

Fifty Years Advancing Justice



*New Jersey Legal Services'
First Five Decades*



THE NEW JERSEY LEGAL SERVICES SYSTEM

STATEWIDE COORDINATING PROGRAM

Legal Services of New Jersey

REGIONAL LEGAL SERVICES PROGRAMS

Central Jersey Legal Services

Covering Mercer, Middlesex, and Union counties

Essex-Newark Legal Services

Covering Essex County

Legal Services of Northwest Jersey

Covering Hunterdon, Morris, Somerset, Sussex, and Warren counties

Northeast New Jersey Legal Services

Covering Bergen, Hudson, and Passaic counties

South Jersey Legal Services

*Covering Atlantic, Burlington, Camden, Cape May, Cumberland,
Gloucester, Ocean, Monmouth, and Salem counties*



Fifty Years Advancing Justice— New Jersey Legal Services’ First Five Decades

Preface

This book, documenting both the history of New Jersey Legal Services as an institution and a selective summary of its work product, was compiled on the occasion of the commemoration of its first 50 years. Taken all in all, it constitutes a remarkable story of persistence and positive change.

Legal Services’ 50-Year Journey



**From Volunteer Legal Aid Societies
to a Statewide Staffed System**

Legal Services' 50 Year Journey— From Volunteer Legal Aid Societies to a Statewide Staffed System

Legal Services' first 50 years, both nationally and in New Jersey, is distinguished by an immediate transformation from a predominantly voluntary, part-time, advice and very limited representation model to a system that was principally publicly funded, staffed full-time, and geared to provide full representation to the conclusion of a matter.

The journey was challenging indeed, with at least nine distinct expand–then–retreat phases. The forward steps were full of innovations, creativity—even exhilaration. The retreats, by contrast, bore discouragement, as well as senseless dissipation of investment in training and development of experience, further marred by the loss of valued and wonderful colleagues. Several times, low-income communities across the state and nation experienced a sense of abandonment, often abrupt, as funding was cut, staff terminated, and, in extreme circumstances, even some offices closed.

Nonetheless, the state and national Legal Services systems persevered, testament to the commitment and courage of staff and supporters, and the strength and resilience of the communities being served.

Herein the overview of the major twists in that uneven and deeply challenging journey, the survival of Legal Services bears further witness to how the arc of the moral universe still bends towards justice.

Melville D. Miller, Jr.
President
Legal Services of New Jersey
Edison
December 7, 2017

I. Prelude—Early Legal Aid Efforts [1865–1960]

The first legal aid societies began to emerge nationally after the Civil War. Growth of such efforts in New Jersey did not emerge for another 50 years. In general, bar association-affiliated legal aid societies were open for limited hours, staffed by volunteers. In some of the largest cities, private funds supported some paid staff. Typical services were limited to advice. Rarely, and only in a few of the largest cities, were some court appearances made.

1865

First legal aid effort, in the District of Columbia and across the South, under the auspices of the Freedmen's Bureau (terminated in 1868).

A. First Growth Period (1876–1919)

1876

First legal aid organization in United States, *Der Deutsche Rechtsschutz Verein*, established in New York City (later evolved into Legal Aid Society of New York).

B. Second Growth Period (1919–1930)

1919

Publication of *Justice and the Poor* by Reginald Heber Smith, which criticized the absence of lawyers for the poor and caused heightened public attention.

1920

Part of the American Bar Association's 43rd Annual Meeting devoted to panel on legal aid; Special Committee on Legal Aid (SLAID) created, with Charles Evans Hughes as chairman.

Essex County Legal Aid opened in Newark.

1923

The National Association of Legal Aid Organizations is formed (later National Legal Aid and Defender Association – NLADA).

1920–30

Expansion of privately-funded legal aid societies: 30 new legal aid organizations created; annual caseload 171,000 in 1929 and 307,000 in 1932.

C. Retrenchment and Stagnation (1930–1950)

1930–1940

Financial difficulties and unemployment of lawyers during Depression lead to sharp cutbacks in legal aid society volunteers and caseloads.

1940–1950

Essentially a decade of stagnation: few new societies created; much apathy among the bar; criticism of the ineffectiveness of legal aid begins to take hold.

D. Final Growth Period (1950–1960)

1950

Britain implements its Legal Aid and Advice Scheme of 1949, marking the first publicly funded legal assistance program in Anglo-American jurisprudence.

1950–1960

Spurred by the threat of a government-financed scheme in the U.S., apathy and opposition waned and many new legal aid societies are created in cities (43% of the largest cities were without societies in 1949, but only 21% were without them by 1959). New Jersey saw legal aid offices open in Asbury Park, Camden, Cumberland County, Elizabeth, Flemington, Mt. Holly, Somerville, and Toms River.

1960

262 legal aid societies in the U.S. had a combined budget of under \$4 million. The equivalent of 400 full-time lawyers served 50 million poor Americans (one for each 120,000), as contrasted with 250,000 other full-time attorneys. Annual caseload varied from 466 to 2533 per attorney.

By the beginning of the Kennedy administration, however, legal aid had reached a decided plateau, and was criticized for being just a “band aid” operation, providing only legal advice, and the occasional referral to a *pro bono* lawyer.

II. The National Legal Services Program Emerges [1961–1969]

A. Seeds (1961–1965)

1961–1964

The Ford Foundation, the U.S. Department of Health, Education, and Welfare (HEW), and others begin to support and experiment with local neighborhood legal offices located in anti-poverty agencies or multi-service centers, building upon a National Lawyers Guild concept of “store front” lawyers begun in the 1930s. New Haven Legal Assistance, a prototype, is launched by Edgar and Jean Cahn in 1964.

1964

A new national Office of Economic Opportunity (OEO) is created to spearhead Lyndon Johnson’s War on Poverty. A HEW-sponsored national conference on “The Extension of Legal Services to the Poor” is held in November.



1965

The American Bar Association House of Delegates, through the leadership of President Lewis Powell, adopts a resolution supporting the expansion of legal services to “indigents and persons of low income through cooperation with OEO and other appropriate groups,” in February.

Attorney General Nicholas Katzenbach and Sargent Shriver, Director of OEO, sponsor a National Conference on Law and Poverty in June.

A Legal Services Program is created within OEO, with E. Clinton Bamberger, Jr. as its first Director. New Jersey Governor’s Committee on Law and Poverty is formed by Governor Richard J. Hughes. The New Jersey State Bar Association creates a Committee on Law and Poverty.

B. First Growth Period (1966–1969)

1966–1967

In most cases under the aegis of Community Action Programs and with the active involvement of county bar associations, Newark, Essex, Middlesex, Ocean, Hudson, Mercer, Passaic, Camden, Cape-Atlantic, Monmouth, Bergen, Somerset, and Union Legal Services programs started, along with the State Office of Legal Services in the Department of Community Affairs. Funding comes principally from OEO, which funds 300 new agencies nationally by the end of 1977.

Summer riots and civil disturbances in Newark, Plainfield, New Brunswick, and other cities.

First Murphy Amendment introduced and defeated in Congress; it would have prevented Legal Services programs from suing any government agency.

1968

Internal OEO struggles over control of the program: At the national level, the issue was whether the Legal Services program would be under the Community Action Program or independent (a substantial degree of independence was the outcome), while locally the question was the degree of control to be exercised by private lawyers, program staff, and clients.

National “backup centers,” mostly placed in law schools, funded to focus on systemic poverty law issues; some state backup centers also funded.

1969

Camden farmworkers office opens; there are now 131 attorneys in New Jersey Legal Services programs; New Jersey Supreme Court approves putting notice of availability of Legal Services on summons.

Governor Hughes and the New Jersey State Bar Association oppose the second Murphy

amendment, which would have permitted a conclusive gubernatorial veto of any program; amendment did not pass.

Attacks on and criticism of Legal Services program by adversaries around the country increase; Governor Hearns of Missouri vetoes grant to St. Louis program (veto was overridden).

New Jersey State Office of Legal Services (SOLS), an agency within the Department of Community Affairs, begins to provide some backup information, support and coordination for local Legal Services programs.

III. Legal Services Under Siege—Pushback, Retrenchment, and Stagnation (1970–1973)

1970

Struggle for control of Legal Services within OEO, called the battle around “regionalization” because it was an attempt to bring Legal Services under the regional offices of the Community Action Program, was continued in a repeat of 1967–1968.

Terry Lenzner, Director of the National Legal Services program, and his deputy, Frank Jones, fired by the Nixon Administration for their support of Legal Services’ field position on the regionalization issue.

Governor Ronald Reagan of California vetoes the grant to California Rural Legal Assistance (CRLA), alleging various abuses.

SOLS becomes actively involved as *amicus curiae* in several key Legal Services cases.

1971

Special OEO blue-ribbon commission finds no substance to the alleged CRLA abuses; Governor Reagan eventually withdraws his veto in return for a grant to set up a \$2.5 million judicare demonstration project.

In reaction to the attacks and controversy, and based upon recommendations from an ABA committee and a Nixon Administration council, two bills to create a new, separate Legal Services Corporation are introduced, one with bipartisan sponsorship and one on behalf of the Nixon administration.

SOLS continues *amicus* work; regular New Jersey project director meetings are held, and substantive task forces of Legal Services staff are convened to coordinate work in consumer, welfare, and housing law areas. De Miller joins SOLS as counsel.

OEO Legal Services Director Fred Speaker reaffirms law reform as a primary goal of the Legal Services program.

Monmouth and Ocean Legal Services projects merged by OEO. Sussex County Legal Services office opens, as part of Somerset-Sussex Legal Services. Camden and Newark both implement law reform units. (Newark's had been set up earlier as a separate project; Camden's was a unit within the overall program.)

In December, President Nixon vetoes the first Legal Services Corporation, contained in Economic Opportunity Act amendments, because it did not have enough restrictions.

1972

In February, Vice-President Agnew intervenes in a dispute between Camden Regional Legal Services (CRLS) and the City of Camden over a suit by community groups to stop an urban renewal project, siding with the mayor; CRLS Director David Dugan is summoned to a White House meeting; later in the year in an ABA Journal article Agnew calls for extensive restrictions on Legal Services, including a ban on suits against government.

With a series of staff departures and political dismissals, SOLS ceases to be a leader and coordinator in New Jersey Legal Services. De Miller leaves SOLS to direct Middlesex County Legal Services. During the summer, the project directors form the New Jersey Project Directors Association under Jim Ventantonio; task forces and coordination are continued to some extent by local project staff.

A new Legal Services Corporation bill is introduced, but after a series of unacceptable restrictive amendments, Congressional supporters of Legal Services finally scuttle the Legal Services Corporation legislation at the end of the term.

1973

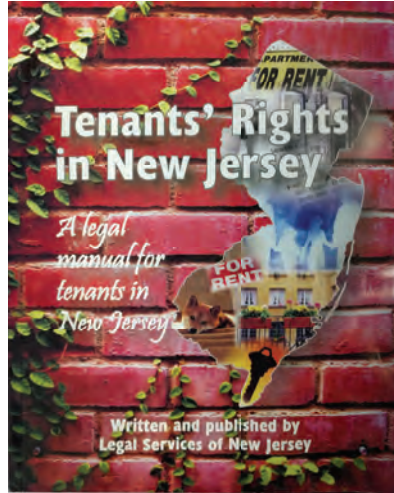
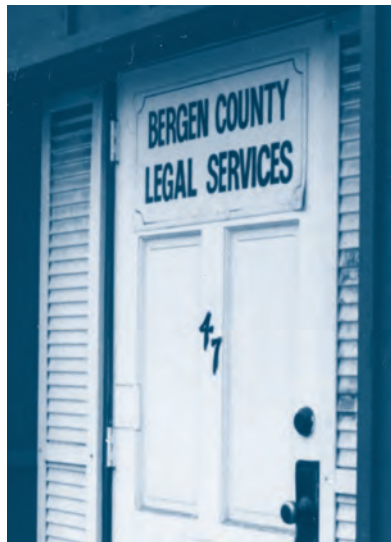
In January, President Nixon proposes to dismantle OEO, appointing Legal Services critic Howard Phillips to carry out the job. Phillips declares, "I think legal services is rotten and it will be destroyed," puts Legal Services programs on month-to-month funding, withholds even these checks, creating financial chaos in New Jersey and across the country as staff are asked to work for weeks without pay. Phillips also tries to defund backup centers and migrant programs, and cancels law reform as a national goal.

By May, a federal court enjoins Phillips from serving as Director of OEO and declares his actions null and void because his name was not submitted for confirmation. New Legal Services Corporation legislation is introduced; in May, the House adds extensive amendments.

At mid-year, the New Jersey project directors approve the formation of Legal Services of New Jersey (LSNJ); it is incorporated by Dave Dugan, Jane Cordo, Dick Pilch, Jim Ventantonio, and De Miller, and a \$300,000 proposal for startup funding is submitted to OEO. The acting national director for Legal Services, Theodore Tetzlaff, is fired the day before he was to sign off on the proposal, and it is never funded.



Interest-bearing account for legal services backed



Reagan Cutbacks
Budget Update — The Cuts



Essex-Newark Legal Services, Newark Legal Services Project, and Newark-Essex Joint Law Reform Unit merge into a single program.

IV. Stabilization and Expansion [1974–1980]

1974

The Legal Services Corporation Act of 1974 is signed into law on July 25 by President Nixon, just days before he resigns. It provides for an independent federal corporation, outside the executive branch, governed by 11 board members appointed by the President but subject to confirmation by the Senate.

The New Jersey project directors group becomes the New Jersey Legal Services Association, adding staff representatives, and is headed first by Jim Ventantonio and then De Miller.

At the end of the year, the Association votes to fund the dormant LSNJ to hire a staff coordinator making possible the publication of a monthly newsletter; the funding comes entirely from local program contributions. The staff coordinator, Dominique Rouvet, is succeeded in 1975 by Sue Perger.

The New Jersey Department of Human Services awards \$1.4 million of federal social services money to New Jersey Legal Services programs.

1975

President Ford's nominees to the board of the Legal Services Corporation are confirmed by the Senate, with Roger Cramton, Dean of Cornell Law School, as chair; on July 14, 1975, they are sworn in, hold their first meeting, and are addressed by Justice Lewis Powell, whose ABA leadership a decade earlier helped bring about the Legal Services program.

Thomas Ehrlich, Dean of Stanford Law School, is selected as the first President (staff director) of the Corporation, and E. Clinton Bamberger, Jr., now Dean of Catholic University Law School, as its Executive Vice-President.

LSNJ receives its first grant from the Legal Services Corporation; three staff attorneys are hired: Felipe Chavana, Regina Little, and Phyllis Warren; De Miller serves as president (executive director) of LSNJ while remaining as director of Middlesex Legal Services.

1976

LSC begins its progression toward considerably increased funding and expansion into all 50 states; funding rises from \$71.5 million in 1971 to \$92.3 million in 1976 to \$321.3 million in 1981. At its birth, the LSC had 258 programs staffed by 3,300 attorneys and 100 paralegals. When expansion

was completed in 1981, there were 325 programs, with 1,450 offices, in all 50 states, D.C., Puerto Rico, the Virgin Islands, Micronesia, and Guam. These programs employed 6,200 attorneys and 3,000 paralegals.

With staff, LSNJ expands the monthly *Report*, which is sent to every staff member in the state; LSNJ also conducts training, revitalizes the substantive task forces, and prepares to hold its first statewide Legal Services Conference in January 1977.

Governor Byrne appoints the Legal Services Advisory Council, pursuant to LSC Act, chaired by Dickinson R. Debevoise, to receive complaints and monitor the Legal Services program.

LSC launches what will become a \$15 million “Delivery Systems Study” (DSS), mandated by Congress, to compare staff programs with judicare, prepaid legal services, clinics, contracts with law firms, and a voucher system.

By the end of 1976, Hunterdon and Warren Legal Services programs have been created, and the Legal Aid Society of Morris County receives an LSC grant, extending Legal Services coverage to all 21 counties in New Jersey.

1977–1979

Key characteristics of the LSC approach are implemented:

- (1) Almost all grants are territorial, covering a specific geographical area, rather than being aimed at specific target populations. Exceptions are grants to 46 migrant programs or components, and 11 Native American grantees.
- (2) National support centers (the new name for backup centers) would be gradually strengthened, with increasingly specific work programs. In 1978, the LSC carries out an extensive study of support and training.
- (3) State support centers (of which LSNJ was one) would be strongly encouraged, with many new grants issued, particularly as a result of the impetus gained from the 1978 support study.
- (4) LSC develops a national training program and emphasis, centered in the LSC’s Office of Program Support, which designs national skills training packages for attorneys and other advocates, conducts training events all over the country, and encourages additional training at the state and local levels through a grants program. Indeed, starting in 1979, and as a result of the 1978 support study, the LSC begins a gradual process of “decentralizing” training, encouraging replication of national designs at the local level.
- (5) Through its Research Institute, LSC carries out national-level in-depth research and strategy development on a multitude of substantive legal issues and other topics pertinent to the poor.
- (6) LSC engages in systematic monitoring and evaluation of all of its grantees.

In 1977, Congress passes a reauthorization of the Legal Services Corporation, eliminating a number

of the restrictions contained in the 1974 Act. This authorization expires in 1980, and is the last authorization of Legal Services approved by Congress and signed into law. The program has continued since 1980 because each annual appropriation is treated as an implicit authorization.

LSNJ hires Renee Ensley [Mickens] as a secretary in 1977.

In January 1978, De Miller moves to LSNJ as full-time President, and LSNJ substantially expands its activities. LSNJ's second statewide Legal Services Conference is held in Cape May during September 1978.

In January 1978, President Carter appoints five new LSC board members, and four more are added in early 1979. Dan Bradley replaces Thomas Ehrlich as President of the LSC in June 1979, without any major changes in LSC policy.

1980

LSC completes the Delivery Systems Study which, while generally inconclusive, found that inclusion of staff was essential to cost, efficiency, quality, and significant impact. The DSS report ultimately suggested that the search for a perfect national delivery model should be abandoned, because there was no single best approach, and that efforts should instead be directed toward funding the most effective and creative local delivery systems.

LSC sets aside \$500,000 for new *pro bono* demonstration projects.

Ronald Reagan is elected President in November.

In December, the 1980 LSC reauthorization is pulled from the Congressional calendars without passage, to avoid a host of restrictive amendments.

LSNJ's third statewide Conference is held in East Brunswick; Chief Justice Wilentz addresses the entire assembly.

LSNJ publishes broad multi-year advocacy plan to guide Legal Services efforts for the coming years.

V. The Second Survival Fight [1981–1991]

A. The Threat of Outright Abolition and Retrenchment (1981–1982)

1981

In early February, the Reagan Administration proposes zero funding for the Legal Services Corporation, suggesting block grant funds as an alternative.

LSC Board adopts the Sachs plan for future directions in Legal Services, which in part endorses the notion that Legal Services should serve as “general counsel” to the poor in a given area; the plan has no effect because the Reagan Administration Board appointees, who take office at the end of 1981, ignore it.

In reaction to the Administration proposal for elimination of the LSC, the ABA, bar associations around the country, and the Legal Services community undertake an unprecedented and effective effort to communicate support for Legal Services.

H.R. 3480, a reauthorization bill, passes the House with a number of very damaging amendments, but dies in the Senate.

Senator Chiles adds four restrictive amendments to the appropriations bill (on lobbying, class actions, governing boards and illegal aliens): the bill appropriates \$241 million, a cut of \$80 million (25%) from the previous year; ultimately, however, a continuing resolution (CR) is passed, not the appropriations bill; the CR contains only \$241 million, but drops the Chiles restrictions.

The LSC approves a policy requiring Legal Services programs to allocate 10% of the grants to increase and provide for private attorney involvement in the delivery of Legal Services.

Apparently concluding that the plan to eliminate the LSC had failed, at least temporarily, on December 30, President Reagan makes six recess appointments to the LSC Board (recess meaning during a Congressional recess, and thus not submitted for the advice and consent of the Senate).

On New Year's Eve, the new LSC Board has a meeting by telephone conference call and adopts a resolution that they think bars all 1982 grants, but the grants have already been made.

During the year, programs in New Jersey and around the country go through a painful process of “retrenchment” planning, deciding how they will allocate 25% cuts; with inflation, the cuts actually amount to 30%. By the beginning of 1982, the number of New Jersey Legal Services staff has dropped by 25%, to fewer than 300; lawyers have dropped from 135 to 100; and the 1982 caseload will be just over 32,000, down nearly 25% from the 1980 high of 42,600.

LSNJ convenes a statewide planning process to look at retrenchment alternatives, including the possibility of statewide consolidation, and to coordinate local efforts.

LSNJ publishes first edition of *Looking Out for Your Legal Rights*, a monthly community legal education newsletter.

Nationally, interest on lawyers’ trust accounts (IOLTA programs) takes root as a supplementary funding source; by 1986, 47 jurisdictions will have IOLTA funding programs; New Jersey is not yet among them.

Because of the imminent cutbacks, LSNJ throws its efforts into publishing community legal education materials so that people can be more able to help themselves; extensive tenancy, consumer, and education law manuals are developed.

As a result of the planning and retrenchment process, LSNJ completely restructures its board, to begin in 1982. A majority of the board will now be appointees of the New Jersey State Bar Association; one-third are eligible clients. The old LSNJ board, consisting of the director, a staff representative, and a client representative from each program, becomes the newly constituted Policy Council, to meet monthly, share information and where appropriate take advisory positions on key Legal Services issues.

1982

In March, LSNJ's reconstituted board holds its first meeting, and Douglas S. Eakeley is elected chair.

William Harvey is elected LSC Board chair in March.

In April, Gerald Caplan is named Acting President of the LSC, replacing Dan Bradley; he is followed by Clinton Lyons, on an acting basis, later in the year; finally Donald Bogard, a Harvey protege, is named President in October. Additional recess appointees are named in October, and new regulations are proposed, including a total ban on class actions against government; after extensive opposition, these proposals are withdrawn.

In December, President Reagan withdraws all board nominees after it becomes clear that the Senate will only approve some; all are continued as recess appointees; these appointees and the new president are embarrassed by a rash of disclosures regarding excessively high compensation and travel claimed by the LSC recess board appointees, and these disclosures in turn anger Congresspeople.

The 1983 Continuing Resolution (CR), passed in December of 1982, adds restrictions similar to the Chiles proposals, but also adds an "affirmative" rider preventing the LSC from taking adverse actions against Legal Services programs unless a majority of the LSC had been confirmed by the Senate; this affirmative rider keeps the basics of the national Legal Services program in place during 1983 and 1984.

In an unprecedented step, the New Jersey Legislature grants Legal Services a funding increase of \$750,000, in response to a \$1 million funding request made by LSNJ on behalf of all New Jersey programs. Governor Kean line-item vetoes the entire \$750,000.

The December LSC Board meeting makes the second lead story on national network news, as the LSC Board flees down back hotel corridors and meets in a kitchen, to avoid press and public speakers, and Board Chair Harvey is seen sporting a bulletproof vest, apparently concerned by the large number of LSC grantees seeking to address the Board.

B. The Struggle to Maintain a Strong National Program (1983–1991)

1983

The LSC Board consists solely of recess appointees, ranging in number from two to six.

By the spring, all of the key pre-Reagan LSC headquarter staff have been replaced.

The 1984 appropriations bill provides for \$275 million and contains an even stronger affirmative rider, but also has the 1983 riders and new provisions restricting training and reducing the protections around denial of refunding hearings.

LSNJ co-sponsors with the New Jersey State Bar Association New Jersey's first Awards Reception for private lawyers and supporters of Legal Services; the gathering is addressed by Chief Justice Wilentz.

In June, Governor Kean approves \$500,000 of an increase of \$1 million in State funds approved by the Legislature in response to LSNJ's request for \$1.9 million; the Governor line-item vetoes the other \$500,000; this marks the first increase in Legal Services' \$250,000 State funding since 1968.

In the summer, the LSC conducts unannounced raids on its own regional offices, seizing files and beginning a process of firing personnel.

In November, the LSC Board increases the required private attorney involvement percentage to 12.5%.

The LSC also begins a series of "monitoring" visits to grantees, often on very short notice. Tension quickly builds with field programs over what grantees perceive as attempts to infringe upon attorney-client confidentiality, overly intrusive and excessive paperwork requests, and demeaning conduct by monitors. This tension continues to build each year, and continues into 1986.

1984

LSC begins experimentation with alternate delivery schemes, particularly in funding clinics and trying to contract with private law firms; critics see these as steps intended to supplant core staff attorney programs.

Unable to wait for the LSC's halting steps, LSNJ launches its own in-depth study of the legal needs of the poor in New Jersey; results are made available in the fall of 1986.

LSC's 1985 appropriation is set at \$291 million, with the same riders as in previous years.

LSNJ holds its fourth statewide Conference, the first since 1980, at the Somerset Marriott in early September; from here on the Conference will be an annual affair.

National LSC Board members are finally confirmed, negating the effect of the affirmative rider for 1985.

1985

The LSC dismantles the Reginald Heber Smith (“Reggie”) recruitment program, the principal method for national recruitment of skilled lawyers, particularly minorities.

Legal Services’ 1986 appropriation is set at \$305 million, then cut to \$292.4 million by the effects of the Gramm-Rudman legislation.

LSNJ secures an additional \$400,000 in State appropriations.

1986

In June, the LSC Board decides to eliminate all funding for national and state support, and passes an extremely restrictive regulation on legislative advocacy, training, and other activities; these actions are blocked by the Senate Appropriations Committee in August.

LSNJ holds its 20th Anniversary celebration in September, and kicks off its first Campaign for Justice, a statewide fundraising drive for Legal Services.

In conjunction with all New Jersey Legal Services programs, LSNJ begins “program reviews,” visits designed to improve the quality of legal services. These visits are a part of LSNJ’s efforts to develop procedures to help programs in difficulty, recommend procedures and standards for hiring new project directors, and a system for providing help to new directors.

With the help of Alexander Jasman, New Jersey certified shorthand reporters start a new program donating free deposition transcripts to Legal Services programs.

ABA promulgates final version of the “Standards for Providers of Civil Legal Services to the Poor,” after seven years of work by the Legal Services community and the ABA’s Standing Committee on Legal Aid and Indigent Defendants.

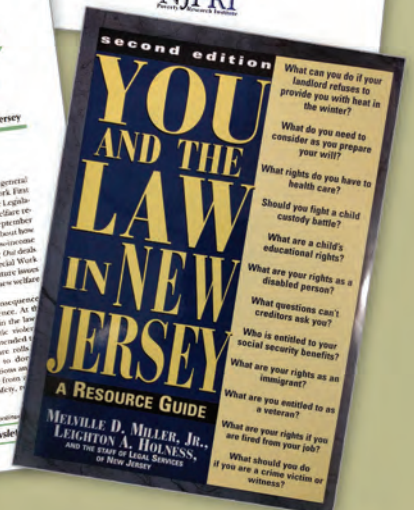
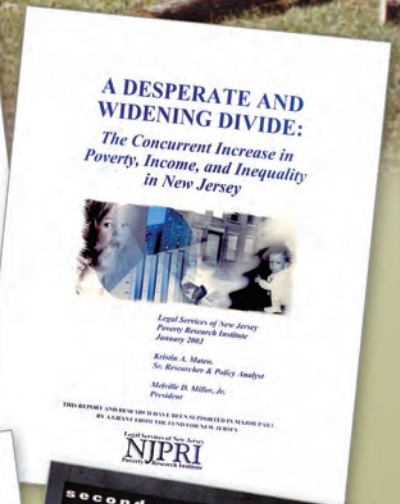
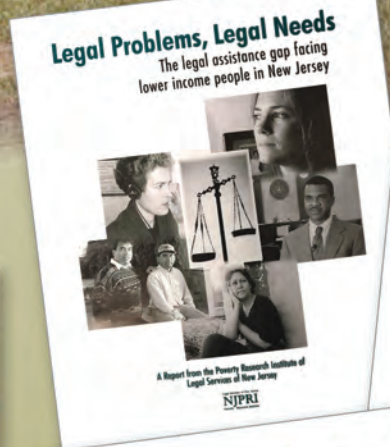
1987

Clark Durant, LSC Board Chair, in an ABA speech, and in a subsequent Today Show appearance, urges the elimination of the Legal Services Corporation, and calls for legal services to the poor to be delivered by using unregulated non-lawyers as providers.

LSNJ’s landmark statewide legal needs study is completed, showing an enormous unmet latent demand for legal assistance.

State Bar Trustees recommend adoption of an opt-out IOLTA program, and the New Jersey Supreme Court adopts the new IOLTA program and court rule.

De Miller receives the NLADA Reginald Heber Smith Award (highest for Legal Services people) at the Annual NLADA Conference in Miami.



The LSC Board unsuccessfully tries to transfer all funds away from national and state support and training; one LSC Board member, Leanne Bernstein, sues the LSC trying to strike down Congressional appropriations riders that limited the LSC's regulatory authority and required it to continue funding programs, and trying to have the LSC Act itself declared unconstitutional, claiming a violation of the separation of powers.

The LSC's annual appropriation reaches \$310 million (compared with \$321 million in 1980), which is \$5 million more than the LSC itself requested.

LSC promulgates new restrictions on legislative and administrative advocacy.

LSNJ makes the first distribution from its Campaign for Justice.

1988

LSNJ secures a \$500,000 (40%) increase in State funding for Legal Services, bringing the annual total of Legal Services funding from state and federal sources it has gained to \$3.2 million.

In October, LSNJ publishes its 400-page book *You and the Law In New Jersey* through Rutgers University Press.

In November, the new IOLTA program actually begins operation and collections from attorneys. Ruth Birkhead becomes its Executive Director.

Congress appropriates \$308.6 million for Legal Services in 1989, a slight reduction (the LSC's FY 1989 request had been only \$250 million); the LSC Board then approves a FY 1990 request to Congress of only \$295 million (the 1980 funding level was \$321 million).

Led by LSC Board Chair Clark Durant, LSC staff lobbies to convince President Reagan to veto the LSC's own appropriation.

Dan Bradley, LSC President from 1979 to 1982, dies of AIDS at the age of 47.

LSC hires three outside lobbying firms to lobby against its own appropriations.

1989

LSC initially funds programs on a month-to-month basis, then later in the year extends them first to May, then September, then December.

LSNJ secures another \$250,000 increase in State funding.

The first IOLTA distribution to Legal Services, over \$1 million, is made in July.

Opponents of national Legal Services, led by the American Farm Bureau Federation, launch the Legal Services Reform Coalition to restrict sharply by legislation LSC activities; LSC President

Terrance Wear is an active participant in the initial briefing. The Coalition proposals are included in the first McCollum-Stenholm Amendment.

LSC pays \$80,000 to a conservative lawyer and think tank for a legal opinion that the LSC is unconstitutional.

LSC President Terrance Wear actively lobbies for a conservative slate of new Board nominees, and then barely survives a 6-5 vote to dismiss him in December.

Congress appropriates \$321 million for the LSC in 1990.

LSC launches its push for competitive bidding for grants.

1990

Doug Eakeley leaves as Chair of the LSNJ Board in January, after nearly 10 years, to become First Assistant Attorney general under former LSNJ Board member Robert Del Tufo; he is succeeded as Chair by William Hardin.

The IOLTA distribution to Legal Services hits \$4 million on an annual basis, bringing to \$7.5 million the annual Legal Services funding secured by LSNJ.

President Bush makes a new round of recess appointments to the LSC Board including Howard Dana of Maine, a former Board member and strong Legal Services supporter.

Legal Services' State funding is cut for the first time, by \$200,000.

LSNJ begins its Summer Public Interest Legal Intern Program, with a special IOLTA grant.

A \$329 million FY 1991 LSC appropriation is approved by Congress.

1991

LSNJ secures restoration of the \$200,000 in State funding cut in the prior year.

Legal Services programs in New Jersey celebrate their 25th anniversary on September 25.

VI. An Interlude of Restoration [1992–1994]

1992

Led by its chair Joel Kobert, the IOLTA Board recommends to the Supreme Court adoption of a mandatory IOLTA program, which the court approves.

Bill Clinton, whose wife Hillary was a former LSC Board Chair (1978–1980), is elected President. During the campaign, he declares his support for an effective, adequately funded national Legal Services program.

LSNJ completes work on a set of “Performance Criteria for the Delivery of Legal Services,” which is implemented for IOLTA evaluations in New Jersey, and by year-end have been adopted by the LSC as a national standard for its Comparative Demonstrative Project.

1993

President Clinton designates Douglas Eakeley, former LSNJ Board Chair, as Chair of the national LSC Board. The remainder of the new Board is nominated and confirmed over the summer, and is sworn in during a White House ceremony in the fall.

LSNJ secures a State appropriation increase of \$500,000, to a new total of \$2.5 million.

Mandatory IOLTA takes effect by the end of the year, beginning to offset declining IOLTA revenue caused primarily by a drop in interest rates.

1994

The new LSC Board takes hold, hiring Alexander Forger as President. The national LSC appropriation increases to \$415 million, an all-time high (in nominal dollars). The new LSC leadership staffs up, discharging carryover staff perceived to be non-supportive of the program.

The new LSC initiates broad positive changes in program evaluation and monitoring, delivery of supportive services, and other areas.

IOLTA revenues continue to drop, mirroring a national trend, but the drop is largely offset by the positive effects of the mandatory program.

In November, control of both houses of Congress shifts.

VII. The Third Survival Fight [1995–1996]

1995

At the beginning of the year, statewide Legal Services funding tops \$20 million, supporting representation of over 41,000 clients annually.

In January, the new leadership of the 104th Congress calls for the termination of federal Legal Services funding; the Christian Coalition, citing in part Legal Services’ representation in divorce proceedings, makes abolition of the program one of its top legislative priorities.

In February, \$15 million of Legal Services' 1995 appropriation, already signed into law, is "rescinded." Through the rest of the year, the prospects for the national program teeter between complete elimination and massive cuts. By year-end, it is clear that national funding will be cut to \$278 million (with population shifts, this represents a 40% cut to New Jersey). All funding for national and state support centers, including LSNJ, is eliminated by Congress. Many new restrictions, including bans on class actions and securing attorneys fees, are made a part of the appropriations and attach to all other funding received by LSC-supported projects.

LSNJ begins to work on a proposal to replace lost federal dollars with State revenue from an increase in court filing fees; in December, the New Jersey State Bar Association endorses the proposal.

By year's end, the federal cuts take hold, and local Legal Services programs begin to cut their staffs through attrition.

1996

LSNJ's work on the filing fee bill continues, spearheaded by Michael Cole. Bill Hardin steps down as LSNJ Board Chair after leading the organization for seven years, and is replaced by Michael Cole. LSNJ begins to absorb some of the essential representation no longer possible at the local program level.

A national landmark \$8 million State funding increase, largely to replace lost federal revenue, becomes law in late June, supported by filing fees. In late September, the national appropriation is increased slightly by 1%.

In November, New Jersey's Legal Services programs celebrate 30 years of work at a dinner at the New Brunswick Hyatt.

The Merck Corporate *pro bono* program is launched in New Jersey, quickly becoming a national model.

VIII. Regaining Equilibrium—Modest Growth, Merger and New Initiatives [1997–2007]

1997

As New Jersey re-engineers its Legal Services delivery system, LSNJ, now without LSC funding, innovates with a new statewide hotline, LSNJLAW website, a new integrated technology system, and several new representation projects— Domestic Violence Representation Project, Supplemental Representation Unit, Immigration Representation Project, and Family Representation Project—to fill gaps created by LSC restrictions and supplement local representation efforts.

Substantial progress is made toward putting in place a state-of-the-art, statewide information dissemination network. Computer equipment in every office is upgraded, each of the 27 Legal Services offices in the state has a local area network (LAN) established, and the offices are linked together in a statewide wide area network (WAN).

LSNJ's Poverty Research Institute is created with significant support from the Fund for New Jersey.

1998

In another demonstration of bipartisan support from the State legislature and the Governor's office, \$700,000 is restored to the State appropriation for Legal Services, maintaining the level of State support at \$10.5 million.

The statewide planning and engineering process continues, culminating in September 1998 with the distribution of a second three-year statewide reengineering plan, "Justice For All 2000: A Master Plan for Legal Services in New Jersey, 1999-2001."

In June, the United States Supreme Court decides 5-4 that funds deposited in an IOLTA attorney trust account remain the property of the client, creating major uncertainty concerning the legitimacy of IOLTA funding across the nation. The Court notes, however, that two major issues remain—whether the funds were "taken" without "just compensation." It will take five more years for the litigation concerning these questions to return to the Supreme Court.

The second edition of *You and the Law in New Jersey*, edited by Leighton Holness and Melville D. Miller, Jr., is published by Rutgers University Press.

1999

The LSNJ statewide Health Care Access Project is commenced.

New Jersey IOLTA revenues remain the highest of any state, but still suddenly drop at mid-year because of reduced interest rates.

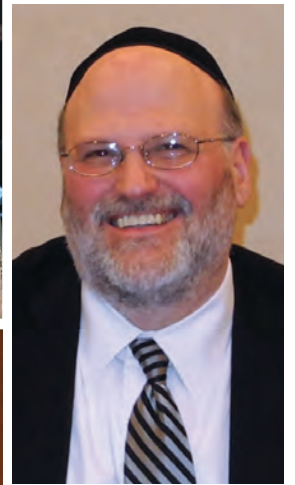
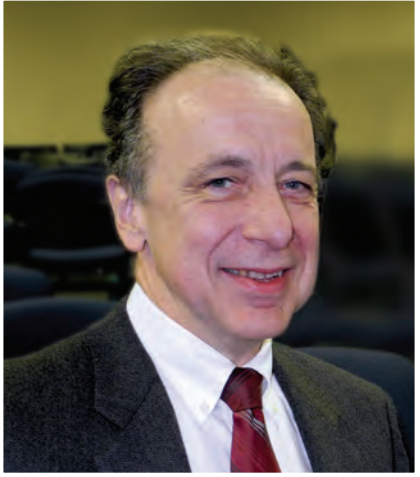
LSNJ convenes the first annual statewide Substantive Law Conference, at Shawnee in May.

A new statewide Supplemental Security Income Project (SSI), to gain SSI for eligible people on state public assistance, commences at LSNJ in September.

In collaboration with over 70 other community, religious, labor, and advocacy organizations, LSNJ helps inaugurate the Anti-Poverty Network of New Jersey in December. LSNJ also issues a landmark statewide study, "The Real Cost of Living in New Jersey," that same month.

2000

The national LSC appropriation is set at \$329 million.



LSNJ secures an additional \$1 million in State funding to replace lost IOLTA revenue, bringing the total State appropriation to \$12 million in IOLTA revenues.

LSNJ commences the Wilentz Forum, an annual lecture series, in honor of the former Chief Justice Robert Wilentz.

2001

New Jersey continues for the third year as the state with the most IOLTA revenue, reaching \$13.9 million.

In November, the next year's LSC appropriation is maintained at \$329 million.

New Jersey Legal Services goes through an extensive planning process, culminating in a new three-year expansion and reengineering plan, covering 2002-2004. As a consequence of the national LSC's then-current great emphasis on merger, the plan calls for merging 14 local programs into seven.

2002

The LSC accepts New Jersey's consolidation plan, except that it requires that Passaic County be included with Bergen and Hudson in the new Northeast New Jersey Legal Services. A litigation challenge by the former Passaic provider is quickly dismissed in federal court in the fall.

Leighton Holness, LSNJ's Executive Vice President, retires for health reasons, and is replaced by Dawn Miller. Claudine Langrin joins LSNJ as a Vice President.

With funding set aside for innovation, LSNJ creates a new statewide Anti-Predatory Lending Project, consisting of several central staff at LSNJ and grants to four regional programs to hire an additional attorney. The project will serve as a model for future efforts to coordinate focus statewide on particular legal problems, within the existing New Jersey Legal Services framework.

In the planned four new regional programs, planning begins for the 2003 operational date for merger.

LSNJ releases a milestone social science study of the unmet legal needs of low-income people in New Jersey, finding that at least one-third of New Jersey's 1.8 million low-income people eligible for Legal Services need a lawyer each year. Of these, only one-sixth will be able to obtain a lawyer, given Legal Services' limited funding.

2003

On January 1, four new regional programs come into existence, as South Jersey Legal Services (covering Cape May, Atlantic, Cumberland, Salem, Gloucester, Camden, and Burlington);

Central Jersey Legal Services (Union, Middlesex, and Mercer); Northeast New Jersey Legal Services (Hudson, Bergen, and Passaic); and Legal Services of Northwest Jersey (Sussex, Warren, Hunterdon, Somerset, and Morris) all start operations. They join Ocean-Monmouth Legal Services and Essex-Newark Legal Services to make up a new statewide network consisting of LSNJ and six regional programs.

In June, in the return of the IOLTA case, the United States Supreme Court decides 5-4, with the deciding vote cast by Sandra Day O'Connor, that there was no "taking" of the interest on IOLTA fund deposits, preserving more than \$150 million in annual funding for Legal Services programs nationally.

Due to plunging bank interest rates and a declining real estate market, IOLTA revenue begins to plummet toward a record percentage drop, by 25% over two years—unprecedented instability that is a harbinger of impending calamity.

2004

At the urging of the IOLTA Board, the New Jersey Supreme Court moves toward adopting new requirements for the approval of financial institutions as depositories, mandating that interest rates be both comparable and reasonable.

At the request of LSNJ, the legislature and the governor approve an additional \$4.4 million of funding to replace lost IOLTA revenue.

Richard Bennett, long-time director of Union County Legal Services, retires.

Kristin Mateo rejoins LSNJ as a Vice President.

Michael Cole steps down as Chair of LSNJ's Board after nine years. Former Supreme Court Justice James Coleman assumes the Chair, and Michael Cole remains on the Board.

2005

Banks challenge the new interest rate requirements and, acting on behalf of an *ad hoc* Supreme Court committee, De Miller negotiates with banking leaders a new "best customer standard," under which banks must treat IOLTA the same as they treat other customers with similar-sized deposits. The new approach sets a national precedent.

As a result of the new interest rate requirements, IOLTA revenues begin to rise sharply.

The LSC issues a national "justice gap" report in the fall, and LSNJ follows a few weeks later with a New Jersey justice gap study, which draws significant legislative and media attention.

LSNJ launches a new innovation project, the Education Representation Project, with six regional grants for attorneys and a coordinating attorney at LSNJ.

In October, the state Legal Services network honors Michael Cole at a statewide reception for his extraordinary achievements expanding legal services for those in poverty.

2006

The LSC issues revised Performance Criteria, setting standards for its grantees. De Miller is again a primary author. The American Bar Association issues its own revised standards for legal assistance providers, along with a call for a “Civil Gideon” right to counsel in key legal matters.

Tim Madden, since 1968 director of Hudson County Legal Services and then Northeast New Jersey Legal Services, and a major statewide Legal Services leader, retires.

LSNJ announces several more statewide innovation projects, in health care access, employment, complex consumer matters, community economic development, and social work.

Boosted by the new interest rate standard and an active real estate market, IOLTA revenues hit a record high of \$33 million, but the justice gap remains enormous.

Legal Services in New Jersey celebrates its 40th Anniversary at the New Brunswick Hyatt in November. Legal Services releases “Just Justice” video as part of celebration.

2007

IOLTA revenues climb to \$40 million, but signs of trouble, in the form of declining interest rates, appear on the horizon.

Legal Services of New Jersey presents an Equal Justice award to Honorable Deborah T. Poritz, retired Chief Justice of the New Jersey Supreme Court, and she becomes LSNJ Board chair.

Legal Services of New Jersey launches the Legal Assistance to Medical Patients Project at Newark Beth Israel hospital, and a new Foreclosure Defense Project.

IX. Crippling Cutbacks and Retrenchment [2008–2013]

2008

IOLTA revenues suddenly begin to plummet, a consequence of declining interest rates, the collapsing housing market, and the Great Recession. The magnitude of the funding exceeds any that Legal Services has experienced before. Most programs defer staff cutbacks for the time being, but a profound dread sets in over Legal Services, mirroring the severely increased hardships faced by its clients.

2009

Massive IOLTA revenue drops continue. IOLTA, at \$40 million annually for Legal Services at the end of 2007, now is heading toward just \$5 million annually, a catastrophic reduction. Crippling staff layoffs begin, eliminating an entire generation of trained and experienced Legal Services staff.

LSNJ initiates its first Family Reunification Day, which becomes an annual celebration honoring families, caseworkers, lawyers, and others who have enabled biological families to get back together.

Legal Services releases the “Open Report on Human Consequences of Funding Crisis for Civil Legal Services,” bearing witness to the damage wrought by the funding cuts for people living in poverty.

LSNJ begins intensive advocacy for a new filing fee bill to provide additional revenue for Legal Services.

At the urging of LSNJ, at year’s end the legislature and Governor Corzine approve an emergency supplemental appropriation for Legal Services of just under \$10 million, to partially replace lost IOLTA revenue.

LSNJ opens a YouTube channel to better disseminate self-help legal videos. In the fall, LSNJ publishes its latest social science study of unmet needs for civil assistance, *Unequal Access To Justice—The Continuing Civil Justice Gap For Lower Income New Jerseyans*, which is the most extensive such state-level analysis in the country.

2010

LSNJ, through its Poverty Research Institute, continues to publish its many poverty reports, including its annual Poverty Benchmarks, its Real Cost Living series, and special reports on inequality and other topics. Two unprecedented state reports are *I Want to Make It on My Own*, a qualitative assessment of New Jersey’s welfare and workforce development programs, and *Food, Clothing, Health, or a Home? The Terrible Choices and Deprivations of New Jerseyans Who Live in Poverty*.

2011

Legal Services of New Jersey releases “Realizing Justice” video as New Jersey Legal Services celebrates its 45th anniversary in New Brunswick.

A line item veto from Governor Christie cuts another \$5 million from Legal Services' annual State appropriation, dropping it to \$15 million, and new staff layoffs ensue.

2012

The last of the major staff layoffs occur.

Hurricane Sandy strikes in October. LSNJ receives a major grant from the Robin Hood Foundation to support free legal help to Hurricane Sandy victims. This is later supplemented by additional foundation and government grants, and LSNJ initiates its Sandy Disaster Assistance Project.

LSNJ launches a new statewide website, probononj.org, to recruit and support *pro bono* attorneys collaborating with Legal Services and other legal assistance providers.

2013

Work on the Legal Services filing fee legislation continues, but in May, the administration suddenly ties it to a new bail reform proposal, once again delaying passage.

X. Turning The Corner Once More [2014–present]

2014

Legal Services of New Jersey creates an online application for its statewide intake and referral hotline.

In August, the filing fee funding bill finally passes, authorizing an additional \$10.1 million for Legal Services annually. Collections begin in late fall.

In October, Legal Services of New Jersey presents major Equal Justice awards to former New Jersey Governor Thomas H. Kean and retired New Jersey Supreme Court Justice James H. Coleman.

2015

Filing fee revenues at first are as projected, but decline slightly in State FY 2016, the first full year. Other State funding remains unchanged.

2016

New Jersey Legal Services completes 50 full years of service to the state, with a legacy of over 2.4 million cases, on behalf of 8 million clients, major changes in every area of law affecting low-income people, and some 800 reported judicial decisions.

Legal Services' State appropriation again remains unchanged. Filing fee revenues continue to be somewhat lower than authorized.

2017

The governor proposes a new \$5 million cut in State Legal Services funding, but the legislature restores the full amount and the governor leaves the restoration intact as part of a July agreement with legislative leadership.

Legal Services of New Jersey launches the New Jersey Equal Justice Library and Archive (NJELA) in June, at a ceremony honoring former Supreme Court Chief Justice Deborah T. Poritz, Merck Chairman and CEO Kenneth C. Frazier, and the late State Sen. Wynona M. Lipman, who are all inducted into NJELA Circle of Honor.

LSNJ commemorates 50 years of Legal Services in New Jersey at the New Brunswick Hyatt in December.

**Mileposts on
New Jersey Legal Services'
Quest for Equal Justice**



The First 50 Years

Mileposts on New Jersey Legal Services’ Quest for Equal Justice— The First 50 Years

While at its broadest the legacy of New Jersey Legal Services’ first 50 years is the enormous number of cases handled—over 2.4 million—and individual clients directly assisted—nearly 8 million—this body of work has other notable dimensions. Recognition must be given, in particular, to an overall increase in the legal system’s fairness toward disadvantaged people, and to their perception and expectation of receiving fair treatment, as well as positive change in the laws and legal procedures themselves. Many of these effects do not readily translate into numerical or similar metrics. One straightforward gauge, however, is the list of major cases and other specific achievements themselves—the “mileposts.” Of these, perhaps the most striking aspect is that there have been nearly 800 reported cases in which at least one New Jersey Legal Services program was a participant.

The milestone listings that follow highlight many, but by no means all, of these reported cases, along with several significant unreported decisions. They also trace key non-case achievements that had substantial consequence. Several mark enactment of laws for which New Jersey Legal Services played a major role.

All in all, the amplitude of this work is profound and astonishing, a summing up that all who participated: staff, volunteers, board members, and financial and other supporters, and beyond these participants New Jersey, as a whole, can be proud.

We commend it to your attention.

Melville D. Miller, Jr.
President
Legal Services of New Jersey
Edison
December 7, 2017

1969

Suber v. Suber (unreported)—State must pay cost of indigent’s publication charges in divorce proceeding against absent defendant.

R.1:21-3(c) allows law student practice with Legal Services offices.

Bailey v. Engleman, United States District Court—Sets forth minimal pre-termination due process rights; later enforced in *Freemen v. Engleman*, a class action.

Essex County Welfare Board v. Philpott, 104 N.J. Super. 280 (Essex Cty. Ct. 1969)—Social Security funds are immune from legal process and not subject to reimbursement agreement (ultimately affirmed by U.S. Supreme Court, 409 U.S.413 (1973), reversing 59 N.J.75 (1971), which had reversed lower court).

1970

Marini v. Ireland, 56 N.J. 130 (1970)—Authorizes the repair-and-deduct remedy for tenant faced with serious defects in leased premises.

Academy Spires v. Brown, 111 N.J. Super. 477 (App. Div. 1970)—Allows deduction from rent owed (abatement) for uninhabitable conditions as a defense in summary dispossession actions.

Passage of retaliatory eviction statute, creating a defense from eviction for tenants who face eviction for trying to assert their rights.

Jordan v. Finch, United States District Court—Illegitimate child has same Social Security survivor payment rights as legitimate child.

Karp v. Callins, 310 F. Supp. 627 (D.N.J. 1969)—Declares state vagrancy statute unconstitutionally vague (later set aside, when no longer a Legal Services case, at 333 F. Supp. 15 (D.N.J. 1971)).

Token v. Westerman, 113 N.J. Super. 452 (Union Cty. Dist. Ct. 1970)—Contract for sale of large appliance for 2 ½ times its reasonable value was unconscionable and thus unenforceable under the Uniform Commercial Code once a reasonable amount had been paid.

Wheeler v. Williams, Chancery Division (unreported)—Enjoins landlord from using self-help measures and lockout to gain possession.

Amos v. Engleman, 333 F. Supp. 1109 (D.N.J. 1971)—Invalidation of fixed ceiling on the amount of the AFDC (welfare) grant.

Guardian Loan Co. v. Baylis, 112 N.J. Super. 44 (Union Cty. Dist. Ct. 1970)—AFDC payments are exempt from levy.

National: *Goldberg v. Kelly*, 397 U.S. 254 (1970)—Seminal Supreme Court case establishing due process rights to hearing *before* welfare benefits can be terminated.

1971

State v. DeBonis, 58 N.J. 182 (1971)—Indigent defendant cannot be jailed for being unable to pay a fine at once; must be allowed to pay in reasonable installments.

State v. Shack, 58 N.J. 297 (1971)—Legal Services attorney and anti-poverty worker have the right to enter farm property to see migrant workers; trespass conviction reversed.

Rodriguez v. Rosenblatt, 58 N.J. 281 (1971) *and State v. Conley*—Establishes right to counsel in municipal court when imprisonment or other substantial consequence, including a large fine, is actually threatened or when there is a likelihood of conviction.

First *Mt. Laurel* case filed by Camden Regional Legal Services.

Tibbs v. Bd. of Education of Franklin Township, 59 N.J.506 (1971)—Establishes procedural rights for students in pre-expulsion hearing to confront and cross-examine witnesses.

New statutes create rent receivership, abolish residential lockouts and distraints, and regulate security deposits.

Package of migrant worker protections enacted, requiring *inter alia* provision of potable water and toilets for field workers and payment of minimum wage.

Wembly v. Hudson County Board of Freeholders—Suit blocked closing of maternity hospital used by indigents.

Consumer Fraud Act amended to create private right of action for defrauded consumers.

Kugler v. Romain, 58 N.J. 522 (1971)—Affirmed the availability of class action relief for consumers and set guidelines for determining price unconscionability under the Consumer Fraud Act.

In re Dunn (unreported, Appellate Division)—Persons committed to state mental hospital have right to treatment.

Adams v. Surmay (unreported, Law Division)—Union County welfare board ordered to adopt food stamp pre-termination safeguards to comply with *Goldberg v. Kelly*.

Stella Wright rent strike begun, involving 4,800 tenants, all but three of whom were black (*Henry v. Newark Housing Authority; Stella Wright Tenants Association v. HUD*).

Freedom Finance Co. v. Berry, 119 N.J. Super. 91 (App. Div. 1971)—N.Y. default judgment not entitled to full faith and credit due to lack of jurisdiction, in scam where N.J. resident had no real connection with N.Y.

1972

Higdon v. Boning, 121 N.J. Super. 276 (Juv. & Dom. Rel. Ct. 1972)—Municipality ordered to pay medical expenses under General Assistance statute where person's medical expenses exceeded his weekly net disposable income, even though he was not a GA recipient.

Riley v. New Rapids Carpet Center, 61 N.J.218 (1972)—Broad affirmation of availability of class actions to combat consumer fraud and the appropriateness of discovery on class certification issues.

Lee v. Housing Authority of Elizabeth, 119 N.J. Super. 72 (Union Cty. Dist. Ct. 1972)—Housing Authority lease provision held unconstitutional in class action.

Samuelson v. Quinones, 119 N.J. Super. 338 (App. Div. 1972)—Where premises uninhabitable from inception of tenancy, lease is void and illegal; landlord is entitled only to reasonable value of the premises, taking into account the conditions.

Watson v. Jaffe, 121 N.J. Super. 213 (App. Div. 1972)—Tenant's protections under security deposit law continue after summary dispossess action for nonpayment.

Olive v. Graceland Sales Corp., 61 N.J. 182 (1972)—Broadly affirms consumer class action remedy where plaintiffs sought class-wide equitable relief beyond the scope of the Attorney General's enforcement action.

Serritella v. Engleman, 462 F. 2d 601 (3rd Cir. 1972), affirming 339 F. Supp. 738 (D.N.J. 1971)—Invalidated state regulation providing for welfare fair hearings to be held by counties, instead of uniform fashion at state level.

1973

Robinson v. Cahill, 62 N.J.473 (1973)—Invalidates New Jersey school financing scheme as discriminatory against poor districts and children.

Oakwood at Madison v. Madison Township—Landmark exclusionary zoning case, with *Mt. Laurel I*—first argued in 1973, decided four years later, 72 N.J. 481 (1977).

Pierce v. Pierce, 122 N.J. Super.359 (App. Div. 1973)—Ability to comply with a support order must be shown before incarceration can be ordered for failure to comply.

Dumont v. Caruth, 123 N.J. Super. 331 (Mun. Ct. 1973) (opinion by J. Pashman, t/a)—Anti-loitering ordinance found unconstitutional.

Berzito v. Gambino, 63 N.J. 460 (1973)—Establishes mutually dependent covenants of habitability and obligation to pay rent, and tenant is given right to affirmatively recover abatement for uninhabitable premises.

1974

Eviction for cause statute—As a result of Legal Services' efforts and the work of the New Jersey Tenants Organization, New Jersey adopts the most sweeping statutory protections for tenants in the nation. Tenants now have a right to stay in their apartments and can only be evicted for cause, as specified in the statute.

Houseman v. Dept. of Institutions and Agencies, 64 N.J. 202 (1974)—Struck down Department's irrebuttable presumption of contribution by ineligible members of ADC (welfare) household; made presumption rebuttable in every case.

1975

In re Callan, 66 N.J.401 (1975)—Contempt convictions of Legal Services attorneys providing representation in Stella Wright rent strike reversed.

Mt. Laurel I, N.J. 151 (1975)—Invalidated zoning ordinance and practices on constitutional grounds because it failed to provide housing opportunity for low-income people.

Crist v. N.J. Division of Youth and Family Services, 135 N.J. Super. 573 (App. Div. 1975)—Indigent has right to court-appointed counsel in proceeding under Title 30 to remove children from home.

1976

Pascucci v. Vagott, 71 N.J.40 (1976)—Struck down employable-unemployable distinction in General Assistance law.

In re Dotson, 72 N.J. 112 (1976) —Affirms indigent’s right to transcript at public expense in a termination of parental rights case.

Whitmore v. N.J. Division of Motor Vehicles, 137 N.J. Super. 492 (Ch. Div. 1976)—Strikes down as unconstitutional that part of garage keepers’ lien statute permitting public sale without public notice and hearing for owner.

Three new amendments tighten tenant protections under the eviction for cause statute in the areas of condominium conversions, rights of apartment employees, and relocation and code enforcement.

Mix v. Board of Review (unreported, Appellate Division)—Court rejects the Department of Labor Board of Review’s conclusive presumption that mailing of unemployment notice means receipt.

Housing Authority of Passaic v. Torres, 143 N.J. Super. 231 (App. Div. 1976)—Violation of federal Brooke Amendment (25 percent rent limitation) is a proper defense in summary dispossession action.

Gilbert v. Tull, 145 N.J. Super. 53 (Law Div. 1976)—Forces welfare board to comply with immediate assistance/presumptive eligibility requirements.

Housing Authority of Newark v. Scott, 137 N.J. Super. 110 (App. Div. 1975)—Rent abatements for lack of habitability apply to public housing.

1977

Anti-redlining law enacted.

Cruz v. Dept. of Institutions and Agencies (unreported, Appellate Division)—Welfare computer error termination entitles recipient to retroactive benefits; no reapplication required.

Burton v. Department of Institutions and Agencies, 147 N.J. Super. 124 (App. Div. 1977)—AFDC/food stamp recipient’s lost wallet made her unable to buy food; this was a sufficient state of homelessness to entitle her to emergency assistance (Pressler opinion finds that “home” includes minimally adequate shelter, nutrition, and clothing).

Middlesex County Welfare Board v. Ventura (unreported, Middlesex County Court)—Court has power to appoint counsel for indigent defendant in bastardy proceeding.

Smith v. Stark, 153 N.J. Super. 48 (App. Div. 1977)—Statutory double-the-deposit remedy for landlord's failure to return deposit is mandatory.

1978

Ricker v. Lawson, 155 N.J. Super. 536 (Juv. & Dom. Rel. Ct. 1978)—Municipality fully bound by state general assistance statutes and regulations even though it chooses not to participate in state reimbursement program.

Handsome v. Rutgers, 445 F. Supp. 1362 (D.N.J. 1978)—Rutgers must honor discharge of student loan in bankruptcy and release transcript and allow readmission.

Essex County Welfare Board v. Dept. of Institutions and Agencies, 75 N.J. 232 (1978)—Reverses lower court and holds that county welfare board does not have standing to pursue an appeal from a decision of the state welfare department in favor of the recipient.

Hyman v. Stabilization Pigments (unreported, Appellate Division)—Unemployment claimant entitled to benefits for entire 5½-month period during which he had no income, transportation, or funds and could only search for work at a few factories that he could walk to.

New Jersey Supreme Court reprimands Judge Albano for lack of judicial demeanor in a complaint brought by Essex-Newark Legal Services charging repeated misapplications of the law and prejudice against Legal Services attorneys representing tenants.

Associated East Mortgage Co. v. Young, 163 N.J. Super. 315 (App. Div. 1978)—Foreclosing mortgage barred on equitable grounds from proceeding where it failed to follow HUD forbearance requirements.

Rodgers v. Busch (United States District Court consent order)—Settlement in Camden County Jail suit providing for a wide variety of improvements.

Shannon v. Department of Human Services, 157 N.J. Super. 251 (App. Div. 1978)—When fair hearing examined only whether father was living in home, it was a violation of procedural due process for DPW to bar assistance based on the frequency of visits to the home.

Hamilton v. Califano (unpublished, U.S. District Court)—Preliminary injunction against portion of state payment plan which conflicted with provisions of federal SSI law.

In response to a Legal Services petition, BPU adopts more restrictive regulations on discontinuance of services.

Shands v. Tull, 602 F. 2d 1156 (3rd Cir. 1978)—Class action compelling compliance with federal and state regulations requiring fair hearings to be completed within 90 days.

In re Smallwood (unpublished, U.S. Bankruptcy Court)—Court enjoins landlord from pursuing eviction based on nonpayment of rent for period covered by tenant’s petition for bankruptcy.

Demech v. Board of Review, 167 N.J. Super. 35 (App. Div. 1978)—Court reverses agency disqualification from unemployment benefits based upon hearsay evidence and unsworn testimony, finding it a due process violation.

1979

Christian v. Califano (unpublished, U.S. District Court)—Disability claimant may support claim with testimony about symptoms, even without objective medical data.

Gilfone v. DHS, 165 N.J. Super. 186 (App. Div. 1979)—State Division of Medical Assistance could not recover Social Security lump sum widow’s benefits.

Security Deposit Law protections expanded.

N.J. Federation of Senior Citizens v. Califano (U.S. District Court settlement)—DHS agrees to pass along full benefits due to SSI recipients under 1976 law.

Nieves v. Bergen County Welfare Board (unpublished Appellate Division opinion by Judge Pressler)—Emergency assistance must be paid because regulatory phase “no control or opportunity to plan in advance” necessarily means the recipient must have the capacity to avoid the projected situation before it occurs.

1980

Gonzalez v. Klein (unpublished, Appellate Division)—Court reversed DPW denial of eligibility, holding that there must be findings of fact and conclusions of law in compliance with the N.J. Administrative Procedure Act.

Jiggetts v. Housing Authority of Elizabeth—Filing of federal class action charging racially discriminatory practices of Elizabeth Housing Authority.

E. H. v. City of Elizabeth (Superior Court Law Division permanent injunction)—Bars Elizabeth Police from illegal distribution of law enforcement reports concerning juveniles to housing authority and many other agencies.

Orange Taxpayers Council v. City of Orange, 83 N.J.246 (1980)—Upholds city rent control ordinance provision conditioning approval of rent increase on certification of substantial compliance with city codes.

1981

Hospital Center at Orange v. Cook, 426 A. 2d 526 (App. Div. 1981)—People who may be eligible for free or reduced-cost services under the Hill-Burton Act have a private right of action to enforce a

hospital's obligations affirmatively and defensively.

Housing Authority of Newark v. Drakeford (unpublished Essex District Court decision)—Dismisses eviction actions against 165 public housing tenants on rent strike and orders return of \$30,000 in escrow deposits to tenants, because of failure to follow HUD lease requirements.

Santiago v. Atlantic City Municipal Utilities—Law Division consent order in class action spelling out due process to be accorded tenants by municipal utility before water can be terminated.

Mahoney v. Hoboken Rent Levelling Board, 178 N.J. Super. 51 (Law Div.1981)—Rent control board had obligation to consider not just whether debt service expense existed, but whether, given the fair market value of the property, it was reasonable.

Beneficial Finance Corp. v. Swaggerty, 86 N.J. 602 (1981)—Truth-in-Lending (TILA) claims survive as a recoupment defense even after the one-year statute of limitations for affirmative claims has expired.

Woodbridge Senior Citizens v. Woodbridge Housing Authority (unpublished Law Division partial summary judgment)—Housing Authority must disclose waiting lists under New Jersey Right to Know Law.

Moncur v. Housing Authority of Newark (unpublished U.S. District Court Opinion)—Declaratory judgment and injunction requiring Housing Authority to comply with HUD lease termination procedures.

Prevention of Domestic Violence Act is enacted in New Jersey, providing a broad range of new remedies in domestic violence cases.

Patients v. Camden County (unpublished, Law Division)—Mental patients have a constitutional right to treatment in the community after release from a state hospital.

1982

Right to Choose v. Byrne, 91 N.J. 287 (1982)—Strikes down on N.J. constitutional grounds the portion of Medicaid statute barring reimbursement for an abortion.

Texter v. DHS, 88 N.J. 376 (1982)—Commissioner of DHS must consider economic impact of inflation in reexamining Medical Assistance for the Aged income eligibility standard.

Harry's Village v. Egg Harbor Twp., 89 N.J.576 (1982)—Court holds that month-to-month tenant must be served with notice to quit, in addition to notice required by rent control ordinance, before rent increase can be effective.

Plaza v. Municipal Welfare Dept. of Paterson (unreported Law Division order)—Class action with court order that Paterson comply with various aspects of state General Assistance statute.

Tufaro v. DHS; Anzalone v. DHS, 90 N.J. 538 (1982)—Money specifically granted and actually used for education expenses must be excluded when determining food stamp eligibility.

Rivera v. Schweiker (U.S. District Court)—Class action filed challenging Health and Human Services' policy in disability cases of “non-acquiescence” to federal court decisions and failure to adhere to uniform standards or accord proper weight to evidence from treating physician and subjective testimony from disabled person. This and similar actions around the country led to reform of the law by Congress and eventual settlement.

1983

In re Kornja (U.S. Bankruptcy Court, Newark, unreported)—Debtor may use Chapter 13 bankruptcy to “decelerate” and then reinstate defaulted mortgage loan.

Simone v. DPW, 91 N.J. Super. 228 (App. Div. 1983)—Mere residence in same apartment building is not sufficient to support conclusive presumption that the father is in fact exercising parental supervision.

St. John's Evangelical Lutheran Church v. Hoboken 195 N.J. Super. 414 (Law Div. 1983)—Church's homeless shelter was a permitted religious use, and therefore outside scope of zoning violations.

BPU adopts utility diversion rule urged by Legal Services, providing for investigation of a complaint of diversion, correction of the situation, correct billing, and communication throughout.

Montgomery Gateway Residents Assn. v. McCann (U.S. District Court consent order)—Class action on behalf of previously displaced families results in consent order compelling city to complete construction of housing and to allow those previously displaced to return to site.

Jones v. Orange Housing Authority, 559 F. Supp. 1379 (D.N.J. 1983)—Successful challenge to landlord's refusal to renew federally subsidized Section 8 lease without good cause.

LSNJ issues its first social science study, a study of the unmet need for civil legal assistance among the poor in New Jersey.

1984

Simmons et al. v. N.J. Dept. of Human Services (Appellate Division settlement)—Settlement order requires that General Assistance recipients who are disqualified from receiving benefits for failure to comply with work requirements must be reinstated as soon as they show willingness to comply.

Sears, Roebuck & Co. v. Romano, 196 N.J. Super. 229 (Law Div. 1985)—Funds potentially available to a judgment debtor under an overdraft line of credit with his bank are not subject to garnishment.

Burrus v. Dept. of Human Services, 194 N.J. Super. 60 (App. Div. 1984)—Parent is absent for purpose of the AFDC (welfare) program when the parent does not contribute to the maintenance, physical care, and guidance of the child despite a pattern of visitation with the child.

Marion Gardens v. Jersey City Housing Authority (U.S. District Court settlement)—Class action challenge to public housing authority practices settled with result that units slated for demolition are to be rebuilt.

1985

Medically Needy Program enacted, providing Medicaid coverage to low-income pregnant women, children, elderly, and blind or disabled persons.

In the Matter of A.T., Division of Unemployment and Disability Insurance Appeals Tribunal, 1985—Disqualification for misconduct must be based on intentional, willful acts in disregard of the employer's interest.

Mostafa v. New Jersey Department of Human Services (unpublished opinion, Appellate Division 1985)—Court ordered provision of emergency assistance to homeless individuals who were unable to find housing.

534 Hawthorne Corp. v. Barnes, 204 N.J. Super. 144 (App. Div. 1985)—An eviction for habitual late payment of rent cannot be justified unless the tenant has paid rent late more than once following a notice to cease.

Standard of need rulemaking petitions filed with Department of Human Services, seeking adjustment of the GA and AFDC (welfare) standard of need to reflect the actual costs of a minimally decent existence, and to take other steps necessary to raise welfare benefits. The petitions are joined by over 70 New Jersey organizations.

LSNJ issues the first comprehensive social science “market-basket” survey of what it costs financially disadvantaged people to live in New Jersey.

1986

In addition to *Mostafa, supra*, Legal Services programs and the Public Advocate became involved in an increasing number of cases seeking emergency shelter for the homeless, including *Rodgers v. Gibson* (Newark), *Algor* (Ocean County), *R.R.* (New Brunswick), *Maticka* (Atlantic City), and other cases in Elizabeth, Burlington, and other municipalities.

In re Opinion 544, 103 N.J. 399 (1986)—Affirms that under confidentiality provisions of Rules of Professional Conduct, the mere identity of a client is confidential, regardless of whether they are provided representation through public funds.

Arjay Distributors v. DeWolf—Held that Social Security funds do not lose their exempt (from levy) status upon being deposited in a family bank account.

Maticka v. Atlantic City—216 N.J. Super. 434 (App. Div. 1987) Trial courts finds a right to emergency shelter under General Assistance statute, at least until application is processed; Appellate Division (in February 1987) stayed the EA regulation which cut off homeless assistance and remanded the matter to the (then) Division of Public Welfare for a new rulemaking proceeding.

Cruz v. Reatique, 212 N.J. Super. 195 (Law Div. 1986)—Tenancy cannot be conditioned upon collateral employment of tenant by landlord unless, *inter alia*, the tenancy and employment began at the same time.

Hunter v. Weissberger, 212 N.J. Super. 262 (Law Div. 1986) —New landlord is automatically responsible for return of security deposit.

Ortiz v. Eichler, 794 F.2d 889 (3rd 1986)—AFDC adverse action notices must contain individualized and comprehensible explanation of the reasons for agency action, what the claimant was required and failed to do (if applicable), and any calculations used by the agency.

Brown v. Zimmerman—Landlord in a six-month section (h) eviction (terminating residential use) must state with specificity what the landlord intends to do with the property. Led to subsequent confirming statutory amendments.

1987

DHS proceeds with post-*Maticka* rulemaking and hearings on emergency assistance.

Newark Coalition for Low-Income Housing is formed, to challenge the Newark Housing Authority's plans to demolish nearly half (over 6,000 units) of Newark's public housing. Legal Services of New Jersey files suit to enjoin the demolition.

New Jersey establishes the Uncompensated Care Trust Fund, to assure provision of hospital care to low-income people who cannot pay for it through any other source.

Rodgers v. Gibson, 218 N.J. Super. 452 (App. Div. 1987)—The General Assistance EA fault standard and the requirement that application for EA be made within seven days of homelessness were both found to be invalid.

Legal Services programs publicize legal rights and provide legal assistance in connection with the implementation of the Immigration Reform and Control Act of 1986.

Haddock v. Passaic, 217 N.J. Super. 592 (App. Div. 1987)—Tenants who are evicted because of overcrowding ordinance are entitled to relocation assistance.

In November, DHS adopts new EA regulations providing for the cutoff of assistance after five months, setting the stage for the next year of litigation, and also eliminating the fault standard.

1988

Rosado v. Bowen, 698 F. Supp. 1191(D.N.J. 1987) —Struck down New Jersey’s sibling deeming for Medicaid (later affirmed by Third Circuit in October).

Domestic Violence Act amended to provide for mandatory arrest where there is evidence of injury, and that violation of a restraining order is criminal contempt.

In re Rulemaking—223 N.J. Super. 453 (App. Div. 1988)—The Appellate Division rules that DHS must promulgate a standard of need that accurately reflects what it actually costs low-income people on AFDC or GA to live a minimally decent life.

Franklin v. DHS, 111 N.J. 1(1988) —Supreme Court issued a stay of the five-month AFDC/EA cutoff regulation pending appeal; it is joined by the GA case, *Williams/Jimperson*. In July, the Supreme Court in *Franklin* upholds the five-month limit, but only on the basis that the State represented that it would not cut off anyone after five months, thereby forcing the State to ignore its own regulation and continue payments to people after five months, in effect giving appellants the relief they sought. In November, an Appellate Division panel invalidates the GA five-month limit.

The state court challenge to the Newark public housing demolition is filed in July.

1989

Coleman v. Fiori Brothers, 113 N.J. 594 (1989)—The New Jersey Supreme Court establishes a prospective attorney fee policy for public interest lawyers, holding that the policy of the Consumer Fraud Act is best served by prohibiting simultaneous negotiations of the merits of a case and attorney’s fees.

A. P. Development v. Band, 113 N.J. 485 (1989)—The New Jersey Supreme Court refused to allow an attempted eviction under a 16-month old notice, finding that the landlord would have had to state clearly in subsequent notices that the original notice was still applicable.

Federal court challenge to Newark public housing demolition is filed; it is assigned to mediation and in August results in a landmark settlement barring demolition without one-for-one replacement of housing, and providing for extensive repair and renting of units throughout Newark public housing.

Williams v. Dept. of Human Services 116 N.J. 102 (1989)—In August, the Supreme Court upheld the five-month limit in GA, subject to DHS showing that it had, by December, programs in place that would keep people from being cut off. Subsequently, after reviewing the situation in December, the Court ordered an OAL hearing to determine whether DHS had met its requirements.

1990

Williams v. Dept. of Human Services 121 N.J. 667(1990). —After a lengthy hearing, the OAL ruled on the additional steps that DHS had to take to comply with the Supreme Court’s judgment, and the findings were essentially accepted, and then acted upon, by the Commissioner of DHS.

In re Petition for Rulemaking 117 N.J. 311—In February, New Jersey Supreme Court affirms the Appellate Division decision requiring DHS to promulgate an accurate standard of need.

Abbott v. Burke, 119 N.J. 287(1990) —The New Jersey Supreme Court ruled (again) that New Jersey’s system of financing education violated the thorough and efficient clause in the State Constitution.

Housing Authority of Jersey City v. Jackson v. Kemp, 749 F.Supp. 622 (D.N. J. 1990) —The U.S. District Court ruled that HUD’s waiver of the required public housing grievance procedure prior to eviction was invalid.

DHS finally promulgates a proposed regulation containing its new, more accurate standard of need.

1991

Williams v. Alexander Hamilton Hotel, 249 N.J. Super. 481 (App. Div. 1991)—The Appellate Division ruled that long-term residents of motels and hotels are entitled to the protections of the Anti-Eviction Act.

Brambila v. Board of Review, 124 N.J. 425 (1991)—The New Jersey Supreme Court holds that immigrants who have pending applications to INS under IRCA can be eligible for unemployment insurance benefits.

Hopkins v. Board of Review, 249 N.J. Super. 84 (App. Div. 1991)—The Appellate Division holds the state’s unemployment agency is estopped from requiring appellant to repay unemployment benefits when the claimant did not receive timely notice, declaring that “fundamental fairness, substantial justice and the legitimacy of the governmental process itself are implicated.”

Ashley Court v. Whittaker, 249 N.J. Super. 552 (App. Div. 1991)—The Appellate Division holds that a lease provision barring “reoccurring visit” by adult persons or children is unreasonable.

Sacks Realty v. Batch, 248 N.J. Super. 424 (App. Div. 1991)—The Appellate Division holds that a landlord must “punctiliously” comply with the notice provisions of the Anti-Eviction Act; substantial compliance is not enough.

Amendments to the Prevention of Domestic Violence Act enacted, providing greater protection to victims of domestic violence.

1992

In the Matter of the Guardianship of J.C. 129 N.J. 1 (1992)—The Supreme Court issues a decision insuring procedural and substantive protections for parents in cases where the state seeks termination of parental rights on the grounds of “bonding” with foster parents.

Rivera v. Board of Review, 127 N.J. 578 (1992)—The Supreme Court holds that an English-only notice of ineligibility for and demand for repayment of unemployment benefits sent to a migrant

farmworker during the farming season at his off-season address in Puerto Rico was inadequate to protect his due process rights.

Essex County Division of Welfare v. O.J., 128 N.J. 632 (1992)—A minor’s personal-injury award held in court-supervised trust account is not “available” for purpose of determining AFDC eligibility.

After a major campaign by a coalition of New Jersey groups including Legal Services, the State of New Jersey agrees to repeal a law that would have imposed a six-month limit on the receipt of GA during any 12-month period.

Whitaker v. Clementon Housing Authority, 788 F. Supp. 226 (D.N.J. 1992)—The U.S. District Court holds that HUD has obligation to take affirmative corrective action when a violation of law by a public housing authority is brought to its attention.

Montgomery Gateway v. Herrera, 261 N.J. Super. 235 (App. Div. 1992)—A landlord’s acceptance of a renewal lease for Section 8 tenant acted as a waiver of landlord’s claim for eviction of tenant for failing to pay rent allegedly due under prior lease.

1993

Newark Coalition for Low Income Housing v. Housing Authority of the City of Newark, and HUD—The District Court orders the appointment of a special master to oversee the enforcement of a 1989 consent decree concerning maintenance, renting, and construction of public housing in Newark.

L.T. v. New Jersey Department of Human Services, 134 N.J. 304 (1993)—The Supreme Court strikes down a state regulation terminating temporary rental assistance benefits to homeless recipients after one year.

B.C. v. Department of Human Services, 263 N.J. Super. 225 (1993)—The Appellate Division requires the state to use a realistic “standard of need,” reflecting actual living costs, in determining period of AFDC ineligibility due to lump sum awards, thus significantly shortening that period.

Meyer v. New Jersey Department of Human Services, 269 N.J. Super. 310 (App. Div. 1993)—Notice informing claimant that food stamp benefits would be reduced because of an increase in other benefits was insufficient because it failed to indicate the method by which reduction of his benefits had been calculated.

Soliman v. Cepeda, 269 N.J. Super. 151 (App. Div. 1993)—Where a tenant has paid her share of rent under assisted lease agreement, she cannot be evicted on the ground that the housing authority has failed to pay its share under a Section 8 housing assistance payments contract.

Department of Labor issues policy statement facilitating receipt of unemployment compensation benefits by certain eligible immigrants.

1994

Housing Authority of the Town of Morristown v. Little, 135 N.J. 274 (1994)—The Supreme Court holds that a court may vacate judgment for possession on equitable grounds, even after eviction has occurred.

Chase Manhattan Bank v. Josephson, 135 N.J. 209 (1994)—The Supreme Court holds that the Anti-Eviction Act protects tenants from eviction by foreclosing mortgagees.

New Jersey Division of Youth and Family Services v. E.B. and D.W., 137 N.J. 180 (1994)—In a child abuse and neglect case initiated by the Division of Youth and Family Services, the Office of the Public Defender is required to pay the costs of ancillary services such as expert fees even when an indigent parent is represented by private or public counsel; in DYFS proceedings seeking termination of parental rights, DYFS is responsible for necessary and related defense services.

After work by Legal Services to change the terms of the bill, the Fair Foreclosure Act is enacted, providing greater protection for homeowners in foreclosure actions.

Robinson v. New Jersey DHS, 270 N.J. Super. 191 (App. Div. 1994)—The Appellate Division holds that a General Assistance recipient, who was an hour late for work because of a faulty alarm clock, was improperly suspended from welfare for refusing to work.

Following *Brambila*, the Department of Labor adopts a regulation establishing a good cause exception to the bar to the filing of late unemployment appeals.

M.T. v. Kentwood Construction Company, 278 N.J. Super. 346 (App. Div. 1994)—A landlord's refusal to enter a Section 8 lease, which would have provided a rent subsidy to a tenant, violates a federal anti-discrimination statute, a New Jersey statute prohibiting refusal to rent based on source of income, and the implied covenant of good faith.

Newark Coalition for Low Income Housing v. Housing Authority of the City of Newark—Plaintiffs negotiate tenant selection and assignment plan with Newark Housing Authority to reduce racial and ethnic imbalance in public housing, assure the fair selection and transfer of tenants, and assure that applicants on the waiting list receive a fair share of new townhouse units to be constructed.

Sacks Realty Co., Inc. v. Shore, 276 N.J. Super. 621 (App. Div. 1994)—Consent judgments are unenforceable where the agreement contains a waiver of a tenant's rights under the Senior Citizens and Disabled Tenants Protection Act.

Green v. Continental Rentals, 292 N.J. Super. 241 (App. Div. 1994)—Consumers who sued rent-to-own businesses were entitled to protection under the Truth-In-Lending Act, the New Jersey Retail Installment Sales Act, and the Uniform Commercial Code; interest rates charged were unconscionable in violation of the New Jersey Consumer Fraud Act.

1995

L.M. v. State of New Jersey, Division of Medical Assistance and Health Services, 140 N.J. 480 (1995)—Pension benefits owned by an applicant's former wife could not be considered income available to him for purposes of determining Medicaid eligibility.

Maisonet v. New Jersey Department of Human Services, 140 N.J. 214 (1995)—In an appeal from a denial of food stamp benefits, the court holds that Section 1983 actions may be brought and Section 1988 attorney fees recovered in state court, and establishes procedures for the handling of such claims.

Meyers v. Feldman—The Department of Human Services settles a food stamp case agreeing: 1) to provide more specific notices; 2) to issue final decisions on food stamp appeals within 60 days; 3) to continue food stamp benefits unreduced pending the outcome of a hearing; and 4) to extend the period for requesting a hearing over the denial, reduction, or termination of food stamps.

McNeil v. Estate of Lachman—Guest who resided at hotel for three years with no intention of seeking other accommodations is a tenant protected by the Anti-eviction Act.

1996

A.B. v. L.M., 289 N.J. Super. 125 (App. Div. 1996)—A domestic violence final restraining order should not be set aside based upon the parties' reconciliation or mutual violation without careful consideration by the court of the need for continued protection. Recognizing that domestic violence constitutes a pattern of abusive and controlling behavior, courts must closely scrutinize the record and history of violence to determine whether there is likelihood that violent conduct will be repeated.

Fromet Properties, Inc. v. Buel, et al., 294 N.J. Super. 601 (App. Div. 1996)—In an eviction action for nonpayment of a rent increase, the landlord has the burden of proof to show that a rent increase is not unconscionable.

Housing Authority of the City of Newark v. Raindrop, 287 N.J. Super. 222 (App. Div. 1996)—A housing authority seeking to evict a tenant must strictly comply with federal procedural protections.

B.N. v. Department of Human Services, 287 N.J. Super. 270 (App. Div. 1996)—Applying *L.T. v. Department of Human Services* to homeless families receiving Aid to Families with Dependent Children, the court invalidates the regulation terminating temporary rental assistance benefits after one year.

LeBlanc v. Martinelli—In a 1996 U.S. District Court consent order, the Hammonton police department agrees that it will not assist growers in illegal self-help evictions of migrant farmworkers.

1997

LSNJ establishes the N.J. Poverty Research Institute (PRI). The mission of the PRI is to undertake original research on issues related to poverty in New Jersey, and to marshal, analyze and present all available data, in order to shine light on and increase understanding of poverty's causes, prevalence, and effects, as well as effective programs and other responses.

Housing Authority of Hoboken v. Alicea, 297 N.J. Super. 310 (App. Div. 1997)—Tenant can only be evicted for harboring a drug offender if tenant did so knowingly.

1998

Community Realty Management Co. v. Harris, 155 N.J. 212 (1998)—Trial courts must provide advice and information about their legal rights to tenants appearing *pro se* in eviction cases, and must also insure that the grounds for eviction asserted by landlords are legally correct.

Cohen v. De La Cruz, 523 U.S. 213 (1998)—U.S. Supreme Court holds that treble damages, attorney's fees, and costs assessed against a New Jersey landlord under the Consumer Fraud Act for fraudulently charging rents in excess of the amounts permitted by a local rent control ordinance are not dischargeable in bankruptcy.

N.J. Division of Youth and Family Services v. M.R., 314 N.J. Super. 390 (App. Div. 1998)—Trial-type hearings must be accorded to persons challenging DYFS determinations that allegations of abuse and neglect involving such persons have been substantiated.

Sanchez v. Dept. of Human Services, 314 N.J. Super. 11 (App. Div. 1998)—Statute limiting the amount of public assistance benefits available to persons moving to New Jersey from states with lower welfare payments is unconstitutional.

1999

Franklin Tower One LLC v. N.M., 157 N.J. 602 (1999)—Landlords may not discriminate against existing or prospective tenants because they are holders of Section 8 rent subsidy vouchers.

In re Guardianship of K.H.O., 161 N.J. 337 (1999) and *In re Guardianship of D.M.H.*, 161 N.J. 365 (1999)—Supreme Court further clarified criteria that must be met before parental rights can be terminated.

In re Kish, 238 B.R. 271 (Bankr. D.N.J. 1999), *In re Marcucci*, 256 B.R. 685 (Bankr. D.N.J. 2000), and *In re Pulley*, 303 B.R. 81 (D.N.J. 2003)—Motor vehicle insurance surcharge debts are dischargeable in bankruptcy proceedings, enabling debtors to obtain restoration of drivers licenses suspended for non-payment of such surcharges.

LSNJ and other advocacy organizations co-found the Anti-Poverty Network of New Jersey (APN).

PRI releases its first report on the implementation of Work First New Jersey, *Assessing Work First: What Happens After Welfare?*

In response to a pending Appellate Division case brought by Legal Services (*Bradshaw v. Cumberland Co. Bd. of Social Services*), DHS amends its regulations to make more children eligible for public assistance benefits.

Reacting to a case brought by Legal Services [(*Pagan v. Bd. of Review*, 296 N.J. Super. 539 (A.D. 1998)], legislation is enacted providing for the payment of unemployment benefits to domestic violence victims who are forced to leave work for DV-related personal reasons.

PRI releases a second report on Work First New Jersey (*Assessing Work First: Challenges Facing Long-term Welfare Recipients in N.J.*).

PRI releases a comprehensive report on the actual income households require to obtain basic necessities in New Jersey, *The Real Cost of Living: the Self-Sufficiency Standard for N.J.*

2000

The Anti-Poverty Network holds its initial conference on poverty in New Jersey. More than 350 people from nearly 100 organizations attend the event at the War Memorial in Trenton.

APN provides critical support contributing to passage of New Jersey Earned Income Tax Credit (EITC).

The APN plays a significant role in the enactment and implementation of the Family Care program, which provides free or lost-cost health insurance to uninsured adults and children.

2001

The trial court decision in *South Camden Citizens in Action v. N.J. Dept. of Env. Protection*, brought by Camden Regional Legal Services, is the most far-reaching environmental justice decision decided favorably by a trial court anywhere in the U.S. Though ultimately reversed by the Third Circuit, the case became a rallying point for the low-income community in Camden.

Amended court rules implementing the *Harris* decision are adopted by the Supreme Court.

New Jersey adopts regulations improving access to the Food Stamp Program for low-income working families.

T.K. v. Landmark W., 353 N.J. Super. 353 (Law Division 2001)—Landlord violated N.J.S.A. § 2A:42-100 by arbitrarily refusing to rent to Section 8 applicant based upon the tenant's credit report.

2002

Housing Authority & Urban Redevelopment Agency v. Taylor, 171 N.J. 580 (2002)—The Housing Authority may not collect other charges as additional rent in a summary dispossess proceeding, even if such charges appear in a lease, if doing so would violate the Brooke amendment. The Brooke Amendment, which strictly defines tenant rents to exclude other charges such as attorneys' fees, court costs, and late charges, preempts State law.

First Inv. Corp. v. Seker, 171 N.J. 502 (2002)—The Supreme Court determined that wage garnishment notices should inform debtors that they may object at any time before or after a wage execution has been ordered, and that they are entitled to a hearing within seven days.

State v. Reyes, 172 N.J. 154 (2002)—New Jersey's Domestic Violence Act, N.J.S.A. 2C:25-17, authorizes New Jersey courts to issue domestic violence restraining orders when the victim has fled to New Jersey to seek shelter from abuse that occurred out of state. Jurisdiction will attach when the abuser commits an act of domestic violence in New Jersey, or even when no other act of domestic violence occurs if the defendant pursues the victim for purposes of making contact.

2003

H.E.S. v. J.C.S., 175 N.J. 309 (2003)—Defendant's rights to due process in domestic violence proceedings requires notice be given of all acts complained of, with adequate opportunity to prepare and respond to same. Defendant's use of videotaping in the victim's bedroom can constitute both harassment and stalking pursuant to the domestic violence statute.

In re Adoption of a child by J.D.S., 176 N.J. 154 (2003)—The Office of the Public Defender (OPD) has a duty to pay for the transcript on appeal for indigent persons confronted with the loss of parental rights even when the OPD did not participate in the involuntary adoption proceeding.

Henderson v. Camden County Municipal Utility Authority, 176 N.J. 554 (2003)—The Municipal and County Utilities Authority Law permits utility authorities to charge only simple interest. Assessment of interest on unpaid interest charges is improper.

Sacharon v. Sacharon, 177 N.J. 62 (2003)—The issuance of a final restraining order in a domestic violence proceeding is not a prerequisite to being admitted to the Address Confidentiality Program.

In response to decades of advocacy, New Jersey creates a Universal Service Fund that helps low-income persons afford utility payments through monthly credits to their utility bills.

New Jersey enacts the Home Ownership Security Act, which provides more protections for consumers from predatory mortgage lending practices and high-rate mortgage loans.

South Jersey files lawsuit against Mt. Holly to block the takeover and elimination of an entire affordable housing neighborhood (Mt. Holly Gardens).

2004

New Jersey Division of Youth and Family Services v. A.R.G. 179 N.J. 264 (2004)—The Court adopted the standard for consideration of aggravated circumstances in a DYFS proceeding, and gave guidance on what process is due to a parent prior to the entry of trial court’s finding of aggravated circumstances.

Miah v. Ahmed, 179 N.J. 511 (2004)—Landlords must provide tenants evicted as a result of a zoning ordinance violation relocation assistance benefits based on six times the monthly rent. Landlords cannot reduce this amount by applying past due rent or other damages owed by the tenant.

In Re Keri, 181 N.J. 50 (2003)—Guardians of incompetent persons have the ability to engage in Medicaid planning. However, they are subject to the constraints imposed upon them by virtue of their status as guardian of the ward.

PRI releases report on the minimum wage in New Jersey, demonstrating that the value of the state’s minimum wage fell to its lowest level since first introduced 40 years prior.

PRI releases *Eye on the Budget: How New Jersey State Expenditures Relate to Basic Human Needs*.

2005

Shah v. Shah, 184 N.J. 125 (2005)—New Jersey courts have authority to issue *ex parte* relief in the form of a temporary restraining order upon a showing that the two-prong test evidencing domestic violence has been met.

Visiting Homemaker Service v. Board of Chosen Freeholders, 380 N.J. Super. 596. (App. Div. 2005)—Counties may establish standards for providing wages and protections greater than those required by state or federal law. While the case was pending, N.J.S.A. § 34:11-56a4 was amended to make this grant of authority clear.

Legal Services of New Jersey publishes the first edition of *A Self-Help Guide to Divorce in New Jersey* in English. This is the first comprehensive self-help manual on divorce for New Jersey residents.

2006

Gifford v. Benjamin, 383 N.J. Super. 516 (App. Div. 2006)—SSI benefits received by a child are means tested and based on a child’s disability. They are therefore not to be deducted from a child support obligation.

Pasqua v. Council (2006) —The N.J. State Constitution requires the appointment of counsel to represent parents found to be indigent and facing incarceration at child support enforcement hearings.

Perez v. Rent-A-Center, Inc., 186 N.J. 188 (2006)—Rent-to-own contracts were held to be subject to the Retail Installment Sales Act, the interest rate cap in the criminal usury statute, and the Consumer Fraud Act.

Muhammad v. County Bank of Rehoboth Beach, 189 N.J. 1 (2006) and *Delta Funding Corp v. Harris*, 189 N.J. 28 (2006)—These were companion cases. In *Muhammad*, the Court held that an arbitration agreement forbidding class-wide relief was unconscionable and unenforceable (a holding later reversed in the 5-4 U.S. Supreme Court decision in *AT&T Mobility v. Concepcion*). In *Harris*, the Court addressed several additional issues regarding unconscionability in consumer arbitration clauses, including the “chilling effect” of provisions imposing arbitration costs on consumers.

Executive Committee of the Vineland School District’s Parent Advisory Committee v. Board of Education of the City of Vineland, February 2006—Statutory and regulatory requirements must be met before the N.J. Dept. of Education may grant a waiver of a full-time bilingual education program. Districts should not seek such waivers without first ensuring that all legal requirements are met.

Legal Services publishes the first Spanish edition of *A Self-Help Guide to Divorce in New Jersey*.

2007

Hodges v. Sasil Corp, 189 NJ 210 (2007)— The Fair Debt Collection Practices Act applies to practices of attorneys and law firms that regularly engage in prosecution of summary dispossession actions.

PRI releases first *Poverty Benchmarks* report, the first of what will be an annual series.

New Jersey Division of Youth and Family Services v. B.R., 192 N.J. 301 (2007)—A claim of ineffective assistance in a termination of parental rights case should be determined under the Strickland standard used in criminal cases. Ineffective assistance claims can be raised on direct appeal.

Housing Authority of Bayonne v. Mims, 396 N.J. Super. 195 (App. Div. 2007)—Federal law governing public housing law does not preempt an action under the State Tenant Reprisal Act.

LSNJ launches the LAMP (Legal Assistance to Medical Patients) program, New Jersey’s first “medical–legal partnership,” at Newark Beth Israel Hospital. This model is later extended to hospitals in Jersey City, Paterson, and Camden.

Maglies v. Estate of Guy, 193 N.J. 108 (2007)—Surviving daughter of tenant was protected by anti-eviction law as functional co-tenant.

LSNJ publishes the second edition of *A Self-Help Guide to Divorce in New Jersey* in print.

Cramer Hills Residents Ass'n v. Primas, 395 N.J. Super. 1. (App. Div. 2007). The trial court was required to conduct hearing to decide if ordinance allowing city to acquire properties by eminent domain would help city meet its fair share housing obligations.

2008

Ibrahim v. Aziz, 402 NJ Super. 205 (App. Div. 2008)—A father who lives in Egypt should have his child support obligation based on his income in Egypt and not on the income he could earn in New Jersey.

B.H. v. State of New Jersey, Department of Human Services, 400 N.J. Super. 418 (App. Div. 2008)—The Department of Human Services cannot deny an applicant Work First New Jersey benefits because they were also receiving Subsidized Adoption Program benefits when the restriction was created by an administrative instruction and not through administrative rule making.

Espina v. Board of Review, 402 N.J. Super. 87 (App. Div. 2008)—An employee has not abandoned a position until five calendar days from the last date of an approved leave of absence.

G.H. v. Township of Galloway, 401 N.J. Super. 392 (App. Div. 2008)—An ordinance that prohibited convicted sex offenders from living within 2500 feet of a school, day care center, playground, or park was invalid.

Uiley v. Board of Review, 194 N.J. 534 (2008)—Employee showed “good cause” for quitting job when commuting problems were created by actions of employer.

Jefferson Loan v. Session, 397 N.J. Super. 520 (App. Div. 2008)—An auto loan assignee is liable under the Consumer Fraud Act for its deceptive and unconscionable collection and repossession practices.

2009

Legal Services of New Jersey publishes *Foreclosure: A Self-Help Guide to Saving Your Home*, a manual that describes the foreclosure process and defenses to foreclosure and provides sample pleadings.

DYFS v. G.M., 198 N.J. 382 (2009)—The transfer of custody to another parent during DYFS litigation requires a plenary hearing considering the factors in N.J.S.A. 9:2-4(d). The trial court should not rely upon reports not properly admitted into evidence nor upon unsworn factual assertions made by counsel.

2010

Legal Services of New Jersey issues comprehensive report and recommendations to New Jersey Supreme Court on “robosigning” and related certification and evidentiary issues in foreclosure

cases. The Court subsequently issues an administrative order halting foreclosures and putting the issue under the authority of a specially assigned Superior Court judge to oversee reform efforts.

PRI releases *Food, Clothing, Health, or a Home* report, detailing the consequences of the deprivations endured by families living in poverty report.

Legal Services releases English version of “Working with Interpreters” video. Over the next two years, versions are released in Spanish, Haitian Creole, Portuguese, and Korean.

In re D.C., 203 N.J. 545 (2010)—When a child is in the custody of the Division of Child Protection and Permanency, visits with siblings are presumptively in the best interest of the child, even in the absence of an application by the sibling for visits.

S.D. v. M.J.R., 415 N.J. Super. 417 (App. Div. 2010)—Trial court erred by failing to issue restraining order when husband had intent to commit criminal sexual assault despite his belief that his religion permitted him to demand sex from his wife.

2011

Wells Fargo Bank, N.A. v. Ford, 418 N.J. Super. 592 (App. Div. 2011)— A certification not based on personal knowledge did not establish a mortgage assignee’s standing to pursue foreclosure.

Legal Services releases “Your Right To An Interpreter” video and booklet in English, Spanish, Haitian Creole, and Portuguese versions.

New Jersey Division of Youth and Family Services v. T.B., 207 N.J. 294 (2011)—Mother who left four-year-old unsupervised because of mistaken belief that grandmother was home was not guilty of abuse or neglect.

Gonzalez v. Wilshire Credit Corp., 207 N.J. 557 (2011)— The Consumer Fraud Act applies to homeowners’ post-foreclosure-judgment agreements with mortgagees and mortgage servicers.

J.D. v. M.D.F., 207 N.J. 458 (2011)—Father was denied due process at final restraining order hearing when he was denied right to an adjournment and an opportunity to present witnesses.

New Jersey enacts “Anti-Bullying Bill of Rights.”

Midland Funding LLC v. Giambanco, 422 N.J. Super. 301 (App. Div. 2011)—A consent judgment was invalid when the judgment did not give the debtor sufficient notice that she was waiving her right to notice of an application for a wage execution.

2012

U.S. Bank, N.A. v. Guillaume, 209 N.J. 449 (2012)—The Fair Foreclosure Act requires plaintiffs to list the name and address of the actual lender on the notice of intention to foreclose.

Newark Housing Authority v. Vega, 424 N.J. Super. 24 (Law Div. 2012)—Local housing authority abused its discretion by seeking to evict “nonculpable tenants.”

Lord v. Board of Review, 425 N.J. Super. 187 (App. Div. 2012)—Claimant with temporary transportation problems was eligible for unemployment benefits when employer told him he had to “resign immediately.”

In Re Kollman, 210 N.J. 557 (2012)—In deciding expungement applications submitted under the “public interest,” the court must consider rehabilitative aspects under the “nature of the offense.”

LSNJ publishes the third edition of *Divorce in New Jersey: A Self-Help Guide* in print and as a PDF download with fillable forms.

2013

South Jersey Legal Services’ lawsuit against Mt. Holly Gardens settles favorably for the remaining tenants.

PRI releases fifth *The Real Cost of Living in New Jersey: What It takes to Meet Basic Needs and Avoid Deprivation* report.

Legal Services of New Jersey releases videos to assist domestic violence victims with temporary and final restraining orders.

Division of Youth and Family Services v. A.L., 213 N.J. 1 (2013)—Where a newborn tests positive for cocaine metabolites, without evidence of actual harm to the child after birth, prenatal use of illicit substances alone does not meet the statutory standard for child abuse or neglect.

D’Agostino v. Maldonado, 216 N.J. 168 (2013)— A foreclosure rescue plan that resulted in the loss of title caused a redressable loss under the Consumer Fraud Act.

2014

New Jersey Division of Youth and Family Services v. R.G., 217 N.J. 527 (2014)—A father’s incarceration, standing by itself, is not a sufficient condition for terminating parental rights.

N.J. Division of Child Protection and Permanency v. Y.N., 220 N.J. 165 (2014)—A child who suffered symptoms of methadone withdrawal because of his mother’s participation in a methadone treatment program was not abused or neglected.

Winns v. Rosado, 440 N.J. Super. 96 (Law Div. 2014)—Landlord of Section 8 housing is required to provide notice of eviction to Public Housing Authority.

PRI releases a special report, *What is Poverty: Measuring Deprivation in New Jersey*, detailing the extent of actual poverty in the state.

PRI releases *Income Inequality in New Jersey: The Growing Divide and Its Consequences*.

2015

New Jersey enacts “Sexual Assault Protection Survivor Act.”

Legal Services of New Jersey releases self-help expungement videos.

Frazier v. Board of Review, 439 N.J. Super. 130 (App. Div. 2015)—Claimant was not disqualified from receiving unemployment benefits after being laid off from full time job and voluntarily leaving part time job.

New Jersey Division of Child Protection and Permanency v. K.N., 223 N.J. 530 (2015)—Family Part judge may continue placement of child with relative not licensed under Resource Family Parent Child Licensing Act.

Legal Services of New Jersey releases “Clearing Your Record Online” an interactive program which allows clients to file expungement applications.

Hargrove v. Sleepys, LLC, 220 N.J. 289 (2015)—The “ABC” test should be used to decide if a worker is an employee or independent contractor for purposes of resolving a wage-payment or wage-and-hour claim under New Jersey law.

2016

New Jersey enacts law liberalizing requirements for expungement applications.

In the Matter of the Adoption of A Child by J.E.V. and D.G.V., 226 N.J. 90 (2016)—When a contested private adoption involves the termination of parental rights, the biological parent has the right to be represented by counsel.

Midland Funding v. Thiel, 446 N.J. Super. 537 (App. Div. 2016)—The Uniform Commercial Code’s four-year statute of limitations applies to lawsuits to collect amounts allegedly owed under store-issued credit cards. Partial payments by the credit card holder do not toll the running of the statute of limitations.

LSNJ publishes an updated printed edition of its domestic violence guide and editions in Portuguese and Korean for the first time.

2017

Legal Services of New Jersey releases the Spanish version of “Clearing Your Record Online.”

Legal Services of New Jersey

Regional Programs

Central Jersey Legal Services

Essex-Newark Legal Services

Legal Services of Northwest Jersey

Northeast New Jersey Legal Services

South Jersey Legal Services