



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

From the Executive Director...

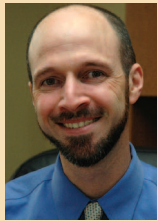
The greater the challenge ... the greater the need.

For us at Legal Aid of Nebraska, that simple phrase has become an axiom.

We've all read about the seemingly endless world recession, how it's the worst since the Great Depression of the 1930s, how it will take unusually courageous leadership to fix it ... and on ... and on.

The cruel reality is that recessions hit and hurt those who can least afford it – our low-income

Nebraska neighbors. Yes, we should be concerned about the banks and the financial systems, the largest companies (also the largest employers), the auto manufacturers and other organizations so often in the news.



Pantos

But what about the people among us who never have had and are likely to never have a bank account or credit card? The people for whom life is a vicious cycle of temporary employment, no employment, cashed checks, no cash – and families who fight to sustain themselves in these kinds of conditions. They're the people calling Legal Aid's Access-Line® and ElderAccessLine® in record number and have been since Jan. 1st of this year. Consider:

- We've had an 8 percent year-to-date increase in intakes (6,074 total through June)

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Kerry Rodabaugh, M.D., above, tends to a patient. Inset, Ann Mangiameli.

Medical – Legal Partnership Benefits Cancer Patients

The last thing that a hospitalized patient who is battling serious cancer needs is a legal problem. Thanks to a unique medical-legal partnership between Legal Aid of Nebraska and The Nebraska Medical Center, a legal problem, in fact, is the last thing many cancer patients will have to stew about.

The partnership was the brainchild of Kerry Rodabaugh, M.D., associate professor in obstetrics-gynecology for the University of Nebraska Medical Center and a gynecological oncologist at The Nebraska Medical Center who moved to Omaha after practicing in Buffalo, N.Y.

"I found myself taking care of women with recurrent cervical cancer, and when it's recurrent, it's usually terminal," Dr. Rodabaugh said. "Many of these women were single parents with young children and had no legal arrangements in place for the children."

So Dr. Rodabaugh pioneered a medical-legal partnership in Buffalo to handle many of the problems cancer patients would encounter: custody issues, powers of attorney, foreclosures and benefit advocacy. So convinced was she of the program's effectiveness, Dr. Rodabaugh attempted to set up a similar program as soon as she arrived in Oma-

ha. Last year she attended a conference where she met Legal Aid Executive Director Dave Pantos.

"Dr. Rodabaugh told me about her experience with a successful medical-legal partnership for cancer patients and it made perfect sense that a similar program could work well in Omaha," Pantos said. "Legal Aid drafted an agreement, which received input from attorney Howard Hahn, working on behalf of The Nebraska Medical Center. Luckily, Hahn is a former president of the Legal Aid board of directors."

"I think this shows that we're paying attention to the entire patient," Rodabaugh said. "We're not just taking care of cancer with chemotherapy, radiation and surgery. We're addressing everything else that goes into the treatment of the individual."

The Legal Aid of Nebraska and The Nebraska Medical Center agreement was approved and launched early this summer. A Legal Aid attorney is always available to consult on issues over the phone and visits the hospital and its clinics once a week. There, attorney Ann Mangiameli meets right at the bedside with cancer patients, working them through their legal issues.

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OFFICE LOCATIONS

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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 or call 402-348-1069.



Make your Legal Aid of Nebraska contributions online at:

www.legalaidofnebraska.com

McShane Assists Developmentally Disabled Child

Legal Aid of Nebraska goes the extra mile for all its underserved clients, and that includes young children.

Recently, Legal Aid Attorney Anne McShane stepped in to help a young girl born 10 weeks premature who suffered from retinopathy and blindness in one eye. Now nearly three years old, the girl was awarded Social Security at birth, but her disability expired at 18 months.

Her parents petitioned for reconsideration but were denied. Then they turned to Legal Aid.

Attorney McShane alerted the Social Security Administration of the girl's current medical condition and provided medical records of ongoing treatment by physical and occupational therapists. The records made it clear that the child was small for her age and had obvious developmental issues.

McShane argued that the girl's combined disabilities – retinopathy, developmental delays and borderline hypothyroidism – were equivalent to the Social Security administration's guidelines for qualification for childhood disability assistance.

The judge agreed and awarded the girl back pay for disability, plus continuing disability for the next year. When that time is up, the judge recommended the girl's condition be reassessed, as developmental delays can sometimes be reversed with proper therapy.

Quick Work Saves Family Home in Grand Island

Kay Tracy, attorney in Legal Aid's Grand Island office, recently handled a case that spared a family the loss of their home.

The family included the mother, 18-year-old daughter, a minor son and grandchild. The mother is disabled and her only means of income is assistance through Supplement Security Income (SSI) and other welfare programs. The family lived in a house rented at a reduce price through the Housing and Urban Development Program (HUD). Without these benefits the family would live far below the poverty line.

While the daughter is a full-time student, she got a part-time job to help with family expenses. When HUD became aware of the daughter's employment, it significantly reduced the family's aid. Their food stamps – normally several hundred dollars – were reduced to just thirteen dollars per month.

Other welfare benefits were set to be eliminated, too: energy assistance, for instance, and rental assistance was to be recalculated, costing the family another \$340 per month in rent support.

When the family finally found their way to Legal Aid of Nebraska, they had only two weeks until the devastating changes would take effect. The likely outcome was homeless-

ness. Attorney Tracy realized the food stamp reduction and other benefit eliminations were an error because the daughter was not 19 years of age and was still a full-time student.

Tracy first contacted HUD and asked for a reevaluation of the applications of their regulations as they pertained to the child's part-time income. HUD didn't budge, and Kay knew there wasn't enough time to file an appeal.

By chance, she was working on another case involving an HUD house occupied by a second family in similar circumstances. In that case, a sister who lived with her disabled brother as a caretaker mistakenly had her income counted against her benefits, as well.

A new apartment manager had vouched for the sister's income, but neglected to mention the "live-in aide" exception which permits disabled persons to have one "live-in aide" who provides daily support.

Luckily, Tracy was aware that this provision might also apply to the family of four case. She consulted a medical professional for an opinion on whether that family met the "live-in aide" criteria. The process of acquiring a letter of approval took more than the family's two-week deadline, but Tracy was able to obtain a special hardship waiver to keep the family in its house until the matter was resolved.

HUD relented and, thanks to Kay Tracy, one more family is sleeping soundly in its home and not on the streets.



Tracy



Lincoln office, from left: front row – Hazell Rodriguez, Heather Berndt, Kristin Ceballos; middle row – Lea Wroblewski, Lori Wilson; back row – Pat Carraher, Mark Bestul, Scott Sidwell, John Milligan, Cheryl Stice, Brittani Lewit.

Lincoln Legal Aid Has a Busy Summer

The Lincoln Office of Legal Aid of Nebraska is having a busy summer. The office hopes to fill an open staff attorney position shortly and be fully staffed, according to Managing Attorney Patrick Carraher.

In addition to their daily services to low-income clients, giving legal advice, offering referrals and conducting representation, the staff has found a variety of additional ways to serve the community and the legal profession:

- John Milligan was a member of an expert panel on landlord-tenant issues at the Nebraska County Judge's Meeting in Grand Island on June 25.

- Lea Wroblewski was the planning chair for NCLE Bankruptcy Seminar on June 5th. Lea and Kelly Boswell of the Omaha office also served as presenters at the seminar.
- Pat Carraher and Lori Lee of the Norfolk office participated in a conference in Jackson Hole, Wyoming, June 2-4 that focused on the effect of domestic violence on child maltreatment cases.
- The Lincoln Legal Professionals Association presented its 2009 Boss of the Year Award to Hazell Rodriguez.
- Lori Wilson continues to serve Lincoln's homeless population through the Woods Charitable Fund Grant.
- Mark Bestul and Scott Sidwell both have cases pending before the Nebraska Supreme Court and received notice that they will be arguing them on the same day – September 3.
- The newest attorney in Lincoln, Brittani Lewit, has assumed a full caseload and is going to court on a daily basis. The newest employee of the office is Lakeshia Immenschuh, who was hired primarily as a Receptionist, but Paralegals Heather Bernt and Kristin Ceballos, along with Administrative Assistant Cheryl Stice, have all been showing Lakeshia a variety of additional duties.
- Law Clerk Adam Young was approved by the dean of the UNL Law School on July 15 to practice in court as a Senior Certified Law Student.

Dunovan Moves to AccessLine®

Kim Dunovan, part-time attorney in the Omaha office, has been transferred to part-time attorney working on the AccessLine®.

“Kim brings a great breath of experience that will help us better serve clients when they call,” said Annette Farnan, Deputy Director.



Dunovan

“The AccessLine® is the front door to Legal Aid services.”

Domestic Violence Remains High Priority

Resolution of domestic violence cases remains a key effort on the part of Legal Aid.

Attorney Jen Gaughan, Director of Litigation and Advocacy, handled one such case involving a couple married in 1993. Shortly thereafter, a pattern of serious abuse began on the part of the husband who punched holes in walls, vandalized his wife's car by inflicting key scratches from front to back, and slashed her tires.



Gaughan

He swung a baseball bat near her head and destroyed a clock radio when she was in bed. He threatened her with a gun and locked the wife and their children out of the house at night, forcing them to seek shelter. He kept a machete in their bedroom closet and obtained his own refrigerator to cool food for himself only. He told the children they would “never amount to anything.”

Gaughan filed the divorce action which resulted in a contested temporary evidentiary hearing. Ultimately the wife was awarded temporary custody of the children, and he was excluded from the house. The husband was ordered to pay \$900 a month in temporary support.

As with many abuse cases, the wife was left struggling financially and had judgments against her. Her bank account was garnished and she got behind on rent payments. Gaughan helped quash the garnishment, so her money was returned and she could again pay rent. Then Gaughan filed bankruptcy for the wife which helped her put her finances in order, thus helping her get her life back on track.

The final resolution of the divorce case was a settlement agreement granting child custody to the mother, some visitation by the father and an order for child support.

Medical – Legal Partnership Benefits Cancer Patients

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So far, both partners consider the process a great success.

“The Nebraska Medical Center is heavily involved and supportive of this program,” Pantos said. “Their social work staff, oncology-hematology department and many other groups are totally invested, and their cancer patients are the ultimate winners.”

Legal Aid Deputy Director Annette Farnan said the partnership has also been positive for Nebraska Medical Center patients from outside of Nebraska, particularly Iowa.

“Many cancer patients come to the medical center from western Iowa, so we brought in Legal Aid of Iowa as an unfunded partner,” Farnan said. “I would not be surprised if the idea catches on so well there that they develop their own medical – legal partnership at Iowa’s top hospitals.”

“It’s a good program for everyone involved,” Farnan added.

From the Executive Director...

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- A 23 percent YTD increase in cases closed (5,905 total)
- A 28 percent YTD increase in extended cases closed (827 total).

These numbers speak volumes about the fates of the nearly 200,000 Nebraska citizens that our mission statement says we are sworn to assist.

The greater the “big problems” our nation faces, the greater yet are the little ones – the social, legal, domestic and employment crises that “ordinary” people are facing – person by person and family by family.

I didn’t intend this column to be such a downer, but we all need to remember that really tough times are toughest on low-income people. While some of us worry if our 401(k)’s will ever “come back,” there are Nebraskans out there for whom a retirement plan is a pipe dream. While we fret about whether we’ll keep our jobs, some of our neighbors can’t even land a temp job.

The banks will eventually come back. The automakers will thrive again. Our investments will have value. Let’s not forget these “others.”

Please.

— Dave Pantos, Executive Director

New Grants Manager

Selina Perry has been appointed Legal Aid of Nebraska’s new grants manager. She will be working in the Omaha office.



Legal Aid of Nebraska

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