

## Something New:

Our e-newsletter articles now contain hyperlinks

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## Poverty Law Section Noble Award Honors 'Champion of Unpopular Causes'

Called a “champion of unpopular causes,” [James C. Harrington](#) was presented with the Noble Award for Lifetime Achievements in Poverty Law by the Poverty Law Section during its annual meeting in 2010. The award honors a Texas attorney for a lifetime of public service in promoting poverty law as a noble profession.

Founder and Director of the [Texas Civil Rights Project](#) in Austin, Harrington has represented

migrant farm workers and residents of colonias and organized for the UFW. Among his activities with TCRP are advocating on behalf of disabled and mentally ill prisoners, victims of police brutality, and filing lawsuits on the behalf of disabled people under the Americans with Disabilities Act. “[Jim] is dedicated, relentless, and single-minded in his passion for the rights of the oppressed and the poor,” said his nominator. Two Impact Awards,

developed to recognize a Texas attorney or professional for significant work in poverty law practice, also were awarded during the annual meeting. Martha Beard-Duncan, Annette Lamoreaux and Angela Lee were recognized for their appellate work on behalf of a pro se client. Their work promises to significantly impact indigent litigants who face “insurmountable barriers to justice.”

In the case, the lower court  
—*Section Awards*, cont. p. 4

## The Chair's Corner

As my term as Chair of the [Poverty Law Section](#) comes to an end, I reflect back on the Section's progress over the past 2 years.

We have numerous active committees, which have continued our popular [First Friday CLEs](#), a 1-hour teleconference presentation on current topics of interest in poverty law, and assisted Brian McGiverin in the development of a Poverty Law Primer for the use by pro bono attorneys who seek basic information about the various fields

included within poverty law. PLS also is developing a plan to obtain [Board certification](#) in poverty law. Our Section's work is handled mainly through its committees, and we are always looking for volunteers. Contact one of the Council members for more information on getting involved.

PLS' annual meeting, held in conjunction with the Poverty Law Conference in April, not only offers an opportunity for members to interact with one another

and learn first-hand about PLS, but also allows our members to recognize individuals who exemplify the practice of poverty law through its Noble and Impact awards.

While there is much more I would like to have done during my tenure, now is the time to turn the mantle over to the new Chair, and announce that I would be pleased to offer my insights as an ex officio member of the Poverty Law Council.

—Roger Gette,  
Chair

## Tales from the Front: Celebrating Our Colleagues' Success Stories

**After 27 years** in her home, an elderly client came to [Lone Star Legal Aid](#) (LSLA) facing foreclosure by the United States Department of Agriculture Rural Development. She had fallen behind on her payments and the USDA accelerated the note. When LSLA met the client, she was recovering from treatment for breast cancer; she also was raising her two grandchildren alone. After being on the brink of foreclosure many times over the years, the client had made only a small dent in the amount owed on her mortgage. LSLA requested mediation with the USDA and worked out a deal so that she could pay a small lump sum immediately, and then pay off her deficiency and the rest of her loan balance over the next five years. After that, she will own her home outright.

**An Arkansas farm owner** settled a lawsuit filed by four Mexican guest workers over abuses suffered while they were employed on an Austin-based farm. Represented by Southern Migrant Legal Services, a project of [Texas RioGrande Legal Aid](#) (TRLA), the guest workers alleged that after the owner of Odom Farms brought them to the United States for work, he confined them to a filthy, infested and dangerous metal packing shed, failed to reimburse travel costs as required by law, and confiscated their passports in order to keep them at the farm. Their lawsuit alleged violations of the Fair Labor Standards Act, the Immigration and Nationality Act, the Trafficking Victims Protection Act and contract law. According to the lawsuit, the workers were not allowed

to leave the inhumane conditions in their shed without an escort. The men were subjected to verbal abuse and were threatened that Odom would keep them from returning to the United States legally if they complained or left due to the conditions.

**An 18-year-old** single mother sought help from [Legal Aid of NorthWest Texas](#) (LANWT) with an upcoming hearing just days from her intake date. The young woman attends high school and expects to graduate May 2011. She is in the top 9 percent of her class and has been accepted to Baylor University for Fall 2011, receiving a scholarship award of \$56,000 to cover her four years of undergraduate studies. She and the child's father remained a couple throughout the pregnancy and through the birth of their 6-month-old baby girl. When the couple separated, the baby's father immediately filed a SAPCR, which, among other things, sought to keep the young mother from moving to Waco with the child to attend Baylor. LANWT accepted the case and the attorney attended the hearing, where a final agreement was made with the opposing party's counsel, and included a provision whereby the client could move to Waco, attend Baylor as planned and take her daughter with her.

**One of the female inmates** at a Central Texas prison wrote [Texas Civil Rights Project](#) (TCRP) seeking relief from work on the hoe squad (on this work squad, inmates are required to bag pecans and then pick up these bags of pecans which can weigh more than 50 pounds). She has permanent back damage and has gone through multiple surgeries so that she can simply walk.

Because of her back injuries, the medical department at the facility issued work restrictions that forbade her from working a job that required lifting anything weighing more than five pounds. Despite these specific work restrictions, the inmate was assigned to lift 50-pound bags and spend her work day picking up pecans on her hands and knees. This type of work severely exacerbated her back problems. In response to this inmate's pleas, the Inmate Representation Team at TCRP wrote a letter to the warden of the unit. The letter summarized the extent of the inmate's physical limitations and included a copy of her health summary, which indicated the inmate's work restrictions. The letter requested that the warden enforce the work restrictions and accommodate her disability as provided for under Title II of the Americans with Disabilities Act of 1990 and *U.S. v. Georgia*, which applied Title II of the ADA to state prisons. Shortly after receiving the letter, the warden responded, indicating that the female inmate had been given a job change that works within her restriction limit of lifting more than five pounds.

**A fifty-eight-year-old** client lived in a small two-bedroom apartment with her son for nine years. With both of them having multiple disabilities, life was hard. So when the client woke up one morning to find the apartment flooded with water from a broken water pipe, she didn't know what to do. Luckily her landlord put them in a hotel for a few days while the water was removed. But one week after they returned to

—*Tales from the Front*, cont. p. 4

## Save the Date: Upcoming Meetings, Conferences & Dates of Interest

[Poverty Law Conference](#), April 6-8, 2011, Austin, Texas

[Poverty Law Section Annual Meeting](#): April 6, 2011, Austin, Texas

Held in conjunction with the Poverty Law Conference, the annual meeting runs from 5:00 pm to 7:00 pm

[Access to Justice Gala](#), April 26, 2011, Austin, Texas.

[National Organization of Social Security Claimants' Representatives Conference](#), San Antonio, Texas, November 2-5, 2011.

[ABA/NLADA Equal Justice Conference](#), May 18-21, 2011, Las Vegas, NV

[National Pro Bono Week Celebration](#), October 23-29, 2011

[NLADA Centennial Conference](#), December 7-10, 2011, Washington, DC

We want to share

the glory:

Be a contributing writer!

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## Poverty Law Section Officers and Council 2010-11

### Officers

Roger Gette—Chair  
*Legal Aid of NorthWest Texas*

Nelson Mock—Vice Chair  
*Texas RioGrande Legal Aid*

Emily S. Rickers—  
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*Lone Star Legal Aid*

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Special thanks to Hong  
Tran Escobar for her  
assistance with the Reporter

### **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 in poverty law, whether housing, family, benefits, healthcare access, consumer or the various other areas of law that affect the disadvantaged and low-income members of our communities.

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

## Awards Recognize Impact of Work (cont. from page 1)

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PLS applauds the work of these great individuals and their immeasurable contributions to the practice of poverty law

imposed costs on the client, whose court fees were otherwise waived by an affidavit of inability to pay costs. Duncan, Lamoreaux and Lee filed an appeal because the imposition of the added costs prevented the client from completing her pro se divorce. The Sixth Court of Appeals [ruled](#) that the

lower court abused its discretion in ordering the client to pay the costs and fees when she was “indigent as a matter of law.” The second Impact Award was presented to Pam Brown for her work to reunite abducted children with their parents and to strengthen Texas law to

protect domestic violence victims in cases involving international parental abduction. Brown, who runs the [Bi-National Project on Family Violence](#), is credited with reuniting no fewer than 40 abducted children and helping more than 370 victims of domestic violence.

—Shelby Jean

## Tales from the Front: Celebrating Our Colleagues’ Success Stories (cont from page 1)

the apartment, the client and her son were told that they needed to leave again: although the landlord cleaned out the water, he didn’t do anything to treat mold in the residence. She turned to TRLA for help, which represented her at an eviction hearing and subsequent negotiations with the landlord. But ultimately, it was a newly formed partnership between TRLA and the City of McAllen, a partner agency of the [Homeless Prevention and Rapid ReHousing Program](#), that provided the best solution. As a result, TRLA was able to find the client and her son new housing in a fully handicapped-accessible home.

**TCRP, on behalf** of a Georgetown ISD student, brought a federal suit against the school district claiming that he had been harassed and bullied at school on the basis of his perceived sexual orientation. The client, who started 11th grade in August, has been going through the same torment since he was in 5th grade. “I was spit on. I was knocked unconscious. My books were thrown in the

trash. My finger was broken, lots of stuff,” he said. As part of the settlement, the District will work with the Anti-Defamation League’s anti-bullying program, “No Place for Hate” and will undertake further steps to train faculty and students in ways to stop all forms of discrimination, bullying and harassment.

**LSLA’s client** was a 5-year-old girl who had been receiving SSI benefits since shortly after her premature birth. SSA had found her to have medically improved and was terminating the girl’s benefits. She suffers from asthma, ADHD, sensory issues, cannot play well with other children and is developmentally delayed. LSLA proved at the hearing before the disability hearing officer that the client had not improved. The client continues to receive monthly SSI payments and Medicaid to cover her medical expenses.

**The client was eight** months pregnant when she came to LANWT with an unemployment benefits issue. A single mother, the client was employed since 2008 as a school cafeteria worker. She began having health

problems early in her pregnancy, was being treated for high blood pressure and gestational diabetes. Early in her first trimester, the client was hospitalized for a few days. Upon her return to work, she informed her direct supervisor about the health issues. Shortly after, she required outpatient surgery, necessitating more missed work. Although she had informed her supervisor each time she was going to miss work, the employer issued verbal and written warnings. When the client reported back to work after the surgery, she was terminated. Her claim for unemployment benefits was denied based on work-related misconduct. She sought assistance from LANWT. During the hearing, the attorney was able to prove that all of the client’s absences were medically verifiable. Two weeks later, the administrative judge reversed the earlier decision, enabling the client to qualify for benefits just in time for the birth of her child.

—Stories were compiled by  
Legal Aid of NorthWest Texas,  
Lone Star Legal Aid,  
Texas Civil Rights Project and  
Texas RioGrande Legal Aid.