

# JUSTICE MATTERS

LONE STAR LEGAL AID: 2010

## The Year in Review

**A Tale of  
Two Houses**

***Street Stories:*  
A Day in the Life  
of a Poverty Lawyer**

**Auda's Story:  
Why PRO BONO  
Matters**

**PLUS  
Saying  
Goodbye**



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# Justice Matters:

## *The Year In Review 2010*

Welcome to *Justice Matters*, Lone Star Legal Aid's annual review of our law firm and its impact on the over two million Texans living in poverty in East Texas and the Gulf Coast Region. Our geographic area covers an impressive sixty-five thousand square miles: starting with four counties in Arkansas, running down through the Piney Woods into the coastal plains, crossing the Brazos River into the Heart of Texas, including the sprawling urban metropolis that is Houston, and ending at the Gulf of Mexico. Our mission is equally impressive: LSLA is the frontline law firm dedicated to achieving justice for low-income mothers, fathers, sisters, brothers, and children living in this diverse and culturally rich intertwining network of rural farms, dirt-road communities, towns, cities, and the nation's fourth largest city: Houston, Texas.

Please join us and discover, within the pages of *Justice Matters*, our team of incredibly passionate attorneys, paralegals, and support staff, who offer their talent, creativity, and enthusiasm for our mission every day (and nights and weekends, too), helping to insure that justice does indeed matter. Our story would not be complete without a heartfelt thanks to our ace administrative team as well, their dedication to our mission is amazing. Finally, *Justice Matters* was created by and for our staff, so to those many colleagues who took time to tell the story of why and how justice matters at LSLA, thank you!

**Paul E. Furrh, Jr.**

A handwritten signature in black ink, appearing to read "Paul E. Furrh, Jr.".

**Chief Executive Officer**

**Dwyane Bilton**

A handwritten signature in black ink, appearing to read "Dwyane Bilton".

**Chief Operating Officer**

# LSLA *in Action*

When she received her paychecks twice a month, Cathy always gave the amount of her checks a second glance, perhaps more than the average person. Since she was paid hourly for her work at a convenience store, a change in hours could require a call to her Health and Human Services caseworker. When Cathy applied for food stamps, her caseworker, Betty, was clear -- Cathy should report income changes as an increase in her wages could affect the food stamps she received for herself and her young daughter, Brandy. Cathy knew she would have no trouble following the rules. She couldn't risk losing the food stamps; too often, they meant the difference between decent meals and hunger for her family.

One Christmas, Cathy's supervisor asked her to work additional hours, and although it was a busy time of year to work more than normal, she was happy for the increase in her paycheck, especially during the holidays. But she also knew the change required a call to her caseworker. Betty said not to worry, the wage increase was not permanent and the added hours were not guaranteed. Besides, the amount of the increase was not enough to reduce Cathy's food stamps. In fact, Betty told Cathy it wasn't necessary to report this type of increase at all. When Cathy was asked to work more hours the following week because the store was short-handed, she didn't call Betty to report the extra income, remembering what she was told about these small, unexpected increases the last time they spoke.

Soon after, the Health and Human Services Commission contacted Cathy. She was accused of not reporting the wage increases and receiving an overpayment in benefits. Health and Human Services called her actions fraudulent and advised Cathy that the food stamps she heavily relied upon would be terminated for one year. Cathy panicked, knowing she and Brandy would have a hard time making ends meet without them. She called Lone Star Legal Aid, and the firm's Angleton office knew it had to take action to help Cathy. Unfortunately, her circumstances are not unusual. Caseworkers frequently are overworked and under stress, and sometimes to avoid the additional paperwork, they give clients what ultimately turns out to be bad advice.

At the Health and Human Services appeal, the hearing officer would not acknowledge the caseworker's mistake, but LSLA, well versed in HHS policy, asserted that the food stamps overpayment did not reach the HHS three consecutive month threshold that would trigger a one-year suspension. That was a critical point the hearing officer could not ignore, and HHS reversed its decision, reinstating Cathy's food stamps. LSLA's vigorous advocacy helped Cathy not only re-establish her family's stability, but also ensure that her daughter's nutritional needs were met.



She couldn't risk losing the food stamps; too often, they meant the difference between decent meals and hunger for her family.

# A Tale of *Two* Houses



Sahara Simpson is able to enjoy her home, pictured above, without worry of foreclosure, while William Lowery continues to wait for CDBG disaster recovery funds to complete repairs to his Hurricane Ike-ravaged home, pictured below.



# A HAPPY ENDING

Our Nacogdoches office prevented CitiMortgage from taking a client's home in a foreclosure suit and, in the process, the firm obtained \$500 in attorney's fees.

The client, Ms. Simpson, is a 58-year-old disabled widow who needs a constant supply of bottled oxygen just to survive. In 1999, her husband told her that he had been offered a great deal on a loan from a company called Allegiance Mortgage Group. He wanted to use the loan to fix their dilapidated house.

That same day, Ms. Simpson and her husband went to a title insurance company and signed a number of documents with very little understanding of what they were signing.

It turned out that the Simpsons had agreed to a 30-year home equity loan with a high interest rate and secured by their homestead. Ms. Simpson and her husband faithfully made payments on the loan for years. Even after Ms. Simpson's husband died in 2000, she continued to make regular payments until she suffered a massive heart attack in 2006.

After her heart attack, Ms. Simpson found it difficult to keep track of her bills, and her medical expenses exhausted the resources she had to make payments on her home equity loan.



Ms. Simpson relaxes on her front porch.

Each time CitiMortgage contacted Ms. Simpson, she told corporate representatives about her situation. Nevertheless, the mortgage giant refused to work out a payment arrangement and continually threatened to foreclose on the home. After several years of intermittent payments by Ms. Simpson, CitiMortgage filed suit to declare that it could sell Ms. Simpson's home. In this suit, CitiMortgage alleged that Ms. Simpson now owed over \$22,000 on the original

loan for \$15,000.

***Even after Ms. Simpson's husband died in 2000, she continued to make regular payments until she suffered a massive heart attack in 2006.***

Ms. Simpson's home was appraised by the appraisal district at about \$11,000 when the loan was made. In 2002, the City of Nacogdoches completely rebuilt Ms. Simpson's home using Community Development Block Grant funds. As a result of this improvement, Ms. Simpson's home was appraised at over \$50,000 for property tax purposes when CitiMortgage filed its suit.

When Ms. Simpson contacted LSLA, we were able to quickly determine that the original loan did not fully comply with the requirements of the Texas Constitution for home equity loans for a homestead. After extensive investigation, we were also unable to find any evidence that the original lender, Allegiance Mortgage Group,

was ever authorized to make home equity loans in Texas as required by the Texas Constitution. After we filed pleadings alleging that the lien was invalid, CitiMortgage promptly sought to non-suit its case without prejudice. This would have left Ms. Simpson with a lien against her home and the possibility that CitiMortgage could simply restart the foreclosure process at anytime.

CitiMortgage was initially unwilling to discuss a settlement of the case that would give Ms. Simpson peace of mind. We, therefore, filed an application for attorney fees for the many hours of time that we had

invested in the case. CitiMortgage then quickly agreed to release the lien against the property, waive all of Ms. Simpson's liability, waive any income tax liability for her for the cancelled debt, clean up her credit history, and pay Lone Star Legal Aid \$500 in attorney's fees.

Not only will this settlement relieve the extreme stress aggravating Ms. Simpson's heart condition, but, perhaps most important, it will allow her to be cared for by family and friends in the comfort of her own home.

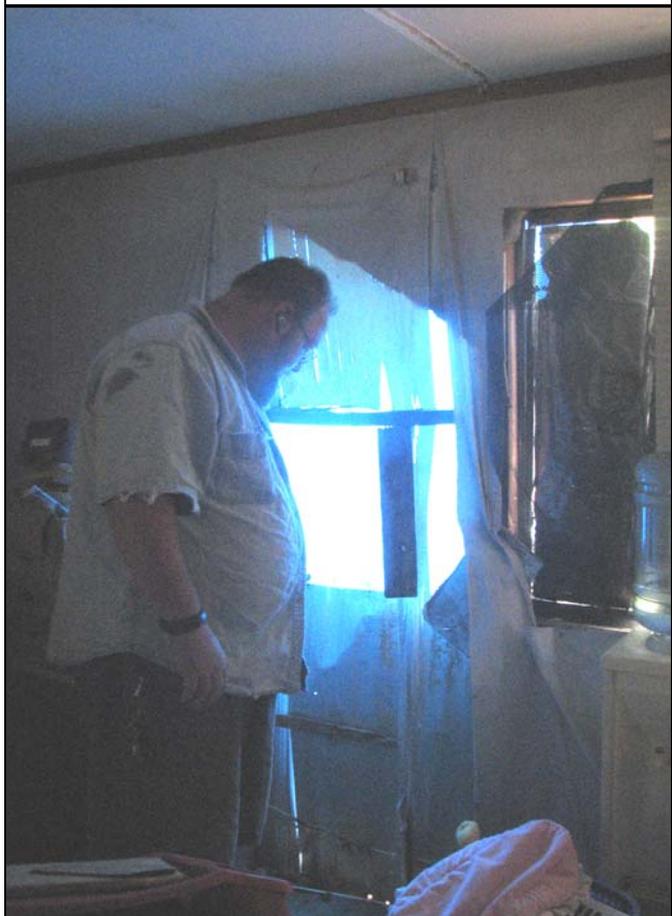
## HOPE IN WAITING

Mr. Lowery came to LSLA's Angleton office in January, seeking assistance with an application for Community Development Block Grant funds to repair or rebuild his manufactured home. Mr. Lowery is disabled and lives with his wife and two young children.

After Hurricane Ike, FEMA provided funds for temporary rental assistance and a little less than \$2,000 for repair of his home. A contractor later estimated the repair would cost approximately \$26,000. Mr. Lowery struggled to clear trees and secure his property with blue tarps and plywood to cover the exposed walls, floors, and ceiling as best he could. Without funds to make further repairs, he is completely dependent upon successfully working through the maze of red tape associated with the CDBG disaster relief home repair grant process.

Several legal obstacles stood in his way. He had purchased the manufactured home

**William Lowery peers through a hole in the wall of his home, left by Hurricane Ike over two years ago.**





**William Lowery and LSLA's Carolyn Turley examine the tarp that has covered his home for two years.**

for cash from someone who did not have record title. To complicate matters, the manufactured home did not have a serial number. The deed to the land was in the name of a person who could not be located and was believed deceased. Mr. Lowery had lived on the property in the home since 2000. He had paid some taxes, although the taxes were now delinquent. The tax office had listed him only one time as the payor in its records. He had a notarized bill of sale from the non-title holder stating he was purchasing the manufactured home for \$10,000. A subsequent note stated that the land was included, too. The obstacles were not as compelling as his need for housing.

It appeared from Mr. Lowery's longevity at the residence, his effort to make the payments, and the lack of any adverse party that he was the owner of the property. We completed the CDBG application with all the requested attachments in February, and in March, more documents were required. Mr. Lowery needed a delinquent tax agreement signed by the county, a statement of location (and ownership) from the Texas

Department of Manufactured Housing, an affidavit of ownership and statement of efforts in due diligence to locate the record owner, and homestead exemption (and hopefully deferment of taxes). In addition, he did not have the funds for the application fees. In fact, he finds it hard to buy gas for his car. Lina Cornier, legal assistant, drove to his home and obtained notarized statements as well as assisted him with collecting documents from two years ago. We negotiated a delinquent tax agreement with the attorney in charge of county delinquent taxes, who then gave Mr. Lowery a letter indicating his tax payment. We obtained a statement of location from the Manufactured Home Division.

Houston-Galveston Area Council notified LSLA that all documents were received and his application would be sent to TDHCA for approval. However, a subsequent update yet again requested additional information. We have submitted the new documentation and are waiting, along with Mr. Lowery, for a final decision on his application.

# DEAR LSJA,

*As a “baby” attorney, I wanted to send a thank-you to some of the attorneys outside of my own office who have been instrumental in guiding me through my first year-and-a-half of licensure. For starters, the person whose own work I have interrupted the most is Helen Malveaux. Beyond helping me save Section 8 housing for clients, Helen has also helped to save time for additional clients when the answer is unfortunately “there’s nothing more we can do.”*

*When Romi Schwartz first reviewed my troublesome family case, she wanted to make sure I was prepared to lose - and lose badly. But after her help, we managed to settle for almost every single thing our client was asking for and avoided having parents disparage each other in court “for the sake of the children.” Thanks to Lewis Kinard for putting me in touch with her. Thanks also, Lewis, for your input on presenting our disaster services to the American Bar Association Young Lawyers Division Board, your PM shortcuts, and compliance, ethics, and legal guidance while visiting Galveston.*

*Brenda Willett - need I say more to this audience?! Like most, I am simply in awe. Robert Wharton - not only for walking me through contractor fraud, but also for providing some pre-litigation and research techniques. With our new litigation team, I’ve been trying to turn these litigation questions to them, and to that end, Mark Grandich, David Guillory, and Rich Tomlinson are phenomenal. My favorite (thus far) was David bluntly asking if I could file my intended motion with a straight face. With a little tweaking, we did file and the plaintiff nonsuited! Even just hearing Mark or Brenda on the other end of the line saying, “it sounds like you have it” is extremely helpful in ensuring nothing is missed and our clients are getting the best representation. And Rich - he’s on a pedestal next to Brenda, in part because I already admired him from his time filling in as professor in my consumer law class, but mostly for the manner in which he applies his ethics to his litigation.*

*David Craig's direction increased the amount of funding Galveston clients received through Other Needs Benefits after Hurricane Ike. Sandra Brown's input helped me overturn at least one DHAP-Ike termination. Steven Crawford had barely finished introducing himself at a bankruptcy training before I was back on the phone with him for bankruptcy questions. Goretta Thornton, beyond always having the answers for public benefits questions, consistently points me to precisely the right person when I call her in error. For example, Jeff Larson - who has taught me everything I know about indigent health care. (To be clear, that is everything I know - which is very little at this point, versus everything he knows, which seems to be quite a lot.) And Patty Rangel's tax help. It is always fun to hear Patty get excited about a tax issue, but I must admit I got a bit excited myself when in her mercy and grace, she volunteered to advise my most recent complicated tax matter without me.*

*Even other "baby" attorneys versed in their field have been very helpful. Elizabeth Lockett on foreclosures - her packet is open on my desk as I write (and probably as you read), since Galveston has had an influx of foreclosure applicants. Also Rusty Foteh on tenant rights. Just this month, his input contributed to a writ of reentry after an eviction judgment (but before a writ of possession) that permitted a client to retrieve his work tools, personal property, and perhaps most important, his cat!*

*The point being, thank you! And not just to those listed. Beyond helping the clients in your respective departments, you have helped me to grow as an attorney and have increased the quality of assistance received by our Galveston and Chambers client base. I greatly appreciate your kindness, help, and direction!*

*Sincerely,  
Melody Poole  
Galveston Branch*

## Street Stories: Poverty Lawyer Pursues Eviction Abatement for Ill Client

*By Elizabeth Lockett*

I am actively working to save the home of Emily, who is 85 years old. She is the sole caretaker of her 60-year-old mentally disabled daughter. Emily also provides support for her physically disabled son, her grandson and his girlfriend—all of whom live with her in a home that, for the greater part of 2009, had no working gas. Social Security for the daughter and Emily are the only sources of income to the household.

Unfortunately, Emily's son convinced her to obtain a home equity loan so that he could make repairs to the home. He signed all of the documents on her behalf. Neither consulted an attorney, and they did not realize that he signed for a loan with terms that violate provisions of the Texas Constitution.

Her son died before completing the repairs, but Emily diligently paid the mortgage until mid-2009, when she was robbed and could not afford the payments for two months. The loan servicer immediately sought foreclosure and successfully sold the property to the note-holder. The note-holder sought to evict Emily, who was in the hospital at the time.

My co-counsel Patricia Tsai and I filed suit in District Court, and I represented Emily at the eviction. For her to sign the documents necessary to file suit, a

Home Protection Unit secretary (and notary), Maritza Marin, and I traveled to the hospital in a nearby city. Emily could hardly contain her gratitude because someone had come to help her save her home.

At the eviction hearing, I successfully obtained an abatement of the eviction proceedings even though Texas law weighs heavily against former homeowners during eviction proceedings. The eviction case has now been dismissed. Because of Patricia's and my aggressive representation, opposing counsel has offered to settle Emily's case with a loan modification.

**Emily could  
*hardly contain* her  
gratitude because  
someone had come  
to **help** her **save**  
her **home**.**

## Street Stories: Poverty Lawyer Takes on Bank of America and Wins

By Elizabeth Lockett

Elizabeth Lockett  
and her client,  
Rita, at Rita's  
home.



Bank of America  
*still* required Rita  
to obtain her  
**abuser's**  
signature.

payment of the trial plan. Bank of America's response was to proceed with the foreclosure sale, even though it received the paperwork, payment, and proof that she was awarded the house in the divorce.

She was told that the

loan modification was denied because of IRS and child support liens that were allegedly owed by her abusive ex-spouse. However, the written denial she received stated that she was denied because of a missing signature and missing financial information.

I represent Rita, who contacted LSLA's Home Protection Unit the day *after* her foreclosure sale. Rita is a domestic violence victim who only speaks Spanish. She was awarded the house (and also saddled with the home loan) in her divorce from her abuser.

Through a friend who served as a translator, Rita worked for the greater part of 2009 to obtain a loan modification from Bank of America. She was initially denied because she did not obtain her abuser's signature. Although she explained to Bank of America the years and extent of the abuse she endured, and even though she explained that she was awarded the house in the divorce, Bank of America still required Rita to obtain her abuser's signature. Working through an intermediary, Rita eventually obtained his signature.

In good faith, Rita submitted all of the documents together with the first

Working with Thai-Anh Nguyen, another LSLA attorney, I began an extensive investigation and, using this research, Thai-Anh won Rita's eviction hearing. Although FHA officials initially believed that Bank of America followed all protocols and "did nothing wrong," my research caused them to reverse their initial decision. FHA, which insured the loan, refused to pay and demanded that Bank of America, through its servicer, BAC Home Loans Servicing, reconsider Rita for a loan modification. I worked with the servicer's lawyers to ensure that a rescission of trustee's sale was timely recorded in real property records. I am now working with Aurora Loan Services (since BAC Home Loan Servicing lost its servicing privileges), to obtain a loan modification for Rita.

## Milestones

*LSLA lost two giants from the Texas equal justice community in 2010.*



**James Rice**, retired Army NCO and community worker par excellence in Waco and throughout Texas, left his imprint on LSLA. Rice started and helped run numerous non-profit organizations that continue to focus on the elimination of poverty. He served on the Boards of Directors of the Texas Clients' Council, Heart of Texas Legal Services, East Texas Legal Services, and Lone Star Legal Aid.



**Forrest "Duke" Brazelton** was a Texas legal legend for his nearly 50 years of devotion to a peoples' law practice, pro bono legal work, mentoring of legal aid lawyers, support of equal justice, and service on the East Texas Legal Services and Lone Star Legal Aid Boards of Directors.

*Both will be sorely missed, but will be well-remembered as inspirations to new generations of legal aid supporters.*



Lone Star Legal Aid's Bryan office was the site of a special presentation of the *Texas Access to Justice Legislative Hero Award* to Senator Steve Ogden in September. Pictured above: Andrew Strong, General Counsel, Texas A&M University; Senator Ogden; Texas Supreme Court Justice Nathan L. Heicht, who presented the award to Ogden; and **Paul E. Furrh Jr.**, CEO, Lone Star Legal Aid.



**Sapna Aiyer**, attorney in LSLA's Consumer and Home Protection Units, has been chosen as one of the recipients of the National Conference of Bankruptcy Judges' (NCBJ) Cornelius Blackshear Award. Judge Cornelius Blackshear is a pioneer in the federal judiciary. He was the first African American appointed as a U.S. bankruptcy judge and served on the bench in the U.S. Bankruptcy Court, Southern District of New York, for more than 20 years.

Sapna was selected to receive the \$1,500 scholarship so she could attend the 84<sup>th</sup> annual NCBJ conference in New Orleans.

## Nacogdoches Kiosk



Self-Represented Litigant(SRL) Project Administrator and LSLA attorney **Don Richardson**, along with Outreach Coordinator and LSLA paralegal **Cynthia Williamson**, witness the unveiling of the computer kiosk recently installed in the Nacogdoches Public Library on September 21st. The kiosk is part of a pilot program funded by a Texas Access to Justice Foundation grant and is intended to assist low-income pro se litigants in preparing their own legal documents related to divorce and other civil matters.

## Acknowledgements: Another Daunting Experience

A virgin attempt at in-house publishing is not something I would recommend for the faint of heart. Telling the stories of our resilient clients, in a way that does each and every one of them justice, is a pretty daunting task. So was selecting a name for this publication, and LSLA's own Lydia Rivas-Luna inspired the name and won the Name the Newsletter Contest. Congrats, Lydia!

*Justice Matters* is largely possible because of the superb graphic and design skills of Lesley Morton, who answered the call to publishing, found time in her already booked schedule, rolled up her sleeves, and set about lending her time and talent to *Justice Matters*. She took the wonderful submissions that freely flowed in from all units, offices, and regions of LSLA, and worked around the clock to create LSLA's *Year in Review*. And, of course, there was the software implosion that necessitated the after-hours call to Arnold Erazo of the System Office of Lone Star College System – I am ever so grateful to Linda Good for making that connection. Without a doubt, the gifted and talented Britney Jackson, and her one-of-a-kind ability to relate the struggles of our clients, inspired us to "tell it the way Britney does."

Finally, as with all of the challenges that come my way, I am fortunate to be guided by my mentor, Paul Furrh.

- Debra Wray Furrh



# *From the Desk of* **Roslyn Jackson**

**Supervising Attorney for the Consumer and Home Protection Units**

The Home Protection and Consumer Units have joined forces to create one of the strongest and most dynamic legal teams at LSLA. Resources were combined so that we could more effectively tackle issues and address clients' concerns that often overlap. Since January of this year, these Units have collectively filed more than 33 lawsuits against individuals and organizations trying to take advantage of our clients; attended and hosted 78 outreach events geared towards educating the public on their legal rights; and played an active role in responding to the needs of citizens who are still suffering with damages caused by Ike.



The Units have played a vital role in helping clients apply for CDBG grant funding to rebuild their homes damaged during the hurricane. The ubiquitous blue tarps still seen around Houston are a testament to the widespread and chronic damage caused by Ike. In collaboration with LSLA's Disaster Relief and Tenant Rights Units, the Consumer and Home Protection Units have begun screening applicants who potentially qualify for funding and guiding them through the application process. The two Units currently represent 18 clients (and counting) who are seeking home repair grants offered through the City of Houston's CDBG Program, in which the City has to date received \$25 million to help Houston residents rebuild.

In addition to Hurricane Ike damage sustained by Houston area homes, the current economic climate has exacerbated home ownership issues for our client community. Specifically, foreclosures have been on the rise in Houston and the surrounding areas, and the Units have answered the calls of clients desperately looking for ways to prevent losing their homes. Bankruptcy is an option offered by the Units, and gives clients an opportunity for a fresh start at rebuilding their credit. Most importantly, filing bankruptcy places an automatic stop to foreclosure proceedings. This year, the Units have hosted monthly bankruptcy and foreclosure seminars to educate clients on the process and also to screen clients for these options. The Units have created comprehensive PowerPoint presentations for both the bankruptcy and foreclosure seminars and plan to visit other LSLA offices to share this information.

Not only have the attorneys in the Units been busy assisting clients, they have also played a vital role in training attorneys in other LSLA offices, as well as current and future lawyers throughout the State. Sapna Aiyer presented a CLE on bankruptcy to members of the Poverty Law Section of the State Bar of Texas. Sapna, along with Patricia Tsai, also presented at the monthly Housing and Consumer Law Task Force meeting on homeowners' association rights and property tax foreclosure defense. Elizabeth Lockett conducted a foreclosure presentation at the monthly LSLA Litigation Meeting. We also proudly announce that Greg Nodler has joined the University of Houston Law Center as an adjunct professor and will be teaching a course entitled "Practicing Consumer Law." The Units regularly receive calls and provide assistance to other LSLA staff seeking help with foreclosure and consumer-related issues.

This past summer, as an Equal Justice Works AmeriCorps Fellow, Elizabeth recruited five summer interns who joined our team. These interns were carefully screened and selected by Equal Justice Works (EJW) and received a \$1,000 stipend for providing 300 hours of work. As a part of Elizabeth's grant requirements, she submits a "great story" each quarter. For the past three quarters, Elizabeth's "great stories" have been selected for inclusion in the Recovery Report that EJW submits to Congress. Elizabeth's outstanding work led EJW to extend her grant for another year. Read about Elizabeth's work in "Street Stories," in this edition of *Justice Matters*.

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# Consumer

## Doubles Attorneys and Doubles Lawsuits in 2010

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The Consumer Unit has had an exciting first nine months. The staff doubled in size with the help of the HGAC SSBG Ike grant, our service numbers increased through outreach and intakes, and our litigation numbers increased to three times what they were last year. Our support staff is stretched, but they are doing an excellent job of keeping us afloat. My hat goes off to Sylvia Lugo, Maritza Marin, and Nora Benitez who have had to keep up with all of our crazy schedules and the never ending changes.

The year began with the introduction of our new Director of Litigation, Rich Tomlinson. Rich's presence created a definite shift in the momentum of the Unit and the types of cases we accept. With Rich's assistance, the Unit began hosting an in-house Consumer Law Training Series. To date, we have sponsored CLE trainings on Debt Collection Defense, Pay Day Lending, Truth In Lending Act Violations, and Home Ownership Equal Protection Act Violations. The trainings were open to all LSLA staff and the Harris County Consumer Law community.

In February, the Unit added two staff attorneys, a paralegal, and a secretary under the HGAC Social Services Block Grant to assist people who suffered from Hurricane Ike. The Hurricane staff hit the ground running, and they have played an essential role in increasing the level of service the Unit provides. They are a group of fresh new lawyers who brought with them a great energy that has created non-stop forward motion in terms of advice, limited service and litigation.

### Outreach

Flora Powell is the driving force behind the increased number of outreach events the Consumer Unit has hosted and participated in this year. With Flora's hard work, the Unit has touched 6,589 individuals in the short time span of five months. She has helped increase the Unit's visibility in Fort Bend and Harris counties. Moreover, she has helped foster a beneficial working relationship with Fort Bend County Lawyers Care and various community organizations. Flora had outreach events scheduled within a week after joining the firm. The Unit is involved in two to three events per week in both Harris and Fort Bend counties.

### Litigation

The grant doubled the Unit's staff attorney numbers from two to four, which also brought about an increase in the number of

clients we have been able to help in the past nine months. Since January, we have discharged almost \$754,000 in unsecured debt from Chapter 7 bankruptcies. We have already surpassed last year's Debt Collection Defense statistics. To date, we have filed a total of 17 lawsuits, double the total amount we filed in all of 2009. These lawsuits consist of Breach of Contract claims, Deceptive Trade Practices

claims, Chapter 7 bankruptcies, TILA violations, and Fair Debt Collection Act violations by collection companies. The litigation we are filing has brought in some big awards for our clients. In May, Ericka Moore received a \$25,000 check on behalf of a client who was swindled by her mortgage broker, who later ran off with her life savings. Willis Ma beat an arbitration clause with a debt consolidation company and was able to secure a refund of \$1,250 for his client. Finally, Greg Nodler assisted a client in avoiding a \$5,000 student loan debt that should have been consolidated. The case was finally non-suited after two years of litigation. Greg also received \$2,500 in attorney's fees in a Fair Debt Collection Act violation case in federal court.

### **New Grants**

This year, the Unit received an Equal Justice Works AmeriCorps Fellow for the CORR Project for Fort Bend County. CORR stands for Consumer Outreach with Rural Residents. This project began as a way to reach residents in Fort Bend County beyond Sugarland and Richmond. With the help of Lisa Maddux, we wrote a grant application to Equal Justice Works and were awarded a Fellow to handle this project for the 2010-2011 year. Fallon



**The Consumer and Home Protection Units join forces.**

Hamilton is the Equal Justice Works AmeriCorps Fellow, and she will conduct Consumer Rights seminars and intakes throughout Fort Bend County, in addition to handling cases. The grant also has a pro bono component, which will require her to work closely with the Fort Bend County Bar to foster more volunteer attorney participation in the area of Consumer Law.

Finally, The Unit received a \$3,700 grant from the State Bar of Texas Litigation Section. The funds will purchase a lap top, projector, screen, and related equipment for the Consumer Unit to utilize during outreach in Fort Bend County.

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## **Home Protection Unit**

### **66 Homes Saved**

### *and Counting...*

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Two years have passed since Houstonians braced themselves for one of the most catastrophic natural disasters of this century. Hurricane Ike left more than just debris; the demand for home ownership assistance left those who were already struggling to survive prior to the storm more vulnerable than ever.

LSLA's Home Protection Unit (HPU) identified homeowner need and readily accepted the challenge of providing representation to storm survivors. With additional attorney, paralegal, and secretarial staff hired under the HGAC grant, we rolled up our sleeves, and began the arduous task of assisting homeowners in rebuilding their lives.

HPU plays a crucial role in saving homes from foreclosure and protecting homeowners from falling prey to home repair scams and predatory loans. We represent clients who sign home/mortgage loan agreements where terms have not been disclosed or misrepresentations have been made; sue contractors who fail to perform work that has been promised; sue predatory lenders who seek to gouge our clients out of their limited income and resources; defend homeowners from mercurial homeowners' associations; file Chapter 13 bankruptcy petitions to preserve housing; assist clients in filing hardship affidavits and deferral forms with taxing entities; assist clients seeking loan modifications from lenders; and sue to settle title disputes.

Since January, HPU attorneys have saved approximately 66 homes through litigation and/or negotiation. We have filed 26 lawsuits, and we have aggressively increased outreach, attending and/or sponsoring more than 78 outreach events.

The Unit assists our client community through the often confusing, unsettling, and changing HAMP loan modification requirements. We host monthly in-house foreclosure seminars where we educate our clients on the best ways to request consideration for a loan modification or other workout agreements. Over 150 clients have been assisted through these services this year. More recently, Unit attorneys filed an application for temporary restraining

order and lawsuit against one of the largest mortgage servicers in the country for failing to stop foreclosure proceedings while our client was being considered for the HAMP loan modification program.

Further still, HPU has waged war against homeowners' associations (HOAs) looking to take advantage of and harass those living in their neighborhoods. We scour Declarations to defend against frivolous lawsuits where associations often seek daily penalties and fees. In one particularly egregious case, our client had difficulty paying the HOA assessment because of financial circumstances beyond his control, and the HOA refused to give our client a payment plan (on a debt that is less than \$200 with late fees). Subsequently, the HOA turned the account over for collection, filed a lawsuit, and lo and behold -- the \$200 debt mushroomed to \$6,000. Outrageous? We think so, and we are preparing to do battle challenging the reasonableness of the attorney's fees and collection costs (\$5,800).

HPU attorneys, legal assistants, and support staff are a strong, dedicated, and committed team. We seek to ensure our clients are afforded the opportunity to have someplace to call "home," despite their financial circumstances.



**Consumer and Home Protection Units team members gather in the LSLA library over lunch.**

# *From the Desk of* **Patty Rangel**

**Supervising Attorney for the Angleton, Bellville, Belton, and Bryan Branch Offices**

So many projects... so little time!

I became a brand-new Supervising Attorney in September of 2008, charged with oversight of the Angleton, Bellville, Belton, and Bryan offices. I now know the shortest route between the offices and which gas stations have the cleanest restrooms. All kidding aside, I really enjoy my work. I believe that the regularly-scheduled trainings, policy updates, and compliance reviews that I provide to the staff in the offices I oversee are important components in our efforts to continue to provide quality legal services to our clients. I also enjoy helping to solve the challenging and sometimes unique legal questions that these offices encounter, as well as my work with the attorneys to expand services outside of Angleton, Bellville, Belton, and Bryan. These offices enjoy a great mix of experienced and newer attorneys, and so the enthusiasm level of my team is quite high!



This year, I am very happy to welcome Lydia Hancock to the position of administrative secretary. Lydia has fabulous Excel skills and has been critical to the development of several analytical reports. I am still trying to find a way to make up for stealing her from Todd Thompson.

In addition to my core duties, I am committed to helping Debra Wray promote LSLA's clear commitment to serving our limited English proficient client community through a continuously evolving LEP vision that includes: developing specific components of LSLA's cultural competency training; implementing practices that go well beyond the requirements of LSLA's LEP policy; and establishing a working group of skilled LSLA translators and interpreters. I have translated many legal documents into Spanish for our clients who are monolingual Spanish speakers, and I work to help advance the translation skills of other Spanish translators working at LSLA. We are lucky to have a number of competent translators on staff, and since Debra is always urging us to "take it to the next level," our goal is to organize staff translation work product to eliminate duplication of effort in standard, boilerplate language like that found in many family law pleadings. I also provide in-house training and advice on federal tax issues. Lisa Maddux and I have been working hard to bring a Low-Income Taxpayer Clinic grant to LSLA. We await the announcement of the grant awards with great hope and anticipation.

In the meantime, I have a modest federal tax practice of my own. I find the practice of federal tax to be very rewarding, particularly because it often has a major financial impact on our clients. I am in the process of closing a case now that resulted in one very happy client. This taxpayer, a working single mother, was the victim of identity theft for employment purposes. Someone had been working under her Social Security number, but that person had not paid federal income taxes on that income. As a result, our client had been denied Earned Income Tax Credit, and her federal tax refunds had been garnished for more than five years. Naturally,

the taxpayer had stopped filing her taxes. Although she had requested assistance from the office of the Taxpayer Advocate Service (TAS), she had been unsuccessful in navigating the IRS administrative process. LSLA provided tax-preparation assistance, documentation of identity theft assistance, and helped with TAS communication. Notwithstanding a three-year statute of limitations on payment of federal income tax refunds, the taxpayer ultimately received over \$10,500 in refunds and accumulated interest from the IRS.

## Strategic Planning Yields Results in Angleton

In November 2009, the Angleton office staff retreated into the new conference room to develop its strategic plan for the year ahead.

Our strategic planning followed many changes and much hard work in 2008 and 2009. We changed our intake and compliance procedures drastically to create a system that would free the attorneys to spend more time on case work, while at the same time we re-trained ourselves in accountability for our compliance outcomes. And we did all of this while our office was undergoing renovations, not to mention an unexpected visit from the fire department!

Lina Cornier joined our team as a legal secretary. Lina is bilingual in Spanish, and her excellent skills expanded our ability to serve our Spanish-speaking community. United Way has funded a part-time bilingual receptionist, and we have been delighted with Miriam Norstrom. With all these changes, the volume and quality of services to our clients in Brazoria, Matagorda, and Wharton counties improved.

Little did we know that Hurricane Ike would once again impact our office, but



Angleton Office staff outside their building, owned by LSLA.

this time in a good way, in the form of an HGAC grant that brought three new employees, training needs, equipment and furniture, and expanded legal assistance to residents impacted by the storm. A seasoned trial attorney, Elizabeth Trevino, joined the team along with Suzana Ceyna and Andrea Guajardo. Both Liz and Suzana are bilingual in Spanish and can translate, as well.

Four key areas were identified in our strategic planning: community education, outreach, pro bono, and substantive law advocacy targeted to our counties.

### Community Education

We planned a number of CE topics to be presented monthly at four geographically diverse locations. We advertised, prepared brochures, and conducted these monthly meetings in all counties. The topics were varied and included: Unsecured Debt Assistance, Tax Questions and Answers,

How to Lower Your Property Taxes, Wills: Planning for Your Future, Food Stamp Eligibility, Disaster Legal Assistance, Social Security Disability and SSI, and Family Law Assistance.

### **Outreach**

Lina has become one of the "faces" of LSLA. She has developed community partners, including United Way-funded agencies and county government departments; identified locations for community education and outreach clinics; and works with our fast track divorce program. Lina also attends many community gatherings including the Alvin Senior Center Fair and Hurricane Community Informational Outreach events. Liz, our HGAC-funded attorney, participates in community outreach and training programs, too.

### **Pro Bono Project**

This turned out to be more involved and more work than we anticipated. Michael Rees, staff attorney, is spearheading the project. Michael has presented at the Wharton County Bar Association and enlisted four attorneys to participate in pro bono representation. We recently assigned our first case to a Brazoria County volunteer attorney. The program is still in its infancy, but already one local bar association has pledged \$3,500 to our effort! We hope to use the funds to enhance our use of CLE presentations to the participating bar and for community education programs for pro se representation.

### **Substantive Law Advocacy**

Due to the effects of the troubled economy and multiple disasters (Hurricanes Katrina, Rita and, of course, Ike) in our service area, the volume of applicants has been overwhelming. Despite this, we have notable outcomes in several areas. One prime example involves access to the courts.

Some courts in our service area were in essence denying litigants the right to request a waiver of court costs when a Pauper's Affidavit had been filed. We were able to successfully resolve that issue for our clients, which we believe will have a positive impact on many other low-income litigants and their ability to access the court system, whether represented by legal aid or appearing pro se.

## **Bellville**

### *Never A Dull Moment*



**Bellville Office staff welcomed new manager, Jamie Elick.**

The Bellville office is a great place to work! Jamie Elick was recruited less than two years ago right off the LSLA Board of Directors to lead our Bellville team of experienced attorneys and dedicated support staff. Both Jan Allen and Clif Ransom have years of experience as poverty lawyers, and together with Jamie, continue to litigate challenging cases. It helps to have knowledgeable and capable support staff, and Linda Eckelberg and Jean Blais-Oliver certainly fit the bill! Linda and Jean were joined by the team's third legal secretary, Sharon Stanford, in 2009.

## Interesting Cases

### **Veterans Benefits**

We have provided legal assistance to Vietnam War veterans seeking treatment from the VA Hospital for Agent Orange-related illnesses.

### **Wills and Estates**

Our office established the death of a disabled client's father, whom she had not seen for 40 years, in order to qualify her to receive funds representing her father's share of an easement that was required to be distributed to his heirs. This meant a great deal to our client, who lives on a very modest social security disability payment as her sole source of income.

### **Consumer Law**

We negotiated a partial release of lien with our client's judgment creditor so that the client could obtain financing to repair his uninhabitable homestead. Until the client contacted us, the judgment creditor had shown no interest in releasing the lien that prevented financing for the repairs. We were able to convince the judgment creditor that the partial release of lien served the best interests of both parties.

### **Divorce and Protective Order**

Our team obtained a protective order and subsequent divorce for a client, who was appointed sole managing conservator of her three minor children, following a jury trial where marital rape was a key allegation. The client now lives without the fear of sexual assault, or of losing her children.

### **Homeownership**

We successfully defended a forcible detainer suit, and then filed affirmative litigation regarding title, following the attempted foreclosure of our Ike-surviving client's homestead by Trustee Bank.

Fortunately for the client, the Justice of the Peace, before whom the forcible detainer was pending, directed our client to seek legal counsel from LSLA before proceeding with the trial of the case. We love it when we receive referrals, especially from the bench!

### **Pro Bono**

In addition, the Bellville office began volunteer attorney recruitment in 2010. We have recruited two new pro bono lawyers from Austin and Washington counties, and these attorneys have indicated their willingness to accept cases from all five counties in the Bellville service area.

# Belton

## New Veterans and Hospice Projects in the Works



The Belton Office takes a break from planning new projects.

The Belton office has been very busy this past year.

In April, Sara Krahl Sullivan was nominated and won the Non-Profit Category for Victim Advocate of the Year,

in conjunction with Coryell County's National Crime Victims' Rights Week.

The annual Bell County Bar Association Law Day Banquet was held in May. Nadia Ince presented Buckley Major with Lone Star Legal Aid's Pro Bono Attorney of the Year award. Mr. Major has provided clients with exceptional legal services since 1977, and he joined LSLA's pro bono panel in 2007. This is the 12th year that the Belton office has presented this prestigious award. A plaque is displayed in the Bell County Courthouse to honor previous awardees. During the banquet, Mandy Avila Clark was sworn in as Secretary of the Bell County Paralegal Association. Mandy also serves as our pro bono coordinator.

Mr. Dan Capen is a third year law student who spent his second summer with the Belton office. Dan is enrolled in the University of Pittsburgh School of Law. We would like to say a heartfelt thanks to Dan and wish him the best of luck as he returns to school.

Lili McEntire will be interning with the office this Fall. She is a senior at Southwestern University and would like to go to law school. Lili's major is in communications/sociology. The office extends a big welcome to Lili!

In August, the office received \$20,000 from the E. Rhodes and Leona B. Carpenter Foundation to partially fund a hospice legal advocate. Sara will be spearheading that effort.

John Torti now sits on the Bell County Child Welfare Board. The Board provides support for foster children in Child Protective Services. In addition, John is a point of contact for the TAJF Pro Bono Legal

Services for Veterans Project. He will be meeting with the VA director, Judge Morris (the chief local judge), and Judge Endicott (a former military judge and former legal aid board member) to brainstorm and develop ideas on a collaborative effort with the Bar to deliver services to veterans.

Congratulations to Rachel Kunath who recently became licensed in Federal Court!

Kudos to Christina Gindratt who received an invitation from Texas Lawyers Care to present as a panelist for a webcast about Military Issues in Family Law. Our attorneys also give presentations and trainings to various organizations and agencies throughout the year. Some of these include the Temple Housing Authority, Senior Market Day, the Veterans Administration, and Killeen Independent School District. Staff also offer Options Classes in Bell, Coryell, and Milam counties. Options classes are a collaborative effort between Families in Crisis (the local shelter for battered women), the Bell County Attorney's Office, and LSLA to make presentations to family violence victims who are considering dropping protective orders already in place.

We'll also be attending our first Volunteer and Non-Profit Fair in October.

#### **On a Lighter Note**

Three staff members have tied the knot! Congratulations to Mandy, Sara, and Samia LeMaster Wetzel.

# Bryan

## Heading In A New Direction



Bryan Office staff plan 2010 advocacy goals.

The Bryan team came up with a new play book for 2010, and exciting things have been happening: we began looking for new office space, saw changes in personnel, identified an impact area for systemic advocacy, expanded into new practice areas, and began outreach into underserved geographic locales.

### Personnel Changes

We were saddened to lose our legal secretary, Lydia Hancock, but luckily she is still in our building as she now works with Patty Rangel. In her place, we were able to bring back Brenda Gonzalez as a temporary legal secretary. Both Lydia's and Brenda's bilingual Spanish-speaking abilities are a real asset to our office. Jeri Alexander moved from temporary status to full-time status as a legal secretary in July.

In addition to our regular staff, our interns this fall are Lindsey Laird and Carly Hilley from Texas A&M University.

### Systemic Advocacy Goals for 2010-2011

**Develop a cooperative relationship with the County Attorneys to improve protective order implementation.**

Through this strengthened relationship, we will increase and enhance protections for domestic violence survivors in 2010 and 2011.

**Identify language barriers that impede access to government benefits, and work with other LSLA offices to remove those impediments.**

This summer, we were faced with a local government services program that would not provide an application in Spanish, nor would it assist a monolingual Spanish speaker with completing an application for assistance. Working with other LSLA offices, we are developing an advocacy plan to address this significant LEP issue. We hope to have a plan in place for 2011.

### New Practice Areas

So many substantive law areas to choose from! In 2010, we left our "comfort zone" of legal expertise and began developing new practice areas, described below, to more fully serve the needs of our clients.

### Bankruptcy

We filed a Chapter 13 Bankruptcy in the Southern District of Texas, Houston Division, this spring to prevent a client's home from being foreclosed upon. Bryan's filing was done on an emergency basis, after learning at the last minute that a foreclosure sale had already been posted and was scheduled to occur within two to three days. To save the client's home, the attorney handling the case had to hand deliver the notice of bankruptcy filing to the Trustee on the courthouse steps to

prevent the house from being sold.

The client's plan was approved and her house was saved. We intend to take full advantage of the new LSLA Bankruptcy Training Program to continue to develop our expertise.

### **Consumer Litigation**

Our office successfully defended several consumer debt cases. In a series of cases where we represented the consumer against original and/or third party creditors, we raised a number of issues: the right of the creditor to collect, the amount of the debt, application of the statute of frauds, standing, and other affirmative defenses. We have responded to and posed our own discovery in each case. Of the three cases handled in 2010, we have obtained two non-suits and the third case is still pending.

### **Government Benefits**

Team Bryan represented clients in administrative hearings for both food stamps and Medicaid benefits. These cases represent significant efforts to expand the meat and potatoes of our law practice into substantive law areas that have not been the focus of our work in the recent past. We will build on our initial efforts over the next year.

### **Expanded Outreach**

We expanded outreach by scheduling regular appointments at designated locations in Burleson, Grimes, Leon, and Madison counties through collaborations with Health Resource Commissions in those counties. We continued our cooperative relationship with the SAAFE House Domestic Violence Shelter in Walker County through June, when outreach in the County was transferred to the Conroe office.

## **TEAM EFFORT IN PARIS, TX**

As one of the newer LSLA Managing Attorneys, Jamie Elick has really enjoyed the regular Litigation Meetings as a way to meet other LSLA attorneys, discuss current substantive law issues, listen to experts present on various topics, and brain-storm approaches to handling cases that are complicated or in areas of the law that are new to him. At the August Litigation Meeting, he witnessed firsthand another reason to attend – the awesome power of this group to positively impact a client community through a clinic designed to provide a full range of legal assistance in all of LSLA's substantive law areas. After a day long meeting, the lawyers and paralegals reconvened to staff a clinic at the new Paris office, and as a result, 28 grateful individuals and families received legal aid that they might have otherwise waited weeks for.

“Scheduling the outreach on the heels of the Litigation Meeting was a stroke of genius by our planners because it brought together the critical elements: our compassionate litigating lawyers and our needy clients,” says Kristy Rodgers, Paris Managing Attorney. “I can't overstate the importance of our attorneys and paralegals, who voluntarily traveled a very long distance to provide services to clients in this region of the state. Their service speaks volumes of their commitment to our mission.”

Organized and planned by Brenda Willett and Sharon Reynerson, the After-The-Meeting Clinic was a success because of the contributions of staff from across the firm, starting with the Paris support staff, Peggy Mijares and Tania Murphy, who “jumped right in and made the Litigation Meeting and outreach possible,” according to Sharon. After Sharon created the publicity poster, it was hand delivered to local social service agencies by LSLA Board Member Brenda Cherry, as well as to the courthouse and domestic violence shelters. The local Paris cable TV station broadcast the notice for free.

Even staff who were not able to attend helped out – Sue Seré provided PowerPoint presentations for attendees to watch on a variety of public benefits topics. IT made an emergency visit to the new office space to set up a wireless connection, and Accounting dropped everything to pay vendors who were helping to get the new building, which is still not *officially* open, ready for the event.

Both Sharon and Kristy offered their heartfelt thanks to the multitude of LSLA staff who volunteered to deliver always much-needed legal aid to the Paris community!

## Notable Resource Development Gains in 2010

### Collaboration with LSLA Staff *Key to Success*

To say that the Resource Development (RD) Department has been busy in the past year is an understatement, but as a result, a lot of exciting things have happened and continue to occur for the department, the firm as a whole, and most importantly, our client community.

Ongoing legal needs among Ike survivors led to sizable grant awards from the Houston Endowment and the Houston-Galveston Area Council. Also, the availability of federal stimulus funding developed into a 12-month project for RD, but led to 16- to 24-month homelessness prevention contracts with the City of Beaumont, Salvation Army Houston, the Houston Area Urban League, and Houston Area Women's Center.

The firm also has received new TAJF grant awards to launch pilot projects: the Tenant Defense Project, the Rural Pro Se Litigation Project, and the Pro Bono Legal Services for Veterans initiative. In addition, working with RD, some branch offices have been able to add much-needed staff positions with United Way funding, including the Galveston office (full-time paralegal and part-time receptionist), the Angleton office (part-time bilingual receptionist), and the Longview office (full-time paralegal). Some smaller, but equally important, grants have generated summer law student internships and equipment for

outreach, including two awards from the State Bar of Texas Litigation Section: an intern for the Longview office; and a laptop, projector, screen, and related items for Consumer Outreach with Rural Residents (CORR) to be implemented by the Consumer Unit in Fort Bend County.

This year, with support from Equal Justice Works, we also made a huge jump in AmeriCorps fellowships, going from one attorney Fellow (Elizabeth Lockett in the Home Protection Unit) to four Fellows (adding new positions in the Children's Rights Unit, the Consumer Unit, and the Conroe branch office). Later this year, we will reapply to once again increase our AmeriCorps fellows to the maximum of six for the 2011-2012 cycle.

For more than a year now, Marty Orozco and RD have been working on the development of the first formal Medical-Legal Partnership in Houston and for LSLA's region. Partnering with Texas Children's Hospital, Texas Children's Pediatric Associates, and Project Medical Home, we hope the MLP will be up and running in early to mid-2011. Patty Rangel and RD have worked for over a year to bring a Low-Income Taxpayer Clinic to LSLA. In our first run, we were tentatively approved for funding, but as a new project, ours was cut due to external

budget issues. For this next cycle, LSLA does not meet the stated priority areas for LITC funding; however, the firm made a compelling argument for the addition of another LITC in Texas, particularly in the firm's service area, which has no LITC other than one controversy clinic in Houston and one ESL clinic in Sugarland. The firm will keep trying until it receives a grant award to jump start this project.

Further still, RD is working with several Managing Attorneys to create a social work department for LSLA, a Regional Domestic Violence Conference for legal services providers and anti-violence advocates, and the expansion of the firm's human trafficking programming. And the Department is spending a considerable amount of time researching grant prospects, identifying unmet legal need and matching funders to that need, performing initial research on new projects for grant funding, and pairing potential funding sources that could, together, financially support specific LSLA initiatives.

On paper, Resource Development is a department of one, but as the saying goes – it takes a village – and many others work with RD to make things happen, both during the application process and once the funding is awarded. Collaborating with Managing and Supervising Attorneys is crucial to the advancement of resource development, and to date, RD has been fortunate to partner with a number of LSLA management personnel, including Helen Malveaux,

Marty Orozco, and Sue Seré (TRU and PBU); Roslyn Jackson and Ericka Moore (HPU and Consumer); Diane McManus (Family); Max Sukiennik (Galveston); Carolyn Turley (Angleton); Robyn Brumbelow and Dorman Brumbelow (Longview); Yvonne Como (Beaumont); Paula Brumbelow (Nacogdoches); Sonia Lopez (Conroe); Sandra Salas (Children's Rights Unit); Lewis Kinard (firm-wide projects); Harold Desselle (EJW AmeriCorps); and Patty Rangel (firm-wide project). We hope as RD progresses and builds over time, all units and branch offices will forge partnerships with RD to support and expand the incredible, life-changing work performed by our firm.

Last, but certainly not least, various administration personnel have played integral roles in RD's accomplishments in the past year, and on a regular basis, the "go to" people include Howard Stoneking (budgets and financial forecasting), Patrick Kwan (financial grant reporting), Nick Altizer and his team (extensive data for grant applications and grant reporting), Britney Jackson (heart-wrenching, but ultimately uplifting, client stories), Kim Lewis (patiently handling all of the HR issues), Mable Jackson (payroll set-up and changes for grant staff), and Cristina De Los Reyes (too many ways to count!).

# Providing Funds for 2009-2011

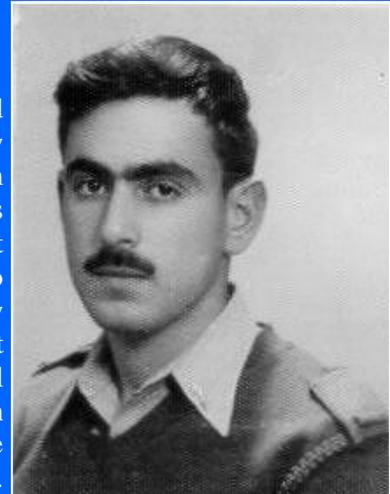
## LSLA Resource Development Department

<u>Funder</u>	<u>Amount</u>	<u>Term</u>	<u>Purpose of Funds</u>
BP	\$5,000	2009	Law student intern, Galveston office
City of Beaumont	\$60,000	2009-2011	Homelessness Prevention, Beaumont office
Equal Justice Works/AmeriCorps	\$98,400	2010-2011	Attorney Fellowships for Home Protection Unit, Consumer Protection Unit, Children's Rights Unit, and Conroe office
Greater Longview United Way	\$34,000	2009-2010	Paralegal, Longview office
Greater Longview United Way	\$34,000	2010-2011	Paralegal, Longview office
Houston Area Urban League	\$57,750	2010-2011	Homelessness Prevention, TRU
Houston Area Women's Center	\$50,250	2010-2011	Homelessness Prevention, TRU
Houston Endowment	\$600,000	2009-2011	Ike Recovery, multiple units and branch offices
Houston-Galveston Area Council	\$2,178,000	2010	Ike Recovery, multiple units and branch offices
Kemper Foundation	\$15,000	2008-2009	Ike Recovery, Galveston office
Laura and John Arnold Foundation	\$5,000	2009	Unrestricted funds
Legal Services Corporation	\$120,000	2009-2010	Ike Recovery, multiple locations
LSLA Board Giving Campaign	\$8,210	2009	Serves as a match for a grant
LSLA Board Giving Campaign	\$3,525	2010	Ongoing, will serve as a grant match
Salvation Army—Houston	\$40,000	2010-2011	Homelessness Prevention, TRU
Salvation Army—Houston	\$225,000	2010-2011	Homelessness Prevention, TRU
State Bar of Texas, Litigation Section	\$4,000	2009	Summer law student intern, TRU
State Bar of Texas, Litigation Section	\$4,000	2010	Summer law student intern, Longview
State Bar of Texas, Litigation Section	\$3,700	2010-2011	Equipment, Consumer Outreach with Rural Residents
Texas Access to Justice Foundation	\$310,389	2010-2011	Tenant Defense Project, TRU
Texas Access to Justice Foundation	\$206,000	2010-2011	Rural Pro Se Litigation Project, Nacogdoches office
Texas Access to Justice Foundation	\$47,500	2010-2011	Pro Bono Veterans Project, Firm-wide
United Way of Brazoria County	\$12,096	2009-2010	PT bilingual receptionist, Angleton office
United Way of Brazoria County	\$12,096	2010-2011	PT bilingual receptionist, Angleton office
United Way of Greater Houston	\$96,000	2010	Family Unit, Houston office
United Way of Galveston County Mainland	\$25,000	2008-2009	Ike Recovery, Galveston office
United Way of Galveston County Mainland	\$10,000	2009	PT receptionist, Galveston office
United Way of Galveston County Mainland	\$20,000	2010	Paralegal, Galveston office
United Way of Galveston County Mainland	\$35,000	2011	Paralegal and PT receptionist, Galveston office
Valero	\$19,000	2009	Paralegal, Galveston office
<b>TOTAL:</b>	<b>\$4,338,916</b>		

# Meet the Directors of Litigation...

## Shimon Kaplan

I was born, and grew up, in Israel. After finishing high school, I served for two and a half years in the Israeli army. That done, I moved to New York City to attend college. Nine years later, I graduated from Columbia University with a Ph.D. in Physical Oceanography. I was hired by Case Western Reserve University in Cleveland as Assistant Professor of Geology and Fluid Mechanics. I found the Ivory Tower too boring, so I went to law school and became a lawyer. While still in law school, I became involved in major environmental litigation against Republic Steel Corporation. That litigation involved Cleveland Legal Aid, and went on for a number of years. The case included litigation in all levels of Ohio courts, from the Cleveland Municipal Court to the Ohio Supreme Court, and in the federal district court and the 6<sup>th</sup> Circuit. I enjoyed that work very much because of its impact on the indigent clients – they were very happy that finally somebody in authority was listening to their complaints about the air pollution in Cleveland.

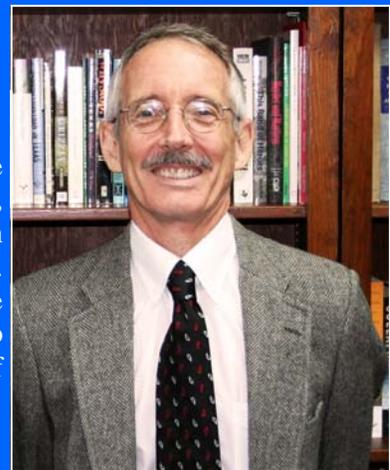


While my private practice was quite exciting, I decided I wanted to work for legal aid. I also got very tired of the cold weather and the bountiful snow in Cleveland. That's how I got to work for East Texas Legal Services as the Managing Attorney of the Beaumont office. And I am still here, 26 years later.

I still enjoy legal aid work, because it involves reminding the powers that be that someone is watching their conduct, and making the powers that be answer and explain their conduct to the low-income clients I represent. It also involves reminding everyone that the U.S. Constitution is still in force, even here in Texas.

## Rich Tomlinson

I was born and raised in Duncan, Oklahoma (in other words, I have country bumpkin roots). After finishing high school in Denton, Texas, I went to Oberlin College in Ohio under an "Okie" quota, graduating in 1974 --- from this date alone, you can figure out that young I am not. After working for two years, I attended law school in D.C. at George Washington University. After law school, I had two legal aid job offers, one in my hometown and the other in the major metropolis of Jasper, Texas --- I chose the metropolitan opportunity.



I worked for East Texas Legal Services for five years in Beaumont, Jasper, Nacogdoches, and Tyler, and I reached the conclusion that consumer law was my passion. When my then-wife got a job in Houston, I moved, as well, and worked for Gulf Coast Legal Foundation as a contract attorney for a year suing home contractors for breach of warranty. Then I worked for the Consumer Protection Division of the Texas Attorney General's Office for 12 years and 12 years thereafter in private practice, concentrating in consumer law. Last fall, I was contacted by Roslyn Jackson and Paul Furrh about returning to legal aid, and I decided it was an offer I could not reject – discretion keeps me from revealing what they said.

It's good to be back in legal aid, representing the poor and powerless. I am hoping that payday lenders, debt collectors, and other corporate malefactors will regret my return.

# Etcetera

**Dwayne Bilton** coordinated the 2010 state-wide Client's Council meeting and serves as Advisor (former chair), counsel and lecturer for Wheeler Avenue Baptist Church Boys Rites of Passage Program. **Patty Rangel** is a founding member of the Brazoria County Asset Building Coalition. **Rich Tomlinson** is the chair-elect of the Consumer Law Council, Consumer and Commercial Law Section of the SBOT. **Bob Sohns** is Co-Chair of the ABA Section of Litigation Diversity Committee and the Section of Litigation Liaison of the ABA Commission on Racial and Ethnic Diversity. **Gloretta Thornton** is an Advocate Legal Senior Center board member. **Diane McManus** chairs TLSC's Family Law Task Force, and is a director of the SBOT Poverty Law Section. **Lewis Kinard** is an SBOT Committee on Texas Disciplinary Rules of Professional Conduct member. **Martha Orozco** was selected by the U.S. Commission on Civil Rights as one of fourteen appointees to the Texas State Advisory Committee, her third two-year term. **David Sadegh** is President of the Tenants' Council of Houston. **Kimberly Brown** is a member of AfriPro Houston, hosting business, charitable, and professional networking

events. **Mark Grandich** chairs TLSC's Housing and Consumer Task Force. **Maria Mercado** is an ABA Site Team for Law School Accreditation member and recently participated in an evaluation of UC Irvine Law School. **Jeff Larsen** is a Gateway to Care board member, an organization devoted to increasing access to health care. **Fallon Hamilton** is a The Bush Cares Project board member, a non-profit organization dedicated to providing services to homeless veterans. **Greg Nodler** is an Adjunct Professor of Law, University of Houston Law Center, teaching "*Practicing Consumer Law.*" **Sandy Huynh** is an OCA-Greater Houston board member, a non-profit, pan-Asian advocacy group. **Sally Godfrey** is an SBOT Poverty Law Section Council member. **Richard Ishihara** is Co-Chair of the Board of Directors (Guiding Coalition) and Ally for Circles of East Texas, designed to build relationships across class and race lines and support families in poverty moving into self-sufficiency. **Sapna Aiyer** is an Alliance for Economic Inclusion member, a statewide organization seeking to bring financial education and opportunities to the underbanked. **Ernest W. Brown, Jr.** is an Executive Board Member of Arkansas Volunteer Lawyers for

the Elderly and Boy Scouts of America, Caddo Area Council, Inc.. **Duana Boswell-Loechel** is Treasurer of the Galveston County Bar Association and President-Elect of the Bay Area Bar Association. **Steven Hollimon** participates in University of Detroit Mercy School of Law Project SALUTE, a volunteer attorney project that assists low income veterans across America with compensation or pension claims. **Melody Poole** was elected President-Elect of the Galveston County Young Lawyers Association and won first place for most unusual item retrieved (a wedding band) in the Texas Gulf Coast Council of Diving Clubs 2010 Trash Fest (the nation's oldest underwater cleanup campaign). **David Craig** is a Habitat for Humanity of Nacogdoches and Nacogdoches Homelessness Prevention Coalition boards member. **Lori Hartgroves** appeared on a television segment in Waco about wills and estate documents. **Nic Serna** is the Vice Chair of the Criminal Justice Advisory Board of the Central Texas Council of Governments. **Mandy Clark** is Secretary of the Bell County Paralegal Association. **John Torti** is a Bell County Child Welfare board member, providing support in the form of fundraising for foster

children in CPS. **Adrea Chow** is a Friends of Depelchin board member, the young professionals group of Depelchin Children's Center. **Ron Esposito** teaches in the paralegal program at Houston Community College. **Romi Schwartz** recently judged a T-shirt logo contest for Jennifer Ann's Group, which raises awareness about teen dating violence. **Michael Reese** is a member of the Brazoria County Historical Museum and has performed as Father Miguel Muldoon in Austin Town Historical Reenactments for 10 years, in addition to teaching as an Adjunct Professor of Anthropology at the University of Houston, Clear Lake. **Guaddalupe Navarro** is on the Board of Directors of the Chinquapin School, a college preparatory school for low-income students in the Houston area. **Charity White** is on the Board of Directors of the paralegal program at Houston Community College. **Linda Good** was elected to a six-year term as Trustee, Lone Star College System. **Paul E. Furrh, Jr.** is a member of the Supreme Court of Texas, Permanent Judicial Commission for Children, Youth and Families, Collaborative Council and serves as Commissioner, Texas Access to Justice Commission.

# *From the Desk of* **Linda Good**

## **Supervising Attorney for the Family and Children's Rights Units**

The Family and Children's Rights Units are both dedicated to protecting and serving the needs of families and children. The Family Unit addresses traditional family law issues, with an emphasis on cases involving domestic violence, human trafficking, and other forms of physical and mental abuse. The Children's Rights Unit (CRU) is Paul Furrh's brainchild, and was first proposed following LSLA's analysis of responses to our 2007 Priority Study, indicating unmet need in a broad spectrum of issues related to children.

CRU became a reality in 2009, following a delay caused by the firm's Ike response. Once the massive, immediate need for disaster-related legal assistance became manageable, Sandra Salas was selected as the Managing Attorney of the new unit.

Sandra has great enthusiasm and extensive experience in family matters, as well as a good grasp of public benefits issues as a result of her tenure in the Public Benefits Unit. Staff attorneys Romi Schwartz and Catherine Whitmore, formerly of the Family Unit, joined Sandra. Cyndi Cantu, formerly of CIU, joined the team when Catherine relocated to Chicago. Adrea Chow joined the team in mid-September as an Equal Justice Works AmeriCorps Fellow. Of course, no unit operates very efficiently without support staff. Taryn Howell, also from the Family Unit, joined CRU as a legal secretary. Sandy Martinez is the Unit's second legal secretary. CRU is fortunate in that four of its six members are fluent in Spanish! Of course, creating a new unit also entails a host of infrastructure issues – space, furniture, equipment, protocols, advertising, training, etc. – that would be challenging enough for an experienced manager. Sandra rose to the challenge and has performed admirably.



You may have noticed that several experienced attorneys left the Family Unit for the newly created Children's Rights Unit. A less-experienced managing attorney might have balked at the exodus, but Diane McManus took the Family Unit changes in stride, and set about restructuring her department. Diane and staff attorneys Rene Torres and Ron Esposito saw the departure in the last two years of several colleagues who had been part of the Unit for years. Fred Krasny and Kathryn Mecredy left for private practice. Todd Thompson and Sandra Salas were promoted to managing attorney of the Bryan Office and CRU. Holding the unit together with bubble gum and baling wire for a time, Diane quickly hired volunteer attorney Adrea Chow as an HGAC attorney. Soon thereafter, Diane also added Anita Manoharan and Guadalupe Navarro as staff attorneys. About the same time, Shelly Matheson joined the Unit as an HGAC paralegal and Francis Hampton came on board as an HGAC legal secretary. While training newly licensed attorneys and some new support staff, Diane and her experienced staff also welcomed several law students during the summer and an After-the-Bar fellow, Priscilla Heistad, who has stayed on as a volunteer after the conclusion of her paid fellowship. In addition

to the staffing challenges, the Family Unit also relocated to newly renovated quarters on the second floor of the Houston building.

With the restructuring of the Family and Children's Rights Units complete, lawyers in both units are enthusiastic about the positive impact that a focused practice will have on our client community. New outreach opportunities, new practice areas, and new approaches to old problems make this an exciting time to be practicing in one of these units!

In my "spare time," when I am not working with the energetic and committed teams at the Children's Rights and Family Units, I am learning the ropes as the most-recently elected trustee of Lone Star College System, the largest community college system in the Houston metro area and second largest in the state. The college's paralegal program has provided paralegal interns for LSLA offices for over eight years. A great many of the college's students are eligible for LSLA services and many opportunities for collaborative efforts exist.

## Family Unit

### All About OUTREACH



Family Unit staff pose for a picture in new office suite.

#### Current Projects

LSLA's Family Unit is collaborating with two community partners to address the legal needs of Asian and South Asian communities in Houston. A Family lawyer conducts on-site intake at DAYA, South Asian Family Services, once a month to

interview clients, give advice, and provide extended representation and referrals as needed. We also participate in the weekly "Ask a Lawyer Day" at Asian American Family Services. These two partnerships target a vulnerable population, and our goal is twofold: an immediate improvement in the lives of our clients, and lasting solutions to the more systemic issues facing these client communities.

The Unit also entered into a subcontract with New Horizons Family Center, Inc., a shelter in Baytown. New Horizons provided office space and other services including transportation for clients and translation, when necessary. The contract paid a portion of an attorney's time to file and prosecute Protective Orders in Chambers County for clients referred to LSLA by New Horizons. LSLA attorneys traveled to Baytown to interview clients, give advice, execute documents, and offer extended representation as needed. Although the contract ended on August 31 we are committed to continuing our work with domestic violence victims in Chambers County.

Our Unit also participated in a partnership with the Office of the Attorney General to offer Parenting Order Legal Clinics (POLC). A clinic was held once a month for parents who had questions regarding their parenting orders. An experienced LSLA family law attorney was available to educate the community, and where appropriate, answer questions. In Houston, the POLC sessions were held at the United Way building, and LSLA provided child care, interpretation, and translation services for the LEP population associated with this grant. This grant ended in August 2010.

The Family Unit also entered into cooperative agreements with The Bridge Over Troubled Waters, a shelter in Pasadena, and with Family Time Inc., a shelter in Humble, to provide services to women and children who are domestic violence victims. We travel to the administrative offices of each agency and provide education, interview clients, offer advice, and extended representation. Our partnership with Family Time is so well known in the community that potential applicants often come as early as 6:00am, to make sure they can meet with LSLA's attorney.

### **Future Projects**

We are in the planning stages of two initiatives that will address violence against women and children.

LSLA will host a regional conference on domestic violence, which we hope to turn into an annual conference. The conference will bring together diverse stakeholders (victim advocates, the judiciary, legal services advocates, staff of domestic violence shelters, and law enforcement), to plan collaborative strategies around the issue of domestic violence. Topics will include public policy, challenges faced by

rural areas, housing, lack of transportation, and lack of access to the courts. Currently, we are building a steering committee and creating a survey to assist with planning.

Second, the Family Unit will develop and implement a program to train LSLA staff to fully assist trafficked persons. The first topic will be the identification of trafficked persons, including victims that do not self-identify as trafficked persons. Additionally, we will provide training on issue spotting, because survivors of trafficking often have non-immigration-related legal problems, including family law, public benefits, and housing. As the leader in non-immigration legal services to trafficked persons in Houston, we are working with Houston Rescue and Restore (formerly Coalition Against Human Trafficking). We will continue to work with Tahiri, Boat People SOS, DAYA, Catholic Charities, Cabrini Center, and YMCA International.

### **Significant Cases**

The Family and Children's Rights Units collaborated in defending against a Bill of Review brought by our client's ex-husband in an attempt to set aside his voluntary relinquishment of his parental rights. The complexity of the case required a Board-certified attorney from the Family Unit and the new Managing Attorney of the Children's Rights Unit. We prevailed on behalf of our client in defeating the Bill of Review. The opposing party is an attorney, and he plans to take this matter to the Court of Appeals.

We successfully represented a victim of domestic violence who had fled to another state, but was later ordered by the Texas court to return to the state. Our client was awarded custody of all three children, child support, and possession of the marital

home after a three-day trial against the intervening paternal grandparents and the abusive husband. All four attorneys involved in the case are board-certified in Family Law.

The Family Unit also obtained spousal support orders for several disabled or elderly clients. One such client received an award for \$500 monthly to be paid indefinitely due to her disability. Another client, who had been the victim of especially brutal abuse and control by her husband (including being thrown off a second story balcony, kept prisoner, and not allowed to work, learn to drive, or hold a job), was awarded a lump sum judgment of \$4,000, plus \$1,000 per month in spousal support for 36 months.

Two newly licensed attorneys in our Unit were equally successful in their first solo court appearances for LSLA clients. One represented a teenage mother in a two-day hearing, after which our client received custody of her infant child and a Protective Order. The other successfully negotiated the return of the children from CPS to our client, over the objections and allegations of the husband during a pending divorce action.



**Family Unit staff enjoy their new office space.**

## Children's Rights Unit

*Protects Those Least Able to  
Protect Themselves*



**CRU staff advocate for improved outcomes for kids.**

The Children's Rights Unit has come a long way since its inception earlier this year. The Unit focuses its efforts in Harris and Fort Bend counties, but is available to co-counsel on children's cases throughout LSLA's service area.

Representing children, or effectively working with their caregivers to advocate for children, requires specialized knowledge of children's physical and mental needs and the impact of family dynamics at various stages of development. In addition, juvenile justice laws and some programs intended to benefit children, such as SSI, follow specialized rules and criteria in deciding children's cases. At times, custody disputes raise important constitutional issues about parents' rights, children's rights, and family privacy. Finally, recent societal changes, like zero tolerance policies and the increasing criminalization of misbehavior in public schools, requires strong advocacy to assure that children are not needlessly relegated to

the juvenile justice or, worse yet, criminal justice systems. The goal of the Children's Rights Unit is to develop the specialized expertise required to effectively address these issues and, thereby, improve outcomes for children.

In early 2010, all of the attorneys from the CRU attended a Juvenile Law Seminar together. They have all quickly embraced the challenges of learning new areas of the law while finishing out their existing Family Unit cases. CRU also participated in the "Grandparents as Parents" conference in March and in the Back to School Conference sponsored by La Raza at PlazAmerica in August. Future monthly events will include outreach to returning veterans who often have family law and child-related issues.

### **Significant Accomplishments**

The CRU is representing a grandmother who is seeking custody of her deceased daughter's four children. The father of two of the children is also deceased. The father of the other two children will dispute custody, even though he has not been visiting with his children, nor providing any financial help.

Further, we represented the parents of a 13-year-old autistic boy who also has ADHD and was repeatedly getting in trouble at school and on the bus and failing course work due to his disabilities. LSLA's attorney helped the family obtain appropriate accommodations for the child.

# Searching For Safety

Nazia was on the run, running fast and hard with her new husband and three children. Running from an ex-husband she feared would continue the abusive acts that had convinced the judge in her home state to enter a permanent restraining order prohibiting her ex-husband from having any contact with her. Running from a string of allegations of abuse made by her ex-husband to CPS, all of which were determined to be unfounded. Running from five years of harassing litigation filed by her ex-husband to take her kids, none of which had been successful.

Nazia fled to Texas. Just five days after the judge entered an order - following a four-day hearing - granting her permission to leave the state with her children, Nazia packed her bags and headed with her family to the Lone Star state. Life was good, and gradually Nazia started to relax. But within two months, her ex-husband arrived in Texas. The calls to CPS alleging child abuse began again, and Nazia was served with not one, but two court actions, in yet another round of attempts by her ex-husband to separate her from her children.

Nazia came to LSLA. We knew we had a challenge on our hands by the time Nazia finished her intake interview. But her calm insistence that we find a way to help her inspired us to do just that. What followed was a series of collaborations that exemplify the commitment and tenacity of our Children's Rights litigators. We collaborated with Nazia's legal aid attorney in her home state. We collaborated with the Urdu interpreter we hired to interpret for Nazia, who has a hard time conversing in English when she gets nervous. We collaborated with Nazia's court appointed-attorney in the contempt action her ex-husband filed. We collaborated among ourselves, dividing up the research and the hearing appearance on the habeus corpus action that her ex-husband filed.

As a result of our teamwork, the Texas Judge dismissed both the contempt and habeus corpus actions. Nazia and her family left the courthouse secure in the knowledge that they are safe, and the running is over, for now. And Nazia knows that LSLA and the representation we can provide is available, now and in the future.

# *From the Desk of* **Ernest Brown**

**Supervising Attorney for the Beaumont, Galveston, Longview, and Texarkana Branch Offices**

My team was constituted 18 months ago when I was promoted to Supervising Attorney of the Beaumont, Texarkana, Galveston, and Longview offices. Our service area is diverse: Beaumont has the largest poverty population of any office except Houston; Texarkana is one of the smallest in terms of poverty population and staffing, and the only office that services counties outside of Texas, requiring dual bar memberships; Longview is one of the most productive offices per capita; and Galveston serves an island community that is one of Texas' crown jewels. From rural Arkansas to the Gulf of Mexico through the Piney Woods to the Big Thicket and the Golden Triangle, we have provided quality legal services to those who are poor.



Managing Attorney Yvonne Como has a big job to fulfill. Not only does her Beaumont office have the largest poverty population outside of Houston, but it also has the largest bar association, pro bono project, and metropolitan area. Yvonne is a hard worker who is dedicated to the profession. Her latest mission is the Homelessness Prevention and Rapid Rehousing Program (HPRP), work funded by a contract with the City of Beaumont. HPRP is a program that includes direct representation of clients in eviction and partnering with area agencies that offer case management, rental assistance, community education, and other advocacy against homelessness. She is excited about the impact HPRP will have on the at-risk and homeless community.

Texarkana Managing Attorney Edward Long, Jr., is new to management at LSLA, but is a long-time advocate with broad, deep, and decades-old experience as a federal and state appellate litigator. Ed has earned a LLM in Real Property, a post-doctoral law degree rare in legal services. Litigation Director Brenda Willett says, "Ed is one of the few lawyers I know that I can give a complete federal case to midstream and he will take it and run with it." His new lawyer, Victoria Smith, a Baylor law grad and newly licensed attorney, is eager to learn everything Ed knows. Ed is rejuvenated about the prospects that increased community outreach will have in his service area.

In June of this year, Galveston Managing Attorney Max Sukiennik stood to address the Galveston Bar Association, and he was glad to be there. Less than two years earlier, Hurricane Ike slammed Galveston Island with 110 mph winds and a 15-foot storm surge. Galveston LSLA lawyers and staff, themselves victims of Ike, regrouped from the complete devastation of the firm's local office and continued to provide representation to low-income Islanders from wherever they could, including manning evacuation centers where many had fled to the mainland. Today, from a rebuilt office, Max leads a team of nine lawyers and support staff,

who carry the office's legacy of courage and dedication to low-income people and a record of profound social consciousness. They are part of the pride of the Galveston Bar Association and I am proud of them, as well.

When Robyn Brumbelow was promoted to Managing Attorney of the Longview Office, she became the leader of an office she loved and nurtured for 30 years. No office or unit of LSLA is more complete: representation in all matter of groups – JP Court to Supreme Court; historic rural pro bono; dedication to crime victims and non-English speakers; community involvement; and familial relations with local bar associations. Robyn's Longview office is a leader in its community and is proud of the accomplishment of providing a holistic approach to the delivery of quality legal services to our clients.

I am pleased to announce that all four oases of social justice are alive and well and dedicated to growth and excellence. With the addition of energetic new staff, we all are looking forward to 2011 and the blessings it will bring.

## Beaumont *Continues* Hurricane Recovery Efforts



**Beaumont staff to focus on fair housing and Ike.**

Within the last year, the Beaumont branch office has added two new staff attorneys. The first is Pam Little Williamson, an experienced attorney who practiced in Conroe for over 25 years. In addition to being a practicing attorney, she is also a seasoned family law mediator. The newest addition to the Beaumont staff is David Dean. A relatively new attorney, David interned in the Beaumont office before he was licensed to practice law in Texas. David was subsequently hired by the South East Texas Regional Planning Commission

where he worked as a Legal Contract Specialist. David joined our staff a month ago to work on the Homelessness Prevention and Rapid Rehousing Program (HPRP) under a contract with the City of Beaumont.

The HPRP contract funds allow LSLA to provide legal services to clients at eviction hearings, during negotiations with landlords, and in any other manner needed to prevent eligible applicants from losing their rental homes. Other agencies in the area, including the Salvation Army, Some Other Place, Harvest for Lost Souls, and Family Services, provide case management and rental assistance for a period of up to eighteen months to prevent persons with no alternative to homelessness from ending up on the streets of Jefferson, Orange, Hardin, or Liberty County. To educate the public about the availability of these services, we prepared and distributed an information leaflet. David convinced the local JPs to advertise and distribute these leaflets when defendants faced with eviction present themselves at the JP Court. These information leaflets have also been made available to local churches and other service providers in the area.

Beaumont and surrounding areas are still recovering from Hurricane Rita (2005) and Hurricane Ike (2008). Many in our client community who applied for assistance in rehabilitating their damaged homes or in completely rebuilding same are still waiting. Numerous persons have been caught in the snare of those who occupied heirs' property and have been unable to produce legal title. Both the South East Texas Regional Planning Commission and the TDHCA have been unable to produce an uncomplicated process to move people from living practically outdoors to decent housing within what most people consider a reasonable period of time. After so much floundering by the SETRPC during its oversight of the distribution of disaster recovery funds following Hurricane Rita and by the TDHCA during Round I funding following Hurricane Ike, Texas Low Income Housing Information Service and Texas Appleseed filed an administrative complaint with HUD. That complaint resulted in a halt to the distribution of further funds until some fundamental changes and specific assurances are made. Those fundamental changes include assurances that all funds expended affirmatively further fair housing; that 55% of Hurricane Block Grant Funds benefit low- and moderate-income persons; and that the input of people of color is solicited in making decisions that affect their communities. As a result, public hearings have been held to make sure that these requirements are met.

The Beaumont office has long been involved in this area of the disaster recovery process by virtue of our agreement to provide legal assistance to help get title problems resolved almost from the beginning following Hurricane Rita. The legislature also weighed in on the problem by making it possible for people to get their homes rebuilt provided

they can show they have a legal interest (something short of legal title) in the property and occupied same prior to the disaster. However, the home rehabilitation and rebuilding process has been further delayed by efforts to satisfy the Conciliation Agreement between Texas Low Income Housing Information Service, Texas Appleseed, and HUD, including the preparation of an updated Analysis of Impediments to Fair Housing. We estimate that only three to five clients who were assisted with title problems have had homes rebuilt at this date.

Our office has expended substantial effort in community legal education to make sure our client population is aware of the funding available through the SETRPC and about the community's legal right to appear at the public hearings and be heard, with the result that both rebuilt and rehabilitated homes and infrastructure expenditures will promote fair housing, further the needs of low- and middle-income families, take into consideration the desires of low- to middle-income people in the community, and address the needs of people of color. The Beaumont office expects to be a part of this process by representing clients seeking to enforce their rights under the grants and Conciliation Agreement for years into the future.

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## Galveston Agrees *Working in an Office* is Better Than a DRC

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The Galveston office has gone through many changes since Hurricane Ike. Not only did we lose our office in the hurricane, but we were forced to work from the mainland until there was some



**Galveston staff happy working on the Island again.**

infrastructure on the island. We spent long days interviewing clients and taking applications at the Galveston Island Community Center and other county disaster centers. Office space was eventually located and, during 2009, we physically rebuilt our office and began seeing clients in the comfort of our offices again. Until you have worked without an office for six months, you cannot imagine what a privilege it is!

While Galveston Island’s population has decreased by approximately 20% since Hurricane Ike (approximately 45,000), communities in the northern part of our county have seen their populations swell. Along with these population changes has come a sharply increased need for legal services and outreach.

This year has been extra busy with outreach events, fundraising campaigns, finding pro bono attorneys, and processing approximately 40 intakes weekly. A primary focus has been in making sure the CDBG funds in Chambers County are distributed to qualified applicants. We did this by scheduling a massive number of outreach events in Chambers County, and by taking a close look at the process for administering the funds to ensure they reach their intended targets.

The Galveston Office Managing Attorney was the guest speaker at the June Galveston County Bar Association meeting. This year, the Galveston office was instrumental in recruiting 12 new pro bono attorneys who were recognized for their sense of community involvement and were awarded certificates of appreciation at this meeting.

The Galveston office also attended a number of fundraising and campaign kickoff events sponsored by United Way Galveston County Mainland. Of special interest was the Managing Attorney’s on-site visit at the Valero refinery in which he spoke about LSLA to a group of refinery workers. Before entering the refinery, he was required to “dress appropriately.” The generosity of Valero and United Way has allowed the Galveston office to continue to employ a paralegal and part-time receptionist for the past two years. We are confident that this relationship will continue, as the need is great.

If any of the LSLA staff visits Galveston for business or pleasure, please be sure to stop in and say, “Hello.” I think you’ll like what you see!



**Max Sukiennik speaks at Valero plant.**

# Longview

## *Intensely Committed*

### To Advocacy

at LSLA. He recently settled a due process request to the Texas Education Agency for \$15,000 in damages for compensatory education services on behalf of a 22-year-old woman with CHARGE Syndrome, a genetic disorder which impedes cognitive functioning, and often causes blindness and hearing loss.



**Longview staff enjoys varied practice.**

The Longview office has been fully staffed, doors open, and serving low-income people in all matter groups for the past 34 years. In that time, the office has moved only once, remaining one block from the Gregg County Courthouse. The office has had only two managing attorneys in the past 30 years, and the current Managing Attorney, Robyn Brumbelow, was a Longview staff attorney when her predecessor was named manager.

The office is busy today preparing Robyn's Petition for Rehearing to the Supreme Court of Texas in a landlord-tenant case involving government subsidized housing. Earlier this year, Robyn settled a case she filed in the United States District Court for the Eastern District of Texas, Marshall Division, reducing the mortgage of her client and his wife by \$110,000.

Staff attorney Richard Ishihara is coming to the end of his second year in practice

# Texarkana

## *Outreach Through*

### Bridge Partners

In February 2010, Ed Long became the Managing Attorney of the Texarkana office. Prior to assuming the Managing Attorney position, Ed and Ernest Brown discussed various goals and objectives for the Texarkana Office. At the top of the list was increasing intakes in the Arkansas counties. Most of you are aware that the Texarkana office has four counties in Arkansas. One of the challenges over the years has been increasing the number of clients we represent in the Arkansas counties, especially Miller, Lafayette, and Little River. Recently, Ed sent Debra a status report on outreach efforts to increase LSLA's representation in Arkansas. There



**Texarkana staff litigate in Texas and Arkansas.**

are a number of things our office will be doing in order to achieve this goal, but one of the main activities is to resume circuit riding in those counties once a month. If anyone is interested in details, Ed would be happy to provide you with a copy of his report to Debra.

Another goal that we set for the office this year was to do more community education. So far, we have participated in a workshop sponsored by the Texarkana Housing Authority and the NAACP. In June of this year, Ed did a presentation on powers of attorney and guardianships at a workshop for Community Health Care. They were so impressed with the presentation that they asked Ed to do a presentation for their entire staff on the subject, which he did in August. Hospice of Texarkana also requested a presentation, and in July, our presentation to Hospice focused on wills, powers of attorney, guardianships, and directives to physicians.

For longer than we can remember, Ed has been the only attorney in the office, so you can imagine his joy when we hired Victoria Smith last month. Her primary responsibilities will be in the area of family law, but not limited to it. We feel that once she is fully incorporated into our intake process there will be a substantial increase in the number of opened and closed cases.

One case in the past year of which we are particularly proud involved an unemployment issue. The client's employer had asked him to take a drug test, but he was unable to provide a urine sample in the time allotted. He was willing to stay longer in order to provide the sample, but his employer refused to let him do so, and he was subsequently terminated. He filed for unemployment and his employer alleged that he was terminated

for misconduct. LSLA represented the client at his unemployment hearing. After the hearing, the Hearing Officer ruled that his action did not constitute misconduct, and he was awarded his benefits. His employer appealed the decision, and on appeal the decision was not reversed, but the employer's account was not charged since its actions were found to be required by federal law. The Hearing Officer stated that the case would be a precedent for this type of situation.

With the addition of Victoria, Texarkana is on its way to ever increasing services to clients in all our counties, both in Texas and Arkansas.

# *From the Desk of* **Susanne Seré**

Supervising Attorney for the Public Benefits and Tenant Rights Units

## **7 TRAITS OF THE HIGHLY EFFECTIVE PUBLIC BENEFITS/TENANT RIGHTS UNITS**

### **1. SYNERGY:**

*When the whole is greater than the sum of the parts; the interaction of two or more forces so that their combined effect is greater than the sum of their individual effects; cooperative interaction that creates an enhanced combined effect*

“Synergy” is the one word I think best describes the atmosphere of the Public Benefits Unit, the Tenant Rights Unit, and the Public Benefits/Tenant Rights combined group. It’s our constant.

We began the year with several brainstorming sessions about client needs, prevailing issues, unresolved legal problems facing our client community, best use of our resources, etc. The end result was our annual strategic advocacy plan that we use as a guide in making decisions about case acceptance, unit priorities, advocacy efforts, outreach, community education, and other factors that impact the legal assistance we provide.

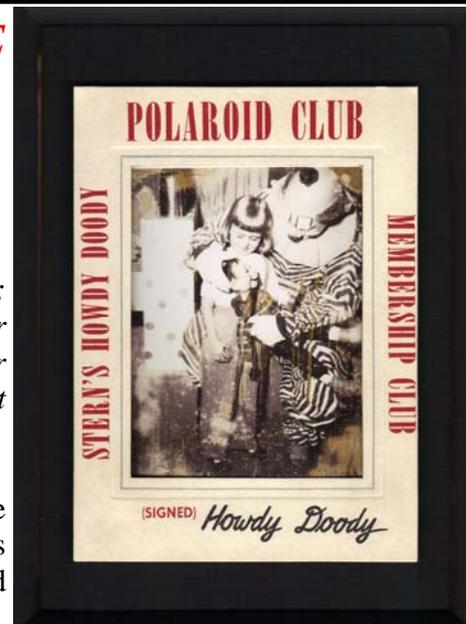
The cooperative interaction didn’t end when our strategic advocacy plan was complete. Support staff members, our front line for client contact, regularly contribute to identifying client needs and improving unit procedures. Weekly staff meetings last for hours (literally!). We discuss case and issue development. We collaborate on strategy. We seek input. We co-counsel. Consultation happens every day, in every office and work area. All staff members are involved. We all benefit, and the result is an enhanced combined effect.

### **2. GROWTH:**

*Increase in size; progressive development*

In the past 10 months, our group grew from 20 to 30 staff members. It’s been a challenge to keep pace with the changes, but a challenge we all were happy to meet. As we have grown in size, we also have grown in our ability to provide additional legal assistance. Although we lost three senior attorneys, we were able to add nine casehandlers (including seven newly licensed attorneys), an outreach coordinator, and three support staff.

The Tenant Rights Unit received two special grants this year. One grant funds our Tenant Defense Project that enables us to participate on county court panels established to provide



court-appointed attorneys to represent tenants who are indigent in eviction appeals pursuant to recent legislative changes. The other grant provides us with resources to work with community organizations to meet the needs of homeless/near homeless persons as they struggle to obtain/maintain housing. The Public Benefits Unit is working on the creation of a Medical-Legal Partnership with Texas Children's Hospital, which we hope will launch by mid-year 2011. That's progressive development.

**3. *DIVERSITY:***

*Mixture of people of different backgrounds, races, and cultures; encompasses acceptance and respect*

The Public Benefits and Tenant Rights Units were a diverse group before our dramatic growth. With the new growth, we have increased our diversity – both in terms of the mixture of people and in terms of increased acceptance and respect. And we've added a new dimension to our diversity – youth! As a result, even I have learned to accept texting as a form of communication.

**4. *ADVOCACY:***

*The process of working with/and/or on behalf of clients (1) to obtain services or resources for clients that would not otherwise be provided, (2) to modify extant policies, procedures, or practice that adversely impact clients*

If synergy describes our atmosphere, advocacy describes our “state of mind.” It permeates all we do. It often begins in-house, between two staff members discussing case strategy, exchanging emails, sharing research. It spills over into our staff meetings with different viewpoints being vigorously debated until we (usually) come to an informed consensus. It drives us to provide the zealous representation needed by our clients. We take great pride in being legal aid advocates.

**5. *IMPACT:***

*To have a strong effect; precedent-setting*

One of the benefits derived from our growth has been our ability to work on several significant advocacy projects. The Public Benefits Unit represents clients in state court litigation filed by the three Texas legal aid programs challenging the many inadequacies of HHSC and its administration of the food stamp program, is in the process of developing a civil rights administrative complaint, is addressing indigent health care issues in Harris and Galveston Counties, and has resolved several important LEP cases. The Tenant Rights Unit has filed an administrative complaint with HUD concerning serious problems with a large local public housing authority, is enforcing the PTFA, is expanding fair housing advocacy, and is involved with other LSLA advocates in the state-wide effort to assure that disaster funding is spent in a manner that affirmatively furthers fair housing and benefits low- to moderate-income people.

**6. *OUTREACH:***

*A systematic attempt to provide services beyond conventional limits, as to particular segments of a community*

Part of our 2010 Strategic Advocacy Plan includes outreach targeted to vulnerable populations and geographically remote communities. Based on a quick look at our outreach calendars, I

estimate that we've participated in over 100 outreach events from January through August. The majority of these events require more than one staff member to be present, so the commitment is huge. Everyone participates. PBU/TRU staff members are on the go regardless of the day of the week (including Christmas Eve), the time of the day (or night), or the location of the need. That's dedication, another trait found in all PBU/TRU staff members!

7. **GRATITUDE:**

*A feeling of thankfulness and appreciation*

I include this "trait" on my list because it gives me the opportunity to express my gratitude to all my co-workers in the Public Benefits and the Tenant Rights Units. I am thankful for the opportunity to work with these extraordinary people. They help me keep our mission foremost in my mind. They inspire me. They challenge me. They energize me. They feed my body and my soul. They even make me laugh.

People of the Public Benefits Unit and the Tenant Rights Unit – you are very special.

Thank you.

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## Public Benefits *Unwavering Care* and Commitment



LEP decisions by Public Benefits advance access.

### **The Team**

This year saw an expansion of the PBU staff and with it a remarkable increase in

our ability to serve a diverse population beyond our usual geographical area. Thanks to Lisa Maddux who brought LSLA an increase in funding this year, PBU grew by three attorneys, one paralegal, and an intake worker. Kim Brown, Karyna Lopez, and Jonathan Wu joined the PBU family this year as young lawyers. We were also lucky to be joined by Adrian Garcia. No, not the Sheriff. Even better.

Adrian comes to us after 25+ years with the Health and Human Services Commission, where he worked his way up the ranks from a caseworker in the local food stamp offices to the Appeals Division of HHSC as a Hearing Officer. And, last but certainly not least, we welcomed Jocelyn Moore to the team as an intake worker. The addition of these five eager and quick learners to our experienced team of lawyers, paralegals, and support staff in PBU has allowed us to form what I believe is an unbeatable team.

## The Work

Adding more staff has allowed us to take on some challenging work and a significant number of cases. Most notably, we have been able to delve into some litigation projects which a lack of resources has kept us from being able to do in the past.

The support staff is the entry point for clients in need of our services and continues to be the point of first contact as we work on a client's case. This group of professionals work hard every day to provide clients with first rate service as they seek our help with the most basic of needs – food, income, healthcare among them. The staff treats these needy clients with care and respect and provides the necessary support to the casehandlers in their efforts to resolve client problems with a variety of advocacy strategies. This staff includes folks with many, many years of legal aid experience – Laura Foster, Dolores Sifuentes, Lydia Luna - and folks who have just joined the team in the last year but are eager and fast learners – Paulette Durham, Tammy Allen, and Jocelyn Moore. Plus we get the added bonus of having Martha Cowden help us in many ways, most notably as the coordinator of our outreach activities. It takes a real organizer to keep this bunch on track with the many outreach activities that are constantly in motion!

Jonathan Wu and Marty Orozco joined a litigation team from TRLA and LANWT to file suit against HHSC over their poor administration of the food stamp program. This is a statewide approach to an ongoing problem which has been tackled from many different angles and many different advocates, but never by all three Texas legal aid programs working together. The opportunity to join forces to fix a problem that has affected millions of hungry Texans is one that would not have come without

the added hands on deck and for that PBU and their clients owe many thanks to Lisa Maddux in Resource Development.

Jeff Larsen, Karyna Lopez, and Brenda Willett are pursuing legal action against Galveston County over the failings of the Galveston County Indigent Healthcare Program. Two years after Hurricane Ike, Galveston County is still struggling to get its indigent healthcare program in order and the population that was most directly affected by Ike has suffered more because of the limited access to medical care. Jeff, Karyna, and Brenda are seeking to hold the County accountable for its lapsed service to its most needy population.

Kim Brown, Adrian Garcia, Jonathan Wu, and Marty Orozco have embarked on yet another advocacy strategy to deal with the food stamp program problems. Under the careful guidance of Sue Seré and Brenda Willett, this team is working on the beginnings of what will eventually be administrative complaints filed with the Department of Justice and the Food and Nutrition Service over the mishandling of the food stamp program by HHSC and the resulting devastating impact on vulnerable poverty populations.

Kim Brown has created a unique litigation practice representing clients who need court-ordered name changes in order to access important benefits such as social security numbers and driver's licenses. Without this service from Kim, these clients would not be able to do that which we all take for granted – look for a job with a social security card and driver's license or official ID.

Salma Turrubiarres, Salvador Gonzales, Laura Flores, Adrian Garcia, and Gloretta Thornton have done outstanding work in cases with difficult LEP issues involved.

They have stepped in to help folks access benefits that they were being denied partly because of the LEP issues that arose in their cases. They have helped clients who speak Spanish, Swahili, Burmese, Karini (an obscure Burmese dialect), and Vietnamese, access food stamps, TANF, healthcare, and disability benefits.

Perhaps the largest impact has come through PBU's extensive outreach activity. In the first eight months of the year, PBU has attended a large number of one-time outreach events, including one just about every weekend from May to September, while conducting regular monthly outreach visits with our many community partners. These partners range from Ripley House (Neighborhood Centers, Inc.) and Community Family Center to Asian American Family Services and regular activity with Jesse Tree and their Galveston County sites. Everyone has participated in these outreaches but the weekend outreaches have called for some extra dedication which has never been a problem with folks like Gloretha Thornton, Versie Brooks, Salvador Gonzales, and Laura Flores regularly willing to give up their Saturday or Sunday and sometimes both! This level of caring and commitment to the LSLA client community is unwavering by this group.

### **The Future**

With almost three quarters of the year under our Unit belt, one would think this group might slow down a bit and begin to unwind from an incredibly productive year-to-date. But not this team! The last quarter of the year will see the completion and filing of the administrative complaints over the poorly performing food stamp program. We will coordinate and perform a new targeted outreach to assist folks in signing up for or modifying Medicare Part D benefits, a process usually intimidating

to the population who needs these benefits. We will also continue to take on new representation for litigation for clients who are being wrongfully denied food stamp benefits and Galveston County residents who are being denied indigent healthcare services. Moreover, we will continue to represent clients at all levels of appeal, including state court in denials of unemployment benefits which have seen unprecedented numbers in the last year or so. We will continue to provide representation in administrative proceedings in denials of food stamp, TANF, Medicaid, Social Security, Community Based Assistance services, and many other substantive areas that cross the threshold of our Unit door. And our outreach activity continues right through the holiday season when we participate in several annual holiday outreach events in November and December. Novelist Pearl Buck wrote "To serve is beautiful, but only if it is done with joy and a whole heart and a free mind." There are no better examples of this ideal of service than the folks who make up the Public Benefits Unit who work every day with complete joy, big hearts, and curious and active minds.

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# Tenant Rights

## *Preserving and Maintaining* Homes

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LSLA's Tenant Rights Unit (TRU) provides legal assistance to tenants in a wide range of areas. A few 2010 highlights are described below.

TRU is one of two Texas projects to receive funding from TAJF to enhance the Civil Gideon rights of low-income Texans. The purpose of our funded Tenant Defense

Project (TDP) is to assist in implementation of Texas legislation that conferred the right of an indigent tenant to a court-appointed attorney in an eviction appeal. TRU currently is working with Harris, Fort Bend, and Montgomery counties to establish panels of pro bono attorneys available to accept appointments and also accepts court appointments. TRU's TDP attorneys have been appointed to over fifty cases in Harris County. Our attorneys have assisted tenants with favorable outcomes such as judgments in favor of tenants, dismissal of eviction lawsuits filed by the plaintiffs/landlords, and extension of time to move. To date, one of the project's greatest accomplishments was preventing the loss of a client's public housing benefits because of the Public Housing Agency's failure to comply with its hardship exemption policy that would allow the tenant to pay the minimum rent allowable. The eviction was resolved, allowing the tenant to exercise the right to the hardship exemption. The TDP project continues to receive positive feedback from the Harris County courts, which cited the project's success in giving pro se litigants a voice in the court proceedings, assisting the courts in the effective management of its resources, and negotiating resolutions helpful to tenants. TRU is exploring the possibility of expanding the project.



**Tenant Rights staff work to preserve housing.**

We have successfully represented several clients adversely affected by foreclosures in which the new owners failed to comply with the PTFA – Protecting Tenants at Foreclosure Act. LSLA's zealous representation has enabled these clients to obtain cash for keys that allowed the clients to move out of the foreclosed property with sufficient financial assistance to fund the move, security deposits, and limited rent payments.

TRU also has been successful in obtaining money judgments on behalf of clients which included payments made to clients for landlord wrongful conduct, such as unlawful writs of reentry, retaliatory evictions, and failure to make repairs and to remedy poor habitability conditions. One example was TRU's representation of a differently-abled client whose landlord refused to provide reasonable accommodations by allowing that tenant to move to a downstairs unit after the tenant had a surgical procedure which resulted in her inability to ambulate the stairs to her second story unit. The landlord added insult to injury for this tenant by filing a derogatory report on her credit record after she moved which severely hampered her ability to find another residence. As a result of TRU representation, our client received money damages from the landlord and a letter from the landlord requesting the credit bureau to remove the derogatory report from her credit record.

TRU provides outreach services to the client community at locations such as the Houston Area Women's Center, the Houston Area Urban League, Community Family Center, and the Salvation Army. Additional outreach services have been provided to public housing developments, the Houston Area Metropolitan Ministries, and recently a back-to-school fair at Irvington Village apartments.

# *From the Desk of* **Lewis Kinard**

**Supervising Attorney for the Centralized Intake Unit and Conroe Branch Office**

Although promoted to Supervising Attorney a year ago, I have only recently focused on that role because I had no managing attorneys to oversee. That changed in fairly rapid succession when we hired Steve Crawford to manage CIU and named Sonia Lopez manager of the new Conroe office. I then transitioned from managing CIU with 17 direct reports to overseeing two managing attorneys and an administrative secretary. I thought it was going to be easy...

Steve came to us with expertise in law office operations, supervising staff in high-volume legal services, and technology (in addition to being certified in Consumer Bankruptcy Law). He has adapted quickly to Lone Star Legal Aid and the Centralized Intake Unit. Steve was new to



both LSLA and legal aid, so he has benefitted from the core of experienced CIU staff who are well versed in CIU procedures and workflow. His challenges are to expand CIU services to improve accessibility and support for more branch offices. Once Steve was fully acclimated (approximately four hours after he started), I began to focus on my new responsibilities.

Sonia, while experienced as a unit manager in Houston, took the reins of a brand new office where all but one of the staff was entirely new to legal aid. The challenges in Conroe ranged from obtaining the necessary local business permits to do business through establishing regular meeting space in the courthouses of the four counties that the office serves outside of Montgomery County, while training her staff on everything from Intake through closed file compliance review. Sonia shot out of the gate even before the race began, and the Conroe office has already produced a number of interesting lawsuits and appeals.

These two managers are very dynamic and active as they continue to innovate and find ways to improve the way work flows through their offices so they can provide more services to more clients with their limited staff resources. The HGAC-funded staff in each office have been very helpful, and though they are about to leave, they really became part of the heart and soul of each unit in a very short time!

The administrative work load is much easier to manage with help from Loan Tran, my new administrative secretary. Loan came to us from Boat People SOS and her main challenge is helping people find me, because I split my time between Houston and Conroe. If you can't find me and I don't respond to email or phone calls, check with Loan. Loan is a bilingual Vietnamese speaker, and an excellent Vietnamese translator, as well! She has already made an impact and will allow LSLA to expand our Vietnamese outreach material throughout the firm.

I have played a supporting role on three LSLA endeavors: the Nacogdoches office's TAJF Rural Pro Se Litigation Project, our HR Department's upgrade and expansion of the ADP system, and research and investigation of case management software options to replace our elderly Practice Manager 9.0 software.

The Pro Se Project is an exciting effort to help "self-represented litigants" in Nacogdoches and Angelina Counties with kiosks so they can create their own pleadings and other court papers as well as frequently-staffed help desks where an attorney is available to answer general questions. I worked with Paula Brumbelow and her new project team to find and spec self-contained, touch-screen, computer kiosks with large-capacity printers with great "branding" to promote LSLA. At the same time, we helped her team get started with building out interactive, animated, simple factual interviews that walk users through the process of creating the correct pleadings and orders. The first kiosk has been delivered and is now up and running! Further into the pilot program, Paula may deploy additional kiosks.

I was eager to help Dwayne and Kim procure a new module that will help all of our staff manage more of their own benefits and HR information, reduce the amount of manual paperwork required of our HR department, and better integrate our payroll and HR systems. On top of that, this "HR/B" module will give managers much more information about their supervisees, such as hire date, funding source, etc., without having to request that data from HR or Accounting each time. The best part is that we found a way to pay for the module from savings in other fees we pay to ADP and got them to throw in, at no cost, the ability for employees to print their own paystubs and W-2s whenever and as often as they want. Soon, we will have a single login that includes all of the above in addition to the normal timekeeping screens.

And, as you have heard from IT's newsletter, the search for "the perfect case management system" continues. Practice Manager 9 has served LSLA well (like our MS Word & Outlook), but IT has begun updating all of our operating systems, and our case management system is scheduled for an update as part of the overall IT plan. There are three primary candidates, one of which is PM 10.4, but a lot of thought and planning must go into any major change of a mission-critical application like our case management software. So far, my contributions here have been to organize product demos and generate points for consideration and comparison for Debra.

Outside the above projects, I also serve on two state-wide committees: the State Bar's standing Committee on Texas Disciplinary Rules of Professional Conduct (which seems to be generating a little controversy these days) and the steering committee for the TexasLawHelp/TexasLawyersHelp websites (which suddenly was quite active as we prepared for "Pro Bono Month" in October).

And in my spare time, a little solitaire, some online hearts, email with the kids...

# Centralized Intake

## *Taking It ALL In*



Centralized Intake Unit staff take a break from calls.

LSLA’s Centralized Intake Unit (CIU) provides legal assistance to applicants in most areas of law. CIU is the front line for applicants from Chambers, Fort Bend, Galveston, Harris, Montgomery, Polk, Trinity, San Jacinto, and Walker counties, and we provide clients with fact-specific advice on how to handle their legal questions and problems.

Currently, CIU provides applicants the ability to request assistance from LSLA by phone from 8:30am to 12:30pm Monday thru Friday. We also provide services to applicants in person by appointment Monday thru Friday 9:00am – 11:00am and Monday thru Thursday 1:00pm – 2:30pm. Non-emergency Family Law intake is limited to Mondays only. Emergencies are handled during regular business hours. CIU is in the process of expanding intake to include 4:00pm to 7:00pm on Tuesday and Thursday and at least one Saturday from 9:00am to 11:00am. CIU boasts a wonderfully diverse staff to better handle the needs of the community. Our staff are fluent in English, Spanish, and Vietnamese (with a couple of French-speakers, as well).

There are 16 staff members—attorneys, intake assistants, paralegals, and receptionists—in addition to the Managing Attorney and an administrative secretary.

In the wake of Hurricane Ike, the CIU accelerated changes starting in early 2009 that produced significant improvements in both intake volume and caller experience. The spike in applications after Ike was enough on its own to motivate us to make changes in the way CIU handles calls, referrals, correspondence, and compliance reviews. When there are an average of over 180 new applications each week with only six intake assistants, two intake paralegals and two attorneys, it is easy to become mired in inefficiencies over time.

Additionally, CIU stepped in to cover Galveston and Chambers counties because our Galveston office was destroyed by Ike. This was the first expansion of the CIU service area since its formal launch, and Ike gave us a good reason to do so. Until the Galveston office reopened, and from literally days after the storm, its phone numbers were routed to the Houston office so callers would not receive an out-of-order message and could apply for assistance or reach their casehandlers.

Figure 1 shows the increase in new applications from 2007 through 2010. Changes were in order!

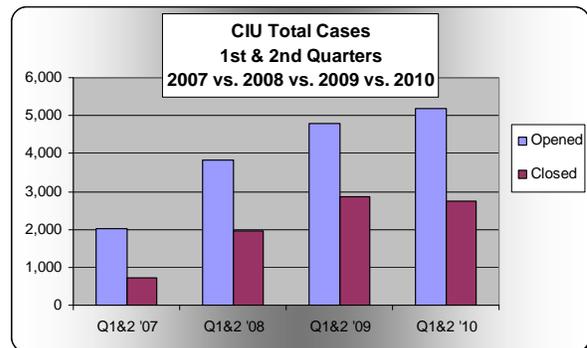


Figure 1: CIU Total Cases in Q 1 and 2 from 2007-2010

The entire department helped identify areas where our work was not as efficient as it could be. No one likes to waste time, so nominations came up in several meetings and the staff discussed options that would take into consideration caller hold times, number of applications we could process, and the amount of work that goes into compliance processing (Debra likes to call this “strategic planning”).

The change that had the most dramatic short- and long-term benefit was going paperless. CIU does not have extended service cases, so there was no need to create, manage, maintain, and store a few sheets of paper for all of the advice-only and limited action cases, as long as the electronic matter was complete and auditable. The staff time that used to be consumed by copying, stapling, unstapling, re-stapling, punching holes, making labels, and assembling those paper files was now free for other tasks. We conservatively estimated that this change saved LSLA over 60 cases of paper in 2009 alone.

Another change arose from feedback from other units and clients. We reduced the number of letters mailed to the same client. Rather than sending a letter telling someone that CIU referred their application to another unit (and closing any other cases opened for that client in the same intake), then sending a letter (often the next day) closing the referred case because the other unit declined the referral, CIU now looks to see if the referral has been declined and, if so, sends only one letter. Similarly, if the other unit has already begun working on the case, CIU only sends a letter closing their related issues, if any. This means less postage and printing costs for LSLA and less confusion for our clients.

Moving closed file review to an on-screen, paperless system was faster and gave us the

ability to quickly identify cases that had been reviewed and those that had not. Consequently, CIU completed its 2009 CFR with 100% of cases reviewed using virtually no overtime and the lowest “X” rate yet: **2%!**

By adjusting the way live calls are transferred by the intake assistants to the attorneys during open phone hours, we have reduced the number of applicants who hang up before speaking to an attorney and therefore have to be called back. By reducing the time spent trying to reach applicants, the attorneys were able to deliver assistance faster and thereby help more people.

We took the combined savings in administrative task time and added them to CIU’s telephone intake hours so that applicants have four additional hours per week to reach a CIU intake assistant by phone. By limiting non-emergency family law calls to Mondays, we helped non-family law callers get through during the other intake days. We still processed the same percentage of family law and non-family applications as in 2008, but the non-family applicants had much lower hold times and the family law hours were easier for those applicants to understand.

The results are shown in Figure 2 below and pretty much speak for themselves. The

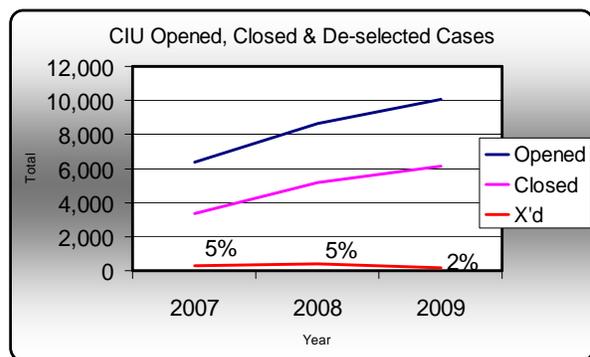


Figure 2: CIU Opened, Closed and De-selected Cases

CSRs for 2009 were the highest yet. The CIU staff has done an amazing job over the past year or so and has maintained the pace so that 2010 looks like they will once again shatter all records!

Though it may seem like efficiency was our only goal, we were actually looking for ways to be more *effective*. Each change was a step toward helping more people who have few options and need legal assistance or making the application process as smooth and simple for new callers as we can. CIU offers pro se assistance when appropriate and attempts to at least give every caller a legal assessment of their matter.

Because the advice from CIU is the only advice that an applicant may receive from LSLA, our staff strive to give complete advice in a friendly and helpful manner, while handling a large volume of cases on a daily basis. Issue spotting is important when discussing legal issues with an applicant and the CIU staff have to be alert to issues across the entire range of civil legal matters handled by the firm.

For example, an elderly lady called recently because of a possible tax sale of her home despite significant equity compared to the amount owed. While she was already 64 years of age, she only expected to receive \$200 to \$300 a month in Social Security retirement funds based on her spotty employment history as a part-time teacher. After talking with her, the attorney learned that her husband had died 30 years ago. The attorney suggested that she file for Social Security against the late husband's account. After doing so, her retirement benefits were adjusted to over \$1,400 a month. This additional income will go a long way in resolving her initial issue of being able to retain the house.

LSLA's Centralized Intake Unit is still working to improve, and plans to expand hours and service area over the coming months. Stay tuned for more amazing accomplishments!

## Conroe *OPEN* For Business



Conroe staff hard at work, even before Grand Opening!

If you have not already heard, let me tell you: LSLA's Conroe branch office is open for business, and we are actively representing clients in all substantive law areas!

With any new office you have to find the right staff to fill newly created positions. With a lot of patience and résumé reviewing, we have. Our dedicated staff includes permanent staff, HGAC staff, and a newly funded Equal Justice Works AmeriCorps Fellow position. The office attorneys are Heather, Velimir, Antonia (Toni), Kristyan, and Jennifer. My assistant is Jill Phillips, and our legal secretary is Jocelyn Camarillo. Our office is supervised by Lewis Kinard.

Jocelyn and Jill are the first happy voices and faces our applicants and clients hear and see. I cannot say enough positive things about how they portray our office to the community, day in and day out. They do an excellent job of handling those same daily questions from hundreds of applicants – How do I apply? What’s the status of my case? Can I just ask you one more question without you giving me legal advice? (Yes, the question has been asked.)

While Jill and Jocelyn are busy fielding calls and questions, Heather, Velimir, Toni, Kristyan, Jennifer, and I are steadily working on cases and compliance issues.

Here are a few cases that have been keeping us busy....

### **Housing and Consumer**

The office currently has two cases on appeal. One appeal involves a home foreclosure and the other concerns debt collection.

Our home foreclosure case started in 2007 in LSLA’s Home Protection Unit. The case started when Wells Fargo, as Trustee of a pooling and servicing agreement, filed an expedited foreclosure action. We filed a separate suit challenging Wells Fargo’s right to foreclose on our client’s home. At trial, the court found that Wells Fargo could not foreclose on the home based on the home equity note because it was not the owner and holder of the note. On the day the court signed its judgment, Wells Fargo initiated another suit requesting a declaratory judgment and foreclosure of the home. We again contested Wells Fargo’s right to foreclose on our clients’ home. Ruling in our favor, the court agreed that Wells Fargo’s claims were barred by res judicata based on the first court’s order. Wells Fargo appealed the second court’s decision claiming that the first court’s

order was a legal nullity and Wells Fargo was not barred from filing its case. Legal nullity, huh? Heather did an awesome job in drafting the Appellees’ brief.\* We are now waiting on the appellate court’s opinion. Stay tuned.....

*\*Much thanks to Brenda and Rich for their insight and suggestions in perfecting the brief.*

Our other appellate case is pending before the 1<sup>st</sup> Court of Appeals in Houston. It is a debt collection suit, brought by Chase Bank against our client. While our client was unrepresented, he filed a general denial



**Conroe staff celebrate another client victory.**

but did not timely answer the requests for admission. Plaintiff requested summary judgment on the basis of the deemed admissions. As soon as we were retained, we filed an amended answer, special exceptions, response to the summary judgment, and asked for leave to file a late response to the requests for admission. The court denied our requests and granted summary judgment.

We filed a motion for a new trial and when the motion was denied without elaboration, appealed the case to the Beaumont Court of Appeals. The case was transferred to Houston as part of the docket equalization program and is presently awaiting a scheduling order. This is Velimir’s first

debt collection case, and we are wishing him luck!

*\*Thanks again to Rich who has helped us determine the appropriate strategy in this case. We greatly appreciate his input.*

Speaking of debt collection cases, the Conroe office successfully defended a Montgomery County divorce client when her former attorney intervened with a demand for thousands of dollars in attorney fees. The former attorney, who had no written fee agreement with the client, had withdrawn from the case over a year earlier without completing the divorce. At trial, LSLA attacked the attorney's timekeeping and billing practices, and argued that the attorney and client never reached an agreement concerning fees. The District Court found that there was no agreement, and the attorney was not permitted to recover any fees from the client. The court denied quantum meruit, suit on a sworn account, and breach of contract claims. Our client is now a divorced woman without the burden of a judgment looming over her head or a financial obligation. Go, Heather!

### **Tenant Rights**

A client suffering from amyotrophic lateral sclerosis (Lou Gehrig's Disease) requested assistance to prevent a pending eviction. He was living in one of our rural counties with his son, on land owned by a local business owner. The client had received a used mobile home as part of a publicized donation drive to assist the family in stabilizing its housing situation. The landowner attempted to evict the client and his son from her land, claiming that the mobile home was given to *her* daughter. We represented the client at the eviction hearing and appealed the eviction to the County Court at Law. We successfully located the mobile home donor who

confirmed that his intent was to give the mobile home to our client and not the opposing party.

While the eviction appeal was pending, our client purchased a parcel of land. He moved the mobile home to his own land without further opposition from the land owner. This was a tenant case turned into homeownership. Without Velimir's assistance, our client would have been homeless.

We again prevented homelessness when we accepted a client's case against a local Housing Authority. Our client was about to lose her housing benefits and be evicted from her subsidized unit.

The client had been informed that her benefits would be terminated because she had failed several impromptu inspections. The HA had claimed she had too many stacks of papers and boxes of personal items in the tiny two-bedroom apartment in which she and her three children were residing. Toni successfully worked with the HA to continue the client's benefits and have her moved into a bigger unit to accommodate her family as well as all of their belongings. Congratulations, Toni!

### **Public Benefits**

Kristyan Gilmore, with mentoring from PBU, successfully briefed to an ALJ that her 12-year-old client was disabled. The client suffers from Crohn's Disease. Kristyan accepted this case on very short notice and reviewed a ton of medical records. She was extremely passionate in trying to prove that this child faced a disability despite looking like a normal 12-year-old child. Kristyan's hard work paid off. Her young client was determined to be disabled and her family obtained retroactive benefits dating back to March

2009, totaling \$10,784. Way to go, Kristyan!  
*\*Jeff Larsen was instrumental in making this case a success. This was interoffice collaboration at its best.*

### Family Law

We have accepted family law cases and have had the opportunity to finalize some divorces. There have been several interesting issues that have come out of those family law cases. One example is the attorney's fees case mentioned above. Our family law cases include motions for enforcements, guardianship cases, will preparation, and third party custody cases.

### Thinking Outside the Box

With help from Harold Desselle, Jennifer Forman and the Conroe office submitted an application through TAJF for an After-the-Bar-Internship. Jennifer Forman's internship was approved and her 10-week project started in early May, while the office was still in its infancy stage. In just 10 short weeks with LSLA, Jennifer managed to coordinate outreach sights with Polk, San Jacinto, Trinity, and Walker counties. We are now able to meet with our applicants in the county courthouses. The staff goes out monthly to each county to meet with applicants.

Our counties have been receptive to having LSLA in their courthouses. We are extremely grateful to the County Judges and Commissioner's Courts that have made this possible. Not only did Jennifer work to get us office space in courthouses, she also obtained authorization to feature a link to LSLA's webpage from the county websites. So, when one of our prospective applicants is looking on the county webpage, they can easily click the LSLA link. Isn't this exciting?! Our goal is to have self-help centers at each courthouse

staffed with pro bono attorneys for a few hours each week.

Apart from the outreaches mentioned above, our office has monthly outreaches with Society of Samaritans in Magnolia and SAAFE House in Huntsville. We are currently working with the Montgomery County Women's Center on a parenting clinic for Montgomery County residents. In addition, we are working with United Way and Catholic Charities to organize an outreach event targeting immigrants.

The Conroe team has definitely been working hard. We appreciate the help we get from other LSLA offices, and we are also grateful for the time that Mark Grandich and Jeff Larsen took to give us mini-trainings earlier this year.

In Jennifer's words – That's how we roll!

## Disaster Recovery

### Delivers Relief to Ike Survivors



Disaster Recovery Unit forms effective team.

LSLA's Disaster Recovery Unit (DRU) — A more powerful group of dedicated people you cannot find. Despite frigid conditions, caused mainly by a stationary front of air conditioning, the hearts of the DRU staff beat passionately for clients and colleagues alike.

DRU's chief purpose is to help clients struggling with disaster-related issues. Currently, the focus is on helping clients to obtain funding for their homes that were damaged by Hurricane Ike back in September 2008. "I like helping someone who would not have been able to get help otherwise," Laura Griffin, legal secretary, said of her work.

All of the employees working in the DRU feel the same way. Will McMillan, staff attorney, has been likened to Superman. He prides himself on extending the time clients are able to live in their homes despite issues with DHAP-Ike and the Houston Housing Authority. In fact, Will has yet to have an eviction on the record of any of his clients! According to Will, "the experience is invaluable, and I'm really enjoying my job."

DRU's attorneys average 20 years experience. Through intake work, outreach programs, home visits, and phone-tag, DRU's clientele has increased well beyond expectations. Hundreds of applicants are trying to get their fair share of the Community Development Block Grant (CDBG) funds in an attempt to rebuild their lives; and DRU is here to make that happen.

"This unit is chock full of beauty and brains," Shanon Stanfield, staff attorney, says, "one of which has proven useful for legal work..."

Despite burgeoning case loads, the staff of the DRU remains optimistic and flexible.

Many cannot imagine working in a better place than LSLA.

Bill Bowers, with nearly 58 years of legal experience, plans on continuing his pursuit of justice for as long as he is up to the challenge. "It helps get me out of my wife's 'to-do' list," Bowers jokes.

Sometimes the miles of paperwork needed for each client's file necessitates its own to-do list. Vanessa Samudio, legal secretary, takes all of this in stride. As a mom, Vanessa knows how to multi-task and prioritize without skipping a beat. Her organizational skills, in conjunction with Laura's invaluable knowledge of DRU protocol, make the pair a huge asset to the Unit.

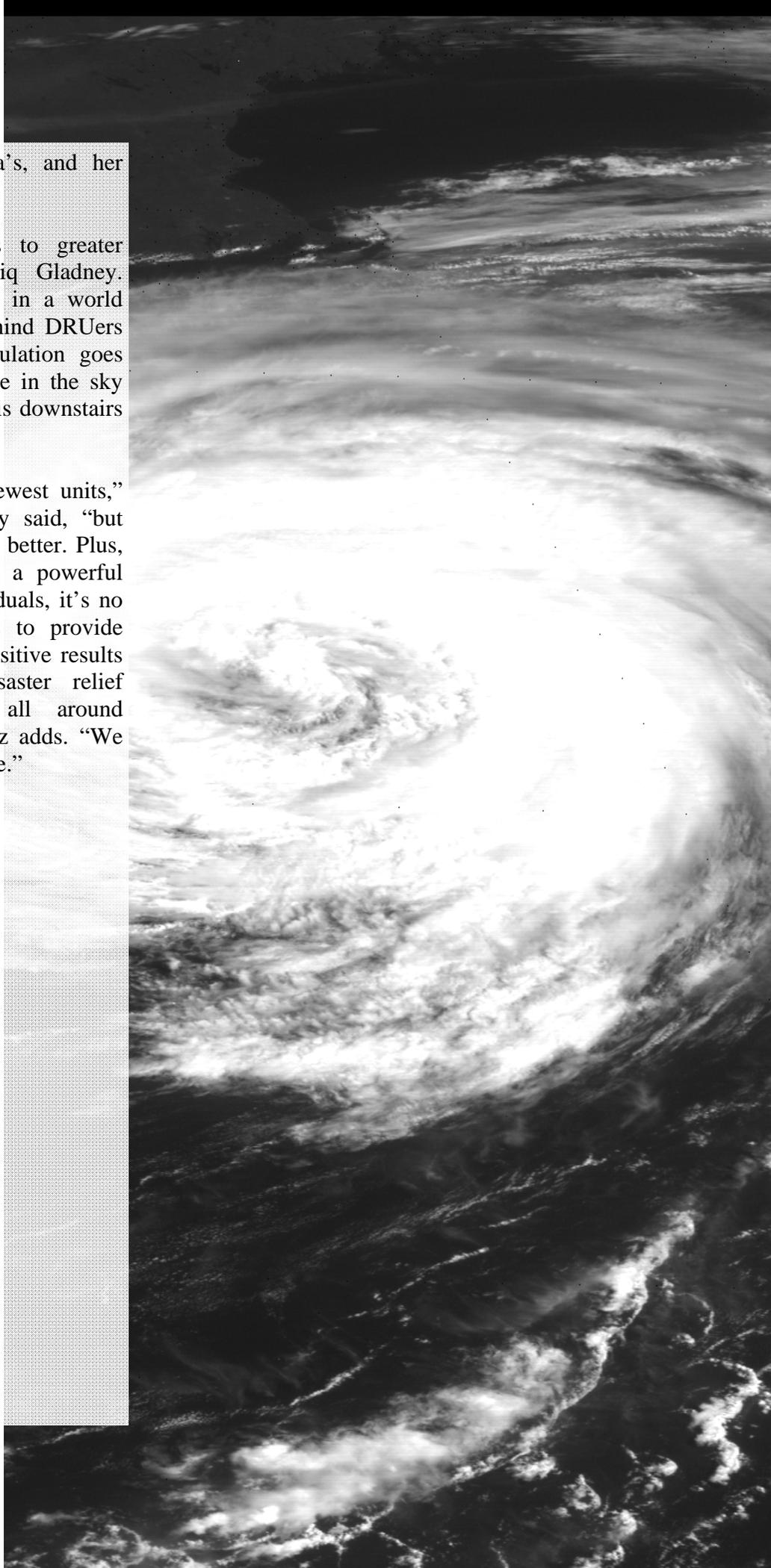
With DRU's attorneys averaging 40 cases a piece, they can use all the help they can get! Recently the Unit took on a new intern: a UT Law Graduate, Angela Prince. While anxiously awaiting her bar results, Angela will work alongside the DRU attorney staff and focus primarily on wills and estate cases. DRU's Managing Attorney, Sandra Brown, is proud of her Unit's continued success. DRU has been so busy, that Brown, who moved offices back in February, still lives out of boxes! "It's all a bit like *Alice in Wonderland*," Brown admits. "But at the same time, it does work!"

With four attorneys, three secretaries, a paralegal, and an intern, DRU has become a valuable addition to LSLA's legal team. Shanon recently settled a case with a \$4,000 payment to his client! This is the highest monetary settlement the DRU has ever seen for a case within their Unit. Jenessa Howard, DRU's resident paralegal, has had tremendous success dealing with the folks over at DHAP-Ike. Perhaps a bit of favoritism is being thrown into the mix on behalf of the DHAP-Ike staff, but

it certainly works to Jessica's, and her clients', advantage.

DRU recently lost—perhaps to greater advantage on his end—Tariq Gladney. Tariq now resides “upstairs” in a world very idealized by the left-behind DRUers below. An extended congratulation goes out to Tariq in his new castle in the sky (but he knows his true home is downstairs and with the DRU).

“DRU may be one of the newest units,” Ryan Marquez, staff attorney said, “but everyone knows that newer is better. Plus, they have me.” With such a powerful group of hard-working individuals, it's no wonder that DRU continues to provide outstanding casework with positive results to clients in need of disaster relief assistance. “We travel all around representing clients,” Marquez adds. “We will go really far to help people.”



# *From the Desk of* **Sharon Reynerson**

## **Supervising Attorney for the Nacogdoches, Paris, Tyler, and Waco Branch Offices**

As Supervising Attorney, I oversee the Paris, Tyler, Nacogdoches, and Waco offices. The Paris office is near and dear to my heart. It is where I was hired as a staff attorney by Brenda Willett and Sybil Colson 22 years ago.

### **Nacogdoches**

Paula Brumbelow is the Managing Attorney of the Nacogdoches office. She is tasked with managing an incredible 11 counties, down from 14 counties earlier this year - Anderson, Angelina, Cherokee, Jasper, Nacogdoches, Newton, Sabine, San Augustine, Shelby, Houston, and Tyler, all with a staff of two attorneys and three support staff. Despite the large service area, the Nacogdoches office still managed to close a number of cases in a wide variety of problem areas, implemented a new rural pro se assistance project, and made significant improvements to their building which made it a more pleasant experience for the clients and staff. Paula also managed to find time to hire two staff attorneys and a paralegal to run the special projects. Two of the Nacogdoches staff generously gave their time to assist with the recent Paris outreach.

### **Paris**

After I was promoted to Supervising Attorney in 2007, we looked long and hard for a replacement manager. LSLA and I were very fortunate to find and hire Kristy Rodgers as Managing Attorney for the Paris office in October 2008. With her 10 years of management experience at Legal Aid Services of Oklahoma and the child support division of the DA's office, she has proven to be quite an asset. After obtaining her Texas license, she hit the ground running and hasn't had a chance to stop since.

### **Tyler**

Jane Parreiras-Horta is the Managing Attorney of the Tyler office. This office serves Henderson, Rains, Smith, Van Zandt, and Wood counties. Lillian, her AMA, and Aurora, her legal secretary, have been with LSLA for 30 and 20 years, respectively. When she was selected as the Managing Attorney of the Tyler office in approximately February 2007, I was sorry to see her leave Paris, but I could not think of anyone better suited for the challenge ahead of her.

### **Waco**

The Waco office is a five-hour drive, one way, so as you may guess, I do not get there much. However, the staff is delightful and hard working. This office seems less "rural" than the others I supervise. There are five very experienced attorneys in this office with an impressive combined 124 years as licensed attorneys. Some may not know that Sheryl Swanton, the Managing Attorney of the Waco office, was the much respected executive director of Heart of Texas Legal Aid before that program's merger with Lone Star Legal Aid. The Waco office does a lot of wonderful work and is well known and respected in its counties. They also benefit from interns from Baylor Law School, located near their office. There has historically been a

high demand for family law cases in the Waco office. In an attempt to broaden the type of applications in the office, a group outreach project has been discussed.

### **Future Plans**

All of the Managing Attorneys with whom I work, who are experienced and successful in their own right, have agreed that we will all mentor each other. The plan is for us to meet in each of our four offices on a rotating basis to discuss intake, cases, problems, management styles, etc. I foresee that not only will we all benefit, but that the group will provide much needed support to the managers.

## **Nacogdoches** Positive *Improvements* in Clients' Lives



**The newly renovated Nacogdoches Office**

Positive changes mark another year in Nacogdoches as we have increased our staff and completed improvements to our physical office, as well as continuing efforts to make positive improvements in the lives of our clients.

### **New Faces, New Projects**

After a year of serving as staff attorney, David Guillory was promoted to Litigation Director. David brings extensive civil trial experience in federal and state court to this new position, particularly in employment and discrimination cases, as he assists attorneys throughout the firm. Karen Shelton was recently hired as a staff attorney with several years experience in family law. Attorney Don Richardson and paralegal Cynthia Williamson were hired to implement a TAJF grant for pro se

litigants in Angelina and Nacogdoches counties through August of 2011. This pilot program includes establishing a kiosk and self-help center in the local courthouse or public library along with providing advice and limited service to pro se litigants.

### **Building Improvements**

First impressions can be so important to our client community. We have repaved the front entrance to our office, repainted our handicapped parking space and exterior of our Victorian-style office, and installed a new roof. Our program-wide monthly Litigation Meetings are much more comfortable since we enlarged our meeting room located in our building across the street. Plans are underway to renovate the restrooms at that location in order to be ADA-compliant.

### **Attorney's Fees Award**

The Nacogdoches office and staff attorney David Craig claimed the honor of collecting the first payment on an attorney's fee award at LSLA since the repeal of the prohibition against requesting and collecting attorney's fees. How fitting that David negotiated an improved outcome for his client in exchange for a reduction in the attorney's fee award! Read the feature story "A Tale of Two Houses," in this edition of *Justice Matters*, to learn how David saved the home of his client, Ms. Simpson.

# Paris

## *Tradition of* Small Town Justice



Paris staff eagerly anticipate move to new office.

In the past 24 months, the Paris office has undergone significant changes, both in staffing and as a result of challenges we have faced. We are surviving and adapting at a rapid pace to respond to even more changes expected in the next year, as we continue our mission to deliver services to low-income persons in our rural seven-county area of Northeast Texas.

Long-time firm attorney Sharon Reynerson was promoted from Managing Attorney to Supervising Attorney in 2007; however, a new manager did not join the Paris team until late 2008. Sharon rose to the challenge of supervising the Tyler, Nacogdoches, and Waco offices while single-handedly continuing to oversee the Paris office, which consisted of representing clients and acting as an advocate for those who are underserved. Sharon is also a well-know civil rights activist.

In October 2008, Kristy Rodgers was hired as Managing Attorney. A veteran legal aid lawyer from Oklahoma, Kristy's challenge became learning Texas law and managing

the staff through several more transitions. In January 2009, Emily Dyer was hired as a staff attorney who represented clients in numerous eviction and family law matters, but in July 2010, she left our office to return to her home in Wylie. In March 2009, our receptionist and records coordinator of over 20 years, Lometa Smith, retired. Her warm smile and kind soul was an immediate comfort when clients came searching for help, and she is sorely missed. Tania Murphy was hired to replace Lometa in November 2009, bringing to our office several years of experience as a legal secretary. Tania quickly learned our PM database, but we owe much of Tania's success to our Assistant to the Managing Attorney, Peggy Mijares, who has trained Tania in our policies and procedures. Having worked in the Paris office for over 13 years, Peggy has provided the stability and consistency needed to keep things running smoothly so that we can focus on serving our clients.

Our office became fully staffed this past August, with the addition of Cristina Borges, staff attorney. Cristina moved to Paris from Puerto Rico where she had practiced law for three years, specializing in consumer law. Fluent in both Spanish and English, Cristina has already proven to be invaluable in serving our rapidly growing Spanish-speaking population.

We are currently working to complete renovations on our new building and anticipate that in early December, we will be serving clients from our new location at 164 SE 6<sup>th</sup> Street in Paris. Conveniently located near the Courthouse and the post office, our new office will be much easier for our clients to find and access. While we find that moving an office after being in one location for nearly 20 years is no easy task, we are eager for the opportunity to better serve our clients with our new and

expanded space. Kudos to LSLA's IT department for working so hard to keep us on-line and connected during the move!

Our office works hard to represent clients in a variety of civil matters including family law, public housing, landlord/tenant, mortgage foreclosure, bankruptcy, consumer, and social security disability. This last year, we have witnessed a marked increase in evictions and foreclosures which continue to require all of our staff to be ready to act immediately to save our clients' homes. We strive to accept as many extended representation cases as possible to give the highest level of service to our clients. When litigation is not possible due to limited staff and resources, we provide legal assistance through advice cases, preparation of pro se documents, and case referral to pro bono attorneys. Our biggest goal is to increase outreach efforts, in both English and Spanish, in all areas of law affecting our clients.

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## Tyler

### *Measurable Success*

### Through Litigation



LSLA's Tyler staff call this office building home.

When Jane Parreiras-Horta arrived in Tyler as the new managing attorney, she had the complete cooperation of her support staff, but she was without a staff attorney and the office was leaky and moldy. In the face of these challenges, Jane set about making drastic changes.

First, she hired Thomas Stuckey as a staff attorney. Tom, who had been practicing for more than five years, was an excellent litigator. He set about building up the consumer practice in the Tyler office, and he assisted attorneys throughout the program who sought his help in representing consumers, particularly in cases against credit card companies.

Next, Jane set out to find a new office. She found a great location on the square in downtown Tyler, very close to both the state and federal courthouses. She purged all of the old files, broken furniture, etc., and now the Tyler office is neat, clean, spacious, accessible, professional-looking, and without mold or leaks.

When Tom tendered his resignation, Jane hired Allison Fussell to replace him. Allison is a welcome addition to the Tyler office. Although Allison has only been licensed since 2008, she is very successful in many cases that some would consider unwinnable. We all have great respect for her abilities as a litigator. She is not afraid to go to court and she knows when she needs to ask for help. A lawyer with these qualities has everything she needs to succeed.

Jane next hired Matt Heermans, who joined the Tyler office in June 2010. Matt had several immediate courtroom successes, and closed five court decision cases in addition to his brief service and advice cases. Unfortunately, Matt recently turned in his resignation, and Jane is once again

searching for a staff attorney to join the litigation team in Tyler.

The Tyler office carries a wide variety of cases, across all of its counties. It has closed 71 extended service staff cases so far in 2010.

attorneys in the office, in addition to their efforts to enter all those applications into Practice Manager.

All of our attorneys (Chris Chance, Lori Hartgroves, Paula Johnston, Bill Kimble, and Sheryl Swanton) continue to practice in McLennan County, and we still have the other six counties divided up between us so that the local bench and bar in each county is familiar with the LSLA attorney assigned to that county. Bill primarily practices before the Social Security Administration and in federal court.

Our group was excited to have Steve Crawford from the Houston office come to Waco in July to teach us about bankruptcy. Chris and Paula are currently working on getting admitted to the Western District of Texas, Waco Division, so that they can begin representing clients in bankruptcy cases (with help from Steve). We are anxious to be able to provide this assistance to our client population.

For the past couple of years, one of our goals has been to increase our outreach efforts. This year, the attorneys have continued to make presentations to various community groups. Most of the time, we speak about specific areas of the law for a particular group (e.g. Lori spoke to elderly residents of a seniors apartment complex about wills and estate documents, and I am headed back to a high school in a couple of weeks to talk to students about the rights and duties of parents—some of the students are expectant parents). Other times, we make general presentations about LSLA, including what types of cases we take, how people can apply for legal assistance, and how people can refer others to our office. We are continuing to try different ways to expand our outreach efforts in the other six counties—our goal is to make the same

## Waco

### *Partners with* Baylor Law And Helps to Save Client's Home



Waco staff celebrate Carolyn Evan's birthday in style.

The Waco branch office has been busy this year. Our staff has remained the same and we have had several interns and volunteers from Baylor University (some from the law school and some from the undergraduate program). Thanks to student volunteers this summer, we were able to get some of our prior years' files moved around and shredded to make room for the current year's files---we were really running out of room for file cabinets!

The support staff (Carolyn Evans, Yolanda Gongora and Kenya Sims) work hard week in and week out to assist our clients and the

kinds of presentations in those locales that we make on a regular basis in McLennan County.

Other goals for the upcoming year include reevaluating and modifying our intake this fall and working on increasing pro bono participation in our local bar associations.

Besides practicing law, our staff has celebrated some milestones this year. Lori and Chris both turned 40 last November and we surprised them with a party to help them recover from the big Four-O. Then we surprised Carolyn in May of this year with a celebration for her 60<sup>th</sup> birthday! We were happy to have the opportunity to celebrate these special occasions—and *we especially were proud of ourselves for pulling off two surprise parties without the honorees knowing about them!*

The Waco office has tackled a wide variety of cases this year:

### **Child Kidnapping Victim Assisted**

After getting a call from a private attorney in South Carolina, we knew we had to help Sarah, a young mother living in South Carolina, when her husband kidnapped their son and brought him to Texas. Sarah was understandably in a panic. Her husband, represented by a private attorney, had only been awarded phone access to their son in the temporary orders entered in South Carolina in the divorce action pending in that State at the time of the kidnapping.

Our attorney sprang into action and registered the South Carolina Temporary Order in Texas, and then represented Sarah in a contested hearing with the client's husband. The Trial Judge correctly ordered that Sarah's son be returned to her in South Carolina, and that the divorce

(including the child-related orders) be completed in the South Carolina case. The client was able to get her son back, return to their home in South Carolina, and proceed with her divorce in that state.

### **Disability Determination on Closed Head Injury**

Clark is a 30-year-old male with a closed head injury suffered in a car wreck about five years ago. The effects of the car wreck render him disabled and unable to work. At a social security disability hearing to determine if Clark's benefits should be discontinued, the Administrative Law Judge ruled that Clark could work, and that his benefits should be terminated. Unable to work, Clark did not know how he was going to survive. Bill Kimble looked at the case, talked to Clark's family members, and agreed with Clark. He appealed the decision to the Appeals Council, and the case was remanded to the ALJ.

At the second recent ALJ hearing, the Social Security Administration produced a medical expert who initially testified that the client did not meet any of the listings. Bill had asked Clark's father to attend the hearing with his son, and he had both Clark and his father testify. After listening to the testimony (particularly the moving account given by Clark's father), the medical expert testified that the additional evidence had caused her to change her mind. She believed that the client either met the listings or that his disability was equivalent to the closed head trauma listing.

Bill had the insight to bring Clark's father to testify at the hearing because he was better able to describe the changes in his son since the accident. Consequently, the medical expert changed her mind—and her testimony—at the hearing which will

enable Clark to continue to receive disability benefits.

### **Homeownership**

When Carlos appeared at our office with a problem related to the title to his home, we knew that the case was about so much more than a title. Without clear title, Carlos wouldn't be eligible for the much needed funds from a nearby City to repair his home. Actually, Carlos had lived in his home for over 20 years following the death of his father. Like so many people, Carlos had never secured title to the property that he had always lived in. According to the title company, there was a gap in the deed history from the prior owners to Carlos' father. Carlos had no knowledge of the gap.

With the assistance of a summer intern from the Baylor Law School, who thoroughly researched the issue of adverse possession, we prepared Affidavits of Adverse Possession that were executed at our office by Carlos and a family friend, who was unrelated to Carlos but knew the history of the house. Now Carlos can qualify for the loan for repairs to his home through the City.

### **Administrative Hearing Regarding Employment**

Joan was a 56-year-old female who worked as a nurse's aide at an adult daycare in our service area. Joan's only work experience was 30+ years of taking care of sick or disabled patients in hospitals, nursing homes, or similar facilities. Joan came to LSLA very distressed after she had been accused of harming one of the patients at her current job.

The investigation by the employer indicated that Joan had not harmed her patient at any time. Many eyewitness statements were submitted by Joan's co-

workers, stating that the patient in question had not been injured by anyone at the day care. An employee of the Department of Aging and Disability Services (DADS) also performed an investigation of the incident and concluded that Joan had pinched the patient on the arm. Consequently, DADS was preparing to put Joan's name on an Employee Misconduct Registry. Placement of Joan's name on this Registry would have prevented her from working at any entity that receives funding from DADS. Of course, almost every hospital, nursing home, or other agency that provides care for people who are differently-abled receives funding from DADS, so essentially this meant that Joan would lose her career of 30 years. At 56, Joan feared that she would not be able to build another career.

We appeared with Joan at an Informal Reconsideration and then appealed that decision when it was adverse to Joan. Joan was allowed to continue to work at the adult day care while the appeal was pending. The attorney proceeded with the case through the State Office of Administrative Hearings (SOAH). About a month before the scheduled hearing, the DADS attorney notified us that she was rescinding the recommendation by previous DADS staff and that Joan would not be put on the Employee Misconduct Registry without a hearing.

*\* Many thanks to Brenda Willett for her help and guidance in proceeding with a case before SOAH.*

# LSLA Gives *Voice* to Disabled Mom Fighting for Custody of Son

Jenna was a strong, independent, and self-sufficient woman and mother. She had no choice in the matter, really, as the father of her teenage son, Dylan, was often absent from the picture and provided no financial support for his son. Then the unthinkable happened in January 2009, when Jenna suffered a massive stroke that left her totally incapacitated.

For nine months, Jenna received inpatient rehabilitative care, and she put in many hours and vigorously worked to regain the ability to walk; however, she has not been able to speak since the stroke. Jenna was fortunate that she had a loving and supportive family to care for Dylan while she was hospitalized, especially since Dylan's father remained absent. And over time, Jenna and Dylan adjusted to life on a fixed income, consisting of SSI (for Jenna) and Medicaid (for Dylan). Jenna thought she had fought hard since her stroke, but soon she was faced with an even bigger challenge – keeping custody of her son.

With a vocabulary of only  
**two words**  
and a notepad, Jenna provided  
compelling testimony...that  
she was fully capable of  
caring for her son.

The Attorney General sought to enforce the child support order entered years earlier against Dylan's father. Faced with a child support debt of more than \$30,000, Dylan's father, Richard, filed suit to obtain custody of Dylan (attempting to modify the original Divorce Decree) and terminate his child support obligation. Jenna contacted LSLA, and, with the help of her son and family, she was able to tell her story.

LSLA defended Jenna's case at trial. With a vocabulary of only two words and a notepad, Jenna provided compelling testimony to the Court that Richard had never paid child support and that she was fully capable of caring for her son. In the end, and with LSLA's help, Jenna retained custody of Dylan, and her ex-husband, Richard, was ordered to pay past due child support of over \$32,000. Together, LSLA's advocacy and Jenna's determination kept Dylan with his family, safe and sound, right where he belongs.

# *From the Desk of* Harold Desselle

## Supervising Attorney for Pro Bono

The Harris County Pro Bono Project, started in 2009, is going strong! We have recruited seven of the ten largest law firms in Houston to accept pro bono case referrals on a regular basis. Many attorneys in those firms, as well as over 50 private lawyers, receive a list of available cases from LSLA twice a month. We also place cases in Montgomery County, as well as any other surrounding county that needs help with its volunteer attorney program. Further, I have met with and trained all of the Managing Attorneys in the southern part of our service area, together with their office staff, on PAI recruitment methods and case referral techniques.



Terry Hamilton and Harold Desselle

We have partnered with our substantive units to provide free CLE to pro bono attorneys who agree to take at least one case in the year following the CLE. For example, in August we partnered with the Family Unit to present *Family Law Essentials*. Seven pro bono attorneys attended, as well as our own staff attorneys.

We presented two more free CLE events for volunteer attorneys this year: a Bankruptcy CLE at the end of September and the Advanced Guardianship Law CLE, which was shown during the last week of October in celebration of National Pro Bono Week.

A commitment that I made to the attorneys recruited into our pro bono program was to offer them a wide variety of cases. They noted that other programs tend to primarily refer uncontested divorces, and that they like the variety of opportunities presented by LSLA.

One of our pro bono attorneys at Baker Botts, for example, just completed an adoption for a client in Montgomery County. It is a compelling case involving a mother who wanted her current husband to adopt a child of hers by a prior relationship. The biological father had only seen the child once in five years, and had never exercised his visitation. The volunteer attorney completed the adoption in just a few months with the help of a mentor within our own organization, Family Managing Attorney Diane McManus. Thanks to Diane for helping out!

On another front, we have placed so many volunteers within our Houston Office that we don't have room for any more! Volunteering does pay off at LSLA, where most of our HGAC attorneys were hired directly from the already existing volunteer pool. This enhanced our performance under this short-term grant, as we were able to staff up in days with attorneys that already knew us and our mission. We continue to maintain a database of available volunteers of all types: attorneys, paralegals, and translators. We even have a long-time volunteer, Shane Jackson, who has been coming in for the last two years to do our shredding for us. He is a loyal and valuable member of the LSLA family!

We are also coordinating the Equal Justice Works AmeriCorps project. We have three new fellows and one continuing fellow, all of whom came from the ranks of volunteers we enjoy here at LSLA. One of our most successful fellows, Elizabeth Lockett, earlier left to seek other employment opportunities, and we were lucky to be able to recruit her for the fellowship. The rest is history!

My overall goal for PAI is for the department to close as many cases someday as our staff attorneys do. We will focus in the next year on building on the successes we have achieved thus far and adding to those accomplishments with clinics and other pro bono projects.

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## Houston

### *Creating Volunteer Opportunities*

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In the past two years, the Houston region of Private Attorney Involvement has branched into outreach to our client community. In addition to our long-standing strategic partnerships with Houston Volunteer Lawyers Program and Aid to Victims of Domestic Abuse, as well as our recruitment of private attorneys to take cases, we have been conducting community education legal clinics on Family and Elder Law.

PAI has been responsible for the Parenting Order Legal Clinics since August 2008. Working under a grant from TAJF and with the cooperation of the Texas Attorney General's office, the Family Unit, Children's Rights Unit, Bryan office, Beaumont office, Belton office, Galveston office, Longview office, Nacogdoches office, Paris office, Texarkana office, Tyler office, and the Waco office, along with Fort Bend Lawyers Care and the Montgomery County Women's Center, have conducted over 200 clinics. At these clinics, people who had a court order dealing with child custody, child support, and other family law issues could ask questions about their order and have an attorney from LSLA, the Attorney General's office, or a volunteer attorney

answer them. The Houston clinic alone was so popular that a second clinic was set up in the Channelview area to answer the demand for help.

Then, just as we were starting to wind down the POLCs, we received a request from the Houston office of the Area Agency on Aging to provide an attorney with knowledge on Elder Law issues to participate in a series of workshops for seniors. The GET READY FOR LIFE seminars are designed to provide resources to those individuals who are aging, persons with physical and intellectual disabilities of any kind, and their families that will allow them to make sound legal, financial, and health decisions. These seminars are conducted by the Aging and Disability Resource Center, which is part of the Houston Area Agency on Aging. While not covering as large an area as the POLCs did, there are workshops in Magnolia and Richmond which require coordination with the Conroe office and all the substantive law units in the Houston office. Other agencies participating in the workshops are the Houston Center for Independent Living, the Social Security Administration, Care Connection, Workforce Solutions, The Hampton Health Care Center, Senior Guidance Directory, Evercare, United Cerebral Palsy of Greater Houston, Office of the Archdiocese of Galveston-Houston, and the Area Planning Advisory Council of the Houston Area Agency on Aging. These workshops will continue at least until January 2011.

# Longview

## *Sustaining* Volunteer Opportunities

Pro Bono Litigation Coordinator Dorman Brumbelow is still riding high since acquiring a new paralegal, Tammy Self, funded by Greater Longview United Way. The addition of Tammy has enabled the Longview office open pro bono extended service cases to climb to near 200, and Dorman's family law open extended case numbers to over 60. United Way recently renewed the grant for another year.

In solidarity with the State Bar of Texas Pro Bono Week (October 24-29), the Longview office, Gregg County Pro Bono Project, and the Gregg County Family Law Council sponsored a Family Law Update with free CLE and lunch for sustaining members of the Family Law Council and Longview Office Pro Bono Lawyers, on October 29, 2010.

Longview Pro Bono has been in continuous operation since 1985. It closed 65 extended service cases that first year, closing to date approximately 2,500 such cases. What splendid character and dedication by rural pro bono lawyers!

# Nacogdoches

## *Promoting* Volunteer Opportunities

The LSLA Nacogdoches PAI program has had many success stories and happy clients this year to report upon.

### **Access to Justice Presentation**

In July, we participated in the Access to Justice presentation in Smith County, along with Betty Balli Torres and Benet Magnuson. Along with our presentation, Dana Bias arranged to have a satisfied client give a testimonial to the audience about her "life-saving" experience with the pro bono program. The client obtained a Chapter 7 discharge with the help of her Smith County volunteer attorney. Read "Auda's Story" in this edition of *Justice Matters*.

### **Killeen Family Law Essentials Seminar**

In June, we coordinated the Family Law Essentials seminar in Killeen and successfully recruited several new volunteer attorneys for the Belton office (as well as getting many existing volunteers to recommit to handling four new cases within the next year), and also obtained several hundred dollars in donations to LSLA for those attorneys who opted to give money to the PAI effort as opposed to their time.

### **Long Range Planning Retreat**

In July, we participated in a two-day strategic planning session for the Smith County Bar Association and its Bar Foundation, conducted by the Associate Director of the ABA Division for Bar Services, to help create visions and goals for the Association and Foundation. Many things were accomplished at the sessions, but of particular interest is both groups reaffirmed their commitment to providing pro bono services through Lone Star Legal Aid to eligible residents of Smith County.

### **Videotaped Testimonials**

It was "Lights! Cameras! Action!" in August as we videotaped our first pro bono client's story for distribution and use in volunteer attorney recruitment efforts across Texas.

# Auda's Story:

## Pro Bono Representation Ends Financial Nightmare

A year ago, 73-year-old Auda Hamilton would never have imagined herself speaking to a large group of attorneys about the benefits of pro bono and how she was rescued from mounting debt and given a fresh financial start in life, but that is exactly what she did this summer! On July 9, Auda told her story to a room full of lawyers at the monthly Smith County Bar Association CLE presentation.

After her husband died of cancer and she herself was diagnosed with two brain tumors, Auda was forced to take medical retirement from her job, where she had been happily employed for over 23 years. Although Auda had always been able to work through any financial struggles that came her way in the past, a combination of the recession and her daughter's own financial troubles caused Auda to take on more and more credit card debt, resulting in a lower credit limit on her card and an increase in her interest rate to over 30%.

Although Auda had previously considered herself an "unlikely candidate for legal aid," and did not even know that Lone Star Legal Aid existed until her daughter told her about the firm, she reluctantly made application last October for Chapter 7 Bankruptcy protection. Auda was referred to volunteer attorney Joe K. Thigpen of Thigpen & Raney, P.C. in Tyler. She told members of the Smith County Bar exactly how she felt when she first walked into Mr. Thigpen's office. "...[t]hat day was one of the worst days of my life. I felt like a failure...and now a beggar." However, she was pleasantly surprised by the graciousness shown to her by Mr. Thigpen and his staff, and the fact that she was a "pro bono case" was never mentioned.

Auda relayed that her entire experience with Pro Bono Coordinator Dana Bias and Lone Star



LSLA's Dana Bias, Smith County Bar Association President Robert Wilson, and pro bono client Auda Hamilton.

Legal Aid, and Joe Thigpen and his staff, was "the best possible thing that could have happened to me under the circumstances." She expressed how truly grateful she was and continues to be for the "caring, timely, and informed" help that she received, providing her with mental and financial relief, as well

**She urged the audience of lawyers to consider *volunteering* as her attorney had done, so that someone else in need could receive a similar *life-transforming* experience.**

as a second chance at life at 73. The stress of mounting debt, and its debilitating effect on her health, was gone! She urged the audience of lawyers to consider volunteering as her attorney had done, so that someone else in need could receive a similar life-transforming experience.

Auda's story is but one of many success stories achieved through the partnership between LSLA and the Smith County Bar Foundation Volunteer Attorney Program, as well as other similar collaborations with members of the private bar throughout the LSLA service area.



# Saying Goodbye

Last fall, LSLA was presented with a once-in-a-law-firm's-lifetime opportunity to hire a large number of attorneys, paralegals, and secretaries to help us satisfy the vast unmet legal needs of Hurricane Ike survivors in multiple counties. The opportunity was time-limited -- ultimately, the Houston-Galveston Area Council provided funding for eight months -- and that presented a challenge. We quickly had to hire staff, provide basic background information about LSLA and the legal representation we can provide (aka "the regulations"), help them to develop core competency in disaster relief legal assistance, explain a broad range of outreach techniques, assign them to offices and units, and equip them with desks, chairs, phones, computers, printers, email addresses, and other essential equipment of daily legal aid life. This was followed by case assignments, research, negotiations, hearings, depositions, trials, appeals, and all the other endeavors that legal aid lawyers undertake on behalf of their clients.

Eight months seemed to pass in eight seconds, and now our HGAC staff is leaving. It is with a great sense of loss, not only for our clients but also for our firm, that we must say goodbye to the talented members of our HGAC team who have become our colleagues and friends. They brought energy, enthusiasm, and dedication and displayed a willingness to work outdoors, after-five, and weekends on behalf LSLA's clients. They crafted creative and passionate legal arguments for Ike survivors, and ended up teaching us every bit as much as we taught them.

The legal assistance provide during the term of the HGAC grant is impressive. Over 1,600 cases were opened and closed within eight months. Another 700+ were opened and remain open as of the end of September. Numerous outreach events delivered legal information and other services. After extensive local TV coverage in Houston, CNN ran a story about an Ike-surviving LSLA client for 24 hours in a news cycle that portrayed the emotional and financial upheaval experienced by so many of our clients living in FEMA trailers. We were all proud that "Lone Star Legal Aid" and our client's compelling story scrolled on the news ticker on TV screens across America.



# Post-Ike Housing:

## A Fight for a Survivor's Rights

It's a story LSLA has heard all too often. Joann was one of many Harris County residents who evacuated in advance of Hurricane Ike, only to come home to find she actually had no home left. Her water-front apartment had been condemned due to storm damage.

Recovery is a long process, and it's not for the faint of heart. Joann's circumstances would require her to be especially resolute -- she is a single mother to her son, Sam, and she is disabled, living on social security disability payments. These factors would make putting the pieces of their lives back together all the more difficult. After working her way through red tape, Joann finally received housing assistance from FEMA and HUD's Disaster Housing Assistance Program (DHAP) that allowed her family to move into a new apartment. But eventually the trouble began and her temporary, but critically important, housing was in jeopardy.

In March 2009, FEMA inspected Joann's apartment and mistakenly determined her family was not entitled to a two-bedroom unit, leading DHAP officials to find that Joann and Sam were over-housed. For five months, with little income and unable to work, Joann was forced to pay the portion of rent allocated to the second bedroom (DHAP personnel refused to adjust the rent -- even after the error was discovered).

By August last year, Joann had moved into a house owned by her former husband, an action she believed met DHAP rental guidelines. Joann and Sam had lived in the home prior to Ike, and she knew it was zoned for her son's pre-hurricane school district. Despite all of the other changes in his life, this home meant Sam wouldn't have to change schools. Two months passed before a DHAP-approved inspection took place, and once it occurred, program personnel not only refused to pay Joann's rent, but they also served her with a

termination letter, advising Joann she could not rent housing from a relative.

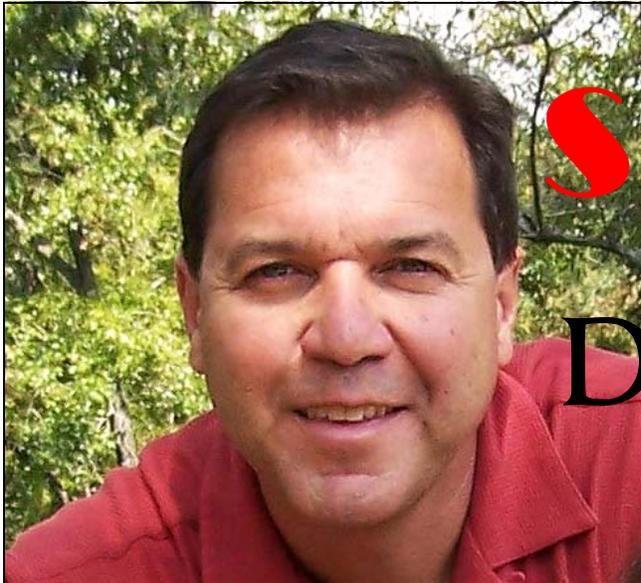
**Unfortunately, this has been a common problem for Ike survivors living in DHAP-subsidized housing -- the rules are often misinterpreted or falsely applied, resulting in unlawful action against innocent people.**

LSLA's DRU Managing Attorney, Saundra Brown, stepped in to help Joann, and the firm immediately found the error. The renting from relatives restriction applies only to Section 8 housing, not to DHAP tenants. Unfortunately, this has been a common problem for Ike survivors living in DHAP-subsidized housing -- the rules are often misinterpreted or falsely applied, resulting in unlawful action against innocent people.

After an administrative hearing, LSLA was successful in getting Joann reinstated in the DHAP, as well as having her rent retroactively paid from the date of the inspection on her ex-husband's house. At that point, Jenessa Howard, DRU paralegal, began advocating on Joann's behalf to retrieve the \$760 in rental overages paid on the first DHAP unit. It was not an easy task -- among other things, DHAP repeatedly pointed the finger at FEMA for the original error, and each time, FEMA turned the fault directly back to DHAP. Jenessa persisted over a five-month period, and ultimately, she appealed the final DHAP decision not to reimburse Joann. With a court battle looming, DHAP finally relented and issued Joann's reimbursement.

LSLA's intervention saved Joann's housing and secured the return of funds which were so valuable to a family on a limited income. By also helping Joann remain in her son's school district, the firm's action gave Sam stability and familiar surroundings, particularly significant for a child who had recently suffered so much loss.

*\*Our firm continues to monitor Joann's case and others like hers. The DHAP is scheduled to conclude in October this year, and advocates, such as LSLA, are pursuing an extension of this housing assistance. For Joann and Sam, termination of DHAP and a rollover to Section 8 would raise additional problems since Joann would be prohibited from renting her former husband's house under Section 8 guidelines, and this would mean Sam's eligibility to remain in his school would again be at risk.*



# Spotlight on.. David Guillory

As an undergraduate in Austin, I clerked for Lloyd Doggett in his Senate office, worked part time in his law office, and did advance work in his U.S. Senate campaign. In law school, I clerked for Broadus Spivey. These men understand social justice and taught me the importance of speaking up for the low-income and working class people in this state. Working in the Civil Rights Division of the Texas Attorney General's Office under Generals Jim Mattox and Dan Morales, I prosecuted civil rights violations in employment on behalf of the Texas Commission on Human Rights. I came to see early in my career how the rights of individual working people can be run over by well-heeled, well-financed corporations. In the Civil Rights Division, attorneys are encouraged to try as many lawsuits as they want to, and I took full advantage of the opportunity.

Before joining LSLA, I maintained a busy courtroom private practice focusing on federal employment lawsuits and police misconduct civil rights cases. I also met a lot of Texas legal aid lawyers. Watching them work, I began to crave the freedom they seemed to have to pursue the social justice projects of their choice without having to worry about whether the cases made anyone a lot of money. For lawyers with conscience, that is true freedom. If I was ever to become a poverty lawyer, I had to make a move while practicing law was still fun. With my family's blessing, I shut down my office and joined LSLA in March of 2009 and have not looked back.

I live in Nacogdoches, along with my wife, Robyn, and two sons, Austin and Evan. I am a 1989 graduate of the University of Texas Law School and work in state courts throughout Texas, the U.S. District Courts of the Western, Northern, Southern, and Eastern Districts of Texas, and the Western District of Louisiana.

I serve as a Director of the Texas Employment Lawyers Association and have served for ten years and continue to serve as a Criminal Justice Act Panel member for the U.S. District Court for the Eastern District of Texas. I am an active volunteer with Nacogdoches Habitat For Humanity; serve as Assistant Scout Master for Troop 100, Boy Scouts of America; an active volunteer in my sons' school; and intermittently serve as an Adjunct Professor in the Political Science Department at Stephen F. Austin State University. I am a member of the Nacogdoches and American Bar Associations. I have made continuing legal education presentations on issues related to employment, governmental immunities, civil rights, police misconduct issues, and trial practice at gatherings of the State Bar of Texas, the Texas Attorney General's Office, the Texas Employment Lawyers Association, the Professional Legal Education Association, and the Harris, Nacogdoches, and Travis County Bar Associations.

# Fighting for CONSTITUTIONAL RIGHTS In Public Housing

Poverty is tough and not only in the obvious ways, like not having enough food to eat, or not having a decent home to live in, or being unable to afford medical care. Having little money commonly means you have to divulge information about yourself and your family that normally would be considered private; your activities are regularly monitored; you are harshly and unfairly judged; and your dignity is challenged on a routine basis. We all need help from time to time, and that help usually comes with strings attached, in some form or fashion. But often the rules applied to low-income persons receiving public assistance become paternalistic; in fact, sometimes, the control is so extensive that it's stifling, unjust, and almost impossible to navigate. And sometimes, it's illegal.

Mary Thompson and Karen Hubbard, grandmothers who live in rural East Texas public housing, began to feel like prisoners in their own homes. In the past year or so, the Housing Authority had imposed a new set of rules and restrictions on its tenants, their comings and goings, and guests invited to their homes.

For example, leases arbitrarily limited residents to 15 guest visits per calendar year. Each guest was required to provide his/her name; vehicle license number; vehicle description; length and purpose of the visit; specific relationship of the guest to the resident; permanent address; photo ID; and



Public Housing in East Texas.

social security card. All visitors were screened and subject to pre-approval *before* they were allowed on the property. Further, the 15 "guest days" per year could be used only for out-of-town visitors. Residents were prohibited from having in-town, non-family member guests, such as boyfriends, girlfriends, and friends from school or work. Moreover, residents were limited to two guests per month. This meant no longer inviting a local friend over for popcorn and a movie on a weekend evening; no inviting school kids for cake and ice cream for a six-year-old's birthday; no non-family condolence calls when a loved one died; and no more family dinners for Thanksgiving and Christmas (if it involved more than two family members). The privacy of both residents and guests was gone. Also gone was any chance for someone to spontaneously stop by for a visit. Every visit required extremely careful thought and planning.

But the control didn't stop there. The Housing Authority used cameras to continually monitor residents' homes, and it sent notices and warnings to tenants, advising them that no person was allowed in their homes unless the resident was present, and threatening termination of their leases. In addition, residents had to submit periodic and detailed expense reports, well beyond what is required by HUD to verify income eligibility. If a resident's expense report showed a large purchase, such as a television or a household appliance, the Housing Authority increased the resident's rent, with no notice or right of protest or appeal. These increases threatened family stability, which could have led to profound consequences.

Believing that these rules and restrictions couldn't possibly be right, Mary and Karen came to Lone Star Legal Aid for help. Feeling frustrated and debased in general, both women were particularly upset that the rules negatively affected time spent with their families, especially their precious grandchildren.

LSLA attorneys David Guillory and David Craig told Mary and Karen that all of these Housing Authority rules violated federal law, and the firm filed suit to challenge the policies, citing violations of the First and Fourteenth Amendments to the U. S. Constitution, as well as federal fair housing laws and other regulations.

After a one-year battle, the case settled, and the Housing Authority is redrafting its policies and standard lease form to comply with federal law and to be more sensitive to tenants' rights. Notably, LSLA now has right of final approval for all language used in the Housing Authority's resident rules and lease documents. Our clients gained access to justice, and they, along with their neighbors, have improved living conditions, and, perhaps, a little bit of their dignity has been restored. Two public housing residents and two LSLA attorneys have changed the course of events for thousands of low-income persons living in subsidized housing, now and in the future.



**"JUSTICE DENIED  
ANYWHERE DIMINISHES  
JUSTICE EVERYWHERE."**

*Dr. Martin Luther King, Jr.*