

## 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

## 'Bread-and-Butter' Legal Advocate Receives Noble Award Shelby Jean, Legal Aid of NorthWest Texas, PLS Chair

With a career highlighted by serving those who needed help on “bread-and-butter” issues, such as medical assistance or food stamp benefits, Roger Gette was honored with the Noble Award for Lifetime Achievements by the Poverty Law Section (PLS) during its annual meeting in April 2012. Roger, a lifelong legal

services attorney who spent the bulk of his career with Legal Aid of NorthWest Texas, specialized in public benefits and tirelessly advocated on behalf of his low-income clients and the homeless. Roger was in failing health at the time of the awards presentation and unable to attend, but those who

worked closely with him praised his caring ways with clients and his willingness to share his knowledge with others. Sadly, Roger has since passed, but said he was honored to have been chosen for the award by his peers.

The Noble Award for *Awards*, cont. p. 6

## The Chair's Corner

Since becoming Chair two years ago, I have become involved with several committees and organizations interested in making sure that people of modest means have access to the judicial system. The fact that this issue remains a topic of discussion in the legal community is a good thing for those who practice in the area of poverty law.

When the Poverty Law Section first formed, its primary membership base consisted of attorneys who worked at one of the three LSC-funding programs in Texas. Today, with more than 600 members, PLS membership has expanded to include a variety of attorneys and other legal

professionals whose work helps ensure that people's rights are protected and that courts are open to everyone, regardless of ability to pay. This diversity of work—and of opinion—provides us with a stronger voice to speak for those who need legal advocacy or services. Our Section is strong not only because of the size and diversity of membership, but also because of the invaluable services provided by active members, including the [Officers](#) and [Council Members](#). These individuals made my job as Chair easier by participating in hastily called teleconferences, finding speakers for our popular [First Friday](#) CLE (a great membership benefit), or

working on committees. Our Council also came together to present a “Proclamation of Appreciation” to the Supreme Court of Texas last April for its leadership in matters of concern to low-income Texans. Many of these folks will be transitioning off the Council this year, and I would like to express my thanks to them for their years of service. It is my sincere hope that they continue to serve as active Section members. Please consider joining them in service by volunteering for a committee, suggesting a First Friday presenter, or encouraging a colleague to join the Section.  
—Shelby Jean, Chair

## Tales from the Front

### **Balancing Hopes, Dreams and Reality of Legal Services, Karen Speed Miller, [Texas Legal Services Center](#)**

When designing a new legal services program, you have to balance your hopes and dreams with your reality. Hopes and dreams include the number of clients you want to serve and the depth of services you'd like to offer. But your reality is often a small budget and minimal staff.

As legal service providers, we all dream of a place where every indigent client receives full representation for his or her matter. Unfortunately, our reality is that we all are forced to turn away clients who qualify for our services because we do not have the resources to serve everyone who applies for assistance.

How can we maximize our limited resources to serve the greatest number of people? For certain legal issues, limited scope representation is a viable solution.

#### Parenting Order Legal Line

I manage the Parenting Order Legal Line (POLL), a project of Texas Legal Services Center, which is funded by the Texas Access to Justice Foundation and the Office of the Attorney General (OAG). POLL is a telephone hotline offering limited scope representation to non-custodial parents to explain and help enforce parenting orders.

Our goal was to create a state-wide legal services program that could serve at least 1,200 parents

a year, with a staff of one full-time and one part-time attorney. Limited scope representation was our only hope.

#### Outreach, Intake and Screening

Our clients find us with the help of the OAG and Legal Aid of North-West Texas (LANWT). The OAG performs outreach by including the LANWT Access and Visitation telephone number in all correspondence to parents in child support cases. LANWT refers non-custodial parents who have possession and access issues to POLL.

POLL attorneys screen callers for eligibility, check for conflicts, and create an attorney/client relationship with callers who qualify. All callers who qualify for services receive brief advice and counsel. Extensive services are offered to clients who are willing to represent themselves in court and who appear to be able to handle their own case. POLL attorneys refer clients who are unwilling or unable to represent themselves to a panel of private attorneys who agree to reduce their fees.

#### Choosing Services

But even limited scope services need to be structured so as to both meet program goals and best serve the clients. "Coaching" a client through an enforcement action is one thing, but undertaking a contested custody modification is another. To create an effective,

limited scope legal services project, you should clearly define your "menu" of services. For POLL, we decided to coach self-represented litigants through clarifications, modifications, and enforcements of existing possession and access orders. In these cases, POLL attorneys draft pleadings, orders, and instructions. The attorneys also help clients develop their evidence and testimony. They advise clients about local rules, and help them with setting hearings and giving legal notice.

This limited menu of services has allowed POLL to become very efficient with drafting court documents. We use templates for pleadings and orders. We have sets of separate instructions (written in simple, plain language with lots of pictures) for clarification, modification, and enforcement cases. We use Hotdocs and A2J technology to further streamline this process.

Defining specific goals and limiting services has allowed POLL to flourish. We exceeded performance measurements and have asked funders to increase our funding to add a full-time attorney which will, in turn, enable us to offer settlement negotiation services.

Balancing your resources with the scope of services you offer can make your hopes and dreams of helping more of the poor come true.

—*Tales from the Front*, cont. p. 4

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

Poverty Law Conference, April 3-5, 2013, Austin, TX  
Poverty Law Section Annual Meeting, April 3, 2013, Austin, TX  
ATJ Champions of Justice Gala, April 23, 2013, Austin, TX  
NLADA Equal Justice Conference, May 8-11, 2013, St. Louis, MO  
NOSSCR Conference, May 15-18, 2013, Washington DC  
NOSSCR Conference, October 9-12, 2013, San Diego, CA  
ABA Celebrate Pro Bono Week, October 20-26, 2013  
NLADA Annual Conference, November 6-9, 2013

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

Contact Brian McGiverin at  
[brian@texascivilrightsproject.org](mailto:brian@texascivilrightsproject.org)

## Poverty Law Section Officers and Council 2012-13

### Officers

Shelby Jean  
—Chair  
*Legal Aid of NorthWest Texas*

Emily S. Rickers  
—Vice Chair  
*Texas RioGrande Legal Aid*

Hong Tran Escobar  
—Secretary  
*Attorney at Law*

Tony Alvarado  
—Treasurer  
*Law Offices of Tony Alvarado*

### Council Members

Bruce Bower  
*Texas Legal Services Center*

Kevin Dietz  
*Texas RioGrande Legal Aid*

Tamara Duncan  
*Legal Aid of NorthWest Texas*

Kevin McCary  
*El Paso County  
Attorney's Office*

Brian McGiverin  
*Texas Civil Rights Project*

Diane McManus  
*Attorney at Law*

Maria Mercado  
*Lone Star Legal Aid*

Alberto Mesta  
*Texas RioGrande Legal Aid*

Matt Probus  
*Attorney at Law*

### Section Advisor

Stewart Gagnon  
*Fulbright & Jaworski, LLP*

Reporter Editor  
Brian McGiverin

Special thanks to Shelby Jean, Hong Tran Escobar, and Rebecca Flanigan for their 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.

## **Tales from the Front**

### **Litigation for Language Access, Abby Frank, Texas Civil Rights Project**

When “María” left her abuser and began the process of applying for a protective order, she was shocked to learn from a court clerk in Harris County that she needed to hire her own licensed interpreter for her hearing. María, a Spanish speaker, had assumed that the court would provide an interpreter for the hearing. Instead, she had to pay \$1,200 to provide her own interpreters each time she had to go to court over the course of a year to obtain custody of her daughter and child support.

Fortunately for Maria, friends, family members, and even her pro bono attorney loaned her money to cover the cost, but she knew many women in the domestic violence shelter where she lived didn’t have access to any financial resources. For these women, the cost of hiring an interpreter was a complete barrier to court access. María bravely filed a federal lawsuit against Harris County, with the hope of making the county’s courts language-accessible for herself and the other women at the shelter.

María’s complaint included claims under both the U.S. and Texas Constitutions, as well as federal civil rights statutes. Her principal argument was that the county’s practice of not providing interpreters interfered with her

right to due process in family court proceedings. Additionally, she argued that Title VI of the Civil Rights Act of 1964 and the Safe Streets Act prohibited the county, as a recipient of federal funding, from discriminating against her on the basis of her national origin, with language being an identifier for national origin.

Last year, TCRP settled María’s lawsuit, with Harris County agreeing to provide interpreters to indigent litigants in hearings involving domestic violence, elder abuse, family law, and child support cases. The county’s new Limited English Proficiency Plan (LEP) for Court Proceedings, which details the courts’ policies for providing interpreters, translators, and other language services, is available online.

<http://www.justex.net/JustexDocuments/0/Frequently Asked Questions/HC Approved LEP Policy MAR2012.pdf>

In addition to Harris County, the courts in Bexar, El Paso, Lubbock, and Travis Counties have recently implemented LEP plans that assure access to interpreters in civil cases. Though these plans are an encouraging development, much work still remains around the state. While courts generally furnish needed interpreters for criminal cases, civil litigants like María are, more

often than not, asked to provide their own interpreters. Sometimes they bring friends or family to interpret for them, but this can create confusion and inaccurate testimony, and raise privacy concerns. Other times, such litigants are forced to pay fees they can’t afford to exercise their fundamental rights.

Refusal by judges to provide interpreters places a heavy burden on low-income litigants and legal services organizations alike. Legal services and pro bono attorneys are often asked to assume the cost of hiring interpreters for their clients. This is a huge drain on budgets that are already stretched thin. Many legal non-profits could afford to hire an additional attorney with the money they spend annually to pay for interpreters in court hearings.

Increased access to interpreters would help the poverty law community expand our reach, both by freeing up resources currently spent to secure interpreters and making the courts hospitable for pro se LEP litigants. Whether through litigation or other advocacy, working to improve language access in our courts should remain among our top priorities.

—*Tales from the Front*, cont. p. 5

## Tales from the Front

### New Language Access Web Page, Katie Bond, [Office of Court Administration](#)

The language interpreter system for Texas courts, like the court system itself, is fragmented and decentralized. Each court is responsible for locating and scheduling interpreters. But the Texas Office of Court Administration (OCA), a state agency in the judicial branch whose mission is to provide resources and information for the efficient administration of the judicial branch, recently launched a language access webpage containing information and resources for judges, court personnel, and interpreters. The page can be found on OCA's [website](#).

The new web page contains links to state laws, federal guidelines, OCA's Texas Remote Interpreter Project (which provides free licensed court interpreters to district and county-level courts for use in certain cases involving

intimate partner violence), and Texas Department of Licensing and Regulation (TDLR)'s interpreter database and licensing program. The page also has information to help courts develop a language access plan, including links to federal guidance on language access plans, census information, and plans adopted by various Texas counties, which can serve as models. Other features on the page include an I-Speak card, and a guide for judges excerpted from "Court Interpretation: Model Guides for Policy and Practice in the State Courts," published by the National Center for State Courts. Finally, the page contains links to training programs and professional organizations for interpreters.

OCA has also recently become involved in another effort to enhance the provision of language

services in Texas courts. Texas, through OCA, has recently joined the Advisory Committee for a project funded by the State Justice Institute to develop high-quality, affordable, downloadable language access training for state court employees. The project will develop training for all court employees, as well as more intense training for bilingual court employees. The project is run by the New Mexico Administrative Office of the Courts and New Mexico Center for Language Access. Texas joins Alaska, Arizona, Colorado, Massachusetts, Nevada, New Jersey, and North Carolina on the Advisory Committee. Members of the Advisory Committee will provide input as the training is developed. Under the current project timeline, the training is projected to be completed in early 2014.

### The 'Fuerza del Valle' Workers' Center, Hector Guzman, [Texas Civil Rights Project](#)

The *Fuerza del Valle* Workers' Center is a coalition of organizations working to organize, educate, and advocate for the most vulnerable workers in our society, those who are most susceptible to wage theft and other labor abuses.

The Texas Civil Rights Project helps organize it through its Economic Justice Program.

"Wage theft" happens when an employer refuses to pay minimum wage or overtime. At its worst, it can be blatant "theft of service,"

which is a crime. It is all too common, and, contrary to popular belief, workers with citizenship and other proper documentation are among its victims. Nationwide, wage theft costs working families billions of dollars every year.

The Workers' Center initiative focuses on vigorous outreach, including frequent presentations to communities and organizations in the region, and weekly "know your rights" legal clinics. The Workers' Center hosts three

"know your rights" clinics every week in San Juan, Alton, and Brownsville. During the clinics, lawyers and other advocates offer short workshops on various legal topics including minimum wage, overtime, and immigration law.

Legal clinics are also an opportunity to conduct client intake. Some intakes are referred to government agencies (such as the Texas Workforce Commission) or pro bono or private attorneys. Others are adopted by Workers'

—*Tales from the Front*, cont. p. 6

Center for direct intervention such as confronting employers at their homes or businesses.

The Workers' Center has helped workers recoup tens of thousands of dollars using education, legal advocacy, and direct intervention. We are demonstrating that consciousness and commitment are

enough to bring change; and we are upholding the value of work by demanding that all workers are paid fairly and on time.

The Workers' Center is allied with other workers' centers in Austin, Dallas, El Paso, San Antonio, and Houston. The statewide coalition is known as the "Build a Better Texas

Coalition" and will be advocating during the legislative session for reform in the construction industry including mandatory rest breaks on state-funded construction sites and a stronger wage theft bill.

## **Project HIRED, [Legal Aid of NorthWest Texas](#)**

While the Texas unemployment rate is lower than the national average, some Texans are unable to find work no matter how hard they try. It is not a matter of trying to find a job, or even the availability of employment. It comes down to inaccuracies in their criminal record. Removing such errors is the principal mission of Project HIRED, an innovative program operated by Legal Aid of NorthWest Texas.

Implemented in 2010, Project

HIRED was founded on the principal that being employed is the primary vehicle for people to escape or avoid poverty. HIRED, an acronym for "Helping Individuals Remove Employment Disadvantages," helps job seekers remove legal obstacles to their employment, such as inaccuracies in criminal records or the inability to obtain a driver's license because of problems with a driving record. Since its inception, Project HIRED has received more than 300

applications for services Project HIRED also takes an active role in the community, partnering with social service agencies and local government entities, to concentrate on employee development and job training. "Our program provides clients with the opportunity to become employable, which is important in a rough economy," said Laura Davis, the LANWT attorney who oversees the program. "We help clients improve their chances to find work."

## **Poverty Law Section 2012 Noble and Impact Awards (cont.)**

Lifetime Achievements in Poverty Law honors a Texas attorney for a lifetime of public service in promoting poverty law as a noble profession and significant lifetime professional accomplishments in expanding the provision of legal services to those of modest means and protecting the legal rights of low-income Texans.

While paraphrasing Dr. Martin Luther King, one of the Noble Award presenters said this of Roger: "painstaking excellence, uplifting humanity, dignity, and importance: all sum up Roger Gette and his accomplishments as a legal services lawyer."

Three Impact Awards also were presented during the PLS meeting. These awards are presented to Texas attorneys or poverty law professionals to recognize a significant poverty law case or other legal relief that had a significant impact on the lives of low-income Texans.

The first Impact Award was presented to Beth Mitchell with Disability Rights Texas (DRT). An attorney with DRT (formerly Advocacy Inc.) for 17 years, Beth was recognized for her work on behalf of those with mental illness.

Karen Miller, Managing Attorney with the Parenting Order Legal

Line, Texas Legal Services Center, received the second Impact Award. The brainchild of Karen, the Legal Line helps to ensure that noncustodial parents have a positive relationship with their children.

The third Impact Award went to Julie Balovich, an attorney with Texas RioGrande Legal Aid. Julie was recognized not only for a successful Court of Criminal Appeals case, but also for her longtime dedication to low-income clients and her willingness to mentor new attorneys.