

LEGAL AID NEWS

OF NAPA VALLEY

ADVISING SENIORS, IMMIGRANTS, AND LOW-INCOME PEOPLE THROUGHOUT NAPA COUNTY

WINTER 2009

Chairman's Message

2008 is likely to be remembered as the year that ushered in the nation's worst economic crisis since the Great Depression. Unfortunately, the Napa community was not immune to the economic meltdown. As workers were laid off, home prices plummeted and foreclosures rose, among those hardest hit were the people served by Legal Aid—immigrants, seniors and low-income families and children.

From September through December 2008, Legal Aid saw an increase of 350% over the same period in 2007, in the number of people seeking assistance for housing-related matters. Domestic violence cases also rose dramatically. Overall, in 2008 our services affected more than 3,200 members of the Napa community—a record for Legal Aid.

But Napa is a generous and compassionate community, and despite the economic downturn, many organizations and individuals stepped up to help us assist those most in need. We are especially grateful to the Napa Valley Community Foundation for a special year-end grant to support our housing-related services, to Beringer Vineyards for funding Legal Aid's "Securing Our Seniors Physical, Mental and Financial Well-Being Program," and to funding from Auction Napa Valley and the Van Loben Sels/ Rembe Rock Foundation for our services to immigrants.

We are also indebted to the many attorneys in our community (recognized on page 2) who allowed us to leverage our limited resources by providing free legal assistance to our clients, especially to seniors and women who have been abused. And this year, our first-ever Blue Ribbon panel helped us reach more donors to our Annual Gift Campaign—an important source of unrestricted funding that is so vital to our operations.

We know that 2009 will bring additional challenges, especially to the most vulnerable among us, as the economic climate will take time to improve. But with the generous support of the Napa community, we are confident that Legal Aid will continue to be a source of hope and assistance to people in need throughout Napa County.

Michael J. Holman
Chairman

Napa's Elderly Fall Prey to "Foreclosure Rescue" Scam

Difficult economic times can inspire con artists to new depths, and Napa County seniors are especially vulnerable. But thanks to a newly formed Foreclosure Prevention Collaborative funded by United Way of the Bay Area, the Napa Valley Community Foundation and the California State Bar Foundation, crisis was recently averted for one Legal Aid client.

The Sting

Last summer, a "gentleman" called at the home of Alicia Gutierrez, an elderly resident of Napa, and handed her a packet of papers written in English. Though she speaks only Spanish, Mrs. Gutierrez recognized the papers as legal documents, and turned to Legal Aid for help.

In fact, Mrs. Gutierrez had received a lawsuit for eviction from her home of many years – a home she did not realize she had already lost through foreclosure. The time for responding to the lawsuit had passed and only days remained before she would be evicted. Mrs. Gutierrez, a widow in her seventies, was stunned this could have happened to her apparently without any warning.

Upon investigation, it turned out that several months before contacting Legal Aid, Mrs. Gutierrez's bank had given notice that her mortgage was in default. Soon thereafter, a man called, offering to save her house for a \$700 fee. All she had to do was fax him her bank documents and he would "take care of everything."

Mrs. Gutierrez was so desperate to save her house that, without consulting either her children or the bank, she paid the fee and followed the man's directions. Among the documents she



Napa's seniors are vulnerable to foreclosure scams and other frauds

faxed to him was a letter from the bank offering to renegotiate the terms of the loan. In her panic, she had not read the letter.

Months passed and Mrs. Gutierrez thought the matter had been resolved. When she received the eviction notice, she called the man who had promised to "take care of everything" to ask what went wrong. He replied in a moment of candor, "You need a lawyer."

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< Osvaldo Gómez Martínez and Julia Walk have joined Legal Aid's Board. Story on page 2.

Legal Aid Adds Distinguished New Directors

Oswaldo Gómez Martínez and Julia Walk, Esq., who share a passion for community service locally and around the globe, have joined Legal Aid's Board of Directors.

Mr. Gómez Martínez is a Ph.D. candidate in Social and Political Science at the University of Cambridge, and Ms. Walk is an attorney in the Napa office of Dickenson, Peatman & Fogarty where she specializes in estate planning and administration.

"We are excited and honored to have Oswaldo and Julia become Directors of Legal Aid," said Naomi Dreskin-Anderson, President of Legal Aid's Board. "They each bring a unique energy and intellect to the organization and will make great additions to our team."

Mr. Gómez Martínez, who was one of the first Gates Millennium Scholarship recipients, served as an economic and policy analyst for the Mexican Secretariat of Foreign Relations and the Mexican Delegation to the Organization of Economic Co-operation and Development. He has also consulted and worked for the Mexican Ministry of Social Development, the City of New York and other public and non-for-profit organizations on policy analysis, organizational re-structuring and program development and evaluation for a full range of social issues including education, legal advocacy, economic development, and poverty alleviation.

Ms. Walk has a long-standing commitment to public interest service. She has co-chaired Habitat for Humanity projects, provided research assistance for the Public International Law & Policy Group's Kosovo Independence Project, and assisted low-income taxpayers through Tax-Aid.



Legal Aid's Executive Director Diana Dorame and Staff Attorney Kristi Lesnewich receive a check for \$25,000 from Ed Matovcik, Vice President, Government and Community Relations at Foster's Beringer Vineyards. The grant will support Legal Aid's SOS—Securing Our Seniors' Physical, Mental and Financial Well-Being—Program, which provides free legal services to all Napa County residents who are 60 years of age or older as part of Legal Aid's Senior Legal Services Program.

Kudos to Our Pro Bono Attorneys!

Legal Aid was deluged with new clients in the wake of this year's economic crisis. To tackle the increased case load, Legal Aid enlisted the support of 26 private attorneys who volunteered their time and expertise to provide services that benefitted more than 200 members of our community most in need of legal assistance.

During the last six months of 2008, pro bono attorneys donated more than 250 hours of free legal time, providing advice, representation and education services to Legal Aid clients on a variety of matters. For example, they made it possible for families to remain in their homes by preventing evictions. They ensured that women and their children would stay safe by obtaining domestic violence restraining orders. They helped seniors maintain peace of mind and dignity by completing advance health care directives. They assisted parents in entering safe and equitable

child custody and visitation agreements. They helped immigrants navigate the complicated process of becoming a U.S. citizen.

Legal Aid is grateful to the following attorneys for selflessly donating their services to ensure that all members of our community have equal access to our justice system, regardless of their age, their socioeconomic status, or their English language skills: Victoria Argumedo, David Balter, Jean Barstow, Phyllis Boyson, Daniel Chavez, Colleen Clark, Caryn Crosthwait, Teresa Cunningham, Julie Cyphers, Naomi Dreskin-Anderson, Ken English, Judy Flanagan, Michael Holman, Mary Hudson, Carol Kingery Ritter, Jason Luros, Elizabeth Mackenzie, Maureen McSorley, Daniel Peralta, Claude Piller, Shannon Richards, Susan Schwegman, Jeanne Serrano, Mark Silverman, Betsy Strauss, and Julia Walk.

Save the Date!

Legal Aid's Fourth Annual Gala at The French Laundry

Mark your calendars for Legal Aid's fourth annual "Celebrate Spring" gala dinner to be held April 23, 2009 at The French Laundry in Yountville. Ambassador Kathryn Hall and the Honorable (Ret.) W. Scott Snowden will be the event's honorary co-chairs.

The special evening will feature Chef Thomas Keller's signature nine-course tasting menu paired with exquisite Napa Valley wines. All proceeds benefit Legal Aid of Napa Valley.

For information and reservations, call Legal Aid at (707) 259-0579. Space is extremely limited, so please reserve early.

Staff Spotlight: Marlo Cohen

In the world of sports, they call the player who can do everything an All Star. At Legal Aid of Napa Valley, they call that person Marlo Cohen.

Since joining Legal Aid a year ago as Staff Attorney/Pro Bono Coordinator and Development Director, Marlo has expanded Legal Aid's capacity exponentially.

"There doesn't seem to be anything Marlo can't do well," said Diana Dorame, Legal Aid's Executive Director. "She's a one-woman dynamo with a huge heart. Her impact at Legal Aid has been enormous."

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Marlo's responsibilities at Legal Aid include fundraising, communications and coordinating the activities of the agency's pro bono attorneys. A member of the California bar, she also functions as a bilingual staff attorney in Legal Aid's Baseline Legal Services Program.

Prior to joining Legal Aid, Marlo was an associate in the Labor and Employment group

of the Napa-based Dickenson, Peatman & Fogarty law firm. Before law school, she was a public policy analyst on women's issues in Washington, D.C., and assisted battered immigrant women in Iowa with immigration and family court proceedings.

Marlo also served in the Peace Corps in Honduras, Central America, where she became fluent in Spanish. Following law school, Marlo served as law clerk to not one, but two, prominent federal judges.

A former member of the Napa Emergency Women's Services (NEWS) Board, Marlo is a graduate of Leadership Napa Valley. Her law degree is from Temple University School of Law and her Bachelor of Arts from Tulane University.

Marlo and her husband Peter live in Napa with their two young children. A classically-trained pianist, theatrical music director and tap dancer, Marlo spends most of her free time enjoying the company of her family and friends, and fitting in as much international and domestic travel as possible.

"Marlo is a person with tremendous range and versatility," said Legal Aid Chairman Michael Holman, who worked with Marlo when she practiced law at DP&F. "She can do whatever she puts her mind to, and we are extremely fortunate that she's chosen to apply her energy and talent to Legal Aid of Napa Valley."



< Marlo Cohen, Legal Aid's Development Director, Pro Bono Coordinator and Staff Attorney

"Foreclosure Rescue" Scam

Continued from page 1.

Legal Aid Steps In

After reviewing the documents and conferring with Mrs. Gutierrez, Legal Aid's Senior Staff Attorney Kristi Lesnewich realized that her new client was the victim of a "foreclosure rescue" scam. When Mrs. Gutierrez became too upset to continue, Ms. Lesnewich suggested that she return in the morning with any loan documents and correspondence she had with the "gentleman."

The next morning Mrs. Gutierrez returned, wearing her robe and nightgown. So distressed by her situation, she had been unable to sleep or dress appropriately.

Ms. Lesnewich immediately called the attorney who filed the eviction case, and explained that Mrs. Gutierrez had fallen prey to a foreclosure rescue scam. The counsel agreed to delay the trial to give Legal Aid time to pursue the case, and Legal Aid obtained a continuance from the court.

Resolution through Collaboration

Working closely together, Foreclosure Prevention Collaborative partner Maeve Elise Brown of Housing and Economic Rights Advocates and Legal Aid analyzed Mrs. Gutierrez's possible legal remedies. Ms. Brown suggested trying to renegotiate the mortgage even though the house had been foreclosed. Seventy-five days after first contacting Legal Aid, Mrs. Gutierrez's legal problems were resolved: the bank accepted the proposed new loan terms, and Mrs. Gutierrez is able to remain in her home.

Through its Senior Legal Services Program, Legal provides free legal services to people 60 years of age or older in a broad range of areas, including elder abuse and neglect, public benefits, long-term care and nursing home problems, in-home support services, health care directives, simple wills, and debt and commercial problems.

Blue Ribbon Committee Formed to Spur Aid from Local Lawyers

Legal Aid has enlisted leaders of Napa County's legal community to inaugurate an Annual Fund and Pro Bono Blue Ribbon Committee, designed to increase the scope of financial and in-kind support that Legal Aid receives from local attorneys.

Chaired by the Honorable (ret.) W. Scott Snowden, the Blue Ribbon Committee includes attorney Diane Bylund, Fred Caspersen of Farella Braun & Martel, Napa County Supervisor Diane Dillon, Dave Gaw of Gaw Van Male Smith Myers & Miroglio, Charles Gravett of Gravett & Frater, Richard Mendelson of Dickenson, Peatman & Fogarty, Randy Skidmore of Coombs & Dunlap, and Napa County Counsel Robert Westmeyer.

Thanks to the Blue Ribbon Committee's efforts in fall 2008, Legal Aid saw an increase in the number of attorneys who contributed to the organization's Annual Giving Campaign. Blue Ribbon Committee members also spoke publicly at events such as the Napa County Women Lawyers fundraiser to benefit Legal Aid, on the importance of Legal Aid's services to the entirety of the Napa community.

The Women Lawyers' fifth annual benefit was held at the Carneros Inn in September, attracting 60 local lawyers and raising much-needed unrestricted funds to support Legal Aid's operations.

Thank You, Sponsors!

We are grateful for your generous support.

\$70,000 and above:

Auction Napa Valley

\$20,000 and above:

Bramson, Plutzik & Birkhaeuser, LLP
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June 2008 through January 2009 (partial list)

How to Reach Legal Aid of Napa Valley

We provide free legal services to seniors, immigrants and low-income residents of Napa County. Consultations and advice are by appointment. Please call (707) 259-0579 to schedule an appointment or speak with a bilingual legal advocate.

To learn more about Legal Aid of Napa Valley, including information on our free legal advice clinics and other events, visit www.legalaidnapa.org.

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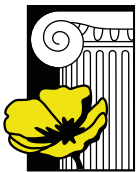
Julia M. Walk

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