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DOMESTIC VIOLENCE AND IMMIGRATION ISSUES

By Yvette Sebelist

One of the primary methods for foreign nationals to become residents and citizens of the United States is through sponsorship by their spouses and other close family members. Such dependency on immigration status renders individuals particularly vulnerable to abusive relationships.

Over the past decade, Congress has made considerable strides in recognizing the special needs of victims of abuse, particularly women, and their abusers, enacting numerous provisions in the federal immigration laws to address the issues. It is essential for attorneys without specialization in immigration practice to become aware of the potential benefits and pitfalls for their non-native clients. With the ever-increasing population of both legal and illegal immigrants to the area, immigration issues in the domestic arena will play a larger role. When dealing with noncitizen clients, a working knowledge of issues may assist the practitioner in guiding clients more effectively.

IMMIGRATION RELIEF FOR VICTIMS OF ABUSE

The family dynamics of domestic violence span across all cultural and socio-economic groups. In the United States, public awareness of domestic violence has increased available resources for battered spouses and children. However, because of language and cultural barriers, immigrants often are unaware of their legal rights and are dependent on their spouses for information about their legal status. The tools to exercise intimidation and control over the family become those related to one's ability to legalize status and remain in the United States.

Symptoms of domestic abuse in the immigration context include:

- Citizens or permanent resident spouse failing to file immigration paperwork to legalize spouse
- Threats to report spouse to INS
- Threats to separate spouse and children
- Threats to report spouse's immigration status (or lack of) at work
- Destroying or holding important paperwork
- Emotional abuse

I. Marriage Cases-Conditional Residents

In 1986, Congress passed the Immigration Marriage Fraud Amendments (IMFA) to prevent persons unlawfully obtaining permanent residency (green cards) through false marriages. The change affecting the largest number of persons was the creation of conditional permanent residency, since virtually all spouses of United States citizens and their children would acquire that status. Conditional residents, while having all the same rights and responsibilities of a permanent resident, obtain residency for only two years and must file another application at the end of that two year period in order to retain residency. Through the conditional resident vehicle, the INS gets two opportunities to examine the marriage and determine whether residency is warranted.

Congress modified IMFA with the passage of the Immigration Act of 1990 (IMMACT90). IMMACT provided that spouses and children who were victims of domestic violence at the hands of the person through whom they obtained conditional residency could apply to remove the conditions on their residency without the abuser's acquiescence. This is only effective after the alien has been granted residency, but not before the application is approved. The conditional resident may apply for a battered spouse waiver regardless of whether or not the marriage has been terminated; the resident may still be living with the abusive spouse. If applicable, the conditional resident should submit evidence of any divorce or annulment.

The regulations define the contemplated violence as including, but not being limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor) or forced prostitution shall be considered acts of violence. 8 CFR §216.5(e)(3)(i). However, the INS required the conditional resident to document "extreme mental cruelty" only with evidence from licensed clinical social workers, psychologists and professionals. In 1994, Congress amended this requirement to allow for any credible evidence to be submitted, but the regulations have not yet implemented the change. The most important aspect of documenting these and any other claims for relief due to abuse is careful documentation of the victim and other sources.

II. Other Battered Spouses and Children: Special Benefits Under the Law

There is a group of foreign nationals who have not yet received permanent residency, but who may be in the application process or who may have never begun the process. For these persons, there are several laws in place to assist them to obtain lawful permanent resident status or temporary status in the United States.

In 1994, Congress enacted Title IV of the Violent Crime Control and Law Enforcement Act, better known as the Violence Against Women

Act (VAWA), which addresses domestic violence and other forms of violence against women. The Act conveyed the ability for an alien spouse of a U.S. citizen or permanent resident to self-petition for permanent residence if she could demonstrate that she had entered into the marriage in good faith, that she or her child had been subjected to battering or extreme cruelty at the hands of the citizen or resident spouse; and that she or her child would face extreme hardship if she were removed. If unable to self-petition, some victims were also able to file for relief from removal in immigration court, called suspension of deportation (now cancellation of removal). The 1994 eligibility criteria specified that the spouse must be married to a U.S. citizen or permanent resident, entered the marriage in good faith, resided in the United States and had resided with the spouse, was battered or subjected to extreme cruelty during the marriage, demonstrated good moral character, and that removal from U.S. would result in extreme hardship to the petitioner or child. Initially, divorce would terminate eligibility.

However, Congress revised this and other provisions in 2000, to allow for expanded eligibility, after recognizing in practice the restrictive nature of the initial requirements. The Battered Immigrant Women Protection Act of 2000, signed into law as part of the Victims of Trafficking and Violence Protection Act of 2000 expanded protections for abused alien spouses and children of U.S. citizens and lawful permanent residents under the 1994 Violence Against Women Act and provided respite from some of the harsh provisions of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) for self-petitioners.

Currently, if the abused spouse is divorced, he or she may still apply if the divorce is related to the abuse. Nevertheless, delay of divorce while consulting regarding the potential immigration consequences can be an important strategy for the family law practitioner.

The other VAWA revisions include deletion of the extreme hardship requirement.

Also, petitioners may apply from abroad, including U.S. military and government employees' spouses and children. Petitioners may still show good moral character if they have a record of criminal offenses related to the abuse. Children may now carry benefits of the parents even after turning 21, the usual age at which children drop out of eligibility from parents' petitions. If the permanent resident abuser naturalizes, it eliminates the waiting list for the petitioning spouse. If the abuser remarries or dies, or if the original marriage was bigamous, these facts no longer terminate the self-petition. The petition remains valid even if the abuser has lost permanent resident status due to domestic violence.

III. Limitations on Protections for Battered Adults and Children

The protections under the immigration laws parallel the standard family classification system for persons to obtain permanent resident status. Thus, only spouses and children of permanent residents or citizens may benefit. Opposite sex or same-sex domestic partners, boyfriends/girlfriends and their children may not self-petition. Furthermore, spouses and children of nonimmigrant workers, students and undocumented/illegal aliens are not eligible for immigration benefits.

However, juveniles committed to long-term foster care or court dependents due to abuse or neglect may be eligible for special immigrant status.

IV. Relief for Victims of Criminal Activity Not Limited to the Domestic Relationship: The U Visa

The Battered Immigrant Women Protection Act of 2000 created a new immigration remedy for battered immigrants and other noncitizen victims of criminal activity who have suffered substantial physical or mental abuse and are willing to cooperate with government officials investigating or prosecuting these crimes. No longer were persons in the domestic capacity the only group allowed to apply. Congress responded to the burgeoning child and sex trafficking industry by enacting such protections.

Criminal activity is defined broadly and includes rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation (FGM), being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, or attempt, conspiracy or solicitation to commit any of the above.

In order to obtain the U visa, the person must be likely to assist law enforcement prosecute crimes. Law enforcement officials must provide a certification that the person is being helpful to case. The criminal activity must have either taken place in the United States or outside the United States but in violation of U.S. laws. U visa recipients may obtain temporary work authorization and gain an opportunity for permanent residency. There is a cap of 10,000 visas per year, however close family members are exempted. In addition, family members may also receive U status in cases of extreme hardship, such as separation of the family.

V. Gender-Based and Domestic Abuse Related Asylum

Asylum is an immigration-related form of relief for those who have been persecuted or who face persecution in their countries because of their race, religion, nationality, political opinion, or membership in a particular social group. Applicants must prove that they were persecuted in the past or that there is a reasonable possibility ("a well-founded fear") that they would be persecuted in the future in their home countries. Persecution must be conducted by the government or by a group or individual the government is unable or unwilling to control. The motivation to harm must be motivated in part by one of the protected grounds. In general, asylum applicants must file within one year of entry unless they can demonstrate exceptional circumstances.

Asylum based on domestic violence is an area in development. In *Matter of R-A-*, Interim Decision 3403 (1999), the Board of Immigration Appeals denied a claim despite finding that the victim had been persecuted and that her government had failed to provide adequate protection because it determined that she was not persecuted because of a protected ground, neither political opinion nor membership in a particular social group. Shortly thereafter, the Attorney General vacated *Matter of R-A-* and published interim rules for dealing with domestic violence asylum claims.

More generally, gender-based asylum claims encompass a broader base. Asylum has been granted to women fearing female genital mutilation, with a finding that the practice of FGM, which results in permanent disfigurement and poses a risk of serious, potentially life-threatening complications, constitutes persecution. Gender-based asylum claims must be carefully analyzed in the context of human rights practices and cultural norms in the countries of origin of the applicant and the evolving international standards for human rights.

DOMESTIC VIOLENCE OFFENSES AS GROUNDS FOR REMOVAL

An alien who is convicted of a domestic violence or related offense may be subject to removal. The Immigration and Nationality Act Section 237(a)(2)(E) specifically enumerates the following offenses as grounds for removal.

- domestic violence
- child abuse, child neglect, or child abandonment
- stalking

- violating an order of protection

Aliens admitted to the United States as permanent residents are subject to the prior sections of law. Thus, in planning an effective criminal defense strategy for the noncitizen, it is imperative to evaluate the criminal offenses in the federal immigration law context. An apparently favorable disposition may still subject the client to further immigration consequences. The prior offenses may also render an individual removal as an aggravated felony, defined in the INA as an offense of violence with a sentence of more than one year. INA § 237(a)(2)(A)(i). Finally, the client may be removed for committing a “crime of moral turpitude” an arcane definition in the federal law, but affecting residents for crimes committed up to 10 years after entry as a permanent resident. INA § 101(a)(43)(F).

CONCLUSION

Although immigration law is a highly specialized field of practice, knowledge of the basics when dealing with victims and perpetrators of domestic violence may provide opportunities for relief and new sources of strength for the noncitizen client. While it is not necessary to become a specialist, a bit of knowledge could become the little gem that transforms the case into a legal success and a rewarding experience. n

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Guest Opinion

MEXICAN BLUES

By Mike Whalen

A time or two I have represented people who make bond and disappear. One such client, let's call him Juan Smith, had a 10-pound marijuana case. I was hired by family and friends and when Juan made bond he headed for warmer climes. At least that's what I supposed happened as I never heard from him or about him again. Until a recent Tuesday.

I got a call this particular Tuesday afternoon saying that one of my old clients, “Juan Smith”, had been picked up and was set in general sessions court on Wednesday. The name didn't ring a bell. Because I speak Spanish I get called to represent a lot of Hispanic folks. Quite a few. So many that sometimes the names run together. Sometimes it's a guy with a public intoxication charge who has been in jail a week or so by the time they call me. If the guy is an “illegal alien” and our local Immigration and Naturalization service hasn't put a hold on him yet then we try for dismissal on costs or sometimes a plea in hopes that he can be released quickly BEFORE the INS puts a hold on him and moves to deport. Some of these guys I represent for an hour, some for months. The ethical problems of working out quick deals is a subject for another time.

The local INS office opened early in 2001 and while they said they were here to get the drug dealers and those with weapons charges, I soon started getting calls from Knox, Blount, Loudon and Sevier counties from community activists, family and friends about Hispanics in local jails for no driver's license, public intoxication and other minor misdemeanor charges with an INS detainer. Now the INS says it's here for “ALL ENFORCEMENT PURPOSES.” It's a hellish prospect. The guy just disappears. Sometimes his friends and family don't have phones and the guy doesn't know the address so no one knows what happened to him. He went to work and never came home. But that's another story.

Because of the late hour of the call and interviews I had set for that Tuesday evening I couldn't go to the penal farm to see Juan. On Wednesday I walked into sessions court and told the District Attorney I was here for Juan. But the jail hadn't brought him up yet. Later, I checked back and said to the DA, “Well, I still don't see my guy.” By this time I had looked at the dead file and knew who Juan was. The DA says, “Yeah, that's him” and points to a guy on the front row. I'd never seen this guy in my life and told the DA. So I go downstairs to the Sheriff's records office and ask for the booking photo that went with the first Juan's arrest. After much hassle, they sent a photo to the courtroom. It was of the guy on the front row. As the DA pointed that out I asked him to look at the booking date on the photo. It was just this week, so of course it was the guy on the front row, but it was not connected to the first Juan's arrest date. So the DA asks for the first photo and after a while it is sent up and Voila! It's night and day different from the guy on the front row. The DA agreed to dismiss the disorderly conduct for which the second Juan was arrested.

The taxi driver says that she heard about my guy's arrest. It was, she explained, at the hands of a particular deputy who hassles Hispanics mostly because they refuse to speak English when he addresses them, a situation commonly known as “contempt of cop.” I make my standard speech to the judge about how this man has been held as the first Juan and that the Sheriff hadn't bothered to check his own computer for identifying information that would have cleared up the confusion. No check of AFIS (finger print ID), no check of photos and it's all in the same computer that they used to book the second Juan. They had actually pulled up information (date of birth, etc) on the first Juan and put it on the second Juan's warrant. It went over about as well as usual but the guy was ordered released. There was no INS detainer, yet.

If you are not familiar with the criminal “justice” system you might think he walked out of the courtroom a free man. You'd be wrong. In Knox County the “booking out” process takes hours. My guy Juan had his case dismissed about noon Wednesday. He was released about 2 a.m. Thursday. Now the folks at the jail who write inmates a check for the cash that was taken from them at arrest leave at 10 p.m. So if you are released after 10 p.m., and almost everyone is, you are brought from the penal farm to the city county building and dumped out and you have to go back to the penal farm the next day if you want your money. Did I mention that the penal farm is about 14 miles from the center of downtown in an isolated area to which there is no public transportation? Wonder where that money goes if they don't show up?

So about 2 p.m. Friday, my secretary tells me that there is a taxi driver on the phone calling from the bus station about one of my clients. Huh? Okay. The taxi driver says she likes Latinos and has been trying to talk to this guy who has been hanging around the station for a couple of days. “He speaks no English,” she said, “but he just handed me your card.” I asked her to hand him the phone. He tells me that they just put him out downtown without his money, wallet, or his bus ticket, and so he's just been sitting there. I head for the bus station.

The taxi driver was gone and my client was just sitting there. "Why are you here?" I asked. "Well this is where I was before." Now this may seem strange, but I believe that the second Juan has some difficulty understanding things. He seemed confused, and I mean the kind of confused that made me think he had some mental problems. But given that he was a poor working class Mexican dragged off a bus in a city he didn't know, jailed, knocked around and dumped off without any of his money in a strange city in the middle of the night ...

Anyway, we got him a sandwich and coke at the bus station and took him to the penal farm. I had called ahead and told them I was coming and what the problem was and asked if they would pull his property and get his check together. It took some time so I went in to visit the three guys I had been appointed to represent. I had just been told about them earlier that afternoon. Three Mexicans. They had gone from their home in Lenoir City to the funeral of a friend's mother in Morristown and stopped off in Knoxville on the way home at a local Mexican restaurant for dinner. They were stopped for a "light out" (or because there were three Mexican guys in one car). One was charged with driving while Mexican (no driver's license) and two for riding while Mexican (false report — the cop wrote that they each gave the same name. Two were brothers). I felt certain I could get their cases dismissed the following Tuesday but the only phone they had was a cellular that was in their impounded vehicle so there was no way to call or contact their families in the meantime to tell them where they were.

Meanwhile, Juan got his property and money. When they released him they gave him one bag of property but not the second. The first had his little travel bag and clothes, the second had his wallet, watch, belt and the file he carries to sharpen his knife when cutting cumpers or whatever crop he's working. The medallion his grandfather gave him was missing, as was the chain it hung from. It wasn't listed on the property sheet and they claimed it didn't exist. I thought Juan was gonna fight them over it and he was none too happy to leave without it.

We stopped at the bank the check was written on and cashed it and when we got back to the bus station, they said they'd honor his ticket. He headed on to his brother's home in Georgia. As I shook his hand, this big, lumbering migrant worker who had had little to say over the last couple of hours lunged at me, wrapped his arms around me and called down many blessings upon me. After I got over the initial shock of this seemingly out of character move, I walked him to the gate his bus was to leave from and went back to the office. Not a bad Friday for me anyway.

These are the events of one three-day period. They are not isolated incidents. In the same time period I was appointed to represent a guy on a DUI who had already been in jail 30 days without access to a phone before his first court appearance in clear violation of his rights. Motion to dismiss based on the violation, DENIED. Illegal immigrants don't vote ya know. I see these kinds of abuses everyday. Now some of you might think, sue them! The thought hits me a dozen times a week and I'm a criminal defense lawyer. Suing is not something I do much of. But Juan, like many others abused by the system just wanted to get back to work, back to his family and friends and my limited exposure to such suits is that there is not much to be gained other than to rebuke the system. Most of my clients can't send a rebuke home to their families in Mexico and don't want any more attention from the authorities (INS) then they have already had.

Mike Whalen is a solo practitioner representing the wrongfully accused in upper East Tennessee. He speaks Spanish, and in a former life he lived in Central America.

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LINGUISTIC MINORITIES AND EQUAL ACCESS TO THE COURTS

By Rebecca S. Montgomery

With the increase of linguistic minorities in Tennessee, the court system is challenged to insure that linguistic barriers do not serve as a barrier for equal access to the courts. Currently, there are a number of projects which have been undertaken to meet this challenge. This article outlines the judicial system's progress toward the adoption of standards for court interpreters as well as some other initiatives to address language issues.

The appointment of an interpreter in a court proceeding is a matter of judicial discretion. The courts are charged with appointing an interpreter who will provide a true and accurate translation of the proceedings. Currently, there are no other standards that courts have to assist them in the appointment process. Recognizing this as an emerging issue for the judicial system, the Judicial Council adopted the following recommendations in 1997:

1. Additional legislation is needed to codify general requirements of language interpreters within Tennessee.
2. The Tennessee Foreign Language Institute (TFLI) should be designated the lead agency to identify, qualify, train, certify and compensate competent foreign language interpreters for appointing authorities in Tennessee.
3. Within rules promulgated by the Tennessee Supreme Court, TFLI should establish minimum foreign language qualifications to be listed as a state court interpreter, develop a statewide directory of various qualified state court interpreters, and recommend a standardized fee schedule for payment of state court interpreters commensurate with the services provided to the courts.
4. TFLI and the Supreme Court should develop a code of professional responsibility for court interpreters and coordinate training activities for judges and other court personnel on conducting proceedings involving court interpreters.

The Judicial Council's foresight was the impetus behind the application for and ultimate award of a multi-year Byrne grant from the Office of Criminal Justice Programs to the Administrative Office of the Courts (AOC). The goal of the grant was to establish a court interpreters program to certify and coordinate interpreters for the state court system. The AOC entered into a relationship with the Tennessee Foreign Language Institute (TFLI) to establish the program.

In 1999, the committee to implement the recommendations of the Gender Fairness and Racial and Ethnic Fairness committees (Implementation Committee) expressed interest in the progress of the Court Interpreter Program as it was reviewing various aspects of court operations. In its final report in October 2000, the Implementation Committee recommended that the Supreme Court adopt the guidelines and standards regarding interpreter standards that had been drafted by the Court Interpreter Program.

Currently, the AOC is convening a work group of court personnel to do a final review of these draft guidelines. That group, which will be meeting this fall, will be looking at the guidelines from a "hands-on" approach of dealing with interpreter issues on a daily basis. After receiving input from that group, final recommendations will be made to the Supreme Court this fall regarding the establishment of interpreter standards. Watch the AOC website (www.tsc.state.tn.us) for updates and the opportunity to comment to the Supreme Court on proposed guidelines.

While work has been progressing on interpreter standards, trainings for interpreters have already been held across the state. Much of the training focuses on ethical issues as well as practical, hands-on court interpreting techniques. To date, the TFLI has conducted 5 workshops.

Besides working on the issues surrounding court interpreters, the Supreme Court has made other strides in assuring that language barriers do not prevent equal access to the courts. Through a grant from the National Center for State Courts, several court forms have been translated into various languages to assist non-English speaking persons and their advocates. Basic criminal practice forms have been translated into Spanish, Arabic, Lao, Kurdish, Russian, and Vietnamese. Additionally, orders of protection, a guide to the courts, parenting plan forms, and a guide for parents in child abuse cases have been translated into Spanish. These forms are available from the AOC website.

Finally, videotapes on the rights of defendants, orders of protection, and the rights of parents in child abuse cases are being produced in English and the six foreign languages noted above. These videos will be distributed to the courts this fall and will be an aid to help non-English persons who come into the contact with the courts. These videos have been made possible from a grant from the Office of Criminal Justice Programs. The Tennessee Foreign Language Institute has been instrumental in this project as well as the forms translation project noted above.

For more information on any of these projects, please feel free to contact the Administrative Office of the Courts. n

Rebecca S. Montgomery is a senior staff attorney with the Tennessee Supreme Court – Administrative Office of the Courts.

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NEWS AND VIEWS FROM THE MEMPHIS IMMIGRATION COURT

By Immigration Judge Chales Pazar

This article features information of interest to lawyers representing members of Tennessee's growing Hispanic population. The operations of the Memphis Immigration Court are certainly of interest to such counsel. Approximately 57% of the court's cases involve Spanish-speaking respondents. Since the court opened in July 1998, I and my colleagues visiting from other cities have heard several thousand cases. Currently, there are over 800 pending cases before me and immigration judges from other cities who visit Memphis two weeks a month through September to hear cases.

To a practitioner unfamiliar with the terminology and procedures, Immigration Court itself might seem like a foreign country. In this article, I provide an overview of the court's jurisdiction, highlight some statistics about the Memphis Immigration Court, and offer some pointers for attorneys appearing before the court. The opinions expressed are mine, and not necessarily those of the Executive Office for Immigration Review or the Department of Justice.

An Overview of the Court

The Memphis Immigration Court operates within the Executive Office for Immigration Review, an agency of the Department of Justice. It is NOT part of the Immigration and Naturalization Service (INS), although INS attorneys are the "prosecutors" before the court. There are over 200 immigration judges, serving in 52 Immigration Courts throughout the United States. The venue of the Memphis Immigration Court consists of Tennessee, Arkansas and Mississippi north of Jackson.

The procedure for cases in the Immigration Court is described in detail in the June 1999 issue of The Bar Essentials. Basically, the court has jurisdiction over all cases brought before it upon service of a Notice to Appear (NTA) on the respondent, and lodging of the NTA with the court by the INS. The INS charges in the NTA that the respondent is not a citizen of the United States and is a citizen of a particular country, and is subject to removal (deportation) under a ground or grounds set out in §§ 212 or 237 of the Immigration and Nationality Act (INA), codified at 8 U.S.C. §§ 1182 and 1227, respectively. These grounds include conviction for certain crimes or being present in the United States illegally.

The respondent appears initially at a Master Calendar, at which the immigration judge informs him/her of the rights and privileges available as an alien in removal proceedings, including the privilege of being represented by an attorney of the alien's choice at no expense to the government. At the Master Calendar, the immigration judge provides a list of attorneys in Tennessee and Arkansas who might be willing to represent the alien for little or no money. When the Memphis court started, this "list" consisted of a blank piece of paper. Today, it contains the names of nine attorneys, five of whom are from the Memphis bar. Thanks to those attorneys for agreeing to take cases pro bono. After counsel in another city has entered his/her appearance, the court can accommodate their distance from Memphis by holding Master Calendar hearings by telephone.

In each case, the immigration judge determines whether the respondent is subject to removal. This is usually done by plea at a second Master Calendar, after the alien has been given time to find an attorney. Sometimes, determining removability requires a hearing. If the immigration judge concludes that the respondent is subject to removal, then the alien usually applies for some form of relief from deportation.

Many respondents come before the court on referral of an application for asylum filed initially with the INS. The INS cannot deny an

application for asylum but can refer an application to the Immigration Court, where the alien is entitled to a hearing de novo on that application. In cases with no referral from the INS Asylum Office, if the alien is prima facie eligible for a particular form of relief and the alien has not yet filed an application, the immigration judge will set a date for the filing of the application and for the merits hearing.

Removal hearings are civil, not criminal, in nature. They are not governed by the Federal Rules of Evidence. Evidence is admissible if it is probative of relevant matters and its use is fundamentally fair so as not to deprive the alien of due process of law. The record of proceedings is made by recording the proceedings onto a cassette on a tape recorder operated by the immigration judge. No other video and audio recording devices are permitted in the hearing. 8 C.F.R. § 3.28. Parties may request, in writing, copies of the hearing tapes from the Court Administrator, Tom Davis. Non-parties may submit a Freedom of Information Act request for copies of material from a record of proceeding.

Hearings in Immigration Court are governed by regulations found in Title 8 of the Code of Federal Regulations as well as the Memphis Immigration Court's Local Operating Procedures. The local rules require that both parties provide the court and each other, the names of witnesses and a description of their testimony, 10 business days before the hearing. Also, copies of all documents are to be exchanged and served on the court, 10 business days before the hearing. Exhibits are to be page numbered or tabbed.

Usually the immigration judge dictates the decision immediately after the taking of evidence. Sometimes a judge will reserve a decision and enter a written decision. Either the respondent or the INS can appeal the decision of the immigration judge to the Board of Immigration Appeals. 8 C.F.R. § 3.1(b). In some cases, both parties appeal. Petition for review from the Board's decision, if the alien has not been convicted of an aggravated felony or is not challenging a purely discretionary determination by the Board, is to the United States Court of Appeals for the Sixth Circuit, even if the respondent lives in Mississippi or Arkansas, since appellate venue is predicated on the situs of the hearing.

Representation of aliens in Immigration Court gives attorneys an excellent opportunity to "give something back" and help litigants who really need legal counsel. As I noted in the 1999 article, taking cases pro bono is a win-win-win situation. First, the aliens benefit from the representation. Statistics compiled by the representation project at the Florence, Arizona detention facility and other similar operations show that aliens who are represented tend to be granted relief at a higher rate than non-represented aliens. Second, it goes without saying that the court benefits by the representation. The abstract concept of "efficient administration of justice" becomes a hard reality when the immigration judge has to spend precious minutes in a Master Calendar hearing explaining sophisticated legal concepts to a non-English speaker through an interpreter. Third, the attorney representing the alien "wins," by knowing that he or she has done the best job of representing someone who is new to our country, does not speak the language, and who might not otherwise have been able to tell their story-and perhaps win relief from deportation.

Some Statistics to Ponder

In fiscal year 2000, ending on September 30, 2000, the Memphis Immigration Court received 1,188 cases and completed 1,341. Of those, 432 asylum cases were received and 603 were completed. In the five months of fiscal year 2001, the Memphis Immigration Court has received 733 cases and completed 803. Of those, 206 asylum cases were received and 193 were completed.

The significance of those numbers becomes clearer when considered in light of the statutory requirement that asylum applications filed after April 1, 1997, be decided within 180 days of filing. To meet the statutory requirement, the immigration judges visiting Memphis almost exclusively hear expedited asylum cases. Overall, the Memphis Immigration Court ranks 17th among all immigration courts in the number of asylum cases completed in both fiscal year 2000 and fiscal year 2001 to date. Not surprisingly, New York is first, Miami second and Los Angeles third. But Memphis ranks up there with cities such as Atlanta (13th in asylum completions, with two immigration judges and visiting judges); Houston (15th, with five immigration judges); and St. Paul, Minnesota (18th, with two immigration judge). It is clear, then, that Memphis and the Mid-South have growing immigrant populations.

Some Advice from the Judge

1. Follow-up is crucial: your client must always appear unless excused

As in every court there are consequences for a party failing to appear in Immigration Court. The ultimate consequence in Immigration Court is an in absentia order of removal. The statute, governing regulations, and case law of the Board of Immigration Appeals treat failures to appear harshly. The immigration judge can set aside such an order only if the alien can show exceptional circumstances beyond his or her control for failure to appear, such as a serious illness on his or her part, or the death of an immediate family member in the United States, but nothing less compelling. § 240(e) of the INA, 8 U.S.C. § 1 229a(e). Cases have held that a persistent headache, a broken foot, or bad traffic do not constitute exceptional circumstances. So, unless the immigration judge excuses your client's presence, he or she must appear in court.

2. Follow the local rules

Many immigration courts have promulgated their own local operating procedures. Those of the Memphis Immigration Court are designed to make the presentation of evidence more orderly and to avoid trial by ambush. The rules were promulgated after the local immigration bar had an opportunity to comment on them. The rules are straightforward and impose a minimal burden on counsel to follow. Copies are available upon request from the Memphis Immigration Court, 167 N. Main, Room 460, Memphis, TN 38103; telephone (901) 544-3818.

3. Follow the Three B's

Please: be on time, be prepared, be courteous.n

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BANKING ISSUES FOR IMMIGRANTS IN TENNESSEE

By Bill Murrah

Stories abound of Latino workers being robbed because they are known to carry large sums of money on their person. Four were killed a few months ago in Monterey, Tenn., in a likely robbery/murder. In Lenoir City, several Latino households lost thousands in hard-earned cash due to a fire that swept through their apartment building. These losses are especially heartbreaking since Latinos are often employed at low wage, physically demanding jobs. Typically, they have left their homes and families to travel to this strange place for the sole purpose of seeking work and saving a few dollars to send home.

So, why wasn't the lost money safely sheltered behind the walls of a bank? Because few banks have been willing to open an account unless the customer has a Social Security number (though some will accept a drivers' license). There are consistent estimates that one-half of the Latino population is "undocumented," not qualifying for a Social Security number. And, many do not have drivers' licenses, even if the bank will accept them. Many of our "newest neighbors" are having to be their own bank, stashing what is often thousands of hard-earned dollars until there is enough to send back home. And, by the way, sending money back home requires paying a significant fee to Western Union.

In East Tennessee a task force has begun meeting with banks, proposing a win-win solution for both the banks and our new neighbors. The task force was formed out of the Community Economic Development Network of East Tennessee (CEDnet), with assistance from Knoxville Legal Aid Society staff under a grant from the Catholic Campaign for Human Development. Much to the surprise of the Latino Task Force, months of national research uncovered the best model for bank/Latino programs right here in Tennessee, at a small bank in Shelby County. The Bank of Bartlett, with only six branches, has made outreach to the Latino community a major corporate priority.

The CEDnet Latino Task Force has entered discussions with four banks in East Tennessee, three with branches state-wide. The Task Force is looking for bank partners to resolve three major problems facing members of the Latino community: how to set up accounts, how to establish a low-cost method of international money transfers, and how to provide a Spanish-language bridge to the Latino community.

The difficulty faced by banks in setting up bank accounts for people without Social Security numbers is two-fold – first there needs to be some type of photo identification and second, any interest must be reported to the IRS. The Bank of Bartlett has overcome both these difficulties by encouraging the use of an Individual Tax Identification Numbers (ITIN) by the customer. Anyone without a Social Security number can apply for and receive an ITIN from the IRS that they can use in place of a Social Security number if the bank will accept it. Interest is reported to the IRS using that number. At the Bank of Bartlett, bank staff keep ITIN application forms in their desk drawers and give personal assistance to customers in filling them out. When the tax number is obtained, the bank sends the customer to a local business, which prepares a special Bank of Bartlett photo i.d. for the customer. The bank has now established a trust relationship with the customer.

Prior to the spring of 2001, the state of Tennessee required a Social Security card in order to obtain a driver's license. That is no longer the case. Two banks in the East Tennessee discussions are willing to accept the photo driver's license as proof of identity in opening an account, but the account must be non-interest bearing.

The second difficulty, related to the high cost of international money transfers, can be resolved after resolution of the first issue. By being able to establish a bank account, the customer can now use an ATM card for withdrawals. Two accounts can be established, one for personal use in this country and the other for international transfers back home. The customer places funds in the second account, sends an ATM card home (e.g. to Mexico) and family there can make withdrawals at a local bank at a much lower cost than Western Union.

Staff at Bank of Bartlett insisted that the most user-friendly of bank programs will not work for the Latino community without a final key element. "You have to have someone on the staff who is both bilingual and Latino. Nothing else works without that." In each of their six branches they have two Hispanic staff. As an example of the corporate commitment to their program, they have established an accelerated program for the training of new Hispanic staff. In only two years, staff new to banking have received training and schooling that have allowed them to be promoted to the position of loan officer.

In discussions initiated by the CEDnet Latino Task Force, First Tennessee Bank displayed an immediate interest in special outreach to the Latino community. They are now willing to accept a driver's license as the photo i.d. and are currently recruiting members of the Latino community to fill staff positions. First Tennessee has involved regional officials at the highest level in the discussions, making clear their desire to partner with the Latino Task Force to find win/win solutions for the Latino community and for the bank. "We are breaking new ground in East Tennessee in our discussions with the banks. Some of them recognize that this is not only good for our community, but good business also," said Loida Velazquez, chairperson of the CEDnet Latino Task Force.

Working on Latino banking issues in the local community has many benefits. Most important, there is the real opportunity to remove a barrier faced by many of our newest neighbors. Second, it is a winnable issue that is best led by local Hispanic leadership. Next, this issue provides an excellent opportunity for members of the Anglo and African American communities to support new and emerging leadership in the Latino community. And, last and not least for the banks, it's good business. Our newest neighbors may now want to open bank accounts, but soon they will want car loans, home mortgages and small business loans. The bank that wants to become known as the "Latino-friendly" bank will have the best chance of gaining the loyalty of this rapidly expanding part of our Tennessee population.

Bill Murrah has been the Community Economic Development (CED) Specialist at Knoxville Legal Aid Society for 19 years. Knoxville's program places a priority on supporting community-based nonprofits and their projects.

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Compensation for attorneys and guardians ad litem in dependency and termination of parental rights cases

By Leslie Kinkaid

NOTE: The following is an article by Leslie Kinkead, who, in addition to being the Court Improvement-Coordinator for the Administrative Office of the Courts, is a member of the TBA Commission on Juvenile Justice. The Commission resulted from the efforts of then-TBA President Katie Edge to put together a group of people interested in and committed to ensuring quality advocacy for children and families in juvenile proceedings. The Commission is made up of attorneys, judges, legislators, educators, and other professionals who work with and for children and families. As part of its work, the Commission is considering all aspects of the guardian ad litem's role in juvenile-proceedings.

In as much as the Tennessee Bar Association is obliged to address issues of the administration of justice and the lack, or perceived lack, of quality representation of children in juvenile matters is an indictment of the legal profession, the Juvenile Justice Commission of the Tennessee Bar Association is committed to ensuring quality advocacy for children in the juvenile justice system through the development of initiatives and programs designed to meet the needs of children in juvenile proceedings and to making recommendations for the implementation of the letter and spirit of this charge.

Barbara Holmes, Chair, Tennessee Bar Association Juvenile Justice Commission

Attorneys appointed to represent indigent parents and guardians ad litem¹ in dependency and termination of parental rights cases are compensated by the Administrative Office of the Courts (AOC) at a rate of:

- \$40.00 per hour for time spent in trial preparation and
- \$50.00 dollars per hour for "time reasonably spent in court." ("time reasonably spent in court" means time spent in courtroom proceedings before a judge.)

The maximum compensation of \$500 (or \$1,000 if the juvenile court certifies the case is complex or extended) is paid in the following two phases of a dependency case. Separate claim forms must be filed for each phase.

- Adjudicatory/Dispositional Phase: filing of the dependent, neglect, abuse petition through the dispositional hearing, including the preliminary hearing, pretrial conferences, staffing and ratification hearing of the permanency plan, adjudication and dispositional hearings.
- Post-dispositional Phase: post-disposition through permanency for the child, including foster care review board hearings or court reviews and permanency hearing.

The maximum compensation of \$1,000 (or \$2,000 if the court certifies that the case is complex or extended) is paid in the following phases. Separate claim forms must be filed for each phase.

- Termination of Parental Rights Hearing
- Appeal to Circuit Court
- Appeal to the Court of Appeals
- Appeal to the Supreme Court

To receive compensation above the caps, the attorney must submit a motion and order to the judge presiding over the case. The signed order must be submitted with the claim form to the AOC. The order must state the type of case and the circumstances that make the case complex or extended (i.e., the possibility of criminal self-incrimination, the case involves expert medical or mental health proof, or the case involves complex legal or factual issues).

The Administrative Office of the Courts will reimburse expenses for:

- Copying at \$.07 per page for copies made in the attorney's office. Copying expenses incurred for copies made outside the office are reimbursed if accompanied by a receipt.
- Long distance phone calls, if supported by documentation (date, person called, purpose and duration of the call).
- Travel outside the county, including to and from the courthouse.
- Travel within the county to places such as school, client's home, child's placement. This does not include travel from the attorney's office to court.

Counsel may be reimbursed for other expenses only upon prior approval by the judge presiding over the case with a specific finding in the order that the expenses incurred are necessary for the effective representation of counsel. Before expenses are incurred there must be prior approval by the AOC. These include:

- Court Reporters (The AOC requests that the attorney make a video or audio tape of the deposition or proceeding. If a transcript is necessary, the attorney should file a motion and obtain prior approval by the AOC. The AOC will pay no more than \$2.50 per page for transcription costs);
- Postage;
- Computer based research;
- Office supplies;
- Video cameras;
- Photographs;
- Express mail delivery;
- Courier services; and
- Out of state travel.

The AOC will pay for the costs of expert services. The attorney must file a motion with the court that includes the following:

- The nature of the services (the type of expert and the service being sought);
- The name and address of the person providing the service;
- A particularized need for the service requested;
- If the expert is not located in Tennessee, an explanation for not obtaining the services in Tennessee;
- The means, date, time and location of the services to be provided; and
- A statement of the itemized costs of the services and the amount expected for additional or incidental costs.

The order authorizing the expert services must contain the following:

- Nature of the case;
- A constitutional finding (i.e., the services are necessary to ensure the protection of the client's constitutional right to raise his/her children);
- A finding of a particularized need for services;
- The name and address of the person approved to provide the service (if the expert is not located in Tennessee, a finding of why such services are not available in Tennessee);
- An hourly rate (not to exceed \$150 per hour unless approved by the Chief Justice) and a finding that the rate is reasonable;
- The dollar amount of services being approved (not to exceed \$5000 unless approved by the Chief Justice).

Before the attorney incurs any expense that requires prior authorization of the AOC, the attorney should fax a copy of the signed order to Holly Kirkham at the AOC at 615-741-6285. She can be contacted at 615-741-2687 to verify approval of expenses or if you have any questions.

1. Legislation to modify the amount of compensation for guardians ad litem became effective June 7, 2001. Any activities completed on a case prior to June 7, 2001, will be processed in accordance with prior law, i.e. the \$500 cap and the maximum of \$100 per day in-court applies. In the same case, activities completed after June 7, 2001 will be processed pursuant to the amended statute. For example, on a dependency case the guardian ad litem has incurred activities totaling \$600 prior to June 7 and \$200 after June 7, and the case is certified as complex by the court. The guardian ad litem will receive the maximum of \$500 for services provided prior to June 7 plus \$200 for services after June 7, for a total of \$700. In a termination of parental rights case where activities prior to June 7 total \$600 and those after June 7 total \$200, the guardian ad litem will receive the maximum of the \$500 prior to June 7 and \$200 after June 7, for a total of \$700. The case would not have to be certified complex as the new maximum of \$1000 applies to activities after June 7. If, in the same case, all activities after June 7 total over \$500 and the case is certified complex by the court, the guardian ad litem will be compensated the maximum of \$500 for activities completed prior to June 7 and up to \$1500 for activities completed after June 7, for a total not to exceed \$2000.

Leslie Kinkaid is the Court Improvement-Coordinator with the Tennessee Supreme Court Administrative Office of the Courts.

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International Paper/Memphis Area Legal Services Inc., Young Adult Legal Introduction Series

By Elder L. Shearon III

Memphis Area Legal Services is collaborating with the legal department of International Paper in producing an addition to the Memphis City Schools' curriculum. The series being produced will provide an entertaining, easily digestible introduction to basic legal principles relevant to situations encountered as young persons reach the age of majority and begin entering contracts. These will include basic contractual concepts, the landlord-tenant relationship, issues relating to debt and credit, and other areas of vital concern. The content will focus particularly on problem situations repeatedly encountered by Legal Services attorneys, in which prevention would have been infinitely superior to any available legal cure.

The format for this new program is a series of modules, each intended to be presented in a class period. A module will consist of an audio-visual segment about 15 minutes in length, along with printed instructional matter and "questions & answer" materials for use in classroom discussions. The audio-visual will dramatize a problem situation involving a young person, with scenes of the "drama" followed by brief "plain English" legal analyses of what is going on and what the protagonist should have done differently. A short summary will wind up each segment.

The first module will involve the purchase of a used car by a young individual. The audio-visual portion is presented in six scenes, dramatizing the ill-advised purchase, followed by car-trouble, repossession, and a court appearance in which a deficiency judgment is taken against the young person. Each is played out in a dramatic (somewhat humorous) vignette, followed by the thoughts of a "lawyer." It is accompanied by the printed material described earlier.

International Paper and MALS expect that these units, being produced in-house by International Paper as a form of pro bono work, should be very user-friendly for the teacher, very instructive for the student in some very important areas, and fun for both.

The first module will be in schools in October and, although intended initially for use in high school economics classes in Memphis City Schools, these presentations should be adaptable to any number of contexts.

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LOCAL NEWS— EAST

Chattanooga Bar Young Lawyers' 6th Annual Pro Bono Night

"This is where we win back the profession," said Judge Neil Thomas in recognizing the excellent work of the Volunteer Lawyer Program at the Chattanooga Bar Association's Young Lawyers Division Sixth Annual Pro Bono Night. Four Chattanooga area attorneys who made outstanding contributions to the needs of the very poor and elderly were nominated for the Bruce C. Bailey Volunteer Lawyer Award: Lisa Espy with Espy & Clark, Steve Jacoway of Patrick, Beard, Schulman & Jacoway, David Kesler of Miller & Martin and Hal Schwartz of Witt, Gaither & Whitaker.

The outstanding contributions of each volunteer were detailed by Judge Thomas, who noted that the nominees reflected loyal participation in Pro Bono work and a willingness to accept difficult cases. The nominees were selected by the Chattanooga Bar Association's Pro Bono Committee chaired by Jeff Hollingsworth. Harold A. Schwartz Jr. was named Volunteer Lawyer of the Year in

recognition of his work since 1990 as both an intake volunteer and a volunteer handling individual client cases.

In recognizing Schwartz, Judge Thomas noted that he has been a member of the Volunteer Lawyer Program since 1990, completing 13 cases including eight wills, a probate case, a deed problem, a conservatorship, a disability insurance problem and a collections harassment matter. Schwartz has also conducted intake at STLS for at least five years, and was co-chair of the 1999 Private Bar Campaign. Schwartz is a 1964 graduate of Yale University, where his classmates included Joe Lieberman and John Ashcroft. He earned his law degree from the University of Pennsylvania in 1967, and his master's degree in tax law from New York University in 1998. Schwartz was the Charter President of the Chattanooga Federal Bar Association, and is a Fellow of the Chattanooga Bar Foundation

Those heading up the festive blues benefit included Chattanooga Bar Association Young Lawyers Alison Shaw, Julie Jackson, Tim Nichols, Carolyne Beaty, Kevin Beck, Rich Heinsman, Marty Stone and YLD President Tony Matthews. Chattanooga attorney Mark Warren created his traditional 'sensation' as emcee/auctioneer throughout the event.

"This is a wonderful event, and we are so grateful to have the continuing sponsorship and support of the Young Lawyers," said Mike Roebuck, Executive Director of Southeast Tennessee Legal Services. "We have been fortunate in building one of the nation's most successful Pro Bono partnerships with the Chattanooga Bar Association. Lots of people like Bruce Bailey and our four nominees for 2001 have devoted tremendous time and energy to making it so successful. Having the Young Lawyers Division recognize the efforts of the Volunteer Lawyer Program through this annual celebration really brings it full circle."

Several hundred area attorneys, judges and friends turned out to help the Young Lawyers celebrate the contribution of local lawyer volunteers. Spotted in the crowd were Chattanooga Bar President Sam Elliott, Judge Bill Carter, Beth Sims from the Tennessee Access to Justice Committee, and past YLD Presidents Kelly Johnson and Christie Sell.

A line-up of young lawyers' favorite food was provided by Sticky Fingers, River Street Deli, The Cupboard, Shapiro's, The Walden Club, 212 Market, Fridays and Big River Grille & Brewing Works. Rhythm & Brews was once again the host sponsor for the celebration, with other sponsorships and support provided by Master Graphics, BMW of Chattanooga, One Price Framing, SunTrust, The Clarion Hotel and 96.5 The Mountain, and over 100 Silent Auction donors.

To get involved as a volunteer with Southeast Tennessee Legal Services, please call Nancy Pagano, Pro Bono Coordinator at 756-4013, ext.116.

MIDDLE

By Yvette Sebelist

Driver's License Law

This spring, our legislature made the headlines by allowing Tennessee residents to apply for driver's licenses and Tennessee ID cards without social security numbers. Generally, undocumented aliens are unable to obtain social security numbers and controversy swirled around whether our legislators were supporting illegal immigrants. However, there are quite a few legal aliens who cannot get social security numbers, such as spouses and children of nonimmigrant workers. The social security administration takes the view now that social security numbers are only for the purpose of work, even though the number has developed into the national ID. After the measure passed and was signed into law, a wave of applicants lined up in the early morning hours at testing stations due to pent-up demand. Some legislators led a backlash bill to repeal the law, but the legislature became embroiled in the budget issue. The current law includes the following documents in lieu of a social security card: authentic document from the Immigration and Naturalization Service, alien registration receipt card, resident alien card, employment authorization card, temporary resident card, OMB 3116-0008 certificate of eligibility for exchange visitors, OMB 1115- 0051 certificate of eligibility for non-immigrant, any type of generally recognized governmental registration document, and an affidavit which states that a person has never had a social security number.

Middle Tennessee Groups Advocate for Immigrants

The Nashville Task Force for Refugees and Immigrants, comprised of nearly 60 community agency representatives, recently urged the Mayor's office to reconsider the allocation of \$350,000 in funds earmarked for a needs assessment of the immigrant community to include an open process for accepting applications.

A group of local attorneys and community leaders are working on a proposal for a NAPIL fellow to serve the immigrant population with immigration and other civil matters. In addition, the initial goal is to employ an attorney and an assistant, one or both who speak Spanish. The group hopes to grow the program into a legal clinic with the ability to serve immigrants, whether they are documented or illegal.

Efforts continue to locate an INS Sub-Office in Nashville. Congressman Bob Clement and Senators Thompson and Frist have sponsored bills in Congress to allocate \$5 million to operate the facility. Currently, Memphis houses the only service office for Tennessee, while Nashville, Knoxville and Chattanooga have "Quick Response Teams" whose primary task is to remove criminal aliens. The enforcement team in Nashville moved to Metro Center near downtown, where reportedly the building has enough space to accommodate the service office. n

WEST

By Diana Fedinec

Telephone Clinic Meeting Need in Rural West Tennessee

An elderly woman from Fayette County recently had the interior of her home painted but not according to her specifications. She asked the painter to come back and finish the job but he never did. In need of legal advice, Beatrice S. called Memphis Area Legal Services, and her call resulted in a call back from an attorney who provided her with the legal assistance she needed.

Beatrice's call was made possible through a consumer telephone advice service created by Memphis Area Legal Services Inc. (MALS) and West Tennessee Legal Services Inc. (WTLs), two West Tennessee legal services programs that offer civil legal assistance to the poor and elderly. The joint project, which began this month, is known as the Urban-Rural Consumer Telephone Clinic, and it seeks to bring the

resources and expertise of urban attorneys to rural clients. Funded in part by a \$4,000 grant from the American Bar Association Center for Pro Bono, the clinic enlists volunteer attorneys who agree to provide legal advice and brief services. Pete Shearon, Managing Attorney for the Private Attorney Involvement program at MALS, said "the hotline was designed to meet the growing need for legal aid in rural communities, which traditionally have a lower number of pro bono attorneys available than in metro areas." Linda Seely is co-coordinator of the clinic and managing attorney for the Private Attorney Involvement program at West Tennessee Legal Services in Jackson. Together, these two programs are reaching out to eligible clients located in 20 rural counties in West Tennessee.

Although MALS and WTLS provide legal assistance on a range of legal matters from housing discrimination to domestic violence, the clinic currently handles consumer-related calls only. Although MALS receives several thousand calls for help every year inclusive of Shelby County, for the three rural counties serviced by MALS (Fayette, Tipton and Lauderdale), more than 40 consumer calls have resulted in applications or attorney service since January 2001. "Having a call referral system in place for this particular area of law has enormous impact for WTLS," notes Seely. "Our program does not have staff attorneys who specialize in consumer law, and only a small number of law firms can handle cases in our service area." WTLS refers out an average of 15 calls per week through the clinic. The types of consumer/debtor problems represented include automobile repossession and purchases, rent-to-own contracts, pay day loans, home equity and improvement loans, foreclosure, student loans, collection harassment, used car defects, warranties, credit report errors, etc.

At this time, attorneys from the Memphis law firm of Baker, Donelson, Bearman and Caldwell have agreed to be the metro area link to the clinic. One advantage to the format is that the clinic's referral system allows attorneys to work at their own desks. When a call comes in, an intake counselor screens the client for eligibility and type of service needed. If the call results in a referral to an appropriate attorney, the attorney will call the client back, discuss the case, dispense advice and provide brief service. If extended service proves necessary, the case will be handled by a legal services staff attorney or as a "traditional" pro bono case. Volunteer attorneys from Baker, Donelson registered to participate are: Marcus Bozeman, Marianne Bell Matthews, Silvia Reed, Beverly Sanders, Rajiv Singh, Lea Hall Speed and Lang Wiseman. Rajiv Singh is handling Beatrice's case, under investigation, and several others. He's quickly realized how important the rural outreach is: "Clearly there are people who need and deserve help and being here in Memphis can allow me to do something for them."

An initial training for the attorneys in consumer law was conducted by Dave Tarpley of the Legal Aid Society of Middle Tennessee who also chairs the consumer law Taskforce sponsored by the Tennessee Alliance of Legal Services. MALS hopes to expand the telephone clinic to include other areas of the law and welcomes additional attorney help. For more information about the clinic, please contact Pete Shearon at MALS by calling (901) 523-8822. Persons in need of help with debtor-creditor issues and other consumer problems who reside in Tipton, Fayette and Lauderdale should call 1-888-207-6386. For all other West Tennessee residents, the toll free number is 1-800-372-8346, ext. 308.

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