

NORTHWEST JUSTICE PROJECT

SIGNIFICANT CASE WORK

AND COMMUNITY DEVELOPMENT ACTIVITIES

SECOND HALF, 2008



INTRODUCTION

The Northwest Justice Project (NJP) is a publicly funded statewide legal assistance organization serving low income persons and groups in Washington. Through its 17 field office locations and a centralized telephonic intake, advice and referral system (CLEAR), NJP provides free legal information, advice, 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. NJP seeks to ensure that its limited resources address issues in ways that protect the client community as a whole.

NEW MEDICAL LEGAL PARTNERSHIP PROJECT

During the latter half of 2008, NJP implemented a new three-year Medical Legal Partnership for Children pilot project. The project is a collaboration between NJP and Seattle Children's Hospital, the Odessa Brown Children's Clinic and the Harborview Children and Teens Clinic in Seattle to help improve the health status of low income children and families by addressing their legal and health care needs holistically. Through a generous grant from the Robert Wood Johnson Foundation, NJP has been able to place a lawyer on-site at the medical clinics to provide legal education and technical support to the medical clinicians, social workers and case managers to help them to identify legal issues and refer families and children they serve for legal assistance. To date, the project lawyer has developed informational materials, presented trainings for the clinicians and provided legal assistance and representation to families with legal issues related to health care access/Medicaid, housing, and immigration law.


PROTECTING CONSUMERS

- Financial hardship often results when low income people experience serious illness or unlawful business practices. NJP clients recently helped with **consumer** problems include:
 - A monolingual Spanish speaking father of five who needed emergency room care was sued for payment of the cost though it should have been allocated to the hospital's Charity Care obligation. NJP's Walla Walla office defended the case and helped him to apply for the Charity Care benefit, which the hospital fully accepted. The lawsuit was dismissed and his limited income to meet the family's needs was preserved.
 - A Colville tribal member's car (loaded with food for a traditional feast) was repossessed from tribal land very early one morning. The client had not missed a car payment and Tribal Law does not allow repossession on the reservation without an order of the Tribal Court. When the client tried to pay the dealer to redeem the car, the dealer would not disclose the

- price for redemption. NJP's Omak office sued the dealer and obtained a judgment for the client for the value of the car and lost food.
- A family who was victimized in a foreclosure rescue scam and lost the home that had been in the family over several generations. The family had been tricked into a deal in which several parties conspired to steal a substantial amount of home equity and then ordered the family to leave the home. The scammers then "flipped" the house through multiple sales and realized significant profit. NJP sued the conspirators and recovered \$40,000 from some defendants and then went to trial against the other parties and won a \$164,000 judgment for the family.

MEETING BASIC NEEDS

Low income persons often are forced to resort to the legal system to enforce their rights to receive financial support for basic human needs. Recent clients NJP has helped to secure their **income and medical** needs include:

- An elderly disabled woman who had been struggling for months to remain living independently in her own home and suffering greatly after DSHS terminated her state provided in-home personal care services. NJP negotiated to have her care needs reassessed. Upon reassessment, DSHS reversed the termination and more than doubled the number of hours it pays for her in-home care, allowing the woman to safely stay in her home.
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- A young man gravely disabled by gastro paresis (a disease which causes persistent vomiting) needed help to get Medicare coverage for gastric bypass surgery. By providing legal memoranda in support of the coverage request, NJP was able to quickly gain approval for the needed surgery.
 - A woman who long ago during a bout of depression and drug abuse neglected her child, but for the last several years has been successfully treated, stopped abusing drugs, obtained her GED, and excelled in classes that trained her for work with children. A respected child care/education facility for children with disabilities offered her a job and supported her request to clear her record and allowing her to work with children. NJP represented her before the Department of Early Learning (DEL) and negotiated a six month "trial period" after which DEL would declare her "rehabilitated", making her fully eligible to care for children.
 - A home day care provider who DEL charged with running an unlicensed day care and fined her \$3,000. NJP challenged the DEL fine claiming that the provider was exempt from licensure under the licensing statute. An administrative law judge agreed that several statutory exemptions applied to the particular day care circumstances and dismissed the fine.
 - A woman who was removed from the Basic Health Plan because she allegedly failed to provide documents to re-certify her income. When she tried to challenge the removal because she had in fact provided the

documents, she was denied a hearing. After substantial litigation, NJP and the Northwest Health Law Advocates negotiated with the Health Care Authority (HCA) to establish appropriate appeal and re-enrollment procedures that include advance written notice of re-certification requirements; improved information about the process; and automatic re-enrollment when qualifying documents are submitted to prevent waiting periods caused by intervening “pre-existing” conditions.

- A disabled man who faced eviction from his assisted living facility when he was forced to convert from being a “private pay” resident to Medicaid. The facility sought to evict him even though his lease agreement allowed for Medicaid conversion and a statute prohibits evictions based on converting from private pay to Medicaid. NJP’s Yakima office stopped the eviction and negotiated his move to a comparable facility that accepts Medicaid. The case received significant media attention as it highlights the plight of disabled persons who run out of private funding to meet their medical care needs.

PROTECTING CHILDREN AND PREVENTING FAMILY VIOLENCE

NJP assists clients who have experienced the tragedy of intra-family violence. Intra-family violence arises in many settings and creates multi-faceted **family law** issues. Recent clients protected from violence and securing their safety include:



- An Aberdeen woman with a history of domestic abuse including death threats and attempted strangulation. Her husband has both alcohol and drug abuse problems in addition to his violent behavior. When he was served with the woman’s Protection Order, he absconded with their two children for over a month. NJP was able a restraining order against him and to gain the children’s return after he was arrested and charged with DUI and having a loaded firearm in a vehicle with his children. The mother was awarded full custody of the children and child support.
- A Spanish speaking domestic violence survivor with three children who in the course of the marriage survived being shot at in the presence of the children and could not get police response through 211 because she did not speak English. NJP’s Everett office helped her get a Protection Order. After the husband was served, the police found the family’s home doused with gasoline, a lighter on a table inside, and a loaded firearm under a seat cushion. The woman was awarded custody with very restricted visits with the husband required to relinquish his firearms, and other protections.
- A mother lost custody of her three young children when her abusive husband obtained a court order without prior notice to her having alleged that her teen-aged children bullied the younger children. NJP’s Longview office demonstrated that the father manipulated the younger children and had an increasingly abusive drug habit. When a hair follicle

test proved the father's methamphetamine use, the court ordered the children's immediate safe return to the mother.

- A domestic violence survivor whose abusive husband was granted custody of their newborn baby by a court order issued without prior notice to her. The court entered the order even though the father was then on probation for domestic violence against the mother. NJP's Olympia office was able to get the order vacated and the infant safely returned to the mother's care with safety protections in place for the mother and baby.
- A domestic violence victim and her children who for years had been physically, sexually and emotionally assaulted by her husband, at times visibly waving guns and a machete and threatening to kill the entire family. NJP's Wenatchee office secured protection orders granting the woman custody of the children and restricting the husband's contact with the family and other safety protections.
- A mother of five who suffered beatings and sexual abuse from the father until they separated. While the father was represented and the mother was not, the mother lost custody in tribal court proceedings, even after the daughter disclosed abuse and an expert observed bruising on the girl. After the father was arrested for abusing a recent girlfriend, the children returned to their mother's care. NJP's Omak office represents the client to gain permanent custody of the children in the tribal court.

HOUSING AND HOMELESS PREVENTION

Preventing **homelessness** and preserving low income **housing** options is one of NJP's highest service priorities. Adequate housing is critical to family stability, health, educational success, and employment. Recent housing cases include:



- An Aberdeen woman with disabilities contracted for repairs on her home that had been damaged by fire. The contractor cashed \$40,000 in insurance checks without the mortgage company's endorsement and then walked off the job, leaving the home uninhabitable. The family had lived in temporary housing while the repairs were to be made, but became homeless when their money ran out. The family was split up when the grandchildren were taken in by friends and the woman lived in different places day-to-day, including her car. NJP and a private pro bono law firm represented the woman and sued the contractor and bank that cashed the unendorsed checks. The case settled providing the woman \$30,000 with which to complete the home repairs.
- Long-term residents of a mobile home park were threatened with eviction and loss of their homes when new park owners illegally increased lot rentals 26% during the course of their one-year leases, creating financial hardship for the community. NJP's Bellingham office intervened and negotiated a reinstatement of the lower rent leases with the new owners, preserving affordable rent for the low-income community.

- A subsidized housing tenant suffered from severe dyslexia and had difficulty comprehending written materials had signed a lease with a reasonable rental amount approved by the local Housing Authority. She was then given a second “copy” of the lease to sign which included a significantly higher rent. The first lease was sent to the Housing Authority, while the landlord kept the second version. For two years, the tenant paid the higher rent. The building was sold and the new owner discovered the discrepancy and notified the Housing Authority, who referred the tenant to NJP. NJP recovered the full value of the overpaid funds.
- An elderly disabled woman was denied access to a senior housing community because she had been “evicted” from her prior housing. The woman had been living with her ex-husband because her disability precluded her from being able to live on her own. His home had gone through foreclosure and as a result she was subject to a court-ordered eviction. NJP was able to demonstrate that she was not at fault in the foreclosure. The senior community “waived” the eviction and accepted her into the housing complex.
- A visually impaired woman was nearly evicted from subsidized housing after the manager taped a notice to vacate to her door, knowing she was visually impaired. The notice, which she learned of only later from a neighbor, was posted shortly after the woman caught the manager entering her unit at 11:00 pm one night. This frightened her terribly, especially since several items had disappeared from her unit over the past several months and the manager had refused her request to install a door chain or sliding lock for her use while she was home. The landlord filed an eviction action alleging her failure to leave pursuant to the notice to vacate. NJP’s Olympia office negotiated dismissal of the case and, based on her wishes and for her protection, time to move to safer housing.
- A disabled senior who lost his home to foreclosure, compounded by the fact that after the foreclosure sale the lender claimed that it had a second lien on the home allowing it to keep the surplus proceeds of the foreclosure sale. NJP claimed that the lender had defrauded the senior overstating its claim and secured recovery of \$27,000 for the man.
- Several homeless persons who were denied access to public housing under tenant-selection criteria that unfairly require a history of having been a tenant in good standing, effectively excluding those who have limited to no rental history. NJP’s Seattle office won several reversals of these public housing denials, gaining access to housing for the homeless while also redressing policies that negatively impact those most in need.
- A single mother of two who was threatened with eviction when she obtained a small service dog for her disabled child. NJP’s Walla Walla office negotiated a resolution allowing the family to remain in the home and for the child to keep the service dog.

NJP CLIENTS HAVE A RANGE OF LEGAL NEEDS

NJP uses a creative advocacy tools to address a broad range of legal needs. For example, NJP helps coordinate free tax preparation sites for low wage workers in Okanogan county, holds estate planning clinics for low income tribal elders with Indian trust land interests, and works with law enforcement, governmental agencies and court staff to develop language access resources for low income limited English proficient populations throughout the state.

NJP also assists many clients who experience barriers due to disability, limited English, cultural or other personal issues, to negotiate solutions to problems often caused or aggravated by the individual barrier. During the latter half of 2008 examples include:

- A monolingual Spanish speaking couple who were accused by their landlord's insurance company of having started a fire in their rental house. The firefighters had concluded that no human factor contributed to the fire, and ruled it "accidental". The insurance company sent them a letter demanding payment of \$25,000 for damage to the house. NJP intervened and after several communications with the company, it abandoned the claim against the couple.
- A cognitively impaired illiterate Washington State Hospital patient lost several hundred dollars when the hospital took his Social Security funds from his hospital-administered patient savings account to pay for his cost of care. The hospital provided notice of its intent to take the funds only to the patient and to itself, serving as the patient's "protective payee". NJP was able to get the funds restored after raised due process and other claims at the administrative hearing to review the taking.

NJP'S SPECIALIZED FARM WORKER AND NATIVE AMERICAN SERVICES

NJP has two specialized units that serve Washington's farm workers and Indian communities statewide. Together with field staff, NJP's Farm Worker Unit conducts outreach and community education programs to agricultural workers and represents these workers, who are critical to Washington's agricultural economy, to protect their legal rights.

NJP's Native American Unit engages in outreach to tribal communities and, together with field staff, provides specialized assistance in tribal courts and on legal issues arising under federal Indian Law and/or related to Indian status. NJP's specialized Native American CLEAR line provides culturally appropriate, ready access to an attorney for intake, advice, limited assistance and referral.

Clients recently served by these specialized units include:

- A Native American mother who was denied access to her young daughter by the child's father and aunt. The aunt filed a non-parental custody action against the mother. NJP established that the child was eligible for tribal membership and the custody proceeding was subject to the federal Indian Child Welfare Act. Soon after, the child was returned to the mother and the custody action was dismissed.



- Five farm worker women who were fired from a fruit packing warehouse after raising workplace health and safety concerns. NJP filed claims on their behalf with the State Department of Labor and Industries and then obtained a satisfactory resolution through mediation.
- Several immigrant farm workers with temporary work visas under the H2-A program who suffered on the job injuries. NJP has helped the workers navigate the workers compensation claim process, establish their injuries and receive medical and wage loss benefits to which they are fully entitled to H2-A workers.

CLEAR – COORDINATED LEGAL EDUCATION, ADVICE AND REFERRAL

NJP cases often originate with CLEAR-the Coordinated Legal Education, Advice and Referral system. If due to limited resources, the client cannot be referred for extended representation, CLEAR advocates are often able to help resolve the client's problem with limited scope legal assistance. Recent cases include:

- An 85 year old woman on limited income purchased hearing aids with "interest-free" financing offered by the seller. The woman made several payments over the 18-month period of no interest, but was not able to pay off the entire amount in that time. After the 18 month period lapsed, the seller charged interest and finance fees for the entire 18 month period in excess of \$1,000. NJP intervened and the lender forgave the entire amount of past finance and interest charges, relieving the woman of significant stress over her inability to pay the debt.
- A monolingual Spanish speaking couple was charged late fees for payment of their rent after a new management company took over at their apartment building. The prior management company had agreed to allow their rent to be paid on the 8th of each month when they received their paychecks. The new company charged for "late" payments after the 5th of the month. NJP's CLEAR contacted the new management company, explained the situation, advocated for reimbursement of all late fees paid and negotiated both reimbursement and an agreement consistent with the prior rent payment arrangement.
- NJP's CLEAR helped a young mother get her water service restored after it was terminated due to the landlord's failure to pay the bill.
- NJP's CLEAR helped a vulnerable senior obtain in-home care and food stamps after her husband, who had been her caregiver, had to move to a care facility, leaving her without care or adequate income.

CONTRACT ATTORNEY PROGRAM

In addition to its staffed field offices and CLEAR, NJP also collaborates with private attorneys in several rural communities to represent to NJP eligible clients

through paid reduced fee contracts under its Contract Attorney Program (CAP). Clients the CAP assisted in the latter part of 2008 include:

- A physically disabled and cognitively impaired young man who wanted to develop work skills and find work, but was unable to get assistance needed from the state Department of Vocational Rehabilitation (DVR). When DVR terminated his services an NJP CAP attorney represented the man in an administrative hearing and won reinstatement of appropriate services through a negotiated settlement.
- A woman with a young child who was living in a domestic violence shelter after she was physically battered and sexually assaulted by the child's father. An NJP CAP attorney helped her to obtain a restraining order, child support and a highly restricted supervised visitation plan pending his compliance with an anger evaluation and treatment plan.
- A physically and mentally disabled woman who was abused and sexually assaulted by her husband. An NJP CAP attorney helped her to respond to the husband's dissolution action, to obtain several months of maintenance and a lump sum award for her support, and to file a claim for Social Security Disability Insurance.

COMMUNITY ENGAGEMENT

NJP is deeply engaged with client communities. Staff regularly participate in community events, collaborate with other social and legal services providers, and serve in leadership positions with community and professional organizations. A few examples follow:

- NJP's Aberdeen office is presenting regular educational presentations on the Earned Income Tax Credit to local service providers, Grays Harbor College classes and at Worksource client meetings.
- NJP's Bellingham office conducted a "webinar" presentation for service providers in the Washington State Coalition on Domestic Violence on the scope and effectiveness of lay assistance for victims and survivors.
- NJP's Everett office trained the Snohomish County Indian Child Welfare Act committee on the state court non-parental custody process.
- NJP's Farm Worker Unit actively participated with the Yakima Asset Building Coalition to publicize and expand access of low income persons to the Earned Income Tax Credit and local free tax preparation services..
- NJP's Native American Unit and the Yakima Office assisted the Yakama Tribal Court by updating its directory of attorneys licensed to practice in its court and made available to litigants seeking representation in that court.
- NJP 's Longview office gave a community education presentation on fair housing laws, reasonable accommodation and obligations regarding service animals at an apartment complex for persons with disabilities.
- NJP's Olympia office presented at a conference on Civil Rights in Indian Country

- NJP's Seattle based Medical-Legal Partnership for Children project attorney gave a series of trainings to medical providers at various low income medical clinics, Harborview's Occupational and Environmental Health Department case workers and to the Odessa Brown children's mental health group on housing law issues and accessing legal aid.
- NJP Seattle staff: conducted training on parenting evaluations and their use in custody cases involving domestic violence; collaborate with the King County Coalition Against Domestic Violence to improve the experiences of survivors working within the legal system to seek safety and protection; worked with the King County Bar Association and Seattle University School of Law to help to those with child support legal matters; and presented at a National Language Access Advocates Network conference on "Government Agency Best Practices".
- NJP Walla Walla staff conducted outreach to local service providers, including the Community Action Programs and Goodwill agencies in the service area on access to legal services
- NJP's Yakima office produced an in forma pauperis self-help packet for Yakima County for parties to custody cases to seek a reduction in or waiver of fees for court-mandated parenting classes.
- NJP staff serve on boards and committees and hold leadership positions in professional and advocacy organizations, including:
 - President, Chelan-Douglas Bar Association
 - President, Yakima County Bar Association
 - Treasurer, Thurston County Bar Association
 - President, Lewis County Bar Legal Aid Board
 - President Clallam/Jefferson County Pro Bono Lawyers Board
 - Member, Washington State Gender and Justice Commission
 - Member, Access to Justice Board
 - Member, Washington Advisory Committee on Trafficking
 - Member WSBA Loan Repayment Assistance Program Advisory Committee
 - Member, Whitman County Legal Services Advisory Board
 - Member, WSBA and Washington Women Lawyers Judicial Recommendation and Screening Committees
 - Member, Clark County Volunteer Lawyers Programs
 - Delegate, ABA House of Delegates
 - Member, LSC Advisory Committee on Fiscal Accountability