



EQUAL JUSTICE JOURNAL

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Iowa Legal Aid Celebrates 40th Anniversary

By Patrick McClintock

January 2017 marked the 40th anniversary of Iowa Legal Aid, known before 2003 as the Legal Services Corporation of Iowa (LSCI). I was fortunate to have been with legal aid in Iowa in 1977 when LSCI was incorporated. Four small programs located in Dubuque, Iowa City, Waterloo, and Council Bluffs merged to become a statewide organization serving low-income individuals in 98 of 99 Iowa counties.

The Legal Services Corporation (LSC) Act of 1974 paved the way for the incorporation of LSCI in 1977. The predecessor for LSC was a division within the Office of Economic Opportunity (OEO), which was created in 1965 as part of President Lyndon Johnson's War on Poverty. OEO funded over 260 community-based legal aid organizations, located largely in urban areas. The Nixon Administration placed OEO's existence in doubt in the early 1970s, dismantling the federal agency as it became politically unpopular. With the end of OEO in sight, a bipartisan group of legislators in Congress, encouraged by the American Bar Association and poverty-rights advocates, undertook the task of creating an independent federal agency to fund legal aid nationally.

A Period of Expansion: 1977-1982

A key principle of the Legal Services Corporation Act was to fund a network of programs that served both rural and urban areas. The idea, credited to Iowa Congressman Neal Smith, was to provide minimum access to legal services to the nation's poor. Smith served as the chair of the Appropriations Subcommittee that had jurisdiction over LSC funding. The LSC Act defined minimum access as two lawyers per 10,000 low-income people. Minimum access resulted in a rapid expansion of legal services in Iowa after LSCI was formed in 1977. LSCI became the predominant legal-aid program in Iowa by 1980, serving individuals in 98 of the state's 99 counties. By 1982, LSCI consisted of 15 offices located in Burlington, Cedar Rapids, Council Bluffs, Creston, Decorah, Des Moines, Dubuque, Fort Dodge, Iowa City, Mason City, Sioux City, Spencer, Ottumwa, and Waterloo; an office in Davenport called HELP Legal Assistance remained independent but was partially funded by LSCI. One other LSC-funded program, the Legal Aid Society of Polk County, continued in Des Moines.

I was working as a paralegal with the Black Hawk County Legal Aid Society when the merger creating LSCI occurred in 1977. LSCI's founding board of directors hired John Barrett, an Iowa native and a Harvard-educated, law school professor, to serve as the program's first executive director. John had worked as a legal-aid lawyer in South Dakota, serving a largely Native American population. John hired me to help set up the new statewide program.

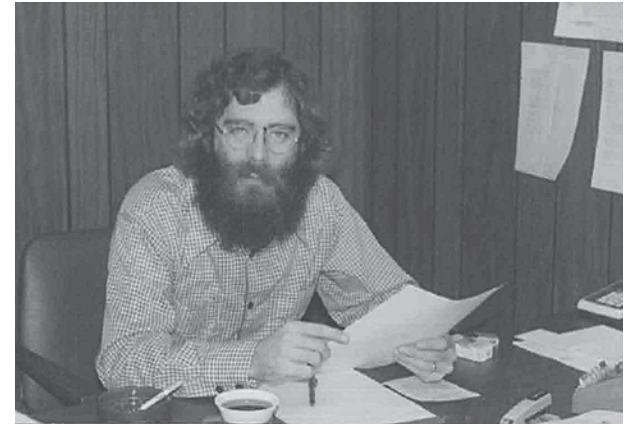
LSCI's board created a statewide legal-aid organization that included a large governing body of lawyers and low-income individuals from across the state. Each regional office had an advisory council to support the development of local offices. As new offices opened, the advisory councils hired managing attorneys and performed outreach to the newly created service areas.

One of my enduring memories of this period was the enthusiasm of the new staff and the excitement of building the new organization's systems for serving low-income Iowans.

Retrenchment and Retooling: 1982-1985

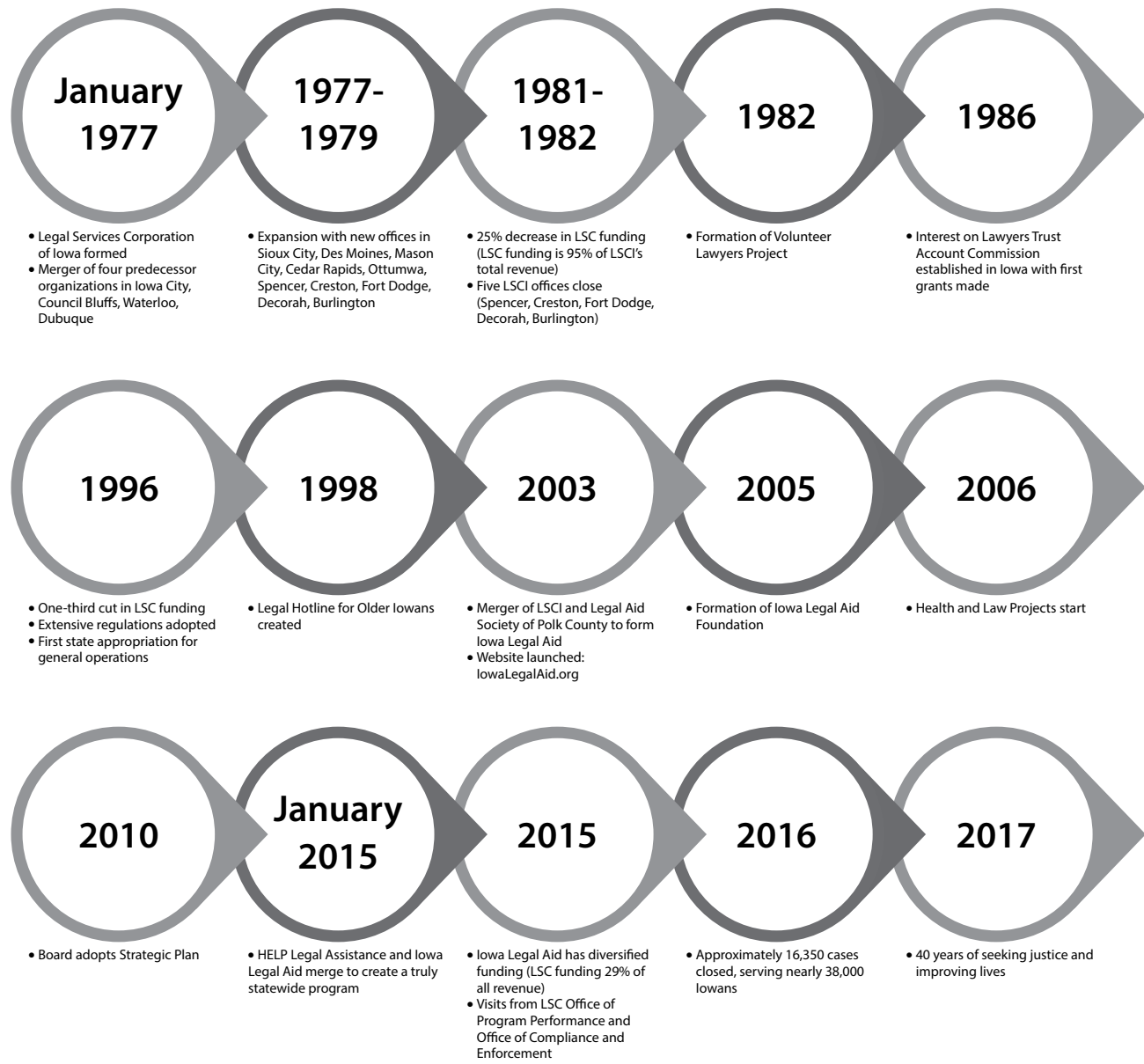
The first and perhaps most significant setback to the new program came in 1982 when congressional budget cuts reduced federal funding by 25 percent. The program almost exclusively depended on federal funding, so the immediate result was the closing of the offices in Burlington, Creston, Decorah, Fort Dodge, and Spencer. The program also experienced significant staff losses, including its executive director and program administrator. Almost by default, I became the new program administrator. Randi Youells, a deputy director and the architect of the program's community legal education efforts, became the new executive director. One of Randi's first priorities was to stabilize the program's financial situation by creating a new deputy director position focused specifically on fundraising. The new deputy was Dennis Groenenboom. Dennis started his career with LSCI in Mason City, served as managing attorney of the Cedar Rapids office, and worked as a senior staff attorney in the program's Central Iowa Regional Office.

Dennis's first order of business was to expand funding from Area Agencies on Aging and United Way agencies and to tap into the newly created Interest on Lawyers Trust Account (IOLTA) funding that began in 1985. Gradually, the program's ratio of LSC to non-LSC funding began to shift. Funding became more diversified and focused on supporting special projects. Ultimately, these efforts led to the addition of a Development Unit and the Iowa Legal Aid Foundation. In 2016, LSC funding represented only about one-third of Iowa Legal Aid's total funding.



In 1974, Patrick McClintock began his career as a paralegal in the Black Hawk County Legal Aid Society, a predecessor to Iowa Legal Aid.

40 Years of Seeking Justice and Improving Lives



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Hattie Holmes, left, and Arlys Kness, long-time Iowa Legal Aid employees, have worked with the program for the entire 40 years of its existence. Both began their work with predecessor organizations that merged to form the Legal Services Corporation of Iowa. Hattie began her work with the Black Hawk County Legal Aid Society on January 1975 and Arlys joined the staff of the Dubuque Area Legal Services Agency on January 1977.

40 Years of Seeking Justice and Improving Lives

Housing: Protecting Rights of Tenants and Home Buyers

By Jan Rutledge

Losing a home is one of the most traumatic events a family may experience. Iowa Legal Aid has helped ensure the rights of tenants and home buyers through court cases and other advocacy. In addition, Iowa Legal Aid advises thousands of clients each year, to make sure they know their rights. Sometimes, Iowa Legal Aid enforces the laws that protect tenants and buyers. Iowa Legal Aid also challenges unfair laws.

One example of challenging an unfair law is a case called *War Eagle Village Apartments v. Plummer*. Iowa's landlord-tenant law allowed landlords to serve notice of an eviction by certified mail only, whether or not the tenant signed a receipt for the notice. Many people have a difficult time getting to the post office to pick up certified mail, because of a lack of transportation or trouble getting off work during post office window hours. Iowa law also requires only three days' notice of an eviction hearing. Iowa Legal Aid staff members heard from many tenants who did not receive the notice before the eviction hearing, so they never had their day in court.

Iowa Legal Aid sued to challenge this law. In *War Eagle Village Apartments v. Plummer* (War Eagle), the Iowa Supreme Court ruled that the statute violated the due process clause of the Iowa Constitution. The court said the law did not give tenants enough notice of these high-stakes hearings, where their housing was at stake.

Shortly after this decision was announced, an attorney from Iowa Legal Aid was in small claims court. The court sets all the cases for the same time, so the courtroom was full. The magistrate announced the decision in the War Eagle case and said that unless there was personal service (by the sheriff's department or a private process server), the magistrate would dismiss the case. The magistrate called case after case and dismissed one after another. Only one case was heard that day because in that case, there was personal service. Because of the War Eagle case, the Code of Iowa was changed. Since March

of 2010, eviction notices must be served personally, or the landlord must do three things: send the notice by regular mail, send it by certified mail, and post the notice on the primary door of the dwelling.

Iowa Legal Aid has also gone to court to enforce the laws protecting the rights of tenants. Here are some examples of cases where the court upheld rights of tenants under Iowa law:

- Tenants are entitled to a notice that lets them know they have three days to pay the rent due and prevent eviction. *Symonds v. Green*.
- The notice of nonpayment of rent must include only amounts legally owed. *Seldin Co. v. Calabro*.
- Tenants are entitled to a notice that lets them know they have broken the lease and gives them time to fix problems before the lease is terminated. *Liberty Manor v. Rinnels*.
- After a tenancy ends, the landlord must show proof of the damages claimed, and the landlord must try to minimize the damages owed. *D.R. Mobile Homes v. Frost*.

Sometimes clients in federally-subsidized housing need help to protect their rights. One case is *Horizon Homes of Davenport v. Nunn*. In that case, the court ruled that tenants could only be removed from the subsidized complex for good cause—even at the end of the lease.

Sometimes a tenant needs to appeal an eviction. Often in eviction cases, a judge's decision said who won but did not give reasons. This procedure made appeals difficult. In *Jack Moritz Co. v. Walker*, the Iowa Supreme Court said the judge must give the reasons for the decision.

People facing mortgage foreclosure also need legal help to preserve their rights. *Nationwide Advantage Mortgage Company v. Echeverria* established that a lender has a duty to the borrower to act in good faith. In this case, the lender should have made sure the earlier mortgages were paid off. In *Tullis v.*

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You should see a lawyer to get complete, correct, and up-to-date legal advice. Do not rely on the general information in this newsletter for your specific case. If you need a lawyer but can't afford one, contact Iowa Legal Aid. You may be able to get free legal help. Call or write Iowa Legal Aid, or apply on line at IowaLegalAid.org.

AS YOU READ THIS NEWSLETTER, REMEMBER IT IS NOT A SUBSTITUTE FOR LEGAL ADVICE.

PUBLIC NOTICE

Meetings of the Iowa Legal Aid Board of Directors are open to the public. The Board of Directors meets at least four times each year. The public is encouraged to attend.

The next meeting of the Board of Directors is scheduled to take place on Saturday, May 6, in Des Moines. For details on the next meeting of the Board, call toll-free: 800-532-1275, and ask for Arlys.

Weeks, the Iowa Court of Appeals recognized that an Iowa Legal Aid client had entered into an equitable mortgage and had not given up all rights to the home she had lived in all her life.

Iowa Legal Aid helps create housing stability for clients. Every day, the staff members of Iowa Legal Aid help people facing the loss of housing, loss of a housing subsidy, unsafe housing, and homelessness. Housing cases are about 30 percent of the cases handled by Iowa Legal Aid. That is about 4,900 households, affecting approximately 11,750 people every year.

Preserving a family's housing means the family does not have to start over when property is taken out of their apartment and put on the curb. Preventing homelessness helps keep children in school. Stability in housing results in more stable families with more successful futures.

Jan Rutledge is the managing attorney of Iowa Legal Aid's Iowa City Regional Office.

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A Period of Stability and Growth:1985–1995

LSCI enjoyed steady growth through the rest of the 1980s into the early 1990s. The relationship between LSC and its grantees, which had soured with the budget cuts and regulatory changes in the early 1980s, improved under the leadership of George Wittgraf. Mr. Wittgraf, an attorney from Cherokee, was President George H.W. Bush’s selection to serve as president of the LSC Board of Directors. He committed the new board to fostering a cooperative relationship among national staff and field programs.

By 1995, LSC funding reached a high-water mark of \$400 million. Legal-services programs represented thousands of clients nationally, and more than 25,000 per year in Iowa alone. Legal-aid lawyers litigated cases that changed the legal landscape for the poor. LSCI served new populations of clients, including farmers hit hard by the credit crisis and disaster victims impacted by the historic 1993 floods. Legal-aid staff became leaders in the legal community, and the private bar expanded services through pro bono activities. LSCI also began to test new technologies, adopting the policy of having a computer on every employee’s desk and moving the program’s case management systems to computers.

Restrictions, Reductions and the Deployment of New Strategies

The relatively prosperous years of the late 1980s to mid-1990s ended abruptly with the election of 1994. A new Congress set out to put legal services on a “glide path to elimination.” The objective was to reduce federal funding in one-third increments with no further federal funding by the fourth year or FY 2000. LSCI executive director Dennis Groenenboom, who began his new position in 1992, encountered the biggest challenge to the program since the period of retrenchment in the early 1980s. In addition to major reductions in federal LSC funding, Congress enacted dozens of new restrictions on the services provided by legal-aid programs. New laws prohibited class action lawsuits and fee awards. Challenges to public welfare policy were restricted, as were services to undocumented immigrants.

The next few years were difficult, but LSCI proved resilient. With the support of the legal community and others, the program received a state appropriation to support general operating costs for the first time. Increased philanthropic efforts led to the Annual Campaign for Legal Services. Bipartisan support in Congress stopped further reductions in LSC funding.

LSCI undertook an examination of its service-delivery system and developed new strategies for serving clients. Christine Luzzie, the program’s deputy director of litigation, led the effort to interpret and implement new policies for serving clients in the face of the new federal restrictions. The use of technology in reaching and serving clients also continued to grow.

Merger, Expanded Technology and the Development of a new Intake System

By the late 1990s, LSC pressured smaller programs to merge into more fully integrated, statewide organizations. At this time, LSC leadership decided that they would fund only one grantee in Iowa. As a result, the Legal Aid Society of Polk County and the Legal Services Corporation of Iowa agreed to merge. On January 1, 2003, Iowa Legal Aid became the new statewide program. The merger brought with it three major initiatives. The first was the launching of a statewide, public-focused website at iowalegalaid.org. The website helped brand the new organization and expand access to the program’s array of legal education resources. Later, Iowa Legal Aid

launched an online intake application that enabled individuals to apply for legal services 24/7.

The second initiative was the implementation of a new web-based case management system called Pika. Pika provided new timekeeping and casework tools that helped streamline the program’s delivery of services. It also allowed staff to access the system from remote locations to do onsite intake.

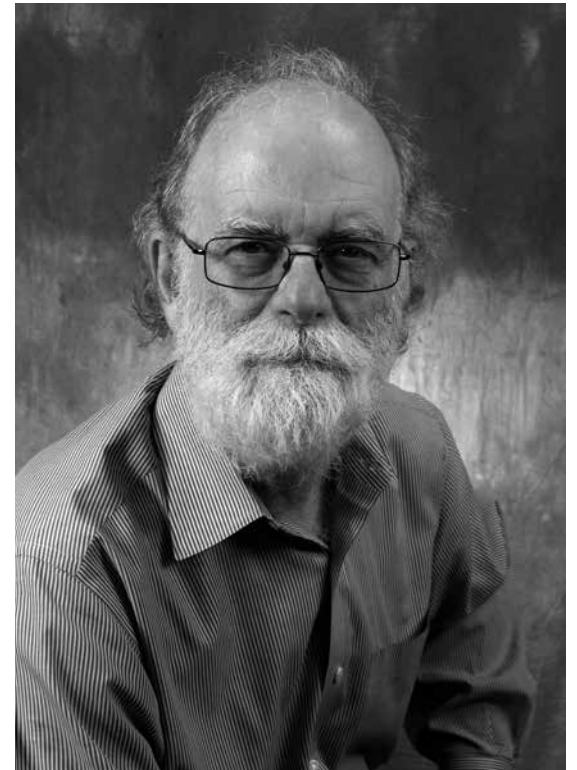
The third major initiative was the development of a statewide-integrated intake system that employed Voice over Internet Protocol (VoIP) technology and dramatically improved the program’s efficiency in using staff statewide for client intake. With the new intake system, a support staff employee in one office could conduct intakes on clients from other service areas. Calls and digital files could be transferred seamlessly over the network. LSC staff has described Iowa Legal Aid’s intake system as a model for other programs throughout the country.

In 2008, the National Legal Aid and Defender Association recognized Iowa Legal Aid for technological innovation, an award of which I am particularly proud.

New Challenges, New Accomplishments, and the Transition to a New Generation of Leadership

Over the last 10 years, the mortgage foreclosure crisis was the greatest challenge Iowa Legal Aid’s clients faced. Before 2008, the program handled only a handful of foreclosures and forfeitures. Within a few years, the program handled thousands of these cases, working cooperatively with the Iowa Attorney General’s Mortgage Foreclosure Hotline to help save homes. At the same time, the program continued to expand services to victims of domestic abuse. This program included working with the University of Iowa’s School of Social Work on a social science research project examining in-depth the impact of civil legal-aid services on outcomes for abuse survivors. This important and groundbreaking research found, among other things, that civil legal assistance could improve a domestic-abuse survivor’s sense of empowerment, increase the financial stability of their households, and reduce dependency on public assistance.

Iowa Legal Aid was awarded a grant from the Legal Services Corporation to coordinate the Midwest Disaster Coordination Project. The focus of the project was to develop best



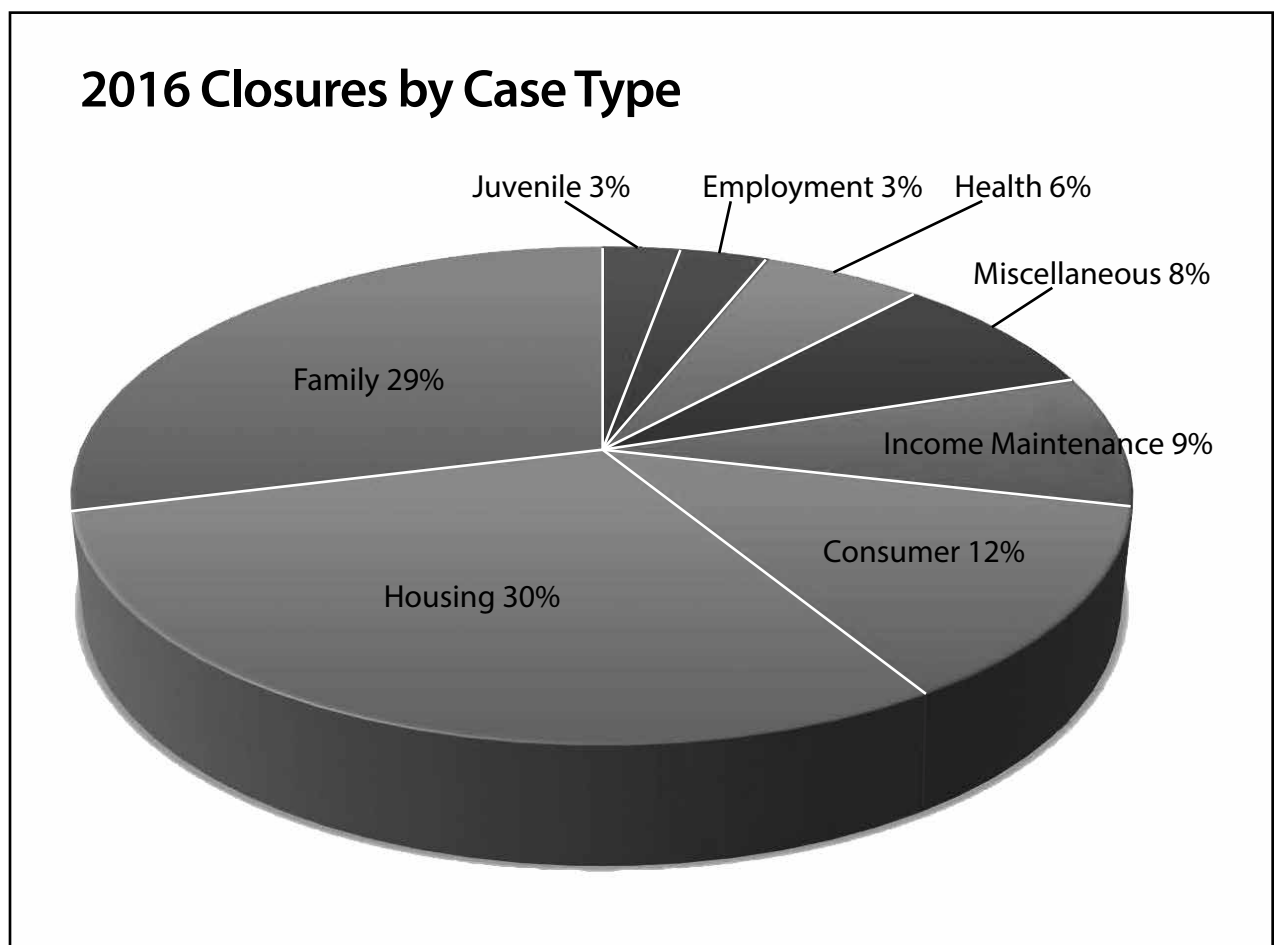
Patrick McClintock retired in late 2016 as Iowa Legal Aid’s deputy director of Program Administration.

practices for responding to the needs of disaster victims. It included the development of new resources accessible from mobile devices such as smart phones that put information on how to get disaster help in the palm of the victim’s hand.

New initiatives are underway to re-examine and improve the program’s pro bono activities and to expand services to a broadened population of farm workers. Both projects offer hope for improved services to low-income people residing in rural communities.

After 40 years, the transition to a new generation of legal services leaders in Iowa is beginning. I have left my position as the program administrator after more than 40 years of service with legal services in Iowa. In the not-too-distant future, other program staff who are at or near retirement will soon join me. This transition will be a new challenge for Iowa Legal Aid’s board and staff. However, as this rendition of the program’s history attests, previous challenges have been faced and met with the result being an increasingly resilient, creative, and effective Iowa Legal Aid.

Patrick McClintock was Iowa Legal Aid’s deputy director of Program Administration from 1983 until December 2016, when he retired after working with the program for 42 years.



Iowa Legal Aid Then and Now

By Frank Tenuta

Some things have changed since I walked into my office in downtown Sioux City for the first time as a real attorney in December 1985. I was assigned an office with a desk and a telephone. I had a paper calendar and index cards with my clients' names and telephone numbers. We had paperwork for each client kept in a file cabinet. We had a paper system to remind us about case work, meetings and hearings. We dictated letters that were typed on an IBM Selectric. We also had one word processor, a "CPT," which was used for legal pleadings and briefs.

Now, I cannot function without a computer on my desk. Our secure database is accessible to staff in all our offices, and even from home. We rely on our database to keep track of all our client information. We use it for reminders about casework, hearings, and appointments. Many of our cases never have a paper file.

When I started, clients called or came into the office to schedule an appointment to complete their application. Depending on the schedule, they might have to wait up to a week to complete their application and speak with an attorney. Appointments were generally scheduled two or three days a week. Now, clients can apply anytime online. They can also apply by telephone every day of the workweek. Today, applications are completed

at the time of the first contact. Many clients can speak with an attorney or paralegal within 15 minutes of their first call.

When I started at Iowa Legal Aid, my supervisor only had a couple of years of experience. Most attorneys working for Legal Aid were relatively young. Now Legal Aid has many attorneys with substantial legal experience. Also, using technology, we are much more connected with our coworkers across the state. We benefit from the experience of many long-time Iowa Legal Aid advocates. This networking among advocates helps us to provide more efficient and better service to our clients.

The legal system has also changed considerably. In some ways, it has become user-friendly for people without attorneys. Today's procedures are especially important for low-income clients who cannot afford an attorney. When I started, a victim of domestic abuse could not go to the courthouse and fill out forms to request a restraining order. The victim would need the assistance of an attorney. In those days, we would write out the papers for clients and assist them in getting the request for a protection order filed. Now, protection-order forms are available at the courthouse, and the process is much quicker. There are also forms available to file for divorce without an attorney.

The court system now has electronic filing, a procedure that has created some roadblocks for low-income people with limited or no access to technology. On the other hand, it has made court records much more accessible to attorneys. Electronic filings make it easier for Iowa Legal Aid attorneys to understand the legal issues being faced by particular clients.



Since joining Iowa Legal Aid in 1985, Frank Tenuta has witnessed many changes in the Northwest Iowa Regional Office.

Some things have not changed. I still have my 1980s Swingline stapler on my credenza, and it works great! Low-income people still face many of the same issues they have always faced. Victims of domestic violence still need assistance with protection orders and custody issues. Tenants still need help with habitability issues and illegal evictions. Individuals with disabilities still face mistreatment and discrimination. And, Iowa Legal Aid is still here to help.

Frank Tenuta is the managing attorney of Iowa Legal Aid's Northwest Iowa Regional Office in Sioux City.

40 Years of Seeking Justice and Improving Lives

Individual Rights

By Christine Luzzie

For 40 years, Iowa Legal Aid has provided legal assistance to people with disabilities. Sometimes Iowans with disabilities have problems in getting services. They also may have problems getting the right treatment in the least-restrictive setting.

Guardianships and mental-health commitments can provide needed help with decision-making. But, they can also take away people's rights to make decisions about how they live their lives. Over four decades, Iowa Legal Aid has protected people's rights and made sure people are treated fairly.

In 1995, Iowa Legal Aid represented Curtis Hedin in a landmark case. That case, *In Re Guardianship of Hedin*, established the rights of wards in guardianships. Mr. Hedin wanted to make his own decisions. He wanted to move into the community. He had support services. But, his guardian would not let him move. The Iowa Supreme Court decided that a court must consider if the person can make some decisions. Guardianships should be limited only to those things where the ward needs help. The ward can make all other decisions. Because of the Supreme Court's decision, Mr. Hedin was allowed to move into the community and get on with his life.

As a result of other cases brought by Iowa Legal Aid, persons with disabilities were able to:

- Get fair hearings and procedures when seeking mental health services. *Lundin v. Woodbury County* (1995), *Putzier v. Woodbury County* (1995).
- Get mental health services even though they had not lived in the county long

enough to qualify for legal settlement. *Doe v. Marshall County* (1987), *Doe v. Dubuque County* (1991).

- Get a fair hearing on their placement when under a mental health commitment. *Salcido v. Woodbury County* (2000).

Today, managed care presents new challenges for persons with disabilities needing home health services. Home health services are available under Medicaid waivers. The waivers allow Iowans who have a disability or are elderly to remain safely in their homes. Keeping people in their own homes makes economic sense as well. With the transition to managed care, many people need legal help when changes in services are proposed.

Another problem is illegal nursing home evictions. A forced move from a nursing home can be traumatic and disruptive. It can also be difficult to find another appropriate place to live. Iowa Legal Aid represents clients in hearings to challenge these forced moves. Iowa Legal Aid deals with financial issues and makes sure residents receive the appropriate care.

Many Iowans need government benefits to survive. Iowa Legal Aid has worked to make sure these benefits are given consistent with the law and the Constitution. For example, Iowa Legal Aid cases have:

- Established standards for receipt of general relief. *Daniels v. Woodbury County* (1984).
- Made sure people get fair notice of food stamp overpayments due to an agency mistake. *Blick v. Iowa Dept of Human Services* (1997).

- Fixed misleading notices that led Social Security disability applicants to reapply instead of appeal, causing loss of benefits. *Peck v. Sullivan* (1990).

In the years ahead, Iowa Legal Aid will continue to represent the most vulnerable members of society. Iowa Legal Aid will strive to ensure that all Iowans have access to justice.

Christine Luzzie is deputy director of litigation for Iowa Legal Aid, working out of the Iowa City Regional Office.

Apply Online for Help from Iowa Legal Aid

People wanting help from Iowa Legal Aid can apply online. You will find the **Apply Online for Help** link in a yellow box on the right side of website pages at iowalegalaid.org.

Iowa Legal Aid staff will review the request for assistance within a day or two and call the applicant. **If the matter is urgent or involves a short deadline, DO NOT APPLY ONLINE.** Call 800-532-1275 to apply for help. Offices are open from 8:30 am to 4:30 pm (emergencies taken when open).

Telephone intakes: Regular telephone intake hours are Monday through Friday from 9 to 11 am and 1:30 to 3:30 pm, except Thursday afternoons.

40 Years of Seeking Justice and Improving Lives

Family Law

By Evelyn Ocheltree

Iowa Legal Aid has handled important family law cases. Many people ask Iowa Legal Aid for help with family law problems. The categories include domestic abuse, divorce, custody, child support, and guardianships for minor children. We try to help as many people as we can. We provide advice, extended representation, and referrals to the Volunteer Lawyers Projects.

In the last 40 years, Iowa Legal Aid appealed many family law cases to the Iowa Supreme Court. Iowa Legal Aid has won significant victories in many cases. Here are some of those cases.

DOMESTIC ABUSE

Knight v. Knight (1994): Domestic abuse victims can testify about things that happened, even if they did not put those things in the petition.

Smith v. Smith (1994): If there is a long time between the assault and the filing of a petition, the victim should still get a hearing. Judges should rarely dismiss a domestic abuse case without a hearing.

Conklin v. Conklin (1998): A court should not dismiss a domestic abuse case because the alleged abuser has filed for divorce.

In Re Marriage of Marconi (1998): A mother fled with her child because of the domestic abuse. A default divorce decree gave custody of the child to the abusive husband. The court reopened the case, and the court awarded custody to the mother.

Parrott v. Parrott (2002): Putting a victim in fear of an immediate physical assault is a domestic abuse assault.

Haley v. Haley (2003): A court should not dismiss a civil domestic abuse case just because there is a criminal no contact order.

Rasmussen v. Rasmussen (2004): A court cannot arbitrarily limit a domestic abuse hearing to 15 minutes for each side.

Bellamy v. Iowa District Court for Polk County (2008): A victim cannot be held in contempt of court for violating the protection order unless she acts “in concert with” the defendant.

Matthews v. Desplanques (2009): A court can consider prior bad acts of an abuser to show intent to assault.

Root v. Toney (2013): Persons can file for a protection order in the county where they are temporarily living. The Court reasoned that abuse victims often must seek temporary shelter. They should get protection as soon as possible after arriving in a new county.

Wolters v. Wolters (2013): Past abuse can be used to prove a more recent assault.

OTHER AREAS OF FAMILY LAW

In Re Guardianship of T.H. (1999): The court ruled that an aunt and uncle could not file for guardianship in Iowa to get custody of their niece and nephew because Colorado courts were already involved.

In Re Guardianship of Hall (2003): When natural parents ask for a guardianship to end, the guardians must prove the parents are not suitable to take care of their child.

In Re Interest of S.A.J.B. (2004): The Iowa Constitution guarantees a low-income parent the right to a court-appointed attorney in a termination of parental rights case that is not filed by the state.

Mulligan v. Ashenfelter (2010): A district court required a mother to give the other party her medical and mental health records. The Iowa Supreme Court ruled that the mother had a right to privacy in her records and reversed the district court order. The records are protected by the doctor-patient privilege and a constitutional right to privacy. In 2011, the Court of Appeals applied the rule in a divorce case, *In Re Marriage of Mulligan*. Because it was wrong to admit these records, the court granted a new trial to the mother.

Doe v. Iowa Dept. of Human Services (2010): Doe was a victim of domestic abuse. The Iowa Department of Human Services (DHS) decided she committed child abuse

because the child was home when she was abused. The Iowa Supreme Court ruled that DHS could not place a parent on the child abuse registry for this reason.

OTHER SIGNIFICANT WORK

Iowa Legal Aid works hard in other ways to help low-income Iowans with family law issues. We help train volunteer attorneys, advocates and service providers about family law. We give talks about legal rights and procedures to low-income Iowans at community legal education events. Also, we publish booklets on divorce, custody, domestic abuse, paternity, and child support.

Iowa Legal Aid works with other organizations to help with domestic violence issues. We have representation on the Child Support Advisory Council. Also, Iowa Legal Aid staff have served on the Iowa Supreme Court Committee that reviews and make suggestions on how to improve the child support guidelines.

Iowa Legal Aid helped develop pro se forms. There are forms for divorce cases and child-support modification cases. These forms allow people to file their case without the assistance of an attorney. Iowa Legal Aid also has pro se clinics to help people fill out the forms.

Iowa Legal Aid advocates for changes in administrative rules that help low-income Iowans who are paying child support. We also advocate for change to help victims of domestic abuse avoid the child abuse registry. Finally, Iowa Legal Aid has representation on the Iowa Guardianship and Conservatorship Reform Task Force. The task force is reviewing Iowa’s guardianship and conservatorship laws and procedures to make sure the system is efficient and fair.

Iowa Legal Aid is committed to preserving fundamental rights and protecting the safety of low-income families in Iowa. We are grateful for the pro bono help of the private attorneys and other individuals and organizations who share this commitment.

Evelyn Ocheltree is a senior staff attorney working in Iowa Legal Aid’s North Central Iowa Regional Office in Mason City.

Why Provide Free Legal Services to Low-income Iowans?

By Dennis Groenenboom

There are many ways to answer this question. First, looking at the origins of our country, the Constitution indicates that one of the reasons the states came together was to establish justice. Carved above the steps of the United States Supreme Court building is the promise of “Equal Justice Under Law.” The Pledge of Allegiance we all learned as children closes with the phrase, “and justice for all.”

That goal outlined in the Constitution, that promise on the Supreme Court building, and that ideal express in the Pledge of Allegiance cannot be achieved if low-income people do not have access to our court system. People must be equal before the law. Trained advocates are often necessary to achieve that promise of equality.

The second answer to this question is that access to the court system for low-income Iowans truly makes a difference in the lives of the most vulnerable people in this society. You will see in other articles throughout this anniversary edition of the Equal Justice Journal how Iowa Legal Aid’s work in a variety of areas has resulted in changes in the law that have improved people’s lives.

Victims of domestic violence need protection. Tenants who are evicted by a landlord who changed the locks and did not give proper notice need an attorney in court. Citizens denied medical benefits cannot fend for themselves. Access to the justice system and the assistance of legal aid makes a difference in all of these situations.

Another reason to provide access to our court system for low-income Iowans is that it makes the court system work better. Courts come to better conclusions if trained advocates represent people. Court works more efficiently as well.

Another answer to this question is that it makes a difference in the economic future of the state and viability and vibrancy of Iowa communities. There is increasing recognition throughout our communities that access to Iowa’s court system and legal aid must be a part of the solution to ensure an adequate household income, provide a solid public



education, and protect people from abuse. Indeed, legal aid for low-income Iowans is part of the critical response required to address systemic issues of poverty. Iowa Legal Aid is an anchor not-for-profit that communities and the state need to resolve problems successfully.

So, why provide access to legal services to low-income people? The answer really is multi-faceted and simple. It is fair. It is smart. It is effective. It is efficient.

Dennis Groenenboom has served as Iowa Legal Aid’s executive director since May 1992.

Thoughts of a Former Iowa Legal Aid Attorney

By John Allen, Clinical Professor of Law

I began work as an attorney for Legal Services Corporation of Iowa in September 1980. Two months later, Ronald Reagan was elected president, vowing to shut down legal services programs. I stayed on with the program past the completion of his second term eight years later. It is a delight, then, to be offering some thoughts on the occasion of Iowa Legal Aid's 40th anniversary. The program has proven to be resilient, surviving a series of challenges through the decades, and made stronger by the support of friends and allies. That resilience is similar to the resilience of spirit that so many of the program's clients have shown, persisting gracefully in the face of adversity with the support of a dedicated Iowa Legal Aid staff.

I worked for Iowa Legal Aid for almost a decade and for the last 27 years as a clinical teacher at the University of Iowa College of Law. Many of my former students have gone on to work with Iowa Legal Aid and other legal aid programs throughout the country. Countless more have volunteered their time with legal aid organizations. All of this has afforded me ample opportunity to reflect on the meaning of this work and to listen to the views of others considering this path.

For some, the draw to legal aid work is born of a recognition of the structural problems in our society that lead to poverty and a desire to work against those problems,

problems like institutional racism or structural unemployment. As a staff attorney in Waterloo in the early 80s, I watched significant disruptions in the local economy with the loss of thousands of good-paying manufacturing jobs. Clients faced problems with access to health care, decent housing, and food. The legal work could be understood to ensure that those who are left out of the prosperity that exists at any moment nonetheless have the capacity to meet their basic needs with dignity and respect.

Some of us are just inclined to root for the underdog; we see something heroic in the individual standing against the powerful institution. In the mid-80s, I had the chance to co-counsel with Marty Ozga on a class-action suit to challenge the way Social Security determined disability for purposes of benefits. Our client had worked hard all of her life. She raised several children all while working in cotton fields in Arkansas. She attended school through the eighth grade, and her only paid work history was in heavy, physical labor. A series of medical problems had ended her employment. When she applied for Social Security, she was declined because no single problem was that bad. Thus, the cumulative effect could not be serious. The client agreed to serve as a representative on behalf of a class of similarly situated people in an action filed in federal court in Cedar Rapids.

Early on, we asked for a preliminary injunction against the government and the client was called upon to testify in the imposing federal courtroom, presided over by a federal judge whose manner terrified all sorts of experienced lawyers. The government sent in one of its polished lawyers from Baltimore to handle the matter. The client stated her case simply, describing her work history and her health problems. The lawyers argued, and the judge indicated he had heard enough. I am still pretty sure (like 90%) that the judge winked at the client as she left the courtroom as if to say, "I heard you, and I have your back." In any event, some days later the judge entered a decision in favor of the client



John Allen, a member of the Iowa School of Law at the University of Iowa, has mentored many students since joining the staff in 1990.

and in favor of thousands of other people facing the same problem she had faced. The client had stood up to a powerful institution and won.

I have seen the lawyer's pride in the craft sustain the work. The legal-aid lawyers develop expertise and insight into areas of law that particularly affect their low-income clients. Simply put, it feels good to be good at what you do. And I have had the opportunity to admire that craft.

An Iowa Legal Aid attorney and former student only a few years out of law school invited me to sit in on a practice session for an argument that she was to give before the Iowa Supreme Court. The Court does not hear many cases in a year, and those cases that are heard get intense scrutiny. It is a big deal. She invited me because the case was in an area that I had a lot of experience (about 35 years). I read the briefs and realized that she had raised arguments that I had not seen before—arguments I had missed. These arguments carried the day, and the Court decided in favor of her client. I had to decide whether to kick myself for missing the arguments before or take pride in knowing that I had a part in training this impressive lawyer. I chose the latter.

No doubt Iowa Legal Aid and programs around the country will continue to face challenges. There is the ever-present problem that these programs can be the victims of their own success: If you are doing your job well, you are bound to offend someone in power. I am reassured by the dedicated men and women heading out into the world to support the underdog, to address structural problems, to master the craft, and to stand by and advocate for people facing what can seem like insurmountable problems.

Professor John Allen, a former senior staff attorney with Iowa Legal Aid, is the Herschel G. Langdon Clinical Professor of Law at the University of Iowa College of Law

Violence continued from Outside Front Cover

Most had earned a bachelor's degree or taken some college courses (76%). About 17% were residing in a rural community. All women reported high levels of psychological and physical IPV when they contacted Iowa Legal Aid. Some reported potentially lethal violence such as being choked or threatened with a weapon.

The team interviewed women at three intervals over 12 months. After one year, women in the study group reported:

Safety

- A decrease in the severity of physical violence.
- A significant decrease in emotional, verbal abuse.
- A significant decrease of violent and harassing stalking behaviors.

Economic Self-sufficiency

- A significant increase in total monthly income, an average of \$318 per month.
- A significant decrease in the use of program assistance (housing, utility, phone, food, subsidized day-care; other donations).
- A significant decrease in difficulty of living off current income.
- A significant increase in resources to meet their family's needs.

Psychological Well-being

- A significant decrease in post-traumatic stress symptoms.

- A significant decrease in depressive symptoms.
- A significant increase in social support.
- A significant increase of empowerment.

The study measured women's perceptions of their relationship with their Legal Aid attorney. Most women reported a positive relationship with their attorney. The quality of the attorney-client relationship and women's empowerment increased over time.

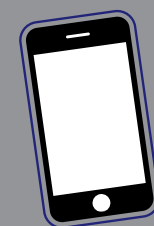
Conclusions

The women who experienced IPV and received help from Iowa Legal Aid reported improvements in their safety, economic self-sufficiency, and psychological well-being over a one-year period. These improvements were seen with women who received help with a civil protective order or a family-law case. The improvements occurred for both rural and urban women.

This study was one of the first to examine individual-level outcomes among women who experienced IPV and received civil legal services. The study provides important support for the effectiveness of civil legal services.

To read more about the study, go to ncjrs.gov/pdffiles1/nij/grants/249879.pdf.

Dr. Carolyn Hartley is an associate professor at the University of Iowa School of Social Work. Dr. Lynette Renner is an associate professor at the University of Minnesota School of Social Work.



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**The Legal Hotline
for Older Iowans
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An Iowa Legal Aid Project

United Way Partners with Iowa Legal Aid

By Elisabeth Buck

United Way congratulates Iowa Legal Aid on 40 years of providing civil legal assistance to low-income Iowans. A key component of Iowa Legal Aid's work involves collaborations with community partners.

Iowa Legal Aid partnered with United Way of Central Iowa to provide legal assessments for 27 families in the HOPE (Health, Opportunity, Prosperity, and Education) Initiative. This partnership helped those families resolve issues with student loans, medical bills and other debt, child custody, and domestic violence. HOPE provides wrap-around support. Many of these families are achieving financial self-sufficiency, graduating from college and improving their family's well-being. This is just one example of how Iowa Legal Aid and 17 United Ways programs throughout Iowa address challenges facing low-income Iowans.

Low-income families especially need support as they struggle to keep their jobs, stay in their homes, and provide necessities for their families. Iowa Legal Aid can work with these families to address common issues that give them a stronger foundation. As a result, these families can improve in United Way's priority areas of education, income, and health. These are the building blocks to a better life.

Legal services especially provide low-income and vulnerable families access to basic needs in life, such as shelter, food, and safety. Research shows the most basic needs must be met before an individual will strongly desire higher-level needs. In other words, people who do not have food, shelter, or safety will not focus on the next level of needs such as knowledge and growth. Thus, legal services

help provide individuals with what they need to become more self-sufficient and to build a stronger community overall.

For example, eviction proceedings put the basic need of shelter at stake. Often these proceedings take place in court rather than through informal procedures. The complexity of housing law makes low-income families vulnerable when faced with a landlord who can pay for representation. Having legal representation for these vulnerable families is imperative. An eviction can cause a family to lose eligibility for housing subsidies, have a poor credit score, and be unable to access certain kinds of emergency shelters. Loss of housing creates significant challenges beyond just the eviction.

Studies on homelessness show that homeless children are sick at twice the rate of other children. They are twice as likely to repeat a grade. They have emotional and behavioral problems at three times the rate of non-homeless children.

Domestic violence is another serious issue. It often impacts poor, young women with young children. Legal services can help women with protective orders, custody, and child support. The legal assistance provides long-term alternatives to their relationships. That ultimately lowers the incidences of domestic violence in the community. Children who grow up in stable homes, free from abuse, with sufficient food and access to health care, are more likely to do better in school. They grow up to be stable, responsible adults who contribute to the community.

For 40 years, Iowa Legal Aid has worked with low-income and vulnerable families to access the courts to protect their interests. Iowa Legal Aid has worked with low-income



United Way 2-1-1 is a 3-digit phone helpline that connects people with the resources and help they need. It's free, confidential, and available 24/7.

families to address issues such as loss of housing subsidies, obtaining protection orders for children and domestic-abuse survivors, removing barriers to financial stability, and assisting taxpayers in resolving issues with the IRS and debt collectors.

In addition to protecting individuals in court, Iowa Legal Aid makes it easier to access legal information, enabling Iowans to know their rights regardless of income. It also ensures individuals who would not typically have access to legal services will not have to navigate the legal system alone.

Iowa Legal Aid protects and secures the basic human needs for vulnerable Iowans. Meeting these needs ensures that United Way's work toward increasing the graduation rate, the number of central Iowans who are financially self-sufficient, and the health and well-being of all is possible.

United Way has been honored to partner with Iowa Legal Aid for 40 years to improve lives of low-income Iowans.

Elisabeth Buck is the chief community impact officer at the United Way of Central Iowa in Des Moines.



Rewards of Volunteering

By Stephen Jackson, Sr.

Thank you, Iowa Legal Aid. Why should I be thanking Iowa Legal Aid? Because in more than 20 years of volunteering for Iowa Legal Aid, I have received much more from Iowa Legal Aid than I have given.

An example of how Iowa Legal Aid has provided me personal satisfaction and professional rewards is through the Family Law Intake Program (FLIP) that my son, Steve Jr., and I started in 1998. We started FLIP so we could volunteer at the Cedar Rapids Regional Office of Iowa Legal Aid a half a day each month, and help clients who needed legal guidance and assistance with

their family-law issues. Soon after we began volunteering a half day each month, the FLIP program was expanded with the assistance of the Linn County Bar Association's Family Law Committee. Family Law Committee members agreed to volunteer a half day each year at Iowa Legal Aid's Cedar Rapids Regional Office. As a result, there is now a volunteer family-law attorney available for half a day each week to meet with clients. Because of this service, FLIP volunteers see about 200 individuals each year.

To see other attorneys step forward and provide this aid and assistance is professionally very rewarding.

One of the best gifts I have received from Iowa Legal Aid occurred one Wednesday afternoon about three years ago. A young mother with an elementary-age daughter came to Iowa Legal Aid seeking a divorce and requesting protection from an abusive spouse. In the interview process, I learned that the family was now in their third residence and her daughter had attended three different elementary schools in that month. I looked her in the eye and stated that I would help her, but she would have to pay me for the services! She appeared shocked that she would have to pay for legal aid services. I explained to her that she would pay me by staying in her current residence and keeping her daughter enrolled in the same school. She agreed that she would honor my request. I provided the legal services for her to obtain a dissolution of marriage and protection for herself and her daughter.

Later that year, I attended my grandson's school holiday program. I arrived a little late for the program, so I was standing at the back of the gymnasium. A woman came up to me and asked if I remembered her, and I did. She pointed to the stage and said, "My daughter is on the stage. She's up there because of you." Her daughter was smiling and singing on the stage, right next to my grandson. Now, three school years later, both of these youngsters are in the same middle school class.

So, as you can see, I owe Iowa Legal Aid a big thank-you. I would urge and suggest that you volunteer your services to Iowa Legal Aid so that you reap similar rewards.

Stephen B. Jackson, Sr. is a private attorney working in the Shuttleworth & Ingersoll firm's Family Law Group in Cedar Rapids.

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EQUAL JUSTICE JOURNAL

Visit us on the Web at IowaLegalAid.org



Legal Aid Helps Women Experiencing Violence

By *Drs. Carolyn Hartley
and Lynette M. Renner*

Iowa Legal Aid helps clients who experience intimate partner violence (IPV). Iowa Legal Aid gives civil legal help in family law, including protective orders, divorce, and custody.

The second most-requested need of women who experience IPV is civil legal services. However, most research on IPV has focused on the criminal justice system. Due to the lack of research on civil legal services, Iowa Legal Aid worked with Drs. Carolyn Hartley (University of Iowa School of Social Work) and Lynette M. Renner (University of Minnesota School of Social Work). They studied the effect of civil legal services for women who experienced IPV. They looked at safety, economic self-sufficiency, and psychological well-being.

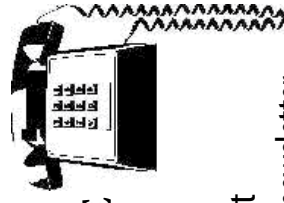
National Institute of Justice funded the study. The two social workers and their team studied a sample of 85 women who experienced IPV and received help from Iowa Legal Aid. Women in the study got help with a civil protective order, divorce, custody, or child support case. Most women were non-Hispanic and White. They averaged 32 years old and had two or more children. Most were employed (52%).

Continued on Page 6

Iowa Legal Aid is a not-for-profit organization providing free legal help to low-income Iowans, receiving financial support from a wide range of sources including federal, state, and local governments as well as individual donors and private organizations. Iowa Legal Aid's services are supported by contributions from many United Way Agencies in Iowa.



LOW-INCOME READERS OF THE EQUAL JUSTICE JOURNAL...



If you have a question about something you read in this newsletter, call **THE EJJ HOTLINE** at 800-992-8161. When your call is answered, tell the receptionist you want **The EJJ Hotline**. Your call will be transferred to a staff member who will assist you in getting your questions answered.

Iowa Legal Aid helps low-income Iowans

Did you know...after calling what looked like a local number for "legal aid" in the phone book, some Iowans got return calls from somewhere in Kentucky?

Don't be misled...

- Iowa Legal Aid provides FREE legal assistance to those who qualify.
- Iowa Legal Aid helps low-income Iowans with civil legal problems including:
 - Domestic violence
 - Housing
 - Public benefit programs

The intake number for Iowa Legal Aid is

800-532-1275 (se habla español)

Iowans age 60 and over, call Iowa Legal Aid's Legal Hotline for Older Iowans at

800-992-8161

Visit us online at IowaLegalAid.org

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