

LEGAL SERVICES OF NEW JERSEY

2021 **Campaign**
for Justice

55 *Years*
of **Legal Services**
in **New Jersey**

1966

2021

Continuing the fight for fair and adequate legal representation

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

—Dr. Martin Luther
King, Jr.

Milestone anniversaries provide a special opportunity to reflect upon our roots, our progress, and our goals for the future. This past year has been a tumultuous one. Our clients have struggled with health crises, employment and income challenges, and housing and custody issues—all made worse by the COVID-19 pandemic, and amidst increasing political divisiveness, social unrest, and racial inequity. As an institution, we responded not only to the sudden and immediate need to shift to a remote system of service provision, but also suffered the unexpected loss of our co-founder and former president, Melville D. Miller, Jr., who died on March 1, 2021.

As we enter our 55th year providing civil legal aid to our fellow New Jerseyans, we honor Mr. Miller's legacy by continuing our goal of closing the justice gap, and by continuing to bend the arc of justice until all New Jersey residents have access to fair and adequate legal representation.

Inside this annual Campaign for Justice brochure, you will learn more about our rich history, and the accomplishments of this past year. We hope you will consider joining us as a campaign donor, a pro bono volunteer, or a sponsor for one of our upcoming anniversary events! We need your support.

Sincerely,
Dawn K. Miller, Esq.
President



Newark, Essex, Middlesex, Ocean, Hudson, Mercer, Passaic, Camden, Cape-Atlantic, Monmouth, Bergen, Somerset, and Union Legal Services programs begin, along with the State Office of Legal Services in the Department of Community Affairs.

1966-1967



Camden
farmwork-
ers office
opens
in 1969,
bringing
the total of

Legal Services attorneys in New Jersey to 131. In 1971, in *State v. Shack*, the NJ Supreme Court declares that Legal Services attorneys and anti-poverty workers have the right to enter farm properties to see migrant workers.

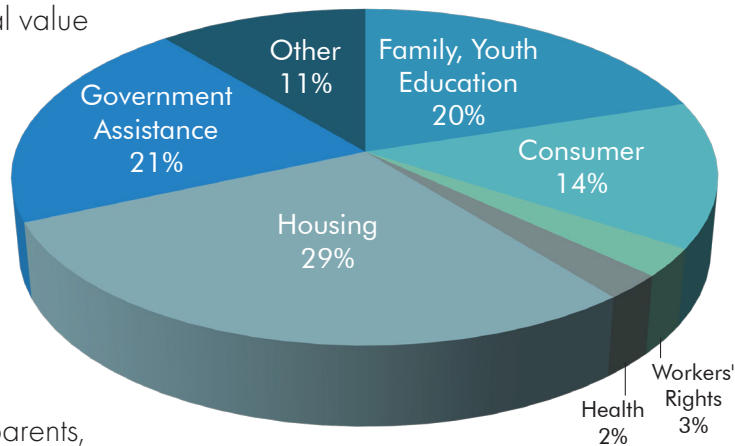
1969-1970

Building upon a strong foundation of civil rights

New Jersey's Legal Services system developed amid calls for racial justice in the 1960s and 1970s and the War on Poverty. This foundational value continues to guide our work as we strive to:

- Advocate for more equitable criminal justice outcomes, remove barriers to employment and housing, and represent and offer support and resources for those wishing to clear their records.
- Represent and advocate on behalf of parents facing the removal of their children, in particular Black and brown parents, who are overrepresented in the child welfare system.
- Assist immigrant detainees with applications for refugee status and U visas for immigrant victims of crime.
- Issue poverty research reports and policy statements highlighting the persistent segregation in our schools and communities, and the concentration of poverty in historically minority neighborhoods.

Legal Services Cases By Type



Key Elements of the Statewide System

- A presence in every county
- 2.7 million cases handled, and nearly 9 million assisted over 55 years



Legal Services has been leading the charge in the fight for racial justice for more than half a century, with early landmark cases such as the Stella Wright rent strike in Newark and the Mt. Laurel exclusionary zoning cases in South Jersey.



As a result of a tenant represented by Camden Regional Legal Services, the NJ Supreme Court authorizes repair and deduct remedy for tenants in *Marini v. Ireland* 56 N.J. 130 (1970).

← Newark's Stella Wright rent strike begins, involving 4,800 tenants, all but three of whom were Black. Essex Newark Legal System attorneys are charged with contempt during their representation of residents, a charge that was eventually reversed.

Southern Burlington County NAACP v. Township of Mt. Laurel – In this seminal NJ Supreme Court case, attorneys from Camden Regional Legal Services successfully argue that exclusionary zoning ordinances and practices are unconstitutional on the grounds that they fail to provide housing opportunity for low-income people.

Clearing Vincent's tax issues to prevent homelessness



*Legal Services
"changed my life
forever! If I didn't
have Legal Services, I
wouldn't have a single
thing that I have right
now. Not a single thing.
I would be on
the street living in a
cardboard box."*

– Vincent, Legal Services Client

Watch Vincent's video on
www.lsnj.org/cfj

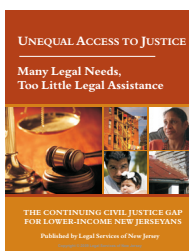
Vincent quit smoking 15 years ago, but it was not soon enough. At 56, he is battling stage 4 emphysema and needs expensive medication just to breathe. His first call to Legal Services in 2017 was about an IRS notice that he owed close to \$15,000. That phone call, he says, "changed my life forever."

Vincent was living in a two-family house owned by his sister, and surviving on \$210 a month in General Assistance (GA)—welfare benefits. He had failed to file tax returns for several years due to his declining health and recurring hospitalizations. For some of those years, the IRS made a "substitute for return" assessment, essentially filing a return on his behalf based on his recorded income. Other years were simply unfilled.

Clearing up the tax issues took nearly three years. Legal Services amended the IRS assessments and filed for the remaining years, then submitted an "offer in compromise" on Vincent's behalf. When finalized, the approximately \$40,000 of total tax liability was forgiven, but Vincent's health and financial stability continued to decline. He could not afford the necessary medication, and was threatened with homelessness when his sister decided to sell the building where he lived. Legal Services' assistance did not stop there. With the help of a team of Legal Services advocates and social workers, Vincent secured income from Social Security Disability benefits after appeals, secured medical insurance, established food security through obtaining food stamps, and obtained a place to live through a housing subsidy.

Camden Regional Legal Services successfully represents in *Crist v. N.J. Division of Youth and Family Services*, 135 N.J. Super 573, affirming the right of indigent parents to court-appointed counsel in proceedings under Title 30 to remove children from home.

A Legal Services petition results in increased protections against utility shutoffs with the adoption of NJ Executive Order No. 66, eventually leading to the creation of the NJ Lifeline Program (a utility assistance program for seniors and disabled individuals).



Legal Services launches its first in-depth study of the legal needs of the poor in New Jersey.

LSNJ's Melville D. Miller, Jr. argues the cause for amicus curiae in *Abbott v. Burke*, 119 N.J. 287, in which the NJ Supreme Court rules (again) that New Jersey's system of financing education violates the thorough and efficient clause in the State Constitution.

1975

1978

1983

1990

Easing Arthur's end-of-life money worries

After years of trying to manage his type 2 diabetes symptoms, 63-year-old Arthur is now legally blind, receives kidney dialysis three times a week, and, in 2019, suffered a stroke. He lives in a home inherited from a family member, for whom he provided care for eight years. When Arthur realized, upon the relative's death, that he was no longer healthy enough to return to the workforce, he began what he calls a "long odyssey" of trying to secure Social Security Disability benefits. He fell behind on property taxes during the three-year appeal process, but the retroactive disability lump sum did catch him up for a time. Unfortunately, the monthly income was not enough to cover the taxes going forward. When Arthur contacted Legal Services in 2020 for assistance with a reverse mortgage, he was at risk of losing the title to his home in a matter of weeks.

Legal Services connected Arthur with a caring professional who visited his home to help him complete paperwork. "It's a tremendous relief," he says, "because dealing with bureaucracy is almost beyond me at this point. I have been on dialysis for five years, and the average life expectancy for a male on dialysis is eight years. So, I am just trying to eke out an existence for the next few years." He was approved for a reverse mortgage with life expectancy set-aside (LESA), which sets aside sufficient funds to cover property costs (property taxes, homeowners insurance, dues) for the expected remainder of the borrower's lifetime, so Arthur will be able to live in his home for the remainder of his life.



"I've had a terrible nightmare vision of my future for the last several years, when I was faced with homelessness here, [that I would be] all alone in the doorway with no one to help me. Thank you for saving me from that situation."

– Arthur, Legal Services Client
Watch Arthur's video on
www.lsnj.org/cfj



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

The newly-formed Anti-Poverty Network, co-founded in 1999 by 100 advocacy organizations, including LSNJ, holds its first initial conference on poverty in New Jersey, with over 350 attendees; then gets to work supporting passage of New Jersey's earned Income Tax Credit and the NJ FamilyCare program, which provides free or low-cost health insurance to uninsured adults and children.



Although ultimately reversed by the 3rd Circuit, the trial court decision in *South Camden Citizens in Action v. N.J. Department of Environmental 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.

1999

2000

2001

Maximizing resources to increase reach

- LSNJLAW.org is visited on average 81,792 times each month.
- Legal Services' legal rights publications are downloaded an average of 23,695 times each month.
- From July 2020 through June 2021, the content in the COVID-19 section of Legal Services' website was viewed more than 42,000 times.
- Legal Services' YouTube videos were viewed more than 147,386 times in 2020, an average of 12,282 times per month.



Legal Services continues to provide critical individual representation, while expanding free up-to-date informational resources to the community.

Examples from the past year include:

- Publishing for the 40th consecutive year, *Looking Out For Your Legal Rights* community legal education newsletter, and *Poverty to Justice*, a new quarterly newsletter to publicize Legal Services' organizational events and highlights.
- Free public webinars on pandemic unemployment benefits, housing and utility moratoriums, assistance, and Hurricane Ida assistance.
- Updated *Clearing Your Record* manual and interactive web program.
- New resources for victims of crime, including an interactive program to apply for Victims of Crime Compensation assistance and a new handbook, *Civil Legal Protections for Survivors of Sexual Violence*.
- Newsletter and web articles with step-by-step instructions for participating in virtual hearings and filing divorce forms remotely.



LSNJ launches the Legal Assistance to Medical Patients project at Newark Beth Israel Medical Center in 2007.



"We are committed to addressing the social determinants of health that lead to poor health outcomes and health care disparities for our patients and their families. For more than a decade, the Legal Services of New Jersey LAMP program has been a staunch partner in this effort."

Darrell K. Terry, MHA, MPH, FACHE, President and CEO, Newark Beth Israel Medical Center (2021)



LSNJ publishes an updated edition of "Tenants' Rights in New Jersey: A legal manual for tenants in New Jersey."



Changes to
Expungement Law



LSNJ releases *Clearing Your Record Online*, an interactive program that allows clients to file expungement applications, an updated manual and video series, and a podcast with NJ Senator Sandra Cunningham to talk through changes to the expungement process.

Strengthening pro bono partnerships

A commitment to the “public good” is at the core of pro bono work—the promise to help strengthen our communities by providing assistance to those who could not otherwise afford it. Pro bono work also helps attorneys build new skills by providing exposure to different areas of law. At Legal Services, we have pro bono opportunities in nearly every civil legal practice area, including domestic violence, guardianships, income tax, expungement and reentry, immigration, education, and bankruptcy. Visit **PROBONONJ.org** to register and start taking cases!



Marta Cruz Gold, Esq., joined the South Jersey Bankruptcy Practitioners Group (SJBPG) in 2020. In one recent case, she helped a senior citizen on a fixed income successfully navigate the bankruptcy process—something the client never could have achieved alone, given her lack of access to a computer and limited technological ability.

“Kindness, compassion, helping others in whatever capacity that may be ... is immeasurable and a small contribution to ‘paying it forward’ in order to make a better world.”

“From a personal and professional development perspective, it can be tremendously valuable.”

– Abdul Rehman Khan
Pro Bono Volunteer with ENLS
McCarter & English, LLP

“In terms of skills development there can be nothing better than this.”

– Kenneth F. Coughlin
Pro Bono Volunteer with LSNI
Retired Senior Vice President of Law, Sony Electronics
Associate Professor of Law
Pace University

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

– Jill Swogier
Pro Bono Volunteer with LSNWJ
Chiesa Shahinian & Giantomasi

In *Newton Medical Center v. D. B.*, Legal Services of Northwest Jersey successfully argued on appeal that an indigent patient requiring emergency psychiatric treatment should receive the same heightened screening requirements of N.J.A.C. 10:52-11.16 as a patient suffering physical injury or illness, and that “[p]ersons determined to be eligible for Charity Care shall not receive a bill for services or be subject to collection procedures.”

The NJ Supreme Court agrees with Legal Services’ argument on behalf of its client in *D.C. and M.L. v. DMAHS and Essex Co. BSS*, confirming that NJ’s Medicaid agency must screen for all other NJ FamilyCare programs before terminating an individual from any Medicaid program—an important step in preventing unwarranted lapses in Medicaid coverage for a vulnerable population subsisting on a low fixed income.

The NJ Supreme Court hands down its first decision under the 2015 Sexual Assault Survivor Protection Act in favor of a Legal Services client in *C.R. v. M.T.* The case marks a historic shift in case law and legislation from presumptively disbelieving allegations of sexual assault.



← LSNJ establishes the Melville “De” Miller, Jr. Justice Series and Memorial Fund.

2018

2020

2021

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We Need Your Support!

The annual Campaign for Justice raises funds for New Jersey's civil Legal Services system, which provides direct services to clients in all 21 counties. Your tax-deductible contribution will help us change lives, accept more cases and provide the legal expertise and the access to justice our clients need. Please donate by visiting the Campaign for Justice website at www.lsnj.org/cfj. For information about our anniversary events and sponsorship opportunities, email development@lsnj.org. Thank you!

Statewide Program

Legal Services of New Jersey

Regional Programs

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Northeast New Jersey Legal Services
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