

Northwest Justice Project

**Our Vision: Justice for all
low-income people in Washington.**

Advocacy Report 2010

**Our Mission: To secure justice through high
quality legal advocacy that promotes the long-
term well-being of low-income individuals,
families and communities.**





Each year the Northwest Justice Project handles nearly 20,000 cases benefiting more than 40,000 people in need of critical legal assistance to address basic human needs.

Dear Friends:

The Northwest Justice Project's 2010 Advocacy Report highlights the profound impact of civil legal aid on the lives of thousands and thousands of low-income people in Washington each year. Daily, the critical legal assistance and representation provided by NJP's dedicated staff makes the difference between shelter and homelessness, safety and physical injury, economic well-being and destitution... between hope and despair.

Civil legal problems affect fundamental human needs like shelter, family safety, education, health care and economic security. The vulnerable in our society – our children, the elderly, the infirm and disabled, the uneducated, the socially and economically exploited – suffer the most when legal aid is not available. The ongoing economic crisis has devastated countless more lives and resulted in ever greater demand for legal aid as unemployment and poverty rates remain at historic highs, foreclosures have skyrocketed and essential public and social services are greatly reduced.

NJP, Washington's largest publicly funded legal aid program, provides free civil legal assistance and representation to low-income individuals, families and communities suffering the brunt of persistent poverty and the economic crisis. NJP operates CLEAR, a statewide toll-free hotline providing intake screening, legal advice, assistance and referral, while NJP's 17 regional offices provide extended legal advocacy and representation to low-income people across the state. NJP also maintains WashingtonLawHelp.org, a legal self-help center containing hundreds of legal resources, forms and instructions (in multiple languages and using new technology), and educational videos to help the thousands of persons who each day are forced turn to our courts without legal representation.

NJP is a proud and integral member of the Alliance for Equal Justice, Washington's network of legal aid providers and supporters. NJP directly supports the Alliance and also provides extensive training, mentorship and advocacy coordination that advance the Alliance's efforts to make equal justice a reality for all people in Washington.

Thank you for your support.

César E. Torres, Executive Director



PHOTO BY ALLISON DURAZZI



“It is a fact of life that a *pro se* [unrepresented] parent cannot navigate the legal channels in a custody dispute with the degree of success that a lawyer can. It is simply unfair to a parent to require her to face a represented opponent in a court of law when her relationship with her children is at stake.”

Chief Justice Barbara Madsen, Washington Supreme Court
in dissenting opinion in *Marriage of King*, 162 W.2d 378 (2007)

More In Need Than Ever Before

Between 2008 and 2010, the unemployment rate in Washington more than doubled. Nearly two million Washingtonians live at or below 200 percent of the federal poverty level and are eligible for legal aid. But there is a huge gap between the number of people in need of civil legal aid and the current resources available: Washington is only meeting the needs of one in five low-income people facing urgent civil legal problems. Justice is out of reach for the overwhelming majority of families living in poverty or struggling to survive the economic crisis.

This justice gap effects all of us. One unresolved legal issue – such as consumer abuse, domestic violence, loss of housing, employment or needed medical care – creates a downward spiral of costly social problems that impact the whole community. Legal aid protects and stabilizes families struggling to survive economic crisis and poverty, alleviates some of the harshest effects of the economic downturn and preserves scarce public resources.



Ensuring justice for all is a core responsibility of government. Our laws guarantee basic rights and protections for all of us—not just those who can afford a lawyer. Without meaningful access to the justice system our courts cannot administer justice, our communities bear ever greater costs and our democracy is undermined.

Foreclosure & Predatory Lending

Protecting homeowners - including vulnerable seniors - from predatory lenders and financial abuse helps the whole community. NJP's foreclosure defense work benefits homeowners, stabilizes neighborhoods and supports our state's economy.



Stan owned his Omak home free and clear. Due to a sudden disability, Stan could no longer work as a carpenter, his lifelong occupation. On a fixed and sharply reduced income, Stan borrowed roughly \$12,000 from a private lender and secured it with a deed of trust on his home. The payments were manageable for Stan – only \$125 each month – but then the loan was sold and resold several times over the next few years. At some point, Stan was presented with loan modification papers and, although he did not understand the changes, Stan was persuaded to sign the documents. As a result, his monthly payments increased to approximately \$300 a month and Stan defaulted on the loan. Stan received a notice of default stating that he owed over \$5,000 to cure the default, and the total balance of the loan was over \$18,000.

Completely overwhelmed and about to lose his home in foreclosure, Stan asked NJP for help.

NJP was able to negotiate a settlement in which the loan principal was drastically reduced, and Stan's remaining payments were lowered to \$100 per month, allowing Stan to save the home he had worked so hard to own.

NJP's Seattle office exposed an improper trustee sale that greatly harmed Doris, an elderly woman suffering from Alzheimer's disease. The trustee had sold Doris' home for a substantially reduced value, despite the fact that the trustee knew Doris' guardian had found a buyer willing to pay significantly more for her home. NJP sued to recover the value of equity lost and established that under Washington law the trustee was required to take reasonable steps to avoid sacrificing a homeowner's equity. A jury found the trustee liable for more than \$150,000 based on the trustee's breach of this duty.



This case is now on appeal, but NJP's success immediately prompted trustees across Washington to postpone foreclosure sales when appropriate, and to take other steps to prevent the unnecessary loss of home owner equity – protecting families and neighborhoods across the state.



Alice is a disabled adult who lived with her mother and father in Everett all her life. When her elderly parents died, they left the house to Alice so she would have a stable place to live. Unfortunately, a relative of Alice's defrauded her into selling the house to a buyer who agreed Alice could continue to live in there as a tenant. The new owner then proceeded to take out several home equity loans, stripping the home's equity, which eventually led to the property being foreclosed. When the bank filed an action to evict Alice, NJP asserted her right to receive 90 days notice to vacate under state and federal law. The bank failed to give such notice, instead treating Alice as if she was the borrower.

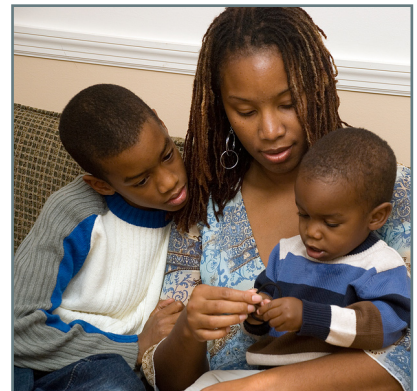
While not able to rescind the various fraudulent transfers of title and loan arrangements made by the unscrupulous new owner, NJP was able to negotiate an agreement with the bank, giving Alice ample time to find new housing and funds to help with her move. NJP ensured that Alice was able to receive the bank funds without jeopardizing her SSI benefits. And, working with the YWCA, NJP helped Alice secure new stable housing.

"I cannot thank NJP enough for being there. The heart-stopping, bone-chilling possibility that one is going to become homeless is a very evil stress. Having NJP there helped tremendously with the fear, not to mention the expertise of [my attorney], who is quite frankly brilliant. As the economy continues to softly flutter like an autumn leaf toward the flat-lining bottom line, more and more people like me are going to be forced into duels with mustache-twirling villains. I hope NJP will be able to be there."

An NJP client in Okanogan County who was wrongfully evicted without notice when the home she rented was foreclosed.

Janette is a single mother living in Olympia. Facing foreclosure, Janette tried to negotiate for a year with Wells Fargo Bank to obtain a loan modification without success – apparently because her main source of income was unemployment insurance. NJP persuaded Wells Fargo representatives that unemployment is a valid income source, especially given that Janette had guarantees that she would continue to receive unemployment while she participated in a retraining program.

NJP was able to obtain a short-term loan modification, reducing Janette's monthly mortgage by hundreds of dollars. Janette and her family were able to stay in their home while she completed her retraining program and found new employment.





Michelle had fallen behind on her mortgage payments due to overwhelming medical bills. Her house was threatened with foreclosure. Scared for her young family, Michelle negotiated a loan modification and was lead to believe the foreclosure was on hold pending the modification process. But the bank's loan modification department did not communicate with the foreclosure department, and the foreclosure sale went forward. The house sold at the trustee's foreclosure sale and the bank moved to evict Michelle and her family.

NJP's Yakima office immediately stepped in and saved Michelle's home. NJP negotiated with the bank to stop the foreclosure eviction and reinstate the loan. NJP also got the bank to refund hundreds of dollars of wrongful charges for double insurance. Michelle is now able to make regular payments on the mortgage, and she and her family are still living in their home.

Demand for legal help with home foreclosure in King County increased by 500 percent in the last two years [King County Crisis Clinic].

The Johnson family had owned and lived in their Bellevue home since 1973, building roughly \$150,000 in equity. Financial difficulties in 2007 caused the family to fall behind in the payments on their home equity loan. The Johnsons were facing foreclosure when they received an offer of assistance from an "investment company," which was run by a licensed mortgage broker who advertised that she had helped hundreds of borrowers avoid foreclosure. In reality, this broker and her associates had swindled numerous families out of their homes with foreclosure rescue scams. Terrified of losing their home, the Johnsons accepted the company's seemingly helpful offer.



The scammers completed a so-called "sale leaseback transaction" with the Johnsons mortgage, a type of illegal loan transaction in which the borrower is promised a loan but is actually given papers transferring outright ownership of their home to a supposed investor. The Johnsons' investor demanded the family begin making monthly "rent" payments that were double the amount to which they had agreed. When the Johnsons could not pay, the investor brought eviction proceedings against the family.

The Johnsons were referred to NJP's Seattle office and the eviction was prevented. After almost two years of litigation, NJP negotiated a settlement in which the Johnsons recovered all of their lost home equity – nearly \$150,000 – and were able to obtain affordable housing for the long term.

Rental Housing & Eviction

Every eviction prevented eases the strain on public resources and secures long term health and educational benefits to families and children.



Baby Jill's parents were worried sick when they brought her to Seattle Children's Hospital. Jill was sick with a very rare infection. When asking Jill's parents questions, the doctor learned the family was living in poor and unsanitary housing conditions, including a sewage back-up and an overflowing septic tank, which caused Jill's infections. The doctor referred the family to NJP's Medical-Legal Partnership for Children, a collaboration with Seattle Children's Hospital.

On Jill's parents' behalf, NJP contacted the landlord who agreed to immediately repair the conditions. The couple was able to return to their now healthy home with their new baby girl, who recovered fully.

Vicky and her son had rented a mobile home in the Walla Walla area for over a year. One day the mobile home park landlord notified Vicky that her family would have to vacate for three days while he removed the single-wide home in which they were living and replaced it with a "nice" double-wide home. When Vicky and her boy returned, they found the double-wide had walls so heavily damaged one could look through them; it did not have locking doors, heat or a refrigerator. The home only had working plumbing in one of the bathrooms and there was an electrical problem that kept shorting out breakers. The landlord demanded that Vicky immediately begin paying substantially higher rent for the double-wide home. She refused, but continued to pay the old rent, which the park manager continued to accept. The landlord eventually sued to evict Vicky and her child from the park based on non-payment of rent. NJP helped Vicky prepare and properly file a response to the eviction and she went to court alone with proof of payment. However, the judge allowed the landlord to raise new claims of which Vicky had not been notified, and then refused to let her contest them. NJP was able to stop an immediate eviction and a new hearing was set.



At the next hearing, now with an NJP lawyer present, the landlord agreed to repay Vicky over \$2,100 in illegally collected rent and her security deposit, give her ten rent-free weeks to find other living arrangements, and dismissed the eviction. Now Vicky's housing record is clear and she and her son were able to find a safe and healthy home.

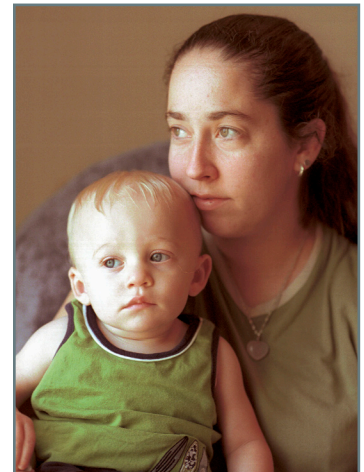


Lisa is a medically fragile woman who almost lost her public housing through no fault of her own. About a year ago, while Lisa was away, police had entered her home and seized a pipe believed to have been used to smoke marijuana. Jason, Lisa's 17-year old son, admitted the pipe belonged to him. Although the police did not press charges and they did not discover any illegal substance in the pipe, the housing authority moved to evict Lisa under their "no tolerance" policy. Several months passed while proceedings were pending and Lisa turned to NJP's Longview office for help. During this time, Jason turned 18 and moved out, and NJP helped Lisa exclude him from her lease. Lisa's public housing tenancy was then reinstated when the hearing officer found there to be a lack of evidence of criminal activity.

With NJP's help, Lisa was able to remain stably housed, allowing her to tend to her medical conditions.

Home should be a safe and healthy place for kids and families. NJP's work helps vulnerable households maintain stable, safe and healthy housing.

Bernice was distraught when the local housing authority terminated her housing subsidy because she had paid her own utility bill. Although the lease stated that the utility bill was the landlord's responsibility, Bernice paid the bill after the city threatened to cut off her water service – she had a young child to protect. The housing authority terminated her subsidy voucher for a "violation of lease agreement." Six days after she attended a grievance hearing, the housing authority's final decision was mailed to her upholding the termination but setting out no basis for the decision. NJP's Spokane office intervened and sought court review, challenging the basis for the termination and the housing authority's grievance hearing process. The housing authority settled the case.



NJP's intervention prevented Bernice and her son from becoming homeless – their subsidy was restored. What's more, because of NJP's advocacy, the court required that all future hearings be digitally recorded and compelled the housing authority to have legal counsel train all hearing officers on how to conduct fair and impartial hearings in conformity with due process requirements. The housing authority also agreed to incorporate NJP input on the content of the training. These changes will make a difference in the lives of all families receiving subsidies from the Spokane Housing Authority.



Clara was shocked when she received notice of eviction from her landlord. The notice claimed she owed back rent, but Clara knew she was completely current in her rent. In fact, the landlord owed her money from when she was forced to pay for utilities that the landlord was obligated to pay. Clara turned to NJP's Aberdeen office for help. After NJP intervened, the landlord agreed to stop the eviction and pay Clara over \$600 for the past utility bills.

With NJP's help, Clara's housing was preserved and she received needed funds for expenses she was wrongly forced to incur.

Protection of housing for a family with school-age children avoids direct costs associated with potential homelessness and preserves residential stability essential for the children's performance in school.

When the local Housing Authority embarked on an initiative to monitor the educational success of children living in public housing, the tenants asked NJP to help address concerns with the program's requirements, especially concerns about protecting families' privacy. The initiative required that tenants participate and agree to a lease that, among other things, required: disclosure of all educational records of all family members, reporting of all changes in household circumstances, and permitting the housing authority to evict tenants for missing even one "community" meeting. The tenants were given no opportunity to comment on the lease before it was presented to them for signature. The tenants turned to NJP for help.



NJP prevented immediate implementation of the Housing Authority's initiative and secured a number of desired changes to the lease. NJP also ensured that tenants would have a 30 day comment period as required by federal law. The housing authority then agreed to provide tenants an opportunity to opt-out of the program, narrowed the scope of its school records request to attendance and grades of school age children only, limited its other reporting requirements to only those household changes permitted by federal law and revised the mandatory meeting provision. Tenants who opted out of the program were allowed to relocate to a non-participating building.

Government Assistance & Medical Care

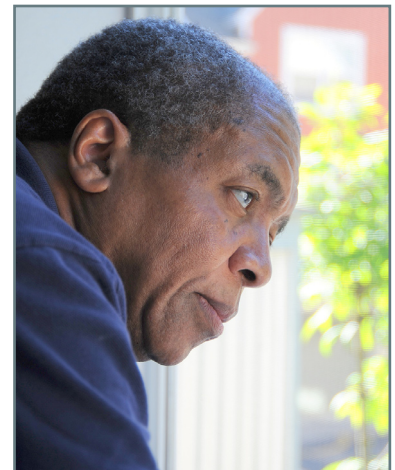
Securing and maintaining access to financial and medical benefits protects human dignity. NJP's advocacy brings vital resources to Washington's economy and ensures the effectiveness of our public benefit programs.



Manny and Ana's son, Sam, was forced to undergo a tracheotomy and was depending on a ventilator to breathe. The young boy required full-time nursing care to remain clinically stable while living at home. Suddenly the family faced a new nightmare: their insurance company refused to cover the nursing care, asserting that the family's health insurance policy did not cover it. NJP's Seattle office represented the family and prevented termination of the nursing benefits. With the private insurance company paying these benefits, Sam has been able to continue living at home with his parents.

NJP's intervention saved the state more than \$100,000 per year in Medicaid costs that would have been incurred had the insurance company successfully avoided paying for the child's nursing benefits.

Harry's wife often used an ambulance service to travel to a clinic for kidney dialysis. The couple thought they had won an appeal on Medicare coverage for the cost of the ambulance service, but they were aggressively pursued by a collection agency for a \$60,000 debt and the bills kept coming. NJP's Olympia office discovered that the appeal decision covered only a few of the 64 total ambulance claims. NJP filed new appeals, but found that every system involved had incomplete or inaccurate records. Harry's wife died before NJP could determine the status of each claim, but NJP continued to represent Harry and submitted appeals for the undecided claims. After the appeals were denied, NJP successfully sought reconsideration and obtained a favorable decision: Medicare should have covered all of the claims. It took six more months of NJP effort through letters and calls to the ambulance company and the collection agency to correct their records and stop billing for the service.



As a result of NJP's advocacy, the couple's responsibility for the original \$60,000 bill came to \$259.74. Harry gladly paid the claim and is carrying on with his life relieved of this debt burden.

[To protect client confidentiality, this report does not use actual client names and photos; all case stories and quotes are real.]



Norm is a severely mentally ill Vietnam-era Navy veteran. Norm was living in his car in Bellingham when NJP intervened. Norm had no source of income since being terminated from federal Supplemental Security Income (SSI), food assistance and veterans benefits several years prior, after the Social Security Administration (SSA) and the Veterans Administration received a computerized notification that he had an outstanding warrant from Florida. NJP's investigation revealed that, in fact, the warrant had been quashed and Norm was eligible for benefits.

NJP helped Norm apply for and receive Disability Lifeline and emergency food benefits to provide him with immediate short-term relief. After obtaining his veteran service record, NJP contacted a veterans service organization to help restore Norm's veteran medical benefits. NJP was also able to document Norm's eligibility for federal benefits. The local SSA office accepted Norm's application and restored his SSI benefits so this veteran was able to find the housing, income and medical care he needed to survive.

Ensuring access to medical care helps families avoid bankruptcy and saves lives.

Peggy and Pat McGee are foster parents to three children with profound developmental disabilities. To provide adequate care for one of the children - Tim - the McGees depend on personal care hours from the Department of Social and Health Services (DSHS). Tim has Down Syndrome, Autism and Obsessive Compulsive Disorder and the personal care hours he received were insufficient. Because he requires constant care and supervision, the McGees struggled to meet Tim's needs and had to consider placing him in an institution. When DSHS sent a letter reducing Tim's personal care hours even further, the family called NJP's Olympia office. NJP sent a letter identifying the shortcomings with the current assessment of need, requested a re-assessment and a hearing for Tim. After a close review of medical records and a re-assessment, DSHS agreed with NJP and revised its decision.



Based on information from NJP's letter and the re-assessment, DSHS agreed that Tim qualified for a higher care group, increased his hours by 40 per month and awarded 31 additional hours given exceptional circumstances. Tim can now stay in the only home he has ever known, the McGees have the support they need to care for their family, and the state avoids the much greater cost of having to institutionalize Tim.

Domestic Violence & Abuse

Legal aid is essential to breaking the cycle of domestic violence *and* reduces demand on emergency rooms, shelters, law enforcement and court services.

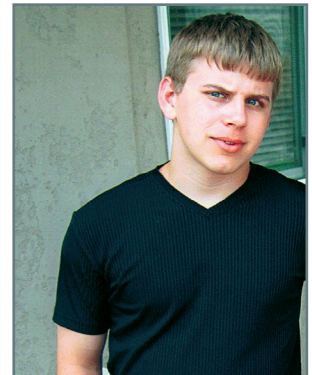


Tanya had finally escaped from a dangerous domestic violence situation with her young daughter. Not only was her husband abusive to Tanya, he was being investigated by Child Protective Services for allegedly raping another child. Tanya was terrified when he got a court order giving him custody of their daughter. On very short notice, NJP's Wenatchee office obtained an emergency order to keep the girl with her mother and allowing them both to move to a different town. The court granted the father supervised visits only. Child Protective Services has since determined the allegations against the father were founded; he was charged with two counts of child molestation.

Because of NJP's representation, Tanya and her daughter are now safely building a new life together.

NJP's Wenatchee/Omak office helped protect the safety of Derek, a developmentally disabled, non-verbal young man who requires constant supervision and assistance with basic tasks. Derek's father had alternated between physically abusing – including using a taser – and ignoring Derek throughout his life. Derek's father also financially exploited his son's federal Supplemental Security Income benefits. Derek's sister and mother had also been repeatedly abused by the father for years.

NJP helped Derek's mother obtain a Vulnerable Adult Protection Order against his father, protecting her son – and the whole family – from further physical abuse and financial exploitation.



Bridget's husband had abused her and sexually assaulted their pre-teen son over a period of several months. After his arrest, Bridget asked NJP's office in Bellingham for help. NJP represented Bridget's son and helped him obtain a sexual assault protection order. The father was convicted of child rape and sentenced to prison. But in the dissolution case, he asked to have residential time with their young daughter.

In order to protect the entire family, NJP persuaded the court to issue a lifetime restraining order against the father. Today, Bridget and her children are safely rebuilding their life together.

Erin was sexually abused by her stepfather from the age of 11. Her mother died when she was 16 and her stepfather adopted her two younger siblings. At age 18, Erin became pregnant with her stepfather's child and they married. Throughout their ten year marriage, which produced three children, Erin suffered verbal, sexual and physical abuse. When she finally got the opportunity and courage to leave, NJP's Aberdeen office helped Erin obtain a permanent Domestic Violence Order of Protection, dissolve the marriage and win sole residential care of her three children and also of her minor half-brother whom she raised since he was two.



Erin is now safe after NJP was able to secure a permanent restraining order, prohibiting her former stepfather from having any access to Erin or the four children. The entire family is now residing in a confidential location under new identities.

NJP helps protect families facing domestic violence and threats to the safety of children. Demand for domestic violence advocacy nearly tripled in the last two years. [King County Crisis Clinic]



Phuong's abusive husband brought her to the United States when she was only 18. He was physically and emotionally abusive and, because they lived with his parents and Phuong was unable to speak English, the abuse was compounded by the family and cultural dynamics. At 20, Phuong became pregnant. After she had the baby, her husband took Phuong to an attorney's office and coerced her into signing "agreed" divorce papers which forfeited custody of the baby to him and limited her access to the child. He then left Phuong at the home of a distant relative. Fortunately, the relative was kind to Phuong and connected her to a domestic violence advocate, who referred her to NJP's Seattle office.

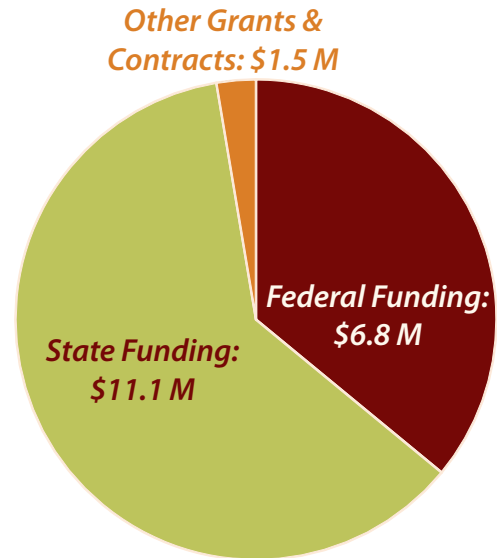
NJP helped Phuong revoke her consent to the divorce "agreement" and represented her at a lengthy trial, presenting evidence of the husband's domestic violence. Today Phuong is reunited with her child and both are safe from continued violence.

Funding for Northwest Justice Project

NJP's work is supported primarily with funds provided by the Washington Legislature through the **Office of Civil Legal Aid** and by the federal government through the national **Legal Services Corporation**. NJP also receives support from the **Legal Foundation of Washington** and **LAW Fund's Campaign for Equal Justice**, as well as other small public grants for special projects and limited private funds.

Legal aid is a public investment in our families and communities:

- ✓ **Protects the health and safety of families and children.**
- ✓ **Supports communities by preserving scarce resources.**
- ✓ **Promotes and improves the fair administration of justice.**



2010 NJP Funding



“Each and every day, you and your excellent staff help so many people. I just wish there were more people like you. I cannot thank you enough for your collective expertise. And kindness; everyone is and was unfailingly kind ... with grateful and warmest wishes.”

A client who received help from attorneys in NJP's Wenatchee office.

Need Legal Help?

NJP CLEAR: CLEAR is NJP's toll-free, centralized intake, advice and referral service for low-income people seeking legal aid from nonprofit providers throughout Washington.

CLEAR assists approximately 20,000 callers a year. Attorneys at CLEAR will often assist eligible callers in resolving the legal problem over the phone and electronically - language interpreters are available. For more complex cases, CLEAR will refer the caller to an NJP field office or another legal aid provider in his or her community.

- **I live in King County:** Call 2-1-1 or toll free 1-877-211-WASH (9724) Monday through Friday from 8:00 a.m. - 6:00 p.m. Deaf and hearing-impaired callers can call 1-800-833-6384 or 711.
- **I live outside King County:** Call 1-888-201-1014 weekdays from 9:15 a.m. to 12:15 p.m. Deaf or hearing-impaired callers can call using preferred TTY or video relay service.
- **I am age 60 or over:** Regardless of income, you may call CLEAR*Sr at 1-888-387-7111 weekdays from 9:15 a.m. You will be asked to leave your contact information for a call back, or you may choose to be switched to the regular CLEAR line.

NJP Field Offices: SEATTLE, ABERDEEN, BELLINGHAM, BREMERTON, COLVILLE, EVERETT, LONGVIEW, OLYMPIA, OMAK, PASCO, PORT ANGELES, SPOKANE, TACOMA, VANCOUVER, WALLA WALLA, WENATCHEE & YAKIMA



www.WashingtonLawHelp.org: Northwest Justice Project's legal self-help center with an extensive library of legal resources and materials.

WashingtonLawHelp.org is an excellent resource and tool for low-income persons, the great majority of whom are forced to appear in court without an attorney. Visitors can access all the necessary court forms in areas of law needed most by low-income persons - including family and housing law - in multiple languages.



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