

LEGAL ADVICE &  
REFERRAL CENTER

Supported in part by



January 11, 2019

VIA ELECTRONIC AND REGULAR MAIL

Lisha Nelson  
New Hampshire Bar Foundation  
2 Pillsbury Street  
Concord, NH 03301

RE: Legal Advice & Referral Center IOLTA Interim Report for fiscal year 2019.

Dear Lisha:

Enclosed please find LARC's interim report for fiscal year 2019. This report covers activities from June 1, 2018 to November 30, 2018.

Please let me know if you have any questions or concerns respecting this report or any other aspect of our grant.

Thank you, the Bar Foundation Board, and IOLTA Grants Committee for your continued support of our program.

Sincerely,

A handwritten signature in cursive script, appearing to read "Louise Hayes-Snow".

Louise "Breckie" Hayes-Snow  
Executive Director

Enclosure

IOLTA Interim Report  
**Legal Advice & Referral Center**  
June 1, 2018 – November 31, 2018

Legal Advice & Referral Center (LARC) is one of three primary providers of civil legal services in New Hampshire and is firmly enmeshed in the statewide system of legal services delivery established by these three programs. Working together LARC, New Hampshire Legal Assistance, and the Pro Bono Program of the New Hampshire Bar Association have the lofty goal of providing access to justice for New Hampshire's low-income population and the daunting task of doing so with incredibly limited resources.

LARC has served New Hampshire's low-income population for more than 20 years: providing advice and counsel, educating and informing the public, and referring eligible clients with qualified cases to our partner agencies. Making every effort to maximize the resources available for client services, we avoid duplication of effort and seek ways to complement our partner agencies' strengths.

**In Pursuit of 100% Access**

LARC focuses its efforts on education. While we do not go to Court on behalf of our client they are provided detailed and thorough legal advice about their rights and responsibilities; they are supported and equipped to assert their claims and defenses in Court. We review and help draft documents, assess claims and defenses and provide comprehensive *pro se* assistance. Our website provides the public with information and guidance on a range of legal topics. Our online application for services provides an avenue to service that does not require lengthy telephone applications.

Recognizing that traditional legal aid tools will never be sufficient in New Hampshire to meet fully the demand for legal aid, LARC uses technological tools to reach beyond the scope of our direct legal assistance. LARC has been engaged this year in the complete review of website content. Addressing reading levels and ease of access we aim to make the site a powerful tool for the public in general and self-represented litigants in particular. Our game, RePresent, continues to teach users how to prepare for and appear in small claims actions. Our online application for assistance is accessed through the website and contributes to the site's function as a general portal to a range of services.

LARC continues to seek ways of reaching out to our client community. Publicizing the services available and evaluating the needs of our community are priorities for 2019. IOLTA support for all of these services is vital to LARC's services to our clients.

## EXAMPLES OF SERVICES SUPPORTED WITH IOLTA FUNDS

### A Group Effort

Harold speaks English, but his first language is Spanish. He certainly knew he was behind on rent in May, but he couldn't understand the demand, eviction notice, and the L/T writ from Manchester District Court, which were all written in English. He asked his landlady what the return day on his writ meant. She assured Harold that the return day could be safely ignored, provided he paid the back rent. And Harold, with income from a new job he started in June, did just that. But soon after the landlady collected all his back rent along with some future rent, Harold got a tersely worded notice from the court that he could understand. It was a default judgment. Harold brought it to his landlady who nodded and said a sheriff would be locking him out in a few days. In a panic, Harold called around for help, was told about the Legal Advice & Referral Center, and immediately drove up to their Concord office.

Karen met with Harold in person late in the afternoon on Friday, June 15<sup>th</sup>. After a review of his docs and a brief conversation with Harold, she was able to explain how the landlady's advice to ignore the return day had led him into a default. If nothing else was done, Karen continued, a sheriff's lockout would happen soon. But Karen did have something for Harold to do, and right away – file Jeff's recently created form motion for striking defaults in eviction cases. After some help filling out the motion, Harold was on his way back to Manchester to file his motion at court.

With Karen out of the office over the next two weeks, Steve stepped in to assist Harold. Steve learned from the court that Harold's motion was granted, the lockout was stopped, and a hearing on the merits was set for June 29<sup>th</sup>. Steve, after further review of the documents and several more conversation with Harold, believed Harold had a good defense to the eviction. The landlady, by taking the first few payments from Harold after the L/T was filed, had actually allowed Harold to begin a brand new tenancy. Steve, with Jeff's help, put another LARC motion in Harold's hands to dismiss the June 29<sup>th</sup> hearing.

Steve called Harold today, July 2<sup>nd</sup>, for an update. Harold said that after his landlady read LARC's motion to dismiss, she was willing to negotiate. Harold and his landlady reached an agreement that acknowledged Harold was current with rent and that no eviction would occur if he remained current over the next few months.

“Thank you so very much,” Harold said today. “You guys are my best friends!”

### Supporting a Veteran

Howard is a 56-year-old man living as a month to month tenant with his sister and his 2 adult children in a rented unit in Raymond. Howard and his family had been residing there since 2017.

Howard had served his country honorably in the United States Navy but due to the effects of combat, he suffered from a severe case of post-traumatic stress disorder.

Howard had fallen behind in his rental payments and been served numerous eviction notices and demands for rent over the past six months from his landlord, but somehow managed to bring the rent current before the landlord took him to court.

It was during this time that Howard unexpectedly received a notice of the issuance of a writ of possession from the district court. The eviction was to occur in 3 days on a Monday. Not knowing what to do, Howard searched for help, and because he had received assistance from LARC in the past he called LARC at 4:00 pm on the Friday before the eviction was to be executed.

It appeared that Howard thought that because he brought the rent current after the expiration of the eviction notice he needn't worry about the eviction and therefore he was defaulted out of the case.

The LARC advocate reviewed the facts in the case and ascertained that Howard must have indeed failed to file an appearance by the return date resulting in an order of default. The LARC advocate asked Howard about his eviction notice but Howard stated he never received one. Nonetheless, there was an eviction notice referenced on the writ of summons. Upon further inquiry the LARC advocate noticed that the writ of summons reference an eviction notice that only provided Howard with a 6 day notice. This was the defense LARC was looking for as Howard was entitled by law to no less than a 7 day notice.

The LARC Advocate quickly drafted a motion to strike the default and request a new hearing on the merits. The LARC advocate went over the motion to strike with Howard and, as the court had already closed for the day, instructed him to file the motion when the court opened that following Monday.

Upon checking back with Howard, LARC was told that the motion to strike was granted and a hearing was scheduled. LARC then referred Howard to the New Hampshire Pro Bono program but they were unable to place him with an attorney before the hearing. LARC prepared Howard to assert his insufficient notice defense *pro se*. Howard attended the hearing alone and the judge, noticing the inadequate notice on the eviction notice, dismissed the case.

"I don't know what I would have done without you." Howard later told his LARC advocate. "Knowing I had a defense to the eviction gave me the confidence to appear at the hearing in spite of my PTSD and in the end I won the day!"

## LARC SERVICES BY THE NUMBERS

While LARC’s direct legal services are limited to those applicants who meet eligibility guidelines set by Congress and attached to the federal grant, we endeavor to provide some assistance to each applicant. Information and referrals are offered to everyone.

LARC’s levels of service to the community remain strong in the first half of the grant year. Through November almost 2800 people were provided with some level of assistance. Of the approximately 1300 people who were not eligible for civil legal assistance, more than half were referred to the private bar and the Bar Association Lawyer Referral Service, and many more received personalized referrals or published self-help materials. During the first half of this grant period, over 66,650 new users accessed our website, viewing almost 175,000 pages.

The following breaks down our case services<sup>1</sup> by county of residence and legal problem type.

Belknap	69
Carroll	38
Cheshire	51
Coos	35
Grafton	64
Hillsborough	355
Merrimack	145
Rockingham	150
Strafford	100
Sullivan	56
Other/out of State	31
<b>TOTAL</b>	<b>1094</b>

Parenting issues	212
Divorce	195
Adult guardian	2
Child Support	17
All other family	15
<b>Total Family</b>	<b>441</b>
Housing – subsidized	170
Home Ownership	74
Private LL/T	324
<b>Total Housing</b>	<b>579</b>
Consumer	5
All Other Matters	69
<b>TOTAL</b>	<b>1094</b>

If family members are counted, the total number of people benefitted by LARC services increases to **2785** in this period.

LARC is constantly aware of the valuable support of New Hampshire Bar Foundation and IOLTA Grants Committee. Without this support, LARC’s ability to reach out and have a positive impact on our community would be significantly hampered. The low-income and vulnerable residents of our State would be left without vital legal information, education and representation. LARC thanks the Bar Foundation for providing us the opportunity to pursue this important work.

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<sup>1</sup> Case services represents those applicants determined eligible for legal assistance and does not include those found ineligible for any of several reasons.

Sincerely,

A handwritten signature in cursive script, appearing to read "Louise Hayes-Snow".

Louise "Breckie" Hayes-Snow  
Executive Director

Enclosure:  
Statement of Revenues and Expenses

Legal Advice & Referral Center  
Revenue & Expense - IOLTA  
June through November 2018

LARC IOLTA Interim Report: FY2019

	<u>TOTAL</u>
<b>Income</b>	
Grants - IOLTA	39,000
<b>Total Income</b>	<u>39,000</u>
<b>Expense</b>	
Salaries	1,119
Employer Payroll Taxes	111
Employee Benefits	277
Occupancy	291
Office Expenses	76
Communication	126
Library	3
Meetings	1
Travel	115
Insurance Expense	21
Contract Services	176
<b>Total Expense</b>	<u>2,316</u>
<b>Net Income</b>	<u>36,684</u>