

Clearinghouse REVIEW

May-June 2010
Volume 44, Numbers 1-2

Journal of
Poverty Law
and Policy

ASSET BUILDING by People with Disabilities

Local Prosecution of Real-Estate Fraud
Rights of Limited-English-Proficient Individuals
Machine Translation of Legal Information
Toward Veterans Courts
Language Access in State Courts
Mapping to Show Discrimination
Unemployment Benefits Appeals
Postracialism or Targeted Universalism?



Shriver Center's Salute to Bill Wilen

In the early years of federally funded legal services many idealistic young lawyers entered the field. Some turned it into an entire career, and in the process helped define what that kind of career could be. Bill Wilen is a leader among that admirable original group of career legal services lawyers. Bill is entering into the next phase of his remarkable life in the law. Some (including Bill) call this “retirement.” But, just as he helped define what it means to be a successful career legal services lawyer, Bill will help fill out the definition of what it means for someone in our line of work to “retire.”

Looking back on his decades of advocacy to improve housing conditions for low-income residents of Chicago and beyond, Bill identifies a feeling akin to that of a young baseball player entering the major leagues: “I can’t believe they actually pay you to do this!” But after more than thirty-five years at the Legal Assistance Foundation of Chicago (LAF) and then the Sargent Shriver National Center on Poverty Law—currently as director of housing litigation—Bill plans to retire at the end of June. He will continue as “of counsel” to the Shriver Center in pending litigation, representing the people and promoting the issues with which he has long been passionately involved.

Bill’s career is instructive due to his mastery of the relationship between direct representation of individuals and forging solutions to systemic problems. Devoted to his clients, he advocates fiercely for both them and their organizations (primarily tenant groups). And he has skillfully used this ground-level experience with individual clients to identify policy and systemic problems and then help his clients take effective action to resolve those big-picture problems. Bill is as comfortable and adept in the halls of Chicago’s toughest housing projects as he is in the halls of the federal courthouse.

Bill explains that he started law school (at Northwestern, after a tour of duty in the military) expecting to become a criminal defense lawyer—inspired, like many who grew up in the 1950s and 1960s, by Perry Mason. But Bill became involved in housing cases at Northwestern’s clinic. The Illinois Supreme Court had just decided a case recognizing the warranty of habitability, and the clinic was seeing large numbers of tenants. Immersing himself in those cases, Bill also saw the systemic problem: the scale was weighted in the landlords’ favor. Upon graduation in 1973, the single job opening at LAF was for a housing lawyer. Bill had found his calling and was set on his course, representing individuals and balancing the system’s scale, for the next four decades.

Assigned to a neighborhood office, Bill represented hundreds of clients and engaged in class action litigation to tackle broader problems that emerged from the individual cases. These included cases against landlords’ racial discrimination in providing services to tenants and failure to return security deposits. As often happens in legal services, four years made Bill a “veteran” and he became supervisor of the Uptown neighborhood office, where he mentored and trained younger attorneys (including the current president of the Shriver Center). Bill taught what he practiced—that vigorous representation of individuals includes the aggressive identification of and attack upon the systemic issues embedded in everyday fact situations.

In 1982 Bill transferred to LAF’s main office to supervise the organization’s overall housing work. That was right around the time that Harold Washington was elected the first African American mayor of Chicago in a major upset. This was a moment in which major change became possible. Bill knew from his practice that tenants’ judicially recognized and statutorily created rights were often ignored in the high-volume Cook County courtrooms, where few tenants have lawyers. Among these rights were the warranty of habitability and security-deposit matters that Bill had been tangling with since law school. Seizing the moment for important systemic change, Bill codrafted a landlord-tenant ordinance codifying rights and responsibilities; the city, exercising its home-rule powers, adopted the ordinance in 1986. It is still in effect. The goal was to balance the scale between tenants and landlords so that the rights of tenants are observed even when they are unrepresented. Taking a “kitchen sink” approach in claiming constitutional violations, the real estate industry challenged the ordinance in federal court. Bill joined the City of Chicago’s lawyers in defending the law, and both the district court and the Seventh Circuit upheld it.

When the systemic issues in Bill’s cases suggested the need for a national solution, Bill did not hesitate to engage in national advocacy. The deep recession of the early 1980s produced a foreclosure crisis similar

to the one we currently face. At that time the federal law governing Federal Housing Administration-insured loans required lenders to forbear from foreclosing and attempt to work out the mortgage arrears. Bill joined with lawyers from Community Legal Services in Philadelphia and the National Housing Law Project to secure these rights in the nationwide class action *Ferrell v. HUD*. Tens of thousands of clients were able to save their homes.

Bill is best known for being the David taking on the Goliath of the Chicago Housing Authority. Named by *Chicago* magazine in 2002 as one of “30 tough lawyers” in the city, the profile of Bill opened by noting that “[t]here are probably a few lawyers in town who wish Bill Wilen would just go away.” But that tenacity stood Bill—and thousands of public housing tenants—in good stead as he has fought over the years for better housing conditions and for choices in housing when the projects were demolished. In 1998 the *Chicago Reporter* profiled Bill and two of his cases: *Concerned Residents of ABLA v. Chicago Housing Authority* and *Henry Horner Mothers Guild v. Chicago Housing Authority*. The article described Bill as “a knowledgeable, stubborn and determined force [with a] serious demeanor [that] belies a bright, friendly smile and biting sense of humor”—while also noting his “slight resemblance to Captain Kangaroo.” In 2003 the *New York Times* covered *Wallace v. Chicago Housing Authority*. Filed on behalf of thousands of public housing residents, the case alleged that when the primarily African American residents were forced to move so that their high-rise buildings could be demolished, they were steered to segregated, high-crime neighborhoods. That case was settled. The image that captured Bill’s role in these cases appeared in a featured cartoon in the Chicago papers: Bill standing alone on the railroad tracks with his hand out, stopping the train labeled as the CHA’s demolition program. In taking on the local powers in Chicago, Bill also got some unfair press framing him as trying to block progress and prevent reform of the notorious projects. But in the end he gained respect. He wanted the plan not only to make sense in the boardrooms and think tanks but also to work for real people on the ground.

Bill says that it’s the *Horner* case that has brought him the greatest satisfaction, and which he feels is a real legacy. The complaint in that case was filed in 1991 on behalf of public housing residents who alleged that the housing authority, to justify tearing the buildings down, had allowed a level of deterioration that amounted to “de facto demolition.” The conditions, according to a consulting engineer, were “horrific and subhuman.” A consent decree signed in 1995 provided for phased redevelopment and one-for-one replacement housing. “Horner was listed as one of the worst developments in the United States and now it’s a model community,” Bill explains. “The whole west side of Chicago is totally different now.” The danger of public housing redesign is that neighborhoods neglected for decades are finally rehabilitated but the residents who suffered all those years are told, “This is not for you, here’s a voucher, now go somewhere else.” That did not happen at Horner. The ongoing project is now a model mixed-income community, with public housing residents as part of the mix. Bill is at the heart of a major public policy experiment that is an important blueprint for redevelopment, as well as a living argument for reinstatement of the one-for-one replacement rule (repealed in 1996 as part of the conservative Contract with America). Bill and allies are working on the reenactment of that rule in Congress today.

Horner residents became like family to Bill while working on that case. According to the *Chicago Reporter* article, “[w]hile most attorneys are comfortable in courtrooms or at conference tables, Wilen seems most at ease in public housing. He walks the projects like a politician working a banquet room—making the rounds, asking questions, taking notes.”

Looking back, Bill emphasizes how impressed he has always been with his colleagues in legal services, whom he describes as “a different breed of people, who could make a lot more money but would rather push for a more just society. I loved the work so much that I never thought of doing anything else. My wife got a little tired of hearing me say how I couldn’t wait to get to work. It just fit perfectly, and I never looked back.”

Bill has won many awards and official recognition for his accomplishments. Two that mean a great deal to him were both awarded in 2000. The Thomas H. Morsch Public Service Award from the Chicago Bar Foundation saluted and rewarded Bill’s accomplishments as a career public interest lawyer. The David B. Bryson Award from the National Housing Law Project recognized Bill for showing a long-term commitment and a record of exemplary achievement in furthering housing justice for the poor. Bill was a friend and colleague of David Bryson, who was a top specialist at the National Housing Law Project before his untimely death, and the award was particularly poignant and satisfying.

So, what is in store for someone like Bill in his “retirement,” other than continuing to represent the Horner residents? Well, Bill is an avid poker player (if not a consistent winner, say his regular playing partners). He has a world-class collection of Mickey Mantle baseball cards and memorabilia—certainly far and away the most comprehensive collection of any fan who grew up in South Dakota (Bill blames the consistent Yankee presence on Game of the Week, the only baseball on television during the 1950s in South Dakota). There is talk that Bill may turn that interest into the most comprehensive history ever of the Yankee star. And there are the main obsessions: his grandchildren. Bill is going to be busy, and we have not seen the last of him.

The Shriver Center is grateful for Bill’s distinguished career, wise counsel, and good friendship and cheer. We wish Bill the best in his retirement at the end of June and the commencement of the next phase of his work and life. When we see him at work in July, we’ll say, “Good morning, Bill. How’s the book coming along?”

—John Bouman

Clean and Cheap Energy

The World Health Organization finds that, after malnutrition, waterborne diseases, and unsafe sex, the use of solid fuels poses the fourth largest risk of death in developing countries. That people in developing countries have to resort to solid fuels to survive is unconscionable, and the development of cheap clean energy could alleviate global poverty on a large scale while stabilizing climate change. This is Shriver Center attorney Dan Lesser’s point in “The Importance of Clean Cheap Energy,” the latest item in *The Shriver Brief’s* blog series on climate change and low-income communities. Last year the U.S. House passed climate-change legislation that utilizes a cap-and-trade model to reduce carbon emissions. Lesser writes that any legislation tackling climate change must reduce carbon emissions, encourage the development of new energy technology, and protect low-income families. Follow the Shriver Center series on climate change at www.theshriverbrief.org and look for more on climate change and low-income communities in the September–October 2010 special issue of *CLEARINGHOUSE REVIEW* on “Climate Change and a Green Economy: New Advocacy Opportunities.”

Impact Award to Wendy Pollack

The Chicago Foundation for Women recently gave Wendy Pollack, founder and director of the Women’s Law and Policy Project of the Shriver Center, a 2010 Impact Award. Pollack was recognized as one of twenty-five people whose leadership and achievements are improving Chicago communities and making a difference in the lives of women and girls. The awards ceremony last March celebrated the Chicago Foundation for Women’s twenty-fifth anniversary. The Women’s Law and Policy Project draws on the experiences of women and girls to inform its analysis of poverty and solutions to end it. Pol-

lack has worked on public benefits and work supports, workforce and economic development, education, employment, family law, violence against women and girls, and gender equity in schools on the local, state, and federal level. She is the editor of *WomanView*, an online newsletter on legal issues affecting low-income women and girls. Previously Pollack worked as a neighborhood staff attorney on the welfare law team at the Legal Assistance Foundation of Chicago. As a union carpenter, she co-founded Chicago Women Carpenters in 1979 and Chicago Women in Trades in 1982.

Foster Ed Connect

A free online community and resource clearinghouse for all people supporting California’s foster care youth to succeed in school was launched in April: www.FosterEdConnect.org is a project of the National Center for Youth Law, the California Foster Youth Education Task Force, and the Stuart Foundation. Website resources are on such topics as school enrollment and stability, state and federal legislation, dependency and juvenile court proceedings, and mental health. Foster Ed Connect is also a discussion forum for users to ask questions of experts across the state. Developed in response to a series of statewide focus groups and surveys administered by the National Center for Youth Law, the website is the first of its kind in the country. Members of the site are encouraged to contribute new resources.

Readers’ Suggestions on Article Topics

Fifteen attorneys who participated from eleven states in the April 20 conference call hosted by the *CLEARINGHOUSE REVIEW* editorial team suggested various article topics for future issues. Obligor defenses in child support enforcement, the benefits and implementation of medical-legal partnerships, strategies for dealing with state budget cutbacks, and

the legal aid community and health care reform are among the suggested topics. Readers unable to participate in the conference call can still suggest topics at the Shriver Center's Facebook page: <http://www.facebook.com/shrivercenter>. Click on the "Discussions" tab and select the item "Foreclosure? An issue in family law? It comes up, so be prepared!" Readers can also vote in a two-question survey: <http://www.surveymonkey.com/s/articletopics>.

To keep the content of the REVIEW relevant and practical, the editors have regularly conducted calls with reader-advocates to hear how they solve their clients' problems. Catherine Dorn Schreiber, a staff attorney—legal editor, will moderate another readers' conference call on June 22. For more information, contact Schreiber at cschreiber@povertylaw.org.

Marie Claire Tran-Leung a Soros Justice Advocacy Fellow

Marie Claire Tran-Leung, a staff attorney at the Shriver Center since 2007, is a 2010 Soros Justice Advocacy Fellow. The Soros fellowships fund outstanding individuals to implement innovative projects that advance the Open Society Institute's efforts to reform the U.S. criminal justice system. Open Society's strategy takes aim at two overarching ills: the overreliance on incarceration and harsh punishment, and the lack of equal justice—especially for people of color and the poor. Tran-Leung will use the federal Fair Housing Act to challenge, in the private rental housing market, discrimination against people with criminal records. She has been focusing on employment-related barriers against people with criminal records and on the preservation of affordable housing in the Chicago metropolitan area. With Margaret Stapleton, she wrote *Increasing the Use of Executive Clemency to Help Low-Income People with Criminal Records*, 42 CLEARINGHOUSE REVIEW 374 (Nov.–Dec. 2008).

Understanding the Martinez Settlement

The Social Security Administration's interpretation of the federal statutory "fugitive felon" provision deprived hundreds of thousands of older adults and people with disabilities of benefits for which they were eligible. The recent settlement of a nationwide class action in *Martinez v. Astrue* will restore these benefits and pay more than \$500 million in retroactive benefits to a portion of the class. The National Senior Citizens Law Center, cocounsel in the case, has published an advocate guide, "Understanding

the Martinez Settlement," with a background on the Social Security Administration policy and the litigation, a summary of the benefits of the settlement, and practice tips to advocates. Besides abandoning the illegal policy, the Social Security Administration will repay benefits that were unlawfully withheld from 80,000 people whose benefits were suspended or denied since January 2007. People whose benefits were suspended or denied between 2000 and 2006 will be notified of the change in policy and given a chance to reestablish eligibility. More than 200,000 people are estimated to benefit from the settlement.

The guide is available at <http://bit.ly/martinezguide>. The National Senior Citizens Law Center also hosts an e-mail list for advocates assisting Martinez class members. The list has the latest information about the implementation of the settlement and is a forum for discussion of strategies for serving class members. Visit <http://bit.ly/martinezlistserv> to join. See also Gerald McIntyre et al., *Social Security Administration Retreats from "Unknowing Flight" Doctrine and Will Pay Hundreds of Millions in Back Benefits*, 43 CLEARINGHOUSE REVIEW 479 (Jan.–Feb. 2010), <http://bit.ly/CRmartinez>.

The Shriver Brief on Health Care Reform

Advocates at the Shriver Center are covering in *The Shriver Brief* the historic March 21, 2010, passage of health care reform legislation. Blog posts there offer background information about the legislation and discuss the impact that the reforms will have upon population groups such as the elderly, children, small-business owners, and individuals with preexisting conditions. For all blog posts related to health care reform, visit www.theshriverbrief.org; click on "Health Care Reform" under the "Topics" section on the right-hand side of the page. Readers are encouraged to add *The Shriver Brief* to their feed or to subscribe by e-mail to receive updates. Look for articles on health care reform in forthcoming ISSUES OF CLEARINGHOUSE REVIEW.

Protection for Illinois Homeowners

Advocates throughout the country report that homes are being lost to foreclosure even while homeowners are seeking a loan modification through the federal Home Affordable Modification Program (HAMP). A proposed Illinois law aims to ensure that Illinois homeowners who are modifying their loans under HAMP do not lose their homes in the meantime. House Bill 5735 provides that if a home

goes to foreclosure sale in violation of the Making Home Affordable Program (a program of which HAMP is a part), the homeowner can have the court set aside the sale in order for the owner to continue to work through the federal program. As of press time the bill had passed both Houses of the General Assembly and was awaiting Gov. Pat Quinn's signature. Samantha Tuttle, a Shriver Center staff attorney, blogged on the bill. Her blog post on *The Shriver Brief* was carried by *The Huffington Post*. See Tuttle's "Illinois Legislature Passes Bill to Protect Homeowners," <http://bit.ly/HAMPblog>.

A Tribute to Jack Daniel (1949–2010)

"A community lawyer to his core." That's how Mona Tawatao of Legal Services of Northern California described Jack Daniel—"approaching his practice with equal parts dead seriousness and dark and self-deprecating sense of humor and always, always putting the client first. It is the way of practice I aspire to."

Jack, most recently with Central California Legal Services in Fresno, lost his battle with cancer on January 2, 2010, and, upon learning the sad news, his friends and admirers across the country, especially in Texas and California, shared stories and fond memories. Others, who somehow hadn't yet run into Jack, surely wondered who this person was, of whom so many were so fond, and what it was about him that made such an impression. We at CLEARINGHOUSE REVIEW want to try to help answer that question as we join our colleagues in celebrating Jack's life and remembering his example.

Jack wouldn't want us to be too serious about all of this, though. He took his work extremely seriously, but never himself. He didn't put much stock in titles. And perhaps because he was an advocate long before he was a lawyer and although he worked non-stop for his clients, Jack treated legal practice with a certain irreverence. Lawyers, he said, were just advocates with bar cards.

Jack's relationship with legal aid dates back at least to the late 1970s and early 1980s in East Texas. Alice Bussiere, now with the Youth Law Center, heard about Jack as soon as she began working at the Texas Legal Services Center in the early 1980s. At the time Jack was a "paralegal," in fact a community organizer with the Bois d'Arc Patriots (pronounced "bo-dark"), an East Dallas community organization that achieved fame locally when activists dramatized slumlords' failure to deal with roach infestations by dumping a cardboard box full of live cockroaches onto the floor of the city council chamber. Then, Alice remembered, "I heard that he quoted poetry.

Then I learned that he actually knew the stuff, having studied it. Then I heard that this unreconstructed organizer was going to law school. Then that this native Texan was moving to California. It was one surprise after another."

Jack was full of surprises. With his missing teeth and Texas twang he caught many off guard when they failed to anticipate his sharp legal mind and creative approaches to particular issues. Lynn Martinez of Western Center on Law and Poverty says that she

always enjoyed when opposing counsel or a mediator first met Jack—it was hard for them to hide their surprise when he smiled at them and tipped his hat. I remember one opposing counsel asked me about Jack several years after we had finished a case—he wanted to know how Jack was and said that he had never defended a deposition since that was quite like the one Jack took of his client.

Rosemary French of Benchmark Institute, which offers training to legal aid and other advocates and where Jack once worked, noted that "Jack had a restless mind. He saw endless possibilities. He was intellectually curious. He had a keen sense of what was fair, and he would take on anyone—through verbal slaps, sharp retorts, exaggerated humor. He targeted the pompous, pretentious, and arrogant." Nancy Palandati, formerly of California Rural Legal Assistance and now in private practice, added that Jack "had the ability to use his little (and not so little) zingers with deadly accuracy and make the point that really needed making. With Jack, it wasn't just 'pushing the envelope,' it was about throwing it away and refusing to buy into the established order that was causing the problem in the first place."

This restlessness led Jack to three different stints at Central California Legal Services, as well as to California Rural Legal Assistance and Benchmark Institute; he also worked for the U.S. Department of Housing and Urban Development on civil rights issues and was general counsel for the United Farm Workers of America Education and Legal Defense Fund. And, rare for a civil legal aid lawyer, he jumped across the gaping civil-criminal divide to do criminal defense work as well, spending a few years as a Fresno County deputy public defender. Jack knew full well that the clients are the same, but the lawyers on the two sides tend to have tunnel vision—something Jack was determined to avoid. (He described this perspective in *Pipe Dreams for Legal Aid Lawyers: A Civil Practice That Considers the Criminal Side*, his CLEARINGHOUSE REVIEW article in the July–August 2007

special issue on the theme “The Shadow of Criminal Records: What’s a Civil Lawyer to Do?”)

Jack was especially drawn to youths caught up—or at risk of being caught up—in the juvenile justice system, and he saw with crystal clarity how the system ill-serves youths, especially those with mental health challenges. To create a radically different way of meeting youths’ needs, in recent years Jack devoted much of his time to the establishment and operation of Fresno’s behavioral health court—the subject of Jack’s last CLEARINGHOUSE REVIEW article, *Fresno’s Juvenile Behavioral Health Court: A Better Way to Serve Youth*, published in the May–June 2009 issue (Amy Tillery and Denise Whitehead are coauthors of the article). Salena Copeland, who is now with the Legal Aid Association of California and who worked with Jack in getting the court off the ground, remembers him talking of the “importance of knowing a system from all sides and not getting too stuck in one role.” In his article he emphasized that exact point: how much the court’s success depended on the coming together of agencies normally at odds—and on the representatives of those agencies—truly hearing one another.

In remembering Jack, his friends’ comments focused equally on his superb lawyering and passionate dedication to his clients and on his humor, creativity, and unique, inimitable style. Stephanie Haffner of Neighborhood Legal Services of Los Angeles County listed among the lessons she learned from Jack “to choose action over perfection” and “to create: to write poems, file lawsuits, seek out music, to speak the truth, to be ornery, to be loyal.” Rosemary French wrote that he

was fearless in taking on areas where most everyone else hesitated to go. He thought nothing of jumping in and learning what needed to be mastered and was quick about it. If I can do it, he’d say, so can you. A life-long learner, he was ever the teacher, ever the student.

Kate Meiss, also of Neighborhood Legal Services, remarked that no one who had ever seen it would forget Jack’s “Tiny Tim skit,” illustrating the stinginess of the Aid for Families with Dependent Children program. And Cynthia Rice of California Rural Legal Assistance wrote that

every time he flashed that toothless grin you knew he embraced every challenge . . . I look at the pleadings, the e-mails, the Barbie paraphernalia, photography and poetry he sent me; . . . I see an outrageous tie or purple socks and I think of him. I see

him in every young advocate he took under his wing and every secretary who corrected his spelling and was happy to do so because they knew it was all about the clients. With his loss we all have a hole in our souls that will go unfilled.

Bill Kennedy of Legal Services of Northern California, remembering Jack on the site of his program’s Race Equity Project, described the program’s search ten years ago

for the prototypical “community lawyer” to deliver a keynote address that would launch a new advocacy initiative. When the planning committee described the traits this person must have, all knew immediately that we were describing Jack Daniel. Jack delivered that address and inspired many young advocates to understand the fundamental nature of our relationship with our clients. Jack reminded our attorneys that the law is not a gift we bestow upon our clients. He cautioned them not to become a crutch upon which the clients depend but to understand the law as a tool that our clients could wield to make their hopes and dreams manifest. Jack unfailingly placed his clients first. He did not do so from an abstract sensibility, but from time invested to understand the community. His understanding was relational.

Gary Smith, Legal Services of Northern California executive director, echoed Bill’s memory of that keynote address and called Jack a “true warrior on poverty.”

Jack received “institutional” recognition, too. In 1998 he received the California State Bar President’s Pro Bono Award. Yes, a pro bono award for a legal aid lawyer. Jack’s pro bono work was his response to the restrictions that Congress imposed in the mid-1990s on Legal Services Corporation–funded programs; he simply reduced his “official” work time and did what needed to be done on his own time, without pay. Jack was also recognized by the Youth Law Center as an Unsung Hero in 2006 and received an Image Award in 2009 from the Fresno chapter of the National Association for the Advancement of Colored People.

One of the many ways in which his friends found Jack a role model was the way he faced his illness, with remarkable poise. He continued his work, attending the National Legal Aid and Defender Association annual conference in November 2009 and

playing a key role in the preconference race equity workshop. Even in December he continued to interact with youths in juvenile detention.

Jack expressed his experience with illness through his poetry. Yes, dear reader, a final lesson we learn from Jack Daniel is that one can be a lawyer *and* a poet:

Questions Against Cancer

By Jack Daniel

How could a median time in months for mortality mean anything to a man who has been married to his love for decades?

How can side effects be taken seriously by a man who

has been lucky enough to see McCoy Tyner as a side man on piano,
has heard Coltrane in the dark night of Nacogdoches, the bright afternoon of canals in the Central Valley,
has seen Sun Ra march toward Saturn out of Slugs in NYC in gold lamé and pulsations of sound that struck the very heart and made it beat to a different time,
has been stopped in time and space at the paintings in Frida Kahlo's house?

How can you tell me there may not be much time left and expect me to fear you when I have lived countless days

in joy, in struggle, in laughter, in love, in lust, in deserved anger,
being much despised by them who are evil, loved by those who are full of heart,
fighting
against stupidity and nonchalance
with the best warriors of my time
for the best folks who walk the green and radiant earth?

And his work, too, was a subject for poetry:

How to Spend 32 years in Legalaid

By Jack Daniel

1st of all,
why are you reading this?,
the last
thing
u want to do is find out how to do such a damnfool thing, anyway.

But it is different than you might think it would be. For one instance,
the 1st year was give to me free
by a Republican his-terical-orian
who got the starting date wrong by one year.

His improbable name is Darwin Payne
& the mistake was probably due to either his shock
or his appall
at the incident they date my 1st year
as a client—when we
let el cucarachas loose
in the Council chambers
of el ciudad magnifico, Dallas
(it's male, honey, let me tell you—no “la” there)—
about whom none other than
Blind Lemon Jefferson
sung that it
wuz a bourgeois town.

...

A lot of it was
spent being amazed at those around me—
pissed off advocates who never stopped hammering at the door of the king
Plaintiffs who wouldn't
let me quit even if I had had the guts to tell them that I had chickened out
[I never had courage, I just
twisted a lesson the nuns taught me
and **always** played around the
near occasions of **courage**]
they wouldn't have let me,
so coming up with one of my mottos
“Always work with and for people
who you are more scared
to be caught gutless in front of—
than any fear you might have of failure.”
Courage, like grace, comes only borrowed
& un-deserved but u can damn sure
lay the groundwork.

1 yr, 2 wks and 3 dayz
were spent clawing my
way down the ladder of ambition
trying to get myself demoted
so I could avoid the Peter principle
and land somewhere where my talents
and job description were on the same page.

And, truth to tell—please
don't let anyone else know—
208 dayz of it shouldn't count at all
because I worked for the feds—
as an assistant under-specialist to the
deputy-chief Region XIX
superintendent for the
Column of Planning, Counting & Numerating of the
Department of Maintenance of the Status-fuggin Quo
but I just mumbled on my resume
about that stretch.

4 and ½ yrs on E. Texas roads
 in a car with only an AM radio
 (and so I came to believe in both
 JAY-ZUSSSS and George Jones)
 going from the AME church of Diboll
 to the 3d Free Will Running Water Baptist—
 Rugged Bible Preaching Wed & Sun
 Fish Fry on Fri—
 learning how to form
 coalitions watching women & men
 of measurable nobility
 fight to get paved streets in the towns
 black pols in the city halls
 & penicillin and insulin in their kids
 for the 1st time.

Seemed like 748 years was spent
 listening to expert opposing council give me
 continuing legal education minutes
 about what a scum bag my client and I
 both were
 how there was no chance [even in a hell froze
 solid with the luck of the witless]
 that I could ever get what I wanted
 & I know it took that one
 particular gummint lawyer
 374 minutes to explain
 that he had “almost kicked my ass” while
 he wuz signing the consent decree
 But I checked my scrupulously kept
 time records and that whole
 time was really only about 47 days
 so I am not sure where the rest went.
 Heck, it probably just passed by
 like those late nights you spend
 listening to mariachi static
 on a radio that still has tubes.
 Barely aware, background noise only
 coasting towards whatever lies they tell
 when I finally leave.

So there U have it
 All in all it is an easy ride
 More fun than I deserved.
 It never hurt.
 I wouldn't recommend it to anyone
 Except you, o gentle reader,
 Just start &
 Don't stop.
 Ever.

Jack didn't stop until January 2, 2010. Some of the many tributes that his friends have expressed, including some of those quoted here, are posted at the Jack Daniel Remembered website, www.jackdaniel-remembered.blogspot.com.

—Marcia Henry

Frederick H. Cohen (1965–2010)

The Sargent Shriver National Center on Poverty Law mourns the passing in May of its board chairman, friend, and colleague, Fred Cohen, who died after a very long battle with cancer. Fred was a partner in the Chicago firm of Goldberg Kohn and father of two young children. He took great pride in his connection to the Shriver Center and his participation in the improvement of justice in our community. He quietly arrived more than ten years ago, researching the possibility of partnering with us on a big pro bono matter—*Memisovski vs. Maram*, which involved low-income children's access to health care. We learned much later that this was one of the ways Fred had decided to fight his cancer—involvement in significant public interest work.

As we know in the legal services world, it takes a lot of patience and “wanting it” to penetrate the byzantine legal issues and factual ambiguities and partisan politics involved in Medicaid litigation. Fortunately for us, Fred wanted it and had plenty of patience. He was so talented and dedicated that he not only penetrated but also mastered those issues. From a somewhat bemused and puzzled beginning, Fred ended up guiding our litigation strategies and leading the trial team. He made sure that our case—and we public interest attorneys—got the full private-firm treatment, which was not only a god-send to the children whose health care and measure of justice were at stake, but also a rare delight and pleasure for public interest attorneys accustomed to somewhat more spartan litigation supports.

We felt valued and respected. It was a rare partnership, and that was due to Fred's commitment to the case and his acceptance and respect for what we brought to the table. On rare occasions in this work we get to experience in one project a wonderful collaboration of equals—mutual respect, permission to disagree and argue, vigorous debates to determine the right course, generous accommodation of each other's needs, patience, friendship, humor, fun, and confident trust in each other. Wonderful. That, to me, when we are blessed to experience it, is this work at its very best and most enjoyable. Fred gave us that gift in the *Memisovski* case, in several cases thereafter, and on our board. We will really miss him. And we will always be grateful.

—John Bouman



Subscribe to CLEARINGHOUSE REVIEW!

CLEARINGHOUSE REVIEW: JOURNAL OF POVERTY LAW AND POLICY is the advocate's premier resource for analysis of legal developments, innovative strategies, and best practices in representing low-income clients. Each issue of the REVIEW features in-depth, analytical articles, written by experts in their fields, on topics of interest to poor people's and public interest lawyers. The REVIEW covers such substantive areas as civil rights, family law, disability, domestic violence, housing, elder law, health, and welfare reform.

Subscribe today!

We offer two ways to subscribe to CLEARINGHOUSE REVIEW.

A **site license package** includes printed copies of each monthly issue of CLEARINGHOUSE REVIEW and online access to our archive of articles published since 1967. With a site license your organization's entire staff will enjoy fully searchable access to a wealth of poverty law resources, without having to remember a username or password.

Annual site license package prices vary with your organization size and number of printed copies.

- Legal Services Corporation-funded programs: \$170 and up
- Nonprofit organizations: \$250 and up
- Law school libraries: \$500

A **print subscription** includes one copy of each of six issues, published bimonthly. Annual rates for the print-only subscription package are as follows:

- Legal Services Corporation-funded programs: \$105
- Nonprofit organizations: \$250
- Individuals: \$400

A print subscription for Legal Services Corporation-funded programs and nonprofit organizations does not include access to the online archive at www.povertylaw.org.

Please fill out the following form to receive more information about subscribing to CLEARINGHOUSE REVIEW.

Name _____

Organization _____

Street address _____ Floor, suite, or unit _____

City _____ State _____ Zip _____

E-mail _____

My organization is:

- Funded by the Legal Services Corporation
- A nonprofit
- A law school library
- None of the above

What is the size of your organization:

- 100+ staff members
- 51-99 staff members
- 26-50 staff members
- 1-25 staff members
- Not applicable

Please e-mail or fax this form to:

Ilze Hirsh
 Sargent Shriver National Center on Poverty Law
 50 E. Washington St. Suite 500
 Chicago, IL 60602
 Fax 312.263.3846
ilzehirsh@povertylaw.org

CUT HERE

FOLD HERE—USE TAPE. **DO NOT STAPLE.**

PLACE
STAMP
HERE



Sargent Shriver National Center on Poverty Law

50 East Washington Street Suite 500
Chicago, Illinois 60602

Taking action to end poverty

FOLD HERE—USE TAPE. **DO NOT STAPLE.**

CASE DOCUMENTS ORDER FORM

Website users may download documents. Paper documents cost \$10 per case and actual delivery charges. Fill out the order form below; cite the Clearinghouse number, letter, and title of each item you order. Please be aware that orders without a Clearinghouse number may delay delivery.

Many of the articles and case reports that appear in CLEARINGHOUSE REVIEW: JOURNAL OF POVERTY LAW AND POLICY come to us from poverty law advocates who wish to share their work with the rest of the community. We strongly urge them to send us all case documents of significance. We also encourage them to submit articles and appropriate photographs, if available, for publication. See the case documents submittal form elsewhere in this issue.

We are interested in your comments and suggestions on and criticisms of all aspects of our work. Please direct them to John Bouman, president, Sargent Shriver National Center on Poverty Law, 50 E. Washington St., Suite 500, Chicago, IL 60602; 312.263.3830 ext. 250; fax 312.263.3846; admin@povertylaw.org.

If you order by phone, please call 312.263.3830 and press 2 for the Poverty Law Library.

Please send the following items (PLEASE BLOCK-PRINT):

E-mail delivery

REVIEW PAGE NO.	CLEARINGHOUSE NUMBER AND LETTER(S)	NAME OF DOCUMENT

RUSH ORDERS: Orders can go overnight for an additional charge; for more information call 312.263.3830 and press 2 for the Poverty Law Library.

Name: _____

Program name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Send no payment now. You will receive a bill for order and delivery costs after delivery.

To charge to Visa or Mastercard (circle one), please type or print clearly:

Card No.: _____ Expiration date: _____

Signature: _____

Mail or fax to:

Sargent Shriver National Center on Poverty Law, 50 E. Washington St., Suite 500, Chicago, IL 60602 Fax 312.263.3846

CUT HERE

FOLD HERE—USE TAPE. **DO NOT STAPLE.**

PLACE
STAMP
HERE



Sargent Shriver National Center on Poverty Law

50 East Washington Street Suite 500
Chicago, Illinois 60602

Taking action to end poverty

FOLD HERE—USE TAPE. **DO NOT STAPLE.**