

LegalFront Goes Digital

Please note: This will be the last print issue of the LegalFront. The LegalFront will transition to an online newsletter in February 2010. To continue receiving online copies of the LegalFront, please sign up at www.texasbar.com/LegalFront.

LegalFront

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Texans Celebrate Pro Bono

Pro bono attorneys across the country were recognized for their tireless efforts to serve the poor during National Pro Bono Week (October 25–31, 2009). Everyday legal aid lawyers are challenged to do more work with fewer resources and rely on volunteer attorneys to fill the much needed gap. By recognizing the valuable contributions of pro bono attorneys, individuals are encouraged to get involved in pro bono and continue to take cases in the future. This annual celebration highlights the tremendous impact pro bono attorneys can have both on an individual client's life and on the entire justice system. In Texas, the event provided legal services programs with the opportunity to recruit additional pro bono volunteers and commemorate the contributions of current volunteers.

Several legal education programs, clinics, and receptions took place throughout the week, giving legal aid volunteers and advocates across Texas many opportunities to celebrate pro bono service. Legal aid programs throughout the state held CLE programs in various substantive areas including family law, the Americans with Disabilities Act, and immigration law. The Dallas Volunteer Attorney Program held two clinics during the week: a general intake clinic and a wills intake clinic. Legal Aid of NorthWest Texas hosted the NAACP Justice Project Discrimination Legal Advice and Referral Clinic in Fort Worth and the Texas Equal Justice Volunteer Program Pro Bono Awards Celebration in Plainview. The El Paso Bar Association's Access

to Justice Fair provided low-income individuals a full day of free access to legal service providers and private attorneys in the areas of immigration, employment law, bankruptcy, and landlord/tenant law.

Local programs were not the only agencies that participated in the celebration. Texas Tech University School of Law and St. Mary's University School of Law sponsored presentations by former alumni and current students who shared why they will be continuing their pro bono commitment beyond law school, and the University of Texas hosted a Pro Bono Luncheon. During the month of October, the State Bar of Texas highlighted a different pro bono lawyer every day on its website and blog. The website profiled a diverse array of lawyers from various geographic locations and practice areas who perform pro bono legal service (see page 2).

The National Pro Bono Celebration emphasized the crucial need for lawyers to get involved in pro bono service. Less than 25 percent of the more than 5 million Texans who qualify for legal aid receive assistance. The remaining 75 percent will only receive the legal help they need if more private attorneys take on pro bono cases. The National Pro Bono Celebration was a great opportunity for Texas attorneys to volunteer their unique talents and witness the difference they can make in the lives of low-income individuals.

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Jeff Actkinson
Farwell



Mandy Childs
Dallas



Geoffrey Courtney
San Antonio



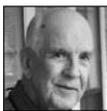
L. Clifford Davis
Fort Worth



Ernesto J. Dominguez
Hidalgo



Ken Fuller
Dallas



Harold Graham
Pinehurst



David Grenardo
Houston



David E. Grove
Beaumont



Herb Everitt
Amarillo



Jim Hunter
Brownsville



Jeffrey Kilgore
Galveston



Judge Migdalia Lopez
Brownsville



Lan Nguyen
Houston



Phil Phillips
Arlington



Ryan Solis
McAllen



Sharon Steckler
Rosenburg



Jeffrey Stocks
Houston



Lisa L. Taylor
Harlingen



Raquel West
Beaumont



Chris Wrampelmeier
Amarillo

Ten Reasons to Do Pro Bono

"I kind of feel I'm at my best when I'm helping someone who is in crisis. I feel like that is where I shine the most."

– **Mandy Childs**

"It's an opportunity to get into an area of the law that you might not otherwise practice in and help make a situation right, or at least better than it was."

– **Geoffrey Courtney**

"I reached a point in my life — professionally and personally — where I felt that I just needed to give back to my profession."

– **Ernesto J. Dominguez**

"Anytime you're standing up for people who can't stand up for themselves, that's a great opportunity. It's amazing."

– **David Grenardo**

"As attorneys, we have been blessed with law degrees and great careers — we have a duty to help people."

– **Jim Hunter**

"Yes, it takes a little time, but the friendships that you make, the goodwill that you create, and the synergy that you contribute will last a lifetime. The returns are priceless."

– **Lan Nguyen**

"It may sound cliché but it's rewarding in and of itself. I enjoy helping people who would otherwise not have access to legal aid."

– **Ryan Solis**

"The best feeling, particularly with cases that involve spousal or child abuse, is having truly helped someone who without your efforts would be facing a very unfortunate situation."

– **Sharon Steckler**

"The benefits more than make up for the long hours or commute time. It's very rewarding."

– **Jeffrey Stocks**

"When you're given certain blessings, it's incumbent on you to use them wisely and help other people."

– **Chris Wrampelmeier**

ATJ Pro Bono Champion — July 2009

Emily Jones, Former Executive Director, Texas Access to Justice Commission — Austin



The Texas Access to Justice Commission recently honored you with the first Emily C. Jones Lifetime Achievement Award, to be given to a lawyer with a commitment to legal services in Texas. What does this honor mean to you?

It was wonderful and I truly appreciated it, although I think there are many other people for whom it could have been more

appropriately named. I'm not used to this kind of thing!

How did you get involved in pro bono and legal services work?

I went to law school to do legal services work. In law school, I worked in the student attorney's office, and in the summer, I helped in the legal aid office on a Sioux reservation. Out of law school, I worked with East Texas Legal Services, then my law partner and I went into private practice to do civil rights cases. I was away from the law for several years teaching, but when I came to the State Bar (in 1996), I began doing pro bono work again. The Bar encourages its attorneys to do pro bono work.

What kind of pro bono cases did you primarily take?

I did mostly family law and Social Security and SSI (Supplemental Security Income) cases. I learned so much working on those cases. During welfare reform in the mid-1990s, many kids ended up being kicked off the SSI program and losing those benefits. The American Bar Association put together a nationwide effort to find lawyers to represent these kids. There was a huge need here in Texas, but our statewide effort was really good, with training around the state. A lot of private practitioners participated.

What is a particularly memorable or challenging case?

It was an immigration case that I took in 2007 through ProBAR (South Texas Pro Bono Asylum Representation Project). I was helping a girl from Guatemala obtain asylum. She was 15 when I started representing her and she turned 16 during the case. She's a tough, strong girl, but she would not have survived, I think, if she had gone back. It's an area of law that is really complicated and I learned a lot during a short period

of time, but I had such excellent support from the ProBAR staff and from a fellow attorney, Bob Etnyre. He's the "pro bono god of the universe" and you can quote me on that! He's amazing and he helped me so much on the case. Fortunately, we won and my client is in a federal foster care program and receives counseling and support. I felt better about that case than anything I've ever done. All of the kids that come through ProBAR have been through so much. I strongly encourage people to volunteer. These cases are not as easy as doing something in your hometown, but they are so worth it, and ProBAR provides such wonderful support. The State Bar should be very proud of being a sponsor of the program.

What advice would you give to lawyers, especially young lawyers, wanting to do pro bono work?

Our profession is meant to help people. When people say they don't have time to do pro bono work ... well, yeah, you do. Just do what you can do because only lawyers can provide legal services to people. That's critical. The State Bar's goal is 50 hours a year. That's doable! Just work it into your schedule. It would be unbelievable if every lawyer in the state did 50 hours. Every metropolitan area and many smaller communities have pro bono programs. Call up and volunteer. The programs make it as easy as they can; they provide training and mentors. It's also a way to learn new areas of law. You can also call Texas Lawyers Care (TLC), the State Bar's pro bono department, to find a program in your area. TLC also provides training opportunities. You just have to decide to do it. If you start early in your career, it becomes ingrained as part of being a lawyer and what you do as a lawyer. All of the pro bono clients I've had have been good folks who needed a little help. It's not hard to provide it.

For more information about Access to Justice, visit www.texasbar.com/probono.

Editor's Note: Emily C. Jones passed away August 3 following a five-year battle with multiple myeloma. Jones leaves an outstanding legacy of public service and will be missed by all who knew her. See the Summer 2009 edition (Volume 10 No. 3) of the *LegalFront* to read about Emily's life and work.

Access to Justice Track Inspires Local Bar Leaders

The Bar Leaders Conference Access to Justice Track, a mini-conference on access to justice (ATJ) issues, aims to provide bar leaders with a statewide perspective on ATJ issues. The ATJ Track held on July 18 in Houston, consisted of a full day of breakout sessions and created an opportunity for local bar leaders to network and hear from an array of speakers.

This year's track included an overview of civil legal aid and a variety of ways attorneys can increase their involvement in the effort to expand legal services to poor and low-income Texans through their local bar associations. Presenters included: State Bar President Roland Johnson; El Paso Bar President Carlos Cardenas, Betty Balli Torres, Executive Director of the Texas Access to Justice Foundation; and more legal aid advocates.

The ATJ Track highlighted the many ways that attorneys can become involved in helping all Texans access the justice system. Attorneys learned they could work with their bar associations and legal aid organizations to hold clinics, create handbooks, answer legal lines, or educate legal aid attorneys in a specific area of law. ATJ Track attendees were also informed of the numerous perks the State Bar provides to volunteer attorneys. Volunteer attorneys can receive malpractice insurance, tuition



Panelists stress the importance of pro bono services and recognizing volunteers during the National Pro Bono Celebration. (Left to right) Carlos Cardenas, President, El Paso Bar Association; Roland Johnson, President, State Bar of Texas; Marc Vockell, ATJ Commissioner; and Toby Brown, ATJ Communications Committee member.

waivers for CLE courses, and a free membership in the State Bar of Texas Pro Bono College. The ATJ Track provided local bar leaders with incentives, information, and inspiration to become involved in pro bono legal services.

FREE

Ethics CLE Available on Access to Justice

Are you interested in a one FREE hour Ethics CLE presentation regarding access to justice issues in Texas?

The Texas Access to Justice Commission and the Texas Access to Justice Foundation are available to provide presentations to local bar associations and other attorney groups highlighting the many ways attorneys can get involved to increase access to legal services for poor and low-income Texans.

SCHEDULE YOUR FREE CLE, TODAY!



Contact:
atjmail@texasbar.com
 512-427-1855

TEXAS | ACCESS to JUSTICE
 FOUNDATION

ExxonMobil Honored with Magna Stella Pro Bono Award

At the 2009 Texas General Counsel Forum (TGCF) Magna Stella Awards Dinner on November 5, ExxonMobil was honored with the Magna Stella Pro Bono Award. In 2008 the Texas Access to Justice Commission and the Texas General Counsel Forum jointly created the Magna Stella Pro Bono Award to recognize corporate legal departments that promote pro bono legal services within their organization and within the corporate structure at large. In addition to ExxonMobil, Marathon Oil and Hewlett-Packard were recognized as finalists for their tremendous contributions to legal services in Texas. Attorneys in each department strive to increase awareness of the crucial need for pro bono services, both within their corporation and within other corporate law departments and law firms.

Marathon Oil established the Joe Simmons Legal Pro Bono Program in 2008. The pro bono program enables its attorneys and staff to provide voluntary legal services to the indigent, elderly, and other individuals in need (or to non-profit organizations serving those individuals) in the Houston area. Marathon Oil's management encourages participation of both attorneys and staff by allowing the volunteers to participate in clinics, hearings, meetings, and other appointments.

Attorneys at Hewlett-Packard have developed a strong history of service with Legal Aid of NorthWest Texas (LANWT), including participation on the Board of Directors. Hewlett-Packard attorneys handle a variety of cases for LANWT including family law cases such as divorces, adoptions, child custody actions, and paternity proceedings, in addition to other non-family law matters, such as consumer claims. Hewlett-Packard's Dallas office has established a goal of obtaining a commitment of twenty hours of pro bono service per year from fifty percent of the legal department's attorneys.

The ExxonMobil corporate legal department set themselves apart by engaging in multiple programs to help poor Texans.

ExxonMobil attorneys have actively participated in pro bono activities through the Houston Bar Association's Houston Volunteer Lawyer Program (HVLP), Texas Community Building with Attorney Resources (Texas C-BAR), Texas Accountants and Lawyers for the Arts, and Texas Appleseed. The attorneys, as well as administrative support from all Houston area offices, regularly volunteer to staff many HVLP Legal Advice Clinics, including Drive Time Clinics, Veterans Clinics, HIV/AIDS Clinics, and Wills Clinics. ExxonMobil attorneys have also partnered with Akin Gump L.L.P. to provide legal clinics at the Houston Women's Home and Houston Area Women's Center. Additionally, ExxonMobil Corporation collaborated with HVLP and Texas C-BAR to create a program called the Corporate Counsel Initiative, which provides non-profit organizations with access to legal counsel. Through the program, ExxonMobil furnishes day to day legal counseling to a non-profit economic development corporation, Avenue CDC, which provides low-income housing to Houston citizens. Ten Community Counsel Partnerships have been established as part of this initiative.

ExxonMobil's high level of commitment to providing legal services to the poor separates its legal department from the majority, and sets a new standard among corporations. Through ExxonMobil's efforts, they have become a strong advocate and role model for corporate pro bono efforts throughout Texas. Texas Supreme Court Justice Paul Green presented the Magna Stella Pro Bono Award to ExxonMobil at the TGCF's annual awards dinner in San Antonio. Theodore Frois of ExxonMobil accepted the award on behalf of ExxonMobil's legal department.

The Commission commends ExxonMobil for its efforts and applauds the tremendous contributions of Marathon Oil and Hewlett-Packard.

Legal Services Staff Benefit from Free Technology Training

For the third consecutive year, the Texas Access to Justice Commission's (ATJ) Technology Committee sponsored free technology training courses for Texas legal aid providers. This summer, more than 300 individuals received hands-on training in interactive seminars that covered Microsoft Word, Excel, and PowerPoint software.

The ATJ Technology Committee, which includes the chief information officers of leading law firms, created the ATJ Technology Training Program in 2007. Fifty-two training classes were held in Austin, Dallas, El Paso, Houston, Lubbock, and San Antonio as the result of a collaborative effort between five law firms utilizing their technology training managers and staff. The firms included Andrews Kurth L.L.P., Baker Botts L.L.P., Bracewell Giuliani L.L.P., Fulbright & Jaworski L.L.P., and Vinson & Elkins L.L.P. "We presented the training program for legal aid providers to expand their capacity to help those who desperately need civil legal assistance," said Marti Phillips, national training manager for Andrews Kurth L.L.P. and coordinator of the ATJ Technology Training Program.

In addition to the contributions of time and talent from the five law firms, the ATJ Technology Training Program was made possible through the generosity of Profiscience Partners, Traveling Coaches, the M.D. Anderson Foundation, Texas Tech University School of Law, and the University of Texas at El Paso. Profiscience Partners donated access to *UniversitySite*, a web-based learning management system valued at more than \$40,000. The system provides

administrative support for the training program and includes the scheduling of events, registration, and attendance tracking. Michael Barshinger, president and CEO of the company, noted, "Leading U.S. law firms have implemented *UniversitySite* as part of a strategic initiative to improve employee skills and expertise, so we are very pleased to provide this platform for the Commission's Technology Training Program."

New this year, Traveling Coaches donated CLASSe Briefs, which are short, interactive lessons that both attorneys and staff can use to meet self-paced learning objectives. The CLASSe catalog contains more than 170 modules, including Microsoft Office 2003 and 2007, that can be accessed through the *UniversitySite* system on-demand. "Traveling Coaches is thrilled to participate in the ATJ Technology Training Program. We believe the CLASSe briefs will provide learners with much needed, just in time support, now — and in the future," said Gina Buser, CEO and co-founder of Traveling Coaches. This catalog's estimated value is approximately \$30,000.

The Commission is grateful to the M.D. Anderson Foundation for generously underwriting travel expenses for the trainers, and to the University of Texas at El Paso and Texas Tech University School of Law for providing their computer labs so that advocates in El Paso and Lubbock could participate in live trainings. Through their generous contributions and the efforts of the dedicated technology trainers, hundreds of legal aid providers are now able to use their new technology skills to better serve poor Texans.

New Law School Video Promotes Public Interest Work

The Texas Access to Justice Commission has developed a new video for law students called, "Access to Justice: A Journey of a Lifetime." This nine-minute video shows law students the real-life experiences of their peers participating in internships and fellowships to help meet the basic civil legal needs of poor and

low-income Texans. The video encourages law students to consider careers in public interest law and to contribute to their community by performing pro bono work. To request a copy of the video, please contact atjmail@texasbar.com.

Commission Honors Texas Tech Law Student and St. Mary's Law School for Commitment to Pro Bono Legal Services

The New Lawyers Induction Ceremony provided the perfect stage to spotlight the winners of the second annual Access to Justice Law Student Pro Bono Award and Access to Justice Law School Commitment to Service Award. On November 16, the Texas Access to Justice Commission (Commission) honored the noble efforts of Texas Tech University School of Law student Renee Brosch and St. Mary's University School of Law. Justice Harriet O'Neill of the Texas Supreme Court presented the winners with their awards on behalf of the Commission.

The ATJ Law Student Pro Bono Award recognizes a law student who has demonstrated commitment to the delivery of legal services to low-income Texans. Brosch, a recent graduate of Texas Tech University School of Law, received a crystal award and a \$2,000 stipend from the Commission in recognition of her efforts.

During the summer of 2008, Brosch volunteered with Texas RioGrande Legal Aid in Austin. Earlier that summer, she spent 170 hours assisting attorneys on cases involving the removal of children from members of the Fundamentalist Church of Latter Day Saints in Eldorado. While enrolled in Texas Tech's Civil Practice Clinic, Brosch handled family law, social security disability, and estate planning cases. In addition, Brosch was active in pro bono clinics such as the Night Court Divorce Project, a collaboration of Texas Tech's Civil Practice Clinic and Legal Aid of NorthWest Texas. Brosch intends to practice law on behalf of low-income Texans after graduation.

St. Mary's University School of Law (St. Mary's) received the Law School Commitment to Service Award. This award recognizes a law school that most prominently advances the delivery of legal services through clinics, public interest programs, student involvement, and other initiatives. St. Mary's was presented with a crystal award. In addition, the school's name was engraved on the ATJ Law School Commitment to Service Award plaque, which hangs in the Texas Law Center. "St. Mary's University School of Law has a significant impact on the poor in South Texas through its outstanding clinical programs and pro bono projects," said Harry M. Reasoner, Chair of the Texas Access to Justice Commission. "The dedicated faculty and staff at St. Mary's encourage and instill in their students a commitment to

public service and access to justice issues that makes them true professionals and better lawyers."

St. Mary's conducts monthly pro bono wills clinics, an Ask A Lawyer program, and a Volunteer Income Tax Assistance Program. The Clinical Programs at St. Mary's provide representation in family law, domestic violence, consumer protection, crime victims, immigration and criminal defense in misdemeanors, and low-grade felonies through weekly office hours at seven local shelters and day centers. Legal clinics at St. Mary's serve approximately 1,465 clients per year and affect the lives of more than 2,700 individuals. For 16 years in a row, St. Mary's has partnered with the San Antonio Bar Foundation to present the annual People's Law School, an outreach project that offers free one-day seminars on legal topics of interest to community residents.

St. Mary's and Brosch exemplify what law schools and law students can do to improve the lives of poor Texans. St. Mary's clinical programs and Brosch's volunteering experiences demonstrate that providing legal services to the poor can begin in law school.



At the New Lawyers Induction Ceremony, Texas Supreme Court Justice Harriet O'Neill presented the ATJ Law School Commitment to Service Award to St. Mary's University School of Law and the ATJ Law Student Pro Bono Award to Renee Brosch. Dean Charles Cantú accepted the award on behalf of St. Mary's University School of Law.

State Bar Sections Provide Law Students with Fulfilling Summer Internships

The State Bar of Texas Litigation Section and Labor and Employment Law Section offer \$4,000 grants to legal aid organizations so that Texas law students interested in litigation matters or labor and employment issues may participate in an internship program providing legal assistance to poor Texans. At the conclusion of the ten week internship, the students write a report on their experience. The following are excerpts describing their internship experiences:

I came to Texas RioGrande Legal Aid (TRLA) in hopes of working in all types of law, but with a specific interest in domestic violence and sexual assault litigation. Throughout my ten weeks, I had an opportunity to work on many different issues from immigration to family law to property and tax issues. Beyond research, I was able to get hands-on experience in domestic violence litigation. Often, I had the chance to follow a case from start to finish and get personally involved with the client and his or her problem. My workload in litigation included drafting crosses, directs, pleadings, orders, and looking into specific legal and evidentiary questions that might affect our case. Nearly everyday, an attorney would pop in my office and ask if I wanted to come to court, a client interview, community outreach, or the weekly case review. I was able to watch first-hand how attorneys can make a difference in the lives of others and the important role that legal aid serves.

Looking back at my summer, I am certain that the time I spent at TRLA has affected my life in a tremendous way. I have become a better student, researcher, thinker, and person. I have had the chance to watch just how much preparation, hard work, and talent can affect the outcome of a case. Cases of abuse, rape, neglect, and victimization were a day-to-day reality for me. It was heart wrenching. Yet somehow, the attorneys at TRLA pieced together these terrible situations and worked hard to fight for these clients when no else could or had. I was continually humbled by the work they did and the spirit they carried with them each day.

On the last day of my clerkship, I was asked what I took away from the experience. The question is easy to answer: working at TRLA made me excited to join the legal profession and inspired to use my educational skills for good. I learned valuable legal skills and lessons that I will take with me for the rest of my life. Without the Litigation Section of the State Bar of Texas, I would have never had this amazing opportunity. I am forever grateful to have had such a rewarding and challenging summer clerkship.

*Catherine Stanford
University of Texas School of Law '11
Litigation Intern, Texas RioGrande Legal Aid*

Reflecting on my internship with Family Violence Prevention Services, Inc. (FVPS), it is incredible that in just ten weeks, I was able to gain such a wide array of skills and practical knowledge about the area of family law. It was such an honor to participate in the internship program at FVPS through the Litigation Fellowship from the State Bar of Texas.

From the onset, I was amazed how rapidly the legal picture came into focus for me. I had obtained pieces of the puzzle during my first year of law school, yet I was still not aware of how these pieces fit together. However, as I worked on pleadings, drafted legal documents, filed petitions at the courthouse, attended hearings, responded to motions and discovery, conducted legal research, and observed depositions, the light bulb was illuminated. Not only did I understand where the puzzle pieces belonged, but it validated the choice I made to become an attorney.

I had the unique opportunity to gain exposure to the San Antonio legal community, such as attorneys, judges, clerks, et al. This included seeing the life of a suit from filing, setting a hearing, the system of presiding, conferring with opposing counsel, recording, and observing the FVPS attorneys who passionately represent their clients before a judge.

One of the most rewarding and unforgettable experiences of the summer came about during a final hearing for a client whose case I had become deeply connected with. Working on this case was representative of the many skills and invaluable legal education I had obtained from my internship. I personally worked on this client's case, and will never forget the look in her eyes when the final hearing concluded. She embraced me, and beyond her words of appreciation, I could feel the weight of the world lift off her shoulders. For the first time, the tears in her eyes were tears of joy and hope for a bright future, rather than fear and pain. That incredible moment became even more extraordinary when my supervising attorney asked if she could approach the bench and introduce her intern. The judge graciously began an impassioned, heartfelt discussion about the legal profession and helping those in need. I felt so grateful to FVPS for allowing me to be so involved, teaching me so many valuable lessons, and strengthening my passion for the law.

I did not anticipate gaining so much, both professionally and personally. Words cannot adequately express how grateful I am to Family Violence Prevention Services and to the Litigation Section of the State Bar of Texas, who made this experience possible.

*Michelle M. Lehrer
St. Mary's University School of Law '11
Litigation Intern, Family Violence Prevention Services, Inc.*

I spent half of my summer working for Human Rights Initiative of North Texas, Inc. (HRI) thanks to the grant provided by the State Bar of Texas Litigation Division. My time at HRI was spent working for the Legal Education and Asylum Program. I was given the opportunity to actively participate in every aspect of the program by assisting with client intake interviews, giving feedback in legal team discussions, researching timely asylum issues and country conditions, and attending an immigration interview.

The event that will remain in my mind the most is the interview I attended with two HRI clients who applied for permanent residence. The morning of the interview, the attorneys, clients, and I met at the U.S. Citizenship and Immigration Services building. It was obvious how nervous the clients were. As we waited to be called by the immigration officer, the mother and daughter quietly spoke reassuring words to each other. Once we were in the immigration officer's office, the interview began, and I was able to see a part of the immigration process that I had never experienced. After waiting years to be granted an interview, waiting over an hour in the lobby, and undergoing a strenuous hour of questioning – the clients were finally granted their status as legal permanent residents. The joy in their eyes was immeasurable.

When I decided to be a lawyer, I wanted to provide marginalized communities with access to justice. My summer at HRI inspired and motivated me to pursue my passion for public interest, immigration, and legal assistance, and reassured me that I had made the right choice.

Roxanna Manoochebri
Texas Wesleyan University School of Law '10
Litigation Intern, Human Rights Initiative

Legal Aid of NorthWest Texas (LANWT) provided exposure to a vast array of legal issues in a wide variety of practice areas and I was able to, for the first time, interact one-on-one with real clients. I spent the summer in the Housing, Consumer Protection & Economic Benefits Division and also worked with the Consumer Bankruptcy Group. I was able to help people on housing issues such as evictions and foreclosure; on personal things like social security benefits, workers compensation benefits, labor and employment issues; and virtually all aspects of consumer bankruptcy.

My duties included client intake interviews during the "intake" process. This was very rewarding because I was able to hear their stories, ask clients questions, sort through the facts, figure out the issues and the merits of their claims, and assist in formulating a plan of action that would best aid their particular situation. I also performed legal research, drafted client letters, and aided in drafting and editing various legal documents

including discovery and pleadings. I also obtained and sorted through various types of evidence.

I was able to see the true workings of a major civil litigation case from start to finish. I witnessed and participated in the client's first interview, working through a tireless settlement negotiation attempt, all aspects of the discovery process, depositions, drafting and serving subpoenas, conducting research and preparation for a temporary restraining order hearing, and working with the court and the opposing counsel in the various aspects of the case. I was able to see the client walk away from this as unscathed as was possible considering the circumstances of what happened to lead him to this moment.

I will take with me and practice the knowledge and experience gleaned from this internship; and from it, I will be a better lawyer and indeed, a better person for it.

Brett Schoenherr
Southern Methodist University Dedman School of Law '10
Litigation Intern, Legal Aid of NorthWest Texas

This summer was my first experience working at legal aid, and it proved to be everything I was looking for in a job. Though I did not know exactly what field of law I wanted to pursue, there are two things I did know: I wanted to fight for people, and I wanted to hold people accountable. This is what sparked my interest in employment law.

While there are other areas of law that might pay more, they do not necessarily give you the opportunity to feel like you can make a difference in someone's life. The client outreach truly made the experience one to remember. Employment law can be difficult because employees are often afraid to take legal action because they heavily depend upon their employment for income. Therefore, employers may not give employees the pay for which they are legally entitled, and frequently employees are unaware that this is illegal. Outreach is a necessary step to get people the help they need.

Over the course of the summer, I helped eight people with their employment problems. One case, for example, involved a man who was denied unemployment benefits because an agency determined he did not quit with "good cause," despite being a diabetic who was denied water while working construction. The cases involved immense amounts of research and work on motions for summary judgment. Though I did not know what field I wanted to focus on before the summer, thanks to Texas RioGrande Legal Aid, I now know that legal aid is an option.

Rachel Cook
South Texas College of Law '11
Labor and Employment Law Intern, Texas RioGrande Legal Aid

Texas Law School Programs Instill Value of Legal Services to the Poor

Law schools around Texas have implemented programs to increase access to justice for all Texans and allow students the opportunity to serve their community while gaining practical attorney experience. By tackling the legal issues of real clients, students apply classroom theory to actual cases, sort through and analyze complex information, develop interpersonal communication skills, research possible solutions, and develop advocacy strategies.

The South Texas College of Law Pro Bono Honors Program encourages professionalism by providing pro bono opportunities for students and recognizes this service with a formal certificate program. After students complete the first 30 hours required for graduation, they are eligible to participate in the Pro Bono Honors Program. Upon completion of 50 hours of service, students are awarded a Pro Bono Honors Program certificate and a notation is made on the student's official South Texas College of Law transcript.

Another school demonstrating the value of legal services to the poor is Texas Wesleyan University (TWU) School of Law. TWU has created the Equal Justice Program which requires that each student perform no less than 30 hours of pro bono work through a pre-approved placement. "The experience students receive in the Equal Justice Program will instill an appreciation of and commitment to the importance of giving back to the community and improving access to legal services," says Patti Gearhart Turner, Assistant Dean for Student Affairs.

Both Texas Tech Law School and St. Mary's Law School run legal clinics which teach their students practical legal skills while helping low-income Texans who would otherwise lack access to legal services. Students in both schools are responsible for representing clients with legal problems in a wide range of areas including: family law, public benefits, civil rights, consumer law, and estate planning. To the extent possible, students are assigned cases in their areas of interest. Students gain practical, hands-on experience by interviewing and counseling clients, investigating facts, drafting legal documents, negotiating with opposing counsel and administrative agencies, and trying cases in court.

Similarly, the Southern Methodist University Dedman School of Law operates the Federal Taxpayers Clinic where law students participating in the clinic learn firsthand that the practice of law demands tremendous dedication to both the law and the pursuit of their client's best interests.

Students in Immigration Clinics at the University of Texas Law School and University of Houston Law Center provide crucial representation to vulnerable low-income immigrants before immigration courts, the Department of Homeland Security, the Board of Immigration Appeals, and federal courts. Through the legal representation of clients and the classroom component of each clinic, students learn substantive immigration law, practice important legal advocacy techniques, and explore different models for ethical, responsible, and effective lawyering. Students also provide assistance for immigrants held in immigration detention centers and give presentations to organizations that deal with immigrant issues.

Texas Southern University's Thurgood Marshall School of Law Criminal Law Clinic & Innocence Project presents students with an opportunity to acquire valuable and practical experience in the area of criminal and juvenile law. The Criminal Law Clinic & Innocence Project is operated as an in-house clinic where students cultivate skills in investigation, drafting of criminal law pleadings, plea negotiations, and courtroom presentation. Students completing this course must demonstrate competency in handling misdemeanor criminal and juvenile law-related cases from the initial client interview through court proceedings.

Baylor University School of Law initiated a unique program through which students become involved in the surrounding community through pro bono and general community service work. The name of the program is Bear P.A.W.S. (People At Work & Service). Students perform 75 percent of their work in a law-related service for a public interest organization, and the remaining 25 percent of their hours are dedicated to any type of community service (e.g., Meals on Wheels, Habitat for Humanity, Humane Society). Bear P.A.W.S. is a program that seeks to inform students of opportunities to serve the less fortunate, imparts the responsibility they have as attorneys to serve, and provides students with educational experiences to enhance the classroom learning experience.

By participating in these established pro bono programs, law students confront the stark reality of life for poor people faced with legal problems. Each of these law school programs introduce students to the professional obligation of attorneys to help the less fortunate, the benefits of providing public service, and the needs of the underrepresented in society. The programs are central to each law school's access to justice efforts as they prepare the next generation to become advocates and leaders.

Members of the 2008 Pro Bono College of the State Bar of Texas

Below is an updated list of the 2008 Pro Bono College members because the Spring LegalFront contained an incomplete list of members.
We regret our previous omission.

***Denotes 10th year as a member**

Fred Edgerton Abbott
Jacquelyn Meilink Me Abbott
Cathy Jean Adams
David Adler
Floyd Martin Akers
Samuel Mbo Ako
Okey C. Akpom
Ronald Z. Aland
Katherine Marie Allen
Sheila Allen
Travis Richard Alley
Karen Almonte
David T. Altenbern
Ernest J. Altgelt
Ashley Elizabeth Altick
Amy Bates Ames
Bobby Amick
Carla Marie Anderson
Deborah Andrus
Ordnie Elaine Archie
Regina B. Arditti
Antonia Arteaga
Barbara Ashley
Andrea Atalay
Claudia P. Avalos
Charles W. Baisley
Anindita Mukhopadhyaya Banerjee
Olaide Abdul Banks
Nancy Barohn
Manuel J. Barraza
Roy R. Barrera
Dallas Jackson Barrington
Jayne Jones Barstow
Brent Edward Basden
Kyle G. Basinger
Mary Ann Beaty
G. Ward Beaudry
Maria Angela Flores Beck
Tracey Ann Beecher
Corby Dion Bell

****Denotes 15th year as a member**

Antonio Benavides
Lynn Manville Bencowitz
Peter Bennett
Richard L. Berry
Tony Ray Bertolino
Sonya Jean Bible
William Travis Biggs
Peggy Sue Bittick
John Thomas Black
Kathleen J. Black
J. Roxane Blount
Lovett T. Boggess
Paul M. Bohannon
Cynthia Louise Boris
Teodoro Bosquez
Melissa Ann Botting
Thomas H. Bowersox
Darbie Bice Bowman
David K. Boyer
James Bradley
James S. Breeden
Jacqueline Ann Brennan
Katherine Morgan Breslin
Michael Brinkley
Donna Broom
Rebecca Gormezano Brown
Christina Esther Brueggeman
Kenneth Wayne Bryant
Robert Charles Bunger
Sandra Kaye Burns
Randall Edward Butler
T. Marc Calvert
Denise Lasalle Campbell
Ramiro Canales
Roel Canales
Cynthia Canales
****John C. Cangelosi, Jr.**
Lisa Baker Canterberry
Oscar L. Cantu
Patricia Ann Carlson

John Stephen Carow
Laura Ann Carpenter
Leo A. Carrasco
Angelica Beatrice Carreon
Brian Carter
Janet S. Casciato-Northrup
Deborah Kay McGregor Cascino
William Wade Casey
Maria Elena Castellanos
Jesus Y. Cavazos
Ernesto R. Cavazos
Anna L. Cavazos
Lawrence M. Chamberlin
Anne Haenel Chandler
Stephanie Louise Chandler
David Chang
Robbie Gail Charette
J. Scott Chase
David A. Chaumette
***Susan Chmielowiec**
W. Stephen Cockerham
Jeffrey V. Coen
Bryan Douglas Coleman
Michelle Coleman-Johnson
Kevin Collins
David Conrad
Sally Valaree Cook
Elizabeth A. Copeland
Brandy Leigh Copley
David Courreges
***Geoffrey Neil Courtney**
Laura Ives Craft
****Christina Melton Crain**
Robin Theobald Cravey
Sally Lynn Crawford
Brandon Crisp
Dennis Ray Croman
Hollye Rebecca Cross
Beryl Ponton Crowley
J. Diane Garza Cummings

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***Denotes 10th year as a member**

Gary William Cunha
 Jeanie Lee Drodody Cupit
 Kelly J. Curnutt
 John Ethan Currier
 Duane L. Daniels
 L. Mickle Daniels
 Donald S. Davidson
 Nakia Davis
 Maria Del Toro
 Catherine Del Valle
 Eddy L. De Los Santos
 Ronald Ned Dennis
 Cynthia Jill Dollar
 Jeffrey Lee Dorrell
 Marina Thais Douenat
 Demetrio Duarte
 Philip R. Ducloux
 Kristy Lee Durkovic
 Theophilus Ndubuisi Ekwem
 Alfred W. Ellis
 David L. Elmers
 Nicholas Jason Enoch
 Robert Hays Etnyre
 Melinda Robin Fagin
 Nita C. Fanning
 Zachary Joseph Fanucchi
 Melinda Garza Farias
 Pamela S. Fernandez
 Wenda Ferrell
 Susan Aubre Fisher
 Donald H. Flanary
 Joe Alfred Flores
 Alan B. Folger
 Garrick Fox
 Victor C. Franck
 Lynda Elizabeth Frost
 Alyssandra Tracey Mi Fulton
 Christel Gail
 Santiago Galarza
 Eduardo Garcia
 Audrey Garnett
 Edgar J. Garrett
 Theresa Ann Peel Gase
 Karen George-Baunchand
 Augustus Robert Glaser
 Michele Kosoy Goldberg
 Victor R. Gomez

****Denotes 15th year as a member**

***Jodilyn Marie Goodwin**

Arthur L. Goolsbee
 Steven Jan Gordon
 Robert Goss
 Gregory Lamar Gowan
 Harold Laverne Graham
 Marcy Hogan Greer
 Robert L. Greeson
 Robert Thomas Groneman
 William David Gross
 David E. Grove
 Brian Cooper Guequierre
 Steven Rade Guy
 Wendy Hackler
 Mark Stephen Haenchen
 Vicki Minter Hafer
 Ronald Milton Hall
 Ursula Antoinette Hall
 Troy Don Hammons
 Elizabeth Ann Hanshaw
 Derek Harmon
 Richard Clark Harrist
 Terry L. Hart
 Cornelia A. Hartman
 Cynthia Ann Hartsfield
 Angela Harvey
 Marie Alice Haspil
 Anthony Haughton
 Dawn Renee Hedlund
 Sharon Jevert Hemphill
 Charles L. Henke
 Michael Hernandez
 Aimee Hess
 Kelcie Augusta Hibbs
 Chohn T. Hickman
 Laura Marie Sample Hilliard
 Annette Cantu Hinojosa
 S. Bruce Hiran
 Mary Lynn Hollis
 Mary Jo Holloway
 Patricia Jo Holloway
 David W. Holmes
***William O. Holston**
 Ellen M. House
 Evelyn Huerta
 Shawn P. Hughes
 Nancy Yukfung Hui

Van A. Hutchins
 Mozella Beth Irwin-Smith
 Stephen J. Jabbour
 Coleman Lewis Jackson
 Carol Jackson
 Veronica F. Jacobs
 Mary Elizabeth Jameossanaie
 Claudine Rae James
 Vaughn Edward James
 James Michael Jaynes
 Lyn Jenkins
 Ira D. Joffe
 Amy Johnston
 Larry Lexington Johnston
 Kyle Mullins Jones
 Emily C. Jones
 Deena B Kalai
 Duane Francis Keating
 Roland C. Kemp
 Duane David Kidman
 Brian Allan Kilpatrick
 John Andrew King
 William B. Kingman
 Allen Haber Kline
 Kaylin Dorothy Kluge
 Nancy Knox-Bierman
 Gary P. Krupkin
 John C. Kuhn
 Joan Michelle Labay
 Karen Renee Lambert
 William Morris Lamoreaux
 Theresa Langford
 Karen Jean Langsley
 Robert E. Lapin
 Michelle Julie Woome Latray
 Henry Jefferson Leforce
 John Berchman Lejeune
 Cameron Charles Lenahan
 Gary L. Leonard
 Eduardo N. Lerma
 Wendi Lester
 Emily Leung
 Kelly Liebbe
 Robert Walton Liles
 Edward E. Lindsay
 Jaquelin M. Bickmore Lloyd
 Paula Ann Lock

***Denotes 10th year as a member**

Diego Lopez
 Sharon Lowe
 Jane S. Lowery
 Christine Michelle Lugo
 Mary L. Macias
 Amber MacIver
 Lyla Malolepszy
 Mark Randall Maltsberger
 Norman Maples
 Anna Marketto Powers
 Josue M. Martinez
 Jani Maselli
 Mary Lauren Mathews
 Michael L. May
 Danna Mayhall
 Myrtle J. McDaniel
 Kevin John McDonnell
 David L. McLane
 Johanna E.T. McLeod
 Karen McRae
 Mark L. Medley
 Susan Bieber Meek
****Ronald James Merriweather**
***Patrick S. Metz**
 Emily Miller
 Stewart Ransom Miller
 Katherine Buck Miller
 Andrew Don Mills
 Rain Levy Minnsa
 Mary Ann Miranda
 Imran B. Mirza
 Katherine Taylor Mize
 Ebb Bailey Mobley
 Evan Moeller
 Steven D. Monk
 Terry Moon
 Barbara Moore
 Audrey Moorehead
 Teresa Morales-Ahnberg
 Carla Brundage Morrison
 Bertrand Carl Moser
 Njeri Mwaniki
 Robert John Myers
 Bradford Winston Nace
 John Arthur Nechman
 Ryan Laurence Nelson
 Richard Allen Nemer
 Charles R. Nettles

****Denotes 15th year as a member**

Lisa Le Nguyen
 Matthew Nickson
 Natalie Nicole Niles Arguello
 Ralph Edward Northcutt
 Teasa Northern
 Christine A. Nowak
 Shanna Leigh Nugent
 Stephen Martin Nutt
 Kerry Vincent O'Brien
 Anthony Charles Odiorne
 Theodore Dean Ogilvie
 Collins E. E. Okechie
 Mark D. O'Leary
 Wm H. Oliver
 Richard A. Olivo
 Terence L. O'Rourke
 Ruth Aniacka Ortiz
 Edmond N. O'Suji
 Janice Payte Oviatt
 Kristina Lynn Page
 David John Palmer
 Mary Parker
 Sonali Patnaik
 James R. Paxton
 Joseph Pena
 Della Fay Perez
 James Allen Perkins
 Paul Perrin
 Cornelius D. Perry
 R. Leon Pettis
 Marsha Phillips
 Gregory B. Pine
 S. Carol Pinson
 Anthony E. Pletcher
 Chris D. Prentice
 Darlene Prescott
 Jimmie P. Price
 Gina A. Price
 William R. Price
 T. W. Proctor
 Todd Harlin Ramsey
 Jonathan Blake Randolph
 Ronald Rangel
 Anthony A. Rasch
 Brandon Rasley
 Jad Powers Ratliff Harper
 Stephen James Raynor
 John Hampton Read

Sean Michael Reagan
 Steven S. Reilley
 John Steven Reilly
 Jennifer Chih-Chieh Reynolds
 Seth J. Riklin
 Elaine B. Roberts
 Glenn Lee Roberts
 Anthony Robinson
 Cristal Robinson
 Cindi Robison
 Beatrice G. Robles
 Sylvia Anna Rodriguez
 Brian Wade Rogers
 David Edward Rohlf
 Carmen Rosita Rojo
 Maribel Roldan
 Louis Rosales
 Peter Alan Ruman
 Stephen Maurice Ryan
 Jacob Rzepka
 Shannon Salmon
 Benjamin Sanchez
 Deborah G. Sandheinrich
 Sarah Calcote Sarahan
 Paul C. Sarahan
 David P. Schafer
 Edith Evevon Schatelowitz
 Robert Scherrer
 David A. Schiller
 Calvin Wayne Scholz
 Earnest Wayne Scott
 Margaret A. Quijano Scott
 Karen Dalglish Seal
 Terry H. Sears
 Imdad Aliraza Seehar
 John-Baptist A. Sekumade
 Ruth Gomez Serra
 Lawrence B. Shallcross
 Kimberly Nicole Shanklin
 Stacy Rogers Sharp
 Clay B. Scheitzach
 Daucie Shefman Schindler
 Andrea Sheinbein
 William Stephen Shires
 Michael R. Silberstein
***Antonio V. Silva**
 Jerry Wayne Simoneaux
 Sonja Sims

Continued on page 14.

Continued from page 13.

***Denotes 10th year as a member**

Manpreet Kaur Singh
 Madeline D. Sitzes
 Jarred Jed Slater
 Francis Edwin Smith
 Wm Glenn Solomon
****Margaret E. Spain**
 Julie Renee Sparks
 Kurt Stanberry
 Cari L. Starritt-Burnett
 Sharon K. Steckler
 Richard Parks Steele
 Charles H. Steen
 Michael G. Steinheimer
 Scott English Stevens
 Lolla V Stovall
 C. B. Stratton
 Frederick Louis Streck
 John Francis Sullivan
 Jeanette Sullivan
 Xiaoxu Sun
 Sherman Paul Swartz
 Lauren Syler
 Catherine L. Tabor
 Danielle Tarin
 Jon David Tate
 Johnna Michele Teal
 Max Tepper
 Jason Napoleon Thelen

****Denotes 15th year as a member**

Matthew A. Toback
 Christopher J. Tome
 Beverly Lynn Gaines Towery
 Cynthia Brown Tracy
 Heith Lamar Treadwell
 Lu Ann Trevino
 Franke Ann Troutmen
 Jason Truitt
 Alex Nduka Udorah
 Michael Ugarte
 Carmen Carrasco Urias
 Jerry Valdez
 G. Allan Van Fleet
 Lal Varghese
 Arturo Vazquez
 Laney Michele Vazquez
 Roberto Arizpe Vazquez
 Rosemary Vega
****Terry Lynn Velligan**
 Michael J. Vernone
 Laura Wells Von Kanel
 Reginald Van Wade
 David Kent Waggoner
 Misty Lynn Walker
 Stephen Rolfe Walker
 Elizabeth W. Wallace
 Ronald Stephen Wallace
 Lawrence A. Walsh

Grant Alexander Hamm Walsh
 Ike N. A. Waobikeze
 William Ware
***Larry Logan Warner, Sr.**
 Alexander B. Wathen
 Joseph Kelly Watts
 Desiree Welborn Wayne
 Grace Ann Weatherly
 Charles Wedin
 John Marvin Weems
 Clifford Weinstein
 S. Scott West
 Charles F. Wetherbee
 Jennifer Bundscho Wherry
***Todd W. White**
 William O. Whitehurst
 Paula J. Wilder
 Sandra Pace Williams
 John Williamson
 Penny Ladell Willrich
 Tammy Wincott
 Miguel David Wise
 Frederick Woods
 May Yang
 Tacie Zelhart
 Martin Ben Zimmerman

Pro Bono College of the State Bar of Texas

Outstanding contributions to legal services to the poor

The State Bar of Texas is accepting applications for 2009 membership in the Pro Bono College. Attorneys who have exceeded expectations in pro bono legal services to the poor by performing a minimum of 75 hours of eligible pro bono service are encouraged to apply.

Benefits include:

- **Certificate** signed by the President of the State Bar and Chief Justice of the Supreme Court,
- **Subscription** to the *LegalFront* newsletter, a publication of Texas Lawyers Care (TLC) providing statewide information on legal services to the poor,
- **Free** one year subscription to TexasBarCLE's Online Library (\$295 value),
- **Training** in substantive poverty law issues at TLC's annual Poverty Law Conference at a reduced tuition rate,
- **Recognition** at the State Bar Annual Meeting, and
- **Membership** in a college of exceptional attorneys who have demonstrated a desire to help address the vast unmet legal needs of the poor by providing access to the justice system.

Join Texas attorneys who are proud members of the Pro Bono College by completing a membership application today.

Visit www.texasbar.com/probonocollege to download an application or contact us at 800-204-2222, ext. 1855.

The 2009 membership enrollment will close on January 31, 2010.

Paralegal Division Honors Exceptional Pro Bono Service

This year marked the 12th anniversary of the Paralegal Division's Exceptional Pro Bono Service Award. Pro bono work involves giving time and professional experience to benefit an individual of modest means, without expectation of compensation. Many paralegals are committed to performing pro bono work and Sherrie Lacy, the winner of the 2009 Exceptional Pro Bono Service Award, is no exception.

A Dallas native, Lacy began her volunteer work with Mental Health and Mental Retardation of Tarrant County in 1970, where she assisted special-needs children with art projects. This initial experience taught her "volunteer work is about smiles." Lacy later volunteered for the Texas Young Lawyers Association (TYLA) by serving with the TYLA Liberty Bell Award Committee, Victim-Witness Assistance Committee, and the



Sherrie Lacy (left) accepts the 2009 Exceptional Pro Bono Service Award from Rhonda Brashears, Immediate Past President of the Paralegal Division.

Texas Star Mentor Program, which provided mentors to at-risk students. Recently, she managed to find time to become a Court Appointed Special Advocate (CASA) with Dallas CASA. For the past two years Lacy has dedicated herself to supporting and protecting the rights and hearts of children, society's most vulnerable members.

Lacy's activities demonstrate the great value she places on public service. "Volunteer work helps me keep my perspective and appreciate what I have," commented Lacy. Always ready to pledge her time and energy

to improving the lives of others, Sherrie Lacy is a deserving recipient of the Paralegal Division's Exceptional Pro Bono Service Award.

Contributed by the State Bar of Texas Paralegal Division.

PRO BONO SERVICE AWARDS

The Supreme Court Task Force to Expand Legal Services Delivery is offering \$1,000 awards to the three State Bar sections or bar organizations with the finest statewide pro bono projects.

As identified by the State Bar, large-sized, medium-sized, small-sized sections and bar organizations will compete against other similarly sized sections and bar organizations to determine which new existing pro bono project best promotes legal assistance to underserved populations.

Nominations may be made by submitting a nomination form to the Texas Access to Justice Commission*:

www.texasatj.org/ATJAwards

*Nominations must be received by **February 26, 2010**

Questions:
Phone: (512)427-1855
atjmail@texasbar.com

Lawyers Rockin' for Access to Justice

As the current President of the Dallas Bar Association (DBA) and in her 17 years as a Dallas lawyer, Christina Melton Crain has witnessed first-hand the needs of low-income residents seeking legal aid. Combining her passions for the underserved in our community and music, Crain decided to bring back "Law Jam," a rock concert showcasing talented local lawyer bands.

On August 8, the DBA presented "Law Jam 2," emceed by Jody Dean of KLUV Radio, at the Granada Theater to raise awareness of, and participation in, the Dallas Volunteer Attorney Program (DVAP). Crain said that, "nearly 15,000 attorneys practice in Dallas and hundreds more in the outlying areas. Each year, these attorneys collectively donate more than 25,000 hours to assist low-income residents with civil legal issues who could not otherwise afford an attorney. This is a phenomenal contribution. But with more than 1.2 million people in the DFW area qualifying for free legal aid, DVAP has only been able to scratch the surface. More volunteers and more dollars are needed."

Approximately 20 lawyer-musicians performed on stage at Law Jam 2. Between sets, a silent and live auction was conducted including autographed posters, musical instruments, tickets to theater and music venues, and restaurant packages. Ms. Crain is a vocalist in the band, The Catdaddies, which consists mostly of lawyers, including DBA Past President Mark Sales, who

spearheaded the original Law Jam in 2006. The following bands also entertained the crowd at Law Jam 2: The Usuals, The Wrecking Crew, Second Hand Noise, Independent George, Blue Collar Crime, and FlashCube.

Established in 1997, DVAP recruits, trains, and supports attorneys in their efforts to provide free legal aid to the poor. Recognized by the American Bar Association as a uniquely exceptional partnership, DVAP is a joint initiative of the DBA and Legal Aid of NorthWest Texas. DVAP assists clients with civil legal matters, including benefits, consumer, employment, family, housing, landlord-tenant, probate, real property, and tax cases. Assistance ranges from advice to full-scale representation in court. DVAP sponsors an average of 16 clinics per month, including its Neighborhood Legal Clinics, Pro Se Clinics, and Wills Clinics. Despite the availability of these programs, nearly 3,000 low-income families with legal needs are turned away each year because of a lack of resources. While Law Jam 2 raised significant funds for pro bono legal services, it also raised awareness of the needs in the community.

Contributed by the Dallas Bar Association.



The Catdaddies - Mark K. Sales, Past President of the Dallas Bar Association and Christina Melton Crain, current President of the Dallas Bar Association - entertain the crowd at Law Jam 2.

A Victory for Domestic Violence Victims in the Sixth Court of Appeals

Texas Advocacy Project's Justice Initiative won a significant appellate victory for victims of domestic violence in a recent decision handed down by Texas' Sixth Court of Appeals. The Sixth Court of Appeals ordered a Cass County judge to vacate an order that precluded a domestic violence victim from a forum in which to dissolve her marriage and resolve custody issues.

Seeking to represent herself, the domestic violence victim filed an uncontested divorce petition and an Affidavit of Inability to Pay Costs. Subsequently, the Cass County judge told the pro se client that she and her estranged husband would have to split the costs of an attorney ad litem for their four children, as well as the costs of a home study – a minimum of \$750 apiece. Aware that the client was representing herself, the judge specified the monies would have to be paid before her divorce case could go forward.

Annette Lamoreaux, Angela Lee, and Martha Beard-Duncan, attorneys at Texas Advocacy Project's Justice Initiative, stepped in to assist the pro se client. Texas Advocacy Project asserted the client's right to raise her children without court interference. The attorneys argued that the divorce court's order infringed

upon the client's constitutional right to access the justice system regardless of the ability to hire an attorney or pay court costs. The Sixth Court of Appeals agreed and ordered the Cass County judge to vacate the order.

This case is important for domestic violence victims because the high cost of filing for divorce often presents an obstacle for victims of domestic violence, preventing victims from taking the necessary legal steps to extract themselves and their children from dangerous and potentially deadly home environments. Although indigent litigants may file an Affidavit of Inability to Pay Costs and ask the court to waive its filing fees, a mechanism does not exist for waiving additional costs which may be assessed by a court. The decision by the Sixth Court of Appeals established an important legal precedent: judges may not order additional costs which have the effect of shutting a pro se or indigent litigant out of court.

Contributed by Texas Advocacy Project.

Pro Bono Coordinators Partner for Justice

On September 17-18, Texas Lawyers Care convened another successful Pro Bono Coordinators Retreat at the Texas Law Center in Austin. The theme of the retreat was Partners for Justice. In previous years, retreat attendees were primarily pro bono coordinators from nonprofit legal services offices, however, this year's retreat marked the first time pro bono coordinators in private practice were also invited to attend.

Over 45 attendees enjoyed panel topics that included Making the Case for Pro Bono in the Current Economic Climate, Placement of Deferred Associates into Legal Services Programs, Effective Mentorship, and an ethics panel on navigating conflicts of interest between legal services and pro bono counsel. Speakers came from various organizations, including nonprofit legal services, large private firms, small firms, and corporations.

The diversity of the speakers and attendees resulted in stimulating small group discussions. In small groups, the coordinators were able to discuss the barriers faced when recruiting private attorneys to take pro bono cases. This allowed the participants to learn successful methods to overcome these barriers and brainstorm new ideas as well. During an evening networking reception,

coordinators shared expertise in the recruitment and retention of pro bono volunteers.

One participant commented, "This was one of the best coordinators retreats that I have attended. A day and a half is too short." Overall, participants appreciated the variety of topics and came away with an array of practical tips to improve their pro bono programs.



Pro bono coordinators shared volunteer recruitment strategies in group breakout sessions.

Successful Conference Focuses on Serving Domestic Violence Survivors in Rural Areas

The Legal Assistance to Rural Shelters (LARS) Project is a unique collaboration between Texas RioGrande Legal Aid (TRLA) and 23 partner domestic violence shelters and related organizations that serve survivors of domestic violence across central, south, and west Texas. Through the LARS Project, TRLA provides legal assistance to survivors of domestic violence at their initial point of contact with a shelter, which is critical to breaking the cycle of violence.

Over 130 people attended the 9th Annual LARS Conference, which took place June 3-5 in San Antonio. Texas Supreme Court Justice Harriet O'Neill kicked off the conference that brought partners together for three days of workshops, speakers, and networking. The conference strengthened relationships with shelters and trained shelter staff to help protect domestic violence and sexual assault survivors from further violence. Shelter directors and victim advocates came together with family law attorneys to discuss future collaborative strategies, critical updates to domestic violence related laws, public policy, and challenges faced by rural areas.

To overcome the challenges of assisting victims in rural areas, TRLA works with hundreds of private attorneys who selflessly volunteer their time and professional services at no cost to low-income clients. In a tough economy, TRLA's services have been in high demand and these attorneys are a key resource to meeting that demand. In the spirit of recognizing their commitment and saying thank you, TRLA worked with partner domestic violence shelters to honor ten pro bono

attorneys with the Private Attorney Involvement Awards at the LARS Conference. The attorneys recognized at the annual LARS Conference included:

Sydney Stuart, Austin, TX
 Anna Markowski Smith, Del Rio, TX
 Seferino Trevino, Brownsville, TX
 Pedro G. Nieto, Uvalde, TX
 Lucila L. Camarena, El Paso, TX
 Robert A. Weber, Kerrville, TX
 George Altgelt, Laredo, TX
 Rita Hecker Anderson, Austin, TX
 Kristine Cuello, San Antonio, TX
 Steven Kidder, Victoria, TX

The winners of the Private Attorney Involvement Awards symbolize the commitment that Texas lawyers have to low-income clients in need. "There are a countless number of domestic violence victims who would not have received the help they need to leave their abusers and protect their families," said TRLA attorney and conference director Maricarmen Garza. "Without our volunteer attorneys, it would be impossible for TRLA to impact the lives of thousands of low-income Texans each year," shared Garza. "Saying 'thank you' is the least we can do."

Information provided by Texas RioGrande Legal Aid.

ATTORNEY WANTED to provide civil justice for low-income Texans. No experience needed! Will help vulnerable and needy individuals by offering counsel in matters of basic human needs such as shelter, sustenance, safety, health, or child custody. Will receive comprehensive training, support from mentors, substantive materials, and malpractice coverage. Benefits include knowing you have made a difference in someone's life, working and networking with the most outstanding, dedicated and passionate professionals in Texas, and putting your law license to work to improve your community directly. Compensation: Priceless – you are making a positive difference in the life of a low-income Texan. Time Commitment: Flexible — based on your schedule. For more information, contact Texas Lawyers Care at 800-204-2222 x 1855.

Legal Aid Receives \$18,000 Cy Pres Award

To support providing free legal aid to low-income Texans, El Paso attorney Scott Vogelmeier designated Texas RioGrande Legal Aid (TRLA) as the recipient of an \$18,000 cy pres award. The award comes as the result of a victory Vogelmeier and co-counsel Daniel Edelman of Edelman, Combs, Lattuner, and Goodwin, LLC. received in a lawsuit against Tenet Healthcare.

Cy pres awards can be given to charitable organizations from unclaimed funds from class action lawsuits. "Scott's continued support of legal aid has played an important role in helping us serve the poor," said TRLA attorney and El Paso branch manager Alberto Mesta. "His commitment to our work has allowed us to continue to serve the El Paso community."

Vogelmeier's support comes at a significant time for legal aid organizations. Drops in interest rates have had a profound effect on vital sources of funding for legal aid organizations. At the same time, increases in foreclosures and unemployment rates have led to skyrocketing demand for services. In 2008, TRLA turned away one-third of the people who needed its legal services due to insufficient resources.

This is the second time that Vogelmeier has made a significant contribution to TRLA. Last June, he designated TRLA to receive a cy pres award of \$26,000 after another case victory.

Because of his contributions, TRLA has recognized Vogelmeier with a Champions of Justice Award. Mesta added, "Now is a critical time, and supporters like Scott are necessary to ensuring that legal aid survives in a tough economy."

Contributed by Texas RioGrande Legal Aid.



El Paso attorney Scott Vogelmeier receives his Champions of Justice Award from TRLA El Paso Branch Manager and attorney Alberto Mesta.

REPORT YOUR PRO BONO HOURS ONLINE!

*Help the State Bar
record your commitment
to legal services to the poor!*



To report your pro bono hours and/or financial contributions to legal services organizations, please visit: www.texasbar.com/probonoreporting

For questions regarding voluntary reporting, contact Texas Lawyers Care at probono@texasbar.com or call 1-800-204-2222, ext. 1855.

Corporate Counsel Discover Pro Bono Opportunities

Corporate counsel in Austin and Dallas are taking initiative to learn ways to offer their time, talent, and legal experience to assist people without access to legal services. On September 10, the Austin Chapter of the Association of Corporate Counsel held the Pro Bono Fair organized by Marc Vockell of Dell, Inc. and Jane Snoddy Smith of Fulbright & Jaworski L.L.P. In Dallas, the AT&T legal department demonstrated their interest in helping low-income Texans by gathering for a pro bono luncheon on September 23.

At the Austin event, Trish McAllister, Executive Director of Volunteer Legal Services (VLS), provided Pro Bono Fair attendees with a CLE ethics presentation and information about volunteer opportunities with VLS. Various discussions at the fair showcased pro bono opportunities. McAllister discussed a Social Security Disability & Ad Litem/Assisted Pro Se Clinic. Frances Leos Martinez spoke about transactional pro bono opportunities with Texas Community Building with Attorney Resources (Texas C-BAR) and attorneys from Fulbright & Jaworski L.L.P. spoke about their participation in the Fulbright Special Education Clinic.

The Dallas AT&T luncheon was an opportunity for the department to discuss their pro bono efforts and learn about the pro bono opportunities available at various legal aid organizations. The legal department reviewed materials from legal aid



Trish McAllister, Executive Director of Volunteer Legal Services, and Jane Snoddy Smith, partner at Fulbright & Jaworski L.L.P., contributed their expertise at the Pro Bono Fair.

organizations that focused on various ways their legal abilities could be utilized.

Corporate counsel attorneys have used their transactional expertise to create handbooks for non-profit agencies, educate legal aid attorneys in civil law, draft contracts, and staff legal clinics. The two gatherings provided corporate counsel with an opportunity to work with legal aid organizations and donate time to pro bono legal service.

Human Rights Initiative Honors Young Associates

On October 1, 2009, Human Rights Initiative of North Texas (HRI) presented its second annual Outstanding Young Associates Award at the Dallas Volunteer Attorney Program (DVAP) pro bono awards ceremony to Sunny Thompson and Carmen E. Bremer for their work with HRI's Women and Children's Program and to Evan Tilton and Akita St. Clair for their work with HRI's Asylum Program.

Sunny Thompson and Carmen E. Bremer from Weil, Gotshal & Manges L.L.P. assisted in a U Visa case for a client from Mexico. While in the United States, the client was the victim of domestic violence by her boyfriend who physically abused her, in addition to verbal, psychological, and sexual abuse. One day she witnessed her boyfriend sexually assaulting her daughter and decided to break the cycle of abuse. She reported the domestic violence and sexual assault to the police and assisted in the prosecution against her boyfriend, causing his deportation. Because of Thompson and Bremer's hard work, the client is able to stay in the United States with her children to begin a new life free of abuse.

In another pro bono case, Evan Tilton and Akita St. Clair of Gibson, Dunn & Crutcher L.L.P. handled a religious asylum case for a young man from Egypt. He fled his country because the Egyptian government was unable to protect him and his fiancée from violence at the hands of religious extremists. He was able to escape to the United States, but only after his fiancée was murdered by religious extremists who targeted her for her Christian faith. Tilton and St. Clair worked diligently to transform a traumatized client into an articulate witness, and find a Professor of Criminal Justice who was born and raised in Egypt to testify in support of the client. Because of Tilton and St. Clair's efforts, the client is able to stay in the United States to continue his education and work to become a productive member of society.

Contributed by Human Rights Initiative of North Texas.

Texas Lawyers Care Awards National Conference Scholarships

Texas Lawyers Care provided three legal aid attorneys with scholarships to attend national conferences pertaining to poverty law. The following are excerpts from the attorneys' experiences at these conferences:

Empowering, engaging, enlightening ... that was the Management Information Exchange (MIE) 2009 National Fundraising Conference in Chicago! The conference was very well organized and Management Information Exchange went the extra mile in assuring the attendees got the most out of every session.

The two sessions I gained the most from were "Turning Your Board into a Fundraising Board" and "The Ask, both Science and Art." The first session highlighted numerous methods to inspire, motivate, and engage your board to raise funds for the non-profit which THEY own. Keynote speakers emphasized the fact that getting the board to donate money must be done by a board member.

The other session I thoroughly enjoyed was "The Ask, both Science and Art." In this session, presenters gave numerous tips on how to approach major donors such as: being emphatic about your program's work may be the single most important factor in asking for a contribution; a strong, passionate, and genuine belief in your work will go a long way toward convincing someone else that legal aid is something he/she will want to support; and try to understand the priorities and beliefs of the individual you are approaching. A common mistake is to spend too much time trying to persuade/convince/cajole someone to give and too little time finding out what a potential donor may be really interested in. Before the meeting, it is also important to think about the questions that might be asked or what criticisms might be leveled.

*Sharon Mims, American Gateways
MIE National Fundraising Conference*

For me, the 2009 National Fundraising Conference sponsored by Management Information Exchange brought a wealth of information and two distinct Eureka! moments.

The first involves embracing the digital age. Aid to Victims of Domestic Abuse (AVDA) is a small agency without IT or development staff, and I went to Chicago feeling good about this summer's rewrite and redesign of our website. Thanks to the incredible Carmine Gallo, I see that we've neglected the storytelling, and thus the inspirational potential of the website, in favor of the logistics of how to apply for services, directions to our office, etc.

Equally to the point, I now realize, thanks to the good work of See3 Communications, that a website is only the opening salvo in internet-based marketing. In the generational scheme of things I need to replace donors steeped in the lore of Atticus Finch with donors steeped in social networking. The whole idea of Permission Marketing (consumer controls) versus old-school Interruption Marketing was worth the price of admission. The emphasis is on community building and on combining the online community with the in-person one.

As Michael Hoffman of See3 Communications pointed out: The most successful organizations will be where you go past the notion of inside people (workers)/outside people (package message to external audiences) and work towards a model where each staff member not only does his/her job but also communicates his/her job at the same time.

Five things that Hoffman says we can start doing now: (1) Respond to issues in the community (Google Alerts); (2) Be an expert (blogging); (3) Be a resource (LinkedIn, Twitter); (4) Learn how people are finding you (Google analytics); and (5) Get personal (YouTube). Do yourself a favor: Read the case studies and sign up for See3's newsletter at <http://www.see3.net>. Hoffman also introduced me to a gem of a resource for navigating the technology jungle, namely www.technola@accessjustice.org.

Several speakers had a refrain about marketing legal aid: "Less Legal, More Aid." The shared notion is that we shouldn't be selling legal aid by talking about pleadings and hearings; we should be selling our services and ourselves as social investments by talking about the life-altering change we engender.

That brings me back to my second Eureka! moment of the MIE Conference, namely Carmine Gallo's assertion that it is every CEO's job to be the "Chief Inspiration Officer." Ignite your own enthusiasm ... and then deliver a vision, invite participation, reinforce an optimistic outlook, and encourage people to reach their potential.

*Jackie Pontello, Aid to Victims of Domestic Abuse
MIE National Fundraising Conference*

I greatly appreciated the opportunity to attend the American Immigration Lawyers Association (AILA) Annual Conference because it enhanced my ability to provide quality legal services to my clients. The knowledge obtained at the AILA training directly affects my clients who are victims of abuse, violence, and crime.

My Violence Against Women Act (VAWA) training involved proactive steps to prevent disclosure of any information about

Continued on page 22.

an immigration case for a victim of battery, extreme cruelty, trafficking, or other qualifying crimes. Protected parties do not have to be listed on the immigration court national phone line or public calendar, which usually the general public may access at any time by calling a 1-800 number. Further, the victim may elect to have the victim's immigration court proceedings closed to the public.

Additional protections include restrictions on the government's ability to use information provided by an abuser or crime perpetrator to make an adverse determination against a victim. Moreover, immigration enforcement actions are not to be taken against victims at shelters, victims' services programs, family justice centers, or courthouses. If an enforcement action takes place at a protected location, an officer authorized to issue the Notice to Appear is required to certify that the agency has

independently verified inadmissibility or deportability. Failure to complete a certification may result in a penalty up to \$5,000 and/or disciplinary action.

Other areas of training included a discussion of abuse waivers available to conditional resident victims of battery and extreme cruelty. Normally, the conditional resident's spouse aids the immigrant to lift the condition on his or her residence. However, in cases of domestic abuse, an abuse waiver permits the victim, without the spouse's assistance, to proceed with the immigration process in order to lift the condition placed on the victim's residence status.

*Adriana E. Salcedo, Las Americas Immigrant Advocacy Center
AILA Annual Conference*

Legal Aid Attorneys Appreciate Summer School Scholarships

The State Bar College hosted its 11th annual Summer School on July 16-18 on Galveston Island. The College provided Texas Lawyers Care (TLC) with a generous grant so that scholarships could be offered to legal aid attorneys who would not otherwise be able to attend this legal educational gem. "Those of us who work in legal aid are often the ones least able to afford the superb training offered at these conferences," stated C. Kay Caballero, Executive Director of Legal Aid Society of Lubbock. "The School was a great experience." The course covered a full range of legislative updates, current immigration and economic issues, as well as hot topics in criminal, family, real estate, probate, and employment law.

This year, TLC and the College awarded scholarships to staff attorneys from Legal Hospice of Texas, Texas RioGrande Legal Aid, Legal Aid Society of Lubbock, Boat People SOS, Southeast Texas Legal Clinic, South Texas College of Law Legal Clinic, and NAACP Legal Advocacy Program. After attending Summer School, scholarship recipient Joanna Green Brown of Legal

Hospice of Texas shared, "The presentation describing updates to the Americans with Disabilities Act and Family and Medical Leave Act will be extremely helpful in providing services to my clients." Linda Dunson of NAACP Houston Branch added, "Low-income clients [deal] with estate planning, family law, and employment law issues. The State Bar College helps keep me abreast of the changes in the laws which affect the community that I serve; it directs me towards useful and invaluable resources; it allows me the opportunity to build relationships with other attorneys providing legal services to the indigent."

Due to inadequate resources, legal aid practitioners often practice in several areas of law and have limited time to attend legal education conferences. The State Bar's Summer School is an excellent way for legal aid attorneys to receive substantive law updates on issues affecting indigent clients, in addition to providing attorneys with a great environment to network with colleagues.

Texas Tech Hosts Legal Services Training for West Texas Advocates

Texas Tech School of Law hosted its 4th Annual Faculty Update for Legal Services Attorneys, Public Interest Practitioners, and Pro Bono Attorneys on September 24-25, 2009 in Lubbock. The Update highlighted recent legislative changes in both family and evidence law. The CLE program was free for all legal services attorneys. A reduced rate was provided to attorneys who agreed to take two pro bono cases over the next year.

Staff attorney Shelby Jean with Legal Aid of NorthWest Texas commented, "Keeping current on legal topics is always helpful to our clients. The CLE is timely and designed for those who deal with poverty law issues." The participants were grateful for the opportunity to learn from Texas Tech's dedicated faculty and to connect with fellow advocates.

Texas Foster Youth Justice Project Empowers Aged-Out Youth

By Mary Christine Reed

ReShayla is an aged-out foster youth who sought Texas Foster Youth Justice Project's (FYJP) assistance in clearing some fines from her record. ReShayla was 14 years old when she was abandoned by her family. During that unstable time, ReShayla had some problems in school that led to municipal court proceedings, and she entered foster care shortly thereafter. ReShayla's Child Protective Services (CPS) caseworker told her that she would assist in resolving the fines, but never did so, and ReShayla learned that the fines were still in effect while preparing to enroll in college. ReShayla wanted to avoid an arrest warrant due to the outstanding fines and proactively worked to resolve the issue.

With FYJP's assistance, ReShayla resolved the fines and all associated outstanding charges by performing community service with the Red Cross of South Plains. ReShayla donated 139 hours of her time to clear the fines and found the experience to be very rewarding. ReShayla's story is a success story attributed to her own initiative to reach her goals with the FYJP's assistance.

Concerns for Aged-Out Foster Youth

Youth in foster care often have no resources available to assist them in enforcing their rights and often are unaware of their rights. High caseloads and limitations on ad litem resources often prevent their voices from being heard in the legal system. The FYJP assists current and former foster youth with the many legal problems that these youth can encounter as a result of their time in foster care. Over 9,000 children are under the Permanent Managing Conservatorship of the Texas Department of Family and Protective Services (DFPS) with no legal parent or relative responsible for their care and upbringing. While some of these youth may be adopted, many will "age out" of the Texas foster care system and be completely on their own. These youth are also likely to have multiple placements during their time in foster care, accompanied by changes in school, medical providers, and more.

Many of the FYJP's clients have problems related to identification documents, which are necessary to get a job, rent an apartment, enroll in college, and otherwise function in a post 9/11 society. While CPS is required to provide identification documents to youth aging out of foster care, frequently youth are leaving foster care without the necessary documents. It often happens due to the failure of those responsible for the child to complete the birth certificate with a name, or update social security or other records with a name change after an adoption or paternity determination and more. CPS caseworkers don't know how to

address these complicated issues and DFPS provides no resources to assist the caseworkers. Many aged-out youth seek assistance in obtaining a copy of their vital CPS records, however, most of these requests are never filled when a youth files the request on their own.

Helpful Resources for Aged-Out Youth

The FYJP publishes two helpful guides which can be downloaded or ordered for free online at the FYJP website (www.texasfosteryouth.org). "A Guide For Those 'Aging Out' of Foster Care in Texas" is a comprehensive guide to help young adults leaving the foster care system adjust to living on their own. It contains information related to a youth's legal rights while they are in foster care as well as topics ranging from financial aid for college to finding a job, getting married, securing good credit, and getting health care – much of it applicable to non-foster care youth. Over 2000 copies have been distributed to foster youth and those that work with youth. The guide was made possible due to the work of Houston law firm Skadden, Arps, Slate, Meagher & Flom L.L.P.

"Sealing Juvenile Court Records in Texas" provides information about which juvenile records can be sealed and how to seal them. This guide is a valuable resource for attorneys who want to assist a young adult in obtaining a fresh start in life. Most people need an attorney to navigate the complex juvenile records process and the guide makes it possible for pro bono attorneys to provide this vital assistance. Attorneys Tran Dang of Baker Botts, L.L.P., Brian Brotman of Rutgers University School of Law, and Rebecca Renfro, Attorney at Law in Spring, Texas provided invaluable assistance in preparing the guide.

Due to courts removing foster youth from their homes, foster youth and alumni are involved in one or more legal matters and face many unique challenges which could potentially derail their successful transition to adulthood. The FYJP provides legal support and guidance to foster youth and alumni across Texas. Through the FYJP, foster youth are provided with the tools they need for success while maintaining control over their own future.

Mary Christine Reed is the director of the Texas Foster Youth Justice Project and an attorney with Texas RioGrande Legal Aid.

From the 81st Legislature: New Landlord-Tenant Laws Coming Our Way

On the whole, the Texas Legislature was kind to residential tenants this last session. Deplorable bills were held back, modest improvements were made, and the groundwork for more improvements was laid.

Nothing much was done to help trailer lot tenants governed by Chapter 94 of the Property Code (those who rent dirt for their alleged “mobile” home). Neither members of the Legislature, nor their staff ever rent dirt for their trailers so the stories of the plight of these victims are rarely told nor heard of. No associations have been formed to educate these homeowners, much less the Legislature. Given that this segment is the fastest growing housing in our state (the government is even buying them to replace good housing damaged by recent Texas hurricanes), a statewide trailer lot tenant association should be formed to at least challenge the ideas (if not PAC money and lobbyists) of the trailer lot landlord association known as Texas Manufactured Housing Association.

Late Fee Grace Period Not as Graceful

First, some bad news. There was one clawback from last session’s improvements (aka a “clarification”). HB 3101 from the 80th Legislature dealt with a host of landlord-tenant issues as the result of extensive negotiations and compromises. The result provided improvements in the law to address many abuses, one of which was late fee practices. The late fee language admittedly was awkward, but a careful reading provided tenants with a two-day grace period after the due date before late fees could be assessed. Soon after it passed, landlords claimed this was not what was intended, and rather than ignore their position, the higher road was chosen. This session the Legislature passed and Governor signed House Bill 1109 (81st Leg. R.S.), which is in effect now and reduces the mandatory grace period to one day. Tex. Prop. Code 92.019.

Guarantors Limit Liability

It appears some parents grew tired of being responsible for the conduct of their son’s roommate who kept renting the apartment after their son moved out at the end of the original lease. Form leases at Texas Association of Realtors and Texas Apartment Association allowed a roommate to renew and keep all guarantors on the hook, even for a higher amount than the original lease signed by the parents. Rather than risk litigation, guarantors went into debt to pay the landlords all that was owed, and then took this issue to Austin. Conservative members

were easily persuaded that the provisions in the form leases went too far and a fairer compromise was reached. See HB 534 (81st Leg. R.S.) for more details, or wait until it appears as Section 92.021 of the Texas Property Code. The provision goes into effect January 1, 2010.

Utility Cutoff Improvements Very Helpful

House Bill 882 (81st Leg., R.S.) does two good things: (1) it repeals provisions of the law that allowed a landlord to cutoff utility service for things such as nonpayment of rent, and (2) it creates an expedited procedure for a tenant seeking a writ of restoration in justice court for unlawful interruption of utilities such as a writ of reentry. First, the bill, which becomes effective on January 1, 2010, prohibits a landlord from cutting off utility service for anything but repairs, construction, or an emergency. The days of landlords legally cutting off service for nonpayment of rent (or even nonpayment of the utility bill) are over. Good landlords previously faced increasing liability and regulatory issues when cutting utilities and preferred to merely rely on termination and eviction when problems arose with a tenant. It will take time before this change filters down to all landlords.

Until this change becomes widely known, consider this: You are in the middle of a briefing deadline and a tenant has had her power shutoff without any way of getting it back – short of persuasion or a temporary restraining order. On January 1, 2010 you can send the tenant to justice court for a writ of restoration and hopefully this immediate problem will be resolved.

Expansion of the Right to Terminate Lease for Family Violence and Sexual Assault

Senate Bill 83 expands the type of conduct that can be used to terminate a lease early and expands who the actor must be in order to use the remedy. For the first time, Texas will allow a tenant to terminate his/her lease because of a sexual assault suffered by the tenant or his/her child if it occurred on the property during the previous six months. The landlord is entitled to notice of the proposed termination and documentation but is subject to liability for refusing to allow early termination (in certain situations back rent is even forgiven). The rule has also expanded so that the person committing the violence does not have to be a co-tenant. The notice period is different for these, but so are the orders available to utilize the remedy. If this issue comes up, read more

about this change to 92.016 of the Property Code effective January 1, 2010. Texas is among the leaders thanks to good representation in the Legislature from victim advocates, thoughtful legislative members and staff, and reasonable members of landlord associations like the Texas Apartment Association (TAA). TAA became proactive and took appropriate measures to aid in the passing of this bill. While tenant advocates and landlord associations are bound to clash on a regular basis, associations like TAA are class operations.

Finally Tenants Have Quicker Repair Procedure

Senate Bill 1448 (81st Leg., R.S.) made the playing field a bit more level when it comes to tenant access to the courts. Starting in January 2010, tenants will have the ability to go to justice court to obtain an order of repair as quickly as landlords can file for eviction. The bill does not change substantive rights (e.g., a tenant still must give notice, pay rent, wait a reasonable time), but if the landlord has failed to make a repair as required by the law, a tenant can apply for an order from the justice court and the hearing must be held within six to ten days. The Texas Supreme Court will be issuing rules outlining the specifics, but it appears tenants will have a choice when facing dilapidated housing conditions. Prior to this change, tenants only had the ability to terminate the lease, take a chance on having it repaired themselves and deducting the cost from their rent (and possibly face eviction from a landlord), or sue in justice court requesting damages after waiting months for the case to be heard. The threat of these new cases could have a positive impact on landlords with repair issues.

Smoke Detectors for Deaf Tenants Easier to Obtain

Senate Bill 1715 (81st Leg., R.S.) requires that either upon request by a tenant or as required by law as a reasonable accommodation, a smoke detector serving a bedroom in a residential rental unit must, in addition to the already existing requirements for a smoke detector, be capable of alerting a deaf person sleeping in that bedroom. SB1715 is effective January 1, 2010.

No More Lockouts or Landlord Liens in Tax Credit Properties

Senate Bill 1717 (81st Leg., R.S.) went through with little notice or opposition except from the process itself. As of September 1, 2009, lockouts and landlord liens (without a court order) are prohibited for tenants living in tax credit properties. The Texas Department of Housing and Community Affairs operates the tax credit program and is required to enact rules by November 1, 2009 to implement this change and confirm that landlords in this program (who house hundreds of thousands of tenants) comply with the law. An amendment was placed on this bill requiring a vacancy report be issued quarterly by all the government sponsored housing in the state to the department (including those subject to a land use restriction), which may also be of assistance to our clients. While this is certainly not close to changing the law for all rental housing, it is a step in the right direction that hopefully can be built upon in future sessions.

Robert Doggett is a staff attorney with Texas RioGrande Legal Aid.

Practice Change on Title Cases:

If you ever file suit over title and file a lis pendens to protect your client's ability to keep the property, be aware of a new requirement that became effective September 1, 2009.

“Not later than the third day after the date a person files a notice for record under this section, the person must serve a copy of the notice on each party to the action who has an interest in the real property affected by the notice.”

The bill also establishes a procedure to expunge a lis pendens (in addition to cancellation which was already available).

Tex. Prop. Code 12.007(d), added by HB 396, 81st Leg., R.S. (2009).

Conference Highlights Changes to Domestic Violence Laws

By Kathleen Thurber

Making strangulation a felony offense as well as creating a way for repeat domestic abusers to be charged with a felony were both part of a series of bills passed in the 81st Legislative session that, starting Sept. 1, are meant to provide more protection to victims and stiffer penalties to abusers, a speaker said Friday.

"A lot went through," said Tracy Grinstead-Everly, a policy manager with the Texas Council on Family Violence, speaking to a group of lawyers, victims' advocates and others at the CEED building Friday. The passing of House Bill 2066 makes it so strangulation carries a third-degree felony charge and up to 10 years in prison on the first offense rather than the Class A misdemeanor charge it carried previously that comes with one year in jail at the most along with a fine, she said. Other Class A misdemeanor crimes include not affixing stamps on certain cigarette packs and rigging a publicly exhibited contest.

"The lethality factor cannot be emphasized enough in strangulation," she said. Along with making the act a felony, she said, officers also need to be educated that a lack of hand prints on a person's neck doesn't mean they weren't strangled as marks often appear later. Looking for other evidence and making every effort to protect the victim, she said, is key, as women are nine times more likely to be killed when strangled and often are strangled only after a long history of abuse. A bill sponsored by Tryon Lewis, R-Odessa, also works to increase the penalty for abusers by allowing officials to charge suspects with a felony if they commit two or more acts of assault against a family member within 12 months.

During the passing of the budget, Grinstead-Everly said, family violence services were fully funded with the \$50.9 million requested. Other funds also now should come in with the passing of Senate Bill 82, which requires those sentenced to community service for family violence to pay a \$100 fee imposed for community service supervision. In previous years imposing this fee, which is sent to family violence centers, was optional.

Citations given for family violence charges starting Sept. 1 also will contain some new language that Grinstead-Everly said was necessary to comply with federal guidelines for receiving funding for some victims programs. After this month, family violence tickets should include language that alerts the person charged it may be unlawful for them to possess or purchase a firearm if convicted of the misdemeanor family violence offense.

Implementing these types of changes though, said Justice of the Peace in Howard County Kathryn Wiseman, may be difficult

especially for smaller counties. She didn't disagree the changes were positive, but said she was concerned about who checks and how to check such changes are being implemented. "I'm looking at this going, 'How in the world are we going to do this?'" Wiseman said. Changes in wording of another law makes it so victims of sexual assault can receive a free forensic medical examination even if not making a report to law enforcement.

The 60-day waiting period for divorce also was waived through House Bill 72 if the respondent has been convicted of family violence or if the petitioner has an active protective order based on family violence committed during the marriage, Grinstead-Everly said.

A move to include pets in protective orders, since some women will return to abusive situations to save threatened pets, did not pass through the legislature, though Grinstead-Everly said most of the issues they lobbied for did. A law passed that's already gone into effect makes it so abuse victims can break their lease without suffering penalties, which Grinstead-Everly said can be important for women getting out of dangerous households and non-acquaintance rape victims who may no longer feel safe in their home.

Reprinted with permission from the August 22, 2009 edition of the Midland Reporter-Telegram.

New Legal Clinic to Address the Needs of Special Education Students

Hosted by Texas RioGrande Legal Aid (TRLA) and Advocacy, Inc., the San Antonio Special Education Law Clinic pairs parents with attorneys who provide information on children's rights to a free public education under the Individuals with Disabilities Education Act (IDEA). Attorneys work with parents to develop a plan for addressing their child's special educational needs and make sure that schools address parental concerns. "Many parents need help navigating the educational system to ensure that their child's special needs are addressed," said Ann Zaragoza, TRLA attorney and San Antonio branch manager. "It's important that parents know how to be an advocate for their child in the public school system."

The clinic is a collaborative effort between TRLA, Advocacy, Inc., and San Antonio attorneys like Brendan McBride, whose own experience with the special education system on behalf of his autistic son inspired him to find a way to help families struggling with similar challenges. "Helping our kids maximize

their potential is just too important to all of us and the best natural advocates for these kids are their parents," said McBride. "Even as a practicing lawyer I found the process complex and somewhat intimidating. Meetings often occur with one parent sitting across the table from six or more specialists from the school district."

Approximately 36,000 children in the San Antonio area participate in special education programs each year. Many times, their parents face difficulties securing services that will help the children succeed in school. "Parents who are empowered with the knowledge to effectively advocate for their children in areas like individualized education programs, behavior plans, and integrated settings are much more successful," added Chance Heinsohn, an attorney with Advocacy, Inc. "Knowledge of how the system works is the key."

Contributed by Texas RioGrande Legal Aid.

2010 Poverty Law Conference

YOU ARE INVITED!

Join Texas Lawyers Care for the 13th annual Poverty Law Conference

April 14th – April 16th • Austin, TX

The three-day Poverty Law Conference provides excellent training on poverty law issues affecting low-income and poor Texans with a focus on legal services advocates and pro bono attorneys. The conference strives to update attendees on the latest developments in civil law through feature presentations from some of the most knowledgeable poverty law practitioners in their fields. Presentations will cover substantive topics relating to poverty law such as family law, consumer law, housing, immigration, bankruptcy, litigation strategies, and public benefits.

All legal services and pro bono advocates are invited to attend.

Visit WWW.TEXASBAR.COM/PLC for the latest information on registration & scholarships.

If you have suggestions for topics, please email: TLCMAIL@TEXASBAR.COM

**CLE credit will be available,
as well as a limited number of scholarships.**



TEXAS ACCESS to JUSTICE FOUNDATION

Texas Access to Justice Foundation Sponsors Four Equal Justice Fellows

The Texas Access to Justice Foundation, in partnership with Equal Justice Works, has named its 2009 Fellows: Sarah Bellinger, Jessica Cassidy, Abigail Frank, and Patricia Freshwater.

Equal Justice Works Fellowships is the largest postgraduate legal fellowship program in the nation. The two-year fellowships typically begin in September.



Sarah Bellinger

William and Mary School of Law, 2009

Host: Advocacy, Inc., Houston

Focus: Education/Special Education, Disability Rights, Children/Youth

Prior to attending law school, Bellinger was a social worker in Houston. She realized that she wanted to be the best possible advocate for her clients, especially those with disabilities, and decided to go to law school to enhance her advocacy skills and become more familiar with the law in an effort to continue to fight for the rights of children with disabilities in schools. Her fellowship project involves creating a Special Education Clinic composed of private attorneys who will meet regularly with parents of children in need of special education services to educate them about substantive topics within special education law, practical advocacy tips, and methods of resolving disputes under the Individuals with Disabilities Education Act (IDEA). The result will be a sustainable pool of pro bono attorneys offering legal advice and services to parents of children with disabilities. She will also be providing direct representation and performing community outreach.



Jessica Cassidy

The University of Texas School of Law, 2009

Host: Texas Advocacy Project, Austin

Focus: Domestic Violence

From an early age, Cassidy strongly felt that all children ought to be free from instability, poverty, and violence. As an adult, getting to know and learning from survivors of domestic violence strengthened her resolve to help these women. Cassidy's project will assist survivors with issues related to economic survival. The inability to make ends meet is a common reason abused women with children go back to their batterers. Child support payments, credit reparation, and financial literacy represent under-utilized tools for survivors' economic sustainability and advancement. Her fellowship project strives to utilize legal means to increase the economic self-sufficiency of victims of

domestic violence with children so that they do not need to return to their batterers for financial support.



Abigail Frank

Georgetown University Law Center, 2009

Host: Texas Civil Rights Project, Austin

Focus: Civil Rights/Civil Liberties, Immigrant Populations, Domestic Violence

The Texas Civil Rights Project's program has successfully assisted undocumented victims of domestic violence gain legal status under the Violence against Women Act (VAWA). The success of the program, however, has highlighted just how powerless many women are when it comes to protecting themselves and their families from violence, particularly when an abuser has the advantages of language and citizenship on his side. "I would like to do what I can to make the odds better for these women by making the legal system more accessible," Frank says.

Her fellowship project will include advocacy to judges and county policy makers to improve interpretation services and will also involve developing litigation with victims of domestic violence in counties where policy change is not feasible. Though Texas courts require language interpreters in criminal cases, the needs of Limited English Proficiency (LEP) individuals in civil proceedings go unmet. Often, LEP victims of domestic violence are given little information about legal proceedings in which they are participants, even when child custody, divorce, or family safety is at stake.



Patricia (Tricia) Freshwater

University of Virginia School of Law, 2006

Host: Catholic Charities of Dallas

Focus: Civil Rights/Civil Liberties, Immigrant Populations

While working on an asylum case the summer after her first year of law school, Freshwater was struck by the vulnerability of immigrants who are detained. She realized that even educated clients have a difficult time navigating our complex immigration system without the assistance of an attorney. The goal of her fellowship project is to bring legal services to immigrants who have been detained and are currently in removal proceedings. Specifically, it will involve educating immigrants and their families regarding their rights, providing legal representation to immigrants unable to afford private counsel, and training and mentoring volunteer attorneys to provide immigration representation. The law

firm of Baker & McKenzie is co-sponsoring Freshwater's fellowship.

Continuing Fellows from the 2008 Fellowship class sponsored by the Texas Access to Justice Foundation include: Colleen Wisdom at Advocacy, Inc. in Lubbock; Helena

Coronado-Salazar at Equal Justice Center in Austin; and Amber Van Schuyver at Texas RioGrande Legal Aid in Weslaco.

For more information on the Equal Justice Works Fellowship, contact the Texas Access to Justice Foundation at 512-320-0099.

**MANAGEMENT INFORMATION EXCHANGE presents Supervising Legal Work
February 8 - 10, 2010 at the Historic Menger Hotel in San Antonio
For more information, visit www.m-i-e.org/calendar.**

This MIE training is for persons who are immediate supervisors of legal work, including managing and supervising attorneys, litigation directors, and executive directors. The training design emphasizes small group discussions, role play exercises and demonstrations, and therefore is limited to 55 participants. Please plan to arrive on time and stay until the end.

Now Recruiting:

ATTORNEYS FOR THE HARRIS COUNTY EMERITUS ATTORNEY
PRO BONO INDIGENT GUARDIANSHIP PROJECT

- Emeritus attorneys with experience or interest in guardianship law.
- Attorneys with experience or interest in guardianship law to serve as mentoring attorneys to the Emeritus attorneys.

QUALIFICATIONS FOR EMERITUS ATTORNEY CERTIFICATION:



- In good standing with the state licensing authority with which you are licensed or from which you retired.
- Have been actively practicing law for at least 5 out of the immediately preceding 10 years, prior to applying.
- Willing to volunteer for a pro bono organization, in this case the Houston Bar Association's Houston Volunteer Lawyers Program.

The project is a new collaborative effort between Texas Lawyers Care (TLC) & the Houston Bar Association's Houston Volunteer Lawyers Program (HVLP).

For more information, please visit:

WWW.TEXASBAR.COM/EMERITUS or contact
TLCMAIL@TEXASBAR.COM



The Project is supported by a grant from the 2009 American Bar Association Enterprise Fund Emeritus Attorney Pro Bono Indigent Guardianship Project and was awarded to Texas Lawyers Care, the pro bono department of the State Bar of Texas, HVLP, and the Houston Bar Association.



What is a Prime Partner?

Texas IOLTA Prime Partners

PRIME PARTNERS: Banks that go above and beyond eligibility requirements to foster the IOLTA Program

How does it work?

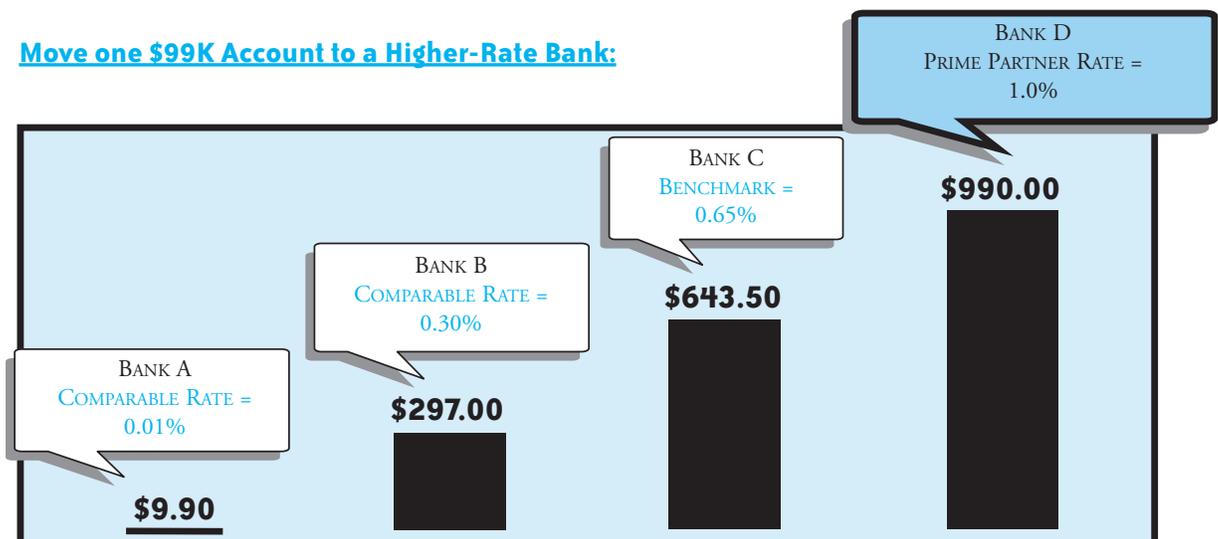
Prime Partner banks pay **75%** of the Federal Funds Target Rate or a minimum of 1%

What are the benefits?

- **Banks:** An opportunity to turn comparability into a competitive advantage
 - * Stand out from the crowd
 - * Appreciation from important customers
 - * Attract new business
- **IOLTA:** An opportunity to offer something in return
 - * The higher rates paid by Prime Partners ensures increased funding for legal aid
 - * Positive response from banks, builds relationships, and strengthens support for IOLTA

How Prime Partners increase IOLTA Revenue:

Move one \$99K Account to a Higher-Rate Bank:



(Annual net IOLTA revenue generated at four banks paying different rates)

For a current listing of Prime Partner Banks, visit www.teajf.org

Self-Representation in Texas

What: Texas Forum on Courts and Self-Represented Litigants

When: April 8-9, 2010

Where: Belo Mansion, Dallas

Contact: TexasCourtForum@gmail.com

In many Texas jurisdictions, the number of litigants representing themselves in court is increasing, particularly in the area of family law. What affect does this have on the Texas courthouse? How are Texas courts responding? What strategies have other states employed to address the impact self-represented litigants (SRLs) have on the legal process? The Texas Access to Justice Commission's Special Projects Committee will hold a Spring forum to answer these and other important questions.

The Texas Forum on Courts and Self-Represented Litigants will bring together judges, courthouse staff, county law librarians, legal aid programs, and private bar members. Planning for the Forum is in its early stages. If you would like to learn more about the agenda and registration information when it becomes available, please email TexasCourtForum@gmail.com and updates will be disseminated.

Legal Aid of NorthWest Texas Opens New Office in Brownwood

On September 1, Legal Aid of NorthWest Texas opened an office in Brownwood, Texas. The Brownwood office serves clients in Brown, Coleman, Comanche, Mills, San Saba, and McCullough counties.

The contact information for the new Brownwood office is:

300 N. Fisk Avenue
Brownwood, Texas 76801
325-646-8672

Attorney Appointments in Civil Cases

There are several laws that allow a court to appoint attorneys in civil cases under certain circumstances. Texas Government Code Section 24.016 states that a district judge may appoint an attorney to handle the case of a client who files an affidavit swearing that he or she is too poor to hire an attorney. Texas Government Code Section 26.049 states the same; however it applies to county courts.

Senate Bill 408, which went into effect on September 1, provides for the appointment of an attorney in certain eviction appeals. The Bill states a court may appoint any qualified attorney who is willing to provide pro bono services from a list of pro bono attorneys willing to handle appeals. The list of pro bono attorneys is provided by a pro bono legal services program. The court can make this appointment if the client:

- possessed the residence at the time the eviction suit was filed, and
- perfected the appeal on a pauper's affidavit (described in Rule 749a of the Texas Rules of Civil Procedure).

The appointment ends at the conclusion of the trial. The appointed attorney may not receive attorney's fees unless the client agreed to this in a contract, and the county is not responsible for paying attorney's fees to an appointed attorney.

As awareness of this new law increases, legal services and pro bono programs can anticipate receiving calls from the court or from indigent individuals in need of a pro bono attorney on an eviction appeal. Developing a list of pro bono attorneys willing to assist will help to ensure the judge has the option to appoint an attorney to the case.



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News, comments, photographs,
letters and suggestions are welcome.

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Fax (512) 427-4160

E-mail: tlcmail@texasbar.com

2009 - 2010 Calendar

For more information about events, call Texas Lawyers Care at 800-204-2222, ext. 1855 or e-mail tlcmail@texasbar.com.

January 5, 2010

Litigation Section Internship Application
Deadline

January 15, 2010

Texas Bar Foundation Spring Grants
Deadline

January 21-22, 2010

Litigation Update Institute
Austin

January 31, 2010

Pro Bono College Enrollment Deadline

February 8-10, 2010

MIE Supervising Legal Work Conference
San Antonio

February 26, 2010

Pro Bono Service Award Nomination
Deadline

The articles in this publication reflect the viewpoints of the authors and do not necessarily express the opinion of the State Bar of Texas, its Sections, Committees, or Departments.