



Philadelphia Bar Foundation 2019 LexisNexis Grant Report

The Philadelphia Bar Foundation is pleased to submit this report on behalf of the non-profit public interest legal organizations that received pro bono research privileges under the grant of LexisNexis research hours to the Bar Foundation in 2019. The Bar Foundation and its nonprofit partners are indebted to LexisNexis for its continued generosity and support.

The thirteen organizations that used LexisNexis research resources in 2019 provide direct legal services on behalf of vulnerable people for whom hiring a lawyer to help them assert their rights is an impossibility, specifically: vulnerable or disadvantaged individuals, persons with disabilities, seniors, members of the LGBTQ community, immigrant survivors of torture, victims of domestic violence, and individuals, children, and families experiencing poverty. Some of these organizations are also involved with cases that impact policies and address emerging legal needs that benefit access to justice for our society as a whole.

Overview

The non-profit legal services community in Philadelphia is one of the most innovative and successful in the country. Like other non-profits, these organizations experience cutbacks due to vagaries and decreases in funding. At the same time, however, greater numbers of people in Philadelphia are in critical need of legal aid services. In other words, the legal aid nonprofits are asked to do more with less.

Viewed through this lens, the value of the LexisNexis research grant is even greater than the generous dollar amount it represents. The research grant to these public interest attorneys allows them to maximize the time and energy they spend providing assistance to their clients.

Through its annual unrestricted grantmaking process, the Philadelphia Bar Foundation performs an intensive review of all applicants, including financial analyses, site visits, staff interviews, and more. Therefore, the Philadelphia Bar Foundation can ensure that its grantee agencies meet the highest standards of nonprofit governance and can be assured that the legal services provided are of the highest quality. Presented below are just a few examples of the important legal work



performed by these exemplary organizations that were supported by the LexisNexis research grant in 2019.

Impact of the LexisNexis Research Grant

- ***Justice at Work***: Justice at Work used their LexisNexis grant to conduct research for several of their employment cases. The grant has helped support research that involves joint employment standards under Title VII exemptions from the Fair Labor Standards Act on behalf of those involved in disputes.
- ***Legal Clinic for the Disabled (LCD)***: LCD serves clients with disabilities; their attorneys rely on case law that interprets how a court should or should not consider a party's disability when making a determination. In 2019, LCD most frequently used LexisNexis to research case law involving matters related to custody and domestic violence. LCD also used LexisNexis to research relevant standards and court opinions for a landlord-tenant appeal and to find templates for certain forms and filings relevant to its representation of low-income people with disabilities and the deaf and hard of hearing in the Philadelphia region.
- ***Pennsylvania Immigration Resource Center (PIRC)***: PIRC used the LexisNexis research grant to research issues related to immigration law, in particular, case law from the Board of Immigration Appeals. These claims included: safeguards for mentally incompetent respondents in immigration court, termination of asylum status to adjustment of status with a waiver before the court, and the legal issue of crimes involving moral turpitude arising of a single scheme of criminal misconduct as a legal challenge to removability.
- ***Philadelphia Volunteer Lawyers for the Arts***: PVLA provides pro-bono and low-cost legal assistance to artists and cultural organizations in the Philadelphia region and statewide. Staff members used the LexisNexis grant to work on roughly 100 cases involving multiple subject matter areas including Copyright, Trademark & Patent registration, licensing and infringement; entertainment/recording/production agreement review, negotiation & drafting; nonprofit or small business entity formation, governance and dissolution; and artist estate planning and will drafting. Some issues researched included: provisions of federal law governing IP registration and infringement, as well as IP-eligible subject matter; variations in state law pertaining to corporate entity formation options; laws &



regulations governing fiscal sponsorship agreements; and Internal Tax Code provisions governing nonprofit tax status application and renewal.

- ***Regional Housing Legal Services (RHLS)***: In 2019, RHLS used the Bar Foundation’s LexisNexis research grant to support their work representing clients in a case where the court ruled an eviction was proper, after which many lawyers in the PLAN housing law group filed an amicus brief to the PA Supreme Court asking them to overturn the decision. A lawyer from RHLS wrote several sections of the brief and used the LexisNexis grant to support his research. Specifically, their attorneys researched the IRS definition of depreciation in support of a low-income housing tax credit project. RHLS used this research to assist a client who was participating in a low-income housing tax credit deal. In particular, what steps did the nonprofit need to take in forming a for-profit subsidiary to participate in the deal, which was necessary for the low-income housing tax credit program, and what steps that nonprofit should take to protect its own tax-exempt status despite forming a for-profit corporation.
- ***SeniorLAW Center (SLC)***: SLC used its LexisNexis grant to research victim services cases as well as landlord-tenant, homeownership, grandparent custody and other areas of law. In one case, a senior client was the victim of financial exploitation by her daughter’s former boyfriend who claimed, without proof, that he had loaned money to the senior and her deceased husband. The boyfriend filed claims against SLC’s client well past the statute of limitations and won a default judgment resulting in an action to sell SLC’s client’s home. The client had limited capacity at the time the action had been filed and she had a valid defense. Using LexisNexis, SLC researched cases in which the courts allowed delay in timely filing to discover the bases for excusing the delay. SLC attorneys also researched meritorious defenses and laches, then used LexisNexis to Shepardize cases referenced in previous court filings to ensure SLC had the most current cases in its pleadings. With increased staff size and representation of seniors in a broader area of civil legal issues, SLC used LexisNexis for research extensively.
- ***Support Center for Child Advocates (SCCA)***: SCCA represents children ages birth to 21, who are victims of child abuse and neglect, in the Philadelphia Court system. The LexisNexis grant has been invaluable to the representation of their young clients, allowing them access to legal research in order to file and respond to motions and appellate briefs



concerning important issues involving findings of child abuse and evidence for use in motions, child welfare, custody and criminal matters to research issued of standing, recusal, and tender years. SCCA also filed motions, including a motion for reconsideration that dealt with the Court's authority to drug test. LexisNexis research hours also supported several appeals, including for termination grounds, child abuse, and privilege.

- ***Women Against Abuse (WAA):*** WAA used its LexisNexis research grant to research legal issues that arise in representing domestic violence victims in their Protection from Abuse cases as well as child custody and support cases. In one instance, a WAA attorney represented a client in a PFA case where the incident involved a threat through a third party while the defendant was holding and making reference to a machete and baseball bat. This attorney used LexisNexis to research similar cases with terroristic threats that were made indirectly.
- ***Women's Law Project (WLP):*** The access to LexisNexis made possible by the Philadelphia Bar Foundation has been invaluable to the Women's Law Project. WLP attorneys have benefitted from LexisNexis access in both their legal and policy work. A recent case example of LexisNexis use includes litigation of a Title IX athletic equity class action. This grant was also used to conduct research on sex crimes and sexual harassment in educational programs under Title IX and state antidiscrimination laws.