

## Testing Better Ways to Rebuild After a Disaster Strikes

A NEW MODEL FOR REBUILDING HURRICANE-DAMAGED NEIGHBORHOODS will soon be tested in Texas—and we applaud the **City of Houston** for working with advocates, like Appleseed, to make it happen.

Appleseed's approach to working with state and federal agencies, cities, councils of government, and community groups is becoming a model for the nation in disaster recovery.

"The City of Houston plans to concentrate its federal disaster relief funds and other resources in three low-income neighborhoods designated as Community Revitalization Areas," said Texas Appleseed **Staff Attorney Madison Sloan**. "The goal is to ensure that these areas become stable, high-opportunity neighborhoods that are economically and racially diverse."

"We want to commend the city for working with community-based groups to build better neighborhoods without displacing low-income residents," Sloan said

*Continued on page 3*



The City of Houston is using federal funds to help hurricane-damaged neighborhoods rebuild.

*Photo: T.S. Allison, hurricanescience.org (2008)*

## THE LATEST...

### PEOPLE

■ **George Butts**, a highly regarded civil trial lawyer, will assume the Chair of the Texas Appleseed Board in 2014. He is a Fellow in the American College of Trial Lawyers, an Advocate elected by the American Board of Trial Advocates, and Past Treasurer of the Appleseed Board. "I am pleased to have this additional opportunity to work with Texas Appleseed. The deeply dedicated staff has made a disproportionately broad and positive difference in the lives of many people, most often those who badly need help, but who have no voice in the political and legal issues that affect them. I consider it a privilege to support Appleseed's work."

■ **Appleseed is deeply grateful to Allene Evans** for her visionary leadership of our Board of Directors in 2012 and 2013. An attorney with the University of Texas System, Allene says she's proudest of witnessing the outlawing of misdemeanor ticketing in schools during her tenure as Chair.

## Pro Bono Attorneys Step Up, Defend Students in Truancy Court

Since challenging the constitutionality of prosecuting young people for truancy in Dallas County criminal courts, Texas Appleseed has fielded numerous requests from parents for legal help in their child's case.

"We reached out to find pro bono attorneys in the most egregious cases and 24 attorneys from four firms—**Akin Gump Strauss Hauer & Feld LLP**; **Jones Day**; **The Vernon Law Group, PLLC**; and **Vinson & Elkins LLP**—stepped up to help!" said Appleseed **Deputy Director Deborah Fowler**. "Our pro bono team has done an amazing job to get fines reduced and extricate these young people from the justice system."

**Jeremy Reichman**, Associate at Vinson & Elkins LLP, says, "There is nothing more rewarding than helping a child who feels she has been abandoned and forgotten by her own education system."

**John Vernon** with The Vernon Law Group agrees. "We are set for trial in our second truancy case in December. Much needs to be done to stop the 'traffic court' model of the Texas truancy laws," he said.

*Continued on page 3*



Brandon Jefferson and his mother Pearl Cabellero received pro bono legal help through Appleseed.

*Photo: Bill Zeeble / KERA News*

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# Appleseed to Study Forensic Mental Health Commitments

A CRITICAL SHORTAGE OF MENTAL HEALTH BEDS IN TEXAS' STATE HOSPITALS is prompting Texas Appleseed to examine how court-ordered treatment of criminal defendants is contributing to the crisis.

“More than 40% of beds in state mental health hospitals are occupied by *forensic commitments*—criminal defendants facing pending charges who are deemed incompetent to stand trial,” said **Jacques Ntonme**, Appleseed’s Mental Health Fellow.

During the 83rd Session, Texas Appleseed worked with mental health advocates to update the state’s Mental Health Code to enable minors age 16 and up to seek outpatient mental health services, clarify procedures for transporting individuals with severe mental illness, and expand court-ordered outpatient treatment options.

Currently there are lengthy waiting lists for treatment in Texas’ state hospitals coming from the state’s criminal and civil courts and the community. “Addressing forensic commitments provides an opportunity to make the case for increased investment in prevention and early mental health interventions and support services,” said Texas Appleseed **Executive Director Rebecca Lightsey**.

Appleseed will partner with pro bono law firms to document trends in forensic commitments in Texas, Ntonme said. “Our goal is to shine a light on current practices and recommend ways to reduce the use of forensic commitments without compromising public safety.”

## THE LATEST...

### PEOPLE

■ **Welcome to two new staff attorneys joining our school-to-prison pipeline project. Mary Schmid Mergler** comes to us from **The Constitution Project** in Washington, D.C., where she served as Senior Counsel for the Criminal Justice Program. **Karla Vargas** joins us from El Paso, where she was a highly regarded legal aid attorney.

### PROJECTS

■ **Texas Appleseed, pro bono partner Locke Lord LLP, and firm partner Charley Davidson** were awarded the **Justice in Policy Award** last month by **Texas Defender Service** for work on criminal discovery reform that framed debate on passage of the *Michael Morton Act* to reduce the risk of wrongful convictions.

■ **The U.S. Department of Education** has confirmed it will investigate Appleseed’s civil rights complaint alleging that discipline for minor misbehavior in Bryan ISD is disproportionately impacting African-American students.

■ **Texas Appleseed on the speakers’ circuit:** Senior Policy Analyst **Ann Baddour** discussed payday and auto title lending—its impact,

alternatives, and regulatory future—at the **Latino Summit** in Austin, **North Texas Funders Forum** in Dallas, and the **NAACP State Convention** in Richardson. **Mary Schmid Mergler** addressed the **41st Annual Chief Probation Officers Conference** on truancy, and **Karla Vargas** spoke on school discipline reform at statewide conferences of **Partners Resource Network** and the **Teen Court Association of Texas**.

■ **The Meadows Foundation and The RGK Foundation** recently awarded grants to help support our foster care work. We appreciate their support.

■ **One of the most significant problems foster youth face** when leaving care is keeping up with their medical records, birth certificate, and social security card if they have no permanent address or job. Appleseed is exploring ways that foster youth can use technology to access their records.

■ **Texas Appleseed and Texas Defender Service** will team up to develop a model criminal discovery protocol to help Texas counties comply with the new *Michael Morton Act* requiring uniform pretrial sharing of key evidence in criminal cases.

## 2013 GOOD APPLE DINNER

# Justice Leaders, Pro Bono Feted



(L-R): Good Apple Awardees Steve Susman and Lee Godfrey



Appleseed Board member Elizabeth Mack accepting the 2013 Pro Bono Leadership Award on behalf of her firm Locke Lord LLP



Dale Wainwright, Texas Supreme Court, RET.; Murray Fogler, Host Committee; Stan McCormick; and Joe Jamail



Harriet O'Neill, Texas Supreme Court, RET.; Chief Justice Wallace B. Jefferson, Texas Supreme Court; Rhonda Jefferson



Dale Wainwright, Texas Supreme Court, RET.; Emily Watson; Larry Veselka; Martha Walton; Celia Veselka; Stan McCormick



Mark Glasser, Appleseed Board; Gina DeBottis Metts; Mark Metts



Martha Dickie, former Texas State Bar President; Ed Fernandes, Appleseed Board



Executive Director Rebecca Lightsey; Ricardo Cedillo, Appleseed Board; Linda Woods

## Time to Rein in Taser, Pepper Spray Use on Children

Texas Appleseed and six other justice groups are asking the **Texas Commission on Law Enforcement** to set new statewide standards barring police officers from using Tasers, stun guns, and pepper spray on schoolchildren.

"A tragic incident at a high school near Austin illustrates why these policing tools should not be used to break up school fights," said Texas Appleseed **Deputy Director Deborah Fowler**. "A 17-year-old suffered traumatic brain injuries after he was tased by a law enforcement officer assigned to the school, causing him to fall and hit his head. This student was trying to break up the fight, not start one."

This is not the first time that a student has ended up in the hospital after being tased or pepper sprayed at school, Fowler said. "We need a statewide directive outlawing their use on children and requiring school police officers be trained in safer methods of restoring order in school."

Also backing this change are the **ACLU of Texas, Disability Rights Texas, Mexican American Legal Defense and Education Fund, National Alliance on Mental Illness, Texans Care for Children**, and the **Texas Criminal Justice Coalition**.

### Pro Bono Attorneys *Continued from page 1*

**Brandon Jefferson**, 18, graduated from high school last spring owing more than \$1,000 in truancy fines for being repeatedly late to school. His disabled mother told the school and court that she relied on Brandon to get his younger siblings fed and to school, but the truancy fines piled up.

Pro bono Vinson & Elkins attorney **Winston Skinner** got Brandon's fines dramatically reduced, eliminated the court hold on his driver's license, and removed the last barriers to his entering Army basic training. "My attorney gave me back my life," Brandon says. To get involved in this pro bono project, contact [bgriffin@texasappleseed.net](mailto:bgriffin@texasappleseed.net).

### Better Ways to Rebuild *Continued from page 1*

Texas Appleseed is also working successfully with public housing agencies in Port Arthur and Orange to rebuild hurricane-destroyed public housing in locations that are environmentally safer and offer residents more economic opportunity.

"We are seeing lessons learned from Texas incorporated into HUD rules on disaster recovery and are being asked to share our model for disaster recovery, that incorporates fair housing, with communities across country facing similar challenges," said Sloan, who recently addressed the **National Housing Justice Network's** annual conference in San Francisco.



Flood cleanup:  
One way our  
attorneys give back!

Dove Springs Neighborhood, Austin, November 2013

See Inside:

- **Better Ways to Rebuild After a Disaster Strikes**  
PAGE 1
- **Pro Bono Attorneys Defend Students in Truancy Court**  
PAGE 1
- **Forensic Mental Health Commitments**  
PAGE 2
- **Good Apple Dinner Photos!**  
PAGE 3



Allene Evans  
Board Chair

## 31 Ways that Texas Appleseed Impacts Lives

In these last **31 Days** of 2013, we are using **email**, **Twitter** and **Facebook** to share just **31 Ways** in which Texas Appleseed has made a positive difference this year in the lives of vulnerable people. These very brief, but powerful stories put a human face on the justice milestones reached in 2013—including an end to ticketing in Texas schools, more cities stepping up to regulate payday and auto title lending, and a growing number of courts implementing new ways to expedite foster care cases. It is an exciting foundation upon which to build. If you missed **31 Ways in 31 Days** on social media, visit [www.texasappleseed.net](http://www.texasappleseed.net) under **Get Involved**. Thank you for supporting the road to greater justice. As an Appleseed supporter, you make a difference!

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