

# **Kansas Legal Services**

## **2008**

### **Annual Report**

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Executive Director*

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*Brian J. Moline*  
*1940 – 2008*

*A tireless public servant and co-founder of*  
*Kansas Legal Services*

## MESSAGE FROM MARILYN HARP, EXECUTIVE DIRECTOR

One of the hardest parts of the job for any legal services employee is seeing a need, wanting to say “yes” and having to say that KLS is without the resources to help meet that need. Our staff seeks a variety of ways to extend what we can do and help as many people as possible. In this letter, I want to share a few of these new services with you.

January, 2008 saw the opening of the Southwest Boulevard Family Medical Legal Clinic in Kansas City, Kansas. This is an exciting project that extends services to low income families, targets resources to families facing serious medical issues and engages law students in working with low income persons. It is collaboration between Kansas Legal Services, KU School of Law and the Southwest Boulevard Family Medical Clinic. Patricia Thomas, senior attorney with Kansas Legal Services, serves as legal director of the clinic. Her 20 years of experience allow her to teach law students to be successful attorneys, while engaging them in the difference that access to legal resources can make in the lives of low income persons. One exciting outgrowth of this project is a growing coordination of medical and legal services, as JayDocs (KU Medical Center student volunteers) and LawHawks (KU Law School student volunteers) work together at the weekly evening clinics designed to spot and resolve medical and legal issues. “The idea of this is that the education flows two ways,” says David Gottlieb, KU’s Associate Dean of Clinical Projects. “We help them identify some of the legal problems, and they help us identify medical aspects that we can be helpful with. Its doctors and lawyers arm in arm instead of fighting.” KLS has joined the growing national effort to use Medical Legal Partnerships in service to low income clients with serious medical issues.

Knowing that funding and staff resources are not sufficient to meet the legal needs of low income persons, we reach out every year to engage private attorneys in this effort, sometimes with limited success. In 2008, our efforts were rewarded. As a result, we are able to report:

- 64 new attorney *pro bono* volunteers
- 648 Kansans were provided legal services through *pro bono* volunteers
- 116 families receiving *pro bono* services at year end

Our *pro bono* program continues to grow with KLS staff working to train and support our wonderful group of volunteer attorneys. Our *pro bono* partner, the Kansas Bar Association, continues to work with us to recruit Kansas lawyers willing to donate time to help in the mission of equal justice for all. We provide efficiency in this effort, using technology to aid in referrals and service delivery. Many lawyers who cannot volunteer, support us with financial contributions to further our mission.

KLS is fortunate to have great support from many places. Efforts of the Legal Services Corporation have resulted in an increase in Federal funding for 2009. The Interest on Lawyer’s Trust Account (IOLTA) program continues to enjoy support from 3,500 Kansas lawyers. The 2009 increase in IOLTA funding helps KLS meet the needs of our low income Kansans and deserves full bar support.

Our Employment Training and Mediation programs continue to change lives. 886 participants sharpened their job readiness skills to improve their lives through KLS Job training programs.

Staffs with these programs consistently show an extremely high success rate in helping even those with persistent disabilities become employed. Our mediation program provides opportunities to resolve disputes, while avoiding litigation in a variety of venues. Our ability to adapt to participant needs helps make our programs highly successful.

We can’t always say “yes” when help is requested. I am very proud when our staff can say “yes”, they do so enthusiastically, and providing high quality services in whatever program is able to respond to the need.



Marilyn Harp, Executive Director

## MESSAGE FROM LYNETTE PETTY, BOARD PRESIDENT



During 2008, I was privileged to serve as president of the board of Kansas Legal Services. Having worked for Legal Aid for seven years during law school and immediately following graduation, I have always felt a deep connection to the organization and people of KLS. The staff at KLS remains steadfast in their commitment to serve those who could not otherwise afford legal representation.

The work is challenging yet fulfilling. During 2008, KLS attorneys helped 1,416 victims of domestic violence obtain protection from abuse orders. 854 disabled adults and 125 disabled children were awarded Social Security benefits as a result of the advocacy of KLS attorneys and paralegals. Another 2,082 children in divorce and paternity cases received child support. Attorneys helped 140 families file bankruptcies for a fresh start in these troubled times.

Recognizing that their clients' problems go beyond what can be resolved in a courtroom, KLS has continued innovative programs to help improve job readiness skills. 886 people participated in these programs last year. I was honored to meet a group of them last June when I spoke at graduation for one of the classes. The highlight of the event came when the graduates stood, one by one, to tell what the program had meant to them and how they intended to use their new skills for a better life for themselves and their families. I'll never forget how impressed I was with these hardworking individuals and their dedicated teachers.

In spite of these achievements, the need for more services and more resources is overwhelming. 41,962 people applied for help at KLS last year. All of their needs could not be met. As in years past, priorities were set to determine who will be served and who must be turned away.

KLS has continued to look for more funding sources to help meet the needs of our citizens. Historically, we have diversified our funding. Former executive director Roger McCollister and now Marilyn Harp have been creative in their approaches, refusing to rely on Legal Services Corporation funding alone. Last year, 113 separate funding sources supported the work of KLS. But in spite of best efforts, KLS has recently had to lay off five staff members in the wake of funding cuts. These cuts could not come at a worse time given the state of our economy and its impact on our most vulnerable citizens.

Marilyn reported to the KBA Access to Justice Committee in February that increased efforts are being made to recruit *pro bono* volunteers to help bridge the gap. As a Kansas attorney, I have to say that I am embarrassed to find that in 2008, *pro bono* volunteers working with KLS provided a mere 236 hours of advice and closed only 100 cases requiring 365 hours of volunteer attorney time. Undoubtedly, many of us sign *pro bono* retainer agreements which specify that no fee is expected and those cases never get reported to KLS. But 41,962 people asked for help last year. Whatever we are doing is not enough.

I have such admiration for Marilyn and all of the wonderful people who work at KLS. After six years on the Board, I leave with a renewed commitment to serve. I consider it a privilege to be a lawyer. With privilege comes responsibility. When the leaders of our nation tell us that now is the time for each of us to do our part, we should all accept the personal challenge to do what we as lawyers are uniquely qualified to do.

# OVERVIEW – KANSAS LEGAL SERVICES

## **PROGRAM HISTORY**

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During the 1920s, the American Bar Association acknowledged the need for special assistance to the poor by creating a committee on legal aid. Early legal services supporters recognized that the pledge of “equal justice under the law” cannot be realized as long as people with limited resources do not have access to the justice system. Legal aid societies were formed in Topeka, Wichita and Kansas City by lawyers and community members concerned about the poor. From the 1960s until 1974, the three Kansas legal aid societies, with the support of local bar associations, operated under the authority of the Office of Economic Opportunity and Office of Legal Services. The courts became a key battleground in the War on Poverty and Legal Services lawyers were the advocates and defenders of the poor throughout America. Along with Head Start and the Community Action Program, Legal Services is one of the enduring programs from that era.

Authority for the legal services program was transferred from the Community Services Administration (successor to the Office of Economic Opportunity) to the newly formed Legal Services Corporation during 1975. Through all of these changes in administrative authority and funding, the Kansas legal aid societies continued to provide free legal services to the poor in Kansas.

In 1977, the Kansas City, Topeka and Wichita legal aid societies merged to form Kansas Legal Services, Inc. Kansas was the second state in the nation to become a single, statewide entity. Building on this strength, Kansas Legal Services now has thirteen legal services field offices and two mediation offices located across the state, and maintains an extensive retainer contract system with cooperating members of the Kansas Bar Association.

## **GOALS**

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Kansas Legal Services has progressively focused its efforts on special needs individuals, such as victims of domestic violence, the homeless, children in foster care, the elderly, farmers, those with disabling conditions, individuals seeking access to health care, those seeking mediation services and persons who need basic life skills and employment training

One mission of Kansas Legal Services is to provide equal access to justice for persons not able to pay for legal and other essential services. Kansas Legal Services is also a vehicle for keeping many low income people from falling permanently into the category of chronically poor. It serves as a conduit by which many low income people successfully get back on their feet and become self-sustaining.

# CIVIL LEGAL ASSISTANCE

Civil legal assistance is advice and representation in cases that are not punishable by imprisonment. They involve suits over money, property and other individual rights. Such cases might include consumer, finance, education, employment, family, health, housing, juvenile issues, income assistance, Indian/Tribal law and individual rights.

## HOW DO KANSANS QUALIFY?

- Must have a problem that has a legal remedy
- Must have a legal problem that can be resolved through the Kansas courts
- Must be eligible for free or reduced fee legal assistance (call for details)

Must call **1-800-723-6953** to apply

## TYPES OF CASES KLS DOES *NOT* HANDLE:

- Criminal cases\*
- Traffic cases\*
- Accident claims
- Personal injury or wrongful death suits
- Representation of prisoners

\* Criminal and traffic cases may be handled by court appointment or government contract.

## WHAT ABOUT VICTIMS OF CRIME?

The Victims' Rights Program of the Kansas Attorney General's Office (1-800-828-9745) has many helpful resources.

Victims of sexual or domestic violence can call 1-800-799-7233 or visit the website of the Kansas Coalition Against Sexual and Domestic Violence ([www.kcsdv.org](http://www.kcsdv.org)).

Those with needs outside KLS services (criminal and traffic) may want to ask the District Court to appoint an attorney.



## WHAT IF SOMEONE DOESN'T QUALIFY FOR KLS SERVICES?

Individuals who wish to have an attorney may call the Kansas Bar Association's Lawyer Referral Service (1-800-928-3111). Staff of the Lawyer Referral Service will provide names and contact information of area attorneys who specialize in the area of law at hand.

# LEGAL SERVICES PROGRAM

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## COOPERATIVE PROGRAMS WITH THE PRIVATE BAR

Kansas Legal Services, Inc. continues to operate cooperative programs with the Kansas Bar Association (KBA) and local bar associations in the state. Current programs for increasing and improving the availability of legal services to low income Kansans include:

- **Interest on Lawyer Trust Accounts (IOLTA) Program** allows KLS to address four areas of need. IOLTA funds were used during 2008 to provide advice and representation in housing, consumer issues, domestic violence and as matching funds for the Kansas Human Rights Commission Voluntary Mediation Project.
- The **Reduced Fee Plan** provides legal services to people living on lower incomes who might not otherwise be able to hire lawyers or qualify for free services. The program was designed by the KBA and assists clients with routine legal matters at reduced fees.
- **Pro bono** panels have been organized in cooperation with many city and county bar organizations throughout the state to extend free services to low income Kansans who may not qualify for services through KLS.
- The **Lawyer Referral Service** is administered by KLS for the KBA and is operated from our Central Intake. Lawyer Referral matches individuals throughout the state with participating KBA attorneys in their area.
- **Private Bar Retainer Contracts** are used by KLS to supplement staff service statewide. Private Bar Contracts are essential to expanding service availability and controlling costs, especially in sparsely populated rural counties.

The **Elder Law Hotline** operates through a partnership of KLS staff and private attorney volunteers. With a single phone call, all Kansas seniors can receive legal information and advice.

## ACCESS TO JUSTICE

Administered by the Office of Judicial Administration and overseen by the Supreme Court of Kansas, the Access to Justice Fund is designed to improve access to legal assistance for low income Kansans who need advice, representation or mediation services. The program is also intended to assist the Kansas courts in providing service to *pro se* litigants. KLS was awarded Access to Justice funds for the first time in 1996. Access to Justice funding has made it possible to create a statewide Access to Justice Advice Line and to greatly expand the ability of Kansas Legal Services to provide advice and representation in family law matters, the area of need that is historically the most underserved. The Access to Justice program allows Kansas court personnel to directly refer low income individuals to KLS offices statewide.

## FAMILY LAW

Through Access to Justice, Legal Services Corporation, United Way, Interest on Lawyers Trust Accounts (IOLTA), Victims of Crime Act, Department of Justice and other funding, KLS represents thousands of low income persons—primarily women and children—each year in domestic law matters. The demand for legal assistance in family law matters continues to far exceed the capacity of KLS to provide direct representation. Priority is placed on cases of spousal or child abuse and protection from abuse orders.

**Access to Justice Funding (ATJ)** has increased the number of family law clients KLS has been able to serve. Due in large part to ATJ funding, KLS is assisting more low income Kansans with domestic law matters than ever before in its 31-year history.

The **Guardian *Ad Litem* Support Center (GALSC)** is a statewide program that provides training, advice and other supportive services to guardians *ad litem*, those who represent children in court proceedings. KLS GALSC staff attorneys also provide direct advice and representation in child welfare cases.

**Legal Assistance for Victims Grant Program** funds from the U.S. Department of Justice's Office of Justice Programs continued in 2008. The statewide grant supports legal services for victims of domestic violence, dating violence, stalking or sexual assault.

**Victims of Crime Act Grants (VOCA)** are administered by the Governor of Kansas to assist victims of domestic violence. KLS offices in Emporia, Hays, Hutchinson, Kansas City, Pittsburg, Salina, and Topeka were awarded VOCA funds in 2008 to provide legal advice, representation and referrals to families fleeing abuse.

The **Foster Care Helpline**, part of the GALSC, is a toll-free hotline that provided accurate and timely information to more than 400 foster children, foster parents and other concerned individuals who called with questions about the foster care system in 2008.

## PUBLIC BENEFITS AND DISABILITY LAW

The primary goal of KLS' public benefits advocacy is to assist low income individuals in accessing state and federal public benefits programs. By maximizing this access, KLS staff work to ensure that low income Kansans have necessary income, health care, food and shelter.

The **Disability Law Project** is funded through contracts with the Kansas Health Policy Authority (KHPA) and three Kansas Department of Social and Rehabilitation Services' Regional Offices. The Adult Social Security Advocacy Project is designed to assist adults receiving General Assistance or Temporary Assistance to Families. KLS provides legal advice and representation to individuals receiving cash assistance to assist them in becoming eligible for federal Social Security Disability Insurance or Supplemental Security Income (SSI).

The **Children's Social Security Advocacy Project** seeks to obtain SSI for disabled children. The project is focused on children who are receiving services from SRS. Obtaining SSI cash and medical benefits for children often makes home placement possible.



The **Kansas Homeless Outreach Project and Evaluation** (K-HOPE) started in 2004 to help eligible homeless Kansans apply for Social Security Disability benefits. Funded by the Social Security Administration, K-HOPE staff conduct outreach and provide case management for homeless individuals in addressing barriers to employment, housing and essential services.

## **E L D E R   L A W**

KLS cooperates with the Kansas Department on Aging and the Area Agencies on Aging as an integral part of the state aging network. Older Americans Act funds are combined with Legal Services Corporation and other private funds to address this growing area of need.

**Senior Citizen Law Project** (SCLP) provides services in a wide range of civil legal issues to persons age 60 and older. Its objective is to target the more vulnerable elderly population who are in the greatest social and economic need. Priorities include assuring that seniors obtain the cash and medical assistance essential to their well-being and stopping financial, physical or psychological abuse of elders. SCLP also has an extensive community education program through which elders and workers serving them are educated about elders' rights and protections under the law.

One point of access is the Elder Law Hotline, a program that links KLS staff and private attorneys to provide the broadest range possible of legal advice and information.

KLS has a program in Topeka (Jayhawk Support Services for Elders) that provides persons age 60 and older with financial management services provided by volunteers. This service makes it possible for many seniors to stay in their own homes.

## **F A R M   L A W**

The **Farm Mediation Legal Counseling Program** is operated through a contract with Kansas State University. KLS provides legal assistance to Kansas farmers and ranchers through referrals from the Kansas Agricultural Mediation Service (KAMS). KLS farm specialist attorneys provide both advice and legal representation to KAMS clients in every county of the state. When legal assistance helps farmers retain their farms, the economies of local communities and the state benefit.

## **M E D I C A L - L E G A L   P A R T N E R S H I P**

In January, 2008, Kansas Legal Services implemented the Family Health Care Legal Services Clinic in partnership with the University of Kansas Law School and the Southwest Boulevard Family Health Clinic in Kansas City, Kansas. The clinic serves patients living in some of the poorest areas of the community. The goal of the partnership is to improve the health and well-being of vulnerable individuals, children and families by integrating legal assistance into the medical setting.

## **M I G R A N T   L A W**

The **Migrant Project** allows KLS to work with a variety of organizations on a Legal Services Corporation Migrant Project to improve outreach efforts to the migrant community. KLS provides wage claim, public benefits, education, work contract and domestic violence assistance to this community.

# PRO BONO VOLUNTEER RECOGNITION 2008

*Private Attorneys give their knowledge and time freely.*

## 2008 *Pro Bono* Award

The U.S. District Court for the State of Kansas  
*Pro Se* Task Force

### 2008 *Pro Bono* Certificates of Appreciation were awarded to:

- Alan F. Alderson
- Paul E. Dean
- Frederick W. Godderz
- Kimberly Joy Ireland
- Aaron C. McKee
- Holly A. Theobald

A volunteer attorney agreed to accept a Protection from Abuse case defense on very short notice. The client's ex-husband filed a PFA against her, alleging failure to protect their children. The allegations used were based on the client being the victim of an act of violence, where her ex-boyfriend set her house on fire. The *pro bono* attorney vigorously represented the defendant in this action, citing the statute did not allow for an order to be entered based on the facts listed, as the client had never caused harm to the children.



Despite counsel's strong objections, an order was granted against the client. Continued assistance is being provided to this client through the original domestic court action to address parenting time issues.

The volunteer attorney has and continues to be compassionate and dedicated to the representation of this client.

## 64 New *Pro Bono* Attorneys in 2008

## CASE TOTALS

	2008	2007	2006	2005	2004	2003	2002
<b>Consumer Protection</b>							
Advice & Brief Service	1,676	1,437	1,772	2,166	2,551	2,943	3,064
Representation	329	259	410	523	632	558	382
Other Service	1,228	1,072	1,597	2,417	996	1,141	622
Mediation	26	13	16	12	13	42	9
<b>Total</b>	<b>3,259</b>	<b>2,781</b>	<b>3,795</b>	<b>5,118</b>	<b>4,192</b>	<b>4,684</b>	<b>4,077</b>
<b>Family</b>							
Advice & Brief Service	4,832	5,424	5,136	6,300	8,086	10,061	10,247
Representation	4,122	4,268	4,239	4,454	4,474	4,900	4,009
Other Service	4,420	5,029	6,524	6,895	174	166	49
Mediation	179	171	235	198	208	319	215
<b>Total</b>	<b>13,553</b>	<b>14,892</b>	<b>16,134</b>	<b>17,847</b>	<b>12,942</b>	<b>15,446</b>	<b>14,520</b>
<b>Juvenile</b>							
Advice & Brief Service	186	45	28	28	102	186	191
Representation	1,805	1,988	2,364	2,007	2,054	1,708	1,584
Other Service	130	173	236	271	293	218	141
Mediation	130	244	212	152	163	117	58
<b>Total</b>	<b>2,251</b>	<b>2,450</b>	<b>2,840</b>	<b>2,458</b>	<b>2,612</b>	<b>2,229</b>	<b>1,974</b>
<b>Health</b>							
Advice & Brief Service	251	305	415	457	594	745	877
Representation	85	120	147	131	96	126	115
Other Service	2	12	20	24	31	52	2
Mediation							
<b>Total</b>	<b>338</b>	<b>437</b>	<b>582</b>	<b>612</b>	<b>721</b>	<b>923</b>	<b>994</b>
<b>Housing</b>							
Advice & Brief Service	721	900	1,161	1,262	1,495	1,452	1,893
Representation	160	44	47	49	73	50	52
Other Service	149	78	94	140	274	264	2
Mediation	6	6	12	15	4	8	4
<b>Total</b>	<b>1,036</b>	<b>1,028</b>	<b>1,314</b>	<b>1,466</b>	<b>1,846</b>	<b>1,774</b>	<b>1,951</b>
<b>Disability/Income Maint.</b>							
Advice & Brief Service	182	486	556	593	691	1,542	2,032
Representation	2,575	2,562	2,748	2,111	1,632	1,664	1,942
Other Service	819	429	179	378	24	5	3
Mediation							
<b>Total</b>	<b>3,576</b>	<b>3,477</b>	<b>3,483</b>	<b>3,082</b>	<b>2,347</b>	<b>3,211</b>	<b>3,977</b>
<b>Miscellaneous*</b>							
Advice & Brief Service	1,145	1,633	1,914	1,849	1,919	1,880	1,784
Representation	2,373	1,714	1,673	1,832	1,417	1,504	1,010
Other Service	244	404	600	350	49	56	16
Mediation	478	559	25	775	707	749	583
<b>Total</b>	<b>4,240</b>	<b>4,310</b>	<b>4,212</b>	<b>4,806</b>	<b>4,092</b>	<b>4,189</b>	<b>3,393</b>
<b>TOTAL CASES</b>	<b>28,253</b>	<b>29,375</b>	<b>32,360</b>	<b>35,389</b>	<b>28,752</b>	<b>32,456</b>	<b>30,886</b>

\*includes education, employment, individual rights, Indian/Tribal law, wills, criminal/juvenile defense

# CLIENT PROFILES IN 2008

## *ETHNICITY*

Asian	166
Black	2,188
Hispanic	1,867
Native American	272
White	14,939
Unknown	<u>1,001</u>
TOTAL	20,433

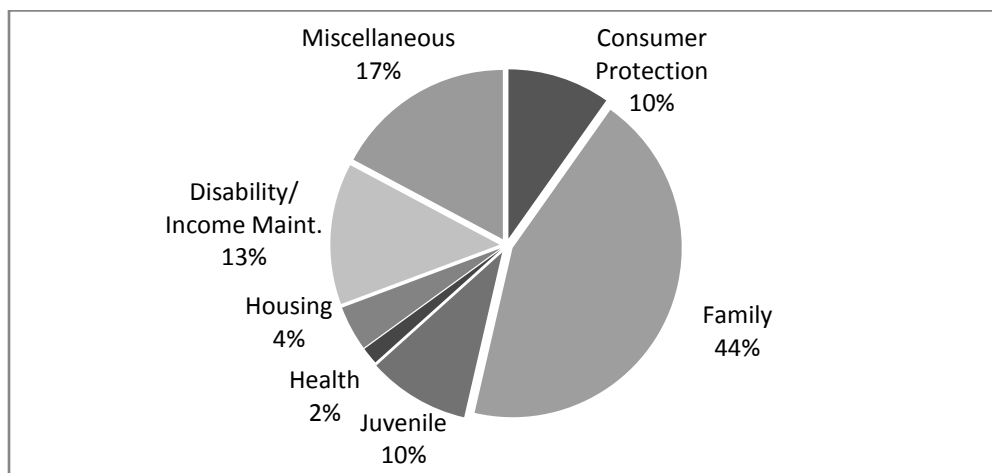
## *GENDER*

Female	13,323
Male	<u>7,110</u>
TOTAL	20,433

## *AGE*

<i>Ethnicity</i>	<i>Under 18</i>	<i>18-59</i>	<i>60 and over</i>	<i>Total</i>
Asian	18	119	29	166
Black	301	1,542	345	2,188
Hispanic	452	1,324	91	1,867
Native American	6	219	47	272
White	1,050	10,343	3,546	14,939
Unknown	<u>207</u>	<u>744</u>	<u>50</u>	<u>1,001</u>
TOTAL	2,034	14,291	4,108	20,433

## 2008 Case Distribution



## STORIES

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Having been physically, mentally and verbally abused for years, Katy chose to leave her abuser but he continued to stalk her and threaten her. He had spent time in jail but was released and came looking for Katy. Unfortunately, he held her hostage, constantly abusing her. She somehow managed to escape and contacted KLS where we helped her obtain a PFA. In addition, we helped her obtain a post-paternity motion to get her sole custody of her children. In this same motion, we helped her get a no contact and no visitation order so the offender cannot contact or see Katy or the children. She is now able to focus on her children and no longer lives in fear. She has been able to move on with her life, obtain a new job and has found someone who loves her and her children.

Dave is one of 191 clients with a mental impairment who successfully obtained Supplemental Security Income benefits as a result of KLS advocacy in 2008. For many years, he had lived on the streets, slept in cars or moved from shelter to shelter. Monthly income and health insurance will allow him access to regular medical care and to live in a stable environment.

In 2008, a young single mother retained a KLS office for a bankruptcy. She was really struggling. She was getting ready to graduate from college and had applied for an internship with a local bank. They could not let her start until after she filed a bankruptcy due to her credit background. KLS worked really hard to push the bankruptcy through as quickly as possible so she did not miss the opportunity at the bank. KLS filed a petition and her 341 hearing was held. KLS received a call from her a week later letting us know she had been hired at the bank full-time, making a very nice salary.



## RECOGNIZING STAFF EXCELLENCE

### 2008 Recipient: Paul Shipp



KLS attorney **Paul Shipp** is the recipient of the 2008 Elizabeth Ferguson Award which honors excellence in service by KLS staff members. He is currently the Managing Attorney for the Manhattan and Seneca offices.

Paul possesses all the attributes of a zealous Legal Services attorney. In addition, he continually shows his commitment that the justice system is intended to make things right for people and, within the justice system, are tools to change lives.

Paul represented juvenile offenders in Finney County for several years. He paid attention to a systematic process of charging youth with crimes, getting them on probation and then exerting a significant amount of control on their lives. In part, this process seemed to punish boys more harshly than girls for consensual sexual activity. Paul continually used the legal system in his defense of these youths to raise issues about unfair treatment.

His representation of one of these youths prompted him to consider whether the trial of the case with a jury might result in a fairer disposition of the charges than trial to the judge. He asked for a jury trial in this case and was denied. He went ahead with the trial to the judge and the client was ultimately found guilty of criminal charges. Paul returned to the issue of a jury trial and filed an appeal of this conviction. Because the case raised novel issues, the Kansas Supreme Court, which hears about 70 cases per year, agreed to hear this case. Paul worked with Kansas Legal Services' (KLS) attorneys Lowell Paul and Marilyn Harp to perfect his brief and arguments.

When the National Juvenile Law Center wanted to become involved in the case, Paul worked to find them local counsel to file a brief in Kansas. Paul argued the case to the Kansas Supreme Court, magnifying his legal arguments with tremendous passion for justice for juvenile offenders. Ultimately, Paul was successful in obtaining from the Kansas Supreme Court an Order that the Juvenile Justice System has changed significantly and is now substantially like the adult justice system. This finding lead the Kansas Supreme Court to decide that the Constitution required juveniles who wished to have a jury trial to determine their guilt for felony offenses had that Constitutional right.

This is a landmark ruling in that it is the first decision like it in Kansas and in the country. A number of states have the statutory right for juveniles to request jury trials. Prior to this, Kansas youth had the right to ask for a trial but it was in the court's discretion whether one was granted. That has changed and it is now the juvenile defendant's right, as it is the adult defendant's right, to decide whether or not to take his or her case to a trial by judge.

Paul's decision will, no doubt, affect Kansas youth who can now elect a jury trial. The decision is also obtaining national attention and may springboard a number of other states into making similar decisions. There are a few other criminal Constitutional rights not enjoyed by juvenile offenders, including the right to a speedy trial, which may be aided by the Court's analysis in this case. Paul's advocacy in this matter has restored KLS to its rightful place in the law reform movement in Kansas. His efforts will truly "result in a substantial benefit to a client or client community."

# EMPLOYMENT TRAINING

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## HISTORY

Since 1995, Kansas Legal Services has provided employment and life-skills training to low income Kansans, helping them acquire and maintain family-supporting employment. KLS offers a variety of training services and works closely with clients in a one-on-one, supportive and nurturing environment to ensure that individual goals are met. KLS currently has employment training programs in five locations across the state.

## Who is served by employment training programs?

Individuals enrolled in Kansas Legal Services' employment training programs are generally classified as "economically disadvantaged."

More specifically, this group includes:

- Those on TAF (cash assistance) who are required to be enrolled in job-related activities as prerequisite for cash assistance.
  - Individuals with disabling mental or physical conditions.
  - Low income individuals seeking to upgrade skills in order to obtain a higher-paying job.
- 
- People whose employers wish to have them trained in a particular software application.
  - Persons who are chronically homeless and need assistance in overcoming persistent barriers to obtaining employment and housing.

Linda had been out of the workplace for several years taking care of her children. She decided it was time to re-enter the job market & wasn't sure her computer skills would be up-to-date or if she would be able to remember what she had learned in the past. She found Custom Computer Training through Kansas Legal Services. After a short time reviewing the Microsoft Office programs, the instructor recommended Linda become certified by Microsoft. She obtained master certification and her career opportunities have definitely widened.



• **Job Success** was created in 1999 by KLS. Job Success provides job readiness and life-skills training to recipients of long-term cash assistance and other persons entering the workforce for the first time. The different workshops address barriers to employment, life skills, soft skills and job readiness. Classes are open entry/open exit allowing clients to take part in all workshops or only selected ones. Job Success classes are located in Topeka, Garden City, Dodge City, Liberal and Great Bend.

• **Custom Computer Training (CCT)** was created in 2001 in direct response to client needs for specialized computer training. Enhanced computer skills often allow for advancement to better paying and more stable employment. CCT offers training in small group settings. CCT provides wide-ranging services, from specialized one-one-one training in particular software applications to job readiness. Services include:

- Open entry/open exit enrollment
- Microsoft Office
- Introduction to Windows
- Introduction to the Internet
- Job Readiness
- Microsoft Office Specialist Testing Center

*“KLS has changed my life.”*

• **Topeka Moving Ahead Program (T-MAP)**

was created in 2003. The Topeka Moving Ahead Program (T-MAP) is a job readiness program that helps individuals and families break the cycle of homelessness through housing and employment. T-MAP assists participants in developing their skills, obtaining employment, and barrier resolution. The philosophy of T-MAP is to assist individuals with four major life transitions:

- From homelessness to personal and community support
- From addiction to recovery
- From hopelessness to an experience of self-efficacy
- From isolation to a career, economic self-sufficiency and a valued community role

Other services for T-MAP participants range from assistance in applying for public benefits, Social Security cards, and Kansas ID or driver’s license (all of which may involve records search and legal rehabilitation), to finding a variety of solutions to barriers. Individual needs/referrals that need to be addressed are handled on a case-by-case basis. T-MAP’s commitment to participants extends far beyond the thirteen-week curriculum. T-MAP has created a network of program alumni and staff who provide the caring and emotional support that is necessary to help each graduate successfully face their unique social and career needs.

*Staff members from the Topeka Moving Ahead Program (T-MAP) visit prisons and discuss the program with prisoners who will soon be released. Katrina is one of the prisoners that had the opportunity of being introduced to the T-MAP Coordinator. Katrina made the decision to take a chance and enter the program. She says she was restless and unsure of her decision on her first day of class. She knew that not only would she be letting herself down if she quit the program, but she would also be letting down others in her class. After deciding to continue with the program, she has made numerous friends and learned a lot about life skills and computer skills. She is quick to say it is not an easy program but she is glad she stuck it out and graduated with her classmates. This has given her confidence and the will to succeed.*





# KANSAS FACTS

Over 5,000 children were in foster care in Kansas in 2008.

15% of Kansans have income below \$15,000/year.



11% of Kansans live at or below 100% of poverty.

Population:  
2,802,134

A mother and two children living on TAF (Temporary Assistance for Families) in Kansas survive on up to \$429 per month to meet rent, utilities, clothes, car insurance, etc., depending upon the county in which they live.

Persons denied for Social Security Disability benefits in Kansas had an average wait of 580 days for hearing an appeal in 2008.

According to the Kansas Bureau of Investigation, one domestic violence incident occurred every 23 minutes, 26 seconds in Kansas in 2007.

8,033 Protection From Abuse Orders were filed in Kansas in State Fiscal Year 2008.

On any given night in Kansas in 2008, at least 18,000 people were homeless.

# MIDLAND MEDIATION AND SETTLEMENT SERVICES

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## What is mediation?

Mediation is a voluntary process in which a trained mediator facilitates communication and negotiation between parties in dispute. The goal of mediation is to reach an agreement that settles the dispute in a mutually satisfactory manner.

Mediations are conducted at a neutral location and in an informal and non-threatening environment. During the mediation process, all participants have the opportunity to share their thoughts and feelings regarding the matter in dispute. With the mediator, all individuals collectively create an agenda, identify the issue in dispute, define each individual's interests and create an agreement.

individuals. Mediation also models problem solving, listening and negotiation skills that can benefit participants long-term.

### ***Mediation gets results.***

Depending on the type of dispute, between 40 and 80 percent of disputes taken to mediation result in agreement.

## How do people access mediation services?

KLS provides mediation in a wide variety of cases including insurance disputes, special education, employment discrimination, public accommodations and domestic matters such as custody and visitation. In 2008, more than 850 Kansans received mediation assistance from KLS, which receives referrals from local district courts, the Kansas Human Rights Commission, the Kansas Insurance Department and others. KLS also offers fee-based mediations on a sliding scale.

Contact Randy Hershey, Director of Mediation, at 785-232-5348.

## What are the benefits of mediation?

### ***Mediation is non-judgmental.***

Mediators do not act as advocates, render any opinion or decide how the dispute should be resolved. The mediator does not assess fault or take sides.

### ***Participants control the outcome.***

Individuals involved in mediation create their own agreement. The mediator's role is to help develop a realistic, workable solution that takes everyone's thoughts and feelings into consideration.

### ***Mediation is confidential.***

Kansas law (with some exceptions) makes mediations confidential. All notes made by mediators are destroyed after an agreement is reached. No participant can subpoena the mediator, and no information specific to the mediation is admissible in court.

### ***Mediation can resolve issues quickly.***

Mediation can resolve disputes in a matter of days, as opposed to the months or years it may take in traditional legal proceedings.

### ***Mediation can preserve relationships.***

Mediation can help build a positive framework for future interactions between

## MEDIATION SERVICES PROGRAM OVERVIEW

The KLS mediation program has eight approved mediators providing civil rights, employment, domestic, truancy, permanency, juvenile, insurance and other mediation services throughout the state. Mediation services complement the work of KLS by providing a non-adversarial dispute resolution method for appropriate cases.

- **Access to Justice Mediations (ATJ)** are funded by the Office of Judicial Administration under the direction of the Kansas Supreme Court. ATJ funding enables court personnel to refer clients directly to KLS offices for mediation services at no cost to participants. Most ATJ mediations involve post-divorce custody issues.
- **Human Rights Mediations** offer voluntary mediation to individuals involved in employment, housing, racial and other profiling, and public accommodation filed with the Kansas Human Rights Commission. The Kansas Bar Foundation, with Interest on Lawyer's Trust Accounts funding, also provides support to this program.
- The **Sedgwick County Juvenile Dependency Mediation Project** uses mediation to resolve child welfare matters in a manner that is less divisive and time consuming than traditional court proceedings. The Department of Social and Rehabilitation Services' area office continues to support this program.
- **Kansas Insurance Department Mediations** are provided to consumers and insurance companies who are in dispute over property and casualty claims in matters referred to the KID.

### **Child in Need of Care (CINC) Mediation**

The Court ordered mediation in a CINC case in which the minor child was residing with her mother and was removed from the mother's home due to lack of supervision, truancy, drug and alcohol abuse and physical abuse. Mediation provided parties a process in which to establish reintegration of the minor with the father and step-mother. Therapy was provided for the child and family. Educational and behavioral plans were also instituted. These aspects were all accomplished and within six months, an evaluation by the case manager showed that the minor child has been attending school, completing all assignments and raised her GPA to 3.0. Therapy has continued, along with supervised visits with her mother, as recommended by the child's therapist. The CINC case was closed by the agency with a successful outcome.

*Mediation can  
preserve  
relationships*



## FUNDING AND STAFF FIGURES

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**YEAR ENDED DECEMBER 31, 2008  
WITH COMPARATIVE TOTALS 2005-2007**

	2008	2007	2006	2005
Legal Services Corporation	2,315,741	2,299,552	2,145,503	2,171,599
Department of SRS	1,355,414	1,065,280	1,165,931	1,065,801
Access to Justice	845,782	876,338	1,157,463	922,687
US Department of HUD	244,889	220,778	223,774	232,768
Hospital Patient Assistance	0	0	0	204,583
IOLTA & Bar Sponsored	827,341	850,234	899,202	1,010,337
City/County Grants	972,235	1,029,394	1,069,377	897,675
Area Agencies on Aging	331,641	310,747	285,958	313,194
OTAP/CCT	119,045	144,242	181,747	222,318
Mediation Contracts & Fees	165,158	182,284	198,848	187,230
United Way	275,477	260,309	270,108	264,673
WORKs	84,345	331,168	140,068	237,467
Office of the Governor & Department of Justice	511,594	456,131	483,576	299,527
Farm Counseling	66,909	82,279	115,253	121,303
Office of Judicial Administration - GALSC	150,000	150,000	150,000	150,000
Social Security Administration	45,763	62,302	124,294	175,105
Job Success	235,746	232,898	228,951	182,850
Foundation Grants	165,000	150,000	100,000	121,911
Court Awards	22,873	23,325	12,267	22,139
Interest Income	8,990	9,987	12,033	9,204
Other Miscellaneous	236,082	393,608	423,479	259,748
<b>Total Revenues</b>	<b><u>\$8,980,026</u></b>	<b><u>\$9,131,856</u></b>	<b><u>\$9,387,832</u></b>	<b><u>\$9,072,119</u></b>

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### STAFF TOTALS

	2008	2007	2006	2005
Full-time equivalent employees	139	157	165	154

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## EXPENSES

YEAR ENDED DECEMBER 31, 2008  
WITH COMPARATIVE TOTALS FOR 2005-2007

	2008	2007	2006	2005
Salaries	5,398,481	5,765,435	6,039,497	5,855,160
Employee Benefits and Payroll Taxes	1,197,250	1,167,658	1,240,273	1,300,183
Rent, Parking, Utilities and Maintenance	718,425	732,292	684,498	658,331
Equipment Rental and Maintenance	86,077	110,058	104,023	123,275
Office Supplies, Printing and Postage	238,159	243,788	256,008	248,432
Telephone	88,582	128,219	174,827	177,332
Travel	109,008	138,621	169,393	171,675
Training	74,162	112,061	97,564	104,789
Library Upkeep	43,674	47,601	46,332	56,374
Insurance	74,306	66,924	67,760	70,308
Litigation Expenses	32,284	31,657	54,496	38,480
Audit, Consulting and Contract Services	258,032	357,106	255,502	117,292
Private Attorney Retainers	112,326	70,024	70,046	59,294
Kansas Bar Foundation Subgrant	0	46,000	46,000	46,000
Depreciation	74,867	52,406	42,634	52,303
Other	83,471	132,259	126,395	156,925
Total Expenses	<u>\$8,589,105</u>	<u>\$9,202,266</u>	<u>\$9,475,248</u>	<u>\$9,236,153</u>



KLS Topeka and Administrative Staff

## 2009 BOARD OF DIRECTORS

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Vicki Allen  
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Pittsburg  
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Salina Service Area  
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T. Lynn Ward  
Attorney  
Wichita Service Area  
Term: 2007-2010

Vacancy  
Client Representative  
Topeka Service Area

# CONTACT INFORMATION

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*Director: Lea Vincent*

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### **Liberal - Job Success**

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### **Topeka - T-MAP**

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### **Garden City - Job Success**

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### **Topeka - Custom Computer Training**

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785-354-8311 fax

### **Great Bend - Job Success**

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### **Topeka - Job Success**

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## **MEDIATION SERVICES**

*Director: Randy Hershey*

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## LOOKING FROM WITHIN KANSAS LEGAL SERVICES

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The plea for help starts with a toll-free number as they tell a total stranger on the other end of the line what their legal need is. Feeling alone and frightened, they are asked questions about income, what sort of legal help do they need, how many children in the household and much more. A need and a cry for help. Someone on the other end of the line that is willing to listen.

One of the Central Intake workers said they often wonder after talking to an applicant, what happens after that initial intake? As for the feelings about what happens with these applicants, well... it can be a heart-wrenching job. Sometimes the only way an intake worker can sleep at night is by holding onto the hope that callers are helped in the field offices. What happened to the woman who not only feared for her safety but for the safety of her children? Is that unemployed person that was behind on bills evicted now and are they living outside in the elements, unable to find another job, unable to have a decent meal and a place to call home? Where do these lives go once they've mustered the courage to tell a complete stranger that they are in need of help and they make little or no money? It isn't easy to say "I have nothing to offer in return, I have little or no money but I need your help."

For those of us who work for KLS it is not just a job; it is the feeling you feel deep inside when you have won a case, when someone learns a computer program, when we find a *pro bono* attorney for someone who would have gone without representation otherwise or remained unemployed due to poor computer skills and no knowledge of résumé writing or interviewing. It is the feeling you get when you know a mother and her children will sleep in a safe place, the feeling you get when you know KLS has made a difference in another life.

Inside the doors of KLS you will find some of the most compassionate people. On occasion a person will call and ask "Do you have real attorneys working there?" and it always brings a smile. A "real" attorney is not the attorney with the most money, the largest ad in the business pages or the one whose face is on a large billboard. Webster's Dictionary states real as:

1. In earnest
2. Genuine
3. Genuinely good or capable of success.

A KLS attorney is real to their inner core; not just because a diploma hangs on their office wall stating they are "real" but what makes them "real" is their insight into desperate needs and their desire to make a difference. They are compassionate souls who could be with a large corporation but have made a conscious choice to help those less fortunate. Inside KLS you will find a family. A group of people who share the same passion for justice and for those in need and who will work together and go the extra mile to see a young mother no longer living in fear; or help a proud, hard working man who is now disabled and has swallowed his pride in order to ask for help in obtaining disability benefits. As much as we want to help each person that needs legal representation, there will be those that are turned away. For every three we represent, two are turned away. We continue to try to increase our *pro bono* volunteers and we are appreciative of those who are willing to take on an extra case because they know the need is greater than the list of those willing to help.

As you read the annual report, keep in mind each number represents a person. Join us as we share a few of our stories. See the pride we take in our work and in our growing *pro bono* program. You cannot look into the tired, frightened and pleading eyes of the people we represent but, through a few words written on paper, you can look through their eyes and into their world and into the life of poverty, hunger and fear. Look at the people and not just a number. KLS is here for those people. Please take time to read their stories.

Becky Wyrre