

# Northwest Justice Project

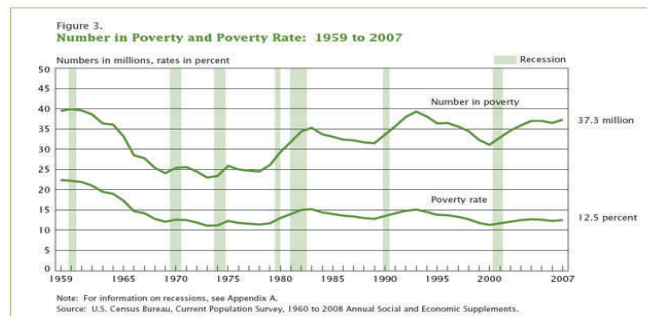
Significant Representative Case Work

2009

## Introduction

The Northwest Justice Project (NJP) is Washington's publicly funded statewide legal assistance program serving low income persons and communities through its 17 field office locations and a centralized telephonic intake, advice and referral system (CLEAR). NJP provides free legal information, advice and limited assistance, representation, community education, outreach and other community based advocacy.

NJP focuses its limited resources on high priority cases and emergent needs related to housing, family safety, protection from predatory lending and other unfair or fraudulent practices, discrimination in housing, education, and employment, access to health care or subsistence benefits, or issues related to disabilities or other barriers that low income persons might experience in accessing services or the justice system itself. As poverty rates were on the rise even prior to the severe recession of 2009, the ability of distressed families to access the legal system at every level is ever more critical for a growing number of Washington families.



Throughout 2009 NJP has helped families address the impacts of job loss and economic stress, as clients struggle to maintain housing, access health care, escape domestic violence and deal with the daily challenges of being poor in Washington.

In one representative case, NJP's **Seattle-based Medical Legal Partnership** helped a family whose business had suffered during the recession, get food assistance. They had been forced to go to food banks and accept donations from family members to survive after DSHS denied them food assistance claiming they did not verify their self-employed income. However, DSHS did not properly inform them of the information they needed to provide. NJP helped them prepare the information and successfully obtained a back award of several thousand dollars for food benefits they were wrongly denied.

Below are other recent examples of how NJP promotes the long-term well-being of individuals and families through high quality legal advocacy that secures justice and empowers low income families and communities.

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NJP's **Aberdeen** office helped a couple who owned land on which the husband had grown up and was later deeded to him by his father. When they went to buy a manufactured home to place on the property, they got two loans, one short-term and one long-term with 30-year mortgage to pay off the home purchase, both secured by the land. The escrow company handling the loans embezzled part of the proceeds of the mortgage transaction and as such the first transaction was never satisfied. The manufactured home company moved to foreclose on the client's land through a trustee's sale. NJP sued to restrain the sale, and in response, the title insurance company satisfied the debt. The clients in turn assigned their claims against the escrow company to the title insurance company, allowing them to remain living in the home.

NJP's **Aberdeen** office also saved the home of a disabled victim of domestic violence who was waiting on an organ transplant to save her life and allow her to reside in the manufactured home she had nearly paid off. She had been preyed upon by a man who quickly wooed and married her and compelled her to transfer the deed to her home into both of their names. Thereafter, he terrorized her with physical violence and threats. When the client attempted to dissolve the marriage, the abuser asserted his ownership of the home, demanded a buyout above what the client could afford, and then disappeared. NJP finalized the client's dissolution, obtained a restraining order, and restored her sole ownership of the manufactured home. The client has since received an organ transplant and is recovering in her home.

In another case, NJP's **Aberdeen** office represented several tenants living independently in a housing complex where they receive mental health services. Each tenant had applications for public housing denied based on a finding that they were 1) not living independently and 2) had failed to establish a six-month rental history. After they requested informal hearings, NJP negotiated with the local housing authority, which voluntarily reversed the denials and agreed to review its policy regarding the six-month rental history requirement.

NJP's **Bellingham** office was able to help a client effect change in the Charity Care practices of a local hospital where the client had received emergency services. When she was not able to pay the bill, the hospital referred it to a collection agency. After the client was sued for collection of the bill, NJP advised her to submit an application for Charity Care to cover the cost of the hospital bill. The hospital refused to process her application based on its policy that "accounts in collection are not eligible for charity care." NJP defended the collection action, which was dismissed. Because this policy violates the Charity Care law, NJP and private co-counsel filed an action challenging the policy. The case was settled when the hospital agreed to change its policy for all future cases, allowed the client to apply for Charity Care and agreed that the client was entitled to 100% coverage for the medical care she received.

NJP's **CLEAR** (Coordinated Legal Education Advice and Referral system) helped a couple who were sued for a deficiency judgment by a home lender. In lieu of foreclosure, the lender had agreed to settle the debt with proceeds from the sale of the home. NJP helped the couple prepare an Answer showing that the creditor had approved the sale and agreed to accept proceeds in full satisfaction of the loan.

NJP's **CLEAR** helped a woman with cognitive disabilities preserve her subsidized tenancy after the local housing authority tried to evict her due to late rent payments – a chronic problem arising from her disability. NJP asked for a reasonable accommodation and the client was subsequently awarded SSI benefits and a representative payee was appointed to timely pay her rent and other bills.

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NJP's **Contract Attorney Program** (CAP) assisted a couple whose access to well water was cut off. The well is located on an adjacent property and the couple has had an easement giving them water rights. The adjacent land/well-owner installed a cutoff valve with a lock and stopped cashing the couples' timely water payment checks. The couple went weeks without water during hot and dry weather. Promptly upon referral from NJP, a local CAP attorney obtained a court order restoring the couple's access to water.

NJP's **CAP** aided a worker who became severely disabled while working for a mobile home park where he also lived. The client had purchased a dilapidated mobile home from the park and made several improvements. When he became disabled, the park employer refused to pay him back wages and then tried to evict him for non-payment of rent. A local CAP attorney defended the eviction and negotiated a settlement in which the park owner purchased the mobile home for \$5,000, paid the owed wages and did not dispute the client's worker compensation benefit claim.

NJP's **Everett** office helped a disabled client address a mold problem in her apartment. In the course of doing so, it became apparent that the client had serious problems communicating both with her landlord and with the Housing Authority (HA) that administered her voucher. After the client missed a scheduled inspection the housing authority moved to terminate her voucher. Working with the client and her caseworkers, NJP submitted a reasonable accommodation request to both the HA and the landlord to mitigate the underlying communications problems in the future and obtain needed repairs. The landlord agreed to the accommodations, but the HA resisted. After much negotiation, a compromise was reached that allowed the client to keep her voucher and the HA made concessions for notifying her of future inspections.

NJP's statewide **Farm Worker Unit** (FWU) recently settled a case on behalf of a farm worker who lost his home after it was condemned by the city as structurally unsound. Suit was filed against the seller, a professional realtor, for fraudulent concealment and Consumer Protection Act violations, among other claims. A structural engineer inspected the home and had determined that the structural problems predated the client's purchase, and that the seller's remodeling concealed the defects. After the court denied the defendants' motion for summary judgment, NJP was able to negotiate a very favorable monetary settlement for the client.



NJP's statewide **FWU** represented a woman who worked at a fruit warehouse for about eight months without any problems. She became ill on the job and had to be hospitalized for a short time. The client was immediately fired for missing work. NJP brought claims of disability discrimination against both the staffing firm that had placed her in the job and the warehouse. After the court denied the defendants' motion for summary judgment, NJP negotiated a favorable resolution for the client.

NJP's **Longview** office helped an estranged mother of two reinstate contact with her children after her visitation rights had been cut off by her ex-husband. The ex-husband, who had been extremely abusive during the marriage, had obtained a parenting plan by default that gave him complete control over the mother's visitation based on false allegations of drug use. As a result of the father's ongoing abusive behavior and her difficulty getting the parenting plan modified *pro se*, the woman had not had regular visitation with her children in more than three years. NJP filed a motion to modify the parenting plan. In response the father claimed that the children wanted no contact with the mother. After a hearing, the court ordered that contact occur through a series of counseling sessions. Through the counseling sessions, the mother and children have had their first contact in more than two years.

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NJP's **Longview** office helped a mother of a five-year old boy after the father threatened to kill her, kidnap the child, and flee to California. The father, who had several convictions for serious assaults, including assault with a deadly weapon, was also being investigated for child molestation. NJP was able to obtain a restrictive parenting plan, limiting the father's supervised visits to occur solely at the mother's discretion, with her choice of location and duration.

NJP's **Olympia** office secured greatly improved employment opportunities for three young adult students with disabilities. All three had left school during the prior academic year because they had not received support services they needed. They were out of school for several months and their Individual Educational Plans (IEPs) lapsed. NJP demanded meetings with the school district to develop new IEPs for each student to get them back into school in time to receive credits they needed for diplomas, and to obtain as many vocational services as possible so they could eventually be self-supporting. All three students were back in school within a month after NJP was contacted, receiving tailored services they helped design. The students graduated in June 2009, having gained valuable hands-on vocational skills, respectively, in Automotive Repair, Culinary Arts, and general job readiness program.

NJP's **Olympia** office also helped a tribal member who complained about an unauthorized business operating next to his home on the trust allotment where he lived. The nature of the business created an environmental and health hazard for the client and was not regulated by either the state or the tribe. Nor had the business been approved by the Bureau of Indian Affairs as is required by federal law. After notice and an investigation into the matter, the BIA notified the business operator that they were in trespass and must vacate the trust property.

NJP's **Omak** office represented the mother of a two-year-old in both tribal and state courts to secure protection orders. The child's father had repeatedly abused the client by strangling her to unconsciousness and bashing her head to the floor. When she finally left the father, she obtained both a state court Protection Order (PO) and a tribal court PO that covered both the child and herself. When tribal police served the POs on the father, he immediately made false allegations against the mother and the next day, without revealing the existence of the orders against him, obtained from a different tribal court judge an order against that placed the child with the father. Faced with the contradictory orders, tribal police asked the tribal court for clarification. The tribal court placed the child into foster care for ten days until a hearing could be held. NJP represented the mother and the tribal court placed the child in her custody, issued a PO protecting both the client and the child, and provided strictly supervised visits for the father. NJP then also obtained a state PO against the father effective for the fifty years.

NJP's **Omak** office represented a mother of five in tribal court to modify a prior order that granted the father custody of the children during a proceeding in which the mother, a victim of severe abuse, was unrepresented. The court had granted the abusive father custody even after an expert recommended no unsupervised contact between the daughter and the father. After the father assaulted his most recent girlfriend in public, the children began residing with the mother pending the father's criminal charges. The tribal judge ordered the parties to engage in peacemaking conducted by three elders and the children continue to reside with the mother.

NJP's **Port Angeles** office represented a father in an adoption case. The father opposed the adoption but he did not have the funds to hire an attorney. Under the adoption statute the indigent father has a right to a court appointed attorney to contest the adoption but he did not know how to enforce his right. The client called CLEAR and the case was accepted on an expedited basis. NJP entered a limited notice of appearance and successfully moved for appointment of private counsel.

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An attorney was then appointed to represent the father the proceedings.

NJP's **Seattle** office successfully represented a monolingual Vietnamese man who was sued for a credit card debt that was not his. Even though the man had impeccable records to show that he was clearly the victim of identity theft, the bank ignored his dispute for years. A collection agency sued on the debt and obtained a default judgment against the client. NJP was able to vacate the judgment and negotiated a favorable resolution for the client.



NJP's **Seattle-based Medical Legal Partnership** represented a family in a dispute with a school district over their disabled child's access to transportation. The child had been out of school for nearly five months because the district refused to provide transportation, and the mother, who suffered from her own disability, could not provide transportation. After NJP asserted the child's rights to transportation, the school subsequently agreed to provide door to door services. NJP then worked to get compensatory tutoring for the five months the child was out of school.

NJP's **Seattle** office represented a deaf woman to retain custody of her two children who she had allowed to reside temporarily with her father and stepmother. The grandparents petitioned for non-parental custody based on old facts that did not reflect the client's current very stable circumstances. After the court found adequate cause for the non-parental custody petition, NJP successfully filed for discretionary review in the Court of Appeals. Before briefing was completed the grandparents conceded, and agreed to return the children to their mother.

NJP's **Spokane** office helped a woman obtain non-parental custody of her mentally ill seventeen-year-old grandson. The child's mother (the client's daughter) also has mental health problems, and there was significant conflict between her and the son, who had attempted suicide on multiple occasions. There was also evidence of physical and mental abuse of the child. The child is now safely in the client's care.

NJP's **Spokane** office helped a senior avoid a forced sale of a portion of her property to pay off a judgment against her. The woman's income was limited to Social Security and she lived in a mobile home on property owned by her. NJP asserted her homestead exemption rights which protected her property from forced sale to pay off the debt. The court agreed, allowing the elderly woman to remain on her property.

NJP's **Tacoma** office helped an Army reservist who was referred by the Army's Judge Advocate General (JAG). The client had sustained an injury while on active duty and was unable to return to his civilian employment. Although he was supposed to have been receiving "incapacitation" pay from the military, there had been a delay in processing the necessary paperwork, and nearly four months had passed during which he and his family had no income. As a result, he was unable to make his car payments and the family car was repossessed. NJP was able to work with both the lender and community resources to delay the forfeiture sale of the car and raise funds to redeem it. NJP also connected the client with community resources to help with money to pay necessary expenses, including rent and utility bills. Soon after the JAG office resolved the issues surrounding the soldier's incapacitation pay.



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NJP's **Tacoma** office represents a formerly homeless veteran with mental disabilities in the Washington Court of Appeal challenging the procedures under which he was evicted from his Section 8 Moderate Rehabilitation housing unit as violating due process. Issues on appeal include whether a federally-subsidized landlord is allowed to use a 3-day nuisance notice to evict a tenant that did not comply with the procedural requirements of applicable federal law or with the lease and whether the client's verbal conduct stemming from his disabilities is a sufficient basis for eviction.

NJP's **Vancouver** office also prevented eviction of a veteran from a low-income housing tax credit property for non-payment of rent. Based on several procedural issues, NJP won a dismissal of the eviction case and obtained a favorable payment plan for rent arrears, allowing the veteran to remain in low-income housing.

NJP's **Vancouver** office helped a woman retain her Medicaid coverage for a prescription medication that her psychiatrist has long prescribed to treat her obsessive-compulsive disorder (OCD). DSHS terminated coverage because two official pharmaceutical compendia recognized by DSHS did not endorse the medication for use in treating OCD. However, the compendia do endorse its use for treatment of generalized anxiety disorder, a condition which the psychiatrist determined the client also suffers. In addition, other OCD drugs tend to be less effective for persons of the client's ethnicity. NJP worked with the doctor to document these facts, leading DSHS to reapprove coverage of the medication.

NJP's **Vancouver** office represented a victim of domestic violence who travelled to Washington for a holiday visit so that she could see family and the father could have some supervised visits with their daughter. The father then convinced her to return home later than planned, promising to provide transportation for her and the child home. However, when the time came for the mother and child to return home, the father served her with a court order prohibiting her to leave the state. However, the father had failed to inform the court of his past convictions for abuse and child molestation. NJP was able to get the order vacated allowing the client and child to immediately leave Washington and return safely to their home.



NJP's **Walla Walla/Tri-Cities** office assisted a couple with their son's education needs. The child suffers from a number of disabilities, including Autism. The school district failed to comply with the child's IEP and the established protocol under which they were to impose various disciplinary actions. After mediation and further negotiation with the district, NJP was able to insure that the child could remain in his current school with a very clear protocol for all staff to follow in imposing discipline. The district also agreed to provide the child a new, comprehensive evaluation, at its expense, in order to better determine his ongoing needs.

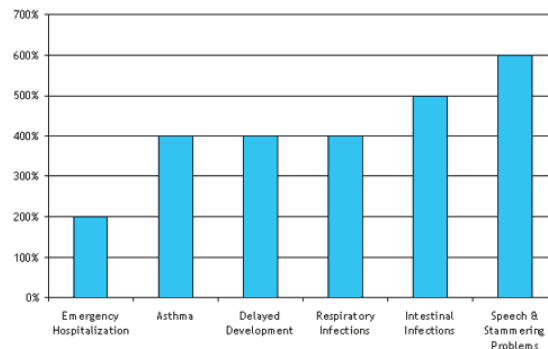
NJP's **Walla Walla/Tri-Cities** office filed a lawsuit on behalf of a woman who underwent emergency surgery for multiple brain tumors. While she was hospitalized the housing authority (HA) terminated her subsidized housing voucher thereby forcing her to pay full rent for months afterwards. The HA based the termination on the client's inability to keep her unit clean for an annual inspection. NJP was able to show that the inability to clean was directly related to her severe medical condition.

NJP's **Wenatchee** office won a judgment for a disabled client whose housing was so substandard that she had literally fallen through the floor of the mobile home she rented and water was available from a well only one out of every three days. The local building inspector condemned the home and the landlord agreed to pay the client the statutory \$2,000 in relocation funds, but would not agree to return months of back rent the client paid. The judgment represented the value of rent paid while the client lived in a dangerous home and statutory damages for failing to provide water.

NJP's **Yakima** office helped a victim of domestic violence after the father fled to Colorado with their baby. NJP immediately filed a petition for custody under the Uniform Child Custody Jurisdiction Enforcement Act to get the child returned to Washington. The father was convicted of custodial Interference and the court entered a parenting plan that prohibits the father from having any in person contact with the child until he takes steps to improve his parenting skills and address his anger and violence issues.

NJP's **Yakima** office helped a mother with two young sons all of whom are tribal members. The father had a history of alcoholism, domestic violence and a criminal record for DUI and assault. Nevertheless, the children had been children in his custody due to allegations that the mother abused her teenaged sons. The mother successfully completed drug and alcohol treatment, maintained sobriety for the past year, educated herself on parenting skills, and participated in on-going counseling and a domestic violence support group. She also obtained a steady full-time job and stable housing. Her efforts to regain custody of her children were frustrated by her lack of representation and inability to effectively access the justice system. The father also retaliated with further violence and sexual abuse. Once NJP appeared and filed the documents needed to request custody, the mother was granted full custody of both children.

NJP's **Yakima** office responded when 12 months after the Yakima Housing Authority (YHA) began an initiative to house homeless families, it moved to terminate all the newly-housed tenants housing subsidies because their initial paperwork had not been completed correctly. Twenty families were faced with losing their housing at Christmastime, because they could not prove, retroactively, that they had completed support services required by the new initiative. NJP represented all 20 families and negotiated to continue their subsidies while working with counselors, domestic violence advocates and drug/alcohol treatment providers to document the families' compliance with the housing requirements. NJP also created checklists to ensure that tenants are properly informed of the requirements at the outset, and easy reporting forms that respect the tenants' privacy while meeting the documentation requirements. NJP's work will ensure that future homeless families have access to this supportive housing.



**Percentages by Which Homeless Children are More Likely to Experience Medical Problems**  
Source: [www.fightpoverty.mmbrico.com](http://www.fightpoverty.mmbrico.com)