

 LEGAL AID  
JUSTICE CENTER

**2012**  
ANNUAL REPORT

TOTAL AWARDS, SETTLEMENTS,  
RECOVERIES, AND FEE AVOIDANCE

NO. OF PUBLIC HOUSING TENANTS  
OVERCHARGED FOR UTILITIES:

**500**

PETERSBURG TENANTS TO RECEIVE \$227,432

**BENEFITS IN 2012**

**\$4.28 MILLION**

MORE THAN

**\$200,000**

IN TECHNOLOGY UPGRADES

**\$11.8M**

LARGEST JUDGMENT  
EVER AWARDED TO FOREIGN  
GUESTWORKERS IN THE U.S.

**500,000** LOW-INCOME  
STUDENTS  
ARE NOW ABLE TO PARTICIPATE  
IN AFTER SCHOOL ACTIVITIES

**40°** FAHRENHEIT  
NEW COLD WEATHER  
THRESHOLD FOR  
RICHMOND HOMELESS SHELTERS

**8,189** PEOPLE  
BENEFITTING  
FROM 2,668 CASES

JUSTICE4ALL



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# LETTER FROM THE EXECUTIVE DIRECTOR



## DEAR FRIENDS AND SUPPORTERS,

On the following pages, you will read some stories of the thousands of people we helped in 2012. I am happy to report that the past year was a particularly rewarding one for us and, more importantly, for our clients.

While the big victories deservedly make the headlines, our days are filled with activities that lead to positive outcomes for our clients and the communities we serve. Every day our attorneys and paralegals accept (and close) new individual cases. Our community organizers are always on the streets offering information, assistance and leadership to help ensure that people understand their rights and act in their own best interest. On a statewide level, we continually advocate on behalf of the clients we serve and the principles we share.

As always, you are part of the equation that results in our successes. Your support and the tireless efforts of our pro bono partners enable us to handle a high volume of cases, while advocacy campaigns and major lawsuits often last for months, if not years.

Your encouragement and support sustain us and enable us to be tenacious on behalf of our clients. For that investment—for caring enough to help us make a difference—we thank you.

A handwritten signature in black ink that reads "Alex R. Gulotta". The signature is written in a cursive, flowing style.

Alex R. Gulotta

# IMPACT LITIGATION

TO ENSURE THAT DISENFRANCHISED GROUPS RECEIVE FAIR TREATMENT, THE LEGAL AID JUSTICE CENTER OFTEN TAKES ON “IMPACT” CASES, LEADS CLASS-ACTION SUITS AND REPRESENTS THOSE VULNERABLE TO EXPLOITATION.

## \$63,500

Amount in attorneys’ fees awarded to the Legal Aid Justice Center in 2012. These fees help sustain our work on larger cases, some which we must pursue for years before reaching a judgment.

### OVERCHARGED FOR UTILITIES PETERSBURG TENANTS SETTLE, CHARLOTTESVILLE CASE PENDING

The Legal Aid Justice Center represented more than 500 public housing tenants in Petersburg in a claim that the Petersburg Redevelopment and Housing Authority (PRHA) failed to provide adequate utility allowances, as federal law requires. Under the settlement agreement, the tenants will receive more than \$227,000 in payments and waived charges for the illegal excess utility fees.

A similar case filed in Charlottesville against the Charlottesville Redevelopment and Housing Authority (CRHA) is still pending. The suit alleges that as many as 2,000 residents have been overcharged for utilities since 2003. Federal regulations limit the amount tenants can be charged for rent and utilities to 30 percent of their income. The suit alleges that over the years, the tenants have paid more than \$400,000 in improper excess utility fees. Negotiations for a settlement are under way, but no agreement has been reached.

### JUDGE DENIES MOTION TO DISMISS IN SCOTT V. CLARKE

In the summer of 2012, the Legal Aid Justice Center—with pro bono partners Wiley Rein LLP of Washington, D.C., and the Washington Lawyers Committee for Civil Rights and Urban Affairs—filed a class action lawsuit on behalf of five women incarcerated in the Fluvanna Correctional Center for Women. The lawsuit, titled *Scott v. Clarke*, challenges the Virginia Department of Corrections and the Armor Correctional Health Services, Inc., for failing to provide constitutionally adequate medical care. Deficiencies detailed in the suit include excessive delays in diagnosis and treatment, refusal by medical staff to carry out prescribed treatments, and failure to provide physical therapy for mobility impairments. The ruling against the defendants’ motion to dismiss includes the following language:

*Plaintiffs have adequately alleged the elements of viable claims under the Eighth Amendment, which requires that Plaintiffs allege “deliberate indifference” to a “sufficiently serious” deprivation of their rights ... Plaintiffs and similarly situated prisoners were suffering and would continue to suffer violations of their Eighth Amendment right to constitutionally adequate medical care.*

The hearing date for the case has been set for October 2013.

## \$11.8

## COMPLAINT FILED IN PRINCE WILLIAM COUNTY

In conjunction with pro bono partners Crowell & Moring LLP and the Law Offices of William B. Reichhardt & Associates, the Legal Aid Justice Center filed an administrative complaint alleging the overuse of restraint and seclusion on students with emotional disabilities at the PACE East program run by Prince William County Schools.

*One day last fall, a 13-year-old from Woodbridge threw his lunch and became disrespectful at PACE East, a school program in Prince William County for students with disabilities. School officials left the boy in a small, empty room as part of a process that kept him out of class for nearly three hours, attorneys for his family say. –Washington Post, Dec. 6, 2012*

The complaint alleges discrimination on the basis of emotional disability, citing 115 cases of restraint and 147 instances of seclusion between September 2011 and March 2012, which at times occurred even when there was no apparent threat to the safety of school staff or other students.



(L-R) Attorneys Brenda Castañeda, John Conover, and Carolyn Kalantari work to ensure that clients and their families receive equal access to justice.

# MILLION

At the time, the largest judgment ever awarded to foreign guestworkers in the U.S. Along with the Southern Poverty Law Center and attorney Brian Spears of Atlanta, we pursued this case for years to ensure that 4,000 unpaid migrant tree planters received justice.

# STATEWIDE AD

IN COLLABORATION WITH THE COURTS, LAW SCHOOLS, PRIVATE ATTORNEYS, LEGISLATORS, AND SOCIAL SERVICE AGENCIES WE SEEK TO IDENTIFY AND IMPLEMENT BROAD AND FAR-REACHING STRATEGIES THAT WILL IMPROVE THE LEGAL SYSTEM FOR EVERYONE.

## CAMPAIGN AGAINST CHEMICAL RESTRAINTS

Claire Curry, leader of the Elder Law Initiative, in conjunction with the Community Partnership for Improved Long-Term Care, has focused intensely on advocacy to reduce the use of antipsychotic and psychotropic drugs as chemical restraints in nursing homes. The campaign includes policy advocacy, consumer awareness and media outreach, nursing facility staff education efforts, and collaboration with advocates from across the country and within local medical communities to address elder abuse by the misuse and over-prescription of antipsychotic drugs.

The Partnership launched its campaign in full force during a national call-in press conference, which resulted in coverage by national news outlets, as well as a front-page story in *The Daily Progress* and a public radio feature on WVTF's *Radio IQ* with Sandy Hausman. With the national press picking up the story, family members concerned about the issue of chemical restraints in nursing homes now have a better chance of identifying the issue, asking questions, and seeking help when a loved one is improperly medicated.

Attorney Claire Curry fights for the rights of those receiving long-term care and helps educate their families and care providers.

## ENSURING EQUITABLE TREATMENT OF IMMIGRANTS

Our Immigrant Advocacy Program played a critical role in organizing opposition to a slew of anti-immigrant legislative proposals during Virginia's General Assembly session in 2012. In particular, we helped defeat bills that would have

- mandated the use of E-Verify in hiring statewide;
- banned admission of undocumented individuals to public colleges and universities; and
- required police to inquire into the immigration status of anyone they suspected of being unlawfully present in the U.S.

We also helped pass a bill to expand access to Medicaid for pregnant, lawfully present immigrant women during their first five years in the U.S. Most importantly, our multi-year argument in the General Assembly that immigration enforcement is the responsibility of the federal government and not the state government has received the strong endorsement of the U.S. Supreme Court in the case of *Arizona v. U.S.* We are proud of our role in making sure that Virginia has not instituted the anti-immigrant policies that other states throughout the South have voted into law.



# VOACACY



Community organizer Arnoldo Borja from our Falls Church office working with immigrant day laborers.

## 500,000

Number of children from low-income families able to participate fully in school activities, since our JustChildren program pushed for new regulations eliminating fees for required activities and requiring schools to waive fees for optional activities based on financial hardship.

## 88%

Virginia's high school graduation rate in 2012, a figure that rose dramatically after our JustChildren Program provided information to the Board of Education prompting them to adopt regulations tying graduation rates to accreditation for high schools.

### FIGHT FOR MORE HUMANE TREATMENT OF PRISONERS

Our efforts helped bring scrutiny to the use of solitary confinement in the nation's prisons, using Virginia's practices as an example. Specifically, our advocates were instrumental in calling attention to confinement practices at Red Onion State Prison in Wise County. On the heels of a story in the *Washington Post*, the U.S. Senate Judiciary Committee's subcommittee on the Constitution, Civil Rights and Human Rights held its first-ever hearings on confinement, during which we and some of our most ardent allies submitted testimony. Committee chair, U.S. Senator Dick Durbin plans to introduce legislation that would reform solitary confinement in federal institutions.

There have been signs of progress by the Virginia Department of Corrections, including the implementation of an incentive program for good behavior and a step-down program leading from isolation to general population. Additional changes include a more rigorous review process prior to placing inmates in solitary and a new mental illness classification which could be used to identify inmates for treatment instead of long-term isolation.

# DIRECT REPRESENTATION

UNLIKE IN CRIMINAL CASES, LOW-INCOME FAMILIES AND INDIVIDUALS INVOLVED IN CIVIL DISPUTES ARE NOT CONSTITUTIONALLY ENTITLED TO AN ATTORNEY. WE PROVIDE GENERAL COUNSEL, ADVICE, AND EXTENDED LEGAL REPRESENTATION TO INDIVIDUALS AND GROUPS AS WE SEEK TO MAKE THE PLAYING FIELD LEVEL FOR ALL.



On the day before Thanksgiving, attorneys Carolyn Kalantari and Tim Freilich helped Charlottesville workers recover more than \$15,000 in unpaid wages.

**\$4.28**  
**MILLION**

Total monetary benefits provided to clients last year. This total includes awards, settlements, recoveries, and fee avoidance, and is in addition to the \$11.8 million guestworker judgment described on page 3.

## DISABLED CLIENT RECEIVES ACCESS TO MUCH-NEEDED CARE

A severely disabled young woman in desperate need of an array of supportive health services, became our client as she was aging out of the skilled nursing care provided by Medicaid. We helped her receive one of a very limited number of intellectual disability waiver slots by advocating on her behalf with the Department of Medical Assistance Services and the local Community Services Board. Ultimately we were able to enlist the aid of not only our attorneys, but also a professor and a student from the University of Virginia School of Law and an attorney from the Virginia Poverty Law Center.

With our assistance, a local provider of home health care services agreed to provide skilled nursing care, despite the low Medicaid reimbursement for these services and the client's overwhelming needs. We also arranged for a whole-house generator to support her extensive medical equipment needs, and a residential program where her mother may be able to receive compensation for her daughter's care, since reliable help is so scarce.

# ENTATION

# 8,189

Number of people directly benefiting from the 2,668 cases the Legal Aid Justice Center closed last year.



Managing Attorney Sylvia Jones of our Petersburg office helps families access community services.

## IMMIGRANT CLIENT FREED FROM DOMESTIC ABUSE

We helped an Immigration Law Clinic client—a victim of domestic violence—qualify for her lawful permanent residence (LPR) status, which she received through a U-visa for cooperating with law enforcement in the prosecution of her abuser. When the client came to us, she was suffering both the physical and psychological trauma of abuse. She had no income, though she had young children. She also faced several procedural barriers to qualifying for LPR status. Because she had spent some time as a resident at a shelter where she was unable to receive mail, the Commonwealth Attorney’s files had recorded her as a “no show” at a past hearing relating to her abuser, even though she had testified at the main trial.

Six years earlier, our client’s abuser had coerced her to Texas as a teenager and then brought her to Virginia, separating her from her family and home community during the years of abuse. Obtaining her LPR status enabled our client to visit her family in Mexico after her lengthy separation from them. She now lives with a new partner and her three children, is fully employed, and is moving ahead with a happier chapter in her life.

## FIVE-YEAR BATTLE TO RECLAIM UNPAID WAGES PAYS OFF

In 2007, we won a judgment of more than \$175,000 in unpaid wages and liquidated damages for eight former employees of an Alexandria furniture store, as well as more than \$30,000 in attorneys’ fees. Both of the liable companies filed bankruptcy after our attorneys attempted to collect from them, but we pursued the individual owner, who was jointly and severally liable for the judgment, docketing the judgment in multiple jurisdictions.

After several years, the owner attempted to sell some property in a jurisdiction where we had docketed the judgment, and we were able to attempt to collect. In response, he filed for personal bankruptcy protection. We enlisted the pro bono help of bankruptcy attorneys from Hunton & Williams to file an adversary proceeding. In spring of 2012, the individual debtor settled the adversary proceeding with our clients, and the former employees, who had waited more than five years for any payment toward the judgment. One client said, “Thank you to all the people who took an interest in this rather complicated but ultimately victorious case ... may God bless always this group of lawyers and people who make this work possible.”

# COMMUNITY

OUR COMMUNITY ORGANIZERS WORK DIRECTLY WITH LOW-INCOME RESIDENTS THROUGHOUT VIRGINIA. THEY PROVIDE INFORMATION TO THOUSANDS OF PEOPLE BY CONDUCTING IN-DEPTH WORKSHOPS AND SHARING EDUCATIONAL MATERIALS, HELPING RESIDENTS BECOME BETTER ADVOCATES FOR THEMSELVES AND THEIR COMMUNITIES.

## SUPPORT FOR YOUNG IMMIGRANT POPULATION

Attorneys and organizers have been helping Virginia's young immigrants determine if they are eligible for work authorization and protection from deportation under the Obama administration's recently-announced policy of Deferred Action for Childhood Arrivals (DACA). We moved quickly to form a coalition of service providers to coordinate efforts, and produced a clear, concise presentation with basic information that has now been viewed online thousands of times. Additionally, we have partnered with schools and churches to hold information sessions directly with parents and students, as well as supporting the efforts of pro bono attorneys to assist individuals with the filing of their applications. We will continue to work with these students while also pushing for comprehensive immigration reform on the federal level and sensible policies on the state level that recognize the contributions of Virginia's immigrants.

# 2,454

Number of low-income immigrants in Northern Virginia attending employment, housing and consumer rights seminars presented by our Immigrant Advocacy Program.



Our Medical-Legal Partnership helps ensure appropriate medical care for people in need throughout Virginia.

## EXPANDING MEDICAL COVERAGE FOR FAMILIES

In conjunction with other statewide advocates, our Medical-Legal Partnership (MLP) advocates successfully pushed for Virginia to adopt the federal option to provide Medicaid and provide Family Access to Medical Insurance Security (FAMIS) coverage to low-income pregnant legal immigrants during their first five years in the United States. The new legislation went into effect in July 2012. Without this coverage, these mothers were severely limited in their ability to access prenatal care, creating unnecessary and costly health problems for their children. The change is expected to provide prenatal care to between 450 and 1,000 lawfully present pregnant immigrants in Virginia with income below 200 percent of the federal poverty guidelines, as well as labor and delivery coverage to women eligible for FAMIS-Moms. Medicaid-eligible immigrants already could receive labor and delivery coverage as a Medicaid emergency service.

# ORGANIZING

## 40° FAHRENHEIT

The new cold weather threshold (up from 35°) for Richmond to open the doors of its cold weather homeless shelter, thanks to the efforts of our Richmond staff and other area advocates.

### PRE-K SUMMIT IN PETERSBURG

In his State of the Union address, President Obama extolled the undeniable benefits of early education: students who attend preschool are less likely to be held back, need special education services, or drop out. They earn higher incomes, use public health and social services at lower rates, and are less likely to commit crimes. Last year, JustChildren researched the unmet needs of preschool children in the greater Petersburg area and discovered wide variations in preschool access caused by financial constraints and lack of classroom space. Meanwhile, other localities across the Commonwealth have been adding three-year-old programs, recognizing that it is never too early to lay a foundation for school success.

Last fall, we held a regional Pre-K Summit to educate Petersburg area parents, policymakers, and other stakeholders about the benefits of preschool and to encourage regional collaboration. State lawmakers, school board members, local government representatives, and school superintendents attended the event, which gave participants an opportunity to brainstorm ways to overcome barriers to preschool access in their communities. JustChildren continues to work with Smart Beginnings Hopewell Prince George and Smart Beginnings Crater to further expand upon the work begun at the summit.



For years, JustChildren has worked with education advocates across Virginia to champion preschool education for children in all communities statewide.

# ORGANIZATION

THE LEGAL AID JUSTICE CENTER DEVOTES SIGNIFICANT RESOURCES TOWARD EFFICIENTLY AND EFFECTIVELY SERVING OUR CLIENTS. THE DEDICATION OF OUR TALENTED ATTORNEYS AND STAFF AND OUR EFFORTS TO MAINTAIN FINANCIAL STABILITY WHILE CAPITALIZING ON THE LATEST TECHNOLOGY HELP SUSTAIN OUR ORGANIZATIONAL STRENGTH.

## VOLUNTEER ATTORNEYS AND LAW STUDENTS INCREASE CAPACITY

During our first full year of running two new pro bono service collaborations in Richmond and Charlottesville, we saw a 20 percent increase in the number of clients receiving extended pro bono assistance. Several pilot projects designed to offer legal services in areas of unmet need rely heavily on pro bono support—including Deferred Action for Childhood Arrivals, drivers' license restoration for individuals with criminal justice debt, and voting rights restoration for those with a felony record. Adding these new practice areas has enabled us to attract new attorneys to our pro bono panels. The JustChildren Program's pro bono collaboration with the University of Virginia School of Law and McGuireWoods expanded to include the Richmond law firm of LeClairRyan. JustChildren attorneys provided technical assistance to pro bono attorneys from these two firms in 13 education and juvenile justice cases. JustChildren also involved second- and third-year law students from UVA in juvenile justice cases—building students' skills in client interviewing, brief writing, fact finding, and hearing preparation. A supervised team of first-year students provided advice and referral information to more than 100 new callers to our intake line.



With offices in Charlottesville, Falls Church, Petersburg and Richmond, our staff seek equal just for all living in Virginia.

## \$200,000+ TECHNOLOGY GRANT FUNDERS-

**Cabell Foundation**, Bama Works Fund in CACF, Greater Richmond Bar Foundation, Perry Foundation, University of Virginia Law School Foundation, Morris & Gwendolyn Cafritz Foundation, Helix Systems, Weissberg Foundation, LD&B Insurance Agency, Ryan and Mindy Vaughan, Barbara Fried, Shenandoah Joe's, Kimberly Emery, and other individual donors.

# AL STRENGTH

## JUSTICESERVER FUNDERS

Capital One, Greater Richmond Bar Foundation, the Virginia Bar Association, and ongoing support from Dominion Resources. Law firms supporting the effort: Hunton & Williams, LeClairRyan, McGuireWoods, Sands Anderson, Spotts Fain, Thompson McMullan, Troutman Sanders, Williams Mullen, Hirschler Fleischer, and Goodman Allen & Filetti.

### TECHNOLOGICAL UPGRADES UNDER WAY

The Cabell Foundation in Richmond led the way for a series of technological upgrades with their challenge grant of \$64,000. An additional \$30,000 from the Bama Works Fund and \$22,000 from Charlottesville's Perry Foundation launched a series of technological improvements that will continue into the summer of 2013. Grants from additional foundations, other organizations and individuals ultimately yielded a total of more than \$200,000 for the upgrades.

New cloud-based advocacy and donor engagement platforms will enable us to connect with people eager to take action on important legislative and policy issues. The technology will also help us to communicate more effectively with our supporters and increase our administrative efficiency.

The new financial software program will streamline our annual auditing process, while interfacing more readily with the advocacy and donor platforms. A new voice over internet protocol (VOIP) phone system will help us communicate among our four offices more cost-effectively and stay in closer contact with our clients, pro bono attorneys, volunteers, students and supporters from around Virginia.

### JUSTICESERVER

In conjunction with Capital One, the Greater Richmond Bar Foundation, and Central Virginia Legal Aid Society, we continued implementation of our own case management system, JusticeServer. Attorneys, staff and leadership spent significant time helping to develop JusticeServer, a new system that significantly expands the delivery of legal services to the poor in Virginia.

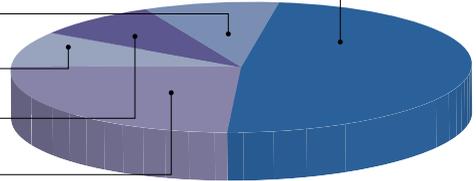
Soon, attorneys will be able to access pro bono case referrals by logging on to JusticeServer and selecting from a list of clients with the types of cases that match their expertise. JusticeServer will initially provide pro bono case assignments for the Central Virginia Legal Aid Society, the Legal Aid Justice Center, and the Pro Bono Clearinghouse. Once fully rolled-out, JusticeServer will be available to more legal aid programs and others that provide civil legal services to the poor and to volunteer lawyers from firms large and small.



# FINANCIALS

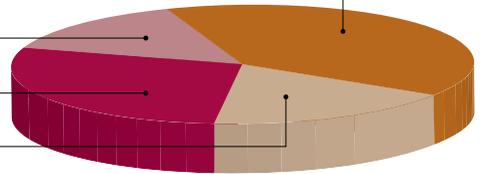
## REVENUES

DONATED SERVICES .....	<b>\$3,501,678</b>
FOUNDATIONS .....	<b>\$631,510</b>
DONATIONS .....	<b>\$616,542</b>
OTHER .....	<b>\$683,079</b>
GOVERNMENT.....	<b>\$1,829,401</b>
<b>TOTAL .....</b>	<b>\$7,262,210</b>



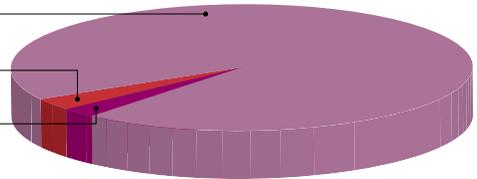
## EXPENSES BY LOCATION

CHARLOTTESVILLE .....	<b>\$2,828,328</b>
RICHMOND .....	<b>\$1,245,606</b>
FALLS CHURCH .....	<b>\$2,008,724</b>
PETERSBURG .....	<b>\$1,010,512</b>
<b>TOTAL .....</b>	<b>\$7,093,170</b>



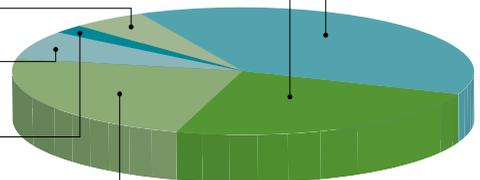
## EXPENSES BY TYPE

DIRECT SERVICES .....	<b>\$6,700,402</b>
FUNDRAISING .....	<b>\$205,521</b>
MANAGEMENT & GENERAL.....	<b>\$187,247</b>
<b>TOTAL .....</b>	<b>\$7,093,170</b>



## EXPENSES BY PROGRAM

CIVIL ADVOCACY PROGRAM .....	<b>\$2,711,206</b>
JUSTCHILDREN PROGRAM .....	<b>\$1,682,954</b>
MEDICAL-LEGAL PARTNERSHIPS .....	<b>\$362,630</b>
ELDER LAW PROGRAM .....	<b>\$502,348</b>
VIRGINIA INSTITUTIONALIZED PERSONS PROJECT .....	<b>\$163,908</b>
IMMIGRANT ADVOCACY PROGRAM .....	<b>\$1,670,124</b>
<b>TOTAL .....</b>	<b>\$7,093,170</b>



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## \$50,000+

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*For a list of donors to  
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please see page 11.*

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Mary Walter & George Yin  
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## \$250 - \$499

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