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LANC-Winston-Salem Office Liberty Plaza

102 West Third Street, Suite 460
Winston-Salem, NC 27101
336-725-9162; 866-219-LANC (toll-free)

R. Yvette Stackhouse, Esq.
Managing Attorney

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



www.legalaidnc.org/winstonsalem

Special Edition

Summer experiences at Legal Aid of NC

Every summer, the Winston-Salem office of Legal Aid of North Carolina (LANC) gets revitalized. That's when the staff is joined by energetic summer law clerks, who are eager to learn and experience the practice of law.

The law clerks usually work full-time anywhere from six to ten weeks and are exposed to all three units of the LANC office during their time with us. The **HEEC unit** handles housing, education, employment, and consumer cases; the **Family Unit** handles domestic violence and custody cases; and the **Benefits Unit** handles Medicaid, disability, food stamp, and other types of government benefits cases.

In general, each law clerk gets assigned to a particular unit for a two-week period, after which they each rotate to a new unit. This rotation system enables the clerks to gain experience in all areas of law that LANC handles, and also to learn from and be mentored by a wide group of attorneys and advocates.

The LANC staff benefits greatly each summer from the influx of the new clerks' energy. Their efforts help the advocates get on top of their caseloads, pull items from the back burners to be addressed and get answers to lingering legal issues from the clerk's insightful research memos.

We're always glad to see the clerks come and sorry to see them go! They are a delight to work with and to supervise, and we try to make their experience as rewarding for them as it is for us. It has been a great pleasure for me to serve as law clerk supervisor this summer.

In this "special edition" are stories from our summer 2008 law clerks, in their own words, on work they've done with us that moved them or that taught them the most. We hope it will give you a feel for the experience of working with LANC as a summer law clerk.



Liza Baron
Managing Attorney,
HEEC Unit



Keith Clayton
MLK Intern & Rising 3L
Campbell University
School of Law

During my tenure as an intern with Legal Aid of North Carolina, I have had many valuable and practical experiences while assisting our clients with a wide range of legal issues. One such experience involved providing assistance to a client who had been disqualified for Unemployment Insurance Benefits after having been terminated from her employment by her former employer. I was able to conduct this Unemployment Insurance Benefits hearing myself under the Third-Year Practice Rule.

This case was unique in that the employee had immigrated to this country as a child. The client still had close relatives in her native land, and had asked for a temporary leave of absence from her employer in order to return home. The client had requested her leave of absence in accordance with the instructions that she received from her employer. However, my client's travel plans never materialized due to circumstances which were beyond her control. Subsequently, her employer contacted her and indicated that she was going to have to show proof that she had actually left the country in order to be able to return to work. Because my client had not actually left the country, she was obviously unable to provide any documentation proving that she had. As a result, she was terminated from her employment for allegedly falsifying documentation in connection with her request for a leave of absence. In response to my client's initial claim for benefits, the

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adjudicator determined that she was completely disqualified for benefits based upon a finding of employee misconduct.

In advance of the hearing, I conducted several interviews with my client to prepare my case and to give the client some idea of what to expect during the proceedings. During our first meeting, it became immediately apparent to me that the client's communications skills and demeanor were going to make the hearing somewhat of a challenge. She was very soft-spoken, and it seemed as though her heavy accent was going to make it difficult to elicit clear testimony presenting her side of the story regarding the events which led to her termination. The preparation was further hindered by unforeseen conflicts which prevented our having one final

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 Editor: Dock Kornegay.
 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 seven statewide projects.

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 meeting to prepare before the hearing.

However, once the hearing finally took place, my research and preparation paid off. The employer's testimony concerning the situation was contradictory to the actions of the Human Resources Department personnel regarding the procedure which my client allegedly violated, and my client did an excellent job focusing on both my questions and those of the employer during the hearing. Although the hearing officer's final determination has not yet been received, I remain optimistic and hopeful that this client will obtain Unemployment Insurance Benefits to assist her in support of her family as she seeks new employment opportunities.



Edward Garrett
 Rising 2L
 Elon University
 School of Law

Clerking at Legal Aid was a great opportunity to gain practical experience in a wide range of legal issues which affect many in our community. Unable to afford a private attorney, Legal Aid is the often the only opportunity many people have to obtain assistance with legal matters. It is rewarding to be able to assist people with a range of challenging situations.

One of the cases that was most rewarding was drafting a custody agreement for a client who was scammed by an online legal service. Unable to afford an attorney, the client paid an online service promising to draft a valid custody agreement for a relatively low price. Once his check had been cashed, our client had a difficult time reaching anyone at this online service. Only after many phone calls and weeks of delay, the custody agreement that was produced was of such poor quality that it would likely have been rejected by the court. Not knowing what to do in order to resolve an unstable domestic situation, our client attended one of Legal Aid's Custody Clinics at the public library. As a result, I had an opportunity to interview the client to learn the facts relevant to the situation and draft a new custody agreement. When the client came in to review and sign the agreement, he was visibly relieved that he could move forward with resolving his custody issues.

I was also moved by my experience working in the domestic violence unit. It was surprising to learn of the volume and brutality of the domestic violence cases. Interviewing domestic violence victims was demanding and helped to refine my interviewing skills. Balancing empathy with the need to ask objective, analytical questions during an emotional, first-hand recounting of physical abuse is a challenging task.

In all, my experience clerking at Legal Aid

was a very humbling and rewarding experience.



Julie Gorman
 Rising 2L
 Wake Forest University
 School of Law

My time as a summer law clerk at Legal Aid allowed me to gain valuable experience working with clients. During my first two weeks here, I was able sit in on a client meeting in preparation for a Medicaid hearing, draft questions to use during the hearing, and attend the hearing with our client and the attorney. Being able to attend hearings and interact with clients gave me valuable insight as to what a practicing attorney does on a daily basis.

The Winston-Salem office started a wills community outreach program, and I was able to attend the office's first presentation on the subject. I traveled to a senior center in Surry County with a Legal Aid attorney and staff member to give information on wills, power of attorneys, and healthcare power of attorneys. The seniors were genuinely interested in what we had to say, and a number of them made appointments to meet with an attorney so the documents could be drafted. After gaining practical experience in this area, I am looking forward to taking Decedent's Estates and Trusts this fall.

I am also looking forward to my Family Law class in the fall because of my experience working with the family law unit this summer. During my time in this unit, I was able to observe Legal Aid attorneys trying 50B cases, attend a clinic on divorce law, and do a number of domestic violence client interviews.

Each week advocates in the different units met for case review. This gave everyone a chance to discuss new clients and difficult cases. Attending these meetings helped me understand how attorneys approach the different kinds of cases that Legal Aid is able to accept.

All of these experiences helped me understand how Legal Aid serves low-income clients throughout North Carolina. I feel honored to have spent my summer working with talented attorneys who give their time to the people who need help the most.



Dwayne Kinney
 Rising 2L
 Western New England
 School of Law

Working at Legal Aid of North Carolina allowed me to utilize the information I learned during my first year of law school in helping make a positive contribution within the legal world and our community. As a Public Interest Scholar, I was delighted to

work with the Mortgage Foreclosure Defense Project in helping the members of our community affected by predatory lending and the ongoing mortgage foreclosure crisis. Throughout the summer, I worked with the Mortgage Foreclosure Defense Project helping good people stay in their homes.

One case in particular stood out while working at Legal Aid, and it personally motivated me to fight for the victims of predatory lending and real-estate fraud. A hardworking family came to Legal Aid when their home was being foreclosed upon because of encumbrances they were not responsible for or previously knew about. I was able to work closely with this family and make positive contributions to their case throughout the summer. I started working on the family's case by researching the applicable laws for the issues involved. Then throughout the summer I worked directly with the family members in uncovering and clarifying questions and issues from both the family and the attorneys. As a Spanish-language Interpreter, it was equally gratifying to help with the legal work on the family's case and to serve as a lingual and cultural liaison between the family and Legal Aid. By the end of the summer, my work culminated with the drafting of a complaint for the family's case. Ultimately legal concepts that I suggested and researched were utilized by the attorneys working on the case and were included in the complaint. Going home at the end of the day with the knowledge that my work was helping a hardworking family keep the home they worked for years to pay for was truly the experience of a lifetime.

My experience working with this family cemented my desire to use my legal education to positively benefit my community through Public Interest work. I enjoyed working at Legal Aid and found the diverse array of cases both challenging and exciting. I am honored to have worked with the Mortgage Foreclosure Defense Project in its effort to combat the mortgage foreclosure crisis in North Carolina, and I am proud of our important work.



Jennifer Payne
Rising 2L
Wake Forest University
School of Law

The most rewarding aspect of interning at Legal Aid is knowing that the work that you do on a daily basis makes an enormous difference in the lives of our clients. I have had two experiences this summer that have shown me how important this work is.

In one case, I worked with a staff attorney to help a client re-negotiate a lease-to-own contract for a house in which the client had lived for several years. The client entered into the lease-to-own agreement with his friend, who agreed to sell the home to him on good

terms. However, a copy of the contract was not provided to our client until seven years after the date of the agreement. When the contract was finally presented to our client, the terms were not the same as were originally agreed upon and were much more favorable to the seller than the original. We accompanied the client to mediation and negotiated a new contract between the buyer and the seller that put our client in the same position as he would have been in if he had been provided with the original contract. In this way, we were able to help the client keep the house that he and his family had made a home, and we were also able to provide him with valuable advice about the responsibilities and rights that come with entering into a contract agreement.

In another case, a client was told by a Medicare collections agency that her retirement check was going to be garnished because she had not paid a substantial debt owed to Medicare. I obtained proof that the client's debt was paid from a settlement that she received years earlier and then worked with the collections agency until we received confirmation that the debt had been satisfied and our client's retirement check would not be garnished. Without the work that Legal Aid does for our clients, this client, like many other low-income citizens of North Carolina, may never have felt able to contest the debt, and her already tight fixed income would have been further reduced.



Michael Volpe
Rising 3L
Wake Forest University
School of Law

Everyday at Legal Aid brought new challenges and surprises. Some of those challenges were monumental, but mundane – like a 3-hour fight with the printer over labels I was trying to make. Other challenges were taxing, but fulfilling when completed – like combing statutes or regulations for some pressing legal issue. But the most memorable and meaningful challenges came when I got to get my hands dirty for clients.

The most unforgettable experience came during a trip to the Register of Deeds. I had just met a new client that morning. The client's home was being foreclosed by the bank. Many years earlier, the client had been in a serious auto accident that left him disabled. The client had purchased a home with the proceeds from the settlement. While the client was in the hospital receiving treatment for his injuries, the client's then-wife forged his signature purportedly giving her power of attorney, then used that power to take out a second mortgage on the home. The client tried to bring charges against his wife, but after a criminal investigation, the case ended up stalling. The bank did not try to collect on the

Legal Aid of North Carolina 

As the only Legal Services Corporation (LSC) funded program in North Carolina, Legal Aid of NC (LANC) 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**.

LANC provides legal representation and counseling in **civil (non-criminal) cases only**.

Because of limited resources, LANC'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.

LANC offices also recruit and coordinate private attorney (*pro bono*) volunteers through local volunteer lawyers programs (VLP's).

For additional information on LANC and its offices, visit the LANC website, www.legalaidnc.org.



loan for several years. It finally came calling with foreclosure proceedings this summer.

The client came to us looking to save his house. In order to do that, we needed proof of the client's story that his ex-wife had fraudulently taken out the loan and that he had nothing to do with getting the loan. I combed through the pile of documents the client had left at the office. The documents corroborated the client's story, but did not give us convincing proof.

After combing through the documents at the office, I went to the Register of Deeds to do some research. While there I was amazed at what I had found. This was not the first time this woman had forged a power of attorney and obtained a loan on the home. Seven months earlier, this woman used false documents to secure a large second mortgage. Further, the forged power of attorney was on file at the Register of Deeds. By comparing the forged signature with the client's real signature, it was plain to see the stark difference of the two signatures. The signature example and the past history of fraudulent behavior helped bolster our case that our client was innocent in any dealings with the bank.

Unfortunately, I will be leaving Legal Aid before this case resolves. But the time spent talking with the client and then going out and

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finding an answer for the client's case was very satisfying. It's a great feeling to know that my work will likely save the client's house from foreclosure and that he and his children will not be put out on the streets.



M. Chase Wells
Rising 2L
Wake Forest University
School of Law

Everyone has a story. Some are more interesting than others, but everyone has a story. Little did I know when signing up to work at Legal Aid, my story would soon merge with many others I would learn about, weaving in and out as each new plot unfolded in the clients' lives. One particular story comes to mind.

James was sharp. He recalled everything clearly, spoke quickly, and covered every detail. I could tell from the moment we began our interview that he strongly believed in every word he was saying, and he wanted to do the right thing. I remember thinking that if I were a

lawyer at trial that day, I would have put him on the witness stand and left it at that; he was perfectly capable of doing the rest himself.

James was a middle-aged man, tall and thin with laughter lines in his face and rough hands from hard work. His story, or at least the chapter in which I became involved, began when he moved into an assisted-living facility in the next-door county. James was disabled and needed just a little bit of help to get around. But what he got instead was a front row seat in the theatre of corrupt adult care homes.

The owner, clean and tidy, a smooth talker with a mischievous smile, had plans. James was put to work. "The patient down the hall wet his bed. Go clean it up." "My car is dirty, I need you to wash it. And my friends' cars too." The jobs never stopped. James was washing clothes for the entire facility, cooking all their meals, and acting as administrator when the staff was absent from the home, which was all too often. Something had to give.

Why hadn't James gotten out? The owner simply wouldn't let him leave. He would screen calls and mail and lock up the phone all night. The residents were in fear. So James

asked to leave (something he shouldn't have to do) for a "medical appointment" and took the bus to our office. That was when I met him. He had phone numbers, addresses, emails, and a vivid picture of everything that happened. He had gone through the proper channels and called the right people. He was trying to get out of this place and into a proper facility. All he needed was a little boost.

I was able to help him coordinate with the proper authorities and get an investigation started. But before things got underway, the owner of the facility found out what James was doing and kicked him out on the street immediately. James was out of the home—an unexpected victory of sorts—but a whole new problem surfaced: the owner claimed that James owed him money and wouldn't turn over his possessions until the price was paid.

This story still goes on today. It covers a range of issues from federal regulations on adult care home licensing to wrongfully withholding property from a former patient. I am merely glad that I could do something to improve one chapter in this man's story, and help make the next chapter a little bit better than the last.



Thank you Summer 2008 Law Clerks!!!



Legal Aid of NC-Winston-Salem Office
102 West Third Street, Suite 460
Winston-Salem, NC 27101