

# 2005 Pro Bono and Legal Services Awards

Each year, the State Bar Committee on Legal Services to the Poor in Civil Matters selects the winners of four Pro Bono and Legal Services Awards, which are presented at the Annual Meeting. Following are profiles of the 2005 award winners, who enthusiastically provide access to justice for low-income Texans.

**By Morgan Morrison**

## Frank J. Scurlock Award

On vacation in Colorado in 2002, San Antonio attorney **George P. Parker Jr.** attended a presentation at the Anasazi Heritage Center by Teddy Draper, Sr., a Navajo code talker during World War II.

Parker, of counsel to Bracewell & Giuliani, L.L.P., heard how Draper played a central role in the U.S. efforts to prevent the Japanese from intercepting military communications by translating messages into Navajo, which turned out to be a virtually unbreakable code.

Parker also learned of the hearing loss, temporary blindness, and other injuries that Draper sustained at the Battle for Iwo Jima and the Marine Corps veteran's almost 60-year struggle to obtain service-related disability benefits from the Department of Veterans Affairs.

After the lecture, Parker approached Draper and his friend, a guitar repairman who had been attempting to help the 81-year-old with his claim. "They were obviously floundering, trying to navigate the bureaucracy of the VA," Parker says. He offered his business card, and three months later Draper called.

Parker, who is certified in labor and employment law by the Texas Board of Legal Specialization, has practiced law since 1969. He primarily represents corporate management and has extensive experience in appellate work.

However, this area of law was new to him. "The most difficult part of the process was learning the VA law," Parker says. "The *Veterans Benefit Manual* is 2,000 pages thick."

Since the VA denied Draper's claim for lack of evidence (in the chaos of battle, a medic failed to document the injuries), Parker had to find proof of an event that occurred in 1945. He reviewed medical records and obtained affidavits from two eyewitnesses and a statement from one of Draper's children who has a doctorate in psychology, evidencing the veteran's post-traumatic stress disorder.

These documents convinced the VA, which, in January 2004, awarded Draper almost \$80,000 in retroactive benefits and a \$20,000 increase in his annual disability benefits. Parker's research also led to Draper's receiving the Purple Heart in December 2003.

Parker, who spent more than 300 hours working on Draper's case, attributes his success to experience and time. "I was able to determine what evidence the VA wanted and conduct an investigation," Parker says. "It's the same if you want to win in court: You have to do your homework."

Parker also represented a second Navajo WWII veteran, Nelson Tsosie, whom Draper referred to the attorney, in his disability benefits claim. Tsosie served in the Solomon and Philippine Islands and suffered hearing loss during the 1945 Invasion of Luzon Island (Tsosie is now completely deaf with ringing in his ears).

Parker accepted the case in October 2004 and clocked more than 165 pro bono hours working on Tsosie's behalf. In April, the VA awarded the veteran full disability benefits, including two years of retroactive benefits. This decision is especially significant for Tsosie, who Parker says "has never received a penny" from the government.

Parker credits paralegal Penny Robinson, attorney Eric Barbosa, and the firm of Bracewell & Giuliani for their efforts and support. Robinson worked more than 200 hours on Draper's case, and Barbosa conducted significant factual research on Tsosie's case. "I received a lot of help from the

firm," Parker says. "They encouraged me to help these men and treated them as important as any client."

For Parker, a personal benefit of these cases has been the opportunity to learn more about Native American culture. He and his wife, Julie, plan to visit a Navajo reservation in Arizona to study art with Draper's son, Teddy Jr., an accomplished painter, sculptor, and jewelry designer.

As a result of his pro bono work, Parker was elected to the board of directors of the National Veterans Legal Services Program, a nonprofit organization that represents low-income veterans and their dependents.

But the greatest reward has been "dealing one-on-one with someone who is needy," Parker says. "This is, undoubtedly, the most personally satisfying representation in my years of practicing law."



A newbie to VA law, George Parker obtained service-related disability benefits from the Department of Veterans Affairs for two WWII Navajo code talkers.

## Pro Bono Award

**AIDS** was first identified as a disease in the United States in 1981. By 1987, more than 71,000 Americans had been diagnosed with HIV/AIDS, according to the Centers for Disease Control and Prevention.

During this time, a group of Austin attorneys, including Holly Gilman and Julie Oliver, decided that they had to get involved. “The illness devastates every aspect of the person’s life, and access to legal services is denied due to financial and physical constraints,” Gilman says.

Working with others, Gilman and Oliver created an informal network of private attorneys willing to provide pro bono legal services to individuals living with HIV/AIDS — the beginnings of the **Capital Area AIDS Legal Project**, the 2005 Pro Bono Award recipient.

With the availability of IOLTA funding through the Texas Equal Access to Justice Foundation, CAALP officially formed in 1990 as a program of AIDS Services of Austin, the primary organization in the Austin area providing direct care services to people living with HIV/AIDS.

Still volunteer-based, CAALP provides free legal assistance to individuals affected by HIV/AIDS whose income is at or below 125 percent of the federal poverty guidelines. The project’s service area includes Travis County and nine surrounding counties. Since 1990, CAALP has helped more than 2,500 HIV-infected people in Central Texas.

Staff attorney and licensed social worker Liz Cohen has worked for CAALP since 1999, but she has been involved with the project and ASA for almost 15 years. She volunteered for CAALP in 1991 and interned at ASA in 1997 for a graduate school program.

“To a great extent, the project is successful because of Liz,” Gilman says. “She is good at recruiting volunteers, is willing to do a lot of the work herself, and is devoted to serving our clients.”

With Cohen as its only part-time staff, CAALP depends on its network of 135 volunteer attorneys to serve between 350 and 400 individuals annually. “The volunteers are absolutely essential to our success,” Cohen says. In 2004, they donated 212 pro bono hours to CAALP clients and closed 348 cases.

In addition, the CAALP Advisory Board, composed of Gilman and 13 other “active, supportive, and dedicated” attorneys, as Cohen describes the members, contributed 250 volunteer hours in 2004 on activities such as fundraising, policy and program planning, and logistical support of ASA events.

Since CAALP’s beginning, estate planning and guardianships have been the most needed legal services. However, volunteers also help clients with many other civil issues, including family law, bankruptcy, discrimination in employment and housing, immigration, insurance, public benefits, real estate, and landlord/tenant.

As clients’ needs have changed — increasing numbers of women and racial

and ethnic minorities are diagnosed with HIV/AIDS and those infected with HIV/AIDS are living longer due to more effective medications — CAALP has expanded its services.

Last year, for example, CAALP offered three pro bono estate planning/guardianship clinics on-site at ASA. One of the clinics focused solely on the needs of women and children. CAALP has also recruited Spanish-speaking volunteers and attorneys who have expertise in consumer and finance, employment, and housing law, which, combined, made up one-fourth of the project’s cases in 2004.

Gilman says that the project’s greatest success is “helping these individuals cope with living with this disease.” “They have so much to worry about already,” Cohen adds. “Being able to bring some peace of mind to our clients’ lives is truly invaluable and powerful.”



Liz Cohen and Holly Gilman have worked tirelessly to meet the diverse and changing needs of Capital Area AIDS Legal Project clients.

## J. Chrys Dougherty Legal Services Award

For more than 23 years, **William Kimble**, senior staff attorney at the Waco office of Lone Star Legal Aid, has been a tenacious advocate for the poorest of the poor. His practice has focused primarily on helping his clients who have physical and/or mental disabilities secure federal disability benefits.

“The bulk of my work is in administrative law judge hearings,” Kimble says. If a claim is denied after two paper reviews, the individual may request a hearing before an independent administrative law judge. “The client’s best chance of winning is during this hearing,” Kimble explains.

“It’s high stress and anxiety for the clients,” Kimble says. During the appeal process, which can take up to a year or longer, the individuals often have to depend on family and friends for financial support. But once a decision is made in the client’s favor, Kimble finds satisfaction in seeing the individuals “go from no income at all to getting some income and their health care coverage.”

Fred Fuchs, an attorney with Texas RioGrande Legal Aid, says that Kimble’s longtime dedication to this type of work spurred his nomination of Kimble for the 2005 J. Chrys Dougherty Legal Services Award. “He has spent most of his career in public interest law.”

Fuchs, who has been a housing advocate for the poor for close to 30 years, credits Kimble with urging him to volunteer with a legal aid program while he was in law school. “His encouragement started me on the road to a legal services career,” Fuchs explains.

“Bill is extremely bright,” Fuchs says. “He could have done anything.” Kimble recalls being inspired to pursue a law degree after reading *Gideon’s Trumpet* by Anthony Lewis. The book chronicles the landmark case of James Earl Gideon’s fight for the right to legal counsel. “This was a new case back when I had to read it for an undergraduate constitutional law class,” Kimble says.

At Baylor Law School, Kimble served as editor-in-chief of the *Baylor Law Review*. After graduating, Kimble considered working for the Houston Legal Foundation. “I was not from the wealthiest family,” Kimble says, “and I had to turn a profit.” So instead, he joined an insurance defense firm, but “never caught the fever.”

From there, Kimble took a tenure-track position teaching law at Texas Southern University. During this time, he volunteered with the ACLU to help represent a VISTA attorney accused of “inciting revolution.” The federal court ruled in his client’s favor. “It made me think that I wanted to practice law — work on lawsuits — every day,” Kimble says.

Kimble became managing attorney of the San Angelo office of West Texas Legal Services in 1979 after Fuchs promised him that “the work would be really interesting and they were now paying above the minimum wage.” Kimble served as litigation director from 1981 to 1991. He joined East Texas Legal Services (now Lone Star Legal Aid) in 1994.

While working for these organizations, Kimble has zealously and vigorously represented his clients. In one lawsuit, he convinced courts in Texas, Florida, and Virginia that the Medicaid statute requires states to provide coverage for liver transplants.

Kimble also settled a case where Texas’ county indigent health care programs are now required to pay the Medicaid-model of benefits while clients have a pending SSI appeal. This rule helps approximately 14,000 individuals annually.

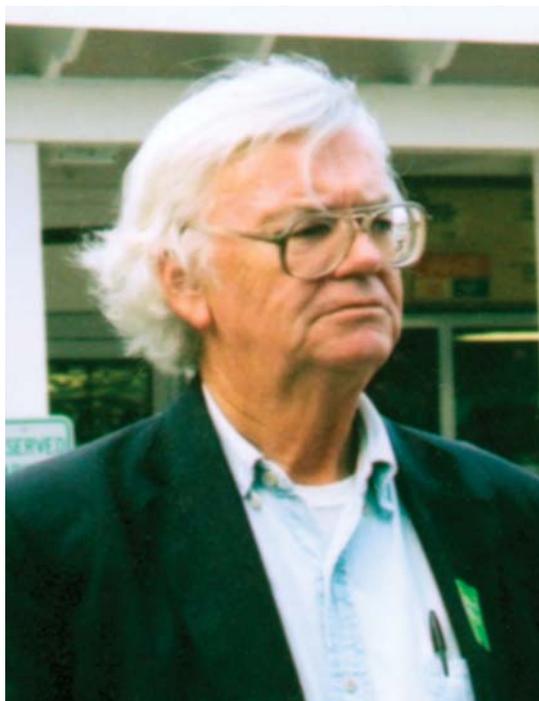
“I’ve always been pretty satisfied with that deal,” Kimble says.

“Bill broke barriers,” says LSLA attorney James Porter, who describes Kimble as “a walking encyclopedia of federal court cases.”

Outside of his professional work, Kimble says he is “pretty boring,” but friends and colleagues appreciate his unique sense of humor. “He has a special wit about him, the way he twists the English language,” Porter says. Fuchs concurs: “He will leave you in stitches.”

“Bill has three children whom he absolutely adores, and they adore him,” Porter says. “I’ve seen him pinch his pennies so they could get an education and have the basics they needed.” Miranda is a music teacher in Quanah; Rachel and David are students at different campuses of Texas A&M University.

“It’s a lot like being lucky,” Kimble reflects on his career. “Sometimes it seems odd to work at something you like this much, but I hope to do it for another dozen or 15 years.”



Known for his unique sense of humor, Bill Kimble is a tenacious advocate for his clients at Lone Star Legal Aid.

## W. Frank Newton Award

Sally Crawford, partner and pro bono coordinator in the Dallas office of **Jones Day**, is ready to celebrate.

"I'm really excited," Crawford says of the firm winning the W. Frank Newton Award, which recognizes outstanding pro bono contributions by a group of attorneys. "I told our partner in charge that we needed to throw a big party."

The 171 lawyers in the Dallas office take to heart Jones Day's commitment to public service — they contributed more than 4,118 pro bono hours in 2004 and approximately 70 of them regularly participate in some volunteer activity.

"Most lawyers have a sense of ethical responsibility," Crawford says. "No one else can give back in the way that we can — lawyers have the keys to the courthouses."

The Jones Day attorneys recognize the incredible impact of just a few hours' work (the average pro bono case requires about 10 hours, according to Crawford). "Once someone gets involved, he or she will be hooked," Crawford says.

"Not many corporate clients will break down in tears or hug your neck for the work that you've done. There is a personal satisfaction in knowing that you can really make a difference in someone's life."

Crawford, whom the Dallas Volunteer Attorney Program recognized as "Outstanding Pro Bono Coordinator" in 2003, has been involved with volunteer legal work since she graduated from the Southern Methodist University School of Law in 1986. At Jones Day, she facilitates the Dallas office's pro bono and public service projects, helping connect attorneys with volunteer opportunities. This part of her job is "so rewarding," Crawford says.

The attorneys take part in myriad activities. They serve on the boards of community and legal aid organizations, work on Habitat for Humanity projects, and regularly provide free legal advice to callers to the Dallas Bar Association's LegalLine. They help groups, including a local dance troupe and booster club, obtain nonprofit status. Another associate founded Passport to the Arts, a program that allows underprivileged students to access cultural arts in Dallas.

"There is no end to the number and variety of opportunities," Crawford says. "The need is so great, but we try to do our part."

In one recent success, a team of lawyers from the litigation group represented an indigent client who was defrauded out of her home and enticed to unknowingly sell it to a predatory lender. They spent 1,500 hours over 18 months helping the client get her property back.

"At Jones Day, a pro bono case is just as important as any other case," Crawford says. "Our lawyers put the same effort and expertise into their pro bono work."

A team approach that includes all Jones Day employees guides the firm's pro bono efforts. For example, a legal assistant and project assistant helped four partners and five associates successfully resolve a political asylum case that allows a former University of Zimbabwe professor and her three children to remain in the United States. In addition, legal assistants and other support staff regularly join the lawyers volunteering at the South Dallas Neighborhood Clinic (which Jones Day staffs at least four times annually).

"Involving the lawyers plus staff at all levels has allowed relationships within the firm to grow," Crawford says. "We have built camaraderie, a sense of purpose, and pride in teamwork when everyone at the firm has a role."

This approach benefits the clients as well. "On any given night when the Jones Day team staffs a legal clinic, their cadre of volunteers renders quality representation and services to the community," says Chris Reed-Brown, DVAP recruiter.

Jones Day will soon participate in a national program designed to provide pro bono legal and social services to unaccompanied immigrant children released from detention in the United States. "A lot of people want to help children, and this is a great opportunity to do that," Crawford says. The program, developed by the U.S. Committee for Refugee and Immigration, will be implemented firm-wide and coordinated through the Dallas office.

"The Dallas Bar Association nominated Jones Day for the W. Frank Newton Award because of the firm's outstanding work in providing pro bono services to needy members of the Dallas community," says DBA President Tim Mountz. "These lawyers have used their contacts and resources for the betterment of our community and are leading by example in providing pro bono work."



Dr. Margaret Mhasvi and her children, Virginia, Rodney, and Marianne, escaped from Zimbabwe in March 2004 after enduring three brutal, physical attacks by government-sponsored militia. A team from the Dallas office of Jones Day settled the asylum case with the U.S. Citizenship and Immigration Services, allowing Mhasvi to remain in the United States and begin working.