

Special Interest Articles:

- SS recipients to see increase
- Practitioner checklist for home repairs gone bad
- Working smarter with Word 2007

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Poverty Law Section Awards Celebrate Commitment, Recognize Impact

People who commit themselves to working in the field of poverty law are “living in the hope of others,” Jose Padilla told a standing-room-only crowd of more than 150 attendees of the annual meeting of the Poverty Law Section of the Texas State Bar on April 23, 2008.

“Social reformers live inside the hope of others,” said Padilla, Executive Director of California Rural Legal Assistance,

who presented one of three Poverty Law Section awards. Padilla presented the first-ever Nobel Award to David Hall, Executive Director of Texas Rural Legal Aid, for his lifetime work as a “renegade” who Padilla called a “guiding inspiration” to all poverty attorneys.

Hall played a pivotal role in the Chicano civil rights movement and the rights of migrant workers, said Padilla. “David is a

troublemaker, but he makes trouble for the sake of justice.”

Two Impact Awards also were presented. The first was shared by Salvador Gonzales and Martha Orozco, Lone Star Legal Aid, in recognition of their efforts on behalf of food-stamp eligible seniors who were being denied critical benefits through a bureaucratic snafu.

“Thousands of low-

Section Awards cont. p. 4

The Chair's Corner

Greetings! This has been an exciting year for the Poverty Law Section of the State Bar of Texas. First, PLS was honored by the Supreme Court Taskforce on Legal Services, receiving the State Bar Small Section pro bono award and \$1,000. The money was used to support our popular First Friday CLE, a monthly offering by PLS of informative legal information via teleconference free to all section members. First Friday CLE materials from May 2007 through the present are now available on our Website,

povertylawsection.com

Secondly, at our Annual Meeting on April 23, 2008, held at the Poverty Law Conference, PLS presented its first annual Poverty Law Awards to four poverty law practitioners around the state in highly deserved recognition of their accomplishments and dedication to the practice of poverty law (see article above).

This Fall/Winter issue of the *Reporter* includes informative articles as well as tips that we hope will be useful in your practice. Next year, we are planning a Spring/Summer edition as well, so

stay tuned.

Meanwhile, if you are a member of our Section, thanks for your support. If you are not yet a member or if you know someone who may enjoy membership—including our great First Friday program—please pass this issue along and suggest he or she join our section. Membership is only \$15 per year and registration is easy on the State Bar of Texas Website.

Enjoy your holiday season and thanks for all your good work in the noble practice of poverty law.

—Brenda Willett, Chair

Home Repair Case Checklist: A Quick How-to Guide

Here are a few preliminary items to look for when evaluating and researching a home repair gone bad:

- Get a physical description of the contractor. These are often family-run businesses or father-son combo. The names can be confusing. Don't sue the wrong crook.
- Get an early handle on the amount of economic damages.

This will help you decide which court to use and the amount of resources to commit. Was the work worth anything? Don't hesitate to admit that fact.

- Did the repair project result in an alteration of the square footage of the living space of the home? If so, your case may fall under the Texas Residential Construction Commission Act.

- Determine the statute of limitation. Most claims (DTPA and negligence) will carry a two-year statute. Breach of contract and fraud carry the four-year period. Beware an even shorter "limitations" period under the Texas Residential Construction Commission Act.

—Robert Wharton,
Contributing Writer

Increased 2009 Benefits for Social Security Recipients

The Social Security Administration recently announced the 2009 federal maximum benefit rate (FBR) for SSI. Starting January 1, the maximum monthly SSI benefit for an individual will be \$674 monthly. The monthly maximum benefit for a couple, if both spouses meet eligibility requirements, will be \$1,011. These and other adjustments by the SSA can be found at www.ssa.gov/pressoffice/factsheets/colafacts2009.htm

These Social Security adjustments reflect the change in the consumer price index. In Texas,

individual eligibility for long-term care Medicaid uses an income limit of three times the SSI FBR. Thus, when the maximum SSI benefit for an individual increases to \$674 monthly in 2009, the monthly income limit for an individual in Texas' long-term care Medicaid program will increase to three times \$674, which is \$2022 monthly. If both spouses of a couple are in a nursing facility under Medicaid, the income limit is double the individual income limit or \$4044 monthly.

Also starting in January, the Texas long-term care

Medicaid program will see the following changes: the protected resource amount will have a floor of \$21,912 and a ceiling of \$109,560; the community spouse monthly maintenance needs allowance will be \$2,739 monthly; and income limits will be \$2022 monthly for an individual (three times the maximum SSI individual benefit of \$674) and a couple income limit, if both spouses are in a nursing facility, of \$4044.

—Bruce Bower,
Contributing Writer

We want to share the glory: Be a contributing writer!

Contact Shelby Jean at jeans@lanwt.org

Save the Date: Upcoming Meetings & Conferences of Interest

The Collaborative Law Institute of Texas and State Bar of Texas Spring Conference,
March 25-27, 2009, Fort Worth, Texas

CLI brings Texas attorneys, family counselors and financial advisors together to learn, practice and promote a collaborative process for problem solving and peaceful resolution of family law issues. Contact (972) 386-0158. www.collablawtexas.org

Texas Lawyers Care Poverty Law Conference, April 15-17, 2009, Austin, Texas
The 12th Annual conference, designed for legal services advocates and attorneys who provide pro bono civil legal services, provides valuable training on poverty law issues affecting low-income and indigent Texans. Contact TLC at TLCmail@texasbar.com or 800-204-2222, ext. 1855.

Family Law Task Force Meeting, January 30, 10:00 am to 2:00 pm, Austin Bar Association. Contact Diane McManus at Diane.Mcmanus@lonestarlegal.org

In our next issue...

- Select 2008 cases of note
- Stories from the front
- More tips and tricks

Working Smarter: Word 2007 Tips and Tricks

IF YOU have a document that needs to be reviewed in draft form, what's the best way to present that document to reviewers? Consider inserting a grey-screened watermark behind the text to ensure that all reviewers know the copy is draft-only and not the final copy for signature. Here's how it's done:

1. Click Page Layout tab on the Word Menu and choose "Watermark." You may choose one of the predesigned watermarks or customize your own by clicking "custom watermark," choosing "text," then adding the text of your

2. choosing, such as DRAFT.
You may later remove this watermark by using this same process but choosing "Remove Watermark" from the options.

HAVE YOU ever copied and pasted text from the Internet and had your "clean" Web copy appear on the screen with unwanted hyperlinks like this:

```
HYPERLINK:///message/1691;_ylc=X3oDMTJxaDh2cHBtBF9TAzk3MzU5NzE1BGdycElkAzI4OTgyMDYEZ3Jwc3BJZAMxNzA1MDU5MzU0BG1zZ0lkAzE2OTEec2VjA2Rtc2cEc2xrA3Ztc2cEc3RpbWUD
```

MTIyMjc2OTQ
Frustrating, isn't it. Here's a quick fix::

1. Highlight all of the text containing the embedded hyperlinks and macro language, including the hyperlinks. Highlight manually or press "control" and "A" to highlight all text
2. When the text is highlighted, simultaneously press "control—shift—F9"

The reformatted text will be clear of those pesky embedded codes.

—Shelby Jean

Awards Celebrate Commitment, Impact (cont. from page 1)

“Social reformers live inside the hope of others.”

income elderly persons living in Texas now benefit from the results of their aggressive, persistent advocacy,” said one of the nominators. (See related story, below).

A third Impact Award was presented to Jerome Wesevich, who, among his many accomplishments, has sued the Department of Labor on behalf of

workers displaced by NAFTA; the Department of Agriculture on behalf of migrant farmworkers housed in substandard facilities; and the Federal Emergency Management Agency for denial of assistance without adequate basis and for denying Legal Aid access to disaster relief centers. “He works hard and researches like nobody

I have ever worked with before,” said his nominator, who noted that Wesevich rarely gets credit for his work because he tends to be a worker in the background who receives no press recognition. “I’m very glad he is on our side,” said the nominator.

—*Shelby Jean*

Legal Aid Challenges Policies, Changes Lives

An HHSC policy that caused hardship was challenged—and changed

With dedication and diligence, two Lone Star Legal Aid staff members launched an aggressive strategy that not only successfully challenged a Texas Health and Human Service Commission policy, but effected change that will help thousands of low-income seniors in Texas.

Attorney Martha Orozco and Paralegal Salvador Gonzales recognized that a gap in HHSC policy harmed a client and appealed on her behalf. Their advocacy resulted not only in a favorable decision for the

client, but also convinced the hearing officer that the policy itself was illegal.

The Simplified Nutrition Assistance Program (SNAP) is a Texas food stamp initiative for seniors who also receive SSI. The stated goal of SNAP is to provide enhanced benefits for a longer period of time with fewer bureaucratic hassles. Unfortunately, the former HHSC rule required that eligible seniors already on regular food stamps must forego benefits for two months before transitioning to the SNAP

program. It was this inequity—and the hardship it caused—that inspired Orozco and Gonzales to fight on behalf of their client, and which ultimately had far-reaching implications for other low-income seniors.

As a result of this advocacy, HHSC revised its SNAP policy and removed the time-based restriction. Orozco and Gonzales were recently honored for their work by the Poverty Law Section (see above).

—*Contributing Writer,
Britney Jackson*

PLS Survey Reveals Needs of Growing Homeless Population

Although armed forces veterans comprise only 34% of the general adult male population, approximately 40% of homeless men are veterans. According to the National Coalition for Homeless Veterans, on any given night 200,000 veterans are homeless and 400,000 veterans will experience homelessness during the course of a year. These statistics have been borne out by a recent survey conducted in Houston by a Poverty Law Section committee dedicated to addressing the issue of homelessness.

Formed last year, the committee was charged with evaluating the legal needs of urban homeless in Texas. One of the goals of

the committee is to prepare printed legal information in an effort to address these needs. First, however, information had to be compiled to identify the needs. It was determined that surveys would be most helpful in compiling this information.

Results from a survey conducted in the Houston were consistent with national surveys and revealed that one of the fastest-growing categories of homeless in the area are armed forces veterans. The survey suggests that the homeless veterans are having trouble obtaining benefits from both the Veterans Administration and Social Security, and also revealed that these individuals:

- are unsure how to find low-income housing
- need help applying for healthcare through the Veterans Hospital network
- need transportation to medical appointments

According to Sallie Godfrey, committee chair, the VA in Houston is building a housing complex for homeless veterans located close to the its hospital, which may address some of these issues.

Godfrey has been working with Robert Thurmond, of the Houston Cathedral Justice Project, who is helping with the homeless project by distributing surveys during

weekly legal intake programs at homeless shelters (see sidebar below).

Meanwhile, the legal and social needs of the general homeless population tend to be similar: affordable housing, made more acute in Houston by the number of Katrina evacuees; help obtaining benefits and health care; and legal advice on and assistance with criminal warrants and family law matters, including obtaining child support.

The committee hopes to conduct further legal-needs surveys across the state. Anyone interested in helping with this project should contact Sallie Godfrey at sgodfrey@lonestarlegal.org

—Contributing Writer,
Sallie Godfrey

“Thanks for Remembering My Name”

BOB THURMOND likens his job to fields beyond that of law. “It’s equal parts social work, legal work and advocacy,” he says.

Bob heads up the Cathedral Justice Project in Houston. Started in early 2006, by volunteer attorneys, its members visit Houston-area homeless centers to offer legal services to this underserved population.

The biggest challenge in

the practice of law to benefit the homeless is the lack of a reliable means of contact with clients, says Bob. “We have more than 300 open files [at a given time],” he says, “and many of these have to be closed due to lack of contact with the client.”

Bob laments the lack of good transportation service that could benefit both the homeless and employers. “Jobs go begging because

individuals cannot efficiently get from one side of town to another,” he says.

With all of the legal issues facing his clients, it is sometimes hard to remember that it’s the little things that count. Bob tells the story of welcoming a returning client to the clinic. The client smiled at Bob and said, “Thanks for remembering my name.”

—Shelby Jean

“Jobs go begging because individuals cannot efficiently get from one side of town to another.”

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Texas Council on Family Violence Presents Agenda

DURING THE October Family Law Task Force meeting in Austin, several presentations were made. Among the presenters was Tracy Grinstead-Everly, policy manager with the Texas Council on Family Violence, who presented TCFV's legislative agenda, which includes items of particular interest to family law attorneys. A portion of that agenda is highlighted below. For more information or to learn about other agenda items not included here, contact TCFV at 512-794-1133 or www.tcfv.org

Strangulation as a Felony: The act of strangulation of a family member or dating partner should be a felony in Texas. This revision to the current assault statute would make strangulation within these relationships a third-degree felony; subsequent convictions of strangulation would be a second-degree felony.

About the Poverty Law Section

The Poverty Law Section is the 43rd section authorized by the State Bar of Texas. Our section includes attorneys who practice or have an interest

VAWA Compliance: In order to protect VAWA funding, we need to ensure compliance with federal regulations requiring notice to all family violence misdemeanor defendants about the consequences of their conviction, including firearms prohibitions. Currently, class C assault family violence defendants who receive citations do not receive this notice. We anticipate the printing of this notification on citations.

Mandatory Probation Fees: Currently, judges may order family violence probationers to pay their local family violence shelters up to \$100. TCFV believes this fee should be mandatory and include family violence centers. Senator Jane Nelson filed this measure as Senate Bill 82 this session.

Adult Fatality Review Immunity: Current law provides members of child

fatality review teams immunity from subpoenas and other requests for information about cases. TCFV has proposed that similar language be put in place for adult family violence fatality reviews to promote frank discussions. **Abduction Risk Factors:** Current law provides a list of international abduction risk factors to be considered in conservatorship and possession cases. Many of those factors are actions taken (and even suggested by advocates and attorneys) by family violence victims preparing to leave the relationship. TCFV proposes that the risk-abduction list include specific language that excludes from consideration those actions that have been taken in the course of safety planning by a family violence victim.

—Tracy Grinstead-Everly,
Contributing Writer

in poverty law, whether housing, family, benefits, healthcare access, consumer or the various other areas of law that affect the poor in our

communities. Our attorneys include a diverse group ranging from private attorneys to legal services attorneys to the academic community.

We're on the Web!

See us at:

www.povertylawsection.com