

Check it out:

Our e-newsletter contains hyperlinks

Inside:

- Tales from the Front 2
- Save the Date 3
- 2011-12 PLS officers & council members 3

'Legal Groundbreaker' Brenda Willett Receives Poverty Law Section Noble Award

Legal groundbreaker. Mentor. Relentless. Humble. These are only a few of the many words used to describe Brenda Willett, recipient of the Noble Award for Lifetime Achievements in Poverty Law by the Poverty Law Section during its annual meeting in 2011. Willett is the third recipient of the award, which honors a Texas attorney for significant lifetime professional accomplishments and years of public service in pro-

moting poverty law as a noble profession.

Willett has been a legal services attorney with what is now Lone Star Legal Aid since 1981. Working in rural East Texas, Willett has served as lead or co-counsel on an impressive array of cases, ranging from housing to public benefits to discrimination, both state and federal. She has led several class-action cases that resulted in major changes in the way nursing

home patients are eligible for care and treatment.

"Year after year, these [cases] have made a difference in the lives of the poor all over the county," said a team of poverty attorneys who supported Willett's nomination. "These cases exemplify Brenda's hard work, dedication, and tremendous heart over the last 30 years of practicing poverty law."

Willett is a contributor to
—*Noble Award*, cont. p. 4

The Chair's Corner

As sometimes happens in life, I joined the [Poverty Law Section](#) as a council member through happenstance. A coworker was asked to be considered for nomination to the Council. He declined the invite, but said that I may be interested. I was and have been an active PLS member ever since.

Over the past 5 years, we have witnessed many positive changes in our Section—the creation of an awards program to honor deserving poverty law professionals and lawyers, the strengthening of our committee infrastructure, and the development of our successful "First Friday" CLE program

(kudos to Nelson Mock).

Our membership has both grown and diversified. We not only have some 500 members, but many of these are outside the "traditional" nonprofit poverty law arena, including attorneys in private practice as well as those who are employed by municipalities or state agencies. In the coming year, we hope to add to our membership base and deepen its diversity.

I speak for the entire Council in saying that we have tremendous respect for the work that our members do on behalf of low-income people every day. We are grateful for people like Jim Harrington and Brenda

Willett, our most-recent Noble Award winners, who have made and continue to make a tremendous impact on peoples' lives, clients and peers alike.

Our members are an amazing group. Some of us are legal firebrands. Some of us love the art of negotiation. Some of us believe that saying "I'm sorry" can sometimes move the hardest of hearts. But whatever our style of practice, the common thread that unites us is the belief that the judicial system will not work if it only works to the exclusion of those who cannot afford its benefits.

—*Shelby Jean, Chair*

Tales from the Front: Celebrating Our Colleagues' Success Stories

Each day, Jayra and Luisa worked long hours at the local tortilla factory, stocking shelves, attending to customers, and washing floors. Despite working longer and longer hours, their paychecks remained the same. When they sought legal advice, it was discovered that neither Jayra nor Luisa was receiving overtime as required by law. The [South Texas Civil Rights Project](#) (STCRP) filed suit and recovered the unpaid wages as well as liquidated damages, which fully compensated the couple while providing an important lesson to the employer. Publicity generated by the case also drew attention to STCRP's weekly Know-Your-Rights legal clinic in Cameron County.

When Julia came to the VFW Post on Galveston Island, where [Lone Star Legal Aid](#) (LSLA) was participating in a legal clinic for veterans, she rode in on her motorized scooter. Homeless and disabled, Julia was living on a friend's couch and had no access to healthcare, which put her in a precarious situation. Although her VA surviving spouse pension made ends meet, her disability prevented Julia from working, but it was the tumor in her throat that kept her up at night. When both her Social Security and Medicaid claims were denied, Julia headed for the clinic. Julia, who was displaced by Hurricane Ike in 2008 and widowed in 2009, was grateful to have someone diligently prepare and argue her case for the benefits and medical assistance she so desperately needed. Because of the severity of her declining health, the local Social Security office pre-empted SSA's official decision letter and scheduled an administrative appointment to

review her financial status. When LSLA contacted Julia to advise her about the importance of attending the meeting and how to prepare for it, neither the client nor LSLA had received the ALJ's decision. Two days later, the decision arrived: it was completely favorable. Julia cried. "Merry Christmas, Julia," the lawyer told her. "It's over." With all she had been through, it had been a long, hard few years. "Thank you," she said, "you guys saved my life." Calling it her "Christmas miracle," Julia is now receiving expedited medical treatment to treat the tumor in her throat.

Clyde, a U.S. citizen, brought Isabella to the United States in July 2000 promising her marriage, children, and a bright future. Instead, Isabella's life became a living nightmare. Clyde began abusing Isabella physically, sexually, verbally and emotionally. She was not allowed to drive, have friends, leave the house, talk on the phone, or contact her family in Mexico. Eventually, Clyde prevented Isabella from seeing her children by picking them up after school and bringing them home only after they were asleep. Clyde further intimidated and scared her by threatening to call immigration to have her deported if she complained or told anyone about her living conditions. This abuse continued for several years. In fear that Clyde may kill her as he often threatened, Isabella mustered up enough courage to walk to her children's school to disclose the abuse and ask for help. The school put her in contact with local police and a nearby women's shelter, which enabled Isabella and the children to leave Clyde. With the help of the shelter, [Legal Aid of NorthWest Texas](#) (LANWT) assisted Isabella in obtaining a divorce with custody of and support for her children.

LANWT also assisted her in filing a VAWA Self Petition that would allow her to apply for residency without the sponsorship of her ex-spouse. Isabella's petition was approved and she was allowed to apply for her work authorization permit and legal permanent residency. LANWT later represented her at the interview, where she was approved on the spot. Now a legal permanent resident, Isabella is employed and has found a home to rent for her family.

Freddy is a 17-year-old model student who plays football, competes on the debate team, and boasts an A GPA. Freddy also is a victim of family violence. For many years, Freddy has sustained punches, kicks, scratches, cuts, and beatings with a belt at the hands of his mother for minor offenses like getting a 90 on a test instead of a 100. In early December, after another beating, his parents decided to send him to live in Mexico, threatening his chances of graduating and vanquishing his dream of going to college to become a psychiatrist. The move also threatened his immigration status. The high school senior applied to [Texas RioGrande Legal Aid](#) (TRLA), for help. The case presented several interesting legal issues, including immigration, domestic violence, juvenile rights, and child abuse issues. TRLA obtained a protective order, unique in that a child against a parent brought the case. The court entered a protective order against the mother and ordered the parties to find a suitable household for Freddy to reside in until he turns 18. The court made an important ruling about Freddy having been subjected to parental neglect and abuse, enabling him to pursue special immigrant status on his own behalf.

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

[Poverty Law Conference](#), April 18-20, 2012, Austin, Texas

[Poverty Law Section Annual Meeting](#): April 18, 2012, Austin, Texas
Held in conjunction with the Poverty Law Conference, the annual meeting runs from 5:30 pm to 7 pm

[Champions of Justice Gala for Veterans](#), May 1, 2012, Austin, Texas.

[ABA/NLADA Equal Justice Conference](#), May 17-19, 2012, Jacksonville, Florida

[NLADA Conference](#), December 5-8, 2012, Chicago, Illinois

We want to share
the glory:
Be a contributing writer!
Contact Shelby Jean at
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Poverty Law Section Officers and Council 2011-12

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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)

the Texas Legal Services Center Attorney Desk Reference, writing chapters on food stamps and public benefits, and was the leading force behind the creation of the Poverty Law Section.

“There has been nothing Brenda was not willing to do to help low-income clients get the highest-quality legal help,” said

another nominator, “and I cannot think of anyone who has done more to see that they get it.”

Two Impact Awards also were presented during the annual meeting last April. The Impact Award was created to recognize a Texas attorney or professional for significant work in poverty law practice. The first Impact Award was presented to

the team of Maddie Sloan, John Henneberger, and Karen Paup for their [work](#) in forcing Texas to revise its disaster spending plan post-Hurricanes Dolly and Ike. Members of two fair housing groups, Texas Appleseed and the Texas Low Income Housing Information Service, the team pressed both the state and federal governments to reassess the funds being

distributed for housing for low-income Texans. The second Impact Award went to Jack Salmon and Robert Doggett for the [“Show Me the Note” case](#), where a Texas judge rejected arguments from the mortgage industry that showing possession of a note is unnecessary during the foreclosure process. Both Salmon and Doggett are attorneys with Texas RioGrande Legal Aid.

—Shelby Jean

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

In a related case, the court has not yet ruled whether Freddy has standing to file a SAPCR on his own behalf. Stay tuned.

[University of Texas](#) law students traveled to South Texas for their yearly Pro Bono in January Winter Break trip to volunteer in a variety of projects. This January, the students continued a yearly tradition of participating in the Wills on Wheels project sponsored by TCRP and TRLA. In two evenings, students interviewed low-income individuals and couples and drafted more than 120 simple wills, which were reviewed by TRLA, TCRP, and volunteer attorneys. Clinic clients left with executed, witnessed, and notarized wills. Community organizations, Proyecto Azteca, La Union del Pueblo Entero, and ARISE helped educate the low-income families about the importance of wills, especially for homeowners.

[Carole applied](#) and was accepted at a LANWT branch office for a divorce involving domestic violence. Carole had received a protective order for herself and her child from the local district attorney's office. During the

divorce process, the attorney discovered that Carole had an IRS issue from tax year 2007 and that her refunds were being intercepted. The attorney referred her IRS issue to LANWT's Low Income Taxpayer Clinic for assistance. The LITC attorney was able to obtain relief for Carole under the Innocent Spouse doctrine. In Carole's case, the critical factor to prove was that she was a victim of domestic violence in 2007 when he filed their tax return with a balance due without her knowledge. By granting our request for Innocent Spouse relief, the IRS relieved Carole of the 2007 tax liabilities, which amounted to more than \$12,000, and is holding her ex-husband wholly responsible for the tax debt.

[Delia contacted LSLA](#) less than one month before her home was scheduled for foreclosure. After its letters to the USDA went unanswered, LSLA prepared a TRO, but because it was the weekend before the Fourth of July and a rural county, no judges could be found. Early Tuesday morning, the day set for the foreclosure sale, a judge

signed the TRO and stopped the sale. Because the defendant was the U.S. Government, the case was removed to federal court, and motion practice began with a vengeance. The judge scheduled a telephone conference with the parties before ruling on the Defendant's Motion for Summary Judgment. He was pleasant, recognizing the validity of our arguments, but his question was, ultimately, “can your client pay the delinquency?” While Delia was now in better financial condition, the USDA wanted the entire delinquency brought current, which Delia could not afford. While Delia and the LSLA attorney strategized about what to do next, LSLA received an e-mail from opposing counsel advising that the agency came up with a payment amount that could avoid the lump-sum payment. It was an amount that Delia could afford, even with the increase in tax and insurance which were sure to come. The case settled and Delia was able to remain in her home.

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