



GBLS Health & Disability Attorney Taramattie Doucette and suit plaintiff Janis Harris.
photo: Kristen Smith

Greater Boston Legal Services is the primary provider of free civil legal assistance to poor people living in the City of Boston and 31 surrounding cities and towns.

Riders with Disabilities Challenge MBTA Practices

After years of complaints, and countless indignities trying to get around town, a group of Boston residents of color with disabilities have sued the Massachusetts Bay Transportation Authority (MBTA). Represented by a team of advocates from Greater Boston Legal Services, 8 plaintiffs affiliated with the Vivian S. Thomson Independent Living Center in Roxbury have sued the MBTA, demanding equal access to public transportation. GBLS and the Center have worked together on various projects over the past few years ranging from community lawyering trainings to lobbying at the State House.

Matlyn Starks, a plaintiff in the suit as well as the Executive Director of the Thomson Center, has described a pattern of discriminatory behavior on the part of bus and train operators all over the city. "I've gotten caught underground in T stations at least 15 times in the last year," citing either broken elevators, or lifts filled with urine, feces and garbage. Wheelchair-bound passengers are routinely passed by buses, told to wait for the next bus when the kneeling feature does not work, or told they are inconveniencing able-bodied passengers with the time required to get them on and off public transportation.

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GBLS Paralegal Beats All Odds

Stephanie Williams, a paralegal at the Cambridge and Somerville office of Greater Boston Legal Services, has been featured in a recent special on Boston's WGBH and recognized by numerous local organizations as an extraordinary example of a woman who has survived, and triumphed, after receiving welfare benefits in Massachusetts. Ms. Williams was a teen mother, and turned to welfare off and on for five years, between working various jobs which did not pay enough to support her family. Always a fan of the Perry Mason television series, she knew she wanted a career in law, and was determined to get the education she needed to pursue it. She enrolled in a two-year program at a local community college, but was frustrated when her welfare caseworker told her she could only attend school for one year while collecting benefits. Despite the setback, she continued with her studies and was hired as a legal secretary by Greater Boston Legal Services to work with the Boston University Legal Assistance Bureau in 1991, while also taking classes at local community colleges.



"Education is knowledge, and knowledge is power."
photo: Kristen Smith

Juggling the competing demands of motherhood, full-time work and academic responsibilities was the biggest challenge she has ever faced, but she struggled for several years with determination to get the education she needed to have a rewarding career. In 1995, Ms. Williams worked as a Legal Secretary at the Board of Bar Overseers of the Supreme Judicial Court, which offered a tuition remission program. She devoted herself to her education at night, earning a Law Worker Certificate from the University of Massachusetts in 2000, and continuing to earn her Bachelor of Arts from UMass in 2001. "It was a really good feeling to walk across that stage, even at age 42. It's never too late!" said Williams, reflecting back on that achievement. She applied and was hired at GBLS as a paralegal in April of 2000, where she currently works in such areas as SSI, Benefits and Elder Law. She simultaneously continued her work at UMass and earned a Graduate Certificate in Women in Politics and Public Policy in 2002. In addition, she was selected as the recipient of the Boston College 2002 Community Service Award for women in politics and public policy, and is currently working towards obtaining her certificate in Mediation and Arbitration from UMass while also taking additional classes. "My goal is to achieve my Master's degree, and I'm not going to stop until I get it!"

Ms. Williams was also featured as a dramatic success story in a recent joint study by the Women's Institute for Housing and Economic Development and the Wellesley College Center for Research on Women, which researched low-income women's access to higher education and the difference it made in their lives, affording them interesting and fulfilling careers while also providing adequate wages to raise a family. Ms. Williams' family and co-workers are extremely proud of her, and it provides her great satisfaction to serve as a role model for her family and her community. "I enjoy working with people and being a strong advocate for low-income people in need in the community."

You can help sustain a secure financial future for GBLS by naming us in your will. For further information on how to establish a bequest contact your attorney, financial adviser, or John W. Carpenter at GBLS 617-603-1609.

"If a free society cannot help the many who are poor who are rich." -John F. Kennedy

MBTA Practices

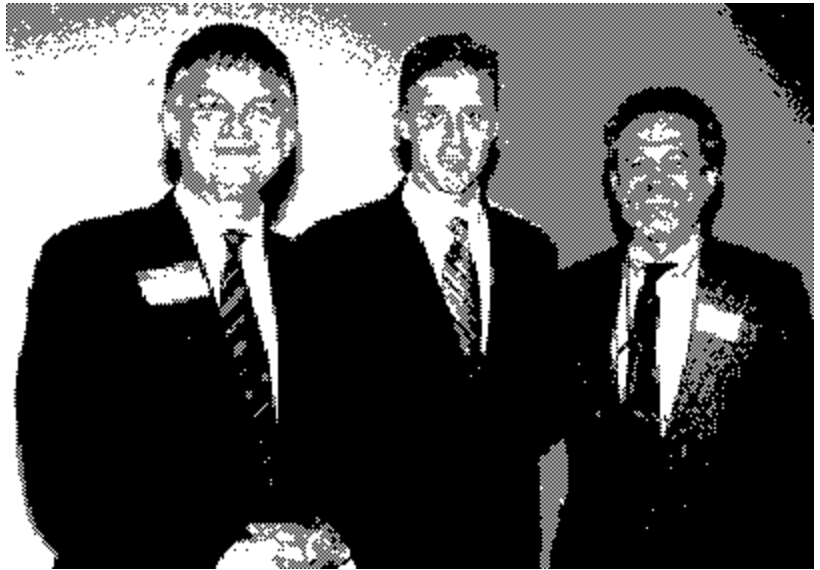
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Stark, and many other disabled passengers have met repeatedly with representatives from the MBTA to outline their complaints, and have been repeatedly told that steps would be taken to improve transportation accessibility. Frustrated, however, after 5 years of empty promises, the plaintiffs approached GBLS, and requested legal counsel to find a way to force the T to comply with the provisions of the Americans with Disabilities Act which prohibits discrimination. "To have the bus pass you by because you are in a wheelchair- that is discrimination, plain and simple," said one plaintiff.

The failure of the MBTA to provide adequate transportation for disabled Boston residents has done more than inconvenience them. One woman was fired from her job for being routinely late, despite constantly adjusting her schedule and route to try and find a sympathetic driver, or a bus with a functioning lift. "When a bus comes with a broken lift, you have to wait another 20 minutes, and then you hope that one has the lift that works." A study conducted 2 years ago showed that more than 60 MBTA buses parked at the Bartlett garage had broken lifts. Passengers with disabilities have picketed the Dudley Square T station, among other efforts to draw the MBTA's attentions to their situation.

The suit was filed in U.S. Federal District Court in Massachusetts, and will be argued in front of Senior Judge Morris E. Lasker. The class action suit alleges that the MBTA systemically violates Title II of the federal Americans With Disabilities Act and the Rehabilitation Act by failing to provide "basic and necessary public transportation services." The plaintiffs are not seeking monetary damages in their suit, but rather, a declaratory judgment and a permanent injunction to require the MBTA to comply with the ADA and Section 504 of the Rehabilitation Act and to provide people with disabilities a reliable mode of transportation equal to that offered to able-bodied consumers of MBTA services. Says Taramattie Doucette, one of the GBLS attorneys in the Health and Disability Law unit arguing the case, "This case is about common decency and the way we treat people with disabilities. The MBTA has made empty promises to these people over the years but hasn't come through with concrete results."

it cannot save the few



GBLS Board President Bernie Bonn, State Representative Eugene O'Flaherty, and GBLS Executive Director Robert Sable.

photo: Kenneth Martin

Legal Aid Organizations Honor Legislative Leaders

On September 10, Greater Boston Legal Services, in cooperation with the Massachusetts Legal Assistance Corporation, the Equal Justice Coalition and other legal services programs from across the state, honored legislators who supported legal aid funding in this year's state budget. Legal aid practitioners and supporters gathered at the Suffolk University Law School for a reception that was hosted by former Senate Ways and Means Chair Patricia McGovern, a longtime proponent of legal services.

The event honored three representatives, three senators and a former representative who is now a judge, who have all played important roles in protecting critical funding for civil legal aid programs in Massachusetts during the current budget crisis. The honorees were: Judge David T. Donnelly, Former House Chair of the Judiciary Committee; Senate President Thomas Birmingham; Senator Mark Montigny, Chair of the Senate Ways and Means Committee; Senator Andrea F. Nuciforo, Senate Chair, Banks and Banking Committee; Representative Eugene O'Flaherty, House Chair, Judiciary Committee; Representative Frank M. Hynes; and Representative Philip Travis.

Equal Justice Coalition Chairman Stephen Oleskey, a partner at Hale and Dorr, stated "Thanks to the efforts of [these] honorees, much needed legal aid remains available throughout a very difficult budget year. Those honored have demonstrated a real understanding of what "justice for all" means, making legal advice and assistance available to those who can't afford to pay attorneys." On behalf of all of the staff and clients of GBLS, congratulations to each of these advocates for equal justice.

Unethical Storage Facilities Under Fire

When GBLS' clients were subjected to unfair business practices by a Lynn property storage company, GBLS attorneys worked with the State Office of the Attorney General to protect their rights. Roommates Rosemary Niland, age 67, and Margaret Pierone, age 63, approached GBLS when they unsuccessfully tried to retrieve their possessions from All County Storage in Lynn. In 2001, the women were notified that their property would be sold at auction if they did not pay a \$3,000 bill, assessed for previously undisclosed fees. The women could not make that payment, and appealed to their Greater Boston Legal Services attorneys for help. GBLS contacted the AG's office, and together negotiated with the storage owners, getting the back fees reduced to \$900, and determining a \$150 per month rent

for the facility for the future. While the elders have faithfully made their payments every month in compliance with the AG-approved agreement, the owners have repeatedly tried to assess further fees, including an unexplained bill for \$4,800 in early 2002. Once the women secured permanent housing, they contacted All County and informed them they wanted access to their belongings, and were told they would need to pay an additional \$450 in cash for "warehouse labor fees". Later, they were told that fine had increased to \$650. They were also told that they had to sign a release of liability before examining their goods, and that they could not arrive to get their things before 4:00 p.m. Feeling that they had complied with the approved agreement, in the company of their GBLS advocates, they went to gather their

things on September 18 at 10:00 a.m., at which point Kennedy denied them access, threatened to sue for the \$650 fee, and demanded they sign the release of liability. At this point, the AG's office filed suit against All County for deceptive business practices and numerous violations of the Massachusetts Consumer Protection Act.

Esme Bashwiner, the Chesterfield Smith Community Service Fellow from the Boston law firm Holland & Knight, and GBLS Housing Attorney Jeff Purcell have represented the two women for GBLS. In a ruling handed down October 3, Judge Paul E. Troy, at Suffolk Superior Court, ruled that Ms. Nieland and Ms. Pierone could retrieve their belongings at 12:00 p.m. on October 11 without paying any additional fees, and without

having to sign a release of liability. With the help of Solutions at Work, a Cambridge-based organization that provides free and discounted moving services to people in need, the women have collected their property, and eagerly anticipated getting settled in their new home.

The lawsuit has drawn attention to the prevailing problem of storage facilities utilized in eviction cases, and their practices in dealing with poor people already in crisis. "Attorney Purcell was very satisfied with the ruling, stating "It is absurd that these elderly women should be forced to pay extra money to pick their things up at 5:00 p.m. as it is getting dark. It is about time these people face the penalties of breaking the law."



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