

# Neighborhood Legal The NLS Press Services Association

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

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## “SOME PEOPLE ROB YOU WITH A FOUNTAIN PEN”<sup>1</sup>

by Barbara Kern

Neighborhood Legal Services Association has joined forces with two community organizations and members of the private bar to launch an innovative anti-predatory initiative. The Homewood Anti-Predatory Lending Project has been established to assist homeowners in that community in identifying and combating predatory lending practices.

The idea for the project grew out of the concern of NLSA attorneys Daniel L. Haller and Catherine T. Martin about the growing number of predatory lending issues they have been seeing in their practice. In the last year Haller has been working closely with Greg Simmons, Acting Director of the Pittsburgh Community Reinvestment Group, on several predatory lending cases. PCRG is a non-profit corporation organized in 1988 to promote investment and protection of assets in neighborhood communities. It was therefore natural to look to PCRG as a partner in this new project.

Recognizing that NLSA does not have enough attorneys to staff an undertaking of this scope, Haller and Martin looked to the private bar as the second partner. Through the auspices of the Pittsburgh Pro Bono Partnership, an association of law firms and

corporate legal departments founded in 2000 to increase pro bono efforts, attorneys and paralegals from US Steel Corporation's legal department have joined the team. In addition, a group of attorneys from the Allegheny County Bar Association Young Lawyers Section will be providing various types of assistance throughout the first year of the project.

With input from Simmons, NLSA identified Homewood as the site for implementation of the project for two reasons. NLSA is a provider of legal services to low income individuals and families. Demographically, Homewood is a low income community in which there is a relatively high percentage of homeowners (a total of 4,721 units, of which 53% are owner-occupied in North Homewood, 51% in West Homewood, and 38% in South Homewood).<sup>2</sup> At the same time, it is a community in which a large number of these homeowners are facing mortgage foreclosures. The relationship between foreclosure rates and predatory lending practices in low income communities is especially high.

The second reason for identifying Homewood to pilot this project centers on the existence of a strong community infrastructure through which these homeowners can be reached. Thus it was that

Building United of Southwestern Pennsylvania (BUSP) became the final partner.

BUSP is a faith-based community and economic development non-profit corporation. Its Executive Director, the Reverend Samuel W. Ware, has become a key decision-maker in the organization and implementation of the project

<sup>1</sup>From "Talking New York" by Bob Dylan  
<sup>2</sup>United States Census 2000, Department of Public Welfare data extract, and Allegheny County Department of Human Services (DHS) Data Warehouse and other independent data systems. All DHS data is for the year 2003.

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## Helping the Poor Benefits the Entire Community

Pennsylvania Legal Services recently published its "2004 Results and Capabilities Report"<sup>1</sup> describing the outcomes of the Pennsylvania Legal Aid Network (PLAN). This Network is comprised of 16 legal aid organizations including Neighborhood Legal Services Association, a member of the Southwestern Pennsylvania Legal Services Consortium.

One of the outcomes identified involves the economic impact of the benefits which legal aid advocates win for their clients. These benefits include Supplemental Security Income and unemployment compensation benefits, both of which NLSA advocates pursue for our clients.<sup>2</sup>

The report states that PLS-funded legal aid programs in Pennsylvania obtained \$45.3 million in federal benefits for low income families in 2004. These dollars, along with \$19.3 million in federal grant support for legal aid programs, resulted in \$119.3 million in new economic activity in local communities throughout the state and 2,983 additional jobs in those communities.

In addition, these numbers tell only part of the story. They do not include economic benefits that are hard to quantify, such as jobs that are retained instead of lost, homelessness that is prevented, or job training or child care payments that enable individuals to make a successful transition from welfare to work.

Thus, the work that we are able to continue, partly because of pro bono involvement in our unemployment compensation and SSI termination referral programs, is bringing benefits not only to our clients but to the community at large.

<sup>1</sup>The information in this article is taken from the Pennsylvania Legal Services 2004 Report, page 11.

<sup>2</sup>Other benefits pursued by some legal services, but not NLSA, are SS Disability and child support.

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.

## Homewood *(continued from page 1)*

and has taken the lead in the outreach efforts necessary to publicize it in the community.

The office of State Senator Jim Ferlo has become a vital player in this outreach effort by volunteering to develop and distribute flyers by bulk mailing to all homeowners in the Homewood zipcode area. The first mailing is scheduled for February 1, with a follow up mailing sometime in April. Members of the Young Lawyers group will also distribute these flyers to various community centers and churches.

The core of the project will be a twice-monthly clinic held at New Life A.M.E. Church, 7328 Hamilton Avenue. The clinic will be held on the second Tuesday evening and the third Saturday morning of each month, beginning on February 8. This clinic will differ from the three other community clinics recently established in the Pittsburgh area to provide general legal advice and representation to low income residents, in that the Homewood clinic will be limited to advice and representation on homeowner predatory lending issues. Each clinic will be staffed by two to three attorneys and a representative from PCRG. Homeowners who feel that they may have a predatory lending issue or who are facing foreclosure can bring their documents to the clinic to be examined. The attorneys will review the documents, advise the clients, and offer further legal representation to protect the client's interest when appropriate. This representation might include negotiating lower interest rates and decreased loan amounts, defending an action in Common Pleas Court, or filing a Chapter 13 bankruptcy in federal court.

Members of BUSP and the PCRG representative will provide other support services at each clinic. Representatives of Senator Ferlo's office may also be available to deal with issues such as tax rebates and other services that the Senator's office might be able to provide for the clients.

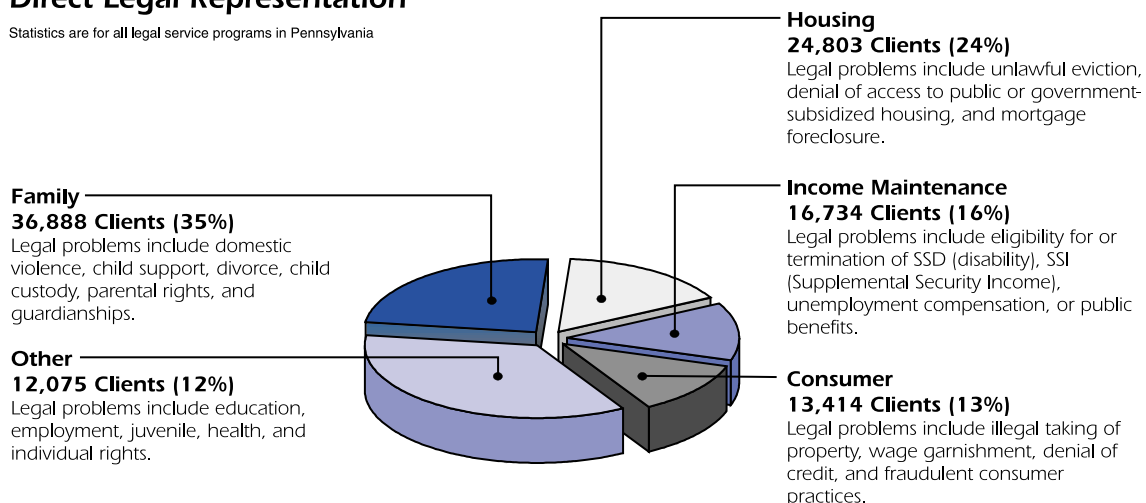
The Project was inaugurated with a 6 credit CLE training in predatory lending issues hosted by **Citizen's Bank** on January 20. Panelists included **Attorneys Catherine Martin and Daniel Haller** from NLSA, **Greg Simmons** from PCRG, and **Attorney Ronald D. Barber** of the law firm of Strassburger, McKenna, Gutnick & Potter, PC. Mr. Barber is also a member of the NLSA Board.

The Homewood Anti-Predatory Lending Project is the most recent example of NLSA's joining with community organizations and the private bar to expand the scope of its legal services on a community wide basis. While our Helpline and individual representation of clients in landlord-tenant, unemployment compensation, public benefits, Protection from Abuse, and consumer cases remains the core of our program, a tight funding market and resulting staff limitations have spurred the need to identify creative ways to assist more low income families with less staff. Becoming an active partner with members of the private bar in these innovative new projects is enabling us to achieve that goal.

If you would like more information on this program or would like to volunteer your services, call Barbara Kern at 412-586-6138.

### 103,914 Clients and Their Families Provided With Direct Legal Representation\*

Statistics are for all legal service programs in Pennsylvania



\* 12 months ending June 30, 2004

Source: *Results and Capabilities 2004*, Pennsylvania Legal Services, January 2005

## VICTIMS OF DOMESTIC ABUSE NEED YOUR HELP

*by Thomas Putinsky, Esquire*

**D**omestic violence is a serious problem throughout the nation. Each day in Allegheny County, an average of 15 to 20 people apply to NLSA for representation after receiving a preliminary Protection from Abuse order through Family Court. Although the Petitioner is frequently married to the Defendant, there are other relationships which lead to the filing of PFAs - parent-child, sibling-sibling, or a boyfriend and girlfriend who do not live together. In 2004 NLSA provided representation to over 2,300 Plaintiffs, either through our in-house staff or through referrals to the private bar. In addition, there are others who represent themselves in these cases or who are represented by private counsel.

After the Petitioner has obtained a temporary order, a final hearing is scheduled. Usually between ten to fifteen hearings are held each weekday morning Monday through Thursday. The issues which can be considered in this hearing or the negotiations leading up to it include not only the protection issue, but also custody, support, and distribution of property. At this point in the process, the parties may be represented by counsel. Therefore, the representation of a Plaintiff at a final hearing provides an opportunity for members of the private bar to render pro bono service.

Representation of clients in contested cases also provides the pro bono attorney with an opportunity to develop or hone the negotiation skills which may bring a contested case to resolution without the need for a final hearing before a judge. If a case cannot be settled, it may be conciliated before a judge, who will then schedule a final hearing if the conciliation does not result in a consent order. Representation at such hearings enables the attorney to lay out his or her case as to why a Protection from Abuse order is necessary. It thus again provides the pro bono attorney who may be a novice at litigating with valuable legal experience.

Very few PFA cases end in an evidentiary hearing. Resolution may occur because of a compromise reached through negotiation, a default order if the Defendant was served but does not appear, or the Plaintiff's withdrawing or not pursuing the petition and allowing the

preliminary order to expire. Should the Plaintiff not appear but the Defendant does, an order will be entered dismissing the petition.

Providing pro bono representation to a Plaintiff in a protection from abuse case is both challenging and rewarding-challenging because your client is frequently at a very difficult time in his or her life and because proving the abuse may be difficult; rewarding if you are able to help the client obtain an order which will provide protection and peace of mind. Please consider this area when deciding how you want to render pro bono service.

Volunteers are contacted by Mary Ann Troper-Malley and asked to take anywhere from two to eight cases on a certain day. The volunteer may specify a date on which he or she wants to volunteer or may chose from a list of open dates.

Approximately half of our volunteers are not family law practioners. Many are attorneys who are sole practioners or who are in small general practice firms. Nine larger firms and one corporate legal department have formed PFA teams; these teams usually sign up for a series of dates throughout the year. We would encourage any young attorneys in these firms to volunteer to obtain valuable negotiation and litigation experience.

We provide support for our PFA volunteers through a list of mentors, including members of the NLSA staff, and with three trainings throughout the year. Two of these provide CLE credits, including one ethics credit. The trainers, **Attorneys Lorraine Bittner and Beth Keenan**, have extensive experience in the PFA area. Ms. Keenan, who headed the PFA program at NLSA for many years, is now the director of the PFA Program in Family Court. Ms. Bittner, former head of the Family Division at NLSA, is now counsel for the Women's Center & Shelter of Greater Pittsburgh.

Kirkpatrick & Lockhart Nicholson Graham LLP will host a non-CLE training on Saturday, February 12, 2005, from 9:00 a.m. until 12:00 p.m. at their offices in the Henry W. Oliver Building, 525 Smithfield Street. Please contact Mary Ann Troper-Malley at 412-586-6134 to register for this training or to volunteer for our PFA referral program.

## STAFF PROFILE: CENTRAL OFFICE INTAKE UNIT

by Barbara Kern

The summer of 2004 marked the third anniversary of the inauguration of the Intake Helpline at Neighborhood Legal Services Association.

In the summer of 2001, under the leadership of now retired Attorney Jane Hepting, NLSA instituted an advice Helpline and at the same time reorganized its intake procedure in the central office. Today all calls that come into that office are handled by five intake specialists in one intake unit.

The unit funnels intakes either to two attorneys who specialize in telephone advice or to other staff attorneys who provide full service representation in specific areas of the law. The assignments are made according to rotation lists in each specific area. The intake specialist first ascertains that the caller is income and asset eligible and is not a conflict for NLSA and then enters pertinent client information into the computer program. The intakes are then sent out to the appropriate attorney.

The unit also schedules clients for NLSA's two evening clinics, refers elderly callers to one of the senior centers at which they can be seen by our ELP attorneys, and provides telephone numbers to other agencies for callers who do not have the type of problem for which NLSA can provide legal assistance.

The five members of the intake unit are all long term employees of Neighborhood Legal Services Association. All but one of them started in offices which have now been closed because of budget cuts. Only two of them did intake work prior to the establishment of the unit. They began their work in 2001 as four individuals learning to cope with new computer programs, a new organizational pattern, and each other's idiosyncracies. In March of 2004 the fifth member was added when the McKeesport office was closed and its staff moved to Pittsburgh. What started out as five individuals has now become a team whose work is invaluable to the operation of our organization.

Wanda Austin has been with NLSA for 27 years, beginning in the Plaza Building in 1978. She was later a secretary in the Homewood, Hill District, and downtown offices, and joined the new intake unit in 2001. When she isn't at work, she enjoys reading, bowling, and cooking.

Nellie Eaves began working full time for NLSA in 1978, after two years of working part time for NLSA and part time for the County. In 1978 she was hired to work at the Homestead office with the attorneys who were setting up the Elder Law Program (ELP). When

that program was transferred downtown, she moved here to the central office.

Doreen Mitchell started her career at NLSA back in the early days of community offices. She fondly remembers being the receptionist in her hometown office in Braddock over 20 years ago. When that office closed, she became a secretary in the McKeesport office and went to school at night to earn a paralegal certificate and an Associate Degree in Legal Studies. In March of 2004, she moved to Pittsburgh along with the rest of the McKeesport staff and is now a member of the intake unit, as well as NLSA liaison at PFA court.

Marilyn Murphy started working for NLSA in the central office in March, 1988. She likes to say that she started in the intake department and is still in the intake department-but what a change that department has seen! And Marilyn has cheerfully adapted to those changes every step of the way.

Patricia Stockline has now been with NLSA for 28 years. She started as a receptionist in the South Side office and also worked part time in Lawrenceville before coming to the central office. She, like Doreen, remembers the closeness of the smaller community offices and how everyone in the office would often get involved in a case. Today she is part of the intake unit and also assists Attorney Barbara Kern.

Together this intake staff has a total of 119 years of experience here at NLSA. What they have shown in their new positions as intake specialists is their willingness to adapt and to forge a working unit that has become more efficient and more effective with each year.



*Intake Specialists from left to right: Doreen Mitchell, Nellie Eaves (seated), Wanda Austin, Patricia Stockline, Marilyn Murphy*

## JOINING FORCES TO HELP THE ELDERLY

*by Barbara Kern*

One of the programs for which NLSA has a contract to provide legal services is the Elderly Law Project funded by the Allegheny County Department of Aging. In this program NLSA attorneys meet with clients at senior centers throughout Allegheny County and provide legal advice and further representation when appropriate.

Attorney Julie Nuse recently combined forces with a member of the private bar to provide a happy ending to the legal problems faced by one of her elderly clients. Ms. M, aged 93, had been in the process of selling her house and moving out of state to live with her daughter. She obtained a buyer for the house, but because of her advanced age and the fact that she did not have a real estate agent, she was having difficulty in following through on the complicated legal transactions involved in a real estate closing. (There was also an escrow problem associated with this particular sale.) As a result, the buyer filed suit in Common Pleas Court for specific performance.

At this point the client's daughter found the name of our Executive Director Robert V. Racunas on the internet and emailed him requesting help for her mother, explaining that Ms. M had not been out of her home for over a year. Mr. Racunas then conveyed this request to Ms. Nuse, who contacted the client and ascertained that she was registered at her local senior center. At that point one of the NLSA paralegals took the necessary NLSA application documents to the client's home to be signed.

After obtaining the facts of the case from her client, Ms. Nuse contacted the attorney for the buyer and convinced him that both parties were attempting to achieve the same objective- the completion

of the real estate transaction. The two attorneys thereafter worked together to resolve the matter to the best interest of each of their clients.

An additional problem arose because NLSA does not handle real estate transactions. Therefore, Ms. Nuse needed to find someone to help her client with that part of the case. Attorney Kerry McCann, who maintains an Elder Law and Estate practice in the area, came to the rescue. He had previously prepared a Power of Attorney for Ms. M and now agreed to assist her with the real estate documents.

As a result of this combined effort of three attorneys working with each other to resolve a legal problem, the sale of the house has gone through, the Common Pleas action has been dismissed by praecipe, and Ms. M is now living with her daughter.

As a footnote to this story, it should be pointed out that Mr. McCann went above and beyond in his service to the client. Ms. M had a much loved cat which she could not take with her to her daughter's home. Mr. McCann not only found the cat a new owner, but on the day that he drove Ms. M. to the airport for her flight to her new home, he also delivered the cat to its new home. The new owner has recently spoken with Mr. McCann and is taking pictures of the cat for Mr. McCann to send to his client to show that her pet is thriving.

Mr. McCann is not a volunteer for NLSA. But his actions in this case and in other areas of his practice clearly indicate that he is doing his share of pro bono work for the poor and needy of the community. We salute all attorneys who take their rule 6.1 requirements seriously, in whatever ways they may be accomplishing the goal of providing legal assistance to low-income residents of our community.

# The Pro Bono Corner

NLSA would like to recognize the outstanding volunteer contribution being made to our program by **Attorney Ronald J. Fischer** of the U.S. Steel Legal Department. Mr. Fischer accepts frequent referrals from us for unemployment compensation referee hearings. He is also a board member of the Pittsburgh Pro Bono Partnership and in that capacity has been instrumental in getting attorneys and paralegals from the U.S. Steel legal department involved in NLSA's latest cooperative venture, the Homewood Anti-Predatory Lending Project (see page 1). We appreciate his generous contribution of his time and talents to assist our clients.

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We would like to thank two groups of volunteers in our PFA program. Each year Mary Ann Troper-Malley, who is responsible for scheduling attorneys for PFAs, has difficulty getting volunteers during the Christmas holidays. This year 14 attorneys responded to her "desperate call for help." They include **Attorneys Gary Lang, Paul E. Skirtich, Mary Elizabeth Williams, Timothy G. Uhrich, Kathleen D. Schneider, Joann Ross Wilder, Jan Medoff, Michele Cole, Joel Dresbold, Eric N. Anderson, Megan Zerega, Jennifer L. Czernecki, Maria Greco Danaher, and Joseph Chester**. We appreciate their giving their time during this very busy season of the year.

We would also like to thank the firm of **McCarthy, McDonald, Schulberg & Joy** for their willingness to help out with last minute calls and hard to fill time spots. The firm has taken

four days during the month of January.

Filling the slots for almost 1400 cases a year is a never-ending struggle for NLSA and especially for Ms. Troper-Malley. We appreciate the many attorneys - family law practitioners, large firm teams, and small firm practitioners - who so willingly give of their time for this program.

We would also like to encourage all young attorneys who would like experience in negotiating and in litigating to volunteer to take PFA referrals. This is a good way to obtain experience in both areas. **Kirkpatrick & Lockhart Nicholson Graham LLP** is sponsoring a Saturday morning training which is open to all PFA volunteers on February 12. We also have videotapes of previous trainings available for individual use. Please call Mary Ann Troper-Malley at 412-586-6134 to volunteer.

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The Butler office announces that it will be nominating **Attorney Marion Laffey-Ferry** for the American Bar Association's Pro Bono Hall of Fame. Attorney Laffey-Ferry, a recognized expert in the area of Family Law, provides leadership at the Pennsylvania Bar Association level with her continued service to the PBA's Family Law Section and at the local level by her membership on several bar committees concerned with procedure and practice in the Court of Common Pleas of Butler County.

Attorney Laffey-Ferry has accepted hundreds of pro

bono and reduced fee referrals over her many years of affiliation with NLSA's private attorney involvement activities. She is a skilled family law practitioner and provides excellent service to our referred clients.

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As we begin a new year, we would like to thank all those attorneys who have provided legal advice to our clients at the NLSA Family Law and Debt Advice Clinics in 2004. Twenty-three attorneys helped at the Debt Advice Clinic and twenty-nine at the Family Law Clinic. We especially thank **Attorney Francis Corbett**, who has not only been the one responsible for scheduling the Debt Advice attorneys, but who also worked at sixteen clinics himself. Because it is important that we have three attorney, one from NLSA and two private attorneys at each of the clinics, when Mr. Corbett was unable to get a second private attorney volunteer, he always came himself. For the Family Law Clinic, **Lynn Wyant** and **Heidi Weber** did a wonderful job in scheduling the attorneys and the paralegal support staff.

Both of the clinics are nice ways for attorneys to do pro bono work. They involve a finite time period from 5:45 to 7:30 on Wednesday evenings and therefore take no time away from an attorney's regular schedule. We ask that you volunteer only one or two times a year. If you are interested in volunteering for either of the clinics, please contact Barbara Kern at 412-586-6138.



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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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