

2012

Massachusetts Legal Assistance Corporation

Annual Report

Supporting the Massachusetts legal aid community since 1983

Dear MLAC community,

Four years into the economic crisis that cut civil legal aid funding to the bone, we are happy to report that 2012 brought welcome news: in June, the state legislature adopted and days later the Governor signed an FY13 Budget for the Commonwealth containing \$2.5 million more than the amount of MLAC's FY12 appropriation. Although it will not bring back the 77 legal aid attorneys laid off since the crisis began, it is an important step in stabilizing legal aid programs so that they can continue to serve the Commonwealth's low-income residents. MLAC will seek a further increase in funding from the Commonwealth for FY14 in order to maintain progress.

Also at the end of FY2012, we were excited to hear that our proposal to Massachusetts Attorney General Martha Coakley for HomeCorps funds was accepted. This initiative provides legal representation for homeowners facing foreclosure or eviction. MLAC has partnered with the National Consumer Law Center to manage the two-year, \$6 million project funded by a nationwide settlement over unfair lending practices. Although the project is temporary, we are proud that it will give legal aid programs an expanded ability to serve low-income people who need their help now. Additional details on the project can be found on the facing page.

Seeking out new sources of revenue like the HomeCorps grant is one of the key aspects of our strategic plan adopted in March 2012, which focuses on addressing the causes and ameliorating the effects of poverty by making equal justice for poor people a priority for all programs receiving MLAC funds. The plan is an exciting outline of the work we have before us for the next few years. Implementation of the plan represents a challenge to the board, the staff and the entire legal services community, but we have no doubt that we will succeed in meeting and even exceeding the plan's goals.

Finally, the past year has brought exciting changes to the legal aid community in Massachusetts. In two regions, existing programs consolidated or merged to create stronger, more efficient organizations. Community Legal Aid now serves the five Central and Western Massachusetts counties previously served by the Legal Assistance Corporation of Central Massachusetts and Western Massachusetts Legal Services. In the Southeast, South Coastal Counties Legal Services and the New Center for Legal Advocacy merged, retaining the SCCLS name. The new SCCLS is funded jointly by MLAC and the Legal Services Corporation and has a subsidiary, the Justice Center of Southeast Massachusetts, which operates free of LSC restrictions.

We continue to be inspired by the tenacity of legal aid advocates in the face of uncertain funding and the positive effects they have on the lives of their clients. The following pages contain examples of the work that MLAC is proud to support, from developing a statewide effort to inform utility consumers about their rights to saving the job and the home of a single mother who struggled to overcome breast cancer.

Sincerely,



Lonnie A. Powers,
Executive Director



Rahsaan Hall,
Chairman



Chairman **Rahsaan Hall** (left), with Executive Director **Lonnie Powers** (right), and Governor **Deval Patrick** at the State House.

Potential savings for Massachusetts as a result of MLAC-funded advocacy totaled an estimated \$10 million. This includes \$6 million in avoided medical and emergency shelter costs from legal assistance that kept low income families from losing their homes and more than \$3 million in avoided medical and court costs as a result of assistance to domestic violence victims.

MLAC's Medicare Advocacy Project helped 683 people appeal denials of Medicare coverage for the health care services they needed.

MLAC BEGINS FORECLOSURE PREVENTION EFFORT

MLAC and the National Consumer Law Center (NCLC) finalized an agreement at the end of FY12 to provide legal representation for homeowners facing foreclosure or eviction. The Borrower Representation Initiative (BRI), which began in September 2012 and is funded by a \$6 million grant from the Massachusetts Attorney General, helps borrowers avoid foreclosure and loss of their homes.

The BRI is a collaboration of NCLC, MLAC-funded legal aid programs and the Attorney General's HomeCorps project, which provides loan modification assistance. The BRI expands the range of free legal services offered to Massachusetts residents, including help with eviction representation and investigating fraudulent foreclosures.

The need for the BRI is clear: in the first quarter of 2012, the HomeCorps hotline received nearly 8,000 calls from distressed borrowers, many of whom need legal help to stay in their homes. To meet this need, legal aid programs participating in the BRI have added 19 attorney positions, enabling them to offer services throughout the Commonwealth.

Legal aid attorneys have extensive experience representing people in danger of losing their homes. Each year, MLAC-funded legal aid programs represent thousands of clients with housing issues, more than any other type of legal issue.

NCLC, which provides training and support for BRI attorneys, is a nationally-recognized expert on foreclosure prevention litigation. NCLC lawyers support the HomeCorps field attorneys by bringing to bear their substantive expertise on a range of issues (such as bankruptcy law, HAMP guidelines, and Fair Credit practices, etc). The NCLC attorneys regularly consult with and advise field attorneys, serve as trainers and mentors and occasionally co-counsel on complex litigation.



From left, **Lonnie Powers**, Justice **Ralph Gants** and Attorney General **Martha Coakley** at the BRI kickoff event in October.

In FY12, new federal revenue for civil legal aid clients won by MLAC-funded organizations totaled an estimated \$27 million, including \$11 million in SNAP (food stamps) benefits and \$8 million in SSI/SSDI (disability) payments.

For more on the cost savings and additional federal revenue that result from the work of MLAC-funded programs, please visit www.mlac.org/research.html.

FY12

Massachusetts Legal Assistance Corporation

Accomplishments

MLAC-funded programs closed 23,657 cases. This assistance benefited 91,670 individuals and family members in Massachusetts.

MLAC's Battered Women's Legal Assistance Project assisted 2,108 domestic violence victims, most with complex cases involving physical safety, child custody and support, financial security, health care coverage, and other issues.

MLAC's Disability Benefits Project closed 958 cases, winning federal SSI/SSDI benefits for clients in 84 percent of cases in which a decision was made. The project brought \$585,252 in direct federal reimbursement to Massachusetts as well as \$7,199,545 in payments to clients over just the first year of benefits.

2012

914 private attorneys collectively donated 45,522 hours of skilled pro-bono assistance through MLAC-funded programs, representing a value of more than \$10 million, nearly double the assistance received in FY09. This dramatic increase was the result of full-time help provided by deferred law firm associates to some legal aid programs.

MLAC-funded organizations employed 178 attorneys and 49 paralegals (full-time equivalents).

Daniele Bien-Aimé of Brockton will never forget the afternoon of April 15, 2011. She was hard at work at her job as a Haitian Creole medical interpreter when her mobile phone rang. Unable to answer, she ignored the call.



Daniele Bien-Aimé

The phone rang a second time. Again she ignored it, this time with growing trepidation. Perhaps something had happened to one of her two young daughters.

As soon as she could, Daniele picked up her phone. Her doctor was on the other end of the line.

“Daniele, you have breast cancer.”

Time seemed to stand still at that moment for Daniele. She remembers trudging to her car, shutting the door and beginning to sob. Just one week earlier she had buried her mother, who died after a long battle with breast cancer. Was Daniele

about to meet the same fate?

Over the next few days, she met with surgeons and oncologists and subjected herself to a battery of tests, which required her to take a medical leave of absence from her job. In June 2011, both of Daniele’s breasts were removed and she began chemotherapy.

The treatments proved effective, and soon Daniele was well enough to return to work while continuing her weekly chemo sessions. But her employer informed her that she had already used all of her sick time. If she missed another day, even for chemo, she would be fired.

It was an agonizing decision. Daniele could either treat her cancer or save her job. She decided to continue her chemo, and a few weeks later, a termination letter arrived in the mail.

“I didn’t know my rights, but I knew at the time that it was wrong,” Daniele recalled. “I told them that I didn’t choose to be sick.”

Losing her job meant losing not only her income, but her health insurance as well. Without insurance, she had no choice but to stop her chemotherapy. And with no income,



Remon Jourdan

Remon Jourdan of Randolph is a quadriplegic who requires around-the-clock care from personal care attendants. The attendants make it possible for Remon to live as normal a life as possible.

“These are the people who dress me, groom me, move me and generally keep me going,” says Remon. “They’re a family to me, and none of them can afford to lose a month’s pay.”

The Many Faces of Legal Aid:

she was unable to pay the rent on her Brockton apartment. Soon her landlord filed suit in housing court to evict her.

So it was that Daniele found herself with no job, no health insurance and no way to finish her cancer treatment. To top it all off, she and her daughters would soon be homeless.

“God, what have I done to you to deserve this?” Daniele wondered.

Luckily, Daniele found legal help through a partnership between South Coastal Counties Legal Services (SCCLS) and the Brockton health center where she was receiving chemo. An SCCLS attorney contacted Daniele’s employer, asserting her right to accommodations under the Americans with Disabilities Act and requesting that her job be reinstated.

The employer initially refused, but after threatening a lawsuit, Daniele’s attorney convinced the employer to rehire her and offer time off to finish her chemotherapy sessions.

The attorney also successfully negotiated a settlement with Daniele’s landlord, who dropped the eviction lawsuit and gave Daniele a grace period to pay her rent.

Back at work and free from the threat of losing her home, she was able to finish her chemotherapy.

Daniele is currently cancer-free.

“When I was introduced to [my legal aid attorney], it was Heaven-sent,” Daniele said. “I don’t know what I would have done without her help.”

THESE ARE JUST A FEW OF
THE PEOPLE MLAC-FUNDED
PROGRAMS HELPED IN 2012.
TO READ MORE, VISIT
WWW.MLAC.ORG

2012



In June 2011, that’s exactly what happened. MassHealth stopped paying Remon for his personal care attendants because his doctor hadn’t returned a necessary form by the deadline.

“... this is the beauty of legal aid. They’re there for people who may fall through the cracks...”

Remon didn’t know there was a problem until the checks stopped coming. By the time he had fixed the problem and been reapproved, the lapse in payments left him owing his attendants \$4,000. MassHealth claimed they were not responsible and would not pay, even after Remon filed an appeal.

Seeking Justice, Rebuilding Lives



Ellen Stone

Like so many Americans, Ellen lost her job during the economic recession. Trained as a medical biller, she realized after a long search that those jobs had all but dried up. So Ellen accepted a telemarketing position, only to find that the requirements of the job were next to impossible for her to fulfill. Not only was she unemployed again, but now the state claimed she owed several thousand dollars in unemployment insurance because she quit her job.

Determined to keep the benefits she knew she was entitled to, Ellen turned to Greater Boston Legal Services. At her unemployment hearing, Ellen's GBLS attorney successfully argued that because the position was not a suitable job for her, she should be able to quit without jeopardizing her unemployment insurance.



More than 600 attorneys gathered at the State House for the 13th Annual Walk to the Hill for Civil Legal Aid in January. On behalf of Gov. Deval Patrick, Lt. Governor Timothy Murray made a surprise appearance to announce support for increased funding for civil legal aid. Visit equaljusticecoalition.org for more photos.



Remon's attendants continued to work without pay during the lapse, and he vowed to repay them, even out of his own pocket. On his very limited income, saving \$4,000 would have taken more than six years.

Fortunately, Remon found Greater Boston Legal Services (GBLS). After unsuccessfully attempting to convince MassHealth to cover the expenses, a GBLS attorney sued on Remon's behalf. The agency then agreed to pay the full \$4,000 it owed. Now Remon can continue to receive the high level of care he needs, free from worry.

"I know this may not seem like a big case since it was over a few missed paychecks," Remon said. "But this is the beauty of legal aid. They're there for people who may fall through the cracks, like me — and for me, this case was huge."

Meet Charlie Harak, National Consumer Law Center

Have you ever been in fear of living in your home without heat, water or electricity? For one elderly woman from Billerica, this was a very real fear. In fact, she was facing a choice between keeping the lights on or keeping her home. It wasn't until she got in touch with Charlie Harak, an attorney at the National Consumer Law Center in Boston, that she realized she was eligible for a program that would decrease her bills to a manageable amount so that she could pay them and keep her home.



"Utility bills are so big and so scary that some people don't even open them," Charlie explains. He has devoted his career to advocating for utility customers' rights, but he spends most of his time working to ensure that utility companies play fair when it comes to dealing with customers who are behind on their bills. This systemic advocacy work doesn't leave a lot of time to help individual consumers like the elderly woman from Billerica. So several years ago, he started a training program called Project Stay Connected that teaches non-attorney advocates at social service agencies about the options available to utility customers who struggle to pay their bills.

The audience for the trainings is typically not attorneys but staff from agencies like United Way and the New England Farmworkers Council. At the trainings, Charlie gives these frontline staff the tools they need to immediately identify the legal options available to prevent utility shutoffs and give people who fall behind on their bills a chance to catch up.

Training non-lawyers to teach people about their right to gas and electricity service might seem like an unorthodox approach, but Project Stay Connected trainings have been enthusiastically received—and quite successful. Nearly 4,000 advocates in Massachusetts have attended one of the trainings, and arrearage management programs, which forgive some debt and establish payment plans for eligible customers, helped residents across the state save more than \$17 million last year.

>>> Visit www.nclc.org to learn more about Project Stay Connected.

STATEWIDE PROGRAMS

CENTER FOR LAW AND EDUCATION

General Support	\$86,136
Technology Grants and Equipment	\$6,488
Total	\$92,624

CENTER FOR PUBLIC REPRESENTATION

General Support	\$146,435
Disability Benefits Project	\$33,269
Technology Grants and Equipment	\$8,946
Total	\$188,650

DISABILITY LAW CENTER

General Support	\$172,278
Disability Benefits Project	\$182,257
Technology Grants and Equipment	\$5,017
Total	\$359,552

MASSACHUSETTS ADVOCATES FOR CHILDREN

General Support	\$68,047
Total	\$68,047

PRISONER'S LEGAL SERVICES

General Support	\$111,981
Technology Grants and Equipment	\$3,885
Total	\$115,866

MASSACHUSETTS LAW REFORM INSTITUTE

General Support	\$1,033,660
Battered Women's Legal Assistance	\$82,867
WebSite	\$271,933
Farm Workers	\$19,280
Technology Grants and Equipment	\$82,018
Total	\$1,489,758

NATIONAL CONSUMER LAW CENTER

General Support	\$86,138
Total	\$86,138

Total Statewide Programs **\$2,400,635**

LOCAL PROGRAMS

EASTERN REGION**GREATER BOSTON LEGAL SERVICES**

General Support	\$2,247,814
Medicare Advocacy Project	\$289,288
Disability Benefits Project	\$325,790
Battered Women's Legal Assistance	\$766,096
Technology Grants and Equipment	\$146,898
Bart Gordon Fellowship	\$50,000
Total	\$3,825,886

COMMUNITY LEGAL SERVICES AND COUNSELING CENTER

General Support	\$62,103
Disability Benefits Project	\$17,025
Battered Women's Legal Assistance	\$21,166
Total	\$100,294

METROWEST LEGAL SERVICES

General Support	\$295,043
Disability Benefits Project	\$45,931
Battered Women's Legal Assistance	\$100,556
Technology Grants and Equipment	\$15,998
Total	\$457,528

Total Eastern Region **\$4,383,708**

FY12**Grants to Programs**

\$13,500,230 total

LOCAL PROGRAMS

NORTHEAST REGION**NEIGHBORHOOD LEGAL SERVICES**

General Support	\$1,026,743
Disability Benefits Project	\$156,013
Battered Women's Legal Assistance (Sub grant to Merrimac Valley Legal Services)	\$376,397
Total	\$1,559,153

CHILDREN'S LAW CENTER OF MASSACHUSETTS

General Support	\$95,734
Technology Grants and Equipment	\$1,614
Total	\$97,348

Total Northeast Region **\$1,656,501**

SOUTHEAST REGION**SOUTH COASTAL COUNTIES LEGAL SERVICES**

General Support	\$1,240,134
Medicare Advocacy Project	\$61,137
Disability Benefits Project	\$175,189
Battered Women's Legal Assistance	\$422,661
Fellowships	\$75,000
ED Search grant	\$10,000

Total Southeast Region **\$1,984,121**

CENTRAL/WEST REGION**COMMUNITY LEGAL AID**

General Support	\$1,958,574
Medicare Advocacy Project	\$96,556
Disability Benefits Project	\$243,412
Battered Women's Legal Assistance	\$667,520
Technology Grants and Equipment	\$59,203
Fellowships	\$50,000

Total Central/West Region **\$3,075,265**

Statement of Activities and Changes in Net Assets

For the year ending
June 30, 2012

	Appropriated Projects					MLAC IOLTA	Technical Assistance	IOLTA Administrative Services	MLAC Administrative	Fixed Asset Fund	Total All Funds
	Disability Benefits Project	Medicare Advocacy Project	Battered Women's Legal Assistance Project	General Support	MLAC IOLTA						
Commonwealth of Massachusetts	1,178,888	446,980	2,437,260	6,436,872	4,310,954						10,500,000
IOLTA					784,324						4,310,954
BBO Opt-out Dues add on											784,324
Management fees							66,039				66,039
Interest and other income	935	384	2,273	4,936	99,668		226,458				334,654
TOTAL REVENUE	1,179,823	447,364	2,439,533	6,441,808	5,194,946		226,458	0	0	0	15,995,971
EXPENSES											
Grants Awarded	1,178,888	446,980	2,437,263	6,410,403	2,781,661						13,255,195
Loan forgiveness				39,568	30,515						70,083
Salaries							454,946	16,128	562,312		1,033,386
Occupancy							25,450	45,218	192,400		263,068
Professional services							308,346		165,035		473,381
Payroll taxes and fringe benefits							106,629	4,693	130,470		241,792
Other support services							83,522		51,611		135,133
Fellowships							174,910				174,910
Depreciation										35,676	35,676
Travel							4,866		9,684		14,550
Office							5,133		14,163		19,296
Total expenses before allocation of administrative expense	1,178,888	446,980	2,437,263	6,449,971	2,812,176		1,163,802	66,039	1,125,675	35,676	15,716,470
Allocation of Administrative Expense	87,345	33,117	180,578	477,061	347,574				-1,125,675		
TOTAL EXPENSES	1,266,233	480,097	2,617,841	6,927,032	3,159,750		1,163,802	66,039	0	35,676	15,716,470
Excess (deficiency) of revenue	-86,410	-32,733	-178,308	-485,224	2,035,196		-937,344	0	0	-35,676	279,501
NET ASSETS June 30, 2011	0	0	0	0	1,112,309		0	0	0	74,396	1,186,705
Transfer to other funds	86,410	32,733	178,308	485,224	-1,720,019		937,344	0		-35,676	
NET ASSETS June 30, 2012	0	0	0	0	1,427,486		0	0	0	38,720	1,466,206

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