



Neighborhood Legal Services Association

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May 22, 2013

Legal Services Corporation
John C. Eidleman, Program Counsel
3333 K Street, NW 3rd Floor
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RE: PQV Draft Report-Recipient #339060

Dear John:

Below is the response to the draft report from NLSA's 2013 Program Quality Visit. We are extremely pleased with the results of the visit and indeed, as you will see below, have already incorporated many of the team's recommendations into program operations. Again, I would like to thank both you and the rest of your team for the professionalism and courtesy shown to my staff. There are a few statements within the report which we feel should be corrected or clarified, and while we agree with the majority of the recommendations, you will find our responses to others listed below.

We look forward to the opportunity to introduce the LSC Board to our staff and board in October.

Sincerely Yours,

Robert V. Racunas
Executive Director

CORRECTIONS/CLARIFICATIONS

In regards to the areas needing corrected, please make the following corrections:

Pg. 2 the staffing in Beaver is 1.6 attorneys plus the Managing Attorney and 4 paralegals in the program;

Pg. 3 significant engagement also includes public benefits outreach, employment law outreach, and outreach on housing issues;

Pg. 3 the 7th paragraph reference to the “medical-legal partnership” should be changed to “medical-legal collaborative,” which is the preference of our hospital partner;

Pg. 11 mentions that there is no plan for training the CIU. Although there is no written plan for training, the CIU staff have received substantive law training each year on at least 2 areas of the law. In FY 11-12 there were 3 trainings. Training on debt advice and protection from abuse are scheduled for June of this year. There have been quarterly meetings since full implementation of the unit and we are planning on developing more training opportunities going forward. We will certainly consider development of a written plan going forward;

Pg. 15 the 3rd paragraph reference to the “medical-legal partnership” should be changed to “medical-legal collaborative,” which is the preference of our hospital partner;

Pg. 16 in the 3rd paragraph experience should be experienced;

Pg. 18 mentions the consortium meetings occurring twice a year at the University of Pittsburgh School of Law. In fact, there is now only one in- person meeting at Pitt while the other meeting occurs for each substantive law group via webinar in the fall. This change was implemented as funds decreased;

Pg. 18 The PLAN training is now held every 18 months given funding losses;

Pg. 19 the 5th paragraph, which describes the various PAI opportunities, should read, “Volunteers participate in the debt advice clinic, in the ‘Older & Wiser®’ educational outreach series, and in providing telephone custody advice.”;

Pg. 21 please make a reference to the video conferencing capabilities in our offices. As you may recall, two managers joined both the opening and exit meetings with the use of this equipment;

Pg. 23 The last evaluation of the Executive Director was in December 2012. We would also add to the 5th paragraph the following information: “The Board information manual is updated regularly and all Board members can access the information via a restricted login section of the program’s website.”;

Pg. 24 mentions 2 Managing attorneys being part of the team. In fact, there are 5 Managing Attorneys on the team. The Executive Director has 42 years of legal experience including 33 years as the executive director;

Pg. 26 should reflect that in addition to the Executive Director and Board of Directors, the Assistant Director and the Director of Program Performance and Compliance are “integrally involved in both budget planning...”;

Pg. 27 references the fact that we have one Hispanic attorney. We do not have any Hispanic staff members, although we do have one member who speaks some Spanish;

Pg. 27 references that we have 12 managers. We only have 11 managers;

Pg. 28 should reference our intranet use of Sharepoint for communication among not only our staff but also eventually with our Consortium partners;

Pg. 28 the soup and salad club meets 30-35 times a year as a weekly event;

Pg. 29 we would also note that NLSA contracts with PLAN for the sharing of the services of the statewide development director who is housed in NLSA’s Pittsburgh office;

Pg. 29 we would note that the sports roundup discussed in paragraph 5, has been held since the review and was a great success for a first time event with 180 persons attending;

Pg. 29 we suggest a change in the wording of the social worker description from function to position;

Pg. 30 We recommend that there be a footnote to the reference to “Older & Wiser®”. It would note that “The NLSA Older & Wiser ® project received the

American Academy of Trial Lawyer's 2012 Emil Gumpert Award. This is the highest award presented by the Academy and included an award of \$50,000.00.

RECOMMENDATION COMMENTS

Recommendation II.1.6.1:*

NLSA should appoint a dedicated supervisor or non-management point person to lead the CIU's ongoing development toward program wide coordination.

Current staffing requirements are not conducive to having a dedicated supervisor. All of our Managing Attorneys are working managers with active case loads. As such, the Director of Program Performance and Compliance (hereinafter DPPC) in collaboration with the Managing Attorneys (hereinafter MA) assistance, monitors the day to day operations of the CIU. There have been quarterly meetings with the CIU designed to solicit ideas for training and to deal with CIU issues. There are 2 substantive law trainings scheduled for June to educate both the CIU and the intake staff of our consortium partners on legal issues relating to debt collection and protection from abuse.

Recommendation II.1.6.2:

NLSA should also design an intake committee led by the point person and comprised of intake staff and other NLSA staff who are involved with intake, such as technology staff and relevant managers. The intake committee would be charged to implement the ongoing enhancements to intake and to assess its performance.

NLSA has now developed an intake committee led by the DPPC. It is comprised of the two intake workers (one from the outlying counties and one from Pittsburgh), two helpline attorneys, two managers (one from Pittsburgh and one from the outlying counties) and the Support Manager for Technology.

Recommendation II.1.6.3:*

The intake committee should study model online intake systems in programs similarly situated as NLSA and should consider online intake for alleviating volume at the CIU.

The Support Manager for Technology, the Managing Attorney for Technology, and the DPPC will be attending the Pennsylvania Legal Aid Networks Technology Summit in State College PA on June 25 and June 26 where online intake will be a topic of discussion, and we are in contact with other PA programs currently using an online application.

Recommendation II.1.6.4:

NLSA should consider, for clients with an email address, sending letters and client materials via email.

NLSA and its Consortium partners have discussed this idea at a recent meeting, and NLSA is in the process of amending its policies to allow such contact.

Recommendation II.1.6.5:

NLSA should examine the wait lists and consider a different way to deal with these types of matters.

Waiting lists are a requirement of one of our funders in the event that we lack sufficient staff to immediately intake a client. We now have waiting lists for public benefit and employment law issues, excluding unemployment compensation and wage claims. We have hired a law student for the summer to assist with the employment list and have located a private attorney willing to provide assistance in this area as well. We have added another employee to the public benefits area so that there should be fewer individuals on the list and those remaining will be called much sooner.

Recommendation II.1.6.6:*

NLSA should add inquiries to its client survey to assess the quality of services at the CIU.

NLSA has amended its client survey to include the following questions in regards to the CIU:

3. How would you describe your experience in reaching one of our intake workers through our phone system? Manageable somewhat difficult very difficult
Comments: _____
4. We ask callers to leave messages given our increased call volume. If you left a message: was your call returned within 2 business days? Yes No
5. Did our intake worker:
 - a. treat you in a courteous manner? Yes No
 - b. take time to understand your legal problem? Yes No
 - c. tell you when you should expect a call from an attorney? Yes No
6. What could our intake workers do better? _____

Recommendation II.1.6.7:

The client survey should be added to the website. If online intake is added, the client survey should be included at the end of the intake application.

Our client survey is now on our website.

Recommendation II.1.6.8:**Management should share all data reports with CIU staff.**

Although these reports have been shared among managers, we will now provide a quarterly report to our CIU staff outlining the information.

Recommendation II.1.6.9:**CIU staff should receive regular, formal feedback about their performance.**

Each CIU worker answering the telephones will be given a separate quarterly report detailing how her individual statistics compare with other unidentified members of the group as a means to improve performance.

Recommendation II.1.6.10:***Training for intake and Helpline staff should be scheduled on a regular basis, with special attention given to topics that apply to the unique features of service delivery by telephone.**

Members of the helpline staff are provided with substantive law training 2-4 times a year on the areas of law in which we practice as a means to help them better communicate with and understand the legal issues of the callers. The Consortium helpline staff had substantive training on 3 legal issues (utility law, expungement, and custody) in FY 11-12 and are scheduled for 2 trainings in June of 2013 on protection from abuse and debt collection. During these trainings, we often discuss the unique issues that they face with callers on a daily basis. Although we have done so in the past, we have not had a recent training on how to deal with difficult callers and plan to contact our local Mental Health agency to determine if they can provide some training on this issue within the next fiscal year.

Recommendation II.2.7.1:**The program should consider whether the advocates could engage in more outreach.**

Out of the 27 casehandlers (including the Managing Attorneys and a social worker), at least 70% engaged in some type of outreach activity during FY 11-12. Our contracts on elder law, employment law, and public benefits require outreach. Our Medical Legal Collaborative also requires ongoing outreach to hospital staff. In FY 11-12, we spoke to hundreds of people on virtually every legal area in which we practice. We distributed approximately 22,374 brochures on legal topics affecting the client population, and printed the 4th edition of "Equal Justice Matters- Client Edition" designed to provide information to clients and community agencies regarding issues affecting them and to keep them apprised of the services offered at NLSA. All newsletters are available on our website. The October 2011 edition dealt with foreclosures and identity theft. The newsletters were mailed to 3300 clients and agencies. There were 2822 newsletters emailed to clients and agencies as well. This year's website visits numbered 71,186 and page views numbered 144,133. Finally, we regularly use our client board members to attend Senior Fairs, where they share the availability of our services to the elderly attending the events.

Given ongoing funding issues resulting in staffing losses it will be difficult to engage in more outreach. However, we will be reviewing how we decide which events to attend in order to ensure that we are getting maximum benefits with limited resources.

Recommendation II.3.8.1:*

NLSA should review and update its LEP plan. In doing so it should assess the needs of its current and potential clients for language assistance in order to create a plan that will provide the most meaningful LEP access within the limits of the program's personnel and its fiscal capability.

We have reviewed and updated the LEP plan to ensure that in addition to demographic data, there will also be census data used to ensure that we have meaningful access to the LEP communities in our area. The LEP plan will continue to be reviewed to determine how to better address training, translation, and outreach. Currently, translations occur when needed through the use of Language Line and volunteer attorneys from the local bar associations. There are also local organizations which provide assistance from time to time when they bring one of their clients into our offices for services.

Recommendation II.3.8.2:*

NLSA should seek to hire staff with non-English language skills, particularly in Spanish, the language most used by its LEP clients.

NLSA does consider language skills during the hiring process and indeed within the last few years hired a law student who spoke Spanish fluently. She assisted us in translating our program brochures as well as in the development of a brochure explaining to the LEP population what types of residency individuals must have in order to use our services. She also assisted us with outreach events. The fact is that in our service area, the income eligible non-English speaking populations continue to be quite small. That being said, we do agree that we need to do better outreach to this community.

Recommendation II.3.8.3:

NLSA should conduct cultural competency training for all staff

NLSA and its Consortium partners have discussed the need for such training and will work with the Pennsylvania Legal Aid Network to see if such a session can be conducted via webinar in the near future.

Recommendation II.3.8.4:

NLSA should make efforts to reach out to non-English speaking client communities.

We agree that we should incorporate into our LEP policy a defined role for outreach to the LEP community. This will be a topic of discussion at upcoming MA meetings both at NLSA and with our Consortium partners. Initial thoughts include reaching out to the Hispanic and Asian Sections of our local bar association in an effort to develop some collaborative events as well as to regularly remind the social service agencies in our area, particularly Catholic Charities and the Pittsburgh Refugee Immigrant Assistance Center of the Jewish Community Center, that we are available to assist refugees.

Recommendation III.1.10.1:*

The program should look for opportunities to bring cases that can have a broad impact on clients' rights and the policies and practices that affect them. For example, the program might consider litigation under the Fair Debt Collection Practices Act that could not only help an individual client but could also punish third party debt collectors financially (with an award of damages for client and attorneys' fees) so that they stop their illegal practices.

Although we acknowledge that we still have some training and adjustments to make in the collection of attorney fees, we would disagree with the impression that we do not look for opportunities to bring cases that can have a broad impact. Please see the addendum at the end which discusses our litigation activity.

NLSA will contact other legal services organizations within Pennsylvania to determine how they have incorporated the collection of attorney fees into their practices and what opportunities they see for broad impact litigation. We are aware of the potential for such fees under the Debt Collection Practices Act, and as a result have generated pro bono assistance with these types of cases in part because of the potential for such fees by pro bono attorneys but there may be some collaborative opportunities which we can explore. Going forward we will be developing a written plan for staff in regards to the collection of fees.

Recommendation III.1.10.2:*

The program should consider conveying a clearer message to advocacy staff about expectations regarding legal work and its impact. This could be done through the management structure by having a Director of Litigation with direct supervisory authority, or in some other way, but the program should figure out how to accomplish this.

We believe that staff are very much aware of the expectations regarding their legal work, although we would acknowledge that there are still some staff members who may be too focused on individual client results. This is partially due to the volume of cases which they are handling, partially the result of shifting case loads in the wake of staffing reductions, and partially the result of our historical focus on individual results prior to the opportunity to obtain attorney fees. We recognize the need to develop better ways to remind them that they need not ignore the potential for litigating cases with a broader impact nor forget the potential for attorney fees in the course of their litigation. We believe that the development of a written plan will help us in this regard. Further improvement will come about as a result of some restructuring regarding the types of cases which we will be handling in light of staffing reductions. We will also be

reviewing the duties of our Director of Litigation so as to ensure that there are clear and specific duties and expectations in regards to her role. It is anticipated that one improvement would be a requirement that she provide a quarterly report to the Executive Director regarding how she has met the expectations and goals of the program.

Recommendation III.1.11.1:*

The program should ensure that it has a tickler system that is adequate to meet the requirements of its malpractice insurance policy.

Review of the adequacy of the program tickler system is under discussion and a meeting with staff has occurred. We are requiring that all staff use the electronic calendaring system in Outlook both for hearings and for critical deadlines. These dates will be placed on a central calendar in addition to the casehandler's personal calendar.

Recommendation III.1.11.2:

The program should consider requiring a review by someone in addition to the case handler before briefs, pleadings, motions, and other court documents are submitted.

It is expected that this will be one of the duties assigned to the Director of Litigation.

Recommendation III.1.11.3:

The program should consider having work groups of advocates who practice in the program's substantive areas hold periodic meetings to share and develop strategies for addressing client issues.

Casehandlers participate in Consortium law group meetings twice a year (spring and fall) and are on various statewide listservs wherein they communicate with other advocates across the state regarding legal issues on which they need guidance or assistance. There are meetings for different advocates when new issues arise which need to be addressed with a consistent strategy, and staff often rely on email to discuss issues. However, there are no regularly scheduled monthly or quarterly meetings of staff handling particular legal areas. Periodic meetings do occur from time to time but are not on a regular schedule. This is primarily due to the volume of work which is being handled. Staffing reductions make it very difficult to find additional time away from the day to day representation of clients. We will consult with staff to determine if there are any legal areas where they believe there should be such meetings and how best to ensure ongoing attendance should such meetings be held

Recommendation III.1.13.2:*

The program should consider establishing periodic meetings of all the internal program legal work groups.

See response above

Recommendation III.2.14.1:*

The evaluation team recognizes the difficulties in securing pro bono help in counties that have few members of the bar and little or no history of pro bono work. To address this, NLSA should consider trying to recruit people who live in those counties but who work in Pittsburgh. The program should also consider working with the Allegheny County bar association and the PBP to see if Pittsburgh-based attorneys would be willing to engage in pro bono work in the outer counties.

The Allegheny County Bar Association has hired additional staff at the Pro Bono Center for the Bar. We will work closely with this individual in an effort to attract Pittsburgh attorneys who might be willing to work on cases outside of Allegheny County. We would also like to explore the idea of talking to our Consortium partners to see if the private attorneys in their area would provide some services to our counties and visa versa. One obstacle for assistance in small rural counties is the potential for conflicts and this should be alleviated if the attorneys are providing services in counties in which they do not regularly practice. Such services would primarily be in the nature of telephone advice. We are also working closely with the bar to develop statewide rules to provide pro bono opportunities for retired attorneys to work with legal services.

Recommendation III.2.14.2:*

The program should consider having a single person responsible for coordinating and tracking pro bono in the program. This pro bono point person (or coordinator or whatever title the program chooses) would be able to promote pro bono, track the program's pro bono activity, liaison with bar associations and other relevant players, and coordinate pro bono efforts with development efforts.

We have considered this to be an important objective and indeed did for a short time have a part-time pro bono coordinator working in all 4 counties. Unfortunately, staffing reductions do not allow for one person to act as the part-time coordinator or the hiring of a dedicated position in this regard. For the foreseeable future, pro bono will continue to be a shared duty of various managers in the program. Fortunately, those involved in the process are well known to both the bar and the courts, allowing these organizations to direct volunteers appropriately. We have also developed a document for distribution to the bar which clearly defines the pro bono opportunities which we have available and who should be contacted.

Recommendation III.2.15.1:

The program should consider providing remote network access for additional staff. They could also use remote access to conduct mobile intake at clinics.

We are developing a policy in regards to the protocols to be followed by those given remote access. Currently the program has 10 licenses, of which 5 are available. We will determine who will be given use of the remaining licenses which cost the program approximately \$100.00 per month. We would not use them at our senior sites given that most sites do not have access to the internet via WIFI. There is the potential for using such access at the Allegheny County Court during intake but we are exploring the use of the cloud in this regard.

Recommendation IV.3.19.1:*

NLSA should consider whether longevity of service and the program's loyalty to particular individuals affects its ability to further its mission. While compassion and personal history are important factors in the effective management of a legal services program, particularly in light of the social justice mission of legal services, these values should not be permitted to jeopardize the program's ability to provide the highest quality and most effective services to clients.

NLSA agrees that personnel decisions should be made consistent with the goal of providing the highest possible quality legal assistance. This is particularly critical as budget reductions result in fewer staff. It should be noted that NLSA has been a unionized program for over 30 years and must follow seniority provisions contained in the collective bargaining agreement. NLSA has never had a labor dispute that negatively affected client service.

Recommendation IV.3.19.2:*

NLSA should ensure that its disaster plan is followed; each office and common area should be cleared of hazards and files should be placed in protective metal cabinets.

This policy will be reviewed and revised as needed within the next 30 days. The DPPC will on a quarterly basis email the disaster plan to staff with a reminder of the need to keep areas cleared of hazards and the need to make sure files are placed in cabinets. There will also be regular spot checks of office space along with written warnings of the need to address identified violations. Certainly the move to paperless telephone intake has gone a long way towards improving the clutter in offices, but we recognize that regular monitoring is needed.

Recommendation IV.4.20.1:*

NLSA should reconsider the number of staff assigned to handle the financial administration of the program.

NLSA has reduced the accounting staff by one since the PQV and is considering whether further reductions can be made in light of our decision to outsource payroll.

Recommendation III.4.20.2:*

The program should consider including two-year projections beyond the current fiscal year when adopting its budget. While projections for the out years, particularly the third year, are unreliable, they give the board and management information about which grants are expiring and what the fiscal staff and management's best estimate is for changes in funding. They also provide a useful, albeit rough idea of what the financial outlook is for the program that can be very helpful for program planning.

This is an item which we are willing to address with the Budget Committee of the Board. However, given the current funding climate, such long term projections would prove both difficult and inherently inaccurate.

Recommendation IV.5.21.1:

NLSA should conduct annual performance evaluations designed to assess work performance, skill level, and professional development goals.

NLSA only uses written formal evaluations for newly hired staff. NLSA has not conducted annual performance evaluations upon advice of the program's labor counsel. The regular case reviews and daily discussions with staff allow managers to identify strengths, weaknesses, and training needs. The program has been able to discipline and discharge staff when appropriate and consistent with the Collective Bargaining Agreement. NLSA is considering establishing a personal/professional development tool which would engage staff and the managers in a discussion regarding achieving the professional goals of each employee.

Recommendation IV.7.23.1:*

The board deserves credit for its work on building its capacity to assist with fundraising and should continue to work on transforming its own culture so that it can more effectively help the program and should consider how, within the LSC regulatory requirements, it might attract new board members who will be in a position to “give and get” significant financial support for the program.

The program received a \$20,000 grant from the Pittsburgh based Forbes Fund to help develop board member fund raising capabilities. The Board engaged the Bayer Center for Nonprofit Management at Robert Morris University whose development department is nationally recognized. The lead person on the Bayer team is the fund raising department Executive Director Peggy M. Outon. She met with individual Board members, addressed the full Board, and conducted one retreat to date. Professor Outon will continue working with the NLSA Board of Directors for the next few months. The annual Equal Justice Campaign does have a fund raising committee that consists largely of non NLSA board members who reach out to colleagues in the respective law firms, corporate law departments and universities.

Recommendation IV.7.23.2:*

The board should also consider contacting other legal services organizations around the country, like Atlanta Legal Aid Society, that have been highly successful in using their boards for private fundraising.

The program has regularly attended the annual Management Information Exchange fund raising conference. In the past, an NLSA Board member attended along with NLSA staff. Last year, NLSA sent two development/fund raising staff. NLSA also sent staff and Board members to both

the ABA annual pro bono conference and the annual NLADA conference where there are networking opportunities. This suggestion will be passed on to the Bayer Center for Nonprofit Management team that is working with the NLSA Board and staff.

Recommendation IV.7.23.3:*

The program should consider developing a plan to seek attorneys' fees. The plan should include training for advocacy staff about the types of litigation that can generate fees. This has the potential to bring in additional resources, and it can be extremely useful as a litigation/advocacy tool to convince adversaries to settle.

This process is underway, and we are currently reviewing a very detailed plan from MidPenn Legal Services. Because this is a significant shift in approach for us, we recognize the need to involve staff in the process as much as possible given that we will be relying on them to do the work. We are also in the process of reviewing our staffing levels as well as our contractual obligations in an effort to determine how those comport with our desire to seek attorneys' fees. We do have some local legal services non-LSC funded organizations whom we can engage in our efforts to establish a plan and develop a fee schedule for our attorneys.

ADDENDUM

Significant NLSA Litigation

We believe that despite this restricted priorities and the inability to file class action cases, we have been and continue to be, able to recognize and address an array of legal issues which broadly impact our clients.

Because the bulk of our cases involve housing issues, most of our litigation involves the federally subsidized housing arena, where complex statutory frameworks give rise to legal issues. We also hope to address or have addressed broader legal issues in bankruptcy, consumer protection, utilities and foreclosure areas.

In contrast, the custody, Protection From Abuse, utility, SSI, unemployment and DPW administrative cases we handle are most often primarily litigated based upon fact-specific issues. In these cases, the outcomes depend not so much upon a disputed interpretation of the client's legal rights, but on the appropriate application of the existing law to the facts of the case.

Occasionally, more broadly applicable legal issues do arise in the above cases as well, such as: (1) when some courts mandated that our indigent clients pay the fees for home inspections and psych evaluations as a condition to proceed with custody litigation; (2) the improper use of third party hearsay testimony of a child's statements concerning alleged abuse in child welfare expungement hearings; and (3) the wrongful denial or termination of SSI benefits due to an outstanding arrest warrant which is not a "fleeing felon" warrant.

The following are some of the other major legal issues which NLSA has litigated [nearly always successfully] which NLSA is litigating currently, or which NLSA contemplates litigating when appropriate clients present themselves:

Housing:

- Wrongful denial of Section 8 based upon outstanding debt to former private landlords
- Wrongful denial or termination of Section 8 and public housing based upon outstanding stale debt owed to federally subsidized former landlord
- Wrongful termination of Section 8 due to crimes which are not violent or otherwise not legally permitted to be factored
- Wrongful denial or termination of Section 8 based solely upon arrest of the accused
- Wrongful termination of Section 8 based upon a guest's criminal conduct

- Wrongful termination of Section 8 due to alleged driving under the influence on or near the subject residence or public housing property
- Wrongful termination of Section 8 due solely due to the discovery of illegal guns in a tenant's residence
- Wrongful termination of Section 8 due to the existence of an overpayment
- Wrongful imposition of an unreasonably costly payment plan for reimbursement of overpayments as condition for retaining Section 8 benefits
- Wrongful denial of public housing based upon unreasonably restrictive "look-back" policy of an applicant's former criminal record
- Wrongful termination of supersedeas due to tenant's nonpayment of full market rent rather than unsubsidized rent portion, where landlord voluntarily discontinues receipt of federal rent subsidy
- Inadequate and hence unconstitutional notices provided by the housing authorities to tenants in advance of threatened termination
- Wrongful reliance of housing authorities and their hearing officers upon inadmissible hearsay at grievance hearings
- Unconstitutional denial of rejected public housing and Section 8 applicants' rights to appeal to the court of common pleas
- Wrongful denial or termination of Section 8 due to reasons not expressly enumerated by federal law
- False Claims Act lawsuits against Section 8 landlords who illegally demand and receive from tenants larger payments than the maximum authorized by federal law
- Fair Credit Reporting Act lawsuits against tenant debt and criminal background reporting agencies for supplying false information leading to denial or termination of Section 8 and public housing
- Unfair Trade Practices Act lawsuits against landlords who knowingly rent substandard housing to low income tenants
- Challenging constitutionality of admissibility of illegally obtained evidence against tenants in civil eviction hearings

Foreclosure:

- Challenging right of plaintiffs in foreclosure actions to obtain default judgments based solely upon pleadings which, on their face, do not establish that plaintiffs are proper parties in interest
- Challenging right of plaintiffs in foreclosure actions to obtain summary judgment where there exists no undisputed evidence that plaintiffs possessed underlying note prior to date of foreclosure filing

Bankruptcy:

- Securing the rights of tenant/debtors to obtain bankruptcy stay following the filing of de novo appeals from magisterial district court judgments for possession
- Securing the right of public housing tenant/debtors to retain public housing despite discharge of public housing rent debt in Chapter 7 bankruptcies
- Securing the right of homeowner/debtors to obtain a §506 cramdown of debt owed to the federal government
- Securing the right of homeowner/debtors to redeem property following tax sale and to obtain a §506 cramdown of debt owed to the taxing authority

Utilities:

- Enforcing tenant/customers' rights to retain service when delinquent utility service accounts are not in name of customer
- Enforcing right of customers who receive CAP assistance for payment of electricity which supplies space heaters as source of heat to receive the same maximum benefits as those who use electric or gas furnaces for heat

Consumer Rights:

- Unfair Debt Collection Practices Act lawsuits against purported assignees of credit card debt who cannot prove they are proper party/plaintiffs in actions against clients
- Unfair Debt Collection Practices Act lawsuits against mortgagees and servicers who cannot prove they are proper party/plaintiffs in foreclosure actions or who have engaged in other unfair debt collection practices against clients
- Unfair Debt Collection Practices Act lawsuit against debt collector/law firm which sought unreasonably excessive attorneys fees contrary to municipal services collection statute

Civil Procedure:

- Challenging constitutionality of process to terminate supersedeas from judgment for possession pending appeal to common pleas court upon landlord's statement of default without first affording due process protections to tenant to dispute

At NLSA, with so few attorneys, much of our discussion concerning significant legal issues which arise takes place informally, through person to person contact, telephone and email communications. The Litigation Director and the Consortium Housing Senior Attorney distribute significant decisions and court orders and alerts staff attorneys to important legal developments. Attorneys with specific legal questions concerning issues as well as strategies and practice concerns are constantly communicating with the Litigation Director and with other colleagues, to develop and prosecute their cases.

Additionally, and more formally, our Housing/Consumer attorneys periodically meet to discuss and evaluate both longstanding and emerging legal issues as revealed by our clients.

Most recently, we have met to discuss how best to take advantage of the consumer rights statutes if and when the issues present themselves from our clients, since of course, we must rely upon our client base to generate the legal issues. The Director of Litigation invited a local attorney who has recently become an expert in filing Fair Debt Collection Practices cases to speak with our staff this summer.

The Litigation Director, as well as others in our program, participate in several statewide legal services listservs, which also flag existing and emerging issues, and which also yield thoughtful and knowledgeable responses. The Litigation Director also participates, as do others in our program, in national legal services housing and bankruptcy listservs.

Additionally, at the periodic PLAN conferences, litigators meet, discuss, evaluate, and brainstorm on all current and emerging legal issues which present themselves in our practices.

We believe that the foregoing list of "big picture" litigation, all of which has resulted in important and significant improvements in the ways in which our clients' rights will be protectable, if not protected, demonstrate that, despite not being able to obtain class action relief when these legal issues arise, NLSA attorneys are constantly searching for, finding, and addressing major legal issues which present themselves to our clients.

Finally, we are attaching several pages from our 40th Anniversary Annual Report which outlines the tremendous and rich litigation history of the program between 1966 and 2005. We are particularly proud of the United States Supreme Court decision in *Clark v. Jeter* which challenged Pennsylvania's law which allowed unwed mothers only six years in which to sue alleged fathers for paternity and child support. In 1988, a unanimous Supreme Court overruled a unanimous Pennsylvania Supreme Court and found the law unconstitutionally discriminatory, given the fact that mothers of children from a married union were allowed 18 years in which to file suit.

NLSA'S FIRST FORTY YEARS

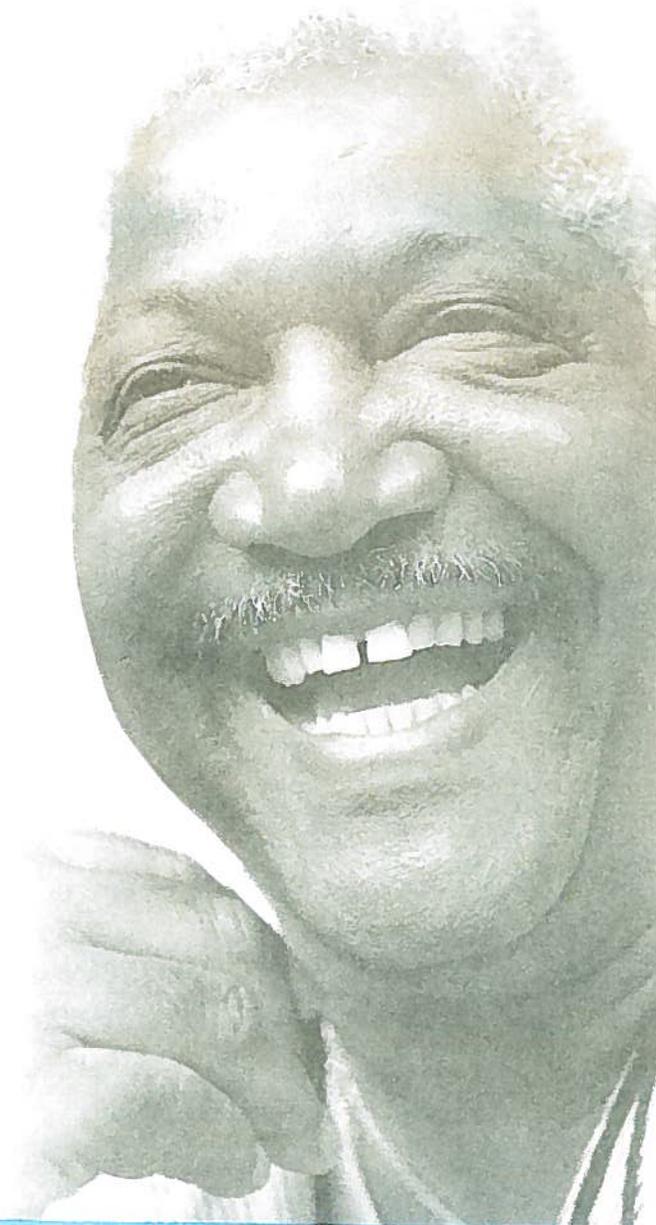
■ Formation and Commitment to Equal Justice

Prior to 1966, low-income residents of Allegheny County who faced civil legal crises could turn solely to the volunteer-staffed Legal Aid Society of Pittsburgh, which provided only advice and no court representation. In 1965 Pittsburgh was one of five U.S. cities targeted for funds under Great Society legislation, commonly referred to as the War on Poverty.

Mayor Joseph Barr formed the Mayor's Committee on Human Resources to create local programs that would fulfill the federal mandate. One such program was Neighborhood Legal Services Association (NLSA), which was incorporated on March 18, 1966. NLSA was established as an independent, nonprofit corporation with the mission to ensure equal access to justice for the poor and vulnerable of the City of Pittsburgh.

After much debate NLSA received the support of the Allegheny County Bar Association, thanks to the vision and persuasiveness of bar leaders such as John G. Buchanan. The roster of NLSA's fourteen incorporators is replete with distinguished individuals including Superior Court Judge Justin Johnson, former U.S. Attorney General and Governor Richard Thornburgh, the late David Stahl of the Third Circuit Court of Appeals and civil rights leader Wendell Freeland. Also a respected member of this group was the late James I. Smith, III who went on from his role as incorporator to serve continuously on NLSA's Board for more than 30 years and as Executive Director of the Allegheny County Bar Association for four decades.

NLSA soon expanded its mission beyond the city to include low-income residents throughout Allegheny County. By 1969, NLSA was staffing offices in 15 neighborhoods, assisting more than 13,000 low-income clients each year and effecting institutional change to ensure fair and equitable treatment under the law to those in need.



A LONG AND WINDING ROAD | THE SIXTIES

■ Significant Cases: 1966-69

NLSA v. Pittsburgh School Board challenged the Pittsburgh School Board's failure to hold public hearings on important issues affecting the public. The case resulted in the School Board establishing public hearings and subsequently changing from an appointed to an elected board.

Wilson v. Board challenged the Department of Housing and Urban Development's (HUD) failure to repair properties that were in foreclosure. The case resulted in HUD being required to repair and rent units acquired from foreclosures as well as a requirement to provide tenants an opportunity to own their units cooperatively.



■ Expansion and Impact

The Seventies proved to be the decade of growth for legal services and a period when NLSA would expand staff, build strength and broaden its community presence. In 1974 President Richard Nixon signed the Legal Services Corporation Act into law, providing federal funding for civil legal aid nationwide.

It was also a time when Pennsylvania designated legal services as an appropriate state use of social service funds under Title XX of the Social Security Act. Funds were appropriated for all 67 counties in the Commonwealth, and NLSA was expanded to cover Beaver, Butler and Lawrence Counties.

The positive political climate of the Seventies fostered opportunities for NLSA to refine its services and create new projects such as the Elderly Law Project, the Child Advocates Project and the Handicapped Citizens Law Project. The latter two were transformed into independent organizations.

During this decade, NLSA assisted the Welfare Rights Organization (WRO) of Allegheny County and incorporated WRO in Butler County. It assisted Beaver and Butler Counties in obtaining their first federal Area Agency on Aging contracts. The Central Clients' Council and Beaver County Clients' Council also were established in this period.

By the dawn of the next decade, NLSA had grown to a staff of 150, handling routine and landmark cases alike while annually assisting more than 20,000 clients in need. Federal funding to the Legal Services Corporation was \$400 million – a pinnacle of support that, to this date, has never been reached again.

A LONG AND WINDING ROAD | THE SEVENTIES

■ Significant Cases: 1970-79

Woodland Hills School District v. Board of Education resulted in the creation of the integrated Woodland Hills School District. This model plan for school integration and educational remedial programs has positively impacted the suburban communities in the district and the lives of thousands of children.

Imbler v. Peltier determined, as a matter of public policy, that tenants cannot give up the right to a warranty of habitability. They also may recover other damages, such as for repairs and utility consumption.

Wright v. Pennsylvania Department of Corrections resulted in more humane living conditions and access to healthcare for prisoners. In addition, a new county jail was constructed to eliminate overcrowding of inmates.

Reversals and Recovery

Federal funding cuts to the Legal Services Corporation Act during the Eighties were devastating for the poor of our nation. Responding to attempts to eliminate LSC, the American Bar Association, client groups and unions convinced Congress to preserve the program. LSC survived, but with a greatly reduced budget; by 1982, NLSA had cut its staff by 42 percent.

Reluctant but resolved, NLSA took the difficult step of closing neighborhood offices. This diminished its community presence to one office in each of Beaver, Butler and Lawrence Counties, one in downtown Pittsburgh and one in McKeesport. Centralizing operations also forced NLSA to restructure service delivery from a community-based paradigm to include projects that addressed fundamental legal needs across all of its client population.

Reacting to the budget cuts, NLSA became one of the first legal services programs in the country to enter the untested territory of private fundraising. In 1987 NLSA launched the first annual Equal Justice Campaign, a direct appeal to the local bar that has endured to raise over \$2.5 million in its 19-year history.

During the Eighties, NLSA played an integral role in designing the regulations for the Pennsylvania Protective Services Act and contracted with Allegheny County to provide legal services to the elderly. By the end of the decade NLSA had rebuilt its capacity to open 13,700 cases. Many of the cases during this embattled period improved the lives of entire classes of vulnerable people and had a fundamental impact on case law.



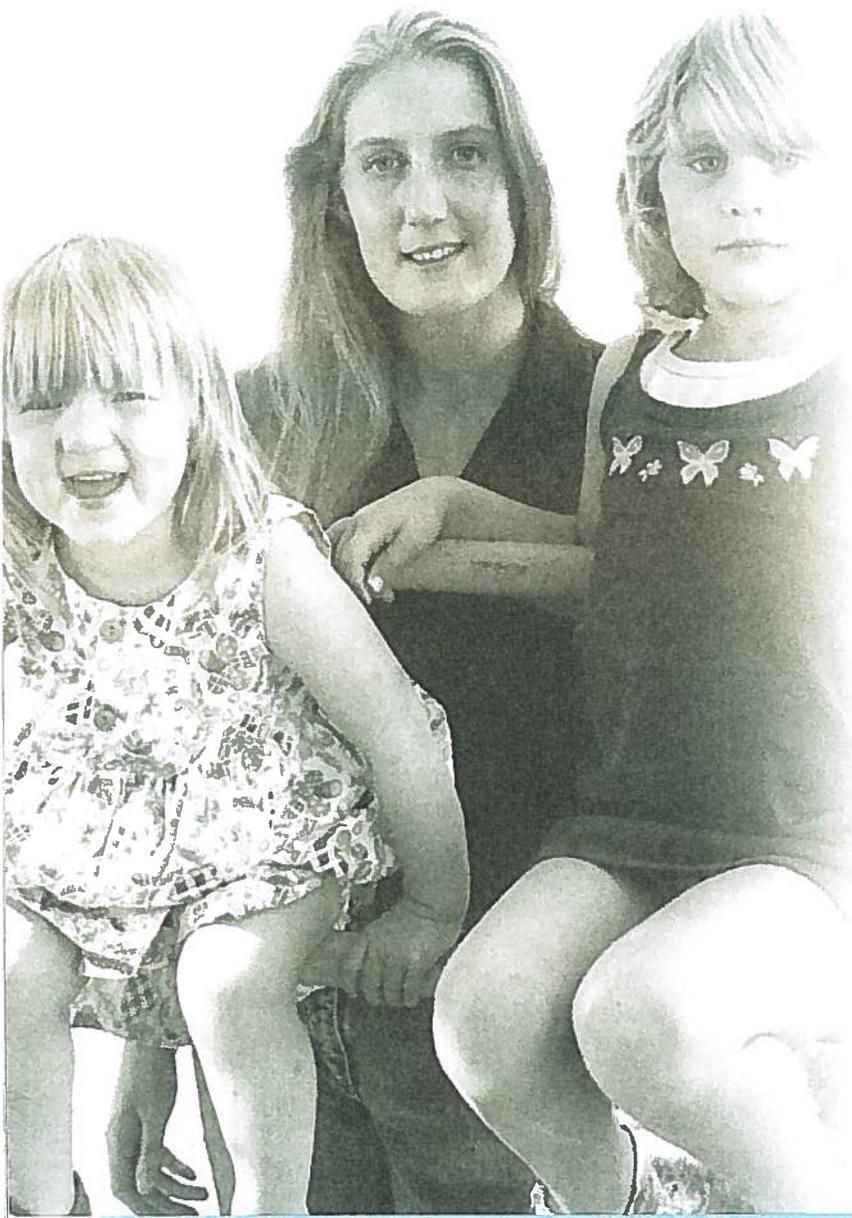
A LONG AND WINDING ROAD | THE EIGHTIES

Significant Cases: 1980-89

Clark v. West challenged a Pennsylvania law that allowed unwed mothers only six years in which to sue alleged fathers for paternity and child support. In 1988, a unanimous United States Supreme Court reversed a unanimous Pennsylvania Supreme Court decision and called the Pennsylvania law unconstitutionally discriminatory, given the fact that mothers of children from a married union were allowed 18 years to file suit.

Wright v. Board reversed the denial of unemployment benefits to a parent who had to quit a job, finding that lack of childcare can be a necessary and compelling reason for leaving employment. This case impacted hundreds of workers, especially those in minimum wage positions.

Allegheny County Area Agency on Aging v. Trustees resulted in sanctions against unlicensed personal care home operators that stopped elder abuse and put the homes out of business permanently. NLSA employed the civil RICO statute to stop the operators and, as a consequence of this case, several older adults were placed in appropriate, licensed facilities.



■ Restrictions and Reconfiguration

Threats to legal services intensified under the Contract for America. Our local bar associations joined counterparts across the nation urging Congress to preserve these critical programs. In 1995, supportive legislators from NLSA's service area rallied at a Save the Day event in Pittsburgh.

As the decade progressed, it was clear that survival would depend upon compromise. The result was continued federal funding, but with case type restrictions and prohibitions against involvement in class actions and seeking attorneys' fees. Simultaneously, NLSA worked with the statewide justice system to preserve service for cases barred under the compromise. This led to the creation of the Community Justice Project. NLSA also established the Southwestern Pennsylvania Public Interest Law Forum to ensure that the needy were protected with regard to all civil legal issues. NLSA worked with Laurel Legal Services and Southwestern Pennsylvania Legal Services to create a consortium relationship that retained program independence while improving the quality of service throughout their collective 14 counties.

To expand access, NLSA engaged in an aggressive effort to increase pro bono assistance. As a result, more than 1,500 clients are served by the private bar each year.

NLSA also launched a vigorous development initiative during the Nineties that secured financial support from local foundation and corporate communities to purchase its 928 Penn Avenue building in Pittsburgh. The resulting annual savings have enabled thousands of additional clients to be represented.

A LONG AND WINDING ROAD | THE NINETIES

■ Significant Cases: 1990-99

City of Butler involved a City of Butler zoning ordinance that disallowed the local domestic violence center from housing more than six victims at a time. NLSA's challenge resulted in an expansion of the zoning ordinance to allow many more victims of abuse to live in safety.

City of Pittsburgh challenged admissions and transfer procedures of the housing authority. This case resulted in 130 new public housing units in non-racially impacted locations, over 1,100 Section 8 vouchers, approximately \$30 million in community development funding for racially impacted neighborhoods and new admissions procedures to further integration.

HUD addressed HUD's utility allowance increases to tenants. The Third Circuit Court of Appeals rejected HUD's sovereign immunity claim of exemption from being sued. HUD then agreed to reimburse tenants retroactively for utility allowances it had increased in subsidized housing projects.

■ Preservation and Progress

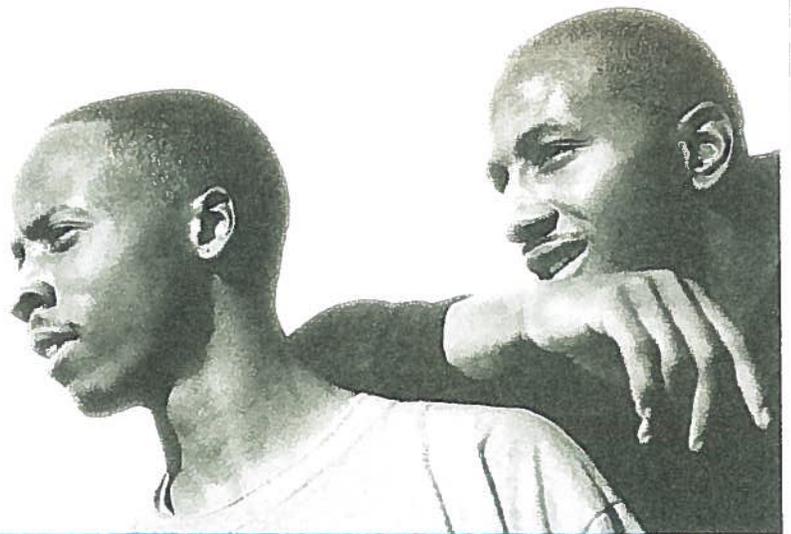
NLSA entered the present decade with a new challenge. LSC began to reduce the number of legal services programs nationwide and pressure was building to merge NLSA with its Consortium partners into a single program. Ultimately, NLSA successfully made the case to LSC that retaining independent programs and boards optimized the benefits of Consortium coordination and service to clients.

NLSA continues to broaden its base of support with pioneering initiatives in both the public and private sectors. In 2003, it launched Older & Wiser, a three-way partnership among NLSA, state legislators and volunteer attorneys from the Allegheny County Bar Association Probate and Trust Section and Elder Law Committee, to provide vital legal information seminars to older adults, their caregivers and their families.

Lawyers on Loan followed in 2004. This program, the first of its scope nationwide, dramatically builds NLSA's capacity as local law firms donate experienced attorneys to work on-site for a full year. The first year of the program proved to be an extraordinarily valuable experience, both for NLSA and the participating attorneys. As a result, the Pittsburgh Pro Bono Partnership has adopted Lawyers on Loan as a signature project with the goal of adding law firms and corporate legal departments to continue the rotation of donated expertise through at least the next seven years.

Today, NLSA is meeting new challenges to vulnerable clients posed by the Bankruptcy Reform Act and Medicare/Medicaid prescription drug coverage plans. It maintains a relentless concentration on protecting clients from predatory lenders who disproportionately victimize the poor and elderly. NLSA also has revised its mission statement to reflect community education as an additional means to assist residents in need. Last year, NLSA opened more than 9,200 new cases and anticipates similar statistics in the years to come.

Forty years in the making, NLSA's proud history is the path to continued progress on the journey to ensure equal access to justice for all.



A LONG AND WINDING ROAD | TODAY

■ Significant Cases: 2000-05

Bankruptcy Court Decision was an appeal to federal court by a landlord who challenged a bankruptcy court decision allowing a tenant of a mobile home park to pay overdue and current rent through a Chapter 13 bankruptcy plan. The U.S. District Court upheld the bankruptcy court decision and allowed payments through the plan, sparing the tenant from having to relocate the mobile home.

Eviction Hearing effectively served notice on the BCHA that unsubstantiated statements of third parties who do not appear to testify at eviction hearings cannot be used as evidence to support an eviction; and that, upon request, all documents used by BCHA to support an eviction must be given to tenants or their counsel prior to any hearing. The federal court granted a temporary injunction and ordered the Housing Authority to reinstate the client to the Section 8 program.

Protection From Abuse was a successful Superior Court appeal that held the lower court should have granted a Protection From Abuse (PFA) hearing based upon threats to the plaintiff and her children by telephone, rather than requiring solely in-person threats. In the hearing that followed, the woman was granted a PFA, a decision that set an important precedent.