

NEW JERSEY LEGAL SERVICES

55 YEARS OF
ADVANCING JUSTICE



LSNJ





Fifty-Five Years Advancing Justice

*New Jersey Legal Services'
First Five-and-a-Half Decades*



This book documents both the history of New Jersey Legal Services and a selective summary of its work product. It was originally compiled on the occasion of the commemoration of its first 50 years by then-President and co-founder of LSNJ, Melville “De” Miller, Jr., and now includes updates from the last five years. As De described, this history chronicles “the major twists in [an] uneven and deeply challenging journey.” De, as he was known to all, was an incredible visionary; a brilliant, courageous, and dedicated leader; and largely responsible for the institution of Legal Services as we now know it in New Jersey. He passed in 2021, too soon—and before his work was done—but leaves a lasting legacy and an unparalleled body of work. In his own words, “taken all in all, the work of Legal Services constitutes a remarkable story of persistence and positive change. [Its] survival bears further witness to how the arc of the moral universe still bends towards justice.”

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*

EVOLUTION OF LEGAL SERVICES



ed States
New York, on
seven hundred and eight

at the time of their adopting the Constitution
in ground of public confidence in the good
of Representatives of the United States
to the Constitution of the United States
... these shall be one Representative for every
... shall be not less than one hundred Repre-
... after which the proportions shall be so regula-
... and Representatives, shall take effect, until a
... or prohibiting the free exercise thereof; or a
... right of the people to keep
... without the consent of the owner, nor in
... effects, against unreasonable
... place to be seen

We the People of the United States,

insure domestic Tranquillity, provide for the common Defence, promote the general Welfare, and our Posterity, do hereby ordain and establish this Constitution for the United States of America.

Article 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. The Senate shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote. Immediately after they shall be assembled in Convention, they shall choose one of their Number to be President, and one Vice President, who shall hold their Offices for four Years; and each of them shall be eligible for another Term, if chosen in the Manner aforesaid. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States; and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature. Representatives and Electors shall have the Qualifications which shall be determined by the Legislature of each State until the next Meeting of the Congress, which shall not exceed nine Years; and when they shall be elected, they shall be sworn or affirm as follows: "I do swear or affirm, that I will support the Constitution of the United States."

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States; and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature. Representatives and Electors shall have the Qualifications which shall be determined by the Legislature of each State until the next Meeting of the Congress, which shall not exceed nine Years; and when they shall be elected, they shall be sworn or affirm as follows: "I do swear or affirm, that I will support the Constitution of the United States."

Section 3. The Senate shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote. Immediately after they shall be assembled in Convention, they shall choose one of their Number to be President, and one Vice President, who shall hold their Offices for four Years; and each of them shall be eligible for another Term, if chosen in the Manner aforesaid. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States; and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature. Representatives and Electors shall have the Qualifications which shall be determined by the Legislature of each State until the next Meeting of the Congress, which shall not exceed nine Years; and when they shall be elected, they shall be sworn or affirm as follows: "I do swear or affirm, that I will support the Constitution of the United States."

IN CONGRESS, JULY 4, 1776

Unanimous Declaration of the thirteen united States

When in the course of human events, it becomes necessary for one people to dissolve the political bands which connect them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.— That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to promote their Happiness and Security. — That the Declaration of Independence of the United States is the first step towards the establishment of a free and independent Nation; and that the Constitution of the United States is the second step towards the establishment of a free and independent Nation. — That the Declaration of Independence of the United States is the first step towards the establishment of a free and independent Nation; and that the Constitution of the United States is the second step towards the establishment of a free and independent Nation. — That the Declaration of Independence of the United States is the first step towards the establishment of a free and independent Nation; and that the Constitution of the United States is the second step towards the establishment of a free and independent Nation. — That the Declaration of Independence of the United States is the first step towards the establishment of a free and independent Nation; and that the Constitution of the United States is the second step towards the establishment of a free and independent Nation.

Legal Services' 55 Year Journey

FROM VOLUNTEER LEGAL AID SOCIETIES TO A COORDINATED STATEWIDE LEGAL SERVICES DELIVERY SYSTEM

From a humble network of storefront offices in 1966 to our formidable statewide presence today, New Jersey Legal Services has grown to nearly 700 strong, with programs serving all 21 counties. With a dedicated and driven team of colleagues who have worked tirelessly along the way, New Jersey Legal Services has served millions of low-income people—lifting some from the horrors of poverty and, for others, helping make life more bearable. Sadly, there remains much work to be done, and many whom we have not been able to help, whether due to lack of resources or lack of available legal arguments or government assistance. But 55 years after Legal Services first opened its doors in New Jersey, we are still here today: fighting to ensure access to justice for all disadvantaged people; leveraging vast statewide experience, expertise, and resources; constantly innovating; and advocating vigorously for systemic and transformative change.

The history of Legal Services—both here in New Jersey and nationally—is a story of resilience and an unrelenting fight for justice. Time and time again, state and national Legal Services systems have prevailed, persevering through severe funding cuts, dire economic landscapes, and coordinated political attacks. My predecessor, De Miller—a visionary leader and co-founder of Legal Services in New Jersey—guided our statewide system through many such challenges. Ultimately, De played a major role in the development, inspiration, and implementation of Legal Services as we know it—not just statewide, but nationally. Upon the anniversary of the first 50 years of Legal Services, he began documenting the rich and turbulent history that follows, drawing on decades of study, lived experience, and firsthand accounts. De chronicled a “challenging” journey, with “at least nine distinct expand-then-retreat phases.” During those retreats, he reflects, “low-income communities across the state 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 system persevered.”

It is a tremendous honor and privilege—and a powerful testament to the enduring strength, resilience, and tenacity of Legal Services staff, supporters, and clients—to commemorate and continue documenting this history. On the heels of yet another Presidential administration that sought to defund Legal Services; a nationwide reckoning on racial injustice; a global pandemic that wreaked devastating and disproportionate harm; numerous manmade and natural disasters; and the recent repeal of constitutionally-enshrined rights, the need for Legal Services is great; its survival for the communities we represent is critical, now more now than ever. As this history illustrates and recent events remind us, justice cannot be taken for granted; it must be continually demanded, fought for, and vigorously protected.

Dawn K. Miller, Esq.
President, Legal Services of New Jersey
December 8, 2022

Prelude

EARLY LEGAL AID EFFORTS 1865-1960

Although many historians trace the roots of legal aid in the U.S. to abolitionist organizations and Progressive-era women's activism, the role of women in Legal Services has often been overlooked. Notably, 19th-century women's clubs, settlement houses, and other women's organizations served their communities as early pioneers of the legal aid movement. In cities such as Chicago, Philadelphia, and Los Angeles, legal aid organizations first arose to provide legal services to women—often by other women (many of whom were not lawyers) and with the support of women benefactors. Prior to the turn of the century, for example, both the Working

Women's Protective Union (WWPU) in New York and the Protective Agency for Women and Children (PAWC) in Chicago assisted women with a range of legal issues, from wage claims to domestic violence, sexual assault, household debt, and more.

Legal aid societies began to emerge more widely across the country 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

The first legal aid efforts emerge in the District of Columbia and across the South, under the auspices of the Freedmen's Bureau (terminated in 1868).



First Growth Period (1876–1919)

1876

Der Deutsche Rechtsschutz Verein, the first legal aid organization in the United States, is established in New York City (and later evolves into the Legal Aid Society of New York). At and around the turn of the century, the Legal Aid Society of New York was one of the few legal institutions that hired and promoted women lawyers, many of whom shed light on the issues facing poor women. In 1901, Rosalie Loew was the first woman to be appointed the Society's Chief Attorney.

Second Growth Period (1919–1930)

1919

Publication of *Justice and the Poor* by Reginald Heber Smith, which criticizes the absence of lawyers for the poor, brings heightened public attention to the cause of legal aid.

1920

Part of the American Bar Association's 43rd Annual Meeting is devoted to a

panel on legal aid; the Special Committee on Legal Aid (SLAID) is created, with Charles Evans Hughes as chairperson.

Essex County Legal Aid opens in Newark.

1923

The National Association of Legal Aid Organizations (later known as the National Legal Aid and Defender Association, or NLADA) is formed.

1920–1930

In an expansion of privately funded legal aid societies, 30 new legal aid organizations are established. Their annual caseload increases from 171,000 in 1929 to 307,000 in 1932.

Retrenchment and Stagnation (1930–1950)

1930–1940

Financial difficulties and unemployment during the Great Depression lead to sharp cutbacks in both legal aid society volunteers and caseloads.

1940–1950

In a decade of stagnation and apathy among the bar, few new societies are created; criticism of the ineffectiveness of legal aid begins to take hold.

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 wane and many new legal aid societies are created in cities. Whereas only 57% of the largest cities had legal aid societies in 1949, 79% of the largest cities have legal aid societies by 1959.

Legal aid offices open across New Jersey, in Asbury Park, Camden, Cumberland County, Elizabeth, Flemington, Mt. Holly, Somerville, and Toms River.

1960

Two hundred sixty two legal aid societies in the U.S. have a combined budget of under \$4 million. The equivalent of 400 full time lawyers serve 50 million poor Americans (one for each 120,000), as contrasted with 250,000 other full time attorneys. The annual caseload varies from 466 to 2,533 per attorney.

By the beginning of the Kennedy administration, legal aid reaches a decided plateau, and is criticized as just a “band aid” operation for providing only legal advice versus representation and for its reliance on pro bono volunteers.

The National Legal Services Program Emerges

EARLY LEGAL AID EFFORTS 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 within anti poverty agencies or multi service centers, building upon a National Lawyers Guild concept of “store front” lawyers begun in the 1930s. Edgar and Jean Cahn launch New Haven Legal Assistance, a prototype, 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.

U.S. 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. Governor Richard J. Hughes forms the New Jersey Governor’s Committee on Law and Poverty. The New Jersey State Bar Association also creates a Committee on Law and Poverty.

B. First Growth Period and Creation of Legal Services Programs in New Jersey (1966-1969)

1966–1967

Between 1966 and 1967, New Jersey programs include the city of Newark and county offices in Essex, Middlesex, Ocean, Hudson, Mercer, Passaic, Camden, Cape-Atlantic, Monmouth, Bergen, Somerset, and Union. The State Office of Legal Services (SOLS) is also created in 1967 within 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 take place in Newark, Plainfield, New Brunswick, and other cities across the country.

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

1968

Internally, OEO struggles over control of the Legal Services program. At the national level, debates ensue over whether the Legal Services program would be created under the Community Action Program or maintained independently (a substantial degree of independence was the outcome). More locally, debates address the degree of control to be exercised by private lawyers, program staff, and clients.

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

1969

The Camden farmworkers office opens; there are now 131 attorneys in New Jersey Legal Services programs. The 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; the amendment does not pass.

Across the country, adversaries increase attacks on and criticism of Legal Services programs. In Missouri, for example, Governor Warren Hearns vetoes a Community Action grant to a St. Louis program (although the veto was later overridden).

The 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.



Legal Services Under Siege

PUSHBACK, RETRENCHMENT, AND STAGNATION 1970–1973

1970

Also referred to as the battle around “regionalization”, the struggle for control of Legal Services within OEO continues, in a repeat of 1967–1968. Field offices and the national Legal Services Director resist attempts to restructure the programs under the regional offices of the Community Action Program.

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

In California, Governor Ronald Reagan vetoes a federal grant to California Rural Legal Assistance (CRLA), alleging various abuses, all of which are later deemed unfounded. His actions in Cali-

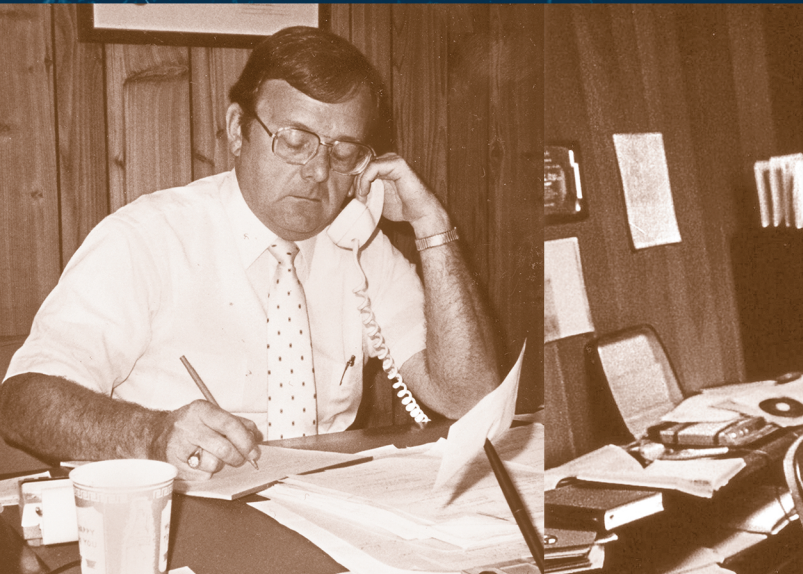
fornia foreshadow attacks to come later during his Presidency.

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

1971

A 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 bi-



partisan 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 programs are merged by OEO. The 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 does not have enough restrictions.

1972

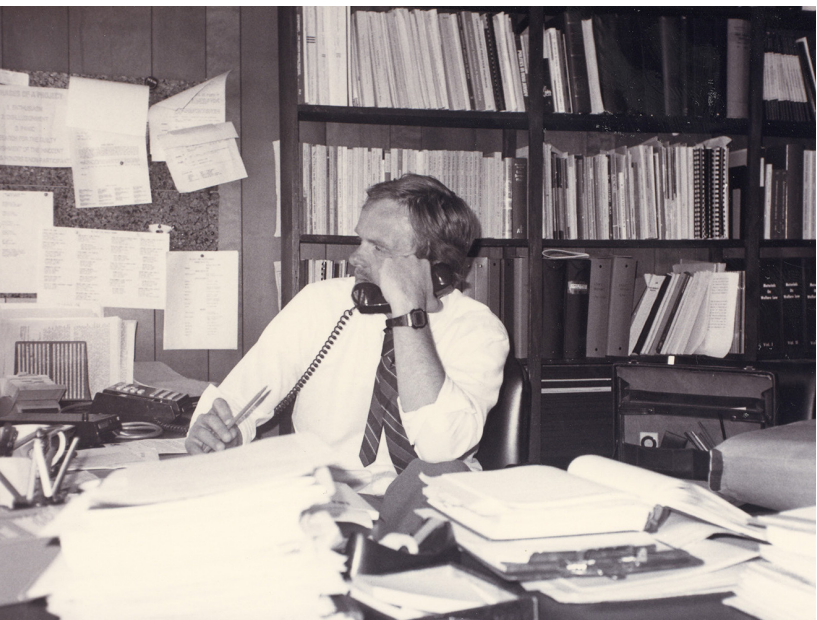
Camden Regional Legal Services (CLRS) draws national attention after filing a lawsuit on behalf of community groups to stop an urban renewal project. In February, the new Vice President, Spiro Agnew, intervenes, siding with the City of Camden and its mayor and even summoning CLRS Director David Dugan to a meeting at the White House. 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; local project staff continue task forces and coordination to some extent, to take up the former roles of SOLS.

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

1973

In January, President Nixon proposes dismantling OEO, appointing Legal Services critic Howard Phillips to carry

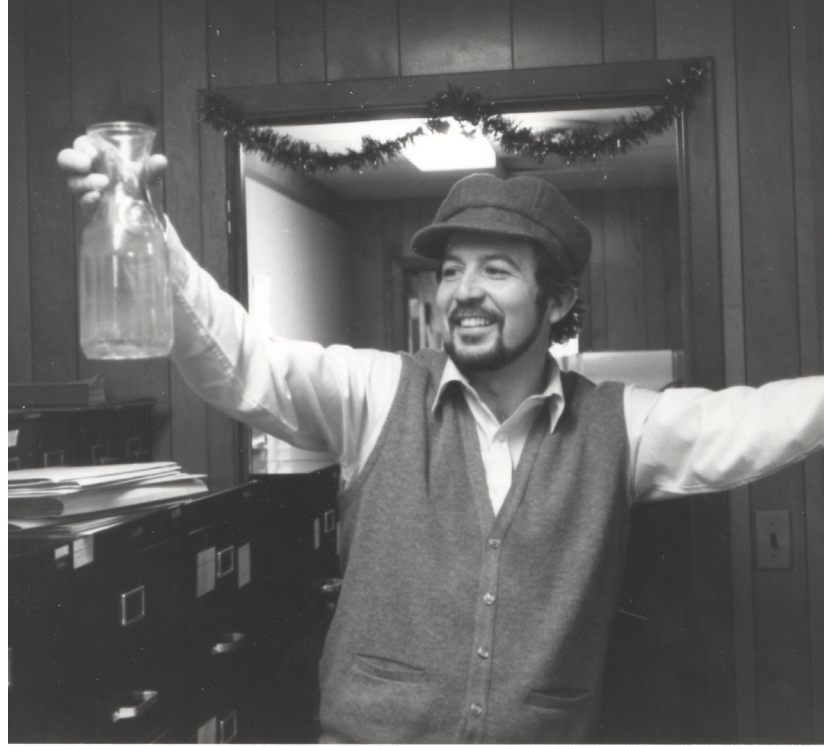


out the job. Phillips declares, "I think legal services is rotten and it will be destroyed"; puts Legal Services programs on month to month funding; and then withholds even these checks, creating financial chaos in New Jersey and across the country as staff are asked to work for weeks without pay. Phillips 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.

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



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

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

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

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 across the country:

(1) Almost all grants are territorial, covering a specific geographical area, rather than targeting specific 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) are gradually strengthened, with increasingly specific work programs. In 1978, the LSC carries out an extensive study of support and training.

(3) As a result of the impetus gained from the 1978 support study, state support centers (of which LSNJ was one) are strongly encouraged, with many new grants issued.

(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, the 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. As of this commemorative year, Renee Mickens is the longest serving employee of LSNJ.

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 suggests that the search for a perfect national delivery model should be abandoned, because there is 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 Congressional calendars without passage in order to avoid a host of restrictive amendments.

LSNJ’s third statewide Conference is held in East Brunswick; New Jersey Supreme Court Chief Justice Wilentz addresses the entire assembly.

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



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.

The 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’s pro-

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

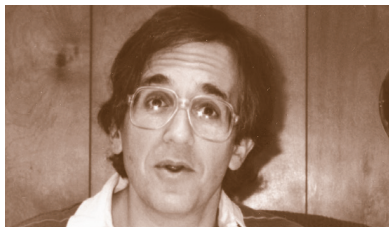
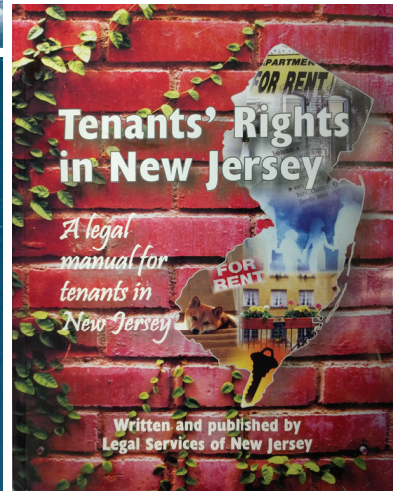
H.R. 3480, a reauthorization bill, passes the House with a number of very damaging amendments, but dies in the Senate.

Senator Lawton Chiles of Florida 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 instead of the appropriations bill. Although the CR contains only \$241 million, it does not include the Chiles restrictions.

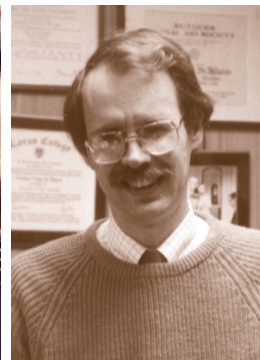
The LSC approves a policy requiring Legal Services programs to allocate 10% of LSC grants to increase and provide



Interest-bearing account for legal services backed



Reagan Cutbacks Budget Update — The Cuts



for private attorney involvement in the delivery of Legal Services. This requirement is later increased to 12.5%, where it remains today.

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

On New Year's Eve, the new LSC Board meets by telephone conference call and adopts a resolution that they think bars all 1982 grants; those grants, however, had already been made.

During the year, programs in New Jersey and around the country undergo 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 total staff; the number of lawyers has dropped from 135 to 100; and the 1982 caseload would 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 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, but New Jersey is not yet among them.

Because of the imminent cutbacks, LSNJ expands efforts to publish community legal education materials so that people can be more able to help themselves. Accordingly, 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. The old LSNJ board, consisting of the director, a staff representative, and a client representative from each program, becomes the newly-constituted Policy Council, which meets monthly to 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 protégé, 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 LSC board nominees after it becomes clear that the Senate will only approve some; however, 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; these disclosures in turn anger Congresspeople.

The 1983 Continuing Resolution (CR), passed in December of 1982, adds restrictions similar to the previous Chiles proposals, as well as an “affirmative” rider, which would prevent 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 State 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 in order to avoid press and public speakers. 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 includes the 1983 riders and new provisions restricting training and reducing protections around denial of refunding hearings.

LSNJ and the New Jersey State Bar Association co sponsor 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 Tom 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 unan-

nounced 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 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

The LSC begins experimentation with alternate delivery schemes, particularly funding clinics and contracting with private law firms. Critics see these as steps intended to supplant core staff attorney programs.

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

Legal Services’ 1986 appropriation is set at \$305 million, but 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 commemoration 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 part of LSNJ’s efforts to

develop procedures to help programs in difficulty, recommend procedures and standards for hiring new project directors, and provide systematic help to new directors.

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

The ABA promulgates the 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 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.

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

De Miller receives the NLADA Reginald Heber Smith Award (the highest award

for Legal Services advocates) 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 to regional programs 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 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 funding 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, an effort to sharply restrict LSC activities via legislation. 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.

Felipe Chavana becomes executive director of Essex-Newark Legal Services (ENLS).

1990

Douglas S. 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 the annual Legal Services funding secured by LSNJ to \$7.5 million.

President George H. W. 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.

Congress approves a \$329 million FY 1991 LSC appropriation.

1991

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

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

Dawn K. Miller joins LSNJ to work alongside Harris David on the Newark public housing case.



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 has 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 sworn in during a White House ceremony in the fall.

LSNJ secures a state appropriation increase of \$500,000; funding now totals \$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 na-

tional 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 Board 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.



Legal Problems, Legal Needs
The legal assistance gap facing lower income people in New Jersey

A Report from the Poverty Research Institute of Legal Services of New Jersey
NIPRI

A DESPERATE AND WIDENING DIVIDE:
The Concurrent Increase in Poverty, Income, and Inequality in New Jersey

Legal Services of New Jersey
Poverty Research Institute
January 2002
Kristin A. Mann, Sr. Researcher & Policy Analyst
Melville D. Miller, Jr. President
THIS REPORT AND THE RESEARCH IT HAS BEEN SUPPORTED IN PART BY A GRANT FROM THE FUND FOR NEW JERSEY
NIPRI
Poverty Research Institute

Looking Out For Your Legal Rights®
Published by Legal Services of New Jersey

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Volume 14, Number 8

Welfare Reform and Domestic Violence

In the March *Looking Out* that we gave you a general outline of the new state welfare law. The Work First New Jersey Act ("statute") passed by the State Legislature made many changes that the federal welfare reform law other requires or allows. In the September *Looking Out* we gave you some more details about how the new welfare system is going to affect low-income people in New Jersey. This issue of *Looking Out* deals with domestic violence victims and the special Work First New Jersey (WFNJ) rules for them. Future issues will continue to review various parts of the new welfare law.

The new welfare law can have serious consequences for victims or survivors of domestic violence. At the same time, there are many special rules in the law that protect survivors of victims of domestic violence. These new rules on how they are "not included" in the new rules to remain on the welfare rolls. These individuals to remain on the welfare rolls, they are intended to extend to domestic violence survivors, the flexibility, protection and it is necessary to begin on a path away from abuse toward a life that will provide safety, self-worth, and self-empowerment.

New Jersey's Community Legal Education News

second edition

YOU AND THE LAW IN NEW JERSEY

A RESOURCE GUIDE

MELVILLE D. MILLER, JR., LEIGHTON A. HOLNESS, and THE STAFF OF LEGAL SERVICES OF NEW JERSEY

- What can you do if your landlord refuses to provide you with heat in the winter?
- What do you need to consider as you prepare your will?
- What rights do you have to health care?
- Should you fight a child custody battle?
- What are a child's educational rights?
- What are your rights as a disabled person?
- What questions can't creditors ask you?
- Who is entitled to your social security benefits?
- What are your rights as an immigrant?
- What are you entitled to as a veteran?
- What are your rights if you are fired from your job?
- What should you do if you are a crime victim or witness?

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. Citing, in part, Legal Services' representation in divorce proceedings, the Christian Coalition 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 attached 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

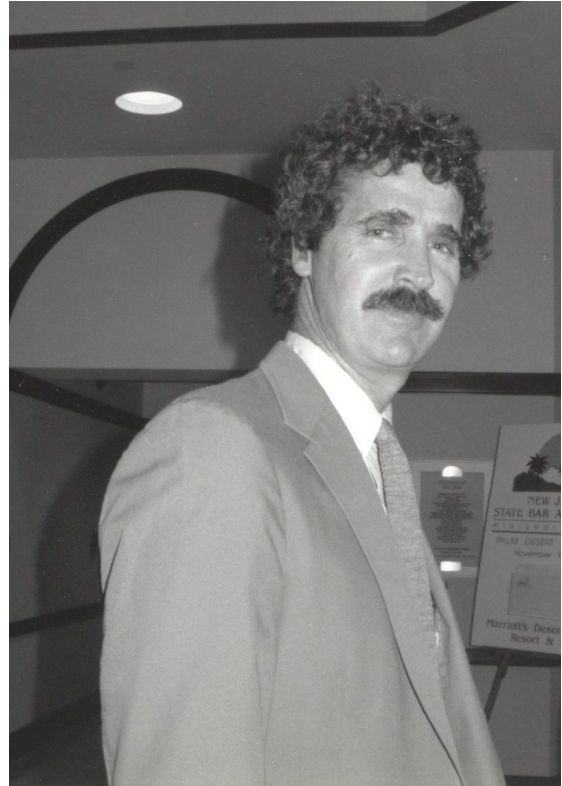
LSNJ's work on the filing fee bill continues, spearheaded by Michael Cole. Bill Hardin steps down as LSNJ Board chair

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 commemorate 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.



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, LSNJLAWSM website, 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 (PRI) 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 commences.

New Jersey IOLTA revenues remain the highest of any state, but still drop suddenly 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 with 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 in a row as the state with the most IOLTA revenue, reaching \$13.9 million in 2001.

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

Dawn K. Miller rejoins LSNJ as a vice president.

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 great emphasis on merger, the plan calls for merging 14 local programs into seven.

2002

The LSC accepts New Jersey's consolidation plan, except 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 K. 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 each. 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 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, thereby 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: 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.

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.

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 commemorates its 40th Anniversary at the New Brunswick Hyatt in November. Legal Services releases a "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.

Tim Madden, Director of Hudson County Legal Services and then Northeast New Jersey Legal Services, retires after 40 years. He is succeeded by Jack Fitzgerald.

Douglas E. Gershuny is promoted to Executive Director of South Jersey Legal Services (SJLS), taking over the role of Larry DeCosta.

Legal Services of New Jersey launches the Legal Assistance to Medical Patients (LAMP) Project, New Jersey's first "medical-legal partnership," at Newark Beth Israel hospital. This model is later expanded through a grant from the Robert Wood Johnson Foundation and support by the RWJBarnabas system to hospitals in Jersey City, Paterson, Camden, New Brunswick, Long Branch, Elizabeth, and more.

LSNJ launches a new Mortgage Foreclosure Defense Project.

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.

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.

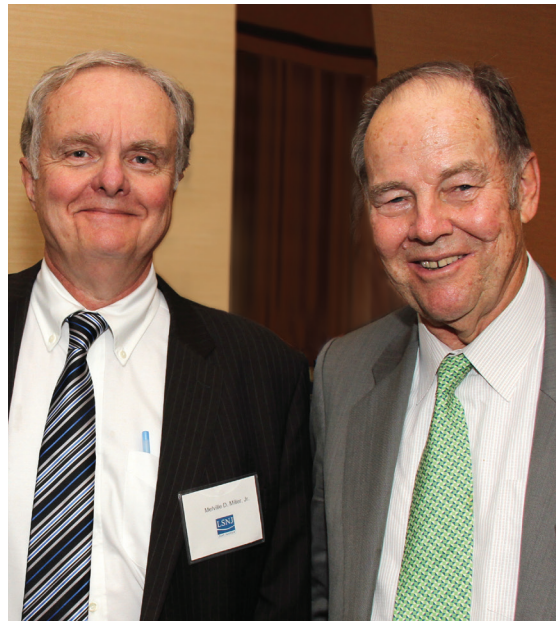
Legal Services releases the “Open Report on Human Consequences of Funding Crisis for Civil Legal Services,” bearing witness to the damage wrought by the funding cuts for people living in poverty.

2009

Massive IOLTA revenue drops continue. IOLTA, at \$40 million annually for Legal Services at the end of 2007, now heads toward just \$5 million annually, a catastrophic reduction. Crippling staff

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.”

LSNJ announces a new Racial Equity and Justice Initiative (REJI) at the LSNJ annual conference.

2011

Legal Services of New Jersey releases the “Realizing Justice” video as New Jersey Legal Services commemorates 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 statewide 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.

Paul Mullin, Executive Director of Central Jersey Legal Services (CJLS), retires. Janice Chapin succeeds him as Executive Director of CJLS.

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.



Turning The Corner Once More

2014–2019

2014

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

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 individuals, major changes in every area of law affecting low-income people, and some 800 reported and unreported judicial decisions.

Donald Trump is elected President in November. The Trump administration



Host

Akil Roper
LSNJ Chief Counsel,
Reentry

Changes to Expungement Law



Guest

Sandra Cunningham
New Jersey
State Senator

proposes the defunding of Legal Services Corporation in each of the next four years' budget proposals, seeking to shutter the national Legal Services program. Instead, with bipartisan support, Congress increases funding to the LSC by \$80 million over the same four years.

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

2017

President Trump proposes a FY 2018 budget that calls for the elimination of the LSC, allocating \$33 million for closeout costs. Congress responds by funding LSC at \$410 million, an increase of \$25 million.

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 Senator Wynona M. Lipman, all of whom are inducted into NJELA Circle of Honor.

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

2018

Phil Murphy is sworn in as governor of the state of New Jersey.

New Jersey Legal Services' state appropriation obtains its first increase in several years bringing its state funding closer to 2011 levels.

President Trump again proposes defunding the Legal Services Corporation (LSC), requesting an FY 2019 allocation of \$18.2 million for closeout costs. Con-

gress responds by funding LSC at \$415 million, an increase of \$5 million from the prior year.

A new TechnoCorner website is launched to centralize and share technology-related information statewide. Information is re-organized and new features, included targeted alerts, added.

For the “Clearing Your Record” Online Expungement Video Series, LSNJ films and re-cuts eight of 14 videos in both English and Spanish to update statutory changes to waiting periods and classifications of certain crimes.

2019

President Trump again proposes defunding the Legal Services Corporation (LSC), requesting a FY 2020 allocation of \$18.2 million for closeout costs. Congress responds by funding LSC at \$440 million, an increase of \$25 million.

Melville “De” Miller, Jr. announces his plan to step down as president of LSNJ, and is named president emeritus.

LSNJ holds its Equal Justice Awards ceremony and, for their extraordinary achievements in advancing social justice, inducts into the NJEJLA Circle of Honor Congresswoman Bonnie Watson Coleman; Robert Del Tufo, former NJ attorney general (posthumously); Loretta Weinberg, former majority leader of NJ Senate; and Robert N. Wilentz, former New Jersey Supreme Court Chief justice (posthumously).

Diane K. Smith, executive director of Legal Services of Northwest Jersey (LSNWJ), retires. Michael L. Wojcik is appointed director of LSNWJ.

Northeast New Jersey Legal Services receives a \$27,500 LSC Technology Initiative Grant (TIG) to assess the program’s current intake systems and technologies and develop a plan to improve efficiency of the intake process with a focus on the needs of limited English proficiency individuals. 2019 also marks the 20th anniversary of the TIG program.

As part of a larger corporate pro bono initiative addressing issues related to criminal and social justice, LSNJ forms a pro bono partnership with Verizon for attorneys and others to handle expungement matters.

LSC receives \$15 million in emergency supplemental appropriations from Congress to support the delivery of legal services to individuals affected by hurricanes, wildfires, earthquakes, tornadoes, floods and other disasters that occurred from 2017-2019.



Responding to the Worldwide COVID-19 Crisis

REQUESTS FOR LEGAL SERVICES' ASSISTANCE SKYROCKET 2020-PRESENT

2020

President Trump again proposes defunding the Legal Services Corporation (LSC), requesting an FY 2021 allocation of \$18.2 million for closeout costs. Congress responds by funding LSC at \$465 million, an increase of \$25 million.

Just prior to the pandemic, LSNJ launches PROTECT, a new statewide project providing legal representation to serve survivors of human trafficking throughout New Jersey. The project administers its own toll-free hotline: 1-844-LSNJ-PROTECT.

Dawn K. Miller is appointed president of Legal Services of New Jersey.

The LSNJ executive management team now includes Claudine Langrin, execu-

tive vice president; Akil Roper and Raquiba Huq, senior vice presidents; and Anisa Rahim and Maryann Flanigan, vice presidents.

Due to the COVID-19 pandemic, Legal Services offices close to in-person intake and begin working remotely in March. Shortly thereafter, the New Jersey Supreme Court closes all courts to the public, operating in emergency cases only. Governor Murphy executes a series of pandemic-related Executive Orders; Executive Order 106 includes a moratorium on evictions.

The pandemic requires Legal Services to find creative solutions to working remotely. The LSNJ Tech Team quickly develops and expands remote work capacities, including refurbishing and purchasing laptops and accessories; acquiring and deploying equipment and voice services to remote users; increas-

ing internet bandwidth; establishing video conference access rooms for clients; and implementing Zoom enterprise services, a new statewide VPN solution, digital faxing, and more.

To help meet the increased need caused by the pandemic, New Jersey Legal Services state appropriation increases but, at the same time, IOLTA revenues begin to drop as a result of the economic downturn.

James J. Sandman, LSC president, steps down after nine years, and is named president emeritus. Ronald S. Flagg, vice president for legal affairs and general counsel, is named LSC president.

George Floyd, a 46-year-old Black man, is murdered by police during an arrest in Minneapolis, sparking nationwide protests and a reckoning on racial justice. LSNJ releases “Say Their Names” and takes further steps to expand its commitment to racial justice and equity. Among them, LSNJ:

- Joins the Shriver Center on Poverty Law to design and provide a statewide program on race equity trainings, modeled after the Center’s national Racial Justice Institute
- Works with “Promoting Good” to host an internal multi-day diversity, equity and inclusion (DEI) training for managers and supervisors
- Launches an ongoing cultural awareness, bias and race equity (CABRE) training series for all staff statewide

The New Jersey Legal Services Annual Conference is conducted entirely virtually for the first time in November. A

new conference portal is built for this conference.

Unemployment in the nation and in New Jersey skyrockets, reaching an unprecedented high of 15.8% in New Jersey in March 2020. U.S. Congress enacts the CARES Act, which provides for much needed stimulus funds and increased unemployment benefits for those in need. As a result of lost jobs and the economic downturn, requests for Legal Services’ assistance in unemployment matters climb steeply. At LSNJ, unemployment cases increase by 518% between 2019 and 2020 and nearly 800% between 2019 and 2021.

LSNJ’s Legal Assistance to Medical Patients (LAMP) project, a medical-legal partnership, expands to its first two Children’s Specialized Hospital (CSH) locations. By 2021, LAMP has a presence at eleven CSH sites across the state.

2021

Melville “De” Miller, Jr., LSNJ President from 1975-2020, dies unexpectedly on March 1, 2021.

In October, LSNJ hosts a memorial at the War Memorial in Trenton to honor De Miller and his life and legacy. The program features reflections from the bench; New Jersey activists and legislators; the national Legal Services community; and Legal Services in New Jersey staff, Board members, and directors. The Melville “De” Miller, Jr. Memorial fund is established to fund a fellowship for a law student or newly admitted attorney.

LSNJ also launches the Melville “De” Miller, Jr. Justice Series to provide free public programming for attorneys and non-attorneys on important social, legal, and economic justice issues. Early events include “Substance Use in the Child Welfare System,” “Reparations Now,” and “Discrimination and Bias in New Jersey.”

A Spanish version of LSNJ’s online intake becomes operational.

LSNJ announces the “Emerging Leaders for Justice Initiative” (EJLI), with its inaugural UPLIFT (United in the Pursuit of Leadership Initiatives for Tomorrow) event in July bringing together current and former interns, young attorneys, and more senior staff in conversation and community.

LSNJ launches the redesign of the LSNJLAWSM homepage.

LSNJ releases several digital and print resources: “Electronic Filing for Expungement *Pro Se*”; “Civil Legal Protections in New Jersey for Survivors of Sexual Violence”; and “Clearing Your Record: A Six-Step Guide for Expunging Criminal Records in New Jersey (a Special Issue of Looking Out on expungement.”

After Hurricane Ida strikes New Jersey, the LSNJ Disaster Relief Project establishes a statewide FEMA Disaster Legal Services Hotline for New Jersey survivors of the hurricane to receive free legal assistance. The Project also leads training on disaster relief legal issues, including FEMA and disaster relief insurance claims.

PRI releases the “True Poverty Report: What it takes to Avoid Poverty and Depri-

vation in the Garden State.” The report demonstrates that, due to the high cost of living, nearly 3 million people live in true poverty in New Jersey.

In November, the New Jersey Legal Services annual conference is again conducted virtually due to the COVID-19 pandemic.

2022

Edgar S. Cahn, a legal innovator whose lifelong commitment to reshaping the law in the service of impoverished communities is often credited, along with his wife, Jean Camper Cahn, with helping to establish the Legal Services Corporation, dies. Edgar and Jean Cahn co-founded the country’s first public-interest law school, the Antioch School of Law (ASL), in Washington, D.C. Many public-interest lawyers across the country are graduates of ASL.

In June, LSNJ holds its Equal Justice Awards ceremony in person at the Grounds for Sculpture and inducts Douglas S. Eakeley, Former Chair of the Legal Services Corporation, and Stanley C. Van Ness, the first New Jersey Public Advocate (posthumously), into the “Circle of Honor.”

John (Jack) Fitzgerald, longtime executive director of Northeast New Jersey Legal Services retires; Leah Ashe, deputy executive director, is appointed executive director of NNJLS.

PRI Releases the “New Jersey True Poverty Tracker,” the tenth report in the Poverty Benchmark series, as a remind-



er of the economic situation prevailing in New Jersey before the pandemic.

The first Melville “De” Miller, Jr. Memorial Fund fellow is engaged to work with the Poverty Research Institute (PRI) and Family Stability and Preservation Project (FSPP) to continue the work De began in challenging biases and structural racism inherent in the child welfare system.

LSNJ’s Pro Bono Initiative and the Taxpayer Legal Assistance Project (TLAP) initiate a state and local tax program (SALT) to assist clients facing problems, including collection, related to state tax issues.



LSNJ launches several new initiatives in response to the growing housing crisis, and creates the Housing Eviction Prevention and Legal Assistance Project (HELP) and the Housing Stability Initiative, both aimed at preventing the devastating consequences of eviction and homelessness.

The LSC releases “The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans,” its fourth study since 2005 assessing low-income Americans’ civil legal needs and the extent to which those needs are met. The report notes that 33% of low-income Americans experienced at least one civil legal problem linked to the COVID-19 pandemic in the last year.



LSNJ commemorates its 55th anniversary in December at The Addison Park in Aberdeen, New Jersey. At this event, De Miller is inducted into the NJEJLA Circle of Honor.

The statewide Legal Services system now includes nearly 700 staff.

MILEPOSTS



Mileposts on New Jersey Legal Services' Quest for Equal Justice

THE FIRST 55 YEARS

New Jersey Legal Services' legacy is the culmination of its daily work: the direct legal assistance of low-income and vulnerable New Jerseyans across our state, often with immediate, multiple, or compounding civil legal issues. Every day, Legal Services advocates assist clients with matters of enormous and life-altering import, including parental rights, housing and homelessness, health care, and food insecurity. Over the past 55 years, New Jersey Legal Services programs have assisted more than 8 million people in over 2.7 million cases—and assisted millions more via impact cases, outreach, judicial and legislative advocacy, and an extensive array of free community and self-help legal resources.

While it would be impossible to document every success or every noteworthy fight along the way, the selected "mileposts" which follow constitute an impressive and inspiring timeline, including more than 900 reported and unreported decisions in which at least one New Jersey Legal Services program participated. The mileposts also highlight a variety of significant non-case achievements, including the passage of various pieces of landmark legislation—in which Legal Services' expertise, testimony, or advocacy often played a critical role—and the publication of statewide poverty research and far-reaching community legal resources.

To the staff, volunteers, Board members, and supporters whose compassion, commitment, and hard work have made these accomplishments possible, thank you. Your impact is felt by individuals, families, and communities across New Jersey, and reverberates in ways big and small, known and unknowable. Most important is the cumulative effect of this body of work on the disadvantaged, including the real and perceived increases in access to justice afforded by well-trained, well-versed Legal Services attorneys.

Despite this progress, however, more than a third of New Jerseyans—including 42% of children—live in deprivation or, as defined by our Poverty Research Institute, "True Poverty." Black or African American and Hispanic or Latino New Jerseyans experience deprivation at double the rate of their non-Hispanic white and Asian neighbors. 77% of households headed by single Black women experience deprivation. And so our collective fight against poverty, racism, and inequity must—and will—continue, with many more, urgent, and imperative mileposts to be realized. Our work is not done until we reach that final milepost: equal access to justice for all.

Dawn K. Miller, Esq.
President, Legal Services of New Jersey
December 8, 2022

MILEPOSTS

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 deduc-

tion 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 faced with eviction for trying to assert their rights.

Jordan v. Finch, United States District Court—A child born to unmarried parents has the same Social Security survivor payment rights as a child born to parents married to one another at the time of birth.

Karp v. Collins, 310 F. Supp. 627 (D.N.J. 1970)—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)).

Toker 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. 1970)—Invalidation of state administrative fixed ceiling on the amount of the AFDC (welfare) grant that did not

exclude federal “statutory disregards.”

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

1971

State v. DeBonis, 58 N.J. 182 (1971)—Indigent defendant cannot be jailed for being unable to pay a fine in one lump sum; 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 meet with migrant workers; trespass conviction reversed.

Rodriguez v. Rosenblatt, 58 N.J. 281 (1971) and *State v. Conley*—Counsel should be assigned 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.

A package of migrant worker protections proposed by Camden Regional Legal Services is enacted, requiring in-

ter 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)—Affirms 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 began, involving 4,800 tenants, all but three of whom were black (*Henry v. Newark Housing Authority*; *Stella Wright Tenants Association v. HUD*). Lasting until 1974, the strike became the longest rent strike in the history of U.S. public housing.

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

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 waiving tenant's right to notice of termination of tenancy or right to pre-eviction legal proceedings held unconstitutional in class action.

Samuelson v. Quinones, 119 N.J. Super. 338 (App. Div. 1972)—Where leased premises are uninhabitable from inception of tenancy, the lease is void and illegal; landlord is entitled only to reasonable value of the premises, taking into account the property 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)—New Jersey required to follow federal regulation requiring welfare fair hearing to be conducted 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 leased premises 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 AFDC (welfare) household; made presumption rebuttable in every case.

1975

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

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

1976

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

In re Dotson, 72 N.J. 112 (1976)—Affirms an indigent's right to a 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.

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 a paternity suit.

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

1978

Ricker v. Lawson, 155 N.J. Super. 536 (Juv. & Dom. Rel. Ct. 1978)—Municipality is 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, 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 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 the claimant had no income, transportation, or funds and could only search for work at a few factories within walking distance.

New Jersey Supreme Court publicly reprimands Judge Albano for lack of judicial demeanor in a complaint brought by Essex-Newark Legal Services, charging repeated misapplications of the law and bias against Legal Services attorneys representing tenants, as well as criticism of tenant-oriented laws.

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, including depriving inmates of food and water and providing procedural protections before disciplining inmates for infractions.

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 the Division of Public Welfare (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, the Board of Public Utilities (BPU) adopts more restrictive regulations on discontinuance of services, including no shutoff after 1:00 pm on Friday, a special notification requirement for customers over 65, and good faith effort to provide a deferred payment plan.

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 non-payment 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)—Hospital patients 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, due to the failure of the housing authority 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 the New Jersey Right to Know Law.

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

The 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 the 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)—Class action filed resulting in court order that Paterson comply with various aspects of the 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. Challenges included "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 lead to reform of the law by Congress and eventual settlement of the case.

1983

In re Kornja (unreported, U.S. Bankruptcy Court, Newark)—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 the 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 the 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.

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. 1984)—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, the elderly, and people who are blind or have a disability.

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 stayed emergency assistance denial and 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.

LSNJ issues a study of the unmet need for civil legal assistance among the poor 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 provi-

sions of Rules of Professional Conduct, the identity of a client receiving assistance through a legal services organization is confidential, regardless of whether they are provided representation through public funds.

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

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 Circuit 1986)—AFDC (welfare) 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 (unpublished, Special Civil Part, Hudson County)—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.

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.

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.

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

1988

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)—New Jersey 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 to cease, finding that the landlord would have had to state clearly in subsequent notices that the original notice to cease 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 rules 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 (1990)—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 rules (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 rules 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 rules 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 New Jersey 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 (welfare) 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 the 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 New Jersey 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 (welfare) 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 their share of rent under assisted lease agreement, they cannot be evict-

ed 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.

Meyers v. New Jersey Department of Human Services, 269 N.J. Super 310 (App. Div. 1993)—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.

1994

Housing Authority of the Town of Morristown v. Little, 135 N.J. 274 (1994)—The New Jersey 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 New Jersey 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 substantially 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.

McNeil v. Estate of Lachman (unpublished, Appellate Division)—Guest who resided at a 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 AFDC (welfare) 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 Hammon-ton 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)—The New Jersey Supreme Court rules that statewide procedures for landlord/tenant courts were appropriate to avoid “unfair[ness] to pro se tenants.” Trial courts must provide plain language 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, attorneys' 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), a network focused on preventing, reducing, and ending poverty in the state.

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, certif. denied, 150 N.J. (1997)), 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. The Court approved standard instructions to be read at the beginning and end of the daily landlord-tenant calendar call.

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 New Jersey 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.

Sacharow v. Sacharow, 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 suit 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 the 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 (2004)—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, 186 N.J. 127 (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 un-

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

2007

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

PRI releases the *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 of counsel 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.

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 a hearing to decide if the ordinance allowing city to acquire properties by eminent domain would help city meet its fair share housing obligations.

2008

Ibrahim v. Aziz, 402 N.J. 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 2,500 feet of a school, day care center, playground, or park was invalid.

Utley 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 own 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.

Division of Youth and Family Services 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.

Legal Services of New Jersey releases an English version of the “Working with Interpreters” video. Over the next two years, versions are also 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 (formerly DYFS) 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.

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 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 they were waiving their 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 “re-sign 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 appointment of 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.

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

A.M.C. v. P.B., 447 N.J. Super. 402 (App. Div. 2016)—In a domestic violence matter, when there is proof of an “act that inherently involves the use of physical force and violence,” the adjudication of the second prong, regarding whether a restraining order is necessary, “is most often perfunctory and self-evident.”

175 Executive House LLC v. Miles, 449 N.J. Super. 197 (App. Div. 2017)—A tenant who receives a housing assistance voucher from the state’s Rental Assistance Program cannot be evicted solely for non-payment of additional rent charges.

Hillside Village v. Smith (unreported Appellate Division)—Judgment of possession based on damage to property caused by “gross negligence” vacated by Appellate Division when notice to quit did not contain specific facts alleging actual damage and trial court did not find that tenant caused damage either willfully or through gross negligence.

Dugan v. TGI Fridays, 231 N.J. 24 (2017)—Class certification was appropriate when customers alleged that restaurant violated Consumer Fraud Act by charging an increased price for purchase of the same beverage during the same restaurant visit without providing notice to the customer.

New Jersey Division of Child Protection and Permanency v. A.B., 231 N.J. 354 (2017)—Mother who refused to allow 16 year old child and infant son to return home did not “willfully abandon” child when mother allowed child to periodically return home, assisted child in being reinstated after school suspension, and allowed child to return permanently once mother secured her own housing.

2017

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

2018

Newton Medical Center v. D.B., 452 N.J. Super. 615 (App. Div. 2018)—A patient who requires emergent psychiatric treatment, which results in involuntary com-

mitment to a hospital, should be treated the same for Charity Care purposes as a patient who requires emergent treatment due to a physical injury or illness.

New Jersey amends unemployment law to remove disqualification for “severe misconduct.”

New Jersey amends FY 2019 Appropriations Act to adjust WFNJ grant amounts for the first time since 1987.

Ardan v. Board of Review, 231 N.J. 589 (2018)—Rejecting LSNJ’s argument, the New Jersey Supreme Court holds that the claimant was not eligible for unemployment benefits under the medical condition exception in existing law when claimant did not show that “no other suitable work [was] available.”

Kwok Fang Chang Trust v. Estate of Sylvia Malakoff, (unreported Appellate Division)—Son and grandson were protected under the Anti-Eviction Act as “functional tenants” after the death of named tenant, despite termination provision in lease agreement.

The LSNJ publication “Clearing Your Record Online,” is updated.

Child Abuse & Neglect: A Guide for Parents Involved in Child Abuse or Neglect Cases in New Jersey is released.

LSNJ successfully spearheads an effort to extend Emergency Assistance time limits for especially vulnerable Work First New Jersey and SSI recipients. As a result of these efforts, the WFNJ statute is amended to provide additional EA extensions until 2024.

Opex Realty Management v. Taylor, 460 N.J. Super 287 (Law Div. 2019)—A landlord’s demand for late fees and attorney fees did not constitute legal rent pursuant to the Newark Rent Control Ordinance.

New Jersey enacts extensive reforms to expungement eligibility and the expungement process, including elimination of the filing fee, expedited expungement of marijuana convictions, and creation of a “clean slate” provision.

New Jersey amends the Law Against Discrimination’s prohibition of discrimination on the basis of race to cover traits associated with race, including hair types and hair styles.

New Jersey enacts a nine-bill package of foreclosure legislation designed to alleviate the state’s high level of foreclosures. Among other provisions, this reduces the statute of limitations in residential mortgage foreclosure actions from 20 years to 6 years from the date of the debtor’s default.

New Jersey enhances wage protections for workers.

New Jersey enacts legislation which removes the provision that a driver’s license can be suspended upon issuance of a warrant for failure to pay child support.

New Jersey enacts reforms to the NJ-CLASS loan program.

McClain v Board of Review and *Blake v. Board of Review*, 237 N.J. 445 (2019)—

The New Jersey Supreme Court accepts LSNJ’s argument that N.J.S.A.43:21-5(a) requires only that a claimant leave her job with a first employer “to accept” employment with a second employer to be eligible for unemployment benefits, and not actually “to commence” employment with the second employer. This ruling overturns a conflicting Appellate Division decision.

J.G. v J.H., 457 N.J. Super. 365 (App. Div. 2019)—A party in a non-dissolution family matter should be provided proceedings required for determining custody and parenting time in divorce litigation, including the right to call witnesses, conduct cross-examination, and fact finding by the trial court.

LSNJ publishes the 2019 edition of *Divorce in New Jersey: A Self-Help Guide* in print and as a PDF download with fillable forms.

LSNJ releases an updated version of *Domestic Violence: A Guide to the Legal Rights of Domestic Violence Victims in New Jersey*.

2020

On January 30, the World Health Organization (WHO) declares the COVID-19 outbreak “a Public Health Emergency of International Concern.” The next day, the Secretary of the U.S. Department of Health and Human Services declares a public health emergency.

On March 9, Governor Murphy issues Executive Order 103, declaring a “Public Health Emergency and State of Emergency” in New Jersey. Executive Order 104, signed on March 16, 2020,

limits “the unnecessary movement of individuals in and around their communities and person-to-person interactions in accordance with CDC and DOH guidance” while designating a subset of “essential” businesses and limiting the scope and hours of operations for others. Executive Order 107 establishes statewide social mitigation strategies, including limiting social gatherings and closing non-essential businesses to the public.

Legal Services offices throughout the state quickly develop remote work capacities to permit Legal Services staff to work remotely.

Throughout 2020, Governor Murphy issues a number of other pandemic-related Executive Orders that have far reaching impact, especially on New Jersey’s poor, including a moratorium on removals due to evictions and foreclosures (EO 106); an extension of critical short-term support for renters (EO 128); and an extension of insurance premium grace periods (EO 123).

DC. v. Division of Medical Assistance & Health Services, 464 N.J. Super. 343 (App. Div. 2020)—Before terminating a person from any Medicaid program, the Division of Medical Assistance and Health Services (DMAHS) must ensure that the person has been screened for eligibility for all other N.J. Family Care programs.

S.C. v. New Jersey Department of Children and Families, 242 N.J. 201 (2020)—Department of Children and Families must provide meaningful notice and an opportunity to be heard before making a non-expungable “not established” finding of abuse.” Department of Children and Families should reexamine and clarify vague “not established” category.

Investors Bank v. Torres, 243 N.J. 25 (2020)—LSNJ argues as amicus. The New Jersey Supreme Court holds that a mortgage assignee has the statutory and common law right to enforce a promissory note that was lost by the mortgage assignor.

New Jersey passes new laws protecting the rights of individuals whose property may be subject to seizure after an arrest – known as “civil asset forfeiture.” These new provisions set important transparency and reporting requirements and require an actual conviction to support a seizure in most cases. LSNJ testified, with suggested amendments, in support of these and other reforms.

The Administrative Office of the Courts requires municipal, criminal, and family courts to “automatically” expunge dismissed cases at the time of dismissal, acquittal or discharge without a conviction or adjudication.

LSNJ releases a revision of *Tenant Rights in New Jersey: A Legal Manual for Tenants in New Jersey*.

2021

LSNJ’s Poverty Research Institute releases “True Poverty”, the latest study in the “Real Cost of Living” report series. Among its major findings are that the federal poverty measure hugely underestimates the number of those in New Jersey living in poverty and that, on average, residents need income of at least 300% of the federal poverty level to meet basic needs for living in the state.

G.C. v. Division of Medical Assistance and Health Services, 249 N.J. 20 (2021)—State Medicaid regulation for determining benefit eligibility was invalid because of its inconsistency with state enabling legislation, legislative intent and federal Medicaid regulation.

In *C.R. v. M.T.*, 248 N.J. 428 (2021)—Under the Sexual Assault Survivor Protection Act, “nonconsensual” sexual contact means that the defendant did not reasonably believe that the alleged victim affirmatively and freely expressed permission (verbally or nonverbally) to engage in the activity.

State v. Lopez-Carrera, 245 N.J. 596 (2021)—The Criminal Justice Reform Act does not authorize pre-trial detention of non-citizens to prevent immigration officials from removing them from the country before trial.

Under a new state law, P.L. 2021, c. 154, the Department of Children and Families or court are now required to consider placement of children with relatives or kinship guardians when making placement decisions and to change the current standards for initiating petitions to terminate parental rights.

LSNJ advocates for eviction protections and debt collection protections for tenants affected by the COVID-19 pandemic. P.L. 2021 c. 189 provides additional rental assistance and bars eviction for rents due during the pandemic for low- and moderate-income tenants.

Throughout the pandemic, LSNJ advocates for low-income and pro se litigants in the development of new landlord tenant court procedures, including via the New Jersey Supreme Court’s Special Committee on Landlord Tenant.

Alongside other utility consumer advocates, LSNJ successfully urges Governor Murphy to extend the moratorium on gas, electric, and water shut-offs in response to the COVID-19 pandemic and implement a number of enhanced customer protections; supports legislation extending the moratorium on water and municipal electric shutoffs; and urges the Board of Public Utilities to create enhanced COVID-related utility assistance programs, including the Low Income Home Water Assistance Program (LIHWAP), the first-ever statewide water assistance program.

2022

Governor Murphy issues Executive Order 292, lifting the COVID-19 public health emergency.

In January, a vacatur bill expands the list of crimes that can be expunged for human trafficking victims. LSNJ testifies in support.

M.R. v. M.D. (A-0095-21)—Trial court erred in denying entry of Final Restraining Order [FRO] when defendant committed “predicate act” of assault. The Appellate Division also admonished the trial court for lecturing plaintiff and offering inappropriate and “unsolicited advice” that “overstepped the division between the bench and the bar.”

Freza v. Attorney General United States of America, 49 F.4th 293 (3 Cir. 2022)—Immigration Judge violated noncitizen’s due process and statutory right to appointed counsel by denying motion for 30 day adjournment so that newly appointed counsel could prepare case.

LSNJ successfully advocates to pass a series of bills to improve New Jersey’s SNAP program. The legislation makes several improvements to increase access to and participation in the SNAP program, including the elimination of SNAP terminations for individuals who do not participate in an employment and training program; increased services for senior citizens; a new SNAP call center; and an increased monthly benefit minimum.

LSNJ’s anti-trafficking project, PROTECT, works with Deputy Attorney General Heather Hausleben on a sex trafficking case in which a client, SMM, cooperates with the prosecutor to obtain indictments of the traffickers.

Working with the N.J. U.S. Attorney’s office and the Department of Justice Human Trafficking Unit, LSNJ PROTECT helps labor trafficking survivors from the BAPS temple in Robbinsville, New Jersey complete T-visa filings.

PRI Releases the “New Jersey True Poverty Tracker,” the tenth report in the Poverty Benchmark series, as a reminder of the economic situation prevailing in New Jersey before the pandemic.



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