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Providing free legal services in civil (non-criminal) matters to low-income people primarily in Davie, Forsyth, Iredell, Stokes, Surry and Yadkin Counties.



Empowering people...

LANC-Winston-Salem Office expands clinic offerings

By Hazel Mack-Hilliard, Senior Managing Attorney



In an effort to empower more low-income people to be able to advocate for themselves, we have embarked upon an expanded community education path by offering two new clinics at our office in Winston-Salem.

Our goal is to assist potential clients that we do not have the manpower to represent, by providing the information that will allow them to represent themselves.

Thus, in addition to our already established Landlord/Tenant Clinic and Medicaid Clinic, we will be offering two new clinics: the Exemption Clinic and the Re-entry Clinic.

Exemption Clinic

All potential clients who are served with a Notice of Exemptions will be directed to our Exemption Clinic. Notice of Exemptions forms are served upon debtors by creditors after a money judgment has been entered against them in court.

In this clinic, potential clients will be instructed on how to complete the exemption form and submit them to the court and to the creditor. By simply completing the forms correctly, a client can save his/her property from collection efforts by a creditor.

We typically receive at least 15-20 inquiries each month to complete exemption forms. By providing this clinic, we think that we can provide the service to all who need it.

The Exemption Clinic will be held on the **second and fourth Thursday of each month at 3:00 p.m.**

Re-Entry Clinic

We have also established a Re-Entry Clinic that will assist a portion of our community who are attempting to re-enter society. Many of our clients cannot obtain a job or rent a home because they have criminal records. Once one acquires a criminal record — whether it is at age 16 or 46 — the record can follow you for the rest of your life.

In this clinic, we give people information regarding expungements of their criminal records. We also tell them about community resources for those with a criminal history. For example, one organization that directly serves this community is Faith Seeds in Winston-Salem.

Many people do not realize that there are incentives for employers to hire ex-felons, such as tax exemptions and the federal bonding program. The clinic also discusses housing, employment, voting and education issues that will help people to avail themselves of their rights and various opportunities, notwithstanding their criminal records.

The Re-Entry Clinic will be held on the **fourth Tuesday of each month at 3:30 p.m.**

Please...spread the word.



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Staff Spotlight

Samantha Davis is our new Private Attorney Involvement (PAI) coordinator. She is responsible for establishing connections with the private bar in order to refer pro bono cases to them. Samantha also helps out as a receptionist and screener for new clients. Originally from Mt. Airy, she has her A.A.S. in Paralegal Studies and is currently attending Winston-Salem State University, pursuing her B.S. degree in Justice Studies. She joined LANC in August 2006.



Samantha Davis



Harrietta Mickles

Harrietta Mickles is our new receptionist and screener for new clients. Born and raised in Winston-Salem, Harrietta graduated from North Forsyth High School and attended Forsyth Tech. She joined LANC in January 2007.

Tracy Nicholson is our new paralegal in our HEEC unit, but also assists the Benefits unit one day per week. Originally from Detroit, she attended the University of Michigan at Ann Arbor, UNC-Greensboro and Forsyth Tech, pursuing degrees in French Literature and Paralegal Technologies. She joined LANC in August 2006.



Tracy Nicholson

Dave Sobie is our new paralegal who assists with bankruptcy filings and our Mortgage Foreclosure Project. He is from a military family, allowing him to live in numerous places, including overseas. Dave has a B.A. in History from UNC-Asheville and a paralegal certificate from Duke University. Dave started as a volunteer with LANC in April 2006 and was hired full-time in January 2007.



Dave Sobie



LANC NEWS

is the newsletter of Legal Aid of North Carolina (LANC). Send comments to: LANC News, Legal Aid of NC, 224 South Dawson Street, Raleigh, NC 27601. Editor: Dock Komegay; Executive Director: George R. Hausen, Jr., Esq. Legal Aid of North Carolina is a nonprofit, 501(c)3 law firm that provides free legal services to low-income persons in North Carolina through 24 field offices and five statewide projects.

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HEEC Unit Update

Housing, Education, Employment, Consumer Unit
By Liza Baron, Managing Attorney



The HEEC (Housing, Employment, Education, Consumer) unit has been keeping very busy, as usual.

Last summer we settled a significant, long-standing (two-year) landlord-tenant dispute over deplorable housing conditions. Our HEEC attorneys and paralegals, along with assistance from attorneys from other LANC offices, the Legal Aid Society of Northwest North Carolina here in Winston-Salem and the Raleigh law firm of Parker Poe Adams and Bernstein, assisted a group of fifteen former tenants of a subsidized housing development. These clients were seeking damages for the deplorable living conditions through which they suffered for years.

The conditions included: falling ceilings; severe rat and roach infestation; faulty plumbing; sewage backups; falling ceilings, defective appliances, and defective electrical supply. HUD had closed down the development due to serious health and safety violations, and the city inspectors had repeatedly failed the units as unfit for human habitation. In addition to claims about the unfit living conditions, the tenants also alleged that the landlord failed to properly distribute utility reimbursements.

The very strict confidentiality agreement prevents us from giving many details, but we can say that the case went to mediation over a long and arduous two-day period, and was finally settled in August 2006 to the great satisfaction of our clients.

The mediation team did a particularly effective job — in less than ideal conditions — of keeping our clients informed, focused and united. Our attorneys, through skilful hard work and excellent preparation, won a great measure of success by preparing the case in a way that made mediation a safer option for the other side.

Sexual harassment by landlords is against the law!

Many people might not realize that it is against the law for landlords to proposition their tenants, touch them in a sexual manner, suggest a trade of sex for rent, or make other suggestive comments to them.

The North Carolina Fair Housing Act prohibits discrimination in housing based on race, sex, national origin, physical or mental handicaps, age, religion or familial status. Sexual harassment by landlords (or their employees or property managers) is covered by the Fair Housing Act, as it falls under the category of discrimination based on sex (or gender).

If your landlord or property manager has acted inappropriately with you in a manner that you consider sexual harassment, you should **tell them to stop immediately!**

The entire LANC-Winston-Salem Office staff pitched in to help with this case in one way or another, or in many ways, and their assistance is greatly appreciated as well.

Most of all, congratulations to our clients for their victory and their inspiring demonstration of courage and spirit!

Another case of interest we have been working on is a sexual harassment case. Four separate clients have accused the same Winston-Salem landlord of various types of improper and offensive sexual behavior towards them during their tenancies, including forceful bodily contact of a sexual nature, inappropriate comments and more. We tried to settle this case without success, and filed a complaint in Superior Court on October 25, 2006, on behalf of these four clients. Since then, two more plaintiffs have joined the case, for a total of six plaintiffs.

Apart from the above cases, the HEEC unit has been busy representing clients in small claims court, district court, superior court, the North Carolina Court of Appeals and administrative hearings, as well as advising clients and helping them resolve matters outside of court.

We appreciate your support of our work, and will continue to do our best on behalf of our clients!

The HEEC Unit (Housing, Employment, Education, Consumer) handles housing cases such as evictions from private and subsidized residences, unfit living conditions, security deposit disputes, and others. The employment cases involve unemployment compensation, discrimination, wage and hour disputes, wrongful termination of state employees, and other types of cases. The education cases involve helping students get personalized education plans (PEPs) and helping overturn suspensions and expulsions from school. The consumer cases involve bankruptcies, mortgage foreclosures, repossessions, disputes over contracts and warranties, debt collection and judgment collection, and other cases. The HEEC unit also handles expungement of charges from criminal records.



Benefits Unit Update

Benefits Unit, LANC-Winston-Salem
By Yvette Stackhouse, Managing Attorney



The Benefits Unit of the LANC-Winston-Salem office assists clients with many government benefits issues, including Social Security disability and Supplemental Security Income (SSI) cases.

Many of our clients are unable to work because a medical condition restricts or limits their activity so severely that it would be impossible to work a full-time job. Our limited resources only allow us to accept a fraction of the cases presented to us at intake. While we may not be able to represent everyone, we are able to assess the clients' claims at intake and advise clients about what will make their cases stronger. We also refer meritorious cases to local attorneys who practice disability law.

The biggest hurdle claimants face when they apply for disability benefits is showing that they are disabled. The Social Security Administration (SSA) will not take a claimant's word alone.

The best way to show severe disability is with objective medical evidence from the regular treating physician. That means going to the doctor!

This is especially a problem when a person has not been to a doctor in many months or years because they have no health insurance or

means of income to support their going to a doctor.

When clients come to our office with lack of medical care, sparse medical records and lack of resources to go to the doctor of their choice, we strongly encourage them to go to the free or minimal-cost clinics in their areas. Some of these clinics include:

- ◆ The Downtown Health Clinic, Winston-Salem (Forsyth County)
- ◆ The Community Care Center, Winston-Salem (Forsyth County)
- ◆ Family Health Center in King and Danbury (Stokes County)
- ◆ Surry Medical Ministries Clinic, Mount Airy (Surry County)
- ◆ Storehouse for Jesus Free Medical Ministries, Mocksville (Davie County)
- ◆ Yadkin Volunteer Medical Ministries, Yadkinville (Yadkin County)
- ◆ Open Door Clinic, Statesville (Iredell County)

If claimants can get needed care and continuous treatment, then their medical tests and reports can help prove the severity of their medical condition(s), which will assist them in proving they need disability benefits.

If there are consistent medical records to objectively show all the medical conditions, then any representative, whether a private representative or a LANC representative, has a better chance of advocating for disability benefits based on a meritorious claim.



Chapter 7 vs. Chapter 13 Bankruptcy

Types of bankruptcies that individual debtors may file

By Kristen Nardone, Esq.

There are two types of bankruptcies that individual debtors may file: Chapter 7 and Chapter 13.

Chapter 7 Bankruptcy

A Chapter 7 bankruptcy is considered a "liquidation" bankruptcy.

All of a debtor's non-exempt assets are sold by the bankruptcy court, and any monies obtained from the sale are used to pay creditors on an equal basis.

What are "non-exempt assets"? North Carolina law allows debtors to keep a certain amount of property that is necessary to live and maintain a household. For example, a debtor is typically allowed to keep their clothing, furniture, and appliances. Also, a debtor may keep a car that has \$3,500 or less in equity (if a debtor owes \$10,000 on a car that is worth \$13,500 or less, the debtor may keep the car). Most cars are worth less than the amount owed, so most debtors are able to keep their cars in bankruptcy.

Further, each debtor is entitled to an \$18,500 exemption in their home (\$37,000 if a married couple files together). So, if a debtor owns a home that is valued at \$100,000 and he owes \$78,500, his equity is protected from the bankruptcy court. Typically, a Chapter 7 debtor

is able to keep all of his property, there is no property to sell and his creditors receive nothing.

The new Bankruptcy Act of 2005 limits who may file a Chapter 7 case. "High income" debtors must now file Chapter 13 cases. The only way to know whether a person would be considered "high income" is to discuss the matter with a bankruptcy attorney. However, for a family of four, income less than \$50,000 per year will likely satisfy the Chapter 7 standard.

Chapter 7 cases typically last four to six months.

Chapter 13 Bankruptcy

A Chapter 13 bankruptcy case is a "reorganization" case.

A debtor must pay all of his disposable income to a Chapter 13 trustee for a period of three to five years. At the end of that period, the debtor receives a discharge (an "erasure" of most unsecured debt), and the debtor is then out of bankruptcy.

One reason that debtors file Chapter 13 cases is falling behind on their mortgages. If a debtor wishes to keep his home and his payments are in arrears, a Chapter 13 case will be needed because it allows a debtor to cure the arrearage over time.

Legal Aid of North Carolina

As the only Legal Services Corporation (LSC) funded program in North Carolina, Legal Aid of North Carolina provides free, community-based, civil legal services in all 100 counties of North Carolina to those whose income falls below 125% of the federal poverty guidelines.



Legal Aid of North Carolina provides legal representation and counseling in **civil (non-criminal) cases only**.

Because of limited resources, Legal Aid of NC's cases are generally limited to those that impact clients' basic needs, including housing, access to medical care, protection from domestic violence, consumer protection and subsistence income.

Legal Aid of NC receives funding from LSC (50%), the NC General Assembly (17%), and IOLTA (Interest On Lawyers' Trust Accounts; 12%). The remaining funds come from Title III Funds for Older Americans, United Way, local governments, individual attorneys, foundations and other grants.

Legal Aid of North Carolina offices also recruit and coordinate private attorney (*pro bono*) volunteers through local volunteer lawyers programs (VLP's).

For additional information on Legal Aid of North Carolina (LANC) and its offices, visit the LANC website, www.legalaidnc.org.



If a debtor makes above the median income threshold set by the state of North Carolina for their family size (a "high income debtor"), then the debtor must file a Chapter 13.

A Chapter 13 case lasts much longer than a Chapter 7 case, and requires a debtor to make monthly payments to the trustee for three to five years.

Conclusion

When one is considering filing for bankruptcy, it is important to discuss the situation with a bankruptcy attorney. Bankruptcy is a complex area of law, but it can be of great help to a person who has incurred medical debts, lost a job or suffered some other economic hardship.

Kristen Nardone is an attorney with the Price Law Firm in Winston-Salem and serves on the LANC-Winston-Salem Office's Local Advisory Council.



THEY ANSWERED THE CALL....WILL YOU?

We recognize our esteemed colleagues for generously giving their time and resources to handle *pro bono* cases. These individuals have already handled a *pro bono* matter for us in the last year or have committed to do so in the future. Our LANC-Winston-Salem staff and clients owe a great deal of gratitude to the following :

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Cal Adams
Katherine Bosken
Bertram Brown II
Chad Brown
Anna Caldwell
Joseph Clark
Reginald Combs
Lisa Costner
Mary Craven
J. Calvin Cunningham III

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Susan Ryan

Robin Shea
Paul Shepard
David Smith
Robin Stinson
Cecil Summers
Robert Tally
Hank Van Hoy II
R. Michael Wells
Clint Wimbish
Brad Wood

In addition, we recognize our great interns and clerks, as well as our non-attorney volunteers, who have also generously donated their time various ways, such as joining our "*Justice for All*" campaign (providing non-legal office assistance) and "*Court Observation*" projects.

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Emily Cobb

Hasina Lewis
Myra Miller

Jodie Mount
Lashema Towler

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Dominque Easter Jason Howell Nikki Worthy

If you are interested in joining these fine groups, please contact **Samantha Davis** at **336-725-9162**.

Winston-Salem



Samantha Davis

The Winston-Salem Office of Legal Aid of North Carolina provides free legal services in civil matters (non-criminal) to low-income people in the six counties surrounding Winston-Salem, including: Davie, Forsyth, Iredell, Stokes, Surry and Yadkin Counties. Visit our website at: www.legalaidnc.org/winstonsalem



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