



LEGAL AID  
OF  
NEBRASKA

# Briefly

DECEMBER 2010

"PROMOTING JUSTICE, HOPE, DIGNITY AND SELF-SUFFICIENCY THROUGH QUALITY CIVIL LEGAL AID FOR THOSE WHO HAVE NOWHERE ELSE TO TURN"

## From the Executive Director ...

### What Does Legal Aid Do?

Over the last few weeks Legal Aid and its supporters have been reaching out to the private attorneys and firms as part of its triennial bar campaign.

One question we get is: what does Legal Aid do? The general answer is in our mission statement "...To promote justice, dignity, hope and self-sufficiency through quality civil legal aid for all those who have nowhere else to turn."

That's what we do.

But it's important to get specific. First, we represent



Pantos

only clients who are poor. That means individuals or families whose income is less than 125 percent of the federal poverty level.

Second, we don't take cases that normally result in contingency fees such as workers compensation, personal injury, or employment discrimination. Of course we do not represent people in criminal matters except in very limited circumstances.

So what cases do we take? What's the typical profile of a client of Legal Aid? One example is a case we just finished in Norfolk for a client who was been fired from her job as a Certified

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Dave Pantos, left, and Annette Farnan – facing camera – greet walk-in customers at the recently opened A2J Center.



## A2J Center Picking Up Steam

It's been a little more than two months since Legal Aid of Nebraska's Access to Justice Self Help Center (A2J) opened, and business at the street level office has steadily been gaining momentum.

After a slow start, word is beginning to spread about the many services the A2J Center offers to people who cannot afford attorneys and are representing themselves in court, says Muirne Heaney, managing attorney for the Omaha office of Legal Aid. "We've had about 70 cases that have been served in some way, shape or form," says Heaney. "And those cases cover the gamut of what Legal Aid does regularly."

That gamut includes everything from helping with Social Security applications, landlord-tenant disputes, housing cases and some contract cases. To date, Heaney says the largest number of questions off the street are related to family law.

The A2J Center has also received a number of referrals from the courts and the pri-

ivate bar, which has increased foot traffic at 1904 Farnam Street.

"We're an entry point for some clients, and for others we're both an entry and completion point," Heaney said. "And that's the goal, to be both."

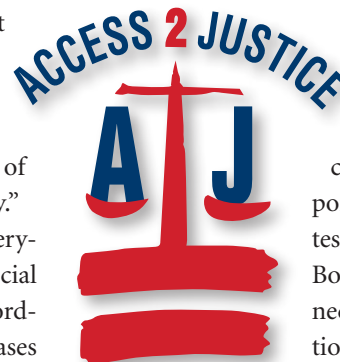
The A2J Center provides a sounding board for people who have nowhere else to turn. Many are grateful to have someone who will listen to their problems and point them in the right direction. The

Center is open daily from 1-4 p.m. and is staffed with an attorney and paralegal.

The recent addition of clinics to assist with child support modification and uncontested divorces has seen success. Both are pilot projects that get the necessary paperwork and instructions to those most in need.

These regular community clinics are part of an ongoing effort that the street-level center hopes will make the court system more accessible to Nebraska's underserved population.

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# A2J Center Picking Up Steam

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A recent A2J success story involved a woman who came in with seven misdemeanors on her record, which were a tremendous impediment in her quest for employment. Legal Aid gave the client a self-help packet that included information on the legal issues, instructions, legal pleadings and a script for use in court.

Legal Aid got the necessary court records for the client and reviewed her work. The woman left the A2J Center with a blueprint for success and correctly filed and served everything properly, winning at all of her hearings.

A2J was created in part as a consequence of the needs assessment which

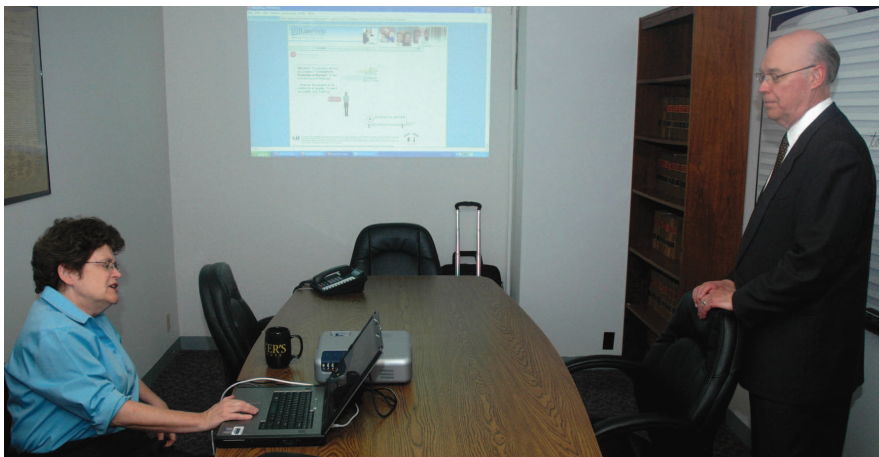
Legal Aid commissioned in 2008. Heaney hopes that A2J can continue to provide services not available elsewhere, including Legal Aid. "We're in a position now where we can provide short term assistance," she said.

"We want A2J always to be a work in progress. We welcome feedback from the community about what's missing, what we might do differently and who still cannot get legal help. Our colleagues in the local courts, bench, private bar and non-profit agencies have their thumbs on the pulse of what people in trouble need. Their feedback can help us improve and expand our services.

"In the meantime," she says, "it's a lot of fun."



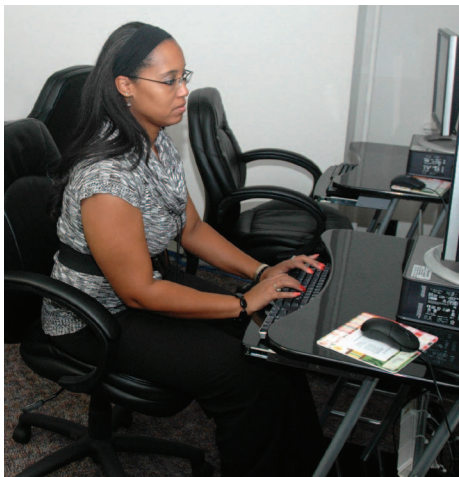
*From left, PAI Coordinator Christine Stolarskyj, Access-Line® Paralegal Ana Bezruczyk and Deputy Director Annette Farnan look over the Center's new technology.*



*U.S. District Court Judge Joseph Bataillon, right, gets a demonstration of the Center's services from attorney Muirne Heaney.*



*Case manager Kalisha Reed of the Omaha office, right, gives a tour to a Legal Aid intern and law clerk.*



*Grants Manager Selina Perry works on one of the Center's new computers.*



*Executive Director Dave Pantos conducts a television interview with KETV's Scott Buer, right.*

# Legal Aid Helps Those in Need

## Saving Children

Imagine losing custody of a daughter to someone who physically and mentally abused her. A woman named “Jill” who faced this unfortunate situation, sought out Legal Aid of Nebraska for help.

Jill and her ex-husband had twin girls born in 2002. In 2003, the girls were placed in foster care because Jill then had a problem with alcohol abuse and was moving around. While the twins stayed with Jill’s mother and aunt, Jill straightened her life out and regained custody of her children in 2006.

At times when the children stayed with their father and his new wife, the two were subject to physical abuse, including a scalding incident and one occasion when one child was found unconscious in a bathtub. These incidents led to the new wife being charged with and convicted of child abuse.

In 2009, the legal issues involving the children were further complicated when the father filed for custody of one of the twins following her visit to his home. The filing was made in the Winnebago, Nebraska, Tribal Court.

The girl’s mother came to Legal Aid and attorney Jonathan Seagrass took the case. In court, the father accused his first wife of inappropriate behavior around the children stemming from the time when she was addicted to drugs and alcohol. Seagrass focused the argument on abuse committed much more recently for which the second wife had been convicted. Considering the accu-

sations side by side, the Judge determined that the more recent abuse outweighed the father’s accusations from long ago. Custody of both children was awarded to the natural mother, a happy outcome for the family.

## Housing Case Takes Positive Turn

Jon Seagrass, attorney for Legal Aid’s Native American Project has helped keep a woman from being evicted – for the time being.

“We received a call from a client who stated she was sued for eviction by the Northern Ponca Housing Authority from the house she had been renting for 13 years. She said a hearing was held and the court ordered her eviction.

“The court entered a default judgment because our client did not file an answer, even though she was present at the hearing and attempted to defend herself against the Housing Authority’s claims,” said Seagrass.

Legal Aid reviewed the court file and determined the client was not served properly with the notice to terminate her lease and there were other evidentiary defects in the record of the court’s hearing.

A motion was filed to set aside the default judgment along with an ex parte motion to stay the default judgment until a hearing could be held. The trial court denied the latter, but the matter has been appealed and the appeals court has stayed the eviction. For now, and hopefully for much longer, the client remains in her home.

## PAI Attorneys Help Staff the State

Legal Aid of Nebraska relies on nearly 100 attorneys in private practice to stretch its effectiveness and serve all corners of the state.

As part of the Private Attorney Involvement Program (PAI), these attorneys handle cases for low-income Nebraskans at reduced rates in counties located more than one hour driving distance from one of our seven Legal Aid offices.

The value of the non-compensated time that PAI attorneys donate to Legal Aid cases exceeds \$250,000 a year.

## Office Locations

### Omaha

P 402-348-1069 F 402-348-1068

1904 Farnam Street, Suite 500, Omaha, NE 68102

### Lincoln

941 “O” Street, Suite 825, Lincoln, NE 68508

### North Platte

102 E. 3rd Street, Suite 102, North Platte, NE 69103

### Scottsbluff

1423 1st Avenue, Scottsbluff, NE 69363

### Norfolk

214 N. 7th Street, Suite 10, Norfolk, NE 68701

### Bancroft

415 Main Street, Bancroft, NE 68004

### Grand Island

207 W. 3rd Street, Grand Island, NE 68802

## AccessLine® Numbers

### Statewide AccessLine®

1-877-250-2016

Mon-Thurs 9 am-4 pm (CST)

Fri 9 am-12 pm (CST)

Spanish-speaking staff available

Translation services available

### Rural Response Hotline

1-800-464-0258

Mon-Fri 8:30 am-4:30 pm (CST)

### Native American AccessLine®

1-800-729-9908

### ElderAccessLine®

1-800-527-7249

Mon-Thurs 9 am-12 noon & 1 pm-3 pm (CST)

Fri 9 am-12 noon (CST)

Questions and comments should be directed to: Dave Pantos, Executive Director, 402-348-1069 (ext. 203).

If you do not wish to receive this newsletter or know someone who would appreciate a copy, please email: [dpantos@legalaidofnebraska.com](mailto:dpantos@legalaidofnebraska.com) or call 402-348-1069.



Make your Legal Aid of Nebraska contributions online at:

[www.legalaidofnebraska.com](http://www.legalaidofnebraska.com)



**Legal Aid of Nebraska**

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Omaha, NE 68102

## *From the Executive Director ...*

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Nursing Assistant. The reason given was that she had tested positive for several controlled prescription drugs.

Our client maintained there was a mix-up and that she had not taken those drugs. One of the drugs she allegedly tested positive for, Darvocet, she actually had a diagnosed allergy to.

As the suspension action progressed, the employer told our client that she could retake the drug test -- at her own expense -- but then she was fired before she had the chance.

The woman then applied for unemployment, but the employer appealed her award of benefits. Legal Aid represented this woman at a hearing before an Appeal Tribunal and won.

The tribunal agreed that the em-

ployer's drug test results were probably mistaken and that our client should not have been fired for misconduct.

Had her unemployment claim been unsuccessful, our client would have gone without any income and might also have lost her housing. While the amount of money at stake was small it was a big deal to our client. She lost her job because of the mistake and almost lost everything.

In recent months Legal Aid argued in the Nebraska Supreme Court on behalf of a man who lost his section 8 housing support because the housing authority failed to follow its own rules.

Earlier this year Legal Aid successfully represented a developmentally disabled man after the Social Security Administration sent him a notice that

his benefits were being terminated and he owed them \$200,000 in an overpayment. We also helped a 76-year-old Grand Island woman who was duped into purchasing an expensive home alarm system.

Additionally, Legal Aid's AccessLine™ has provided free legal advice and referrals to thousands of Nebraskans this year in situations ranging from veterans benefits to garnishments, and from landlord-tenant matters to domestic relations.

I like to say that Legal Aid is in the trenches with the poor. That's because our job is to do the best we can to find civil legal solutions to the diverse problems our struggling clients present to us. And I'm proud to be the director of a firm that does such a great job.

— David Pantos, Executive Director