

CLEARINGHOUSE REVIEW

JOURNAL OF POVERTY LAW AND POLICY



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CENTER**

Sargent Shriver National Center on Poverty Law

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Sargent Shriver National Center on Poverty Law
50 E. Washington St. Suite 500, Chicago, IL 60602
312.263.3830, Fax 312.263.3846
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140 Letter from the President**BY JOHN BOUMAN****143 A Collaborative Approach to Housing Under the Violence Against Women Reauthorization Act of 2013****BY KATHERINE E. WALZ AND MONICA MCLAUGHLIN**

Legal aid offices and violence survivor advocacy organizations should join with housing providers and together implement the Violence Against Women Reauthorization Act (VAWA) of 2013. With this collaborative approach, they may create and execute model survivor policies that exceed the recent law's requirements. Among other new provisions, VAWA 2013 establishes a right to transfer and protects sexual assault and lesbian, gay, bisexual, and transgender survivors.

149  Hangout on Air with Katherine E. Walz**150 Legislative Remedies for the Injustice of D.C.'s Real Property Tax Sale System****BY ROCHELLE BOBROFF**

When homeowners fall behind in paying real property taxes, many states recoup the arrearages through a tax lien foreclosure. Homeowners often lose their equity in the process. Such tax sales hit seniors particularly hard. Advocates in Washington, D.C., curbed the abuses of tax sales by pushing the D.C. Council to pass a law reforming the system. The new law protects homeowners' equity, enhances the notice to homeowners, and caps attorney fees charged to homeowners.

156 State Fiscal Policy Holds High Stakes for Low-Income Families**BY TOBY ECKERT**

Many programs bolstering low-income families are funded by state budgets. In theory, spending cuts and tax cuts favoring the wealthy stimulate economic activity and generate new revenue. In Kansas, such cuts did not increase economic activity or cause job growth. In Minnesota, higher taxes on the wealthy and eliminating a corporate tax preference boosted funding for education and other public services. As in Minnesota, advocates must fight for state fiscal policies ensuring adequate revenue for client services.

161 **The U.S. Supreme Court's 2013–2014 Term:
Both Divided and Unanimous**

BY MONA TAWATAO, GILL DEFORD, JANE PERKINS, AND GARY F. SMITH

The U.S. Supreme Court's 2013–2014 Term demonstrated an ideological divide in a slew of 5-to-4 decisions, notably *Burwell v. Hobby Lobby*, impeding access to health care. Sixty-five percent of the decisions this Term were unanimous, some decided on narrow grounds, many implicating access to federal courts. These decisions included rulings on class actions, standard of review, contractual statutes of limitation, preemption, finality of judgments, and timeliness of appeal.

174 **Creating a Good Casebook on Poverty Law:
Review of Juliet M. Brodie et al., *Poverty Law,
Policy, and Practice***

BY PETER EDELMAN

Juliet Brodie, Claire Pastore, Ezra Rosser, and Jeffrey Selbin have wrangled the complicated issues of poverty law into a useful new casebook. They examine the changing nature of poverty law practice, how poverty itself has changed over the past 50 years, and the current access-to-justice crisis. They could have focused more on concentrated poverty and education, but still they have created a terrific resource for poverty law professors and students.

178 **The Possibilities of Self-Affirmation
Theory in Civil Justice**

BY ZACHARY HILL AND D. JAMES GREINER

Legal self-help materials are a critical piece of the access-to-justice movement. But if those materials threaten a litigant's sense of self-worth, the litigant may ignore their advice. Self-affirmation theory posits that people are more likely to be receptive to potentially threatening information if their self-worth is bolstered before they encounter the threatening information. Applying self-affirmation techniques to legal self-help materials may make them more effective.

Letter from the President

When I started as a legal services lawyer in Chicago in 1975, it was in a cinder-block, no-windows storefront in a west-side neighborhood still bombed out by the riots of the late 1960s. The law practice was intensely busy but isolated. Left alone, my handful of colleagues and I might have hunkered down, turned inward, and repetitively helped people deal with their legal problems as well as we could. But the practice was much more promising than that. One big reason: I got my CLEARINGHOUSE REVIEW every month.

My REVIEW had deep-dive articles from experts and veteran practitioners, assembling the authorities and teaching the details of new laws, litigation ideas and trends, policies, and strategies. Not only was this a great way to do in-service learning, but also it was a way for folks in the practice who authored the articles to share their learning and gain stature and recognition. And I could call them on the phone.

My monthly REVIEW also had a long section in the back that summarized cases and other work all around the country and that had been sent in by the practitioners, and it offered copies of the pleadings and other papers in those cases. Sitting in my cinder-block, isolated office, I could read about what the lawyer in Pueblo or Portland or Minneapolis or Biloxi or Brooklyn did in an eviction or social security case and order copies of the documents and copy them for my own use. The document library ended up with almost a million pieces. That was a fantastic help. More subtle, but perhaps more powerful in the long run, it fueled a sense of belonging to a movement. I would meet those lawyers eventually at conferences or other gatherings and know that we were colleagues in a joint effort.

Overlaying all of its offerings, the REVIEW is and always has been an organizing tool. It is and has been powerful. Evidence for that is that the opponents of equal justice targeted the REVIEW and succeeded in defunding it in 1996. Before that, it was a line item in the federal budget, and the REVIEW was free for every practitioner every month. At the Sargent Shriver

National Center on Poverty Law, we set out to save it, and, with your help, we did. We had to charge a subscription for it and move to six issues a year instead of twelve. In spite of the deep budget cuts that year, you all responded and subscribed. We did not miss an issue after that, and the main purposes of the REVIEW have been maintained with high excellence.

Credit for that goes to Ilze Sprudz Hirsh and her staff of editors, whose leadership of the REVIEW straddled the changes of 1996. They navigated those profound changes with a strong dedication to the mission of equal justice for the poor, and they made it happen with high standards and wonderful results for 18 years. And credit goes to all of our volunteer authors and contributors—it has been a community effort. All I can say is thank you, and don't stop now!

Now we are moving into a new era for the REVIEW. We are going back to making it free for all of its users, and we are going forward into the era of online publishing to keep the REVIEW as powerful an organizing tool as it has ever been. Stay tuned for more on that, but below is a partial list of “greatest hits” to remind us of the fine work of Hirsh and her colleagues and their predecessors. Well done, all!

CLEARINGHOUSE REVIEW Teaches Poverty Law Trends, Policies, and Practical Strategies

1. With funding from the Legal Services Corporation (LSC), 16 national groups—experts in various areas of law affecting low-income people—for 20 years contributed regular columns on issues in health, welfare, housing, consumer, elder, and other areas of law.
2. These national organizations (known then as “national support centers”) summarized developments in each respective area of law for the “Annual Review of Poverty Law,” an instructive issue of the journal, published each January for 20 years.

3. Elder and disability law special issues of CLEARINGHOUSE REVIEW were prepared in collaboration with national senior citizen advocacy groups and Protection and Advocacy experts and were distributed at conferences.

4. CLEARINGHOUSE REVIEW articles are distributed at legal aid and other national conferences and local and regional training retreats and are reproduced in resources such as the recently published poverty law casebook (Juliet M. Brodie et al., *Poverty Law, Policy, and Practice* (New York: Wolters Kluwer Law & Business, 2014)) reviewed in this issue.

5. “New Attorney” special CLEARINGHOUSE REVIEW issues were popular with field programs. Under later contracts with LSC, new LSC attorneys received the journal at a discounted rate and the *Poverty Law Manual for the New Lawyer* (2002) planned especially for them. Selected programs received hands-on instruction on how to conduct free Internet legal research.

CLEARINGHOUSE REVIEW Inspires a Sense of Belonging to a National Movement

1. An expanding and changing group of experts, experienced field program attorneys, and law school professors and clinicians has contributed from 40 to over 100 articles a year.

2. CLEARINGHOUSE REVIEW offers the venue for sharing new strategies, ideas, and legal developments. A champion contributor over the last 25 years has been Jane Perkins, now legal director of the National Health Law Program; to date, she has contributed over 70 articles.

3. For 20 years, a group of committed litigators, including the aforementioned champion contributor Perkins, has annually contributed an analysis of each U.S. Supreme Court Term’s rulings affecting a poor person’s access to federal court.

4. Twenty-five years of legal services was commemorated by a special CLEARINGHOUSE REVIEW issue in 1992.

5. When the U.S. Congress defunded the Shriver Center (then the National Clearinghouse for Legal Services), the long-standing CLEARINGHOUSE REVIEW editor Hirsh led the remaining skeletal REVIEW team in meeting—without missing a step—its commitment to producing practice-oriented legal information regularly in the REVIEW.

6. With input from lawyers around the country, the editors selected and planned special CLEARINGHOUSE REVIEW issues on topics that resonated with the legal aid community. The pursuit of racial justice, effects of welfare reform, domestic violence and welfare reform, the persistence of poverty, and an antipoverty agenda were among the varied topics.

7. *Federal Practice Manual for Legal Aid Attorneys*, the first publication of its kind and a unique community resource, discussed problems specific to federal court litigators representing poor plaintiffs. In a community response to the Supreme Court’s increased limits on access to federal court for such plaintiffs, key legal aid litigators, together with Prof. Jeffrey S. Gutman and Hirsh, revised this 1989 manual in 2004 and updated it online in 2014.

CLEARINGHOUSE REVIEW, Including Case Abstracts in Earlier Years, Is an Organizing Tool

1. The articles and case materials prompted viral change movements across the country, as attorneys learned from and copied one another’s work and experience, cited the decisions in one another’s cases, used the information from one another’s discovery, and took advantage of best practices and policy developments in one another’s states. Lawyers learned who their colleagues working on similar issues were, and they got in touch to co-strategize and consult.

2. The editors' outreach for litigation and emerging issues to cover in case abstracts (now advocacy stories), articles, and special issues fostered information sharing and collaboration.

3. A key example of action resulting from CLEARINGHOUSE REVIEW is the creation of a Race Equity Project by the Legal Services of Northern California. The story of the creation and implementation of this project, inspired by several of that organization staff's reading and response to the two-part 2002 "Pursuing Racial Justice" special issue of the REVIEW, is shared for others to follow in a REVIEW article six years later. Other articles covered numerous racial justice initiatives.

CLEARINGHOUSE REVIEW and its related resources offer a wealth of knowledge on poverty law, which will continue to grow. Thanks are due the contributors and the readers for their feedback. And particular appreciation is due the editors for their behind-the-scenes and steadfast efforts to identify, solicit, and produce the legal information that connects advocates with like-minded colleagues and inspires action to help persons in poverty move upward and forward.



**The Sargent Shriver National Center on Poverty Law
provides national leadership in advancing laws and policies
that secure justice to improve the lives and opportunities of
people living in poverty.**



50 E. Washington St. Suite 500
Chicago, IL 60602