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## Eviction Defense Project Helps Tenants Who Help Themselves

Every Monday and Friday morning, South Middlesex Legal Services provides a self-help clinic for tenants facing eviction from their homes. Housing attorney Robert Bowens gives a thorough presentation on eviction law and procedures and tells participants what to expect in court. Tenants fill out forms provided to respond to the landlord's complaint and to set out any defenses. Sometimes a good defense may not only help a person maintain his or her housing, but may also improve the family's living conditions. Bowens makes every effort to make this often arcane material accessible and fields all questions from those attending.

Another important area covered is how to negotiate with the landlord. Sometimes, through referrals to local charities, tenants can find a way to resolve a rent arrearage. Other clinic participants may be helped to develop a plan with the landlord for a convenient date to move and a chance to seek alternative housing, making the transition significantly less stressful on the family.

Most tenants without legal help are bewildered by the process, unsuccessful in presenting defenses, and ultimately evicted. "The service that the housing clinic provides to these people is so crucial because it is almost always their last resort. Our resources are so limited that we cannot provide an attorney to represent everyone in court. The tenants assisted are usually one step away from becoming homeless", explains Bowens.

Clinic participants express how the program helped them when they complete their evaluations of the clinic. One tenant stated in her evaluation, "I would like to acknowledge how much I appreciate your assistance. It is refreshing and somewhat overwhelming when you experience this kind of support. Thank you!"

Photo by Marlene L. DeSautels



SMLS Attorney Robert Bowens conducting an eviction defense clinic.

## Campaign Spotlight

### Nutter, McClennen & Fish, LLP

SMLS' Campaign for Legal Services has been fortunate to have as a generous sponsor and active partner in fundraising the Boston law firm, Nutter, McClennen & Fish. Michael Leon, a resident of Lexington, one of the towns served by SMLS, is a partner in the Real Estate and Finance Group at Nutter. He co-chairs the Campaign Committee, actively provides direction to the Campaign, and convinces many others to join as donors. Through organizing the annual golf tournament and working with potential donors, he has dedicated a tremendous amount of time and energy to expanding SMLS' resources available for assisting low income clients.

"It is very important for attorneys in the private sector to make a contribution of time and  
*(continued on page 3)*

## SMLS Client Story

Photo by Robert Bowens

**F**orty one year old Steven McGee had been living in his apartment for four years when he came to the Eviction Defense Project at SMLS. He approached SMLS for help upon receiving a notice from his landlord terminating his tenancy. Mr. McGee had been diagnosed with multiple sclerosis several years earlier and his symptoms progressed to the point where he could not walk steadily without assistance. Because there was only a partial railing on the stairway to his apartment, he had to slide on the stairs to reach it. Mr. McGee's rent was nearly two thirds of his modest monthly income from Social Security Disability. The landlord wanted to increase the rent to a level Mr. McGee could not afford.

For twenty-five years, Mr. McGee worked as an automobile mechanic, but after his illness progressed he had to leave work and live on Social Security Disability benefits. At that time, he applied for public housing for the disabled in many different towns. He was told, however, by all of the local housing authorities that it would be several years before a handicapped accessible unit would be available for him.

The day of the clinic session, the project attorney explained to Mr. McGee and the others participating how to prepare an Answer, Discovery, and a Motion for Stay of Execution. The Stay of Execution would give Mr. McGee some additional time to look for a new place to live. Mr. McGee was referred to SMLS' health advocate, a paralegal who helps clients obtain medical coverage. She worked with his doctor, Medicare and MassHealth to obtain approval for a wheelchair and other equipment that would help him gain more independence.

In court, Mr. McGee took the information and forms provided at the clinic and successfully argued in court that he needed additional time to find a new home and to move. The judge decided that since Mr. McGee always paid his rent and was a tenant in good standing, he should be given six months to search for housing. The project attorney contacted the Norwood Housing Authority and advocated for a wheelchair accessible unit for Mr. McGee. In December 2000, three months after he came to SMLS, Mr. McGee moved into his new apartment where he pays about one third of his income for rent. In a new home meeting his needs, a new community and with an affordable rent, he feels very fortunate in his improved situation.



*SMLS client Steven McGee in his new wheelchair accessible home.*

### The Private Bar Program Needs Your Help!

**A**t this time, we urgently need family law attorneys to take divorce cases for low income clients. We have a very long, and ever growing, waiting list of clients who require assistance with their divorces. Due to our staff size, we are unable to help everyone who needs legal aid. Our Private Bar Volunteer Program (PBVP) is a great way to assist low-income clients who will otherwise be denied access to legal services. PBVP will gladly provide training materials and mentors can be assigned at a lawyer's request. To volunteer, please complete the enclosed registration form or contact:

**Cheryl Palmieri**  
[cpalmieri@smlegal.org](mailto:cpalmieri@smlegal.org)

or

**Jane Mogavero**  
[jmogavero@smlegal.org](mailto:jmogavero@smlegal.org)

**Tel. (508) 620-1830.**

**We look forward to working with you.**

(continued from page 1)

## Spotlight

money to support the needs of those who have very limited access to our justice system. The work on this project is very gratifying because it produces an immediate and positive impact.” Leon added, “The people on the Campaign Committee are a very dedicated and innovative group. It has been a pleasure to work with them toward our common goal.”

Nutter is one of the Campaign’s largest donors and its example has leveraged support from other firms. Nutter’s help to poor people is not limited to its work with SMLS. The firm was founded in 1879 by Samuel D. Warren and Louis D. Brandeis, popularly referred to as the “People’s Attorney.” Justice Brandeis was considered the most famous public interest lawyer at the turn of the century and is credited with creating a *pro bono* tradition in America. Carrying on this time honored practice, firm associates and partners engage in *pro bono* work in many areas. Some represent tenants for the Boston Housing Court’s Eviction Defense Project, others help immigrants facing deportation, defendants in federal court, non-profit organizations with business matters, plaintiffs before the Massachusetts Commission Against Discrimination and clients of the AIDS Action Committee in probate, family law and health care issues. Their active engagement in work for those who desperately need legal help and their generous donation to SMLS demonstrate their commitment and compassion.

“Working with affluent or middle income clients, we sometimes forget the fundamental ways in which the law provides protection for others. For many low-income families in Lexington where I live, and in surrounding communities, the law governs whether they can obtain basic housing, a safe refuge from abuse, or an appropriate education. The work that I do with SMLS is very rewarding and provides me with an opportunity to ensure that families in my community have equal access to justice,” states Leon. Many thanks to him and to Nutter, McClellen & Fish.



*Attorney Michael Leon, Co-chair of the Campaign for Legal Services and partner at Nutter, McClennen and Fish.*

## Campaign For Legal Services Update

**T**he Campaign For Legal Services is currently in its second year and is operating smoothly under the leadership of its dedicated Campaign Committee. For 2001, the committee has raised approximately \$84,000 in contributions from generous corporations, law firms, and other individuals. This includes the money raised in May of this year at the 4<sup>th</sup> annual golf tournament, which the Campaign Committee sponsored for SMLS. All participants had a great time at the tournament and auction, and because of the generosity of our sponsors and golfers, we raised \$20,000. To date our Campaign total is approximately \$ 195,000 bringing us closer to our three year goal of \$300,000 by the end of 2002. A pledge card is enclosed for your convenience.

*Thanks to all of you who have supported this effort.*

## ABOUT SMLS

South Middlesex Legal Services provides free legal representation in civil cases to low income people living in our service area, listed below. We handle cases involving **Housing, Government Benefits, Domestic Relations**, particularly for abuse victims and **Education**. We also specialize in **Elder Law**.

## FUNDING SOURCES FOR SMLS

Acton-Boxborough United Way  
BayPath Home & Community Services  
Boston Bar Foundation  
Concord-Carlisle Community Chest  
Health & Social Services Consortium  
Legal Services Corporation  
Massachusetts Bar Foundation  
Massachusetts Legal Assistance Corporation  
Maynard Community Chest  
MetroWest Community Health Care Foundation  
United Way of Tri-County  
Womens Independence Network (WIN)

## CAMPAIGN COMMITTEE

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*Thank you all for your support.*



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\* for ELDERS ONLY