

# Northwest Justice Project

## Advocacy Report Third Quarter, 2006



*NORTHWEST JUSTICE PROJECT  
401 2<sup>ND</sup> Avenue South, Suite 407  
Seattle, WA 98104  
(206) 464-1519*



**NORTHWEST JUSTICE PROJECT  
2006 THIRD QUARTER ADVOCACY REPORT  
TABLE OF CONTENTS**

|  |    |
|--|----|
| INTRODUCTION .....   | 2  |
| OVERVIEW OF GENERAL SERVICE DELIVERY .....   | 3  |
| CASE EXAMPLES .....  | 6  |
| NJP Basic Field Office Services .....  | 6  |
| Consumer .....   | 6  |
| Economic Stability (Employment) .....  | 7  |
| Economic Stability (Public Benefits) .....   | 7  |
| Education .....  | 8  |
| Family Stability, Safety & Security .....  | 9  |
| Healthcare, Access & Quality of Care.....  | 13 |
| Preservation of Housing & Habitability Issues.....   | 16 |
| Targeted Populations (Persons with Disabilities, Limited English,<br>Cultural and Other Barriers to Accessing Legal Services)..... | 20 |
| Native American Unit - Statewide (NAU) .....   | 24 |
| Farm Worker Unit - Statewide (FWU) .....   | 26 |
| Economic Security (Employment).....  | 26 |
| Health and Safety .....  | 26 |
| Housing .....  | 26 |
| VAWA Petitions .....   | 27 |
| Other .....  | 27 |
| Contract Attorney Program (CAP) .....  | 28 |
| Coordinated Legal Education, Advice and Referral (CLEAR) .....   | 29 |
| CLIENT & COMMUNITY EDUCATION AND CAPACITY BUILDING.....  | 32 |
| NETWORKING AND DEVELOPING COMMUNITY CONTACTS<br>AND RESOURCES .....  | 37 |

## INTRODUCTION

Domestic violence is a serious social problem that affects more than one-third of all families nationwide. Its victims and survivors exist across all age, class, ethnic, and gender lines. When it occurs, the family is inevitably thrown into crisis. The crisis includes but is by no means limited to the immediate concern for the family's safety. Indeed, the crisis often is exacerbated by the collateral impacts of domestic violence on a victim's employment, housing, credit, access to financial resources, health care, schooling and many other basic social needs. Even beyond the need for "no contact" and protection orders, the needs of domestic violence victims and survivors often end up being resolved through the legal system, and for many, without the assistance of counsel to help them address the multi-faceted impacts of family violence. These cases are of the highest priority for the Northwest Justice Project's (NJP's) lawyers and staff.

One need only scan the most recent edition of NJP's Advocacy Report, a compilation of the program's case work and other activities during the Third Quarter of 2006, to find compelling examples of how domestic violence broadly impacts its victims. Examples include NJP's intervention on behalf of a client who was threatened with eviction from her low income apartment after her abuser, who she had left one month earlier, fired a gun through her door. The landlord claimed that her presence in the building created a nuisance for the other tenants. Another housing case involved a client who, on the date her rent was due, was so brutally battered she had to be hospitalized. The hospitalization prevented her from even knowing about or responding to the eviction action. NJP was able to get the court order set aside and help negotiate a favorable resolution with the landlord. Another case involved a mother's effort to modify a parenting plan to protect her young child from abuse by a teenage stepbrother at the father's home. The revised plan eliminated the child's out-of-home visits pending counseling for the family. An NJP Contract Attorney Program attorney assisted an elderly man with serious disabilities obtain a divorce from his abusive wife. The wife had kidnapped the gentleman from a nursing facility in order to force his return home against his will.

These examples represent stories of real individuals and families, who without the help of free legal aid, would likely continue to live in fear of violence, be homeless or lack peace of mind in knowing that their rights and interests are protected. For each one, however, there are as many as four others who, due to lack of legal resources, are unable to get help. While NJP is proud of its work through the CLEAR system and its website resources ([www.washingtonlawhelp.org](http://www.washingtonlawhelp.org)) to ensure that at least some of those families are informed, counseled and referred to other sources that can help mitigate the absence of counsel, we are also painfully aware that for many this is simply not enough.

## **OVERVIEW OF GENERAL SERVICE DELIVERY**

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

- During the third quarter of 2006, NJP's Bellingham office hired a highly experienced family law attorney to assist Whatcom County domestic violence clients in emergency family law cases through Project SAFER, a program previously operated by LAW Advocates. The NJP Bellingham office also expanded representation to domestic violence victims in Island County, in partnership with the primary domestic violence agency there. Office staff members now participate on two county-wide planning bodies coordinating domestic violence services among the courts, law enforcement, the DSHS Children and Family Services office, and community agencies.

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

- In the third quarter of 2006 CLEAR answered 6,825 phone calls resulting in 4,790 new cases or clients. The Washington LawHelp web site had over 119,000 visitor sessions and 498,268 page views. There are now almost 700 legal education publications and self-help packets available; 490 English, 121 Spanish, 40 Russian, and 48 in other languages.

### **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 legal needs 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 30-40 private attorneys with whom NJP contracts to provide individual services at highly discounted rates. CAP provides the attorneys ongoing consultation and technical assistance. CAP's priorities are similar to those of other legal services offices across the state. Each quarter CAP provides assistance to approximately 100 clients.

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

- During the third quarter of 2006, NJP's Everett office added an attorney to its staff, allowing the office to expand services to clients in the area of consumer law. The office also represented several elderly and disabled residents of a mobile home park slated for closure. The Indian Estate Planning Project continued through this quarter under a grant from the Department of Interior to do estate planning for Native Americans who reside on seven reservations throughout the State. The office also continues to serve clients in the areas of family law, health care law, education, housing, and benefits.

### **Farm Worker Unit**

- NJP's Farm Worker Unit consists of 3 attorneys and a community worker based in Yakima and an attorney based in Wenatchee. This quarter the Unit conducted outreach in

major agricultural regions throughout the State and continued assisting an empowered group of farm worker women addressing domestic violence issues in their community.

### **Native American Unit**

- NJP's Native American Unit (NAU) serves Native American communities statewide in matters primarily involving tribal law and federal Indian law. The NAU conducts outreach, provides community legal education, and assists other legal services providers working with Indian clients. The NAU currently has one staff attorney in Spokane and one in Seattle, whose targeted work is supplemented by three advocates in the Indian Estate Project Planning, which does outreach and estate planning for reservation Indians with trust land. This quarter NJP held a Statewide Native American Advocacy Summit and is working to restructure its Native American legal services delivery program. A Native American Advocacy Coordinator was hired to lead this effort.

### **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 third quarter 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 11 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 has five attorneys and 3 support staff and emphasizes work in areas of family law, housing, consumer law, public benefits and Native American law.

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

- NJP's Tacoma office is staffed by 9 advocates (eight attorneys and one paralegal) and three support staff and represents Pierce and Kitsap County clients in public benefits, family, housing, consumer, education and youth law, elder law and disability and civil rights cases including assistance to a wide range of community groups. The office is co-located with Volunteer Legal Services and TeamChild. NJP's Kitsap satellite office is

co-located with Kitsap Legal Services in Bremerton, and is actively involved in regional planning. 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 and advocates meet clients at an NJP satellite office at WSH two days each week. Under a one-year contract with the Washington State Developmental Disabilities Council (beginning in July 2006), NJP Tacoma advocates provide legal services to developmentally disabled persons in the DSHS Community Protection Program for persons with developmental disabilities.

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

- During this quarter, NJP's Vancouver office had a staff of five attorneys, two legal assistants, and two law students who joined the office in June for a ten-week internship. The office also houses NJP's website manager. The office continued its focus on economic security (especially the General Assistance program), health care, 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. The office also conducted outreach to migrant workers in southwest Washington.

### **Walla Walla (Benton/Franklin, Walla Walla)**

- During this quarter, NJP's Walla Walla office, with a satellite office in Pasco, was staffed by three attorneys and one legal assistant. The Walla Walla office completed its planning processes and began to fully develop its workload capacity in areas of family law, housing, public benefits and consumer needs.

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

- NJP's Wenatchee office is staffed by five attorneys and three legal assistants and includes a staffed 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. Case service priorities include non-payment of wages, health and safety violations, employment discrimination, access to health care benefits and income assistance, subsidized housing, utility shut-offs, predatory lending, home foreclosure, education access, and family law.

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

- NJP's Yakima office continues to focus on the areas of domestic violence, economic security and housing. The basic field staff consists of four attorneys and a Jesuit Volunteer. The office also hosts one Indian Estates Project attorney who conducts outreach and provides estate planning services related to Indian trust land to Yakama reservation residents.

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

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

#### **Consumer**

- NJP's Seattle office represents a single mother of two who was a victim of a foreclosure rescue scam. The client's long-time family home fell into foreclosure after a balloon payment came due that she could not pay. Once in foreclosure, the client was approached by a man claiming that he and his business wanted to help the family stay in the home. The client unwittingly entered into a complicated sale-leaseback transaction designed to result in the ultimate eviction of the homeowner and re-sale of the house. Before the house was sold and the client evicted from the home, NJP filed a complaint and lis pendens to stop both, allowing the client to remain in the home. At trial NJP will try to recover approximately \$200,000 in stripped equity for the client.
- NJP's Seattle office advocated on behalf of a disabled man who lives on a fixed income from SSI and found it difficult to make ends meet. As a result, he ended up taking out payday loans from two separate payday lenders. Because he found it difficult to keep up with the payments due to the high interest rates, he continued to take out multiple payday loans. One of the lenders failed to allow him to enter into a payment plan even though he had taken out three consecutive loans and had not defaulted. Pushed to the limit, he eventually defaulted. NJP negotiated a payment plan with this payday lender, and also negotiated a payment plan with his bank to which he owed multiple fees due to the defaulted payday loan. As a result, the disabled man had enough income to pay his rent and stay in his subsidized housing. Because he learned about how payday loans can become debt traps, he decided to take a financial literacy course.
- NJP's Spokane office represented a disabled, bed-bound woman whose previous caregiver stole her credit card and used it to make hundreds of dollars worth of purchases for things like manicures, personal electronics, etc. Prior to her representation by NJP, the client reported that the charges were fraudulent, but the credit card company refused to refund more than \$50 of the charges. NJP worked with the client to identify which of the charges were fraudulent, then contacted the credit card company. NJP's negotiations on the client's behalf resulted in a refund of over \$1,200.
- NJP's Tacoma office represented an elderly woman living on Social Security (SS) who contacted NJP for assistance because her bank was holding her check. The bank claimed to be holding the check because she had \$476 in not-sufficient-funds (NSF) fees at another bank. Her bank also threatened to close her account after 30 days for the same reason. NJP asked the other bank to produce copies of any contract agreements the client may have entered into with them and for any NSF notices that had been sent. When the

---

\* For case examples from NJP's Native American Unit and Farm Worker Unit see pages 24-25 and 26-27 respectively. For case examples from the Contract Attorney Program and CLEAR see pages 28-29 and 29-31 respectively.

bank manager discovered that the client was never sent any notices of the NSF fees, NJP negotiated to have the fees removed and to re-open the client's account. While negotiations with the other bank were occurring, her current bank released the client's SS check and the account was closed.

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

- NJP's Bellingham office represented a farm worker whose employer did not pay any of the wages he earned for two-months during the potato harvest. The client filed a wage claim with L&I, and the employer admitted he owed the wages but indicated he did not have the money to pay them. The client then contacted NJP. NJP filed a complaint for unpaid wages and double damages. The employer was in the midst of financial difficulties and a bank had begun foreclosure proceedings on his farm. The employer offered immediate payment of an amount slightly more than the client's wages, which the client readily accepted in lieu of risking an unenforceable judgment for damages.

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

- NJP's Everett office represented a client with disabilities terminated from General Assistance based upon DSHS' assumption that a mere award of maintenance payments in a dissolution decree constituted "income." In fact the client did not receive money as a result of the decree, and the ex-spouse had disappeared without a forwarding address. Initially DSHS declined to provide continued benefits pending the hearing despite a timely hearing request. NJP's intervention was required to restore benefits pending appeal. The client is disabled and in treatment for injuries from severe physical abuse perpetrated by the ex-spouse. NJP produced a sworn declaration from the client and supporting evidence and legal arguments, which compelled DSHS to reverse the termination. Negotiations will continue to establish a protocol for the client to show she is making reasonable attempts to collect the maintenance award.
- NJP's Olympia office represented a Grays Harbor County woman who was terminated by DSHS from General Assistance Unemployable (GAU) benefits because she had worked as a part-time caretaker for two disabled men. DSHS considered this work to be "gainful employment." The client has fibromyalgia, connective tissue disease and back and neck pain and she was unable to work full-time. State regulations permit a person to receive GAU benefits if the person works part-time and his/her impairment limits the ability to work compared to other unimpaired people in the same job. NJP was able to prove that her work ability is limited by her disabilities and successfully restored the GAU benefits.
- NJP's Seattle office represented a single mother of two children. She had been subject to a "sanction" for two years, causing her monthly TANF grant to be reduced by 40% because DSHS claimed she was not participating in WorkFirst activities. The mother felt that she could not participate because of her severe anxiety and depression, but had difficulties providing documentation of her disability to DSHS. NJP negotiated with DSHS to lift her sanction and create a new Individual Responsibility Plan which included mental health treatment and one-on-one coaching. NJP also ensured that DSHS created



and implemented a Necessary Supplemental Accommodation Plan so that the client's disabilities would not hinder her participation in WorkFirst.

- NJP's Spokane office successfully challenged termination of a client's GAU benefits. Upon reassessing the client's eligibility for benefits, DSHS re-determined and reduced all severity ratings related to the client's disabling conditions from those provided by the client's treating health care provider. DSHS claimed there was no objective medical evidence to support the client's diagnoses, and cited a psychological evaluation that suggested the client was "malingering." NJP obtained a new and independent psychological evaluation. Upon appeal, the ALJ held that DSHS failed to show clear and convincing reasons for reducing the severity ratings provided by the client's treating medical provider, finding objective medical evidence of the client's disability based on clinical findings, physical reports, and other medical history, thereby finding continuing eligibility for GAU.
- NJP's Tacoma office represented a client who had been denied GAU cash and medical benefits. The client's physician determined that the client had a severe low back condition and was only able to stand, sit or walk for very limited periods of time. The doctor's report was substantiated by an MRI with severe findings and other objective medical evidence. Despite the overwhelming medical evidence, DSHS lowered the doctor's severity rating and determined that the client could work. The client was represented by NJP at hearing and received a decision reversing DSHS' denial of benefits.
- NJP's Vancouver office helped a Clark County client obtain GAU financial assistance and medical benefits that would allow him to receive the medical treatment and physical therapy necessary for him to return to work. The client had emergency surgery on a disc in his neck and was experiencing significant continuing back and neck pain. NJP helped obtain additional medical evidence that resulted in an approval of benefits.
- NJP's Wenatchee office advised a recently retired senior citizen regarding the affect of receipt of her pension payments on her social security benefits. Due to bureaucratic inefficiencies at Social Security, and through no fault of the client, the client was overpaid about \$2,500 by Social Security. When SSA sent the client a series of letters, each claiming a different and higher amount of overpayment, the client became confused and worried. After investigating the issue, NJP negotiated an acceptable repayment plan between the client and SSA.

### **Education**

- NJP's Seattle office represents a student with a disability who has been receiving home-based educational services from the school district but experienced significant periods of gaps in the provision of these services. The student and his mother seek compensatory education for the time that the student was not provided services.
- NJP's Spokane office assisted a single mother in rural northeast Washington to obtain a free and appropriate public education for her third-grade daughter who has been

identified by her personal mental health provider as having ADHD and learning disabilities. The daughter did not perform well in the general classroom, and felt marginalized in the special education program at the school. The mother found that the school was unresponsive to her requests for modifications in the classroom that would benefit the child's education and general behavior even though the school acknowledged the child's disabilities identified by the private mental health provider. The mother had asked the school district for resources for home schooling, but was denied. NJP arranged a conference with the mother and the school district officials, and an educational plan was formulated to meet the child's, mother's and school's concerns. The child is now home schooled by the mother with curriculum approved by the district. The school district has since performed another special education evaluation and determined that home schooling was an effective alternative for the child.

- NJP's Tacoma office represented a Hispanic first-grader with autism who was emergency-expelled from school following an incident in which he cried uncontrollably, thrashed around when touched by staff, and became physically sick. The parent had previously requested that her son receive special education services based on an IEP written in Puerto Rico, but the local school district had not yet implemented the full range of such services. NJP has negotiated the student's return to school and reevaluation of his service needs in all areas suspected of impacting his ability to learn, with claims for possible compensatory education pending.
- NJP's Vancouver office is assisting a 17-year-old who has severe emotional problems resulting from abandonment by his father, and who sought NJP's help after the school district hearing officer and board of directors upheld his expulsion over fighting. He disputed the details of the fight, but he and his mother's efforts to present supportive testimony from several other students, including the student whom the client allegedly punched were thwarted. The district invoked a provision that makes an exception to the student's right to confront his accusers if the district says it believes that the witness fears retaliation. NJP helped the family file a pro se appeal to Superior Court, which is still pending. NJP also helped the family petition for his readmission, which was successful. The client has made good progress earning credits in on-line classes, will enter a different high school in the district in the winter quarter, and anticipates earning the credits necessary to graduate with his class.

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

- NJP's Bellingham office represented a monolingual Spanish speaking client in obtaining a domestic violence protection order against her extremely abusive husband who was also a risk for abusing their children. The local domestic violence shelter supported the client in submitting the initial petition and obtaining a temporary protection order, and helped her contact NJP. At the return hearing the husband failed to appear but because there was also no interpreter available in the courtroom, the judge continued the hearing for two weeks. The client lives in a remote location, does not drive herself, and cannot arrange for dependable, regular alternate transportation. If a permanent order was not immediately entered, she and her children would be at risk. At the continued hearing NJP

argued and the court agreed that because the batterer had not appeared at the first hearing on the permanent order, he had defaulted and the permanent protection order was entered.

- NJP's Everett office represents a monolingual Spanish speaking immigrant victim of domestic violence in a dissolution case filed by her batterer/husband to obtain custody of their 3 minor children. However, the client had previously obtained a Temporary Protection Order from a different county. By the time NJP got involved, the husband had obtained a temporary custody order against the client. NJP successfully got the husband's order dismissed, obtained a year long Protection Order for the client, and had the Temporary Order modified to adopt the conditions of the client's Protection Order.
- NJP's Everett office represents a client who is a victim of domestic violence in a proceeding to modify her parenting plan based in part on allegations stemming from a CPS investigation and shelter care order arising from conduct by her former spouse. NJP worked with CPS and obtained several declarations from caseworkers to corroborate the client's testimony regarding her proper care of the child. The client was awarded a Protection Order against the father and visitation was suspended pending a GAL investigation.
- NJP's Seattle office represented a Pakistani immigrant woman who had been a victim of domestic violence during her marriage. She and her husband were divorced, and had a parenting plan in place that gave her ex-husband visitation every other weekend. The ex-husband threatened the daughter, disparaged the client, and committed acts of domestic violence against his new spouse. NJP represented the client to obtain an order of protection order for the child. The court initially ordered that the father participate in counseling with the child, but ultimately entered an order requiring no contact, given the child's emotional state. NJP is now assisting the woman in filing a modification of the parenting plan.
- NJP's Seattle office continued representation of a disabled Deaf woman and achieved settlement in her parenting plan case. The father of her children had attempted to take custody of the minor children several times during the course of NJP's representation by alleging she is an unfit parent, making false claims of her instability and drug use. Settlement negotiations prior to trial resulted in a parenting plan with restrictions and sole decision making to the client.
- NJP's Seattle office represented a grandmother with limited English speaking skills in filing a third party custody action against her son and the mother of her two granddaughters. The mother has a history of serious drug abuse and homelessness. She had abandoned the children in the past with the grandmother, and had frequently reappeared to take physical custody of the children, placing them in danger, before abandoning them again. The grandmother feared that the mother would try to take them from her care once again. The father of the children was serving time in jail for an assault. The court found adequate cause for third party custody and granted the client temporary custody. Trial is pending.

- NJP's Seattle office represented an immigrant victim of domestic violence in a Protection Order proceeding. The woman is married and has three children with her husband. From the time the parties met, he was controlling and abusive, beating and sexually assaulting her. He also physically and emotionally abused the two oldest children. The husband moved out with another woman but would show up at the family home late at night continuing his abusive behavior, often in the presence of the youngest daughter. When the wife called the husband at work on one occasion to ask him for help to pay the rent, he threatened her and filed for a Protection Order against her, alleging that she had threatened him and posed a risk to his life. The court found that the husband was the abuser and granted the client's Order for Protection, giving the father limited contact with the children and ordering him to treatment. The husband also filed a dissolution action and scheduled a hearing on temporary orders. At the hearing on temporary orders the court approved the client's Temporary Parenting Plan, limiting the father's contact with the children pending trial and ordering the father to pay child support. Trial is pending on the final dissolution and permanent parenting plan.
- NJP's Spokane office represented a mother in two separate Spokane County actions involving her two children. The children's father threatened to harm and to kill the mother, physically and emotionally abused her in front of the children, broke into and entered her residence, damaged her personal property, used illegal drugs, and violated a protective order against him. NJP obtained restrictive parenting plans which required the father to undergo a substance abuse evaluation and to complete any treatment recommended, to enroll in and successfully complete an accredited domestic violence perpetrator's treatment program, to complete a parenting course, and to attend individual counseling and to follow through with all of the counselor's recommendations, and which highly restricted the father's visitation pending the father's completion of these requirements.
- NJP's Spokane office represented a mother in a paternity action in Stevens County Superior Court, which was initiated by the father of the parties' child. The father returned to his residence in New York shortly after the child was born, and subsequently had very limited contact with the child. Both parties underwent substance abuse evaluations and psychological evaluations, which revealed no substance abuse or psychological issues. NJP successfully negotiated a parenting plan agreeable to both parties, which placed the child with the mother, and which allowed the father limited visitation in the Kettle Falls/Colville area.
- NJP's Tacoma office represented a woman who was divorced from her husband in 1995. As part of the division of the marital estate, the woman was awarded the home and was obligated to pay the mortgage and hold her ex-husband harmless from the debt. Over the years, the woman became increasingly ill and eventually could not work at all. She was chronically late in the mortgage payments and in 2006 her ex-husband requested that the court force her to sell the house because the late payments were affecting his credit. The court ordered the woman to become current in the mortgage payments. When she fell behind again, the ex-husband again asked the court to require that she sell the house. Upon an emergency referral from CLEAR, a Tacoma NJP attorney accompanied the woman to a commissioner's hearing where she requested time to re-finance her home

based upon a pending Social Security award. The woman advised the court that she did not know when the award letter would come nor did she know if she could re-finance the house. Further, the woman argued that due to her very limited income, if she was forced to sell the house she would have no place to live. The commissioner ordered that she either re-finance the house within 90 days or sell it. Upon a motion for revision, the trial judge reversed the commissioner's decision and ordered only that the client make a good faith effort to re-finance upon receipt of the Social Security award. During the pendency of this action, the client did receive a fully-favorable disability decision from the Social Security Administration and she continues to live in the house and has begun the process of re-financing the house.

- NJP's Tacoma office represents a Kitsap County woman who is a victim of severe domestic violence. The husband physically, mentally and sexually abused the client and her children for many years. NJP helped the client file for dissolution of her marriage and obtain temporary orders including restraining orders, a parenting plan, and child support pending trial.
- NJP's Tacoma office represented a woman whose six-year-old child was sexually assaulted by a teenage stepbrother while on a scheduled visit with her father. Despite the assault, the father insisted upon continued visitation with his daughter, which the client refused. When the father filed a contempt action and a revised residential schedule allocating primary custody to him, the mother, who cannot read very well, consulted NJP. With NJP's assistance, the client filed a petition for a Protection Order and her own motion to modify the residential schedule. After litigation, a residential schedule was entered that stopped all visitations between the father and his daughter until further order of the court. The child is currently in counseling and doing well.
- NJP's Vancouver office helped a Clark County survivor of domestic violence relocate to a distant state with her children with a protective parenting plan and child support. The client needed to relocate to keep herself and her children safe and to pursue an economic opportunity. The father objected to the relocation and denied he had committed any domestic violence. After two half-day evidentiary hearings, the court found that the father had committed serious physical violence against the client and against at least one of the children, and that the relocation was necessary for their safety.
- NJP's Vancouver office helped a Klickitat County grandmother obtain custody of her two grandchildren pro se as neither parent was a suitable custodian for the children due to drug use, mental health problems, and criminal activity, and another relative had left the children with the client. With NJP's help drafting documents, arranging for service, and advising at each step of the process, the client was able to represent herself in court to file and finalize her non-parental custody action.
- NJP's Vancouver office assisted a client who had filed pro se for dissolution from her physically abusive husband but received only a conditional deferment on her motion to proceed In Forma Pauperus instead of a full fee waiver. This was despite the client's clear demonstration of indigency (the client's only income consists of SSI and TANF).

NJP appeared in the case to obtain a waiver of the filing fee and to educate the court about the law on filing fee waivers generally.

- NJP's Walla Walla office successfully represented a mother defending against a petition for non-parental custody. The client had sent her daughter from California to visit relatives in Washington in June. The Washington relatives refused to return the child to California in August and filed an action to gain custody of the child. The mother contacted NJP only days before the temporary custody hearing but NJP appeared on behalf of the mother and filed a motion to dismiss the case for lack of jurisdiction. The court agreed and dismissed the case, ordering custody to the mother upon her arrival in Washington. NJP helped the mother get to Washington, and facilitated a peaceful exchange of the child. Mother and daughter then returned to California together.
- NJP's Yakima office represented a young victim of domestic violence in an emergency hearing to regain custody of her 15 month old daughter. The father, a perpetrator of domestic violence, had asserted in an ex parte hearing that the mother had harmed the child and had threatened him. As a result, the father obtained custody of the child and a restraining order against the mother. In reality, the mother had been the victim of domestic violence and the father had serious anger problems that put the child at great risk of harm. NJP was able to request an emergency hearing, realign the parties and regain custody of the child within just a few days. NJP also filed a parentage action and obtained temporary orders further protecting both the mother and the child.
- NJP's Yakima office successfully filed a motion to set aside a final dissolution and custody orders in a matter involving a young monolingual Spanish-speaking immigrant victim of domestic violence. The woman had signed a joinder agreement relinquishing all property and limiting her access to her children to minimal visitation after being threatened by her husband.

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

- NJP's Everett office represents an extremely fragile disabled client struggling to live at home instead of an institution. To do so, she needs Medicaid coverage of certain medical supplies. Medicaid denied coverage in mid-2005 after supplying her for years. Because of the seriousness of the need, a number of local agencies and organizations have coordinated to donate supplies. NJP is representing her in an administrative appeal. Based on NJP's advocacy to date, DSHS has restored half of the quantities needed.
- NJP's Olympia office responded when DSHS denied a client's request for medical equipment. The client is paralyzed from the waist down and needs drainage bags for personal hygiene. DSHS approved only 2 bags per month. Because it is not hygienic to use the same bag for 2 weeks, the client was getting infections and experiencing related health problems. Although DSHS happily paid for the antibiotics, doctor visits, and treatment for these problems, they would not pay \$8 per month for two extra drainage bags. NJP requested a hearing and worked with DSHS and the client's doctor to demonstrate that the extra bags were both medically necessary and more economical to the State. DSHS approved the extra bags prior to the hearing.

- NJP's Seattle office represented a disabled, elderly, LEP and illiterate client who was incorrectly assessed for a very low level of in-home personal care hours. The client and her children were refugees, and spoke a language for which there are very few interpreters or community resources. The client suffered from numerous physical disabilities, as well as mental health issues such as Post-Traumatic Stress Disorder. Because of her compound barriers, the client did not ask for a fair hearing in a timely manner. NJP helped the client with a request for a late fair hearing, and negotiated for a new assessment. NJP then advised the client and her family members on how to accurately report the client's in-home care needs. As a result, after the new assessment, the client's in-home care hours were increased threefold, allowing the client to continue to receive in-home care in the most culturally and language appropriate setting possible.
- NJP's Seattle office represented a disabled client who was denied coverage for a dental procedure involving surgery on his gum line. Under the regulations, this surgery was specifically listed as a non-covered service. The client needed to have numerous teeth removed, and DSHS had approved his request for partial dentures. However, the client would be unable to wear the partial dentures without having the non-covered procedure performed. Without the partial dentures, the client would not have any remaining teeth that would allow him to chew food. The client's other health problems would also be exacerbated if he were unable to chew foods that were required by his special diet. NJP's advocacy resulted in DSHS providing coverage for the dental procedure as an Exception to Rule.
- NJP's Seattle office represented a client who was denied coverage for her prescription medications under Medicare Part D by her Prescription Drug Plan (PDP). The client suffered from many serious physical disabilities (such as asthma, chronic pain, diabetes), as well as mental health disabilities. She had been taking her prescribed medications for many years, and had no problems with obtaining coverage prior to enrolling in the PDP. After enrolling, the PDP denied payment for several of the client's medications. The PDP also required her to undergo step therapy for other medications, where she would be required to first try a different drug to treat her condition before the requested drug could be covered. The client and her physician indicated that the client's health and safety would be at risk if she were unable to continue to take her medications, or if she were to attempt step therapy. The client filed an appeal, but she did not receive any notices or responses from the PDP. The client also received conflicting or inaccurate information from the PDP. NJP intervened and helped confirm the status of the appeal with the PDP's representatives and negotiated with the PDP to cover the client's medications, and she was not required to undergo step therapy for her other medications.
- NJP's Spokane office assisted a disabled veteran to obtain appropriate drug and alcohol in-patient treatment. The client's physician felt that he would be best assisted by going to a specialized treatment program that addressed basic drug and alcohol dependency issues as well as effective pain management. The client suffers from debilitating back pain and is prescribed narcotic medications for the purpose of pain management. He had been to in-patient treatment before, but found it unreasonable because it would not allow him to continue with the closely-monitored pain management medications that the spine clinic

recommended. NJP worked with DSHS to secure a bed at a treatment facility that deals effectively with the appropriate use of prescription drugs while addressing the alcohol dependency issues that the client wanted to overcome. The client successfully completed the in-patient component and continues to follow through with the out-patient program.

- NJP's Vancouver office successfully assisted a mentally disabled client in retaining coverage of her extensive medication regimen. The state Medicaid agency intended to discontinue coverage of one of the client's medications in particular, stating that the usage as prescribed was not approved by the FDA. NJP successfully argued that that medication in combination with the rest of the client's medications was the only regimen that had proven successful for the client over the course of several years' worth of drug trials. It was during one unsuccessful drug trial without the medication in question that the client, experiencing a severe psychotic episode, set fire to her home with the intention of killing her boyfriend, who was inside asleep at the time. The state Medicaid agency ultimately agreed with the client and NJP that to deprive the client of this medication would put both the client and the greater community at potential risk.
- NJP's Vancouver office helped three Clark County clients who receive state-funded General Assistance (GA) cash and medical benefits to get their medical coverage upgraded to federally-funded Medicaid so they could better access mental health care services. The office had previously helped each of them either to obtain GA initially or to retain it when DSHS proposed to terminate it. Although DSHS rules provide for a "GAX" program in which the agency awards Medicaid to GA recipients who appear likely to meet the Social Security disability standard (unable to work for at least a year) based on an expedited review at the state level, the local DSHS offices do not consistently refer for such review those GA recipients who are potentially eligible for GAX. After NJP's requests, DSHS agreed to seek those reviews for four clients this quarter, three of whom were approved for GAX. Two were approved for SSI soon after that. The third, who suffers from a severe delusional disorder from which he was only recently stabilized on medication after years of being untreated, is now getting regular counseling critical for him to cope with his mental health issues.
- NJP's Wenatchee office continues to assist a disabled client in his 40's who's debilitating back injury is compounded by Parkinson's Disease. The client obtained a declaration of disability in January 2006. The client is married and has two minor children. The children receive medical insurance through DSHS, though the client and his wife currently have no health insurance. The client will not be eligible for Social Security Disability Insurance until he has been disabled for 24 months. The client requires ongoing medical attention in order to manage pain and retain some mobility, and his wife recently fell and broke her leg in two places. Hospital bills are mounting, and the client is having problems finding affordable medical insurance. NJP is helping the client seek Medicaid insurance, negotiate with medical care providers who are already owed, and find specialized treatment for Parkinson's disease.
- NJP's Yakima office represented a child for whom DSHS denied treatment for spasticity caused by cerebral palsy. DSHS claimed that there was insufficient evidence that the treatment recommended by the child's doctor is effective. In collaboration with the



Northwest Health Law Advocates, evidence was obtained from a nationally recognized expert at Children's Hospital that there was ample evidence in the scientific literature that the requested treatment is effective. Prior to hearing DSHS authorized the requested treatment.

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

- NJP's Bellingham office successfully assisted a non-English-speaking family with two small children who were illegally locked out of their apartment by their landlord. The family had lived in the apartment for only a few weeks when the landlord demanded that the family make additional payments not called for in their lease. When the family could not pay, the landlord ordered them to leave immediately and would not allow them to gather any belongings. Not knowing their rights or seeing any alternative to this illegal action, the mother complied. Later, after the mother's pleading, the landlord let her return briefly under close supervision, but only to retrieve formula for her baby. A few days later, the mother heard a presentation by NJP on a local Spanish-language radio program and then contacted NJP after being told that their belongings were being put out on the street. NJP promptly sent the landlord a letter demanding that he allow the family back into the apartment. The landlord gave the family a key, but it did not work because he had changed the locks. When the mother went to get the new key, the landlord forced her to sign a document stating that she agreed to pay everything the landlord claimed she owed and that her apartment was in the same condition it was when she was locked out. Again, to avoid a dispute, the mother signed the document, but when she entered her apartment, she discovered that many items were missing, including food, a television, a VCR, and a can of quarters she had been saving. After negotiations, NJP reached a settlement with the landlord in which he agreed to pay \$800 as damages for the period the family was illegally locked out and to pay an additional \$484 for the missing property. In addition, the landlord agreed that all documents signed by the client subsequent to the lease were void. The family took the money in the form of a rent credit and returned to their housing.
- NJP's Bellingham office represented a client after her landlord obtained a domestic violence protection order against her that ordered her out of her rental unit. The client rented a separate apartment that occupied the upper floor of the landlord's two-story house. The client and the landlord were never in a domestic relationship and clearly did not live together. The client became homeless and could not return to get her belongings. At a hearing on whether to extend the order, NJP argued that the landlord-tenant relationship was not a valid basis for a domestic violence protection order, and demonstrated that the landlord was trying to accomplish an eviction without using the required unlawful detainer process. The court agreed and ruled that the client could resume living in her apartment. Ultimately NJP successfully negotiated a rent credit for her and an agreed termination of her tenancy.
- NJP's Everett office represented a single mother who was a victim of domestic violence facing termination of her Section 8 housing subsidy. She separated from her abuser, but was under a lot of stress and had not kept appointments with the Everett Housing Authority (EHA) to retain her housing subsidy. EHA's policies provide that if a tenant

misses two appointments EHA may terminate the subsidy. NJP sent a letter to EHA outlining the client's circumstances and asking for accommodation. EHA agreed she could keep her housing subsidy on the condition that she participate in domestic violence support groups. The client agreed because she sought support to keep herself safe.

- NJP's Olympia office helped a senior couple who called after their home was in foreclosure. This was the third time the couple defaulted on a repayment plan, and the mortgage company was unwilling to give them another chance. After sifting through boxes of documents from the clients' and the mortgage company's own records, NJP showed that much of the confusion and the current delinquency were caused by the mortgage company and not by the clients. Faced with this information, the company agreed to negotiate a new repayment plan and stop the foreclosure. The couple now has a mortgage amount that will allow them to catch up on missed payments and still pay their other bills.
- NJP's Olympia office helped a woman and her son when they received an eviction notice to move out of their subsidized apartment in Olympia. The notice was based on complaints from the downstairs neighbor that the client and her son were too noisy when they played together. The son's disabilities made it difficult to control his noise while playing, but it is important for him to engage in physical games to develop his motor skills. NJP worked with the client and management to develop reasonable playtimes to accommodate the clients' needs and minimize the disturbance to the neighbors. The manager withdrew the eviction notice, and the clients' subsidized housing is safe.
- NJP's Seattle office represented a 34-year-old woman with severe cognitive and physical impairments resulting from a brain injury she sustained as a child while fleeing Vietnam, and with profound mental illnesses resulting from a history of child abuse and sexual assault, who was facing eviction from a group home for conduct related to her disabilities. NJP negotiated an agreement enabling her to remain in safe and stable housing while searching for a more appropriate environment to move into. When she was denied alternative low-income housing, NJP successfully challenged the denial of her application as unlawful and discriminatory. Upon the successful resolution of her legal matters, the woman has now moved into an affordable, high-quality apartment in downtown Seattle, and is living there successfully with the support of her social worker and an on-site mental health professional.
- NJP's Seattle office assisted a domestic violence survivor who held a Section 8 Voucher through a local housing authority but who was informed that, due to budget cuts, she and her family (which consisted of herself and 2 adolescent children of opposite sexes) would be required to move from their 3-bedroom home into a 2-bedroom home. Because of a history of domestic violence, and also certain mental health conditions such as PTSD, she was afraid that moving anywhere would put her at risk of detection by her abuser. Her mental health care providers concluded that to require her to move would worsen her mental health condition, particularly as she felt safe and secure in her current residence, where she had lived for approximately 5 years. NJP assisted her in submitting a reasonable accommodation request to the housing authority to enable her to continue living in the same property and receive the necessary funding (at the 3-bedroom level) to

afford it. The reasonable accommodation request was approved and the family has been able to remain in their home.

- NJP's Spokane office represented a college student who was about to be evicted from his federally-subsidized housing due to a clerical error by the client. While the show cause hearing was pending, NJP assisted the client in correcting the error, and regain his eligibility for the housing assistance program. After an extensive hearing, NJP obtained an order dismissing the eviction based on a procedural error. The client was able to both retain his housing subsidy and continue to reside in the property. As a result of this experience, the client expressed intent to apply for law school the next year, so that he could assist others who found themselves in circumstances like his.
- NJP's Spokane office represented a woman who, despite her own PTSD resulting from severe domestic violence, had committed her life to serving the disabled. She housed ten otherwise homeless people in her home, six of whom were disabled. There were also six service/companion dogs living in the house to assist the disabled residents. The client came to NJP because the county animal control had notified her that she had to register as a licensed kennel or get rid of some of her dogs. NJP obtained letters from the residents' doctors confirming the need for the animals. NJP then sent a reasonable accommodation request to animal control. The reasonable accommodation was granted, and the client was not required to obtain a license or forfeit the service animals.
- NJP's Spokane office assisted a victim of extreme domestic violence regain a tenancy in a rental house after the superior court issued a writ of restitution. The client and her teenage daughter were living at a confidential shelter. On the day that the rent was due, the client's boyfriend battered the client, and she went to the hospital and he went to jail. Three days later, the landlord improperly served the client with a three-day pay or vacate notice. Because the client was still in the hospital, she was not aware of the situation. Upon her release from the hospital, the client returned to the victims' shelter, still unaware of the action pending against her and that a court date has been scheduled. The landlord sought and received a writ of restitution based on the client's non-appearance in the matter. The client went back to the rental house to collect her belongings and was served with the writ. It was at this point she contacted NJP. That same day, NJP obtained an order staying the execution of the writ and an order to show cause. At the show cause hearing, NJP demonstrated that the court did not have jurisdiction over the matter due to the improper service and explained the facts of the client's experience during the prior two weeks. The landlord and client negotiated a settlement in which the eviction action was dismissed, the client was allowed adequate time to pack up her belongings, and was released from the lease without consequence. The client continues to receive domestic violence advocacy from another legal services provider in the community.
- NJP's Tacoma office successfully represented a mobile home tenant in an unlawful detainer action filed against him for alleged violations of a lease agreement and park rules. The only written lease agreement, however, governed a prior tenancy in a recreational vehicle and did not comply with the provisions of the Mobile Home Landlord Tenant Act. After a one-day bench trial, the Court ruled in favor of the tenant,

finding that in the absence of an operative rental agreement, the park owner could not evict him.

- NJP's Tacoma office represented a Kitsap County Consolidated Housing Authority (KCCHA) conventional public housing tenant in defending an unlawful detainer action based on a notice alleging an unauthorized occupant and disturbing other residents. Acting on advice from CLEAR, the tenant requested a grievance hearing in writing even though two months had passed since she received the eviction notice which advised her of the right to request a hearing but did not state a deadline within which to request one. The Housing Authority declined to provide the grievance hearing and proceeded with the unlawful detainer action. NJP sought to dismiss the case because the court lacked subject matter jurisdiction and because (1) KCHA did not provide the mandatory administrative grievance hearing required by federal law and the lease; (2) the notice did not adequately explain the reasons for the eviction; and (3) KCHA accepted rent after serving the writ. KCCHA ultimately agreed to dismiss the eviction case.
- NJP's Tacoma office represents two Tacoma residents with disabilities who are concerned about proposed land use regulations imposing new limits on housing for persons with "special needs." At the written request of a Tacoma City Council member, an NJP attorney testified in a Council hearing regarding the proposal's apparent violation of land use and fair housing laws barring discriminatory treatment of the handicapped in housing regulations.
- NJP's Walla Walla office successfully defended a man with bipolar disorder facing eviction from his mobile home. The mobile home park manager had given the man notice to remove his trailer from the park, accused him of owing back utility fees, and threatened further action if he did not comply. (Five months earlier, the client's trailer had been towed out of a mobile home park in Oregon and into Washington, and he was scared this would happen again.) NJP wrote the park manager stating that the notice violated state law, and that the client would not be vacating his home at that time. NJP then prepared for the possibility that the man's trailer would be illegally towed from the park and contacted local law enforcement and told them to expect a call from the client regarding an illegal towing, and also contacted the mobile home park owner. On the very day the man was supposed to vacate the park, the park owner agreed that he could stay. She also waived any back utility costs he might owe.
- NJP's Walla Walla office successfully represented a woman who suffers from severe Friedrich's ataxia in keeping both her federal housing subsidy and her long-term place of residence. Two of the client's children were arrested during a city-wide drug sweep. The Housing Authority then moved to terminate her subsidy, and her landlord sought to evict her. NJP first worked with the landlord, getting him to agree to allow the woman to remain in her house on the condition that she was able to keep her housing subsidy. NJP then represented the client in two Housing Authority hearings. At the second hearing, the hearing officer ruled in the client's favor, and the landlord subsequently agreed to allow her to remain in her house.

- NJP’s Wenatchee office represents a monolingual Spanish speaking client in a breach of contract action for the sale of real property. The client entered into an oral contract for the purchase of land and then placed a mobile home on the property, and made various other improvements such as installing a septic system. The client made several improvements to the property. The seller has refused to convey title and is unwilling to negotiate a settlement. After a day-long mediation failed, NJP filed a Complaint and is litigating the case.
- NJP’s Wenatchee office has filed a lawsuit on behalf of a client with disabilities against a landlord who has repeatedly and illegally shut off her water. After NJP served a demand letter on the landlord, the client’s water was restored. However, for various other reasons, her mobile home was not fit for human habitation. The client twice literally fell through the floor of her home. There were holes through the exterior walls of the home as well. The electrical outlets were dangling from the walls and ceilings and were arcing. After inspecting the home, the County Building department declared the home “unfit for human habitation” and “illegal to occupy.” Having nowhere else to go and no money, the client moved out of the mobile home and into a travel trailer next to the condemned mobile home. The landlord has so far agreed to pay the client “relocation assistance” pursuant to a newly enacted provision of the Residential Landlord Tenant Act that requires landlords of condemned rental units to pay the tenant \$2,000 or more to relocate.
- NJP’s Yakima office negotiated a settlement between an elderly monolingual Spanish-speaking woman who was in the process of purchasing a mobile home and the seller of the mobile home. The seller had violated several principles of contract law and Landlord Tenant protections.
- NJP’s Yakima office negotiated a settlement in a nuisance case initiated by neighbors complaining about an elderly woman’s messy yard. The woman’s property fell into disarray after two adult daughters sought refuge from domestic violence and eviction and stored most of their belongings in campers and trailers on their mother’s property. The client made a valiant effort to clean up her property and the case was dismissed.

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

- NJP’s Bellingham office represented a 63-year-old woman with disabilities in appealing a decision by her local housing authority to terminate her eligibility for federal rent assistance because she had an unauthorized guest in her household. The client has advancing multiple sclerosis, which has left her needing to use a wheelchair and suffering from cognitive deterioration affecting her memory and her ability to make sound decisions. The client grew up with a controlling and abusive father, and has periodically been abused and exploited by her two adult sons. She has developed a submissive personality, and that has become more exaggerated as her MS has worsened. For over a year, she was being taken advantage of by an elderly man who moved himself into her apartment to serve as her informal caregiver and gradually took over her daily life. He assured the client that he would make arrangements with the housing authority and the landlord to approve his tenancy, which he did not do. At his insistence, the client agreed

to have him named her paid caregiver through the DSHS COPES in-home care program. Shortly after, however, she became afraid of his erratic behavior and contacted her COPES case manager. The man's caregiver contract was terminated and later the case manager helped the client obtain a protection order against him. By then, though, the housing authority had learned of his presence and moved to terminate the client's rent assistance. The client and her case manager contacted NJP to appeal. NJP and her case manager worked together to document the client's medical, cognitive and emotional impairments. Both the case manager and the client testified at her appeal hearing. The housing authority quickly agreed to continue her rent assistance and work with her case manager to periodically assess her ability to live independently as her MS progressed.

- NJP's Bellingham office represented a man receiving Social Security Disability benefits due to a brain injury after his landlord obtained a default writ of restitution evicting him from his mobile home because of nonpayment of rent. When he had received the unlawful detainer complaint, the client became agitated by the stress of the problem and not responded. NJP learned about his case when he sought help during an outreach visit to the mobile home park, which coincided with the sheriff taping the writ of restitution to the client's front door. NJP negotiated an agreement with the landlord's attorney acknowledging that the client did not owe as much rent as the landlord had claimed and allowing the client to pay the correct amount and a reasonable attorney's fee. Following the client's payment, the judgment and writ were dismissed, and the client has continued to live in the mobile home park.
- NJP's Seattle-based Refugee and Immigrant Advocacy Project (RIAP) represented a 75 year old ethnic Filipino woman who is frail, diabetic, extremely hard of hearing, and suffering from mild dementia. She had been receiving personal home care and adult day services but was terminated when DSHS realized she was not eligible for federal Medicaid. NJP requested DSHS grant an exception to the application of its rules to ensure continuity of the client's services and provided additional data. DSHS granted a formal Exception to Rule (ETR) and the client will continue receiving these essential services.
- NJP's Tacoma office is assisting a Muslim woman granted refugee status from one of the former Balkan States, whose release from Western State Hospital is being delayed by what appears to be unfounded concerns about her immigration status.
- NJP's Tacoma office was contacted by a social worker who worked with a young developmentally disabled (DD) woman at an assisted living facility. The young woman had been arrested for simple assault and was being held without bail in the Thurston County jail. The defense attorney, prosecutor and judge were allowing the young woman to be held in jail because a DSHS Division of Developmental Disabilities (DDD) representative stated that if she was released she would be homeless. However, there was alternative housing available through DDD. DDD wanted the disabled woman to be labeled a high risk to the community and to be placed in the Community Protection Program. DDD was allowing the young woman to be housed in jail pending a Risk Evaluation which would have taken an additional 60 days. The young woman spent 40-plus days in jail without bail until NJP demanded, in writing, that DDD find housing for

her. After the prosecutor, defense attorney and judge were notified, DDD found the client a diversion bed within 48 working hours, where she stayed pending the Community Protection evaluation.

- NJP's Tacoma office was contacted by a psychologist at Western State Hospital (WSH) because a developmentally disabled (DD) patient was denied benefits and the psychologist wanted to have him petition for placement in the Community Protection Program. Current records indicated that the man was mildly mentally retarded, but DDD requires that his condition have existed before he turned 18. NJP researched and found family members to establish that the client was a slow learner and had difficulties understanding information since a young age. NJP discovered an evaluation at WSH that had been done when the client was 18 which showed that he was mildly mentally retarded and also found the client's school records which showed that he had been in special education classes all through high school. After NJP submitted the client's proposed Exhibits and Witness List, DDD reversed its decision and granted the man his benefits.
- NJP's Tacoma office represented a 14-year-old boy residing at the Child Study and Treatment Center (CSTC) who had been denied eligibility for services from DSHS' Division of Developmental Disabilities (DDD). The client was diagnosed with mental retardation attributable to a rare chromosomal disorder. NJP worked with the treatment team at CSTC to obtain necessary testing and medical evidence to establish the client's eligibility for DDD services. Based on the report submitted by CSTC with necessary IQ and adaptive functioning test results and other medical evidence submitted, DDD approved the client's eligibility for services under the category of mental retardation.
- NJP's Tacoma office represented a 21-year-old Western State Hospital patient in appealing a determination by DSHS' Division of Developmental Disabilities (DDD) that he was no longer eligible for DDD-funded services. The DDD termination was announced as the client, who had been institutionalized since 2004, was being prepared for discharge from the hospital to a DDD-funded supervised group home in the community. DDD reversed the proposed termination nine months later in the middle of the client's scheduled administrative hearing after NJP submitted medical and school records and expert testimony from the client's treating psychologist which confirmed that the client suffers from mild mental retardation, in addition to other psychiatric conditions, and is thus DDD-eligible under DSHS rules. With his planned DDD-funded community placement no longer in jeopardy, the client is again preparing for discharge and will leave Western State Hospital in the next few months. NJP's Tacoma office currently represents three other similarly situated developmentally disabled Western State Hospital patients in administrative proceedings to appeal proposed DDD eligibility terminations.
- NJP's Tacoma office represented a 64-year-old non-English-speaking Cambodian immigrant in an administrative hearing to appeal the Social Security Administration's (SSA) proposed termination of his Supplemental Security Income (SSI) disability benefits. The SSA concluded that the client is no longer disabled and proposed to terminate the client's disability benefits despite evidence that the client suffered a major heart attack, underwent open heart surgery in 2004, and remains severely physically

limited as a result of heart disease. An administrative hearing resulted in a favorable decision restoring the benefits.

- NJP's Tacoma office represented an illiterate Vietnamese-speaking client who had been assessed an overpayment by DSHS in 2000 of over \$10,000. Because the overpayment notice was not fully translated and the client was unable to read or write in any language, the client did not understand what an overpayment was, or why one was assessed against her. In late 2005, the client began working with a social worker through the low-income housing project where she lives. The social worker who assisted the client in filling out eligibility reviews and submitting documents to DSHS noticed that the client's benefits were being reduced for an overpayment. Because the client was unable to tell the social worker why her benefits were being reduced, the social worker began making calls to DSHS to determine the basis of the overpayment. After several months of calls to DSHS and numerous responses as to why the overpayment was assessed against the client, the social worker finally discovered that the overpayment was assessed due to the client's failure to report that the father of her child was living with her and his income rendered her ineligible for benefits. The client adamantly denied the allegations, and the social worker assisted her in requesting a hearing in early 2006. The social worker also assisted the client in contacting NJP. NJP represented the client at hearing and showed that DSHS failed to fully translate the overpayment notice and failed to identify and provide Necessary Supplemental Accommodation (NSA) services to the client. Due to these failures, the client could not understand the overpayment notice she received and that imposition of the overpayment without a hearing denied her due process of law. The hearing decision is pending.



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

### **Economic Security**

- NJP's Seattle-based NAU represented an Alaskan Native elder regarding an alleged overpayment of Veteran's Administration (VA) pension benefits based on his receipt of dividends from an Alaska Native Corporation. Under federal law, up to \$2,000 of such payments annually are exempt from consideration in calculation of VA pension benefits eligibility. After NJP negotiated with the VA, providing relevant documentation and legal authority, the overpayment was erased. The client is again receiving monthly pension benefits.
- NJP's Spokane based NAU represents a tribal elder in a dispute with the Bureau of Indian Affairs and her tribe. A dispute over an attempted land sale resulted in BIA encumbering all the funds in the client's Individual Indian Money account. Efforts to resolve the dispute have repeatedly stalled. In the meantime, the client has been unable to access any of these funds resulting in her inability to pay for her basic needs like utilities, car and home insurance. While the dispute remains unresolved, NJP has twice succeeded in getting funds released to the client preventing utility shutoffs and foreclosure on the client's home. Negotiations on the underlying dispute continue.

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

- NJP's Seattle-based NAU represented an Alaskan Native grandmother who sought custody of her grandchildren. The children's mother has a history of physical and emotional violence toward the children and was actively abusing drugs. Although the children lived with their grandmother for most of their lives, the mother would remove them sporadically, disrupting their lives and subjecting the children to abuse and unsafe conditions. The children's fathers were deceased and absent, respectively. NJP's NAU represented the grandmother in obtaining temporary and ultimately permanent custody orders for the children. The children now safely reside with their grandmother.
- NJP's Spokane-based NAU represented a federally recognized tribe in a state court proceeding to terminate parental rights. NJP sought and obtained transfer of jurisdiction to the tribe's court system. The transfer resulted in the tribe's opportunity to provide targeted and culturally appropriate services to the family to support reunification and to plan for permanent placement of the children in the home of either extended family or a tribal family in the event reunification efforts are unsuccessful.
- NJP's Spokane-based NAU represented the interests of three adolescent siblings in a tribal court dependency. Each of the teenagers had been found to be at risk based on their behaviors and the parents' inability to provide proper supervision/care. NJP worked with the court, a variety of providers and the parents to resolve the issues of each of the children. The result of these efforts, and the hard work of the children, was one child graduating from high school and one enrolling and succeeding in the Running Start program, which allowed her to complete her high school requirements and earn college credits at the same time. The youngest is doing well in school and sports and the

circumstances in the home improved to the point that it became a viable placement for a young extended family member. The dependency was dismissed.

### **Indian Estate and Probate Project (IEPP)**

- NJP's Everett-based Indian Estate Planning Pilot Project executed a will for an 80-year old tribal elder residing in an assisted living facility in Burlington. Plagued with many debilitating health problems, the client was immobile yet articulated with great clarity the need to maintain family ownership of her Federal Indian Trust land on the Swinomish Indian Reservation which had been held by the family for generations. The client was acutely aware of the current threat of losing the land to further fractionation and acquisition of the property by non-family members. Due to the client's immobility, the attorney traveled to the client's home to meet with the client several times before completion of the will.
- NJP's Everett-based Indian Estate Planning Pilot Project drafted a codicil to a will for a tribal elder on a small fixed income. The client's prior will did not address her property interests in Federal Indian Trust land. Through the Project's community education, the client became aware of the fact that her trust property interests would be subject to Federal Indian Probate laws, if the property was not addressed in a will.
- NJP's Spokane office received a referral from Spokane Hospice to assist a terminally ill Native American elder draft a living will, power of attorney and last will and testament that properly disposed of her individual Indian trust land interests. NJP worked with the client to draft a living will and durable power of attorney which was provided to her primary care physician and Hospice. In addition, NJP assisted the client in selling her surface rights interests in trust property back to her tribe in an effort to end fractionated land shares on the client's reservation. NJP also drafted a will for the client that will keep her mineral interests in the trust land out of the Bureau of Indian Affairs probate.
- NJP's Yakima-based Indian Estate Planning Project executed a will for a stroke victim who was unable to speak and whose dominant right side had been paralyzed. Because he was forced to write left-handed his handwriting was illegible. NJP worked through his family tree and helped put the client's wishes on paper. This client has interests in over 80 pieces of Federal Indian Trust land throughout the Northwest on several reservations. Without a will, the client's land would have passed to his immediate relatives further fractionating the land interests and decreasing their income producing value.

### **Preservation of Housing**

- NJP's Spokane-based NAU represented a woman who had been denied subsidized rental housing by a tribal housing authority because she allegedly owed over \$20,000 in damages to a home she had been purchasing from the housing authority. NJP established that the client had been approved to take over the purchase agreement on the damaged home, but never took possession or obtained an ownership interest in the home. As a result, the client was able to qualify for subsidized housing for her and her children.

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

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

- NJP's FWU successfully represented a woman after she was denied unemployment benefits for alleged misconduct. She had been subjected to harassment at work, which she had reported to management. The employer fired her for misconduct. At hearing NJP proved that she was performing her work as instructed and was fired on a pretext. A co-worker testified about her own harassment by the same supervisor. The ALJ found that the client had not engaged in misconduct and awarded her unemployment benefits.

### **Health and Safety**

- NJP's Wenatchee FWU was invited by the State House Commerce and Labor Committee to meet with representatives and Committee staff to discuss farm labor issues including adequate labor supply, migrant farm worker housing, health and safety issues and wage payment issues. The meeting was held at the County's Monitor Migrant Farm Worker Camp and included the labor camp managers, staff, and dozens of migrant farm worker residents. The Committee was accompanied by an interpreter and spoke with farm workers about camp concerns, including numerous complaints about the on-site camp manager, requests that the camp provide more privacy where two or more families live in the same trailer and a request that the housing units be air conditioned as average daily temperatures were in the high 90 and low 100 degree range. The Committee Chair promised to assist the residents and asked NJP, camp management and the residents to meet a few days later to address the residents' concerns. A meeting was held a few days later with a County Commissioner, the camp management, an NJP advocate and many of the residents. As a result of the meeting, the workers reported that conditions at the camp improved significantly.

### **Housing**

- NJP's Wenatchee FWU represents the residents' association in a Wenatchee-area mobile home park in an effort to preserve 70 units of affordable housing. The company that owns the park announced the park will close in September 2007 in order to construct upscale shops, 400 condominium units and a hotel on the site as part of the city's Waterfront Development Plan. The company also announced that it would first purchase another property, construct a new residential development on that site and then move the mobile homes to the new development. To NJP's knowledge this is the first time in Washington State that a mobile home park owner has voluntarily agreed to relocate residents before closing a park. The company has already purchased a twenty acre site and announced publicly its plans to relocate the residents. The new development will have three acres of green space, including a playground, soccer field and perimeter landscaping. However, shortly after the company announced its plans, a small but vocal group of local residents mobilized to prevent the company's relocation effort, claiming that the proposed residential development would bring "high crime" into the area. At the same time, other community members formed the Just Housing Coalition to support the relocation plan as a means to ensure long-term affordable housing for the mobile home

park residents. NJP is working with the park owners, the city and the Just Housing Coalition to secure a solution that will preserve the housing of all the residents.

### **VAWA Petitions**

- NJP's FWU filed a self petition to obtain permanent resident status on behalf of a woman under the Violence Against Women Act due to abuse by her Legal Permanent Resident spouse. The woman has received an initial determination, but is awaiting final approval of her application.
- NJP's FWU represented a mother and her three children in their adjustment of immigration status proceedings pursuant to the Violence Against Women Act. All four were approved for permanent residency on the date of their interview and are now permanent residents of the United States.

### **Other**

- NJP's Wenatchee FWU successfully assisted an elderly retired farm worker couple in recovering \$2,500, representing a substantial portion of their life savings, which they had sent via registered mail to relatives in Mexico. The funds were apparently stolen in transit as they were never received by the clients' elderly widowed mothers. After many phone inquiries and letters to U.S. and Mexican postal authorities and to the bank which supplied the money orders, the bank finally agreed that the clients had established that the funds had been stolen, and provided a full refund to the elderly couple.
- NJP's FWU continues its work with Entre Mujeres, a group of farm worker women in the town of Mattawa. The group has made great gains in their efforts to organize a community food bank. With the help of retired professionals from the nearby community of Desert Aire, they have created a new non profit organization and appointed a board. There has been tremendous community support for their effort, in recognition of the huge need for a food bank in this low income rural community and the surrounding area. NJP supports their efforts through community education and development strategies.

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

- An NJP Asotin County CAP attorney represents an elderly blind woman in a foreclosure case. The client lives in a house that was owned by her late husband and his former spouse. The husband died intestate, and had several children from his previous marriage. Due to a misunderstanding regarding a bankruptcy started before the husband died, no property taxes have been paid in 3 years. The County threatened to file a foreclosure action based on the tax lien. The client needs to clear the title so that she will qualify for a tax exemption and avoid the foreclosure. The CAP attorney filed probate for the husband's estate and is negotiating with the late husband's former spouse to quit claim her interest in the property to the client.
- An NJP Benton County CAP attorney is representing a disabled man to preserve his Section 8 voucher and his housing. The tenant received a 3-day notice to pay or vacate and tendered his rent within the three days. His landlord, however, refused to accept the rent and proceeded to file an unlawful detainer action against the tenant. An NJP CLEAR advocate helped the tenant to write and serve an Answer in the case, and a CAP attorney represented the tenant at his show cause hearing and negotiated with the Housing Authority to preserve the tenant's federal rent assistance voucher.
- An NJP Clallam County CAP attorney represents a young disabled mother of two respond to a divorce petition. The client's husband abandoned her and their young children without any income or means of support and threatened to have her utilities turned off. Prior to the husband leaving, he abused the client and destroyed furniture in the home. The client and her husband are also in the middle of a Chapter 13 bankruptcy, and the husband is refusing to make the required payments.
- An NJP Clallam County CAP attorney represents an elderly disabled man in his divorce. The client, who has lost his legs due to diabetes, was taken by his wife from his nursing home and forced to return to their home against his will (Adult Protective Services was investigating the incident at the time the client contacted NJP). The wife also refuses to cooperate with him in his application for Medicaid. She has refused to provide any of her financial information for the application because she wants to avoid estate recovery so that her adult son can inherit the house. The client wants to sell the house and move to a Veteran's home.
- An NJP Clallam County CAP attorney represents a disabled Native American woman living in Rural Rental Housing. The client received several notices from the apartment manager for petty and sometimes inaccurate lease violations. The last notice the client received contained a number of inaccuracies and did not specifically detail what the client had done wrong and did not provide her with a chance to cure the alleged deficiencies. The landlord pursued an eviction, but did not notify the tenant of her hearing date and obtained a Writ of Restitution by default. The landlord claimed personal service to someone else living at the tenant's address, although the tenant lives alone and had not had any house guests.

- An NJP Kitsap County CAP attorney represents a Section 8 tenant so that she can keep her federal housing assistance subsidy. The housing authority attempted to terminate the subsidy due to a damage claim made by one of the tenant's prior landlords before the tenant ever received the subsidy. The landlord's claim appears to be for conditions caused by normal wear and tear and he provided no move-in or move-out checklists documenting the alleged damage.

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

### **Economic Stability**

- NJP's CLEAR\*Sr helped a senior maintain his Social Security benefits after they were stopped because he had an outstanding felony warrant. Initially CLEAR advised him how to obtain a copy of the warrant and to provide information to the Social Security Administration that the warrant was not for a violent or a drug-related crime. Having fulfilled that requirement, he contacted CLEAR\*Sr when he was required to also show that the issuing law enforcement agency would either dismiss the warrant or agree not to extradite him. CLEAR\*Sr contacted the issuing agency and learned that he was required to pay the outstanding balance on a fine before it would dismiss the matter. The client paid the fine and the warrant was dismissed, thereby preserving the client's Social Security benefits. CLEAR\*Sr is currently working with the client to address a social security overpayment stemming from the circumstances.
- NJP's CLEAR assisted another disabled man reinstate his Social Security Disability benefits and end his homelessness. The client's Social Security Disability benefits had been cut off based on an old, allegedly outstanding arrest warrant. CLEAR obtained a certified copy of the client's criminal history from North Carolina, where the client's criminal case arose, which clearly established that the charge had been dismissed. Based on this information Social Security reinstated the client's benefits, including \$7,088 in back benefits.

### **CLEAR DV (Specialized Domestic Violence Hotline System)**

- NJP's CLEAR DV helped a victim of domestic violence maintain her housing after the abuser's actions prompted her apartment manager to attempt to evict her. The client had left the abuser one month prior after years of domestic abuse. The abuser was upset by this and tried repeatedly over one weekend to coerce the client into reconciling with him and return to his home. On Sunday evening, the abuser fired a gun through the client's door. The client called the police and the abuser was arrested. On the following Tuesday, the apartment manager delivered a 3-Day Notice to Quit for Waste, Nuisance, or Unlawful Use of Premises due to the gun incident in the apartment complex. Once contacted by CLEAR DV, the landlord's attorney agreed to withdraw the notice and not to seek eviction under the state law that prohibits a landlord from terminating the client's tenancy due to her status as a domestic violence victim.

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

- NJP's CLEAR\*Sr assisted a monolingual Somali senior who was receiving only 19 hours per month of in-home personal care services, but required more. CLEAR\*Sr reviewed the client's CARE assessment and the client's care needs and determined that the client should receive far greater in-home care. CLEAR\*Sr advised the client to request a fair hearing, requested a reassessment of the client's needs, and helped the client and caregiver negotiate the assessment process. Upon reassessment, the client was awarded 139 care hours per month.
- NJP's CLEAR helped a Spanish-speaking senior obtain DSHS payment for medical bills after a collection agency contacted her about \$8,000 in hospital and medical bills that she thought had been paid for by DSHS. The client had applied for General Assistance benefits after she became sick and had to be hospitalized. Two different DSHS caseworkers told the client that they would cover the three-month period prior to the date of her application because of the hospitalization. CLEAR contacted the DSHS office that had processed the application, and discovered that the caseworkers had failed to retroactively apply the coverage period. DSHS fixed the error and issued a medical coupon for the relevant dates. All of the client's bills, totaling \$8,000, were paid.
- NJP's CLEAR helped a disabled woman remain maximally independent by securing continuing medical coverage for her after DSHS notified her that it was going to discontinue payment for her physical therapy treatment. The client receives SSI disability benefits because she has Multiple Sclerosis and a spinal cord injury. When she receives physical therapy she is able to walk better and needs to use a wheelchair for only 4-6 hours per day. Without the therapy, she is immobile and in the wheelchair most of the day. Because no attorneys were available to represent the client at the hearing, CLEAR provided substantial help to prepare the client for the hearing including advising her on how to prove that the therapy has improved her condition and what would happen to her mobility without the therapy. The client collected and submitted this medical evidence to DSHS. After reviewing the client's documents, DSHS agreed, prior to the hearing, to her continued coverage for the physical therapy treatment.

### **Preservation of Housing**

- NJP's CLEAR helped a single mother obtain affordable housing after a private landlord rejected her as a tenant because a credit check erroneously showed that the client owed rent to a prior landlord. The prior landlord claimed that the local Housing Authority had not paid its portion of the client's federally subsidized rent for the last two months of the client's tenancy. NJP obtained proof of payment from the Housing Authority for the two months at issue and sent this information to the landlord and cleared the client's credit report, enabling her to obtain new housing.
- NJP's CLEAR prevented the physical eviction of a family who for over two years has lived in public housing. After termination notice for non-payment of rent was served, the woman timely requested a grievance hearing with the Housing Authority. The Housing Authority refused to provide a hearing as required by the federal regulations, and immediately proceeded with an eviction lawsuit and obtained a Writ of Restitution to

evict the family. NJP negotiated with the Housing Authority's attorney to delay enforcement of the order and allow the client access to the unit pending the requested appeal hearing. Subsequently, the Housing Authority agreed to accept the rent owed by the client and leave the tenancy intact.

- NJP's CLEAR helped a low-wage worker maintain affordable housing by helping her to represent herself at a grievance hearing. The woman resides in public housing and had received a termination notice alleging that she was in violation of her lease by allowing an unauthorized person to live with her. After attempting unsuccessfully to resolve the matter in an informal meeting with the Housing Authority, the client requested a formal grievance hearing. NJP assisted the client in submitting a formal hearing request and helped prepare the woman through the hearing process, including obtaining relevant documents from her tenant file, present supporting third parties and witnesses, and gathering documents that will verify the residence of the alleged unauthorized person.
- NJP's CLEAR helped a disabled woman avoid forfeiture of her mobile home after she was notified that she would be evicted from her mobile home park based on non-payment of rent. The client, who had recently had hip replacement surgery, said that she needed more time to move. She also did not want to forfeit her mobile home as the landlord had demanded in the eviction case. NJP advised the woman of her rights and she was successful in negotiating the sale of her home to another park tenant. The landlord and his attorney approved the deal and agreed not to pursue the eviction case in court. All money owed to the landlord was paid from the proceeds of the sale, and the client was given sufficient time to move out.
- NJP's CLEAR helped a man with impaired hearing preserve his housing after he received an eviction notice following a domestic violence incident in which his wife was arrested, removed from the home, and charged with domestic violence assault. NJP contacted the man's landlord, advising of the Washington law that protects victims of domestic violence from eviction based on the violence. The landlord immediately indicated that the man would not be evicted.



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

### **BELLINGHAM**

- An NJP Bellingham attorney serves on a subcommittee through the State Administrative Office of the Courts charged with writing a statewide plan for Washington courts to utilize interpreters and translated materials for non-English speaking people.
- An NJP Bellingham attorney sits on the Whatcom County Coordinated Judicial Response to Domestic Violence (CJR) Committee. The Committee is composed of county judges, court staff, and representatives of law enforcement agencies, the county prosecutor and public defender, and agencies providing domestic violence services and advocacy. The Committee works to identify and implement best practices for effective response to domestic violence across legal and social service systems in the community.
- An NJP Bellingham attorney participates in the Whatcom County Child Protective Services/Domestic Violence/Courts Protocol work group. Pursuant to legislative mandate the work group involves courts, law enforcement, DSHS Child Protective Services staff, and domestic violence agencies to promote child welfare in households affected by domestic violence. The Protocol work group is assessing and improving cross-agency cooperation to ensure that child and family health and safety are supported by comprehensive and integrated measures in all systems
- NJP Bellingham attorneys participated in a Spanish language community education event providing tips on how to avoid the 10 most common legal errors.
- NJP Bellingham attorneys participated in outreach visits to provide legal rights information to farm workers in Skagit County during the cucumber harvest. The advocates were joined by a Mixteco-speaking interpreter as many migrant farm workers coming to the county are indigenous people who do not speak or understand Spanish.

### **EVERETT**

- An NJP Everett office attorney appeared twice on the KSER radio program “Focus on Aging” to speak about planning for incapacity, including substitute healthcare decision-making, durable powers of attorney, directives to physicians, and guardianships. This program is produced monthly by the Council on Aging, the advisory body for Snohomish County’s area agency on aging.

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

- NJP’s FWU visited migrant farm workers working in the Wenatchee area cherry harvest to distribute information about farm worker rights. Many migrant workers were having difficulty locating housing, despite the recent opening of State operated migrant cherry camps in the Wenatchee Valley. One family from Yakima, who NJP referred for motel vouchers, was forced to return home to Yakima due to lack of housing after their 5-day motel voucher expired.

- NJP's Wenatchee FWU made a presentation to the Bridgeport EPIC Parent Group concerning employment rights, field sanitation, workers' compensation and wage law. Most of those in attendance were employed in area orchards and packing sheds. Approximately 30 parents attended.
- NJP's Wenatchee and Yakima FWU visited migrant farm worker labor camps in the Bridgeport-area and provided the workers with general information about farm worker rights and contact information for governmental agencies and legal services offices. The NJP advocates met with dozens of workers, many of whom had recently arrived from Mexico under the H2A program, which permits growers to secure foreign workers to fill positions when there is a demonstrated shortage of local labor. FWU staff also made visits to labor camps in Grant County throughout the summer.
- NJP's FWU advocates made presentations to farm worker families at migrant day care center parent meetings, PAC meetings and Hispanic Affairs Commission meetings throughout Eastern Washington concerning the availability of legal services and their employment rights.
- An NJP FWU advocate was invited to present at a Train the Trainer event sponsored by the Mexican Consul in Seattle to distribute information about labor rights and resources to community organizations around the state. The advocate provided information about NJP services as well as the H-2A temporary foreign worker program.

### **OLYMPIA**

- An NJP Olympia office attorney attended Senior Information Fairs in North and South Pacific County and gave presentations and distributed materials on legal resources, fraud issues, mobile home issues, and decision making issues to seniors and senior providers.

### **SEATTLE/KING COUNTY**

#### **Basic Field Office**

- An NJP Seattle office attorney presented at a panel discussion on international child abduction under the Hague Convention at the 49<sup>th</sup> Washington Judicial Conference held in Spokane.
- Two NJP Seattle office attorneys presented a community education session for clients and social service providers on long term care benefits with a focus on understanding the programs and how to advocate for themselves or for their clients in need of these services.
- An NJP Seattle office attorney presented at a Hot Topics CLE for the volunteer attorneys for the King County Bar Association's Neighborhood Legal Clinics. The attorney trained volunteers on Public Benefits 101.

- An NJP Seattle office attorney participated in an event called “Remembering Katrina” sponsored by the Urban League of Metropolitan Seattle. The purpose of the event was to assist the hurricane survivors and to provide ongoing assistance ranging from housing, FEMA vouchers, mental health counseling, job search, and legal help. The attorney provided information about NJP and met with some hurricane survivors to provide legal advice and brief service.

### **CLEAR**

- An NJP CLEAR advocate was a presenter at an Elder Law Forum in Clallam County. Her presentation focused on Planning for Incapacity and included information about powers of attorney, guardianship, representative payees, and Medicaid. 120 seniors attended.

### **Refugee and Immigrant Advocacy Project (RIAP)**

- NJP’s Seattle-based RIAP attorney continues to work with the Northwest Immigrant Rights Project Citizenship Attorneys and DSHS/SSA staff to address the ongoing termination of immigrants from SSI due to the expiration of their seven years of refugee status. The NJP attorney drafted survey questions for the DSHS/Social Security Administration Region IV (King County) Pilot Project which was funded by DSHS in an attempt to contact more than 1500 immigrants and refugees who were ineligible for SSI due to not being able to become citizens. DSHS contacted many of the immigrants who were then referred for services. DSHS is currently considering whether to expand the project statewide in an attempt to improve outreach to these elderly and disabled immigrants and to save state funds used on the General Assistance program.

### **SPOKANE**

- The Spokane NJP 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 client eligible tenants form more successful working relationships with the goal of reducing the number of evictions. One attorney presents a seminar on tenant’s rights and responsibilities each quarter to a class of adult students with developmental disabilities at one of the local community colleges.
- The Spokane based NAU attorney provided a training of special education to participants in and staff of a Tribal TANF program. The presentation covered evaluations, development of IEPs and disciplinary issues.
- The Spokane based NAU attorney provided training for tribal and state juvenile court guardians ad litem representing Indian children in dependency proceedings.
- NJP’s Spokane office continues to work with members of the private bar and with interested property managers to provide information and training regarding the Residential Landlord-Tenant Act. A Spokane office attorney will be partnering with a

member of the private bar to present a CLE on landlord-tenant issues in the coming quarter.

### **TACOMA/PIERCE COUNTY**

- An NJP Tacoma office attorney did a presentation on legal issues and accessing NJP legal services which was attended by approximately 25 case managers of the DSHS Division of Developmental Disabilities (DDD) who work throughout the state with DDD clients enrolled in DDD's "Community Protection Program." NJP provides targeted legal services to this population through a grant with the Washington State Developmental Disabilities Counsel.
- Two NJP Tacoma office attorneys conducted a presentation on legal issue-spotting and accessing NJP legal assistance for the staff of a local agency that provides guardianship and payee services for approximately 300 low-income, disabled Pierce County residents.
- A Tacoma NJP staff attorney serves as a board member of a Pierce County not-for-profit social service agency that operates five group homes, a day program and a farm and garden work program for developmentally disabled adults.
- An NJP Tacoma office staff attorney is an adjunct professor of poverty law at the Seattle University School of Law.
- NJP's Tacoma office, along with approximately 75 other service agencies, participated in the City of Tacoma's 35<sup>th</sup> Annual Senior Citizen Awareness Day (SCAD). Pamphlets, brochures and hand-outs were available for event-goers on a variety of subjects.
- A NJP Tacoma office attorney is a member of the Pierce County Planning Commission and also participates in a county-wide Affordable Housing Task Force.
- A NJP Tacoma office attorney serves occasionally as a *pro tempore* Superior Court Judge and Commissioner.
- A NJP Tacoma office attorney is a longtime board member of the Tacoma-Pierce County Bar Foundation.

### **VANCOUVER**

- An NJP Vancouver office attorney gave a legal information presentation to non-parental custodians of children participating in a "Parenting the Second Time Around" class sponsored by the Children's Home Society.
- NJP's Vancouver office developed landlord/tenant materials for use by the Clark County VLP in presentations to Ready to Rent program participants.
- NJP's Vancouver office is working with a community service group in Woodland, Washington to provide greater access to legal services in rural Clark and Cowlitz

Counties. NJP began conducting clinic hours in July and plans to maintain a regular presence at the center.

- An NJP Vancouver office attorney and the summer interns provided regular outreach to migrant labor camps in the area.

### **WENATCHEE**

- An NJP Wenatchee office attorney did outreach to faith based communities for one week at “Holden Village,” an ecumenical retreat center in a remote wilderness area near Lake Chelan. The week, called “Abriendo Caminos” or, “Opening Roads,” is an all Spanish-language week dedicated to themes of faith and justice. People from all over Washington, California, and other states attended, many of whom were low-income farm workers, and others who were service providers to low-income people. The attorney offered sessions on the following topics: farm worker rights, discrimination, domestic violence, the Violence Against Women Act, and the rights of immigrants with respect to Immigration and Customs Enforcement.
- An NJP Wenatchee office attorney made a community legal education presentation to the farm worker residents of a Low Income Housing Tax Credit property located in a remote, rural farm worker community. The residents contacted NJP over concerns that their rights under the Residential Landlord Tenant Act were being violated.
- An NJP Wenatchee office attorney appeared with the Executive Director of the local Aging and Adult Care (AAC) office on a cable television talk-show program. The subject was: How to access free legal services.
- An NJP Wenatchee office attorney wrote an editorial for the local newspaper regarding the impacts of English-only laws on Spanish-speakers and the community as a whole.

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

- An NJP Bellingham office attorney was honored with the Washington State Bar Association's 2006 Courageous Award for her contributions to the legal profession and activism for access to justice, all while overcoming a severe hearing impairment. She regularly donated pro bono time while in private practice, serves on the State of Washington Practice of Law Board, teaches in the paralegal programs at Whatcom Community College and Skagit Valley College, sits on the board of directors of the Skagit County Community Action Agency and on the Skagit County Volunteer Lawyer Program Advisory Board.
- An NJP Statewide Advocacy Coordinator is a member of the Access to Justice Board.
- NJP's CAP staff attorneys visited the volunteer lawyer programs in Asotin and Whitman counties. In Asotin, they met with the entire volunteer lawyer program, and were successful in recruiting two new private attorneys for the program. In Whitman, they met with the pro bono coordinator and a representative from the Board.
- NJP's CAP manager met with the Director of the Office of Civil Legal Aid and a group of attorneys in Clallam County to discuss regional planning. The CAP manager also met with the new coordinator for the Clallam County Volunteer Lawyer Program and members of her board.
- An NJP CLEAR attorney serves on the WSBA Board of Governors as representative of the Young Lawyers Division.
- An NJP Everett office attorney participates in a Snohomish County group addressing implementation of Medicare Part D. The group produced 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.
- An NJP Olympia office attorney serves on the statewide Economic Services Advisory Council, which meets monthly to review and provide feedback to DSHS on the impact of current or proposed policy around public assistance.
- An NJP Olympia office attorney serves on the board of the Lewis-Mason-Thurston Long Term Care Ombudsman Advisory Council, which generates referrals and consultations from volunteer ombudsmen regarding the rights of residents in long term care facilities.
- An NJP Olympia office attorney continues her long-time service as a board member for Lewis County Bar Legal Aid, an Alliance for Equal Justice partner serving low income Lewis County residents through a pro bono program, legal clinic, and facilitator services.

- An NJP Olympia office attorney serves on a DSHS-based policy group which is redesigning the Department's system to identify and serve clients with special physical, cognitive, or mental health needs.
- An NJP Olympia office attorney was appointed by the Chief Justice of the Washington State Supreme Court to the Washington State Gender and Justice Commission.
- NJP's Seattle-based 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-based RIAP attorney continued to work with the Domestic Violence Community Legal Project (DVCLP) attorney to coordinate the Washington State Coalition for Language Access (WASCLA). The group continued to meet, expand its membership to other agencies, and plan for a conference in October of 2006. Projects included gathering additional resources on interpreters and translators, working on Limited English Proficient (LEP) policies and identifying funding for interpretation/translation resources. The group received a \$2,000 grant from Seattle University Law School to support the October conference.
- NJP's Seattle-based RIAP attorney provided information on immigrant eligibility for benefits, with a special focus on medical assistance to social work staff at the University of Washington School of Social Work.
- NJP's Seattle-based RIAP attorney continues to work with advocates and agency staff from around the state to improve legal services to victims of trafficking in Washington State. She is a member 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.
- An NJP Seattle office attorney continues to participate in the Washington Coalition for Responsible Lending which is currently addressing the needs of payday lending victims.
- An attorney in NJP's Seattle office participates in the Washington State Bar Foundation's Loan Repayment Assistance Program Advisory Committee, which has developed a new LRAP for public interest attorneys across the state.
- An attorney from NJP's Seattle office continues to join other public benefit advocates in King County in meeting with the Regional Administrator for the Department of Social and Health Services' Economic Services Division. The purposes of the meetings are to alert the administrator to common problems experienced by benefit recipients and to collaborate on improving DSHS's services.

- An attorney from NJP's Seattle office continues to participate on the DSHS Standing Committee on Administrative Hearings with an aim at improving client access to justice in the DSHS administrative hearing process.
- NJP's Seattle office participated in the Medicaid Assistance Advisory Committee (MAAC), which is a committee that includes members from the advocacy community, individuals who receive public benefits, medical providers and other health professionals, and representatives from the Health and Recovery Services Administration (HRSA), to discuss health and medical care service issues for Medicaid recipients.
- NJP's Seattle office continues to participate in the DSHS Plain Talk in ACES Letters project, specifically, notices for long-term care issues. The purpose of the project is to modify existing letters and notices to ensure that the clients can understand the content and purpose of the letters, and to ensure that the notices contain all of the information necessary to inform the client of actions taken or required for different benefits programs.
- Attorneys from NJP's Seattle and Olympia offices, along with an advocate from the Washington Protection and Advocacy System (WPAS), continue to work on the Department of Social and Health Services' Necessary Supplemental Accommodations (NSA) Redesign workgroup. The workgroup recently finalized its comments and recommendations and will begin implementation.
- NJP's Seattle office attorneys are working with the King County Bar Association to develop a child support legal clinic for low-income people.
- NJP's Spokane office has two attorneys who serve on both 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 community agencies and NJP results in meaningful and effective access to legal aid for the low-income residents of the four counties served by these programs.
- NJP's Spokane office has two attorneys who serve on the Spokane County Bar Association Volunteer Lawyers Program Advisory Board.
- An NJP Spokane office attorney serves on the Spokane County Bar Association Board of Trustees.
- NJP's Vancouver office partnered with the Clark County VLP and Cowlitz Legal Aid to host the 2<sup>nd</sup> Civil Legal Aid Open House at the Clark County YWCA. Approximately 50 people gathered to hear retired Ct. App. Judge Dean Morgan, the Open House's featured speaker, discuss the importance of equal justice and advocate for a Civil right to counsel. The VLP honored an NJP Vancouver attorney for all her hard work as treasurer of that pro bono program.
- 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, as chair of the Advisory Board of the Clark County Community Action Program, is participating in the county Department of Community Services' review of its many advisory boards in an effort to eliminate duplication of effort, reduce unwarranted complexity, and provide for more efficient public involvement and advocacy regarding the county's use of funds for programs that are intended to benefit the poor, homeless people, people with disabilities, and other vulnerable people.
- An NJP Vancouver office attorney serves as a Board Advisor to the Cowlitz-Wahkiakum Legal Aid Program.
- An NJP Vancouver office attorney is participating as the legal aid representative in a DSHS workgroup that is reviewing and revising the agency's application for benefits form. The group has finalized the changes that are needed to conform the application to changed legal requirements effective January 1, 2007. The next phase of work will be reviewing the entire application to make it more clear, concise, and easy to use while accommodating the agency's stated needs to give clients additional disclosures about their rights and responsibilities and to obtain certain additional information.
- NJP Wenatchee office staff serve on a variety of community boards, including the Wenatchee Community Center, Community Foundation of North Central Washington, Chelan-Douglas County Volunteer Attorney Services, Charity Golf Classic for Kids, North Central Washington Hispanic Chamber of Commerce, and United Way.