

*"The arc of the moral universe is long, but it bends toward justice."*

*—Martin Luther King, Jr.*

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# Still Bending The Arc of History Toward Justice

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New Jersey Legal Services  
In 2019



A Publication of LSNJ

# The New Jersey Legal Services System

**A Network of Six Independent Not-For-Profit Corporations**

## **STATEWIDE PROGRAM**

**Legal Services of New Jersey**

Office in Edison

Coordinating and supporting the statewide network and providing statewide legal representation and advocacy through more than 15 specialized projects

## **REGIONAL PROGRAMS**

**Central Jersey Legal Services**

Offices in Mercer, Middlesex, and Union Counties

**Essex-Newark Legal Services**

Office in Essex County

**Legal Services of Northwest Jersey**

Offices in Hunterdon, Morris, Somerset, Sussex, and Warren Counties

**Northeast New Jersey Legal Services**

Offices in Bergen, Hudson, and Passaic Counties

**South Jersey Legal Services**

Offices in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Monmouth, Ocean, and Salem Counties

# The Mission: Equal Access to Equal Justice

More than 2.5 million New Jersey residents live in poverty. Each year, they face more than a million civil legal problems, threatening their homes, employment, health or safety. Without legal assistance, low-income people face homelessness, broken families, domestic violence, malnutrition, health care denials, and disruption of lives. Unlike criminal cases, there is no guarantee of an attorney in civil legal matters.

For more than 50 years, the New Jersey Legal Services system has worked to bring equity and justice to low-income individuals and families. We have provided civil legal assistance—from initial advice and counsel to full representation in courts—to New Jersey residents who could not otherwise afford an attorney. Self-help resources developed by Legal Services have enabled individuals living in poverty to better advocate for themselves.

In all we do, we try to bend the arc toward justice for all, irrespective of income. Included in this report are highlights of that work in 2018 from Legal Services of New Jersey, the statewide coordinating agency, and the five regional programs that reach all 21 counties.

## Putting Clients First



New Jersey Legal Services programs took on more than 42,000 cases in 2018, which, by extension, helped many thousands more people in real terms—from connecting them with medical treatment to keeping a roof over their heads. Ana is one such client—a senior citizen who almost lost her subsidized housing because of an accidental fire. She was helped by Essex-Newark Legal Services and her story can be viewed on LSNJ’s website at [www.lsnj.org/ClientsVideosStories](http://www.lsnj.org/ClientsVideosStories).

*In 2016, more than 8% of New Jersey seniors lived on less than the official federal poverty level (\$12,140/year for a single adult). Using a more realistic 250% FPL (\$30,350 for a single adult), the number rose to nearly 32%. As with poor people of all ages, accessing safe and affordable housing is one of the greatest challenges.*

# Protecting the Rights of Borrowers and Consumers

## *Easing Staggering Student Loan Debt*

Over the past 25 years, student loan borrowing has shifted from primarily government backed assistance to private lenders. In the process, protections that had been afforded to lower and middle class students disappeared. Interest rates on loans skyrocketed, grace periods disappeared, the primary residence of parent co-signers was at risk when recent graduates failed to immediately secure a job, and some cases even made headlines when collection agencies refused to forgive the debt of a student who had been killed freshman year.

In New Jersey, legislators spent more than two years debating what solutions would best address this problem and Legal Services was at the table

through every step, advocating for the needs of low-income students trying to work for a better future. In January, 2019, the legislature adopted two bills (S-3125 and S-3149) with amendments drafted and advocated by LSNJ. Since then, Legal Services advocates statewide have won relief for numerous borrowers who attended Drake College—a failed school that shut down and left students with mounds of debt and no degree.



LSNJ's David McMillin testifies about student loan debt.

## *Legal Services of Northwest New Jersey*

### **Case Sets Precedent for Indigent Mentally Ill Patients**

In *Newton Medical Center v. D. B.* (January 17, 2018), the Appellate Division considered whether a patient who requires emergent psychiatric treatment, resulting in his involuntary commitment to a hospital, should be treated differently for charity care purposes than a patient who suffers a physical injury or illness. The issue arose out of the hospital's attempt to recover payment from an indigent mental health patient. In the hospital's collection action, summary judgment was entered in favor of the Newton Medical Center when the trial court determined that admission to a short-term care facility (STCF) through a referral from the county psychiatric emergency screening service (PESS) was not an admission through "the emergency room." Accordingly, the trial court found the hospital's denial of charity care due to the patient's inability to complete the necessary application was proper given the time limits governing planned admissions in N.J.A.C. 10:52-11.5.

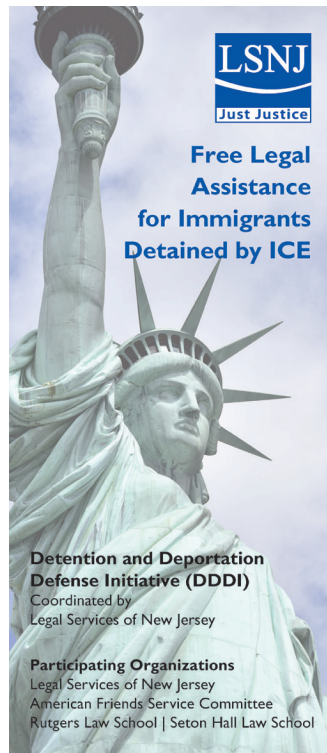
On appeal, the Appellate Division reversed, holding that a STCF hospitalization by way of a PESS referral was an emergency admission triggering the heightened screening requirements of N.J.A.C. 10:52-11.16, which require that a hospital engage in post-discharge outreach procedures to nonresponsive, indigent emergency room patients. Because the plaintiff failed to contact the defendant by phone at least twice, and schedule an in-person interview, or send a social worker to his address to obtain the information to process his charity care application, the hospital was barred from recovering from the patient. The hospital's case was dismissed in accordance with N.J.A.C. 10:52-11.14, since "[p]ersons determined to be eligible for charity care shall not receive a bill for services or be subject to collection procedures."

# Legal Representation for Detained Immigrants

In November 2018, newly elected Governor Phil Murphy made good on his promise to provide legal representation for immigrants facing detention and deportation. Under the finalized agreement, LSNJ was chosen to be the principal contractor of representation services to eligible immigrants.

*“Providing access to counsel helps ensure due process and just treatment for immigrants while ensuring the efficient administration of our legal system, which can dramatically reduce the taxpayer costs associated with detention. When we invest in our families we promote economic and social stability, which benefits our communities and our economy as a whole.”*

- NJ State Treasurer Elizabeth Maher Muoio

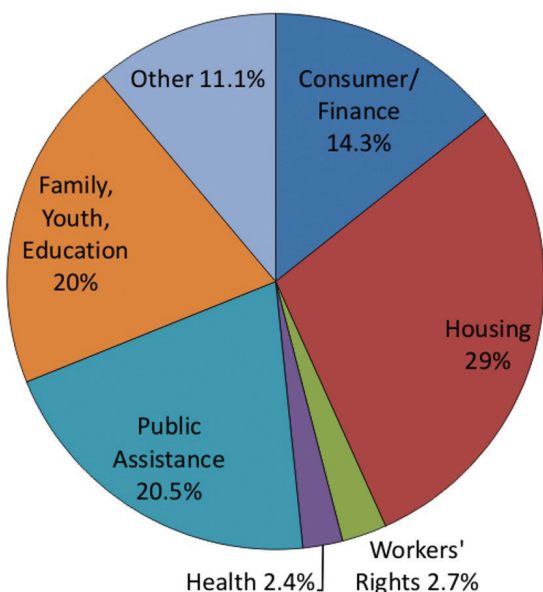


This increased support enabled LSNJ to launch the new Detention and Deportation Defense Initiative (DDDI), to increase representation of individuals detained by Immigration Customs and Enforcement within New Jersey and to offer legal rights presentations and individual orientations to approximately 1,520 immigration detainees at the Elizabeth Detention Center, and the Essex and Hudson County Correctional Facilities.

Among the clients helped were individuals who fled persecution or natural disasters in their home countries; who were victims of domestic violence and other crimes; who were suffering from severe mental or physical health conditions; who were entitled to special forms of relief such as Deferred Action for Childhood Arrivals and Humanitarian Deferred Action; and who were juveniles who had been abused, abandoned, or neglected by one or both parents.

## Legal Services' Caseload:

### *A Cross-Section of Problems Confronting People in Poverty*



**Housing** – Foreclosure, eviction, housing conditions

**Family, Youth, Education** – Domestic violence, custody, divorce, special education, school discipline, rights of homeless students

**Public Assistance** – Welfare benefits (General Assistance and TANF), Social Security disability, emergency and rental assistance

**Consumer/Finance** – Bankruptcy, predatory lending

**Workers' Rights** – Wage claims, unemployment, workers compensation, safe working conditions

**Health** – Medicare, Medicaid, Affordable Care Act, access to critical care

**Other** – Tax assistance, reentry and expungement, disability rights, veterans assistance, elder rights



# Strengthening and Preserving Families

For its 2018 annual Family Unification Day celebration, LSNJ produced a video of one woman's traumatic experience with the child welfare system. The video, *Cannitta's Story: Surviving, Not Living*, which can be found on [www.lsnj.org/povertyinfocus.org](http://www.lsnj.org/povertyinfocus.org), caught the attention of child welfare experts at the national level and sparked new conversations between LSNJ staff and the federal administration.

Since then, the video has been shown at national and state trainings. It also opened the door for a unique opportunity to interview Jerry Milner, Associate Commissioner of the Children's Bureau, and to host a conversation between Mr. Milner, Special Assistant Davide P. Kelly, and New Jersey parents who had been involved with the NJ Division of Child Protection and Permanency. Increased funding and flexibility through the new Family First Prevention Services Act means increased services for low-income parents who need help rather than removal of their children. Greater funding also led to a new partnership with the Essex County DCPD offices, whereby the offices refer parents to Legal Services so that legal issues can be spotted and resolved early to stabilize rather than separate families.

*"I was not a bad woman. I only needed help."*

*- Mom at the Keep Families Together forum*



LSNJ's Jey Rajaraman, left, with a New Jersey mom during a "Keep Families Together" forum. The event included administration officials from the Federal Children's Bureau and parent representatives. Coverage of the day can be found at [www.lsnj.org/PovertyInFocus.aspx?v=Jerry](http://www.lsnj.org/PovertyInFocus.aspx?v=Jerry).



Host  
Jey Rajaraman  
LSNJ Chief Counsel,  
Child Welfare

## New Podcast Strengthening & Preserving Families



Guest  
Jerry Milner  
Associate Commissioner,  
Children's Bureau

Listen to our podcast, "Strengthening and Preserving Families" on our new "TalkingLaw" podcast station, online at <https://lsnj.fireside.fm>.

## Reclaiming Lost Wages and Benefits

LSNJ's Workers Legal Rights Project and Farmworker Project celebrated significant success in litigating wage and hour cases in 2018, with tens of thousands of dollars in unpaid wages and overtime secured for workers.

There was a continued focus on domestic workers in representation and "know your rights" presentations on a wide variety of wage and farmworker rights topics. The project also successfully appealed a number of unemployment cases before the Appellate Division and

played a significant role in advocating for the elimination of the severe misconduct sanctions from the unemployment statute.

Successes in wage and hour cases included:

- An unpaid home care worker receiving a settlement of \$40,000.
- A non-payment of overtime case that settled for \$10,000.
- An auto sales worker who settled for approximately \$10,000.



**In this unemployment case, Dave**, a retired Air Force Veteran, was denied unemployment benefits after leaving his job as a truck driver. Dave suffered from significant back pain and lifting limitations, but the sedentary work of driving a truck was manageable for him. Unfortunately, shortly after he was hired, the company was contracted to manage a major environmental cleanup and the trucks were parked for the long term. He was physically unable to do the work offered to him, so he left the position and was subsequently denied unemployment benefits for turning down work. It took more than two years, but his Legal Services advocate persisted and eventually Dave was awarded his full retroactive benefits. With this lump sum, he paid off debts incurred while trying to survive with no income and put the remainder in a bank account for future needs.

"To me, [Legal Services] was a godsend because I am retired military and right now the only thing I have is my retirement pay, which, unbenownst to a lot of people, isn't enough to live on."

## Helping the Disabled Secure Needed Benefits

LSNJ's SSI Project has been helping disabled welfare recipients secure Social Security disability benefits for 21 years. In 2018, the project received a total of 2,055 referrals from the Boards of Social Services statewide, with 60% individuals receiving GA (General Assistance) and 40% TANF (Temporary Assistance For Needy Families).

Despite recent changes in the law and regulations governing the adjudication of Social Security

disability cases that made the approval of cases much more challenging, the Project successfully resolved 476 SSI disability cases—more than 40% of which involved mental illness.

Legal Services also provided training to the Board of Social Services offices (BOSS) in four counties on the various aspects of the Social Security disability and adjudication process.



# NJEJLA Circle of Honor



James H.  
Coleman, Jr.



Bonnie Watson  
Coleman



Robert del Tufo

**The New Jersey Equal Justice Library and Archive (NJEJLA)** website was launched in 2017, following the 2017 Equal Justice Awards reception. It includes a history of the New Jersey Legal Services system, milepost cases on the road to civil justice in New Jersey, oral histories with Legal Services staff, and Circle of Honor tributes to individuals who have made significant contributions to civil justice in New Jersey.

Visit the site to learn more about the lives and contributions of our inductees.

## 2014

Governor Thomas H. Kean  
Honorable James H. Coleman

## 2017

Chief Justice Deborah T. Poritz,  
Merck CEO Kenneth C. Frazier  
NJ Senator Wynona M. Lipman

## 2019

U.S. Representative Bonnie Watson Coleman  
NJ Senator Loretta Weinberg  
Chief Justice Robert Wilentz  
NJ Attorney General Robert Del Tufo



Kenneth C. Frazier



Thoms H. Kean



Wynona M. Lipman



Deborah T. Poritz



Loretta Weinberg



Robert N. Wilentz



## Have You Considered Pro Bono Service with Legal Services?

If you practice law in New Jersey, consider volunteering with a Legal Services program in New Jersey.

### Pro Bono Volunteers

Chiesa Shahinian &  
Giantomasi

“Get involved! ...  
It selfishly feels good  
and it’s a great thing to  
do for your community.”

-Jillian Swogier



More information at [www.probononj.org](http://www.probononj.org)

## Helping Ex-Offenders Become Productive Citizens

Legal Services continues to advocate for a fresh start for those who have had involvement with the criminal justice system. Many committed crimes during adolescence and many have not been arrested in more than 20 years, yet they are prevented from leading productive lives because of discrimination in housing and employment. Helping them clear their records so that they can get on with their lives is, in the words of Senator Sandra Cunningham, just “the right thing to do.” Senator Cunningham was the sponsor of a new law to make it easier for juveniles to expunge their records and was the first guest of LSNJ’s new podcast series, “Talking Law.”

In 2018, LSNJ was invited by Senator Cunningham to assist in the creation of this new legislation and, upon its adoption, LSNJ updated its “Clearing Your Record Online” *pro se* guides and online web tools to reflect the new law changes. Statewide staff continued to work with the New Jersey court system to offer clinics across the state for those hoping to expunge their records.

Listen to our podcast, “Expunging a Record in New Jersey” on our new “TalkingLaw” podcast station, <https://lsnj.fireside.fm>.



Host  
Akil Roper  
LSNJ Chief Counsel,  
Reentry

### Changes to Expungement Law



Guest  
Sandra Cunningham  
New Jersey  
State Senator

Register Log In

Welcome to LSNJ's Clearing Your Record: Eligibility Interview

If you register with our site, you will be able to save your information so that you can return to it at a later time, but registration is not required. If you do not register, we will not store your information, so you will need to print your forms right away. LSNJ respects the privacy of our users and maintains security measures to protect the security of your information. LSNJ does not share your personal information with any other agency. More detailed information is available in our [Privacy Policy](#) and our [Terms of Use](#).

< Back Next > MY PROGRESS: Welcome to LSNJ's eligibility...

a2j

1 Introduction

2 Prerequisites

3 Young Drug Offender

4 Welcome

Welcome to LSNJ's eligibility interview for expungement. This interview should take between 10 and 20 minutes, depending on your record. When you are finished, we will let you know if your record is expungeable, and whether there is a waiting period before you can apply. If you are eligible to expunge, you will be able to use our form creator to fill out expungement forms online.

Continue

# Providing Access to Legal Education to *Pro Se* Litigants

Using technological innovation and social media, LSNJ provides hundreds of thousands of people with access to legal information—people who otherwise might be unable to get the help they need.

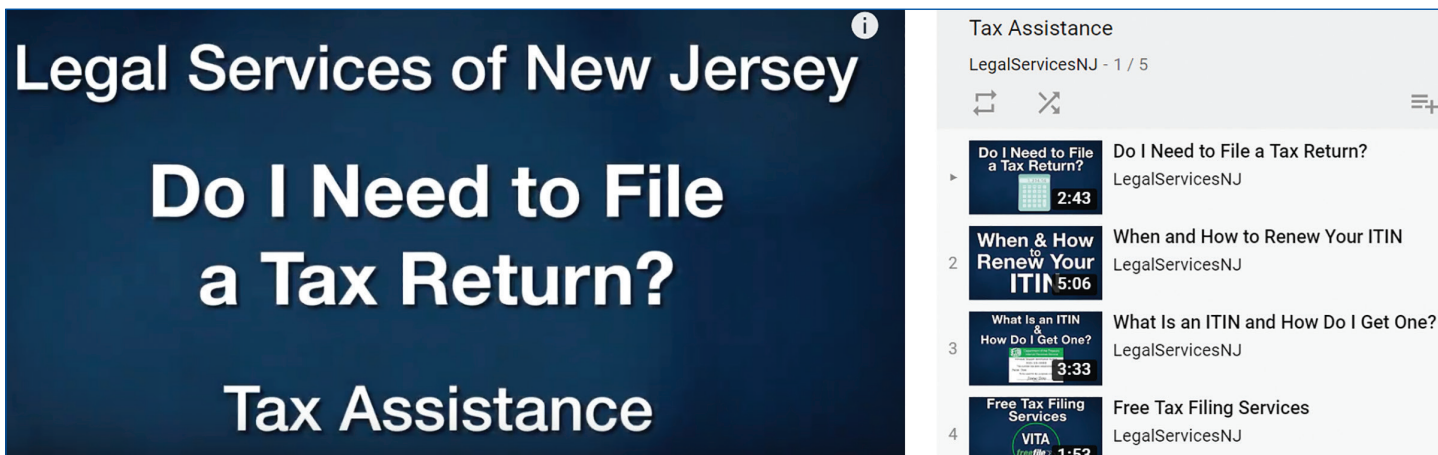
**LSNJLAW** – the legal information website, garnered 533,790 visits in 2018.

**Legal Rights Videos** – Tax Rights, Expungement, and Domestic Violence Restraining Orders: 83,203 views in 2018.

**Clearing Your Record Online** – 8,325 eligibility interviews and 1,382 forms completed in 2018.

**First-Ever LSNJ Podcast** – 256 downloads in the first quarter of its 2018 release.

## Decoding the Tax Filing Process



Legal Services participated in more than 20 outreach efforts across the state in 2018 in an effort to educate low-income taxpayers about the Tax Cuts and Jobs Act of 2017, which took effect in the 2018 tax year. In addition, we helped clients unable to pay their tax bills to work with the IRS on compromise terms based on economic hardship.

One such client, a mother of twins, had left her spouse due to his drug addiction. After the separation, she received a tax bill revealing that

he'd significantly underreported his income and took early withdrawal of his employee pension, triggering a tax penalty of approximately \$20,000. Legal Services successfully represented the mother in tax court, resulting in zero liability for her.

We also released our updated 2018 Tax Assistance video series, which guides low-wage earners in filing tax returns without spending precious resources to hire tax professionals. The videos cover a range of topics and are available in multiple languages. They were viewed 59,494 times.

**The annual Campaign for Justice**

raises funds for  
Legal Services of New Jersey,  
the five regional programs,  
and branch offices covering  
all 21 counties.

Each tax-deductible contribution  
helps the New Jersey Legal Services  
system accept more cases  
and gives people the legal expertise  
they need and  
the justice they deserve.

To make a donation  
to the New Jersey Legal System:

Visit [www.lsnj.org/cfj](http://www.lsnj.org/cfj)

Call (732) 529-8203

Email [CFJ@lsnj.org](mailto:CFJ@lsnj.org)

**"Injustice anywhere is a threat to justice everywhere."**

**—Martin Luther King, Jr.**

“The opposite of poverty is not wealth.  
In too many places,  
the opposite of poverty is justice.”

—*Bryan Stevenson*



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