Housing Crisis & Gentrification

Housing is where we live. It is the place where we talk to our neighbors, shop, take our kids to school and hang out. It is also the place where people interact, construct social norms, political opinions, and where “commonsense” is formed, which ultimately shapes “Politics,” capital “P.” Personal interaction is the strongest way to formulate political solidarity and shared perceptions - whether of the ever increasing class stratification or the related racial divide. Historically, resistance to evictions has provided an impetus for community mobilizations. As Matthew Desmond, the pre-eminent observer of the plight of poor and working class tenants, recounted in February 12, 2017 interview in The Guardian:

“Even in the most desolate areas of American cities, evictions used to be rare enough to draw crowds. ... A New York Times account of community resistance to three Bronx families in February 1932 observed:

‘Probably because of the cold, the crowd numbered only 1,000.’

Housing for profit is an engine for obscene wealth accumulation by the ruling class. By inflating costs of housing, reflected whether in the purchase price of real estate or rent, the domestic vultures (individual and corporate) can extract value from nothing and increase their relative position of hierarchy, power and domination. A related measure of exploitation is in the financing of housing. Investment banks, supported by government entity enablers such as the Department of Housing and Urban Development, have preyed on the artificial value of houses, compounded by the enforced racial segregation, to also extract surplus value.

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Join A Guild Committee

Litigation Committee:
Established in 2011, the Committee brings civil lawsuits against large institutions (such as government agencies, law enforcement, banks, financial institutions, and/or large corporations) which engage in repressive or predatory actions that affect large numbers of people and perpetuate social, racial and/or economic injustice or inequality. To get involved, please contact the NLG office at 617-227-7335 or nlgmass-director@igc.org.

Mass Defense Committee:
The Committee consists of two sub-committees: (1) “Legal Observers” who are trained to serve as NLG Legal Observers at political demonstrations and (2) “Mass Defense Team” (criminal defense attorneys) who represent activists arrested for political activism. To get involved, please contact the NLG office.

Street Law Clinic Project:
The Street Law Clinic project was established in 1989. It provides workshops in Massachusetts to address legal needs of various communities. Legal education workshops on 4th Amendment Rights (Stop & Search), Housing Law, Workers’ Rights, Direct Action, Bankruptcy Law, and Immigration Law are held at community organizations, youth centers, labor unions, and shelters. If you are an NLG member and would like to lead a workshop, please contact the NLG office.

NLG National Projects & Committees
(FULL LIST AT HTTPS://NLG.ORG/COMMITTEES/)

NLG National Immigration Project (NIP):
NLGNIP works to defend and extend the human and civil rights of all immigrants, documented and undocumented. Located in Washington, DC, NLGNIP works in coalition with community groups to organize support for immigrants’ rights in the face of right-wing political attacks. For more information contact 617-227-9727.

NLG International Committee (IC):
IC supports legal work around the world “to the end that human rights shall be regarded as more sacred than property interests.” It plays an active role in international conferences, delegations and on-going projects that examine and seek to remedy conditions caused by illegal U.S. or corporate practices. IC has done work in Cuba, the Middle East, Korea, Haiti, and other countries. For more info go to https://nlginternational.org.
GUILD CALENDAR

NLG Happy Hour

Concerned with racist and systemic police violence around the country, NLG Northeastern Law and Criminal Law Project students recently put out a report analyzing the role played by private police officers on campuses, using Northeastern University as a case study.

Christine Farolan and Chase Childress, who worked on the report, will speak on how they carried out their investigation and what they found.

Please come join us for this very important discussion.

NLG-MASS CHAPTER HAPPY HOUR
Wednesday, April 8, 2020
6:00 pm - 8:00 pm
Zoom Conferencing
(link will be sent to NLG members & friends)

NLG Annual Dinner

We are thrilled to announce the 2020 NLG Testimonial Dinner Awardees. It is an honor for us to award the following:

**Lawyer Award** - Andrew Fischer (Jason & Fischer) & Bonnie Tenneriello (Prisoners’ Legal Services).

**Legal Worker Award** - Cosecha Movement.

**Student Award** - Anna Nathanson (Harvard) & Debra Wilmer (UMass Dartmouth).

“Contemptuous Courage’ Award - Susan Church.

Because of the Coronavirus pandemic, the Dinner has been postponed. Please buy a greeting/ad in the Dinner Journal to support the honorees & NLG!

NLG BOARD MEETING

NLG-Mass Chapter members are invited to participate in monthly meetings of the Chapter’s Board of Directors. The meetings are held on the 3rd Wednesday of the month (except July and August), from 6:00 pm to 8:00 pm, at the NLG Office (41 West St., Suite 700, Boston) after the pandemic. Please notify the office if you plan to attend.

ARTICLES FOR MASS DISSENT

The June issue of Mass Dissent will discuss Policing in Massachusetts.

If you are interested in submitting an article, essay, analysis, or art work (cartoons, pictures) related to the topic, please e-mail your work to nlgmass-director@igc.org.

The deadline for articles is MAY 10.
On March 18, members of the NLG-Mass Chapter met for the Chapter’s Annual Meeting. This was a very unusual meeting due to unusual times we live in. The Coronavirus pandemic kept us all at home, so the meeting was conducted via Zoom. Twenty or so members joined the meeting. We spent the first part of the meeting going around and checking in with everyone to find out how we were coping in these trying times and keeping some normality in our lives.

It was obvious that each of us had a difficult time adjusting to the new, unprecedented circumstances, especially the forced isolation and separation from other people in our lives - our family, friends, co-workers, clients.

To help us stay in touch and connected, we decided to hold “Weekly NLG Check-Ins” via Zoom on Wednesdays, starting at 5:30pm.

We also elected new Board of Directors and new Chapter Officers (see page 2). We would like to thank Carl Williams who stepped down from the Board for his service on the Board.

GUILD NEWS

NLG Annual Meeting

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Housing Crisis & Gentrification

The articles in this issue, illustrate this trend. Nadine Cohen, discusses how the Trump Administration, reflecting the inchoate wishes of the class for whom it acts, has intentionally restricted the access to housing for people of color. See also the Richard Rothstein book, The Color of Law: A Forgotten History of How Our Government Segregated America (2018) which documents how our current racially homogenous neighborhoods are the result of intentional government policy. See also the Nikole Hannah-Jones June 25, 2015 article in Pro Publica, Living Apart: How the Government Betrayed a Landmark Civil Rights Law which shows how the federal government neglected to enforce the 1968 Civil Rights Act by neglecting to mandate that exclusive suburbs build affordable housing.

To illustrate how the predatory loan crisis and the resulting lenders continue to take advantage of poor and working people outside Boston, Grace Ross, the Executive Director of the Massachusetts Alliance Against Predatory Lending discusses the plight of folks in Central Mass, who are waging a heroic struggle against such lenders, despite battling hostile Housing Court judges, with little access to lawyers, whether from legal services or the private bar.

Finally, City Life Vida Urbana member, Helen “Homefries” Matthews writes about how rent control is the immediate tactical solution to taking back control of our neighborhoods from predatory private developers. For an informative discussion of the plight of poor and working tenants who live in private housing, the majority of tenants in or cities and towns, see Matthew Desmond’s seminal book Evicted: Poverty and Profit in the American City (2017).

Housing is the locus of our grassroots organizing. In the age of capital controlled government, our neighborhoods are the incubator for pockets of mass resistance. Support our local organizing in our workplaces and where we live.

- Lee Goldstein -

(Partner in the Community Law Office of Goldstein & Feuer in Cambridge)
Hepatitis C in the Department of Correction

We want to hear from you if you are (or were) a prisoner in the Department of Correction and have concerns about Hepatitis C, including if:

- You have asked to be tested for Hepatitis C but have been denied testing;
- You have Hepatitis C but have not been evaluated recently, or told whether and when you will be treated for it;
- You have Hepatitis C and have not been assigned priority level for treatment; and/or
- You have other questions or concerns about Hepatitis C treatment.

Prisoners’ Legal Services and the National Lawyers Guild are monitoring the settlement in Fowler v. Tureo, a class action concerning the testing, evaluation, and treatment of Hepatitis C in the DOC. The Settlement calls for universal testing for Hepatitis C (the prisoner can decline testing,) regular assessments of those who have Hepatitis C to determine their priority level for treatment, and treatment to be given within certain time frames to those who qualify. The settlement also limits the reasons why the DOC can deny treatment to prisoners who otherwise qualify for it.

If you have questions or concerns about Hepatitis C, please contact PLS or NLG with as much detail as you can give about your specific issue:

PLS: 617-482-2773
NLG: 617-227-7335

Street Law Clinic Report

The following clinics and trainings were conducted since last issue of Mass Dissent:

- **February 7**: Legal Observing at a protest organized by Harvard Prison Divestment Campaign, by Patricia Cantor, Lee Goldstein, and Natalie Shafer.
- **February 22**: Legal Observing at a protest at the Boston Police Department, organized by Solidarity Against Hate, by Rachel Greenberg, Troy Rayder, Matt Shepard, and Deb Wilmer.
- **March 5**: Legal Observing at an action organized by the Affordable Housing, by Patricia Cantor, Jeff Feuer, and Lee Goldstein. Legal Observing at an action against racism, organized by the North American Indian Center, by Jane Binkerd & Natalie Shafer.
- **March 10**: Legal Observer training for students at Northeastern School of Law, by Melinda Drew.
- **March 12**: Direct Action training for students at Northeastern Law, by Jeff Feuer.
- **March 13**: Legal Observing at an action organized by Sunrise Movement in Pittsfield, MA, by Priscilla Lynch.

New NLG-Mass Chapter On-line Store

Please visit our new on-line store where we offer items to commemorate our 50th Anniversary: a copy of a new 30-min. documentary about our Chapter’s beginnings (on a pen with USB drive and on a USB drive) and a business card holder (https://nlgmass.org/featured_news/nlg-mass-chapter-store/).
The Fair Housing Act 42 U.S.C. Sec. 3601 et seq., passed just days after the assassination of Dr. Martin Luther King, Jr. in 1968, required that Department of Housing & Urban Development (HUD) administer its programs and activities in a manner that affirmatively furthers fair housing throughout the U.S. With these provisions, Congress recognized that government had played a significant role in creating racial discrimination in housing and perpetuating segregation. It gave HUD the job of ensuring that its programs not only were free from discrimination, but were part of an active effort to tackle segregation and redress the harms it caused. However it was not until 2015, after years of efforts by fair housing advocates, that the Obama administration issued an Affirmatively Furthering Fair Housing (AFFH) Rule that put teeth in this part of the Fair Housing Act.

The 2015 HUD AFFH rule 24 CFR 5,91,92 et al. set forth the following requirements of the obligation to affirmatively further fair housing for both HUD and its grantees:

- Do not discriminate in housing and community development programs; and
- Take active steps to undo historic patterns of segregation and other types of discrimination, as often reflected in racially or ethnically concentrated areas of poverty; and
- Afford access to opportunity for those to whom it has been denied, including access to better education, jobs and living conditions.

Under the Obama administration’s rule affirmatively furthering fair housing, was defined as “taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics”.

Cities and towns were required to do an Assessment of Fair Housing, analyzing demographic data, obtaining community input, and setting out what actions they would take to address significant disparities in housing needs and access to opportunity. The 2015 rule was very inclusive, requiring an analysis not only of housing but of related issues including transportation, education, health, employment, criminal justice and environmental concerns. The fair housing community began organizing around the new AFFH process and several cities submitted their Assessments of Fair Housing.
to HUD. However, in January 2018 HUD suspended the AFFH rule and on January 14, 2020, HUD proposed a new watered down AFFH rule to replace the robust AFFH rule adopted in 2015.

The Trump administration’s new AFFH rule confuses and conflates fair housing and affordable housing. It discards the equity and opportunity lenses that were key features of the 2015 regulation. It takes a free market approach, essentially relying on the notion that if we remove the “barriers” to affordable housing development and let the market operate without constraints, it will solve our affordable housing problems and that, in turn, will solve our fair housing problems.

The proposed rule discards the requirement in the 2015 regulation for jurisdictions to perform an analysis of fair housing barriers in their communities and identify ways to overcome them. Not surprisingly HUD’s new AFFH rule does not acknowledge systemic discrimination and segregation. Amazingly the new rule identifies rent control as one of the obstacles to fair housing! Ben Carson has often referred to the AFFH rule as “social engineering”.

Comments on the new rule are due on March 16 and the National Fair Housing Alliance hopes to get 50,000 comments opposed to the new rule submitted to HUD. We cannot let the Trump administration roll back the clock on efforts to end housing discrimination and tackle segregation and the harms it causes to our communities.

______

Nadine Cohen is a Staff Attorney at Greater Boston Legal Services’ Consumer Protection Unit. (The article uses the National Fair Housing Alliance analysis.)

Grants from The Defense Against Thought Control Foundation and The Third Base Fund of the Boston Foundation

We are pleased to announce that the NLG-Mass Chapter’s Litigation and Mass Defense Committees have received a grant of $75,000 from the Defense Against Thought Control Foundation.

The NLG-Mass Chapter has also received a grant of $2,000 from The Third Base Fund, Donor Advised Fund of the Boston Foundation.

We are deeply honored and grateful for the grants and for the financial support of the person who had recommended us for the Third Base grant “With ‘Thanks’ for keeping me out of jail!” Thank you.
MAAPL Defends Against Foreclosures & Evictions Across Massachusetts

by Grace Ross

Between 2002 and now, how did the 1% get so much richer so fast? Why is land theft from people of color and women not recognized as systemic racism and sexism? Between 2005 and 2009, how did people of color in the U.S. lose wealth comparable to the entirety of labor stolen by U.S. slavery? When is an affidavit not an affidavit? A contract not a contract? A statute not a law? A regulation a suggestion?

The answer: when big banks employ the modern “practices” of predatory lending and mortgaging.

After 12-15 years (depending on how you measure this crisis’ commencement), a movement has been growing and becoming more effective. Massachusetts has experienced over 100K foreclosures – putting estimate of households that have experienced a foreclosure of their home at more than 1 in 13.

The primary battleground for this movement is the courts, echoing the civil rights and battered women’s movements. But this fight is unique because the majority of litigants are pro se. With the historic wealth stripping, few can afford lawyers.

With the many fields of law foreclosures cross, few lawyers have dug in and made themselves at home fighting this injustice.

Homeowners (and tenants), sometimes with the support of such groups such as the Massachusetts Alliance Against Predatory Lending (MAAPL), have therefore led the fight, often pro se or in close consultation with the few lawyers steeped in this fight. In the recent successful Supreme Judicial Court case of Pinti v. Emigrant Mortgage Company, 472 Mass. 226 (2015) which invalidated many foreclosures because of the lender’s improper written notices, Ms. Pinti had lawyers but was still the primary guide in her legal fight. In the seminal case of Bank of New York v. Bailey, 460 Mass. 327 (2011), allowing all occupants post a purported foreclosure to interpose title defenses in summary process actions, KC Bailey was the one who initially appealed pro se – the only way his case got grabbed by the SJC. In the famous Adjartey/Hilton suits which exposed the lawless actions of a Judge in the Worcester Housing Court, over 46 pro se litigants argued at the SJC – bringing historic court guarantees for all indigent and/or disabled litigants.

But as queried above, one could ask when is an SJC ruling not stare decisis? Again, in bank foreclosure cases where the Appeals Court and lower Courts rampantly ignore the actual SJC articulation of long standing precedent and instead believe whatever spin (or complete reversal) the banks’ lawyer’s put on those decisions.

Take Mr. Asia’s case. Like almost everyone who got a loan during the height of the bubble, Asia was misled as to the parties to his loan, as to its key characteristics (especially loan to value ratio). By law, his loan was never consummated, unconscionable if it was – and so therefore unenforceable, due to fraud in the factum (aka fraud in the making), fraud in the inducement and violation of loan origination laws and statutes.

In putting his defense together to eviction in tandem with another homeowner (folks work in teams) the homeowners discovered they both had forgeries of the endorsements on their notes by the same pur-

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MAAPL Defends Against Foreclosures

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ported person. The mortgage originator lied about who the lender was. In addition, all the assignments were separately invalid under the Statute of Frauds. None of the pre-foreclosure by sale notices were at all legally compliant; none of the banks affidavits were legally competent; and the bank or securitized trust that “bought back” the property at foreclosure auction had parties who were not authorized to legally take title to the properties (breaking another dozen or more laws including criminal violations). Finally, Asia told us, in fact, no auction actually occurred at his house at the scheduled time.

Asia managed to get depositions ordered by the most anti-homeowner judge in the state; his co-owner got creamed at summary judgment (even though their facts were close to identical).

Three months later – having hired an attorney who correctly identified his role as associate counsel to Asia as lead counsel, three depositions of people working on behalf of the lender have revealed even more systemic legal violations. No less than five lawyers have lined up to protect the mortgage originator who was somewhere in-house arranging a systemic practice, evidently, of a third party, not the initial lender, endorsing the mortgage documents, and lying on the funding instrument for hundreds of mortgages. Asia is receiving constant email threats from the lender’s lead counsel and five of the lender’s other lawyers are resisting the completion of their clients’ depositions.

And as MAAPL, a coalition of over 70 groups and now hundreds of homeowners, supports and guides a growing number of consistent small and growing wins, the Industries lawyers are becoming more dangerous and threatening as they can no longer count on the easy court win AND they know homeowners are circling the wagons.

MAAPL can demonstrate the huge, multilayered injustice being perpetrated. With your help, we can position your legal advocacy for linchpin cases that will propagate historic wins for thousands. Join us.

Grace Ross is the Executive Director of MAAPL. She can be reached at 508-630-1686.
Evictions are a Racial Justice Crisis

by Helen Matthews

At City Life/Vida Urbana, we often talk about how the disparate impact of Boston’s eviction crisis is the ongoing shadow of redlining. Coming out of the Great Depression, big real estate — and the policymakers who collaborated with them — created explicitly discriminatory maps to determine where to lend and invest in Boston. They stigmatized low-income and majority people of color areas, marking them as red, and, as such, places where mortgages would be denied.

“Redlining was how structural racism and inequality was designed into cities. It has never been undone,” states the opening panel of the Undesign the Redline exhibit, which you can see on display at the Sam Adams Brewery in Jamaica Plain through the end of this year.

Redlining codified a system of who has access to real estate wealth and who is excluded from it in our city. Confronting the ongoing inertia of this system is one of our greatest tasks today. Undoing redlining’s long shadow - and stopping the racist disparate impact of our current eviction crisis - will mean lifting the ban on rent control in Massachusetts for properties owned by large landlords.

For most of the past year, City Life/Vida Urbana has been working with MIT researcher David Robinson to understand patterns of eviction in Boston. We looked at data pulled from over 15,000 eviction records for the three most recent years for which data are available, 2014 through 2016. The sobering reality (which is no surprise to those living on the frontlines of the displacement crisis): eviction court filing rates and execution rates in private market housing are highest in areas that are predominantly communities of color, particularly majority Black areas, and areas that are majority low-income.

We examined the data by census tract, and these high rates are true of many tracts in Dorchester (as well as Roxbury, Mattapan, and Hyde Park). On the flip side, these rates are lowest in parts of Boston where the population is more than 50 percent white. Even controlling for other variables such as income and education, we see a race-related pattern.

Recently, in Mattapan - one of Boston’s neighborhoods where recent private market eviction rates are highest — City Life/Vida Urbana supported two grandmothers whose corporate landlord hiked their rents by $700. Down the road from them at a complex recently rebranded “SoMA (South Mattapan) at the T”, we’re supporting another group of long-time residents whose large landlord, DSF Group, has also hiked rents by hundreds of dollars overnight. In the

Continued on page 11
NLG-Mass Chapter Sustainers

In the spring of 2003, the Massachusetts Chapter of the NLG initiated the Chapter Sustainer Program. Since its inception, the Program has been very successful and has been enthusiastically joined by the following NLG members & friends:

Anonymous • Patricia Cantor & Jeff Petrucelly • J.W. Carney • Howard Cooper • Melinda Drew & Jeff Feuer • Roger Geller & Marjorie Suisman • Lee Goldstein & Mark Stern • Benjie Hiller • Andrei Joseph & Bonnie Tenneriello • Martin Kantrovitz • Nancy Kelly & John Willshire-Carrera • David Kelston • John Mannheim • Jonathan Messinger • Hank Phillippi Ryan & Jonathan Shapiro • Allan Rodgers • Martin Rosenthal • Anne Sills & Howard Silverman • Judy Somberg

The Sustainer Program is one of the most important Chapter initiatives to secure its future existence. Please consider joining the Program.

Evictions are a Racial Justice Crisis

Continued from page 10

trenches fighting Boston’s displacement crisis, we hear these stories routinely.

Some corporate landlord interest groups in Massachusetts actually have the gall to try to appropriate racial justice advocacy, claiming that rent control is “racist”, arguing that owners of rent controlled units in Boston will discriminate against folks of color. They have no evidence of this (they point only to a decades-old obscure study of Cambridge and generalized stories in national media). But when landlords discriminate in either a rent-controlled or non-controlled market, that’s a problem in itself that must end. Housing is a basic human need, so everyone deserves an affordable home.

For the last 47 years, City Life/Vida Urbana has been building a widespread grassroots movement to win protections from unjust rent hikes and stop the disparate impact of evictions. It will take more than just rent control - we’ll need other protections, such as the right to counsel, just cause eviction, and tenants’ right to purchase, among others - but rent control is a vital piece of the puzzle. Our members fighting eviction speak out for it every day.

Our research into evictions in Boston is happening now, and we plan to publish a report of our findings this spring. In the meantime, we invite you to join the movement for rent control in Boston by signing our Rent Control Pledge at www.reclalmrboston.org/rent_control_pledge.

Helen Matthews is the Communications Coordinator with City Life/Vida Urbana.
Mass Dissent
USPS 0760-110 PERIODICAL

"... an association dedicated to the need for basic change in the structure of our political and economic system. We seek to unite the lawyers, law students, legal workers and jailhouse lawyers of America in an organization which shall function as an effective political and social force in the service of people, to the end that human rights shall be regarded as more sacred than property interests."

Preamble to the Constitution of the National Lawyers Guild

We Need Your Support!
The NLG-Mass Chapter provides legal representation and assistance to the radical and progressive movements.

Please help by donating to the Mass Chapter by sending this form and a check to
41 West St., Suite 700, Boston, MA 02111
or visiting www.nlgmass.org/donate.

I, __________________________ (name), am donating $ _________ to the
NLG-Mass Chapter to help support the fight for the people,

Fill out and send to:
National Lawyers Guild-Mass Chapter
41 West St., Suite 700, Boston, MA 02111

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Circle one:
Lawyer  Legal Worker  Law Student  Jailhouse Lawyer
Alumna/Alumnus of _________________ Year _______
Dues (from schedule): _______________________________________

I am interested in working on the following projects:
_____ Street Law Clinic
_____ Mass Defense Committee
_____ Litigation Committee
_____ Mass Dissent (bi-monthly publication)

Join Us!
Dues are calculated on a calendar year basis (Jan.1-Dec.31) according to your income*:

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Law Students: . . . . . . . . . . . . . . . . . . . . . . $25
up to $15,000: . . . . . . . . . . . . . . . . . . . . . . $40
over $15,000 to $20,000: . . . . . . . . . . . . . . . . . . $50
over $20,000 to $25,000: . . . . . . . . . . . . . . . . . . . $75
over $25,000 to $30,000: . . . . . . . . . . . . . . . . . . .$100
over $30,000 to $40,000: . . . . . . . . . . . . . . . . . . . $150
over $40,000 to $50,000: . . . . . . . . . . . . . . . . . . . $200
over $50,000 to $60,000: . . . . . . . . . . . . . . . . . . . $250
over $60,000 to $70,000: . . . . . . . . . . . . . . . . . . . $300
over $70,000 to $80,000: . . . . . . . . . . . . . . . . . . . $350
over $80,000 to $90,000: . . . . . . . . . . . . . . . . . . . $400
over $100,000: . . . . . . . . . . . . . . . . . . . . . . . . . . $500

* Any new member who joins after September 1 will be carried over to the following year. Dues may be paid in full or in quarterly installments. Dues of $80 cover the basic membership costs, which include publication and mailing of Mass Dissent (the Chapter’s bi-monthly newsletter), national and regional dues, and the office and staff.

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