DATE:

ORIGINATOR:

2007 - 2008

Community Legal Services

SUBJECT:

There Are No Simple Storier

ANNUAL REPORT

There are no simple stories

That's the reality our clients bring to us, every day.

When the line starts forming outside our doors before our staff when the morning, the people waiting to see CLS attorneys arrives in the morning, the people waiting to see CLS attorneys know they didn't get into their situations overnight, and they usually know the solutions won't be instant.

In this annual report, we'd like to introduce you to some of our clients' stories, and the often complex paths to their conclusions.

PLA provides free civil legal services to Philadelphia's low-income community as a Legal Services Corporation grantee. Full-time attorneys, paralegals, and clerical staff at PLA specialize in areas of law that are most pertinent to the community and identify changing trends in legal needs to help those who need it most.

VIP promotes equal justice for the poor by providing civil legal services not otherwise available, collaborating with other legal services organizations and promoting a culture of volunteerism by educating and exposing attorneys and law students to issues of poverty.



ften, a client will come to CLS with a specific problem, such as a utility shutoff because of overdue payments. Once we start working with the client, we often find a variety of other problems that need to be solved before we can address the first problem. For example, the client lives in a house that was owned by her elderly mother, but the mother died before transferring the title. The utility company does not recognize the client's ownership and will not work out a payment plan with her. When we start to work on getting the house title transferred to the client, we find that her identification documents—social security card and birth certificate, for example—have been lost over time. It is not uncommon for a client to leave her documents behind when fleeing domestic violence. And as we work through these issues, the client also receives notice that she is at risk of foreclosure because she is delinquent in the subprime mortgage her mother secured to repair the roof.

There are no simple solutions. When CLS works with clients we may involve in-house attorneys, paralegals, and social workers. Teams from our nine practice areas often collaborate as client issues cross specialties. We frequently collaborate with our two closest partner organizations—Philadelphia Legal Assistance (PLA) and the Philadelphia Volunteers for the Indigent Program (VIP)—in addition to several other public interest law practices in southeast Pennsylvania. We also work with attorneys from the private bar, who provide pro bono services directly via CLS or through VIP. Finally, we work with private attorneys as co-counsel on class actions and other complex litigation.

With more than 40 years in the trenches fighting for equal access to justice, CLS knows how to work through the complex, interwoven problems our clients face. We know how to work with other attorneys, the courts, legislators and other organizations to win justice for our clients and to fix laws and regulations so people living in poverty have fewer hurdles in their lives.

We can work through a lot, but **there's one more element to the solution: you.** You are an integral part of the CLS team. Whether you advocate for the rights of the poor, fight for better education to lift people out of poverty, or contribute money, you are part of the CLS team and part of the reason for our success. We hope you will see a bit of yourself in this annual report, also, because without you the path to justice would be that much more complicated.

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Keeping utilitier turned on

s. P came to Philadelphia from Haiti 10 years ago and speaks Creole. Her English skills are very limited. Ms. P enrolled in the Philadelphia Gas Works' low income program, the Customer Responsibility Program, which establishes a fixed monthly bill based on a percent of a customer's income. Ms. P's CRP bill was \$38.64: although relatively high, Ms. P had been paying her gas bill each month.

PGW terminated Ms. P's service, alleging unauthorized use and meter tampering. Ms. P had no reason to tamper with her gas meter because a lower meter reading would not have changed the amount of her gas bill. Additionally, PGW demanded more than \$3,700 for alleged unauthorized usage even though Ms. P had already paid for her usage through her CRP payments.

For more than seven months, Ms. P had no gas service, including an **entire winter with no central heat, hot water or cooking gas.**

For seven months, Ms. P tried to get information from PGW about why her gas was cut off. PGW never provided a Creole interpreter for Ms. P and never processed her dispute, despite her many phone calls to PGW. Family and friends tried to help but were only able to get bits and pieces of information for Ms. P. When Ms. P came to CLS, we provided a Creole interpreter who was qualified to interpret legal discussions. This was the first time she had a qualified interpreter to help her understand her situation and her options.

CLS Energy Unit attorneys Thu Tran and Phil Bertocci, with Temple Law intern Josie Hyman, filed a Formal Complaint with the Public Utility Commission on behalf of Ms. P, requesting an emergency order for restoration of gas because Ms. P's joint disorder is exacerbated by lack of hot water. After lengthy negotiations involving a PUC Administrative Law Judge, PGW agreed to restore Ms. P's service and placed her back on the low income program.

Previously, the Energy Unit had worked with the CLS Language Access Project to develop strategies to determine utilities' language access policies and practices. CLS requested information on PGW's Language Access Policy, or lack thereof. CLS takes the position that as a recipient of federal funding through the Low Income Home Energy Assistance Program (LIHEAP), PGW is required to provide language assistance to customers with limited English proficiency.

Through CLS' work in this case and broader PUC rulemaking proceedings, in partnership with organizations such as the Pennsylvania Utility Law Project (PULP), PUC has become more aware of the need for adequate Language Access Policies and accompanying services. In a September 2008 Order, the PUC stated that "language access is a serious issue, especially when termination of service is involved."

PULP assists Pennsylvania's lowincome residential utility and energy consumers connect to and maintain affordable utility and energy services within their homes. CLS Energy Unit handles client disputes with the gas, electric, and water utilities, with the priorities of preventing service shut offs and obtaining service restoration.

CLS advocates for affordable rates for low-income utility customers.

From LIHEAP to each utility's low-income programs, CLS and our partners believe our society can provide the basic necessities of heat, water, and electricity for everyone.



CLS Language Access Project

coordinates CLS services to Philadelphia's limited English proficient and immigrant communities. LAP advocates for language access for clients to services and benefits through litigation, administrative and legislative advocacy and policy setting at the local, state and national levels.



Giving Children a good start

CLS takes a holistic approach to serving clients.

In addition to our ABC project, the Family Advocacy Unit and Child Care Law Project look for ways to improve the lives of children by connecting parents with resources they need to reunify their families and by providing referrals and advice on how to maintain a child care business in impoverished neighborhoods.

The **Disability Rights Network's** vision is that all Pennsylvanians with disabilities are empowered with opportunities and choices, and are fully included in all aspects of community life, having access to quality education, employment opportunities, and housing options, free from abuse, neglect and discrimination.

rom a young age, Andrew was not like other children. While he watched his classmates earn praise for their accomplishments, he struggled to retain the information they produced with ease. Over time, he withdrew from his peers and become involved in solitary activities. When engaged in conversation, he insisted on discussing the intricacies of marsupials, a topic he had studied for months on end. While some would dismiss these traits as charming quirks, to the trained eye, they were early symptoms of Asperger's Disorder, a condition he would not be properly diagnosed with for years. His school noticed his learning difficulties and enrolled him in a special education program early on, but Andrew's problems at school were far from over.

In spite of the school's efforts to tailor Andrew's special education program to his needs, his academic performance and conduct deteriorated to an unmanageable level. Unlike some of the other children enrolled in special education, Andrew's IQ was surprisingly close to average, but his functioning impairments told a different story than his cognitive performance. Not only was he unable to focus, he also had begun to receive daily detention notices for bad behavior.

Like many concerned parents, Andrew's mother tried to help her son improve in school, but, after losing her job, she was facing the equally daunting worry of providing him with food and shelter. To help cover the cost of raising her son, she applied for Supplemental Security Income on his behalf, but her request was denied due to his normal IQ level. Living on the \$680 per month in unemployment compensation, she knew she needed professional help to challenge the Social Security Administration's unfavorable decision. She came to CLS knowing she couldn't afford to treat her son's developing condition without the cash and medical assistance he would receive as an SSI recipient.

In the year since his application was denied, Andrew's behavior had become so alarming his school referred him for an evaluation at a local psychiatric center. After many frustrating years of superficial remedies, his psychiatrist identified the root of the problem and diagnosed him with Asperger's Disorder and ADHD.

When Andrew and his mother came to CLS, they met Mary Noland, an attorney in the Advocating on Behalf of Children project, who understood Andrew's challenges. Ms. Noland presented his psychiatrist's treatment records in combination with testimony from a medical expert to overwhelmingly prove the severity of Andrew's mental impairment. Without needing to invoke testimony from the vulnerable child, Noland proved Andrew's right to SSI, granting him access to cash assistance of \$625 per month, medical coverage, and past due benefits of nearly \$10,000.

Initially, Andrew's mother simply hoped to appeal SSA's decision, but Ms. Noland felt strongly that Andrew required an education program better suited to his needs. She informed Andrew's mother of her right to contest his initial placement and demand a learning environment that allows her son to reach his full potential. Once Ms. Noland had secured the medical and ancillary evidence of Andrew's special needs for her own case, she referred his mother to the Disability Rights Network. Encouraged by the referral system's past successes and convinced of Andrew's entitlement to a more appropriate education, DRN referred his case to a private attorney, who won the case. Andrew can now look forward to school, and his mother can breathe a sigh of relief, knowing that Andrew will receive the medical care and the education he needs for a bright future.

CLS Advocating on Behalf of Children provides free legal
assistance to low-income families
with disabled children seeking
Supplemental Security Income
and other benefits and services.

Preventing foreclosures

r. S walked into CLS' Law Center North Central in 2002 after being served with mortgage fore-closure papers for his family home. At 66 years old, Mr. S was living on a fixed income of \$600 in his elderly mother's house, attempting to keep up his \$213 payments on a subprime mortgage loan.

Mr. S was struggling. He and his mother had taken out the loan to pay off some old debts. They were persuaded to take out the loan by a mortgage broker who was later fined by the Pennsylvania Human Relations Commission for targeting low-income African Americans who had no ability to repay high interest loans. The broker and the mortgage lender each pocketed large fees and commissions from the loan, knowing the loan would quickly be sold off before the borrower had a chance to default, with the investors who bought the loan left to hold the bag. Mr. S was **about to lose the roof over his head** because of the loan.

The CLS Consumer Housing Unit filed an answer to the foreclosure complaint, arguing that the loan was unconscionable and illegal. Since Mr. S could not afford the monthly payments, let alone catch up on the unpaid months, the only way to preserve his home was to take out a reverse mortgage to pay off the existing debt. The reverse mortgage, an option available to

seniors, would allow him to stay in the house without the burden of monthly payments, and would allow his heirs to pay off the loan through the sale of the house or by refinancing the loan. Mr. S could not get a reverse mortgage, however, because his existing mortgage reduced his home equity too much for him to qualify.

Mr. S' mother passed away while the case was pending. The state of Pennsylvania had a large claim against her estate to pay for her nursing home expenses. This claim had to be paid before the title to the house could be transferred to Mr. S's name. Since the equity in the house was all he had, the debt made the reverse mortgage even less feasible.

CLS came up with a solution—to persuade both the state and the mortgage company to lower the amount Mr. S owed. CLS attorney Peter Schneider enlisted the help of several other CLS staff, and some attorneys outside of CLS, to coordinate work on the different aspects of Mr. S' case. Beth Shapiro of CLS Elderly

Law Project convinced the State to provide a waiver to reduce its claim on the estate. Because Mr. S'
mother died without a will, Katherine Weiss of the Senior Law Center assisted with letters of administration needed for Mr. S to settle his mother's estate.

Kelly Gastley and Martin Costello, staff attorneys at

CLS Elderly Law Project specializes in helping seniors overcome some of the problems faced by people who are 60 years old and over. We assist nursing home residents, personal care residents and homebound elderly, as well as other vulnerable seniors in Philadelphia.

The **Senior Law Center** protects the legal rights and interests of seniors in need, providing free legal services, community legal education, professional training, advice, information and referral services, and advocacy.

Philadelphia Volunteers for the Indigent Program (VIP), provided input to help CLS' Schneider prepare the deed forms needed to transfer the title to Mr. S.

The last piece of the solution was to reduce the mort-gage holder's claim to a level that would allow approval of the reverse mortgage. However, the bank that held the mortgage vigorously fought the case. CLS prevailed on Mr. S' behalf, putting the case in position for trial. Wishing to avoid a trial, the bank finally agreed to reduce its claim by eliminating the illegally charged fees, as well as much of the interest that had accrued during the foreclosure action. The result was an amount low enough to be paid through the reverse mortgage.

The case was settled, but to qualify for the reverse mortgage, Mr. S had to make home repairs and process a mountain of paperwork. CLS paralegal Colleen Normile made sure all required steps were completed during the 90 days allowed in the settlement.

Mr. S walked out of CLS in 2008, six years after his first foreclosure notice, without fear of losing his home. He is freed from monthly mortgage payments and can stay in the home as long as he wants.

CLS works with local, regional, and national partners in the private and public interest bars.

Individual cases like Mr. S' often lead CLS and our partners to initiate legislative and regulatory action to create protections for low-income people in Philadelphia, and across Pennsylvania and the country.

CLS' nationally acclaimed **Consumer Housing Unit** provides legal representation to clients and handles significant impact litigation and advocacy, particularly in the areas of predatory lending, foreclosure defense, and bankruptcy.

Since 1882, the primary mission of **HIAS & Council Migration Service of Philadelphia**has been to rescue, relocate and resettle Jews
and peoples of all religions and nationalities
who are fleeing persecution and discrimination.

CLS Public Benefits Unit works with clients to resolve legal problems that arise in government benefit programs run by the Social Security Administration, Department of Public Welfare, and the Department of Insurance.

Delivering on the promise of freedom

t 82 years old, Holocaust survivor Shmul Kaplan leans on crutches to walk through his subsidized apartment in Levittown. He pays \$67 a month in rent, and receives \$140 in food stamps and \$600 in Supplemental Security Income, each month.

The United States granted Shmul political asylum when he fled Russia in 1997 to escape anti-Semitism. For Shmul, it was not the first time he experienced religious persecution; he and his mother and sisters fled Russia for Kazakhstan when the Germans invaded during World War II.

Shmul settled in the Philadelphia area. Too old and disabled to work, he qualified for Supplemental Security Income. Both of Shmul's legs were crushed in a train accident when he was 18, leaving him unable to walk without assistance.

Shmul's well-being, comfort and safety in America depended on these government benefits. So, **when his checks stopped arriving,** he started to get worried.

Shmul went to the HIAS and Council Immigration
Service of Philadelphia for help, which led him to CLS.
At that time, the CLS Public Benefits Unit was serving another client with a case similar to Shmul's, whose SSI was cut off while the client was in the naturalization, or citizenship application, process.

As a result of the 1996 "welfare reform" law, asylees (and refugees) like Shmul qualify for SSI for up to seven years before obtaining citizenship. In the meantime, asylees are expected to become permanent residents, hold the "green card" for five years, and then apply for citizenship in order to continue their benefits. Shmul had been eager to become an American citizen, and applied for a green card right away.

Like that of many others, however, Shmul's carefully prepared paperwork was sitting stagnant at Citizenship and Immigration Services. Limits on asylees obtaining green cards delayed people like Shmul obtaining permanent residency, and then the events of September 11, 2001 caused CIS to run more extensive background checks on citizenship applicants, creating a backlog of applications.

Shmul's SSI was ended in 2004, and he began receiving a reduced benefit of \$215 per month in General Assistance while still paying \$67 per month in rent. His Medicare health insurance also was improperly terminated so he could no longer see specialists to care for his leg.

CLS attorneys Jonathan Stein, Richard Weishaupt, and Michael Froehlich worked with HIAS and Council; the Sargent Shriver National Center on Poverty Law; and pro bono lawyers from Ballard, Spahr, Andrews & Ingersoll LLC to successfully file a national class action lawsuit to expedite green card and naturalization applications for Shmul and 16 other, named asylees and refugees, and a class of close to 60,000 others who lost or would lose SSI. As a result of this litigation, asylees and refugees who have been affected by the seven-year SSI limit will now have their applications expedited.

Concurrent with the litigation, CLS attorneys pressed for a congressional remedy of this injustice; CLS is one of the only Legal Services programs able to pursue legislative advocacy because we do not accept federal funding which bans such advocacy. Our lobbying effort led to unanimous congressional passage and the President signing into law in October, 2008, a two-year extension on the SSI limit. The new law reinstates thousands back onto SSI and better reflects the time it takes for people like Shmul to become citizens. Through this legislation, CLS has protected elderly and disabled refugees and asylees like Shmul from losing their main source of income because of bureaucratic delays beyond their control.

Nine years after arriving in the United States, Shmul Kaplan proudly passed the ten-question citizenship test, earning a perfect score, on September 11, 2007. Back on SSI, he can properly care for his leg, his health and his home. Shmul, and thousands like him, will be able to live as a citizens of the country that has given them refuge and hope. Because the court settlement and congressional SSI extension are one-time remedies, much work remains to insure that needy immigrants welcomed to these shores are able to live here with dignity and the necessities of life.

CLS cases often have significant, statewide and national impact.

In addition to the Kaplan case, major CLS cases have opened SSI benefits to people with HIV/AIDS and to a half million disabled children, integrated the Pennsylvania State Police, fed hundreds of thousands of children in Philadelphia's free school meal program, and many other major victories for low-income people in Philadelphia, and Pennsylvania, and throughout the United States.

CLS often works with co-counsel from private law firms, like **Ballard, Spahr, Andrews & Ingersoll LLC** when additional expertise and resources are required for lengthy, complex litigation.



Fiscal Years: 2007-2008

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Ellen T. Greenlee, Esq.

Financial Information

Fiscal Year 2008

Expenditures	
Salaries	5,919,193
Fringe Benefits	1,847,412
Consultant and Contractors	348,278
Travel	53,499
Space Costs	731,450
Consumable Supplies	101,020
Furniture and Equipment	109,489
Law Library	72,579
Printing Costs	22,004
Telephone	51,633
Postage	29,272
Court Cost	29,700
Other	112, <mark>751</mark>
TEBD	9,428,280
Depreciation	40,011
Total Exp	9,468,291

1,422,999

2,101,539

10,258,822

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Catherine C. Carr, Esq. Alumni Award of Merit Presented by the University of Pennsylvania Law Alumni Society

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Katherine Gomez, Esq.
Pennsylvania Lawyer on
the Fast Track 2007
Presented by The Legal Intelligencer

George D. Gould, Esq.
Hero In Housing
Presented by the Homeownership
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Delaware Valley

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Amy Hirsch, Esq.
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Presented by Women Against Abuse

Evelyn Pankey
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Legal Aid Network

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Commitment to the Asian-American
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CLS Champion of Justice and Equal Justice Awards

The Champion of Justice and Equal Justice awards are given annually by Community Legal Services to recognize those who have made extraordinary efforts to ensure equal access to justice for all, regardless of income.

2008 Champion of Justice Award:

Wendell Pritchett, Esq. Irv Ackelsberg, Esq.

2008 Equal Justice Awards:

Ethan Fogel, Esq. and the Dechert LLP Landlord/Tenant Pro Bono Team

Priscilla Hamilton Munroe, Paralegal for Community Legal Services' Family Advocacy Unit

2007 Champion of Justice Award:

The Honorable Dennis M. O'Brien, Speaker of the Pennsylvania House of Representatives

2007 Equal Justice Awards:

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Thomas B. Roberts, Esq. and Jordana L. Greenwald, Esq., of Ballard Spahr Andrews & Ingersoll, LLP

Pam Walz, Esq., Managing Attorney of Community Legal Services' Elderly Law Project

Joyce Wilkerson, Esq., Chief of Staff to Mayor John F. Street. he Philadelphia Bar Association established Community Legal Services as an independent, 501(c)(3) organization in 1966 to provide free legal services, in civil matters, to low-income Philadelphians. CLS has served more than one million clients who could not afford to pay for quality legal representation, and who would have faced a variety of devastating ends without dedicated, knowledgeable attorneys on their side.

Community Legal Services comprises nine legal units specializing in particular areas of civil poverty law. Each unit represents individual clients, engages in advocacy concerning systemic issues identified through direct client work, and provides community education on relevant legal issues to clients, professionals, and advocates.

Housing Unit: Represents private, public, and subsidized housing tenants in matters involving eviction, illegal lockouts, and substandard housing. The unit also uses systems advocacy and litigation to address issues ranging from lead paint elimination, to federal housing policy changes, to tenant eviction laws.

Public Benefits Unit: Counsels clients, provides education and outreach services, and advocates regionally and nationally on welfare, disability, and healthcare issues. The unit also includes the Advocating on Behalf of Children Project, which helps disabled children access medical care.

Family Advocacy Unit: Advocates for parents to keep their children at home or have them returned from foster care to a safe home, and provides assistance and training to other family advocates. The unit monitors and advocates for improvements in dependency court and foster care.

Energy Unit: Protects the rights of low-income utility customers on service and payment issues, represents group clients on utility rate change cases and serves as the Public Advocate in representing all Philadelphia Gas Works residential customers.

Employment Unit: Represents clients with employment-related problems, including claims for fair wages, family and medical leave, discrimination, and barriers to employment. The unit advocates at the national and state levels on workers' rights issues such as maintaining the protections of the unemployment compensation system.

Elderly Law Project: Represents seniors in a wide range of public benefits and consumer matters, including challenges to denials of Medicaid benefits, decisions by managed care organizations to deny care, and violations of residents' right and quality-of-care requirements in nursing homes and personal care homes.

Consumer / Housing Unit: Represents homewoners in disputes, residential foreclosures, fraudulent consumer practices, and issues with banking or check-cashing agencies. The unit uses systems advocacy and litigation to address the predatory lending crisis and other fringe banking issues.

Community Economic Development Unit: Represents small and start-up community associations, faith-based institutions, social service organizations, nonprofits, and businesses to improve the quality of life and the economic viability of Philadelphia's low-income neighborhoods. The Child Care Law Protect (CLLP), a special project of the CED Unit, is devoted to representing child care providers.

Language Access Project: Works to ensure that Community Legal Services is accessible to Philadelphia communities with limited or no English speaking ability, and that legal issues specific to this population are addressed. The illegal failure to provide interpretation and translation services necessary for these communities to access public services is an important focus of the project's work.

All client names in this report have been changed with the exception of Shmul Kaplan. Stock photographs have been used throughout as a representation of our clients and to protect their privacy.

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