

# Northwest Justice Project

## Advocacy Report First Quarter, 2006



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**NORTHWEST JUSTICE PROJECT  
20065 FIRST QUARTER ADVOCACY REPORT**

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## INTRODUCTION

The First Quarter of 2006 ushered in a major effort initiated by the Access to Justice Board to overcome barriers to providing high quality free civil legal services throughout the state. The *Revised State Plan for the Delivery of Civil Legal Aid to Low Income People in Washington State* serves as a “blueprint” for the expansion of service delivery to the furthest reaches of the state and guides the implementation measures to ensure that all low income persons are able to effectively access the legal aid system by addressing language, cultural, geographic, disabilities other possible barriers to access. The *Plan* calls on all civil legal aid providers and stakeholders to engage in regional planning processes to arrive at a collective vision for accomplishing the *Plan* objectives. The goal is to be able to move quickly to integrate identified strategies if and when new resources for civil legal aid delivery become available.

NJP fully embraces the *Revised State Plan* goals and its work, as illustrated throughout this report, demonstrates the strength of its efforts to meet the Plan objectives. With the combined approaches of the Coordinated Legal Education, Advice and Referral (CLEAR) legal assistance system, NJP’s highly regarded website, and representation through its field offices and Contract Attorney Program, NJP is able to meet the legal needs of many low-income persons in isolated communities throughout the state. One example during this period is that of a monolingual Spanish speaking farm worker who sought help to clear up his credit so he could buy a much-needed car. He called NJP’s CLEAR line when he was refused a car loan, even though he knew he had perfect credit. CLEAR helped him obtain free credit reports, which erroneously disclosed that he had a debt owing to a Wenatchee Housing Authority. The man had never lived in Wenatchee and had never lived in publicly subsidized housing, and his first name was spelled incorrectly on the report. His good credit was restored after NJP intervened and convinced the credit reporting agency that a mistake had been made. Another farm worker was relieved of significant debt when NJP helped him obtain hospital charity care to pay the costs of his young daughter’s open-heart surgery.

In another case, NJP saved a disabled senior couple from becoming homeless when the their newly rented apartment building in Chehalis was condemned as unsafe. NJP negotiated with the city attorney to extend the time for them to relocate and then obtained the statutorily required payment of their moving costs from the owner of the condemned apartment building.

Many more examples are included in this report. Each one reflects the critical needs of individuals that NJP addresses on a daily basis, be it preventing homelessness, helping a worker gain transportation for work, helping a family be and remain safe from violence, or providing access to health care. However, these cases represent just a fraction of the need for services. The *Revised State Plan* supplies the blueprint for addressing the need for expanded services; now the resources must follow.

## **OVERVIEW OF GENERAL SERVICE DELIVERY**

### **Bellingham (Whatcom, Island, Skagit, San Juan Counties)**

- During this quarter NJP's Bellingham office successfully represented clients on issues involving access to cash assistance and medical coverage and preservation of their rights to affordable housing. The office also continued its involvement in collaborative efforts to improve health care access, and to establish the availability of interpreter services. The office added a full-time bi-lingual Spanish speaking legal assistant who is active in the Skagit County community, and has experience supporting representation of domestic violence survivors.

### **CLEAR and NJP Web Site**

- In the first quarter of 2006 CLEAR handled 6,951 calls resulting in 4,061 new cases. Washington LawHelp web site experienced over 111,000 visitor sessions and 465,735 page views.

### **Contract Attorney Program**

- NJP's Contract Attorney Program (CAP) consists of two part-time attorneys who receive client referrals from CLEAR and other legal and social services agencies for clients with issues in thirteen counties (Adams, Asotin, Benton, Clallam, Columbia, Franklin, Garfield, Grant, Grays Harbor, Jefferson, Kitsap, Lincoln, and Whitman). CAP performs brief service and/or will refer the clients to one of the private attorneys with whom there is a contract (in any one year, CAP uses 30 to 40 attorneys). CAP supports the attorneys through ongoing consultation and technical assistance. CAP's priorities are similar to those of other legal services offices across the state. During the first quarter of 2006, CAP provided assistance in approximately 100 cases.

### **Everett (Snohomish, Island Counties)**

- During the first quarter of 2006, NJP's Everett office added an attorney funded under a grant from the Department of the Interior to do estate planning for Native Americans. The office continues to serve clients with a range of civil legal problems in the areas of family law, health care, education, housing, and benefits.

### **Farm Worker Unit**

- NJP's Farm Worker Unit (FWU) consists of three attorneys in Yakima, two attorneys in Wenatchee, and a community worker who does outreach to the communities of Mattawa and Royal City in the Columbia Basin. The FWU is assisted by bilingual Spanish speaking attorneys, law students, and support staff at CLEAR and in NJP's Western Washington offices who collaborate on outreach and client case referrals.

### **Native American Unit**

- NJP's Native American Unit (NAU) serves Native American communities statewide. NAU represents clients in matters involving tribal law and federal Indian law, conducts outreach, provides community legal education, and assists other legal services providers working with Native clients. The NAU currently has one staff attorney in Spokane and one in Seattle. The NAU is supplemented by three advocates who staff the Indian Estates Project which does outreach and estate planning for reservation Indians with trust land.

### **Olympia (Thurston, Mason, Lewis, Grays Harbor, Pacific Counties)**

- NJP's Olympia office is responsible for a five county region: Thurston, Mason, Lewis, Grays Harbor and Pacific Counties. During the first quarter, 2006 the office staff included three attorneys and two part-time support staff. The Thurston County Volunteer Legal Service Program is co-located with the Olympia NJP office.

### **Seattle (King County)**

- NJP's Seattle based King County office consists of 10 attorneys and 3.5 support staff. The office hosts special programs targeted to underrepresented populations: (1) The Refugee and Immigrant Advocacy Project, operated in conjunction with the University of Washington School of Law, assists immigrants and refugees in the areas of public benefits and naturalization; (2) The Cross Cultural Family Law Clinic, a collaboration with the King County Bar Association through which volunteer attorneys assist domestic violence victims who have emergent family law matters and who are unable to access traditional legal resources due to language, culture, or other barriers; and (3) The Domestic Violence Community Legal Project, a collaborative project with Consejo Counseling and Referral Services and the Refugee Women's Alliance, which provides legal assistance to domestic violence victims served by those agencies.

### **Spokane (Spokane, Pend Oreille, Stevens, Lincoln, Ferry Counties)**

- NJP's Spokane office emphasizes family law issues, housing, consumer issues, public benefits and Native American law. The office is staffed with six attorneys, including a full-time Native American Unit attorney, two legal assistants and a receptionist.

### **Tacoma (Pierce, Kitsap Counties)**

- NJP's Tacoma office is staffed by seven attorneys and one paralegal that represent Pierce and Kitsap County clients in public benefits, family, housing, consumer, education, elder law, youth, disability and civil rights cases. These advocates also advise and represent a wide range of community groups. The office is co-located with Volunteer Legal Services and TeamChild. The Tacoma office also provides legal services to indigent Western State Hospital (WSH) residents through a DSHS (Health and Rehabilitative Services Administration, Mental Health Division) contract.

### **Vancouver (Clark, Klickitat, Skamania, Cowlitz, Wahkiakum Counties)**

- During this quarter, NJP's Vancouver office had a staff of 5 attorneys and 2 legal assistants. The office continued its focus on economic security (especially the General Assistance program), health care (especially maintenance of adequate home care hours for recipients of COPEs and Medicaid personal care whose hours have been cut under DSHS's "CARE" assessment tool), housing (primarily public and subsidized housing, homeownership, and private landlord-tenant matters involving longer-term tenancies), custody and visitation matters (primarily where there are serious allegations of domestic violence or other risk to the children from the opposing parent), and serving both senior citizens and youth.

#### **Wenatchee (Adams, Chelan, Douglas, Grant, Kittitas, Okanogan Counties)**

- NJP's Wenatchee office has a staff of five attorneys and three legal assistants and includes a "satellite" office in Omak serving clients on a full range of legal needs in Okanogan County. The office also functions as the North Central Washington component of NJP's Farm Worker Unit (FWU). All of the attorneys and all three support staff are bilingual in Spanish-English. The Wenatchee office case service priorities include non-payment of wages, health and safety violations, employment discrimination, reductions and terminations of health care benefits and income assistance, wrongful evictions from subsidized housing, utility shut-offs, predatory lending practices, foreclosure defense, education access issues, and some limited family law. The Wenatchee office also supports the FWU community worker.

#### **Yakima (Yakima, Kittitas Counties)**

- Work of NJP's Yakima office continues to be focused on the areas of domestic violence, economic security and housing. A fourth attorney was added in January. A Jesuit Volunteer assists in interviewing, research and case development for clients with economic security problems.

## **CASE EXAMPLES AND OTHER SIGNIFICANT ADVOCACY EFFORTS**

### **NJP FIELD OFFICE SERVICES\***

#### **Civil Rights**

- NJP's Tacoma office represents two low-income, Tacoma residents with disabilities concerned about the city's proposed land use regulation of housing for persons with special needs. The proposed regulations would treat such special needs housing markedly different from other housing by requiring special needs housing to get a conditional use permit, be dispersed from other similar housing and meet other standards not applicable to any other residential use.
- NJP's Vancouver office helped a worker cooperate with the FBI in conjunction with efforts to obtain a visa as a victim of human trafficking.

#### **Consumer**

- NJP's Seattle office represented an elderly disabled man and the person holding his power of attorney. The disabled man suffered a stroke and consequently was unable to work. As a result, he defaulted on his car loan and his car was repossessed. The car was sold and a deficiency amount was determined for the remainder of his loan. Debt collectors began calling the person who held his power of attorney to collect on this amount even though she had informed them that the man was disabled and that his only income was Social Security disability and pension. The collectors persisted and called incessantly to a point where the representative felt harassed. NJP contacted the collection agencies and demanded that they cease any further contact under the Fair Debt Collection Practices Act. The collection agencies appeared to have complied.
- NJP's Vancouver office helped a limited English speaker vacate over \$20,000 in judgments entered against him. The client is an immigrant who either had his identity stolen or who was mistaken as someone else by creditors. NJP was able to convince the opposing party to vacate the judgments and halt collection on other accounts.
- NJP's Wenatchee office and private co-counsel reached another significant settlement on behalf of seventeen families. The defendants in the case include a company that formerly described itself as the nation's largest mobile home retailer, the financial institutions that financed the clients' mobile home purchases, and the general manager of the local mobile home retail outlet. The clients have already settled their claims against the financial institutions. This latest settlement is between the clients and the bankruptcy estate of the mobile home retail company. The value of the settlement is roughly \$236,000, bringing the total settlement value of this case to date to over \$1,000,000. The lawsuit arose out of

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\* For case examples from NJP's Native American Unit and Farm Worker Unit see pages 22-23 and 24-25 respectively. For case examples from the Contract Attorney Program and CLEAR see pages 26 and 27-29 respectively.

a consumer bait and switch “scam” carried out by one of the nation’s largest mobile home dealerships. NJP’s low-income clients were told by the dealership that they qualified to purchase double-wide mobile home/land packages. Later, shortly before or at closing on the purchases, the families were told that they did not, after all, qualify for financing. Instead, the dealership told them that they qualified to purchase the home-only. The dealership promised the families, however, that after making payments for one to two years on the mobile home-only, their credit would be improved and the dealership would at that point re-finance the home purchase to include the land. On top of this, the dealership promised to throw in free rent for between one to two years for the mobile home lot, until the purchase could be re-financed to include the land. The refinancing promise was not honored, the free mobile home lot rent dried up, and the families could not afford to make both their mobile home payments, and their lot rent. The clients began to default on their payments, they lost their homes, and a serious stain was made on their credit. NJP and co-counsel continue to litigate this case against the remaining defendants.

### **Economic Stability (Employment)**

- NJP’s Seattle office represented a Somali immigrant after DSHS denied her application to be an approved childcare provider on the basis of her alleged mental disabilities. DSHS based their denial on a single interview by a DSHS doctor who interviewed the woman without an interpreter. The woman spoke almost no English. NJP helped the woman request a fair hearing, and provided documentation from the woman’s primary care physician that she had no mental disabilities that prevented her from caring for children. DSHS then reversed their decision and approved the woman’s application.
- NJP’s Seattle office represented a single working mother in defending an Adult Protective Services’ (APS) finding of financial exploitation against her elderly mother. APS based its finding on information mostly provided by the woman’s estranged brother, not the elderly mother. NJP provided evidence to refute the false allegations and consequently persuaded APS to reverse its findings of financial exploitation. The woman is a certified nursing assistant and has hopes of one day becoming a nurse. Had the findings held up, she would have lost her current care provider job and her hopes of becoming a nurse.

### **Economic Stability (Public Benefits)**

- NJP’s Bellingham office represented a 36-year old woman when DSHS terminated her General Assistance (GA) cash and medical benefits, alleging she was able to work full time. The client is diagnosed with bi-polar disorder and panic disorder, and had a severe injury to the tendons in her left hand. She obtained work but could sustain the job for only two weeks, after which her disabilities prevented her from continuing to work. DSHS’ decision to terminate her benefits was made more than 5 weeks after her employment ended. The client appealed. NJP gathered documentation, including new medical evidence, showing that DSHS’ assessment of the client’s ability to work was both inaccurate and out-of date. In the meantime, the client reapplied for GA. Based on the documentation provided, NJP persuaded DSHS to reverse its decision and to reinstate the client’s benefits retroactive to the date of the termination.



- NJP’s Bellingham office represented a 19-year old woman who appealed DSHS’ denial of General Assistance (GA) cash and medical benefits. The client was born in a third-world country, where she was abandoned when she was a toddler and lived for several years on the streets and in orphanages, suffering permanent injuries to her vision and hearing as well as the effects of severe neglect and trauma. The client was adopted by U.S. parents some time between the ages of 4 and 6, but she exhibited oppositional and defiant behavior through most of her childhood, until at age 17 she required inpatient treatment at the Child Study & Treatment Center for severely mentally ill children who cannot be maintained safely in a less restrictive setting. After her discharge, the client returned to her parents and, as part of her treatment plan, she applied for GA. DSHS found her ineligible allegedly because her incapacitating condition was considered unlikely to last at least 90 days. After NJP submitted records documenting both the severity and long term prognosis of her disabilities, DSHS reversed its denial and awarded her benefits, including medical coverage for her significant treatment needs.
- NJP’s Everett office represented a monolingual Spanish-speaking client erroneously denied SSI benefits because of “excess resources.” The Social Security interviewer was bilingual, but lacked the cultural competence to understand the client’s answers to eligibility questions. The interviewer misinterpreted the client’s statements about having “bought” a house for her mother in Latin America, and recorded that the client owned real property worth \$15,000. Through the use of appropriate language competency to communicate with the client, NJP learned that: by “bought,” the client meant she had given money to her mother to purchase a place to live; this occurred more than a decade ago, long before such gifts would have affected SSI eligibility; the client obtained no ownership interest from the transaction; the purchase price she described in local currency translated to \$500 in U.S. dollars; and the dwelling the mother purchased was simply a shed on land NOT owned by the seller (a squatter’s shelter), without running water in an area accessible only by foot or horse. Pending the hearing, the client faced living on her \$200 per month Social Security retirement income, unable to pay her share of rent in the crowded apartment she shared with children and grandchildren. NJP explained and documented the situation to the SSA supervisor, who was convinced that a mistake had been made, then corrected the mistake and processed benefits immediately. The client now has full SSI income and retroactive benefits for the prior nine months.
- NJP’s Olympia office helped a 49 year old disabled client with a stent in her heart due to coronary artery disease challenge DSHS’ denial of her GAU application. The client also has significant problems with her spine and has not been able to work for over 5 years. Despite these problems, DSHS felt she could work. After reviewing medical records, NJP asked that DSHS authorize a follow-up evaluation which was recommended by the client’s doctor. Based on the results, DSHS approved the application. Because DSHS delayed the follow-up evaluation, the approval included retroactive benefits of over \$1,550. This allowed the client to narrowly avoid a pending eviction. The ongoing benefits will allow her to also get needed medical care.
- NJP’s Olympia office helped a single mother with limited English skills reinstate the family’s TANF benefits that had been reduced as a “sanction” after the client missed a

case review meeting. She had called the morning of the appointment to say she could not attend because of snow. She tried repeatedly to call DSHS, but either the line was busy or no one answered. The client started working full time within two weeks of this incident. She immediately reported her job and anticipated wages to DSHS. However, DSHS did not remove the “sanction”. Her January TANF check was reduced, and her first paycheck did not come until the end of January. When she could not pay full rent, her landlord threatened to evict her. After she requested a hearing, NJP convinced DSHS to immediately restore the grant amount and thus preserved the family’s housing.

- NJP’s Olympia office helped a disabled man after DSHS denied his application for GAU benefits. The client’s doctor ordered a follow-up evaluation and an MRI, but DSHS did not authorize this testing. DSHS told the client it was his responsibility to get these tests, but he could schedule the tests without DSHS payment authorization. The client also had significant learning disabilities and other barriers to navigating through DSHS. DSHS was aware of these problems but failed to help, in violation of regulations requiring accommodations and extra services for applicants with such barriers. NJP requested a fair hearing and then coordinated with DSHS and local medical providers to ensure that DSHS received the information needed to establish the client's eligibility for GAU. Because DSHS delayed processing the application, the client received over \$800 in back benefits as well as ongoing cash and medical benefits. The client is now working with the Division of Vocational Rehabilitation to obtain training.
- NJP’s Seattle office represented a Somali immigrant TANF recipient regarding barriers that prevented her from fully participating in employment and training activities required by the program. The DSHS imposed job training plan required the client to take two buses to a job training service center. This was a problem for the woman, both because she kept getting lost on city buses as a result of her inability to speak English, and because it required her to leave the house early in the morning and she could not get adequate childcare for her two youngest children. A review of the woman’s DSHS file showed that she had never been identified as requiring Special Accommodation (NSA) services, despite the fact that she was illiterate in her own language, could not speak English, and appeared to suffer from a learning disorder. NJP helped the woman file a request for fair hearing and was able to negotiate a settlement, whereby DSHS agreed to perform a complete NSA evaluation and to change the woman’s place of training so that she did not have to travel so far.
- NJP’s Seattle office represented a single mother of two and a survivor of Hurricane Katrina who suffered from PTSD and stress-related disorders from the Hurricane, and as a result had missed some deadlines for providing information to DSHS regarding work requirements for her TANF grant. As a result, DSHS “sanctioned” her. DSHS also refused to allow her to attend a medical assistant training program to meet her employment/training requirements. NJP was able to negotiate a settlement whereby DSHS rescinded the sanction, granted her additional time and assistance to comply with deadlines, and allowed her to attend the medical assistant training program.
- NJP’s Spokane office was successful in preserving a client’s GAU. The client suffers from severe insulin dependent diabetes, testalgia, and chronic diarrhea. DSHS argued at hearing that the doctors could not determine the source of the testalgia and chronic

diarrhea. The Administrative Law Judge concluded that an absolute source for the diagnoses was not required, and accepted the diagnoses. Upon clarification of the impact of these diagnoses on the client's ability to work, DSHS approved the GAU grant.

- NJP's Spokane office represented a disabled client who is diagnosed as medically equivalent to a quadriplegic yet was denied the highest number of subsidized home health care hours (420 per month). The denial was affirmed by an administrative hearing decision. NJP filed a Petition for Review in the Superior Court. A negotiated settlement will provide the client the maximum exceptional care hours through a formal Exception to Policy that cannot be revoked absent a showing of substantial improvement in her condition.
- NJP's Tacoma office represented an elderly Pierce County resident whose Social Security representative payee was improperly withholding her Social Security benefits and she had no money for food. The payee repeatedly told the client that a portion of her Social Security was deposited into the checking account she managed, however the bank showed no such deposits. NJP attempted to contact the payee but received no response. On the day NJP and the client were preparing to file a vulnerable adult protection action against the payee for abandonment, the payee finally responded. The payee acknowledged the error and provided the client with some of her own money. The payee also paid more than \$200 in bank charges and late fees caused by their failure to timely respond to the client's request. The client terminated the payee services and the payee subsequently returned the Social Security monies in their possession to Social Security. The parties negotiated a small settlement to cover the client's damages.

### **Education**

- NJP's Olympia office successfully assisted a teenage foster child with a modification of a restraining order that kept her from attending her local high school. The client is one of six teenaged children placed with foster parents who operate a small horse ranch in a rural area. The client has been in foster care most of her life and comes from the inner city. She initially had difficult time adjusting to a small rural high school and new family but soon bonded to her foster family and improved both her grades and her attitude toward living in the country. The client was doing well in school and at home, however, the girl and her foster sisters were constantly taunted and ridiculed by other local teenage girls for being foster children. The client got into a physical altercation with one of the teenage girls who harassed the client. The other girl's mother obtained a restraining order to keep the client away from her daughter including restraining the client from attending the local high school. The client had no criminal history or gang related involvement as was alleged by the other girl. The client was able to demonstrate to the court that she was not a continuing threat to the other girl or any other person and the high school supported the client's return to school. The court agreed, over the objections from the other girl's mother, and modified the restraining order to allow the client to go back to high school.
- NJP's Tacoma office represented a 16-year-old high school student who had been expelled for allegedly striking a school administrator. The student was also in foster care and had missed many days of school as a result of moves and previous disciplinary

actions. NJP negotiated the student's return to an alternative program that would allow her to catch up on her credits and graduate on time.

- NJP's Vancouver office helped the family of a fifth-grade student who has an Individual Education Plan (IEP) because of "emotional/behavioral" disability to restore the classroom placement that was working well for him. Since first getting an IEP, the child had spent about half of his class time in the special classroom for children with behavioral problems. He had improved from pervasive to virtually no behavior problems, and had made modest but steady academic progress. The school wished to change his placement. The mother believed that the child should remain in the separate classroom at least through his transition to middle school, and declined the proposal to move him to the "mainstream" classroom full time. To her surprise, the child returned home very upset the next week saying that he had been moved to the mainstream classroom. NJP intervened and the school district's attorney quickly agreed to return the child to his former placement. Discussions about what his placement should be as he begins middle school are pending.
- NJP's Vancouver office assisted a disabled father to remove his child from an unaccredited private religious school, and have the child placed in public school. The child's mother claimed to be home-schooling the child, but in fact had the child enrolled in an unaccredited private "academy" being taught by a non-certified teacher. After NJP demonstrated that the mother failed to meet the legal requirements for home-schooling her child, the court ordered that the child be placed in public school. When the child was tested at public school, he was found to be significantly behind in his academics.

### **Family Stability, Safety & Security**

- NJP's Everett office represents a domestic violence victim, in a paternity case filed by her batterer to obtain custody of their infant son. In December 2005, NJP assisted the client in obtaining a temporary order. Recently, the father was charged with 2<sup>nd</sup> Degree Child Molestation. NJP successfully obtained an ex-parte order suspending his overnight supervised visitation.
- NJP's Everett office represented a client who needed her dissolution decree clarified regarding the amount of money she should receive from her ex-husband's military retirement pay. During the 10 year marriage, the client became fully disabled and unemployable. The Decree provided the client with maintenance and a portion of the ex-husband's military retirement pay. However, once the ex-husband retires she will be completely dependent on his military retirement pay for survival. NJP successfully obtained an order clarifying the Decree and assisted the client with completing the application process to receive automatic payment of her share of her ex-husband's retirement pay.
- NJP's Everett office represented a young California mother to defend against a third party custody action her sister had filed to obtain custody of her four year old son. The client had sent her son for a visit but once he was here the sister kept extending the date when the visit would end. The client came to Washington for her son's birthday with all

intentions of taking him back. The sister prevented that by obtaining a protection order against the client and filing a third party custody action regarding the boy. NJP argued that Washington was not the “home state” of the child and the sister did not have the evidence to obtain third party custody. The sister ultimately concluded that she did not want to proceed with her action. The client returned to California with her child.

- NJP’s Olympia office helped a survivor of domestic violence regain temporary residential placement of her 6 year old son who had been placed with the client’s abuser after the client was wrongly accused of burning down the family home. The client was acquitted of the arson but unable to bring the child back into her life. After completing mental health and related treatment, the client secured a home and employment. She was able to show the court that she could provide a more stable environment for the child than the father who had been charged with several violent crimes.
- NJP’s Seattle office represented an Oromo-speaking Ethiopian immigrant who is illiterate and has limited communication skills. Because she lives in Kansas City, she initially called CLEAR seeking assistance, who referred her to NJP’s Seattle office for representation in a child support hearing. The Division of Child Support was attempting to establish a child support obligation against her for children she had lost touch with since coming to this country. The children’s father had passed away and they were now being cared for by their adult sister. NJP represented the woman in negotiating a fair settlement where her child support obligation was based on her actual income. The settlement also resulted in a renewed relationship with her estranged children.
- NJP’s Tacoma office represented a mother of three children who had suffered through a marriage filled with domestic violence. Tiring of the beatings, she left her husband and contacted CLEAR. NJP obtained protection orders to keep the family safe. The father initially sought temporary custody of the children, however, after litigation, the client was awarded temporary custody. After the GAL report and further litigation, the dissolution was granted, child support was set and limited contact was allowed between the children and their father based on his successful completion of batterer’s treatment.
- NJP’s Tacoma office represented a survivor of domestic violence whose husband challenged Washington jurisdiction in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act. The husband lives in Texas. The parties have a 2½ - year-old daughter, and the client recently gave birth to the parties’ second daughter, who has never lived in Texas. The parties lived together in Texas only a few months, during which time the husband pinned the client to the ground and choked her, leaving bruises and marks on her neck. He also kneed her in the stomach when she was pregnant. The Texas court, in a dissolution case filed by the husband, entered an order dismissing the child custody issues. NJP filed a case in Pierce County to address a parenting plan and child support issues. The husband’s Washington attorney brought a motion asking that the Washington court decline jurisdiction. NJP represented the client at the jurisdiction hearing and the husband’s motion was denied. Subsequently, NJP facilitated an agreed temporary order addressing restricted visitation with the husband, restraining orders for the client and child support.

- NJP’s Wenatchee office represented a mother of four in a two-day trial for dissolution, protection order, child custody, property and debt division, child support, and paternity. The client had survived years of severe domestic violence including use of weapons and several incidents in which she lost consciousness. She fled the state with her children after, in violation of an existing no-contact order; the father took the client’s baby hostage and forced the client and another child into the car. The father, armed with a knife, threatened to kill the baby, the other child, and the client. Though terrified, the client was able to convince the father that he should let them go by promising that the next morning she would retract all charges against him and get the criminal no-contact order dismissed. The father was convicted of a felony and spent five months in jail. From jail he sent a birthday card with drops of blood on it to one of his daughters. The court provided extra security at the trial because the father had threatened to kill the client, the judge, and the officer who arrested him. During the pendency of the litigation the father had declared bankruptcy and absolved himself of community debts of the parties. At trial the mother obtained full custody of the children, ownership of the family home, child support, and a five-year protection order prohibiting the father from finding out where the client and the children now reside.
- NJP’s Yakima office is assisting a mother in her attempt to obtain and maintain custody of her daughter who had been sexually assaulted while in the custody of the child’s father. NJP has also assisted the mother in accessing services for her child.

### **Healthcare, Access and Quality of Care**

- NJP’s Bellingham office represented a 55-year old woman who appealed a DSHS denial of her request for the level of medical coverage she needed. The client has major depression, PTSD and an anxiety-based cognitive disorder resulting from multiple traumatic and violent experiences over many years. DSHS approved medical coverage for her through its General Assistance program. However, when the client learned later that GA medical coverage would not pay for mental health services, she requested an upgrade to health care benefits that would include those services. A DSHS doctor denied her request, relying on a psychologist’s written evaluation to conclude that the client was functionally more capable than she is, based in large part on an erroneous statement in the evaluation indicating that the client leads a Bible study group at her church. NJP obtained a statement from the client’s pastor clarifying that the client merely occasionally attends the study group. Based on the corrected information, DSHS approved the client for medical coverage that pays for the needed mental health treatment.
- NJP’s Everett office represented a disabled client in an appeal to restore ongoing Medicaid benefits. The client lost SSI income many years ago when his Social Security disability benefits were increased to reflect earnings from working while disabled. Loss of SSI caused loss of automatic Medicaid. Although his income remained below the poverty level, he then qualified for “Medically Needy” Medicaid only after meeting a deductible-like “spenddown” every quarter. NJP obtained evidence from Social Security records to establish his eligibility for a special “Pickle Amendment” income disregard. As a result of NJP’s advocacy, DSHS granted Medicaid without a spenddown retroactive

to three years back. This new status will provide him more stable access to vital medications and mental health services.

- NJP's Everett office assisted a client with a profound developmental disability. His recent deterioration led to the need for 2-person transfers. The services awarded under his Medicaid long-term care program were insufficient to meet his needs. NJP analyzed the requirements for higher hours and assisted the family in getting medical documentation for the requirements. DSHS agreed to scoring changes requested by NJP, and thus awarded the client over 150 additional subsidized care hours of service per month.
- NJP's Olympia office continues to co-counsel in a case challenging a DSHS rule that prohibits payment for personal care services related to shopping, housekeeping and meal preparation for disabled clients who live with their care providers. In March 2005, the Thurston County Superior Court held that this "shared living rule" was invalid. DSHS appealed. In March 2006, the Court of Appeals, Division II, upheld the decision that the shared living rule violates federal Medicaid law. This rule impacts over 10,500 clients who would require care in nursing homes if they did not receive Medicaid-paid personal care in the community. DSHS requested reconsideration of the Court of Appeals decision and, if denied, intends to seek review before the Washington State Supreme Court.
- NJP's Seattle office represented a Russian immigrant family after DSHS refused to reimburse their dentist for services he had provided to their 3 year old daughter. The girl had required substantial dental work as a result of severe dental decay that was so painful she had difficulty eating. DSHS had initially approved coverage of the treatment under the Alien Emergency Medical program, but later denied payment due to policy changes that went into effect after the treatment was provided. NJP helped the parents request a fair hearing and advocated with the billing department at DSHS. DSHS subsequently agreed to settle the case and paid the dentist.
- NJP's Seattle office represented a 73 year old woman who was denied Medicaid coverage of a temporary cast metal denture. The woman required a replacement of a denture she had had for 37 years as a result of a car accident when she was younger. DSHS maintained that the denture was not medically necessary. After NJP submitted documentation from two dentists establishing that the denture was medically necessary, DSHS agreed to settle the case and to provide coverage for the denture.
- NJP's Wenatchee office continues to assist a senior immigrant couple from Bolivia. In the last quarter, NJP assisted the couple in getting qualified for QMB and Medically-Needy benefits. Recently the wife was served with a notice of termination of hospital and medical insurance benefits by Social Security. NJP investigated the termination, confirmed that the wife was qualified for payment of Medicare premiums, and filed a notice of appeal to Social Security. Meanwhile NJP learned that a computer spelling error caused the problem. DSHS has undertaken to correct the error.
- NJP's Yakima office successfully represented a disabled elderly client who receives in-home personal care services through the COPES program. Due to his deteriorating health the client's spouse could no longer provide him with care in the family home so the client

moved in with their daughter's family. DSHS sought to reduce the amount of in-home care it would pay for in the daughter's home. A hearing was requested and NJP developed evidence that his care needs had increased and that they could not be met with unpaid help. When DSHS received the evidence it granted an exception to its policy of limiting in-home care hours based on the mathematical formula used in its CARE assessment.

### **Individual Rights**

- NJP's Seattle office represented a Vietnamese immigrant to adjust her immigration status after separating from her abusive U.S. citizen spouse. NJP helped the client file a Self-Petition under the Violence Against Women Act with the Department of Homeland Security, and assisted in obtaining her Permanent Resident Card.

### **Preservation of Housing & Habitability Issues**

- NJP's Bellingham office represented a federal rent subsidy recipient who was assessed an overpayment of \$7044 by the housing authority. The client, a single mother of a young daughter, did not timely report an increase in her income and, as a result, received a larger subsidy than she should have. The housing authority presented the client with a repayment agreement that, through a formula, required her to make monthly payments of \$565. Given the client's income, current rent and other family living expenses, this monthly repayment amount was extremely burdensome and probably unsustainable. Although the client asked for more time for NJP to review the agreement, the housing authority insisted that she had to sign it immediately, which she did. After reviewing the terms of the repayment agreement, NJP contacted the housing authority with concerns about the correct amount of the overpayment, the onerous repayment terms, and the refusal to allow her to consult an attorney. While negotiations proceeded, the client borrowed money to make the first two payments, but then was forced to send her daughter to stay with her grandmother because she did not have money left over for food. Finally, after considering information provided by NJP, the housing authority agreed to reduce the total overpayment, give the client more than four years to repay the overpayment, and reduce her monthly payment to an affordable \$122.
- NJP's Bellingham office represented a mentally disabled client who was being evicted from public housing. The client is diagnosed with a psychiatric disorder affecting his thought and behavior. The housing authority began to evict the client after he removed window stops from a hallway window outside his tenth floor apartment. The client was bothered by the summer heat and the cigarette smoke coming from a neighbor's apartment; he removed the window stops so that he could fully open the hallway window for ventilation. The housing authority claimed that it would cost \$5800 to repair the resulting damage to the window. NJP appeared with him and his mother at the formal hearing and presented a request for a reasonable accommodation of his disability, which included a plan for the client's participation in therapy, for the continued involvement of his mother as an intermediary in dealings with the housing authority, and for reimbursement to the housing authority for actual damage done to the windows. The housing authority agreed to withhold a decision on the termination and to proceed with



these requested accommodations. It further agreed to obtain a new repair estimate and to use the new estimate as a final decision on the amount of damages to be reimbursed. The new estimate was for \$685, and the client's family paid the entire amount. The client returned to therapy and the housing authority rescinded its termination notice, allowing the client to remain in his apartment.

- NJP's Everett office represented a disabled single mother of two children when the housing authority terminated her rental assistance which meant that her rent would triple. The client had had trouble with her mail preventing her from complying with various housing authority and meeting requirements. The client also has a personality disorder which impacts her ability to keep up with daily activities and pressures. Her 6 year old daughter has special needs due to behavioral, learning and social problems, including outbursts of bad behavior both in the household and in public places. NJP prepared a request for reconsideration of the termination and asked the housing authority to reasonably accommodate the client's and child's disabilities. The housing authority granted the request, reinstated the client's rent assistance and implemented procedures to insure the client is able to comply with the requirements.
- NJP's Olympia office received several referrals in which local cities had terminated tenants' utilities at a landlord's request, or because of the landlord's failure to pay the bill as required by the rental agreement. The cities had not complied with federal law requiring that tenants receive prior notice and an opportunity to put the bill in the tenant's own name without responsibility for the back bills of the landlord or prior tenants. NJP sent letters and model materials to all public (city or county) utilities in Olympia's 5-county service area and received responses from many local utilities including copies of their current ordinances. NJP reviewed the policies or ordinances received and sent follow-up letters regarding provisions that were not in compliance with applicable law. Two months after sending the original mailing, the City of Olympia called to notify NJP that it was going to terminate water service to 23 units in a mobile home park due to the landlord's failure to pay the bill. Most park residents were low income, including several seniors. The City of Olympia agreed to give each tenant prior notice by hanging a tag on each tenant's door, with the phone numbers for NJP Olympia and the Tenants' Union. NJP immediately teamed up with the Thurston County Tenants' Union to prevent the shut-off. The property was eventually sold, and the bill settled at closing. Because of the referral and quick response, the tenants did not lose their water service.
- NJP's Olympia office represents a disabled, senior couple who appear to be the first in the state to successfully use the tenant relocation statute (RCW 59.18.085). The couple called after discovering that the apartment they had just rented had been condemned. Notices to Vacate required the tenants to be out by the end of the month, at which point the city would shut off the water regardless of whether tenants remained. In addition, tenants remaining after that date would be referred to the police for trespass. The clients did not have the money or means to move as both are seriously disabled with multiple health issues. NJP worked with the city attorney to extend the required move-out time, forestall referral to the police department, and keep the water on until the tenants were actually out. In addition, NJP co-counseled with a Chehalis attorney to obtain a judgment pursuant to the relocation statute against the landlords in the amount of \$3,600 to help the

clients relocate. When the landlords didn't pay, NJP instituted garnishment proceedings that resulted in a full payment of the judgment.

- NJP's Seattle office assisted a 62-year old Ethiopian refugee single parent who had a federal housing subsidy for his household. He has great difficulty in communicating with U.S. bureaucracies as he is a monolingual Oromo speaker and does not read or write in any language. In 2004, his 19-year old son did not tell him that he was working as well as going to school. When the son's income was discovered by the Housing Authority during a routine check, the father asked the son to help him repay what was owed based on the son's unreported earnings. They argued; the son refused and moved out. The client began a repayment agreement with the housing authority. The housing authority did not believe that the son had moved out, so the father was required to provide additional proof. The client then had to go to Ethiopia to care for his terminally ill father. The client's 18-year old daughter, a high school senior, and his 15 year-old son, a freshman, stayed home. His daughter asked to appear at the hearing in her father's place. The Housing Authority would not allow it, and thus terminated the family's subsidy without a hearing. The landlord began eviction proceedings because the family could not pay the rent. NJP represented the client in the eviction proceeding and was able to negotiate dismissal of that case based on the Housing Authority's agreement to retroactively reinstate the subsidy pending a hearing based on its due process violation. NJP then represented the client in the subsidy termination proceeding, gathering sufficient information regarding the son's absence since 2004 to convince the Housing Authority that the son was indeed no longer in the household. With the eviction matter resolved and the subsidy maintained, the client was able to pay off his debt to the Housing Authority in full and be fully reinstated to the subsidy program.
- NJP's Seattle office assisted a Somali refugee family receiving a federal housing subsidy who had begun a licensed family day care center in their home because the wife was unable to find regular employment. She reported her income to the Housing Authority when she received it, which was several months after she began the child care. The Housing Authority accused her of not reporting her work when she first began caring for children, despite the fact that she reported her income when it was received. Then the Housing Authority obtained copies of her DSHS benefits record for the past several years. This record included checks sent to the client to pay child care for *her* children while she trained and looked for work. Unwilling to distinguish these from the client's own child care income, the Housing Authority sought to terminate her for fraud, claiming that she had been a paid day care provider in the previous years. NJP was able to gather evidence directly from DSHS that these checks had been sent to her to pay her own child care providers, and that they were not income to her nor was the Housing Authority allowed to count them as income under federal regulations. Her housing assistance was fully reinstated, and she has continued with the day care business.
- NJP's Spokane office successfully represented a tenant for a second time against the same landlord in a six-month period. Working directly with the landlord, NJP developed an accounting spreadsheet showing proper application of the tenant's payments since 2004. Upon review, the landlord agreed with NJP's calculations showing that the tenant actually had a credit balance, rather than owing rent and late fees. The tenant's tenancy

was saved, and the landlord's problem accounting, which had been the root cause for friction between the parties for two years, was corrected.

- NJP's Spokane office represented a senior couple raising their grandchildren who had been threatened with foreclosure on their house. After the husband broke his back, the couple had no income and fell behind in payments on a second mortgage on the house. Although the mortgage was for less than \$10,000, they risked losing significant equity and becoming homeless. NJP worked with their mortgagor to negotiate a complete pay-off of the loan, protecting their ownership of the home.
- NJP's Spokane office represented a seriously ill single mother of two young children to protect her public housing. The children's father, who had abused the mother prior to their breakup, moved into her apartment when she was in the hospital being treated for her illness, even though his criminal history made him ineligible to live in the public housing unit. When the client returned from the hospital, the father refused to move out. The housing authority sought to evict her and terminated her rent subsidy. NJP requested a reasonable accommodation that she be given time to remove the father from the household and that she be allowed to find another person to live with her and help her care for the children during her recovery. NJP also attended a hearing on a separate matter concerning the child's father, and successfully advocated for the inclusion of language in a court order requiring him to vacate her home immediately. After the court order was entered, the father did move out and the housing authority ceased efforts to evict her.
- NJP's Spokane office represented a single mother who was at risk of becoming homeless. The client was a victim of domestic violence, living in a trailer which she bought with the child's father. Despite her financial contributions, the father had obtained title to the property with his name alone on it. When the client obtained a protection order against him, the commissioner included language requiring her to vacate the mobile home and surrender the sole family vehicle by the end of the month. NJP brought a motion to modify the protection order, and successfully negotiated an agreement that the father would provide her with a vehicle, and she would buy out his ownership interest in the mobile home for less than a third of its value. NJP assisted the client in getting financial assistance for a down payment on the mobile home, and arranged for a payment plan she could afford in which she was not required to pay any interest and could not be foreclosed upon even if she was unable to make every payment. NJP is now representing the client in obtaining a parenting plan that ensures the safety of her child.
- NJP's Tacoma office represented a senior who suffers from depression in restoring her place at the top of a housing authority's waiting list. The housing authority removed the client's name from the waiting list after documents it mailed to her last known address were returned with no forwarding address. These documents would have informed the client that she had reached the top of the list and scheduled an appointment to determine that she remained eligible. The client had left the state temporarily to attend to a family emergency. Her 84-year-old mother had suffered a bilateral subdural hematoma and had to undergo surgery. Because her mother was slow to recover from the surgery, the client remained out of state longer than anticipated. Upon the client's return, she contacted the

housing authority to inquire about her status on the waiting list and was told that the mailing had been returned and she had been removed from the list. After an informal hearing, the decision was upheld. The client then contacted NJP. NJP asked the housing authority to restore the client's place on the waiting list and to issue her the next available voucher as an accommodation to her disability. NJP obtained a letter from her mental health treatment provider describing how the client's depression was exacerbated by the deterioration of her mother's health and how she presents with confused thoughts and a disrupted ability to concentrate and recall significant information. The housing authority granted the reasonable accommodation and issued the client a rent assistance voucher.

- NJP's Tacoma office prevented Tacoma Public Utilities (TPU) from terminating service to a woman for alleged failure to pay for service at another address. TPU served a shutoff notice stating that in order to prevent the shutoff the client must pay off a \$432 utility bill within 48 hours. The notice identified the account number for the woman's current address but indicated that the entire \$432 was for service from an address at which the woman had never resided. At NJP's request, TPU agreed not to terminate service pending a review of the records. NJP discovered that TPU incorrectly added a third party's delinquency to the client's account, on the basis that the client and third party resided together. Both the client and the third party denied that they had ever lived together or that they had even known each other at the time the delinquent bill was incurred. It was clear from a review of the records that the client lived at an address different from the address where the delinquent bill was incurred. NJP sent a demand letter to TPU arguing that efforts to coerce payment from the client for a third party's debt violated her rights and that the client did not receive proper notice advising her of her right to a hearing. The letter demanded that the client's bill be adjusted to remove the third party's debt and to provide a 25 percent rate reduction to which she is entitled as a qualified low-income disabled person under the Tacoma Municipal Code. TPU agreed.
- NJP's Wenatchee office represents a tenant who rented a house for which the septic system had failed. The county found the condition of the house so hazardous that they declared it unlawful to occupy, and posted an eviction notice on the door. NJP discovered that the county had declared the house unlawful to occupy on a previous occasion, before the landlord rented it to NJP's client, and that the landlord simply removed the county's posting rather than repair the septic system.
- NJP's Wenatchee office successfully represented a disabled woman in an eviction matter that was intertwined with an employment dispute. The household includes the client's partner (a farm worker), and their children. The client and her family were originally tenants in a federally subsidized low-income housing complex in an isolated, rural, agricultural community. After living in their apartment for roughly a year, the client was hired by the management company as the on-site manager of the complex. They were moved from their apartment into the "manager's apartment" where they paid no rent. The client received little to no training as the on-site manager. Despite the lack of training, and in addition to her regular job duties, the client ran GED classes for the tenants at the complex and a summer "day camp" program for the children. The management company later terminated the client as manager, and filed and served the client with an eviction action. NJP represented the client in asserting her defenses to the eviction action, and in

asserting her claim for over \$1,000 owed to her by the management company in connection with her employment as the on-site manager. NJP was successful in recovering 100% of the employment-related claim, and in negotiating a timetable for the client and her family to move out of the on-site manager's apartment, and back into one of the other units as qualified low-income tenants.

- NJP's Yakima office is participating in a committee to establish guidelines for use of funds Yakima County receives from fees assessed on recorded documents. These funds must be used for low-income housing and NJP is advocating for guidelines that will assure that the funds are used to assist those with the greatest housing needs.
- NJP's Yakima office assisted a monolingual Spanish-speaking single mother of 6 to successfully keep her home out of foreclosure. NJP continues to investigate and assist the woman in an attempt to recover funds lost in a possible foreclosure scam.
- NJP's Yakima office is assisting a low income home owner in a condemnation action brought by the City of Sunnyside. The city sought to evict the family and demolish the home. NJP was able to establish that the home is not a threat to health or safety and negotiated an agreement that allows the family to remain in the home while they seek financing to build a new home. NJP is also assisting the family to secure financing through a reputable lender or agency that provides housing loans to low-income families.

### **Targeted Populations (Persons with Disabilities, Limited English, Cultural and Other Barriers to Accessing Legal Services)**

- NJP's Bellingham office represented a 36-year-old single woman with severe cognitive disabilities when she was assessed as having been overpaid \$11,500 in SSI benefits. The client had been terminated from SSI in October 2002 because the Social Security Administration determined she was ineligible due to a long-past parole violation on which warrants had issued. Subsequently, the client had cleared the warrants on her own. NJP then worked closely with the client to re-apply as she remained disabled. The client's new application was approved, her SSI and medical benefits began again. NJP further assisted the client to request a waiver of the overpayment, because she lacked knowledge of the parole warrants and was not at fault in regard to her receipt of benefits. SSA granted the waiver and the client was relieved of the obligation to repay the funds out of her current monthly SSI benefits.
- NJP's Tacoma office represented a 62-year-old developmentally disabled woman who moved in with other family members after her mother passed away. She had never been institutionalized, but the client had substantial safety supervision needs that were connected to some of her activities of daily living. Following a CARE tool assessment, DSHS reduced her personal care hours to 73 hours per month. Family members represented her at an administrative hearing where the Administrative Law Judge affirmed the reduction. The family members' filed a Petition for Review with the Board of Appeals (BOA) and they contacted a private attorney for advice. The attorney referred the client and family to NJP. NJP advised the client and her representative how to seek additional hours through an Exception to Rule (ETR) Request. NJP helped to explain the client's problematic behaviors and the property damage that resulted unless she had

appropriate direction/intervention. The ETR request was successful and the client was granted an additional 70 hours of care per month.

- NJP's Tacoma office represented a 24-year-old Western State Hospital (WSH) patient in appealing a determination by DSHS' Division of Developmental Disabilities that he was no longer eligible for DDD-funded services. The DDD termination was announced as the client, who had been institutionalized since age 19, was preparing for discharge from the hospital to a DDD-funded, supervised group home in the community. Although the client suffers from an obvious, severe, long-term cognitive impairment, DDD proposed to terminate his eligibility because it claimed there were inadequate school and medical records documenting that the client had been developmentally disabled since childhood. The case settled, and discharge planning resumed for the client after NJP located and presented evidence from the client's estranged family members confirming his long-term developmental disabilities. NJP's Tacoma office currently represents five other similarly situated WSH patients in appeals involving proposed DDD terminations.
- NJP's Tacoma office represents a 21-year-old developmentally disabled Tacoma resident in appealing a proposed reduction in her Medicaid-funded in-home care benefits. The client's parents are her legal guardians and provide her in-home care. She has significant supervision needs and communication deficits due to her developmental disability. An appeal was filed after the DSHS DDD worker who assessed the client's in-home care needs using the "CARE" assessment tool refused to consider the client's serious communication deficits in her assessment. After an administrative hearing at which NJP submitted testimony from the client's treating doctor on the extent of the client's communication impairment, the ALJ ordered that the in-home care benefits be increased. DSHS's appeal to the Board of Appeals is pending.
- NJP's Tacoma office represented a 53-year-old Cambodian immigrant in appealing the termination of his SSI benefits. The client's SSI benefits were ordered terminated after the SSA Office of Inspector General issued a report questioning the medical evidence that established the client's SSI eligibility based on his significant cognitive impairment. The client's SSI benefits were ordered restored after an administrative hearing in which NJP presented evidence of the client's long-standing debilitating depression and post-traumatic stress disorder arising out of the torture and forced labor the client was subjected to prior to fleeing his native Cambodia.
- NJP's Vancouver office successfully represented two clients in obtaining guardianship of vulnerable adults. One client sought guardianship of her adult son who has Down's Syndrome and is unable to meet his basic needs on his own. Another sought guardianship of her 80 year old sister-in-law who suffers from Dementia and other incapacitating conditions, and was at risk of substantial physical and financial harm.

## **NATIVE AMERICAN UNIT - STATEWIDE (NAU)**

### **Education**

- NJP's Spokane based NAU represented a teenage client in a dispute with her middle school. The client is a special education student whose prior evaluation of educational disabilities was woefully inadequate and had resulted in an individual education program (IEP) that was inappropriate to her challenges and capacities. The problem was compounded by the school's failure to act on information about harassment by other students. The harassment and stress the client experienced led to health problems that caused her to miss a lot of school. The school initiated a truancy proceeding. NJP succeeded in getting the truancy matter dismissed, a new evaluation, immediate modification of the IEP and implementation of a process designed to retool the IEP through the remainder of the school year as the client's educational needs become clearer.
- NJP's Spokane based NAU represented a teenage client in an emergency expulsion proceeding following a fight between the client and another student. Significant concerns had been raised about the lack of communication between the school, the Tribe and the family. This was felt to have contributed to an environment in which the fight was much more likely to occur. Half way through the hearing the parties asked for a recess during which a resolution was reached which resulted in reducing the expulsion to a short-term suspension. A plan was also developed to address the underlying problems that led to this and other disciplinary issues that have arisen for the client, including evaluation for special education services.

### **Family Security and Indian Child Welfare Act**

- NJP's Spokane based NAU represented a tribe in a state court dependency, seeking and obtaining transfer of jurisdiction to the Tribal court system. The transfer resulted in placement of the child with an extended family in the Tribal community.
- NJP's Spokane based NAU represented another tribe also seeking transfer of jurisdiction of a state court dependency. The Indian parent was facing termination of her parental rights and the State planned to permanently place the child in a non-family, non-Indian home. The court granted the motion to transfer and the child was placed with extended family in the Tribal community.
- NJP's Vancouver office assisted a Native American woman from a tribe in the Midwest get her three children returned from their father who had wrongfully withheld them in Washington. The mother had legal custody according to a Tribal custody order on the basis that the father had been abusive to both her and the children, and that he had wrongfully taken and withheld the children once before. After taking the children a second time, the father filed a modification of the Tribal custody order in Washington. The mother was able to get the children back on her own, but the father kidnapped the children off the reservation a third time a few months later. NJP successfully moved to dismiss the modification case on the basis that the Tribal court had exclusive continuing

jurisdiction. The father was ordered to return the children to the mother by a date certain or face arrest. He failed to do so and was arrested. He then claimed not to know where the children were because he had sent them into hiding with his mother. NJP obtained a Writ of Habeas Corpus for the children and the children were recovered by law enforcement and returned to the mother with the assistance of a local tribe. The father remained in jail until the children were back in their mother's care. The mother obtained a judgment against the father for her costs of litigation and the children's transportation.

### **Indian Estate And Probate Project**

- NJP's Indian Estate Project consists of two attorneys and one paralegal and the Everett office's Senior Attorney as supervisor. The Project concentrates efforts on community education regarding the impact of the American Indian Probate Reform Act (APIRA) on the distribution of an individual's trust property if they do not have a will. A power point presentation was developed for community members to understand the complexities of estate planning and this new federal law. The power point will be posted to a national website to be used in Indian country all over the United States. Time was also spent doing outreach and becoming known on the individual reservations (Muckleshoot, Tulalip, Swinomish, Upper Skagit, Yakama, Colville and Spokane) locating space to meet with clients and identifying other opportunities for education. For some reservations there were lists of clients waiting to be served. For others identified clients have come through the community education presentations, newsletters or word of mouth. All Project staff are now meeting with clients and drafting wills and other estate planning documents.

### **Preservation of Housing**

- NJP's Bellingham office represented a Native American woman receiving federal rental assistance who faced an eviction lawsuit for non-payment of rent. The client had obtained a moving voucher from the housing authority to look for a new rental, but if the landlord succeeded in obtaining a court order evicting her, the rental assistance would have been terminated. Before any court action, NJP negotiated an agreement with her landlord's attorney that allowed the client to pay the rent owed, to stay in her current residence until the end of that month and then to have the eviction complaint dismissed with prejudice, as long as the client complied with the settlement agreement, which she did. This result preserved the client's eligibility for critical continuing rent assistance in a new tenancy.
- NJP's Yakima office represented a Native American tenant who faced persistent discrimination from the manager of the project-based low income housing apartments where she lived. Although she was entitled to a rent reduction because of a decrease in her income, the manager refused to do the required calculations. NJP negotiated a rent reduction, retroactive to the time the client first notified the manager of her decreased income.



## **FARM WORKER UNIT - STATEWIDE (FWU)**

### **Domestic Violence Advocacy**

- NJP's FWU successfully assisted a farm worker woman to self petition for legal permanent resident status under the Violence Against Women Act after many years of physical and emotional abuse at the hands of her spouse. The self-petition process is a remedy created by Congress to free immigrant spouse victims of domestic violence from dependency on their abusive spouses.
- NJP's FWU assisted a farm worker woman and her three children in filing for adjustment of their immigration status under the Violence Against Women Act. The client and her three children had an approved self-petition and were able to adjust to permanent resident status when their priority date became current.

### **Economic Security (Employment)**

- NJP's FWU was successful, after several years, in collecting on a claim for over \$3,000 of unpaid wages in bankruptcy court on behalf of a farm worker. In an unrelated case, NJP's FWU also received a substantial check from the bankruptcy court for a farm worker on whose behalf NJP had filed a wage claim several years earlier. The client had already received an amount equaling his secured claim, so he was extremely pleased and surprised to receive these additional unpaid wages.
- A settlement was reached in the Washington State Farm Bureau's case challenging the constitutionality of Labor and Industries' workplace safety and health inspections. The Farm Bureau had appealed to the Ninth Circuit Court of Appeal the decision by the U.S. District Court for the Eastern District of Washington granting the motion to dismiss filed by defendant-intervener farm workers represented by NJP and the State Labor Council (represented by private counsel), for lack of standing and ripeness. While the appeal was pending the state legislature passed legislation explicitly granting authority to the Department of Labor and Industries to seek warrants when denied entry for inspections by employers. The State and the Farm Bureau then agreed to language concerning how inspectors would obtain consent. NJP's farm worker clients were pleased to hear that workplace health and safety inspections would proceed.
- NJP's FWU represented a 56 year old farm worker in settlement of an EEOC complaint for age and sex discrimination after she was laid off from a Columbia Basin orchard after working steadily for many years. The parties reached a confidential agreement after participating in day long mediation.

### **Economic Security (Public Benefits)**

- NJP's FWU successfully represented a farm worker with a hospital debt of more than \$111,000 resulting from his young daughter's need for open heart surgery to obtain relief pursuant to state hospital charity care regulations. The client originally submitted the medical bill for payment to DSHS but was denied. NJP then submitted an application for

charity care relief to the hospital, with supporting documentation and statement of the family's hardship. As the family's income was well below the federal poverty guidelines, the hospital waived the entire bill saving the client from being forced into bankruptcy.

## **Housing**

- NJP's Wenatchee FWU represents a mobile home park tenant association, most of the members of which are low income farm workers. Recently, the new park owner/developer announced its plan to close the park and to construct more than 400 condominium units and a 65 room hotel on the site. As the closure would affect approximately 70 mobile homes owners and their families and as there are insufficient vacant mobile home park spaces in the community to accommodate the large number of homes, most of the residents will likely lose their homes when the park is closed unless a relocation solution is realized. The new park owner/developer was aware of NJP's prior efforts to preserve mobile home parks in the Wenatchee Valley and expressed an interest in preserving the residents' affordable housing. The park owner/developer contacted NJP and asked how they might both complete their development on the site and preserve the housing. An earlier survey conducted by the City of Wenatchee indicated the park residents' desire to relocate their mobile homes and identified a shortage of mobile home park spaces in the Wenatchee Valley. Thus, the park owners/developers indicated that they wanted to work with the residents to build a new mobile home park at another location in the city. NJP is currently coordinating with the park owners and the residents concerning the development of a new park while exploring the residents' legal options in the event that the park owners fail to deliver on their promise to relocate the residents into a new mobile home park.

## **NJP'S CONTRACT ATTORNEY PROGRAM (CAP)**

- An Asotin County CAP attorney represents an elderly client whose only income is SSI to quiet the title to her home. Her husband, who died two years earlier, left his house to the client in his will, but titled the house in the names of his two grown daughters (the client's step-daughters). Her husband also left most of his assets to his other children, even though some of these appeared to be community property. In addition, there is a Medicaid lien on the house and a property settlement agreement of unknown date. The CAP attorney will probate the estate and resolve title to the home.
- A Benton County CAP attorney represents a Spanish speaking farm-worker in a divorce. When the client first contacted CLEAR, her husband was in jail for violating a protection order. He had attempted to strangle her, causing her eight year old son to call the police.
- A Clallam County CAP attorney represents a 67 year old disabled widow who has been abused by her son-in-law and is being swindled out of her house by her daughter. The client, whose only income is Social Security, depended on her daughter to help her finalize purchase of a house. Unbeknownst to the client, the daughter deposited the client's money into her own account and bought the house herself. The client and her husband moved into the house thinking it was bought and paid for and in their names. The client's husband then died in a tragic accident when he fell through the roof while fixing it. After this, the daughter's husband began to physically abuse the client. On one occasion he hit her so hard in the chest that the client bled. The son-in-law also would not let the client leave her own home for days at a time and dumped his garbage in her back yard. The daughter then decided to sell the client's house and listed it for sale with a realtor. The CAP attorney is representing the client to quiet title to the home and to also file a complaint with Adult Protective Services regarding the abuse.
- A Clallam County CAP attorney represents a domestic violence victim to obtain a divorce from her abusive husband. The husband beat the client in February of 2006, and then left the house taking their pet dog with him. He then threatened to kill the dog if the client would not come back to him. When the client refused, he threatened to abduct their eight year old child as well. At this time the client believes the dog has been killed. The husband has a history of anger management and gambling problems, and was convicted of child abandonment for leaving their son alone at home while he went gambling. The CAP attorney assisted the client in obtaining a protection order and is representing the client in her divorce.
- A CAP attorney is representing a young Whitman County woman in her appeal of a GAU benefits termination. The client, who had been a full time student at Washington State University, had to drop down to 4 credits due to extreme back pain caused by several herniated discs. DSHS initially awarded the client benefits while she was still a full-time student, but then terminated benefits after her condition worsened forcing the cut in hours.

## **COORDINATED LEGAL EDUCATION, ADVICE AND REFERRAL** **(CLEAR)**

### **Consumer**

- NJP's CLEAR\*Sr obtained release of funds wrongfully garnished by a collection agency. A Snohomish County senior's bank garnished her account, which contained only Social Security monies. Apparently, her son had borrowed her car, received parking tickets, and then failed to pay them. The fines were sold to a collection agency that garnished the client's bank account. After CLEAR\*Sr contacted the bank and the collection agency the funds were released.
- NJP's CLEAR program assisted a monolingual Spanish speaking farm worker to clear up his credit allowing him to buy a much-needed car. The client had been refused a car loan, even though he knew he had perfect credit. CLEAR helped him obtain free credit reports from the three main credit reporting agencies. One report showed that the client owed money to the Housing Authority of Wenatchee. The client had never lived in Wenatchee and had never lived in subsidized housing. Also, the client's first name was misspelled on the credit report. After NJP intervened the credit reporting agency cleared the client's credit.
- NJP's CLEAR\*Sr helped a disabled senior retain much-needed telephone service. This very low-income senior had been trying to pay off a telephone bill that her granddaughter accrued while visiting. The client also received telephone assistance through the Washington Telephone Assistance Program (WTAP), but she was being over-billed for her monthly service. The client had serious health problems, including the need for supplemental oxygen and having grand mal seizures, and was desperately afraid to be without a phone in case she had to call 911. CLEAR\*Sr arranged for extra time for the client to pay her bill and also contacted the WTAP, which agreed to work with the telephone service provider to reduce the client's monthly bill.
- NJP's CLEAR\*Sr obtained a refund of money taken from a senior through a telephone scam. A telephone solicitor from Florida promised to help a woman reduce her credit card debt and persuaded her to divulge her credit card numbers. The client exercised her option to reject the service but later found out that the company had charged \$690 to her credit card. After determining that the company was not licensed in Washington or Florida to make telephone solicitation calls CLEAR\*Sr contacted the company. Soon thereafter, the company refunded the charge to the client's credit card account.

### **Family Stability, Safety and Security**

- NJP's CLEAR and Wenatchee field office worked together to correct a grossly unfair order entered in a Grant County custody case against the client, who was unrepresented at the time. The final parenting plan was extremely restrictive and unreasonable, giving the client no contact at all with her child. The child support order was also inappropriate as it imputed income to the client at a very unrealistically high level. There were numerous procedural irregularities in the way the orders were entered, resulting in the client being denied her due process rights before the court entered final orders. CLEAR

assisted the client in drafting a motion for reconsideration to file pro se along with a lengthy legal memorandum outlining the many irregularities in the way the final orders were obtained. NJP's Wenatchee office then entered a limited notice of appearance after which the father's attorney quickly agreed to draft an agreed order to vacate the improperly obtained orders and is now exploring the possibility of settlement of the case with more reasonable final orders.

- CLEAR assisted a mother who was served with a Parentage action filed by an alleged father of her child. A DNA test revealed that the petitioner was not the father. The petitioner then sought custody of the child under the *de facto* parenting doctrine. CLEAR aggressively sought a referral for representation for the client and eventually obtained one through a volunteer with the Yakima Volunteer Attorney Service program. While the referral was pending, CLEAR advised the client on *de facto* parenting doctrine, helped the client get a continuance of a temporary order hearing, and also helped the client request an adequate cause hearing on whether the petitioner was in-fact a *de facto* parent before any temporary order hearing could occur.

### **Health Care and Access to Care**

- NJP's CLEAR assisted a disabled client obtain much-needed medical care. The client applied to DSHS for medical assistance to address a painful and potentially life-threatening dental situation. After a significant delay in granting the assistance NJP intervened. Thereafter DSHS office processed the client's application immediately. The client had five infected teeth extracted and is now going through the healing process.
- NJP's CLEAR\*Sr helped a disabled senior keep in-home care provided by her daughter. The monolingual Spanish-speaking senior wanted her daughter to serve as her Medicaid paid in home caregiver and, thinking that DSHS would not allow it, decided to forego care. With CLEAR\*Sr's help, DSHS allowed the daughter to be the caregiver, allowing the woman to remain at home instead of being forced into a nursing home.

### **Individual Rights**

- NJP's CLEAR helped a monolingual Spanish-speaking woman maintain the daycare that she had operated for four years after it was summarily closed by DSHS in the middle of the day without giving the client any written notice of the reason the daycare was being closed or of the client's right to appeal. The DSHS licensor told the client only that a serious allegation had been made, but did not provide any other information. With the client on the phone, CLEAR called DSHS to find out the reason for the daycare closure. Within an hour, DSHS contacted the client and told her that she could immediately reopen the daycare, pending further investigation.

### **Preservation of Housing**

- NJP's CLEAR prevented a severely mentally ill woman from being evicted from a mobile home park and losing the equity in her mobile home. The landlord served the client with one 5 Day Pay or Vacate Notice while the client was in the hospital and a second one shortly after being released. The client was unable to pay her rent because she

lost her Social Security benefits during the psychotic episodes that led to her hospitalization, and was unable to respond to the eviction. The court issued a Default Order and a Writ of Restitution the same day that the client returned home. The client's mental health worker managed to get the Writ of Restitution stayed and then contacted CLEAR. CLEAR assisted the client with filing an emergency Chapter 13 bankruptcy to try to preserve the tenancy or at least to preserve the equity in the client's mobile home, which she owned outright. After negotiations, the landlord agreed not to enforce the Writ, preserving the tenancy and the mobile home.

- NJP's CLEAR assisted a disabled Pierce County woman whose landlord refused to abide by the terms of a rent repayment agreement made in April 2005. The client, a 20-year resident of the mobile home park, fell many months behind in rent in early 2005 due to the loss of her job and onset of her physical disabilities. The client entered into a favorable repayment plan to avoid eviction, in which the landlord agreed to accept small monthly payments on the back rent and waive all late fees. As long as the client made her monthly payments, she would not be subject to future eviction or collection on the past due debt. But, the landlord kept compounding late-fees for the agreed amount due. In January 2006, the landlord demanded the client increase her monthly payment and refused to recognize payments the client previously made. Unable to afford the monthly increase, the client sought help from NJP. CLEAR persuaded the landlord to drop additional improper late fees and abide by the repayment agreement. The client maintained her repayment plan and was properly credited for all payments.
- NJP's CLEAR helped a Snohomish County family of seven avoid homelessness when the family was threatened with eviction. The husband, along with his wife and 5 children, was faced with an eviction action for non-payment of rent. CLEAR contacted the landlord's attorney with a settlement proposal that included a rent re-payment structure extending over a two-month period. The landlord accepted and the tenancy was restored.
- NJP's CLEAR helped a disabled man retain his tenancy in an assisted living facility. The client had received a notice terminating his tenancy on the grounds that he had been threatening to other residents in the facility. The client adamantly denied that he has ever threatened any other tenant. CLEAR determined that the client had certain discharge rights under a long-term care residents' rights law and that the landlord could not remove the client without filing an Unlawful Detainer action. CLEAR contacted the State Ombudsman who was also assisting the client in preserving his housing. After interviewing all of the residents in the facility, the Ombudsman determined that while the client had a "difficult" personality, there was no credible evidence that the client had threatened or put any other residents in danger. Armed with legal information provided by CLEAR, both the client and the Ombudsman successfully argued that the client should remain in the facility. The management of the facility has since accepted the client's rent.

## **CLIENT & COMMUNITY EDUCATION AND CAPACITY BUILDING**

### **BELLINGHAM**

- NJP's Bellingham office staff presented information on NJP's services, website materials, and the CLEAR toll-free line at an annual community-wide Health & Social Services Resource Fair in Whatcom County, attended by representatives from 45 local agencies and over 75 low-income persons.
- NJP's Bellingham office is working with a community group to address interpreter and police issues in Whatcom County.
- An NJP Bellingham office attorney served on the Steering Committee of the State Plan Review Committee.

### **EVERETT**

- NJP's Everett office provided outreach and training at the Snohomish County "Transition Resource Fair" on March 28. This annual event sponsored by the Snohomish County Transition Council and Everett Community College focuses on issues for special education students transitioning out of public school programs. NJP's workshop focused on guardianship and alternatives for developmentally disabled young adults. A local nonprofit social service agency serving this population recently stopped providing assistance with these issues, leaving a service gap in this area. NJP staff identified materials and options available now and will work with other advocates to expand options in the future.
- An NJP Everett office attorney participates in a Snohomish County group addressing implementation of Medicare Part D. The group conducted community education and outreach to assist clients with enrollment choices, to train case managers and advocates concerning implementation issues, and to seek clarification and resolution of enrollment and access problems.

### **FARM WORKER UNIT (FWU)**

- NJP's Wenatchee FWU made a presentation at the Wenatchee Public School District's Parent Educational Night for the Migrant/Bilingual Parent Advisory Committee. Approximately 150 parents attended the presentation, most of whom work in area packing sheds and orchards. NJP provided information on how the parents could access the CLEAR line and described NJP's local legal services partners.
- NJP's Wenatchee FWU made a presentation to the Brewster School District, Migrant Parent Advisory Committee (PAC) attended by 75 parents. NJP provided information about the legal rights and protections of farm workers employed in packing sheds and orchards including payment of wages, filing of crop and orchard liens, workers compensation and information about hospital charity care.

- NJP’s FWU participated on a panel for a Seattle University School of Law event for National Minority Law Student recruitment month speaking to 100 students.
- NJP’s FWU did presentations to about 100 students on being a lawyer at the University of Washington and Central Washington University GEAR UP forum on different career options for participating eighth grade children throughout Eastern Washington.
- NJP’s FWU continues to participate in monthly Spanish language radio shows on both Radio KDNA in Granger and the Skagit Valley College Radio Station in Mt. Vernon. This quarter, advocates spoke on the “Rights of Local Workers Under the H2A Program”, tax issues affecting low income people, consumer protection, and “General Know Your Rights in Employment as a Farmworker”.
- NJP’s FWU has developed a Spanish language newspaper (*El Faro Legal*) to be distributed to migrant workers on outreach. The newspaper contains articles explaining a range of legal issues affecting farm workers and their families.

### **OLYMPIA**

- An NJP Olympia office attorney provided training on legal resources and decision-making issues to 7 new volunteer ombudsmen who will help residents in long term care facilities in Thurston, Mason, Lewis and Grays Harbor Counties and to new volunteer ombudsman for Pacific and Grays Harbor counties.
- An NJP Olympia office attorney continued efforts to increase client knowledge and opportunities for education and training through the WorkFirst program by meeting with the Administrator of the Olympia DSHS Office, an Employment Security Supervisor, and the Director of the WorkFirst Programs for the community college serving Thurston County. The County will add educational options for WorkFirst participants.
- An NJP Olympia office attorney presented information to over 25 senior caregivers in the Grays Harbor area regarding decision making issues and legal resources for seniors.
- An NJP Olympia office attorney presented information about the Mobile Home Landlord Tenant Act to over 50 people (mostly seniors) with concerns about the management of their mobile home park in Lewis County.
- NJP’s Olympia office continues to provide training and support to the Grays Harbor Domestic Violence Center. NJP staff attorneys provided training to advocates on landlord /tenant issues, jurisdiction, relocation and family law procedures.

### **SEATTLE/KING COUNTY**



## **Basic Field Office**

- An NJP Seattle office attorney trained social workers at Bellevue Community College who assist ESL students and WorkFirst participants about the consumer problems, rights and possible remedies.
- NJP's Seattle office sponsored a CLE on Credit Report Law in March. A local private consumer attorney taught the CLE to approximately 20 legal aid attorneys.
- An NJP Seattle office attorney trained social service providers and domestic violence advocates about the WorkFirst program and the rights of TANF recipients. The training focused on how to assist TANF recipients who encounter barriers (i.e., disability, domestic violence) to participating in the WorkFirst program.
- NJP's Seattle based Refugee and Immigrant Advocacy Project (RIAP) attorney continued to serve on the Immigrant Families Advocacy Project (IFAP) Advisory Board. IFAP is a University of Washington Law School organization, supervised by an attorney at the Northwest Immigrant Rights Project, which pairs students with pro-bono attorneys to help battered immigrants file self petitions under the Violence Against Women Act (VAWA).
- NJP's Seattle office continued to work with the Northwest Summit on Language Access for Domestic Violence Survivors addressing how lack of interpreters affects access to justice for low-income immigrant women who are victims of domestic violence. The group continues to meet as the Washington State Coalition for Language Access (WASCLA), with members in the following areas: judiciary, advocates, interpreters, law enforcement, agency and medical providers. WASCLA has developed a website [www.wascla.org](http://www.wascla.org) and posts sample LEP (Limited English Proficient) policies as well as materials on working with interpreters and cultural competency. NJP is working with the King County Sheriff's Office and Seattle Police Department to develop LEP policies for their agencies, and is organizing a state-wide conference for June 2006.
- NJP's RIAP attorney provided training to the following: to Headstart participants in King County on immigrant eligibility for benefits and NJP services; to Vietnamese seniors on immigrant eligibility for SSI; to pro bono attorneys at a KCBA sponsored CLE.
- NJP's RIAP attorney also trained on cross cultural communication to staff of social service agencies and medical providers. Topics covered included: updates on medical programs; children's health program; alien emergency medical program and WASHCAP

## **CAP**

- NJP's CAP Manager attended a meeting of Central and Southern Washington Volunteer Legal Program Coordinators on January 25. Present at the meeting were VLP coordinators from several counties, as well as NJP and CLS staff. He reported on CAP cases and attorneys in Walla Walla, Benton, Franklin and Grant counties.

## **TACOMA/PIERCE COUNTY**

- An NJP Tacoma office attorney continues to serve as co-chairperson for the Coalition for the Effective Protection of Vulnerable Adults (CEPoVA). CEPoVA's purpose is: (1) to improve communication, coordination, and collaboration among those in Pierce County concerned with the vulnerable adults protection; (2) to identify and develop the existing network of resources and clarify roles; (3) to identify perceived gaps or problems in the system; and (4) to discuss changes that should be made and identify methods to introduce such changes into the system. The coalition meets monthly. Participants include social workers and case managers, health care providers, investigators, law enforcement, community and legal advocates from a variety of organizations.
- An NJP Tacoma office attorney presented at a CLE sponsored by the National Business Institute on "Managing Residential Property: Avoiding Tenant Disputes and Evictions."
- An NJP Tacoma office attorney is participating in the creation of the Pierce County Asset Building Coalition and serves as Chair of its Predatory Lending Subcommittee
- An NJP Tacoma office staff attorney is an adjunct professor of at the Seattle University School of Law, and teaches poverty law.
- NJP Tacoma office staff were part of an "Experts Panel" on client rights and the fair hearing process at a state-wide, two-day DSHS training for over 50 DSHS agency staff.
- An NJP Tacoma office staff attorney was an adjunct professor of immigration law at Seattle University School of Law.
- An NJP Tacoma office staff attorney served as a presenter at a WSBA Young Lawyers Division CLE, speaking on parenting plan and Guardian ad Litem issues.

## **VANCOUVER**

- NJP's Vancouver office made a presentation to concerned parents regarding their civil legal rights in a number of substantive areas.
- An NJP Vancouver office attorney did a presentation on NJP's services at a monthly meeting of the Clark County Youth Initiative.
- NJP's Vancouver office is working with a community service group in Woodland to establish a civil legal clinic in that community. The first appointments were scheduled to take place in early June.
- An NJP Vancouver office attorney continued participating in the Clark County task force that during this quarter wrote a second, more detailed draft of the County's 10-year plan for ending homelessness under the state Homelessness Housing and Assistance Act.

- An NJP Vancouver office attorney participated in the Southwest Washington regional meeting to begin development of local coordinated response protocols for cases involving child abuse or neglect and domestic violence.

### **WENATCHEE**

- NJP's Wenatchee office provided training on domestic violence, landlord/tenant, and elder law to the City of Chelan WIC/First Steps Program monthly staff meeting.
- NJP's Wenatchee office provided training to twelve police sergeants on domestic violence, landlord/tenant, and seniors' issues to the Wenatchee Police Department monthly sergeants' meeting, and to twenty sergeants and investigators with the Chelan County Sheriff's Department.
- NJP's Wenatchee office appeared on two Spanish language radio programs, one in the Wenatchee Valley and the other in the Skagit Valley. Both presentations provided information to listeners about Domestic Violence and relief available to victims under the Violence Against Women Act (VAWA.)
- NJP's Wenatchee office made a presentation to 20 TANF recipients about the process for obtaining domestic violence protection orders, and rights of survivors of domestic violence specific to landlord-tenant situations.
- NJP's Wenatchee office provided community legal education aimed at how to access free legal services for seniors at Columbia Valley Community Health Center in Chelan.
- NJP's Wenatchee office trained ombudsmen for nursing homes in North Central Washington on issues affecting tenants.

### **YAKIMA**

- NJP's Yakima office staff hosted a program on Spanish Language Station Radio KDNA that provided information about the Earned Income Tax Credit.

## **NETWORKING AND DEVELOPING COMMUNITY CONTACTS AND RESOURCES**

- NJP's CAP Manager attended the Kitsap Bar Installation Dinner on January 27. He also attended a Benton County Bar meeting on March 21, at which he gave a presentation on CAP and recognized the contributions of local CAP attorneys.
- NJP's Olympia office participated in the training for and institution of the local Dispute Resolution Center's Elder Mediation Program. The event drew nearly 40 participants from a broad array of senior providers and advocates.
- An NJP Olympia office attorney continues to serve on the Board of Directors of Thurston County Volunteer Legal Services. The program has expanded to offer monthly legal clinics in Mason County and two clinics a month at Safeplace, the Thurston County domestic violence program.
- NJP's Seattle office Senior attorney has continued to coordinate the King County Regional Planning meetings. In addition to developing (1) a training curriculum for law students to enable smaller public interest providers to utilize trained student help and (2) additional pro bono resources, the group is developing a proposal for coordinated intake and referral within King County.
- NJP's RIAP attorney continues to work with the Northwest Immigrant Rights Project (NWIRP) citizenship attorneys to meet with DSHS and SSA staff to address the ongoing termination of immigrants from SSI due to the expiration of their seven years of refugee status. The attorney also continues to work with a national USCIS Disability Work Group to address the accommodation of disabled immigrants (including exemption from English and civics due to medical impairments) in the citizenship process. She helped design a pilot project for King County (DSHS Region IV) to evaluate the success of DSHS outreach to the elderly and disabled immigrant population.
- NJP's Seattle office continues to work with advocates and agency staff from around the state to improve legal services to victims of trafficking in Washington State as members of the Washington Advisory Committee on Trafficking (WASHACT) and the Rescue and Restore campaign to work on both coordination of legal resources and community education and outreach.
- NJP's Spokane based NAU attorney trained participants and staff of a Tribal TANF program on special education covering evaluations, IEPs and disciplinary issues.
- NJP's Spokane based NAU attorney worked with Washington State CASA to develop an expanded Indian Child Welfare Act training curriculum to be used to train new and experienced volunteer guardians ad litem representing Indian children in state court dependency proceedings.
- NJP's Spokane office continues to work with community agencies to assure they have adequate information about clients' rights when dealing with housing issues and to

develop community education presentations to help landlords and tenants form successful working relationships to reduce the number of evictions.

- NJP Spokane office attorneys serve on the Northeast Washington Legal Aid Program's (NWLAP) advisory board, and on the Whitman County Legal Services Advisory Board, helping to assure that coordination and cooperation between these agencies and NJP results in meaningful access to legal aid for low-income residents of three rural, northeastern counties and the one southeastern county in Washington.
- NJP Spokane office attorneys also serve on the Spokane County Bar Association Volunteer Lawyers Program Advisory Board, helping to promote and assure coordination and cooperation between this program and NJP.
- NJP's Spokane office participates in the Spokane County Volunteer Lawyers Program's Housing Justice Project. Each month an NJP attorney volunteers, providing advice and direct representation for eligible persons at the show cause docket.
- NJP's Spokane office continues to make tenants' rights presentations at the local community college to special-needs adults, and to parents' classes.
- NJP Spokane office attorneys serve as members of the Spokane County Family Court Improvement Project. This project's goal is to reformat how the court processes family law cases. Strategies under development include a unified family court; assignment of family law cases to individual court commissioners; longer court rotation periods, providing further stability in family law cases; revamping family law dockets including development of a "pro-se" docket; and development of an audio-visual program to be available for use by all family law litigants, providing a general overview of the family law process, as well as separately viewable segments providing more in-depth review of individual topics such as: "How to File and Serve a Dissolution Action," and "Parenting Plans."
- Due to recent changes in bankruptcy laws, many local Pierce County practitioners who took bankruptcy cases on a *pro bono* basis have begun to decline such referrals, and the Tacoma-Pierce County Bar Association's monthly bankruptcy clinic has been similarly affected. An NJP attorney has begun working with local practitioners to better identify the reasons for the change in their availability; has attended a CLE on the new law's requirements; and has begun taking cases on a limited basis until the broader problem can be resolved.
- An NJP Tacoma office attorney serves on the Board of the Pierce County Parent Coalition for Persons with Disabilities.
- An NJP Tacoma office attorney is a member of the Public Guardianship Task Force.
- An NJP Tacoma office staff attorney serves as a board member of a Pierce County not-for-profit social service agency that operates five group homes, day programs and a farm and garden work program for developmentally disabled adults.

- An NJP Vancouver office attorney participates on the WSBA Committee for Diversity.
- An NJP Vancouver office attorney participates in monthly Professionals in Aging meetings and will begin participating in a Vulnerable Adult Task Force in Vancouver.
- An NJP Vancouver office attorney is serving as the chair for 2006 of the Clark County Community Action Advisory Board.
- An NJP Vancouver office attorney serves as Treasurer of the Board of Directors of the Clark County Volunteer Lawyers Program (CCVLP).
- An NJP Vancouver office attorney serves on the Board of Directors of the Cowlitz-Wahkiakum Legal Aid Program.