

Northwest Justice Project

Annual Report 2012

*SECURING JUSTICE BY ADDRESSING HUMAN NEEDS
PROTECTING ECONOMIC SECURITY
PROMOTING OPPORTUNITY*



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



NJP's 2012 Annual Report allows us to share the stories of just a few of the tens of thousands of people whose lives are safer, who are more economically secure, and who have a brighter future as a result of civil legal assistance and representation provided by NJP's highly dedicated staff during the past year.

Dear Friends, Colleagues and Supporters –

I am very pleased to share with you NJP's *Annual Report* 2012.

Our report provides a glimpse into the many critical ways in which civil legal aid makes real our national commitment to equal justice, and in so doing addresses basic human needs, protects economic security, and promotes opportunity for low-income individuals and communities. NJP strives to alleviate the brunt of poverty, the persistent economic crisis and erosion of the social safety net suffered by our client communities.

NJP too faced serious resource challenges as 2012 began with a substantial federal funding reduction of nearly \$1 million, this on top of four years of stagnating and reduced state and federal funding that has already resulted in the loss of 20 state and federally funded attorneys. The cut would have further reduced services to low-income communities across the state if not for the efforts of Washington's Legislature, which stepped up to offset half of the loss. NJP is deeply appreciative and grateful to the Legislature for its critical assistance and ongoing support.

Despite these resource challenges, 2012 was a milestone year for NJP as our staff maintained its focus on providing the highest quality legal assistance and representation as evidenced in our *Annual Report*. Though we were able to handle fewer cases (we served 6,000 fewer people than in 2011), the work of NJP's expert staff had broad impact on the lives of a great many more of our eligible clients and their communities. Some examples of how NJP's work produces positive change for low-income families is described in the 'Positive Change' page of the *Annual Report*.

Importantly, NJP's continued efforts to increase access and to identify ever more focused and effective ways to target our limited resources resulted in the adoption of a multi-year statewide advocacy focus: *Attacking Barriers to Employment*, which will further our mission of promoting the long-term well-being of our clients and their communities.

I thank you for your support for NJP and your commitment to making equal justice a reality for all.



PHOTO BY ALLISON DURAZZI

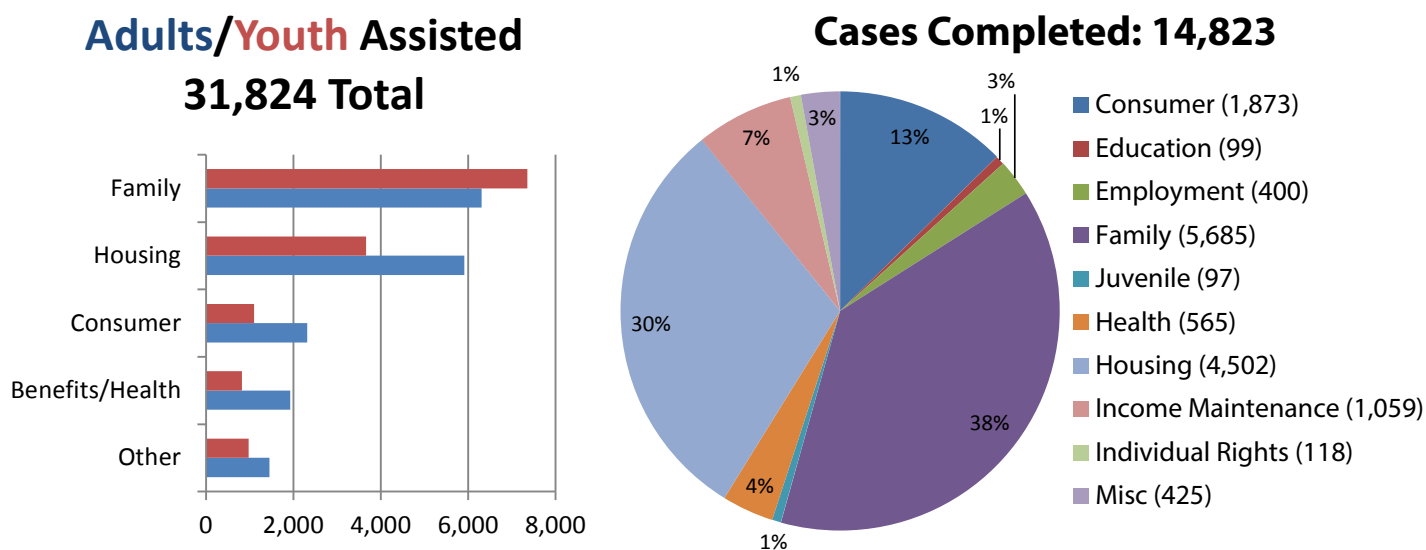
César E. Torres, Executive Director



NORTHWEST JUSTICE PROJECT

The **Northwest Justice Project** is Washington's largest, publicly funded legal aid program. NJP's vision is to secure justice for the most vulnerable and at-risk members of society: our children, the elderly, the infirm and disabled, and the socially and economically marginalized and exploited. NJP is an integral part of and provides substantive and infrastructure support for the **Alliance for Equal Justice**, the network of staffed legal aid, specialty, and volunteer attorney programs who make up Washington's nationally recognized civil legal aid delivery system. NJP's principal funders are the State of Washington, through the **Office of Civil Legal Aid** and Congress, through the federal **Legal Services Corporation**. NJP also receives significant funding support from the **Washington State Bar Association**, the **Office of the Attorney General**, and the **Legal Foundation of Washington**.

NJP HELPED NEARLY 32,000 WASHINGTON RESIDENTS IN 2012



NJP OFFICES AND PROGRAMS

CLEAR Washington's statewide, toll-free, legal assistance hotline provides centralized client screening, legal advice, limited assistance, representation and referral. In 2012 NJP also deployed an **"online"** intake capacity to enhance client access. CLEAR operates dedicated **Seniors, Domestic Violence**, and video supported **ASL** hotlines.

Regional Offices NJP has 17 regional and satellite offices to provide extended local advocacy and representation in the most pressing and difficult cases facing low-income individuals and families across the state. NJP's regional offices support county based volunteer lawyer programs that leverage thousands of hours of *pro bono* services, and provide important community legal education and support for social service providers and the courts.

Special Services Units NJP's specialized services units address particular legal problems or the needs of specific vulnerable communities. Specialized units often involve innovative collaborations or partnerships. NJP's specialized services units are: **Foreclosure Prevention Unit • Foreclosure Consequences Advocacy Team • Medical Legal Partnership • Veterans Project • Reentry Initiated through Services and Education (RISE) Project • Integrated Rural Legal Assistance Project • Farm Worker Unit • Native American Unit**.

WashingtonLawHelp.org NJP promotes the effective and efficient administration of justice through an extensive online legal self-help center containing hundreds of legal resources, forms and instructions (in multiple languages), including interactive forms (document assembly), and educational videos available on NJP's own YouTube channel.

BASIC NEEDS

Mary, a small business owner, was diagnosed with cancer. Part of her foot had to be amputated and she needed ongoing treatment and evaluation. Mary applied for Medicaid, but had difficulties completing the application process. As a result, the Health Care Authority (HCA) terminated her Basic Health coverage. When Mary contacted NJP she had been without health coverage for 6 months and owed \$8,000 for emergency room visits. The HCA refused to re-enroll her and claimed she would be subject to a preexisting condition waiting period. NJP represented Mary and the HCA quickly reinstated her health coverage without a pre-existing condition waiting period. NJP also helped her apply for Charity Care to discharge her emergency room visit debts.



Cynthia, a deaf mother of two young children, had a domestic violence protection order against her ex-husband and had started her life anew. Unexpectedly, while Cynthia was at a public park with her children her ex-husband appeared and assaulted her and held her against her will. With the help of deaf community advocates, NJP represented Cynthia over the course of two years until a highly restrictive parenting plan was ordered that protects Cynthia and the children.

The Browns, a family of five, were referred for legal help by health care professionals trained by NJP's Medical Legal Partnership. The Browns were living in decrepit, mold-covered housing that caused the family to suffer serious health problems. NJP assisted the family in demanding repairs and in unilaterally terminating their lease when the landlord failed to eliminate the mold. NJP then sued the landlord and recovered rent and damages for the time the family had lived with the hazardous moldy conditions. The children's pediatrician reported that their serious asthmatic symptoms quickly improved after their move.

Molly cared for her mentally disabled adult sister over a 14-month period. During the entire time, DSHS had sent her monthly notices authorizing her to provide the services, Molly had submitted monthly invoices for her work, and she had satisfied all the state's caregiver requirements including taking care provider training. Nevertheless, DSHS took the position that she had been overpaid for all 984 hours she had worked and demanded that she return \$9,346 in wages. DSHS wanted the money back because Molly had inadvertently failed to submit a signed caregiver contract covering the period in question. Molly won her case after NJP represented her in an administrative hearing challenging DSHS's efforts to force her to pay back wages for work DSHS had approved and she had performed.



Steven is a developmentally disabled young man who had been raised and cared for all his life by his grandmother. When she became terminally ill and was transferred to hospice care, Steven could not comply with information requests by the Division of Developmental Disabilities. As a result, he was denied needed services and soon became homeless. NJP represented Steven in his appeal, secured needed medical evidence and succeeded in having housing and supportive care benefits restored. Steven is now in stable housing and receives the supports he needs to live in the community.

PROTECTING ECONOMIC SECURITY

Emily's neighbors contacted NJP's Foreclosure Prevention Unit when she attempted suicide 10 days before the foreclosure sale on her home.

Emily is 83 years old and she and her partner of more than 40 years and father of her two children had purchased the home, but title was only in his name. After his death, when the mortgage defaulted, the loan servicer and bank trustee would not deal with Emily since her name was not on any of the papers. NJP filed suit and obtained a Temporary Restraining Order the day before the foreclosure sale and then secured a Preliminary Injunction, which required probate of the estate and assumption of the loan within three months. A volunteer attorney filed the probate and succeeded in transferring title of the home to Emily. NJP was then able to negotiate with the lender for Emily to assume the existing loan and apply for an affordable loan modification.



The Gonzalez family was happy to be able to buy a mobile home. However, they could not read English and had no one to translate at the time of the purchase. They signed paperwork they understood obligated them to pay a \$100 security deposit to the mobile home park owner. Soon after moving in, the landlord filed a lien against their mobile home and, based on the signed paperwork, claimed they owed \$4,000 of back rent unpaid by the mobile home's prior owner. NJP represented the family and succeeded in getting the landlord to agree to release the lien and forego efforts to collect the alleged debt from them.

"We are so grateful... the ongoing tough economy will surely affect more Americans in the future. To have an organization like the Northwest Justice Project gives hope and comfort to many struggling families" - NJP Foreclosure Prevention Unit client

Bob, a disabled veteran, lives with his disabled wife in a manufactured home park. He received VA benefits for himself, and additional benefits to care for his disabled wife. The VA terminated the spousal benefit based on incorrect information that Bob was no longer living with his wife. The VA then withheld all of his benefits to pay off an alleged overpayment based on the same bad information. With no income for rent, Bob and his wife faced eviction. Assisted by a volunteer attorney, NJP's Veteran's Project demonstrated that Bob had been living with and caring for his wife the entire time. The VA reimbursed the couple more than \$12,000 in back benefits, which they used to pay the past-due rent and buy a much needed new mobile home.



Peter and Ellen were facing foreclosure after Ellen suffered sudden onset dementia/delirium leaving her permanently disabled and unable to work. Peter quit his job to care for Ellen and manage her medical care. For several months neither worked or received any disability benefits. They incurred significant medical expenses and fell far behind on their mortgages and other bills. NJP worked with a housing counselor who assisted in obtaining a HAMP modification of the first mortgage. NJP then successfully negotiated with a second mortgage holder to obtain modification of a second mortgage, waiver of late fees, and lower interest, allowing the couple to keep the home. NJP also helped the couple deal with other creditors (almost \$30,000 of medical, and other debt), and arranged a referral to a local bankruptcy attorney.

PROMOTING OPPORTUNITY



Elizabeth is a high school student whose mother suffers from mental illness and substance abuse. Elizabeth's mother disappeared for several months, during which time Elizabeth was evicted. She found herself alone and homeless, but was fortunate to be able to stay with her aunt who lived in the adjacent county. However, the local high school refused to allow Elizabeth to enroll without the missing mother's notarized signature on a liability waiver form. NJP represented the aunt and Elizabeth to enforce her education rights as a homeless student. NJP met with school officials and Elizabeth was enrolled the same day.

Barbara and her two children became homeless when they were forced to flee to a domestic violence shelter. The shelter assisted her in applying for subsidized housing on a priority basis as a victim of domestic violence and being homeless. Barbara's stay at the shelter was limited to 90 days, after which she and her children went to stay in the living room of a friend's home. Soon after, the housing authority (HA) notified her that an apartment was immediately available, but when she reported having left the shelter, the HA decided she was no longer eligible for any priority and put her at the bottom of the waiting list. NJP threatened to sue based on revised HUD policy making clear "homelessness" did not just mean being in a shelter and to obtain a hearing to challenge the priority decision. The HA reversed its decision and Barbara was issued a housing voucher allowing her and the children to move into their own apartment.

"I need to say thank you again. You have truly changed my life and saved my sons. I am forever in debt to you and NJP! I couldn't have won this battle without everyone's help. You are literally my hero....THANK YOU." - Domestic Violence Client

Sarah, a Native American high school student missed 6 days of school because she had traveled to the Hopi reservation in Arizona to attend a once in her lifetime religious ceremony. The school refused to consider the mother's explanation for the absence and began disciplinary action. NJP's Native American Unit, in cooperation with NJP's regional office, took Sarah's case to ensure that she was not disciplined because her absence was excusable under both the American Indian Religious Freedom Act and school district policies. After NJP intervened, the school agreed to withdraw the disciplinary action.

Kevin, a twelve year-old son of monolingual Spanish speaking farmworkers, had been out of school for almost two months. He was expelled after he allegedly threatened a teacher. Kevin's parents were confused and could not understand when their son would be allowed to return to school. Kevin was at home by himself day after day, very much wanted to attend school and became depressed. NJP requested the expulsion records and found that Kevin had fallen through the cracks. As the school indefinitely awaited a mental health report, no one was addressing when Kevin could return to school. NJP pushed to get the report and successfully negotiated Kevin's immediate return to seventh grade with appropriate academic and behavioral supports.



POSITIVE CHANGE FOR LOW-INCOME FAMILIES

AUTISTIC CHILDREN PROVIDED MEDICAID COVERAGE FOR ABA THERAPY

More than 9,000 autistic children will benefit from NJP's **Medical Legal Partnership** lawsuit on behalf of autistic children and their families. NJP sued the state Health Care Authority (HCA) to require it to provide Medicaid coverage and referral services for Applied Behavioral Analysis (ABA) therapy. ABA therapy improves core deficits associated with autism spectrum disorder and often enables the children to gain sufficient skills to participate in mainstream education and lead relatively normal lives. The extensive settlement agreement requires HCA to help eligible children to obtain and pay for ABA therapy. NJP will monitor implementation to ensure these children have the best care and the opportunity to succeed.

On behalf of *amicus curiae* the Association of Manufactured Home Owners, NJP helped the 9th Circuit Court of Appeals understand the adverse impacts on low-income families in manufactured housing when park owners seek to redevelop the land for other uses, including the high cost of relocation and the "immobility" of mobile homes, creating gross disadvantages for owners of manufactured homes.

PROTECTING WASHINGTONIANS FROM DEBT COLLECTION ABUSE

Low and moderate income people are being preyed upon by a burgeoning industry of debt buying firms, many from out of state, that engage in unscrupulous collection actions often involving stale debts. In 2012 one such firm filed more than 2,000 Superior Court debt collections actions. Several NJP regional offices successfully litigated a number of cases to force debt collectors to comply with federal and state laws that protect against debt collection abuse. In a hard fought court victory with statewide implications, NJP's **King County** office secured a Superior Court decision that out-of-state debt collectors may not pursue a debt collection action if not registered and licensed under Washington's Collection Agency Act.

ENSURING FAIRNESS FOR LOW-INCOME FAMILIES AND INDIVIDUALS

In 2012 NJP offices in **Bellingham, Seattle, Spokane,** and **Tacoma** secured several Courts of Appeal decisions ensuring fair procedures for low-income people challenging the loss of important rights and benefits. In several instances, public authorities and agencies made little effort to provide actual notice of adverse actions leading to the loss of housing and employment opportunities. In addition, low-income persons also faced biased decision makers and improper hearing procedures and standards. As a result of NJP representation, public agencies were forced to reinstate housing subsidies, reverse agency determinations resulting in the loss of employment, and hold new hearings using fair procedures.

NEARLY ONE THOUSAND HOMEOWNERS FACING FORECLOSURE ASSISTED



In 2012 NJP's **Foreclosure Prevention Unit** (FPU) led Washington's response to the ongoing foreclosure crisis and helped to stabilize families and communities across the state. NJP closed nearly 1,000 cases benefitting more than 2,000 people, including 900 children and 216 senior citizens. NJP represented clients in 33 of Washington's 39 counties. Some 150 foreclosures were completely avoided and, despite large-scale loss of home values, in just 31 cases NJP preserved more than \$2.3 million dollars in home equity for low and moderate income homeowners. NJP also renegotiated affordable loan terms with reduced principal and/or interest rates for many of our clients.

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CLEAR 1-888-201-1014 In King County, call 2-1-1.

Foreclosure Prevention Unit 1-800-606-4819

Visit us on the web at www.washingtonlawhelp.org or www.nwjustice.org

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