

MidPenn Legal Services

Legal Aid: Critical Help for Critical Moments



About MidPenn: We are the legal safety net for low-income persons and for domestic violence survivors in central Pennsylvanian. We aim to provide the best service available to the greatest number of clients. We advise and represent clients with domestic violence, custody, housing, health care, consumer, elder law and public benefit issues.

EXECUTIVE DIRECTOR'S MESSAGE

Every time I pass a hospital, I say a silent prayer. I am so glad that dedicated people are staffing these critical facilities. I hope they will be there for me should I ever need it. But I don't want to think too much about it, my focus snaps back to the immediate demands of my day. We are occasionally touched by the story of a close friend or loved one with a medical crisis and we are so thankful they were able to get help.

MidPenn Legal Services is using the phrase "Critical Help for Critical Moments" because we are the legal profession's emergency room. Our clients need immediate assistance and they have no where else to turn. They had been getting by until a sudden bump in the road: a lost job, a sudden illness, a marital break up. They need professional help and if they don't get it, dire consequences will follow. Like the emergency room, legal aid is there to help them get their lives back on track.



While everyone knows about hospitals, few people know about our work. Legal aid represents people in emergency civil law matters. Many people have heard of the Public Defender but that is not us, we do not handle criminal cases. The stories in this report are what we are about. We help people through life changing moments. It is a responsibility that we take very seriously. Our clients' struggle to preserve the basics for themselves and their families is what legal aid is all about.

By now most people have heard of the starfish story. A man is walking along a beach where thousands of starfish have been washed up. One by one he is tossing them back in. When confronted about the apparent futility of his actions he considers the last starfish and says, "It did that one some good." We can't save the world but we know we can help many needy members of our community.

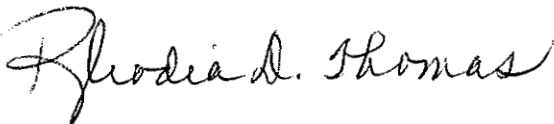
Legal Aid fights for fairness but we are more than a noble principal. What would have happened to the faces you see in this report if they had no

“emergency room”? What would be the cost to the community of dealing with their resulting fall from normal functioning? Some people feel the poor have no need for legal advocates but what would have happened to the clients in this report without an advocate’s help?

MidPenn is alive and well. We have tangible indicators of our progress:

- Substantive law groups have been formed to share information on developments in numerous areas of our practice. Advocates zip emails between the offices to share both questions and answers and have a running dialogue on cases and issues.
- A quality training program has been put in place for new advocates and we have a number of great new hires.
- A development program is looking for ways to increase our funding levels and to make connections with new partners.
- We continue to take great pride in our award winning advocates such as Carolyn Sexton, a long tem paralegal in our York office. Carolyn was recently selected to be a recipient of a 2005 Excellence Award from Pennsylvania Legal Services, the agency that coordinates legal aid programs throughout the state.
- A number of our client board members have become active in the Pennsylvania Clients Counsel in an effort to make it more productive and more responsive to the needs of the low income client community.

We are alive and well but we need help ourselves in order to keep assisting others. We salute all of our champions. We have tremendous support from the bench and bar. Attorneys throughout central Pennsylvania have done an incredible job of assisting us by volunteering to take pro bono cases. Our bar associations have provided us critical financial and moral support. We owe a great debt of gratitude to many local United Ways while the Legal Services Corporation and Pennsylvania Legal Services are our primary funders. Thank you all for supporting equal justice and helping us assist the most needy members of your community through their critical moments.



RHODIA D. THOMAS, EXECUTIVE DIIRECTOR

Legal Aid: Critical Help for Critical Moments



FIGHTING THE HMO

Joyce Crawford's iron will nearly did her in. Her blood pressure was so high her doctor insisted that she go directly to the hospital. Joyce had other ideas. Besides, she had to go to work. She didn't have time to be sick. When her doctor called her every two hours that night, it got her attention. Overcoming her denial was the big first step in a long road back to health.

She was always on the go. She sold real estate for fifteen years in her native Florida. She worked another fifteen years for a company that coordinated environmental matters at Cape Canaveral. But things changed when she got sick. Her condition steadily deteriorated and she suffered a series of mini-strokes affecting both her eyesight and her balance. Doctors were unable to diagnose her condition and she quickly became aware that she was vastly under insured. "For over a year and a half I had tests done with the monthly co-pay costing between \$800 and \$1000."

Joyce rapidly depleted her retirement and savings accounts. "My life fell apart. I lost everything." She had to apply for Social Security Disability and food stamps. "Now, that was a day," she says as she remembers hitting rock bottom. "I can't tell you how hard it was for me to do that. My life was so changed by my illness. I got to the point where I wasn't sure I could afford a box of macaroni and cheese for dinner."

Joyce was devastated when the welfare office rejected her plea for help. She called a number that appeared on the bottom of the notice. "I had no idea what to do, I'd never had a legal problem. I was completely overwhelmed." She spoke with Paul Sternberg, a paralegal with vast experience in the area of public benefits. "When I spoke with Paul I knew right away that he was on my side. He knew what he was talking about, he seemed concerned about me and he had solutions. I knew I wasn't just going to be another five minutes of his day."

She needed to have access to an expensive drug that had proven effective in treating her condition. Without it she was completely incapacitated due to excruciating pain. No other alternative worked. Paul represented her in two hearings and ultimately prevailed. Her HMO was ordered to provide the medication. "I'm starting all over again but thanks to MidPenn I can maintain a decent quality of life. I thank God I went to legal aid. I didn't know how to fight the system. I worry about folks who don't get the help they need. Not everyone can speak up for themselves."

And she is doing something about it. Joyce is now an officer on both the Board of Directors of MidPenn Legal Services and the Pennsylvania Clients Counsel. "I make a conscious decision every day to be happy. You can't change what happens in life but you can change how you handle it."



PROTECTING THE RIGHT TO CARE FOR A PARENT

Ramonita Davila lives in a modest apartment in Lebanon. She was in poor health and relied on a Section 8 voucher to help pay her rent. Her health deteriorated to the point that regular medication became critical. Her doctor said she could not miss taking her pills. But with her illness she had difficulty remembering to take her prescriptions. Her son, Gilbert, lived nearby and offered to look after her. He would check in on his mother to see that she had taken her medicine and that she was comfortable.

Gilbert was glad to do it. On some occasions, when his mother was having a bad night, he would stay over. That led to trouble. The Lebanon Housing Authority had rules against extra tenants and they determined that Gilbert was, in fact, residing in his Mom's apartment. The Authority sought to terminate her Section 8 voucher as they felt Gilbert's presence violated the lease agreement. After all, a rule is a rule. Without the voucher she couldn't stay in her apartment. "It was bad enough that I wasn't feeling well," she says. "Now I was scared that I wouldn't have a place to live. I was stressed out."

MidPenn attorney Howard Miskey could relate to Ramonita's plight. Just a few years ago he brought his own mother to Pennsylvania from Florida so he could be sure she was receiving proper care. After meeting with Ramonita he filed an appeal from the Housing Authority's decision and argued the case in the Court of Common Pleas. After hearing all the facts, Judge Tylwalk ruled in favor of Ms. Davila. Not only did the judge rule against the eviction, he directed that Gilbert or his fiancé be allowed to visit as frequently as is necessary and to stay over occasionally as his mother's health dictates. "Howard was great all the way through it," says Ramonita. "We kept going to court and I won."



YOU COULD BE ELIGIBLE FOR A PREDATORY LOAN

Curvin and Nancy Ness were the opposite of wealthy but at least their modest Middletown home was paid in full. They were on a fixed income and they had to be careful with their money. When they wanted to make some necessary home repairs they didn't know where they were going to get the necessary funds. A radio commercial said they might be eligible for a home equity loan. Far from helping them preserve their home, this call led them into the foreclosure action they are now fighting.

The man for the loan company had been happy to come out and go over their options. Curvin and Nancy didn't know much about the world of home equity loans; they just knew they needed the money to repair their home and to pay off some of Nancy's medical bills. The one thing they did know was that they wanted a rate that wouldn't go up. They had heard about that kind of loan and were told by the loan company that was the loan they would be getting. When the papers were drawn up they signed on the dotted line and got their much need cash. They didn't realize, until two years later, that they had indeed signed up for a variable rate loan. They had been taken in by a classic case of bait and switch. In addition, the loan included tremendous hidden fees.

Because of a bureaucratic mistake by Social Security, Curvin's benefits were dramatically cut. Though this mistake was ultimately remedied, the Ness's fell behind in their mortgage payments and were facing foreclosure, in part because the payments were unaffordable from the beginning. Harrisburg MidPenn staff attorney Patrick Cicero reviewed their loan papers. "It was clear that this loan was never going to be affordable. Besides not being a fixed rate, it had huge hidden fees wrapped into it, making the cost of the loan and the monthly payment much higher than it should have been." Attorney Cicero filed a responsive pleading to the foreclosure action. He wants to get to the bottom of this transaction. "A broker is supposed to act as your fiduciary, not steer you into a more expensive product just to earn a kick back from the bank."

"This loan was bad from the start. Our clients put their trust in the loan broker and that trust was broken. We want the mortgage company to rewrite the loan into a fixed rate and credit our clients for some of the fees we feel are unwarranted," says Attorney Cicero. For now Mr. & Mrs. Ness are paying monthly payments into an escrow account at MidPenn's Harrisburg office while the case is being litigated. Ultimately, they hope to negotiate with the lender to restructure the loan into something fair and reasonable. They wanted to fix up their little home, not lose it to a loan company.



THE TURNING POINT

Deborah Lucas feels like a new woman. She recently changed not just her name but her entire life. It very nearly didn't happen. When her husband's abuse escalated Deborah filed a Protection From Abuse petition through the Carlisle office of MidPenn Legal Services. She obtained a Temporary Order stopping further contact. But like a lot of people, she had second thoughts. She told her attorneys that she wanted to drop the legal proceedings.

MidPenn attorneys Jessica Diamondstone and Grace D'Alo remember staying late one evening talking with her. Something just didn't seem right. When Deborah opened up to them it turned out that her husband was threatening to take their eight year old boy and disappear if she didn't withdraw the petition. She was terrified of never seeing her son again.

To get away from the abuse Deborah had moved from Carlisle to nearby Halifax, where she had family. She made sure that her husband could visit with his son, arranging for a pick up at a neutral location. But he used their son to lead him to where Deborah was living and his harassing calls and stalking began anew. Deborah didn't realize that the police would take this matter seriously and enforce the Temporary PFA Order that barred any contact by her husband.

With the support of her attorneys she reported her husband's latest threats and went ahead with her PFA. The stalking and the harassing calls stopped and a final Order was obtained in court. "The big turning point in my life was when Jessica and Grace talked me out of dropping my PFA. They did a great job for me and I'm really grateful for their help. If my story can help someone else that would be great. I know people need inspiration to find that inner strength to make changes in their lives."

Deborah subsequently went through the divorce clinic offered by MidPenn. She has primary custody of the child, who still sees his dad on a regular basis. She has been with Exel for eight years and is now the lead person in the quality assurance department handling custom trade presentation items. She was recently named employee of the month. "See, nothing but good stuff is happening now. Everything seems to be falling into place. I have a five year plan to pay down some debt and buy a house." When she talks about how the new chapter in her life feels, she laughs and smiles and says that for a long time she didn't feel able to do either of those things.



GETTING THE NURSING HOME BILL PAID

Twelve hundred dollars a month is not a lot of money for a family of three. Craig and Lois Older and their teenage son live in Kylertown, a small town in Clearfield County, just off Interstate Route 80. They rely entirely upon Social Security for income. Craig is only fifty years old but he suffers from serious neuropathy, diabetes and chronic pain. When his condition suddenly deteriorated he had to go into a nursing home. Lois applied to the county assistance office for help paying this bill. They couldn't possibly pay this additional expense. This cost is covered under the regulations but it was not to be that simple.

When Lois never heard back from the assistance office she thought everything was resolved. She received a bill from the nursing home but she assumed the assistance office would soon send them a check. Craig was discharged after a few weeks and they resumed their usual struggle to make ends meet. A few months later, however, a certified letter arrived stating that they were being sued by the nursing home for \$3850.03. They were stunned.

Lois immediately called the assistance office. She had applied for help in February and now it was October. What was the hold up? They told her that her application had been rejected in March for her failure to supply additional records. But they never told Lois and they never asked her for more information.

Lois called the MidPenn office in State College and spoke with Attorney Susan Michalik who has been handling cases such as this for over fifteen years. Attorney Michalik got a postponement of the lawsuit and went to work on getting the system to work as it should. An appeal was filed and an Administrative Law Judge reopened the decision and gave them twenty days to provide the required documentation. The appropriate papers were supplied and the application was approved. Following payment, the lawsuit was withdrawn.

To Attorney Michalik, it was just another day at the office. For Craig and Lois, however, it was a huge relief. Attorney Michalik fondly remembers the message Lois left on her answering machine: "Thank you, thank you, thank you. I just got the decision. They are paying the entire amount of the nursing home bill." Sometimes the system needs some help in order to work.

Acknowledgments:

Scott E. Kriner of Godfrey Advertising, scanned the photographs in this report and photographed Joyce Crawford
Michael E. Crabb of Simone Associates, Inc., photographed Ramonita Divila.

MidPenn gratefully acknowledges their kind contributions to this report.

PRESIDENT'S MESSAGE

It isn't just individuals that face critical moments. Organizations can have their troubled times as well. Rodney Dangerfield used to start his act by yanking on his shirt collar and saying, "I'm alright now, but last week, whew, what a week." We have struggled since our merger in 2000. The assimilation process raised about every possible organizational issue. And while it was hard work, I can confidently tell you that we are on the right track. And we are stronger for having taken a long, hard look at ourselves.

They say that change is good. They didn't say it would be easy. Each of the three organizations that made up our merger had been around since the early '70's. Each had deep roots in their community. At first we tried running our new 18 county entity on a one-size-fits-all basis but that didn't work. Our offices have a common goal but they are quite different. Some are large offices located in cities while other offices service an expansive rural area. In Pennsylvania, each county's legal system has a distinct identity. We want our offices to reflect these distinct cultures. This is both a philosophic aspiration and an economic necessity. If we are to survive in these times of federal and state cutbacks we have to connect solidly with our local bar associations and other local partners. We take local opinions very seriously.



I have practiced law now for 32 years. I'm older and allegedly wiser. I'm at the point where I carefully consider how I spend my time. Life is too short to spin your wheels. But I have never questioned my commitment to legal aid. When I look at who we serve I am confident that I am supporting a genuinely necessary service. Poor people and domestic violence victims need advocates in order to get a fair shake from the system. It's that simple. I'm glad I picked this battle. It is a fight worth fighting.

I took over as President in 2002. There were some days that I wished I hadn't raised my hand. Anyone who has presided over a merged family can attest that a successful blending can be more difficult to achieve than the most exotic gourmet recipe. But MidPenn is not just on the rebound, we are moving forward. Our focus is crystal clear. We have survived our own critical moment. We look forward to working with our local partners to meet our goal of serving more clients and doing it better. Thanks to all of you who have joined in the effort to help those in your community who have critical needs.

HARVEY B. REEDER, PRESIDENT

MIDPENN LEGAL SERVICES

STATEMENT OF FINANCIAL POSITION

JUNE 30, 2004

(WITH COMPARATIVE TOTALS FOR JUNE 30, 2003)

ASSETS

	2004	2003
Cash and cash equivalents	\$ 477,902	\$ 148,511
Investments	82,938	74,987
Client escrow funds	2,450	869
Accounts receivable		
PLS	370,118	410,322
LSC	800,017	-
Other	137,422	184,703
Promises to give	-	5,000
Prepaid expenses	87,052	77,943
Property and equipment	893,473	1,409,748
Accumulated depreciation	(683,206)	(1,032,189)
Total assets	<u>\$ 2,168,166</u>	<u>\$ 1,279,894</u>

LIABILITIES AND NET ASSETS

Accounts payable and accrued expenses	\$ 132,534	\$ 328,067
Accrued compensated absences	96,089	140,456
Payroll taxes withheld and payable	-	6,221
Client trust deposits	2,130	4,644
Refundable advances - LSC	-	164,727
Refundable advances - other	8,062	-
Capital lease payable	139,333	-
Notes payable	36,428	42,937
Total liabilities	<u>414,576</u>	<u>687,052</u>
Net assets		
Unrestricted	789,007	562,063
Temporarily restricted	964,583	30,779
Total net assets	<u>1,753,590</u>	<u>592,842</u>
Total liabilities and net assets	<u>\$ 2,168,166</u>	<u>\$ 1,279,894</u>

MIDPENN LEGAL SERVICES

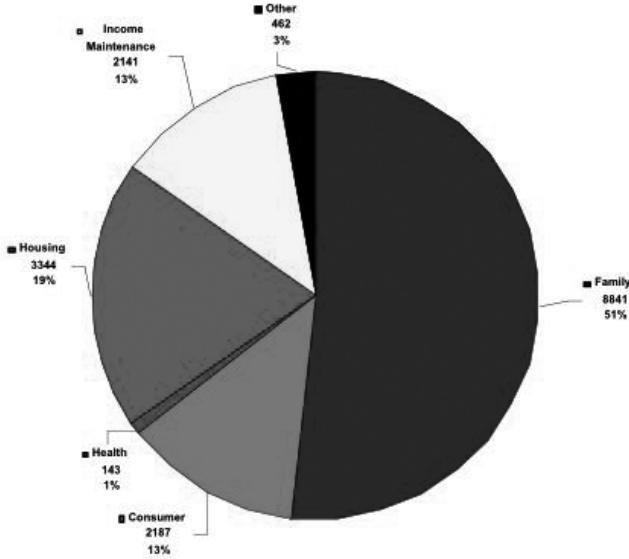
STATEMENT OF ACTIVITIES

YEAR ENDED JUNE 30, 2004
(WITH COMPARATIVE TOTALS FOR 2003)

	Unrestricted	Temporarily Restricted	Total 2004	Total 2003
Revenues and other support				
Contracts and grants	\$ 4,502,320	\$ 964,583	\$ 5,466,903	\$ 5,509,946
Contributions				
In-kind	1,601,507	-	1,601,507	816,471
Other	39,484	-	39,484	59,729
Equitable payments	41,552	-	41,552	49,848
Interest income	3,592	-	3,592	3,641
Net realized and unrealized gain (losses) on investment	6,490	-	6,490	(797)
Loss on disposal of property and equipment	(18,944)	-	(18,944)	-
Other income (expense)	13,825		13,825	37,193
Net assets released from donor restrictions	1,019,141	(1,019,141)	-	-
Total revenues and other support	<u>7,208,967</u>	<u>(54,558)</u>	<u>7,154,409</u>	<u>6,476,031</u>
Expenses				
Program services	6,142,480	-	6,142,480	5,675,292
Management and general	768,602	-	768,602	622,996
Fund raising	70,941	-	70,941	78,598
Total expenses	<u>6,982,023</u>	<u>-</u>	<u>6,982,023</u>	<u>6,376,886</u>
Change in net assets before cumulative effect of change in accounting principle	226,944	(54,558)	172,386	99,145
Cumulative effect of change in accounting principle	-	988,362	988,362	-
Change in net assets	226,944	933,804	1,160,748	99,145
Net assets - beginning	<u>562,063</u>	<u>30,779</u>	<u>592,842</u>	<u>493,697</u>
Net assets - ending	<u>\$ 789,007</u>	<u>\$ 964,583</u>	<u>\$ 1,753,590</u>	<u>\$ 592,842</u>

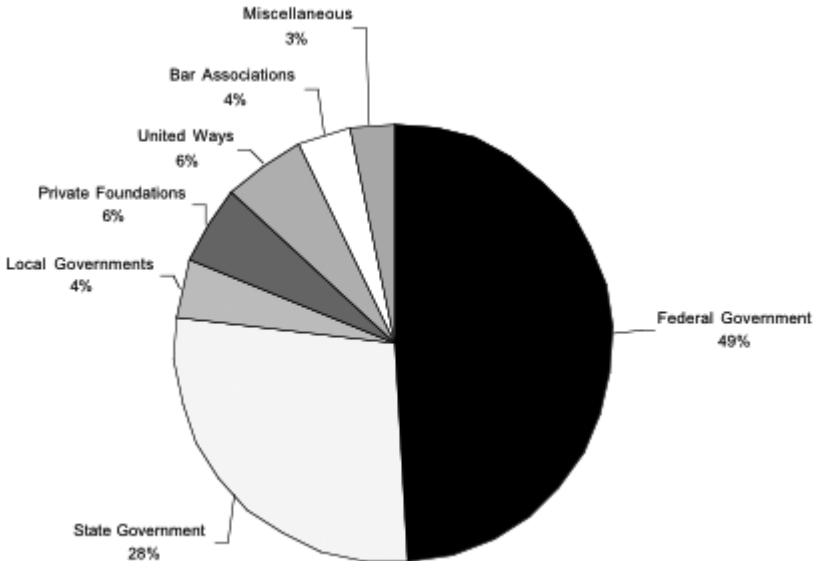
CASES HANDLED

*In 2004 MidPenn Legal Services
Handled 17, 118 Cases*

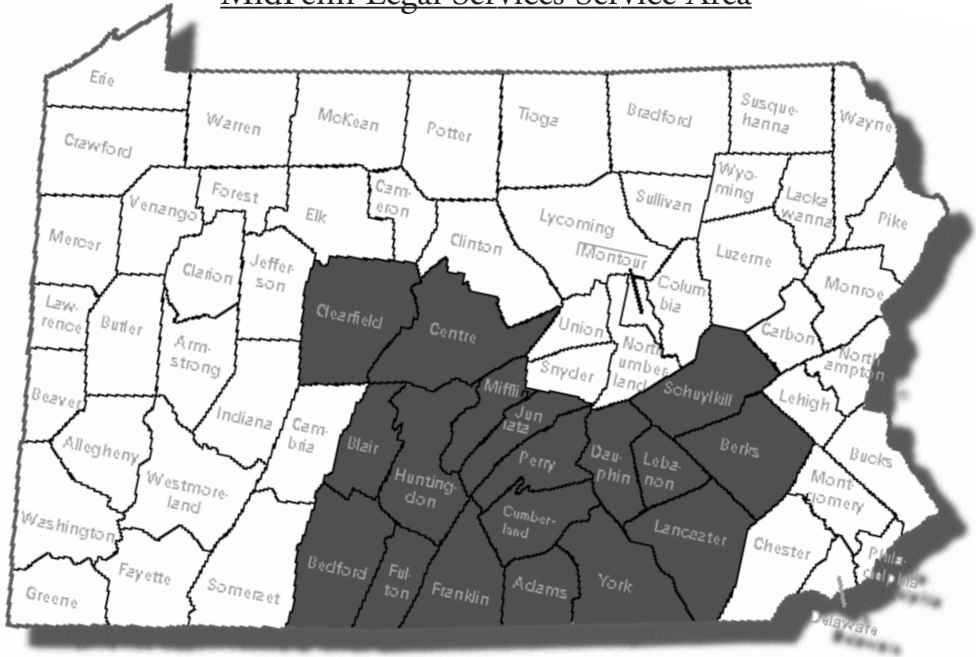


FUNDING SOURCES

While the majority of the funding for MidPenn comes from either the federal or state government, nearly one-quarter (23%) comes from our other partners.



MidPenn Legal Services Service Area



Administration

213-A North Front Street
Harrisburg, PA 17101
717-234-0492

Altoona

205 Lakemont Park Blvd.
Altoona, PA 16602
814-943-8139

Bedford

322 S. Juliana St.
Bedford, PA 15522
814-623-6189

Carlisle

401 East Louther St.
Suite 103
Carlisle, PA 17013
717-243-9400

Chambersburg

230 Lincoln Way East
Suite A
Chambersburg, PA 17201
717-264-5354

Clearfield

211 East Locust Street
Clearfield, PA 16830
814-765-9646

Gettysburg

128 Breckenridge St.
Gettysburg, Pa 17325
717-334-7624

Harrisburg

213-A North Front Street
Harrisburg, PA 17101
717-232-0581

Lancaster

38 N. Christian Street
Suite 200
Lancaster, PA 17602
717-299-0971

Lebanon

513 Chestnut St.
Lebanon, PA 17402
717-274-2834

Lewistown

3 West Monument Square
Suite 203
Lewistown, PA 17044
717-248-3099

Pottsville

315 North Centre Street
Suite 201
Pottsville, PA 17901
570-628-3931

Reading

501 Washington Street
Suite 401
Reading, PA 19601
610-376-8656

State College

2054 East College Avenue
State College, PA 16801
814-238-4958

York

256 East Market Street
York, PA 17403
717-848-3605

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Centre County Office of Aging
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Department of Housing & Urban Development
Department of Justice
Department of Public Welfare
Dickinson School of Law
Domestic Violence Services of Cumberland & Perry Counties
Eastern District Bankruptcy Conference
Giorgi Mushroom Company
Harrisburg City Council
Robert C. Hoffman Charitable Endowment Trust
Huntingdon-Bedford-Fulton Area Agency on Aging
Interest on Lawyer Trust Account
Lancaster City Community Development Block Grant
Lancaster County Community Development Block Grant
Lancaster County Court of Common Pleas
Lancaster County Office of Aging
Lebanon County Area Agency on Aging
Pennsylvania Legal Services
Perry County Area Agency on Aging
Schuylkill County Commissioners
Schuylkill County Office of Senior Services
State College Borough Community Development Block Grant
State College Community Land Trust
The AIDS Project
Women's Club of York
York County Area Agency on Aging



Legal Services Corporation



MidPenn is a proud member of these United Ways:

United Way of Adams County
United Way of the Capital Region
United Way of Carlisle & Cumberland
United Way of Centre County
United Way of Franklin County
United Way of Lancaster County
United Way of Lebanon County
United Way of the Shippensburg Area
United Way of York

Bar Associations

In addition to making significant contributions by taking pro bono cases, many central Pennsylvania bar associations have taken a leadership role in funding their legal aid offices. This invaluable support has resulted in stronger local offices.

Adams County Bar Association
Berks County Bar Association
Blair County Bar Association
Cumberland County Bar Association
Dauphin County Bar Association
Lancaster Bar Association Foundation
Lebanon County Bar Association
York County Bar Association Foundation

DONOR LIST

Financial contributions from many sources provide substantial operating revenues that augment funding from the Legal Services Corporation, Pennsylvania Legal Services, and numerous United Ways. This generous support helps to make equal access to the law a reality for people who cannot pay for legal services. Please contact us if this list is inaccurate.

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