

DIALOGUE

Summer 2012

VOL. 16, NO. 1

News and Perspectives from the ABA Division for Legal Services

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Grantee Spotlight:

Massachusetts Law Reform Institute: Tough Advocacy for Tough Times

By Georgia D. Katsoulomitis

Massachusetts Law Reform Institute (MLRI) is a statewide legal services organization whose mission is to promote economic, racial and social justice for low-income people through legal action, education and advocacy. MLRI advocates for systemic reforms to policies and practices that harm people living in poverty and works to ensure that the fundamental needs of traditionally underserved, low-income populations are met. MLRI also serves as the central support center for local and regional legal services providers and advocacy organizations across the state so they may best serve the needs of their individual clients.

Along with support from individual and institutional donors and foundations, our work would not be possible without IOLTA funding. MLRI receives this funding through grants from the Massachusetts Legal Assistance Corporation, the Massachusetts Bar Foundation and the Boston Bar Foundation. In addition, the Massachusetts IOLTA Committee continually works to identify new sources of funding for legal services programs.

MLRI at Work

Since 1968, MLRI has played a leading role in advancing groundbreaking policies, reforms and regulations that benefit low-income individuals and families in Massachusetts, including:

- Changes to local zoning regulations which have created 58,000 units of affordable housing;
- Class action relief safeguarding the right of persecution victims to work and obtain permanent immigration status;
- Enhanced protections for victims of domestic violence;
- Policies designed to protect people against unfair denials and terminations of their benefits;
- Reforms to the state's criminal records system so ex-offenders are better able to reintegrate into society;
- Litigation saving public benefits and health care programs from cutbacks;
- Advocacy against proposed regulations restricting access to emergency shelter for families with children;
- Stronger laws protecting tenants from eviction following the foreclosure of their rental properties;
- Efforts to greatly expand access to the federal food stamp program.

Large Scale Impact Reform

The concept of "law reform" emerged from the war on poverty, which emphasized the pursuit of aggressive, creative legal advocacy to identify, challenge and change policies that adversely impacted the poor as a group. Law reform recognizes that lawyers, their clients and community groups can be catalysts for social change and that the law can be used as an instrument of reform.

The hallmarks of law reform are impact, efficiency, collaborative relationships, and a large toolbox of strategies, including, class action

litigation, legislative advocacy, administrative advocacy, and educating policymakers and the public. Systemic advocacy addresses widespread problems and achieves long-term reforms. As the late Sargent Shriver wrote, "A reform in the law may aid thousands of the poor in the time it takes to solve a hundred individual problems." ¹ Impact advocacy is a more efficient and effective means to address the root causes of poverty or to correct a policy or action affecting a large number of low income people.

As a law reform center, MLRI rarely represent individual clients (unless doing so would have a larger impact). Our work focuses on achieving systemic changes that benefit people in Massachusetts living in poverty. We work with state agencies, the state Legislature, local legal services providers and national and local community-based advocacy organizations to promote positive reforms or to address harmful government policies or actions in a number of areas, including housing, family law, child welfare, immigration, health care, employment, public benefits and racial equity.

An Example of Law Reform at Work: Advocacy to Preserve Affordable Housing

The History

Massachusetts operates a 50,000 unit state-funded public housing program which is a critical and scarce housing resource in a high-rent state. The demand for affordable housing in Massachusetts is much greater than the supply and, as a result, local housing authorities have long waiting lists of applicants and many have partially or completely stopped taking applications at all. Therefore, when a city proposes to demolish public housing that can be renovated, it is a serious move.

Built in 1950 and named after a public housing activist, the Julian D. Steele ("JDS") complex in Lowell, Massachusetts was a state funded development that provided 284 units of affordable housing to very low income families and children. JDS residents had a median annual income of approximately \$11,715, and most families were wage earners.

MLRI was alerted to the city's proposal to demolish the JDS housing development by local community organizations who asked for our assistance in halting those plans. We began working to protect the rights of JDS tenants, arguing that the destruction of JDS was unnecessary and violated fair housing laws. We also recognized the counterproductive precedent such a demolition would set for public housing developments statewide.

MLRI worked with local groups, churches, tenant organizations, homelessness advocates and other grassroots organizations. Together they worked with local authorities and disseminated correct and factual information to the local press, which was hostile to JDS residents and supportive of the demolition. In these early stages, MLRI's Senior Housing Attorney, Judith Liben, testified at public hearings, wrote editorials and other press pieces and started to compile data to use in administrative advocacy.

Despite our efforts, in August 2000, the Massachusetts Legislature passed legislation allowing the Lowell Housing Authority ("LHA") to demolish the development. The LHA relocated residents of JDS from 2000 through 2002, after which the property was transferred and demolished. The city's desire to empty JDS as quickly as possible resulted in a hasty and poorly planned relocation process. Not only were the majority of tenants placed in substandard housing in undesirable neighborhoods, but this action also further contributed to the racial segregation of the city.

The Litigation

In 2001, MLRI, in partnership with Neighborhood Legal Services, the local legal services program covering Lowell, and the law firm of Foley Hoag LLP, which provided *pro bono* services as trial counsel, brought a civil rights lawsuit in federal court against the LHA and the City of Lowell challenging the relocation of the public housing tenants. The lawsuit *Melissa Mendonsa et. al. v. Lowell Housing Authority and City of Lowell* was brought on behalf of two classes of plaintiffs: One class was comprised of hundreds of families

from the Julian D. Steele (JDS) public housing complex in Lowell who were relocated to other housing to make way for the demolition. The other class included thousands of extremely low-income applicants on the waiting lists of the Lowell Housing Authority (LHA).

The lawsuit alleged that the LHA relocated the JDS tenants to the more racially-segregated areas of Lowell and that the City of Lowell sited "replication" housing required by a special 2000 law in higher minority, higher-crime and less desirable areas. The plaintiffs claimed that the City's and LHA's actions perpetuated segregation throughout Lowell and did not affirmatively further fair housing as required by state and federal civil rights laws.

Results of Litigation

After a protracted legal battle, a unique and innovative settlement, one of the first of its kind in the state, was reached in 2008. It followed several months of negotiation and collaboration between the parties and mediation with the Department of Housing and Community Development (DHCD), the state's public housing agency.

The settlement created a Mobility Program to help the dislocated former JDS residents move to decent, safe, and sanitary housing in neighborhoods of their choice, including in "opportunity areas" that are racially integrated and have other positive attributes, and the City agreed to provide replication units in these "opportunity areas." After the settlement, MLRI has assumed a lead role in ensuring this "second move" is conducted in a fair and timely manner, and that families who wish to participate can relocate to better housing in high-opportunity areas.

Our litigation directly impacted the former JDS residents who were given the opportunity to participate in an innovative "second move" fair housing mobility program. However, the indirect impact of this case goes much farther. This case was significant because it encouraged policymakers to view relocation laws from a fair housing perspective. In addition, the JDS demolition proposal, the subsequent legislative and legal battles were highly publicized in the state. The JDS case highlighted the very costly and time-consuming process of destroying viable public housing that could have been renovated, and it served as a powerful deterrent to other unnecessary and ill-conceived public housing demolitions.

The Value of Experience, Relationships and Reputation

MLRI was uniquely positioned to undertake this effort because we have decades-long history of working on public housing issues. Our housing lawyers helped to draft many of the statutes and policies that were involved in this case. We had experience working in the state Legislature and at DHCD. We have a track record of successful civil rights housing litigation and a deep knowledge of the arcane public housing rules and possible settlement scenarios.

Our relationships and reputation also mattered. We had contacts and roots at the community-level, a very close and collaborative partnership with Neighborhood Legal Services, and we are well-known and well-respected so that we could attract Foley & Hoag LLP, a prestigious litigation firm, to work pro bono on a lengthy and protracted lawsuit.

Conclusion

The Julian Steele case is just one of many examples demonstrating the impact achieved through strategic, multi-pronged, collaborative law reform. In this case, MLRI may have been unsuccessful in stopping the initial action, but in the end, we were successful in mitigating the harm and developing an innovative resolution that can be applied to future actions.

Systemic advocacy, by its nature, is not and cannot be one-dimensional. Changing a law, a policy, or a proposed government action that is harmful to low income people or communities often involves educating and influencing multiple agencies and multiple people through various channels. The tactics used depend upon the unique circumstances and different stakeholders involved. Though litigation was necessary in this case, a

systemic change will often not require it. The same result can be achieved through legislative or administrative advocacy. However, having the ability to litigate, to use the hammer of the law, can be a very powerful catalyst for positive change. "The ultimate purpose of what we set upon here is not litigation, it is not court battle... The end purpose is justice. The end purpose is dignity." ¹

For more information about the Massachusetts Law Reform Institute, please visit www.mlri.org.

Georgia D. Katsoulomitis joined MLRI as Executive Director in March 2011. Her experience includes a White House appointment in the U.S. Department of Labor as a Special Assistant to Labor Secretaries Robert B. Reich and Alexis Herman, Vice President at the national strategic communications firm of Robinson, Lerer & Montgomery, Managing Director of the Boston Bar Foundation and Assistant Executive Director of the Boston Bar Association. Georgia is a graduate of Tufts University and the Catholic University School of Law.

¹ Shriver, Sargent, *Law Reform and the Poor*, The American University Law Review, Vol. 17, No. 1, p. 7

² Shriver, Sargent, *Law Reform and the Poor*, p. 11, citing, Goldberg, *Law Day—U.S.A.—1965*, 36 Conn. B.J. 209 (1965).

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