

Legal Services of Eastern Michigan 2000 Annual Report



The millenium change of 2000 (I know, technically the millenium is not until 2001.) brought about great change for LSEM. LSEM continued to be an award-winning program this time winning recognition for one of its new efforts. In 2000 the firm was awarded a HUD Best Practices award for its Genesee County Fair Housing Center. I believe this is the first time the award has ever been granted to a legal services program. The Center is establishing itself as an innovative program, striving to impact the patterns of race discrimination that exist in Genesee County.

The results of fair housing testing were not welcome news. Of the close to 200 tests of rental facilities conducted in 2000, evidence of discrimination was found in 40% of those cases. In 2000 the Center also started testing realtors by conducting 12 tests. Regrettably, evidence of racial steering was found to be used by every realtor tested.

LSEM changed in other ways in 2000. The firm bought its first building! Thanks to a generous grant from the C. S. Mott Foundation, LSEM was able to purchase the Atwood Building in downtown Flint. It is a five-story building, with a finished basement. Two and ½ floors will be renovated for LSEM's use. The remaining three floors are rented out, which will provide an ongoing source of income. Once renovations are complete, LSEM's sister agency, the Center for Civil Justice, will be renting a portion of the building.

LSEM has also continued in its transformation to community lawyering. This has been an exciting process, which continues to bring great results. As LSEM becomes more and more responsive to community needs, it is able to bring more creativity to solving community problems. The skills of LSEM's staff have increased as they have broadened their responsiveness.

Next year should bring even more change and innovation.

EDWARD J HOORT
Executive Director

COMMUNITY LEGAL EDUCATION

“It opened my eyes to understand how the system works. I would recommend LSEM to anyone who needs it.”

A woman was having problems getting her landlord to make repairs to her rental home. When her daughter got her foot trapped in a hole in the front porch, she told her landlord she was withholding rent until all repairs were made. The landlord issued a notice to quit. The woman turned to LSEM. She participated in a repair clinic to learn how to legally request repairs. The landlord did not pursue further eviction procedures so the woman's case was closed with an offer of further help if needed. Later the client spoke informally with her attorney and reported on what occurred afterwards. The landlord pursued eviction, but with the instruction the client received through LSEM she felt she understood her legal rights well enough to represent herself. She went to court prepared with copies of letters she had sent her landlord, pictures of items that were in disrepair, etc. The judge looked at her materials, spoke to the landlord, and found in the woman's favor. The landlord made all necessary repairs. The woman is still living in her home and has rebuilt a positive relationship with her landlord. This case demonstrates the lasting value of community legal education. This woman has knowledge to prevent her from being victimized in the future, and the self-confidence to use it.

HOUSING

“I was not evicted. I can live in my own home and know I'm ok.”

A man in danger of becoming homeless came to LSEM for help. He had borrowed \$15,000 from a friend to buy a dump truck. As security for the loan, the man signed over his house, which was worth \$32,000. The client also signed a rental agreement with his friend so he could continue to live in his own home. The client's truck broke down and he had no way to earn the money to repay the loan. He had paid rent for several months before missing his first payment. The lender/landlord filed an eviction action against the man. LSEM's housing attorney engaged in extensive negotiations on the client's behalf. The negotiations resulted in a court order that rent already paid be credited toward the loan and the deed for the house be returned to the client if he was able to secure a mortgage with affordable payments. The client got a mortgage with payments of \$200 a month, which he could easily pay. The client's home was saved.

SENIOR LAW

“I came to LSEM with a situation that I thought was completely hopeless, and my attorney proved otherwise. For this I am very grateful and pleased.”

A senior woman was living with her daughter in her daughter's home. The woman was frightened of her daughter's temper, and wanted to leave, but had no where to go. The woman was referred to LSEM by a local senior center. LSEM's senior law paralegal discovered that the woman's daughter was verbally, emotionally, and physically abusive. The woman received Social Security and a pension that were deposited in a bank account that had her daughter's name on it. LSEM helped the senior establish a new account in her own name so her daughter could not access her money. Her options for leaving were discussed. The woman chose to go immediately to Safehouse, a shelter for abused women. The woman stayed there for 3 weeks until a permanent living arrangement was found in an Adult Foster Care Home. LSEM's follow-up showed that Safehouse was not conducive for senior placement. The woman's stay at the shelter was stressful and resulted in some negative effects on her physical health. The Elder Abuse Task Force that LSEM originated is discussing the need for other options for placement of abused seniors. The Task Force has become a forum to deal with elder abuse issues such as this.

"My attorney treated me as if I were the only case in front of her. She treated me well, informed me of my rights, and proceeded expeditiously to resolve my problem."

PUBLIC BENEFITS AND HEALTH

"My attorney is great and I have also heard that outside of your arena. She takes her time and is very professional. She cares about your situation in a personal manner."

A family, left homeless due to a fire that destroyed their rental home and all of their belongings, contacted LSEM. Indications showed that the fire was caused by a preschool child playing with a lighter. One parent died as a result of injuries incurred in the fire. The surviving parent applied for State Emergency Relief (SER) but was denied by FIA. FIA stated that the reason for the denial was "the fire was caused by a group member making the entire group ineligible." However, the FIA Policy Manual states that a fire has to intentionally be caused by a group member to make the claim ineligible. At this point LSEM intervened with the client's FIA caseworker and pointed out that it was not likely that it could be proven that a preschooler intended to cause the fire. Therefore, the family should be awarded SER moneys. The caseworker verbally gave another reason for denying the claim. This reason too was proven unwarranted, and FIA retracted the denial. As soon as evidence verifying items lost in the fire were received, the family received SER benefits. The family was then able to start putting their lives back together.

EMPLOYMENT AND ECONOMIC DEVELOPMENT

"My attorney took on my problem like it was hers. She takes time to explain everything clearly so there is no misunderstanding. Keep up the good work!"

A woman consulted LSEM when she lost her job as a result of FIA work requirements. The woman had a full time job, which was cut to part-time due to economic constraints facing her employer. In order to feed her children, the woman applied for Food Stamps. To qualify for Food Stamps she had to either be working full time or attending school. To ensure her eligibility the woman agreed to attend nurse's training, which she felt would also enable her to find better, more secure employment in the future. When she went to her employer to discuss adjusting her hours to accommodate her job training, he fired her. She then applied for Unemployment Compensation, which she was denied because it was interpreted that she was unavailable for full time work. When the woman came to LSEM she had already lost a referee hearing. LSEM assisted the client with an appeal, which she won at the Board of Review. The client was not only granted benefits, but received \$3,576 in back unemployment compensation.

EDUCATION

“My attorney was able to help me with my student loan and get me my Medicare. She went above board with patience, explaining the difference over and over and didn't show any frustration with me.”

LSEM has spent the past 2 years developing a specialty in education law. Assisting clients who attended trade schools with consolidations of student loan debts has been a focal point for this work. Direct consolidation removes loans from default and clears the borrower's credit record. After consolidation, one borrower was able to receive financial aid to pursue further training since her previous loans were no longer in default. Another client's clean credit record has enabled her to seek a repayment agreement that will offer her minimal payments or no payment at all. This will protect her social security benefits. In yet a third case the advocate was able to consolidate the student loans and help the client secure Medicare.

PRO BONO LEGAL ASSISTANCE

“I liked the attorney's approach - down to the point – straight forward and oh so willing to accept me – to understand.”

Following is an impressive example of the positive contributions pro bono attorneys make to LSEM clients. It was alleged in a lawsuit that a LSEM client had caused fire damage to her rental unit by leaving a pan unattended on her stove. The landlord turned in a claim to his insurance company. The claim was paid in full. The insurance company then brought a subrogation suit against our client for damages in the amount of \$14,684. The lawsuit was the result of much physical and mental stress to the client. The pro bono attorney got the suit dismissed with prejudice. Expansion of LSEM's work to make possible this positive result would not have occurred without pro bono volunteers.

COMMUNITY LAWYERING A NEW APPROACH

Among the legal community, there is great debate regarding the emergence of Multidisciplinary Practices or as many prefer to call it, Community Lawyering. What both of these terms have in common is looking at different and new methods of meeting community needs.

This new debate began initially outside of the legal services arena, with collaborations between Certified Public Accountants, physicians and lawyers. Within the legal services community, these new alternatives have not yet been discussed at length. The term closest to describing this concept is “Community Lawyering.”

The issue of community needs is a new one for many legal services offices. For years legal service providers have responded to individual client needs as opposed to community needs. When providers move to a broader definition, they must look to a client group.

A paper titled “Community Lawyering,” available on the web, suggests that it is indeed past time for the legal services community to embrace the issue of community lawyering. Many providers are beginning to leave tradition behind and embrace the full range of client community needs.

Community need is often substantiated by data from the outside community, such as studies or statistical reports. In other instances the community itself documents need. Community lawyering should not ask, “What happened?” Community lawyering instead should ask, “What is happening?” Advocates committed to this new concept are beginning to undertake “listening engagements” rather than “speaking engagements.”

This listening experience should not be limited to clients, but should include input of human services professionals, outside the legal arena, who are dedicated to serving low-income people. These professionals hear of problems that legal services agencies do not normally hear about, because people do not think of them as legal issues. Community lawyering is expanding legal services to solve not legal problems alone, but to address any problem that causes low-income people to be trapped in poverty. Problems of legal services clients are multifaceted, so it takes the involvement of multiple actors and multiple agencies to resolve them. The key to community lawyering being successful is collaboration with other agencies.

While most of the legal services community is just now preparing to enter the debate about the validity and viability of delivering services under this new philosophy, Legal Services of Eastern Michigan (LSEM) has already taken the position that legal services agencies cannot continue to be insular. LSEM has devoted its resources and

advocates' time to responding not only to individual client requests, but also to the needs of its whole client community.

LSEM has not and will not abandon individual representation. The firm will continue to offer individual legal assistance in housing, public benefits, including health, employment, education, seniors services, including elder abuse, and family law. This year the firm added a specialty to handle consumer/bankruptcy matters. However, in 2000 LSEM expanded on its past practice of serving the needs of the greater client community.

What follows are examples of how LSEM has successfully implemented the concept of community lawyering. In each of the case examples that follow there are no clients at the initiation of the project. In some, there are never any direct clients. The community is the client. A traditional view that focused only on individual client needs would prevent many problems such as these from ever being addressed. It would also limit the ability to act proactively on behalf of the community.

“Sometimes you go on the old cliché that if you want something bad enough then you can do it. Unfortunately that same attitude is sort of reflective on all society. You tend to view people who are poor or indigent as maybe not wanting something bad enough, but that is the furthest thing from the truth.” “There are some people who desperately need assistance and are just stuck in the system and it is impossible for them to get out. Those are the people that I am coming into contact with on a daily basis.” (Patrick McCoy, Staff Attorney, as quoted in an article in which he discussed why he left a career in private practice that spanned over 20 years to do public interest law- Michigan Bar Journal, May 2000)

WATER EDGE CROSSINGS HOUSING DEVELOPMENT

The north end of Flint is a racially impacted area consisting of dilapidated housing. The need for adequate and affordable housing has been reaffirmed by every housing study conducted in the area. LSEM began a process of pulling together partners to create low income housing within the area. After two years of advocacy with the City of Flint, the Flint Housing Commission, local foundations, community groups, politicians, and local non-profits, LSEM was able to obtain 110 acres of riverfront property for a low-income housing development. Instead of representing tenants in sub-standard housing that they cannot afford, the firm is moving toward creating safe, affordable housing, on a pristine section of prime riverfront property.

No individual client or client group suggested the establishment of a riverfront housing development. However, there was documented evidence of a need for the low-income community, and LSEM responded to it by developing a viable solution.

LSEM helped in the formation of a non-profit organization, Water Edge Crossings, to act as one of the major players in planning the 400-unit housing development. It is this non-profit corporation that will receive the acreage upon which the development will be established. Several members of the client community serve on that corporate board.

“ I went to law school to be able to use the law to help those who couldn’t help themselves; that is what public interest law is all about.” (Rick Steiger, Staff Attorney)

RETAIL DEVELOPMENT

Within the same 110 acres of land, LSEM is also dedicating space for a retail development. This will provide services long absent from the north end of Flint. Within an eight-mile radius, there are no grocery stores, laundromats, fast food establishments, or pharmacies. This is true even though the area borders the premier park in the county. No client or client group came to LSEM suggesting the need for a retail development on the north end of Flint. The need was obvious by looking at marketing studies which indicated a huge demand that these services be made available to the over 30,000 low-income persons who live in the area. The entire 110-acre parcel is designated as a federal empowerment zone. Ten to fifteen acres of the development tract will be dedicated to this retail development. Some retail establishments have already shown interest in being part of this creation of a new community. As other retail businesses become involved employment opportunities for the area’s low-income population will also increase.

FAIR HOUSING

For over 20 years a few Flint and Genesee County residents and organizations made sporadic attempts to establish a Fair Housing Center. However, in spite of the fact that Flint is one of the most segregated cities in the country, this community need was not responded to until 1998 when LSEM started the Genesee County Fair Housing Center in Flint. The scope and depth of the problem was well documented in the 1998 “Impediments to Fair Housing Study” done for the City of Flint and Genesee County by Dr. Joe Darden.

It was this study citing a community need to which LSEM responded. Since discrimination is so subtle and many people are unaware that they are being discriminated against, few if any individual complaints were ever registered with LSEM. Certainly not a sufficient number to warrant developing a whole new specialty of legal service. However, since LSEM is committed to responding to the whole client community it represents a need that cannot be ignored.

After two years of operation, LSEM has discovered a number of interesting facts. First, 40% of all apartment complexes tested in 2000 showed evidence of discrimination. Second, 100% of realtors tested showed evidence of discrimination. Third, of testers subject to discrimination, less than 4% would have known they were being discriminated against. This explains the low number of complaints received (30), despite over \$13,000 of radio advertising done to increase awareness of the problem and Center services.

Unlike traditional legal services or fair housing centers, LSEM is proceeding with systemic testing, even in the absence of complaints. Over 200 paired tests were completed in 2000. These tests have reaffirmed the discrimination problem cited in the Darden Impediments Study and created an increasing willingness for partners such as the City of Flint, smaller municipalities, and County government to unite with LSEM in addressing fair housing. LSEM is now proceeding on behalf of the community to attempt to obtain remedial action against violators.

The Center was started with a grant from the Charles Stewart Mott Foundation. The City of Flint and Genesee County, committed funding to the Center after Mott Foundation moneys were expended. LSEM has also secured a three-year HUD grant to provide the remainder of the funding needed.

“The stranglehold that racial segregation has on housing practices in this community more than justifies the effort to set up a fair housing center.” (The Flint Journal Opinion Page, April 23, 2000)

HOME REPAIR – INSPECTIONS

LSEM in conjunction with the City of Flint is currently investigating the use of legal services advocates to obtain orders of repair requiring owners of low income rental housing to repair their homes. This new approach to home repair is a banner example of LSEM working without a client to benefit the whole low-income community.

Now, LSEM obtains orders for a specific client, but, if the client moves or settles his/her case, the order is vacated. Under this approach, LSEM will represent the client and the City. If the client abandons a case because he/she is evicted, moves or is bought off by a landlord, LSEM will still enforce the repair order on behalf of the City. (The City waives any conflict of interest.) This approach improves housing stock for low-income people all over the City and helps the whole low-income community meet its housing needs.

PROPERTY TAX REVERSIONS

LSEM, in conjunction with the Genesee County Treasurer, is working on a new plan to assist persons about to lose their homes due to failure to pay property taxes. Under this plan, LSEM will be hired to serve notices of deficiencies. At the same time, the firm will process poverty exemptions for future taxes, and investigate defenses to

back taxes. LSEM in conjunction with local banks is developing a number of low interest loan packages to pay back taxes if owed. It is anticipated banks will agree to a waiver of many normal costs, including surveys, title searches etc. The Treasurer has agreed to a one-year adjournment for any qualifying person to allow time to get the loan package in place.

This plan was developed in response to a new statute allowing tax reversions to be foreclosed in a three years as opposed to the previous seven-year period. LSEM became involved, because it recognized the negative impact this change would have on the low-income people it serves. LSEM's involvement was also spurred by listening to concerns other human agencies and housing providers expressed about the effect of the new legislation on the low-income population they serve.

Although no client is currently affected, and in fact, probably few, if any clients even know the change is coming, LSEM started working on the issue quickly so that a solution will be in place by 2002 when the new statute takes effect. LSEM is now in meetings with others who will be partnering in the effort. The firm has also already prepared pamphlets in both English and Spanish to educate those who will be affected and explain options for help that will be available.

ELDER ABUSE

Years ago, LSEM had an elder abuse client confined to a wheelchair. Her relative caretaker cut up the wheelchair with a chain saw, while she was in it. He did so to scare her. Such incidents of frightening her were frequent. LSEM offered to provide the typical legal services response, injunctions, etc. The firm was confident that it could have the perpetrator removed on a moment's notice. However, the client terminated our representation, because we could not provide for meals (three week waiting list), chore services such as assistance in the restroom, (two week waiting list), medical assistance with medications, (two week waiting list), and other services that the abuser was providing. The client fired us.

For LSEM this incident cited was an alarm bell that signaled the presence of a community need to which it should respond. The fact that most perpetrators of abuse are relatives and/or caretakers means that victims are apt to keep abuse a secret. These abusers are the ones who are providing survival needs for seniors. Unlike children, abused seniors often do not get out in the public view. For all of these reasons individual cases of abuse go unreported. All of these things contribute to a growing community problem that was not being addressed.

LSEM's response has taken many forms. LSEM has educated the community about the extent of the elder abuse problem and let seniors know there are agencies available to help them. The firm has trained other professionals to be issue spotters of possible abusive situations. In Genesee County LSEM has also organized a community emergency response team, which will provide client services on a moment's notice, without regard to lengthy eligibility determinations. This makes it possible to remove

perpetrators of abuse while still ensuring that seniors have their survival needs met. Over thirty agencies are now members. The group has just published a 120-page manual of services available, distributed throughout the community. Like response teams are being formed in other parts of LSEM's service area.

“ Legal Services of Eastern Michigan is always responsive to community needs. It also sets the model for cooperative service delivery in our community.” (Sybyl Atwood, Program Director for Voluntary and Information Services of the Resource Center)

CHILD CARE CENTERS

In needs studies assessing the needs of low-income persons, one of the greatest needs identified for LSEM's client community is affordable childcare. Many studies document inadequate childcare as a major impediment to full employment. However, no client ever complains about the lack of accessible childcare as a legal problem.

Since childcare is not a service LSEM can offer, the firm responded to this community need for affordable childcare by partnering with other community agencies and funders. LSEM is working with the Flint Housing Commission, HUD, 4C's, and Capital Community Development Corporation to establish a center on site in public housing. In Saginaw the Childcare Network was formed with partners such as Michigan State University Cooperative Extension (MSU), the W. K. Kellogg Foundation, the Skillman Foundation, the Wick's Foundation, and the Saginaw Community Foundation to create 26 childcare centers for low-income people. All centers offer both childcare and job opportunities that give hiring and training preference to the poor. MSU's year-end project report estimates that these 26 centers generated \$1,000,000 in new income. Once funded and established, LSEM assists the low-income operators of these centers with zoning, incorporation, taxes and similar legal problems.

“As a partner in the group, I appreciated having Legal Services of Eastern Michigan's (LSEM) expertise when implementing the Childcare Network. I talked to a private attorney before LSEM got involved, but he didn't understand the poverty issues we were trying to address. LSEM did, and they were a wonderful resource.” (Barb Mutch – Michigan State University Extension Services)

DRUG PREVENTION – TREATMENT

A river splits the City of Saginaw. The west side is affluent and primarily white. The east side is primarily poor and minority. Recently, all drug prevention money was just shifted from east side providers to a single west side provider. The west side provider maintains only 9-5 hours, will not provide prevention or intervention to children without parental consent, and requires a statement that the parent(s) are drug free. Policy changes have caused these west side treatment centers to now suffer lack of referrals. LSEM is

currently working with a coalition of agencies to provide outreach services and prevention services to the east side of Saginaw. The area of drug prevention and outreach is work that involves making service available to people before they require treatment; by definition, one cannot wait for clients to come to you. Outreach is also a necessary component for those who require treatment. However, if, as in this case, services are not readily available, there is no time to wait. Human services agencies, including legal services, must take the initiative and react immediately to the need of the community. That is what LSEM has done in this instance.

FUNDRAISING AS ADVOCACY

Legal services programs bring many skills to the community. In most legal services programs, one of those skills is fundraising. LSEM not only raises funding for its own programming, but assists other agencies in raising funds to meet community needs.

The examples are numerous. LSEM initiated the idea of a childcare center for the Flint Housing Commission, and assisted in writing a \$230,000 grant for the establishment of a child care center. The firm also assisted in pulling together a coalition of support agencies that provided their services at no cost to meet the required match for the grant. LSEM brought the Resource Center, the local information and referral agency, into the planning and provision of services process for the new Courthouse Justice Center in Genesee County that LSEM is assisting in designing. LSEM is also assisting in raising funds for that project.

Raising funds for other agency activity is not done on behalf of clients. Rather it is done for other agencies who serve a like client community to the one LSEM serves. The priority is benefiting the entire community.

RESEARCH AS ADVOCACY

LSEM has begun to establish a new division in social science research. The firm has contracted to provide research for a mediation process as it relates to resolving housing needs of the poor, exploring how transportation needs of the poor impact their remaining in poverty, impediments to housing for the disabled, housing needs of seniors, discrimination by financial institutions, and similar projects.

Each of these projects not only tries to identify the existence of a problem, but suggests solutions as well. These are attempts to meet community needs, without a client. However, the activity is based on client needs. Although LSEM may not always be the agency which responds to the identified need, the research and its availability to the community makes it possible for the appropriate agency to respond in a manner that will benefit the low-income community.