



BRIEFLY SPEAKING

The Newsletter of Pisgah Legal Services

Third Quarter 2005 Edition

The Disability Assistance Project



Ken (above) is disabled and had been living in a homeless shelter for two years when he came to PLS for help.

See **page 3** for Ken's story

Low-wealth people with disabilities face incredible barriers to health and wellness. Without income or health insurance, unable to work and challenged by physical and/or mental disabilities, it can be a seemingly impossible struggle just to meet the most basic of needs.

Legal assistance is required for many people to prove that they are disabled and qualify for:

- ♦ Medicaid to pay for health care and manage chronic disease
- ♦ Subsistence disability income from the Social Security Administration.

Pisgah Legal Services' **Disability Assistance Project** provides free legal advice and representation to help people with disabilities.

For Disability Assistance Project clients, legal help means the difference between being forced to use emergency services (hospital services, food and financial assistance) and a more stable life with access to ongoing health care and medications and the means to survive. PLS helps people with disabilities secure income for shelter, groceries, and other basic necessities.

Last year, Pisgah Legal Services accessed more than **\$447,000** in disability income benefits for people with disabilities (Social Security and SSI), as well as bringing in a conservatively estimated **\$1,297,348** in Medicaid benefits paid to medical providers in WNC.

Our mission is to provide high-quality, effective legal services to help low-income people meet basic needs, to advance and protect the legal rights of low-income people, and to ensure equal justice for all.

Inside:

- ♦ **Update on the Gudger House lawsuit...page 4**
- ♦ **New law protects victims of domestic violence...page 5**

From the editor:

*This edition of our newsletter highlights Pisgah Legal Services' **Disability Assistance Project**. Upcoming editions will look at other PLS programs that help western North Carolina's most vulnerable people.*

Staff Spotlight: Disability Attorney Jennifer Little

How did you decide to practice law to help people with disabilities?

Before I went to law school I taught at a juvenile correctional facility in Florida. It was the facility where kids got sent after getting kicked out of all the other facilities. Many of these kids had serious mental problems, mental illness and retardation, that were not being adequately addressed on any level. I tried to advocate for these kids, but I felt helpless. This was one of the reasons I went to law school, to have a way to help. After I got out of law school, I kept looking for a job where I could help the mentally challenged through the law. Finally, I found that job at Pisgah Legal Services.

What is rewarding about your work?

I feel very lucky because my job has great payoff in terms of the concrete good that I can do for someone. Most of my clients are mentally and physically disabled, sometimes homeless, and just completely at a loss when we first encounter them. After we've worked with them for a while, we are usually able to get Social Security disability benefits started for them along with back pay for all the time that they were not getting the benefits they deserved. We also counsel them on other programs that might help them. When they get that back pay check, a roof over their head, and some stability in their lives, it just makes us feel great.



Since I started working here two years ago, we've accessed substantial back payments for several people who were living under bridges when we first met them.

What is challenging about your work?

We specialize in serving the "hard to serve," in other words, cases that private attorneys would be reluctant to take for various reasons, such as people who are psychotic, homeless, hard to catch up with, and hard to interact with. We also take cases for people who have substance abuse

problems in addition to, and usually because of, their mental illness or physical disability. It is more difficult to get these cases approved for benefits because of the regulations involved.

Why is the Disability Assistance Project important to WNC communities?

Without PLS, our clients probably would not have legal representation and probably would never be awarded benefits. *You really need a lawyer to get approved for disability benefits. It is very difficult to get approved for disability benefits, contrary to popular belief.* Getting people approved for benefits brings money into the community to care for people who can't support themselves.

Advocating for Communities Accessible to All

In September, PLS Board Member and ACCESS Independent Living founder/director **Carol Hubbard** and ACCESS were awarded the Leadership Award from the Asheville Mayor's Committee for Citizens with Disabilities.

ACCESS is one of the more than twenty local organizations serving primarily low-income people that PLS has helped start over the years.

Congratulations ACCESS!

Carol Hubbard (front row, 2nd from left) with Asheville Mayor Charles Worley and ACCESS volunteers and supporters, including PLS staff and volunteers, at the Mayor's Committee for Citizens with Disabilities awards ceremony.



Disability Assistance Project Success Story: Ken's Story

Ken is a 59 year-old veteran who suffers from multiple severe disabilities. After he was discharged from the Navy in 1968, Ken worked off and on for years, mostly doing construction labor, but was never able to keep a job for long because of his disabilities. Then, several years ago, Ken suffered a back injury and has not been able to work at all since.

When he came to PLS, Ken had been living in shelters for two years. He was suffering from serious heart problems—he has had a dual chamber pacemaker since 1996, and experiences recurrent chest pain. Two years ago, Ken applied for SSI benefits, but was rejected because he couldn't document his disabilities. Ken was in desperate need of subsistence income and needed legal help making his case to the Social Security Administration to qualify for disability benefits.

PLS attorney Jennifer Little and legal assistant Aundry Freeman helped Ken document that his disabilities are severe, and will require



treatment for the rest of his life. Ken's doctors verified that his disabilities made it impossible for him to work. PLS filed a request for a "decision on the record" for Ken. "It's so much better to have help and not have to go through it yourself, especially when you're sick," says Ken. "Pisgah Legal Services gave me excellent help."

In September Ken got the news of a **fully favorable** decision from the Social Security Administration! With the subsistence income benefits that he needs and deserves, Ken will be able to stabilize his life and afford basic necessities. In addition, because of the years that Ken did not receive benefits and should have, he will be receiving back pay from the Social Security Administration, which he hopes will help him pay for a place to live.

With this help, Ken will be able to begin the process of getting back on his feet and building a new life for himself.

Getting Results for People With Disabilities

In 2004, Pisgah Legal Services:

- ◆ Accessed more than **\$1,297,348** in Medicaid benefits for people with disabilities, paid to medical providers in our service area.
- ◆ Accessed more than **\$447,013** in disability income benefits (including Social Security and SSI cases) for people with disabilities.
- ◆ Helped obtain **\$1,030,927** in federal funds to support the provision of services for people who are homeless in our community, with direct benefit to an estimated 2,000 people, many of whom are physically and/or mentally disabled or suffer from chronic health problems.
- ◆ Closed **348** cases helping people with disabilities access subsistence income or health care (**80** of these cases were handled by volunteer attorneys).

Lawsuit Dismissed: PLS Keeps Historic Gudger House!

On September 20, a dismissal was filed in Federal District Court, marking the end of the lawsuit that threatened Pisgah Legal Services' ownership of the historic Gudger House in Asheville. **PLS now has clear title to the Gudger House!**

Under an agreement reached between Pisgah Legal Services and the federal agency and former PLS funder Legal Services Corporation (LSC), PLS paid LSC \$39,500. In exchange, LSC dismissed the lawsuit. The \$39,500 payment approximately equals the amount of federal funds used to buy the house in 1981 from the Preservation Society of Asheville and Buncombe County.

On behalf of the thousands of disadvantaged people served every year by Pisgah Legal Services, **thank you** to all of the volunteer attorneys, supporters, and friends of PLS who helped resolve the lawsuit.

Special thanks to the team of volunteer attorneys who donated hundreds of hours to defend the case: Larry

McDevitt, former Mayor of Asheville and former PLS Board member; **Roy W. Davis, Jr.**, former Board member and former president; **George Ward Hendon**, former Board member and immediate past president; **Robert B. Long, Jr.**, former Board member; **Phil J. Smith**, Board President; **T. Douglas Wilson**, Board Vice-President; **Gene Ellison**, past Board member,



Cindy Rice, Board member; **Mary E. Euler**; **Dennis L. Martin, Jr.**; **W. Carleton Metcalf**; **Martin K. Reidinger**, Board member; **Philip S. Anderson**; **Sharon Tracey Barrett**; **Wyatt S. Stevens**; and **Claire Vujanovic**. Thanks to the following law firms for their commitment of these attorneys' time: **Adams, Hendon, Carson, Crow, and Saenger, P.A.**, **Long, Parker, Warren & Jones, P.A.**, **McGuire Wood and Bisette P.A.**, **Patla, Straus, Robinson & Moore, P.A.**, **Roberts & Stevens, P.A.**, **Van Winkle, Buck, Wall Starnes & Davis, P.A.**

Thanks also to **Land America Commonwealth**, formerly Commonwealth Title, for its contribution of \$10,000 and its N.C. title insurance agent **Attorney's Title**, also formerly Commonwealth Title, for its contribution of \$7,500. Along with contributions from Land America Commonwealth and Attorney's Title, the PLS Board of Directors has contributed \$5,000 toward the settlement. No funding for client services is being used for the settlement.

Thank you!

Much appreciation to all who helped resolve the Gudger House case

Larry McDevitt
Roy W. Davis, Jr.,
George Ward Hendon
Robert B. Long, Jr.,
Phil J. Smith
T. Douglas Wilson,
Gene Ellison
Cindy M. Rice
Mary E. Euler
Dennis L. Martin, Jr.
W. Carleton Metcalf
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Adams, Hendon, Carson, Crow, & Saenger, P.A.
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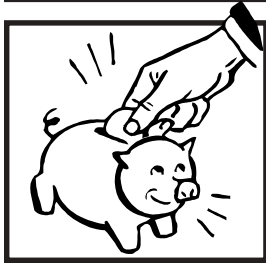
Jim Barrett, PLS Executive Director, praised the many local attorneys who donated their time to represent Pisgah Legal Services in defense of the lawsuit. "We could not have achieved this result without such stellar legal representation. To a person, they care deeply about the work of this organization as it benefits the thousands of disadvantaged people that we serve."



Support the future of Pisgah Legal Services by making a gift to the PLS Endowment. Call Beth Maczka at 210-3430 for more information.

Your support matters!

Update on the Campaign for Pisgah Legal Services:



Many thanks to all of the individuals, communities of faith, law firms, small family foundations, and civic organizations who contributed to the PLS Annual Campaign! Your support makes a difference – with community support, PLS improves lives and strengthens communities.

Between November 1, 2004 and October 31, 2005, the PLS Annual Campaign raised more than **\$196,000** in gifts and pledges to PLS. **THANK YOU!**

If you haven't yet made your donation this year, or if you would like to make an additional gift, you can contribute by mail, in person at 89 Montford in Asheville, or on the internet (www.main.nc.us/pls). If you have an outstanding pledge for the 2004-2005 campaign, please honor your pledge as soon as you are able.

This year's campaign (2005-2006) began November 7 with a goal of **\$232,000**. To make a donation, or for information about the campaign, call Beth Maczka at 253-0430 or e-mail bethm@pisgahlegal.org.

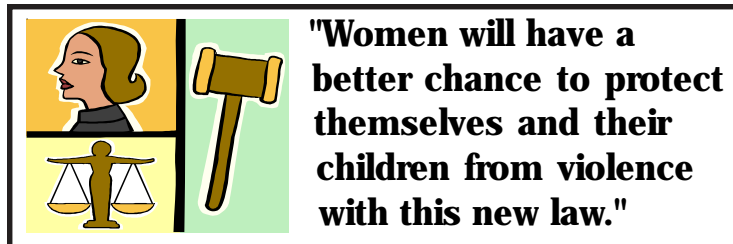
New Law Protects Victims of Domestic Violence: North Carolina is second in the nation to prohibit discrimination against victims who are tenants

With the recent approval of Senate Bill 1029, North Carolina became the second state in the nation to enact comprehensive legislation to protect victims of domestic violence, sexual assault, and stalking from tenant discrimination.

Most aspects of the groundbreaking law went into effect October 1. In addition to prohibiting discrimination, the law provides a statutory framework allowing victims to change locks or terminate their leases when necessary to escape from a perpetrator.

Specifically, the law prohibits a landlord from terminating a tenancy, failing to renew a tenancy or refusing to enter into a rental agreement because the tenant is a victim of domestic violence, sexual assault or stalking.

The law also provides for changing locks on a victim's residence and early termination of lease agreements by victims upon 30 days notice if the victim has a court order or is a member of the Address Confidentiality Program.



In addition, the legislation includes the following enhancements to family law and victim protection statutes:

- ◆ Allows domestic violence protective orders to be extended for two years rather than just one.
- ◆ Requires law enforcement officials to serve copies of protective orders to school principals if defendants are ordered to stay away from school grounds.
- ◆ Clarifies that surrendered firearms will not be returned until final disposition of criminal charges.
- ◆ Clarifies the waiver provision for custody mediation in domestic violence cases.

PLS staff attorneys **Robin Merrell** and **Robin Jacobs** worked with the NC Justice Center to help shape this historic new law. "This legislation is a huge step forward in protecting PLS clients and other victims of domestic violence who are struggling to become survivors," said PLS staff attorney **Anne Bamberger**. "Women have a better chance to protect themselves and their children from violence with this new law."

Asheville-Buncombe United Way Day of Caring

Volunteers give PLS' Gudger House a much-needed spruce-up

Pisgah Legal Services was fortunate to host a team of Day of Caring volunteers from three Buncombe County employers: Mission Hospitals, Client Logic, and National Telecommunications Cooperative Association. Nine volunteers worked all morning as part of the United Way Day of Caring, cleaning up both the interior and exterior of the Gudger House, home to the main offices of PLS.

PLS' intrepid volunteers went to great lengths, climbing the crabapple tree to remove choking vines, raking the yard, dividing and replanting bulbs, spreading mulch and cleaning up garden beds, scrubbing windows, cleaning woodwork, and even digging and spreading gravel to improve the parking lot entrance. Volunteer labor donated on the Day of Caring helps to maintain a welcoming, professional environment for PLS' staff, volunteers, and low-income clients.



“PLS clients who come to the office for legal counsel are often in crisis, afraid, or desperate. Providing a clean, professional, and welcoming environment is one way we can help put our clients at ease. It really makes a difference in our service to low-income people,” said PLS Director Jim Barrett.

Many thanks to the United Way of Asheville and Buncombe County for sponsoring the Day of Caring, providing wonderful services to PLS, our clients, and the community.



Above: Day of Caring volunteers pitch in to clean up the inside and outside of the historic Gudger House, home to PLS' main offices in Asheville.



PLS Online

- ◆ client photos and success stories
- ◆ outcomes reports
- ◆ secure, instant online giving
- ◆ community links

www.main.nc.us/pls

PLS Wish List

**Pisgah Legal Services is in need of the following items
for our offices in Asheville and Hendersonville:**

microcassette recorders
palm pilots
digital cameras

space heaters
small fans
dictaphone equipment

floor lamps
bookshelves
office chairs

Contact Beth Maczka at 253-0430 or bethm@pisgahlegal.org to donate any of these items!

News from the Front Lines

• A warm welcome to **Zahra Coleman**, an Asheville native and a recent social work graduate of Western Carolina University who joins the PLS staff through a NC DSS grant for increased outreach to African-American women to prevent domestic violence. Zahra will help victims of domestic violence with safety planning and screen clients for the Mountain Violence Prevention Project team in addition to her outreach work.

• Welcome also to **Carol Rogers**, the new Mountain Violence Prevention Project legal assistant and secretary. Carol is an experienced legal assistant who has worked in the Asheville legal community for many years.

• Thank you to summer law clerks and volunteers **Alex Gomes, Meghann Burke, Daniel MacGuire, Chad Donnahoo, Eva Steward, Joey Fusco** and **Holly Stiles**. Your work in service of PLS' clients is greatly appreciated!

• Thank you to PLS supporter **Judy Futch** for investing her time, energy, and formidable talents in helping PLS through a long-range planning process to set the course for our organization for the next three years.

• Thank you to **Shelley Pew Brown** for serving as community chair for the 2004-2005 Annual Campaign for PLS. The 2005-2006 campaign begins this month! **Carole Currie** and **Judy Page** are co-chairing this year's community campaign, and **Marc Rudow** and **Sarah Thomburg** co-chair the attorney campaign for PLS this year.

• Farewell to **Octavia Samuels**, Mountain Violence Prevention Project legal assistant. Octavia was a PLS staff person for almost seven years, and is now a social worker for Buncombe County DSS. We wish Octavia well in her new career!

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Partners in Helping People With Disabilities

**Thank you to the funders of the
Disability Assistance Project:**

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Jubilee! Community Church
The Public Welfare Foundation
Polk County Community Foundation
Individuals, civic groups, and faith congregations

**Pisgah Legal Services
is proud to be supported by:**

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P.O. Box 2276
Asheville, NC 28802
800-489-6144
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Beyond Crisis Management



It is hard for most of us to imagine the challenges that very low-wealth people with disabilities face. What is life like when you are struggling to buy groceries, pay rent, and obtain health care while grappling with physical, mental, and/or emotional disabilities?

Maybe you have always been disabled. Or maybe you were healthy for most of your life but suddenly became disabled due to illness or accident. With no way to support yourself, you may need emergency assistance from your community.

Already physically and mentally challenged, you get sicker as you live without reliable shelter, food, and health care. You end up using the ambulance and emergency medical services, accumulating bills that you have no way of paying. You need a roof over your head, subsistence income to pay for groceries and other basics, access to regular treatment for your health problems, and a supportive network to help you survive. Without these things, you are caught in a constant cycle of crisis, emergency services, stabilization, and back to crisis again.

You have heard that you might be able to get disability benefits – maybe you have even tried to apply for benefits. But you do not understand the rules, there is a lot of paperwork, and you just can't make it through the process on your own.

Fortunately, there is legal help available for people challenged by these difficult problems – PLS' **Disability Assistance Project** team works to address each client's situation from a

holistic perspective, helping disadvantaged children and adults to access subsistence income and medical care. PLS staff and volunteers work to ensure that disabled clients' other basic needs are met, including housing and supportive services. At the same time, PLS works collaboratively to craft "big picture" solutions for people with disabilities, such as those identified as "chronically homeless" in the Ten Year Plan to End Homelessness.

PLS brings resources into the community and helps people with disabilities live as self-sufficiently as possible. Rather than relying on expensive emergency services, which can drain community resources, low-income people with disabilities can stabilize their lives with subsistence income and health care. Last year, PLS accessed more than \$447,000 in disability income benefits for people with disabilities (Social Security, SSI, and Medicare) and leveraged more than \$1,297,348 in Medicaid benefits paid to medical providers in WNC.

Thanks to Mission Hospitals, United Ways, and other supporters of PLS' **Disability Assistance Project**, staff and volunteer attorneys can be there for some of the most vulnerable people in our WNC communities—low-wealth people with disabilities. **Lives are saved. Suffering is alleviated. Neighbors live more independently. Thank you for being part of this work.**

Jim Barrett, Executive Director, Pisgah Legal Services

About Pisgah Legal Services

- PLS provides free legal representation and counseling in civil (non-criminal) cases only.
- Our clients are battered women, disadvantaged children, the elderly, the disabled, recent immigrants, & the working poor.
- PLS prioritizes cases affecting clients' basic needs, including housing, access to medical care, protection from domestic violence and abuse, subsistence income, a quality education, immigrants' rights, and the protection of essential assets.
- Virtually all clients live at or below 125% of federal poverty guidelines (less than \$24,000 annually for a family of four).
- PLS serves primarily Buncombe, Henderson, Madison, Polk, Rutherford, Transylvania, and Yancey Counties.