylvania Legal Services on behalf of the Southwestern Pennsylvania Legal Services Consortium. For further information on these statistics, contact Robert M. Brenner, Executive Director SPLAS.

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CLE SEMINARS

In November NLSA will sponsor two family law seminars in conjunction with the Greater Pittsburgh Women's Center and Shelter, Legal Resources for Women, and the ACBA Family Law Project.

The first of these programs, "Basic Family Law Issues", will be held on Tuesday, November 16 between 8:45 and 12:00, with registration beginning at 8:15. The seminar will be held at the YWCA at Wood and Third. It is aimed at assisting those attorneys volunteering at one of the three community clinics operating in Pittsburgh with some basic information about the family law cases that they will encounter at these clinics. The training, however, is open to all attorneys and paralegals. Seating is limited to 50. The training offers 3 substantive credits.

The second program, "PFA Practice for the Non-Specialist", will be offered on Friday, November 19 between 8:30 and 11:45 at the Moses Hampton Room, Buchanan Ingersoll P.C., One Oxford Centre, 20th floor. It is aimed at both new volunteers for NLSA's PFA referral program and those who want a "tune-up" after having been in the program for a while. This CLE will offer 2 substantive and 1 ethics credit.

On January 20, 2005, NLSA will offer a six hour training in Predatory Lending and the basic defenses in both Common Pleas and Bankruptcy Court. This training will be held at the Citizen's Bank headquarters, 525 William Penn Place. There will be a lunch break on your own between noon and 1:15 p.m. The seminar offers 6 substantive credits.

Registration forms for all of these CLEs are available on the NLSA website at www.nlsa.us or by contacting Patricia Stockline at 412-586-6125. The cost of the November seminars to non-volunteers is \$30.00; the cost of the January seminar to non-volunteers is \$60.00.

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.

Holistic Approach *(continued from page 1)*

launching of a collaborative initiative to address these critical high priority needs of the low income community.

The Consortium is implementing this priority through its Comprehensive Assessment/Action Project (CAAP), which is being funded by an Iolta grant. The project involves the compilation of a comprehensive list of social service agencies in each service area, the development of an interview instrument to ascertain the client's needs and his/her eligibility for various benefits, and the use of these tools in individual client interviews. As a result of these interviews, clients will be able to learn if there are any benefits to which they may be entitled but which they are not currently receiving. They will then be given information on how to obtain such benefits. A followup will be done to ascertain the degree to which clients followed through on the recommendations.

The project has already been in operation at Southwestern Pennsylvania Legal Services since 2002. In its early implementation of the program, SPLAS attorneys interviewed 443 clients, resulting in 548 referrals to social service agencies. Clients successful in application for benefits cumulatively received tens of thousands of dollars of annual benefits, in addition to securing eligibility for medical and

transportation assistance.

NLSA has been piloting the project in its Lawrence County office since May. The project was staffed by a volunteer social work intern from the Slippery Rock University School of Social Work and supervised by Michelle DeBord, Managing Attorney for NLSA Beaver, Butler, and Lawrence Counties. The program is now being expanded to the Beaver and Butler County offices. It is hoped that continuing assistance can be obtained from Slippery Rock's School of Social Work.

The Pittsburgh office is currently using the services of one of its paralegals, Ms. Mary Ann Duckett, to develop the list of Allegheny County agencies and to revise the interview instrument in line with the needs of clients in the Pittsburgh office. Interviews will begin in November. NLSA has also contacted the Schools of Social Work at the University of Pittsburgh and Carlow College in an effort to obtain a student intern to work with Ms. Duckett. Managing Attorney Edward van Stevenson is supervising the project.

Anyone wishing to obtain further information about this program may contact Robert M. Brenner, Executive Director of Southwestern Pennsylvania Legal Services.

EFFECTS OF INCREASE IN POVERTY RATE ON PITTSBURGH'S POOR

The number of Americans living in poverty or lacking health insurance rose for the third straight year in 2003, reflecting a job market that failed to match otherwise strong economic growth. The national poverty rate rose to 12.5 percent - 35.9 million or one in eight people-last year from 12.1 percent in 2002. Hit hardest were women, who for the first time since 1999 saw their earnings decline, and children. By the end of 2003, 12.9 million children lived in poverty. Children, in fact, made up an especially large segment of the newly impoverished, accounting for more than half of the overall increase.¹

Sheldon H. Danziger, co-director of the National Poverty Center at the University of Michigan, said the rise in poverty represents fallout from the 1996 Welfare Reform Act. Because the new policy shifted government benefits to reward those who work, single mothers who were employed received additional assistance when jobs were plentiful but are struggling now that the economy has 1.2 million fewer jobs. However, although the child poverty rate was up for the year at 17.6 percent, it is still below the 1996 20.5 percent figure.

The number of Americans without health insurance rose by 1.4 million to 45 million, or 15.6% of the populations. Both the poverty and uninsured rates have risen for three straight years.

Organizations in the Pittsburgh area such as Jubilee Kitchen see the human face of these statistics every day. Director Sister Liguori Rossner, commenting on the increase in poverty statistics in a recent article, stated that "We see it here. . . People are calling for help with rent, utilities, school clothes, transportation to work. People are living in the dark, without heat, asking for jars of peanut butter and jelly to take home."²

These figures illustrate the need for programs which supplement income for the poor and for projects such as NLSA's CAAP Project which is the subject of this issue's lead story.

¹Information by Ceci Connolly and Griff Witte, *Washington Post* staff writers, August, 27, 2004; page AO1.

²September 10, 2004 *Pittsburgh Catholic*, CLX, No. 25, p. 7, "A Jubilee for Jubilee".

NEW COMMUNITY LEGAL CLINIC TO OPEN IN NOVEMBER

by F. J. Lucchino, Esquire

At the end of another grueling work day, what could be better than cutting out of the office a little early, walking across town, striding across the threshold of a public establishment where your arrival has been eagerly anticipated, and cracking open a nice, fresh. . . case file. These and other delights await lawyers who volunteer at the newly formed Uptown Legal clinic, a joint effort of ACBA attorneys and Bethlehem Haven, a provider of shelter and support services for homeless women. The Clinic, although housed at the Bethlehem Haven offices, 905 Watson Street, Uptown (near Chatham Square), will also draw clients from nearby neighborhoods and service organizations.

Modeled after the highly successful McKees Rocks Community Clinic operating at Focus on Renewal and with significant input and assistance from Neighborhood Legal Services Association, Uptown Legal Clinic will handle a wide variety of civil and family law matters for clients who are income eligible. It is expected that the majority of client matters will be resolved with advice at the clinic; however, limited representation in Common Pleas Court or at administrative hearings may sometimes be appropriate. Expenses and court costs, if not waived, would be the client's responsibility.

Initially, the Clinic will operate on the second Wednesday of each month from 6 to 9 p.m.; hours may be increased based on the demand for legal services and the supply of pro bono attorneys. Clients will be pre-screened and scheduled for appointments by Bethlehem Haven staff. **The first clinic session is**

scheduled for November 10, 2004.

The clinic will be staffed by two volunteer attorneys per session. Volunteers are now being recruited with the active support of the ACBA Civil Litigation Section, which highly encourages its members to participate on an individual or firm-wide basis.

No special expertise is required. Training (including possible CLE credit) will be available in the most frequently encountered areas of law (see page 2 for details on Family Law seminar November 16); the ACBF will provide professional liability insurance for those legal services which volunteers provide on behalf of the clinic; and a reference manual is now being prepared to assist the volunteers.

Those interested should contact the organizers of the clinic, Debbie Kutzavich, Esq. (412-338-3502 or dlkutzavitch@hillmanco.com) or F.J. Lucchino, Esq. (412-654-3111 or lucchino@verizon.net).

The Uptown Clinic is the third community clinic to begin operation in the Pittsburgh area, following the opening of the McKees Rocks Community Clinic in September, 2003, and a community clinic in Oakland opened by the Christian Lawyers Association in January, 2004. Volunteers at all of these clinics are to be commended for the work they are doing to establish a broad-based legal infrastructure to provide legal help to the needy.

PITTSBURGH PRO BONO PARTNERSHIP INITIATING NEW PROJECTS

by Barbara Kern

The Pittsburgh Pro Bono Partnership, now in its fourth year, is about to initiate its third Signature Project.

The Partnership's first Project, the McKees Rocks Community Clinic, was recognized by the Allegheny County Bar Foundation at its seventh annual Fellowship Dinner on October 13 with an award for outstanding new initiative for 2003. The clinic first opened in September, 2003, and in the fourteen months since then has assisted over 170 clients with legal advice or representation in a wide variety of civil legal matters. The clinic took a new step this month, when it added attorneys from the law firm of **Burns White & Hickton, LLC** to its staff. Those attorneys will be scheduled into the clinic rotation with attorneys from **Klett Rooney Lieber & Schorling P.C.** and **Alcoa Inc.** beginning in January.

A second Signature Project is also up and running as of this month. The Minority and Women Owned Business Clinic has undertaken to assist the African American Chamber of Commerce in a program which is part of the Chamber's Business Institute. Attorneys from **H.J. Heinz Company** and the law firm of **Kirkpatrick & Lockhart, LLP** joined to provide legal information on the Chamber's "Ask the Expert" program every Thursday from 9:00 am. to noon throughout the month of October.

The Partnership Business Clinic envisions offering a variety of services to qualifying minority and women owned businesses and will be announcing the

availability of these additional services in the near future.

The third Signature Project now in the planning stage is a cooperative effort among several groups to combat the effects of predatory lending in low income neighborhoods. Attorneys from **U.S. Steel Corporation** will be important participants in this endeavor. Training is planned for the end of January and the project will be implemented beginning in February. A full description of the Project will appear in the winter issue of the *NLS Press*.

The Partnership Board encourages all members to consider Signature Projects which they might wish to develop in cooperation with other Partnership member firms or legal departments. The Board meets on the last Tuesday of each month and would welcome the attendance of representatives of any member firms to present new ideas for consideration. Contact Attorney Jeffrey Heeter at Alcoa Inc., 201 Isabella Street, Pittsburgh, PA 15212 (412-553-4747) if you are interested in being put on the agenda.

Along with the development of exciting new Signature Projects, the Partnership Board is investigating means of more effective communication with the member firms and legal departments. Discussion is currently centering on website expansion and an email newsletter. Any member interested in contributing technical or journalistic expertise to either of these projects should contact Mr. Heeter at the address and number above.

A CASE STUDY: HELPING A MOTHER FIND HER CHILD

Recently a 19-year-old mother came into one of the NLSA offices seeking advice on a child snatch. Her daughter at that time was a year and a half. The client and the child's father had lived together briefly for about eight months after the child was born. However, in November of 2003, the father disappeared.

The father suddenly reappeared in June, 2004, asking to spend time with his baby girl for a weekend. Our client happily agreed, with the understanding that she would pick the child up after the weekend. However, when she arrived at the father's place on Monday morning, he refused to return the child. By Friday, father had disappeared again, this time with the child.

By the time the client came to NLSA, she had already done some investigating on her own. By asking around the community, she had found out that the child's father had met a woman on the internet and had moved to a midwestern state in November, 2003 and that this is where he had returned with his daughter. Our client was then able to find an address of a large apartment complex at which he was living.

She also found out some information about the father which made her especially concerned for the safety of her daughter. She was informed that he had been accused of sexual molestation by his sister, who now prohibited him from visiting her daughters. She was therefore not only concerned about whether the father could care for the child but also whether he would harm her.

By the time Mother came to NLSA, it had been 12 days since she had seen her child and approximately 10 days since the child had been taken. NLSA immediately presented a Motion for Special and Interim Relief along with a Custody Complaint in the local court of Common Pleas. The motion was granted but the judge changed the wording of the order so that although the father was ordered to return the child to the local jurisdiction, no party was specified as the physical custodian. The language was so ambiguous that NLSA went

back two days later to seek a more specific order, requiring the return of the child by July 9, 2004, suspending the father's rights to custody until further order of court, and requiring any law enforcement authority which found the child outside the local jurisdiction to assist in her return. This order was signed.

Because of a problem with the address that the mother had obtained, the paperwork never reached the father despite repeated attempts by regular and certified mail. Our client, along with her mother, therefore decided to travel to the state where the father was living. A non-profit counseling agency assisted them with bus fare and also contacted agencies in the other state, who agreed to assist them when they arrived.

When Mother and Grandmother arrived at their destination, they were unable to find the agencies that had agreed to help them and were, in fact, turned away by some others. With only \$20 left, they found a cab driver who said he would take them wherever they needed to go for no more than that amount.

The driver took them to the Sheriff's Department, where they received help in retrieving the child. The Sheriff took them to the apartment complex and was able to make service on the father. They found the child covered in body lice, and her diaper had not been changed in days.

The Sheriff took everyone out to McDonalds for dinner and then helped them find a shelter for the night and gave them some money for food on the way home.

Once Mother and daughter were back in Pennsylvania, they attended the child custody conference, at which the Conference officer recommended full custody to Mother, suspending all visitation and custody rights of the father. Mother and daughter are now living with Grandmother and are doing much better. They are all very grateful to NLSA for the legal assistance with which they were provided.

STEPHANIE THOMAS “RETURNS HOME”

by Barbara Kern

In January, 2004, when Attorney Stephanie R. Thomas walked into the Aliquippa office of Neighborhood Legal Services Association for her first day at work, it was not a new experience for her.

Stephanie, who received a Juris Doctor degree from The Dickinson School of Law of the Pennsylvania State University in May, 2002, had already had experience providing legal assistance in Beaver County in the summer of 2001 and again in December of that year, when, as a Certified Legal Intern at NLSA, she had represented clients in PFA proceedings, custody conferences, and District Justice hearings on landlord tenant matters. Today, as our newest staff member, she is continuing and broadening the work that she did then. And she still appreciates the support she has received from all the staff at Aliquippa both as an intern and as a new attorney.

Stephanie's other law school experiences have also provided her with a valuable foundation for her work at NLSA. In 2001 she participated in Dickinson's Disability Law Clinic, representing clients in administrative proceedings for SSI claims and engaging in the medical research and investigation involved in the preparation for those hearings. Prior to that she had done legal research as a student intern for the Honorable Ralph D. Pratt of the Lawrence County Court of Common Pleas.

Since her graduation from law school she has done work in title searching and closings for residential real estate transactions, and from March, 2003 to January, 2004, she was involved as a contract attorney at Eckert Seamans Cherin & Mellott with review of documents in preparation for document production in international products liability litigation.

Stephanie received her undergraduate degree from the University of Dayton in 1999 and is currently working on an M.B.A. at Geneva College, which she anticipates completing in May, 2006.

Stephanie was married last year and she and her husband (when they're not remodeling their home in Beaver) enjoy outdoor activities such as skiing, hiking, and biking. Rumor has it that she also makes a great apple pie!

As Stephanie reflects on her reasons for being at NLSA, she feels that she is here to help that group which, in American society today, is most disadvantaged in terms of access to healthcare, healthy home lives, a good education, and the judicial system. She states that she is proud to be part of a team that is constantly striving to find better ways to assist the disadvantaged.

And all of us at NLSA are equally proud to welcome her back as a member of that team!



DICKIE McCAMEY AND THORP REED BEGIN INNOVATIVE PROGRAM TO HELP NLSA CLIENTS

by Barbara Kern

In an unprecedented step to assist NLSA in its mission to serve the legal needs of the poor, two Pittsburgh law firms are providing attorneys to work at NLSA for a year. The project has been titled "Lawyers on Loan."

The two attorneys are Linda Varrenti Hernandez, an associate at **Dickie McCamey and Chilcote PC** and Jennifer Aitken Schnore, an associate at **Thorp Reed & Armstrong LLP**.

In an article appearing in the *Pittsburgh Business Times* on October 8, 2004, David Trevaskis, pro bono coordinator for the Pennsylvania Bar Association in Harrisburg stated, "There's a partial program like this in Philadelphia, but (with) nowhere near the level of commitment," "So we're really excited and consider this a model for the rest of the state and for the nation in terms of what can be done with partnerships. The law firms have made a significant effort to improve the access to justice for the poor of Allegheny County."¹

That same article quotes Esther Lardent, president of the Pro Bono Institute at Georgetown University Law Center in Washington, D.C. as stating that although at least 80 law firms around the country have comparable efforts, the Pittsburgh example is groundbreaking because of the year long commitment.

Current NLSA board president Mark Nowak of Thorp Reed and board member Maria Greco Danaher, a Dickie McCamey shareholder and chair of the NLSA Board Pro Bono Task Force, spearheaded the effort to bring these much needed volunteers to NLSA. Both attorneys found their firms very receptive to the concept of "Lawyers on Loan" and had no trouble recruiting an associate willing to be placed at NLSA. Mark Nowak stated that he believes "this is a cutting-edge, pioneering effort and one that can be supported by other firms in the city."²

Ms. Schnore and Ms. Hernandez began their work here at the beginning of October and weathered a computer meltdown along with the rest of the NLSA staff for much of the month. Now that the system is up and running, we hope that things will run smoothly for our entire staff and that our newest members will find the work that they do here as challenging and rewarding as do the NLSA attorneys, paralegals, and support staff who have dedicated their professional lives to serving the legal needs of the poor.

¹Pittsburgh *Business Times*, Oct. 8-14, 2004, page 6.

²*Ibid.*

The Pro Bono Corner

At the seventh annual Fellows Reception and Dinner on October 13, the Allegheny County Bar Foundation recognized the 2003 volunteer work of several individuals and groups.

James E. Mahood of **Wilder & Mahood** received a Career Achievement Award. Mr. Mahood was nominated by the ACLU for his work on cases involving children removed from their mothers by the Beaver County court system. Mr. Mahood has also served on the NLSA Board of Directors and contributed pro bono time to representing and advising low income clients on family and PFA matters through our various programs.

The Jane F. Hepting Pro Bono Award was given to three attorneys this year. **Ann Morris Baker** of **Kirkpatrick & Lockhart** has been the coordinator of the firm's Protection from Abuse Referral program since 2000. Under her leadership the program has become a significant part of the firm's overall pro bono program and has dramatically increased the number of victims of domestic violence whom it has assisted..

The second Jane Hepting awardee was **Gary Hunt** of **Tucker, Arensberg, PC**. Mr. Hunt was honored for his extraordinary 14 year commitment to pro bono representation of four siblings in juvenile court dependency and termination of parental rights proceedings. His continuity of representation has been critical given the complex nature of the case, which involves children with severe medical and mental health issues.

The third awardee was **Heidi Rai Stewart** with the firm of **Houston, Harbaugh, PC**. Ms

Stewart was instrumental in the implementation of the Older and Wiser Program designed to deliver important legal advice and information to the elderly, their families, and their caregivers through seminars offered at various locations. The program is now being conducted throughout western Pennsylvania.

Two awards were given to recipients who are not members of the bar. **Maria Heidi Weber**, a paralegal at **Kirkpatrick & Lockhart**, was recognized for her undertaking to revise and update the family law section list and NLSA's family volunteer list and the use of that list in scheduling attorneys for NLSA's twice monthly Family Law Clinics for the last year and a half.

Robert J. Perkins, a third year law student at Duquesne University's School of Law, was honored for his commitment to volunteer work at NLSA outside of the clinic and externship programs. During the past year he assisted Managing Attorney Catherine T. Martin with work in the area of predatory lending. He is currently the student coordinator of the school's pro bono program under the direction of Dean Ella Kwisnik.

The law firm of **Buchanan Ingersoll, PC** was honored for its per attorney average of 19.64 hours of pro bono work as a member of the Pittsburgh Pro Bono Partnership. These numbers far exceed the Partnership goal of 10 hours per attorney. Buchanan Ingersoll was nominated by NLSA specifically for its contribution to our PFA referral program.

The Corporate Legal Department Pro Bono Award was shared by five title companies for

their participation in a valuable new program developed by Attorney Irene McLaughlin under the auspices of Regional Housing Legal Services. The program is the Home Ownership Preservation Project (HOPP), which is aimed at assisting low income home owners whose properties are encumbered by liens for unpaid property taxes and other municipal claims. The companies who have contributed pro bono legal work on 15 title matters referred by HOPP are **Chicago Title Insurance Company**, **Fidelity National Title**, **First American Title Insurance Company**, **Land American Lawyers Title**, and **Stewart Service Center**.

A Judicial Initiative Pro Bono Award was presented to the **Pro Se Litigant Program**, instituted in 1997 to provide assistance for unrepresented litigants in the preparation of motions to be presented pro se in Family Court. The program provides assistance to over 2000 pro se litigants annually through the volunteer services of 155 volunteer attorneys from the Family Law Section. Accepting the award was Coordinator Attorney Barbara Payne.

Finally, attorneys from **Klett, Rooney, Lieber, & Schorling** and the **Alcoa Legal Department** were recognized for their work in providing legal services to low income residents of the McKees Rocks area through the McKees Rocks Community Clinic, a new initiative established in 2003 under the auspices of the Pittsburgh Pro Bono Partnership. Accepting the award on behalf of Klett Rooney was **Attorney Peter Ennis** and on behalf of Alcoa **Attorney Jeffrey Heeter**.



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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.




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The NLS Press

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