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The Legal Aid Challenge for us all

What does the LANC-Raleigh Office do to carry out its mission in 2007?

by Victor J. Boone



Victor J. Boone

The mission of Legal Aid of North Carolina (LANC) is to provide “free legal services in civil matters to low-income people in order to ensure equal access to justice and to remove legal barriers to economic opportunity.”

The staff of the LANC-Raleigh Office provides assistance in six broad areas of law – housing, family, consumer, public benefits, employment, and education.

Prospective clients frequently contact the office in crisis situations when Legal Aid is their only recourse for legal assistance. Without our assistance, these persons would suffer the consequences of going without counsel, no matter how compelling their circumstances might be.

Because shelter is a basic necessity, much of our work includes legal efforts to ensure that individuals and families, particularly those with young children, are not displaced from their living quarters, especially those residing in public housing or receiving federally funded housing vouchers. Given the explosive growth in mortgage

assistance for those who cannot afford an attorney.

In the area of consumer law, LANC, along with participants in the Wake County Bar Association’s Volunteer Lawyers Program, typically handles matters involving defective used cars, botched auto repairs, shoddy home repairs, unfair business practices, unfair debt collection practices, and unfair lending practices.

With a staff of only seven lawyers to serve the legal needs of an eligible client population of more than 50,000 in Wake County, meeting the challenge of providing access to justice is, indeed, a daunting task.

LANC, however, has a bright and enthusiastic staff who are committed to helping make it meaningful to live in a democratic society with a system of justice that should be available to everyone.

“Without our assistance, these persons would suffer the consequences of going without counsel....”

- Victor J. Boone,
Senior Managing Attorney

foreclosures, LANC has also found it necessary to focus its energy on strategies to counter those actions where appropriate and resources allow.

Victims of domestic violence constitute another priority for the LANC Raleigh office. LANC attorneys, with help from volunteer lawyers participating through Project Together, sometimes provide the only means of legal

Meet the Staff of the Legal Aid of NC-Raleigh Office

Serving the legal needs of low-income people of Wake County

Suzanne Chester (managing attorney) primarily supervises Raleigh’s Domestic Violence Unit. Suzanne is a native of Ireland and graduated with honors from UNC in 1995.



Suzanne Chester

Kelly Clarke (staff attorney) worked in LANC’s New Bern and Smithfield offices before coming to the Raleigh office in January 2004. A native of Sanford, NC, Kelly



Kelly Clarke

received her JD from the University of Denver College of Law in 2001. She practices in the area of housing, consumer and employment law.

Michele G. McPhatter (staff attorney)



Michele McPhatter

worked in LANC’s Winston-Salem office before coming to the Raleigh office in January 2006. She currently practices in the areas of housing, consumer, and employment law. She received her

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JD from the UNC School of Law.

Atiya Mosley (VOCA attorney) worked with Georgia Legal Services and



Atiya Mosley

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LEGAL AID NEWS is the newsletter of Legal Aid of North Carolina. Please send comments to: Legal Aid of NC, 224 South Dawson Street, Raleigh, NC 27601 Editor: Dock Kornegay, 919-856-2564 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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Advance Directives
Providing meaningful service to the community

by Jennifer Simmons
The LANC-Raleigh Office is pleased to be able to prepare advance directive documents for the financially needy and the elderly of our community.

We routinely offer the four most common **types of advance directives:**

- ◆ Living wills
- ◆ Health care powers of attorney
- ◆ Durable powers of attorney
- ◆ Basic wills.

The number of clients requesting living wills and health care powers of attorney has risen sharply in the wake of the highly-publicized Terri Schiavo case out of Florida.

A living will sets forth a client's wishes regarding the avoidance of mechanical intervention in certain circumstances at the conclusion of his or her natural life.

A health care power of attorney designates the individuals that clients

want to make health care decisions on their behalf in the event they are not able to make decisions for themselves. We recognize that these are very important documents for clients to have in place, as health care provided at the end of a client's life should reflect that individual's wishes.

We also prepare durable powers of attorney, which designate an individual to assist in a client's day-to-day business affairs.

Finally, we offer the preparation of basic wills for clients. We are able to direct the dispensation of assets after a client's death, but do not structure trusts or offer tax planning advice. For those more advanced services, we recommend that clients seek out attorneys specializing in estates planning work.

Thanks to our volunteer attorneys from the estate planning bar and the efforts of our in-house paralegals and attorneys, we are pleased to be able to prepare and execute the advance directives requested by eligible clients in the community.



Public Benefits Update:
Helping clients get Govt. Services

by Jennifer Simmons
Attorneys at the LANC-Raleigh Office represent/advise clients on many different benefits-related issues. Our primary public benefits' focuses are Social Security Disability, Food Stamps, and Medicaid, although we also accept cases regarding WorkFirst (the new version of the "AFDC" program) and Veterans benefits.

LANC receives inquiries about a wide variety of Social Security disability cases, for recipients of both SSI and Disability Insurance. LANC primarily takes cessations, i.e., cases representing individuals who have previously received benefits, but whose benefits are being stopped by the Social Security Administration (SSA) due to a finding that their disabling condition has improved. This situation can arise for both children and adults. There is a strong need for representation in these types of cases, because no fee can be recovered easily by the private bar. We also routinely provide services to clients in cases where the SSA has determined that an individual owes it money based on an alleged overpayment.

Clients contact our office with a broad range of questions about food stamps as well. We have represented clients in cases accusing them of food stamp fraud and in cases where they simply dispute the amount of food stamps they receive. This office and our new Centralized Intake Unit (CIU) also offer basic advice to help clients ensure they are receiving the maximum amount of food stamps for which they can qualify.

We also represent clients in Medicaid cases. Most frequently, we help adults qualify for Medicaid based on their disabilities, which involves the same inquiry as a Social Security Disability case but is administered by county Social Services offices rather than the SSA. During the past six months, we have also represented an institutionalized client in a fight to maintain her Medicaid long-term care coverage despite the transfer of a house to her ex-husband.

We are looking to increase the share of public benefits cases in our overall caseload, so please continue to refer clients with concerns about their Social Security, Food Stamps, Medicaid, Work-First, and Veterans Benefits.



Housing Law Update: Maintaining shelter for those in Need

by Kelly Clarke

January 2006 marked a changing of the guard at the LANC-Raleigh Office as longtime housing advocate, **Roger Cook**, left to join the LANC-Durham Office staff. In his absence, attorneys **Jennifer Simmons**, **Suzanne Chester**, **Michele Geathers McPhatter**, **Kelly Clarke** and Senior Managing Attorney, **Victor Boone**, stepped up efforts to fill the big shoes created by Cook's departure.

Our efforts have included representing tenants who receive housing assistance from the federal government in administrative hearings as well as in court. This housing assistance primarily consists of those tenants in Public Housing (the housing assistance that is tied to the building and does not remain with the tenant if she or he is evicted) and Section 8 Voucher tenants (the housing assistance that is issued in the form of a Voucher that the tenant can take from one private landlord to another and is therefore not tied to a building or complex).

At issue in most of these hearings was whether these tenants' assistance should remain active in light of alleged program and/or lease violations. For cases involv-

ing Section 8 Voucher tenants, we represented some tenants in lawsuits filed against the tenants by the owners or private landlords. We feel these cases are especially important because the tenant's Voucher may be terminated by a Housing Authority (HA) who administers the Section 8 Voucher program if the tenant is evicted or if he or she is found to have seriously breached the lease with the landlord.

We also became involved in efforts to provide comments to changes in the local Housing Authority's Annual and 5 Year Plan, and other Administrative Plans that concern its administration of the Public Housing and Section 8 Voucher programs. These efforts included attending public meetings, submitting written comments, and meeting with local Housing Authority staff to voice concerns. Some of us recently met with officials of the Department of Housing and Urban Development (HUD) (the federal agency that funds the housing programs administered by the local HAs) in Greensboro, NC to discuss some of the housing issues that our clients face and to propose possible solutions to them. These efforts demonstrate that advocacy for our clients is not confined to the courtroom.

We look forward to continuing these efforts in 2007.



2007 Poverty Guidelines



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:

Size of Family Unit	Maximum Income Level*
1	\$ 12,763
2	\$ 17,113
3	\$ 21,463
4	\$ 25,813
5	\$ 30,163
6	\$ 34,513
7	\$ 38,863
8	\$ 43,213

* [The figures in this table represent 125% of the poverty guidelines by family size as determined by the US Department of Health & Human Services.]

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 (12%), 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.



Domestic Violence Update Assisting Victims of DV

by Suzanne Chester

The Domestic Violence/Family Law Unit has been a part of the Raleigh Office of Legal Aid since 1998.

Suzanne Chester, Amy Vukovich, and Atiya Mosely represent victims of domestic violence, both children and adults, at 50B hearings and in custody litigation. Many of our referrals come directly from Interact, the Wake County agency serving victims of domestic violence and sexual assault.

The goal of the DV Unit is to provide holistic relief to our clients through protective orders which address physical safety, child custody, and financial support.

As a result of the high cost of family law litigation, and the fact that most of our clients have no access to any financial resources when they need legal assistance, the demand for our services is always great. Because the majority of batterers fight to obtain custody of their children

after the victim leaves the relationship, many of our custody cases are high-conflict and time-consuming. In order to expand our resources, we train and mentor lawyers from the private bar to represent clients in 50B proceedings on a pro-bono basis.

We are always looking to increase the pool of domestic lawyers willing to take a custody case!



**Want to volunteer for
pro bono service?**



Visit:

www.probono.net/NC

or call:

Celia Mansaray, PAI Coordinator
LANC-Raleigh Office
919-863-1446

Legal Aid of North Carolina—Raleigh Office

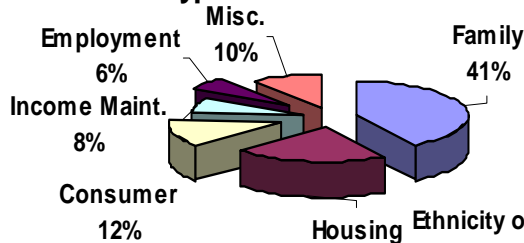
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provides free legal services in civil matters (non-criminal) to low-income people located in Wake County.

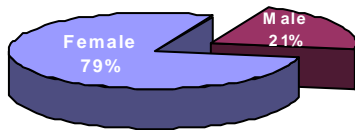
Visit our webpage at: www.LegalAidNC.org/Raleigh



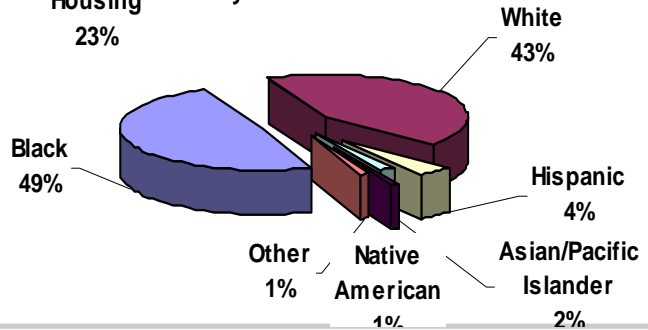
Types of Cases - 2006



Gender of Clients - 2006



Ethnicity of Clients - 2006



Legal Aid of North Carolina serves all 100 counties in North Carolina through 24 geographically located offices and five statewide projects. Visit our website at: www.legalaidnc.org

(Meet the Staff, Continued from page 1)

later ran her own family law firm. She is our domestic violence attorney. Atiya is a graduate of the Washington University Law School.

Jennifer Simmons (staff attorney) came to Legal Aid in 2005 following a clerkship with Chief Justice Sarah Parker on the NC Supreme Court. Originally from Jacksonville, FL, Jennifer received her JD from the UNC School of Law. She primarily practice benefits, housing and employment law.



Jenifer Simmons



Amy Vukovich

Amy Vukovich (staff attorney) is a native of Raleigh. She received both her undergraduate degree and law degree from UNC-Chapel Hill. She joined Legal Aid in June 2005 and primarily practices family law.

Celia Mansaray (private attorney involvement coordinator) began her career with legal services in 1978 as a paralegal/support staff person. In 1983, Celia became the pro bono coordinator for the



Celia Mansaray

Raleigh office. Since that time, the Wake County Volunteer Lawyers Program (VLP) has consistently recorded more donated attorney hours annually than any other volunteer lawyers program of any size in NC. Celia is a graduate of Appalachian State University.

Reta Harris (administrative assistant/ paralegal) has worked for 36 years with Legal Services in a variety of capacities, three of which have been spent working as a paralegal and administrative assistant with the LANC-Raleigh Office. She recently began referring cases to volunteer lawyers through our Volunteer Lawyers Program (VLP) program. Reta grew up in Halifax, NC.



Reta Harris



Johnsa Anderson

Johnsa Anderson (secretary/paralegal) has worked with LANC for 26 years. Johnsa currently provides support for the domestic violence unit, as well as the housing and

benefits units.

Catherine Kelly (secretary/paralegal) has worked with Legal Aid for more than 15 years. Catherine handles advance directives and performs intake at senior sites.



Catherine Kelly

Ruth Castrova (secretary) worked at Legal Aid for several years as a legal assistant. Ruth is a native of Milwaukee, Wisconsin and studied music at the Wisconsin Conservatory.



Ruth Castrova

Give us your opinion?



Private Attorney Survey
 on the provision of
 legal services in North Carolina.
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 through March 31, 2007