



The Tennessee Bar Association's Link to the 21st Century

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### **Law Schools and Equal Access to Justice**

*By Thomas C. Galligan, Jr.*

In 1981, I went to work for what was then a large law firm in Seattle, Washington — it had 85 lawyers. At the time MTV was being born and the first video being played on MTV was a song called "Video Killed the Radio Star." I had no idea what the practice of law would do to my little star. I also had no idea what I would do in the practice of law. My father was a lawyer. He did labor and advertising work for Colgate-Palmolive. So, I knew a little bit about what lawyers did — at least lawyers who worked for corporations. Additionally, while my father was a lawyer by day, he was also a lawyer by night and on the weekend. The practice of law was one of his hobbies. (Yes, I know what the mental health experts say.) My father wrote wills for people, helped them buy and sell their houses, helped them with divorces, and did various and sundry other tasks for which he charged either nothing or very little. Since my father did not drive a car, once I learned to drive and turned eighteen, I was frequently called on to be a witness of wills throughout the state of New Jersey.

But, that was my father's career. What would I do? Who was I as a lawyer? In my firm, I was joining a department called Commercial Litigation, whatever that was. Early in my tenure with the firm a man with thinning and not too carefully combed hair and a little beard that we now call a van dyke came into my office. This guy was moving in every direction at once. He looked a little bit like the main character in the Trogg song "Wild Thing." To make matters even more confusing, the office in which I was working was not really mine. It belonged to a senior partner in the firm who had suffered a stroke. The partner had kept his office because his doctor had said that it was good for him to have a place to periodically go. I had been warned that if the senior partner in whose office I was housed ever entered the building I was supposed to get out of the office before he noticed I was in it. Believe me, I felt welcomed. That day just for a second I was worried that the person in front of me was the partner in whose office I was

bivouacked. But then it occurred to me that this guy was a little bit too young and a little too frantic. In fact, he was not the lawyer in whose office I was a squatter.

The person in my office was a partner in the firm named Matt Kenney. Matt had been at the firm almost ten years. Before that he had been an antitrust lawyer for one of Washington, DC's most prestigious firms. Matt said he was in my office to find out if I was a New York Yankee fan. Matt was from Long Island — Billy Joel country. I was from New Jersey — Bruce Springsteen territory. We were kindred spirits. And, yes, I was a Yankee fan like him. But, what Matt really wanted to know was when I was going to go to Evergreen Legal Services. This was ELS, not ELO. Matt explained that two times a month someone from our firm went to Evergreen Legal Services to meet clients. If appropriate we would take the clients back to the firm with us and open files. One of my former clients still calls me.

Matt did not ask me if I wanted to go to Evergreen. He did not ask me if I satisfied my pro bono obligation by doing something other than representing those in our society who would not otherwise be represented. He didn't ask me if I preferred impact cases to the kind of cases I would be handling through Evergreen. He asked me, quite simply, when I would be going to Evergreen Legal Services! Matt told me that it was my responsibility to go and represent people who would not otherwise be represented. He told me that our justice system depended upon it. He informed me that providing legal services to low income individuals was my obligation as a practicing attorney. I believed him then, and I'm still a believer. I couldn't change my mind if I tried. With Matt in my office that day, I just signed up. Like the Rolling Stones were singing back then "Start Me Up."

Others asked Matt about billable hours at the firm. He told them that their work through Evergreen Legal Services counted as part of their billable hour requirement. Some asked Matt about staff support. He explained to them that at our firm at that time all our staff support services were available for our Evergreen clients. Still others started to ask him more questions but Matt would tell them that they would become better lawyers through their representation of Evergreen clients. He told them that it was a firm commitment. He didn't care about political commitment; he didn't care what school you went to, what your upbringing was, what your race was, what your gender was, or what your sexual orientation was. He just wanted lawyers to handle cases through Evergreen Legal Services.

A few years later after I left the firm to go into legal education, Matt left the firm to join the Peace Corps. While Matt was away the firm commitment to Evergreen Legal Services and to low income individual representation/pro bono work dwindled. Now, Matt is working for another firm but he still does pro bono work like crazy. Now, he works the phones at the Pacific Northwest Justice Center advising people about family law and domestic violence issues. He is still doing his thing.

Matt Kenney has inspired many people. He lost many others, but like Bob Seiger said, he's "Still the Same." He doesn't focus on the losses, he doesn't focus on the gains. He focuses on the individuals who call him on the phone and seek and need his legal advice. Among those who Matt inspired is John McKay, the person who is now in charge of the Legal Services Corporation. While I will go on from here in this little piece to talk about what law schools can do and The University of Tennessee's Equal Access to Justice Colloquium last fall, I'm writing this because of my friend Matt Kenney. We need more Matt Kennes. We need people like Matt in law schools, in law offices, and in legal aide societies.

But now let me tell you a little bit about what we did at The University of Tennessee on October 13 & 14, 2000. The Association of American Law Schools is sponsoring a nationwide, nineteen colloquia series on Equal Access to Justice. I'm proud to say that my colleague, Professor Dean Rivkin, is the national project Director. Through Dean's hard work The University of Tennessee was lucky enough to host one of the first colloquia. Our colloquium was called Building an Equal Justice Community. Our title reminded me a little bit of the Jesse Collin Young and The Youngblood's song "Everybody Get Together." Well, we did get together. The colloquium was extremely well attended, particularly by many of the people who represent Tennessee's under-represented through Tennessee's legal service providers. The colloquium was a day of extremely good interchange and conversation.

We had programs on perspectives on legal needs, directions for law schools, community legal assistance networks, the impact of the civil justice planning process on access to justice in Tennessee, immigration advocacy, innocence projects, pro bono representation, and forging new roles and relationships to promote equal justice. We hope very much that over the two days

existing relationships were cemented and new relationships were born. We hope that we provided a forum for us to talk about some of the most pressing issues, and that we impressed upon you that we legal educators want to play a role in what you do. But, what as legal educators did we get out of it? Or, what more can we do? Like Steve Earle says, "I ain't ever satisfied."

Basically, as legal educators, we all know that we do instill values. At the colloquium, we were reminded that we legal educators can have a profound impact upon our students' views on public interest work, legal service work, and pro bono work. While we instill values we certainly do not all agree on everything in the academy. That's one of the things that makes us diverse, distinctive, and devoted to what we do. But while we don't all agree, we do know that we can work hard to create a culture of service among our students. Like Matt Kenney did at my law firm, we can do more to impress upon our students the importance of public interest work and pro bono work. Whether they go to work for a legal service provider, a public defender, a prosecutor, or a large law firm, our students can all do public interest work. They can all do pro bono work. You can help us to create a culture of service in the academy. On Friday, October 14, our students heard from you, public interest and public service lawyers of the state of Tennessee. It made a great difference to them. We thank you.

Moving from values to resources, we all have limited resources. Legal service providers need money; we need money. But, by combining our efforts we, together, have more resources than we have alone. Law schools add resources to the battle to provide access to justice for all. We provide real people who handle real cases. First, we provide people through our clinics. At least three of the four law schools in Tennessee have clinics. The UT clinic has been open and providing legal representation to the needy since 1947, the longest continually operating legal clinic in the United States. Now, almost seventy University of Tennessee College of Law students per year work in our clinic. That is almost one half of each graduating class. In the clinic our students are supervised by our extremely able faculty. The ratio is eight students to every one teacher, or better. That is a serious and profound commitment of resources to what we think is an important educational mission. Additionally, at the University of Tennessee, like Tennessee's other law schools, our students participate in pro bono activity. One of the ways the University of Tennessee's students participate is through our student led UT Pro Bono Project. The students work with the Knoxville Legal Aid Society at its Saturday bar and with its domestic violence project. They also work with faculty and others to provide assistance at homeless shelters throughout the Knoxville area and are now creating an Innocence Project. Other students work through our Volunteer Income Tax Assistance Program to help people with their taxes. We are working with Rural Legal Services of Tennessee to develop a tax clinic, remember the Beatles and "Tax Man." While we do good work we can do better. We must sustain our relationships with you. The pro bono directors of the legal service organizations need to be with us more and we need to be with them more. They need to be present in Tennessee's law schools. Our faculty needs to build relationships with you, too. There are certainly ways in which those faculty who choose to do so could help. We need to continue to "count" pro bono and we need to publicize what our faculty and students are doing. We need to talk to law firms about how important pro bono work is not just to our system of justice but also to our students and how it will enrich their lives.

We can also provide research resources. We have students who can help with research on briefs, on pleadings, or in the development of flow charts that would aid pro bono attorneys to understand areas of the law in which they have not worked before.

We can help to build bridges with other departments within the university. Now, our clinical faculty at UT are working with the Department of Psychology to give clinical psychology students the opportunity to work with clinic clients. Perhaps we could build bridges to social work and language resources as well.

Of all we do, our core strength is teaching. Law schools could help with training for legal service attorneys. We could provide substantive training. We could provide assistance with trial practice and evidence training. We teach; we can help you there. At The University of Tennessee we have an Advocacy Center which has sponsored programs with the Habeas Institute, the Tennessee Association of Criminal Defense Lawyers, and more. In addition, we have put on an ABA Section of Litigation program for legal services attorneys, the largest of its kind in the country.

Like you, we are on the verge of a new technologically driven environment. Together, we could learn more. Together, we could learn more from those people who know more than us — our students.

What about some possible limitations on law school involvement in public interest and pro bono work? First, there is a resource issue and I have discussed that issue. Second, as in many law school activities there is the issue of cycles. Interest in activities ebbs and flows. As I mentioned earlier, our relationship with legal service providers must not ebb. We must sustain it but it will be a challenge as different student groups throughout the years will be more or less interested in public interest or pro bono work. We must work hard to even out the inevitable affects of these natural cycles.

Another issue is actually one of our strengths. As I said earlier, we are a diverse intellectual community. We all don't believe the same thing or feel the same way. A big part of what we are about is tolerating those differences. One remembers the Crosby, Stills, Nash and Young song (yes, Young was in the group then) "We Can Change the World" (Graham Nash sung it). Well, everybody doesn't want to change the world. Some work hard to avoid changing the world. Consequently, personal relationships will be much more promising and enduring than institutional commitments or slogans. Personal relationships will do more to build meaningful programs than philosophies or concepts, but then that's my bias about how the world works. I may be wrong.

Let me conclude with just a few ideas about law schools and Tennessee's legal service organizations. First, I am personally excited by the task forces which you have built and which you continue to build upon. These are state wide work groups that, at least to this observer, show real promise. I would urge you to consider trying to get more faculty involved in those task forces. Faculty then could try to organize students into groups along the task force lines. As a result the task forces would become rich, inclusive groups. I'm thinking about Carole King and "Tapestry" here.

Secondly, I had the good fortune to be invited to the annual meeting of the Tennessee Association of Legal Services to address you last fall — actually, most of what I have written here is based upon that talk. It would be a wonderful thing if clinical faculty from Tennessee's law schools and pro bono coordinators from those law schools could join you at Fall Creek Falls as well. The relationships that could be built would improve overall access to justice.

Finally, fellowships that would allow you to take a sabbatical from your legal services work and come spend a semester with us as a resource person for our clinical programs and our pro bono efforts would be a phenomenal step in the right direction. Being with law students energizes a person. It recommits us to why we went to law school in the first place. Not only would the fellowship have a positive impact for legal service lawyers but would be a wonderful help to law schools. In conclusion, let us keep working together. Let us build on our relationships and do even more. Like the song says (or at least it should) 'Let's Keep on Rockin'.' n

Thomas Galligan is the Dean of the University of Tennessee College of Law.

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## **Predatory lending**

*By Margaret Barr-Meyers*

There has been much in the news recently about "predatory lending" and its devastating effects on the poor and the elderly. What is predatory lending and what is being done about it here in Memphis and throughout the country?

Beginning in the early 1990's, the U.S. saw a proliferation of loan-makers that were not regulated as banks are. These lenders focused their efforts in geographic and ethnic areas that had become underserved by traditional banks. Inevitably, the people to whom these "subprime" loans were made were minorities and low-income. Lenders justified charging high fees and interest rates, claiming these types of loans were risky and likely to end in default by the borrower.

After years of these practices, some subprime lenders and mortgage brokers have become "predators" and simply victimize unsophisticated consumers who want nothing more than to own their own home or have some money to repair the home they already own.

We, at The Memphis Fair Housing Center, a part of Memphis Area Legal Services, Inc., have seen two primary manifestations of predatory lending in the Memphis area. The first targets persons who are looking to purchase their first home. Typically, these persons are African-American, and uneducated. They rely upon a real estate agent, who purports to represent them in locating and purchasing a house. The transactions are engineered to produce income for the agent, the appraiser, the mortgage broker, and others – by grossly inflating the price of the home and deceiving the borrower about the price and the terms of the resulting loan they receive from the lender.

The second, and probably more despicable practice, involves the refinancing of and home improvements to the houses of long-time homeowners. The victims in this type of predatory lending are minority, elderly homeowners, most often women. They are bombarded with solicitations from mortgage brokers and home improvement companies, who promise that these consumers can consolidate their bills, obtain needed repairs to their house, and have a low monthly payment as a result. Unfortunately, by the time the elderly consumer realizes that she has been deceived, she has a mortgage on her house, shoddy repairs, and notes each month that she cannot afford. It is all too heartbreakingly common for a victim in this scenario to end up in foreclosure, after living for decades in a home she thought she could one day pass on to her children.

The Memphis Fair Housing Center is currently involved in litigation involving both types of predatory lending. The legal claims include violations of the Truth in Lending Act, the Tennessee Consumer Protection Act, race discrimination, fraud and conspiracy. The tactics and practices of the numerous defendants are coming under close scrutiny. We are hopeful that more litigation in this area will help eliminate many of these practices that are used to harm our clients.

A more permanent solution involves legislative changes – both at state and federal levels. Some states, including North Carolina and New York, have passed laws restricting the practices of subprime lenders. Hopefully, with heightened public awareness and regulatory changes, along with ongoing advocacy, predatory lending will become a thing of the past.

*Margaret Barr-Meyers is the managing attorney of the Memphis Fair Housing Center at Memphis Area Legal Services Inc.*

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## Guest Opinion: Where's the consideration?

*By Michael Roebuck*

Imagine this. You are a 75-year-old stroke victim, bound to a wheelchair with difficulty communicating – all as a result of your stroke. You are on fixed income – social security. You receive a little over \$830 per month to live on, which is not much, but you manage – you barely manage, but you manage. You have a house with a mortgage. The mortgage rate is around 8%. Your payments are \$220 per month, a little more than a fourth of your income. You have a few small debts amounting to about \$339, and you are a little short of cash most of the time.

Then one day a telemarketer calls with what sounds like the answer to your prayers – a loan that will not only pay off those debts, but will also put some cash in your pocket. You need the extra cash and it all sounds good so you tell them you are interested. Shortly thereafter a “pretty lady” from the Tennessee Home Loan Mortgage Corporation shows up on your front porch with \$1,000 cash and a stack of papers for you to sign. She assures you that she is there to help you, and you believe her. You sign the papers not really knowing what you signing, relying on the assurances of the “pretty lady” who says she is there to help you. She not only gives you the \$1,000, but also says she will pay off your other bills totaling \$339. The total value you receive is \$1,339. In exchange, you unwittingly agreed to allow the Tennessee Home Loan Mortgage Corporation to refinance your home. To do this they charged you \$6,051.04 in settlement charges. Your mortgage payment went from \$220 per month, an amount you could barely afford, to \$347 per month, an amount you could not afford. Your interest rate went from 8% to 12.762%. The difference in payments between your old and new loans over the life of the new loan is approximately \$45,800 – a very high price to pay for a loan of \$1,339.

It seems to me that \$1,339 is inadequate consideration for a return of \$45,800. In fact, it seems

to me that this deal is tantamount to theft on the part of the Tennessee Home Loan Mortgage Corp. Yet deals like this are being made every day in Tennessee. The result is that many elderly individuals and others are losing the one large asset that they own — their homes. Southeast Tennessee Legal Services is hoping that it can help people like this elderly gentleman. But there are too many of these transactions taking place in Tennessee every day for legal services and pro bono programs to help everyone. The result is that foreclosures are increasing at an alarming rate.

Legislation is needed to help prevent these lending scams and to provide remedies to their victims. Currently, there is a bill pending in the Tennessee legislature (SB1158/HB1445) that would do just that. The bill is sponsored in the House by Representative Cole of Dyer. Senator Herron is sponsoring the bill in the Senate. The bill is modeled after legislation that was passed in North Carolina. I would urge your support. Information on the bill is available under the Bills section of the legislature's Website: [www.legislature.state.tn.us/bills](http://www.legislature.state.tn.us/bills).

*Michael Roebuck is the executive director of Southeast Tennessee Legal Services.*

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## Hamilton County Judiciary Promote Judicial Accommodation for Pro Bono

*By Amy Allison*

The Hamilton County Judiciary accommodates attorneys when they are handling pro bono cases for Southeast Tennessee Legal Services (STLS). Attorneys are busy people who don't want to waste time hanging out in courtrooms waiting for docket call or motion calls. This is especially true if the particular case they are handling is a pro bono case. The solution is simple too. All pro bono cases accepted through legal services are called first at a trial, hearing or motion. The procedure is simple enough. When attorneys are handling legal services' pro bono cases in Circuit or Chancery court, they contact the Chancellor's secretary or the Circuit Court clerk and the case is placed first on the docket. The fact that it is a pro bono case is known only to the client, the attorney, and the secretary or clerk. The benefits of this accommodation are obvious. The client still has advantage of free legal representation but gains saved time and an attorney with a much-improved attitude, the attorneys (on both sides) save time, and the judges promote pro bono services.

Hamilton County's judiciary should be commended for their continued support for pro bono.

*Amy Allison is the former pro bono coordinator at Southeast Tennessee Legal Services.*

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## Building an equal justice community

*By Linda Warren Seely*

In response to the critical national need to provide adequate legal representation to low-income persons, the Association of American Law Schools (AALS) began a project calling on law professors to work to improve universal access to the legal system. During the 2000-01 academic year, the AALS is sponsoring 19 Equal Justice Colloquium at various law schools across the country. One of the Equal Justice Colloquia was held at the University of Tennessee Law School on October 12-13, 2000. Attended by over 75 attorneys, professors, judges, and law students the Colloquium, titled "Building an Equal Justice Community," began Thursday evening with a Keynote speech by Jennifer Gordon, Executive Director of the Workplace Project of Long Island, New York.

The program on the following day began with a plenary session that focused on various perspectives of unmet legal needs in Tennessee presented by panelists Gordon Bonnyman of the Tennessee Justice Center, Neil McBride from Rural Legal Services of Tennessee and Mariah Wooten, with the Federal Public Defender Services. A second plenary was presented that morning featuring law school personnel Frank Bloch from Vanderbilt Law School, Susan Bryant from the City University of New York Law School and the Consortium Project and Deseriee Kennedy of the University of Tennessee School of Law. These law school professionals discussed

the different directions they had steered their students and several types of pro bono and clinical requirements they had made of their law students and how their ideas might be implemented in other law schools.

In the afternoon, registrants had the opportunity to attend one of six workshops provided. These workshops included Building Community Legal Resource Networks for Law School Graduates, Building an Equal Justice Community Through Civil Justice Planning, Building an Equal Justice Curriculum, Building A Justice Network for Tennessee's New Immigrant Population, Building an Innocence Project and Building Pro Bono Representation. There was a final plenary entitled Paths for the Future: Forging New Roles and Relationships to Promote Equal Justice.

The 19 Colloquia to be held throughout the United States and the Equal Justice Projects are the initiative of Professor Elliott Millstein of American University's Washington School of Law. The Project, according to Professor Millstein, "seeks to inspire law faculty to participate-through their teaching, scholarship and service- in the tremendous challenges of providing effective representation to the large numbers of people and communities left out of today's legal system."

The Project is being funded by a grant from the Open Society Institute in an effort to forge greater cooperative efforts between law school faculty, students, legal services lawyers, public defenders, nonprofit lawyers, public interest lawyers, and pro bono lawyers with a focus of the issues of equal representation in the current legal system. The Project Director is Dean Rivkin, a Professor of Law at the University of Tennessee and author of *Reflections on Lawyering for Reform: Is the Highway Alive Tonight?*, 64 *Tenn. L. Rev.* 1065, (1997). According to Professor Rivkin, "The delivery of competent legal services to many segments of our population is reaching crisis proportions. Poor people lack proper representation in our civil and criminal systems, our juvenile courts and in the pervasive administrative tribunals that determine important issues for people...Law schools have an important role to play in helping solve these problems..."

The AALS Equal Justice Project has articulated five goals. They are:

- To develop models that can be used in different law school settings to encourage teaching, scholarship, and service activities that support the provision of legal services to underrepresented groups.
- To stimulate throughout the law school, cross-cutting interest in and commitment to the provision of legal services to underserved individuals, groups and communities.
- To establish formal relationships between law schools and equal justice communities aimed at promoting on-going support for the provision of legal services to underserved individuals, groups and communities.
- To evaluate the effectiveness of the variety of models and approaches that emerge from the Project with the goal of creating sustained commitments to equal justice education, scholarship, and work in law schools at the national and local level.
- To encourage collaboration among law schools and their faculties in addressing the pressing issues and themes considered in the Colloquia.

*Linda Warren Seely is an attorney and pro bono coordinator at West Tennessee Legal Services.*

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## Law school news: New initiatives at UT pro bono

*By Douglas Blaze*

U.T.Pro Bono, the student-directed pro bono program at the University of Tennessee College of Law, has undertaken a number of new projects and initiatives this year. Now in its seventh year at the College of Law, UT Pro Bono works in cooperation with pro bono attorneys and legal service providers to serve as a resource by providing law students for research, educational, investigatory assistance.

Under the leadership of this year's student co-directors, Jennifer Lichstein and Steve Johnson, UT Pro Bono has established three new programs and significantly increased student participation. Over the course of the fall semester alone, more than 40 students have participated in one or more UT Pro Bono projects, performing more than 360 hours of service. The new projects include the Family Justice Project, the Hispanic Assistance Project, and the Tennessee Innocence Project.

Family Justice Project

The Family Justice Project utilizes law students to interview and conduct legal "checkups" for families of elementary school students at three schools in Knoxville. Each of the three schools is a "full service school," meaning that the schools go beyond their traditional educational role to help provide needed social services to students and their families. Many of the families of the elementary school students have a variety of legal problems. For example, the families may be unaware of, or having difficulty obtaining, needed services or public benefits.

UT Pro Bono students, in coordination with the Knoxville Legal Aid Society (KLAS), visit the schools to meet with parents and families. The law students, under the supervision of KLAS attorneys, help spot legal issues and problems and try to address those problems by providing needed information, legal advice, or representation. Rachael Moses is the student project coordinator and former-dean, Dick Wirtz, is the faculty advisor.

### **Hispanic Assistance Project**

The UT Pro Bono Hispanic Assistance Project (HAP) has evolved out of participation by UT law students at "Second Sunday" — an experimental monthly program at Sacred Heart Cathedral for the growing East Tennessee Hispanic population. During Second Sunday teams of attorneys and interpreters, such as law students with Spanish language skills, answer legal questions, provide advice, and refer matters to participating attorneys. The HAP student coordinator is Verena Meiser; the faculty adviser is Fran Ansley.

Currently, the goal of HAP is to assist in organizing and scheduling attorneys and interpreters for Second Sunday. In the future, student volunteers will be involved in other ways. For example, students will help develop materials on a range of legal topics. Students will also be available to assist lawyers that accept case referrals from the program.

UT Pro Bono HAP recently co-sponsored the visit to the University of Tennessee of Diego Cadenas Gordillo, a human rights attorney from Chiapas, Mexico. Mr. Cadenas spoke to students and faculty about the civil rights and human rights struggles of the indigenous peoples in Mexico.

### **Tennessee Innocence Project**

Supporting the initiative of the Tennessee Association of Criminal Defense Lawyers (TACDL), UT Pro Bono has committed to providing student assistance and office support to help establish the Tennessee Innocence Project. The Innocence Project is part of a nationwide initiative devoted to making certain, through utilization of DNA technology and other methods, that no innocent person remains in prison. Once the Tennessee Innocence Project is fully operational, UT Pro Bono students will review applications for assistance from the Tennessee prisoners, investigate cases, and provide research assistance to the Tennessee Innocence Project volunteer attorneys. An intensive student training program is planned for the spring 2001 semester.

The project is being spearheaded by student coordinator Steve Johnson, TACDL President Ken Irvine, and faculty advisor Jerry Black. All three of the project leaders recently attended a training at Northwestern University conducted by Barry Scheck, Peter Neufield, and Larry Marshall, all founders of the National Innocence Project.

UT Pro Bono, of course, continues to operate several other ongoing projects. One of the most successful is the domestic violence project operated in partnership with the KLAS and supported by a grant from the U.S. Department of Justice. Students participating in the domestic violence program help provide representation to victims of domestic violence seeking orders of protections in the Knox County courts. Students also continue to participate in the KLAS Saturday Bar Program, and the UT Pro Bono Homeless Project through which law students regularly visit local homeless shelters to provide legal advice and case referral.

Much of the success of UT Pro Bono is due to the significant support of the administration of the College of Law. Dean Tom Galligan, in particular, has been very supportive of the program both with his time and with financial assistance. This year, for example, the College of Law has provided funding for three student fellows to handle the day-to-day operations to the overall program and to facilitate coordination between the various component projects. In addition, Dean Galligan has established a new faculty committee to facilitate and coordinate pro bono and public interest activities throughout the law school.

*Doug Blaze is the director of the UT Pro Bono Clinic.*

## **10 year anniversary for Memphis Clinic**

*By Larry Pivnick*

January 2000 marked the tenth anniversary of the University of Memphis Legal Clinic, a unique

joint program sponsored by the University of Memphis Law School and Memphis Area Legal Services, Inc. (MALS). The Clinic is staffed with third year law students, pursuant to Tennessee Supreme Court Rule 7, who are permitted to represent indigent clients, assigned by MALS or by court order, under direct supervision of Law School employed professors and managing attorneys and/or MALS employed attorneys.

The Clinic began with eight students as a General Sessions Clinic located at the C and Y Clinic (the former Collins Chapel Hospital) in January 1990. I, as a professor of law at the University of Memphis Law School, and Connie Ross and Mary Mayham, staff attorneys at MALS, were the initial supervising attorneys at the Clinic. Participants at the original Legal Clinic fondly remember interviewing clients and conducting staff meetings in the non-air conditioned surgical suites and patient rooms at C and Y. Karen Dennis, former Executive Director of MALS, was instrumental in the creation of the Clinic.

Through January 2000, the Clinic has expanded to three Clinic units: a General Civil Litigation Clinic (including, but not limited to, General Sessions cases), an Elder Law Clinic, and a Child Advocacy Clinic. During this time, in addition to Connie Ross and Mary Mayham, Clinic supervising attorneys have included MALS attorneys Karen Tyler and Deborah Brooks, former MALS attorneys Carl Seely and Bill Robilio, former Middle Tennessee Legal Services attorney Donna Harkness, and Mark Ward, head of the appellate unit of the Shelby County Public Defender's Office. All of these Clinics now operate out of MALS' downtown offices, and these combined Clinics currently train up to 24 students per Fall, Spring, and Summer terms.

As the Clinic entered its second decade and the new millennium, the Clinic added a new Domestic Violence Clinic in January 2000. The Domestic Violence Clinic is a joint program sponsored by MALS, the Law School, and the YWCA Abused Women's Services, and is supported by a grant from the United State Department of Justice. The Domestic Violence Clinic has enrolled six students during each of the Spring, Summer, and Fall 2000 terms, and has assisted MALS' clients in obtaining orders of protection, divorces, and other needed services.

The current clinic staff consists of Professor Lawrence Pivnick as Clinic Faculty Director; Connie Ross as managing attorney/instructor for the General Litigation Clinic; Donna Harkness as managing attorney/instructor for the Elder Law Clinic; Bill Robilio as managing attorney/instructor for the Child Advocacy Clinic; Ruth Knotte and Laura Relf, managing attorney/adjunct instructor and staff attorney respectively, for the Domestic Violence Clinic.

Through November 2000, the University of Memphis/MALS legal clinic programs have trained over 500 law students and have provided needed legal services to more than 4000 MALS clients. Through their participation as students at the Legal Clinic, a new generation of young lawyers has learned to appreciate the great need for pro bono representation for indigent clients and the great satisfaction in providing these services. MALS and the University of Memphis take pride that many of our Clinic's graduates have chosen to practice law as legal services attorneys, e.g., MALS attorneys Nancy Kessler, Lucille Bond, and Brenda Oates-Williams, and CLC Director Bruce Ralston. Many other graduates, now in private practice, have generously volunteered to serve on MALS pro bono panels and have otherwise provided pro bono representation.

## **Pro bono opportunities abundant for NSL students**

*By Tina Sitz*

Nashville School of Law (NSL) students wear many hats. As a non-traditional law school, most students are full-time employees, spouses and parents as well as being students. Because of the multiple responsibilities of the student body the traditional legal clinic found at most law schools is not a practical possibility here. However, the spirit of volunteerism is alive and well at NSL and you will find a large number of the students contributing to the pro bono effort in their cities and communities through programs offered by the school and faculty.

There are many advantages to those students who choose to participate in pro bono work. It often gives the students a great feeling of pride in the profession, guidance for what areas of the law they might want to focus on in their careers and often volunteer jobs grown into potential job opportunities for the student.

One of the programs offered at NSL which offers opportunities for pro bono work gives the student practical experience is the internship program. This program provides for student credit for performing a minimum of 50 hours of work for a district attorney's office, a public defender's

office or an approved legal services organization. Students apply for and work with a limited license pursuant to Supreme Court Rule 7. This provides a very symbolic relationship in that it gives the student hands on experience dealing with clients, courts and Judges, while providing much needed assistance to often over-worked individuals in these offices and at the same time providing much appreciated assistance to individuals in need of legal services.

Another opportunity at NSL for pro bono activity is through the Wills Project. Student in Mr. Harland Dodson's third year Estate Planning class are given the opportunity to work with a program that benefits the YMCA Youth Action Program. Mr. Rocky McElheney, NSL alumni, and chair of the project through the Young Lawyers Division in Davidson County, explained that this was a good opportunity for students to learn the mechanics of drafting a simple will while benefiting a great organization. The way the program is that participants who desire to have a simple will drafted donate \$99 to the YCAP program. The volunteer students are assigned to the participants. They meet with them, assess their needs and draft their will. The wills are then reviewed by a panel of five participating attorneys. The students then participate in the execution of the will. This is another good opportunity for the students to receive valuable experience, provide needed services and benefit the community.

In the hustle and bustle of work, parenting, community involvement and school, NSL students are still finding time to experience the benefits of participating in pro bono projects. Hopefully these experiences will ripen into heightened commitments to pro bono work when they become practitioners in their own communities.

*Tina Sitz is an attorney at Stephens & Stephens in Tracy City. She is a NSL alumni and was the 1999 TBA Law Student Volunteer of the Year Award winner.*

## **Vanderbilt's clinic legal education program**

Vanderbilt's clinical legal education program includes clinical courses on civil, criminal, and juvenile practice. Students enrolled in clinical courses represent clients under close supervision by members of the Law School's clinical faculty. The cases are handled through the Vanderbilt Legal Clinic, a legal aid office located in the Law School building.

The general educational goals of the clinical program and its clinical courses include teaching students basic lawyering skills, such as interviewing, negotiation, case preparation, and trial and appellate practice; introducing students to the operation of the legal system and to the participants in that system; and developing in students an understanding and appreciation of issues of professional responsibility. Clinic students spend most of their time on casework, learning from the experience of working in a professional role.

Each of the three clinical courses presently offered at Vanderbilt - Civil Practice Clinic, Criminal Practice Clinic, and Juvenile Practice Clinic - are structured to prepare students for their casework and to provide them with support and supervision in the representation of their clients. All clinic students attend a series of introductory classes that include readings, simulation exercises, and group discussions related to selected basic lawyering skills and the operation of the Vanderbilt Legal Clinic. In addition, for each clinical course there are supplemental classes covering issues of substantive law and procedure relevant to the types of cases handled in that particular course.

Students in the Civil Practice Clinic handle a range of general civil matters, including Social Security, administrative hearings, landlord/tenant disputes, and special education cases. Students in the Criminal Practice Clinic represent defendants in criminal proceedings, including felonies, and in selected post-conviction proceedings. Students in the Juvenile Practice Clinic handle the full range of cases adjudicated in Juvenile Court, including juvenile delinquency, child neglect and abuse, and child support. Clinical faculty participate in and supervise the casework throughout the semester. Individual and group case review sessions monitor the students' client representation.

Students may take any clinical course for either one or two semesters. Clinical courses are offered for academic credit on a pass/fail basis. Three credits are awarded for the first semester a student is enrolled in the course, during which the student must attend both the general and the clinic-specific introductory classes. Two additional credits are awarded in the optional second semester of the course when the student concentrates exclusively on casework.

Student caseloads are controlled carefully in order to create an optimal environment for learning and to assure the highest quality representation for the clients of the Vanderbilt Legal Clinic. On average, clinic students are expected to devote approximately eight hours per week to their casework. However, workloads vary considerably during the semester in clinical courses with substantial commitments of time required when a case becomes particularly active.

*This year, the clinic will be expanding to include the Child and Family Policy Clinic. This clinic will be directed by former Davidson County Juvenile Judge, Andy Shookoff.*

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## Access to Justice Award winners honored

The Tennessee Bar Association (TBA) presented its 2001 Access to Justice Awards at the opening of the new Tennessee Bar Center, Jan. 19 in Nashville. The winners, chosen by the Access to Justice Awards Committee, were presented by TBA President Katie Edge.

Jennifer Lichstein of Knoxville won the Law Student Volunteer Award. This award recognizes a Tennessee law school student who has provided outstanding volunteer services while working with an organization that provides legal representation to the indigent. Lichstein is a student at the University of Tennessee College of Law where she is the co-director of the Pro Bono Project. Outside of the law school she has interned and volunteered with organizations like the Kennsington Welfare Rights Union in Philadelphia, the Haitian Refugee Project in Miami and Lambda Legal Defense in Atlanta. She was also a leader in the campaign to repeal the Spousal Rape Exemption Law in Tennessee.

Cleveland attorney Debra House has won the Public Service Award. This award is given to an attorney who has provided dedicated and outstanding service while employed by an organization that is primarily engaged in providing legal representation to the poor. House graduated from Western Michigan University in 1981 with a degree in sociology. She earned her law degree from the University of Tennessee College of Law in 1988. For the past 12 years, House has worked for Southeast Tennessee Legal Services (STLS) where she currently serves as deputy director. She has previously worked as the managing attorney for the Cleveland office of STLS and the project director for the organization's Elder Law Hotline.

Clarksville attorney Gregory D. Smith has won the Harris A. Gilbert Pro Bono Award. The Harris Gilbert award recognizes a private bar attorney who has contributed a significant amount of pro bono work and has demonstrated dedication to the development and delivery of legal services to the poor. Smith is an active volunteer with the Legal Aid in Montgomery County, serving on the board of directors and chairing the Pro Bono Committee. His distinguished pro bono record includes both civil and criminal cases. Smith graduated from Cumberland School of Law in 1988 and earned a degree in political science from Middle Tennessee State University in 1985.

This year the TBA will also present a special posthumous award to William Edgar Eddie Simpson. Given in memory of Simpson's outstanding pro bono contribution to his community, this award recognizes the importance of pro bono service in rural areas. Prior to his death from injuries sustained in a plane crash in October 2000, Simpson was in private practice in Selmer, Tenn., and an active volunteer for West Tennessee Legal Services. He received the Pro Bono Attorney of the Year for McNairy, Hardin and Chester Counties in the summer of 2000.

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## Tennessee Justice Center celebrates 5-year anniversary

*By Suzanne Robertson*

Curry Worsham wheeled his wife, Erin, into the Tennessee Bar Center, as their 7-year-old son Daniel danced around them. They had come to help celebrate and support the fifth anniversary of the Tennessee Justice Center (TJC), an organization that changed their lives. TJC attorney Michelle Johnson had helped the Worshams get needed benefits restored through TennCare so Erin is able to continue living at home with her family, although now confined to a wheelchair by the disease ALS.

More than 150 lawyers, support staff and clients gathered March 7 for the event in Nashville.

"Nothing that the TBA does is more important," TBA President Katie Edge said of its support of the TJC as she introduced its Board President B. Riney Green. Green thanked "two organizations that were instrumental in helping us start and keep it going." First he mentioned the Tennessee Bar Association, especially former presidents Howard Vogel, Dan Breen, Dan Nolan, Pam Reeves, Randy Noel, as well as Edge, former Executive Director Gil Campbell and current Executive Director Allan Ramsaur.

Calling them "stalwarts for justice," Green said "the TJC is forever in their debt. The TBA has always responded to and inspired the Tennessee Justice Center."

Green also thanked the Tennessee Bar Foundation and its executive director, Barri Bernstein and its chairs who have served since the TJC's beginning: Lowry Kline, Ross Clark, Ed Lawwell, Scott Brown, Collins Bonds, Connie Clark and incoming Dalton Townsend. The Foundation has been a financial supporter since the TJC was founded, providing \$120,000 for each of its first four years of operation and \$160,000 last year and this year. "When the civil justice infrastructure began to collapse, the Foundation responded to the crisis," Green said. Now "people have access to first class justice because of what the Tennessee Bar Foundation has done."

In introducing Managing Attorney Gordon Bonnyman, Green called him "a true champion to the indigent and disabled in Tennessee."

Bonnyman recognized TJC coworkers Michelle Johnson, Russ Overby, Gary Housepian, Chris Griffin, Hugh Mundy, Jane Beasley, Amy Hurd, Patsy Pollard and Mary Thom Adams.

"There is nothing similar in the South," Bonnyman said of the TJC. "Nowhere else was there the same coming together of the legal community." That kind of "self sacrifice and clarity of vision" doesn't usually overcome institutional interests, he said. "We cannot tolerate taking rights away from the poor. We don't want our legal community to leave anyone out."

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