

Neighborhood Legal The NLS Press Services Association

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

Volume 4, Issue 2

Fall 2005

REED SMITH JOINS THE LAWYERS ON LOAN PROJECT

by Barbara Kern

The Pittsburgh based international law firm Reed Smith has announced that it will lend two attorneys to serve six month consecutive terms as full time NLSA staff attorneys.

Founded more than 125 years ago and with nearly 1000 lawyers, Reed Smith is recognized among the top 20 U.S. based law firms. Firm lawyers practice in nearly every area of business law and litigation from 16 locations in the United States and United Kingdom.

Reed Smith has committed to the ABA challenge to devote three percent of billable hours to pro bono work. Firm lawyers have provided pro bono service in high-stakes battles and on cutting-edge issues, such as death penalty sentencing, AIDS and intellectual property disputes.

Reed Smith was brought into the Lawyers on Loan Project (LOL) through the recruiting efforts of the Pittsburgh Pro Bono Partnership, which earlier this year decided to make the continuation of LOL one of its Signature

Projects

The ultimate goal of the Partnership is to provide NLSA with a continuing five to seven year rotation of lawyers on loan, with member firms providing attorneys on a regular five to seven year cycle. With Reed Smith now on board, the Partnership will begin meeting with other firms to assess their interest in joining the project.

Reed Smith becomes the third firm to join LOL. Evaluation of the first year of the project has revealed nothing but positive results. During that time period, the two lawyers originally assigned handled over 250 cases involving a variety of issues from Protection from Abuse negotiations to consumer cases to housing matters to elder law problems. They represented clients in bankruptcy court and in the Court of Common Pleas.

In the process, both attorneys have stated that they developed a greater understanding of the importance of the work that NLSA does and of the legal needs of the poor. They

agree that the legal experience they have gained in working at NLSA has enriched them and made them better attorneys as they return to their work in private practice.

Any firms that are interested in participating in this dynamic program - duplicated nowhere in this country - should contact Attorney Jeffrey Heeter at Alcoa.

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**LEADERS OF THE PROFESSION RECOGNIZE NEED FOR
RENEWED COMMITMENT TO PRO BONO**

Each year, four out of five low-income Americans needing legal help are unable to obtain it, leaving at least 16 million legal problems unaddressed, according to LSC's recently released report, Documenting the Justice Gap in America. The study draws attention to the vast gulf between the legal needs of low-income Americans and the availability of free civil legal services. While there is one attorney per 525 people in the general population, there is only one legal aid attorney for every 6,861 low-income people.¹

Two leaders of the legal profession - Chief Justice John Roberts of the United States Supreme Court and Michael S. Greco, President of the American Bar Association - have recently addressed this problem and the need for the private bar to respond.

At confirmation hearings before the Senate Judiciary Committee on September 13, 2005, Senator Herb Kohl (D-WI) asked Judge Roberts: Do you agree that for our nation's working people securing civil justice is often rendered substantially much more difficult because it simply costs too much?

Judge Roberts responded, "You know, I do think that the availability of legal services is not as broad and widespread as it should be. There are so many things and areas where I think lawyers could make a valuable contribution, but it's too expensive. There are a number of responses that I think the bar should be taking. Obviously, for those at the lowest end of the income scale, I think there's an obligation to provide pro bono legal services. I think the big firms, little firms, medium firms, everybody needs to get involved in that. There's not enough appreciation about how you can do that. Judge Roberts stated that he felt it was an obligation of the bar to become a little more creative in the ways in which they can help."²

In a similar vein, Mr. Greco, speaking on September 21 at the Eighth Annual Allegheny County Bar Foundation Fellows reception and dinner at the Heinz History Center, sounded the call to renew the public service section of the legal profession. He said that attorneys need to rethink the culture of the profession. It's okay to do well - but not at the expense of doing good.

Continued on Page 6

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.

The Energy Crisis from the Perspective of Low-Income Customers

The American public has been inundated with media information regarding soaring energy prices and predicted increases in utility bills up to 50%. We've been told that this is the result of the havoc wrecked by Katrina and Rita on the Texas and Louisiana oil refineries combined with the political climate in Venezuela and some of the Middle Eastern oil producing countries. At the same time, we've seen gasoline prices fluctuate wildly - at times with little apparent relation to crude oil prices on the international market and concurrent with record oil company profits. (On October 28 Exxon reported 9.9 billion dollars in profits for the last quarter.)

For most of us reading this article, these price increases will be aggravating and frustrating and may even lead us to begin thinking about our vote in the upcoming 2006 Congressional election. But they have not kept us from taking our annual weekend trip to see the fall colors; they will not alter our holiday shopping plans to any great degree; and they will definitely not force us to decide whether to pay our monthly rent (or mortgage payment) or pay the utility bills.

But that is exactly the issue with which low-income homeowners or renters will be confronted this winter. For elderly or disabled individuals living on fixed social security or \$606 SSI incomes, as well as for the working poor, the predicted increase in home heating costs will result in monthly struggles to maintain adequate and safe housing - often requiring them to "rob Peter to pay Paul." Budgets that have already been stretched to the limit leave no room to accommodate these added costs.

The winter crisis has been exacerbated this year by a new law which went into effect late last year without any public hearings. The so-called Utility Consumer Protection Act, Act 201, also known as Chapter 14, has streamlined the process by which utility companies can shut off power to those who haven't paid their bills. In the first half of 2005, utility companies shut off service to 86,610 homes, double the amount of shut offs in all of 2004, and the number is expected to go to over 100,000 by the end of November. Even more appalling is the fact that the new law has eliminated the requirement of personal notification by the utility, a PUC representative, or a designated third party before a shut off can take

place. This provision in the old law enabled the utility to ascertain whether the household was truly in need, and if so, provided an avenue to work out a payment schedule, or to determine if the household had grounds for medical deferrals of the shutoff. In other words, the old bill considered the human element; the new Chapter 14 does not.

Community organizations such as Focus on Renewal in McKees Rocks and the Urban League in downtown Pittsburgh are being overwhelmed by calls from individuals who need help in navigating the maze of information and rules concerning when and how they can apply for various energy assistance programs. Those programs include LIHEAP, the CAP programs, Dollar Energy, and Crisis, as well as weatherization programs. (We will be discussing these programs and the assistance they are providing to low income consumers in our winter issue.)

On October 20, Governor Rendell announced his StayWarm PA initiative to make sure Pennsylvania's most vulnerable citizens remain safe and warm this winter season. The governor's initiative seeks to soften the effects of Chapter 14 by asking utility companies to limit the amount of reconnect fees to \$50 and the security deposit required for the reconnection to \$100. Currently, at the discretion of the utility, the consumer can be required to pay up front a reconnection fee of between \$15 and \$124, depending on the company, two months deposit, plus any amount they still owe. The initiative also addresses the issue of medical deferment. Currently, the companies may turn off the utility while waiting to receive medical documentation that turning it off will be dangerous to the medical condition of a member of the household.

It is only with both the federal and state governments' recognition of this massive utility crisis and the especially catastrophic effect it can have on the most vulnerable of our citizens-along with the cooperation of the utility companies-that low income homeowners and renters are going to be able to survive the winter and emerge in the spring without crushing utility debts. (We will discuss these government responses in the winter issue.)

STAFF PROFILE: CLAUDIA BISTYGA

by Barbara Kern

Claudia Bistyga has come a long way in the 22 years in which she has worked for NLSA. Beginning as a part-time secretary in 1983, she spent her time in a very small office with a typewriter and a dictaphone, typing all day long. She was hired full time in 1984, continuing to work for several years as a secretary. Today Ms. Bistyga is a paralegal and office manager at NLSA's New Castle office, using computer software and a state-of-the-art phone system to assist NLSA clients.

However, one thing that has not changed is the pride that she takes in her work. That work now includes a great variety of responsibilities. She makes all the referrals for divorce, support, and pro bono elder law cases; conducts a custody clinic in which she instructs clients in the court process in custody cases and also refers them to private attorneys; assists staff attorneys with bankruptcies and in PFA court; and does the work-up for social security cases. She also prepares CLE seminars, supervises the secretarial staff, and represents NLSA at the Council of Community Services and the pro bono panel for Lawrence County - not to mention ordering supplies and handling all billing! This kind of schedule has enabled her to develop skills and techniques and the ability to adapt to change that she feels she would never have learned anywhere else.

In addition, Ms. Bistyga handles all welfare cases in the New Castle office. And it is in this area that she recalls having her first legal victory. She represented a young, single mother who was struggling to turn her life around and was devastated when she received an overpayment notice from DPW. When a favorable decision was rendered after the hearing, it was hard to tell who was more ecstatic-the client or her advocate.

Prior to living in New Castle, Claudia had lived in Columbus, Mississippi, where her father had been stationed with the Air Force. When he retired after 20 years of service, he moved his family back to his home town. Until 1977, she worked for a company which manufactured stainless steel pipe fittings in the New

Castle area.

Claudia has been married for 33 years and has two children and 5 grandchildren. Her husband is a pond enthusiast and they now have several ponds in the yard filled with Koi and goldfish complete with a turtle habitat! Her own interests include reading, sewing, crafts, and outdoor activities such as camping and hunting. She also gardens and dries the herbs from her garden.

She praises the attorneys with whom she has worked over the years in the New Castle office and characterizes the staff as team members who are like family to me now. She says that her work at NLSA has given her a great sense of giving back to her community, and she approaches her role in assisting others who have fallen on hard times with the thought that it could be me. It is this compassion and empathy for her clients which make her such an asset to NLSA.



“Unemployment Compensation Hearings-Preparation and Presentation”

December 3, 2005 CLE

8:15 to noon.

ACBA Auditorium, 9th Floor, City-County Building

Visit our website at www.nlsa.us/news/news.htm for more information

CLIENT CASE STUDY

by Joan Tutak, Esq.

Many of NLSA's housing cases deal with Section 8 terminations. These cases are critical because of the valuable housing subsidy which the Section 8 program provides for low income individuals and families. This subsidy then enables the family to budget their limited income for other basic needs.

The Section 8 program is operated through the local housing authorities, who receive funding from HUD for vouchers which participants in the program then use to find housing in the private market at a rental price they can afford. Once a fair market rent is established for the unit, the tenant's share of that rent is calculated based on total family income. Generally, the tenant pays no more than 40% of his or her adjusted monthly income toward the market rent, and the Housing Authority Section 8 program pays the remainder.

Utility costs are factored into the rent calculations, and many Section 8 tenants receive a utility allowance. However, in most cases that allowance falls far short of covering the gas, electric, and water payments which most tenants must pay. These costs can be especially high in the older housing stock in which many Section 8 tenants find units (see article page 3).

The Butler office has recently assisted Section 8 tenants in two very compelling cases in which the Butler Housing Authority was attempting to terminate the tenant's participation in the program because of a violation of family obligations. In the first case, Ms. B had been receiving rather threatening letters from her landlord that he wanted her out at the end of the month. The reason for the eviction action was that the electricity had been shut off briefly earlier in the year; however, the tenant had been able to get the utility restored by the time the landlord began sending his letters. And at no time had she failed to pay her portion of the rent.

At the end of the designated month the client returned home from an errand to find that all her clothes had been put in paper bags and placed on the lawn and her furniture and appliances had been placed in a garage storage shed at the back of the house. The landlord had filed no complaint with the District Justice. Ms. B was the victim of an illegal lockout.

Because she did not know that she had any

other options, she proceeded to move. When she attempted to obtain a moving voucher to find new housing, Section 8 instead gave her a termination notice on the basis that she had violated her tenant obligations by moving without notifying them.

She immediately requested a grievance hearing, at which she was represented by NLSA Attorney Joan Tutak. Fortunately, Ms. B had taken pictures of the clothing in the yard and her other personal possessions and had kept the rather threatening letters from the landlord. The hearing officer obviously accepted the urgency of Ms. B's situation as an extenuating circumstance, and at the end of the hearing the client was given a new voucher to move and has now relocated to new Section 8 housing.

Ms. Tutak also represented the second client, Ms. A, who was being terminated from the program because of a charge of prowling. The charge had come about because Ms. A, who has been under treatment for mental health problems since 1994, is in the habit of taking long late night walks around the city of Butler to relieve stress and tension. One night she got confused and took what she thought was a short cut back to her residence. Unfortunately, the owner of the property called the police - and thus the charge of prowling.

Ms. Tutak combined forces with the client's landlord and a dedicated case manager to win the grievance hearing for her client. The landlord agreed to come to the hearing as a witness. He testified that Ms. A had been a good tenant for 15 years and that he was concerned about losing her as a tenant if she was terminated from Section 8 because she would not be able to afford the full market rent on her limited SSI income. Her case manager sent an extremely supportive letter to the Housing Authority describing what the loss of this home would mean to her client's emotional well-being. At the end of the hearing, Ms. A's Section 8 was restored.

For many low income individuals the housing subsidy that they receive through public, Section 8, or subsidized housing is the only means that they have to maintain a stable housing environment at an affordable rent. NLSA's work in preventing evictions or terminations such as these two women faced is therefore a critical part of its mission to help the poor.

BUTLER COUNTY BAR ASSOCIATION FUNDS CUSTODY REFERRAL PROGRAM

by Geraldine Redmond, Paralegal/Office Manager
Butler County Office

On September 28, the Butler County Bar Association voted to make \$5,000 available to support an extremely valuable NLSA program which assists clients in custody cases.

In its Butler office, NLSA runs a pro se custody clinic, in which office manager/paralegal Geraldine Redmond provides information and pro se documents to clients who need to file a pleading for custody, custody modification, or custody contempt. Clients are given instruction in how to complete and file their pleadings (including an IFP form which will waive the filing and conciliation fees) and how to obtain a custody conference before a conciliator and/or a judge. When the client has obtained the conciliation date, he or she notifies NLSA, and Ms. Redmond then attempts to find a private attorney to represent the client for a reduced fee.

Under the special program which is now being funded by the Bar Association's \$5,000 grant, the reduced fee will be paid to the private attorney out of those funds. This includes a \$161 fee for a simple conciliation or \$480 for a custody trial. The fund will be used to pay for only one hearing for each client. When the \$5000 is depleted, clients will become responsible for paying the reduced fee themselves. The Bar Association has also agreed to handle the distribution process, so that when Ms. Redmond makes a referral, she contacts the Bar Association and they take the responsibility for making

the payment to the attorney.

This program originated two years ago when the Butler office received a \$2500 Iolita grant, which the Butler Bar Association agreed to match. Thus, when the Iolita money had run out, the Bar Association then took over payment out of their \$2500. This year the Bar Association is providing the total funding for the project.

The benefit to NLSA clients is immeasurable. Although the reduced fee referrals provide very generous deductions for attorney fees, it is a sad fact that for some NLSA clients even these fees are more than the client can afford, especially since the custody process may involve the need for ongoing representation at more than one hearing. What therefore all too frequently occurs is that after attending the clinic, the client fails to pursue the custody action. He or she cannot afford the reduced fee and is afraid to face the court process alone, especially if the opposing party is represented by counsel.

This innovative program provides a unique opportunity to provide what is in effect pro bono representation for our clients. We thank the Butler Bar Association for their generous contribution of money and time - a contribution which furthers NLSA's ability to provide legal representation in the very critical area of family law.

Commitment to Pro Bono (continued from page 2)

Mr. Greco stated that equal justice under law is an empty phrase when, in our land of bounty, too many poor and disadvantaged citizens cannot obtain legal counsel in basic civil legal matters that affect their families, their homes, and their health. He called upon those in attendance to breathe life and meaning into the phrase equal justice under law by taking action that will enable the poor to gain access to legal services. He stated that the members of the profession need to demonstrate that they are reinvigorating the commitment to pro bono and public service.

Attorneys in Allegheny County are fortunate in having a well-developed infrastructure through which they can demonstrate such a commitment. The Bar Foundation's newly appointed Pro Bono Coordinator, the Bar Association's Public Service Committee, and the Pittsburgh Pro Bono Partnership are working together to provide numerous avenues through which attorneys can provide pro bono assistance.

In Butler, Lawrence, and Beaver, the County Bar Associations are also taking the lead in encouraging pro bono assistance to the poor through local NLSA offices.

Any firms or individual attorneys who are looking for ways in which they can provide assistance should contact one of these organizations.

¹Legal Services E-Alert, The Brennan Center, October 21, 2005.

²Legal Services E-Alert, the Brennan Center, September 16, 2005.

The Pro Bono Corner

Because funding cuts have left NLSA with a much reduced staff in recent years, we depend on programs such as our Family Law and Debt Advice Clinics to provide legal advice and reduced fee referrals to clients whom we might otherwise be unable to assist.

Two years ago NLSA also became involved in the planning for the McKees Rocks Community Clinic, operated as one of the Signature Projects of the Pittsburgh Pro Bono Partnership. Attorneys volunteering at this clinic give advice at a twice monthly clinic and also provide further representation if necessary.

In this issue of our Pro Bono Corner we would like to recognize by name all of those attorneys who have volunteered their time and legal expertise at these three clinics so far this year. Combined, they have assisted approximately 300 individuals or families since the beginning of the year.

Attorneys who have volunteered at our Family Law Clinic include Marc Sternberger, Jerry Wienand, Franklin Robinson, J. Alan Fuehrer, Melaine Rothey, Gordon D. Fisher, Norma Chase, James Malley, Mark W. Mohny, James Mahood, George Milanovich, Marsha Landers, Christine Matthews Long, Barbara Cymerman, Jeffrey Pollock, Clare A. Horner, Marsha A. Landers, Marsha Maietta, Brian Vertz, Laura Applegate, and Elizabeth W. Molnar.

We would also like to thank Paralegals Heidi Weber and Rebecca Allen for their efforts in scheduling the attorneys and the paralegals who have worked at this clinic. Their weekly calls to find volunteers is a time-consuming and at times frustrating task, for which we cannot thank them enough.

The paralegals who have staffed the support desk at the Family Law Clinic this year include Kevin Calderone, Sandi Tedesco, Bobbi Cramer, Ashley Tomaro, Lynn Wyant, Deann Dupree, Rebecca Allen, and Diana Roth.

Our Debt Advice Clinic has been staffed by 21 attorneys so far this year, several of whom have volunteered more than once. They include James Malley, Francis Corbett, James Warmbrodt, Lisa Bookman, Carlota Bohm, Anthony Moody, William Price, Kimberly A. Coleman, Paul McElrath, Ronald Roteman, James Valecko, Kim Hong, Kirk B. Burkley, Jeffrey Deller, James Prostko, Norman Gilkey, Norma Caquatto, Yifat Shaltiel, Terry Shulsky, Julie Kaplan, and Jason Mazzei.

We would especially like to thank Attorney Francis Corbett, who not only volunteers frequently but also schedules the attorneys for this clinic.

The McKees Rocks Community Clinic is staffed by attorneys from Alcoa's legal department and the law firms of Klett, Rooney, Lieber & Schorling and Burns, White, & Hickton.

Alcoa provides five attorneys - Attorneys Jeffrey Heeter, Marilyn Fayock, John Fontecchio, Arisa Tinaves, and Coralyn Benhart. Attorneys Scott Dietrich and Nick Oliver have left the team to pursue other pro bono commitments.

The attorneys from Klett Rooney are Attorneys John R. Canavan, Peter Ennis, William Hassan, Jared Meyer, Alan Pittler, Joseph Quinn, Kirk Rys, Brian Simmons, Zakarij Thomas, Samuel Toney, and Brian Balonick.

The Burns, White, & Hickton contingent joined the staff of the McKees Rocks Clinic in January of this year. They include Attorneys Sheila Burke, William Donovan, Cheryl Esposito, Michael Cremonese, Amanda Sargent, Jennifer McPeak, Gerald O'Brien, Samuel F. Zets, Allan Wertz, John Greenlee, and Christopher Pierson.

Coming to NLSA or driving to Focus on Renewal in McKees Rocks at the end of a long day may sometimes require that extra ounce of commitment.

We hope that when these men and women leave the clinics, they understand why it has been worth it. We can only repeat what our clients have told us over and over. My attorney was so kind and helped me to understand my problem. I feel so much better. Thank you.

At the Allegheny County Bar Foundation's 8th Annual Fellows Reception and Dinner on September 21st, four individuals or organizations volunteering for NLSA were recognized for their outstanding pro bono contributions.

Award winners included Ronald J. Fischer, Esquire, who received the 2004 Jane F. Hepting Individual Pro Bono Award. Sandi Tedesco received the ACBA Paralegal Pro Bono Award. The law firms of Dickie, McCamey & Chilcote, PC and Thorp Reed & Armstrong, LLP, were recognized as the original participants of the Lawyers on Loan Project. Alcoa's Legal Department received the Corporate Legal Department Pro Bono Award. Kirkpatrick & Lockhart Nicholson Graham, LLP, received the ACBF Presidential Merit Award.

Other award winners included Edward J. Kabala, Esquire, for his work for Kids Voice; Jennifer Lynn Rellis for her volunteer work as a law student; and the Uptown Legal Clinic and its founders F.J. Lucchino, Jr., Esquire, and Deborah L. Kutzavitch, Esquire. The ACBF Partnership Award was given to honor the cooperative efforts of Attorneys Against Hunger, LexisNexis, and Rita M. McGinley.

Jules L. Lobel, Esquire, received a Career Achievement Award for Pro Bono Services.

And, finally, in recognition of his work promoting pro bono and legal aid services during his presidency of the ACBA, James W. Carroll, Jr., Esquire, was awarded the Pennsylvania Bar Association Jeffrey A. Emico Award for Support of Legal Services to the Public.



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928 Penn Avenue
Pittsburgh, PA 15222

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and vulnerable in our community through effective
legal representation and education.




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The NLS Press

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