

Dear Mr. Ruben,

Pisgah Legal Services (“Pisgah”) is there for the people of Western North Carolina when they hit rock bottom. Trouble comes for a victim of domestic violence, for a tenant who is being unjustly evicted, for an immigrant who will soon be separated from his family, for a senior citizen who is buried under her debts, and the poverty of each forecloses any convenient road to justice. Poverty should not be a bar to justice, but rather we should recognize poverty as a possible symptom of injustice. And that moment of injustice is the very moment Pisgah Legal Services was created to serve. It has been my great privilege to serve alongside the people who do that work and contribute a small share to the noble end of achieving “justice for all.”

My first significant experience at Pisgah came during training when an attorney asked me to call a client to ask for more documents. I dialed the number and a female voice answered, “Hola.” My flimsy grip on the Spanish language instantly failed me and, after bumbling through a few irrelevant phrases, I hung up the phone. After a minute of re-composing and planning what I wanted to say, I dialed again. This time I answered her “Hola” with one of my own and I introduced myself as a representative of Pisgah Legal Services. I asked if anyone in her family spoke English and if they were available to speak with me. She promised her daughter would call back.

I later learned from the daughter that a mobile home company had promised to find her family land to purchase and then to build a home on it, but had struck out three times. When her father cancelled the agreement, the company agreed to return the \$1000 deposit, but when he went to retrieve the money, the receptionist told him that he wouldn’t be getting it. The attorney on the case was not be surprised by this unapologetic attempt of a mobile home company to take advantage of a poor immigrant family. Her response was to simply call the agent at the company in the hope that adding a lawyer to the family’s side would equalize the former power imbalance and make the agent sweat a bit. Much to our disappointment but not our surprise, the agent didn’t return the call, didn’t respond to the subsequent letter, and the case remains unresolved to the date of this letter.

I then took on the always peculiar case of a stubborn man who has pitted himself against his meddlesome local government. That same man was a retired landscaper who had a mound of mulch stored in his front yard, which was located near a river in a small town in Western North Carolina. Our new client complained that the flood inspector had been “hassling” him about his mulch pile and its supposed violation of the flood plain ordinance. There was a standing threat to remove the mulch and send our client the bill afterwards.

So, I set to work researching the flood maps in our client's town. I soon discovered that his property was located immediately adjacent to a Special Flood Hazard Area ("SFHA"), where any obstructions that prevent rainfall from flowing into the river would be in violation of municipal ordinance. Even though it seemed our client was in the clear, the ordinance gave the inspector authority to change the SFHA if need be. Two things came out of the resolution of this case. First, in my proud presentation of my flood plain research, I had been blind to the invisible presence of due process that protected our client against the power of the inspector. Second, even though our client technically had the right to keep the mulch pile, there was a better solution available. The client had no plan to use the mulch, so we suggested he donate it. Although he initially resisted our suggestion, the upside of that option soon became clear to him: peace with the inspector and the satisfaction of contributing to a good cause.

One of the finest feelings inherent to consumer protection work is fighting against irresponsible, powerful forces that prey on the vulnerable. One of our clients, a recently widow who unassumingly filled out a survey for a free pillow, was cajoled into buying a \$6,000 mattress. A salesman came to our client's house, taking advantage of the traditional hospitality that won't ask a guest to leave, and after four hours of pressure, she finally agreed to buy a mattress. After a few days, she realized her mistake. She was so embarrassed that she refused to tell her only son, further isolating her after the recent death of her husband. Once Pisgah got the case, we discovered that the salesman failed to inform our client of her right to cancel the contract within three days under the federal "cooling off period" law that protects against predatory door-to-door sales. As of this letter date, our client is disputing the credit card charge as fraud.

It was truly a pleasure to serve clients as a representative of Pisgah Legal Services. I learned that poverty law often requires a creative touch and always a holistic perspective. Most of Pisgah's clients walk in the door with many needs, only some of which have legal remedies. Empathy is essential. A referral to other organization is often the answer. Advice as one human being to another can make a world of difference. I have been inspired to continue pursuing a career in defense of consumers and homeowners and against those who wield power irresponsibly. Thank you for your support this summer and contributing to a just end for each of these stories.

Gratefully,

Dave Ballard
Notre Dame Law School
May 2018



PISGAH LEGAL SERVICES

August 24, 2017

Dan Ruben

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Mr. Ruben:

I am more than happy to write a letter commending David Ballard on his fine work as a law student intern at Pisgah Legal Services this summer.

David worked primarily with clients facing debt and foreclosure issues. His attorney supervisor, Bill Whalen, had this to say about David:

Under my supervision, David interviewed new clients, worked on ongoing client cases...and performed a number of research projects for me. On one particularly noteworthy research project, David uncovered a little-known exception to the general rule barring discharge of student loan debts in bankruptcy, and wrote a concise and well-reasoned memorandum on a short deadline.

David was a fast learner, careful researcher, able writer, and outstanding collaborator. He was a sponge for learning all he could and a self-starter at following up on issues I gave him to work on. He demonstrated strong organizational and cooperative skills, and did an excellent job when presenting cases to our staff. He also eagerly pursued several opportunities I arranged for him to sit in on mediations of pending cases, and he got universally fine reviews from his attendance at the sessions from the attorneys and former judges involved in the cases.

Most of all, I was struck by two of David's outstanding qualities: his sincere and deep empathy for the clients he came into contact with, and his desire not just for knowledge and

understanding, but also for the search of wisdom. A really fine person, it was an honor and privilege to work with David.

As the coordinator of the internship program, I echo Mr. Whalen's sentiments that David had a very positive impact on his coworkers, our clients, and the work that we do. He treated everyone with respect and kindness and was always willing to help.

Thank you so much for funding David's work for us; he was a true asset to our organization.

Sincerely,

A handwritten signature in blue ink that reads "Beth Herrman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Beth Herrman

Internship Program Coordinator