



# GREATER BOSTON LEGAL SERVICES

... and justice for all

# NEWS

Fall/Winter

2009



Carolyn Leary

Photo by Ebony Benson



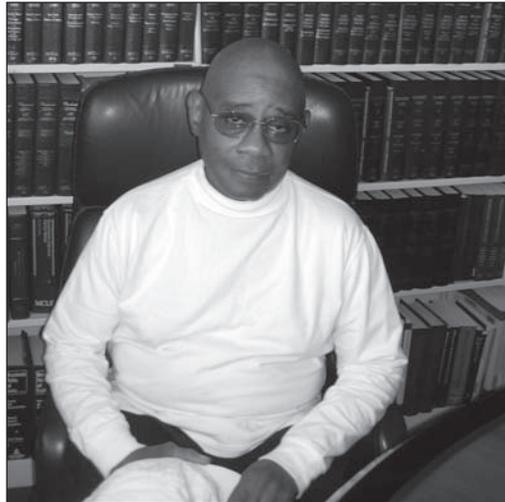
Maria Rosa-Cruz

Photo by Sarah Peck



"Agnes"

Photo by Staff, New England Center  
for Investigative Reporting at Boston University



James Haley

Photo by Susan Hegel

**Greater Boston Legal Services is the primary provider of free civil legal assistance to poor people living in the City of Boston and 31 surrounding cities and towns.**

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*You helped these people secure unemployment benefits, housing in elderly/disabled public housing, Medicare prescription drug coverage, and remain in their home. However, GBLS is facing a significant challenge. A major drop in income as a result of the economy has forced GBLS to reduce its staffing by 12%. Your ongoing and increased support will help ensure that GBLS is able to continue to make a difference for low-income families and individuals. Read more on page 2 about the issues the clients pictured above faced and, on page 3, about the major impact victories GBLS achieved with the help of your support. Thank you.*

### Carolyn Leary

For many years, Massachusetts has denied unemployment insurance (UI) benefits to workers, most of them women, who because of childcare needs could only work part-time. A GBLS Employment Unit attorney represented Carolyn Leary, a working mother who lost her full-time job when she had to reduce her hours in order to care for her young son. While she was actively seeking part-time work, she was denied UI benefits based solely on the grounds that a Division of Unemployment Assistance (DUA) regulation categorically declared ineligible any individual who seeks part-time work after a history of full-time work. She turned to GBLS for help.

In addition to appealing Ms. Leary's denial to the District Court, GBLS sought declaratory relief in the Superior

Court to invalidate the regulation. Our claims included that the regulation exceeded DUA's authority under the UI statute, prevented an inquiry based on the facts of an individual's situation, and had a disparate impact on women who are most often a family's primary caregiver and are the majority of part-time workers. The Superior Court ruled in GBLS' favor and invalidated DUA's regulations. The right to collect unemployment benefits in this down economy is restored to heads of households and other caregivers who otherwise would be forced to choose between the income they need and the family care they must provide. Ms. Leary says of GBLS, "For three years they helped me fight for my unemployment. They never gave up on me...legal services is my hero."

### Maria Rosa-Cruz

Over the past three years, GBLS' Medicare Advocacy Project (MAP) has helped thousands of Medicare beneficiaries who have become entangled in the program's complex regulations. In fiscal year 2009 alone, GBLS closed 451 cases, bringing nearly \$324,000 in benefits to vulnerable clients who desperately needed help.

Take the case of elder client Maria Rosa-Cruz. After moving to Randolph from out of state, Mrs. Rosa-Cruz, a diabetic, had promptly signed up in a local Medicare prescription drug program plan (also known as Part D), disenrolling from her former Medicare managed care plan. But when she tried to fill her insulin prescription, the new plan denied coverage, saying that she was still covered

under the old plan. Unable to get her insulin, Mrs. Rosa-Cruz fell into a diabetic coma and was hospitalized. After repeated attempts to resolve the problem on their own, her daughters asked GBLS for help.

Paralegal Maria Mendonca-Costanzo took Mrs. Rosa-Cruz's case. She secured a 30-day emergency supply of her insulin and then navigated her through a maze of bureaucratic and legal obstacles to get her permanent coverage straightened out. Paralegal Mendonca-Costanzo addressed innumerable issues raised by both the old and new plans and produced reams of evidence. GBLS' advocacy resulted in Mrs. Rosa-Cruz qualifying for benefits under the new plan.

### "Raul" and "Agnes"

Annually, GBLS handles approximately 3,000 housing cases to help low-income individuals and families who are homeless or at risk of becoming homeless, services for which there has been a dramatic increase in demand during the mortgage crisis.

The story of "Raul" and "Agnes" is just one example of how GBLS' housing expertise prevented a family from being on the streets, due to no fault of their own. Raul and Agnes are siblings from El Salvador who were scammed into a \$500,000 adjustable rate mortgage (ARM) with balloon payments and high fees they could not afford. A GBLS attorney succeeded in negotiating a significant modification of their loan, with close to a \$100,000 reduction in principal and arrearages, and a fixed interest rate of

3%, which allowed them to remain in their home.

The vulnerability of individuals such as Raul and Agnes was highlighted in a September 14 Boston Globe story, "Few Mass. brokers hit for abuses: Mortgage lending regulators lag peers in other N.E. states." In the article, Nadine Cohen, GBLS' Consumer Rights Unit Managing Attorney, is quoted on how low-income people, especially those who are non-native English speakers, are particularly susceptible to abuse by predatory brokers and lenders. Like Raul and Agnes, they are often "doomed from the beginning." Fortunately, their story had a happy ending; however, many do not. GBLS attorneys continue to fight for those they can in housing court each week.

### James Haley

After being released from prison after serving more than 34 years for a murder he did not commit, James Haley applied for public housing but was denied because of his Criminal Offender Record Information (CORI). The Cambridge Housing Authority (CHA) had found Mr. Haley ineligible for its elderly/disabled public housing on the basis of his CORI report, and his alleged lack of sufficient housing history and bill-paying history. Deborah Filler, a Senior Attorney at GBLS' Cambridge office, successfully represented Mr. Haley in appealing his CHA Ineligibility Determination. The CHA had illegally relied on an incorrect version of Mr. Haley's CORI, ignoring the correct version which showed

that the wrongful 1971 conviction for murder was dismissed in 2008.

After the CHA's Conference Panel overturned the denial of eligibility Mr. Haley was offered a public housing apartment. The CHA also granted GBLS' Request for Reasonable Accommodation to offer Mr. Haley a one-bedroom apartment, rather than a studio, which he needs for medical-related reasons.

In addition, Deborah Filler has provided advocacy for Mr. Haley to secure other needed benefits such as MassHealth, food stamps, and referrals for computer and job training programs. James Haley is now serving on GBLS' Board of Directors, as a client representative.

# GBLS' Successful Systemic Advocacy Benefits Thousands

GBLS' recent accomplishments, that will have a major impact on the lives of thousands of unemployed workers, people with disabilities, and people with CORI records seeking a new start in life, include:

## Extension of unemployment benefits:

Employment Unit Lead Attorney Monica Halas' intensive advocacy effort with both the Patrick administration and the leadership of the Legislature brought about a change in the law governing unemployment benefits that could bring an estimated \$650,000 million in federal benefits to the state by extending unemployment benefits for the 85,000 unemployed residents of the state;

## Access to quality health care for people with disabilities:

After 18 months of negotiation on behalf of individual clients and the Boston Center for Independent Living, Litigation Director Dan Manning, Health & Disability Unit Paralegal Laura Keohane, Managing Attorney Donna McCormick, and Attorney Robyn Powell reached a landmark, far-reaching settlement with Massachusetts

General and Brigham & Women's Hospitals. The settlement will significantly improve access to quality health care for people with disabilities. It will become a model for other area hospitals as well as nationally. The agreement was featured on the front page of the Boston Globe on June 26; and

## Criminal Offender Record Information (CORI) "one stop" sealing process:

Employment Unit Lead Attorney Pauline Quirion persuaded the Chief Justice of Administration and Management and the Chief Justice of the Boston Municipal Court (BMC) to issue a standing order in May 2009 which permits judges in one division of the BMC to seal CORI cases in the other seven divisions of the BMC. This is a major victory for clients and advocates. Each sealing case typically involves two hearings. The standing order eliminates the hardship for clients who would otherwise have to seal records in multiple venues, and promotes judicial economy. GBLS will also seek expansion of the order to encompass the District Court.

## Thank you, Associates!

Although faced with a crisis in their employment, including their own lay-offs, 1,014 Associates from 50 firms focused on giving to others and contributed over \$280,000 to support attorneys at GBLS who help victims of domestic violence.

Through the Associates' generosity in these austere times, hundreds more low-income victims of domestic violence and their children will secure the safety and protections they need.



## Congratulations!

**Sherley Cruz**, Employment Law Unit Attorney, has been selected to serve a 2-year term on the Boston Bar Association's Administration of Justice Steering Committee, as the "public interest representative".

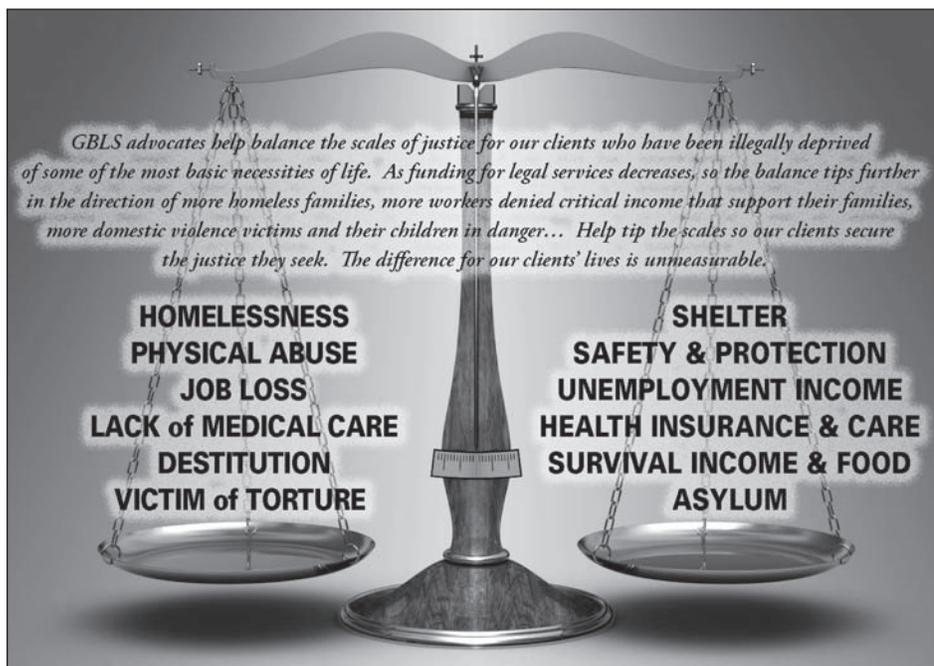
**Karen Dobak**, Elder Law Unit Senior Paralegal, won the Massachusetts Lawyers Weekly "Unsung Heroes" Paralegal of the Year Award.

**Wynn Gerhard**, Elder Law Unit Managing Attorney, has been awarded the 2009 Paul Winske Access Award from the Stavros Center for Independent Living in Western Mass., for her work in ensuring stronger legal protections in the guardianship process for persons with disabilities and elders.

**Mithra Merryman**, Family Law Unit Senior Attorney, was awarded the REACH (Refuge, Education, Advocacy and Change) Mary Young Voice for Justice Award for 2009.

**Carla Moniz**, Immigration Unit Attorney, was named as one of 15 members of the 2009-2010 Boston Bar Association Public Interest Leadership Program.

GBLS was honored by Massachusetts Jobs with Justice "for fighting for dignity of immigrant workers and families of the Michael Bianco factory".



## Tip the balance in our clients' favor.

You can help ensure access to justice for low-income people in Boston without leaving your computer! Make a donation online to help support our services to clients. Visit us at [www.gbls.org](http://www.gbls.org), and click on DONATE.

## GBLS Housing Clinic



GBLS runs a housing clinic to assist low-income renters every Monday. Many of the clients at this recent clinic had been laid off due to the economy.

*Photo by Carol McCarthy*

## Assisting Poor Tenants Fighting Eviction in Quincy District Court

### GBLS Awarded Boston Bar and Massachusetts Bar Foundations Grants

In June 2009 the Boston Bar and Massachusetts Bar Foundations awarded \$179,518 to GBLS to participate in the ground-breaking pilot project "Providing a Right to Counsel in Certain Eviction Cases Project" at Quincy District Court. The project provides representation of low-income tenants facing eviction who otherwise would not have a lawyer to assist them. The project also is designed as a pilot project to demonstrate what difference a right to a lawyer would make in eviction cases. In the first months of the project, GBLS has been able to achieve concrete changes to help level the playing field for tenants and bring about changes in the court culture and parties' expectations. Many more tenants now file answers in which they assert defenses and claims, discovery to obtain critical information to prepare them for their court case, and even assert their constitutional right to a trial by jury. GBLS has achieved settlement agreements where cases get resolved fairly, in a format that avoids the needless entry of judgment against the tenant.

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