

Pro Bono Publico

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Legal Counsel for the Elderly, Pro Bono Access to Justice

June 2022

Supporting Veterans – LCE’s Enhanced Veterans Advocacy Work

By Swapna Yeluri, Esq.
Senior Attorney, Economic & Healthcare Security Practice

According to a 2021 HUD study, more than 300 veterans are experiencing homelessness in Washington, D.C. Even more veterans are at risk of homelessness due to the end of the eviction and foreclosure moratoria. Our experience has shown that being in the community is the most effective way to reach homeless veterans, who are in great need of our services. Homeless veterans are less likely to have access to a phone to call our legal hotline and may be reluctant or unable to visit our office in person. In addition, some do not understand their status as a veteran and their eligibility for benefits.

To bridge this gap, LCE’s Veterans Advocacy Project (VAP) obtained seed funding to establish legal service clinics at community-based organizations that serve the veteran population, such as the VA Medical Center, veterans housing programs, and the D.C. Public Libraries. Establishing these partnerships will remove barriers to accessing our services, as veterans will connect with us in environments where they are already receiving services and where VAP has established connections with service providers that the veterans trust.

VAP will utilize LCE’s staff attorneys and trained volunteers to assist older D.C. veterans and surviving spouses of veterans who are homeless or at risk of homelessness with initial claims and appeals to obtain and preserve VA and other public benefits. Benefits include those uniquely available to veterans and their spouses, such as pensions, service-connected compensation, debt forgiveness, and burial benefits. They also include benefits available to the general public, such as Supplemental Security Income, Social Security Disability Income, the Supplemental Nutrition Assistance Program, Medicare, Medicaid, and waivers through D.C. Medicaid to receive home and community-based services.

Attorneys, paralegals, and support staff from our pro bono partners can volunteer at the clinics conducting client

interviews and completing forms, or after the clinics performing legal research, reviewing documents, and drafting personal/witness statements. Attorneys can also volunteer to provide full client representation. LCE will offer free trainings for all volunteers and ongoing mentoring and guidance at clinics appointments and for full client representation.

This work—only partially funded by our seed funding—is critical to ending homelessness among older veterans in D.C. Using volunteers at our community-based legal clinic sites enables us to expand the breadth of our reach and allows us to serve the older veteran community more equitably. For more information or to get involved, please contact **Swapna Yeluri at syeluri@aarp.org**.



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FROM THE DOCKET:
Closed & Impactful Individual Pro Bono Victories Dec. 2021 – May 2022

By Kristina Majewski, Esq.
Senior Attorney, Pro Bono Access to Justice

Paul Hastings LLP Recoups Funds Paid to Unscrupulous Home Contractor

Jeremy Steed, Christina Ferma, and Rachel Miller represented an older homeowner in D.C. Superior Court and successfully recouped the full \$15,000 the client paid upfront to an unscrupulous home improvement contractor who failed to perform the agreed-upon work on her beloved home.

Although the client had paid the contractor upfront, the contractor soon abandoned the job, leaving the client’s home uninhabitable. Not only did the contractor breach the agreement in failing to complete the work, but he also approached the client to demand more money! As a result of the contractor’s actions and the state of the home, the client was forced to leave her home and was unable to access several D.C. programs such as Safe at Home, which pays for home modifications to help seniors reduce the risks of falls.

The client worked closely with LCE, the Department of Consumer and Regulatory Affairs, and the D.C. Office of the Attorney General to investigate the matter. Unfortunately, despite several actions taken by these entities against the contractor, he still failed to complete the work or reimburse the client. The **Paul Hastings** team stepped in and filed a lawsuit. Following months of diligent negotiations, the case settled, and the client recouped the full amount that she paid upfront to the contractor. LCE Staff Attorney **Kerry Diggin** mentored the case.



By Kristina Majewski, Esq.
Senior Attorney, Pro Bono Access to Justice

Winston & Strawn LLP Saves D.C. Homeowner More Than \$8,000 in Taxes

Ruth Wimer and **Justin Linder** obtained a waiver of penalties, interest, and fees resulting in a reduction of outstanding D.C. tax liability between 2020 and 2021 of more than \$8,000 on behalf of a senior homeowner who fell behind on payments after her long-term disability benefits ended. The client feared that she would lose her home if the government placed a tax lien on it. The team analyzed the client’s tax liability and her options for re-submitting an Offer in Compromise after the District lost the original paperwork. Despite challenges in communicating with D.C., the team persevered and was successful!



Wimer and **Linder** also assisted the client with preparing her 2018 and 2019 federal and D.C. tax returns, enabling her to receive a refund to pay back a portion of the liability. As a result of their longstanding advocacy and diligence in resolving the liability and overcoming numerous hurdles, the client now has peace of mind that the government will not place a lien on her home.

**FROM THE DOCKET:
Closed & Impactful Systemic Advocacy Matters Dec. 2021 – May 2022**

By Linda B. Popejoy, Esq.
Managing Attorney, Pro Bono Access to Justice

Hogan Lovells Saves Senior’s Home from Medicaid Lien

Hogan Lovells (US) LLP attorney **Heather Briggs** ensured a senior client with disabilities could remain in her home. Years earlier, her mother (and the home’s owner) died, and the DC government put a lien on the home to recoup funds expended by D.C. Medicaid for the mother’s care. Hogan began representing the client in 2016 after D.C. Medicaid denied her request for a hardship waiver, and initially achieved a ruling that the lien was invalid due to a lack of proper notice. Unfortunately, the D.C. Court of Appeals overturned that decision, finding the Office of Administrative Hearings (OAH) lacked jurisdiction to make such a ruling. After the case was remanded to OAH for further proceedings, attorney **Briggs** took over the case.



After protracted litigation and excellent briefing by **Briggs**, the OAH finally issued an order. Although the court upheld the government’s earlier denial of the client’s request for a hardship waiver, it also remanded the case to the Department of Health Care Finance for proper consideration of whether the client was disabled, which would exempt her from the lien, and/or whether the lien should be compromised based on house repairs and upkeep funded by the client. Following this ruling, D.C. voluntarily released the lien in its entirety, and our client can continue living in the home without fear of losing it. Former Hogan attorneys **Eugene Sokoloff** and **Kirti Datla** also worked on this case.

By Linda B. Popejoy, Esq.
Managing Attorney, Pro Bono Access to Justice

Client’s Need for Home Health Care Confirmed in Long-Awaited Ruling

Covington & Burling LLP attorney **Joe Sullivan**, along with former Covington attorney **Brooke Kahn**, tried and won a case at the Office of Administrative Hearings (OAH) that not only vindicated the client’s claims, it also provided a blueprint for future challenges to D.C. Medicaid’s faulty assessment system. The client, who suffered from lupus and several other ailments, had received 12 hours per day of personal care aid (PCA) services for over 8 years via the Elderly and Persons with Physical Disabilities Waiver program. When D.C. proposed to reduce her services to 5 hours per day, and later to 9 hours per day based on a new tool that assesses a person’s need for home health services, she challenged the decision at OAH.

Sullivan and **Kahn** co-tried the case in March 2020 with former LCE staff attorney Rebekah Mason and briefed a motion for summary adjudication. The client retained her 12 hours/day of services while the case was ongoing.

More than two years later, the OAH finally ruled, in a 50-page opinion, that D.C. Medicaid had wrongfully reduced the client’s PCA hours, and further found that D.C. Medicaid’s new system for assessing the appropriate number of PCA hours violated D.C. and federal law. In fact, they found that the new assessment tool was so unreasonable that it did not warrant deference from the administrative Court. The opinion will be very helpful in future cases involving the assessment tool.



Life Planning Documents: Closed Matters Dec. 2021 – May 2022

From December 1, 2021 to May 31, 2022, **107** 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 represented more than one client. Thank you to the law firm attorneys, in-house counsel, and government lawyers who accepted life planning document matters **with special thanks to those who went the extra mile by holding outdoor signing ceremonies during COVID-19.**

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Life Planning Documents: Closed Matters, *cont.*

(Life Planning Documents, continued from page 4)

LATHAM & WATKINS, cont.

Laura Nguyen
Will Orlandy
Adam Perlman
Katherine Putnam
Jill Rubinger
Kavita Satiya
Grace Tang
Peter Todaro
Susan Tull
Christopher Turner
Milene Vega
Jennifer Vibert



Signing Ceremony with Latham & Watkins's Attorney Maria Adebayo and Ms. J.

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Tara Moss
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Additional attorneys joined LCE's Virtual Life Planning trainings and clinics. They are highlighted on pages 10-11.

*Thank
You*

Closed Pro Bono Litigation Cases Dec. 2021 – May 2022

By Kristina Majewski, Esq.
Senior Attorney, Pro Bono Access to Justice

ARNOLD & PORTER KAYE SCHOLER LLP

Dan Cantor represented an older Spanish-speaking tenant in D.C. Superior Court who was wrongfully evicted while hospitalized during the pandemic and was living on the street when he left the hospital. The team obtained a preliminary injunction to restore the client's housing and then negotiated a settlement agreement resulting in the client receiving more than \$10,000. LCE Staff Attorney **Sébastien Monzón Rueda** served as the pro bono mentor.

In a second case, **Erin Grubbs** and **Joel Gross** helped a 72-year-old veteran with disabilities get reimbursed for furniture and personal items that were ruined when his landlord failed to remediate pervasive mold in his apartment. The client is now safely back in his unit. LCE Senior Attorney **Melanie A. Acuña** represented the client in the underlying housing code violation matter and served as pro bono mentor on the case.

BAKER BOTTS LLP

Ryan Norfolk represented an 81-year-old homeowner, who was the victim of domestic abuse, to obtain equitable interest in her beloved home so she could later sell it and move to an accessible retirement community. **Norfolk** worked with the client for years to modify the tenancy to limit her ex-boyfriend's entitlement to the property. Former LCE Senior Attorney **Deborah Cuevas Hill** served as the pro bono mentor.

COVINGTON & BURLING LLP

Darby Rourick and **Melissa Campbell Duru** assisted an elderly veteran in applying for burial benefits with the U.S. Department of Veteran's Affairs (VA), including requesting a VA national cemetery plot. The attorneys also prepared the client's life planning documents.

HOGAN LOVELLS LLP

Ashley Ifeadike, **Jocelyn Hassel**, and **David Crandall** reached a terrific settlement on behalf of a senior in D.C. Superior Court after a gas explosion forced her from her rental unit. With the client on the brink of homelessness, the pro bono team filed a wrongful eviction case against her landlord and a temporary restraining order seeking repairs and alternative housing in the interim. In addition to a \$15,000 lump-sum payment, the landlord canceled all of the client's outstanding rent. LCE Staff Attorney **Sébastien Monzón Rueda** served as pro bono mentor.

HOLLINGSWORTH LLP

Shannon N. Proctor, **Ann Marie Duffy**, and **Caroline Baker** won more than \$17,000 on behalf of an older renter in a constructive eviction suit filed in D.C. Superior Court. Due to the landlord's failure to provide heat, hot water, and make adequate repairs for more than two years, the client was forced to leave her apartment. The Court adopted the pro bono team's findings and awarded the client compensatory damages. Former LCE Interim Manager **Nathaniel Aquino** served as the pro bono matter.

In a second case, **Jessica Tabibian**, **David Schifrin**, and **Ann Marie Duffy** successfully resolved a housing conditions matter on behalf of a D.C. senior whose respiratory illness was exacerbated due to poor conditions and pervasive mold in her apartment. In 2020, the firm filed a lawsuit in D.C. Superior Court against the building owner and property manager. As a result of the team's advocacy, all necessary repairs were made, including mold remediation, which enabled the client to safely return to her apartment.

LATHAM & WATKINS

Marie Greenman and **Scott Forchheimer** assisted a D.C. senior in finalizing contract negotiations with a developer that had torn down an adjacent property and caused damage to the side of the client's rental home. The developer installed new siding free of charge—saving the client \$5,000 in repairs. LCE Staff Attorney **Maya Sheppard** served as the pro bono mentor.

NIXON PEABODY LLP

For more than three years, **Gordon Lang** represented an older tenant in D.C. Superior Court seeking to remedy egregious housing code violations caused by her co-op's management company. LCE Staff Attorney **Kathy Ferger** served as pro bono mentor.



(Closed case summaries, continued on page 7)

**Closed Pro Bono Litigation Cases
Dec. 2021 – May 2022, cont.**

(Closed case summaries, continued from page 6)

PAUL HASTINGS LLP

Rachel Miller, Bridget Vuona, and Neil J. Schumacher recovered and saved more than \$10,000 on behalf of a 75-year-old client who enrolled in an online training program after it failed to provide the level of instruction he was promised. As a result of the team’s advocacy and work with the D.C. Office of Attorney General, the entity reimbursed his out-of-pocket expenses and forgave the \$8,000 it had issued. LCE Staff Attorney **Kerry Diggin** served as the pro bono mentor.

WEINER BRODSKY KIDER PC

Michael Kieval, Greyson Wallis, and Jasmine Jean-Louis obtained \$3,500 in compensatory damages for an older client whose kitchen cabinets crashed down in the middle of the night due to a neglected water leak. Not only did this cause damage to her apartment, but she also lost cherished family heirlooms. A lawsuit was filed in D.C. Superior Court and the pro bono team negotiated with the landlord to reach a successful settlement. LCE Staff Attorney **Kathy Ferger** served as the pro bono mentor.



**Closed Pro Bono Systemic Matters
Dec. 2021 – May 2022**

By Linda B. Popejoy, Esq.
Managing Attorney, Pro Bono Access to Justice

HOLLINGSWORTH LLP

Anna Kornilova, Lauren Prease, Andrew Reissaus, Priti Saini, and James Sullivan prepared and submitted a FOIA request to the D.C. Armed Forces Retirement Home, which provides housing to veterans at various levels of care. The information obtained through the FOIA request will aid in future advocacy efforts designed to make the Home available to more veterans in need.

PAUL HASTINGS LLP

Nicholas Bassett and Stephen Matous researched and outlined foreclosure and eviction laws in several jurisdictions. This research was used to support legislation in D.C. to prevent the eviction of foreclosed homeowners by auction purchasers until the purchasers first obtain the deed to the property. The bill was signed by the mayor and is now awaiting congressional review.

DECHERT LLP

Susan Hendrickson, along with summer associates **Laura Xie** and **James Audet**, prepared a memorandum regarding the efforts of various states and the federal government to address the collection and disclosure of employee vaccination data by long-term care facilities and home health agencies.

DECHERT LLP

Jooyoon Chang researched and drafted a memorandum regarding partition lawsuits, which enable co-owners of real property to sever their interests. The memo addressed how to prevent partition suits when the co-owners are family members, ways to rebut the presumption of joint tenancy, and a list of preliminary steps necessary before proceeding with a partition suit.

**LCE & the Legal Community:
Thank You for Making Our Work Possible**

By Billy Fettweis
Director, Development & Communications

Our work would not be possible without the generosity of the legal and corporate community. Thank you to the following law firms and corporations that made a generous charitable investment in LCE during our 2021 giving campaign.

\$25,000 +

Arnold & Porter LLP*
Latham & Watkins LLP*
Paul, Weiss, Rifkind, Wharton & Garrison LLP*

\$20,000+

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\$15,000+

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Paul Hastings LLP

(From the Development Director, continued on page 9)

From the Development Director, Cont.

(From the Development Director, continued from page 8)

\$5,000+ continued

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* Indicates law firms participating in the D.C. Access to Justice Commission's "Raising the Bar in D.C. Campaign."

Did You Know???

LCE's Pro Bono Access to Justice Practice (PBAJ) now includes **ALL** of our pro bono work under one umbrella:

- Life planning document preparation and clinics (wills, powers of attorney; transfer on death deeds)
- Litigation and other individual representation cases (eviction, housing conditions, foreclosure, public benefits, veteran's benefits, tax disputes and contract disputes)
- The Systemic Advocacy Project (research, legislative advocacy, and educational materials addressing systemic issues faced by our seniors)
- Schedule H clinics (helping seniors apply for a special DC tax credit)

We are also now combining all of LCE's pro bono opportunities into a single email circulated twice monthly. We are grateful for your support of DC's elders in need. Questions? **Contact Senior Attorney Kristina Majewski – kmajewski@aarp.org.**



LCE's Pro Bono Access to Justice team regularly conducts outreach in the community to reach potential clients. Here, LCE Senior Attorney Kristina Majewski (left) and Schedule H Legal Associate Ashley Barksdale (right) are joined by Shymee Davis (center), Nutritionist at Washington Seniors Wellness Center at an outreach event.

LCE Holds Life Planning Document Trainings with D.C. Law Firms & Corporations

By Kristina Majewski, Esq.
Senior Attorney, Pro Bono Access to Justice

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 legal clinics with 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 legal trainings and clinics enable the completion of dozens of Last Will & Testaments, Powers of Attorney for Health Care and Finance, and D.C. Transfer on Death Deeds (TODDs).

During the COVID-19 health crisis, LCE thanks D.C. lawyers for partnering with us to host virtual video trainings to continue serving our client community. These trainings are also recorded enabling other attorneys to view the material and then request a pro bono matter. During these hard times, life planning documents are more crucial than ever to our elderly clients. Following the training, LCE has been sending cases to interested participants to be handled remotely until it is safe to meet in person. **Starting in 2022, we are offering both in-person and virtual clinic options.**

K&L GATES LLP, EXELON CORP., and CONSTELLATION ENERGY CORP.

On February 28, 2022, LCE held a life-planning legal clinic with **K&L Gates LLP, Exelon Corporation and Constellation Energy Corporation**. LCE sends a huge thank you to **Brian Koosed, Jill Flack, and Jennifer Soloman** for organizing their firm's and companies' participation. Twenty volunteers participated in the interactive training led by Managing Attorney **Linda Popejoy** and attorneys **Catherine Yourougou, Leta (Shelly) Jackson, and Kristina Majewski**. After the training, the attorney teams worked with 6 clients to complete their life

planning documents and LCE conducted office hours to answer questions the attorneys had about their cases.

The following individuals participated: **Craig Leen, Jennifer Gonzalez, John Longstreth, Ted Kornobis, Christine Mikhael, Jacob Derr** (from K&L Gates); **Michael Strohmeier, Theos McKinney, Cynthia Brady, Peter Thompson, Julie Stevenson, Phyllis Strader, Elizabeth Lovejoy** (from Constellation). **Dorothy Bonds, Anne Ciesla Bancroft, Lauren Murray, Matthew Segers, and Denise Wojcik** (from Exelon).

We also thank LCE Administrative Legal Assistant **Drexilla Alle** for facilitating the client referrals and **Marcia Dozier** of K&L Gates for organizing and mailing out the client packets and retainer agreements.

Contact Us – We Are Here to Help

- Please contact us with any questions.
- If you **need guidance**, we will be pleased to review your draft documents. Please allow 3 business days for review.

Linda Popejoy, Pro Bono Manager
lpopejoy@aarp.org

Kristina Majewski, Staff Attorney
kmajewski@aarp.org



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Screenshot of LCE staff members Kristina Majewski, Drexilla Alle, Catherine Yourougou, and Shelly Jackson.

BLANK ROME and WINSTON & STRAWN

On May 10, 2022, LCE held a joint life-planning legal clinic with **Blank Rome and Winston & Strawn**. LCE sends a huge thank you to **Krystal Kane, Kathy Ochroch and Tara Moss** for organizing their law firm's participation. Nine attorneys participated in the interactive training led by attorneys **Leta (Shelly) Jackson, Catherine Yourougou and Kristina Majewski**. After the training, the attorney teams worked with 7 clients to complete their life planning documents. The following attorneys participated from Blank Rome: **Mark Thronson, Patrick Collins, Rachel Brocker, Ashley Williams, and Jacob Kearney**; and from Winston & Strawn: **Jeremy Schwer, Karl Kurzatkowski, and William Horin**. We also thank LCE Administrative Legal Assistant **Drexilla Alle** for facilitating the client referrals.

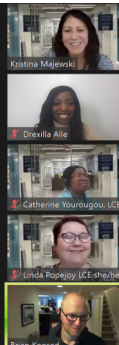
Thank you to all who participated and who are actively working on, have recently completed, or have requested to handle a life planning case. We are grateful for our partnership and the difference you are making in our clients' lives, especially during these challenging times.

Overview: Will & Power of Attorney Training

By the end of this training, you will be able to draft these simple estate planning documents

- **Durable Financial Power of Attorney**
 - Purpose: Empowers client to appoint a trusted person to handle finances (pay rent & other bills, etc.) in the event that s/he can no longer do so.
- **Durable Power of Attorney for Healthcare**
 - Purpose: Empowers client to appoint trusted person to make medical decisions in accordance with his or her wishes in the event of future inability to communicate his/her wishes directly. If client chooses, HPOA states end of life treatment.
- **Last Will & Testament: Effective Upon Death**
 - Purpose: Empowers client to bequeath personal and real property to heirs. Appoints personal representative to wind down estate, authorizes rental property entry, etc.
- **DC Transfer on Death Deed (TODD) – Homeowners Only**
 - Purpose: A deed that allows client to name a beneficiary of his/her home after client passes away. Safeguards client's home.

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Screenshot of LCE staff members Kristina Majewski, Drexilla Alle, Catherine Yourougou, and Linda B. Popejoy, with K&L Gates partner Brian Koosed.

**Schedule H Trainings with Firms & In-House Counsel
Dec. 2021 – May 2022**

By Ashley Barksdale, Esq.
LCE Schedule H Legal Associate

Schedule H is a D.C. income tax credit available to certain homeowners and renters who spend a disproportionate amount 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 years housing costs. Partnering with law firms and in-house counsel teams has been instrumental in expanding our programs capacity to help D.C.'s seniors apply for this important credit.

Join the list of firms that have held Schedule H legal clinics and helped hundreds of seniors obtain much needed income. To participate, contact Ashley Barksdale at abarksdale@aarp.org or (202) 434-6098.



Schedule H Legal Associate Ashley Barksdale presenting at recent in-person Schedule H Clinic.

Fannie Mae and Capital One

During Financial Institution Pro Bono Day, in-house counsel from Fannie Mae and Capital One participated in a joint virtual Schedule H clinic. **Jennifer Mailander** and **David Kalinski** organized pro bono participation for Fannie Mae, and **Julie Mandanas** organized pro bono participation for Capital One. Attorneys **Ryan Rope**, **Wells Engledow**, **Tatjana Misulic**, **Timothy Verrilli**, **Te-Mika Warner**, **David Reed**, **Khadijah Clarke**, **Christina Olson**, and **Mary Taylor** from Fannie Mae served 11 clients with 13 applications. **Anastasia Lohr** of Fannie Mae provided administrative support. Attorneys **Prashant Khetan**, **Frank Wilkosz**, **Andrew Golden**, and **EJ Jahollari** from Capital One assisted 8 clients with 10 applications. **Alexandria Menosaba**, **Laura Stevens**, **Tricia Ward**, **Katelyn Leary**, and **Vinu D'Souza** of Capital One provided administrative support. We are grateful for the efforts of these dedicated volunteers.



Managing Attorney Linda B. Popejoy, Schedule H Legal Associate Ashley Barksdale, David Kalinski from Fannie Mae, Julie Mandanas from Capital One, and Jennifer Mailander from Fannie Mae.

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