Texas APPLESEED

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www.texasappleseed.net

## Appleseed Salutes Pro Bono Partners

Gerald Buechler and Carrie Wright of Akin Gump Strauss Hauer & Feld LLP

An unprecedented level of pro bono support is enabling Texas Appleseed to expand into new project areas and secure greater justice for the poor and marginalized in Texas.

"We are deeply grateful for the generosity of the legal community, which is changing lives," said Texas Appleseed Executive Director **Rebecca Lightsey**.

Texas Appleseed presented the *2006 Award for Pro Bono Services* to **Akin Gump Strauss Hauer & Feld LLP** and to attorneys **Gerald Buechler** and **Scott Kimpel** for their long-term contribution to bringing low-income Latino immigrants into the financial services mainstream.

"Through this collaboration, banks and credit unions in Texas are now recognizing the importance of reaching out to this market," Lightsey said.

Three firms received special recognition at the 2006 Texas Appleseed Good Apple Awards Tribute for their commitment to addressing the legal challenges facing the

*Continued on page 3*

## Protecting Consumers from Hidden Money Transfer Costs

Texas Appleseed is working to give consumers who send money internationally the information they need to pick the best money transfer options.

Appleseed is proposing a market-based solution to bring greater transparency to the international money transfer industry—a **Fair Exchange Initiative** similar to the Fair Trade branding of coffee.

Money transfer services would earn a Fair Exchange designation if they follow price disclosure recommendations, provide numbers to call to resolve consumer complaints, and post this information prominently.

"Clearly disclosing pricing information upfront will benefit competitive companies and help them gain market share," said **Ann Baddour**, Senior Policy Analyst for Texas Appleseed.

The Fair Exchange Initiative will be piloted this spring. It is the product of a year-long working group convened by Appleseed that includes international remittance companies, financial institutions, federal and state regulators, and consumer advocates.

Texas Appleseed Board Member **Allan Van Fleet** said, "With legislation on the horizon at the federal level and a new World Bank study supporting transparency in international remittance markets, this work takes on greater urgency."

Appleseed released a national study in late 2005 documenting barriers to making cost comparisons when sending money to Mexico and Latin America.

Grants from the **Annie E. Casey Foundation** and **Levi Strauss Foundation** are generously underwriting Texas Appleseed's immigrant banking work.

**INSIDE:**
**Breaking the School-to-Prison Pipeline**

An 11-year-old in the Webb County Juvenile Detention Center.

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# Appleseed Celebrates 10 Years

Texas Appleseed is celebrating 10 years of public interest work as a stand-alone law center—and a decade collaborating with a vibrant network of Appleseed Centers operating in 17 states and Mexico City.

A talented staff and a national Board representing more than four dozen major law firms and corporations supports the Centers' work—making it possible for projects incubated in Texas and other states to have a national impact.

As one of the largest Centers in the Appleseed network, Texas is a major participant in collaborative projects with other Centers. Ann Baddour, Senior Policy Analyst for Texas Appleseed, is the national coordinator of financial services work in Alabama, Chicago, Georgia, and Nebraska.

Together, these Appleseed Centers are working to bring Hispanic immigrants into the mainstream American financial system, helping them avoid predatory and other high-cost financial services, and enabling them to save, access credit, and build wealth. We are proud that this project had its beginnings in Texas.

The ability to collect and analyze data across multiple states has added validity to our national policy recommendations for improving products and services and consumer protections for financial transactions involving low income and immigrant communities.

Texas Appleseed is also collaborating with Appleseed Centers in Chicago, Connecticut, Georgia, New Mexico, and Washington to assess the impact of federal No Child Left Behind policies on parent involvement in schools.

A recently released joint report, supported by pro bono partners in participating states (including **DLA Piper US, LLP** in Texas), proposed ways to better engage parents in schools—focusing on low-income parents and those who do not speak English.

Other collaborative projects are born out of unforeseen events. When Hurricane Katrina struck the Gulf Coast 18 months ago, Texas and Alabama had mature Centers ready to help. A new Center in Georgia quickly came on board—and Texas Appleseed was instrumental in encouraging the establishment of a Louisiana Appleseed last year.

Our Legal Director Deborah Fowler traveled to New Orleans to train attorneys on legal issues related to defense of clients with mental disorders. Appleseed Centers in Louisiana and Georgia are currently adapting our handbooks for attorneys representing these special needs clients for their own legal communities.

We also want to thank Annette LoVoi—the co-founder of Texas Appleseed and my predecessor as Executive Director—for nurturing and continuing to grow the Appleseed organization in her role as National Field Director advising Appleseed Centers across the country.

Ten years since its inception, Texas Appleseed is living up to its founders' vision as a catalyst for change that can spread from state to state, from community to community. It is a model that works.

**Rebecca Lightsey**
*Texas Appleseed*
*Executive Director*

# Firms Fund Appleseed Legal Fellowships

Two Texas law firms are underwriting legal fellowships at Texas Appleseed to help address the ongoing challenges faced by the more than 250,000 evacuees of hurricanes Katrina and Rita still living in Texas.

**Mayer, Brown, Rowe & Maw LLP**'s decision to fund a fellowship position at Texas Appleseed for a second year "has ensured a sustained, priority response to the legal challenges facing hurricane evacuees," said Appleseed Executive Director Rebecca Lightsey.

"We also are deeply grateful to **Greenberg Traurig LLP** for sponsoring an Equal Justice Works Katrina Legal Fellowship to support this important work."

**Madison Sloan**, an experienced legal services attorney, is Texas Appleseed's Equal Justice Works Katrina Legal Fellow (see Page 7).

**Lynn White**, a graduate of Howard University School of Law with experience in the Civil Rights Division of the U.S. Department of Justice, was named Mayer, Brown Legal Fellow in 2006 and will continue in that position.

**Charles Kelley**, a partner with Mayer, Brown, Rowe & Maw LLP and a Texas Appleseed Board member, said, "Texas law firms have generously donated their expertise to help address the complex legal issues surrounding hurricane relief. Having a legal fellow on the ground greatly benefited our outreach efforts."

**Allan Van Fleet**, a shareholder with Greenberg Traurig LLP and former Chair of Texas Appleseed, said, "We are pleased to provide support for Appleseed's efforts to bring justice to the victims of hurricanes, who also find themselves victims of government neglect and indifference."

Texas Appleseed helped secure $500,000 in utility relief for hurricane evacuees in Houston; sponsored legal clinics to help hurricane evacuees appeal denial of federal benefits; and participated in legal action prompting FEMA to extend housing assistance last fall to thousands of hurricane evacuees.

Richard Rosenbaum and Allan Van Fleet accept a pro bono award on behalf of Greenberg Traurig LLP. Houston City Attorney Arturo Michel (center) made the presentation.

Charles Kelley accepts a pro bono award on behalf of Mayer, Brown, Rowe & Maw LLP.

## Appleseed Salutes Pro Bono Partners *continued from page 1*

more than half a million families displaced by Hurricanes Katrina and Rita.

**Greenberg Traurig LLP** and **Mayer, Brown, Rowe & Maw LLP** are each underwriting a legal fellowship position at Texas Appleseed to work on hurricane relief issues.

**Jones Day** attorneys helped displaced hurricane evacuees file FEMA appeals at more than a dozen legal clinics in Houston last year and contributed to Appleseed's national report on Hurricane Katrina and its impact on six American cities.

"Our associates contributed over 1,500 hours of attorney time to a critical evaluation of the effort of government and non-government agencies in their hurricane response," said **Michael Gibson**, Pro Bono Coordinator for the Houston office of Jones Day.

Currently, more than a dozen firms and corporations are working with Texas Appleseed on legal research, amicus briefs, and helping identify "best practice" solutions to social justice problems.

"The beneficiaries are the disenfranchised groups that Texas Appleseed works to help—defendants with mental disabilities, poor immigrant communities, and young people on a fast-track to incarceration, to name only a few," Lightsey said.

**Scott Fletcher** with **Vinson & Elkins LLP** is coordinating the efforts of a half a dozen firms and corporations working on Texas Appleseed's school-to-prison pipeline project (see Page 6).

Working with **Casey Low** at **Andrews Kurth LLP**, Texas Appleseed recently filed an amicus brief with the Texas Court of Criminal Appeals in *State v. Williams* regarding a defendant's right to court-appointed counsel.

Texas Appleseed is partnering with **Gardere Wynne Sewell LLP** to file an amicus in the same court challenging the admissibility of unscientific and potentially unreliable testimony in capital cases from "experts" predicting future dangerousness of defendants with mental illness.

"It is critical that defendants' due process rights are not compromised in these cases," said **Michael Lowenberg**, Immediate Past Chair of Texas Appleseed.

"And thanks to **Steve Ryan**, Board Member **Sean Gorman**, and their law firm **LeBoeuf, Lamb, Greene & MacRae LLP**, Texas Appleseed is researching the critical issues facing Texas' growing population of foster children for a future project," Lightsey said.

# Matthews Praised at Good Apple Tribute

To a musical send-up by six-time Grammy Award-winner **Ray Benson** of Asleep at the Wheel, hundreds of friends and admirers feted *2006 Good Apple Award* honoree **Charles W. Matthews** and his commitment to encouraging corporate pro bono at Texas Appleseed's annual awards dinner November 9th at the Four Seasons Hotel, Austin.

Matthews, Vice President and General Counsel of ExxonMobil, America's largest corporation, considers pro bono work a professional responsibility. When people do not have access to justice, "it undermines the entire rule of law," he said.

Making special tributes to Matthews were **The Honorable Harriet O'Neill**, Justice, Texas Supreme Court; **David J. Beck** with Beck, Redden & Secrest, L.L.P., Houston; and **George W. Bramblett Jr.** with Haynes & Boone, LLP, Dallas.

Texas Appleseed presented its *2006 Award for Pro Bono Services* to **Akin Gump Strauss Hauer & Feld LLP** and lawyers **Gerald Buechler** and **Scott Kimpel** for their outstanding contribution to bringing low-income Latino immigrants into the financial services mainstream.

Also recognized for their extraordinary commitment to evacuees of Hurricanes Katrina and Rita were the law firms of **Mayer, Brown, Rowe & Maw LLP**; **Greenberg Traurig LLP**; and **Jones Day.**

***Photographs: Kirk Tuck***

Judge Patrick E. Higginbotham of the U.S. Court of Appeals for the Fifth Circuit, Elizabeth Higginbotham, Karen Matthews

Texas Appleseed Board Member Tracy McCormack and State Bar President Martha Dickie

Charles Matthews, David Beck, and Texas Appleseed Chair Jim George

Melissa Hagan and Michael Gibson accept a pro bono award on behalf of Jones Day

Texas Supreme Court Justice Harriet O'Neill and Charles Matthews

David Beck, Jack Balagia, Alistair Dawson

Grammy winner Ray Benson with Asleep at the Wheel

Texas Appleseed Chair Emeritus Chrys Dougherty and Charles Matthews

*Breaking the School-to-Prison Pipeline*

# Keeping Schools Safe While Reducing Dropouts

Texas Appleseed is seeking legislative changes to prevent school discipline policies from contributing to higher dropout rates and a resulting "pipeline" to the juvenile justice system and, ultimately, to the Texas Department of Corrections.

"More than 100,000 students—some as young as pre-kindergarten children—are sent to Disciplinary Alternative Education Programs (DAEPs) each year in Texas. Two-thirds of those referrals are for non-violent, non-criminal student behavior," said **Deborah Fowler**, Texas Appleseed Legal Director.

"Yet, these alternative education programs have *five times the dropout rate* of mainstream public schools."

Lead pro bono partner **Scott Fletcher** of **Vinson & Elkins LLP** said, "This statistic translates into a greater risk of future incarceration for these students. A third of all young people entering the Texas Youth Commission are school dropouts, and more than 80 percent of Texas prison inmates are dropouts."

**Vinson & Elkins LLP** attorneys are leading the "school-to-prison pipeline" research effort, assisted by **ExxonMobil**; **Greenberg Traurig LLP**; **Mayer, Brown, Rowe & Maw LLP**; and **Patton Boggs LLP**. Other Texas Appleseed pro bono partners on this project are **Ahmad, Zavitsanos & Anipakos, P.C.**; and **Weil, Gotshal & Manges LLP**. Among Texas Appleseed's findings:

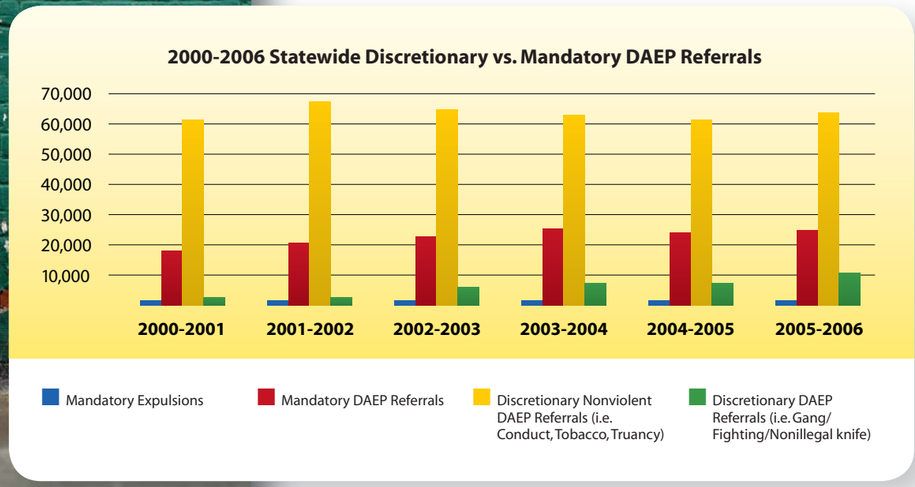
- African-American and Special Education students are over-represented in DAEPs at almost double their representation in the general school population;
- In the last five years, 569 pre-kindergarten and kindergarten children have been referred to alternative schools in Texas—even though, under state law, young children can ONLY be referred if they bring a gun to school; and
- The education offered at DAEPs is often of poor quality, contributing to students falling behind at their home school.

"Some school districts make more discretionary referrals to DAEPs than others, yet there is no evidence that this practice makes schools safer," Fowler said. "Texas needs to explore research-based disciplinary options for non-violent behaviors that keep students in school."

Texas Appleseed is proposing amendments to the Texas Education Code to:

- Require school districts to immediately notify parents when disciplinary action is taken;
- Require alternative education programs to follow the same requirements as mainstream schools for qualified teachers, length of school day, and amount of instruction; and
- Require the Texas Education Agency to alert school districts if they are at high risk for referring a disproportionate number of minority or Special Education students to DAEPs.

"We are deeply grateful to **Houston Endowment**, **Simmons Foundation**, and the **Meadows Foundation** for funding this work," said Texas Appleseed Board Chair **Jim George**.



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# APPLESEED BRIEFS

## Summer Seminars Planned For Law Firms

Texas Appleseed is offering seminars this summer in Austin, Houston, and Dallas to acquaint law firms and their summer associates with Appleseed's wide range of program areas.

Appleseed attorneys and experts in the field are available for presentations on fair defense for individuals with mental illness, legal challenges still facing hurricane evacuees, education projects, and more.

To host a policy seminar, contact Madison Sloan at 512-804-1633 x108 or msloan@texasappleseed.net.

## Parent Leadership Conference

Texas Appleseed will co-sponsor a Parent Leadership Conference on April 28 in Houston with the Mexican American Legal Defense and Education Fund (MALDEF) Parent School Partnership Program. This seminar will focus on parent rights and responsibilities, pathways to college, and special education issues.

## Children's Rights Project

**Lynn White**, Mayer Brown Legal Fellow, is participating in a national project to develop policy recommendations on best ways to deliver basic necessities and social services to children following a disaster, such as Hurricane Katrina. The Children's Rights Litigation Committee—part of the American Bar Association's Section of Litigation—is sponsoring the project.

## Welcoming New Staff

**Ann Starr**, who served as former Director of The St. Edward's Fund at St. Edward's University, is joining Texas Appleseed as Development Director. Starr has been a trainer, curriculum developer, and project manager for such nonprofit organizations as Amigos de las Americas and Greenlights for NonProfit Success.

**Madison Sloan**, Equal Justice Works Katrina Legal Fellow, works on systemic issues related to Hurricane Katrina. Sloan received a Juris Doctor from the University of Michigan Law School and a Master of Public Affairs from the LBJ School of Public Affairs at the University of Texas. She worked as a legal services attorney for more than five years.

# Appleseed Board Members Share Passion for Justice

The 25 members of the Texas Appleseed Board hail from law firms large and small, as well as from law schools, non-profits, and the legal departments of major corporations. Their legal practices cover a broad spectrum of the law—civil, criminal and corporate.

What they have in common is a passion for the work of Texas Appleseed. Together, we are engaged in finding practical solutions to overcome systemic barriers to social and economic justice for the most vulnerable—our children, the indigent, persons with mental disabilities, and the disenfranchised.

At a time when there are a shrinking number of voices speaking out on their behalf, Texas Appleseed has proven itself uniquely positioned to make their needs heard.

I am proud to work with a dedicated Appleseed Board that is actively engaged both at the level of advising and directing our talented staff and at the point of rolling up their sleeves and getting directly involved in the work.

In the past six months, members of our Board have met with staff to brainstorm future projects, made visits to the Legislature, recruited pro bono partners, and served on Appleseed's national Board of Directors.

My fellow Board members and many of their firms are donating time and money to Texas Appleseed—some funding legal fellowships at Texas Appleseed, others drafting amicus briefs, and providing legal research supporting our work.

Texas Appleseed Board members work to protect the rights of the marginalized and advocate for justice under the law.

Two years ago, a Board member went so far as to team up with New York attorney Barry Scheck, co-founder of the Innocence Project, to secure the release of a Houston man wrongfully imprisoned for 17 years for a rape he did not commit.

I encourage others who share our passion for justice to become involved. We will quickly make you a part of our team.

**Jim George**
*Chair, Texas Appleseed*

Texas Appleseed Chair Jim George


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