



Spring 2005

Points Interest

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

Supervised visitation works to heal family

In 1997, the first IOLTA funds were awarded to a "supervised visitation" program. In the ensuing nine years, two more organizations began this service, and the three have shared a total of \$90,500 in IOLTA grants.

Supervised visitation facilities make it possible for a parent who, by court order, may see his or her child only with supervision, to do so in a pleasant, supportive environment where the "supervisors" are trained and objective. Parents who utilize supervised visitation facilities are mothers and fathers, are local and are those who must travel long distances. Some must be supervised due to a general criminal offense

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Legal Center gives lawyers 'rewarding' pro bono work

By Rob Robertson

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Editor's note: The following article spotlights the Community Legal Center (CLC) of Memphis. CLC is part of a statewide patchwork of providers of free legal assistance. The clients of CLC are considered the "working poor" as their income, although extremely low, is slightly more than that of the individuals who qualify for aid provided by federally-funded Memphis Area Legal Services.

CLC provides assistance by utilizing a tiny staff of part-time attorneys and a group of

approximately 300 lawyers who've volunteered to provide pro bono service. Most cases involve divorce, child support, guardianship, advance directives, conservatorships and landlord-tenant or consumer issues.

Since 1994, the Tennessee Bar Foundation has recognized the effort of the Community Legal Center to reach out to this underserved population by awarding 11 IOLTA grants that total \$147,000.

Article begins on page 7.

\$264,000 awarded

2005 Tennessee IOLTA Grant Recipients and Awards

PROVIDERS OF LEGAL SERVICES

- Aging Services for the Upper
Cumberlands, Inc., Cookeville — **\$6,440**
- Community Legal Center, Memphis — **\$5,440**
- Legal Aid of East Tennessee — **\$35,956**
- Legal Aid Society of Middle Tennessee and
the Cumberlands — **\$41,124**
- Memphis Area Legal Services — **\$25,505**
- Southeast Tennessee Legal Services —
\$8,000
- Tennessee Justice Center — **\$2,000**
- West Tennessee Legal Services — **\$12,255**

IMPROVERS OF THE ADMINISTRATION OF JUSTICE

Child Advocacy

- CASA* of East Tennessee, Inc. — **\$2,500**
- CASA* of Madison County — **\$4,000**
- CASA* of Northeast Tennessee, Johnson City
— **\$5,000**
- CASA* of Putnam County — **\$3,740**
- CASA* of Rutherford County — **\$5,000**
- CASA* of Sullivan County — **\$5,000**
- CASA* of Sumner County — **\$2,500**
- CASA* of The Center for Family
Development, Shelbyville — **\$3,500**
- CASA* of the Tennessee Heartland, Oak
Ridge — **\$5,000**
- CASA* of Wilson County — **\$5,000**
- Exchange Club Family Center, Memphis —
\$5,000
- Exchange Club Family Center, Nashville —
\$1,000
- Parent Place, Knoxville — **\$4,000**

Domestic Violence Survivor Assistance

- CEASE, Morristown — **\$5,000**
- Families In Crisis, McMinnville — **\$5,000**
- Genesis House, Cookeville — **\$3,040**
- H.O.P.E. Center, Athens — **\$2,000**
- Hope House, Columbia — **\$5,000**
- Morning Star Sanctuary, Nashville — **\$5,000**
- YWCA of Knoxville — **\$2,000**
- YWCA of Oak Ridge — **\$2,000**

Mediation

- Community Mediation Center/VORP,
Crossville — **\$4,000**
- Community Mediation Services, Clinton —
\$4,000
- Community Reconciliation, Chattanooga —
\$4,000
- Mediation Services of Putnam County —
\$3,000
- Mid-South Mediation Services,
Hohenwald — **\$4,000**
- The Mediation Center, Columbia — **\$2,000**

Rehabilitation

- Abuse Alternatives, Bristol — **\$4,000**
- Dismas House, Memphis — **\$4,000**
- Dismas House, Nashville — **\$5,000**
- Dismas House Upper Cumberland,
Cookeville — **\$5,000**
- Reconciliation, Inc., Nashville — **\$5,000**

Miscellaneous

- Safe Haven Crisis & Recovery Center for
Sexual Assault — **\$3,000**

Total 2005 IOLTA Grant Awards — \$264,000

**Court Appointed Special Advocates*

Interviewers enjoy Legal History Project

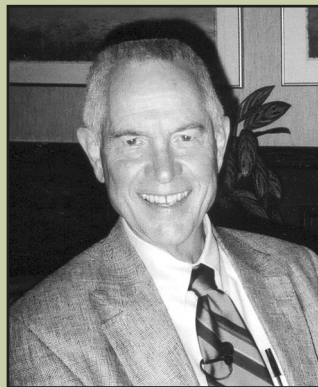
Five senior attorneys participated during 2004 in the Legal History Project sponsored by the Fellows of the Foundation. Recollections about their personal lives, law practice, time on the bench and the legal profession were preserved during individual, videotaped interviews.

In addition to expanding the collection of interviewees, four of the interviewers were new to the Project. The Foundation provides biographical information about the interviewee and an outline of suggested topics and questions, but it is up to the interviewer to elicit the information. "Not only did I enjoy the time I spent interviewing Jerry Colley," said first-time interviewer Paul Plant, "I had a ball gathering stories about Jerry from his family and other colleagues to make sure we got the 'full' picture. I'd certainly do it again."

In Memphis, Mike Cody said after he interviewed Tom Prewitt, "It's not often that you get to discuss the changes in the profession with someone like Tom who has practiced law almost 57 years. He's got a wealth of great stories, and he's the only lawyer I know of who argued a case in front of the United States Supreme Court on two consecutive days — at the invitation of the Court."

In addition to adding the history of these gentlemen to the interview collection, the Foundation completed its fourth "collage," a 30 minute entertainment video, with music and titles, of the best stories, quips and advice as told by the last ten interviewees. *Tennessee Legal Traditions 2005* (along with its predecessors, *TLT 1999*, *2001* and *2003*) may be borrowed for use by local bar associations and civic groups. Contact the Foundation to make arrangements. ■

Text and photos by Barri Bernstein



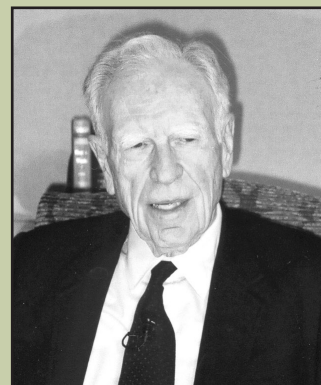
CHARLES H. WARFIELD,
NASHVILLE
*Interviewed by
Ashley T. Wiltshire Jr.*



JERRY C. COLLEY,
COLUMBIA
*Interviewed by
Paul B. Plant*



JUDGE WILLIAM H. INMAN,
MORRISTOWN
*Interviewed by
Kathryn Reed Edge*



THOMAS R. PREWITT,
MEMPHIS
*Interviewed by
W. J. Michael Cody*

2005 Interviewees (Scheduled)

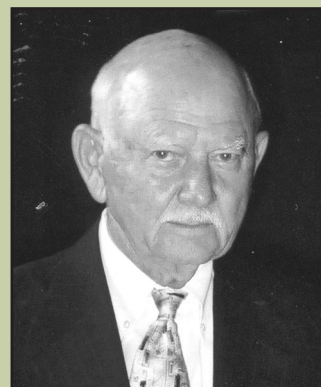
Justice Adolpho A. Birch Jr.
Nashville

Frank J. Glankler Jr.
Memphis

Judge James H. Jarvis II
Knoxville

George C. Thomas
Dresden

G. Wilson Horde
Knoxville



W. JERRY FLIPPIN, MILAN
*Interviewed by
Judge James B. Webb*

Supervised visitation works to heal family

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or dangerous behavior, while others may have attempted to harm that particular child. Where these facilities are not available, supervised visitation often takes place at the sheriff's office/police station, at the Department of Children's Services, at a fast-food restaurant or in another public and unwelcoming setting. In many of those cases, the supervision is often under the eye of the generally disapproving other parent or a relative of the other parent.

Parent Place in Knoxville, the Exchange Club Family Center in Nashville and the Exchange Club Family Center of the Mid-South in Memphis are the antithesis of unpleasant settings. All three have specially designed, inviting rooms stocked with games, puzzles, toys and videos, appropriate to infants through teenagers, that parents may use to help interact with their children. At Parent Place, there is even a kitchen that allows a family to prepare food or order take-out and enjoy a meal together.

All parent and child interaction at these centers is under the watchful eye of a supervisor. The supervisor documents the activities chosen by the parent and child for future use by attorneys and the referring court. If the actions are appropriate (the parent may not use the child to ferret out information about the other parent or speak ill of the other parent), the supervisor does not interact. On the other hand, if a parent needs assistance in relating to a child who is reluctant or hostile, or if the parent breaches one of the rules, the supervisor will make suggestions, help

smooth the rough edges or end the visit.

Security for the child and peace of mind for the custodial parent are paramount at the centers. All three buildings have parking lots adjacent to separate entrances for the visiting and for the custodial parent. The parents arrive at staggered times and then may not leave until a mandated number of minutes have passed, so that neither will see the other's car nor follow the other. There are lists of rules to which the visiting and custodial parent must adhere, and infractions may

result in suspension or discontinuation of visits.

There is also a cost involved, which is based on a sliding scale relative to the visiting parent's income.

The goal for most court-ordered visiting parents is to "graduate" to non-supervised visitation.

Some parents never make

it. Other parents do, but take varying lengths of time to get to that point.

The letter on the next page is an example of a true success story. This parent was ordered to supervised visitation because she attempted to kill her three young children during her own attempted suicide. She graduated to non-supervised visitation after eight years of regular Saturday attendance at Parent Place in Knoxville. She was so comfortable at Parent Place that she brought her sewing machine each week and made clothes for her children as she repaired her relationship with them. Her letter poignantly describes her joy in relating to her children, out in the open, on her own, during some of life's more mundane activities:

"The goal for most court-ordered visiting parents is to 'graduate' to non-supervised visitation."

Dear Joyce and Parent Place Staff,

August 1, 2004

First I just want to say thank you. I know we got off to a rough start 8 years ago but over the years I know you all believed in me and supported my relationship with my kids. I thank you so much for being there! Without you I wouldn't have seen my children.

So much has happened in the last 4 months it's been so amazing! The first visitation we stayed at my brother's house but ever since then Michael* [custodial parent] has allowed us to go places and do lots of fun things. Our first trip was to Kroger's. I was so excited and nervous. I hadn't been anywhere with my kids in 7½ years. I had no idea what to expect. We really had fun. Can you believe it?! Having fun at Kroger's! We've been to Wal-Mart a couple of times. I actually got to be with the kids and see what they bought with their Easter money. I got to see Dawn play her 1st softball game this season. I got to take the kids to see "Shrek 2" and we went out for ice cream afterwards. My family had a reunion on a Saturday when visitation wasn't scheduled but Michael allowed the kids to come! For some of my brothers and their families it was the first time they'd seen the kids in 7½ years. We took the kids to Olive Garden for Kimberly's birthday. We shot fireworks on July 3. Most recently I got to see Dawn's softball team win the championship for her division. Needless to say it has been an awesome time!!

I just want you all to know I think of you often. Things are going really well with the kids. I'll keep you posted.

Helen

* All names have been changed.

A snapshot of statistics

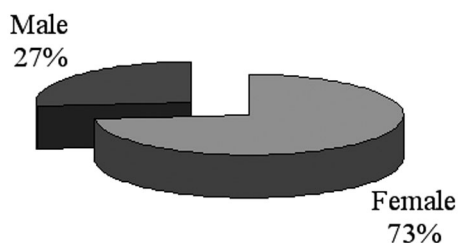
Legal aid organizations — Who are the clients and what are the needs?

During 2004, the federally-funded Tennessee legal aid programs provided assistance to income-eligible clients throughout the state. The operating costs of these organizations are supported by many funding sources, including IOLTA

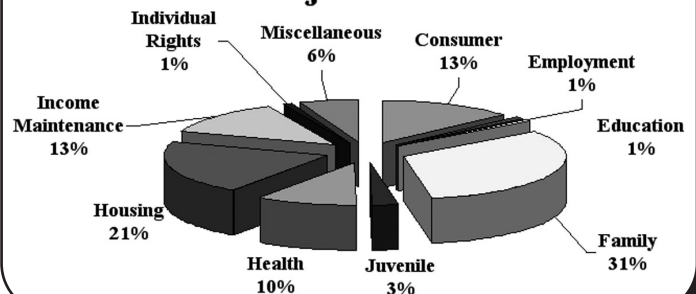
grant awards which totaled \$142,800 during that year. Below are selected statistics outlining the clients served and their legal needs. Note that the pie chart figures are averages of the information provided by the four programs. ■

Provider	Number of Counties Served	Eligible Population of Service Area	Cases Opened
Legal Aid of East Tennessee	26	236,913	8,848
Legal Aid Society of Middle Tennessee and the Cumberland	48	282,242	6,142
Memphis Area Legal Services	4	155,000	2,302
West Tennessee Legal Services	17	72,424	1,794

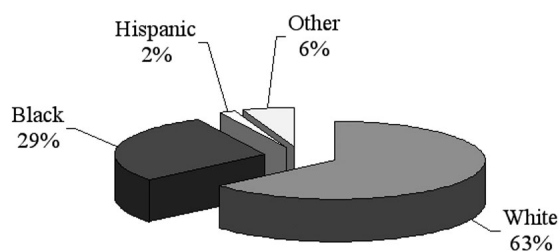
Gender



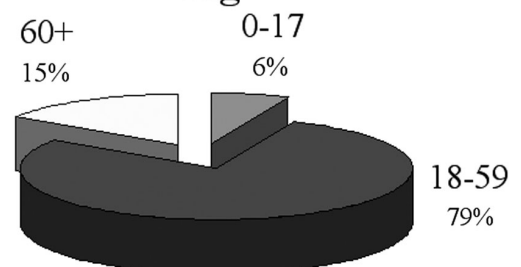
Subject Matter



Race



Age



Legal Center gives rewarding pro bono work

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There is no shortage of working Memphians who experience legal difficulties, but for those of limited means, seeking a remedy may not be an option for fear of the expense.

For households with incomes below the poverty line, free legal assistance may be available from organizations like Memphis Area Legal Services (MALS). Still, for thousands more that live just north of the income requirements to qualify for MALS (125%-175% above the poverty line), the discretionary income to pay for an attorney may be just as scarce.

The Memphis Community Legal Center (CLC) was created to help those people.

The CLC is a non-profit organization that matches volunteer attorneys with clients to give people of limited means in Memphis and Shelby County access to legal advice and services they otherwise could not afford.

Now entering into its 10th year, the CLC continues to operate on a shoestring budget with the help of a dedicated group of area attorneys and volunteers from the local business community.

CLC executive director Meg Jones, after working with other nonprofits for a number of years, got involved when CLC first started as a mediation center. At the time, Jones, a CPA, was doing mediation at a financial planning firm.

Jones first learned of the CLC when her local mediation association was asked to help train new CLC volunteers. In 2001, when the CLC decided to hire a non-attorney director with nonprofit administration skills, she was contacted.

"I was bored with being a CPA and

wanted to help people," Jones said. Her first assignments had her working with abused and homeless women.

"People were always asking why the abused women didn't just leave their abuser," she says. "They often do, but they need resources and one of the biggest resources they need is legal services. There are low-income clients in other situations, too, that need legal help to stay out of poverty."

According to CLC records, more than 300 lawyers have volunteered to provide pro bono services in the past decade, helping more than 6,000 people with a variety of legal issues. The CLC has screened more than 12,000 phone calls and organized more than 150 legal clinics, seeing about 10 people per clinic.

"Our legal system needs to be open and accessible to all and the CLC is working diligently to make this happen," says Michael Deutsch, vice president at Waddell & Associates and member of the CLC board. "The word is getting out on their accomplishments and they are in need of financial commitment and more attorneys to step up and volunteer."

Deutsch says it took him "two seconds" to say yes to become a board member.

"It presents a wonderful opportunity to contribute to an organization that is so critical to the health and growth of our community," he says. "I look forward to helping the board in reaching out and encouraging attorneys to call the CLC and offer a few hours of their time."

In addition to being a valuable resource for the working poor around the Mid-South, there are benefits — many intangible — for

"Firms owe it to their lawyers to provide an opportunity and incentive to do pro bono work ... Otherwise younger lawyers miss out on one of the most rewarding parts of the practice of law, a source of genuine esteem and career satisfaction."

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Legal Center gives rewarding pro bono work

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participating attorneys, says CLC chairman
Doug Halijan, a partner at Burch, Porter &
Johnson.

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lawyers to provide an
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Halijan says. "Otherwise
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The CLC does not
have a bureaucracy or
even a building. Clients
and volunteers usually
meet in the attorney or
mediator's office. The
CLC has only one full-
time paid staff member,
Jones, and one quarter-time attorney. *[As of
March 2005, CLC has been able to hire three
attorneys, each of whom works 10 hours
per week.]*

Grants from the Interest On Lawyers' Trust
Accounts (IOLTA) program, private foundations
and the City of Memphis have made up the

bulk of the CLC's financing
over the past decade, but
grant funding is growing
tighter; the 2004 IOLTA
grant to the CLC has been
cut by almost 63%.

*[Unfortunately, due to even
lower interest rates, the
2005 grant was reduced
further.]*

Jones says the biggest
challenges facing the CLC
are funding and educating
Memphis' legal community
about the work it does.

"Our goals for the CLC
are to continue to leverage
resources to provide the
best possible services to

the greatest number of people using the least
possible amount of community resources,"
she says. ■

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