Justice is a Community Issue

by James M. Daniels, Director

SEOLS can’t help everyone; who should be helped? The single mother calling about her landlord not making needed repairs, or the disabled father who has an eviction hearing in three days for not paying rent for a house because the landlord would not make needed repairs? The separated parents who need to change custody and are agreeable but need guidance on how to do so, or the abandoned wife being sued for custody by her abusive husband soon after asking for child support? The unemployed being illegally harassed day and night by debt collectors, or the unemployed actually being sued in court by debt collectors who have no proof that any debt is owed them?

When you can’t fully help or even talk to everyone who calls with a legal question or problem, whom do you talk to and whom do you help? Do you focus on advising people if doing so might resolve problems and keep them out of court or help them successfully navigate court on their own, or do you structure your time on representing people already summoned to appear and defend in court? With a little help, the single mother might get needed repairs made and avoid eviction and court; the divorced parents might easily file to change custody if they knew which forms to use, how to complete them, file them, and what to expect in court. And the unemployed might be able to stop the illegal harassment and avoid court.

Achieving justice is a community issue and SEOLS looks to its communities for help. This newsletter talks about the free legal clinic, staffed by private attorneys, in Tuscarawas County. Low-income people come to the clinic, get their questions answered by volunteer attorneys, and get advice and direction about what to do and whether to go into court. If people need to go into court, SEOLS has developed do-it-yourself forms. At the clinic, a volunteer attorney can help each person choose and correctly complete the right forms. SEOLS, working with local judges, bar associations, and other community agencies and churches, has helped develop and support such clinics in half of its 30 counties. These clinics have brought additional legal resources to preventing bigger problems and keeping people out of court.

Between January 1 and the end of June 2014, 95 private attorneys in 15 different counties donated their time to help 634 low-income individuals. That is 634 individuals who likely would not have been able to talk with an attorney about their legal questions, worries and problems. This community collaboration results in fewer people going to court, and our understaffed courts spending less time handling problems and answering questions for unrepresented litigants who too often end up filing the wrong form, completing the right form incorrectly, or not knowing what to do or expect when they get to court.

U.S. Supreme Court Justice Potter Stewart said, “Fairness is what justice really is.” However, to those without an attorney, our justice system seems mysterious and unfair—with its own language and hard-to-find and understand rules, procedures and forms. These community collaborations and the volunteer attorneys who help out at these free clinics do more than help struggling individuals and families resolve and avoid problems and sleep a little easier at night. They help bring the justice systems in their communities closer to what we all know it needs to be: fair and accessible for all.

SEOLS serves 30 counties in southeast Ohio:

**Athens, Gallia, Meigs, Morgan, Noble, Vinton, Washington**

- Athens, OH 45701
  - 740.594.3558, 800.686.3669

- New Philadelphia, OH 44663
  - 740.345.0850, 888.831.9412

**Fairfield, Fayette, Hocking, Jackson, Pickaway, Pike, Ross**

- 11 East Second Street
  - Chillicothe, OH 45601
  - 740.773.0012, 800.686.3668

**Coshocton, Guernsey, Holmes, Tuscarawas**

- Coshocton, OH 43732
  - 330.339.3998, 800.686.3670

- 15 West Locust Street, Suite A
  - Newark, OH 43055
  - 740.345.0850, 888.831.9412

**Knox, Licking, Muskingum, Perry**

- 1137 3rd Street, New Philadelphia, OH 44663
  - 740.345.0850, 888.831.9412

**Adams, Lawrence, Scioto**

- 800 Gallia Street, Suite 700
  - Portsmouth, OH 45662
  - 740.354.7463, 800.837.2508

**Belmont, Carroll, Harrison, Jefferson, Monroe**

- 100 North Third Street
  - Steubenville, OH 43952
  - 740.283.4781, 800.837.4781
Legal Assistance is a Huge Value in Tuscarawas County

Elizabeth Stephenson, court administrator for the Tuscarawas County Court of Common Pleas, has been a volunteer with the Tuscarawas County Free Legal Clinic since its inception in 2002. She became a lawyer to help people with their legal questions and problems. In a recent interview with Ms. Stephenson, she said, “Any program that provides legal assistance to people in need is a huge value to people in the Tuscarawas area. This program has been successful because it is a well-designed program to fit a specific need. The need for free legal advice has been constant.” Elizabeth deserves many thanks and much appreciation for her efforts in recruiting volunteer attorneys to provide free legal help at each clinic. Her office also helps get the word out by posting flyers and court employees make telephone referrals. Without Elizabeth’s commitment to the project, the clinic would not have been able to continue to operate year after year, providing excellent assistance to people in need.

The Tuscarawas County Free Legal Clinic began in 2002—through the efforts of Southeastern Ohio Legal Services (SEOLS), the Tuscarawas County Bar Association and the Tuscarawas County Council for Church and Community—to provide an extra source of free legal help to low- and moderate-income residents in Tuscarawas and surrounding counties. Clinics are held once a month during February, April, June, August, October and December at Emmanuel Lutheran Church. Kristen Finzel Lewis, senior staff attorney in the SEOLS New Philadelphia office, has served as clinic coordinator since the clinic began. The clinic is staffed by volunteers from the Tuscarawas County Bar Association who donate their time and service to this great cause.

Face-to-face help is a key reason for the project’s success, and having attorneys volunteer to meet with people locally is very important. Clinic attendees are offered an opportunity to meet privately with an attorney to discuss their legal problems free of charge. The clinic has enjoyed great support from the Tuscarawas Bar Association which provides four to five volunteer attorneys at each clinic. Since 2002, hundreds of clients have received free legal help through the pro bono services offered at the clinic.

SEOLS is not able to help everyone who needs legal help. Elizabeth would like to see Clinic services expand. “Provided that we can get the staffing, I would like to see domestic relations-centered clinics where a volunteer attorney or paralegal walks a group of people through the various form packets that we have available on the web, for example; so many people are filing for dissolution without legal counsel.” Many people in Tuscarawas and surrounding counties need legal assistance and the clinics are a way to provide help where help is needed.

For more information about becoming a volunteer with SEOLS New Philadelphia, contact SEOLS pro bono coordinator Melissa Skilliter at mskilliter@oslsa.org.

National Celebration of Pro Bono: October 19-25, 2014

Over the past five years, with your help, the ABA’s Standing Committee on Pro Bono and Public Service has succeeded in creating an annual national spotlight on pro bono. Our collective efforts are helping to increase access to justice for all.

Do Good. Do Justice. Do Pro Bono.

The National Celebration of Pro Bono is sponsored by the ABA Standing Committee on Pro Bono and Public Service.

Mark Your Calendars for Fall Trainings

In its ongoing effort to increase our volunteer pool to meet the growing need for legal assistance, The Legal Aid Society of Columbus is offering a number of CLEs this fall. Click on the training announcement (to the right) for access to the brochure and instructions on how to register.

- Thursday, October 16 – Basics of Unemployment Compensation (Replay)
- Wednesday, October 22 – Brief Advice Clinics – Poverty Law Topics (Replay)
- Tuesday, October 28 – Rent Escrow Law and Procedure for Pro Bono Attorneys (Live)
- Thursday, November 6 – Unique Challenges of Representing Low-Income Debtors in Chapter 7 Proceedings (Live - Marion, Ohio)
- Wednesday, November 19 – Wills & Advanced Directives – Details TBA
Keeping Families in Their Homes

When the foreclosure crisis hit Ohio in 2008, Southeastern Ohio Legal Services—along with other legal aid programs—took the lead in trying to keep families in their homes. SEOLS is able to continue to do foreclosure work with funding assistance from the Ohio Attorney General’s office. Since 2008, the New Philadelphia office has helped almost 400 families in foreclosure cases. Not only have they been able to keep many of those families in their homes, but they have also saved them hundreds of thousands of dollars through loan modifications. Keeping people in their homes is a benefit to the homeowner, their family and to the community.

The New Philadelphia office continues to see numerous foreclosure cases in its service area:

In one case, our client was a veteran of the Battle of Mogadishu (1993)—a battle in which the US suffered 93 casualties (killed or wounded). He was also married and the father of two children. Our client suffered from Post-Traumatic Stress Disorder (PTSD), but was discharged from the service with only 10% disability. He also received money through the VA Vocational Rehabilitation Program to attend school. When his PTSD symptoms began to spike, our client was forced to withdraw from school and was unable to work. Without the VA Vocational Rehabilitation Program money, he quickly fell behind in his mortgage payments.

Eventually our client’s mortgage lender filed to foreclose on his home. At that time, he called SEOLS for help with the foreclosure case. Since our client had a VA loan, the lender was required to initiate a face-to-face interview for the purposes of exploring loss mitigation options prior to filing the foreclosure. Because the client had not complied with this and other VA servicing requirements, SEOLS filed affirmative defenses and counterclaims on our client’s behalf in the foreclosure case. SEOLS also requested mediation in order to pursue VA loan modification options.

In the meantime, our client applied for an increase in his VA disability rating. SEOLS reviewed his army and medical records, advised him on his application and the application process, and ensured he had the necessary evidence for successful application. SEOLS informed the lender that our client was awaiting a decision on his disability application and requested that mediation be scheduled after the decision. Both the mediator and lender agreed to the request, in large part because SEOLS was able to verify the strength of the application and likelihood of its success. (continued: Foreclosure on page 5)
SEOLS New Philadelphia staff (left to right):
Renee Eubanks, Brenda Canella, Judy Lehman, Kristen Finzel Lewis, Mike Harrington

The heart of any office is its support staff. They are the front line folks who deal with everyone who calls or walks into the New Philadelphia office. Our support staff not only makes sure that the office works efficiently, but they also make sure that clients and anyone else who contacts our office feel good about the interaction. The New Philadelphia office is fortunate enough to have two support staff who excel at providing effective office support, and compassionate, yet efficient, communication with our clients. Brenda Canella is the office manager and has been with SEOLS for 19 years. Judy Lehman is the office secretary and has been with the program for 12 years.

The attorneys in the New Philadelphia office are dedicated to providing high-quality, free legal services to all of our clients in Coshocton, Guernsey, Holmes and Tuscarawas Counties. Even though we have had to reduce the number of staff due to state and federal cuts in legal aid funding, our team continues to explore creative ways to help our clients resolve issues that prevent homelessness, protect families from abuse and neglect, help seniors and veterans access needed income and help the disabled find resources for quality medical and home care.

Renee Eubanks joined Southeastern Ohio Legal Services in 2007, working in the Portsmouth and Zanesville offices. When the Zanesville office closed in early 2014, she moved to the New Philadelphia office. Renee’s area of expertise is domestic relations, and she was certified as a Family Law Specialist by the Ohio State Bar Association. She has advocated for domestic violence survivors for ten years, assisting numerous survivors in leaving abusive relationships through successful family law litigation, and has helped survivors access benefits for food, safe housing, and medical care for their children. Renee has served on the board of the Southern Ohio Shelter, the Lawrence County Domestic Violence Task Force and Action Ohio, has been a member of the Muskingum County Domestic Violence Coalition, and has volunteered her time at the Muskingum Family Law Clinic and the Perry County Legal Clinic. Renee received her Juris Doctor from The Ohio State University College of Law and her B.A. from Baldwin Wallace University.

Kristen Finzel Lewis joined the New Philadelphia office of SEOLS as a staff attorney in 2001 after graduating from the William and Mary Marshall-Wythe School of Law. She has devoted her legal career to serving the area’s low-income residents through direct legal representation and community involvement and advocacy. A majority of Kristen’s practice has focused on improving housing stability, affordability, and equal access to quality housing. Kristen—with the support of the Tuscarawas County Bar Association—started the Tuscarawas County Free Legal Clinic in 2002. She continues to serve as the clinic coordinator, holding six clinics annually. Since 2002, the clinic has assisted more than 1,000 people in Tuscarawas who needed legal help to resolve issues that affected their livelihood, safety and ability to live with dignity in our community. Kristen lives in Canton with her husband and their spoiled yellow lab, Maddox.

Michael Harrington is the managing attorney at the New Philadelphia office, and has had that position since 1997. Prior to accepting that position, Mike was with the Legal Services Corporation of Iowa for ten years. Mike is a graduate of the Creighton University School of Law. Mike is also the Consumer Team leader for SEOLS. Mike and his wife stay busy keeping up with their four children’s active schedules.

The SEOLS Consumer Team became one of the leaders in dealing with secondary debt cases (credit card debt that has been sold to another debt collector) when the first cases appeared in Ohio. SEOLS continues to battle these cases to make sure that consumers are not being wrongfully sued by the debt buyer. The SEOLS Consumer Team has also been active in trying to make sure that consumers are not being taken advantage of by payday loans and auto title loans. Both loans charge an extremely high interest rate and often lead consumers further into debt.
(Foreclosure continued from page 3)

While waiting for his VA disability decision, the VA informed our client that, because he abruptly withdrew from school without notifying the VA, he was overpaid through the VA Rehabilitation Program and needed to repay the VA $2,081.27; in the meantime, all of his VA benefits would be garnished. SEOLS drafted a waiver and compromise letter for our client, offering to repay the debt through any back award he might receive. The VA did not rule on the waiver, as it did not need to: the VA ruled on our client’s increased disability rating application—raising his disability rating to 70% with a determination that he was unemployable, which effectively raised his payments to a 100% disability rating level. His back award payment offset the school overpayment.

After this very positive determination was issued, SEOLS was able to successfully negotiate a loan modification with the mortgage lender which allowed our client to catch up on his back payments over time and avoid foreclosure. The loan modification was finalized and the foreclosure was dismissed.

In another case, an 86-year-old widow had fallen behind on condominium fees after her husband passed away, and the condominium association filed the foreclosure action even though the client was current on her mortgage. The stress from the loss of her husband, medical issues and other problems were too much for her to handle. SEOLS was able to slow down the foreclosure process and help her get assistance through the Save the Dream program run by the Ohio Housing Finance Agency. She was able to get enough assistance to bring the condo fees current. SEOLS then got the foreclosure action resolved which allowed the client to remain in her home.

In a third case, a single mother was being sued for foreclosure. Even though she was current on her mortgage, the lender was refusing to accept her payments. When she had divorced several years earlier, she received the home as part of the divorce settlement and became responsible for paying off the mortgage. Shortly after the divorce, she used the Home Affordable Modification Program to restructure her mortgage and make it more affordable for her. She had paid on the restructured mortgage for about two years when the lender suddenly stopped accepting payments and quickly filed to foreclose. Fortunately, she called on SEOLS for help. SEOLS got involved in the foreclosure and was able to get the lender to honor the original loan modification terms, waive all late fees and costs that they had added to the loan, and, in the process, correct the client’s credit history to show that she had never been behind on her mortgage.

A homeowner who contacts the SEOLS New Philadelphia office will be able to speak with an attorney who will evaluate their case to determine if there are any defenses to the case and if the homeowner can afford to keep the home. Based on these factors, an office attorney will then be able to help the homeowner formulate a plan that best fits their situation. Often this includes assisting the home owner in getting the process going to look at possible loan modifications which may help deal with any arrearage and, in some instances, can restructure the loan to make it more affordable. The attorneys in the SEOLS New Philadelphia office also represent many home owners in foreclosure actions that have been filed with the court. For home owners who cannot afford to stay in their home, the attorney will help the home owners in that situation explore the best options.

Yes! I want to help SEOLS advocate for equal access to justice and human dignity.

The hourly cost of placing and supporting an attorney in one of our offices is about $120 per hour. More people need our services than ever before.

You can help us serve more people by making a voluntary, tax deductible contribution. Contributions may be in the form of money and/or time volunteered. You may use this coupon or visit http://seols.org and click the PayPal donation link.

I want to help SEOLS advocate for equal access to justice and human dignity.

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If you would like information about volunteer opportunities at Southeastern Ohio Legal Services, please list your email address:

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Southeastern Ohio Legal Services
555 Buttles Avenue
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Thank you!