



LOCAL ADVISORY COUNCIL LANC-Winston-Salem Office

Wanda Allen-Abraha

City of Winston-Salem
Winston-Salem

Jemia Blakely

Winston-Salem

Professor Luellen Curry

Winston-Salem

V. Tate Davis, Esq.

Elkin

Vernal Gaston

Winston-Salem

Latasha Gillis

Winston-Salem

Celeste Harris, Esq.

Winston-Salem

Hada Haulsee, Esq.

Womble, Carlyle, Sandridge & Rice, PLLC
Winston-Salem

Sandra Hoyle

Pilot Mountain

Barbara Kennedy-Knotts

King

Shirley Marsh

Statesville

Franklin Mock, Esq.

Mooresville

Kristen Scott-Nardone

Bell, Davis & Pitt, P.A.
Winston-Salem

Gary C. Wadell

City of Winston-Salem
Human Relations Department
Winston-Salem

The Honorable William Z. Wood, Jr.

Superior Court
Winston-Salem

Gloria Woods, Esq.

Assistant County Attorney
Winston-Salem

LANC-Winston-Salem Office
Liberty Plaza

102 West Third Street, Suite 305,
Winston-Salem, NC 27101
336-725-9162

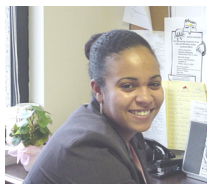
Senior Managing Attorney:
Hazel Mack-Hilliard, Esq.



New attorneys at LANC-Winston-Salem

The Winston-Salem Office of Legal Aid of North Carolina has four new attorneys who have joined its HEEC (Housing, Education, Employment, Consumer) Unit in 2005:

♦ **Marcella Farmer (staff attorney)** joined LANC in April 2005. Farmer was born and raised in Winston-Salem. She is a 2004 graduate of the Tulane University School of Law and passed the NC Bar Exam in summer 2004.



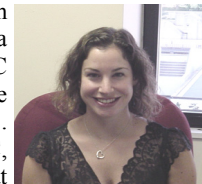
♦ **Carrie Sanford (staff attorney)** joined LANC in September 2005. Sanford is from California. She is a 2005 graduate of the DePaul University College of Law and passed the NC Bar Exam this past summer. Prior to law school, Sanford worked at the Dallas Volunteer Attorney Program (TX) and Manhattan office (NJ) of the Muscular Dystrophy Association.



♦ **Jamiah Waterman (staff attorney)** joined LANC in October 2004. Waterman was born and raised in Greensboro, NC. He is a 2004 graduate of the Duke University Law School and passed the NC Bar Exam in summer 2004.



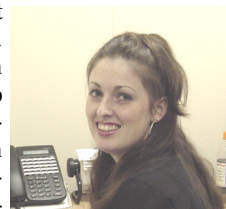
♦ **Alicia Edwards (staff attorney)** joined LANC in April 2005. Edwards is from northern New Jersey. She is a 2003 graduate of the UNC School of Law and passed the NC Bar exam in May 2003. Before coming to LANC, Edwards was a prosecutor at the Guilford County District Attorney's Office.



Meet our receptionist

LANC-Winston-Salem has a new support staff member, who acts as both a receptionist and screener for new clients:

♦ **Layla Burgette (receptionist/screener)** joined LANC in January 2005 as a temporary employee and became a permanent employee in April 2005. Burgette was born in Winston-Salem and grew up in Tobaccoville. She attended North Forsyth High School and UNC-Wilmington. Prior to joining LANC, Burgette had served as an administrative assistant for six years.



HEEC Unit Update

Housing, Education, Employment,
Consumer Unit

By Liza Baron



The "HEC" Unit of LANC-Winston-Salem has become the "HEEC" unit, as we have added Education cases (the extra "E") to the legal areas in which we provide assistance.

As of September 2005, we now assist students and their parents in their efforts to get a "personal education plan" (PEP) for students who have scored low on an end-of-grade or end-of-course test, or are otherwise at risk of academic failure. We encourage students and their parents to call us for help in this area.

On June 6, 2005, we filed a complaint against the owners and property managers of **Forest Ridge Apartments** in Winston-Salem on behalf of fourteen former tenants. The tenants are pursuing claims against the owners and managers for unfit conditions, withholding tenants' utility checks, wrongfully charging tenants for common area utility expenses, failure to make accommodations for a tenant's wheelchair, security deposit violations, and other violations. We held a press conference to announce the filing of the complaint, and were pleased to receive coverage from two newspapers, two television stations, and the local NPR radio station, WFDD. We will continue to work hard on this case as the litigation progresses.

See **HEEC Unit Update** (Continued on page 2)

Benefits Update

By Yvette Stackhouse

Benefits advocates continue to assist clients with receiving disability, Medicaid, Food Stamp and Work First benefits in all six of our service areas. Limited resources and staff prevent us from accepting many Medicaid disability cases. However, we offer a Medicaid clinic at our office on the second and third Mondays of each month. Sometimes the schedule changes and it is recommended that those persons interested in the Medicaid disability clinic call the office before coming.



The clinic offers information on how to represent yourself at a Medicaid disability hearing. It is for anyone who is appealing a Medicaid decision that states your disability is not severe enough to receive benefits. We advise clinic participants on what the disability standard is, what information you need to provide to support your claim and what information you need to take to the hearing.



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**.

LANC BOARD OF DIRECTORS

Reid C. "Cal" Adams, Esq., Chair
 Womble, Carlyle, Sandridge & Rice, PLLC,
 Winston-Salem



Glenn A. Barfield, Esq., Vice-Chair
 Barnes, Braswell & Halthcock, PA, Goldsboro

Leto Copeley, Esq., Treasurer
 Patterson, Harkavy & Lawrence, LLP, Raleigh

Mary Flowers, Secretary
 Client Representative, High Point

Leo L. Allison
 Representative of General Public, Efland

Burton Craige, Esq.
 Patterson, Harkavy & Lawrence, LLP, Raleigh

David D. Daggett, Esq.
 Lewis & Daggett, Winston-Salem

Sarah Davis
 Client Representative, Apex

Willie Dawson, Esq.
 Attorney at Law, New Bern

Richard E. Fay, Esq.
 Hamilton, Gaskins, Fay & Moon, PLLC, Charlotte

L. Lynnette Fuller-Andrews, Esq.
 Sara Lee Corporation, Winston-Salem

Olga Rosa Gomez
 Client Representative, Rocky Mount

Hada V. Haulsee, Esq.
 Womble, Carlyle, Sandridge & Rice, PLLC, Winston-Salem

Nellie Kearney
 Client Representative, Henderson

Scott B. Lewis, Esq.
 Attorney at Law, Lexington

James B. Maxwell, Esq.
 Maxwell, Freeman & Bowman, PA, Durham

Pender R. McElroy, Esq.
 James McElroy & Diehl, PA, Charlotte

Pearl Nealey
 Client Representative, Spindale

Raymond E. Owens, Jr., Esq.
 Kennedy, Covington, Lobbell & Hickman, LLP, Charlotte

Frank G. Queen, Esq.
 Brown, Ward & Hayes, Waynesville

Robert E. Riddle, Esq.
 Solo Practitioner, Asheville, NC

Rhonda Shepherd
 Client Representative, Millers Creek

D. Clark Smith, Jr., Esq.
 Brinkley Walser, PLLP, Lexington

Sakeeta Tamega Spivey
 Client Representative, Bladenboro

John H. Vernon, III, Esq.
 Vernon, Vernon, Wooten, Brown, Andrews & Garrett, Burlington

Charles R. Ward
 Client Representative, Lake Waccamaw

Willis E. Williams
 Client Representative, Jamesville

From our Senior Managing Attorney...

Pushing Back

By Hazel Mack-Hilliard



There is a prevailing lack of will to systemically protect the neediest among us. It is like a mist that has settled in for a long stay.

The thinking is that if the same few, who already have the most, own most of the resources and also benefit the most from government spending that those who do not have will somehow benefit. There is an every man for himself and may God bless us all mentality.

If that is the case, low-income people, the people Legal Aid serves, have very few choices – sit down and take it OR come together in groups that advocate for them and fight back.

Legal Aid of North Carolina in Winston-Salem (LANC-Winston-Salem) is helping to push back by first becoming the best advocates we can be for our clients. However, given the prevailing lack of interest by those who control the purse strings, we do not have the resources to represent almost 80,000 eligible clients in our service area of Forsyth, Stokes, Surry, Davie, Iredell and Yadkin.

Our way of "pushing back" is to empower more low-income people to advocate for themselves.

What if just a quarter of the **80,000 eligible citizens** were educated about their rights and willing to help others do the same. Thus, **LANC-Winston-Salem, located at Liberty Plaza**, is dedicating part of its resources to giving that power to our clients.

We have started with the following **programs aimed at educating our clients**, since we do not have and will not have the resources in the foreseeable future, about the courts and administrative processes and their rights. Hopefully this will help them help themselves:

- (1) **Landlord Tenant Clinic;**
- (2.) **Medicaid Clinic;** and

(3.) **Classes for parents to advocate in the school system for their children** (to begin soon).

Come and help us whether or not you are eligible for our services. We invite the community to join us in our effort to educate people about their rights.

Every day people must take up the mantle for themselves. We cannot depend on the more educated, the more learned, the wealthy, those better positioned, not even the religious, to look out for us.

You must get up and join with those who have demonstrated through practice (be they educated, learned, wealthy, well positioned or religious), not self-righteous talk, that they care about those in need; then and only then can we push back. Come join us. Call and ask how you can help with this effort

"Our way of "pushing back" is to empower more low-income people to advocate for themselves...."

- Hazel Mack-Hilliard



Hazel Mack-Hilliard (center), Senior Managing Attorney of Legal Aid of NC's Winston-Salem office, received the **NC Bar Association's 2005 Outstanding Legal Services Attorney Award** at the NCBA President's Luncheon in June. The Award was presented by NCBA President G. Gray Wilson (r) and NCBA Pro Bono Committee Chair David D. Daggett (l), both of whom are with law firms in Winston-Salem.

HEEC Unit Update (Continued from page 1)

Otherwise, we have been keeping busy with many **wrongful eviction cases** where landlords have illegally padlocked their tenants out of their homes, **car repossession cases**, **unemployment compensation hearings**, preparation to assist **victims of Hurricane Katrina** who may be displaced into our service area, other various **landlord-tenant**

disputes, and our weekly **landlord-tenant clinic**.

The HEEC unit consists of Liza Baron, managing attorney; Alicia Edwards, Marcella Farmer, Michele Geathers, Carrie Sanford, Jamiah Waterman, staff attorneys; Tiffany Lynch and Barbara Valenzuela, paralegals.

The Law and You...

If your child did poorly on an End-Of-Grade test...

By Lewis Pitts

The **End-of-Grade (EOG)** or End-of-Course tests that public school children in North Carolina must take near the end of a school year can cause lots of stress and anxiety, both for children and parents. If your child scores a III or a IV, s/he is said to be performing at grade level or is "proficient." However, a score of I or II means your child is at risk of academic failure and may not be promoted to the next grade level.

Any child that scores a I or a II is entitled by North Carolina law to get special tutoring and help designed to help that particular child learn. Additionally, such children may also be at risk of suspension or expulsion because many schools use a "zero tolerance" policy as a way of removing low-scoring children from school. Therefore, it is in the best of interest of your child to jump right on the problem of low test scores and get help.

Any parent of a child scoring less than a III on the Tests should write the Principal and ask for a Personal Education Plan (PEP) especially made for her child. That's right, the PEP is not supposed to be a "one size fits all" tutoring class in the gym. These "interventions" are free and your child has a state constitutional right to them.

Here is exactly what the law states: *"This intervention shall involve extended instructional opportunities that are different and supplemental and that are specifically designed to improve these student's performance to grade level proficiency. Students who do not meet promotion standards shall have personalized education plans with the following components: diagnostic evaluation, intervention strategies, and monitoring strategies. Strategies may include, but are not limited to, alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school instruction, or retention."*

The law also promises that the school will provide free transportation to these activities if you need it. Moreover, your child does NOT have to be diagnosed with a disability to get a PEP.

Here are some tips to help you get a PEP:

1. Know that your child is constitutionally entitled to a PEP, and the law is the law. Your child is entitled to have his/her PEP be meaningful and followed, and the parent is entitled to be included in the process of

developing and implementing the PEP. However, remember that schools are very under-funded and may resist giving you what is promised in the law. Therefore, be involved, be cooperative and easy going; but know your rights as stated here and insist on them.

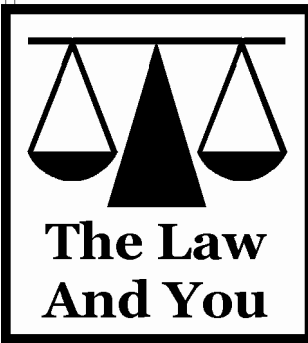
2. Make your request for the PEP in writing, not just by telephone. Keep a copy of every thing. Keep notes of each conversation you have with anybody from the school. Of course, it's best to avoid confrontational situations by being as polite and cooperative as possible. But you can do that AND be careful to make a record and insist on your child's right to a sound basic education.


3. Know that NC law section 115C-105.41 promises the PEP. If someone from the school wants to know what law gives your child these rights, tell them the NC constitution promises an equal opportunity for sound basic education for every child and that NC law section 115C-105.41 promises the PEP. If need be, you could go on-line or to the public library and ask the librarian to look up this law for you. It is only one page and very clear. This law is not part of the Special Education law. Your child may be entitled to Special Education services and the plan under that system which is called and Individual Education Plan or IEP. But that is different than a PEP, which does not require a finding that your child is "disabled."

4. Ask for a copy of the written PEP that is developed for your child. Also, at the beginning of the school year, ask for a meeting with your child's teachers to discuss the PEP. Make this request in writing, too. You know your child better than anyone. Your advice and input is very important.

If you are having problems getting a meaningful PEP and you have tried meeting with the school and/or a school board member without success, call your local Legal Aid of NC office. They may be able to help or may refer you to Advocates for Children's Services of Legal Aid of NC based in Durham, NC, 919-226-0052.

[Lewis Pitts is an attorney with Legal Aid of North Carolina and serves on the Legal Services Education Law Task Force. "The Law and You" is a regular publication of Legal Aid of NC, a nonprofit, statewide law firm that provides free civil legal assistance to poor and low-income residents of North Carolina.]



2005 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	\$ 11,963
2	\$ 16,038
3	\$ 20,113
4	\$ 24,118
5	\$ 28,363
6	\$ 32,338
7	\$ 36,413
8	\$ 40,488

* [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 (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.





Legal Aid NC—Winston-Salem Office

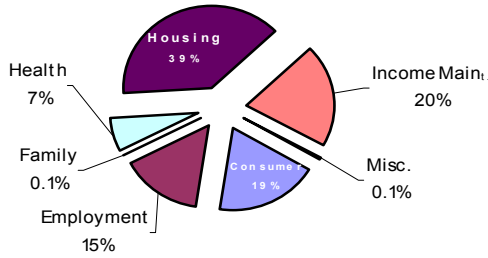
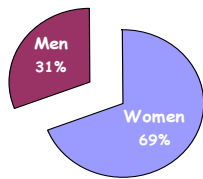
("Legal Aid at Liberty Plaza")

provides free legal services in civil matters to low-income people located primarily in the six counties surrounding Winston-Salem, including: Davie, Forsyth, Iredell, Stokes and Yadkin Counties.
Visit our [webpage](http://www.legalaidnc.org) at:

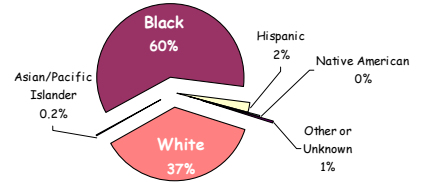
www.legalaidnc.org/programs/offices/WinstonSalem.htm

Types of Cases - 2005

Gender of Clients - 2005



Ethnicity of Clients - 2005



* 650 Cases closed January-October 2005

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



Legal Aid of NC-Winston-Salem Office
102 West Third Street, Suite 305
Winston-Salem, NC 27101

Address Service Requested