



Taking the Foster Care Court Challenge...

THERE ARE MANY CHALLENGES INVOLVED IN MOVING A CHILD FROM long-term foster care to a safe, permanent home—but a growing number of Texas courts are contemplating changes to improve the odds.

Courts across Texas are all too familiar with the longings for a real home shared by many of the nearly 13,500 children in long-term foster care:

It means having a key to the house. It means having your picture on the wall. It means having someone to root for you at ball games. It means somebody wants you.

Collaborating with the **Texas Supreme Court Children's Commission** and working with pro bono partner DLA Piper, Texas Appleseed has released a report confirming that certain “best court practices” correlate with moving more children, more quickly, from long-term foster care into safe permanent homes in seven surveyed court jurisdictions in Texas.

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Associate Judge John Hathaway hears Travis County foster care cases.

Photo: Laura Skelding, Austin American-Statesman

THE LATEST...

PEOPLE

■ Attorney Tom Leatherbury has

joined our Board. Leatherbury has been involved in pro bono legal service since providing legal services to those with mental disabilities while still in law school. He is co-head of the Appellate practice group at Vinson & Elkins in Dallas.

■ Michael Vitris is joining our legal staff

to assist on school-to-prison pipeline issues. A graduate of the University of Texas School of Law, he participated in Teach for America for two years in Brooklyn, N.Y., and has interned with the Governor's General Counsel Office.

PROJECTS

■ Seven scholarships covering the cost

of a Law School Admissions Test prep course were awarded in June through our **Diversity Legal Scholars Program**. The next scholarship application deadline is **September 1st**.

Poll Shows Voters Ready for Payday Reform

NEW STATEWIDE POLLING RESULTS ARE IN...AND THE VERDICT IS CLEAR: 75% of surveyed registered voters in Texas believe the State should cap high interest rates and fees on payday and auto title loans that typically top 500% APR—one of the highest rates charged anywhere in the country.

“This poll reflects overwhelming support for lowering consumer costs on payday and auto title loans—irrespective of gender, ethnicity, or political party,” said Texas Appleseed Executive Director Rebecca Lightsey.

Appleseed is among the more than 35 organizations representing consumers, financial institutions, low-income communities, and the elderly that have formed the new

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Texas Appleseed

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The High Cost of Student Discipline...

Impacts Children and Can Give Taxpayers "Sticker Shock"

It cost Dallas ISD \$11.3 million to remove 25,000 students from their home campuses in 2011-12, according to a new Texas Appleseed study—and that “cost of discipline” price tag comes on top of the \$20.3 million spent on campus security that year.

“Discretionary removal of students from school for relatively minor misbehavior is not only expensive—it increases the likelihood of dropout and future involvement in the juvenile justice system,” said Texas Appleseed Deputy Director Deborah Fowler. Cost of discipline studies for another nine school districts will be released later this year.

Appleseed teamed with the Texas Organizing Project, representing concerned Dallas parents, to recommend that the local school district:

- Close its Elementary Disciplinary Alternative Education Program, saving more than \$1 million a year and keeping young children on their home campuses;
- Limit out-of-school suspensions to instances that pose a threat to school and student safety; and
- Require schools with high disciplinary referral rates to implement Positive Behavioral Interventions & Supports, a program proven effective in reducing disciplinary referrals at less cost.

Appleseed Deputy Director Deborah Fowler joins the Texas Organizing Project in Dallas to announce the cost of school discipline findings.

Photo: Nick Rallo, Dallas Observer



THE LATEST...

PEOPLE

■ **Texas Appleseed attorney Madison Sloan** was one of four experts on Gulf Coast disaster recovery and fair housing invited to Washington, D.C., last month to brief the Chief of Staff of President Obama's Domestic Policy Council.

PROJECTS

■ **Texas Appleseed lost its lawsuit** to obtain public release of San Antonio ISD's "use of force" policy. This means that the district can withhold information from parents and the community on if and when school police officers are authorized to use pepper spray, restraints, or other "street style" policing when

responding to student misbehavior at school. Many other Texas school districts make their use of force policies readily available to the public. A ruling in our similar suit against Spring Branch ISD is pending in the First Court of Appeals in Houston.

■ **We are grateful to the Harold Simmons Foundation** for a two-year grant to support our payday and auto title lending reform work.

■ **The Hogg Foundation for Mental Health** is generously funding a year-long fellowship position at Texas Appleseed to work on proposed updates to the State's Mental Health Code.

3 WAYS: To Calculate Pro Bono Impact

1 Pro bono from 11 major law & accounting firms in 2011: **60+**

2 Value of donated services to Appleseed last year: **\$902,000**

3 Total amount of time donated in 2011: **2,193 hours**

2012 Good Apple Award Pick!

Join us for the Good Apple Dinner—**Thursday, October 18th** at the Four Seasons Hotel Austin—to honor **Jim Sales**, Chair Emeritus of the Texas Supreme Court Access to Justice Commission and this year's recipient of the **J. Chrys Dougherty Good Apple Award**.

A widely respected litigator in his more than 50 years with **Fulbright & Jaworski L.L.P.**, Jim Sales chaired the Access to Justice Commission from 2004 to 2009—building it into a major provider of legal services to low-income Texans.

For decades, he has championed attorney involvement in pro bono work, as State Bar President (1988 and 1989), creator of Houston's Volunteer Legal Services Program, and Founding Chair of the Houston Bar Foundation.

Baker Botts, L.L.P. will receive the 2012 **Pro Bono Leadership Award** for helping analyze the quality of education provided in secure post-adjudication youth facilities in Texas counties.

Two other pro bono partners will receive Special Recognition—**Locke Lord LLP** for its analysis of criminal discovery practices and policies in Texas and **Jones Day** for helping evaluate the cost effectiveness of best school disciplinary practices.



Foster Care Court Challenge *Continued from page 1*

“These best court practices include having the *child attend court* with a *well-informed advocate*, ensuring that the *same judge* follows the child’s case during his or her time in long-term foster care, and *holding review hearings at least every four months*—which is more often than the state requires,” said Appleseed attorney Brett Merfish.

“While consistently applying these practices correlates to better child outcomes, there is no apparent link between the cost of placement review hearings and reducing the numbers of children in the state’s Permanent Managing Conservatorship (PMC) or long-term foster care,” she said.

Travis County and Central Texas Child Protection Court, which consistently apply these best court practices, outperform some other Texas court jurisdictions in reducing the numbers of children in PMC. In those jurisdictions that only employ some of these practices, children are staying in foster care longer and in greater numbers.

Voters Ready for Reform *Continued from page 1*

Texas Fair Lending Alliance. The Alliance and the multi-denominational **Texas Faith for Fair Lending** will join forces to push for new state laws to protect payday and auto title borrowers from high rates and fees on payday and auto title loans.

When asked to describe these loans, poll participants most frequently cited “high interest,” “rip off,” and “expensive.” Austin-based I&O Communications conducted the poll, which has a 3.4% margin of error.

“These loans are defective products that unfairly target working families, military families, and seniors,” Lightsey said. “State and national research has documented the destabilizing impact of payday and auto title loans on low-income borrowers and the economy as a whole.”

New state laws took effect in January that license payday and auto title lenders for the first time in Texas and require more transparent disclosure of their loan terms to potential borrowers.

“Texas lawmakers have taken a critical first step to provide a framework for fair small-dollar lending in this state,” said Bob Jackson, State Director of AARP Texas. “It’s time to address the issue of high interest and fees and a business model that traps borrowers in a never-ending cycle of mounting debt.”

The cities of Dallas, Austin, and San Antonio have adopted zoning ordinances to limit where new payday and auto title lender can set up shop within their city limits. Austin and Dallas have enacted additional cycle of debt protections—and San Antonio is considering this option.

New Poll: Texas Voters Want Payday & Auto Title Loan Reform



Photo: Scurzuzu on Flickr

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Texas Appleseed: Examining the Criminal Discovery Process

Texas Appleseed is undertaking an examination of the criminal discovery process in Texas. **Locke Lord** attorneys are helping us survey prosecutors and defense attorneys in more than 60 counties to determine the practices and policies around the criminal discovery—and to determine how they vary in juvenile cases. In some counties, witness and police reports must be either hand copied or are only provided in heavily redacted form; in other jurisdictions, these reports are freely available. We will compare our findings here in Texas with American Bar Association standards and with practices in other states. What we already know is that fairness in the discovery process is essential to ensuring justice in criminal court proceedings.

Rebecca Lightsey Executive Director

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