

IN CONVERSATION WITH LEGAL AID

BY MOLLY MCPHEETERS AND MARGARETTA KROEGER

Delaware is home to three nonprofit civil legal aid agencies: Community Legal Aid Society, Inc. (CLASI), Delaware Volunteer Legal Services, Inc. (DVLS), and Legal Services Corporation of Delaware, Inc. (LSCD). Together they provide a wide range of free legal services to vulnerable people across the state, including people living in poverty, people with disabilities, senior citizens, victims of crime including domestic violence, and people facing eviction, homelessness, and housing discrimination.

Molly McPheeters, campaign coordinator of the Combined Campaign for Justice (CCJ), and Margaretta Kroeger, communications and marketing director of CLASI, recently sat down for a conversation with the executive directors of each agency as they emerge from the myriad challenges of the COVID-19 crisis.



Molly McPheeters is the campaign coordinator for the Combined Campaign for Justice. She can be reached at mmcpheeters@delawareccj.org.



Margaretta Kroeger is the communications and marketing director at Community Legal Aid Society, Inc. She can be reached at mkroeger@declasi.org.

QUESTION NO. 1

What are some of the greatest legal needs for low-income and marginalized Delawareans as we come out of the COVID-19 pandemic? What trends are you seeing?

Daniel G. Atkins, Esquire

*Executive Director
Community Legal Aid Society, Inc.*



A: The pandemic has impacted everyone, but it certainly has disproportionately impacted marginalized groups, particularly people of color, people with disabilities, and people who are poor. If we look at housing, now that the eviction moratorium has ended, we are seeing 750 to 1,000 people facing eviction each month in Delaware. Studies have shown that our eviction rate is one of the five worst in the country, and rent has increased over the last two years at a higher rate than in any other state. Evictions here are quick, easy, and cheap, making it a prime environment for a high eviction churn. Renters facing eviction need legal assistance and, due to insufficient funding, we have been able to serve only a fraction of those needing our help. We've also seen the pandemic have a disproportionate impact on people with disabilities, who face barriers to accessing healthcare and greater health risks associated with the COVID-19 virus. For many of them, COVID really is a matter of life and death, and the statistics bear that out.

We've also seen an increase in domestic violence rates coming out of the pandemic. We recently learned that our federal Violence Against Women Act Legal Assistance for Victims funding is not going to be renewed, and the timing couldn't be worse. We currently have the resources to assist just a fraction of those needing our help. Studies, and data we have collected on our own and from the Family Court, show that having legal aid representation in domestic violence cases is outcome determinative. You are twice as likely to get a protective order if you have legal aid than if you do not. No one should have to navigate the domestic violence system without legal assistance.

Cynthia ("Cindy") L. DePue, Esquire

*Executive Director
Legal Services Corporation of Delaware, Inc.*



A: On top of eviction cases, our clients need assistance with foreclosure cases filed by mortgage companies, and with defending collection cases filed by creditors. Many people are struggling to manage their finances, with increased rent, increased cases of domestic violence, increased prices for groceries and other essentials. This often means that their other financial obligations become overdue — how do you choose between rent and food? We're also seeing tenants struggling to locate affordable housing, even if they have received rental assistance. The affordable housing crisis is well documented, and I'm concerned that long-term strategies and planning — although certainly admirable — won't help this winter when a soon-to-be displaced family may be searching for a new, decent rental unit, only to be priced out.

Janine N. Howard-O'Rangers, Esquire

*Executive Director
Delaware Volunteer Legal Services, Inc.*



A: The pandemic wreaked havoc on our PFA (Protection from Abuse) Day program — *pro bono* attorneys used to be able to show up to court and spend all day doing triage. Remote hearings have slowed down processes and added a layer of challenge. While more time on each case can improve the quality of representation, it has cost us the ability to reach as many domestic violence survivors as we previously could. We've also noticed a trend in increased needs — our survivors come to us to get out of unsafe situations and there are added barriers, like a lack of affordable housing, which keep them from finding safety for their families.

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QUESTION NO. 2

Are there any lessons you'll take with you from the pandemic?

Dan: The interdependence of our clients and the social service system, and the importance of collaboration among social service providers has become crystal clear. Interdisciplinary collaboration — with good lines of communication, mutually supportive goals, and holistic remedies — is a key to success.

We [the three agencies] have devoted much effort over the last two years collaborating to increase our capacity to assist people in eviction cases, to make it easier for clients to access our services, and for different organizations to work together. CLASI has also developed innovative partnerships with social service providers like Child, Inc., YWCA, and Abriendo Puertas/People's Place to provide holistic legal services to domestic violence and sexual assault survivors living in shelters across the state. We are also embracing innovative ways to meet the needs of people with disabilities. We held a vaccination clinic at our

Georgetown office to increase vaccination rates among people with disabilities, and this fall we are hiring a public health fellow to design and implement programming to improve public health for Delawareans with disabilities.

Cindy: Collaboration! As Dan mentioned, LSCD has been working with our partners at CLASI and DVLS to address the eviction crisis through a new initiative, born in the pandemic, called the Delaware Eviction Defense Project. As a result, we advocated for the creation of the Qualified Tenant Advocate program, which allows supervised non-attorneys to represent tenants in landlord/tenant proceedings — using non-attorneys in these cases had previously been an option available only to landlords. It is encouraging to come together, as three separate agencies, and work toward common goals for our client populations. The pandemic has underscored our collaborative relationship.

QUESTION NO. 3

What program accomplishments are you most proud of from the past year?

Janine: I am proud of how my staff handled the pandemic with flexibility, hope, and positivity. We've also been working on a website redesign, which will allow 24/7 access for clients to do intake, a place for DVLS staff and *pro bono* attorneys to review cases, and it will feature a library of resources and online trainings making *pro bono* work easily accessible to the entire Delaware Bar. We are really looking forward to having this new website available for our *pro bono* volunteers and our clients sometime this fall.

We also have a new program that launched last year, the JP Morgan Chase Second Chance Career Pathways Program, to assist people who have been involved in the criminal justice system with clearing up their record, so they have a better path forward in securing employment.

Dan: Despite the pandemic the agencies were able to help 7,267 people last year, which is the most clients we have ever served in a year. We have been part of significant legislative accomplishments, particularly in the disability arena. I am also proud of our efforts to pass legislation providing a right to representation in eviction cases for people who are poor, which is an important part of ensuring fairness in our legal system. We cannot imagine anyone facing a criminal charge alone without legal assistance, but why do we tolerate it for someone facing homelessness? Even though the legislation didn't pass, we succeeded in building a movement and new partnerships, and figuring out collaborative ways to reach and serve more people who need help in eviction cases. Our coalition will continue working to pass right to representation in the next legislative session.

QUESTION NO. 4

What will be the biggest challenges facing your agency during the coming year?

Dan: The justice gap — the difference between the need for our services and our ability to meet the need — is daunting and omnipresent. Funding for legal aid has always been alarmingly inadequate, requiring us to ration our services. Now between inflation and level or reduced funding from many sources, it is falling even further behind. In Delaware, there are 55 attorneys working for our three agencies who provide free, life-affirming civil legal services to bridge the justice gap, but there are 108,000 people living under the federal poverty line, the majority of whom have at least one civil legal issue each year according to recent studies. If we had more funding, we would be able to help so many more people.

Cindy: The primary challenge is the uncertainty faced by many of our clients — the scarcity of affordable housing, the ability to pay rent going forward, and lingering aspects of COVID-19 on personal health and livelihoods. A recent report on the justice gap by the national Legal Services Corporation revealed that 92 percent of low-income Americans did not receive any, or enough, of the legal help they required in the last year. Our clients often turn to us for one question, only for our staff to discover that they have two or three other legal situations that require attention, and these are only the clients who can make it to our doors. There is a huge need for our services.

QUESTION NO. 5

What opportunities are there for the Bar to get involved with your work?

Janine: There are many ways to volunteer with DVLS. The number one way is taking on *pro bono* cases. We have trainings and resources for people who are taking cases outside of their typical practice areas, and the opportunity for more experienced attorneys to serve as mentors on cases. Volunteers can help with CLEs and training materials too — we try to meet the interest of each volunteer. ⚖️

Support the Combined Campaign for Justice

The best way to support the work of Delaware's three nonprofit legal aid agencies is through a donation to the Combined Campaign for Justice (CCJ). Founded in 1999, CCJ is a joint fundraising initiative for CLASI, DVLS, and LSCD and serves as a cornerstone of their partnership. Funds raised from these efforts are disbursed to the agencies as received and make up 15-20 percent of each agency's yearly budget. Gifts to CCJ keep more Delawareans housed, fed, and safe from violence. The more that we invest in legal aid and in breaking down the barriers to justice and safety, the healthier the Delaware community at large will be.

For more information about contributing to CCJ, visit: www.delawareccj.org/donate-to-ccj/

Questions about CCJ?

Email Molly McPheeters at mmcpheeters@delawareccj.org.

Looking for *pro bono* opportunities?

Email Tom McDonough at tmcdonough@dvls.org.