

# TIME FOR JUSTICE

**NH CAMPAIGN**  
FOR LEGAL SERVICES

Equal Access to Justice for All

2018 ANNUAL REPORT





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*Even the dictionary* is catching on to the importance of access to legal aid.

“Justice” was the 2018 word of the year from Merriam-Webster, having surged in online searches.

The concept of justice was at the center of many of our national debates in the past year: racial justice, social justice, criminal justice, economic justice. In any conversation about these topics, the question of what exactly we mean when we use the term justice is relevant, and part of the discussion.

For us at the NH Campaign for Legal Services, “justice” means many things.

It means a 93-year-old World War II veteran should have an advocate to stand up for him and his family when an assisted living facility pursues illegal collections actions against him.

Justice means helping a young family of six stand up for their rights and avoid homelessness.

And justice means paying due respect to a tradition of collaboration and cooperation that has protected countless survivors of domestic violence at their most vulnerable moments, when they decide to leave an abuser and start a new life.

As they do every year, the dedicated staff at New Hampshire Legal Assistance and the Legal Advice & Referral

Center spent 2018 providing justice to these people and thousands more. Without civil legal aid, our clients faced daunting barriers to securing safety, shelter and economic stability for their families.

And as we do every year, the Campaign was there to support these vital community programs with a record-setting \$370,000 in support.

In this report, we highlight just a few examples of how legal aid upholds our shared interest in justice: the right to safety, the right to live with dignity, and the power of information.

But despite these great achievements and tremendous success stories, a significant gap persists between the American value of equal access to justice for all, and the reality of our legal system. Far too often, people are left to navigate civil legal problems without help, because our programs simply can’t meet the need for services. When we don’t provide people the legal aid they need to help them protect their rights, we’re holding back our entire community.

You know that as well as I do, and that’s why you give to the Campaign for Legal Services. Thank you for being part of our generous, engaged and supportive community.

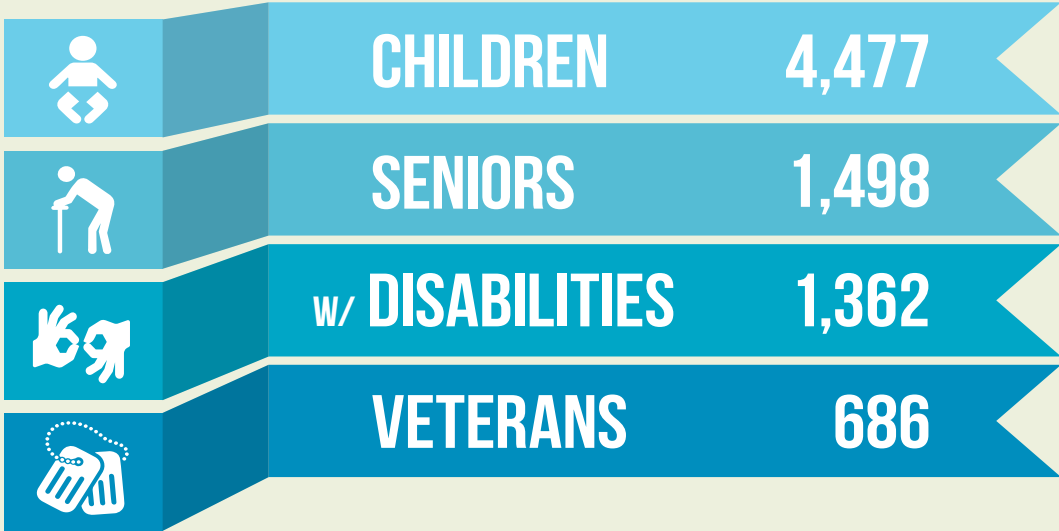
Erica Bodwell  
Campaign Leadership Council Chair



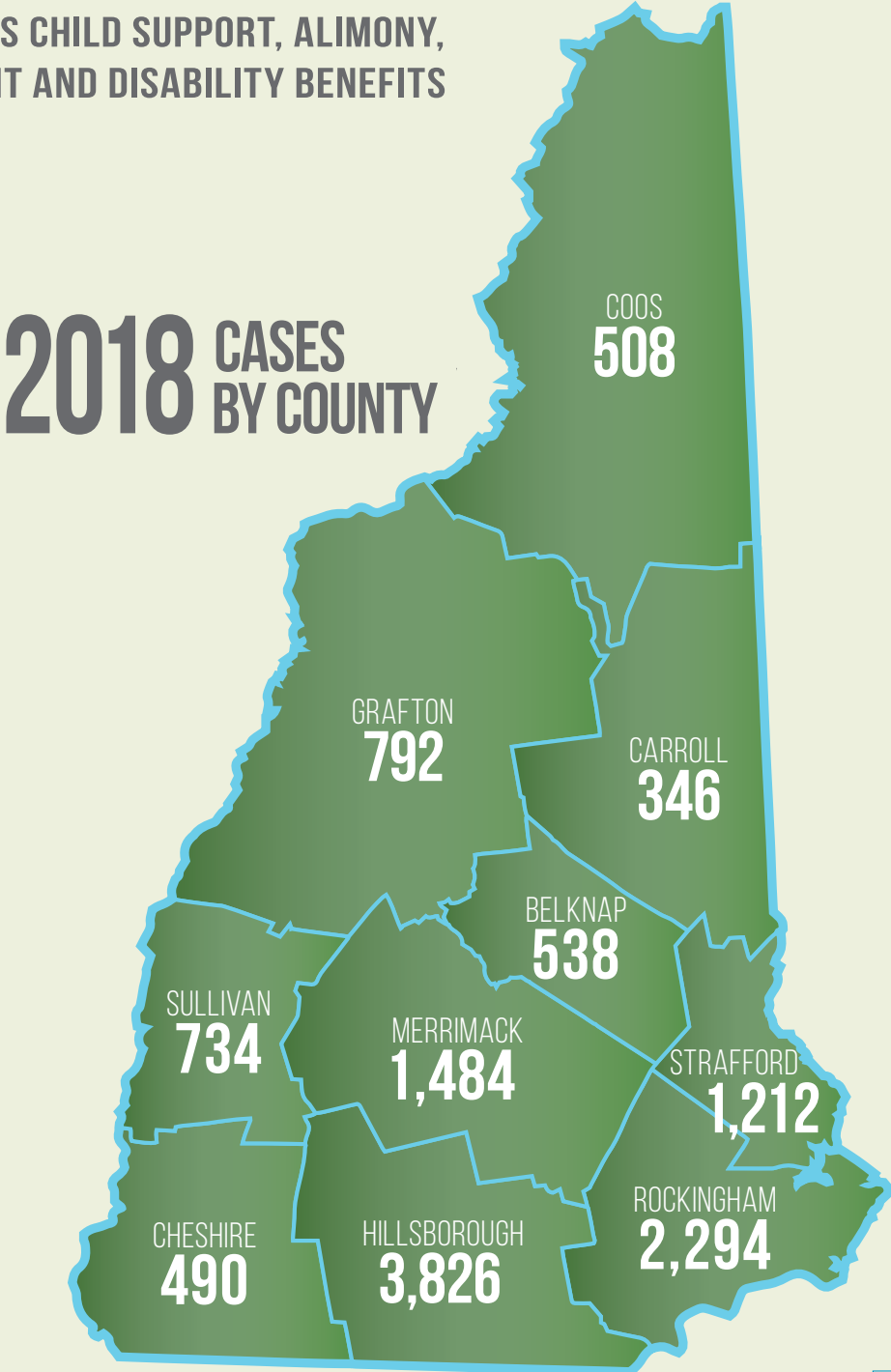
“Without civil legal aid, our clients faced daunting barriers...”



OVERVIEW: LEGAL AID IN NEW HAMPSHIRE



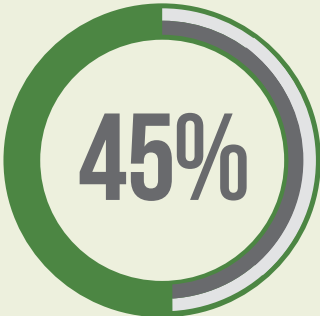
DIRECT IMPACT  
FOR 2018 CLIENTS:  
**\$3.1 MILLION**  
\*THIS INCLUDES CHILD SUPPORT, ALIMONY,  
UNEMPLOYMENT AND DISABILITY BENEFITS



PROTECTING VICTIMS  
AND THEIR FAMILIES



PRESERVING INCOME  
AND SELF-SUFFICIENCY



PREVENTING  
HOMELESSNESS



# DOMESTIC VIOLENCE ADVOCACY PROJECT ANNIVERSARY

*Just over 20 years ago*, New Hampshire received new federal funding to support survivors of domestic violence when they need it most: when they are trying to break away from an abuser and start a new life.

This funding created the Domestic Violence Advocacy Project (DVAP), a new partnership between NHLA, LARC, the Pro Bono Program of the NH Bar Association, and the New Hampshire Coalition Against Domestic and Sexual Violence. The collaborative has since served and helped protect tens of thousands of survivors and their children.

“The intention,” says John Tobin, former executive director of NHLA, “was to handle the most difficult kinds of domestic violence cases: those clients who had been really traumatized, where the opposing parties were really dangerous – and had the ability to hire attorneys, and their victims didn’t.”

Grace Mattern, former executive director at the Coalition, remembers receiving phone calls from survivors who had lost custody of their children.

“I would listen to them and think, ‘you know, if I was a judge, I’m not sure if I would give this woman custody of her child,’” Mattern remembers, “because she would be so distraught from what the abuser had done to her, and what the system had done to her. It was really clear to me that the system needed to change because there wasn’t any sense the system was what we would call today ‘trauma-informed,’ about how the abuse was still affecting the victim.”

In the 20 years since DVAP started, “our court system has become more accommodating for unrepresented and pro se litigants,” says LARC Executive Director Breckie Hayes-Snow. “But it still can’t really address the particular challenge facing somebody whose life is in shambles and who appears to be hysterical. They are still not going to present well, not without somebody there to be a buffer between their circumstances and the requirements of the justice system.”

In addition to representing and advising individual clients, what DVAP did – and still does – is bring stakeholders from many corners of the state and diverse

agencies together to discuss what issues survivors are facing and how the system can better protect them.

“That broader conversation allows all of us who participate to view this work in a more systemic way,” Hayes-Snow said. “We’re able to look at what victims need from the police prosecutors, from law enforcement, from the crisis centers and visitation centers, and how all of those pieces can try to create some kind of working system to serve the clients.”

“And, over the years, NHLA, LARC and the volunteer attorneys from Pro Bono have helped judges to understand the issue better, to see more clearly the unique dynamics of domestic violence cases, so I think there has been tremendous systemic improvement, as well,” Tobin added.

Erin Jasina, NHLA’s DVAP director, has seen the project grow over the years, including a significant recent investment due to increased funding for victims starting in 2016.

With that funding, NHLA was able to hire additional staff to support the work on behalf of survivors of domestic violence, sexual assault, stalking, elder abuse and human trafficking, including in the rural western and northern parts of the state.

“The good news is that with an increase in community education and awareness victims are better connected to services like crisis centers,” Jasina said. “The bad news is that even once the centers identify them as someone who needs civil legal services, there is not always an attorney available to go with the victim to court.”

Each week the three programs turn away requests for help from victims in high lethality situations, meaning there is an extreme risk of harm or death to that individual by their intimate partner.

“We have come so far in 20 years. Everyone is at the table with a commitment to provide holistic and trauma-informed representation to victims and survivors,” said Jasina. “Our goal for the next twenty years is to close the gap between the need and the services available. No one should have to do this alone.”



Lyn Schollett, current executive director of the NH Coalition Against Domestic And Sexual Violence; Sarah Mattson Dustin, current executive director of NH Legal Assistance, and Connie Boyles Lane, executive director at the Legal Advice and Referral Center in 1999, when DVAP was launched.



Ginny Martin, associate executive director for legal services at the NH Bar Association; Pam Dodge, Domestic Violence Project coordinator at NH Pro Bono; Angelika Wilkerson, assistant coordinator for domestic violence projects at the NH Bar Association; Erin Jasina, DVAP director at NH Legal Assistance.



John Tobin and Grace Mattern, executive directors at NH Legal Assistance and the Coalition Against Domestic Violence, respectively, when DVAP was created, with Breckie Hayes Snow, who was the family law attorney at LARC at the time, and is now LARC’s executive director.





*Children learn from what they see,”*  
Cindy says.

She was the oldest child in a home in the mid-west where she saw her father abuse her mother.

“The Navy was my way out. As a SeaBee, I was capable, and competent. I was a valued member of my team. But in my personal life, all I knew as ‘normal’ is what I had seen at home. That was all I felt I deserved.”

Her daughter’s father was verbally abusive and controlling, and one day, he called Cindy while she was on deployment and said he wanted a divorce.

A few years later, she began another relationship and had a son. Her son’s father had a drinking problem, and a drug problem, and an anger problem.

“He would get mad at me for taking too long at the grocery store. He would get mad at me if I bought the kids anything nice. I had to hide anything I ever bought them, even though I always used my money that I earned. When he got mad, he would punch holes in the walls, and threaten me. One night, he fell asleep holding his hand on my neck as if at any moment he could start to choke me.

“I went to work every day absolutely miserable, trying all day not to cry.”

It was when Cindy realized that her daughter was being affected by the abuse that Cindy decided she had to leave.

“He began treating her like he treated me and she was old enough to absorb these lessons like I had.”

At her local crisis center, Cindy connected with legal aid. And with the help of NHLA attorney Stephanie Bray, she successfully filed for a protective order and custody agreement.

Cindy’s ex told the court he hadn’t had time to prepare and asked to delay their hearing when he realized she had legal aid. But her NHLA attorney had done the research and had the documents to prove that he had gone through protective order hearings before, so he should have known how serious the hearing was.

“I couldn’t have done it by myself. He told me every day how stupid I was. How worthless. So how could I stand up in court and say I deserved a better life? I’m so grateful I had my attorney to say it for me.”

“I’ll never be able to forget what I went through. Every day, something moves in a shadow and I am overcome with fear. But I know now how strong I can be.”

Today, Cindy is on her way to a college degree and hopes to work as an advocate for other survivors.

“Legal aid catapulted me to believing that this life was possible for me. Thank you so much.”

*“Legal aid catapulted me to believing that this life was possible for me.”*





# SECURITY

*Donna has been there for her grandson Nathan since the minute he was born.*

When his parents split up when he was a toddler, she became his rock, the steady presence always there to support him. She's the one who encouraged him to finish high school, and she's the one who took him in when he had trouble landing – and keeping – employment because of his multiple mental health difficulties, including depression, extreme anxiety and suicidal ideation.

After a panic attack left Nathan hospitalized for the third time in just a few years, Donna and Nathan's caseworker with the local mental health center knew they had to help him file for disability benefits.

"He appears fine," she said, "but his brain doesn't understand what he's being told, so he gets overwhelmed, and then he can't function."

Nathan's caseworker suggested Donna apply for help from New Hampshire Legal Assistance, she said: "He knew we would get denied by Social Security. That's how people say the routine is, they weed people out and hope you just go away. It becomes a fight to get what you know you should."

"I supported myself and my children all my life," she said. "I never thought about qualifying for any help. I wouldn't have thought of applying to any agency for anything. But when it comes to taking care of Nathan, I have to transfer the pressures onto me. I have to take care of it. Nobody else is going to do that. But

I didn't know how. So once I put it in legal aid's hands, I felt so good knowing they know how to do it right."

Knowing the intense stress of preparing for and attending an in-person hearing could trigger Nathan's illness, NHLA Benefits Project co-director Megan Dillon filed for an appeal "on the record," not live testimony – a request that isn't often granted. The administrative law judge granted the appeal, and now Nathan has income to help cover his share of the household costs.

"He was having another nervous breakdown over the whole hearing process, and I've never been to a hearing, and don't know what they consist of, so I couldn't even help him," Donna said. "When she called and told us we don't even have to go to the hearing, I was flabbergasted. I said, this woman is just a miracle-maker."

"I felt like, here's two people – just me and Nathan – going up against the whole U.S. Government. I felt like it was a huge tidal wave coming up on us, and it was going to just pounce on us. Now, I feel as though he has a safety net if I'm not here. I've done what I can. It was a great weight lifted off my shoulders."

"There are times in life when someone is facing a situation causing them to feel defeated and defenseless. Everyone at NHLA treated us with care and respect. I just don't know what we would have done or where we would have turned had NHLA not been there."

*“Once I put it in legal aid's hands, I felt so good knowing they are going to do what's right.”*





# DIGNITY

*Rudolf, a 93-year-old veteran of World War II*, still owns and lives in the Manchester home where he raised his family. He needs some help with the maintenance and with managing his health, but his daughter Linda is committed to making it work.

“There was this one day, he looked at me and he said, ‘Linda, I don’t have that much time left; I want to live it at home. I want to live it in my home.’ I would do whatever needs to be done so he can stay in that home,” she said.

But when Rudolf was facing surgery last year, Linda knew his recovery would be more demanding than she could manage at home. They decided he should recover for a few months at a residential rehabilitation facility.

During his stay, Rudolf was diagnosed with dementia and could no longer make legal decisions. Fortunately, he had proactively given Linda power of attorney, knowing this day might come.

A few months after he was discharged, however, Linda started receiving unexpected bills from the facility.

“He was so confused, he was so nervous, he lost sleep. All he saw was \$21,000 – he had circled it. It broke my heart to see him so worried and upset,” Linda said.

When Linda called the facility, she was told Rudolf owed \$22,250 for two months of care after his Medicare coverage ended.

“I was panic-stricken. All these questions were running through my head: Why wasn’t I made aware of this? And what’s going to

happen now? What can we do?”

Linda dug into the paperwork: The facility had her father sign documents authorizing the facility to bill him personally for his care after reaching the limits of his Medicare coverage.

“If he thought it would have cost \$354 – a day – out of pocket? He would have gone home that moment,” Linda said. “I just knew this wasn’t right, and it sounded like a legal issue. I went online, and I called different agencies and explained everything over and over again, and someone referred me to the ombudsman, where I explained the situation again, and they referred me to legal aid.”

NHLA paralegal Candace Gebhart advised Linda on how to handle the collections phone calls and mail she would begin receiving. Eventually a sheriff’s deputy went to Rudolf’s house to hand deliver him the paperwork for a lawsuit.

NHLA attorney Cheryl Steinberg responded to the lawsuit arguing that the facility should never have had Rudolf sign the paperwork after activating Linda’s power of attorney.

Just days before the scheduled hearing, the facility agreed to withdraw the lawsuit.

“It scares me knowing there are elderly citizens out there who don’t have someone like me watching out for them, and even then, I could only do so much,” Linda said. “I knew something smelled funny and I found help. But the expertise it takes to respond to something like this is beyond what I could do, beyond what any regular lay person knows how to do.”

“*I was panic-stricken... and what’s going to happen now? What can we do?*”





# EDUCATION & EMPOWERMENT

*Colleen called LARC on a cold January day,* desperate for information on homeless shelters. She and her husband — and their very young children — were just a week away from an eviction hearing they were certain they would lose.

They had fallen behind in rent for the second time in a year, and her property manager said that meant they had to leave their apartment.

It all started when her husband lost hours at work, and they fell behind on the rent. The property manager worked with them, and they clawed their way back to a zero balance within a few months. But when her husband lost hours again over the summer and fall, they again fell behind on rent, and received an eviction notice in November.

For two months, they pinched pennies and paid down their debt and reached a zero balance again, but by then, the timeline on the eviction notice had expired.

A sheriff came to their door the day after Christmas and handed the family the summons to eviction court, where they would have to face the property manager's attorney from Boston. Sobbing, Colleen told LARC there was no way she could afford the legal fees the property manager added to the notice.

Steve McGilvary, LARC's housing paralegal, saw a way forward: The rental contract did make Colleen responsible for legitimate and reasonable legal fees, but the process for an eviction that includes legal fees is slower than the one the property manager had pursued.

Steve drafted a written motion to dismiss and

coached Colleen on how to negotiate before the hearing if approached by the property manager's attorney. Most importantly, he emphasized the strength of the motion and encouraged her not to lose heart if the attorney mocked it.

Just filing the motion that day changed Colleen's entire attitude: "I didn't feel helpless anymore. I understood what was going on, and I was fighting back. I felt confident, and capable," she said.

In the courthouse hall the morning of the hearing, she and her husband handed the Boston attorney their motion to dismiss and asked if he'd like to negotiate. The attorney looked briefly at the motion and announced it had no merit.

"I told him I was sure the judge would see things our way, and we were willing to talk. Then we could hear him on the phone with the property manager, asking for permission to make a deal, because otherwise, they were going to lose."

Within a few minutes, they struck a deal to dismiss the eviction if the family paid off the legal fees over the next three months.

"We were so happy with the agreement. But most of all, I'm so proud of the way we handled the situation. We knew our rights, and we stood up for ourselves."

"When I called, that first day, all I wanted was to get my kids into a shelter before it was too late. Legal aid gave us way more than that. We would have lost everything if LARC hadn't been there for us."

*“I didn't feel helpless anymore. I understood what was going on, and I was fighting back.”*





*Tommy was misunderstood.*  
He was always looking for acceptance, for approval.

Alyssa's oldest son had always struggled in school as his emotional age was several years younger than his real age.

"The real problem was, the school wasn't meeting his education needs. I brought it up over and over, and they knew he didn't understand the work, but they kept passing him along," she said.

Between meetings at the school and appointments with doctors and specialists, Alyssa had to scale back on her hours at work. So when she realized she needed a legal advocate to help her, she turned to legal aid: "There's no way I could have fought the district on my own, and there's no way I could afford an attorney on top of all the other bills. Having that support, having experts on our side when the other side is so intimidating, it meant the world to me."

Due to his difficulties at school, Tommy was placed in court-ordered treatment at a residential facility. NHLA's Youth Law Project worked with Alyssa to line up all the appropriate services he would need to come home.

Tragically, before he could come home, Tommy died by suicide.

"It was a parent's nightmare. It's the thing

no parent should ever have to think about, ever," Alyssa said.

"It was heart wrenching. Not only did I lose my son, but I lost my place in life. I started fighting for Tommy when he was three. Being his advocate, trying to get him the help and support he needed, that was my purpose," she said.

Youth Law Project Director Michelle Wangerin and paralegal Megan Dillon, who had advocated on Tommy's case for almost two years, knew another heartache was waiting for Alyssa: State law required the Division of Children, Youth and Families to bill parents for the costs of juvenile detention, with no exemption or debt forgiveness if their child dies while in the placement.

Due to Michelle and Megan's advocacy, Alyssa never saw a bill. Then, they worked with allies in the New Hampshire State House to amend the law, so no parent who loses a child in such tragic circumstances will have to worry about such a bill again.

The day she found out about the new law? "That might have been the first time I smiled since," Alyssa said. "Tommy was gone. He wasn't their client anymore, they didn't have to keep fighting for him. But they did," Alyssa said. "They just really cared, and they didn't want any parents to go through this ever again."

*“He wasn't their client anymore, they didn't have to keep fighting for him, but they did...”*



# OUR SUPPORTERS

*Every year*, a growing community of generous law firms, businesses, private foundations and attorneys show their support for civil legal aid in New Hampshire. We are tremendously grateful for their financial support and participation.

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# Thank you!



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*In 2018, our supporters raised more than \$370,000* to support civil legal aid in New Hampshire – a record level of private donations for these critical programs.

In addition to the generous gifts of our annual donors, we received support from individuals and sponsors at a variety of exciting events, including our 2018 Kickoff Breakfast, a dinner honoring Jack Sanders' well-deserved retirement, and our first-ever Legal Aid Softball Classic on the field at Northeast Delta Dental Stadium in Manchester.



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Our Pacesetter Firms generously contribute \$500 per NH attorney

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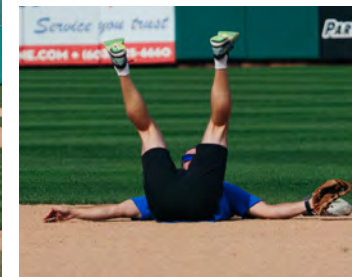
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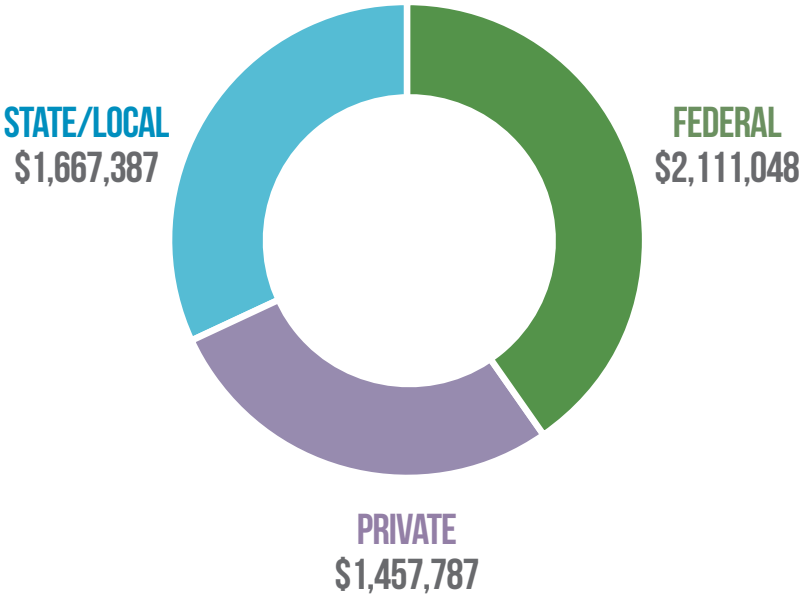
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Our mission is to fulfill America’s promise of equal justice by providing civil legal services to New Hampshire’s poor, including education and empowerment, advice, representation and advocacy for systemic change.

Our vision is that the low-income people of New Hampshire will have their voices heard in the courtrooms and other legal and policy-making arenas of our state when their shelter, health care, subsistence income, education, custody of their children, safety from abuse or other basic needs are at stake.



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