



National Board Member Steve Gates and Texas Legal Director Deborah Fowler tour New Orleans damage.

Appleseed Working to Secure Relief for Storm Evacuees' Housing Woes

MORE THAN 800 PEOPLE—STORM evacuees, service providers, policy makers, and advocates—met in Houston last month to brainstorm solutions to ongoing housing challenges facing families displaced by Hurricanes Katrina and Rita.

Houston Mayor Bill White and U.S. Representatives Al Green and Gene Green addressed the forum co-sponsored by the Texas Low Incoming Housing Information Service and Texas Appleseed.

"There is an urgent need to find long-term solutions to hurricane evacuees' housing

problems," said Texas Appleseed Executive Director Rebecca Lightsey. "Houston alone is still home to 150,000 hurricane evacuees."

Texas Appleseed participated in a national Appleseed study examining the ongoing challenges evacuees and five host cities, including Houston and San Antonio, face in responding to the aftermath of Hurricane Katrina. The study results, as reported in *Newsweek*, found that a year after the hurricane, "many Katrina evacuees are still adrift—unemployed, homeless and

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Tracking Troubled Kids in School-to-Prison Pipeline

FOR SOME TEXAS SCHOOL CHILDREN, the fast track to the juvenile justice system may be accelerated—not checked—by school disciplinary policies.

Texas Appleseed is currently researching the school-to-prison pipeline problem in Texas and documenting whether current discipline policies are accelerating the flow of students into Disciplinary Alternative Education Programs (DAEPs).

Vinson & Elkins, LLP is the lead pro bono law firm on the project, with key legal research also undertaken by attorneys at Weil Gotshal & Manges LLP; Mayer, Brown, Rowe & Maw LLP; and Patton Boggs LLP. This project also will help identify school discipline models that work.

"This issue is particularly critical for poor ethnic minorities and special education students who are significantly over-represented in school discipline programs," said Texas Appleseed Chair Jim George. "We encourage other firms to lend pro bono support to this important project."



Photograph: Steve Liss

Appleseed Staff Attorney Veronica Garcia said state-mandated school discipline policies were developed to keep schools safe and ensure that suspended or expelled students continue their education.

"However, we've seen evidence that the majority of students sent to alternative educational placements have committed nonviolent offenses," Garcia said.

"Particularly disturbing is that, once students are sent to a Disciplinary Alternative Education Program, they are at greater risk of dropping out of school—increasing their chances of entering the juvenile justice system," she said.

Texas Appleseed will release its report in the next six months.

INSIDE: Who is Texas Appleseed's 2006 Good Apple Pick?

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An Evolution in Immigrant Banking

Our new report, *Evolving Financial Services Markets: Recent Trends in Reaching Mexican Immigrants*, updates Texas Appleseed's 2004 survey of Texas financial institutions and documents a dramatic change.

Two years ago, few were interested in attracting immigrant customers. Most front-line bank personnel were not aware of the Mexican government-issued *matricula consular* identification card, and Spanish-language materials on financial services were in short supply.

But since Texas Appleseed began working on this issue in 2003, we have witnessed a huge shift as many more banks and credit unions recognize the value of serving the immigrant market.

A significant number of the 32 financial institutions surveyed in 2006 have broadened their product offerings over the past two years—particularly in money transfer services to Mexico—and have expanded their Spanish-language consumer information in print and on the web.

The *matricula consular* is no longer an “unknown,” and more Texas financial institutions are accepting it to open an account.

Texas Appleseed is proud to participate in this market evolution, which fosters economic stability and personal safety in immigrant communities and strengthens our state's economy.

We are grateful to the Federal Reserve Bank of Dallas and to the Federal Deposit Insurance Corporation for inviting Texas Appleseed early on to share our research on “banking the unbanked” with bank and credit union officers from across the state.

This opened doors for our Senior Policy Analyst Ann Baddour to assist financial insti-

tutions interested in serving the immigrant market.

What was initially envisioned as a short-term project has expanded to other states and has evolved to address a host of related issues—some at the national level. Funding from the **Ford Foundation** and the **Annie E. Casey Foundation** has made this work possible.

Appleseed's national immigrant banking work in more than a half dozen states is now coordinated out of Texas Appleseed. Our recent report advocating greater pricing disclosures for consumers sending money—remittances—to Mexico has attracted national attention.

Texas Appleseed helped create the Texas New Alliance Task Force—bringing together banks, credit unions, and regulators to find ways to better meet the financial service needs of immigrant consumers.

Through Appleseed's long-term commitment to this issue, we are making systemic change possible.



Rebecca Lightsey
Executive Director, Texas Appleseed

Texas Appleseed Briefs...

Deserving Special Thanks

Pro bono attorneys at **Jones Day** went above and beyond to help displaced hurricane evacuees file FEMA appeals at more than a dozen Texas Appleseed-sponsored clinics in Houston.

Melissa Hagan, an Associate with Jones Day, and **Michael Gibson**, a Partner in the firm, were instrumental in providing much needed pro bono legal staffing. In addition, Hagan helped direct the Houston segment of Appleseed's national hurricane response report.

Texas Appleseed also thanks **Andy Brown**, an Associate with **DLA Piper Rudnick Gray Cary**, for leading the policy research efforts in Texas and Washington state on implementation of parental involvement requirements under the No Child Left Behind Act.

Awards and Invitations

The **Texas Association on Mental Retardation** has awarded Texas Appleseed and its Legal Director **Deborah Fowler** their *Education and Research Award* for producing handbooks to help families and attorneys better represent persons with mental retardation in the criminal justice system.

Fowler also received the *Professional of the Year Award* from the **ARC of Riverside, CA**, for her outstanding work on mental retardation and the law.

Ann Baddour, Appleseed's Senior Policy Analyst, spoke at two invitation-only conferences this summer—a national convening on asset building in immigrant communities and a meeting of the **National Council of La Raza**, where she assembled and moderated a panel on remittances. Baddour will present Texas Appleseed's immigrant banking work at a fall conference of the **Corporation for Enterprise Development**.

Welcoming New Staff

Tenaya Berry, a Wellesley College graduate, will serve as Office Manager for Texas Appleseed while pursuing her Master's of Public Affairs at the University of Texas LBJ School.

Charles Matthews: 2006 Good Apple Recipient

It takes a giant in the legal field to lead the law department of America's largest corporation—and it takes a big heart as well.

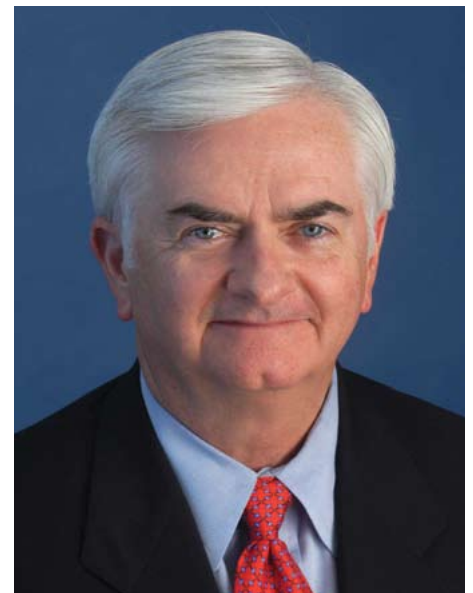
Charles W. Matthews, Vice President and General Counsel of ExxonMobil, is known as much for his philanthropy as his legal acumen.

Texas Appleseed is pleased to honor Matthews on November 9th with the *2006 J. Chrys Dougherty Good Apple Award* for his extraordinary dedication to providing and promoting pro bono legal services on behalf of those most in need. The award will be presented at the annual Good Apple Dinner at the Four Seasons Austin Hotel.

His association with pro bono work dates back to his days as a law student. While taking a full class load, he worked full time at the Houston Legal Foundation, helping indigent defendants get pro bono counsel.

During his legal career, Charles Matthews has made it his personal mission to encourage pro bono legal services, particularly among corporate counsel. He considers pro bono work a professional responsibility. When people do not have access to justice, he said, "it undermines the entire rule of law."

To promote that ethic, he created a committee within the ExxonMobil legal department to promote pro bono work undertaken by their attorneys.



Charles W. Matthews

He also encourages a strong pro bono ethic in other corporations, a cause that was formalized when Texas Supreme Court Justice Harriet O'Neill asked him to serve on the Texas Access to Justice Commission. As chair of the Corporate Counsel Committee for TAJC, Matthews helps other General Counsels understand the need for pro bono services and the role that corporate America can play.

Matthews serves as a National Trustee for the Southwest Region of The Boys & Girls Clubs of America and received a *National Service to Youth Award*. He is President of the University of Houston Law Foundation. The University of Houston honored him as *Alumnus of the Year Award* in 2000, and he was named a *Distinguished Alumni* in 2004.

He is a member of the University of Texas Development Board and the Board of the University of Texas Foundation. He also has served as Chair of the University of Texas Chancellor's Council.

His commitment to pro bono service exemplifies Texas Appleseed's mission to harness the skills and talents of the private bar for the public interest.

SAVE THE DATE

November 9, 2006
Four Seasons Hotel, Austin

Good Apple Dinner

honoring:

Charles W. Matthews

Hope to Storm Evacuees

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suffering from mental-health problems caused or exacerbated by the storm.”

The law firm of Faegre & Benson took the lead in compiling the national report, with the Houston office of Jones Day analyzing the Houston hurricane response.

Texas Appleseed also co-sponsored more than a dozen clinics in Houston with the Houston Volunteer Lawyers Program and Lone Star Legal Aid. Close to 1,000 displaced hurricane families obtained legal help in filing appeals for continued housing assistance with the Federal Emergency Management Agency (FEMA).

In addition, Texas Appleseed is co-counsel with Caddell & Chapman in a class action lawsuit challenging FEMA's housing policies.

“U.S. District Court Judge David Hittner granted our request for a preliminary injunction, however the suit is still in the

appellate process,” said Texas Appleseed Legal Director Deborah Fowler.

Also Of Counsel in that suit are The Public Interest Law Project and the National Center for Law and Economic Justice.

Texas Appleseed Board Member Allan Van Fleet said Appleseed is also “lending our expertise to organizations and govern-

mental entities in Louisiana, particularly in the area of criminal justice. On multiple fronts, we are working to see that hurricane evacuees are better represented and better informed so that they can get the relief they need and deserve.”



National Appleseed Board member James Rogers views New Orleans hurricane damage still awaiting cleanup.

Appleseed Applauds Opening Of Nation's First Mental Health Public Defender Office

Travis County will open the nation's first stand-alone Public Defender Office this fall serving persons with mental illness who cannot afford to hire an attorney.

Texas Appleseed has worked with the county for more than two years to make this office a reality and is grateful to the Texas Task Force on Indigent Defense for awarding a multi-year \$500,000 grant to help Travis County finance the project.

“This is a bold and pioneering step and one that can help reduce the lengthier jail stays experienced by defendants with serious mental illness,” said Texas Appleseed Secretary-Treasurer Joe Crews, who complimented Travis County's leadership for “their vision and dedication.”

“This puts the spotlight where it belongs—on treating, rather than criminalizing, mental illness,” Crews said.

Travis County Judge Sam Biscoe said, “The MHPD Office will help link our justice system with community-based mental health resources that can help these defendants better manage their illness and reduce the chances they will recycle through our jail system.”

The new MHPD Office will include two attorneys, two social workers, and two case-workers. Their work will supplement the county's MH Wheel of 10 attorneys already handling cases involving defendants with a serious mental illness.

Crews said the MHPD Office will provide an “institutional voice for these special needs defendants—bringing together state and local stakeholders to develop long-term, cost-effective, community-based options to jailing the mentally ill.”

New Appleseed Resources

For free copies of these new Texas Appleseed publications, call 804-1633, ext. 107, or download them at www.texasappleseed.net.

Judicial Resources: Mental Health and Mental Retardation and the Law

Judicial Options: Personal Bond Statutes and Defendants with Mental Illness or Mental Retardation, August 2006.

Judicial Options: When Clients are Incompetent to Stand Trial, May 2006.

A Better Model: Ensuring Equal Justice for People with Mental Illness and Mental Retardation, August 2005.

Banking Immigrant Communities

Evolving Financial Services Markets: Recent Trends in Reaching Mexican Immigrants, September 2006.

National Hurricane Response

A Continuing Storm: The Ongoing Struggle of Hurricane Katrina Evacuees, August 2006.

Texas Appleseed Thanks...

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Can Parent Involvement Boost Student Success?

It is a question that Appleseed Centers in six states—including Texas—are researching given the increased focus on parent involvement mandated by the nation's No Child Left Behind law.

To get parents more involved in their child's education, the law requires that schools publish school performance data and give parents options if their schools "under-perform."

Appleseed Centers in Connecticut, Georgia, Illinois, New Mexico, Texas, and Washington, as well as the national center, are teaming with pro bono law firms to determine if parent involvement programs are working and if they help improve student academic performance.

Texas Appleseed has partnered with **DLA Piper Rudnick Gray Cary** and **PriceWaterhouseCoopers** to focus the research on the Austin, Harlingen, and San Antonio school districts—selected for their size and diversity.

Lynn White, Staff Attorney at Texas Appleseed, noted the study is uncovering barriers to parent involvement in schools. "Parents in South Texas are receiving a number of school district communications in Spanish, however many feel intimidated trying to call the schools because frequently there are no Spanish speakers available," she said.

Attorney Andy Brown with DLA Piper said, "This study is opening up a needed discussion about parental involvement that would not have happened otherwise. It is giving school administrators an opportunity to think about the effectiveness of their programs and what shortcomings need to be addressed."

A pro bono team at **Holland & Knight** is coordinating data collection and analysis across the six states. A national report, including Texas data, will be released later this year.

Texas Appleseed Working for Justice...

Better Legal Representation

Texas Appleseed will help train public defenders in New Orleans on Oct. 19-20 on legal representation of persons with mental illness and mental retardation.

Improved Jail Screening

At the urging of Texas Appleseed and other advocacy groups, the Texas Correctional Office on Offenders with Medical or Mental Impairments has created a subcommittee to revise the jail screening tool to include more questions aimed at more accurately screening for mental retardation.

Diversity Legal Scholars

To help level the playing field for law school admissions, Texas Appleseed is continuing to partner with **Kaplan** and with the **Hispanic Bar Association of Austin Foundation** to offer talented minority students full need-based scholarships to attend a Kaplan LSAT

review course. More than 180 scholarships have been awarded since 1996.

Law firms interested in participating in this program can contact Texas Appleseed Staff Attorney Veronica Garcia at vgarcia@texasappleseed.net.



Through the generosity of Board member Allene Evans and husband Tom Herod and the Zachary Scott Theater Center of Austin, Texas Appleseed hosted a performance of *The Exonerated*, a play dramatizing the real-life stories of wrongfully convicted Death Row inmates.

School-to-Prison Project Intersects Appleseed Issues

Texas Appleseed's decision to research the "school-to-prison pipeline" is born out of concern for Texas' children and the kind of adults they will become.

It also intersects our decade of work in criminal justice, mental health, and immigration.

Research showing a strong correlation between educational attainment, dropout rates, and entry into the criminal justice system convinced us that Texas Appleseed should become involved.

The Intercultural Development Research Association reports that, "while it is true that not all dropouts end up in prison, two-thirds of Texas' inmates are high school dropouts." And, according to Texas Education Agency (TEA) data, our Disciplinary Alternative Education Programs (DAEPs) feed this pipeline with twice the dropout rate of students in our public schools.

We are deeply grateful to our major funder **Houston Endowment**, as well as to **The Simmons Foundation**, for grants supporting this work and to the law firms

that are providing pro bono research (See *Tracking Troubled Kids*, Page 1).

With their help, our staff will examine the impact of school discipline policies in 15 representative school districts throughout the state. We will interview school district officials, teachers, school police officers, and parents to determine how well our discipline systems and alternative education programs are working.

An initial review of TEA data underscores why this issue is important. Compared to their percentage enrollment in Texas public schools, African American and Hispanic students are significantly over-represented in DAEPs. Immigrant and non-English speakers also struggle with many of the same discipline issues.

Equally disturbing is TEA data suggesting that special education students are more likely to end up in DAEPs, where 20 percent receive special education services compared to less than 12 percent in our public schools statewide.

It is vital to ensure that our schools are safe and that discipline is effective. It is equally important to examine the overall impact of school discipline policies to make sure that we are not making a bad problem worse.

Look for our report in the next six months—one that not only documents the problem but also profiles school discipline programs that work and makes recommendations for positive change.

Jim George
Chair, Texas Appleseed



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