

MEMPHIS LAW



15th annual
ALTERNATIVE
SPRING BREAK
2024

**PUBLIC ACTION
LAW SOCIETY (PALS)**

Memphis Law's Alternative Spring Break program, coordinated and run by PALS, seeks to help low income individuals who need legal representation, while simultaneously providing law students the opportunity to gain experience in the legal field.

This year's program involved more than 60 Memphis Law students who devoted close to 2,000 hours to assisting people and communities throughout Memphis & Eastern Arkansas.



LEGAL TRACKS

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- 02 Family Law
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Expungement

The Expungement Track operated in collaboration with Memphis Area Legal Services and under the supervision of MALS Pro Bono Director Heather Staggs and Attorney Amber Floyd.

The Expungement Track began with an intensive training on applicable law and procedures on Monday afternoon. The training included both a review of the offenses and cases eligible for expungements and a discussion about the importance of expungement work and the role it plays in reducing the risks of recidivism.



Following training, the Track researched the Shelby County Criminal Justice System Portal to develop the information needed to begin the expungement process for Memphis Area Legal Services clients seeking expungements. Track participants reviewed the available records for 40 clients. Throughout the week, the Track also continued discussions about expungement-related policy and outcomes.

Participants also took a tour of the Criminal Court Clerk's office at 201 Poplar to see where to go and who to talk to on behalf of the clients in Expungement matters. During the tour Clerk's office we discussed the anticipated path forward for our clients as well as where to go if we are ever involved in future Expungement work.

Family Law



The Family Law Track was facilitated through collaboration with Memphis Area Legal Services (Nicole Smith, Managing Attorney of MALS Family Law Unit) and the Community Legal Center (Tina Perrusquia, Director, CLC Pro Se Parents Clinic). The Track began on Monday with a training by supervising attorney Tina Perrusquia overviewing applicable law and discussing the various forms used to assist clients with uncontested divorces.

On Tuesday and Thursday, Family Law Track participants assisted clients with completing court filings, including: Complaint for Absolute Divorce, Confidential Divorce Information, Marital Dissolution Agreement, Affidavit for Name Change in Finale Decree of Divorce, Cost Assessment Information Sheet, Affidavit as to Military Service, and Final Divorce Decree. A notary assisted the Track to notarize relevant documents for clients. Participants assisted a total of twenty (20) clients, including two remote clients.



On Wednesday, Family Law Track participants took part in a series of professional development related events. In coordination with the Divorce Referee's Office of Shelby County, Family Law Track participants were given first hand exposure to the pro se divorce process in Tennessee. The Divorce Referees provided in depth training on applicable family law principles, an overview of the divorce process, thorough training on the required forms and pleadings to submit for a pro se divorce, and the qualifications needed to become a Divorce Referee in Shelby County. From there, students were broken into small section to observe a series of divorce proceedings, which provided students with real world exposure that furthered their understanding of family law and the importance of the pro bono work conducted. Breakout session in court further involved networking with numerous local attorneys and sitting Judges who took the time to provide further mentorship and points of professional development to Family Law Track participants. The experiences and training provided to Track participants furthered the professional development of the student body as a whole as well as directly resulted in the rendering of pro bono services to low-income individuals.



Fair Housing



Working with Legal Aid of Arkansas (Jason Auer, Fair Housing Director), the Fair Housing Track performed nearly 30 fair housing tests at rental communities and with real estate brokers. The testing was performed both in-person throughout the eastern part of Arkansas and by telephone. After the tests, the team met with its supervising attorneys for debrief sessions.

In addition to performing the fair housing tests, the Track did the following:

- Received training from Legal Aid of Arkansas on fair housing law, representative fair housing cases, and conducting fair housing tests.
- Had a special visit with and presentation from Kate Rupert, a fair housing expert working on cases related to enforcing dower rights, cases challenging landlord entry to remove doors and HVAC units and utility disconnection to force tenants to move, cases asserting tenant rights to housing, and orders of protection cases.
- Had a special visit and zoom presentation from Judge Quincy Ross from the 10th Judicial Circuit Court of Arkansas. Judge Ross discussed legal services and getting trial experience as soon as possible following law school. Judge Ross took the bench on Jan 1, 2019, and oversees a docket composed of criminal, civil and probate matters. He formerly held a position as a staff attorney at the Center for Arkansas Legal Services (CALs). At CALs, the Judge represented low-income and vulnerable Arkansans in a variety of critical legal matters with the overarching aims of protecting domestic violence survivors as they escape the harsh realities of abuse, safeguarding consumer wages from levy and garnishment, and helping needy families avoid wrongful evictions and foreclosures. Over the years, Judge Ross has maintained a resounding belief that equal access to justice is critical to the effective administration of law.

Research & Writing

Working with Butler Snow Pro Bono Counsel Linda Seely, the Research and Writing Track performed research on housing issues for ultimate use in statewide advocacy and lobbying efforts.

In the book 'Evicted: Poverty and Profit in the American City,' author Matthew Desmond details problems and cycle of poverty associated with evictions. One of the biggest barriers to economic prosperity for America's lowest-income families is the lack of decent, accessible, and affordable homes. Research shows that when people have a stable, decent, and accessible home that they can afford, they are better able to find employment, achieve economic mobility, age in place, perform better in school, and maintain improved health. We researched the impact of housing and landlord-tenant disputes on marginalized populations and underprivileged communities. We discussed ways other communities have tried to remedy disparities, and in particular focused on rental housing issues in Tennessee. More specifically, the Track researched the following questions:

Research Question 1: Many states and communities are facing serious shortages of affordable housing, skyrocketing rents, and other related problems. For tenants who are facing a landlord who either won't or cannot make repairs, their options are limited.

- Compare laws in other (adjoining or relevant) states regarding landlord repairs and tenant remedies. Is there a clear path for tenants? What do they risk?
- Does a residential tenant generally get evicted in those states when a tenant withholds rent because the landlord(s) is not making repairs? Contrast with TN law.
- What happens when a landlord's property falls into disrepair? Are there other remedies open to the tenant? Are there options for assisting the landlord?
- Are local ordinances a better option than a state statute? Why or why not?

Research Question #2: The Tennessee statute is a hybrid one with different standards for urban and rural tenants/landlords. So far, while it's questionable as to the effectiveness of the URLTA in dealing with many of the issues urban tenants face, it does offer some relief and avenues for proceeding that aren't available in more rural areas.

- How many states have different statewide laws for residential rural vs. urban tenants. Is TN in the minority?
- What is the business case for standardization of Tennessee landlord/tenant laws? How would standardization increase/help economic development? How can standardization increase access to justice?

Research Question #3: Business interests often object to expansion of consumer rights, arguing that the current laws are sufficient if consumers would just 'take advantage of their current rights' and contend that better educated consumers would be a better option. Many of the courts across the U.S. have been experimenting with different ways of educating consumers/tenants, including development of plain English forms.

- In Tennessee, when served with an Unlawful Entry and Detainer Warrant, is it clear that the defendant has been served with an eviction?
- Review court forms in other (adjoining or relevant) states and determine if there are any court forms in plain language for residential landlord tenant matters, and specifically that contain checkboxes and defenses/affirmative defenses/causes of action listed to provide the plaintiff and defendant information to file or defend a lawsuit. Are there counter-claim forms available or allowed? Contrast with TN.

Name Change & Gender Marker

The Name Change and Gender Marker Track operated in partnership with Legal Aid of Arkansas.

The Track began on Monday with a training by Legal Aid of Arkansas Pro Bono Director and supervising attorney Ashley Norman.

On Tuesday, March 5, the Name Change and Gender Marker Track commuted to Jonesboro, Arkansas to assist in Arkansas's Legal Aid clinic to assist with a variety of estate planning matters such as the execution of simple wills, durable and medical powers of attorneys, and beneficiary deeds.



On Wednesday morning, some of the students also had the opportunity to visit Crittenden County Courthouse in Marion, Arkansas to observe court including several matters including evictions, divorces, and child custody cases.

In total, the Name Change and Gender Marker track assisted 18 individuals with their filing of the appropriate documents to change their names and/or changing their gender marker on their birth certificates.

* Wills & Tenant's Rights *

The Wills and Tenants Rights Track operated in partnership with The Works, Inc. CDC (Brian Rees, Staff Attorney, The Works). The Track began its week with a training focused on the preparation of wills and providing an overview of residential tenant's rights under Tennessee law.

On Tuesday, the Wills and Tenant's Rights Track attended probate proceedings in the morning and eviction proceedings in the afternoon. In probate court, we observed several muniment of title actions. Judge Townsend took the opportunity to teach us about that process and discussed the changes he made upon taking the bench to make the probate process more efficient and beneficial. Additionally, we observed a hearing where the complaint alleged fraud and sought for a deed to be set aside. In this hearing, we observed direct and cross examination of a witness. In eviction court, we were able to observe over 20 different cases. Judge Thompson took the time to explain the eviction process and provide insight into his career.

On Wednesday, Wills and Tenant's Rights Track learned about receivership in Shelby County from staff attorneys at The Works, Inc. community development corporation. After our morning session, we toured the Northside Square development and learned about the amenities and goals for the complex. In the afternoon, we split in groups to research various topics—rent assistance agreements, at risk tenants' rights, and questions to ask a client when writing a will.

On Thursday, the Wills and Tenant's Rights Track received a lesson on the Klondike Community Land Trust and learned about its mission to ensure affordable housing for the community's citizens for perpetuity. Then, we went to Legends Park Senior facility and University Park Senior facility where we hosted a clinic to advise and aid in the creation of wills and power of attorneys. We were able to help dozens of elderly residents.



* Students & Partners *

EXPUNGEMENT TRACK: STUDENTS & PARTNER ORGS

Track Leader: Allison Porter. **Participants:** Syndi Beloate, Hunter Watson, Allison Jones, Bailey Cary, Myrah Ramirez, Jack Allyn, Brock Rowell, Peyton Barrow. **Partner Organization & Attorney/Staff:** Memphis Area Legal Services. Heather Staggs, Managing Attorney, Memphis Area Legal Services. Amber Floyd, General Counsel, Memphis Shelby County Airport Authority.

NAME CHANGE/GENDER MARKER STUDENTS & PARTNER ORGS

Track Leader: Kristin Mae Talens. **Participants:** Kate Verbka, Alexis Tarver, Jacob Ritchie Claire Kiser, Kathryn Mizell, Gabe Bromley, Tyler J Harris, Madison Taylor **Partner Organization & Attorney/Staff:** Legal Aid of Arkansas. Ashley Norman, Pro Bono Director.

FAIR HOUSING TRACK: STUDENTS & PARTNER ORGS

Track Leader: James Maclin. **Participants:** Dalton Acree, Jaxon (Jax) Henderson, Hailey Polisano, Kaitlyn Flint, William Lockett, Norman Marshall Childress, Akil Purdy. **Partner Organization & Attorney/Staff:** Legal Aid of Arkansas. Ashley Norman, Pro Bono Director Jason Auer, Fair Housing Director.

* Students & Partners *

RESEARCH & WRITING: STUDENTS & PARTNER ORGS

Track Leader: Celeste Robinette. **Participants:** Zoë Rahmani, Gracie Livingston, Terry Griffith, Danyel Renee Arnold, Alexia McDermott. **Partner Organization & Attorney/Staff:** Linda Seely, Pro Bono Counsel, Butler Snow.

FAMILY LAW TRACK: STUDENTS & PARTNER ORGS

Track Leader: Alexis Dahler, Derrick Shawver. **Participants:** Maxwell Stansell, Cody Smith, Brooklynn Staten, Taylor Stewart, Alexis Adams, Taylor Dargie, Zack Cathey, Rachel Karp, Benjamyn Elliott, Timothy J. Hopson, Christopher Templeman, Jordan Faulkner. **Partner Organization & Attorney/Staff:** Memphis Area Legal Services. Nichole Smith, Managing Attorney, Family Law Unit. Community Legal Center Tina Perrusquia, Director, Pro Se Parents' Clinic

WILLS & TENANTS' RIGHTS TRACK: STUDENTS & PARTNER ORGS

Track Leader: Blue Acree. **Participants:** Tessa Cavender, Abigail Stimpson, Clayton Hoover, James Andrew Meade, Olivia Brunner, Abby Jarrett, Hannah Shev, Cameron Waltman Charles Irace. **Partner Organization & Attorney/Staff:** The Works, Brian Rees, Staff Attorney.