

Spring 2002



Points of Interest

POINTS OF INTEREST is the newsletter of the Tennessee Bar Foundation and IOLTA program (Interest On Lawyers' Trust Accounts)

\$10 million!

That's the amount of money the Tennessee IOLTA program will have granted to law-related service providers throughout the state by the end of 2002. That mind-boggling figure — \$10,000,000 — was made possible by the participation of both lawyers and bankers. On behalf of the organizations whose programs have been strengthened, whose new ideas have been implemented and whose clients' lives have been improved through an award from the IOLTA program, the Foundation says, *thank you.*

Legal help for senior citizens

By Clayta Richards

Adapted with permission of the *Sparta Expositor*

Editor's Note: The following story spotlights Aging Services of the Upper Cumberland, a Title III agency that receives federal funds under the Older Americans Act. Aging Services provides free legal assistance (in specified subject matter areas) and long-term care ombudsman services to any person age 60 or over. While there is no income test to qualify for assistance, 81% of last year's clients lived at the poverty level or below. The remaining 19% are often frail, disabled, home-bound or institutionalized.

Aid similar to that provided by Aging Services of the Cumberland is available throughout Tennessee from regional providers. These organizations may be contacted by calling the local Area Agency on Aging and Disability.

Since 1995, the Tennessee Bar Foundation has recognized the efforts of the two-person staff of Aging Services, who serve 14 counties, by awarding eight IOLTA grants that total \$67,500.

Remember how scary all that official stuff seemed when you were just turning over the calendar from having been a kid all your life to being a young adult? Things like enrolling in



Photo © PHOTODISC

college, signing up for the armed services and getting married — all new territory and pretty daunting. Luckily, most of us still had mom and dad around to help us with the transition and to even hold our hand. There are an equal number of things one must sign up for after age 60, but where does one turn, at that age, for help? Marie Ferran is one of the people who will hold your hand, fight for you in court, and wade through the mumbo jumbo if you have trouble getting senior benefits.

Ferran is an attorney/social worker with the non-profit agency Aging Services of the Upper

continued on page 7

High schools can also utilize ADR

Peer mediation offers alternatives to violence

By Lindsay Pride
Adapted with permission of the
Crossville Chronicle

Editor's note: The term "mediation" often brings to mind well-heeled disputants, represented by lawyers, who work together to solve a conflict prior to submitting to a public solution mandated by a court. While this picture is not incorrect, mediation can also be a solution for the smaller disagreements and potentially volatile situations that arise between high school students who have never even met a lawyer.


Like several of the nine mediation programs currently receiving IOLTA grants, Community Mediation Center/Victim Offender Reconciliation Program (CMC/VORP) of Crossville, in Cumberland County, has been involved in its area schools, teaching peaceful conflict resolution, since 1993. In 1997, CMC/VORP-trained mediator, Terry Owens, stationed himself, full-time, at Cumberland County High School to inject the possibility of mediation into an academic setting on a daily basis.

"I have seen friendships mended and relationships restored because I can effectively put my training to use."

In addition to the usual stresses of the teenage years, a county-wide high school brings together students from a variety of backgrounds. This exac-

erbates the predictable conflicts. Mr. Owens has devised a method of resolving these encounters with mediation facilitated by specially-trained, fellow students. The program, as the article reprinted below describes, keeps the peer-mediators busy.

CMC/VORP was the first mediation program to be awarded an IOLTA grant and has received \$55,633 since 1990.

 Preventing violence is a serious issue for schools nationwide, and what students learn about approaching violence in school is an invaluable lesson they carry throughout their lives.

A program which tries to help students solve conflicts by offering alternatives to violence has been in effect at Cumberland County High School (CCHS) for the past three years.

The goal of the program, peer mediation, is "to help people who disagree find a way to resolve their differences which satisfies both sides."

Student peer mediators at CCHS have to complete eight hours of training including concentration games and listening skills.

Peer mediators deal with potential violence situations, such as rumors, by bringing both sides together and allowing each person involved to share his/her story.

The mediation begins with a high level of control and structure provided by the peer mediators, according to Terry Owens, peer mediation coordinator at CCHS. The peer mediators set up chairs to provide balance and tell the parties involved

Video taped interview collection expands
Gathering our history

During 2001, the video taped recollections of four more Tennessee attorneys were added to the Legal History Project library, sponsored by the Fellows of the Foundation. Members of the bar and the public are encouraged to borrow from the collection (now at 20 interviews) housed in the Foundation's office.

Pictured at right are the "inductees" for 2001:

- Claude G. Swafford of Jasper (interviewed by Claudia Swafford Haltom);
- M. Lacy West of Kingsport (interviewed by Dalton L. Townsend);
- Judge Hewitt P. Tomlin, Jr., of Jackson (interviewed by Judge J. Daniel Breen); and
- Judge Odell Horton, Sr., of Memphis (interviewed by Sheila Jordan Cunningham).

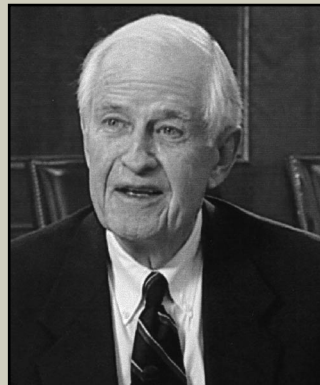
For more information or to borrow or purchase a video, contact the Foundation's executive director, Barri Bernstein. ■



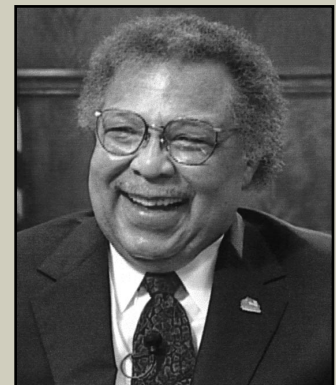
SWAFFORD



WEST



TOMLIN



HORTON

where to sit. The mediator explains his/her role as a neutral party. The disputants aren't allowed to speak to each other, look at each other or interrupt each other.

After both disputants have shared their stories, the mediator asks the students to turn and face each other to see if there's anything either person would like to ask the other.

"We let them come up with their own agreement or solution," Owens said.

An adult is always on hand to supervise the mediation process.

Owens said 49 trained peer mediators have handled about 260 referrals involving 600 stu-

dents for mediation since the program's inception in November 1999.

"Not only has being a mediator helped me interact with people more effectively, it has also given me a lot of self-confidence," peer mediator Eileen Baragona said. "As a mediator, I am able to help people work out their problems nonviolently. I have seen friendships mended and relationships restored because I can effectively put my training to use."

"It's a good feeling to know that you've accomplished something," peer mediator Jennifer Poulin said. "And that you've given them an alternative." ■

Seventy-six current and former members

IOLTA Grant Review Committee represents all facets of bar

 Last year, the Foundation received 81 IOLTA grant applications. That's approximately 1,700 pages of material describing organizations and their law-related projects. While the Board of Trustees makes the final decision as to which applicant should receive an award, it is assisted in assessing this volume of material by the IOLTA Grant Review Com-

mittee. The committee is composed of 14 representatives of 11 practicing bar organizations. Each group has one representative, except the Tennessee Bar Foundation, which fields three members plus the chairman. Each member serves a three-year term, and one-third of the committee turns over each year.

Since 1987, 76 Tennessee attorneys have given of their time to serve on this committee. They read the grant applications, get in touch with the executive director or members of the board of each applicant for follow-up and attend several meetings to report their findings to the full group. After all applications are presented, the committee compiles, by negotiation, compromise, "horse-trading" and/or vote, a recommended slate of grant recipients and amounts for submission to the Board of Trustees.

"Perhaps service on the IOLTA Grant Review Committee is a stepping stone to bigger things?"

continued on page 5



Jerri Saunders Bryant

Committee: 1990 – 1992
Now: Chancellor, 10th Judicial District



Lowry F. Kline

Committee: 1990 – 1993
Now: Chief Executive Officer, Coca-Cola Enterprises, Inc.



Christina Norris

Committee: 1991 – 1993
Now: Member, Metro Nashville School Board



William P. Purcell III

Committee: 1988 – 1992
Now: Mayor, Nashville and Davidson County

IOLTA Grant Review Committee Members, 1987 - 2001

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Rita Stotts

Committee: 1991 – 1993
Now: Judge, 30th Judicial District

continued from page 4

Over the years, the members of the committee have represented an extensive cross section of the practicing bar in the state. They are from big cities and small, large law firms and solo practice. They are corporate counsel, federal and state judges, members of the legislature, prosecutors, public defenders, attorneys general, plaintiff's lawyers, defense lawyers, transactional lawyers and resistant-to-a-label lawyers. By the end of their terms, they've wrestled with tough decisions, learned

quite a bit about the law-related service providers in the state, shared "in" jokes with the group and acquired a few new friends.

The names of all former and current members are listed above, and they are to be thanked for their contribution of time. Those that are pictured at left have achieved "higher office" since their terms. Perhaps service on the IOLTA Grant Review Committee is a stepping stone to bigger things? ■

— *Barri Bernstein*

Cumulative total tops \$10 million

2002 Tennessee IOLTA Grant Recipients and Awards

**APPLICATIONS FOR NEXT
YEAR'S IOLTA GRANTS
WILL BE AVAILABLE IN
JULY 2002.**

The decision-making process will take place in the fall for award announcements in December. Organizations that provide either direct civil legal assistance to the indigent or that seek to improve the administration of justice are urged to apply. Contact the Foundation for application materials.

IMPROVING THE ADMINISTRATION OF JUSTICE Child Advocacy

- CASA (Court Appointed Special Advocates) of Davidson County — \$6,000
- CASA of Knox County — \$4,000
- CASA of Madison County — \$6,500
- CASA of Memphis and Shelby County — \$7,000
- CASA of Northeast Tennessee, Johnson City — \$6,500
- CASA of Putnam County — \$6,000
- CASA of Rutherford County — \$6,000
- CASA of Sullivan County — \$9,000
- CASA of Sumner County — \$5,000
- CASA of the Center for Family Development, Shelbyville — \$6,000
- CASA of the Tennessee Heartland, Oak Ridge — \$8,500
- CASA of Wilson County — \$5,000
- Children's Center of the Cumberlands, Oneida — \$6,000
- Parent Place, Knoxville — \$9,000
- REACHS, Jacksboro — \$5,000
- The Exchange Club Family Center, Memphis — \$5,000
- The Exchange Club Family Center, Nashville — \$5,000

Domestic Violence

- BRIDGES of Williamson County — \$1,000
- CEASE, Inc., Morristown — \$2,500
- Domestic Violence Program, Murfreesboro — \$2,000
- Families in Crisis, McMinnville — \$6,000
- Family Crisis Center, Knoxville — \$2,000
- Genesis House, Cookeville — \$6,000
- Hannah's House, Fayetteville — \$4,500
- Hope House, Columbia — \$5,000
- National Council of Jewish Women, Nashville — \$2,000
- SafeSpace, Sevierville — \$3,000

- Scott County Women's Shelter — \$8,000
- Tennessee Coalition Against Domestic and Sexual Violence — \$4,250
- The H.O.P.E. Center, Athens — \$5,500
- YWCA-Knoxville — \$6,500
- YWCA-Nashville — \$3,000

Mediation

- Community Mediation Center, Knoxville — \$8,000
- Community Mediation Center/VORP (Victim Offender Reconciliation Program), Crossville — \$6,500
- Community Mediation Services, Oak Ridge — \$5,500
- Mediation Services of Putnam County — \$5,000
- MediationWorks!, Nashville — \$3,000
- Memphis Leadership Foundation — \$5,000
- Mid-South Mediation Services, Hohenwald — \$5,000
- The Mediation Center, Columbia — \$2,000
- VORP (Victim Offender Reconciliation Program) of Sumner County — \$5,500

Rehabilitation

- Abuse Alternatives, Inc., Bristol — \$4,000
- Battered Women, Inc. - Abuse Intervention for Men, Crossville — \$6,000
- Chattanooga Endeavors — \$2,500
- Dismas House, Knox County — \$5,000
- Dismas House, Memphis — \$9,500
- Dismas House, Nashville — \$6,500
- Dismas House, Upper Cumberland — \$6,500
- Domestic Violence Intervention Center, Nashville — \$4,500
- Reconciliation, Nashville — \$4,500
- YWCA of Oak Ridge — \$4,000

Miscellaneous/Scholarships

- Catholic Charities Immigration Services Program, Nashville — \$6,000

continued on back page

Legal help for senior citizens

continued from page 1

Cumberlands. She's been on the job for 17 years. "My undergraduate degree was in social work. This job is a perfect combination for me. I'm a lawyer and a social worker, and I get to help people all the time."

Ferran explains that even though she works out of the Upper Cumberland Development District (UCDD) offices in Cookeville, her agency is separate. She does however, cover the same fourteen counties as UCDD. They are: Macon, Jackson, Clay, Pickett, Fentress, Overton, Smith, Putnam, Cumberland, DeKalb, White, Cannon, Warren, and Van Buren.

"We have two programs which we administer for seniors," Ferran continued. "The first program is free legal assistance for those age 60 and older for certain types of legal problems including: Medicare, TennCare, Social Security and SSI. We will also help with nursing home access and qualification, adult abuse and exploitation. Those are the major categories," said Ferran.

The second program the agency administers is the provision of a District Long-term Care Ombudsman. This is an advocacy program for people who reside in long-term care facilities. "We're a liaison, a neutral third party that can investigate complaints and assist individuals with placement in long-term care facilities," said Ferran. "The bottom line is the needs of the resident are first and foremost. This program is a way to insure that residents of long-term care facilities have a voice and have an advocate." Nursing homes must provide information regarding this program upon a patient's admission to the facility.

Ferran's activities concentrate mostly around the legal assistance end of the agency, however, considering her legal training. She tells of one story which touched her heart and defined her purpose for being in the position these 17 years. An elderly gentleman had been living in a nursing home for about 15 years, paying his own way. He was 87, and his money had run out. When he submitted the proper form hoping to qualify for Medicaid, the state denied his application on the

belief that he did not meet specified criteria.

"When I first met him," recalled Ferran, "he was very nearly suicidal – he felt he had no place to go. I felt this one was truly life and death."

Ferran appealed the decision and went to a hearing before an administrative law judge. She recalled, "At that hearing, I threw in everything but the kitchen sink, and I had the sink out in the car if I needed it. We used any bit of evidence we could find to keep him in that nursing home."

About halfway through the hearing, according to Ferran, the state's attorney called for a recess. "That scared me to death," she related. "As we reconvened, the state's attorney stated she had talked to her medical director, and they were

"This program is a way to insure that residents of long-term care facilities have a voice and have an advocate."

going to put him on Medicaid." Ferran, of course, was extremely pleased and relieved, but her client still didn't know the news. "I went down to tell him. He cried, and I cried. It was a good feeling, and it, literally, is why I do this work."

How do you hook up with Ferran if you have a problem? Call your local senior citizen center to set up an appointment. She has scheduled dates when she visits each of the fourteen counties in her district, and she visits at least once every quarter. While she's in town on those dates, she keeps appointments set by the senior center, as well as visiting any homebound or long-term care residents of that particular county.

In a typical year, Aging Services of the Upper Cumberlands will provide direct service consisting of advice, counseling, and representation to between 200 – 250 individuals. Ferran also provides education programs through speaking engagements to approximately 800 – 1,000

continued on back page



Points of Interest is published by the Tennessee Bar Foundation. Letters, comments or questions should be addressed to: Tennessee Bar Foundation, 214 Second Avenue North, Suite 104, Nashville, Tennessee 37201 • 615/242-1531 • 800/634-2516 • FAX 615/255-0306 • e-mail TnBarFdn@aol.com

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**Tennessee Bar Foundation
214 Second Avenue North
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Nashville, Tennessee 37201**

IOLTA grant recipients

continued from page 6

- Sexual Assault Crisis Center, Knoxville — \$7,500
- TAPIL (Tennessee Association for Public Interest Law), Knoxville — \$2,500
- University of Memphis School of Law-Scholarship — \$3,000
- University of Tennessee College of Law-Scholarship — \$3,000

PROVIDING LEGAL SERVICES

- Aging Services for the Upper Cumberland, Cookeville — \$9,000
- Battered Women, Inc., Crossville — \$4,000
- Community Legal Center, Memphis — \$20,000
- Legal Aid of East Tennessee — \$62,994
- Legal Aid of East Tennessee Pro Bono — \$20,998
- Legal Aid Society of Middle Tennessee and the Cumberland — \$72,031
- Legal Aid Society of Middle Tennessee and the Cumberland Pro Bono — \$24,010
- Memphis Area Legal Services — \$44,580
- Memphis Area Legal Services Pro Bono — \$14,860
- Tennessee Justice Center — \$275,000
- West Tennessee Legal Services — \$21,207
- West Tennessee Legal Services Pro Bono — \$7,070

Total 2002 IOLTA Grant Awards — \$863,000

Our new look

After several years, the Tennessee Bar Foundation has a new logo and **Points of Interest** has an updated design. We hope you like it!

Legal help for senior citizens

continued from page 7

people per year. "I speak wherever they need me, like senior centers, resident council homes, clubs and senior groups."
Services provided by Aging Services of the Upper Cumberland are free to their clients. The agency receives Title III funding through the Older Americans Act, which is the same program that funds Senior Citizen Centers and nutrition programs such as Meals on Wheels. The program also receives grants from the Tennessee Bar Foundation IOLTA program, United Way programs in Putnam, Smith and DeKalb Counties and from city and county funding in other locations. ■

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