



Texas Appleseed
Board Member Mark Wawro

Texas To Strengthen Crime Lab Oversight

TEXAS WILL HOUSE THE FIRST STATE investigatory body charged with making sure that crime lab results put only the guilty behind bars.

Texas Appleseed and the Innocence Project encouraged state lawmakers to create the new Texas Forensic Science Commission to prevent a repeat of crime lab problems resulting in wrongful convictions in Texas.

"This commission will help ensure that innocent people are not sent to prison

because a crime lab has either mishandled or misinterpreted critical forensic evidence," said Appleseed Board member Mark Wawro.

Wawro, a partner in Susman Godfrey L.L.P., and New York attorney Barry Scheck, co-founder of the Innocence Project, won the release last fall of a Houston man wrongfully imprisoned for 17 years for rape. The Houston Police Department Crime Lab was found to have inaccurately tested evidence used in his 1987 trial.

Creating the new commission to investigate crime labs makes Texas the first state in the nation to become eligible for federal funding to improve forensic science testing.

Appleseed Helps Launch Task Force To Serve Unbanked

THE SPOTLIGHT IS ON TEXAS as the Federal Deposit Insurance Corporation looks to bring banking, regulatory and



Texas Appleseed Board Member Trey Martinez helps outreach efforts to banks serving the immigrant community.

community interests to the table to find ways to better meet the financial service needs of Texas' growing immigrant communities.

Texas Appleseed is part of the original organizing team—along with the Federal Reserve Bank of Dallas, AIG United Guaranty, the Mexican consulate, and the IRS.

The Texas New Alliance Task Force, which met for the first time in April, has expanded to include banks, credit unions, regulators, and community groups. It will meet quarterly to address the regulatory, financial service, and education barriers that stand in the way of connecting Hispanic immigrants to formal financial institutions.

"Latino immigrants represent an important new market for our financial sector. Texas is the third largest exporter of remittances to Mexico, with about \$3.1 billion transmitted last year," said Allan Van Fleet, former Texas Appleseed Board Chair.

"We cannot be content to see this group victimized because they lack the security of a bank or credit union account."

General Counsels Welcome!

We are deeply grateful to the state's law firms and law schools for helping expand Appleseed's pro bono reach—and we want to invite corporate counsel to join us!

"We are creating a General Counsel Circle of Advisors to strengthen Appleseed's capacity to help the underserved," said Texas Appleseed Board Chair Michael Lowenberg.

Steve Gates, general counsel for Conoco Phillips, serves on Appleseed's national

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INSIDE: Who is Texas Appleseed's 2005 Good Apple Pick?

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Pro Bono: One Teen's Story

The recently concluded legislative session provides a storybook example of how pro bono works at Texas Appleseed to change lives.

The story begins almost two years ago when one young teen—during a particularly tumultuous time in his family's life—committed a minor parole infraction that would send him directly to the Texas Youth Commission at age 13.

The Southwest Regional Juvenile Defender Center—our longtime partner on juvenile justice issues—flagged this case. And, at Appleseed's request, pro bono attorneys at Kirkpatrick and Lockhart LLP drafted an amicus brief, *In the Matter of J.P., a Juvenile*, and later eloquently argued it before the Texas Supreme Court. During the course of this case, Justice Michael H. Schneider opined that the Legislature might want to change the law so that "more is required before committing a child to TYC."

That litigation inspired us to work with giants in the juvenile justice field, like our good friend, the late Robert Dawson, professor at The University of Texas School of Law, to change the law in Texas. And, we did!

When state lawmakers passed the juvenile justice omnibus bill this session, the statutory change inspired by *J.P., a Juvenile* was included. What began as a pro bono effort to help just one

boy will now impact how all young people are treated in the justice system for years to come.

Our vision for Texas Appleseed moving forward is one that plants many such seeds for systemic reform. We intend to use our most valuable asset—our pro bono legal partners—to help those whose special needs are too frequently overlooked in the justice system and at the public policy table.

Whether the issue is clemency reform or immigrant rights, trademarks or tax law, reciprocal discovery or drafting a model provision to the Community Reinvestment Act, indigent defense or electoral reform, Texas lawyers have stepped up and donated their time and expertise to address these policy challenges. They hail from large firms and small, from the defense bar and the plaintiffs bar—all united by their support for Texas Appleseed's mission of equal justice.

Texas Appleseed is deeply grateful for these pro bono partners and for the more than a dozen pro bono volunteers serving this summer and fall as expert advisors on updates or first-time drafting of handbooks to better represent juveniles and persons with mental illness or retardation in the justice system.

Their work is the story. Pro bono is the seed that grows our success.

Annette LoVoi

*Texas Appleseed
Executive Director*



Carl Cooper, Chief Diversity Officer for Kirkpatrick & Lockhart, visits with Annette LoVoi during 2004 Good Apple Dinner.

Legal Experts Advise on Juvenile, Mental Health Guides

More than 80,000 copies of Texas Appleseed handbooks have been distributed to attorneys and families of juveniles and persons with mental illness to help navigate the criminal justice system.

These handbooks are being updated this summer and a new set of handbooks drafted to address mental retardation issues.

Special thanks is due the **Southwest Regional Juvenile Defender Center** at the University of Houston Law Center for leadership on the juvenile handbook project.

Co-authoring the mental health attorney handbook update are Texas Tech Law School professors **Brian D. Shannon** and **Daniel H. Benson**, and **George Dix** of the University of Texas Law School.

Volunteering their expertise in mental retardation and the law are: **Denise Brady**, Director of Public Policy, Mental health Association in Texas; **David Evans**, Executive director of Austin Travis County MHMR; Travis County District Court **Judge John Wisser**; **John Niland**, Director, Capital Trial Project, Texas Defender Center; **Beth Mitchell**, Managing Senior Attorney, Advocacy Inc.; **Amy Mizcles**, Governmental Affairs Specialist, Arc of Texas; **Lilli Hallam**, former Director of the Criminal Justice Information Initiative of the Arc of Dallas; **Dr. James Patton**, adjunct professor in special education at The University of Texas at Austin; **Dr. Ollie Seay**, psychology professor at Texas State University; **Dr. Susan Stone**, Austin area attorney and psychiatrist; and **Ron Tabak**, Special Counsel with Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates in New York.

Joe Jamail: Proud To Be A "Good Apple!"

Joe Jamail has been called many things in his career: Super Lawyer, King of Torts, Trial Lawyer of the Century, philanthropist. This year, Texas Appleseed wants to add one more name to the list: Good Apple.

Over his professional life, Joe Jamail has dedicated himself to helping people who might otherwise be overlooked in the justice system. While he is well known for winning million-dollar—even billion-dollar—judgments, he is most proud of the difference he has made in the lives of low-income people.

People across Texas have benefited from Jamail's success. A strong supporter of higher education, his donations to universities, including his alma mater The University of Texas at Austin and the University of Texas School of Law, are legendary and have included gifts to fund minority student scholarships.

At the 2003 Good Apple Dinner honoring his friend Harry Reasoner, a partner at Vinson & Elkins LLP, Jamail eloquently reminded us that lawyers' greatest responsibility is to ensure that the Constitution remains alive and strong.

We could not agree more. For his professional and personal efforts to promote justice and equality, Texas Appleseed will present Joe Jamail with the 2005 Good Apple Award at a dinner Thursday, November 10, at the Four Seasons Hotel in Austin.

To reserve a table or for more information, contact Susan Harry at 512-542-9744 or susan@susanharry.com.



Joe Jamail penned his life story in 2003, *Lawyer: My Trials and Jubilations*.

**SAVE
THE
DATE**

November 10, 2005

Good Apple Dinner honoring Joseph D. Jamail

Four Seasons Hotel, Austin

Joining the Appleaseed staff...

Janis Monger has joined Texas Appleaseed as Deputy Director. Janis brings a range of policy, media, and management experience to Texas Appleaseed. She previously worked in public education and directed government relations and public information for the Texas Higher Education Coordinating Board. Janis has 10 years of news reporting experience and served as Deputy Press Secretary to Governor Mark White. She also worked as a speechwriter for the President of The University of Texas at Austin. A UT graduate, Janis holds a Master's degree from the University of Michigan.

Deborah Fowler is Texas Appleaseed's new Senior Attorney. A former Staff Attorney for Texas Supreme Court Justice Michael H. Schneider, Deborah also clerked for judges with the 1st District Illinois Appellate Court and the Circuit Court of Cook County, Law

Division, in Chicago, Ill. Deborah has primary responsibility for fair defense projects addressing the needs of juveniles and persons with mental illness or retardation. She also will coordinate pro bono project placement with law firms. A graduate of Tulane University, Deborah holds a Juris Doctor from Lewis and Clark College in Portland, Oregon and developed a strong commitment to public interest law through pro bono and volunteer work for non-profits.

Mary Keenan is Texas Appleaseed's Director of Development and Grants Management. She oversees foundation, corporate, and major gifts and works with staff on the development of new projects as well as contract management. Prior to joining Appleaseed, Mary worked in development for El Buen Samaritano Episcopal Mission in Austin and for other organizations promoting social justice. Mary has a Bachelor of Arts from the University of the South at Sewanee and a Master of Divinity from the Yale Divinity School.

General Counsels Welcome!

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Board. "I have been impressed with Appleaseed's success to date in pro bono efforts to find and implement practical systemic solutions to social issues. Getting lawyers to work on complex public policy issues is an interesting supplement to traditional pro bono efforts," he said.

Texas Appleaseed offers pro bono research opportunities on a range of issues—criminal justice, financial services, mental health, diversity, education, and more.

For more information on pro bono partnerships and joining the Circle of Advisors, contact Texas Appleaseed attorney Deborah Fowler at dfowler@texasappleseed.net or 512-804-1633 x. 105.

Texas Appleaseed thanks the following foundations and corporations for funding our work in 2005:

Annie E. Casey Foundation
Beaumont Foundation
The Ford Foundation
Harvard University John F. Kennedy School of Government Summer Internship Fund
Hogg Foundation for Mental Health
Houston Endowment, Inc.
JEHT Foundation
Swalm Foundation
Texas Bar Foundation

...and supporters who did pro bono work or made in-kind donations:

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Kaplan Educational Centers, Inc.
Kirkpatrick & Lockhart Nicholson Graham LLP

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Special thanks to Regina Rogers for her gift in honor of Joe Jamail.

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Texas Applesed Briefs...

Applesed Partners with State Bar of Texas

The Texas Bar Foundation generously provided grant funds this spring to help fund Kaplan LSAT review course scholarships under Texas Applesed's Diversity Legal Scholars program. Texas Applesed also co-sponsored a CLE conference with the State Bar of Texas Disability Issues Committee in June focusing on special education issues and the juvenile justice system.

Ford Foundation Extends Invitation

The Ford Foundation invited Texas Applesed to a small convening in New York City this summer to discuss ways to improve the quantity and quality of financial services to low income groups. Two months earlier, Applesed Senior Policy Analyst Ann Baddour addressed the FDIC in New York on the need to expand Latino immigrants' access to mainstream financial services.

Harvard Funds Summer Intern

Harvard University's John F. Kennedy School of Government is underwriting a summer internship at Texas Applesed. Harvard graduate student Sonja Danberg is researching the impact of exchange rates on remittance costs.

Texas Applesed Welcomes...

Carrin F. Patman

New Applesed Board Member

Carrin Patman, a partner at Bracewell & Guiliani, earned the distinction of Texas Super Lawyer in civil litigation defense in 2003 and 2004. She also received the prestigious Karen H. Susman Jurisprudence Award given annually by the Anti-Defamation League.

Ms. Patman serves on the Board for Girls Incorporated of Greater Houston, the Society for the Performing Arts, and Sheltering Arms Senior Services. She is a member of the Greater Houston Partnership's Executive Women's Partnership, and also of the deTocqueville Society of the United Way of the Texas Gulf Coast. She is a graduate of Duke University and The University of Texas at Austin, where she serves on the Executive Committee of the School of Law Alumni Association.

Is It Time to Reform Clemency in Texas?

A comprehensive study released by Texas Applesed and the Texas Innocence Network concludes that clemency reform in Texas is overdue.

"Texas is seriously out of step with the other 37 death penalty states in not requiring some form of limited hearing and deliberation on clemency petitions," said Texas Applesed Board member Tracy McCormack.

Members of the Texas Board of Pardons and Paroles—who must make a clemency recommendation to the Governor—currently review clemency applications independently and phone or fax in their votes without meeting or discussion.

In other states where the granting of executive clemency requires favorable Board recommendations or votes, the states are unanimous in requiring meetings. Many of these states also require that hearings be held on the applications, especially in capital cases.

"In the majority of cases, clemency petitions are filed by the guilty—and the burden is to decide when mercy is justified. Still, as a society we must acknowledge that our system of justice, like the people who administer it, is fallible. A deliberative clemency process offers a last chance to correct problems that courts cannot," said Texas Applesed Board member Gregory Huffman.

The joint report—*The Role of Mercy: Safeguarding Justice in Texas Through Clemency Reform*—also recommends that the Board of Pardons and Paroles adopt a set of criteria to guide their clemency deliberations.

Without these changes, McCormack said, clemency cannot function as a "fail safe" or safeguard within the justice system as envisioned by the U.S. Supreme Court.



Texas Applesed Board Member
Tracy McCormack

The Private Bar Working in the Public Interest

This is truly a breakout year for Texas Appleseed!

Our immigrant banking project and fair defense work are attracting national attention—and we are poised to make even greater use of Texas' pro bono legal talent to address systemic barriers to social justice and equity.

Texas Appleseed is deeply grateful to the **Ford Foundation** for helping underwrite our immigrant banking project through 2006, to the **Beaumont Foundation** for meeting our computer technology needs, and to the **Swalm Foundation** for ongoing support.

Special thanks are also due the **JEHT Foundation** for supporting our justice system work and to the **Hogg Foundation for Mental Health, Houston Endowment,** and the **Meadows Foundation** for funding our juvenile justice and mental health projects.

In coming months, Texas Appleseed intends to enlist support for an expanded **Diversity Legal Scholar Program** to attract more minorities to the legal profession.

Today, only 14 percent of attorneys in Texas are women and men of color—even though minority groups account for nearly half of the state's population and workforce.

Since 1997, Texas Appleseed has worked to boost minority student enrollment in the state's law schools, partnering with **Kaplan Educational Centers Inc.** and the **Hispanic Bar Association of Austin** to offer scholarships for LSAT prep courses to minority students with documented financial need.

The **Texas Bar Foundation** has generously provided grant funds to help underwrite these scholarships in 2005. We are also grateful to **BAR/BRI** for offering four of our scholars full scholarships to attend their law school prep course this summer.

This type of front-end support is a simple strategy that works. Out of the more than 160 Diversity Legal Scholars participating in the Kaplan course, 82 percent achieved an LSAT score considered in the highly competitive range for law school admission.

Our scholars have graduated from every law school in Texas and from prestigious law schools in other states. These young lawyers

are beginning promising careers—and are poised to make a difference through their service.

Texas Appleseed is inviting the state's law firms to help us expand the Diversity Legal Scholars program to provide additional scholarship funds, summer legal internships, law firm visits, and more mentoring opportunities.

Help us plant a seed and grow a new generation of legal talent in Texas!

Michael Lowenberg
Chair, Texas Appleseed



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