

# Texas Appleseed

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**Good Apple Dinner: November 21st**

August 2013

[www.TexasAppleseed.net](http://www.TexasAppleseed.net)



Todd Wiseman/The Texas Tribune

## 83rd Session Wrap-up... and What Comes Next

TEXAS APPLESEED ADVOCATED FOR A NUMBER OF REFORM BILLS that passed the Texas Legislature this spring—but the pursuit of greater justice continues. Here's an update on how our issues fared in the 83rd Legislative Session and what to expect in the months ahead:

### CRIMINAL DISCOVERY REFORM

Legislation requiring prosecutors to share critical pretrial evidence, such as police reports and witness statements, with criminal defense attorneys has been signed into law. Texas Appleseed's report on the inconsistencies in criminal discovery practices in Texas helped frame the debate.

The new law, also known as the *Michael Morton Act*, contains many of our recommended changes to state criminal discovery practices to reduce the likelihood of wrongful convictions. It is named for a Texan whose conviction for a murder he did not commit and 25 years behind bars has been attributed, in part, to lack of defense access to evidence that could have established his innocence.

### PAYDAY & AUTO TITLE LOAN REFORM

Appleseed strived to reach a reasonable compromise with the payday and auto title

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## Appleseed Complaint: Criminalizing Truancy Violates Students' Rights

Arresting and handcuffing children at school and sending them to criminal court for Failure to Attend School violates students' constitutional and civil rights—and **Texas Appleseed** is asking the **U.S. Department of Justice** to investigate.

Appleseed joined **Disability Rights Texas** and the **National Center for Youth Law** in filing a federal complaint June 12th on behalf of seven students in **Dallas County** who represent the more than 36,000 children who faced high fines, threats of jail, and a criminal record in Dallas County truancy courts in 2012. Another three students have since joined the complaint.

"Texas is one of only two states that addresses truancy as a crime—prosecuting 113,000 truancy cases against children, ages 12-17, last year alone. That is more than double the number of truancy cases prosecuted in all other states combined," said Texas Appleseed **Deputy Director Deborah Fowler**.

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L-R: Ashley Brown, with her mother Nicole Porter, is represented in the civil rights complaint.

*Tony Gutierrez/Associated Press*

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# SAVE THE DATE

# Good Apple DINNER 2013

Honoring **H. Lee Godfrey & Stephen Susman**, presenting the 2013 Pro Bono Leadership Award to **Locke Lord LLP**, and celebrating the life of **D. Gibson Walton**.

**Thursday, November 21, 2013**  
**The Four Seasons Hotel Austin, Tx**

#### Event Co-Chairs:

Mark Glasser, Sidley Austin LLP\*  
Joseph D. Jamail, Jamail & Kolius\*  
Neal Manne, Susman Godfrey LLP\*

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## THE LATEST...

### PEOPLE

■ **The late Gib Walton**, former State Bar of Texas President, partner in the Houston office of **Logan Lovells**, and a “lawyer’s lawyer,” will be honored at our **Good Apple Dinner** on November 21st for his lasting impact on the legal profession and the greater community. Our friend is deeply missed.

■ **Deserving special thanks are pro bono attorneys at Akin Gump Strauss Hauer & Feld LLP; Jones Day; Specter & Johnson, PLLC; The Vernon Law Group, PLLC; and Vinson & Elkins LLP** for providing free legal representation this spring to low-income students facing school ticketing charges—and at **DLA Piper** for legal research help.

■ **Five law and policy students are interning** with us this summer: **Daniel Bleiberg**, University of Texas Law School; **Lindsay Butterfield**, UT Graduate School of Education; **Lindsay Ochoa**, UT’s LBJ School of Public Affairs; **Chrystal O’Connor**, Notre Dame Law School; and **De’Andrea Petty**, who enters South Texas

College of Law this fall. We appreciate their good work!

### PROJECTS

■ **The City of Orange has agreed to rebuild** storm-damaged public housing in a more desirable and lower-poverty neighborhood—thanks, in large part, to the efforts of our **Staff Attorney Madison Sloan** who handles our disaster recovery work.

■ **Nine scholarships covering the cost of** a Kaplan review course for the Law School Admissions Test have been awarded this year as part of our **Diversity Legal Scholars Program**. The deadline to apply for this year’s final round of scholarship awards is September 30th. Download an application on our website.

■ **Appleseed is grateful for generous support** from our recent funders: **The Brown Foundation, The Hogg Foundation for Mental Health, Houston Endowment, and Texas Bar Foundation**.

industry this Session, but negotiations fell apart. The industry's "best offer" would have created incentives to steer borrowers toward even more expensive, installment loan products.

Though no major reform bill passed, the industry failed to strip cities of the power to regulate payday and auto title lending within their own city limits—a significant "win" for consumers. The debate also heightened public awareness of the industry's worst practices: high recurring loan fees, a large number of vehicle repossessions, and loans structured to mire borrowers in debt.

Several key lawmakers pledged to convince more Texas cities over the next year to adopt strong local payday and auto title ordinances. Texas Appleseed has worked with most of the cities that have taken this step: **Dallas, Austin, San Antonio, El Paso, Denton, Balcones Heights, the City of South Houston, and Flower Mound.** Houston is currently considering payday loan regulation.

Watch this fall for a major announcement about our efforts to promote market alternatives to these high-cost loans!

### SCHOOL-TO-PRISON PIPELINE

Texas public schools can no longer issue students Class C misdemeanor tickets for Disruption of Class under a bill passed this Session—a major step toward *decriminalizing* minor misbehavior at school.

Appleseed also supported legislation to *require schools* to employ school-based consequences for misbehavior (counseling, social service referrals, after-school tutoring, and/or service projects) before sending a student to court. Before passage, the bill was amended to make it *discretionary*.

"We hope more schools adopt child-centered approaches to addressing misbehavior that, research shows, are more effective than involving courts," said Texas Appleseed **Deputy Director Deborah Fowler**.

Despite progress on student ticketing this Session, lawmakers refused to approve additional training for school police officers and made no headway in decriminalizing truancy.

Looking ahead: Texas Appleseed intends to work with stakeholders in education and juvenile justice in coming months to propose alternative ways to address truancy in Texas.

### MENTAL HEALTH CODE

Only two of our nine key bills to update the state's Mental Health Code made it to the Governor's desk. One creates standardized emergency detention forms, and another revises commitment procedures for minors and gives them the ability to consent on their own to outpatient treatment.

Texas Appleseed published a report on this issue last fall—and our recommendations regarding transportation of individuals



Texas Appleseed Board member Neel Lane testifies before the Texas House Committee on Investments & Financial Services.

with mental illness, assisted outpatient treatment, and seizure of firearms figured in another three bills that passed this Session.

We plan to put more resources into mental health projects in coming months—including updating handbooks for criminal defense attorneys representing individuals with mental illnesses.

### FOSTER CARE

The 83rd Legislature funded a new court in Harris County to focus on children in foster care—and we expect that court will document a long-term need for its services. There are more children in foster care in Harris County than in any other county in Texas—and Appleseed has long supported the need for a court dedicated to handling these cases.

We also applaud state lawmakers' decision to provide a significant funding boost for additional state caseworkers to monitor foster care placements. Texas Appleseed will continue to work with the state Children's Commission and the courts to find ways to expedite the court-ordered placement of children in safe, permanent homes.

### Criminalizing Truancy *Continued from page 1*

"Most of these children have no attorney and face serious and costly consequences for pleading guilty to an offense that does not rise to the level of what most people would consider a crime." For example:

*J.D. has asthma and chronic respiratory problems, causing her to "cry in frustration" when she must miss school, her mother says. The school prosecuted J.D. for truancy because she forgot to turn in a note excusing her absence within the required three days.*

*B.B. has learning disabilities and only began missing school after being assigned to a computer lab to work independently towards credit recovery. The school filed truancy charges. Her mother alerted the school that her daughter was frustrated and depressed because she needed more help. When no accommodation was made, she enrolled B.B. in another school.*

"The inconsistent and inflexible attendance policies employed in Dallas, Garland, Mesquite, and Richardson school districts do nothing to address the root causes of truancy," Fowler said. "Instead, the civil rights of students with disabilities, limited English proficiency and, in the Dallas district, pregnant students are being violated."

# 83rd Session Wrap-Up...and What Comes Next



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## Texas Appleseed: Using Video to Help Kids Headed to Court

Going to criminal adult court can be scary—particularly if you are a middle or high school student facing truancy charges or dealing with a Class C misdemeanor ticket for misbehaving in class. To demystify what lies ahead, Texas Appleseed is using a **Texas Bar Foundation** grant to create a series of videos to advise teens on what to expect in court, their legal rights, and how they can work with their school and the court to minimize the impact of a trip to court on family finances and a possible criminal record. It's one more way that Appleseed reaches out to ensure our systems of justice **work for everyone**.

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