

# 2021 Virginia Legal Aid Annual Statewide Conference

## Sessions Schedule\*

### TUESDAY OCT. 19th

- 1:00PM-1:30PM Conference Opening Remarks – Jay Speer, Executive Director, VPLC
- 1:30PM-2:45PM
- 1. New Virginia housing laws and post-moratorium issues**
- Speakers: Christie Marra, Virginia Poverty Law Center (VPLC),  
Janae Craddock, Central Virginia Legal Aid Society (CVLAS)
- Description: In this CLE, presenters will cover current housing laws and issues in Virginia, especially now that Virginia’s COVID-19 pandemic state of emergency restrictions have been lifted. There will also be a focus on informing attendees on client rights, including best practices on eviction protections.
- 2. SNAP Fundamentals**
- Speaker: Salaam Bhatti, Staff Attorney | Public Benefits; Director of Virginia Hunger Solutions VPLC
- Description: This session will offer information which will be helpful for legal aid attorneys and staff to know regarding the Supplemental Nutrition Assistance Program (formerly known as food stamps) so they may better represent their clients. This session will cover the basics of SNAP, including eligibility, income deductions and recent changes in federal and state law, while also going over compromises and overpayments.
- 3. Non-CLE Session: How to Read Contracts for Non-Attorneys**
- Speakers: Valerie Slater, Esq. | Executive Director of RISE for Youth,  
Rev. Rodney Hunter, Wesley United Methodist Church, Richmond, VA
- 3:15PM-4:30PM Whova Networking and Open Discussions

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## WEDNESDAY OCT. 20th

9:00AM-9:30AM

### VSU Pro Bono Awards Coffee Presentation

9:45AM-11:00AM

### 1. How to Sue the Government – 1983 Actions

Speakers: Jeremy White, Managing Attorney, Virginia Legal Aid Society (VLAS),

Victor Glasberg, Attorney and Owner, Victor M. Glasberg & Associates

Description: This seminar will review all major aspects of federal litigation arising out of police misconduct, focusing on claims of excessive force and wrongful arrest. Major doctrinal issues will be addressed, including claims under the 4th, 5th, and 14th Amendments against individuals and governmental entities, and the qualified immunity defense. Practice pointers will also be offered to both plaintiffs' and defense counsel. Several exhibits will be provided to illustrate points made, and useful sources for further research will be identified.

### 2. Guardianship: It's Not a Legal Death (Is It?)

Speaker: Emily Hardy, Staff Attorney | Elder Law, VPLC,

Erica Wood, Former Assistant Director of American Bar Association Commission on Law and Aging

Description: This session will focus on the legal framework allowing attorneys to represent people in guardianship cases both during the initial case and in future actions to overturn or modify the guardianship, even after incapacity has been determined. Additionally, the session will go through practical tips on how to decide whether to take a restoration of rights case, how to prepare your client for the case, and why these are important pro bono and legal aid cases.

### 3. SSI Eligibility and Appeals for Children

Speaker: Evan Cass, Supervising Attorney, Children's Law Center

Description: Because they are not wage earners, children's SSI cases differ in several important ways from adult applications. This session

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will cover the three legal pathways to SSI eligibility for children. Further discussion will include deeming of parental income, case development, and appellate strategies up through the ALJ hearing stage.

11:30AM-1:00PM

**JOINT PLENARY with VSB Pro Bono Conference:  
Language Access**

Speaker: Cannon Han, Senior Program Manager, Asian Pacific Institute on Gender-Based Violence

Moderators: Dipti Pidikiti-Smith, Deputy Director, Advocacy, Legal Services of Northern Virginia (LSNV),

Susheela Varky, Director of the Center for Family Advocacy and Legal Assistance for Victim-Immigrants of Domestic Abuse (LA VIDA), VPLC

Description: The ability to effectively communicate with clients with limited-English proficiency continues to be an ongoing challenge for attorneys. Not only are attorneys facing the challenge of finding skilled interpreters to assist in communication with their clients, but attorneys are also taking on the challenge of advocating on behalf of their clients' language access rights across multiple systems: including but not limited to: courts, hospitals, schools, and public benefits. This workshop will provide an overview of our legal obligation to provide language access, best practices for providing language access, and ensuring trauma-informed interpretation services. The workshop will provide insight gained from programs across the country on tips, strategies, trainings, and resources to ensure survivors with LEP are able to access the services they need.

1:30pm-2:45PM

**1. Hot Topics in Civil Litigation for Legal Aid Lawyers**

Speakers: Kristi Kelly, Partner, Kelly Guzzo PLC,

Andrew Guzzo, Partner, Kelly Guzzo PLC

Description: This program will discuss affirmative claims you can identify and litigate for your client in state and federal courts. Issues discussed will be understanding when to use Civil RICO, ways to build leverages in mortgage servicing cases, CARES Act protections

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and litigation, and new causes of action recently enacted for debt settlement and student loan claims.

## **2. Immigration Status and Government Vulnerabilities**

Speakers: Kelly Salzman, Attorney, Immigrant Advocacy Program, Legal Aid Justice Center (LAJC),

Ruth Alburez, Healthcare and Public Benefits Navigator/Outreach Paralegal, LAJC

Description: This session will cover common apprehensions from immigrants on engaging in government services (everything from benefits to courts), how to advise on vulnerabilities (depending on status), and venues for legal advocacy (more privacy).

## **3. Medicare: What You Need to Know**

Speaker: Heather Fortune, Manager, Virginia Insurance Counseling and Assistance Program (VICAP) and Benefits Enrollment Center (BEC), Senior Connections, The Capital Area Agency on Aging

Description: In this session you will learn about Medicare costs, coverage, and enrollment. Find out about programs available for eligible individuals to save on Medicare costs and where you can find the answers to your Medicare questions.

**3:15PM-4:30PM**

## **1. Environmental Justice—the Practice of Environmental Poverty Law**

Speakers: Steve Fischbach, Litigation Director, VPLC,

Kendyl Crawford, Co-Director, Virginia Interfaith Power & Light,

Cale Jaffe, Faculty, UVA Law

Moderator: Sara Blose, Director of Health Advocacy and Managing Attorney, Central Virginia Legal Aid Society (CVLAS)

Description: Few legal aid programs presently offer representation on environmental matters and this workshop is aimed at changing that practice. There is a wealth of environmental issues uniquely experienced by low-income communities, particularly low-income communities of color, that traditional environmental law organizations are only now beginning to tackle. This workshop will

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introduce legal aid staff to the subject of environmental justice, which concerns itself with environmental and public health issues that disproportionately affect low-income communities and communities of color. You will hear about the new Virginia Environmental Justice Act and some of the current environmental justice controversies brewing across the Commonwealth. Next, the workshop will address two types of legal challenges that can be brought to deal with these controversies—claims under the Administrative Process Act (or federal APA if appropriate) and Title VI of the Civil Rights Act of 1964.

## **2. Tenant Screening and Employment Background Reports**

Speakers: Len Bennett, Founding Partner, Consumer Litigation Associates,

Kristi Kelly, Partner, Kelly Guzzo PLC,

Casey Nash, Consumer Law Attorney, Kelly Guzzo PLC

Description: What are tenant screening reports and who does them? How can you use the Fair Credit Reporting Act to make sure these reports are accurate? Learn how to get a dismissed eviction case expunged under the new Virginia law and get it off your screening report.

## **3. Medicaid State Fair Hearings**

Speakers: Joshua Lief, Provider and Medical Appeals Manager, Department of Medical Assistance Services at Commonwealth of Virginia (DMAS),

Michael Puglisi, Eligibility Cases Manager, DMAS,

Aneida Winston, Attorney, DMAS

Description: Three managers from the Appeals Division at the Department of Medical Assistance Services will present an overview of the state fair hearing process including recent updates that have taken place within that program. The program will also cover the recently implemented Appeals Information Management System ("AIMS"), designed to ensure client and provider appeals are processed timely per regulations governing Medicaid appeals.

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## THURSDAY OCT. 21st

9:00AM-10:15AM

### 1. Wage Theft

Speakers: Zev Antell, Partner, Butler Curwood,  
Eric Chapman, Attorney, CowanPerry PC

Description: Until very recently, a presentation on laws concerning wage theft in Virginia would have been a brief one, and we use the term “brief” generously. Unfortunately, it is not that wage theft is a new problem, rather that it has only been within the last 2-3 years that the Virginia legislature has begun to meaningfully address it and offer state law solutions. Pre-2020 Virginia had no private right of action on wage theft claims, a largely irrelevant minimum wage statute, and no state law concerning overtime. In effect, an employee who had been denied her regular pay or overtime had very few options in Virginia courts, save for those individuals who presented a claim that the Department of Labor and Industry decided to litigate on their behalf—an exceedingly rare occurrence. This meant that the overwhelming trend amongst the Plaintiffs’ bar was to hope the facts presented a federal claim by way of the Fair Labor Standards Act (“FLSA”). Or, if a federal overtime or minimum wage claim could not be made, that the facts and magnitude of the claim justified a breach of contract or quantum meruit claim, even though attorneys’ fees could not be recovered in such cases. For obvious reasons, the former status quo was especially hard on lower wage earners, who despite perhaps needing help most of all, often found themselves without any viable legal recourse to recover wages and damages occasioned by an unscrupulous employer’s act of wage theft. In just the past few years, however, there has been a sea of change, and this session will discuss Virginia’s enacted laws that should serve to both disincentive future acts of wage theft and provide wage theft victims with an opportunity to recover back wages and statutory damages.

### 2. When is bankruptcy the best solution for legal aid clients?

Speakers: Mark Leffler, Shareholder and Chief Legal Officer, Boleman Law Firm,

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Emily Kennedy, Shareholder, consumer litigation team, Boleman Law Firm,

Jay Speer, Executive Director, VPLC

Description: We will start with a brief description of changes in Virginia law regarding debtor exemptions. Then, two very experienced bankruptcy lawyers will review the pros and cons of Chapter 7 or Chapter 13 bankruptcies. The pandemic wreaked economic havoc on legal aid clients. Can bankruptcy get some people out of debt and on the road to the American Dream? Is bankruptcy just a last resort, or can it also be used effectively to prevent a loss of housing or transportation?

### **3. Could you spare me an Appendectomy? Navigating the Legal and Financial Minefield of Virginia’s Charity Care System with Uninsured Clients**

Speaker: Deepak Madala, Director of the Center for Healthy Communities and ENROLL Virginia!, VPLC

Description: Medical debt is one of the leading reasons for bankruptcy in the U.S. and Virginia. A single emergency room visit or childbirth can trigger devastating legal and financial consequences. According to surveys, the uninsured are more likely to experience medical debt and they are also far more likely to forego needed medical treatment. This session will help attorneys better understand the options available in Virginia to help uninsured clients access medical services and qualify for financial assistance to protect limited resources. Topics will include hospital charity care policies, Emergency Medicaid, prohibitions on “extraordinary collection actions”, and prescription drug assistance programs.

10:45AM-12:00PM

### **1. Rental Repairs: Making the Right Choice for your Client**

Speakers: Robin Leiter-White, Senior Managing Attorney and Office Manager, CVLAS,

Dale Pittman, Attorney and Owner, Pittman Law Office,

Harvey Volzer, Partner, Shaughnessy Volzer & Gagner,

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Palmer Heenan III, Assistant Attorney General, Virginia Office of the Attorney General

Description: Participants will learn about the different options that can be used to litigate rental repair cases, with an emphasis on mold, mildew, and bed bugs. Participants will be told about different causes of action under the Virginia Residential Landlord and Tenant Act, the Virginia Consumer Protection Act, and personal injury law. Participants will be provided with different litigation strategies and materials to prepare them for litigation.

## **2. Current Tax Issues Affecting Low-income Clients**

Speakers: David Sams, Executive Director, Community Tax Law Project,

Nancy Ryan, Qualified Tax Expert for the Low-Income Tax Clinic, LSNV,

Jessica Harris, Senior Staff Attorney/Qualified Tax Expert, LSNV

Description: During the Covid-19 Pandemic, Congress enacted many tax and non-tax economic relief measures administered by the IRS, including three rounds of Economic Impact Payments, special 2020 tax benefits for the self-employed, and tax relief for unemployment benefits and taxpayers using Marketplace health insurance. The American Rescue Plan Act of 2021 modified the child tax credit (CTC) available for 2021 and enacted section 7527A to provide for advance child tax credit payments (ACTC) to families starting in July 2021. This panel of Low Income Tax Clinic representatives will offer a straightforward overview of tax issues most like to affect Legal Services clients, including guidance on how best to advise and assist clients in making sure they receive every benefit to which they are entitled, recovering credits improperly claimed by other parents/parties, and what steps to take to protect their entitlements for 2021 and beyond.

## **3. Toward More Holistic Legal Services: Defining Success When Clients' Well-Being and Goals are Entwined with Those of Others**

Alison Hirschel, Senior Legal Counsel, Michigan Long Term Care Ombudsman Program,

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Marie-Therese Connolly, Lawyer, Coordinator at the Elder Justice and Nursing Home Initiative at the US Department of Justice, and Senior Trial Counsel in the Civil Division

Description: Not infrequently, legal services encounters situations where clients' wishes and needs are entwined with those of others. This session will consider several scenarios in which a single-minded focus on traditional legal strategies is insufficient to improve clients' lives or achieve their goals. This may be because clients seek to protect others (such as adverse parties with vulnerabilities), wish to preserve relationships, or fear the consequences of pursuing legal remedies. In other situations, legal services may be asked to help clients to exercise rights that will put others in serious peril. This session will help participants better recognize such issues, consider and evaluate client goals, maneuver through ethical and practical constraints, and identify and use internal and external resources to achieve client goals. It also will examine innovative programs in other states and brainstorm about what policies and resources would promote more holistic approaches.

1:30pm-2:45PM

### **1. Unemployment Insurance in Virginia: Practice, Pandemic Pitfalls, and Possibilities**

Speakers: Martin Wegbreit, Director of Litigation, CVLAS,

Pat Levy-Lavelle, Senior Intake Attorney, LAJC

Description: This session covers unemployment insurance practice tips; COVID-era challenges; and possibilities for the future of Virginia's UI system. All are welcome, although this session assumes some basic familiarity with unemployment insurance.

### **2. Making a Race Equity Lens Part of Advocates' Case Analysis and Legal Services Delivery Processes**

Speakers: Steve Fischbach, Litigation Director, VPLC,

Yvonne Mariajimenez, Executive Director, Neighborhood Legal Services of LA County,

Alisa Parker, Managing Attorney, Legal Services of South-Central Michigan-Battle Creek

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Description: This session is open to all and will assist legal aid staff to provide better legal services to clients, and integrate racial justice in the work, by taking into consideration the perspectives of diverse people and communities with whom we engage and serve, as well as our own co-workers and board members, so that we achieve more equitable outcomes, and expand the impact of our advocacy and representation. Using a race equity lens as a tool in our representation and advocacy helps to inform our case-related, internal, and external planning, and policy decisions in the following areas:

1. Systemically – within a network of legal aid programs (statewide/regionally) and while engaging with the communities we serve.
2. Internally – within individual offices with co-workers and board members, and during intake with potential clients.
3. Litigation – during case representation, including individual and impact litigation.

### **3. Issue Spotting Education Protections in Other Cases**

Speakers: Louisa Rich, Senior Intake Attorney, LAJC,

Michaela Lieberman, Attorney, Economic Justice Program, LAJC

Description: Whether your practice is primarily health, housing, family law, or anything else, you are likely to have clients with children, and those children may be facing legal education challenges. This course will help you identify those and give you the basic legal tools to empower your clients. For example, have you ever appealed a child's application for Supplemental Security Income and gotten denied because there was insufficient evidence of a disability? Maybe it would have helped to have had the child set up with an IEP in school!

**3:15PM-5:15PM**

**ETHICS – Trauma-informed, client centered, and ethical approaches to client communication.**

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Speakers: Robin Leiter-White, Senior Managing Attorney and Office Manager, CVLAS,

Megan Belden, Deputy Director, Program Services, LSNV,

Palma Pustilnik, Senior Managing Attorney and Director of Victim Advocacy Services, CVLAS

Description: Attendees will learn trauma-informed and client focused approaches to the delivery of legal services. Attendees will further learn tactics for managing client expectations and understanding of the merits of the case—all using an ethical and trauma-informed lens.

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## FRIDAY OCT. 22nd

9:00AM-10:15AM

### **1. In-Kind Support and Maintenance in the SSI Program**

Speaker: Kate Lang, Senior Staff Attorney, Justice in Aging

Description: Why do some individuals receiving Supplemental Security Income (SSI) benefits only receive \$529.34 or \$509.34 per month instead of \$794? In many cases, the reason is “in-kind support and maintenance” (ISM). Because SSI is a means-tested program, applicants and recipients must meet several financial eligibility criteria on an ongoing basis. These income and resource rules, including ISM, are very complicated, and can cause significant hardship for low-income people trying to survive on SSI. This session will provide a comprehensive explanation of ISM rules, using many illustrative examples, as well as extensive practice tips for representatives advocating on this issue at the Social Security Administration.

### **2. Systemic Discrimination: the Virginia Human Rights Act and Virginia Fair Housing Law**

Speaker: Palmer Heenan III, Assistant Attorney General, Virginia Office of the Attorney General

Description: Participants will learn about the different types of discrimination prohibited by Virginia law with an emphasis on provisions that deal with systemic discrimination under both the Virginia Human Rights Act and Virginia Fair Housing Law. Participants will also learn about the role of state agencies and the Office of the Attorney General in investigating and prosecuting complaints of discrimination.

### **3. Non-CLE Session: Legal Context and Considerations for when representing members of the LGBTQ+ Community**

Speaker: Ezra Halstead, Education Specialist, VPLC

10:45AM-12:00PM

### **1. Firearms and Protective Orders**

Speakers: Susheela Varky, Director of the Center for Family Advocacy and Legal Assistance for Victim-Immigrants of Domestic Abuse (LA VIDA), VPLC,

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Ruth Micklem, Community Initiatives Manager, Virginia Sexual and Domestic Violence Action Alliance (VSDVAA)

Description: Over the past few years, there have been many changes in both protective order and firearms laws in Virginia. This session will focus on the intersection between these two sets of laws and policies, especially as they impact domestic and sexual violence survivors/clients. Join Susheela Varky, VPLC's Staff Attorney for Domestic and Sexual Violence, and Ruth Micklem, Virginia Sexual and Domestic Violence Action Alliance's Community Initiatives Manager, to review the history of firearms and protective order laws, recent changes in these laws, and discuss implementation and enforcement of these laws in your community.

## **2. TANF Benefits: The Basics and Beyond**

Speakers: Sara Blose, Director of Health Advocacy and Managing Attorney, CVLAS,

Salaam Bhatti, Staff Attorney | Public Benefits; Director of Virginia Hunger Solutions

Description: This session will provide attendees with a solid introduction to TANF, as well as how to use little-known additional program benefits to help clients succeed during and after receiving TANF. Often overlooked and underutilized, TANF is a key creative advocacy tool, making this session ideal for all who work with families with children.

## **3. Non-CLE Session: How to be an effective Legal Aid Community or Client Board Member**

Speakers: Debra Grant and Wanda Harry, VPLC Board members

12:00PM-12:30PM

**Conference Closing Session and Thank You**

**Conference END**

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