

# INLAND COUNTIES LEGAL SERVICES: FREE CIVIL LEGAL ASSISTANCE FOR LOW-INCOME AND ELDERLY

by Irene Morales

“Equal justice under law is not merely a caption on the facade of the Supreme Court building, it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists . . . it is fundamental that justice should be the same, in substance and availability, without regard to economic status.”

– Lewis Powell, Jr., U.S. Supreme Court Justice (ret.) (during his tenure as President of the American Bar Association).

*Maria's husband had been physically abusive toward her. One night, after the separation, he showed up at her home and tried to force himself on her. She resisted and he began hitting her on the head. Maria's mother called the police and he was arrested. Maria obtained a restraining order prior to seeking ICLS assistance for dissolution of marriage. Our advocate prepared Maria's dissolution documents along with a hearing request so that Maria could get child custody, visitation, and support orders. When Maria met with the advocate to sign her documents, Maria expressed her gratitude for having somewhere to turn to during this time of stress when she had no idea what to do. When Maria went to court, she obtained sole legal and physical custody of the child along with a child support order of \$556 per month.*

Without free legal assistance, Maria may have stayed with the abuser in economic servitude. Without the efforts of countless equal justice advocates since civil legal aid for the poor began in New York in 1876, vulnerable people in circumstances like Maria's would undoubtedly be living a much lesser quality of life.

Federal government assistance for civil legal services began in 1965 through the Office of Economic Opportunity (OEO). In 1974, Congress passed the Legal Services Corporation (LSC) Act and in 1975, LSC took over the OEO legal services programs. In 1976, Community Legal Services of Riverside County began receiving federal assistance. In 1977, with the formation of Inland Counties Legal Services, Inc. (ICLS), federal funding was awarded to include San Bernardino County. A 24-member Board of Directors was established, including seven attorney members each from the Riverside County Bar Association and the San Bernardino County Bar Association, and eight client-eligible board seats, four per county. Later, a board seat was created for the Inland Empire Latino Lawyers

Association as well as the African-American Attorneys of the Inland Empire.

In 1980, the political climate resulted in a 25% slash in LSC funding, the prohibition of federally funded legal assistance to the undocumented and a requirement for programs to develop a Private Attorney Involvement (PAI) Plan to devote an amount equal to 12.5% of the federal LSC grant to promote private attorney involvement in pro bono legal services. ICLS's PAI Plan set out a framework of having bar associations sponsor volunteer attorney programs. In 1982, the ICLS Board of Directors' decision to award LSC funds to the Public Service Law Corporation (PSLC) of the Riverside County Bar Association, the Inland Empire Latino Lawyers Association (IELLA), and the Legal Aid Society of San Bernardino (LASSB) was approved by LSC. A fourth program was also approved and operated in San Bernardino County for more than ten years. In the early 1980's, California enacted the IOLTA statute to require that the interest on attorney-client trust accounts on small amounts of money or money held for a short period of time in lawyers' trust accounts be remitted to the State Bar of California Legal Services Trust Fund Program for distribution to legal aid offices throughout California. The IOLTA statute was unsuccessfully challenged, and in 1985, the funds became available. Today, there are 100 nonprofit IOLTA-funded programs in California, including ICLS, PSLC, LASSB and IELLA.

In 1996, after 16 years of a bipartisan struggle to keep the Legal Services Corporation funded, a political compromise was reached to preserve federal civil legal services for the poor. Congress implemented major structural reforms, including prohibiting class actions and attorneys' fees, instituting a competitive bid process, and adopting time-keeping and other administrative reporting measures. In the following years, LSC reduced the total number of federally funded programs from about 230 to the current 138 programs. In California, 11 out of 22 LSC-funded programs survived mergers and consolidations. In 1999, the California state legislature created the Equal Access Fund and made an important contribution toward achieving equal justice in California, helping the most vulnerable poor people, including domestic violence victims, the disabled, the elderly, the medically uninsured and those facing abrupt displacement from their homes.

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Without access to free legal assistance and to the courts and adjudicatory agencies, justice is an unfulfilled promise. Keeping the promise of justice is important to preserve our way of life and to maintain the rule of law in our society. ICLS has established a legal delivery system with the goal of having various pathways for potential clients to access free legal assistance. As a private nonprofit corporation, with a mission of pursuing justice and equality for low-income people through advocacy and community education, treating all with dignity and respect, ICLS provides free legal assistance throughout Riverside and San Bernardino Counties and struggles to serve a low-income client-eligible population that has significantly increased since 2000, when the census count was 317,377 indigent persons. Today, ICLS's total annual budget is \$5.92 million. LSC funding provides 70% and State Bar funding (IOLTA and Equal Access) makes up 20% of the program's total funding. Other revenue sources include Older Americans Act Title III-B funds awarded by the Riverside County Office on Aging and the San Bernardino County Department of Aging and Adult Services. ICLS is also a recipient of HUD funding for advocacy for the homeless in San Bernardino County.

ICLS's major challenges are the geographically large service area and a significant poverty population. The service area encompasses 27,266 square miles – 7,214 in Riverside County and 20,052 in San Bernardino County. San Bernardino County is geographically the largest

county in the country and Riverside County is second. The total service area is roughly the size of Connecticut. The poverty population at this point may exceed one half million. ICLS strives to meet these challenges by maintaining branch offices strategically located in the bicounty service area, as well as conducting client intake throughout the service area at community outreach centers, senior citizen, homeless and women's shelters and other places where vulnerable populations such as the deaf and hearing impaired or victims of domestic violence are provided supportive social services

What types of cases does ICLS handle? ICLS case priorities are housing, family law, public benefits, consumer and elder law. Clients are provided counsel and advice, document preparation, or extended services, consisting of negotiating settlements with or without litigation as well as direct representation in court or at administrative hearings. ICLS has experienced paralegals who represent clients before administrative law judges in SSI, welfare, food stamp, Medi-Cal, education, health, unemployment, and DMV cases. In 2006, ICLS closed 516 administrative law cases, with legal assistance provided in 88 cases that resulted in administrative agency decisions.

Who is eligible for free legal assistance? Anyone has the right to apply and be considered for free legal assistance. To qualify, persons must be low-income according to federal or state criteria; have limited assets; be disabled; be age 60 or older and in great social or economic need; or be

applying for benefits from a governmental program for the poor. For example, a household of two persons (both under age 60), married or unmarried, working full-time and earning minimum wage of \$7.75 per hour would not qualify for legal assistance. To qualify, they would need to have three dependent persons with no income as part of the household. ICLS management has discretion to qualify individuals for legal assistance when the case facts are compelling and the action is meritorious if other factors are present, such as ongoing medical expenses, child care, transportation or other expenses necessary for employment (e.g., uniforms or tools), or when there are household expenses associated with the age or infirmity of one of the household residents. ICLS does not handle criminal or fee-generating cases, and limits assistance to advice in bankruptcy or conservatorship cases.

How many cases does ICLS handle? In 2006, ICLS closed 12,450 cases, including 7,875 cases handled directly by the program and 4,575 closed by PAI volunteer attorneys. Of the ICLS cases, 12% were handled beyond the advice and pro se level. In cases accepted for full representation, almost two-thirds were housing (64%); followed by family (17%), administrative (9%), consumer (5%) and health (3%). An additional 4,575 LSC-funded client cases were closed at PSLC, LASSB and IELLA legal aid clinics. Almost all (97.3%) PAI cases are limited to counsel and advice and/or document preparation. In 2006, the total value of pro bono donated hours as determined by audit was \$1,706,755, most of it donated attorney time.

**Toll-Free Telephone Access:** ICLS provides a toll-free line, a seniors' line (real person) and a TTY line at its five branch offices:

|                         | <b>Toll-Free</b> | <b>Seniors</b> | <b>TTY</b>     |
|-------------------------|------------------|----------------|----------------|
| <b>Riverside</b>        | (888) 245-4257   | (951) 320-7500 | (951) 684-1901 |
| <b>Indio</b>            | (800) 226-4257   | (760) 347-5303 | (760) 775-3114 |
| <b>San Bernardino</b>   | (800) 677-4257   | (909) 888-3889 | (909) 381-0274 |
| <b>Rancho Cucamonga</b> | (800) 977-4257   | (909) 476-9252 | (909) 476-7875 |
| <b>Victorville</b>      | (888) 805-6455   | (760) 241-7072 | (760) 843-9814 |

**Housing Hotline:** ICLS operates this hotline Monday through Friday 9:00 a.m. to 4:00 p.m., except on Thursday mornings. Callers are screened for financial, citizenship or legal residency eligibility. The toll free number is (888) 455-4257. A second number is (951) 368-2570.

The Housing Hotline was established to address the housing legal needs created by a tight housing market and a high eviction rate in the inland counties, where about one-third of all occupied housing units, or 361,756, are "renter-occupied." According to a 2005 State Bar report, more than 30,000 unlawful detainer lawsuits are filed annually in the inland counties area, with a ratio of 8.33 per 100 occupied rental units, giving the Inland Empire the distinction of having the highest rate of evictions in the state, as compared with second-place Los Angeles County, with a 5.01 ratio, and third-place San Joaquin Valley, with a 4.58 ratio.

In 2006, the Housing Hotline closed 1,699 cases – 9 out of every 10 callers received legal advice and about 10% had an ICLS attorney represent them in court. Legal issues include proper notice, habitability, repair and deduct, tender of rent, waiver, discrimination, nuisance, and retaliation, as well as mobile-home-park-specific questions. Tenants who need help with answering an unlawful detainer complaint are referred to an ICLS branch office pro se clinic, to the bar association PAI programs, or to website sources, including the local court websites, which use the EZ legal service, as well as to the state-wide web resources of [www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org) and [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

**Tenant and Landlord Assistance Project (TLAP)**

Our client, a 25-year-old working single mother with a three-year-old child in day care, was a recipient of housing benefits from the local Housing Authority. The benefits consisted of reduced rent in the "project." Without any prior notice, the state closed the day care facility. Our client had no family in the area with whom she could leave her child and it took her over two weeks to find suitable day care. Unfortunately, her employer was not sympathetic and fired her for absences. She was unable to pay the rent and the Housing Authority filed an unlawful detainer action to evict her.

The Housing Authority has very strict rules regarding evictions. Once a tenant is evicted, the Housing Authority strips the tenant of housing assistance benefits, a situation that can easily lead to homelessness. When a person on this type of housing assistance suffers a change in economic circumstances, the person has the ability, pursuant to the applicable Federal regulations, to have the amount of assistance he or she receives adjusted. Our client told us she had made several attempts to contact her case worker to request an adjustment in the amount of rent she owed due to her loss of employment. The Housing Authority claimed not to have a record of our client's efforts to telephone her case worker and adamantly pointed out that any such efforts were inadequate under the regulations, which require an in-person appearance with a completed written application requesting the rent adjustment. It was undisputed that our client did not complete the request in writing.

By the time our client approached the TLAP desk at the Moreno Valley Courthouse, her landlord had taken a default against her. She was within days of being without a place to live and having all housing assistance taken away from her. Our client was directed by the court's staff to the TLAP desk. The

trained paralegal explained three specific points: first, the negative consequences of having a default entered, second, the need for the preparation and filing of a motion to set aside the default, and third, the need for the client to reverse the Housing Authority's decision to terminate the housing benefit. The paralegal prepared two documents: a motion to set aside the default and an answer to the unlawful detainer lawsuit. After review by an attorney, the motion was filed and a hearing date set.

The motion to set aside the default was granted by the court and the matter was set for trial. At the time of the trial, the ICLS attorney appeared on behalf of the client in court and was able to negotiate with the Housing Authority. At the time of trial, and in lieu of trial, the parties reached an agreement whereby the client would be allowed to be reevaluated and the amount of rent she was to pay adjusted retroactively to the day she lost her job.

The client went through the reevaluation process and had her rent lowered. She avoided the eviction and maintained her housing benefits!

Without free legal assistance, this young mother and her child would likely be homeless. And the cycle of poverty remains unbroken for the child.

TLAP offers attorney representation to any pro se litigant who qualifies for services, tenant or landlord, first-come, first-served, Monday through Friday, in the hallway outside the Moreno Valley Courtroom, starting at 12:45 p.m., just before the unlawful detainer calendar is called at 1:30 p.m. An ICLS paralegal screens client eligibility on the spot, calling the office for a conflicts check. Pro se UD litigants are also screened on Tuesdays and Fridays from 1:30 p.m. to 3:30 p.m. in Room 211 at the court. Started in 2005 in collaboration with the Riverside Superior Court, TLAP is highly successful: in the one-year period ending June 30, 2007, 281 out of 404 court cases, or 70%, settled in the hallway by stipulated judgment. Without TLAP, most of the 404 cases would have been tried, consuming court as well as the time of all the parties and their counsel. Many settlements have resulted in complete dismissals when the tenant has complied with the terms, which may include vacating the premises by the agreed-upon date. With a dismissal, the tenant avoids an adverse credit history and has better rental housing options. More than 95% of all tenants comply with the settlement.

Family Justice Center Advocacy Project: An ICLS attorney provides free legal assistance to victims of domestic violence or sexual assault at the safe "one-stop" Family Justice Centers in Riverside and Murrieta. This is a collaborative endeavor with the District Attorney's Victim Witness Office, Alternatives to Domestic Violence as well as social service providers. ADV prepares the restraining orders and ICLS represents DV victims in family law court.

Riverside Family Law Access Project: An ICLS attorney, assisted by a Spanish-speaking paralegal, provides general family law information to pro se litigants at the Family Law Court on Mondays and Tuesdays from 9:00 a.m. to 4:00 p.m. on a first-come, first-served basis. ICLS prepares documents for indigent persons and refers non-indigent persons to the Lawyer Referral Service, Family Law Facilitator or a self-help website.

Indio Court Access Project: An ICLS attorney provides similar family law assistance to pro se litigants at the Indio Larson Justice Center on Mondays. On Tuesdays, an ICLS attorney provides general information only to pro se court consumers in civil cases. Both projects operate from 9:00 a.m. to 4:00 p.m., first-come, first-served. Pro se litigants start lining up at 7:30 a.m.

Banning Court Access Project: An ICLS attorney provides general legal information to court consumers and prepares court documents for indigent persons on Thursdays from 9:00 a.m. to 4:00 p.m. in the court's lower level. Services are first-come, first-served.

Elder Law Advocacy and Outreach: Elder law advocacy is a significant part of the legal work done by ICLS. ICLS handles elder abuse cases and selected real property fraud cases as well. In Riverside County, client outreach is regularly done at senior centers in Corona, Lake Elsinore, Moreno Valley, Perris, Temecula, Banning, Beaumont, San Jacinto, Hemet, Desert Hot Springs and Blythe. In San Bernardino County, senior outreach is done in Redlands, Yucaipa, Twentynine Palms, Joshua Tree, Yucca Valley, Montclair, Ontario, Rialto, Fontana, Upland, Needles, Big River, Trona, Baker, Lucerne Valley and Big Bear Lake.

2007 Major Impact Cases: In 2006, two years of litigation between the City of Colton Redevelopment Agency and Colton Non-Profit Senior Housing, Inc. ended in a settlement of \$1.4 million in relocation benefits for 55 senior tenants. The seniors were residents in a large apartment complex that had been the subject of a defective construction lawsuit brought by the City RDA and the Non-Profit board, which had settled for over \$5.5 million in damages. After that lawsuit was settled, the city attempted to make the seniors move out without payment of relocation expenses. In 2004, when the City RDA sought an order enjoining the tenant board from renting out vacant units, ICLS substituted in to represent the low-income seniors, filing a cross-complaint for declaratory relief to determine the parties' contractual rights. ICLS's representation, and its ability to procure the pro bono co-counsel services of the international law firm of Mayer, Brown, Rowe & Maw, not only resulted in a monetary relocation award to the Colton Palms senior citizen residents, but also gave the seniors, many of them frail with serious health problems, time to find suitable housing.

*(continued on page 28)*

# CLASSIFIED ADS

## Office Space – Indio

Central Indio, CA. New Class A Office Space. Call Dominick Mancuso at (760) 773-3155 or Email dmancuso@dc.rr.com. Coldwell Banker NRT.

## Executive Suites Downtown Riverside

Tower Professional Building has offices available from 200sf to 1500sf. We are located on the corner of Lime and 13th in Downtown Riverside within walking distance to courts. Building has receptionist, conference room, parking, and more. Please call Carole at 951 686-3547 or email to tow-erpm@sbcglobal.net.

## Office for Rent – Full Service

Inns of Court Law Building, 3877 Twelfth Street, Riverside, CA 92501. One block from Court House. Call Vincent Nolan at (951) 788-1747.

## Downtown Riverside Offices

Offices available “Class A Building,” conference room, secretary space, copier, phone system, DSL, 24 hr security, parking structure. Contact Mrs. Munoz, (951) 781-3163.

## Office Space Grand Terrace

In between Riverside and San Bernardino courts. Newly remodeled, ready to move in. New restrooms in units, paint, tile, doors, etc. 565 to 1595 square feet, \$1.40/ft. No cams. (951) 689-9644.

## Executive Suites Moreno Valley

Executive suites available in new building on Sunnymead Blvd. in Moreno Valley. Includes voice mail, direct phone number, fax number, access to T-1 high speed internet, access to conference room and more. Contact Leah at 951-571-9411 or leah@gsf-law.com. All second floor offices.

## Premium Office Space – Hemet

Downtown, established Law Building in prime location. Includes 3 private offices, shared library, conference and reception rooms. Call Darlene or Diana at (951) 929-2377.

## Special Appearances

Attorney available for special appearances in Hemet and Southwest Justice Center. Call Linda, (951) 927-6306.

## Fingerprint Consultant

Court qualified expert in the field of the fingerprint science. Also Cal-ID Experience. Contact Granville (Bud) Kelley, email budeffie@yahoo.com, phone (951) 689-2286. Court qualified expert in fingerprint identification and testimony. Superior and Municipal Courts. Resume available upon request.

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## For Sale – Cal Reporter

Hard cover Cal Reporter Volumes 117 – 286, 2nd Volumes 1 – 60, Great Bookcase Filler. \$400.00. HON Legal size 4 drawer File cabinets approx. 10, Excellent condition. \$75.00 each. Contact Kelly at Law Office of James T. Ybarrondo, (951) 925-6666 or email kelly.hemetlawyers@earthlink.net.

## Conference Rooms Available

Conference rooms, small offices and the third floor meeting room at the RCBA building are available for rent on a half-day or full-day basis. Please call for pricing information, and reserve rooms in advance, by contacting Charlotte at the RCBA, (951) 682-1015 or charlotte@riversidecountybar.com.



## Inland Counties Legal Services *(continued from page 23)*

On July 26, 2007, the Western Center on Law and Poverty won a major case against the Fontana Redevelopment Agency when the Fourth District Court of Appeal issued an opinion that greatly benefits low-income people in need of affordable housing throughout California. The appeals courts unconditionally agreed with ICLS's client, Jeanette Torres, and the nonprofit organization Libreria del Pueblo, who argued that the Fontana Redevelopment Agency misappropriated at least \$53 million in affordable housing funds over the past 20 years by illegally diverting the money to a private developer. This decision serves to hold redevelopment agencies in California accountable for affordable housing and debt limitation requirements under state redevelopment law. ICLS managing attorneys Robert S. Roddick and Cass Watters were members of the legal team, which also included the California Affordable Housing Law Project of the Public Interest Law Project, Briggs Law Corporation and Kirkland & Ellis.

*Irene Morales is the Executive Director of the ICLS and has been with the agency since 1976. Ms. Morales serves as Co-Chair of the Project Directors Association, which is funded by the California Legal Services Corporation, and is a member of the National Legal Aid and Defender Association (NLADA) Civil Policy Group*

