

Anti-Racism at Work: LSNJ's Cultural Awareness, Bias and Race Equity Initiative

LSNJ is firmly committed to confronting and combatting discrimination and inequity, and to securing economic and social justice for all disadvantaged, oppressed and vulnerable people. In order to be effective agents of change, a critical step in that process is what we refer to as doing our own "internal work."

In late 2021, this effort took shape through our Cultural Awareness, Bias, and Race Equity (CABRE) initiative. CABRE events have included training on transgender and gender diversity issues, an in-depth workshop on implicit and unconscious bias as it relates to Legal Services advocates, and,

Continued on page 6



An Update on LSNJ PROTECT During National Slavery and Human Trafficking Prevention Month



"When you save one victim, you save one survivor, but when you prosecute one perpetrator, you save a hundred victims."

*Harold D'Souza, President and Co-Founder, Eyes Open International
Presenter, 2021 LSNJ Annual Conference*

January is National Slavery and Human Trafficking Prevention Month. Tragically, trafficking has continued to run rampant throughout the pandemic. PROTECT, LSNJ's anti-trafficking initiative, received an influx of new cases in 2021. Notably, the program assisted labor trafficking survivors involved in construction of the BAPS temple in Robbinsville, New Jersey, and coordinated with law enforcement, legal and social service providers around the country, and private civil attorneys who have filed a

class action lawsuit against the entity. At the LSNJ Annual Conference in November, Dan Werner, lead attorney of the lawsuit, discussed this and other high-impact trafficking labor lawsuits, and shared insight on how to help victims achieve justice. Conference participants also heard from staff of the New Jersey Coalition against Human Trafficking, and three survivors who shared their experiences, highlighting the importance of civil legal assistance for prevention and recovery.

Continued on page 3

President's Message



*Dawn K. Miller, Esq., President
Legal Services of New Jersey*

On the heels of another tumultuous year, during which our clients and advocates persevered through health crises, employment and income challenges, housing and custody issues, and more, we commemorate 55 years of providing quality legal services

to low-income people across New Jersey. From a humble network of storefront offices in 1966 to our formidable statewide presence today, New Jersey Legal Services has grown to over 600 strong, with programs serving all 21 counties. Our staff have handled 2.7 million cases, representing nearly 9 million people, and assisted millions more through education and self-help resources in an ongoing effort to ensure equal access to justice irrespective of income.

Legal Services has weathered waves of economic and political uncertainty, severe public funding cuts, natural disasters, and, now, a persistent public health crisis. With difficult times always falling hardest on our low-income clients, we must forge ahead, just as we have through all prior adversities.

Fortunately, in New Jersey and across the country, there are rays of hope: promising public policy changes, an ongoing reckoning around racial injustice, and continued progress in improving the lives of disadvantaged people.

As we navigate the year ahead, Legal Services advocates statewide are equipped with the experience and expertise to advance the fight against poverty and injustice. As you read on, I hope you feel as I do—heartened, hopeful, and energized by our recent successes: life-changing outcomes for clients; innovative outreach efforts; pioneering new programs; widely-influential impact advocacy; and major Supreme Court victories. In this milestone 55th year, I know we stand stronger than ever.



New Jersey's Legal Services system developed amid calls for racial justice in the 1960s and 1970s and the War on Poverty, providing a foundational value that continues to guide our work. Highlights from this rich history can be found in our 2021 Campaign for Justice brochure: <https://lsnj.pub/CFJ2021>.



1966

2022

Preventing Evictions and Facilitating Access to Resources



As the COVID-19 eviction moratorium came to an end, LSNJ launched the Housing Stability Initiative, a new program designed to meet the challenge of the growing housing crisis and prevent evictions and homelessness.

Consistent with U.S. Attorney General Merrick B. Garland's call

to the legal community to raise awareness of available rental assistance, this new initiative helps unrepresented and low-income landlords and tenants to stabilize housing, maximize use of rental assistance programs, and provide much-needed rental income to low-income landlords.

Legal Services representation is limited to those who are at or below 300% of the federal poverty level (FPL), with an estimated 2.9 million people in New Jersey qualifying for assistance. When considering the number of eligible tenants who are at risk of, or subject to, eviction, as well as the many low-income landlords who are not receiving rent, the range of people in need of this legal assistance is in the hundreds of thousands.

While New Jersey residents continue to experience the devastating effects of the COVID-19 pandemic, it is our hope that, through the Housing Stability Initiative and the concerted efforts of Legal Services advocates statewide, we will keep tenants, and landlords, safely in their homes.

LSNJ PROTECT *Continued from page 1*

This year, as part of our ongoing efforts to generate awareness about human trafficking, LSNJ looks forward to providing training on social needs and legal remedies to Rutgers University social work students and outside providers. The online event scheduled for January 26 will include a virtual panel titled, "Human Trafficking Awareness: The Impact of COVID-19 on Service Delivery," which will include perspectives from a law enforcement victim assistance specialist, mental health services provider, and Legal Services advocates. For more information or to register, visit <https://rutgers.zoom.us/meeting/register/tJlod-qvqDotGNBpK5SsDbbAwXMR8155O4fx>.

"PROTECT was so amazing to work with! Not only were you all able to help me with my legal issues and referrals, but also assisted me in finding rental assistance that I so desperately needed. I was in a deep depression when I first was connected with your services but now I can say I feel overjoyed and have so much more confidence knowing that there is a team in my corner!"

PROTECT Client

Marjorie Perry



“The need is greater than I’ve seen in my lifetime, so thank God for Legal Services. What would people do?”

Marjorie Perry, a lifelong resident of New Jersey, serves on numerous boards, including RWJ UMDNJ, the New Jersey Chamber of Commerce, the Newark Regional Business Partnership, and the Adubato Advisory Board. We are pleased that, in August of 2021, she agreed to add LSNJ to this esteemed list.

The Harvard Business School graduate is president and CEO of MZM Construction & Management Company, Inc., a company she co-founded more than 25 years ago. In addition to her extremely successful business career, Perry is also a coveted public speaker, writer, and role model for women and minorities in business. When friend and fellow LSNJ board member Karol Corbin Walker suggested that Perry join the LSNJ Board, our cause resonated. Perry recalls a time in her

youth when her mother received assistance from Legal Services and knows first-hand through her business experience just how quickly legal costs can skyrocket. Noting the critical role Legal Services and other nonprofits have played recently for immigrants in crisis, Perry says, “Thank God for these individuals who stepped up.”

Regarding the housing crisis, especially during the pandemic, she says Legal Services is what makes a difference. Without them, “landlords with deep pockets always tend to win.”

Perry says she has already learned a lot from her first few LSNJ board meetings and is now “getting a bigger overview on how deep this dive goes.” As one of a few non-attorneys on the board, she is eager to offer a new perspective and lend a hand in any way she can.

Expertise in Disaster Relief Allows Quick Response to Hurricane Ida

Legal Services has been assisting residents with legal needs arising from natural disasters since the 1990s, when Hurricane Floyd devastated much of

New Jersey. As extreme weather events have continued to increase in frequency and intensity, we have developed the skills and resources needed to respond in

a strategic targeted fashion to the myriad legal issues, such as insurance claims and requests for assistance from the Federal



Angelica Valenza

Angelica Valenza joined the LSNJ Board in August 2021 and brings a wealth of business experience to the position. As strategy lead with Johnson & Johnson Global Services, she currently focuses on increasing consistency and efficiency in the corporation's global strategy.

Prior to joining Johnson & Johnson, Valenza served as chief of staff for Prudential Advisors, where she also co-chaired Prudential Advisors Inclusion & Diversity Council. Before Prudential, she worked as an organizational development specialist for Hewlett Packard Financial Services.

After earning a bachelor's degree in psychology from Rutgers University, Valenza obtained graduate credits from Rutgers and Columbia University, and is currently enrolled in the Harvard Extension School for Professional

Development. She is also a member of the Association of Latino Professional, in Finance and Accounting and Women Unlimited, and is a Fellow of the United Way Project Leadership Program.

"I've always volunteered in the community," says Valenza, "but I'm excited to be involved on a larger scale." It was friend and fellow LSNJ board member, Carlos Bollar, who initially piqued her interest in Legal Services. "When I learned more about the organization and all it has to offer, it really spoke to my core."

She sees the diversification of the board from members with legal backgrounds as a unique opportunity to offer a different expertise. "I'm interested in how we leverage that diversity to broaden Legal Services' reach and help more people. That's how I'm hoping to help."



"When the opportunity arose, I was excited about contributing to the greater good of the New Jersey community."

Emergency Management Agency (FEMA). So, when Hurricane Ida hit in September, Legal Services was among the first responders—swiftly launching a disaster relief hotline in early October; providing disaster relief training

for both Legal Services advocates and members of the community; creating time-sensitive client updates, available on our website and social media platforms; and providing remote hearing space to those who do not have

digital access to remote court proceedings. For more information about LSNJ's Hurricane Ida materials, visit www.lsnjlaw.org/Government-Aid-Services/Pages/Ida-Resources.aspx.



Eric LeBoeuf to Head LSNJ's Pro Bono Project



"I look forward to devoting this season of my professional life solely to this service."

At the end of 2021, we bid farewell and congratulations to LSNJ's longtime Pro Bono Coordinator Harold Rubenstein and welcomed Eric LeBoeuf into this critical position. LeBoeuf earned a bachelor's degree in political science from Stockton College, a master's degree in public policy from the Eagleton Institute of Politics, and a law degree from Rutgers University School of Law, Camden.

LeBoeuf was no stranger to Legal Services, having been a devoted pro bono volunteer and Equal Justice Award winner during his 15 years in private practice. In addition to volunteering his legal expertise, he serves

his church community in leadership positions and through music. He and his wife of 21 years, Nicole, are parents of two children, ages 18 and 9.

On joining LSNJ, Eric says, "Through the years of working alongside LSNJ through the pro bono opportunities presented to me, it was abundantly clear that far too many people do not have the very basic access to the very systems designed to protect them. Now, as a member of the Legal Services family, I look forward to devoting this season of my professional life solely to this service—to helping just one person get closer to justice. And then, helping another and another."

Anti-Racism at Work *Continued from page 1*

most recently, a presentation on Islamophobia, featuring guest speaker Sahar Aziz, a professor at Rutgers University Law School and director of the Center for Security, Race and Rights. She spoke about the impact of Islamophobia on the delivery of civil legal services to people in poverty, and on effective advocacy on behalf of those facing discrimination due to

race, ethnicity, and religion.

Other initiatives include an LSNJ cultural awareness book and film group. Using readings, such as Isabel Wilkerson's "Caste," and the film "13th," directed by Ava DuVernay, we created a space for open and ongoing staff discussion of important social and racial justice issues.

In the month of January, as

we reflect upon the memory of the late Dr. Martin Luther King, Jr., we are reminded that there is more work to be done. For our part, we look forward to additional multi-session CABRE trainings in 2022 to help strengthen us as advocates and, ultimately, create better, more equitable outcomes for the individuals and families we serve.

Recent Developments

The precedent-setting decisions described below are important victories on behalf of Legal Services clients and will affect the lives of low-income people in New Jersey in significant ways.

C.R. v. M.T.

The Supreme Court of New Jersey handed down its first decision under the 2015 Sexual Assault Survivor Protection Act (SASPA) in November 2021 in favor of a client represented by South Jersey Legal Services. The question revolved around the requirement that sexual contact or penetration be “nonconsensual” in the context of an alleged victim who was extremely intoxicated at the time of the incident. The Appellate Division held that a person may be temporarily incapable of giving consent due to extreme

intoxication, but the trial court must find that the level of intoxication meets the very difficult standard of “prostration of faculties” that is used to relieve a criminal defendant of criminal liability due to intoxication. LSNJ argued, as amicus, that the broad civil remedy provided by SASPA was not intended to require a victim to prove any crime occurred. The longstanding standard for consent in the context of sexual assault criminal cases should apply—whether the alleged victim communicated freely, and

affirmatively gave consent. The required proof does not change because a victim is intoxicated. LSNJ urged the Court to affirm the trial court’s grant of the final protective order. The Supreme Court agreed with LSNJ’s argument about the standard for consent, noting the significant shift in case law and legislation from historically disbelieving allegations of sexual assault.

“This is a significant victory for survivors of sexual assault in New Jersey,” said LSNJ Chief Counsel Mary McManus-Smith.

G.C. v. Division of Medical Assistance and Health Services

On September 14, 2021, LSNJ’s Healthcare Access Project (HCAP) presented oral arguments before the Supreme Court of New Jersey in the petition and cross-petition for certification granted in *G.C. v. DMAHS*, 463 N.J. Super. 79 (App. Div. 2020). This case challenged a regulation in New Jersey’s Medicaid program for aged, blind, or disabled (ABD) persons whose income does not exceed 100%

of the federal poverty level (FPL). The regulation at issue requires an applicant to this program to have income under the limit for a household of one, regardless of their actual family size, and LSNJ argued it conflicted with both federal and state Medicaid law. On November 18, the Supreme Court issued a unanimous opinion agreeing with LSNJ that this regulation violated a specific provision of the NJ Medicaid Act,

N.J.S.A. 30:4D-3(i)(11), and also vacated that portion of the Appellate Division opinion that held that the regulation did not violate the federal Medicaid Act, 42 U.S.C. 1396a(m), stating: “We have grave concerns that the Regulation’s method of operation is inconsistent with the Medicaid Act, as cross-petitioners (LSNJ) maintain.” The decision will positively impact thousands of low-income and vulnerable New Jerseyans.



www.LSNJLAW.org – A legal information website to help you learn more about your civil legal rights in New Jersey and access materials to help you represent yourself pro se.

www.LSNJ.org – An organizational website where you can learn about the work of Legal Services.

www.PROBONONJ.org – A site where attorneys can learn about and sign up for pro bono opportunities.

www.NJEJLA.org – The New Jersey Equal Justice Library and Archive is an educational resource that includes a history of Legal Services in New Jersey, interviews with current and former staff, and tributes to major contributors to social justice.

POVERTY to JUSTICE

A Quarterly Report from
Legal Services of New Jersey

To be added to the mailing list
for this newsletter, email
development@lsnj.org.

Poverty to Justice quarterly newsletter includes updates on our work, our clients, and our volunteers as we move together toward the shared mission of justice.



© Tiffani Smith

Follow Us on Social Media. Stay up to date on New Jersey legal alerts and information, as well as other Legal Services news and events. Click any icon below.



Support Legal Services in New Jersey. If you are an attorney, you can register to volunteer on the www.probononj.org website. For information on job openings, volunteer and internship opportunities, or to make a donation, visit www.lsnj.org or email development@lsnj.org.

DONATE