
LITIGATION & ADVOCACY DIRECTORS CONFERENCE

SESSION TITLES, DESCRIPTIONS AND PRESENTERS BY DATE AND TIME

AS OF JUNE 14, 2012

Monday, July 30, 2012

8:30 - 10:00 am

Meeting Room Salon AB

'Setting the Context: The Economic and Political Dynamics of Poverty in this Time of Income Inequality

Melissa Boteach, Center for American Progress

Monday, July 30, 2012

10:30 am - Noon

Meeting Room Salon AB

What's Coming Down the Pike? – A Look at the Policy Implications of Recent Supreme Court Decisions and the Potential for Devolution

Health care, immigration, sex discrimination, class actions, civil right to counsel – the recent decisions of the U.S. Supreme Court have been varied and significant. This plenary session will provide an overview of the Supreme Court's most recent decisions and relevant decisions and how they will impact poor people's lives and poverty law practice. The plenary will discuss the recently decided Affordable Care Act cases and *Arizona v. United States*. It will also highlight the implications of cases like *Douglas v. Independent Living Center of So. California*, *Walmart v. Dukes* and *Turner v. Rogers*. Join us for a lively review and debate of the Supreme Court's decisions and their impact on practice and policy implementation.

Lynn Blais, University of Texas School of Law, Jane Perkins, National Health Law Program

Monday, July 30, 2012

1:30 - 3:00 pm

Meeting Room 414

Ethical Consideration When Seeking and Collecting Attorneys' Fees

This issue is particularly important to LSC programs as they ramp up their attorneys' fees efforts.

Bob Capistrano, Bay Area Legal Aid; Chuck Greenfield, NLADA

Monday, July 30, 2012

1:30 - 3:00 pm

Meeting Room 416A

Establishing State Level Policies and Procedures Around the National Mortgage Settlement

The historic \$25 billion National Mortgage Settlement announced in March 2012 is making or keeping foreclosure defense work a priority throughout legal services programs around the country. Hear about established foreclosure defense projects and collaborations in Ohio, New York, and Texas. Then get an overview of the Settlement terms and the current foreclosure defense landscape from a national expert. Finally, help brainstorm and join the discussion on how multi-

forum advocacy based upon the terms of the Settlement Agreement can be pursued to establish policies and procedures that will more effectively assist homeowners in foreclosure.

Peggy Lee, Southeastern Ohio Legal Services; Bryan Hetherington, Empire Justice Center; Robert Doggett, Texas RioGrande Legal Aid; Charles Delbaum, National Consumer Law Center

Monday, July 30, 2012

1:30 - 3:00 pm

Meeting Room 416B

A Framework for Advancing A Race Equity Agenda

This session is designed to provide an overarching framework for understanding race equity work generally and how the examples and tools reflected in other sessions fit together to provide an opportunity for participants to assess their programs' capacity to engage in this work, e.g., by reviewing the full range of knowledge, skills and attitudes needed by advocates and structures needed by organizations in order to engage in successful race-equity work. The goal is to provide an overview of how all of the various elements of our work fit together into an overall race equity advocacy framework – from how we identify potential race equity issues to tools we can use to identify root causes of racial disparities, to how and with whom we decide to pursue particular issues to develop achievable race-equity goals. We will also discuss the range of advocacy approaches that we can employ to accomplish this work.

Tina Sanchez, Sargent Shriver National Center on Poverty Law; William Kennedy, Legal Services of Northern California; Todd Belcore, Sargent Shriver National Center on Poverty Law

Monday, July 30, 2012

1:30 - 3:00 pm

Meeting Room 417

Health Care Reform: Are You Ready?

The U.S. Supreme Court heard oral arguments this spring on the constitutionality of the Affordable Care Act (ACA). A ruling from the High Court could repeal the law in whole or in part which could dramatically change access to affordable health care for low-income individuals. Regardless the outcome, states will need to be prepared for either the ballooning of the Medicaid rolls in 2014 should the law be upheld or have contingency planning in place if the law is repealed in whole or in part. Come learn about strategies for legal services moving forward to ensure that access to affordable health care can exist for those who need it most.

Jane Perkins, National Health Law Program; Sarah Somers, NHeLP

Monday, July 30, 2012

3:30 - 5:00 pm

Meeting Room 415A

Affirmative Litigation - Has It Gone the Way of the Dinosaur?

Workshops have emphasized that systemic litigation is an important part of the toolkit of legal services advocacy. This can be easier said than done, given decreased program resources, court access barriers, the difficulty of seeing results in multi-year litigation, emphasis in programs on handling individual cases, etc. Harking back to the “golden years” of injunctions unfortunately doesn't help. This session steps back to ask: Does impact litigation pay off in a way that makes it worth the trouble, given decreasing resources and increasing barriers? The goal is to spark some dialogue on the continuing utility of affirmative lawsuits.

Alice Nelson, Southern Legal Counsel; Jane Perkins, National Health Law Program; Abigail Turner, Legal Aid Justice Center; Claudia Cano, Legal Aid of North West Texas; Greg Bass, Greater Hartford Legal Aid

Monday, July 30, 2012

3:30 - 5:00 pm

Meeting Room 416A

Night of the Living Debt - Responding to Zombie Debt and Other Emerging Issues in Consumer Law

This session will explore how legal services programs can respond to some of the emerging issues in non-mortgage consumer law. These issues would include: Attempts to collect Zombie debt; Combating the use of garnishment and other coercive techniques; Using contempt powers for procedural defaults to collect the underlying debt; and Attachment or diversion of Social Security Administration benefits to pay back debts

Charles Delbaum, National Consumer Law Center; Gerald McIntyre, National Senior Citizens Law Center

Monday, July 30, 2012

3:30 - 5:00 pm

Meeting Room 416B

Expanding the Role of Legal Services in Advocating on Behalf of Environmentally Burdened Communities

Environmentally burdened communities have traditionally affected low-income, rural and minority communities. While legal services clients make up these communities, few legal services programs have taken on environmental justice cases given their limited capacity and resources. There are, however, best practices and different ways that programs can leverage resources to do this important work. Come learn from legal services practitioners and partners engaging in advocacy to secure environmental justice.

Steve Fischbach, Rhode Island Legal Services; Enrique Valdivia, Texas RioGrande Legal Aid; Lisa Garcia, United States Environmental Protection Agency

Monday, July 30, 2012

3:30 - 5:00 pm

Meeting Room 417

Using the ADA and Olmstead to Preserve and Enhance Community-Based Services and Increase Revenue for Legal Services Programs.

This panel focuses on how legal services lawyers can use the ADA to improve services for their clients. States are cutting crucial services for people with disabilities and spend money on expensive institutionalized care that can be more efficiently spent in community settings. Legal aid lawyers can use the ADA and Olmstead to fight Medicaid cuts, improve services and help clients remain in or transition to the community. Legal aid lawyers can collaborate with the Department of Justice, private attorneys and national support centers to enforce Olmstead, while generating revenue for Legal Services programs through attorneys' fees.

Steve Gold, private practitioner; Jennifer Mathis, Bazelon Center on Mental Health Law; Sarah Somers, National Health Law Program; Anne Raisch, United States Department of Justice

Tuesday, July 31, 2012

8:30 - 10:00 am

Meeting Room Salon AB

Supporting a Culture of Strategic Advocacy: What is Strategic Advocacy? What Does it Mean? What are the Essential Elements?

John Powell, University of California, Berkeley, Haas Diversity Research Center

Tuesday, July 31, 2012

10:30 am - Noon

Meeting Room 414

How to Effectively Lead Strategic Advocacy in a Time of Decreased Resources

The staff of NLADA will lead an interactive discussion with attendees on how to encourage, support and create a culture in which strategic advocacy is an integral part of civil legal aid programs' advocacy tools, even - or particularly - in a time of decreased resources. Presenters will share their initial findings on critical components necessary to support successful strategic advocacy gleaned from site visits to civil legal aid programs and discussions with experts on this type of advocacy.

Lydia Watts, NLADA; Camille Holmes Wood, NLADA; Charles Greenfield, NLADA; Don Saunders, NLADA

Tuesday, July 31, 2012

10:30 am - Noon

Meeting Room 416A

Hunger In America

Currently close to 50 million people in America have difficulty obtaining enough food. Although participation in the Supplemental Nutrition Assistance Program in 2011 was the highest it has ever been, at least a third of the people eligible for SNAP did not even apply. Other data likewise reflects that many of the older low-income adults entitled to meals services under the Older Americans Act did not receive those benefits. This session will provide an update on SNAP and Older American Act Nutrition Programs as well as provide strategies to help more Legal Aid clients receive the nutrition benefits that they are entitled to. The session will also update participants on available legal resources and possible funding sources to help this vulnerable population.

Barbara Jones, AARP Foundation Litigation; Karen Patyk, AARP Foundation

Tuesday, July 31, 2012

10:30 am - Noon

Meeting Room 416B

Incorporating the Opportunity or Equity Frame into Race Equity Advocacy

This session will describe the "Opportunity" or "Equity" framework as an analytical and planning tool for our race equity work in legal services. Panelists will describe how the opportunity framework differs from the oft used deficits analysis; how complex systems analysis of demographic data, mapping and community lawyering can be employed to break out of our substantive silos and explore the close linkage between issues such as housing/health; land use/education; civil rights/ financial abuse; and how these linkages can be used to empower neighborhoods in a community lawyering model. Panelists will then address structural changes and management tools that have been employed by programs engaging in this work.

William Kennedy, Legal Services of Northern California; John Powell, University of California at Berkeley; Aneel Chablani, Advocates for Basic Legal Equality; Tina Sanchez, Sargent Shriver National Center on Poverty Law

Tuesday, July 31, 2012

10:30 am - Noon

Meeting Room 417

T-Ethics: How Technology is Redefining our Ethical Responsibilities

This program examines ethics issues that arise as a result of our use of technology to communication with clients, other counsel, each other and the judiciary. After a brief look at the emergence of the Internet as a platform for practice-related communications, the discussion includes inadvertent disclosure of information, mining meta-data, dimensions of confidentiality ranging from cloud computing to tweeting to geo-tracking, pre-texting and policies addressing social networking.

William Hornsby, ABA Division for Legal Services

Tuesday, July 31, 2012

1:30 - 3:00 pm

Meeting Room 414

Disparate Impact Theory, Housing and Civil Rights

The session will focus on litigation combatting discrimination, exclusion, and expulsion in minority communities, using disparate impact theory, statistical and spatial evidence.

Reed Colfax, Relman, Dane & Colfax, PLLC; Allan Parnell, Cedar Grove Institute for Sustainable Communities; Ilene Jacobs, California Rural Legal Assistance, Inc.

Tuesday, July 31, 2012

1:30 - 3:00 pm

Meeting Room 415A

Building the Law – Working Groups on Hot Litigation Topics Led by Emerging Leaders

This workshop will bring together talented, newer, advocates with more senior counterparts to brainstorm litigation in such areas as Medicaid, Consumer, Housing, Education, and Employment, Emerging leaders will guide discussions on litigation successes, working on solutions to recurring procedural and strategy issues, and building on individual case victories to achieve systemic change. Particular emphasis will be placed on advocates working up systemic litigation arising out of day-to-day case loads or otherwise organically developing from their practice.

Brenda Castañeda, Legal Aid Justice Center; Richard Ishihara, Lone Star Legal Aid; Dorene Philpot, private practitioner; Eric Dunn, Northwest Justice Project; Betsy Havens, Florida Legal Services; Claire Johnson, Bay Area Legal Aid; Jack Cohoon, South Carolina Legal Services; Daniel Unumb, South Carolina Legal Services

Tuesday, July 31, 2012

1:30 - 3:00 pm

Meeting Room 416A

Strategic Use of Messaging and Media

Is your program using social media to address important issues or publicize your activities or do outreach to potential supporters? Attendees will find out why and how social media sites like Facebook and Twitter are crucial for programs in today's fast-paced, increasingly-online world. Hands-on demonstrations will be presented.

Cynthia Martinez, Texas RioGrande Legal Aid; John Bouman, Sargent Shriver National Center on Poverty Law; Robert Doggett, Texas RioGrande Legal Aid; Lewis Kinard, Lone Star Legal Aid

Tuesday, July 31, 2012

1:30 - 3:00 pm

Meeting Room 416B

The Opportunity Framework Applied: Advocacy Initiatives using the Opportunity Framework

We will examine how several legal services advocacy initiatives unfolded using the opportunity framework. The examples will demonstrate the opportunities presented by a pro-active multi-issue approach to anti-poverty advocacy. The panelists will also discuss the types of capacity building that was required to achieve successful outcomes. Presentations will be followed by a discussion between panelists, moderator and session participants addressing the opportunities and challenges of this approach.

Aneel Chablani, Advocates for Basic Legal Equality; William Kennedy, Legal Services of Northern California ; Tina Sanchez, Sargent Shriver National Center on Poverty Law

Tuesday, July 31, 2012

1:30 - 3:00 pm

Meeting Room 417

Advocacy Strategies to Implement Language Access in the Courts and Beyond

The federal government and the American Bar Association have made important strides recently in adopting federal guidelines and standards to ensure that Limited English Proficient (LEP) individuals have meaningful access to the courts, administrative hearings and proceedings, programs and services. Now that these guidelines and standards are in place, what can the legal services and equal justice advocacy leaders do to help implement language access in practice. Come learn advocacy strategies and innovative approaches to make certain that LEP individuals have full access to justice.

Abby Frank, Texas Civil Rights Project; Lora Livingston, 261st Civil District Court; Christine Stoneman, United States Department of Justice

Wednesday, August 1, 2012

8:30 - 10:00 am

Meeting Room 414

The Role of the Litigation or Advocacy Director: Jack or Jill of all Trades?

Litigation and advocacy directors are often asked to take on many other duties, including grant writer, fundraiser, compliance officer, human resources advisor, etc., which has a potential to decrease effectiveness in managing advocacy. What is the ideal role of a litigation or advocacy director? This session will explore the various duties of a litigation and advocacy director, particularly in light of shrinking budgets, staff generational differences and administrative responsibilities, and which of those duties has proven most effective.

Ed Marks, New Mexico Legal Aid

Wednesday, August 1, 2012

8:30 - 10:00 am

Meeting Room 416A

Don't Go it Alone: Working with the Private Bar as a Key Advocacy Partner

Through this workshop participants will explore the value of developing private bar advocacy partnerships. Presenters will discuss why those partnerships are important, the scope of potential advocacy opportunities, the challenges of building partnerships and how to overcome them, and how to manage the relationship. Partnership models and examples will be highlighted along with the resources that the private bar brings to these collaborations. Attendees will have plenty of time to share their own experiences and to share successes and obstacles they have encountered.

Steve Scudder, ABA Standing Committee on Pro Bono and Public Service; Sharon Deitrich, Community Legal Services (Philadelphia); Ellen Josef ; , Austin Appleseed

Wednesday, August 1, 2012

8:30 - 10:00 am

Meeting Room 416B

New Developments Around Homelessness & Legal Services: Criminalization, Voting and the Civil and Human Rights of Homeless Persons

Despite grossly inadequate affordable housing and shelter space, cities increasingly are penalizing homeless people forced to perform basic life sustaining activities such as sleeping, camping, sitting, and begging in public spaces. Some even prohibit charities from serving food to homeless people. This session will explore emerging trends in the criminalization of homelessness and strategies to challenge such measures including public education, legislative advocacy, litigation, and the incorporation of human rights framing and legal arguments into each. The session also will address how to protect and enforce the voting rights of homeless citizens in the face of newly restrictive voting laws.

Karen Cunningham, National Law Center on Homelessness & Poverty; William Kennedy, Northern California Legal Services; Reena Shah, Maryland Legal Aid Bureau

Wednesday, August 1, 2012

10:30 am - Noon

Meeting Room 414

Community Lawyering – Critical Skills for Achieving Lasting Results

In this session we will examine the framework of community lawyering, develop a consensus on the outcomes and goals of community lawyering, discuss the necessity for legal services program to embrace in the practice of community lawyering, and identify the criteria in assessing the opportunity for legal services to engage in the practice. The session will include brief presentation on examples in the field to highlight the decision-making process each programs undertook before taking on the cases. The panelists will discuss the strategies they employed and the barriers they encountered and identify the factor(s) that made taking on these cases possible.

Zenobia Lai, Asian Pacific American Legal Resource Center; Bill Kennedy, Legal Services of Northern California

Wednesday, August 1, 2012

10:30 am - Noon

Meeting Room 416A

Enforcing System Reform Injunctions After Horne v. Flores

Attendees will discuss how courts and state attorneys are using recent Supreme Court cases to challenge ongoing system reform injunctions, including how to maintain injunctions in light of Rule 60(b) motions to terminate and how to draft injunctions and consent decrees initially to minimize motions to terminate in the future.

Jane Perkins, National Health Law Program; Michele Johnson, Tennessee Justice Center

Wednesday, August 1, 2012

10:30 am - Noon

Meeting Room 416B

Good Tools for Hard Times: Current Issues in Employment Law

Come learn about good new tools to help our clients get footholds into jobs and get paid properly. This session will focus on two new enforcement guidances from the Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Labor (DOL) that describe the rights of job applicants with criminal records. At least 15 years in the making, these guidances provide new advocacy tools, including encouragement of individualized assessment instead of broad exclusions based solely on a rap sheet, the preemption of overbroad state laws that prohibit the employment of ex-offenders, and rules governing the description of criminal background requirements in job postings in One-Stop Centers.

In addition, the recession has seen an unparalleled growth in "unpaid internships," in which workers in broad ranges of jobs are expected to work without compensation, supposedly in exchange for experience. These exploitative arrangements are problematic under the Fair Labor Standards Act, and DOL and private lawyers are pushing back. The wage law implications of these arrangements will also be explored.

Sharon Deitrich, Community Legal Services (Philadelphia)

Wednesday, August 1, 2012

10:30 am - Noon

Meeting Room 417

What Will Happen to Social Security and SSI in 2013 and Beyond?

Cuts are proposed for Social Security and SSI benefits even though people rely on them more than ever, while alternative proposals would improve benefits for those most in need. At the same time, SSA's administrative appeal process is withering on the vine. This session will examine the impact of these legislative proposals and will discuss a plan for implementing due process in the SSI program 40 years after Goldberg. The session will also review what needs to be done to assure your clients receive their share of the \$1 billion in retroactive benefits in *Clark v. Astrue*, the successful challenge to SSA's policy of suspending the benefits of people with probation warrants.

Gerry McIntyre, National Senior Citizens Law Center