

PRO BONO PUBLICO

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Legal Counsel for the Elderly, Pro Bono Access to Justice

Dec. 2019

READY RESPONSE FOR NEIGHBORS IN NEED

Letter From the Executive Director of the D.C. Bar Foundation (DCBF)

By Kirra L. Jarratt

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Dear Friends:

September 19 of last year is a day that greatly impacted our very own Navy Yard community. Our staff and board were meeting at our offices when we noticed thick, billowing smoke from a nearby building. Sirens and commotion followed, and nearby streets closed. The Arthur Capper Senior Apartments were on fire just a few blocks away.



Mr. B



Ms. E



Ms. C

Former Residents of the Arthur Capper Senior Building

All of us were saddened for the seniors who were no doubt frightened, and whose lives were being disrupted by this tragedy. As we later learned, our neighbors endured even greater chaos that afternoon than we imagined. There were logistical difficulties getting water to the fire, and Marines carried at least six tenants, who were paralyzed, from the building. Fourth-floor tenants could only exit the building by ladder.

One of our own grantees, **Legal Counsel for the Elderly (LCE)**, was a key support to Arthur Capper residents on the day of the fire. And they have continued to be instrumental in assisting these displaced seniors ever since.

They provided direct outreach to Arthur Capper residents and collaborated extensively with local agencies, nonprofits, and pro bono providers. As a result, these displaced seniors have received emergency assistance, pro bono co-counsel, rehousing support, and the promise of a redeveloped Arthur Capper as affordable housing in the next two years. Looking to the future, LCE is educating local residents on disaster preparedness and advocating for systemic fire safety.

Last week on International Day of Charity, I reflected on the experience of the Arthur Capper residents. Ensuring that D.C.'s legal aid community is poised to help our most vulnerable neighbors is our calling. Access to justice for every D.C. neighbor in their most dire times of need is why we do what we do. Thank you for standing with us and making it possible!

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Letter of Gratitude



** Printed with permission from Buckley LLP and the author.*

Dear Attorney Emery,

You probably do not remember me since it has been almost three years ago when I first contacted you. You so kindly assisted me with a landlord-tenant/noise issue I was having. You even took the time to come to my apartment to discuss the issue in person. I cannot begin to tell you how your assistance has profoundly changed my life. You provided me with the most incredible law firm of **Buckley** who willingly took my case pro bono even though the landlord-tenant issue was not their area of expertise. I could speak volumes about the incredible warm, loving, compassionate, and professional manner in which they treated me and handled my case. The lead **Buckley** attorney **Brendan Clegg** became family to me and was absolutely fantastic! He won my case for me this year. None of this would have been possible if it had not been for you and the **Legal Counsel for the Elderly**. I am deeply grateful for your help. May God continue to bless you in your valuable work of helping elderly people.

Peace and blessings,

G.B.



LCE Legal Assistant O. Lorena Ruiz,
LCE Pro Bono Manager Sheryl R. Miller, and
LCE Staff Attorney Kristina Majewski

Support LCE Through United Way or CFC Annual Giving Campaigns: Helping Our Older Neighbors in Need

By Aaron Knight
LCE Development Director

The Combined Federal Campaign (CFC), D.C. One Fund, and the local United Way giving campaigns are conducted each year in the fall and early winter months. You can help us champion the dignity and rights of Washington, D.C.'s most vulnerable seniors by supporting Legal Counsel for the Elderly through one of these campaigns.

Please help us serve our older neighbors in need by making or renewing your pledge today. LCE's own special codes for each of these campaigns appear below.



Combined Federal Campaign #31866



**United Way
of the National Capital Area**

United Way #8808 (also used in D.C. One Fund)

If you have questions, or would like to help us to connect with other potential supporters in your office, please contact Aaron Knight, LCE Development Director, at aknight@aarp.org or (202) 434-2107. We greatly appreciate your support.



LCE's Rising Leaders: The Young Lawyers Alliance



By Aaron M. Knight
LCE Development Director

In 2014, Legal Counsel for the Elderly launched the Young Lawyers Alliance (YLA) to help promote the organization's mission and strengthen its impact. YLA members serve as LCE's champions within their law firms and their professional networks, helping raise LCE's profile and grow resources—both financial and pro bono—to support its services to vulnerable seniors in Washington, D.C.

LCE is fortunate to benefit from the volunteer leadership of the following YLA members. On behalf of our elderly clients, we thank them for their ongoing service and commitment to our older neighbors in need.

Zachary A. Avallone, Kirkland & Ellis LLP
Michael S. Bailey, Skadden, Arps, Slate, Meagher & Flom LLP
Morey Barnes Yost, Alston & Bird LLP
Christina Berlin, Capital One
Sarah G. Besnoff, Paul Hastings LLP
David Burns, Cooley LLP
Tessa Capeloto, Wiley Rein LLP
Sylvia Favretto, Square, Inc.
Anjali Garg, Mayer Brown LLP
Leslie Graham, Hogan Lovells LLP
Li Guo, Steptoe & Johnson LLP
Ross T. Handler, Bryan Cave Leighton Paisner LLP
Ashley Haun, Ballard Spahr LLP
Katelyn M. Hilferty, Morgan, Lewis & Bockius LLP
Charlyn L. Ho, Perkins Coie LLP
Alexander S. Holtan, Eversheds Sutherland (US) LLP
Aiysha S. Hussain, Miller & Chevalier Chartered
Suwani Karki, Difede Ramsdell Bender PLLC
Benjamin D. Klein, DLA Piper LLP
Brian D. Koosed, K&L Gates LLP
Alexandre Lamy, Baker & McKenzie LLP
Nicole R. Lares, Fried, Frank, Harris, Shriver & Jacobson LLP
Sasha Leonhardt, Buckley LLP

Laura Bourgeois LoBue, Pillsbury Winthrop Shaw Pittman LLP

Suzanne M. Logan, Latham & Watkins LLP

Candace L. Moss, Hunton Andrews Kurth LLP

Providence Napoleon, Allen & Overy LLP

Melissa Gomez Nelson, Dentons LLP

Chelsea E. O'Sullivan, Venable LLP

Lauren A. Rico, DLA Piper LLP

Allison M. Rochford, BakerHostetler LLP

Jason S. Rubinstein, Gilbert LLP

R. Adam Scott, Baker & McKenzie LLP

Kiri Lee Sharon, Foley & Lardner LLP

Dehmeh Smith, Jones Day LLP

James A. Smith, Latham & Watkins LLP

Miles A. Taylor, Akin Gump Strauss Hauer & Feld LLP

David M. Teslicko, Sullivan & Cromwell LLP

Elizabeth D. Yaeger, Katten Muchin Rosenman LLP

If you or someone at your firm is interested in being considered for membership in LCE's Young Lawyers Alliance, please contact Development Director **Aaron Knight** at aknight@aarp.org or (202) 434-2107 for additional information. The Board of Directors of LCE intends to appoint a small class of incoming YLA members at its May 2020 meeting.

thank
you!



FROM THE DOCKET:

Highlights of Pro Bono Access to Justice & Systemic Advocacy Victories



Bryan Cave LLP Recovered Funds Taken in Fraudulent Sale of Vietnam Veteran's Beloved Home

**Printed with permission from Bryan Cave Leighton Paisner LLP.*

Adam Shaw, Jake Kramer, and Daniel Schwartz of Bryan Cave Leighton Paisner LLP obtained a favorable settlement for an elderly, recently-widowed, low-income, Vietnam-era U.S. Army veteran with disabilities. The client's own son had defrauded him last year by fraudulently selling his father's home to a presumably unsuspecting buyer and then absconding with most of the cash proceeds from the sale.

Bryan Cave's investigation and analysis of the case centered on the negligent failure of the settlement agent and title insurer to take reasonable steps that could and likely would have revealed that the son was not the true titleholder of the property. After **Legal Counsel for the Elderly** referred the case to **Bryan Cave** last summer, the attorneys identified viable legal claims that our client might bring against the settlement agent and/or title insurer. They presented these claims to both entities and demanded a make-whole payment to our client. The title insurer treated these potential legal claims as a claim against its title policy.

The parties then entered drawn-out settlement negotiations, through counsel. This resulted in payments to the client from both the insurer and the buyer of the property. The client was very pleased with the outcome and glad to be able to put his strength and energy back into improving his health and spending time with his only granddaughter. Former LCE Manager **Amy Mix** and LCE Senior Staff Attorney **Joanne Savage** provided guidance throughout the representation.



89-Year-Old Saved from Risk of Foreclosure Through D.C. Property Tax Deferral Program

By Sheryl R. Miller
LCE Pro Bono Manager

**Printed with permission from McCarter & English LLP.*

An 89-year-old senior faced the risk of foreclosure in her beloved home due to unpaid real property taxes. She had lived in her home since 1958, when her mother and uncle bought the house as joint tenants. After her mother's death, her uncle deeded the home to his sister's children, one of whom later became LCE's client.

The client happily resided in her beloved family home with her sister and brother. Sadly, her difficulties started after her sister died in 2015, followed by her brother in 2017. Both of her siblings contributed to the household income, which enabled them to stay current with their D.C. property tax payments. Unfortunately, the elderly homeowner received very little Social Security income, and could no longer pay her high property tax bills without her siblings' contributions. Interest and penalties mounted quickly.

Denise Goulet of McCarter & English LLP, LCE Senior Staff Attorney **Joanne Savage**, and LCE Volunteer Attorney **Linda Auwers** worked together to come up with a creative solution to enable this client to stay in her home. While the District offers several property tax benefits for D.C. homeowners who are at least 65-years-old, own at least 50% of their property, and reside in their homes, the 88-year-old client could not keep up with her payments and accumulated interest even with the benefit of the real property tax credits.

After assessing all options, the lawyers decided that the best way to save the home was for the client to participate in the D.C. property tax deferral program, which defers collection of all tax payments until the client leaves her home. A rate of 6% interest is available to households with incomes less than \$50,000. Residents at least 75-years-old who have owned a D.C. home for at least 25 years are eligible for a zero interest deferral, if the senior has an income less than \$12,500. The client met all these requirements, but she did not own 50% of her home until her sister's death.

(From the Docket, continued on page 5)



FROM THE DOCKET:

Highlights of Pro Bono Access to Justice & Systemic Advocacy Victories



(From the Docket, continued from Page 4)

The lawyers worked with the Real Property Tax Assessment Center of the D.C. Office of Tax & Revenue to obtain a favorable ruling, allowing the client to qualify for the zero interest, tax deferral program. The deferral applied retroactively during the period after the client's brother and sister died. The client is happy that she now has a zero interest deferral that will prevent her from losing her home in a D.C. real property tax sale. She also will ensure that her heirs will not be saddled with the interest on the tax deferral.

Covington & Burling and LCE Enabled Senior with Disabilities to Stay in Her Home by Restoring Medicaid Benefits:

**Result Has Systemic Impact for
Medically Vulnerable Seniors**

By Linda Popejoy
LCE Systemic Advocacy Manager

**Printed with permission from Covington & Burling LLP.*



In May 2019, **Jeffrey Zink** of **Covington & Burling LLP** and LCE Staff Attorney **Rebekah D. Mason** successfully co-tried an administrative appeal for LCE's client Ms. J, preserving Ms. J's Medicaid-funded personal care aide (PCA) hours and enabling her to continue to age in place and avoid institutionalization. These PCA hours are a critical benefit offered to participants in D.C.'s Elderly and Persons with Physical Disabilities Waiver (EPD Waiver) program.

In the summer of 2018, D.C. Medicaid adopted a new, algorithm-based eligibility assessment tool to assess Waiver beneficiaries' needs for PCA hours, and hired a new vendor to conduct the assessments. This new system has resulted in hundreds of Waiver beneficiaries having their PCA hours cut, or being terminated from the program altogether. Ms. J was assessed in October 2018 by the new vendor using the new tool, after which the Department of Health Care Finance (DHCF) proposed to reduce Ms. J's PCA hours from 12 hours a day, seven days a week, to only 6 hours a day.

Ms. J came to LCE for help, and **Mason** was there to assist, along with **Kimberly Walker**, Ombudsman

Specialist with the Office of the D.C. Long-Term Care Ombudsman. LCE Systemic Advocacy Manager **Linda Popejoy** recruited **Zink**, along with former **Covington** attorney **Esther Scherb**, to act as co-counsel with LCE for Ms. J in the administrative appeal before the D.C. Office of Administrative Hearings.

Zink and **Mason** worked together to prepare the case, seek relevant discovery, and try the case at the May 2019 evidentiary hearing, with **Zink** taking the lead in the direct examinations of Ms. J and several supporting witnesses, including **Walker**, while **Mason** cross-examined the government witnesses. **Zink** presented both the opening and closing statements, and successfully argued for the admission of a critical exhibit over the objection of the government attorney. Following the hearing, **Zink** took the lead in preparing a post-trial briefing on important legal issues raised by the case, with guidance from **Covington** attorney **Michael Scheininger**.

The Administrative Law Judge's order, issued on July 24, 2019, found that D.C. Medicaid's assessment of Ms. J's need for PCA hours was faulty, and did not reflect the significant help she required in performing various activities of daily living, such as eating, bathing, and mobility. The Judge reversed DHCF's proposed reduction of hours, and restored Ms. J's benefits to the 12 hours of PCA services she had been receiving for several years.

This trial was the first of its kind for LCE following the major changes in the Waiver program in 2018, and **Covington's** excellent work on the case, including their legal briefs, have already been of significant assistance to additional pro bono attorneys, and LCE staff, who continue to represent additional beneficiaries suffering the effects of the new, flawed system. Ms. J is thrilled with the result, and very grateful for the skilled representation from **Zink**, **Covington**, and LCE.





Pro Bono Wills, Powers of Attorney & D.C. Transfer on Death Deeds (TODDs) Closed Matters

June 2019 – November 2019



From June 1, 2019 to November 30, 2019, **143** pro bono attorneys prepared **Last Will & Testaments, Financial and Health Care Powers of Attorney** and/or **D.C. Transfer on Death Deeds (TODDs)** for D.C. residents with limited means. LCE greatly appreciates its dedicated pro bono attorneys. Without the altruism of those listed below, scores of low-income seniors would be unable to ensure their affairs will be handled according to their wishes expressed in their wills and advance directives. Several attorneys below represented more than one client. Thank you to the law firm attorneys, in-house counsel, and government lawyers who drafted life planning documents, with **special thanks to those who represented homebound seniors**, such as **Barry Creech, Gabe Gopen, Denise Goulet, Patrice Harris, Garylene Javier, Angela Parr, and Kristi Smith.**

ALSTON & BIRD LLP

Lauren Bolcar
Emily Costin
Larry Gage
Anoush Garakani
Michael Kellermann
David McGee
Julie Mediamolle
Bradley Miliauskas
Elise Paeffgen
Earl Pomeroy
Jonathan Rose
Hilla Shimshoni
Rebecca Valentino
Morey Barnes Yost



Brad Miliauskas, Jeffrey Bloch, and Ms. M

BAKER DONELSON

John Rodock

BAKER McKENZIE LLP

Yuliya Kuchma

BLANK ROME LLP

James Carter
Carolyn Cody-Jones
Brooke Iley
Jane Thomas

BOOZ ALLEN HAMILTON

Grant Book
Alaina Calhoun
Eric Rahn
Nina Samuels
Thomas Strong
Eric Yeo
Abe Zachariah

BUCKLEY SANDLER LLP

Garylene Javier
Joseph Kolar
Angela Parr

CARR MALONEY P.C.

Kevin Murphy

CASSIDY LEVY KENT (USA) LLP

Heather Pinnock

COVINGTON & BURLING LLP

Anna Abramson
Daniel Auten
Hunter Bennett
Frederick Benson
Nicole Chandonnet
Ruchi Gill
Paige Jennings
Paula Katz
Liza Khan
Alexandra Langton
Onica Matsika
Ed McClellan
Brady McDaniel
Kendra Roberson
Elizabeth Upton
Dana Watts

(Pro Bono Wills, continued on page 7)



**Pro Bono Wills, Powers of Attorney & D.C. Transfer
on Death Deeds (TODDs): Closed Matters
June 2019 – November 2019**



(Pro Bono Wills, continued from page 6)



Sonia Bui, Mr. A, and Christine Schleppegrell

DECHERT LLP

Sonia Bui
Christine Schleppegrell

EVERSHEDS SUTHERLAND (US) LLP

Alexander Holtan
Patrice Pitts
Michael Resnick
Blair Scott

EXELON CORPORATION

Joseph Downs
Jill Flack
Brian Hoffman
Dennis Jamouneau

KELLER AND HECKMAN LLP

Boaz Green
John Gustafson
Samuel Jockel
Taylor Johnson
Richard Mann
Michael Novak
Kathryn Skaggs
Frederick Stearns
James Votaw

K&L GATES LLP

Jennifer Abbey
Toks Arowojolu
Sarah Burgart
Nick Ersoy

Andrew Francisco
Jennifer Gonzales
Laura Gregory
Jannay Johnson
Ted Kornobis
John Longstreth
Sandra Safo
Kristina Zanotti

LATHAM & WATKINS LLP

Brad Guest
Evan Pelz

MAYER BROWN LLP

Clark Bakewell
Matthew Bisanz
Holly Spencer Bunting
David Dowd
Alasdair Kan
Luke Levasseur
Marcia Madsen
Peter McCamman
Meytal McCoy
Stephanie Monaco
Michelle Webster
Keisha Whitehall Wolfe

McCARTER & ENGLISH LLP

Denise Goulet
Allen O'Neil

MESIROW & ASSOCIATES, PLLC

John Mesirow

MORRISON & FOERSTER LLP

Christopher Campbell
Calvin Funk
Marianne Dreisbach Marchiori
Obrea Poindexter
Kristofer Readling
Rose Zukin

NIXON PEABODY LLP

William Andrews
Patrice Harris
Vernon Johnson
Noah Lebowitz
Zachary Rozen
Rebecca Simon

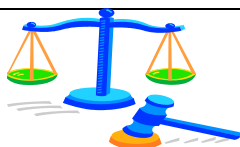
NORTON ROSE & FULBRIGHT LLP

Jacob Yaniero

ORRICK, HERRINGTON & SUTCLIFFE LLP

Alex OKuliar

(Pro Bono Wills, continued on page 8)



Pro Bono Wills, Powers of Attorney & D.C. Transfer on Death Deeds (TODDs): Closed Matters

June 2019 – November 2019



(Pro Bono Wills, continued from page 7)

PERKINS COIE LLP

Charlyn Ho

REED SMITH LLP

Daniel Fundakowski

SEYFARTH SHAW LLP

Ardrelle Bahar

SIDLEY AUSTIN LLP

Stanley Boris

STEPTOE & JOHNSON LLP

Richard Roberts

U.S. POSTAL SERVICE

Laree Martin

U.S. BANK

Jeff Bloch
Andrew Gibbs
Kathryn Williams

U.S. CUSTOM AND BORDER PROTECTION

Serafina Lobsenz
Ryan Olden

U.S. DEPARTMENT OF JUSTICE

Barry Creech
Morton Posner
Kelly Winship

U.S. DEPARTMENT OF LABOR

Sara Conrath

U.S. DEPARTMENT OF VETERANS AFFAIRS

Scott Shoreman

U.S. ENVIRONMENTAL PROTECTION AGENCY

Kristi Smith

U.S. SMALL BUSINESS ADMINISTRATION

Filip Mielczak

VENABLE LLP

Margaret Fawal
Allison Foley
John Mavretich
Chelsea O'Sullivan

WILEY REIN LLP

Henry Gola

WILMER HALE LLP

Chanda Brown
Yoon-Young Lee
Benjamin Neaderland

WINSTON & STRAWN LLP

Francie Berger
Paul Goulet
Thomas Mills
Michael Yuffee

LAW SCHOOLS

CATHOLIC UNIVERSITY, COLUMBUS COMMUNITY LEGAL SERVICES

Michael McGonnigal

UNIVERSITY OF THE DISTRICT OF COLUMBIA, DAVID A. CLARKE SCHOOL OF LAW

Faith Mullen

SOLE PRACTITIONERS

Gabriel Gopen
Kathy Sullivan Kolar

Legal Counsel for the Elderly

Yes, we support the important work and services of Legal Counsel for the Elderly. Enclosed is our firm's tax-deductible contribution of:

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Silver Patron	\$15,000 - \$39,999	Champion	\$2,500 - \$4,999
Patron	\$10,000 - \$14,999	Sponsor	\$1,000 - \$2,499
Guardian	\$7,500 - \$9,999	Advocate	\$500 - \$999

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Street Address: _____

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Please make checks payable to:

Legal Counsel for the Elderly
601 E Street, NW, Washington, D.C. 20049

***Designate LCE in campaigns using United Way #8808 and
Combined Federal Campaign #31866.**



Closed Pro Bono Access to Justice Cases June 2019 – November 2019



By Kristina Majewski
LCE Staff Attorney

By Sheryl R. Miller
LCE Pro Bono Manager

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LINDA AUWERS, ESQ.

LCE Volunteer Attorney **Linda Auwers** advised a client who was deaf and needed personal care aide services by analyzing her options for in-home care and reviewing her eligibility for D.C. Medicaid services.

In a second case, **Ms. Auwers** conducted legal research and analyzed options for a 92-year-old client who wanted to bequeath her home to a charitable organization without the resources to utilize the bequest.

BLANK ROME LLP

Negar Kordestani and **Ross Coe** secured a \$2,850 treble damages award, plus attorney fees and costs, in D.C. Superior Court for their elderly client and her daughter against an unlicensed home improvement contractor who accepted payment upfront and then failed to repair the client's roof pursuant to the terms of a home improvement contract. Under the D.C. Consumer Protection Procedures Act, unlicensed contractors who accept money upfront and fail to perform the work as specified, may be ordered to pay three times the agreed-upon price stated in the contract, plus interest and costs, as damages.

BRYAN CAVE LEIGHTON PAISNER LLP

Adam Shaw, **Jake Kramer**, and **Daniel Schwartz** represented an elderly Vietnam veteran whose son fraudulently sold his home and absconded with the proceeds from the sale while the veteran was undergoing cancer treatments and mourning the loss of his wife. Former LCE Manager **Amy Mix** and Senior Staff Attorney **Joanne Savage** served as the pro bono mentors (For more details, see *From The Docket* on p. 4).

BUCKLEY LLP

Caitlin Kasmar, **Angela Parr**, **David Rivera**, and **Meghann Fogarty Kovler**, achieved a huge victory in a Social Security Disability Insurance (SSDI) case for an elderly client with disabilities. The Administrative Law Judge ruled that she qualified for SSDI benefits based on the overwhelming medical evidence of the decline in her mental and physical health that prevented her from continuing in her former job, including severe loss of memory and concentration. The Social Security Administration approved her for about \$50,000 in retroactive benefits dating back to the onset of her disability, plus ongoing monthly SSDI benefits. LCE Staff Attorney **Rebekah D. Mason** was the pro bono mentor.

In a second case, **Joe Kolar**, **Lauren Randell**, **Jessica Shannon**, and **Magda Gathani** saved a recently retired tenant from eviction by advocating to the D.C. Housing Authority to reinstate the client's subsidized housing voucher, which had enabled her to afford the rent and

reside in her apartment for over 15 happy years. Without the subsidy, the elderly tenant would have been at risk of homelessness. LCE Senior Staff Attorney **Nathaniel Aquino** mentored the attorneys.

In a third case, **Donald Meier**, **Caitlin Kasmar**, and **Jackson Hagen** achieved a victory in D.C. Landlord & Tenant Court for an older tenant with disabilities, saving the client from eviction. Defending against the landlord's nonpayment of rent claim, **Buckley** negotiated a favorable settlement, in light of many significant housing code violations, including ongoing water damage and pest issues, that the tenant had reported to the landlord. Under the terms of the settlement, the landlord agreed to abate the rent and transfer the tenant to an updated, two-bedroom accessible unit. The client was thrilled with the outcome. LCE Senior Staff Attorney **Nathaniel Aquino** was the pro bono mentor.

CATHOLIC UNIVERSITY, COLUMBUS SCHOOL OF LAW

Nora Senyk and **Paul Kurth** resolved an elderly cab driver's federal tax matter by negotiating an offer-in-compromise.



EPSTEIN, BECKER, AND GREEN

Nathaniel Glasser reached an excellent settlement for his client in a federal court case pursuing a Section 1983 claim to enforce his client's civil rights due to D.C. Housing Authority's (DCHA) wrongful termination of the client's housing voucher without timely and adequate notice and due process. As a result of DCHA's failure to send the voucher recertification paperwork to the proper parties, the client lost his housing voucher, became homeless, and lost substantial personal property. LCE represented the client in a separate administrative hearing, which ultimately resulted in DCHA reissuing the client's voucher going forward. However, the client had a difficult time securing new rental housing because an "eviction" was listed on his housing record, and DCHA did not compensate the client for his period of homelessness. As a result of **Mr. Glasser's** advocacy in the U.S. District Court for the District of Columbia, this aggrieved senior received an equitable monetary payment to compensate him for his emotional distress and the loss of his home and belongings. LCE Manager **Jennifer Berger** served as the pro bono mentor.

FOLEY HOAG LLP

John Marston represented an elderly woman in her federal tax liability case, which prevented the IRS from placing a lien on her home. **Mr. Marston** negotiated a favorable installment plan of \$56.00 per month to avoid a tax lien on her house.

(Closed Pro Bono Cases, continued on page 10)



Closed Pro Bono Access to Justice Cases June 2019 – November 2019



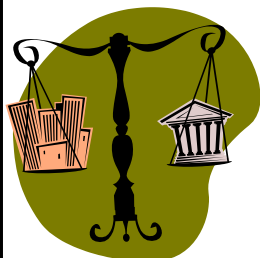
(Closed Pro Bono Cases, continued from page 9)

GIBSON, DUNN & CRUTCHER LLP

An elderly couple suffering from cancer and respiratory illness sustained significant damages when their landlord initiated a major renovation in their home, creating a deluge of construction dust that coated their home. The landlord also threatened eviction and turned off the heat and water without warning. **Dan Nadratowski** and **Chelsea Ferguson** prevented the eviction and negotiated a settlement from the landlord for the D.C. Housing Code violations. LCE Manager **Jennifer Berger** served as the pro bono mentor.

HOGAN LOVELLS US LLP

Lauren Cury, **Nadia Aksentijevich**, and **Tom Connally** defended an elderly tenant with a serious heart condition from eviction. The client lived in a subsidized apartment with deplorable housing conditions, including mold damage, as well as a mice and roach infestation. The **Hogan Lovells** team prevented the eviction by negotiating a favorable settlement in which the client agreed to a payment plan, and the landlord agreed to remediate the D.C. Housing Code violations. LCE Senior Staff Attorney **Daniel Palchick** was the pro bono mentor.



HUNTON ANDREWS KURTH LLP

Michelle Lewis represented an elderly tenant in D.C. Landlord & Tenant Court to prevent his eviction and enable a safe transfer to a new unit after a faulty sprinkler system rendered his unit uninhabitable. As a result of **Ms. Lewis'**

advocacy, the landlord agreed to help the client move all his belongings to a new unit in the building and withdrew his eviction claim. LCE Senior Staff Attorney **Daniel Palchick** was the pro bono mentor.

In a second case, **Andrea Calem** prevented the eviction of an elderly tenant who suffered from lung disease, causing her to fall behind in her rent due to her poor health and hospitalization. **Ms. Calem** settled the case by presenting evidence of mold, and evidence of bacteria causing Legionnaire's Disease in a dehumidifier that the landlord provided, resulting in the landlord reducing the client's back rent by over \$1,500. LCE Senior Staff Attorney **Daniel Palchick** was the pro bono mentor.

K&L GATES LLP

Dan Cohen and **Brian Koosed** represented a tenant with limited means in D.C. Landlord & Tenant Court, saving the client from eviction after his landlord alleged he was in violation of his lease's noise provision. After proving the tenant was compliant with the lease, and that his

neighbors were disturbing his right to quiet enjoyment by stomping on his ceiling, the landlord agreed to dismiss the eviction case. LCE Senior Staff Attorney **Nathaniel Aquino** served as the pro bono mentor.

KILPATRICK TOWNSEND & STOCKTON LLP

Lawrence Prosen represented a low-income senior in the D.C. Superior Court's Civil Division against a home improvement contractor who performed faulty work on the client's roof and subsequently failed to honor a 20-year warranty. The client had hired the contractor to install a roof in 2014 and took out a loan to pay the contractor. A year later, the roof began to leak, causing extensive water damage to the client's home. When the leaks started—despite many attempts to contact the company within the warranty period—the contractor ignored the client's calls and failed to return to the home to fix the roof. **Mr. Prosen** filed a lawsuit in D.C. Superior Court. The judge ruled in favor of the client by ordering the contractor to pay close to \$100,000 in damages. The **Kilpatrick** team also secured a loan abatement because the lender failed to investigate the roofer, and sought to collect the judgment by diligently working to locate assets to compensate the client.

LATHAM & WATKINS LLP

Danit Tal, **James Albert Smith**, and **Suzanne Logan** enforced the rights of an older tenant with physical disabilities who lived alone in her apartment on the second floor and used a wheelchair. Since she could not take the stairs, she depended on neighbors or the fire department to assist her with essential tasks of daily living, such as visiting a physician or buying groceries. The landlord ignored the client's several written requests for a reasonable accommodation for her disabilities. Thanks to **Latham & Watkins'** legal advocacy, the landlord finally agreed to transfer the client to a wheelchair-accessible unit on the first floor, as required under the Fair Housing Act. LCE Manager **Jennifer Berger** served as the pro bono mentor.

McCARTER & ENGLISH, LLP

Denise Goulet and LCE Volunteer Attorney **Linda Auwers** saved an 89-year-old D.C. homeowner from foreclosure by preparing her tax deferral application for low-income D.C. residents. Thanks to the team's advocacy on the interpretation of the 25-year ownership requirement, the D.C. Office of Tax & Revenue approved the application at zero percent interest. LCE Senior Staff Attorney **Joanne Savage** provided guidance. **Ms. Goulet** visited the homebound client on numerous occasions while working on this and other matters. (For more details, see *From the Docket* p. 4.)

PAUL HASTINGS LLP

Jay Tymkovich and **Derek Turnbull**, with the support of **Stephen Kinnaird**, met with and agreed to represent an elderly tenant against his landlord's interlocutory appeal

(Closed Pro Bono Cases, continued on page 18)



Closed Pro Bono Systemic Advocacy Projects and Litigation June 2019 – November 2019



By Linda B. Popejoy
LCE Systemic Advocacy Manager

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From June 2019 to November 2019, LCE closed 26 Systemic Advocacy projects and litigation matters, including the case described in the article "Covington & Burling and LCE Enabled D.C. Senior with Disabilities to Stay in Her Home by Restoring Medicaid Benefits" on page 5. Many thanks to the attorneys and firms mentioned below who have helped provide D.C. seniors with greater access to housing, public benefits and other fundamental rights through these systemic projects and cases.

ARNOLD & PORTER LLP

Abraham Gitterman, **Daniel Cantor**, and summer associate **Elizabeth Denning** conducted extensive legal research and drafted a memorandum regarding due process requirements for adequate notice under both D.C. and federal law when Medicaid services are reduced or terminated.



ASHCRAFT & GEREL, LLP

Avery Adcock represented Mr. M, a severely disabled D.C. resident who ambulated with a wheelchair due to paraplegia. Based on a new algorithm-based assessment tool, D.C. Medicaid proposed to cut Mr. M's personal care aide (PCA) hours from 16 hours per day to only 10 hours per day. Working with **Mary Ann Parker**, Staff Attorney for the D.C. Office of the Long-Term Care Ombudsman (Ombudsman), **Adcock** worked closely with Mr. M to prepare him for a second assessment, which resulted in his

16 hours of PCA services being restored.

CARR MALONEY P.C.

Gabriela Chambi, an associate attorney at the firm and a former LCE intern, represented Ms. R in her appeal of an adverse Medicaid decision in the D.C. Office of Administrative Hearings (OAH). Ms. R, a Spanish speaker, was inexplicably assessed in English to determine her need for PCA services. As a result, D.C. Medicaid found Ms. R did not meet the level of care needed to receive services under the Medicaid State Plan, which would mean a loss of the previously awarded eight hours of PCA services per day. **Chambi** negotiated with D.C. Medicaid for a reassessment in Spanish and prepared the client to effectively convey her needs. As a result of **Chambi's** advocacy, Ms. R was awarded 13 hours of PCA services per day, which will greatly help her continue to age at home. Ms. R was also represented by LCE Staff Attorney **Rebekah D. Mason**. **Chambi** agreed to continue to represent Ms. R to help her apply for the D.C. Medicaid's Elderly and Persons with Physical Disabilities Waiver (EPD Waiver program), which will enable her to receive the full 13 hours of PCA services

as well as other benefits, including ongoing case management.

CROWELL & MORING LLP

Meredith Parnell and **Barbara Ryland** successfully advocated for Ms. C, an applicant for services under the EPD Waiver program. Ms. C's application initially fell through the cracks when a new assessment system was put in place, and then she was found not to meet the level of care required for services, despite suffering from dementia. **Parnell** and **Ryland**, working closely with LCE Staff Attorney **Catherine Yourougou** and HCBS Ombudsman **Sheila Pannell**, were able to secure services for Ms. C by advocating for a new assessment after Ms. C suffered a fall. Ms. C now receives eight hours of personal care aide services per day, seven days a week.

DECHERT LLP

Former **Dechert** attorney **Jacob Grubman** conducted research and analysis regarding the Clean Rivers Impervious Area Charge, which is a fee assessed by D.C. Water on all customers, designed to help fund federally-mandated improvements in D.C.'s storm water runoff infrastructure. **Grubman** also helped draft comments submitted by LCE to the D.C. Council advocating for relief for low-income residents who are disproportionately affected by the fees. These advocacy efforts by LCE and others led to significantly expanded discounts for low-income D.C. Water customers starting in 2019.

James Fishkin and former **Dechert** attorney **William Sohn** researched and drafted a flyer explaining the legal requirements for a common law marriage under D.C. law. This flyer will be utilized by LCE Hotline attorneys and others to help clients understand this often misunderstood aspect of the law.

HOGAN LOVELLS US LLP

Sara Lenet and **Joe Charlet** represented Mr. Y, a blind and disabled senior, in his appeal of an adverse Medicaid decision at the OAH. Following D.C. Medicaid's implementation of a new assessment tool in 2018, many Medicaid beneficiaries, like Mr. Y, faced the loss of PCA services under the EPD Waiver program. Mr. Y actually had his aide stop coming to his house, although the eight hours of PCA services per day should have continued due to the filing of his appeal. Although this situation was rectified once LCE became involved, Mr. Y's condition worsened and he had to be hospitalized. **Lenet** and **Charlet** were working to negotiate Mr. Y's reassessment and transition back to his home when Mr. Y passed away at a rehabilitation facility. Mr. Y was also represented by LCE Staff Attorney **Rebekah D. Mason**, and further assisted by Ombudsman Specialist **Christina Williams**.

(Pro Bono Systemic Projects, continued on page 12)



Closed Pro Bono Systemic Advocacy Projects and Litigation June 2019 – November 2019



(Pro Bono Systemic Projects, continued from page 11)

Adam Cooke and **Peter Bisio** represented Ms. B, a disabled senior who faced the loss of eight hours per day of PCA services under the EPD Waiver program. While the case was pending for trial at the OAH, **Cooke** met with Ms. B and thoroughly prepared her for a re-assessment of her needs by a vendor working with D.C. Medicaid. Ms. B then sailed through the re-assessment and was awarded 13 hours of PCA services, five more hours than she had received in the past.

HOLLINGSWORTH LLP

Anna Kornilova, **Erica Laster**, and **James Sullivan** researched and drafted a comprehensive memorandum regarding the Armed Forces Retirement Home, a unique institution that is both a federal agency within the executive branch, and a continuing care retirement community for United States veterans. The memo provided an overview of the general laws and regulations governing the Home and discussed the dispute resolution procedures tenants may follow to address disputes with the Home, among other topics.

HUNTON ANDREWS KURTH LLP

Derry Sandy represented Ms. R in her appeal of an adverse Medicaid decision at the OAH. Ms. R faced the loss of her eight hours of daily PCA services in her home, provided under the EPD Waiver program. Due to her conditions worsening after this adverse decision, Ms. R was hospitalized and then sent to a rehabilitation facility. While at the facility, LCE and **Sandy** worked to have Ms. R reassessed, which resulted in an increased award of 12 hours of PCA Services. **Sandy** then helped Ms. R consider her various options, after which Ms. R made an informed choice to remain in the nursing facility long term, where she felt most comfortable. Ms. R was also represented by LCE Staff Attorney **Rebekah D. Mason**.

Candace Moss researched and prepared a report describing how several jurisdictions determine the capacity of litigants and their process for appointing guardians *ad litem* or other representatives for incapacitated litigants. The report also provides guidance on how D.C. courts can improve their procedures relating to incapacitated litigants.

John Jay Range, former **Hunton** associate **Madalyn Doucet**, and summer associate **Max Accardi** researched and drafted a report setting forth best practices for improving access to justice for people with disabilities, including: the clarity and usability of the court system's public-facing materials; the availability of accommodations for people with disabilities; and the physical accessibility of court buildings. The report included eight specific recommendations for improving access to justice for people with disabilities in D.C.'s high-volume courts.

KATTEN MUCHIN ROSENMAN LLP

Nicholas McGuire, **Rajesh Srinivasan**, **Mary Fleming** and **Genus Heidary** represented Mr. J, a severely disabled senior who faced the loss of his Medicaid-provided PCA services in his home. After **Heidary's** initial work on the case, **McGuire**, **Srinivasan** and **Fleming** pursued discovery from the Department of Health Care Finance (DHCF) in the appeal pending at the OAH. They drafted discovery requests relating to DHCF's new assessment tool, which was negatively affecting many Medicaid beneficiaries like Mr. J, and also drafted both a motion and reply brief in support of the discovery. These discovery efforts were beneficial both to Mr. J (whose benefits were eventually restored following a reassessment) and to other Medicaid beneficiaries represented by LCE. Mr. J was also represented by LCE Staff Attorney **Rebekah D. Mason**.



Elizabeth Yaeger researched and drafted a memorandum examining the effects of gentrification on the elderly population in Washington, D.C. The memo highlighted the unique demographic characteristics of the District of Columbia, which provide challenges for area seniors not found elsewhere in America, and proposed several legislative initiatives that could reduce the burden of gentrification upon older residents.

Elizabeth Yaeger also conducted research and compiled information on public policy and legislation in 23 jurisdictions designed to address bedbug infestations. **Yaeger** provided information on best practices based on existing statutes as well as a framework for analyzing legislation being considered by the D.C. Council.

KIRKLAND & ELLIS LLP

Nathan Mammen and **Rachel Hansen** represented Ms. H, a long-time D.C. resident, in a zoning appeal before the D.C. Court of Appeals. The appeal challenged the Zoning Commission's approval of a large new development in the Bloomingdale neighborhood of D.C., in which the units designated for low-income seniors were segregated to a separate section of the development and could only be accessed through a separate door. This plan evoked the concept of the "poor door" because the low-income residents were required to enter the building separately from market-rent payers.

Mike Kilgarriff and **Daniel Donovan** represented Ms. R, a 97-year-old displaced by the fire at the Arthur Capper Senior public housing building in September 2018. After the fire,

(Pro Bono Systemic Projects, continued on page 13)



Closed Pro Bono Systemic Advocacy Projects and Litigation June 2019 – November 2019



(Pro Bono Systemic Projects, continued from page 12)

the DHCF provided Ms. R with 24 hours of PCA services at the hotel where she was temporarily housed, but then tried to terminate those services when she moved into an apartment. Working as co-counsel with Ombudsman Staff Attorney **Mary Ann Parker**, the **Kirkland** attorneys worked quickly to prepare for trial, including drafting discovery requests. Happily, before the matter reached trial, DHCF granted a request for reconsideration and awarded Ms. R 18 hours of PCA services.

LATHAM & WATKINS LLP

Zachary Hutchinson and **Alan Devlin** provided research and strategic advice regarding D.C. Medicaid's adoption of a new algorithm-based assessment tool used to determine beneficiaries' eligibility for PCA services.

Suzanne Logan and summer associate **Gary DePalo** researched whether any equitable tolling defenses exist to overcome an argument that the statute of limitations bars a petition challenging rent overcharges or rent increases in D.C. **Logan** and **DePalo** prepared a memorandum outlining the law surrounding the statute of limitations in D.C. rent control cases and highlighting applicable equitable tolling defenses.

LAW OFFICE OF STEPHEN B. PERSHING

Stephen B. Pershing represented Ms. W, a federal government retiree, in her appeal of an adverse Medicaid decision in the OAH. Following D.C. Medicaid's implementation of a new assessment tool in 2018, many Medicaid beneficiaries like Ms. W. faced the loss of their PCA services under EPD Waiver program. Sadly, Ms. W passed away before her case came up for a hearing. However, due to the pendency of the appeal, she kept her 13 hours of PCA services per day in place until her passing. Ms. W was also represented by LCE Staff Attorney **Rebekah D. Mason**.

NIXON PEABODY LLP

Kenneth Nichols and **Colette Dafoe**, along with **Jessica Worthington** (formerly with **Nixon Peabody**, now with **Klein Hornig LLP**) represented a client, Ms. B, seeking to resolve complicated title issues for a property originally owned by Ms. B's grandmother. The attorneys filed a quiet title complaint in D.C. Superior Court in an effort to resolve the title issues. After the court insisted that all personal representatives of the estates of the grandmother's children be brought into the case, **Nichols**, **Dafoe** and **Worthington** helped to open the required probate matters and negotiated a new personal representatives' deed that was then recorded with the proper, current title owners, including the estate represented by Ms. B.

PAUL HASTINGS LLP

Kathryn Harris researched and drafted a memorandum

addressing language access rights for limited-English proficient or non-English proficient individuals who were applying for or receiving benefits through D.C.'s Medicaid program. The memo addressed the relevant requirements of the D.C. Language Access Act of 2004, along with federal law.

Kathryn Harris also researched and drafted a memorandum addressing the adequacy of the D.C. Office of Administrative Hearings' (OAH's) compliance with federal and D.C. disability law, including the sufficiency of existing procedures to obtain a reasonable accommodation. The memo suggested possible improvements to OAH rules to better accommodate individuals with disabilities.

Bill DeGrandis, **Carlos Clemente**, and **Bill McCue** researched the availability of remedies against local government agencies for failure to comply with orders from the OAH. The team's memorandum outlined the availability of sanctions at the OAH and of civil contempt hearings in the D.C. Superior Court.

SHEARMAN & STERLING LLP

Carlton Mosley and **Kristen Garry** researched how one tenant can effectively remove him or herself from a month-to-month multi-tenant lease. The attorneys' memorandum addressed the current state of the law in D.C., guidance from other jurisdictions, and considerations for a potential legislative proposal to address this issue for D.C. tenants.



LCE Staff Attorney Kristina Majewski, LCE Pro Bono Manager Sheryl R. Miller, LCE Executive Director Rhonda Cunningham Holmes, and LCE Systemic Advocacy Manager Linda B. Popejoy

Photo Credit: Washington Council of Lawyers

LCE's Pro Bono Access to Justice Practice Holds Legal Clinics

June 2019 – November 2019

By Kristina Majewski
LCE Staff Attorney

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LCE's Pro Bono Access to Justice Practice collaborates with D.C. law firms to draft life-planning documents for low-income seniors by holding one-day legal clinics at law firms. These partnerships are crucial in expanding our reach to the D.C. community and enabling LCE to avoid a long waiting list of clients seeking these vital documents. The clinics enable the completion of dozens of Last Will & Testaments, Powers of Attorney for Health Care and Finance (POAs), and D.C. Transfer on Death Deeds (TODDs). The clinics provide attorneys interested in discrete pro bono matters the opportunity to complete the representation in one day.

The day starts with LCE's interactive training, and then the clients meet with the law firm attorneys to draft their legal documents. LCE attorneys stay all day at the clinics to provide guidance and mentorship. This year, these partnerships enabled seniors displaced from the Arthur Capper Senior Apartments to create new wills and POAs to replace the ones they lost in the devastating fire, along with all other belongings. The Pro Bono Access to Justice Practice held five legal clinics in 2019, including with **Winston & Strawn LLP**, reported in our previous newsletter. In total, **142** legal documents were produced at these clinics, and the clients were thrilled and relieved to be able to obtain their executed life-planning documents in one day.



Ms. A, Abe Zacariah, and Clark Bakewell

MAYER BROWN LLP & BOOZ ALLEN HAMILTON

On June 27, 2019, LCE held a life-planning clinic with **Mayer Brown LLP**. We thank **Marcia Maack** for organizing **Mayer Brown** and **Booz Allen Hamilton's** pro bono participation. A total of 25 attorneys, including United States Department of Justice attorneys, attended the training led by LCE Pro Bono Manager **Sheryl R. Miller** and Attorneys **Catherine Yourougou** and **Kristina Majewski**.



Matthew Bisanz, Ms. R, and Alaina Calhoun

After the training, 11 clients met with their attorneys, producing 30 life-planning documents. The following **Mayer Brown** attorneys participated: **Clark Bakewell, Matthew Bisanz, David Dowd, Alasdair Kan, Luke Levasseur, Marcia Madsen, Peter McCamman, Meytal McCoy, Stephanie Monaco, Holly Spencer Bunting, Keisha Whitehall Wolfe, and Michelle Webster**. The following **Booz Allen Hamilton** attorneys also participated: **Grant Book, Alaina Calhoun, Eric Rahn, Nina Samuels, Thomas Strong, Eric Yeo, and Abe Zachariah**.



Holly Spencer Bunting, Ms. C, and Eric Rahn

LCE Legal Assistant **Lorena Ruiz** provided invaluable support throughout the day. LCE Manager **Sheryl R. Miller**, Attorneys **Catherine Yourougou** and **Kristina Majewski**, and former LCE Law Fellow **Courtney Arnold** mentored the attorneys and reviewed draft documents. We also thank the dedicated **Mayer Brown** administrative staff who notarized or witnessed documents, and ensured the day ran smoothly: **Mark Wagner, Manami Elwell, Sara Smith, Dawn Sylvester, Kristin D'Andrea, Brittany Nicole Etters, Jailyn Forde, Kendall Newman, and Tija Odoms**.

(LCE Holds Life Planning Clinics, continued on page 15)

LCE's Pro Bono Access to Justice Practice Holds Legal Clinics

June 2019 – November 2019

(LCE Holds Life Planning Clinics, continued from page 14)

COVINGTON & BURLING LLP

On August 9, 2019, LCE held a life-planning legal clinic with **Covington & Burling LLP**. We greatly appreciate **Sharmaine Heng** for organizing the firm's pro bono participation. Eighteen attorneys attended the training led by LCE Manager **Sheryl R. Miller** and Staff Attorney **Kristina Majewski**, after which 13 D.C. seniors met with their attorneys producing 35 life-planning documents. The following **Covington** attorneys participated: **Daniel Auten**, **J. Hunter Bennett**, **Frederick Benson**, **Nicole Chandonnet**, **Jill Garcia**, **Ruchi Gill**, **Paige Jennings**, **Paula Katz**, **Liza Khan**, **Alexandra Langton**, **Onica Matsika**, **Ed McClellan**, **Brady McDaniel**, **Anna Rice Abramson**, **Kendra Roberson**, **Elizabeth Upton**, and **Dana Watts**. Attorneys **Christine Schleppegrell** and **Sonia Bui** of **Dechert LLP** also participated.

LCE Legal Assistant **Lorena Ruiz** provided support at the clinic, and former LCE Law Fellow **Courtney Arnold** and Volunteer Attorney **Linda Auwers** helped mentor the attorneys and reviewed draft documents. We also thank the terrific **Covington** staff who helped the day run smoothly by welcoming the clients, notarizing documents, and serving as witnesses: **Laura Shannon**, **Carter King**, **Nick Foti**, **Shantell Savoy**, **Melody Volkman**, and **Cecilia Taramona**.



Ms. P, Anna Abramson, and Elizabeth Upton

ALSTON & BIRD LLP & U.S. BANK

On September 13, 2019, LCE held a life-planning legal clinic with **Alston & Bird LLP** and **U.S. Bank**. LCE thanks **Morey Barnes Yost** and **Bradley Miliauskas** for organizing the law firm's participation, along with attorneys from **U.S. Bank**. Ten pro bono attorneys attended the interactive training led by LCE Manager **Sheryl R. Miller** and Staff Attorney **Kristina Majewski**. After the



Mr. W, Ruchi Gill, and Brady McDaniel

training, nine D.C. seniors met with their attorneys, producing 28 life planning documents. The following **Alston & Bird** attorneys participated: **Lauren Bolcar**, **Morey Barnes Yost**, **Michael Kellerman**, **Brad Miliauskas**, **David McGee**, **Elise Paeffgen**, and **Earl Pomeroy**. Attorneys **Jeffrey Bloch**, **Andy Gibbs**, and **Kathryn Williams** of **U.S. Bank** participated as well.

LCE Legal Assistant **Lorena Ruiz** provided support throughout the day. LCE Volunteer Attorney **Linda Auwers** helped mentor the pro bono attorneys and review draft documents. We also thank the wonderful **Alston & Bird** volunteers who provided support throughout the day by notarizing or witnessing documents: **Tina Flowers**, **Pamela Presbury**, **Kathleen Seager**, **Stephanie Denney**, **Miriam Brioso**, **Christine Sisco**, and **Bianca Prince**.



Andy Gibbs, Michael Kellerman, and Ms. W

(LCE Holds Life Planning Clinics, continued on page 16)

LCE's Pro Bono Access to Justice Practice Holds Legal Clinics

June 2019 – November 2019

(LCE Holds Life Planning Clinics, continued from page 15)



Ms. M and Elise Paeffgen

K&L GATES LLP & EXELON CORP.

On October 25, 2019, during D.C. Pro Bono Week, LCE held a life-planning legal clinic with **K&L Gates LLP** and **Exelon Corporation**. LCE thanks **Brian Koosed**, **Jill Flack**, and **Jeanne Dworetzky** for organizing the law firm's and Exelon's participation. Eighteen attorneys and law fellows participated in the interactive training led by LCE Pro Bono Manager **Sheryl Miller** and Staff Attorneys **Catherine Yourougou** and **Kristina Majewski**. After the training, nine clients met with their attorneys producing 27 life-planning documents. The following attorneys participated from **K&L Gates**: **Jenn Abbey**, **Toks Arowojolu**, **Sarah Burgart**, **Nick Ersoy**, **Andrew Francisco**, **Jenn Gonzalez**, **Laura Gregory**, **Jannay Johnson**, **Ted Kornobis**, **John Longstreth**, **Sandi Safro**, and **Kristina Zanotti**. The following attorneys participated from **Exelon**: **Jill Flack**, **Joe Downs**, and **Brian Hoffman**, along with non-attorneys **Eve Chan**, **Sean O'Neill**, and **William Sulima**.



Sandra Safro, Ms. J, and William Sulima



Jill Flack, Toks Arowojow, and Ms. C

LCE Legal Assistant **Lorena Ruiz** provided support throughout the day. LCE Volunteer Attorney **Linda Auwers** helped mentor the pro bono attorneys and review draft documents. We also thank the dedicated **K&L Gates** and **Exelon** staff who provided support and served as notaries and witnesses throughout the day: **Marcia Dozier**, **Denise Cooper**, **Tammy Cheeseboro**, **Regina Fullen**, **Sarah Swanson**, **Seneca Anastasio**, **Bettie Harris**, **Marlene Lewis-Falcone**, and **Exelon's Denis Wojcik**.

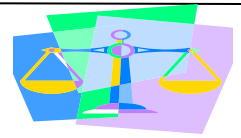


Ms. T, Sarah Burgart, and Brian Hoffman





Schedule H Property Tax Clinics (June 2019 – October 2019)



By Bryony Coiner
LCE Schedule H Attorney

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Schedule H is a D.C. income tax credit available to homeowners and renters who spend a disproportionately high portion of their taxable income on housing costs. For many seniors in the District, this credit is essential to pay for necessities like food, clothing, utility bills, medical expenses, and even the next year's housing costs. Partnering with law firms has been instrumental in expanding our program's capacity to help D.C.'s seniors apply for this important credit. Anyone interested in discussing a pro bono Schedule H opportunity is welcome to contact Bryony Coiner at bcoiner@aarp.org or (202) 434-6098.

PERKINS COIE LLP

Attorneys **Tom Ahmadifar, Sumedha Ahuja, Lindsay Allen, Craig Bradley, Bob Burgoyne, Valeri Dahiya, Charlyn Ho, Vicki Nee, Anna Smith-Sandy, Adrian Torres, Matthew Williams, Beteslot Zeleke, Rebecca Mears** and **Jon Jacobs**, along with summer associates **Arielle Andrews, Tyler Bishop, Raisa Cramer, Shelby Rampolo, Max Tyler, and Michael Want**, staffed a Schedule H clinic on June 25, 2019. The clinic served 16 clients and produced 36 applications for property tax credits totaling almost \$25,000. **Lindsay Allen, Charlyn Ho, and Jon Jacobs** organized pro bono participation, and **Jody Sullivan** provided key support for the clinic.



Tyler Bishop, Rebecca Mears, and Mr. M



Beteslot Zeleke, Michael Want, Ms. R, and Vicki Nee

ARENT FOX LLP

Attorneys **Matt Berlin, Angela Fuccillo, Adam Goldberg, Emily Leongini, Matt Levine, Karoline Nunez, Fanny Patel, De'Siree Reeves, Kaei Ro, Dean Roy, Warren Seay, Jennifer Stecco, Brian Stevens, Jeff Tate, Ryan Witt, and Justin Yourko** staffed a Schedule H clinic on October 16, 2019. The clinic served 11 clients and produced 21 applications for property tax credits totaling over \$16,000. **Karen Carr, Sarah Jones, Nancy Noonan, and Jessica Salvaterra Grondine** organized pro bono participation. **Sarah Jones** also provided administrative support. This was Arent Fox's second year hosting the clinic and participation nearly doubled this time around. The firm plans to make this convenient, fulfilling pro bono opportunity an annual occurrence because they love hosting and interacting with the clients on site.



Warren Seahey, Jr. and Ms. W



Schedule H Property Tax Clinics (June 2019 – October 2019)

(Schedule H, continued from page 17)



Mr. L, Justin Yourko, and Matt Levine

MILLER CHEVALIER CHARTERED

Attorneys **Layla Asali, Tom Cryan, Jim Gadwood, Tess Gee, Maria Jones, Kevin Kenworthy, Sam Lapin, Jen Maul, and Lisandra Ortiz** staffed Miller Chevalier's second Schedule H clinic of the year on October 24, 2019. The clinic served eight clients and produced 18 applications for property tax credits totaling almost \$16,000. **Kathleen Wach** organized pro bono participation. **Mathiu Antezana** provided administrative support.



Maria Jones, Mr. W, and Sam Lapin



Tess Gee, Ms. S, and Jim Gadwood



Closed Pro Bono Cases June 2019 – November 2019 (continued)

(Closed Pro Bono Cases, continued from page 10)

after the lower court determined the landlord improperly increased the rent to nearly triple the amount that the client agreed to pay under the lease. Ultimately, the D.C. Court of Appeals denied the landlord's appeal, *sua sponte*, ruling that the issue presented did not meet the standards for appeal. LCE Senior Staff Attorney **Daniel Palchick** was the pro bono mentor.

In a second case, a tenant with disabilities lived with her grandson in subsidized housing for several years until she had no choice but to move because her landlord refused to remedy a severe rodent infestation and housing code violations. The subsidy lapsed due to three failed DCHA inspections, and the landlord refused to return the tenant's security deposit based on the landlord's allegation that the tenant had caused damage to the premises. **Nicholas Bassett** and **Katherine Rookard** stepped into the breach, prepared a complaint, and negotiated a resolution in which the tenant recovered her security deposit in full. LCE Manager **Jennifer Berger** served as the pro bono mentor.

In a third case, **Patricia Liverpool, Joonsik Chae, Stuart McCommas, and Amy Carpenter-Holmes** defended an 81-year-old tenant in subsidized housing against eviction in D.C. Landlord & Tenant Court by determining the proper amount of back rent that their client owed and negotiating an affordable repayment plan. LCE Manager **Jennifer Berger** mentored the attorneys.

PERKINS COIE LLP

Adrian Torres assisted an 82-year-old tenant by confirming she filed her D.C. Schedule H tax credit application, which may enable her to receive crucial funds to enable her to afford her rent and other basic needs. LCE Staff Attorney **Bryony Coiner** was the pro bono mentor.

PILLSBURY, MADISON, SUTRO LLP

Laura Jennings negotiated a favorable move-out agreement for an elderly tenant with limited means who had been living in an apartment ridden with serious housing code violations, including mold, no hot water, and a rodent infestation. The client was delighted to move into her new accessible apartment using her transfer voucher, and the landlord cancelled the previous lease. LCE Staff Attorney **Sébastien Monzón Rueda** served as the pro bono mentor.

* * * * *

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