

**2005 & 2006 Service
Accomplishments
and Legal Outcomes Study**



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About the Study

The impetus for this study came from a need to articulate organizational service accomplishments for the HALSA Board of Directors in preparation of an organizational strategic plan for the three fiscal years 2009-2012.

The study focuses solely on cases that were resolved in the calendar years of 2005 or 2006. HALSA chose closed cases so that outcomes could be identified. Due to the extended legal cycles of some of our practice areas such as discrimination and immigration, many cases were opened in years prior to 2005. In fact, some of these cases took 4 years or more to resolve. Because of the nature of this closed case study, service accomplishment data in this study will be different than in other reports such as Annual Reports which include all cases open during a particular year.

Notes from closed cases and/or interviews with staff, contracted attorneys or pro bono counsel were used to determine outcomes. The study also focused on outcomes from *represented* cases since outcomes from counsel and advice and limited services were not feasible to ascertain given the finite resources allocated for this study. Therefore, since only 8.1% of all closed cases during this time period were fully represented, it should be understood that HALSA had significant additional outcomes that were not identified.

Special Thanks

HALSA thanks Jessica Muto J.D., the primary researcher, for her 3 months of hard work in late 2007 that made this study possible and Edward Chang Kim for additional research and data reconciliation during his 2008 summer internship.

HALSA 2005 & 2006 Closed Case Data by Practice Area and Percentage Fully Represented

Practice Area	Total Closed Cases	Total Representation	% Represented
Debtor/Creditor	97	14	14.4
Discrimination	267	12	4.5
Housing	620	51	8.2
Immigration	843	71	8.4
Legal Check Up	316		
Permanency Planning	47		
Public Benefits	300	51	17
Taxes	444	84	18.6
Testamentary	393		
Other/Misc	163	0	0
Totals	3490	283	8.1

Service Accomplishments and Legal Representation Outcomes by Practice Area

DEBTOR / CREDITOR:

HALSA closed 97 Debtor/Creditor cases.

Of those 97 cases, HALSA provided counseling and advice or limited services for 83 clients. These unrepresented cases were categorized as Collections/Harassment (57), Other Consumer/Finance (12), Bankruptcy (6), Credit Access (5), Loans/Contracts (3).

The remaining 14 represented cases were all favorable (100% success rate).

Outcomes:

- HALSA arranged pro bono representation to file 2 Chapter 7 bankruptcy petitions in federal court. Both clients' debts were successfully discharged.
- Another pro bono attorney assisted a client with a consumer law matter concerning the retention and subsequent sale of client's vehicle by a towing company because client lacked \$35 of the \$160 towing fee. Settlement was reached.
- HALSA assisted the remaining 11 clients by negotiating with creditors to cease debt collection action.

DISCRIMINATION:

HALSA closed 267 Discrimination cases.

Of those 267 cases, HALSA provided counseling and advice or limited services to 255 clients. These unrepresented cases were categorized as Confidentiality/Privacy (151), Employment (95), Medical Refusal of Care/Segregation (6), Public Accommodations (3).

Of the remaining 12 represented cases, 10 cases were favorable (83% success rate)

Outcomes:

- Client was harassed and terminated by employer. HALSA filed a complaint and EEOC found reasonable cause to believe client was

terminated based on his disability, in violation of the ADA. Client received settlement.

- Client took a month off from work for health reasons. When he returned to work, he was demoted from supervisor to cashier. Through negotiations, client was reinstated to his supervisor position.
- Client was being harassed by his landlord who knew about his status because he applied for housing under HOPWA. After intervention, client reported he no longer felt as though he needed to move, and that his landlord had stopped harassing him.
- Client was having problems with his landlord. She was disclosing his HIV status to other tenants in the building and harassing him. HALSA filed a cease and desist order for landlord. Client reported that the harassment stopped.
- Client was scheduled for back surgery, but his surgeon refused to perform the procedure when he discovered he discovered client's HIV status. HALSA filed complaints with the Medical Board of California and the Office of Civil Rights (OCR). OCR accepted client's case and began an investigation. Client won damages.
- Client needed a hip replacement. His surgeon canceled the surgery because she couldn't find another surgeon willing to "take the risk." HALSA filed complaints against the medical centers with the OCR, who accepted his case and investigated the centers. Client received settlement.
- Client was refused entry into a bank with a service animal. HALSA negotiated a monetary settlement. Bank agreed to train all regional employees on service dog policy.
- A mother sought assistance for her 15 year old daughter when she was dropped from an Individual Education Program at her school. HALSA attorney met with school officials and explained the girl's need for special accommodations. The school re-enrolled the girl in the IEP program.
- Client was being harassed by his parole officer who knew client's HIV status and was making him submit to more drug tests than what is considered standard operating procedure. After HALSA began administrative filings, client reported that he was being treated more fairly.
- Service provider illegally disclosed client's HIV status to daughter. Daughter then evicted father from her home and stopped communicating

with him. After more than a year of negotiation, service provider agreed to disclosure training for all employees and financial settlement for client.

HOUSING:

HALSA closed 620 Housing cases.

Of those 620 cases, HALSA provided counseling and advice or limited services to 569 clients. These unrepresented cases are categorized as Landlord/Tenant (398), Subsidized Housing/Section 8 (117), Other/Misc (46), Home Ownership (8).

Of the remaining 51 represented cases, 38 were favorable (74% success rate)

Outcomes:

- prevented 8 clients from being unlawfully evicted from their apartments.
- won security deposit refunds for 3 clients
- forced 2 separate landlords to perform mold abatement when 2 clients suffered from mold-related health problems
- favorably assisted 6 clients with various conflicts with their landlords
- filed procedural extensions that enabled 7 clients to remain in housing for an extended term before vacating
- Won settlements for 12 clients regarding relocation fees, habitability issues and repairs, or time extensions for vacating housing units

IMMIGRATION:

HALSA closed 843 Immigration cases.

Of those 843 cases, HALSA provided counseling and advice or limited services to 772 clients. These unrepresented cases are categorized as Legal Permanent Residency (693), and Naturalization/Citizenship (79).

Of the remaining 71 represented cases, 59 were considered favorable (83% success rate).

Outcomes:

- represented 16 clients to become naturalized citizens
- obtained Legal Permanent Residency (green card) status for 11 clients
- obtained LPR status renewals for 2 clients
- obtained work permits for 6 clients
- won Asylum or Withholding of Removal for 2 clients

- won HIV/hardship waivers for 20 clients in support of pro per LPR administrative interviews
- won stays for 2 clients with Removal Orders
- obtained student visa for a minor

LEGAL CHECK UP:

HALSA conducted 316 Legal Check Ups, a legal preventative and education program.

PERMANENCY PLANNING / CHILDREN'S RIGHTS:

HALSA closed 47 Permanency Planning cases. All legal work product and counsel was fulfilled by attorneys at Public Counsel.

Of those 47 cases, HALSA/Public Counsel provided counseling and advice or limited services in the areas of Guardianship/Conservatorship (32) Custody/Visitation (13) and Adoption (2).

PUBLIC BENEFITS / PRIVATE INSURANCE:

HALSA closed 301 Public Benefits cases.

Of those 301 cases, HALSA provided counseling and advice or limited service to 250 clients. These unrepresented cases are categorized as SSI/SSDI (249), MediCare/MediCal (32), COBRA (11), Unemployment (4), CalWorks (3), Veterans Benefits (2)

Of the remaining 51 cases, 44 were favorable (86%).

Outcomes:

- obtained preserved or increased SSDI and MediCal for 10 clients
- obtained, preserved or increased SSI benefits for 31 clients
- successfully obtained a complete waiver of one client's \$20,000 overpayment
- successfully obtained a reduction of another's from \$20,000 to \$3700
- Client's insurance company was not covering the costs of all of client's medications. After demand letter, insurance company reimbursed client for a year's worth of medications it had not covered and agreed to honor its contractual obligations in the future.

TAX:

HALSA closed 444 Tax cases.

Of those 444 cases, HALSA provided counseling and advice or limited service to 360 clients. These limited tax cases are categorized as Prepare Current Year Return/VITA (225), Tax Counseling (135).

All of the remaining 84 represented cases were negotiated with the IRS or FTB outside of Tax Court. Due to this characteristic of our tax practice, favorable or unfavorable indications were not made.

Outcomes:

- reduced or removal of tax debt for 21 clients
- prepared and filed Prior Year Return(s) and negotiated settlement for 56 clients
 - of those, removed wage garnishments for 11 clients that improved employer's perception of client and protected employment.
 - removed levies for 6 clients that enabled clients to get "frozen" cash assets returned
 - reduced total tax liability of these clients by \$56,821
- represented 6 clients in audits that resulted in total tax liability reduction of \$3822
- successfully assisted client that was a victim of social security ID theft. SSA reduced disability benefits by \$1800 because of perceived income. We proved identity theft and client received \$1800 owed by SSI and tax liability was removed by IRS and FTB.

TESTAMENTARY:

We prepared wills, powers of attorney, medical powers of attorney, and other future planning documents for 75 clients.

OTHER / MISCELANEOUS:

HALSA provided counseling and advice or limited service to 163 clients with other/miscellaneous issues. Most cases were not categorized, but of those that were, the cases were Criminal (23), Contracts (11), Family Law (8), Auto/Drivers License (5), Torts (2), Name Change (1).