

---

---

**LEGAL SERVICES  
OF EASTERN MICHIGAN**

**ANNUAL REPORT**

**2002**

## *Letter from the Executive Director*

Legal Services of Eastern Michigan (LSEM) is a non-profit law firm that has been serving low-income people in mid-Michigan for over half a century. The equal access that LSEM affords to the civil justice system for all people regardless of their economic status is a benefit to this population that cannot be overemphasized. Whether assistance is provided as individual legal service that addresses the effects of poverty or a project that attacks the causes of poverty, it is aimed at assuring that basic needs of the poor are met.

During 2002 LSEM provided legal services in a variety of specialties to xx number of people. The firm was able to generate additional funding for two new programs. United Way of Genesee County funded LSEM to provide a project that will increase access to Personal Protection Orders for victims of domestic violence. Although funded in Genesee County, LSEM's approach to the project may have positive effects that will be felt statewide. Also, LSEM was the recipient of a grant from the Department of Justice Office of the Special Council to assist immigrants with employment issues. The project is a combination of individual legal assistance and educational outreach that will help all immigrants.

Both of these examples of service illustrate one of LSEM's strengths, its ability to cooperate and collaborate with other community agencies that serve a like population. LSEM's positive working relationship with other agencies provides a mutual referral system that offers poor people easy access to a safety net of helping services. In addition, the mutual programming LSEM pursues with other agencies provides community based comprehensive resolutions that can create systemic change that helps break the cycle of poverty.

LSEM's experienced and dedicated advocates, its willing pro bono attorneys, and the Board of Directors who volunteer their time ensure that clients get the best quality service possible. The organization is not only focused on how to meet clients' current needs, but is also willing to look at emerging needs in the poverty community and find new ways to address them.

In 2003 LSEM will face many challenges, however, it will remain focused on the most important issue, how to use the civil justice system to find resolutions to the individual legal needs of the poor and bettering the plight of those living in poverty.

## *Individual Legal Services*

Legal Services of Eastern Michigan's (LSEM) mission is to use its staff's legal skills to attack the causes and effects of poverty. For 52 years LSEM has provided free civil legal services to the low-income community. However, its individual casework remains its primary focus. LSEM offers legal assistance in a variety of specialties that meet the needs of its client community. Current specialties are: housing, public benefits, family law, consumer/bankruptcy, senior law including elder abuse, employment and economic development, and limited work in education law. For the past two years LSEM has sponsored low-income tax clinics throughout its 10 county area. One of the tools LSEM uses to provide service in these specialties is community legal education. In addition, LSEM operates the Genesee County Fair Housing Center.

In October of 2002 LSEM added a new specialty. With assistance of a grant from the Office of Special Counsel of the U. S. Department of Justice, the firm is beginning an immigration law program. This program provides education and outreach to legal immigrants and small employers to ensure that the legal rights of employed immigrants are not violated. This program will serve 14 counties in mid-Michigan and the Thumb.

Individual legal case work described here is provided by a team of in-house advocates and over 400 pro bono attorneys who donate their time to offer LSEM clients service in areas of law in which the firm does not specialize. What follows are examples of individual casework. However, the resolution of many of these cases positively impacted a large number of poor people in addition to the individual who received the direct benefit of the legal work provided.

- **Housing** - A person purchased a house on a land contract. The seller still owed mortgage payments and became delinquent in paying them. Therefore, the property was put up for foreclosure. Prior to the foreclosure sale, the person holding the land contract paid the delinquent mortgage payments, which fulfilled the terms of the contract. However, the seller refused to turn over the property deed. At that point, it was also found that the seller owed additional mortgage payments. The land contract owner continued paying on the mortgage to stop a second effort at foreclosure. The land contract owner sought LSEM's help to ensure the security of his home. LSEM's legal assistance involved bringing a lawsuit, which was resolved with the client receiving reimbursement for back mortgage payments and securing a warranty deed, and homelessness was averted.

*"The attorney made sure that the landlord didn't pull anything over on me, and he insisted the landlord make repairs. Without the attorney's help, I probably would be out on the streets, because I wouldn't know how to go about using my rights."*

- **Public Benefits** - LSEM was successful in securing Supplemental Security Income (SSI) benefits for a number of disabled children last year. One such favorable decision was secured after many years of work on a particular case. It involved a boy

who suffered from emotional impairments, Attention Deficit Disorder and Post-Traumatic Stress Disorder resulting from an abduction and abuse incident in early childhood. An LSEM advocate originally represented the child in a 1999 hearing. Despite the Administrative Law Judge's comment that "the hearing was one of the better presentations of a children's disability case that he had seen", he did not approve the child's benefits. Over the next two years, LSEM appealed the denial through the administrative agency, and a re-hearing was held in the fall of 2002. A medical expert was called in to testify, and the boy, now a young man, was finally awarded the disability benefits his family had been anticipating for so long. The award included back benefits.

*"My attorney was determined and confident, and I learned to trust her and her experience in the case. I had very little trust in the legal profession until being involved with the LSEM attorney in my winning battle with the Social Security Administration."*

- **Domestic Law** - A Directing Attorney assisted a client with a custody suit that crossed state lines. When the couple were originally divorced they had lived in Illinois. The father who had moved to Michigan after the divorce attempted to file a suit for changing parenting time orders. The suit was filed in Genesee County. At the time the mother and children were temporary Michigan residents, living in Saginaw County. Mom decided that she and the children would become permanent Saginaw County residents and wanted that County to be venue for any order involving custody or parenting time. LSEM was able, in a single motion, to get the lawsuit moved from Illinois to Saginaw County Michigan. LSEM negotiated an order that reflected the original judgment in which the mother was given sole custody, and the father was required to seek counseling. Also negotiated was a parenting time schedule that was agreeable to both parents. This legal work paved the way for the mother to later pursue major child support arrearages in Saginaw County.

"I started at LSEM as a coop student when I was 16 years-old, and I am now a paralegal working with a family law attorney to help clients get divorces through pro se (do-it-yourself) clinics. As clients receive personalized kits, get instructions, and have questions answered, they feel both relieved and gloomy because they are preparing to end a relationship. As I help provide individual follow-up and watch clients succeed, I feel good to be part of providing quality service to a group of people who often do not feel worthy of it." *Sheila Joyce, family law paralegal.*

- **Consumer** - Through its bankruptcy advocacy, LSEM was able to help approximately 40 families retain their homes in 2002. In one case, a family came to LSEM for assistance because their home was to be foreclosed upon shortly. Due to the primary wage earner's lay-off, and another family member's medical expenses, they had been unable to maintain their payments. LSEM was able to file a Chapter 13 bankruptcy for the family on the eve of the foreclosure sale. The filing allowed them to keep their home, re-organize their debts, and make reasonable payments on their obligations once they were past this difficult period in their lives.

*“The attorney I saw is very knowledgeable of her job and gave very helpful service. I felt she was very patient in answering my questions, and she returned my phone calls in a timely fashion. My attorney got the job done!”*

- **Senior Law** - A senior approached LSEM for assistance when her daughter began to abuse the power of attorney the senior had signed. The daughter leased out a piece of her mother’s rental property and then collected and kept the rent. In the meantime, the senior’s bills were not being paid. Examples include receipt of shut off notices and notice of cancellation on an insurance policy. LSEM intervened and assisted the client in getting a revocation of the power of attorney document. The daughter’s ability to exploit her mother was stopped and the senior was again financially secure.

*In reference to elder abuse, the following appeared in the December, 2002 Volume 6, Issue 1 of the "MI TRIAD News." “Additionally, there is a recommendation for the development of protocols allowing prosecutors to collaborate more effectively with other community professionals. An excellent model for such a protocol, written about in the September 2001 issue of the TRIAD News was created by (LSEM) Attorney Dolores Coulter and Paralegal Pam Keener for the Genesee County Elder Abuse Task Force.”*

- **Employment** - LSEM assisted a woman in getting a criminal conviction expunged from her record. As a youth she had been convicted of a felony drug charge. She learned from her mistake and has had no record since that time, fifteen years ago. She wanted to move her life forward and secure a license to be a daycare provider. LSEM staff used its legal skills to make it possible for this woman to gain meaningful employment. She can now support herself and give back to the community at the same time.

*“My problem was completely taken care of in spite of the fact that it was a very difficult case. My attorney was very empathetic to what was one of the most stressful periods of my life.”*

- **Economic Development** - LSEM worked with an individual who had been a clinician at both Community Mental Health and the Aleda Lutz Veterans Affairs Medical Center. In his tenure in those positions he became aware of the problems of the homeless population and made a decision that upon retirement he would attempt to start a permanent housing project for low-income people. He brought his ideas to the permanent housing subcommittee of the Saginaw County Consortium of Homeless Assistance Providers. The subcommittee is chaired by LSEM. At this point became an LSEM client and was provided assistance in writing By Laws and Articles of Incorporation and filing all necessary paperwork to develop Growth Unlimited, Inc. The non-profit entity is now in a position of to begin pursuing funding to implement its planned programming. An LSEM staff member currently serves as a Board member for the non-profit agency.

*“The assistance that I have received has been very helpful and has brought me one step closer to being able to seek funding for development of a housing project that will provide more safe, sanitary, affordable housing for low-income people in the City of Saginaw. Jere Bennett, MSW, CPRP, President of Growth Unlimited, Inc.*

- **Pro Bono** - LSEM referred to a member of its pro bono panel a case in which a 59 year old woman was having an income problem. Her husband was serving a prison sentence for Criminal Sexual Conduct. He was having his pension, which was the couple’s sole source of income, sent directly to him in prison, leaving the client penniless. The pro bono attorney requested and received a court order that the husband’s former employer must send his pension check directly to his wife. However, the company ignored the order. Unable to wait any longer for resolution of the matter, the pro bono attorney started a divorce case for the client. As part of the settlement a Qualified Domestic Relations Order was executed which resulted in the husband’s entire pension going to his wife, LSEM’s client. The pro bono attorney spent over 20 hours getting a positive resolution for the client and reestablishing her financial security.

*“I thought the attorney did an excellent job. It’s nice to see and know there are attorneys that will give back to the community. Through the attorney’s words, I felt hope.”*

## ***Community Lawyering***

Legal Services of Eastern Michigan's (LSEM) Community Lawyering is legal work done in response to broad-based needs of the poverty community not just individual civil legal needs. It is not an alternative to individual legal counsel, but a complement to it. Individual legal work coupled with community lawyering allows LSEM to offer a comprehensive body of legal services. This ability to provide a holistic approach to the needs of the poor is due in large part to the fact that LSEM implements many of these efforts in collaboration with other community agencies that serve a like population to that LSEM serves. Some examples of Community Lawyering will help illustrate how it assists the poor and is integrated with the other services LSEM and its community partners provide.

- ***Housing*** - LSEM worked with a community partner, the Disability Network, to impact the Public Housing Authority's (PHA) decision about set asides of units. Despite the fact that the PHA is not meeting HUD requirements for providing housing for disabled and that it already has several entire housing complexes reserved for seniors, the Director recommended that additional units be reserved for seniors while setting no additional units aside for the disabled. The Disability Network requested LSEM to review the legality of the PHA proposal. Armed with the information provided by LSEM, the Disability Network requested the PHA Board to adjust its planning to be in compliance with HUD regulations and reject the senior set aside plan in favor of a plan to reserve units that could be made accessible to the disabled. The end result was that the issue was tabled and has not been reopened. This capacity to assist the Disability Network advocate for its clients assisted a population of poor people that is also likely to be discriminated against. Therefore the work is not seen as just an example of housing in general, but as part of the body of work done by LSEM's Genesee County Fair Housing Center.

*"I was familiar with Legal Services of Eastern Michigan's work for many years before becoming a Board member in November 2002, and I have great respect for what the organization does in Genesee County and the rest of its service area. The best thing about Legal Services is that its staff thinks out of the box in helping its clients. Being creative in addressing many of the challenges its clients face is one of its strengths."* Ravi Yalamanchi, Executive Director, Metro Housing Partnership

- ***Family Law*** - LSEM responded to a need for improving access to Personal Protection Orders (PPOs) identified by a local non-profit agency. LSEM did apply for and receive a United Way grant for a program to address this issue. Though part of the effort involves individual casework, much of the work fits LSEM's definition of community lawyering. Appellate action to a judge's denial of a PPO is an example of assistance that individuals may receive, yet it may also contribute to the project's

overall focus of creating systemic change. LSEM is an active member in a recently formed county domestic violence coalition. The firm's family law attorney was instrumental in helping that group develop a resource guide that victims and staff of other non-profits can use to access help or obtain referral information. LSEM will also expand its Community Legal Education to respond to the problem of inaccessibility to PPOs. Examples include training for the following: staff of the non-profit agency that identified the original problem, staff and volunteers in the County Clerk's Office, law enforcement to increase its response time to victims' calls for help, and the judiciary to increase its understanding of victims' problems and willingness to issue PPOs in cases as appropriate. Part of the poverty and homeless community LSEM assists are victims of domestic violence, and, if the firm can help create systemic change that improves accessibility of PPOs, it will meet a broad-based need for this portion of its client population.

*"Legal Services of Eastern Michigan is an organization that is highly regarded by Domestic Violence/Sexual Assault services for their many contributions in the community."* Zoanne Saab, Program Development Coordinator and Clinical Supervisor

- **Senior Law & Elder Abuse** – Three years ago LSEM established an Elder Abuse Task Force in Genesee County. This group, with a current membership of 18 and a support group of over 10, has provided increased awareness of the elder abuse problem and given seniors more uniform access to help. The body of work done by the Task Force served as a model for a similar effort in Lapeer County. The Lapeer County Senior Coalition of 15 members is attended regularly by LSEM's senior law paralegal. With her guidance, the group developed and distributed an Elder Abuse Protocol. It provides abuse victims assistance in knowing how to access help and resulted in greater continuity in service provision. The paralegal's overall work caused seniors to realize an indirect benefit, increased commitment by the Lapeer County Prosecutor to prosecute cases of elder abuse. This commitment not only punished current perpetrators, but also may serve, as a deterrent to others in a position to take advantage of seniors by showing that such violations of the law are intolerable. Beginning, is a new effort in Genesee County, which when completed, will also be replicable not only in Lapeer County, but also nationally. In 2002 LSEM received \$200,000 in funding from the Office for Victims Assistance for a two year project to design an elder fraud training manual in modules geared to a variety of service providers. The project is being pursued as a collaborative with the Genesee County Sheriff's Department and the Center for Civil Justice (CCJ). CCJ is a non-profit law firm that gives priority to services and advocacy efforts that strive to make a positive significant impact on the low income client community, and to services that cannot be offered to low income persons through other legal services providers. Although starting in a single county in LSEM's service area, this elder abuse project will positively impact the senior community all over the country.

*"Our agencies have a history of partnering on community wide programming to benefit seniors. That history includes working on guardianship and*

*conservatorship services regarding financial exploitation and well being of incapacitated seniors, as well as assisting in preparation of the elder abuse protocol of the Genesee County Elder Abuse Task Force.” Charles P. Tommasulo, Executive Director, Family Service Agency of Mid- Michigan*

- ***Economic Development*** - At the request of four local funders, a bank, and the Michigan State University Extension Office, LSEM was asked to lead an Individual Development Account (IDA) Project, GAIN\$, in Genesee County. GAIN\$ promotes savings for members of the poverty community. IDAs are individual savings accounts restricted for purposes of home ownership, education, self-employment, or other development purposes. IDA accounts are a means for the poor to save; the amount saved is matched by government, corporate, foundation, or private donor sources. In this way amounts of moneys large enough to make a significant difference in the lives of poor individuals are made available to them. Upon receiving this request for assistance, LSEM contacted another community partner, and together the two agencies developed a strategic plan to guide the agencies holding IDA accounts, ensure consistent education for IDA account holders, set up a computerized system for tracking data regarding accounts, and formulate a development plan to raise additional matching funds. LSEM’s leadership was requested due to its involvement in a similar effort in Saginaw, which to date, is the only project in the state in which holders have accessed their IDA accounts. LSEM is confident that implementation of the strategic plan it helped develop and the collaboration of all of the partners involved will positively impact the poor community.

*“Legal Services of Eastern Michigan has visionary leadership, a committed staff and continuously demonstrates the capacity to develop and implement a community plan.” Ronald Butler, Executive Director, United Way of Genesee County*