

# Tennessee Alliance for Legal Services

Strengthening the Delivery of Civil Legal Help to Vulnerable Tennesseans



[www.tals.org](http://www.tals.org)

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## 2016 EJU Session Descriptions

All sessions are GEN credit unless otherwise marked. All sessions have been submitted to the TN CLE Commission for approval.

### **Wednesday, August 31, 2016**

**9am – 9:45am**

#### **The Right to Counsel in Civil Cases: Where We've Been, Where We're Going**

**Presenter: John Pollock**

Many Americans, and even some lawyers, mistakenly believe that indigent litigants in civil cases either always or never receive a lawyer. The truth of the matter is somewhere in the middle, with a complex history, a partial recognition of the right to counsel for certain types of basic human needs cases, and a growing tide of state courts and legislatures moving to expand recognition of a right to counsel. This plenary will discuss the history of the right to counsel in civil cases involving basic human needs, the aims of the civil right to counsel movement (including why it's no longer called "Civil Gideon"), and the most exciting developments across the country, as well as how civil legal aid programs fit into the movement.

**10am – 11:30am**

#### **Your Culture: It Doesn't Live in a Petri Dish (Staff Session) - DUAL**

**Presenter: Dr. Dayle Savage**

Think about your workplace. Do you thrive or survive? Do you hit the ground running or move at a snail's pace? Do you pose new ideas or go with the same o' same o'? How can we shift our mindset from merely surviving to always thriving and help others do the same? In this workshop, staff members will have the opportunity to dig into the reasons and plan for a new result, as we investigate office culture. This includes cultural challenges in the workplace, cultural norms that are unspoken, and cultural values that are written yet never acted upon. A culture assessment will be used to introduce concepts and tools will be introduced to generate a new mindset for

enacting your organization's culture daily.

### **Civil Legal Aid Messaging –**

**Presenter: Martha Bergmark**

Attend this session for an introduction to the key elements of an effective message about what civil legal aid is and why it matters. You'll get an opportunity to incorporate these elements in practice exercises for when you are make a presentation to a donor, talking with a reporter, writing an op-ed – or simply when you're introducing yourself at a cocktail party.

### **Guardians of the Grievance Procedure; Administrative Rights for Tenants in HUD Housing Programs**

**Presenter: Zac Oswald**

When being evicted, tenants in HUD-subsidized properties are afforded several administrative protections and opportunities to resolve issues outside the judicial process. While some housing providers may view grievance procedures as the next line of red tape to cut, enforcing the required steps can cause a housing provider to re-evaluate the need to evict tenants. Additionally, a well-oiled grievance procedure allows for the resolution of disputes before attorney involvement may become necessary. Even where there is no resolution of the dispute, these procedures offer the opportunity for informal discovery and may provide a procedural defense to any subsequent eviction. This session will dig into deciphering which administrative procedures are available for tenants in each program, how to balance the HUD regulations with each organizations' own policy, and how to enforce tenants' administrative rights when they are ignored.

### **Valuing the Differences in Diverse Leadership - DUAL**

**Presenter: Dr. Kathy Purnell**

This session teaches participants the importance of developing cultural self-awareness while providing practical strategies related to the art of valuing differences in diverse leadership.

**1pm – 2:30pm**

### **Creating a Culture for All (Managers Workshop) - DUAL**

**Presenter: Dr. Dayle Savage**

Thinking about your organization, ask yourself this question ala Dr. Phil, "How's that working for you?" If you are hesitating to come up with an answer, it may be time for an office cultural assessment. Is your staff performing in a way that creates ease and not urgency? Do your culture challenges generate more whirlwind and less creativity? Do you see your day spent putting out fires instead of thinking about strategy and execution of new initiatives? In this

workshop, you will take a deep dive into cultural curiosity, ethical behavior, and performance improvement. Assessments, models, and proven disciplines will be introduced to assist you in creating or recreating a culture of trust, integrity, and positivity.

### **Letting Go of Anxiety – A Reflection on Self Care, Mindfulness, and Meditation for Legal Aid Providers - DUAL**

**Presenter: Dr. Cathy Self**

Although your “thinking mind” is critical to your success, your mind-body-spirit need respite from the constant witness to human suffering and the concomitant anxiety that can become a regular presence in life. Scholars suggest that individuals who work in the legal arena have among the highest rates of substance abuse and depression of any profession. Beyond logic and reason, there are tools that can be utilized to achieve greater clarity, creativity, and health. This session will explore tools useful for self-care, including mindfulness and meditation. Regular practitioners and those who want to just “dip a toe” in the water will find this session helpful.

### **Roadblocks to Re-Entry: A Tennessee Legal Roadmap**

**Presenters: Mayor Karl Dean and Vidhi Joshi**

In Tennessee, people with criminal convictions face immense barriers as they attempt to re-enter society after prison or jail. A single conviction can rob a person of housing, employment, and the opportunity to build a dignified life. However, there are legal remedies to help individuals combat the barriers to re-entry they face. This session will discuss the collateral consequences of criminal convictions in Tennessee and the corresponding legal remedies under state and federal law available to combat these consequences. Some examples of the work legal aid lawyers can do are: help with court costs, expungement, challenging a denial of admission into public housing/subsidized due to a criminal record, helping with evictions due to criminal activity, restoration of citizenship petitions, helping someone get off of the sex offender registry, restoring voting rights, certificates of employability, etc. Come to the session to find out information about this work and more!

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**2:45pm – 3:45pm**

**Crafting Persuasive Messages Presenter: Martha Bergmark**

The Opportunity Agenda’s “Values-Problem-Solution-Action” messaging formula is especially

well suited for the issues that civil legal aid advocates need to communicate about every day. Attend this session for an introduction to this powerful and versatile tool and an opportunity to put it to use in practice exercises.

### **Recognizing and Combating Elder Abuse**

**Presenters: Laura Brown and Milandria King**

This presentation will explore the most prevalent forms of elder abuse. We will explore the parallels between undue influence and domestic violence, stalking, and grooming to better understand the dynamics of many financial exploitation cases. Cultural considerations,

barriers to living free from abuse, and indicators associated with undue influence will be examined. Specific case studies will ensure a real world approach.

### **Estate Recovery**

**Presenter: Katie Evans Moss**

This session will provide an explanation of what estate recovery is, why it is done, and how it works in Tennessee. It will include a discussion of recent case law related to TennCare's ability to recover in several different scenarios.

## **4pm – 5pm**

### **The Turnip is Out of Blood: Creating Effective Public Service Announcements**

**Presenter: Gary Yordon**

Legal Aid organizations have been essentially using the same message for the last fifty years; We have thousands of people in need on waiting lists. The problem is enormous. We need your donation to provide services. Show clients telling their stories. Virtually the same message from every program, desperately looking for a slightly different spin. And speaking to the same group of lawyers and others in the legal universe, year after year. This session will share that here is a new way to share your story...a new way to expand your market...a new way to engage funders. And it can all happen with an affordable and engaging way. It's time to turn the chapter on try to sell problems. It's time to take a leap into engaging your communities with success.

### **Legal Updates from Tennessee's Elder Law Task Force**

**Presenter: Laura Brown**

Laura Brown, Counsel and State Legal Assistance Developer for the Tennessee Commission on Aging and Disability serves on Tennessee's Elder Abuse Task Force. She will share updates on the most recent findings and how they affect attorneys practicing elder law in Tennessee.

## **Working with Law Enforcement on Domestic Violence Cases**

**Presenters: Robert Downs, Captain Michelle Richter, Biridiana Rodriguez, and Darkenya Waller**

Legal Aid attorneys and Metro Nashville Domestic Violence Unit Captain Michelle Richter will advise on the best way that attorneys and law enforcement can work together for the benefit of the client.

## **Thursday, September 1, 2016 Sessions**

**8:30am – 10am**

### **The Impact of Adverse Childhood Experiences on Legal Services Clients - DUAL**

**Presenters: Gary Housepian and Linda O'Neal**

The workshop will provide overview of research on the impact of Adverse Childhood Experiences (ACEs) across the life span and describe current efforts in Tennessee for prevention, mitigation and recovery from ACEs – *Building Strong Brains: Tennessee ACEs Initiative*. It include a discussion of the implications of ACEs on indigent clients and ethical considerations in integrating this information into everyday practice.

### **Arming the Fish in the Barrel: TennCare Basics**

**Presenters: Chris Coleman and Rob Watkins**

This session will provide an introductory overview of the TennCare program, including the application process, categories of TennCare eligibility, and appeals. It will also provide practical tips and troubleshooting advice for common problems clients may have navigating the TennCare application and enrollment process and getting medically necessary services once enrolled.

### **Representation and Advocacy: Biscuits and Gravy or Oil and Water? - DUAL**

**Presenter: Elizabeth Gedmark**

This training will explore ethical rules when your clients are interested in becoming advocates or telling their stories. We will also discuss the ethical and legal limits of legal service providers participating in advocacy. If you or your clients are interested in being a part of systemic change, we will explore how and when this is appropriate, while also troubleshooting the ethical and legal issues that often arise in Tennessee and nationwide.

### **Handling Special Immigrant Juvenile Status Cases**

**Presenters: Adrienne Kittos and Emily Stotts**

This session will provide information about applying for Special Immigrant Juvenile Status, a form of immigration relief available to children who cannot be reunited with one or both parents and who cannot return to their country of citizenship. We will discuss the process of obtaining a necessary predicate order from a state court, as well as the immigration application process.

**10:15-11:45am**

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**Into the Weeds: TennCare Workshop**

**Presenters: Chris Coleman and Rob Watkins**

This session is intended for those who have taken TennCare Basics or are familiar with the program. It will provide an update on recent developments in the TennCare program, including an update on the Wilson and Binta B. cases, eligibility redeterminations, and practical approaches to building a record for an appeal. Participants in this session will also work through hypothetical scenarios involving TennCare eligibility and medical service appeals.

**Tennessee Legislative Update & Preview: 2016 results and preview of 2017**

**Presenters: Stewart Clifton and Mike Murphy**

We will review bills and budget items which passed last year, specifically those which would be important for lawyers and others working on behalf of low income and senior Tennesseans. We will also mention some bills and issues which did not pass but which may be part of the 2017 session. This session will also review new laws as well as budget and professional issues that may impact advocates as well as clients.

**Legal Services Introduction to Immigration**

**Presenters: Claire Abely and Adrienne Kittos**

This session will provide a summary of the categories of immigrants (documented and undocumented) that LSC-funded programs are allowed to represent, and the variety of case

types that are also allowed, as well as LSC reporting requirements for these cases. Adrienne Kittos will give an introduction to the type of immigration cases that legal services generally encounters, including U Visa and VAWA cases.

## **1:30pm – 2:30pm**

### **Judicial Remedies for Low Income Taxpayers**

**Presenter: Anidra Lomax**

This session will cover regulations and procedures governing litigation of tax issues. Taxpayers may litigate tax disputes in the United States Tax Court, in the United States District Court or Court of Federal Claims, and in the United States Bankruptcy Court. Specifically, the session will cover deficiency proceedings, collection due process (CDP) proceedings, stand-alone innocent spouse cases, refund suits, and bankruptcy proceedings.

### **Appellate Advocacy – Opportunities, Challenges and Mechanics**

**Presenters: Frank Cantrell and Phillip Oliphant**

Using real life cases studies, in both state and federal court contexts, we will examine best practices for successful appeals, including written and oral advocacy and the nuts and bolts of the appellate process. We will also explore some of the lesser known tricks of the trade for preparing for the possibility for appeal during the course of a trial.

### **Unauthorized Practice of Law - E&P**

**Presenters: Travis Brown and Jeff Hill**

The unauthorized practice of law often intersects with consumer protection issues. In this session, discussion will center on the basics of unauthorized practice of law, the basics of consumer protection, and common issues that arise. The session will involve conversation about state enforcement and private actions.

## **2:45pm – 3:45pm**

### **Trending Topics: #Fair Housing**

**Presenter: Kathryn Trawick**

This session will examine current trends in fair housing cases, with emphasis on domestic violence, disability, and lending. Current case law and relevant cases will be presented. We will also discuss what happens after a fair housing complaint is filed.

## **Justice Technology: How Legal Aid Changed the World**

**Presenter: Vince Morris**

Long before LegalZoom, Rocket, RocketLawyer, and Avvo took center stage of the new radically changing legal landscape legal aid organizations across the nation were pioneering new tools for access to justice. Join this session to learn more about the justice technology and new service delivery models that legal aid was first initiate and also the next generation of tools available for legal aid and our clients.

## **Consumer Protection: A view from the Attorney General's Office**

**Presenters: Travis Brown and Jeff Hill**

Travis Brown and Jeff Hill will discuss recent consumer cases and developments from the Attorney General's office. The session will include a discussion of automobiles, mortgages, veteran's issues, elder issues, and timeshares.

**4pm – 5pm**

## **Hoarding as a Disability: Keeping Your Client Housed**

**Presenter: Charity Miles Williams**

This session will briefly describe the Fair Housing Act and the problem of tenant hoarding and how to successfully keep your client housed. The presentation will discuss the concerns of hoarding, its current classification as a disability, and the use of the Fair Housing Act to assist with the prevention of eviction. The presentation will provide tools to assist housing providers and housing advocates through the interactive process in accommodating individuals and families with hoarding disorder.

## **Notes from the Judiciary to the Domestic Bar**

**Presenters: Judge Denise Andrae, Judge Angelita Blackshear Dalton, Judge Philip Smith, DarKenya Waller**

Members of the judiciary whom regularly see Family Law issues in their courtroom will answer questions and will share advice for a successful practice in the family law arena.

## **LifePlan: Transitioning Students with Disabilities to College or Work**

**Presenter: Craig Barnes**

The workshop aims to teach participants about the LifePlan program, which is designed to ease the transition of students with disabilities to college or work. It will also examine some of the key

issues for students with disabilities exiting the public education system. We will provide key information on screening students with disabilities at transition age and on sources of referral. The presentation will further examine special needs trusts and other legal instruments that can protect financial assets of people with disabilities.

## **Friday, September 2, 2016**

**8:30am – 10am**

### **Compliance Guidance for Your Organization**

**Presenters: Anne Martin and Beverly Watts**

There are a number of state and federal laws and regulations establishing the expectations of employers related to their employees. Their applicability to different organizations depends upon a variety of factors, including the number of employees. Areas of regulation cover all aspects of the employment relationship. In this session the speakers will provide an overview of issues that you, as employers, need to keep in mind when dealing with employment issues.

### **Systemic Change to Improve Legal Advocacy**

**Presenter: Rita Gibson Rayford, Craig Barnes, Jeannie M. Kosciolk**

The work that legal services organizations engage in is steeped in the tradition of providing legal advice and representation to individuals who request assistance for one or more issues that are specific to the applicant. Because most legal aid firms receive significantly more requests for services than there are organizational resources to address, we must identify issues that affect a large number of individuals and families and address them through strategies such as community education. Sustainable, systemic change can be achieved by (1) developing programs that leverage community resources, (2) creating partnerships with organizations in the private, public and nonprofit sectors and (3) implementing special programs that combine the provision of legal advocacy with other disciplines that can enhance and sustain the outcomes that are achieved by legal professionals. Memphis Area Legal Services (MALS) has incorporated this model in its operations. This will be a panel presentation about the special projects and collaborations that MALS has developed including Shelby County's first medical-legal partnership (MLP), the Partnership for Educational Advocacy and Parity (PEAP), the Supportive Services for Veteran Families program (SSVF), and the A to Z of Used Car Buying sponsored by AutoZone.

### **Introduction to Employment and Community First (ECF) Choices Waiver**

**Presenter: Megan Metcalf,**

Beginning on July 1, 2016, Tennessee will implement an integrated managed long-term services and supports (MLTSS) program that is "specifically geared toward promoting and supported

integrated, competitive employment and independent, integrated community living as the first and preferred option for individuals with intellectual and developmental disabilities.” This presentation will cover how to apply for ECF Choices, who is eligible for ECF Choices, services available under ECF Choices, and how this new program will affect over waiver programs in Tennessee.

### **Family Justice Centers: Key to a Coordinated Community Response to Domestic Violence: Intergroup Panel**

**Presenters: Paige Evatt, Debra House, Jane Jarvis, Jeannie M. Kosciolk, Rachel Moses, Olliette Murry-Drobot, Darkenya Waller, Deb Yeomans-Barton**

This session will explore the different models of Family Justice/Safety Centers (FJC) nationally and in Tennessee. The panel will discuss the benefits and challenges of being part of a collaborative FJC as well as the ethical considerations surrounding lawyering in a collaborative setting. In addition, funding opportunities and challenges will be explored. The session will conclude with a group conversation about how we can work together in Tennessee to make our FJCs stronger and provide the highest quality of client service.

**10:30am – 11:30am**

### **How to Counsel Domestic Abuse Victims about Debt**

**Presenter: Jane Morris**

Domestic abuse victims often face extreme financial turmoil upon leaving their abusive situation. Family law attorneys and advocates often do not always have the knowledge necessary to usefully advise their clients on these issues since these issues are out of their substantive area. This session is designed to assist family law attorneys and advocates on how to guide clients on debt issues that commonly arise for domestic violence victims. Topics covered will include basics of collection lawsuits, protecting assets and income from garnishment, repossession, foreclosure, and bankruptcy – all specifically geared for family law attorneys.

### **What’s New on Westlaw**

**Presenter: Tony Desmond**

The objective of the course is to update and refresh attorneys on Westlaw, and show the new tools, features and content available. These new tools and content enhancements will also assist the attorneys in providing more cost effective researching to their clients.

### **HELP4TN.Org: Using TN’s Statewide Legal Resources Site**

**Presenters: Ann Pruitt and Tim Hughes**

Come learn about HELP4TN, a single point of entry into the legal assistance system. HELP4TN is the statewide website that satisfies LSC Assurance #9. Explore the online resources that

attorneys and staff can use to connect people with legal help and engage lawyers with pro bono opportunities.

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<http://www.tals.org/EJU16sessions>

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