

2014

**“SHE IS A CLIENT
STANDING ALONE IN A COURTROOM WHERE
HER PARENTING SKILLS AND
HER CHILD’S CARE AND CUSTODY
ARE ALL BEING CHALLENGED, AND
EVERYONE ELSE BUT HER
EITHER IS A LAWYER OR HAS A LAWYER.”**

see page 19



“JUSTICE SHOULD NOT BE THE PROVINCE OF THE RICH. JUSTICE SHOULD BE FOR ALL.”

Michele Gilman, PJC board president, in her PJC blog article “The injustice of the affluenza defense” March 6, 2014 <http://www.publicjustice.org/news/lets-talk-about-this-series>

Letter to Our Supporters

As we write this report to you, it is obvious that **your support accomplishes real results**. You are so important. You are the donor who can choose to support any number of good causes and who chooses to stand with us and the vision we pursue.

Thank you.

We don’t take your support for granted. In fact, supporting us probably isn’t the easiest choice in your charitable decisions. We don’t work for or with so-called ‘darlings of society.’ **Our clients are courageous people** who step up even though they are carrying far more than their fair share of the burden. They are the ones who are most vulnerable to economic swings, and who face barriers based on their race and class. They seek to protect and preserve their own rights, yes, but also the rights of many—often thousands —of others. In a society that makes it easy to exploit disadvantaged people and quick to blame them for their poverty rather than address the systemic issues (such as no jobs or low-paying, part-time jobs, unequal access to education, lack of affordable housing or access to the judicial system), our clients courageously step forward. They are vocal. Persistent. Often outraged. Not always popular.

And **you** stand with them when you support the PJC.

This year, as our nation remembered the 50th anniversary of President Johnson’s “War on Poverty,” we asked how far we have come. The Maryland Alliance for the Poor, in which the Public Justice Center participates, released its 2014 Maryland Poverty Profiles, which states that ***in the wealthiest state in the country, one in ten Marylanders lives below the poverty line—including 13% of children.***

Are we making progress? A qualified yes. Sometimes we are leading the charge to change systems that perpetuate inequity; sometimes we are playing defense to preserve what rights we still have. Larger forces create the environment in which we live, including the economy and structural systems that often provide an opportunity or create a barrier based on race and class. Things are changing, maybe not as fast as some would like, but we know that our mission is not easily achieved in the short run and that it is a marathon we are running. In this report, you’ll read about some of the victories—“stepping stones to justice”—that are part of our long-range strategies.

Our approach is effective—as you will read in the pages of this report. If you have questions, call us. We’d love to talk with you more.

Thank you. You make this powerful work possible. Every single bit of it. Please stick with us.

Sincerely,

John Nethercut
Executive Director



Tom Glancy
Board President, 2014-15



Please read more about the Stepping Stones to Justice

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How is your contribution taking action? Over the past 12 months, our staff of 20 has:

Engaged in 161 major impact cases or matters, including 39 at the trial level, 29 appellate cases, 18 administrative advocacy actions, 26 coalition or public education campaigns, and 49 legislative bills.

Provided legal services to 959 new clients, primarily for tenants who are facing eviction or health and safety threats to their housing, tenants who are being evicted because of their landlord’s foreclosure, workers who have not been paid the wages they earned, and homeless students seeking access to public schools.

Facilitated or served as leaders in major advocacy coalitions including the National Coalition for a Civil Right to Counsel, Governor’s Task Force on Housing and Supportive Services for Unaccompanied Homeless Youth, Rental Housing Coalition, Tenants in Foreclosure Workgroup, Medicaid Matters! Maryland, and the Just Kids Partnership.

Provided client rights information, training, and outreach to tenants at Rent Court; to low-wage workers at job sites; and to homeless students and educators at homeless shelters, schools and service centers. The PJC’s legal staff also made presentations at numerous conferences and public events. In addition, the PJC was featured in more than 68 newspaper articles, radio shows, TV mentions, and online blogs.

Established co-counseling partnerships with and received pro bono research from 68 attorneys and paralegals in private law firms. They provided 2,197 hours of volunteer, pro bono private attorney and paralegal involvement in our work, valued at \$685,519.

HUMAN RIGHT TO HOUSING

The Public Justice Center defends the human right of all people to access safe, habitable, affordable and non-discriminatory housing, including fair and equal treatment of renters by Maryland courts and agencies.

2

Public
Justice
Center

Matt Hill and the Human Right to Housing team rallied in Annapolis early in the General Assembly to bring tenants to talk with legislators.



With your help, we strengthen protections for tenants

157,000 The number of lawsuits filed for failure to pay rent in Baltimore's Rent Court last year. This number far exceeds any other type of lawsuit filed in city courts.

539 The number of tenants who received legal services from the PJC this year because they were facing eviction or suffering substandard housing conditions.

285 The number of tenants who received legal services from the PJC this year when they were at risk of eviction because their landlord was in foreclosure.

3 The number of days each week that the PJC showed its film "Stand Up For Yourself in Baltimore City's Rent Court" at the District Court to hundreds of tenants waiting for their eviction trials.

We meet far too many tenants who suffer serious threats to health and safety in their homes but who are justifiably concerned that, should they complain, the landlord will retaliate by evicting them, increasing the rent or decreasing essential services. With your help, our multi-year campaign strengthened Maryland's tenant retaliation protections laws in 2011. Yet loopholes in that law meant some were still vulnerable. For example, the law said that no tenant could assert retaliation as a claim or defense if they had more than three rent judgments in the past twelve months. You can imagine the scope of this problem in Baltimore City, with its lack of affordable housing. Rent

judgments are all too common for tenants.

We led a strong and broad coalition of housing organizations that successfully eliminated this "3 strikes" exception with the passage of SB 800 by the 2014 General Assembly. Now tenants who are current on the rent or paying into a rent escrow account will be able to assert a retaliation defense to eviction regardless of whether the tenant had paid late in the past. SB 800 marks a small but important increase in housing security, as part of realizing a human right to housing for all.

COURAGE

The PJC honors Deborah Jennings with the John P. Sarbanes Courage Award for standing up for her rights as a tenant and for her willingness to testify about landlord retaliation before the Maryland General Assembly. Thank you for inspiring us with your courage in the face of injustice.

"I just want to be treated fairly by these landlords," [Detrese] Dowridge, a medical technician, said, adding, "People are scared to speak up out of fear of retaliation. Just because you may be poor, you don't have to go through this."
—"Class action lawsuit alleges Sage Management charged illegal fees" [Baltimore Sun, 3/9/14]



With your help, tenants sue to stop "fee churning"

Detrese Dowridge resides at Sage Management's Parklane Apartments building with her young son and is a member of the community group Right to Housing Alliance. In March, Ms. Dowridge and two other tenants filed a class complaint against their landlord, Sage Management. The tenants are represented by the Public Justice Center and **Goldman & Minton, PC**. The tenants allege that their landlord has engaged in the practice of "fee churning" that runs afoul of state consumer protection laws and violates a Maryland law that caps late fees at five percent of the monthly rent. According to the complaint, Sage Management operates hundreds of rental properties throughout Baltimore and routinely sues 200 or more

tenants in the city's Rent Court each month, including many tenants with Housing Choice Vouchers (Section 8). Fee churning schemes especially harm low-wage renters who are struggling to find and keep a home in Baltimore's increasingly unaffordable rental market. Recent data reveal that nearly 53 percent of Baltimore renters are unduly burdened by housing costs, and landlords filed nearly 157,000 lawsuits for non-payment of rent last year. These cases by far outnumber any other type of lawsuit in Baltimore courts. Special thanks to Goldman & Minton, PC for co-counseling this case through the Public Justice Center's Litigation Partnership.

LOOKING AHEAD WITH YOUR HELP, WE WILL TRANSFORM AFFORDABLE HOUSING

We participate in the Housing Roundtable, a grassroots group of community-based organizations, homeless people, housing advocates, community developers, faith leaders, unions and others who care about the fair development of affordable housing in Baltimore. We believe that democratizing development through community land trusts, land banks, and a human rights framework has the potential to address some of Baltimore's most systemic issues, including homelessness, vacant houses, and deteriorating communities. We spoke about these ideas in a crowded and vibrant Justice for Breakfast discussion in May 2014. Expect more as we build a movement to addresses some of Baltimore's most significant crises.

OUTSTANDING PARTNER

We applaud Rachel Kutler and United Workers for reaching beyond the traditional confines of housing advocacy to convene a broad coalition of partners and shape a transformative vision for advancing the human right to housing in the Baltimore region.

3

"Tenants who are economically poor are the most vulnerable to landlord retaliation because they often do not have the time, resources, and education to fight back against retaliation. **Indeed, many of us believe that some landlords actually target poorer tenants** for retaliatory acts specifically because those tenants are the least able to fight back and the least able to move on short notice to a better apartment."

—Testimony offered by Maryland Alliance of the Poor in favor of SB 800



"I have met dozens and dozens of Sage Management tenants from East Baltimore and West Baltimore; what they have in common is they come to us very confused," said Zafar Shah, a staff attorney with Public Justice Center, which filed the lawsuit. **"There is a hopelessness that the cycle is not going to stop. ... This is a way to stop the bleeding."**

—"Class action lawsuit alleges Sage Management charged illegal fees" [Baltimore Sun, 3/9/2014]

**LOOKING AHEAD
WITH YOUR HELP, WE WILL STOP
HOUSING DISCRIMINATION**

Will 2015 be the year that the Maryland General Assembly finally says no to housing discrimination based on source of income? The Public Justice Center, in coalition with the Homeless Persons Representation Project and more than 60 other organizations, has long fought to end a widespread discrimination practice in which landlords refuse to rent to tenants based solely on their source of income. Momentum has grown over the past four years as we advocated for the HOME Act. The bill would benefit tens of thousands of Marylanders who currently face such discrimination, including veterans who use specific housing vouchers, people who rely on Social Security income, and even families who have employment income. We will bring this bill back to the Maryland General Assembly in 2015, and we will ask you to help convince our legislators that the time has come to recognize that housing is a human right and should not be denied based on outdated stereotypes about a person's source of income or a local housing authority.

OUTSTANDING PARTNER

A very special thank you to the Public Justice Center's Outstanding Partner the Homeless Persons Representation Project for their tireless leadership on this important legislation. It's a pleasure to serve by your side.

**In January, attorney
Matt Hill**

presented at a briefing to U.S. Congressional staff on a bill that would make the federal Protecting Tenants at Foreclosure Act (PTFA) permanent and would add a private right of action to the law. Congressman John P. Sarbanes co-sponsored the bill. The PTFA is scheduled to sunset at the end of this year.

FOOD FOR THOUGHT:

"The city's current inclusionary housing law is just like Swiss cheese," [Matt Hill] said. "And it's just not creating the kinds of units that the folks who had drafted the law intended."

—"Main Street Project May Accelerate Change in Remington" [WYPR, 3/12/14]

Zafar Shah

The University of Maryland School of Law's Just Advice program offered on-site services at the District Court on Fayette Street in Baltimore. In October 2013, attorney Zafar Shah gave a guest lecture for about 20 of the program's law students about landlord/tenant law. Later in the week, one of these students interviewed two co-tenants who had received no notice of their trial date and whose landlord then won a default judgment despite lacking a rental license. Explaining the facts to Zafar, the student remarked, **"I couldn't believe it, it's just as bad as you told us!"** The tenants became clients of PJC's Human Right to Housing Project.

**EDUCATION
STABILITY**

With your help, we keep kids in school

"I have one client,
he tells me that
everyone else looks
forward to the bell at
the end of the day,"
PJC Attorney Monisha
Cherayil says.
"But he wishes the
day would go on and
on. That really speaks
to the importance
of school."

"How Little Things Add Up
to Keep Homeless Kids From
School" [www.citylab.com]

**Pridget et al. v. Baltimore Board of School
Commissioners et al.**

"It's been really stressful," Pridget said. "I'm spending money that I don't have, borrowing money that I can't pay back.... He asks all the time if he's going to school, and some days I don't know what to tell him because I just don't have the money."

"Baltimore school system sued over homeless students"
[Baltimore Sun; 9/24/13]

In September 2013, Tameka Pridget and two other families filed a proposed class action lawsuit against the Baltimore City Public Schools for failing to identify homeless students, and take legally-mandated steps to ensure their stability and success in school, including through the provision of transportation, school uniforms, fee waivers, and information about their rights and resources available to them. Under the McKinney-Vento Act, schools are required to provide these services to homeless students to ensure that their loss or lack of housing does not compromise their education. The violations and lawsuit follow years of informal advocacy by the PJC and a broad community of organizations who support vulnerable families.

**Training and support for Baltimore City shelters and
homeless-serving organizations**

With generous support from the Journey Home and the United Way of Central Maryland, we train staff at shelters and other homeless-serving organizations and facilitate the development of best practices for supporting homeless children's education. To this end, PJC attorney Monisha Cherayil presented more than 20 trainings throughout Baltimore City last year. We also advocate on behalf of individual families referred primarily through those shelters and organizations so that their children have the opportunity to participate in and succeed in school.

We give a SHOUT OUT

to Adrienne Breidenstine, Executive Director of the Journey Home [Mayor's Office of Human Services] for her leadership around homelessness and education, and youth homelessness. Thank you!

COURAGE

The PJC honors Tameka Pridget with the John P. Sarbanes Courage Award for her efforts to pave the way for all students to achieve in school regardless of whether they have a stable place to stay.

“Kids who are not living in shelters but still don’t have a permanent place to call home pose a particular challenge. ‘They’re invisible,’ says [PJC attorney Monisha] Cherayil. ‘Those students are very much in need, but they’re hard to find, and they don’t have easy access to support services.’”

“How Little Things Add Up to Keep Homeless Kids From School” [www.citylab.com]

Victory on behalf of kids in shelter

In May 2014, the Maryland State Board of Education issued a favorable decision in an administrative agency appeal in which the Public Justice Center participated as an interested party. With our allies at the Office of the Public Defender, we successfully argued that young people who were placed temporarily by the Department of Juvenile Services at a non-secure shelter in Montgomery County were not detainees who posed a threat to the community, but rather children and youth awaiting foster care placement under the federal McKinney-Vento Act and state implementing regulations. Accordingly, we argued and the Board agreed that these young people are entitled to attend local public schools and receive the same educational opportunities as their peers.

We give a **SHOUT OUT** to Ingrid Löfgren, attorney with the Homeless Persons Representation Project, for her leadership and commitment to homeless youth. We also recognize the Homeless Persons Representation Project as one of our Outstanding Partners. Thank you!

We give a **SHOUT OUT** to Del. Mary Washington for her leadership on behalf of these vulnerable young people. Thank you!

Advocacy for unaccompanied homeless youth

With your help, we advocate for young people who do not have stable housing or the support of a parent or legal guardian. Frequently, young people become “unaccompanied homeless youth” because of family conflict, a parent’s inability to provide support, or family rejection due to sexual orientation, gender identity, pregnancy, or other reasons.

In November 2013, a statewide Task Force, chaired by the Governor’s Office for Children, publicly released its Report and Recommendations on Housing and Supportive Services for Unaccompanied Homeless Youth, the first of its kind in Maryland. We played a key role in drafting the Report, and PJC attorney Monisha Cherayil served as co-chair of the Supportive Services sub-group, which was charged with studying education and other services. The report, which is available on our website, calls upon state and local agencies and lawmakers to take specific steps to better identify and serve the extraordinarily vulnerable and growing population of unaccompanied homeless youth

The PJC helped pass two bills in the 2014 Maryland General Assembly that will help unaccompanied homeless youth access higher education and other supportive services. One of these laws allows unaccompanied homeless youth to attend Maryland’s public universities, community colleges, and state-approved vocational programs tuition-free and to use other grants and scholarships for living expenses. The other creates a demonstration project to count unaccompanied homeless youth and young adults, so that the state can better identify and meet their needs.

LOOKING AHEAD:

We are partnering with the Maryland State Department of Education to develop a strategy for promoting homeless education best practices in school districts throughout the state. We are also collaborating with local school districts and Departments of Social Services to implement education stability guarantees for children in foster care pursuant to the Fostering Connections Act.



John Nethercut, Wasserstein Fellow, Harvard Law School

Executive Director John Nethercut was selected as a Wasserstein Fellow by the Harvard Law School based on his commitment to a career in public interest law. In September, he returned to his alma mater to give lunchtime talks and then to offer advice to individual law students on careers in public interest law. The trip was an excellent opportunity to highlight the groundbreaking work of the PJC and to promote the Francis D. Murnaghan, Jr. Appellate Advocacy Fellowship. While there, John was glad to spend time with former PJC legal assistant Nora Mahlberg, a student at Harvard Law.

“Standing here before you, I see a veritable army of advocates for the public good. It’s truly inspiring for me to see this thriving public interest community at Michigan Law. ... You really do make a difference. ... In my years supervising law students, I can honestly say you are valued and your work is valuable. But we don’t just need you today, we don’t just need you for summer internships, we need you in the long term. Working in public service is an opportunity to use the law for positive social change.”

–Sally Dworak-Fisher, PJC attorney to law students
[“Advocates for public good recognized at banquet”
www.Legal News.com, 4/28/14]

Sally Dworak-Fisher, Keynote Speaker
University of Michigan Law School Public Service Banquet

Workplace Justice Project leader Sally Dworak-Fisher was invited to give the keynote speech at her alma mater’s Public Service Banquet. When Sally attended University of Michigan Law School, the public service program was a fledgling and most of her classmates did not consider public interest law to be a desired career path. Sally did. She worked first for Ayuda, Inc. in Washington, DC, representing low-income people facing deportation. She then joined the PJC staff in 2002 and has since worked on behalf of prisoners detained at Baltimore City Detention Center, homeless kids in Baltimore County and many others. Today, Sally leads the Workplace Justice team, one of PJC’s largest, where she fights unscrupulous business practices like wage theft and seeks to expand the rights of workers. The Michigan Law public interest program has grown substantially, sending students on summer internships across the nation and to foreign countries.

WORK PLACE JUSTICE

“I am a hard worker, and I am loyal to this company, but I am tired of this company playing their workers who they think won’t speak up for themselves.”

—Damonte Pitts, Plaintiff in collective action suit against Aero Service Group

Our Workplace Justice Project enforces workers’ rights to just and safe working conditions, including the fundamental rights to be paid fully and fairly, to join forces with other workers for the promotion and protection of their mutual economic and social interests, to advance free from discrimination, and to work in conditions that are safe, healthy, and that provide adequate time for leisure and rest.



FOOD FOR THOUGHT

**WAGE THEFT:
21st Century
Highway Robbery?**

Wage theft makes us angry. When employers pay less than minimum wage, refuse to pay overtime, force their employees to work off the clock, steal tips, withhold wages or simply refuse to pay workers at all, it devastates families. How are people supposed to pay their rent or buy groceries if they are not paid for the work they do? These all-too-common business practices are not relegated to a dark corner of our society. They occur in construction projects in downtown Baltimore (and across the nation), are used to “keep costs low” in restaurants, and make profits for agencies whose workers care for the sick and elderly. In fact, wage theft occurs across a wide range of industries. These “business as usual” practices undermine the very notion that working for a living is the best way to sustain a family. Disgusting.

Recent figures from Maryland’s Department of Labor, Licensing and Regulation show that wage theft is a major problem in our home state.

**IN 2013, DLLR RECOVERED
NEARLY \$530,000 IN STOLEN
WAGES, WHICH IS MORE THAN
THE TOTAL VALUE OF MONIES
STOLEN THROUGH:**

A) ALL BANK ROBBERIES COMBINED;

B) ALL PURSE-SNATCHING COMBINED;

C) ALL PICK-POCKETING COMBINED.

And that does not even begin to account for the untold amount of wages that went unrecovered. Even by the most conservative efforts, we’re not scratching the surface.

YET.



Wage theft is endemic not only to certain industries, but also to certain employment structures. The use of “labor brokers” has become a popular choice among businesses seeking to avoid the responsibilities and costs of having “employees” on the books. The Public Justice Center, with the Employment Law Group, reclaimed more than \$130,000 for 76 workers in a successful lawsuit against contractors and sub-contractors. The case was featured on the Shriver Center’s [povertylaw.org](#). ***Bouthner v. Cleveland Construction, Inc.***

With your help, we recaptured \$437,000 in stolen wages and damages for 493 workers

We maintain a busy litigation docket on behalf of workers whose wages are stolen. We don’t have to look far to find injustice and when we can, we litigate to recover wages and damages. Damages are awarded on top of the wages to compensate workers for the delay, to encourage employers to pay on time, and to punish those who don’t. We want to support law-abiding employers and we want violators to take notice and end these practices. A few examples of how your support is protecting workers’ rights:

10 Light Street is a 1920s office building in downtown Baltimore that is being restored and converted into apartments. The people who labor on the project claimed that the contractor, Lewis Brothers, paid its workers irregularly, did not pay the full amount that was owed, and never paid overtime wages despite the fact that many workers regularly worked more than 40 hours in a week. In December 2013, we filed a lawsuit on behalf of the workers seeking wages and damages against Lewis, and a mechanic’s lien against the building owner. Special thanks to **Cohen Milstein Sellers & Toll PLLC**, who co-counseled through the Public Justice Center’s Litigation Partnership. The workers settled with the building owner in the fall of 2014 on the mechanic’s lien issue only.

In September 2013, the U.S. District Court in Maryland approved a settlement involving compensation for required job and safety training for low-wage asbestos-abatement workers. PJC represented the employees of WMS Solutions, demanding pay for time spent attending state-mandated initial and “refresher” abatement training courses. The employees also demanded reimbursement of costs they paid for the training programs and for personal protective equipment necessary for abatement work. These costs were often deducted from paychecks without authorization or paid directly out-of-pocket by the workers. The settlement agreement will provide more than \$200,000 in payments to 396 workers. Many thanks **Mark Hanna, Joni Jacobs and Renee Gerni at Murphy Anderson** who co-counseled this case through our Litigation Partnership.

Not everyone who works in a restaurant is a young person hoping to earn some spending money ‘on the side.’ In fact, the average restaurant worker is 29 1/2 years old and on public assistance. Many have families and many have made a career of working in restaurants. When you’re not receiving all of the wages and tips you’ve earned, it’s that much harder to support your children and pay the bills. With your support, this year we represented restaurant workers whose wages were stolen, co-counseling through our Litigation Partnership with **Meghan A. Droste and Daniel A. Katz of the Law Offices of Gary M. Gilbert & Associates** in one case, and with attorneys **Howard B. Hoffman and Bradford W. Warbasse** in a second case.

“The food service industry is the province of kitchen workers who must enlist government investigators to collect the bare minimum that the law entitles them to receive; wait staff who earn a punishingly low \$2.13 per hour nationally in exchange for tips whose distribution is often controlled by management; and fast-food employees who work for chains that explicitly advise them to apply for food stamps and other government aid to supplement their unlivable pay.

... Because waiters making poverty wages turn to public aid, American taxpayers effectively subsidize the restaurant industry to the tune of \$7 billion per year.”

—“For many restaurant workers, fair conditions not on menu”
[*Boston Globe*, 2/16/14]

Advocates and lawmakers rally in the Maryland General Assembly for the right to earn paid sick leave.



WORKPLACE JUSTICE +

APPELLATE ADVOCACY = **VICTORY FOR WORKERS**

WORKING
MATTERS
MARYLAND CAMPAIGN FOR PAID SICK DAYS



With your help, we advocate for the right to earn paid sick leave

The PJC is a lead member of Working Matters, a coalition of more than 100 businesses, faith, labor, women's and advocacy groups. With your help, we support new legislation to give workers in Maryland the right to earn paid sick leave. Special thanks to **Del. Johnny Olszewski** and **Sen. Catherine Pugh** for being champions and lead sponsors of the Earned Sick and Safe Leave Act. We didn't win this year, but we will return to the Maryland General Assembly in 2015 and we will call for your help.

Why do workers need paid sick days? **When your children get sick, you shouldn't have to abandon them to keep a day's pay, or worse, your job.** But many working moms and dads cannot earn paid sick days that they could spend down when they or a family member inevitably falls ill. Consequently, more than 700,000 Marylanders, including those with significant contact with the public, report to work sick, send sick children to school or daycare, or in the worst situations, lose their job because they cannot come to work. The status quo is bad for families' economic security, bad for Maryland's economy, and bad for the public health.

With your help, we fought proposed limits to discovery tools

We, with a host of allies, weighed in on proposed changes to the Federal Rules of Civil Procedure that would have limited discovery based on the amount of money at stake in a case. Such a change would harm low-wage workers, who typically sue to recover relatively small amounts of money, and who would have even more difficulty proving their cases without discovery. In response, the Judicial Conference's Advisory Committee withdrew four proposed Rule changes and modified the proposed rule to make "the importance of the issues at stake in the action" the most important factor in determining how much discovery can be done, rather than the amount of money in question. The Advisory Committee also noted that parties do not always have equal access to information, and that should be taken into account when courts determine the amount of discovery allowed. This is a major victory that will encourage federal courts to take low-wage workers' cases seriously.

LOOKING AHEAD:

We are delighted that, starting in January 2015, home health workers will be entitled to minimum wage and overtime pay under federal law. The new protections are afforded under regulations from the U.S. Department of Labor. With your support, we will enforce these protections.

SPECIAL FEATURE: APPELLATE ADVOCACY PROJECT

The PJC's Appellate Advocacy Project uses appellate cases to influence the development of civil rights and poverty law.

This year, we filed 10 appellate briefs (including amicus briefs and direct representation) in Maryland's appellate courts and the U.S. Court of Appeals for the Fourth Circuit, and received six decisions. The cases involved consumer protection, housing, attorney fees, employment discrimination, wage and hour cases, and family law. The Appellate Advocacy Project routinely partners with other PJC projects in our pursuit of a just society. This year, we were particularly pleased with decisions that advanced the rights of workers.

With your support, we won a major victory for workers

The big picture

"The Maryland Wage Payment and Collection Law (MWPCCL) allows employees who were not paid wages owed to them to seek three times the amount owed when an employer illegally withholds their wages. For at least the last 15 years, plaintiffs have been arguing that the protections afforded to employees under the MWPCCL apply to the unpaid minimum wages and overtime wages they are owed. And, for about that period of time, federal judges wrongly have rejected those claims. **The PJC led the way in correcting this injustice.** First, in 2010, the PJC successfully authored an amendment to the MWPCCL that sought to clarify that unpaid minimum and overtime wages are subject to the treble damages under the statute. However, even after that amendment, federal judges continued to rule the MWPCCL did not protect employees who were not paid minimum wages or overtime wages. Finally, in August 2014, the Maryland Court of Appeals, **Maryland's highest state court, ruled unambiguously what PJC had been arguing for years — Maryland workers can seek treble damages under the MWPCCL for the minimum wages and overtime wages their employers illegally withheld from them.** The result in *Peters* came about as a result of PJC's tireless efforts on behalf of Maryland workers."

Daniel A. Katz, Senior Counsel,
Law Offices of Gary M. Gilbert & Associates

The big victory

Victory can take a long time. Muriel Peters' case spanned several years, and over that time, she was represented by our Workplace Justice team and three successive Murnaghan Fellows. Her story demonstrates the courage of one woman as well as the collaboration required to build a just society.

Ms. Peters worked as a home healthcare worker between 54 and 65 hours per week for more than a year, but she never received any overtime pay. She first sued Early Healthcare Giver, Inc. in Circuit Court without a lawyer, and she lost. The Circuit Court accepted her employer's argument that Maryland wage laws did not apply to her. Undeterred,



PJC attorney Andrea Vaughn testifies in favor of earned paid sick leave.

"This legislation is about working families. A paid sick days standard means thousands of Marylanders aren't choosing between their job, a mortgage payment or taking care of their kids. We shouldn't be forcing people into those impossible choices."

—Del. John A. Olszewski, Jr., [ABC 2 News "Maryland lawmakers introduce paid sick days bill", 2/5/14]

THE COURT REITERATED THAT THE PURPOSE OF THE WAGE PAYMENT AND COLLECTION LAW IS TO ADDRESS THE PROBLEM OF WAGE THEFT AND GIVE EMPLOYERS AN INCENTIVE TO PAY THEIR EMPLOYEES FULLY AND ON TIME.

DECISION
PENDING

Ms. Peters appealed by herself to the Court of Special Appeals. There the PJC began representing her. The 2011-2012 Murnaghan Fellow Tom Davies persuaded the Court of Special Appeals that Maryland wage laws did apply to her, and that court returned the case to Circuit Court to be re-heard.

Jean Zachariasiewicz, the 2012-2013 Murnaghan Fellow, joined Ms. Peters back at the Circuit Court level, and partially won: the Circuit Court awarded Ms. Peters her lost overtime but did not award damages and provided no explanation for its actions.

So Ms. Peters appealed again and petitioned to go straight to the Court of Appeals. There, 2013-2014 Murnaghan Fellow Ilana Gelfman argued the case, supported

by an amicus brief filed by the National Employment Law Project, Metropolitan Washington Employment Lawyers Association, Maryland Employment Lawyers Association, Employment Justice Center, Maryland Legal Aid, and Casa de Maryland. Maryland's Commissioner of Labor and Industry also filed a supportive amicus brief.

Ms. Peters prevailed. In August 2014, the Court of Appeals issued a decision confirming that workers can use both the Maryland Wage and Hour Law and the Maryland Wage Payment and Collection Law to sue for unpaid wages and seek additional damages. They held that courts must determine whether the employer failed to pay wages because of a legitimate dispute before

deciding whether to award additional damages. The Court reiterated that the purpose of the Wage Payment and Collection Law is to address the problem of wage theft and give employers an incentive to pay their employees fully and on time. Therefore, trial courts must consider this purpose in deciding whether to award damages to workers in addition to their unpaid wages. Courts can no longer ignore these claims without explanation. The ruling is a major victory

CONGRATULATIONS TO MURIEL PETERS, who persevered long after she knew Early Healthcare Giver had gone out of business and would likely never pay her, all because it was important to her to improve the law for herself and other workers in her field. We honored Ms. Peters with the John P. Sarbanes Courage Award in 2013.

for workers, clarifying the Maryland laws available for recovering their unpaid wages and damages through the court system. Our Workplace Justice Project has been working on this issue with the Murnaghan Fellows and our allies for years, so the Court's unequivocal decision is especially gratifying.

We give a **SHOUT OUT** to **Brian Markovitz of Joseph, Greenwald & Laake, P.A.**, who led the legislative efforts in 2010 and worked tirelessly with the Public Justice Center to clarify the scope of the Wage Payment and Collection Law through the years, including helping to author and provide advice on the amicus brief in the *Peters* case.

Our thanks also to **Daniel A. Katz of Law Offices of Gary M. Gilbert & Associates**, a dogged advocate for the rights of low-wage workers like Ms. Peters, and a member of the Public Justice Center Litigation Partnership. Mr. Katz worked tirelessly to clarify this issue in the federal courts for years, and also lent his support and guidance to the amicus brief in *Peters*.

With your help, we pursue justice one step at a time.

The *Peters*' decision is one in a series we have pursued in the appellate courts for years as we try to strengthen the rights of workers. These decisions are stepping stones to justice.

The Court of Appeals issued a mixed decision in **Marshall v. Safeway, Inc.**, No. 56 (Sept. 2013), upholding the dismissal of the class action, but affirming that the Maryland Wage Payment and Collection Law provides a private cause of action for an employee whose wages have been partially withheld. The Court of Appeals issued favorable decisions in **Ocean City, Maryland Chamber of Commerce v. Barufaldi** and **Friolo v. Frankel**, both cases

in which the PJC submitted amicus briefs championing the importance of paying reasonable attorney fees in wage payment cases.

In another significant case, we build on previous work to fight workplace retaliation. Four days after complaining that a manager had twice called her a "porch monkey," Reya Boyer-Liberto was fired. She sued her employer, claiming retaliation. A panel of judges from the Fourth Circuit Court of Appeals ruled that her complaint was not protected by Title VII's anti-retaliation provision because she couldn't have reasonably believed that the racial harassment was severe or pervasive enough to make her workplace a hostile work environment in violation of Title VII. Ms. Boyer-Liberto asked that all of the judges on

the Fourth Circuit review the decision. Such petitions are very rarely granted. In this case, though, we had some reason for measured optimism. The issue had come before the Fourth Circuit once before, in 2006, in a case called **Jordan v. Alternative Resources Corp.** The PJC had participated in **Jordan** as an amicus as well—we've had a longstanding interest in fighting improperly narrow construction of the anti-retaliation provision.

With the Metropolitan Washington Employment Lawyers Association, we filed an amicus brief in support of Ms. Boyer-Liberto's rehearing petition. In the brief, Murnaghan Fellow Ilana Gelfman and Steve Chertkof of Heller Huron Chertkof & Salzman argued that the panel's decision conflicted

with Supreme Court case law that requires employees to complain about harassment before it becomes severe or pervasive enough to constitute a hostile work environment. The brief also contended that the panel's decision conflicted with Supreme Court precedent stating that Title VII protects witnesses who participate in internal employer-led investigations because a witness will seldom see enough of the harassment to have an objectively reasonable belief that the harassment was severe or pervasive. If witnesses' speech is not protected, then they have little incentive to participate in internal investigations intended to resolve discrimination claims before they head to court. We hope that this case will help strengthen anti-retaliation

protections for workers. Oral argument was held before the en banc court on September 18, 2014 and as this report goes to press, we await a decision.

We give a **SHOUT OUT**

to **Steve Chertkof**, Heller Huron Chertkof & Salzman PLLC, who co-counseled through the PJC Litigation Partnership to write the **Boyer-Liberto** amicus brief.

In the brief, Murnaghan Fellow Ilana Gelfman and Steve Chertkof of Heller Huron Chertkof & Salzman argued that the panel's decision conflicted with Supreme Court case law that **requires employees to complain about harassment before it becomes severe or pervasive enough to constitute a hostile work environment.**

THE FRANCIS D. MURNAGHAN JR. APPELLATE ADVOCACY FELLOWSHIP



Ilana Gelfman

The Francis D. Murnaghan, Jr. Appellate Advocacy Fellowship allows a recent law graduate who has completed a judicial clerkship to spend a year engaging in appellate advocacy in the areas of civil rights and poverty law. The Fellow staffs the PJC’s Appellate Advocacy Project and as such is a valued— and busy—member of our team.



13th Fellow: Ilana Gelfman

A special thank you to Ilana Gelfman, the 13th Murnaghan Fellow. Ilana earned her law degree from Yale Law School in 2009. She then served for two years as a Skadden Fellow at Greater Boston Legal Services, where she specialized in post-foreclosure eviction defense. She next clerked for Judge Douglas P. Woodlock of the United States District Court for the District of Massachusetts and for Judge Robert A. Katzmann of the United States Court of Appeals for the Second Circuit. Upon completing her fellowship with PJC, Ilana began a clerkship with Justice Stephen Breyer of the United States Supreme Court.

Murnaghan Gatherings

Each fall, we welcome a new Murnaghan Fellow and send the previous fellow off to new adventures. A big thank you to our generous host, Diana Edwards Murnaghan.

Despite monsoon-like conditions, we enjoyed a beautiful reception in the U.S. Capitol with supporters of the Murnaghan Fellowship and Sen. Michael Bennet, himself a former law clerk who worked with Judge Murnaghan.

Gather with us online and learn more at our new website: www.murnaghanfellowship.org



L to R: Sen. Michael Bennet hosted reception for Murnaghan Fellowship at U.S. Capitol this past spring. Ilana Gelfman (MF 2013-14) and Senator Sarbanes meet at the welcome reception at Diana Murnaghan’s house in fall 2013.

Thank you, Andrew Baida

Andrew Baida of Rosenberg Martin Greenberg is one of the most generous and dedicated volunteer lawyers who contribute time and expertise to the PJC’s Appellate Advocacy Project and the Francis D. Murnaghan, Jr. Appellate Advocacy Fellowship. Andy advises our project team about strategy as we prepare our cases for appeal. He supports us in moot court exercises, helping us prepare for oral argument in appellate cases. We appreciate his careful preparation and the keen mind he brings to his role as judge in these moots. He can be counted on to ask difficult

questions that reveal his diligent preparation and to stay after the moot to offer additional advice or support. He is always a huge help to our attorneys as they prepare the best possible oral argument.

ACCESS TO HEALTH CARE AND PUBLIC SERVICES

With your help, we remove barriers

The Public Justice Center removes barriers that block people in poverty when they apply for Medicaid and other safety net services. We currently focus on language access and cultural competency through which we seek to correct racial disparities and create equal access to health care. To this end, we act as liaison between the advocacy community and the Maryland Department of Human Resources. This year, we helped design and coordinate trainings on cultural competency and language access for both advocates and caseworkers.



A new **Language Access Toolkit** gives state agencies resources and guidance to make sure that people who speak little English can use government services. We had a hand in developing this toolkit through our work on the Governmental Access Workgroup and Maryland Legal Aid’s Language Access Task Force. The Governor’s Office of Community Initiatives and the Department of Human Resources released the new toolkit.

LOOKING AHEAD:

PJC attorney Camilla Roberson stepped in as chair of the Governmental Access Workgroup in September 2014. The Governmental Access Workgroup is a public-private partnership made up of representatives from the Department of Human Resources, other state agencies and advocates from various non-profits including Legal Aid, Maryland Hunger Solutions and the International Rescue Committee. GAW’s focus during the upcoming months will be eligibility and cultural competency training, and monitoring and implementation of the new language access policies created by each local Department of Social Services office during the past year.

Among the serious issues that came to our attention as Maryland implemented the **Affordable Care Act** was the lack of notices sent to applicants and enrollees letting them know of final decisions regarding premium assistance and Medicaid eligibility. The result is that many people had no idea what happened to their application. In true PJC spirit, attorney Camilla Roberson along with several allies drew attention to and asked pointed questions about these problems, which resulted in a formal letter to the Department of Health and Mental Hygiene, a meeting with the executive director of the Exchange and others to try to pin down the problem, and creation of the Notices and Appeals Advisory Committee to the Maryland



In the spring, Murnaghan Fellows joined Murnaghan clerks, Murnaghan family, board members and donors for a reception in DC with Sen. Bennet.

Health Benefits Exchange. Camilla was appointed to the Advisory Committee. She will continue to monitor and, if necessary, take action around implementation of the notices and appeals provisions of the ACA.

LOOKING AHEAD:

We seek solutions to implementation problems with the Affordable Care Act and gaps in access to care that remain in spite of healthcare reform. Current concerns include the lack of notices to applicants, language access barriers to information related to the Maryland Health Exchange and the looming “Medicare coverage cliff.”

We give a SHOUT OUT

to **Angela M. Cabellon**, Assistant Secretary, Policy and

Program Management, Office of the Secretary, Maryland Department of Human Resources for her leadership in improving cultural competency and language access within the Department of Human Resources and throughout other state agencies.

We give a SHOUT OUT

to **Geraldine Doetzer**, staff attorney for the Drug Policy & Public Health Strategies Clinic at University of Maryland Carey School of Law, for her leadership in

identifying and addressing ongoing problems related to the lack of notices during implementation of the Affordable Care Act, as well as her efforts to protect and improve access to substance abuse disorder treatment, with a focus on the ACA. Geraldine is a primary partner in PJC’s recent efforts to organize around and address the Medicare coverage cliff and ease the transition for people with lower incomes from Medicaid/qualified health plans to Medicare.

OUTSTANDING PARTNER

The Public Justice Center applauds **Maryland Legal Aid’s Language Access Task Force** for its excellent advocacy. This Task Force is co-chaired by Veronique Felix and Virginia Rosa, with support from Frank Natale at Legal Aid. LATF’s advocacy led to the identification of systemic problems that resulted in barriers to services for limited English proficient individuals throughout Maryland. The past year brought progress in strategizing about and addressing these barriers through administrative advocacy, training and other initiatives. LATF has also been instrumental in the creation of language access, cultural competency, and eligibility trainings for the Department of Human Resources.

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STAFF IN THE COMMUNITY

Debra Gardner, Daynard Fellow at Northeastern University School of Law

In January, PJC Legal Director **Debra Gardner** returned to her alma mater, the Northeastern University School of Law, to serve as a Daynard Public Interest Visiting Fellow. The fellowship program “brings two distinguished public interest practitioners to campus each academic year for a three-day visit. The fellows serve as role models for students, demonstrating how legal skills can be used effectively and creatively to make the world a better place.” Debra was invited to focus her fellowship on initiatives to establish a civil right to counsel. She gave a community lecture entitled “Justice Delayed Remains Justice Denied: The Pursuit of a Civil Right to Counsel.” She also participated in a roundtable on the issue, moderated by NUSL Professor Martha Davis, featuring several participants of the National Coalition for a Civil Right to Counsel, including the PJC’s **John Pollock**, Jacqui Bowman of Greater Boston Legal Services, Jayne Tyrrell of the Mass IOLTA Committee, and Michael Greco of K&L Gates and the American Bar Association.

Camilla Roberson represented PJC at the Feria Latina hosted by Latino Providers Network.



NEXT STEPS FOR JUSTICE

LOOKING AHEAD: Applying the lens of racial justice

The first exceptional training made possible by the Rikki Fleisher Fund was our participation in the Racial Justice Training Institute, sponsored by the Sargent Shriver National Center on Poverty Law. A core staff team participated in the six-month on-site and remote training activities: John Nethercut (Executive Director), Debra Gardner (Legal Director) and Camilla Roberson (Attorney). They brought the learning back to the rest of us. We know that our clients and communities of color face an uphill battle to access the opportunities others take for granted. We also know it is not a random

coincidence that most tenants seeking decent housing, most workers not being paid what they have earned, and most homeless students are brown or black. Our core mission has always been to seek systemic solutions to poverty and discrimination. Through this intensive training, we have gained a deeper understanding of how institutions, laws, and policies create obstacles or opportunities are based on race. We will now move past combatting “discrimination” and pursue racial equity in our work.



Rikki Fleisher Fund for Professional Development

Rikki Fleisher was one of our beloved and vocal supporters. She would send “way to go!” notes after reading of a PJC victory. She went out of her way to thank our staff for doing good work when we saw her at events. She encouraged her friends to support our work. Many did.

Rikki knew a thing or two about justice. A respected civil rights lawyer, she was the former General Counsel to the Maryland Commission on Human Relations and an Assistant Attorney General. She made extensive contributions to Maryland law.

Rikki surprised us one more time when we received her bequest. “Yes!” she seemed to say to us. “I expect you to continue to keep up the good fight.” Rikki’s children, Paula and Julian, decided to further honor their beloved mother’s legacy and her passion for building a just society. They created the **Rikki Fleisher Fund for Professional Development** to honor and further the PJC’s commitment to developing exceptional staff. Paula and Julian are inviting others to contribute to this fund. Their

investment will afford our team opportunities to participate in transformative professional development experiences that are otherwise outside our reach. We know this will directly benefit our clients and our mission.

Thank you!

“YES!” SHE SEEMED TO SAY TO US.
“I EXPECT YOU TO CONTINUE TO KEEP UP THE GOOD FIGHT.”

OUTSTANDING PARTNER

We are incredibly grateful to **Rene Kathawala** and the law firm **Orrick, Herrington & Sutcliffe** for securing and managing volunteers to help with right to counsel research that forms the backbone of not only our own advocacy efforts, but also the American Bar Association's new "Directory of Law Governing Appointment of Counsel in State Civil Proceedings." We are also proud to have Orrick as one of our inaugural "organizational members" of NCCRC.

ABA releases new resource for judges

The American Bar Association is poised to release the "Directory of Law Governing Appointment of Counsel in State Civil Proceedings" as a resource for state court judges. The NCCRC's extensive nationwide research was adapted to produce this research through collaboration between the NCCRC and the ABA. The Directory will outline all the statutes, court rules, and court decisions that address the appointment of counsel for each state, as well as overlaying federal law applicable to state courts.

FOOD FOR THOUGHT: U.S. ranks behind most industrialized peers on access to justice

The World Justice Project's 2014 Rule of Law Index, which was released in March, ranked the United States behind most of its industrialized nation peers on access to civil justice, placing the U.S. 18th out of 24 countries in its region, and 25th out of 30 countries with a similar income level. While the U.S. scored well overall in maintaining the rule of law (19th overall in the world), its ranking dropped significantly when looking at civil justice specifically, which includes whether people "can access and afford legal advice and representation ...". In fact, the U.S. tied for 65th out of 100 ranked countries, an even lower ranking than in the 2012-2013 report. The report said of the U.S., "Civil legal assistance is frequently expensive or unavailable, and the gap between rich and poor individuals in terms of both actual use of and satisfaction with the court system is significant." PJC attorney John Pollock was a contributing expert to the report.

LOOKING AHEAD:

We shared extensive information and testimony with the Task Force to Study Implementing a Civil Right to Counsel in Maryland. We look forward to working closely with other advocates on next steps.

PUBLISHING

Ward B. Coe, III of **Gallagher, Evelius and Jones** and PJC Legal **Director Debra Gardner** co-authored an article, "A Right to Counsel in Critical Civil Cases and the Role of the Private Bar," in the July 2014 issue of the *Maryland Bar Journal*.

Our Workplace Justice team contributed to **Winning Safer Workplaces: A Manual for State and Local Policy Reform**. Published by Center for Progressive Reform, this manual compiles a list of rules and policies that could be implemented by state and local governments to provide better protections for U.S. workers.

STAFF IN THE COMMUNITY



"Morphing between a traditional legal services attorney representing clients, a policy campaign leader, and a community action collaborator, the [PJC] attorney may be called on to be in court litigating, in the General Assembly testifying on a bill, at a government agency negotiating a regulation, at a community meeting with organizers and residents planning a community action, at a videographer writing a script for a "know your rights" video, or in the (online) library becoming an expert on some arcane law or policy affecting our clients. **Versatility, or the willingness to be flexible, in subject matter expertise and in legal skills, is a daily necessity of a PJC attorney.** Those attorneys tend to be creative, organized, capable of independent action within a collaborative framework, and have excellent time management skills."

—Excerpted from **John Nethercut's** remarks as a Wasserstein Fellow at Harvard

Level Tovic worked for the PJC as a Jesuit Volunteer then went on to Gonzaga Law School. He invited attorney **John Pollock** to speak to staff and students via Skype during one of their Public Service Brown Bag & Justice discussions. John was also the featured speaker at the State Bar of Michigan's panel on civil right to counsel, and on right to counsel panels at Northeastern Law School and Memphis Law School. In October 2013, the University of Baltimore School of Law hosted John for a well-attended presentation for the public about the right to counsel movement.

Beginning in December 2013, **Legal Director Debra Gardner** began serving on the faculty of the Maryland Professionalism Course at the invitation of the Chair of the Maryland Professionalism Center, the Hon. Lynne A. Battaglia. Debra teams with a government lawyer to engage students in an interactive session on ethical issues that arise in government and public interest careers.

Ronnie Reno, AFP-MD Unsung Hero

PJC attorney Ronnie Reno works five days a week, like any other member of the staff. And after practicing privately at Venable for over 50 years, he certainly brings a tremendous wealth of experience and knowledge with him. But what sets

him apart is that Ronnie is a full-time volunteer at the PJC. He joined the Human Right to Housing team in August 2010 and since then Ronnie has defended the rights of tenants in the city of Baltimore and across Maryland. In recognition of his service, the Maryland chapter of the Association of Fundraising Professionals – Maryland Chapter honored him with an Unsung Hero Award at their National Philanthropy Day celebration in November.



Ronnie Reno at the National Philanthropy Day reception where he was honored as AFP-MD Unsung Hero

THANK
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With your help, we build a just society.

These donors made their gifts between July 1, 2013, and June 30, 2014, to support the Public Justice Center. Thank you. Your support helps us build a just society. In addition to the donors listed, we recognize and acknowledge those who make contributions through workplace giving campaigns. We might not know your names, but we are thankful for your support of our work.

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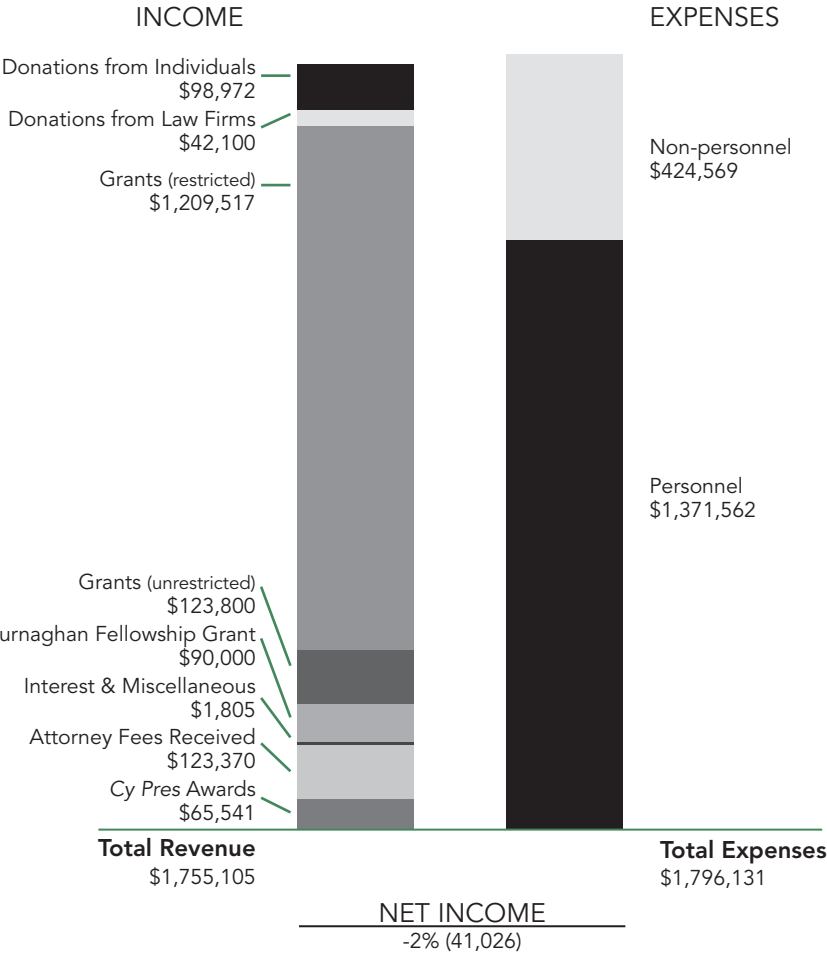
FY2014 INCOME & EXPENSES

The following information was prepared from end of year financial statements prior to the completion of the annual independent audit.

We knew this would be a tight year going in because of the loss of several foundation grants, and the Board approved a budget with a \$229,746 deficit. We did not replace a vacant attorney position to keep expenses down, which reduced our staff from 20 to 19 full time employees at the end of FY2014. Fundraising was better than expected: we raised 120% of projected revenue, thanks to new foundation grants, strong growth in support from our individual donors, and the receipt of earned attorney fees and *cy pres* awards. We held expenses to 106% of budget, and thus were able to reduce the projected deficit from \$229,746 to only \$41,026 at the end of the year. The PJC remains in a strong position financially, with more than \$1.2 million in unrestricted net assets (reserves).

Strong advocacy is possible only with a strong base of support, and we are thankful for the many people and organizations who make our work possible.

The Public Justice Center, Inc. is a 501 c 3 nonprofit organization incorporated in the State of Maryland. All contributions are tax deductible to the fullest extent of the law. Copies of current financial statements are available upon request by contacting the Public Justice Center at One North Charles Street, Suite 200, Baltimore, MD 21201 or by telephone: (410)625-9409. Documents and information submitted to the State of Maryland under the Maryland Charitable Solicitations Act are available from the Office of the Secretary of State, Annapolis, MD 21401 for the cost of copying and postage.



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NANCY SHERMAN, THE CAROLINE CENTER, IN HER GUEST BLOG POST
"FROM A DISTANCE: WHY THE NEW "WAR ON POVERTY" IS NOT A WAR" APRIL 3, 2014.
[HTTP://WWW.PUBLICJUSTICE.ORG/NEWS/LETS-TALK-ABOUT-THIS-SERIES](http://www.publicjustice.org/news/lets-talk-about-this-series)