

THURGOOD MARSHALL SCHOOL OF LAW  
EARL CARL INSTITUTE FOR LEGAL & SOCIAL POLICY, INC.

# FOCUS ON JUSTICE:

## *An Urban Perspective*

***Taking It to the Street:***  
**TMSL's Street Law Program**

***Working To Increase***  
***African American Wealth:***  
**The Opal Mitchell Lee**  
**Property Preservation**  
**Project**

***Indigent Defense:***  
**TMSL Innocence**  
**Project**

**No BLACK Child Left**  
**Behind in Disproportionate**  
**School Disciplinary**  
**Actions**

**Helping Children**  
**Today to Have a**  
**Better Future**  
**Tomorrow**

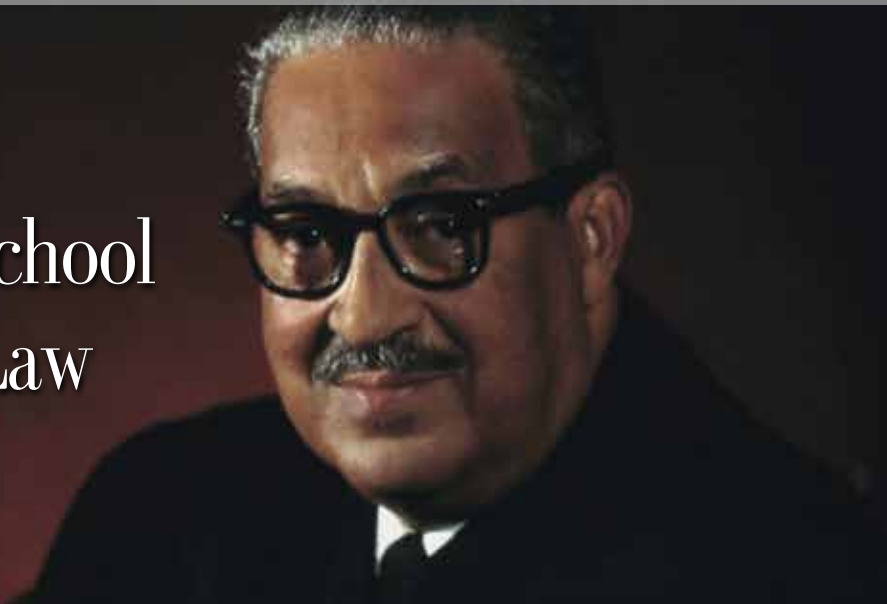
***The Story of*** **Professor**  
**Earl Lawrence Carl**

***The 83rd Legislative Session:***  
**An Urban Perspective**  
**83rd Legislature Highlights**



*"Creating a New Vision for Legal and Social Justice"*

# Ten Reasons Why Thurgood Marshall School of Law May Be The Law School For You



## 1. Our Vision

We are committed to Thurgood Marshall's legacy of excellence and equality for our diverse students.

## 2. Our Mission

Our Mission is to prepare our students for leadership roles in the legal profession, business, and government.

## 3. Our Values

Our values are cooperation, excellence, fairness, integrity, and learning.

## 4. Our Incentives

**Tuition**—Thurgood's tuition is relatively modest. (Annual tuition is less than \$20,000 in-state students and less than \$25,000 for nonresident students.)

**Scholarships**—We award scholarships annually up to 1 Million Dollars. We provide a full scholarship for each 2L student in the top 10%.

**Career Services**—Full interactive career services support.

## 5. Our Diversity

During the last decade, Thurgood has been recognized as the nation's most diverse law school, or in the top 5 of most diverse law schools. We look like and act on values that reflect the best of 2014 America.

## 6. Our Academics

We have an integrated Academic Support Program that begins prior to pre-enrollment, continues at every stage of a student's matriculation, and culminates with significant

post-graduation support in aid of passing a bar exam. We focus on measurable enhancement of student knowledge, skills, and problem prevention and solving abilities. Applicants with LSAT scores in the range of 147-150 have a real opportunity to excel.

Applicants with LSAT scores of 150 or less are provided systematic Bar Exam training to increase their likelihood of passing Texas and other state Bar Exams. TMSL provides a highly competitive opportunity for YOU to pass a Bar Exam the first time when you have a 146-150 LSAT and a 2.8-3.2 undergraduate grade point average.

We proudly state that our graduates' most recent performance on Bar Exams is our best performance ever on Bar Exams!

## 7. Our Alums

We proudly include among our alums – Leading members of the U.S. House of Representatives and both the House and Senate of the Texas Legislature; Distinguished federal and state trial and appellate judges; Key partners in large, medium and small law firms; Executive and administrative government lawyers, both federal and state; Recognized sports and entertainment lawyers and agents; and Top attorneys in criminal and civil practice areas.



## 8. Our Faculty

We have engaged faculty dedicated to meaningful research and scholarship. Our faculty delivers impactful knowledge, skills, and training to provide effective and ethical client services, including problem prevention and resolution.

## 9. Our Collaborations

We collaborate with members of the legal profession and other professions to provide high quality training for our award-winning Mock Trial and Moot Court Inter-Law School competitive teams. We provide dual degree programs with the School of Business and the School of Public Affairs.

We also provide opportunities for students to participate in—Institutes, such as The Earl Carl Institute for Legal & Social Policy, and Clinics, which provide opportunities for experiencing an array of legal practices and focus on developing skills; Externship Placements for Credit; and Certificates of Specialization in Immigration and International Law, Sports and Entertainment Law, and Government Law.

## 10. Our Credo

Protect, improve, and pass on our legacy of changing the face of the legal profession in Texas and the nation. 2012-2014 have produced confirmation from outside evaluators that we are honoring this credo and our vision. For example, we recently were accepted as a member of The Association of American Law Schools.

TEXAS SOUTHERN UNIVERSITY

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# 2014

## APRIL

April 17, 2014

Legal, Racial and Religious Perspectives on Same Sex Marriage Symposium

## SEPTEMBER

September 2014 – May 2015

DEBT BOOT CAMP  
(Partner of co-sponsors Capital One Bank & Windsor Village United Methodist Church)

September 25, 2014

Disproportionate Minority Contact in the Adult and Juvenile Criminal Justice Systems

## OCTOBER

October 9, 2014

Domestic Violence Symposium (in commemoration of Domestic Violence Month)

## NOVEMBER

November 2014

Publication of ECI Interdisciplinary Journal for Legal & Social Policy Special Issue on Marriage Equality

November 7, 2014

Death Penalty Cases Continuing Legal Education Program

November 14, 2014

Civil Rights Symposium  
(Collaboration with Thurgood Marshall School of Law - Law Review)

November 20, 2014

ECI Governing Board Meeting

# 2015

## FEBRUARY

February 19th & 20th, 2015

4th Annual Honorable Craig Washington & Senator Rodney Ellis Excellence in Indigent Defense Series

## MARCH

March 5, 2015

Community Forum: The State of Black Houston Now 2015 Update

March 26th & 27th, 2015

2nd Annual Earl Carl Institute Child Welfare Forensics Conference

March 28, 2015

Thurgood Marshall School of Law Clinics & Institute Showcase

## APRIL

April 9, 2015

ECI Governing Board Meeting

April 16, 2015

ECI Interdisciplinary Journal Special Issue Symposium –  
“ObamaCare”: The Affordable Care Act 5 Years Later

## AUGUST

August 20, 2015

84th Legislative Update 2015: An Urban Perspective  
(Housing, Education, Criminal Justice, Family, Other Highlights)

“Our lives begin to end the day we become silent about things that matter.”

— Martin Luther King Jr. —

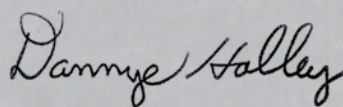
The Thurgood Marshall School of Law is an essential part of the rich history of Texas Southern University.

From the *Sweatt v. Painter* lawsuit that gave birth to our school, the law school has stood as a beacon of light for the university and the community at large. We have produced more African American lawyers than any other law school in the country, ensuring quality representation to people who were historically denied access to such services.

It is my pleasure to introduce *Focus on Justice* — *An Urban Perspective*

prepared by the Earl Carl Institute for Legal & Social Policy, Inc. The mission of the Institute is to identify, address, and offer solutions to legal and social problems that affect traditionally urban and disenfranchised communities. Further, the Institute, through interdisciplinary scholarship

and advocacy, aims to develop the leadership, research, and advocacy skills of law students to encourage public service and to enable the students to effectively address problems of underserved communities. This policy publication highlights the work of the Institute in furtherance of that mission and of the Institute's vision to serve as one of the nation's preeminent centers for research and advocacy on legal and social issues affecting underserved communities. We will serve as a leading voice in promoting social justice and be recognized for excellence in our programs and the quality of our community engagement. I encourage support of the Institute's work both through interdisciplinary collaborations with them and financial contributions to support their work. The Institute is growing, and I believe the best is yet to come.



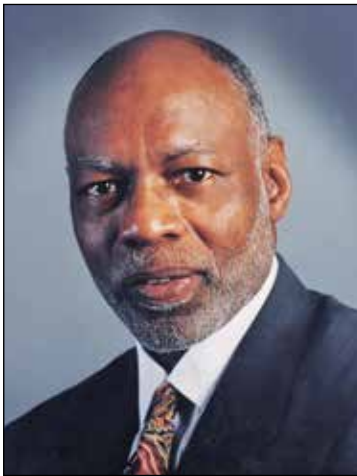
Danyne Holley  
Dean, Thurgood Marshall School of Law



*“It is inevitable that things change,  
for without change there is no growth.”*

— Dr. James M. Douglas —

I have had the pleasure of serving on the Earl Carl Institute Board of Directors for over 20 years now—since its inception. I have seen numerous students grow under the Institute's guidance and supervision. I have witnessed the growth of the Institute from one person, Professor Marcia Johnson, to our current five permanent staff and three contract staff. In addition to grooming legal interns, the history of the Institute



includes publication of papers ranging from position papers, essays, law review articles, letters to editors, to an interdisciplinary journal. Also, through grant funding for the operation of three free legal clinics, ECI has helped hundreds of individuals by providing legal assistance that they could not otherwise afford to have.

Annually, the Institute conducts continuing legal education programs for attorneys, interdisciplinary symposiums on issues impacting the urban community, and forms collaborations to press for changes in laws governing issues having a disproportionate impact on minority communities.

In years past, the Institute has been active in supporting changes that would benefit traditionally underserved populations and

in particular the minority community. For example, Professor Marcia Johnson, the Institute founder, published *The Need for a Public Defenders Office in Harris County* in 2008 to address deficiencies in indigent defense, and she subsequently served on the first Harris County Public Defender Board. This past year, in collaboration with other like-minded organizations, ECI worked to support policy changes through its Juvenile Justice Project that would reduce the disproportionate student ticketing of African American children, primarily young males. The result was passage of significant legislation that virtually eliminates the practice as it relates to school tickets for in-school behaviors. Those are the kind of efforts that we are most proud of.

Please join me in supporting the Earl Carl Institute as it continues to grow internally as well as to expand its reach. We hope the highlights in this magazine will prompt ideas for future interdisciplinary collaborations with the Institute and recommendations for issues that may need to be tackled by the Institute in the coming years. As with any nonprofit organization, funding is essential to growth, so I invite you to support the Earl Carl Institute through your tax deductible donations as well as your intellectual property.

A handwritten signature in black ink that reads "James M. Douglas". The signature is fluid and cursive.

James M. Douglas  
President, Earl Carl Institute

Serving as the executive director of the Earl Carl Institute is one of the most rewarding experiences of my life. The opportunity to work with dedicated and committed staff who regularly challenge themselves to achieve greater things is a testament to this great university. Our student researchers and clinicians show a commitment to our various projects that I am sure is unmatched in academia. As the Institute evolves, it continues to work toward identifying potential implementable solutions to legal and social issues disproportionately impacting the minority community. The Institute will continue to pursue, through academic and grassroots efforts, opportunities to promote policy changes for the betterment of the urban community and to fulfill the missions of the Institute, TMSL, and TSU. In September 2011, TSU established six university-wide institutes. ECI became part of the University Institute for Education & Legal Studies/Policy along with the Center for Strategic Advances in Education, the Center on Legal Pedagogy, and the Institute for International and Immigration Law.

ECI generally undertakes projects that have one of three outcomes. These outcomes are (1) Student Development, (2) Public Policy Initiatives, and (3) Community Education. In addition, these projects fall into

“Be the change that you wish to see in the world.”

— Mahatma Gandhi —

ECI's current priority research areas: (1) Criminal Justice, (2) Education, (3) Family, and (4) Housing. By working in specific priority areas, ECI seeks to create a high level of expertise on issues that significantly impact the urban community. In addition, all ECI projects support law school and university strategic goals.

Internally, ECI's current operations are primarily facilitated through its four centers: (1) Center for Civil Advocacy, (2) Center for Criminal Justice, (3) Center for Government Law and (4) Center for Student Development and Publications. The Institute employs an executive director and three associate directors who oversee the operations of each center.

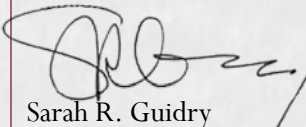
Key ECI Highlights for Year 2012 - 2013:

- Receipt of funding (grants/appropriations) in the amount of \$304,330.

- Employed 28 students and accepted 11 student volunteers as researchers/writers and student clerks/attorneys.
- Launched the initial special issue symposium for the ECI Interdisciplinary Journal for Legal & Social Policy: *No Child Left Behind: 10 Years in Review*.
- During 2012, saved or obtained for our Property Preservation clinic clients, an estimated value in assets of **\$1.2 million dollars**.
- Participated in over 25 outreach activities and community education programs.
- Appeared in national publications and television: April 12, 2013, *New York Times* lead article, “With Police in Schools, More Children in Court” and on *PBS NewsHour*, “In Texas Schools, Parents Cited for Students’ Misbehavior.”

Please visit us at our offices on the Texas Southern University campus or online at [www.earlcarlinstitute.org](http://www.earlcarlinstitute.org). We would love to hear from you.



  
Sarah R. Guidry  
Director, Earl Carl Institute

# The Story of Professor Earl Lawrence Carl

Written By  
**Tarishawn Morton**  
TMSL 3L

**Sarah R. Guidry**  
ECI Executive Director



The Institute was named in honor of Professor Earl Carl, a founding faculty member of the Thurgood Marshall School of Law. A symbol of personal triumph over misfortune, Professor Carl is a reminder that we are limited by only the barriers we choose not to overcome.

New Haven, Connecticut, the city of momentous anti-slavery events, interestingly was also the birthplace of Earl Carl. Born March 23, 1919, Carl was the only child of proud and supportive parents, Lawrence and Lillian Carl, owners of a catering service and, according to Dr. Carl, his biggest supporters. A bright young man, he would excel in all things despite glaucoma stealing his vision early in life. Blinded yet a visionary, he would never accept biased rejections for himself or anyone nor would he lose sight of his goals. That is not to say his journey was an easy one.

Carl attended public school only through his second year of high school, because he was progressively going blind. “I could not understand why this was happening to me. I was a good, all-American boy and had plans to do good and productive things. When this near catastrophe fell upon me, I did not believe that I was really going blind. I thought that any day I would wake up and have 20/20 vision. I waited in vain,” noted Carl of this shocking experience. However, this would only be an obstacle not a stopping point for him.

“I could not understand why this was happening to me. I was a good, all-American boy and had plans to do good and productive things. When this near catastrophe fell upon me, I did not believe that I was really going blind. I thought that any day I would wake up and have 20/20 vision. I waited in vain.”

— Dr. Earl Carl —



Faced with much adversity, he began his life's work. Understandably saddened and depressed by his progressive blindness, Earl Carl attended his final 2 years of high school at the Connecticut School for the Blind. There he would encounter peers and teachers who would positively impact his emotional state for a long time

to come. Later, happier yet completely blind, he graduated with honors and applied to Fisk University. They rejected him. Undeterred, Earl Carl sought explanation for the rejection and discovered only his blindness prevented his admission. Fisk had no prior experience with a blind student. After much discussion, he was ultimately admitted to Fisk where he proved that blind students, too, could achieve. Carl considered it a compliment when another blind student was admitted to Fisk the following semester. Earl Carl graduated with honors from Fisk University in 1942, receiving a BA in Sociology.



Even looming radicalized rejection and Jim Crow laws could not oppress Carl's hunger for success. It is no surprise then that when a professor suggested he attend law school Carl did not hesitate. Ultimately, he was offered admission to both Yale and Harvard; however, he chose Yale. This Yale Law School graduate went on to become the first blind black man to be admitted to the Connecticut Bar on July 27, 1948.

In 1946, the NAACP, determined to fight the "separate but equal" doctrine, filed suit against the University of Texas in *Sweatt v. Painter* challenging UT's decision to refuse admission to their law school to Heman Sweatt, a postal worker, based



What the school could have never anticipated was Carl's life experiences and physical disabilities had created not only a teacher but also a devoted leader

solely on the fact that he was Black. At the time, Texas had no law schools that admitted Black students. The state of Texas, knowing it could not prevail on equal protection grounds and faced with admitting blacks into the UT Law School, chose to attempt to establish a "negro law school equal to the University of Texas" to circumvent a ruling against the state. However, the NAACP took the position that the educational equality could only be achieved by integration. Ultimately, the US Supreme Court agreed, ruling in *Sweatt* that a separate school could not be equal.

The new law school was originally established in Austin and then transferred to Houston where Dr. Raphael Lanier, then president of Texas State University for Negroes in Houston, was charged with building the law school. He contacted Earl Carl during his third year in law school asking for his help. Certainly his race, education, and accomplishments alone made Carl a perfect candidate for the then newly created Law School at Texas State University for Negroes. What the school could have never anticipated was Carl's life experiences and physical disabilities had created not only a teacher but also a devoted leader. ►

Again undeterred by a challenge, Earl Carl left his friends and family and traveled some 1700 miles to Houston, Texas, where he began his career as an advocate and professor for black (and minority) future lawyers. At the time he was approached to serve as an initial faculty member of the new law school, there were less than 1000 black lawyers in the country. Dr. Carl vowed to “increase the number of minority lawyers in the United States.” During his tenure at TSU, the number of minority lawyers in the country would double. Carl’s appointment at Texas State University for Negroes Law School began September 1, 1948. He would not retire until some 38 years later in 1986. Dr. Carl once noted, “I have had offers to go elsewhere... this is not a job to me. It has been my life. I would not go elsewhere, even to Harvard or Yale, because I have had the privilege of being a part of this school from the beginning.”

At the college, now known as Thurgood Marshall School of Law, he would teach various courses as well as lead the school. He wisely chose to use his professional position to advance a movement - equal and not separate legal education for all.

A loved and respected husband to Iris Harris Carl and father of two girls, Francine Carl Walker and Nina Carl, Earl Carl would undoubtedly also count among his family his seeing-eye dogs, known to the students as Dundee and Hector.

Doctor Earl Carl was a legend. One who at one point had helped “mold the cast” of 20 percent of all minority lawyers in the country, and further was said to have then engineered the basic development of almost 75 percent of Texas minority lawyers. During his



“I have had offers to go elsewhere... this is not a job to me. It has been my life. I would not go elsewhere, even to Harvard or Yale, because I have had the privilege of being a part of this school from the beginning.”

tenure, the enrollment at Thurgood Marshall School of Law quadrupled, and the number of minority attorneys across the United States doubled. Carl served under six university presidents, saw the name of the university and law school change, witnessed the number of law faculty quadruple, and observed the transitions the law school underwent when its facilities moved to different locations four times.

He wrote extensively about the need for black lawyers and exemplified the positive aspects of legal professionals in all parts of his life. Giving back to the community was something he did constantly. Notably, Professor Carl served as an attorney of record in *Fisher v. Carrousel Motor Hotel*, a landmark

case wherein the Texas Supreme Court found that where a restaurant employee grabbed a plate from a black customer, yelling in a loud voice, “a Negro could not be served in the club,” such conduct amounted to battery.

Professor Carl served as interim dean of the law school from 1958 – 1959 and 1976 – 1978. While he enjoyed this experience, he preferred interactions with students. “As the dean, I taught only one course a semester.” “I am basically a classroom person. I enjoy working with students, watching them grow and having contact with them.”

Academic and professional organizations honored him many times, and he received honors of Distinguished Professor and Professor Emeritus from

[ He received the “Professor of the Year” award many times during his career. ]

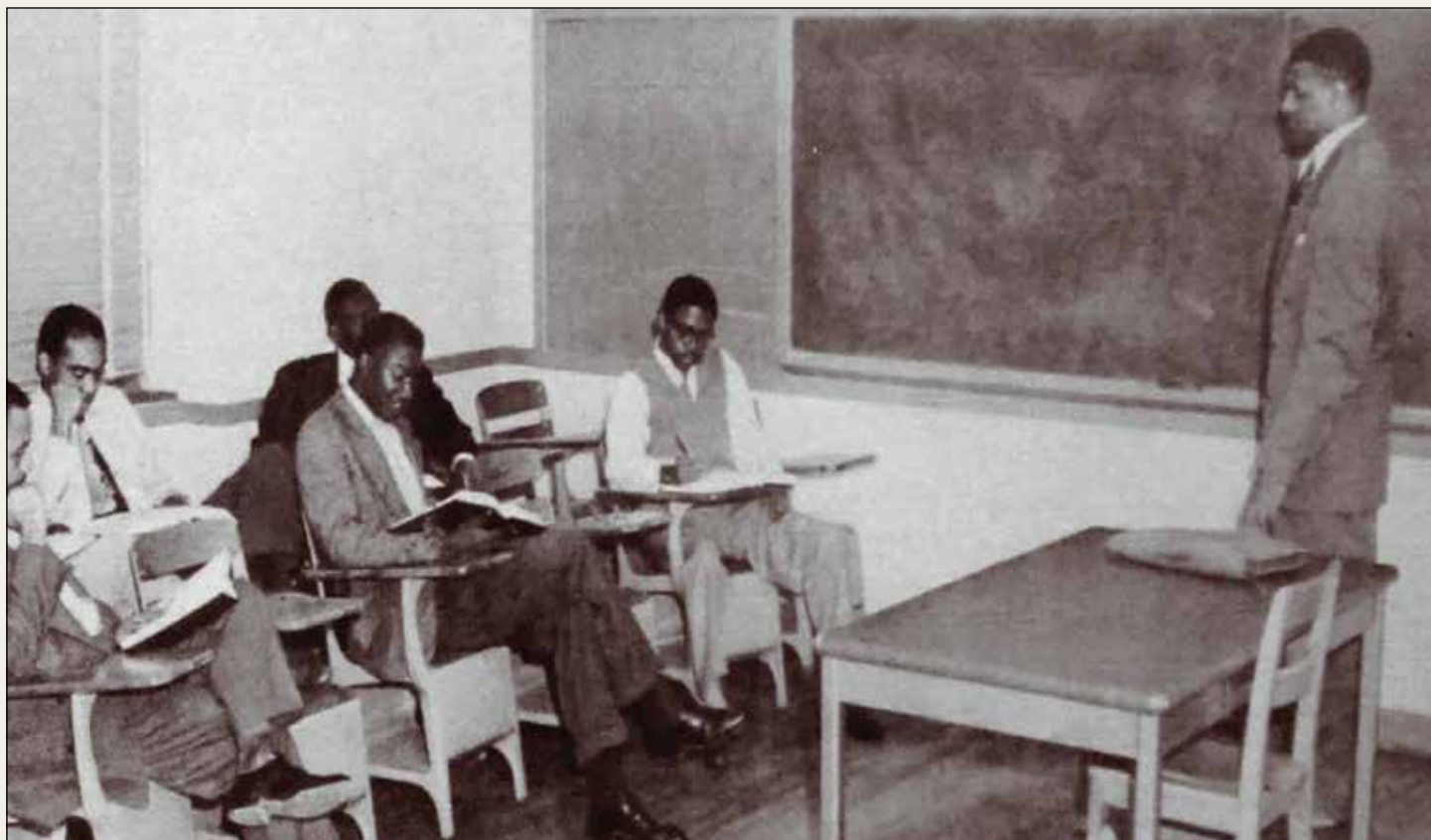
the TSU Board of Regents. He received the “Professor of the Year” award many times during his career. Former Houston Mayor Fred Hofheinz proclaimed March 23, 1974, “Earl L. Carl Day” in recognition of Dr. Carl’s accomplishments in increasing the number of minority lawyers in the U.S. and for his active involvement in professional, civic, and fraternal organizations.

His accolades and awards were extensive and far too numerous to list. Dr. Earl Carl was a legend who followed through on his commitment to making Thurgood Marshall School of Law a law school “of the first class.” When offered opportunities to leave the school he loved, he always refused. He saw Thurgood Marshall as his life, and everyone benefited from his passion for his work. He was the epitome of “keep a goal within [yourself] in good times and bad,” a mantra he instilled in all those who had the honor to make his acquaintance. His students considered him brilliant yet humble. His peers found him to be a kind and knowledgeable individual capable of being both teacher and student at any given moment. He came to champion a movement, and he never quit, and for that everyone at TMSL, past and present, are forever grateful.



Forever intrigued by an opportunity to learn, at the height of his career, Carl returned to the humble role of student in order to earn his Master of Laws Degree (LLM). Thereafter, Fisk (the university which once rejected him) awarded him an honorary doctorates degree in law.

After 38 years of advocacy and teaching, Carl retired. Some 6 years after his retirement in November 1992, the Earl Carl Institute for Legal & Social Policy, Inc. was created to help ►





The Earl Carl Institute for Legal & Social Policy, Inc was created in November 1992.

law students hone their research and writing skills by writing about legal and social problems affecting underserved and underrepresented communities. Professor Carl serves as a symbol to ECI students that they can accomplish whatever they are willing to despite all odds. His achievements remind us that we are limited only by the barriers we chose not to overcome.

Dr. Earl Lawrence Carl died on March 30, 1996, at the age of 77. A visionary, a leader, a legend, his legacy lives on as the Earl Carl Institute strives to continue creating a new vision for legal and social justice.

#### Scholarship of Professor Earl Carl

Earl L. Carl, *The Shortage of Negro Lawyers: Pluralistic Legal Education and Legal Services for the Poor*, 1 Tex. S. Intramural L.Rev. 1 (1970).

Earl L. Carl, *Shortage of Negro Lawyers: Pluralistic Legal Education and Legal Services for the Poor*, 20 J. Legal Educ. 21 (1967).

Earl L. Carl & Kenneth R. Callahan, *Negroes and the Law*, 17 J. Legal Educ. 250 (1964).

Earl L. Carl, *Reflections on the Sit-Ins*, 46 Cornell L. Q. 444 (1960-1961). ■

## About The Earl Carl Founder Marcia Johnson

Professor Marcia Green Johnson is a visionary in her own right. In 1992, Professor Marcia Johnson created the Earl Carl Institute for Legal and Social Policy, Inc. as a non-profit organization affiliated with the Thurgood Marshall School of Law. Professor Johnson, a former Interim Dean and former Interim Associate Dean at Thurgood Marshall School of Law, decidedly named the Institute after her prior colleague Professor Earl Carl. She did so because Earl Carl epitomized the idea of accomplishment despite obstacles. She envisioned creating a training ground for law students that would ultimately give back to the minority community.

Initially, the Institute was designed to serve as a resource for the Thurgood Marshall students seeking to enhance their research and writing skills. Over the past 21 years, however, Professor Johnson's vision continually grew and so did the institute. In 2005, the Institute added the Center for Government Law to its programs along with an Associate Director to oversee the operations of the Center. In 2007, the Institute launched its Opal Mitchell Lee Property Preservation Project which added the support of contract staff. In 2009, Professor Johnson added 2 more Associate Directors followed by a 3rd Associate Director in 2010 to oversee the operations of the newly created Center for Criminal Justice.

During her tenure with ECI, Professor Johnson spearheaded an array of community outreach initiatives and symposiums. Additionally, she authored and supervised numerous articles, publications, and presentations. Johnson served as ECI's executive director until 2011. She continues her work as a professor at Thurgood Marshall and has been named Executive Director Emeritus of the Institute. She continues to



teach Business Associations and Professional Responsibility.

Professor Johnson required nothing less than excellence of the Institute staff and students as she served as an example of the importance of public service. She has served the community in a number of volunteer

roles and has served on various national, state, and municipal boards and committees. Her current community service includes serving as vice chair of the Houston Forensic Science, LGC, Inc., Executive Committee Member of the Harris County Coalition for Juvenile and Criminal Justice Reform, and Member of the Board of Advisors, Annam Community Development Corporation.

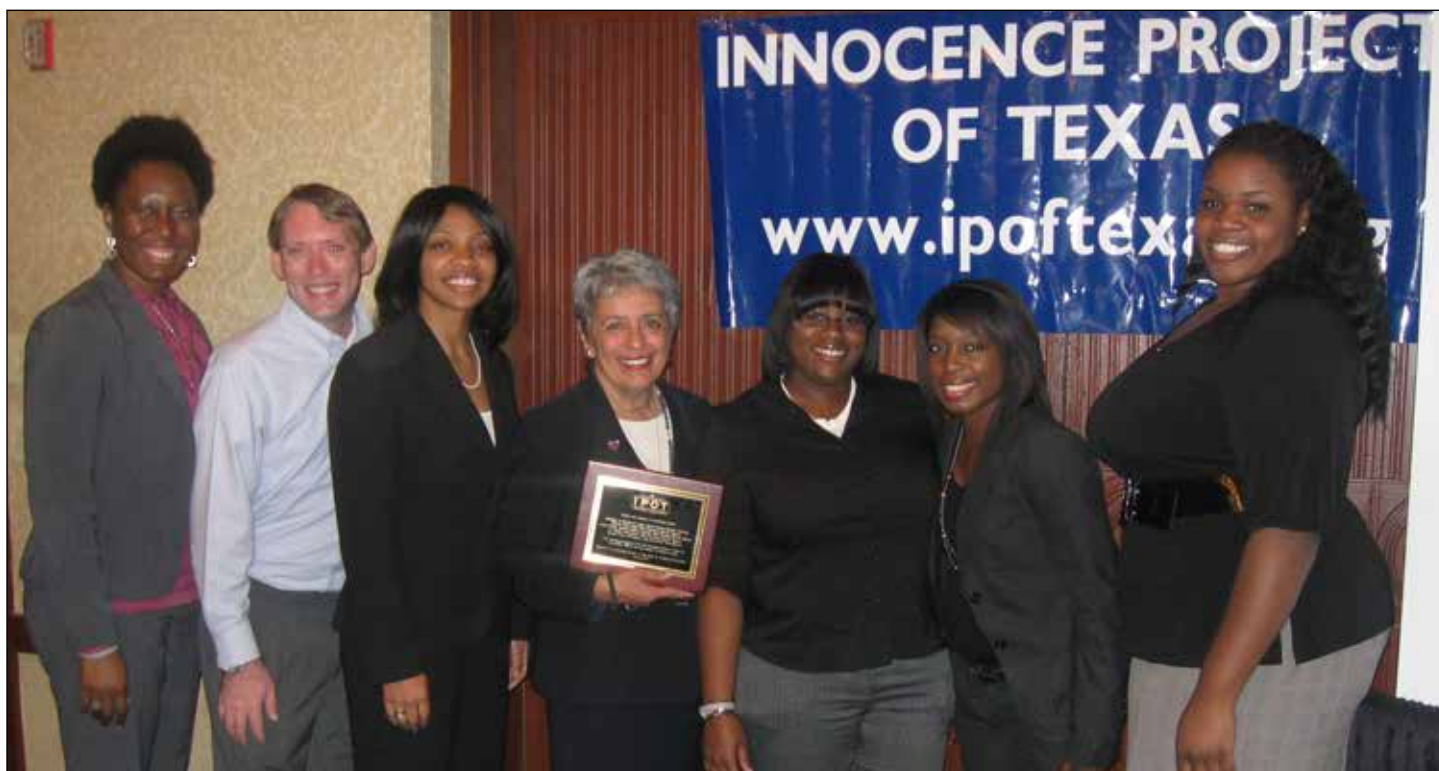
ECI is grateful to Professor Johnson for her many years of service and dedication to the Institute. Professor Johnson provided the vision for the institute, inspired staff and students by frequently reminding us that like Professor Earl Carl we could accomplish anything despite the obstacles, and always led by example in bringing projects to fruition. Her vision and support have made it possible for ECI to continue to move forward. She is a mentor to many and an inspiration to us all.

#### Select Publications

- *Bail: Reforming Policies to address Overcrowded Jails, the Impact of Race on Detention, and Community Revival in Harris County, Texas*, with Luckett A. Johnson, 7 NW. J. L. & SOC. POL'Y. 42 (2012).
- Marcia Johnson and Luckett A. Johnson, "Defending Foreclosure Actions", 49 REAL EST. L. J. 516 (2012).
- Marcia Johnson et al., "The Future of the Historically Black Colleges and Universities: Reframing the Debate", J. Race Gender & Poverty (publication pending 2012).
- *Will the Current Economic Crisis Fuel a Return to Racist Homeownership Policies?*, 6 MOD. AM. 25 (2010).
- *State of Black Houston Now* (2010)

# Thurgood Marshall School of Law Innocence Project

by Professor **Anthony S. Haughton**



*“The Innocence Project at TMSL has provided me with tremendous insight into the practice of law and the absolute need for zealous investigation in all criminal cases...the experience is invaluable...”*

**Mr. Jesus Estrada** (2012 intern)

The Thurgood Marshall School of Law Innocence Project (TMSLIP) was created in June of 2007, through a state appropriation, initiated by Senator Rodney Ellis, to the four Texas public law schools (TSU, Texas Tech, U of H, and UT). In March of 2009, the project began operating under the auspices of the Earl Carl Institute for Legal & Social Policy, Inc. (ECI). Presently, the ECI Center for Criminal Justice (CCJ), which engages in criminal justice research, analysis, collaboration, and litigation, houses the TMSLIP. Using an interdisciplinary approach, CCJ programs seek to address problems in the criminal justice system that disproportionately impact the urban and other minority communities. The goals of the Center are to (1) research criminal justice reform issues and recommend more effective policies and (2) provide interns with an opportunity to hone their advocacy skills.

TMSLIP addresses wrongful convictions of innocent persons in Texas in three primary ways - quality representation, policy reform, and education. Quality representation requires thorough training and supervision

of interns on matters ranging from intake to litigation and occasionally victim compensation. TMSLIP's active involvement in policy reform seeks to address the greatest causes of wrongful conviction, such as mistaken eyewitness identification, false confessions, use of informants, flawed forensic science, police and prosecutor misconduct, and ineffective assistance of counsel. Further, policy reform seeks to remedy procedures which hinder processing of legitimate innocence claims. Finally, TMSLIP provides and participates in conferences and continuing legal education seminars for the local and national bars. Doing so apprises judges, lawmakers, students, and the general public of the causes of wrongful convictions, and preventative measures needed to address them. The existence of TMSLIP is critical given the disproportionate numbers of African Americans negatively impacted by wrongful convictions. Further, TSU's mission as an urban institute invites its involvement in these cases.

Professor Anthony S. Haughton acts as the full-time supervising attorney who oversees six to twelve legal interns each semester tasked with reviewing requests for ►

innocence representation. Following the general Innocence Network definition of “actual innocence,” the project requires that there be “new evidence”, not presented at the original trial, of innocence that can be obtained and presented on the person’s behalf prior to engaging in innocence litigation. Representation is limited



to those who were convicted of an offense that did not occur or were convicted of an offense that someone else committed; thus technical defenses (e.g., self-defense, accident, and consent) do not qualify. The services are further limited to Texas based “final” convictions (including Texas federal crimes) and non-death penalty cases.

Generally, the exoneration process is a resource-intensive, long, laborious, and expensive process. For example, in DNA exonerations, the quickest and

*“...The Innocence Project has taught me to be more patient, more productive, and more efficient with my clients....it gave me a thorough understanding of how criminal law and procedure work together in our criminal justice system and how easy it is for that system to break down without proper lawyering.”*

**Ms. Elia Lopez** (2012 intern)

least expensive way to prove innocence, the average exoneree time spent incarcerated is 13 years.

Prior to 2009, there was a spike in the requests for assistance based on claims of innocence provable solely by possible DNA evidence. The spike was



caused in part by the early success of DNA cases and the resultant publicity surrounding such exonerations. The spike appears to have ended after 2009 as the cost for DNA testing dropped dramatically, DNA testing pre-trial became routine, and with the string of post-conviction DNA-based claims with evidence capable of testing coming to an end. As a result, most of the claims for actual innocence being raised currently are based on non-DNA claims.

Our non-DNA cases include an interesting array of convictions acquired through use of scientific and non-scientific evidence. Students must become “experts” of sorts in the matters in order to effectively assist clients. In cases involving forensic science evidence (e.g. arson, aural evidence, psychological profiling, fingerprinting, drug-testing, or hair/fiber), students review the latest forensic science findings and seek to uncover presently un-validated forensic sciences, thereby providing justification for the matter to be reheard. Most forensic science evidence, except DNA, has not been

*“...[IP] taught me to have a healthy level of skepticism when dealing with the legal system...the IP strives to shed light on the darkness of injustice, and anything that we can do to support this goal is an obligation on all of us.”*

**Ms. Fayez Hatamleh** (2013 intern)

validated. Judges are more skeptical about admission of such evidence. Currently, hair and fiber match inaccuracies are being un-validated and cases involving these forensics will be considered by TMSLIP for future representation.

The most common claim under investigation or litigation at TMSLIP (almost 66%) involves false allegation/identification in which witnesses are now recanting their prior statements. Generally, in recantation cases, there exists no additional underlying basis for guilt other than a possibly false allegation or misidentification by a “witness/victim.” At a minimum, a recantation by the complaining witness is necessary for TMSLIP to proceed. However, obtaining a recantation is not the goal of the process; rather, it triggers a need for further investigation. Because such cases are seen as skeptical, they require a great deal of corroborating evidence before courts will consider reversing the conviction.

TMSLIP has developed a great deal of experience in investigating and developing non-DNA cases. For

### Program Highlights

- ❖ TMSLIP students have successfully undertaken investigations outside the country, the state, and Harris County.
- ❖ In the last 3 years, outreach efforts increased total service requests from 140 to 1300.
- ❖ TMSLIP students regularly appear on KPFT’s Prison Radio show.
- ❖ Creation of a volunteer summer clinical program, which over 2 years has had 22 students who have volunteered more than 2600 hours.
- ❖ Associate Director Haughton’s televised discussion of wrongful convictions and Michael Morton appeared on PBS’s Houston Channel 8.



*“I think that giving students the opportunity to work hands-on, real cases gives them a sense of the responsibility and professional demeanor that will be essential to our ultimate success as future lawyers. I think this is even truer for students that will go straight into private practice and end up doing criminal cases without any kind of formal practical training.”*

Mr. Samuel Solana (2012 intern)

that reason, TMSLIP is developing the Recantation Project (RP), which will serve as an avenue for sharing information with outside interested parties. Additionally, it will be a recantation litigation, materials and policy research

hub. The ECI RP is designed to litigate recantation cases, compile recantation materials, and conduct policy research based on the issues presented in recantation cases.

TMSLIP (and the CCJ) address the policy issues

surrounding wrongful conviction through policy papers, trainings, and community presentations, often in collaboration with other groups. The exoneration process in Texas is complicated by a multitude of factors, including the failure of the criminal justice system to systematically preserve evidence for future review, the lack of transparency in obtaining information pre- and post-trial, and a political process which often pits re-election concerns based on mistakes of the actors

against the persons claiming innocence.

In the last 2 years, TMSLIP has achieved many milestones. First amongst these are the investigative successes. TMSLIP students have conducted investigations involving contacts out of the country and in-person interviews out of the state and out of Harris County. The investigative work included acquiring official documents, working with embassy officials, acquiring affidavits from doctors, psychiatrists, lawyers, aural, DNA, and other experts. ■

*“The time spent investigating these cases improved my organizational, investigative, and communication skills. However, the most important lessons I learned from working on my cases are that you must be humble and compassionate. As a future attorney, I plan to bring all of these skills and this mindset to my practice. It was easily one of the most interesting, challenging, and educational classes of my law school experience.”* — Ms. Itunu Sofidaya (2011 intern)

## Become part of the movement...

*“Creating a New Vision for Legal and Social Justice”*

### VOLUNTEER/PAID POSITIONS AVAILABLE

#### Being a part of the ECI Team will:

- Further your professional development
- Help to develop your research and writing skills
- Provide you with networking opportunities
- Give you hands on legal experience

**Student Employees:** ECI accepts applications for employment from students year round. Just download and complete the ECI Student Application from [www.earlcarlinstitute.org](http://www.earlcarlinstitute.org) and submit the completed application along with a copy of your transcript to the Earl Carl Institute either in person at the ECI offices, via fax at 713.313.1153 or email to [earlcarlinstitute@tmslaw.tsu.edu](mailto:earlcarlinstitute@tmslaw.tsu.edu).

**Volunteers:** ECI accepts volunteer law students, law graduates, paralegals and attorneys, as well as experts and student interns from other disciplines to work in any of our clinics or to provide support on any of our research and writing projects related to our policy advocacy efforts. In addition, we accept operations volunteers to assist with fundraising, financial compliance issues and marketing efforts.

**All positions are subject to interview requirements and a firm time commitment to the Institute.**



## The ECI Center for Criminal Justice: Focus on Indigent Defense

The ECI Center for Criminal Justice (CCJ) engages in various projects which seek to foster a fairer and more accountable criminal justice system. CCJ uses continuing legal education programs (CLEs) to train and educate attorneys and practitioners in the practical application of the law thereby raising the standard of quality representation. Ideally, these educational events will provide direct reduction of the disparate impacts of the criminal justice system on African Americans. A couple of such projects are discussed below.

### Promoting Best Practices in Indigent Defense through Educational Programming

#### Honorable Craig Washington & Senator Rodney Ellis Excellence in Indigent Defense Series

The year 2013 marked a particularly appropriate time to examine and reflect

on the recognition by the Supreme Court in *Gideon v. Wainwright*, 372 US 335 (1963), that the Sixth Amendment's guarantee of counsel in a criminal case is a fundamental right essential to a fair trial. The Court found that the right applied to the states through the

Due Process Clause of the Fourteenth Amendment. In the opinion, Justice Black stated that "reason and reflection require us to recognize that in our adversary system of criminal justice, any person hauled into court who is too poor to hire a lawyer cannot be assured a fair trial unless counsel is provided for him." Justice Black further noted that the "noble ideal" of "fair trials before impartial tribunals in whichever defendant stands equal before the law...cannot be realized if the poor

man charged with crime has to face his accusers without a lawyer to assist him."

Fifty years since the promise of the right to counsel, across the country it has been found to have been marred through under-resourcing of indigent defenders, of their offices and overwhelming case loads. As a result, many individuals charged with criminal cases found themselves in situations remarkably similar to Clarence Gideon—the "appearance of representation" but not the benefit of effective counsel.

Named after the Honorable Craig Washington and Senator Rodney Ellis, because of their instrumental and ongoing efforts in the fight for fair trials and effective representation for the indigent, this annual 2-day continuing legal education program is presented by academics and practitioners. The 2013 program was attended by more than 170 attorneys, 19 Public Defenders, and 46 law students. The program's first day was centered on a discussion and evaluation of the Sixth Amendment Right to Counsel, presented by both national and local academics and practitioners.

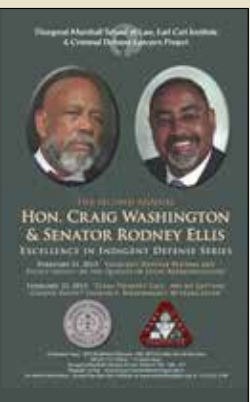
Day two featured a best practices day, providing specialized trainings by local and national practitioners.

The 3rd Annual "Excellence in Indigent Defense" Series, was held on

February 20 and 21, 2014, and focused directly on one of the CCJ's primary issues: exploring the reasons for race disparities in the criminal justice system. Racial disparities can be found across the criminal justice system, therefore the academic portion of the 2014 event explored the root causes of these disparities, including the question of police and prosecutorial discretion, the impact of general racial biases, the effect of cognitive bias, the use of statistics to examine the issues, and looking at why exposure of the disparate impacts have had little impact on slowing the system's effect on African American men.

The best practices day, aimed at improving the quality of indigent defense representation covering the following topics:

- How to secure Fair Juries, and the need for courts to insure fair access to Jury service for African Americans
- How to improve client communications
- An exploration of failed evidence, focusing on why Law Enforcement resist advances in forensic science
- A discussion on race and pre-textual stops, involving an investigation of how law enforcement officers try to circumvent the 4th Amendment when stopping Black motorists
- 11 DWITips for Not Guilty Heaven
- Defending Drug Cases: Advocacy and Strategy
- Closing Arguments
- How Race Impacts the Minds of Criminal Justice Actors. Each day over 200 individuals were in attendance. ■



# Capital Punishment Defense Best Practices CLE

Reaching the 500th execution in June 2013, Texas is the most aggressive of all execution states. Moreover, Harris County's execution frequency exceeds the totals of most states. Currently, African Americans make up over 40 percent of death row inmates nationally and in Texas. Further, in Texas the death penalty is much more likely to be sought in cases of black defendant-white victim as opposed to black defendant-black victim. Despite the rate of executions and racial disproportionality and disparity in Texas, there exist few capital punishment trainings. In collaboration with the Texas Defender Service,



CCJ is becoming a training resource on this issue.

This educational offering is particularly timely given the recent ABA Report, *Texas Assessment on the Death Penalty*, which found that “[i]n many areas, Texas appears out of step with better practices implemented in other capital jurisdictions, fails to rely upon scientifically reliable methods and processes in the administration of the death penalty, and provides the public with inadequate information to understand and evaluate capital punishment in the state.” The 2014 program is scheduled for November 7, 2014.

## CCJ Collaborations

Our collaborations include:

- Participation as a committee member on Harris County Coalition for Criminal and Juvenile Justice's (HCCCJJ) review and proposal to implement ticket and release of misdemeanants charged with applicable offenses rather than pretrial incarceration. The program would have saved Harris County approximately \$43 million dollars annually.
- The program to examine whether to bring a public defender's office to Fort Bend County spearheaded by Senator Rodney Ellis.
- The Annual Honorable Craig Washington and Senator Rodney Ellis, Excellence in Indigent Defense CLE. Other collaborators are Harris County Public Defender's Office, Texas Criminal Defense Lawyers Association, and the National Legal Aid & Defender Association.
- The annual Death Penalty Best Practices CLE collaboration with the Texas Defender Service.
- Exoneree events with the exoneration awareness program, in collaboration with the TSU School of Public Affairs, Thurgood Marshall School of Law Faculty & TMSL Clinics.

# SPOTLIGHT ON Disproportionality *in the* Criminal Justice System & HPD

Written By **Sarah R. Guidry**, ECI Executive Director | **Professor Anthony S. Haughton**, Associate Director

**I**n October 2013, the Earl Carl Institute published an update of its State of Black Houston Now 2010 Criminal Justice Snapshot. This particular update titled “*Criminal Justice Snapshot 2013: HPD Community Interactions & Accountability*” focuses on citizens’ interactions with Houston law enforcement. The publication is designed to serve as a resource for the community and community-based organizations as we search for implementable solutions to the issues unveiled by the data in this report. The report presents an introduction to the analysis and problem solving that needs to continue in order to address the disproportionality and disparities faced by the urban minority community. Recognizing that statistics may say different things to different people; the publication reports the statistics without analysis or editorializing.

The statistics in this publication were derived from various sources of data that sometimes conflicted and often varied. ECI reported what information was currently available and plans to publish a full State of Black Houston Now update in Fall 2014, based on additional American Community Surveys resulting from the 2010 census data.

## By The Numbers...

### Houston Racial Demographic Data

According to the 2010 U.S. Census, Houston is the fourth largest city in the nation with a population of over 2.1 million people. The 2010 census revealed a racial breakdown in which whites made up 51% of Houston’s population with



non-Hispanic whites making up approximately 26% of the total population. Blacks or African Americans made up 24% of the population. American Indians made up 0.7% of the population. Asians made up 6%. People of Hispanic origin, regardless of race, made up 44% of Houston’s population.

### Racial Profiling Data

In the late 1990s, racial profiling in traffic stops became commonly referred to as “*driving while black*”, due to the disproportion of Blacks being pulled over by law enforcement simply for being black.

Texas Law defines Racial Profiling in the Texas Code of Criminal Procedure Art. 3.05:

Art. 3.05. RACIAL PROFILING. In this code, “racial profiling” means a law enforcement-initiated action based on an individual’s race, ethnicity, or national origin rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity.

“Justice is supposed to be blind - meted out according to the legal characteristics of a case rather than the social characteristics of the defendant and victim. Decades of research on race and capital punishment, however, demonstrate that blind justice is a mirage.”

— Scott Phillips (2008) —

The Houston Police Department’s policy on racial profiling defines the term essentially the same.

On August 11, 1999, the Houston Police Department issued its first policy requiring the collection of officer-initiated contact data (Circular 99-0811-160, “Collection of Officer-Initiated Contact Data”). The policy specified:

No person should be targeted by law enforcement because of their gender or color of their skin. Through the development of a database and reporting system to track officer-initiated contact data, HPD is taking a leading role in defining methods to guard against the use of racial profiling as a basis for stopping or searching individuals. From this data, research will be conducted to determine if localized or systemic problems of this nature exist within HPD, so that concrete steps can be taken to eliminate them.

By law effective January 1, 2010, Texas law enforcement officers are required to document information related to racial profiling in traffic stops.

Racial profiling data reported for traffic stops made by HPD for 2012 are presented in the tables below:

**Table 1. Overview of Motor Vehicle Stops by Race/Ethnicity**

	Number	Percentage
Asian	13,929	3.5%
Black	127,216	32.2%
Hispanic	133,211	33.7%
White	115,173	29.2%
Native American	282	0.1%
Middle Eastern	5,117	1.3%
<b>Total</b>	<b>394,927</b>	<b>100%</b>

**Table 2. Race/Ethnicity as a Percentage of Disposition**

	Asian/PI	Black	Hispanic	White	Native American	Middle Eastern	Total (Disposition)
<b>Arrested</b>	1.2%	47.0%	36.5%	14.8%	0.1%	0.4%	100.0%
<b>Ticketed</b>	3.7%	28.9%	34.3%	31.6%	0.1%	1.4%	100.0%
<b>Released/Warned</b>	3.4%	39.2%	31.7%	24.5%	0.1%	1.1%	100.0%
<b>Percent</b>	<b>3.5%</b>	<b>32.3%</b>	<b>33.7%</b>	<b>29.0%</b>	<b>0.1%</b>	<b>1.3%</b>	<b>100.0%</b>



**Table 3. Race/Ethnicity as a Percentage of all Detentions in the Search Status**

Search Reason	Asian/PI	Black	Hispanic	White	Native American	Middle Eastern	Total (Disposition)
<b>No Search</b>	3.7%	30.8%	33.7%	30.3%	0.1%	1.3%	100.0%
<b>Consent</b>	1.1%	55.4%	30.1%	12.8%	0.1%	0.4%	100.0%
<b>Incident to Arrest</b>	1.2%	47.4%	36.8%	14.1%	0.1%	0.5%	100.0%
<b>Plain View</b>	1.1%	57.7%	25.8%	15.1%	0.0%	0.5%	100.0%
<b>Inventory (Towing)</b>	2.1%	40.3%	39.6%	17.5%	0.0%	0.5%	100.0%
<b>Probable Cause</b>	1.9%	48.9%	29.5%	18.5%	0.1%	1.2%	100.0%
<b>Percent</b>	<b>3.5%</b>	<b>32.2%</b>	<b>33.7%</b>	<b>29.2%</b>	<b>0.1%</b>	<b>1.3%</b>	<b>100.0%</b>

HPD reported only two complaints of racial profiling to their central intake during 2012. Further, the data in the racial profiling report indicates prior knowledge of the individual’s race in only 2.5% of the stops. ►



## Use of Tasers

The following tables reflect actual taser use results from analysis of a 2007 study of the HPD:

Suspect's Race/Ethnicity	Total Service/ Incident Report Analysis Population	CED Service/ Incident Reports	Difference
African American	46.6%	66.9%	20.9%
Latino	28.2%	23.5%	-4.7%
Anglo	24.4%	9.0%	-15.4%
Other Groups	1.4%	.6%	-0.8%

Officer's Race/Ethnicity	Total Service/ Incident Report Analysis Population	CED Service/ Incident Reports	Difference
African American	25.1%	17.3%	-7.8%
Latino	24.3%	27.9%	-3.6%
Anglo	46.2%	52.3%	6.1%
Other Groups	4.4%	2.5%	-1.9%

Based on the above analysis, African American suspects were involved in a proportionally greater number of total Service/Incident Reports analyzed as well as Conducted Energy Device (CED) service/incident reports.

The tables also indicate that Anglo officers are more likely to use a CED than minority officers. The results of a City of Houston 2008 audit indicated that black officers turned to their Tasers less often than Anglo or Hispanic officers, particularly in encounters with black suspects.

## Allegations of Police Brutality

Internal Houston Police Department punishment of its officers for excessive force appears to be rare. According to a series of reports by the Texas Observer:

- During the period from 2007 thru 2012, Houston civilians reported officers for “use of force”—the department’s term for police brutality—588 times
- The Internal Affairs division investigated each complaint and dismissed all but four
- In total, Internal Affairs sustained just 15—or 2 percent—of the 706 police abuse complaints the past six years.

Even where the report is made by fellow HPD officers punishment is rare:

- Houston Police officers reported other officers for excessive force 118 times
- Internal Affairs dismissed all but 11.

Having video-tape is almost mandatory for sustaining a complaint.

- In 10 of the 15 sustained complaints, the incident was videotaped.

HPD Shootings between 2007 and 2012:

- Not a single Houston police officer was disciplined for shooting someone from 2007 thru 2012.
- HPD officers killed citizens in 109 shooting incidents
- HPD officers killed animals in 225 shooting incidents
- In 112 shootings officers wounded citizens
- In 104, they wounded animals.
- **For the 550 shootings in which either a citizen of our animal was injured or killed, HPD disciplined no one.**
- 49 of the people Houston officers fired on during that time were unarmed; the equivalent of approximately one in five individuals shot being unarmed.

Again, it is our hope that this data reveals issues that uniquely impact the African American Community and that it begins and/or continues discussions about potential implementable solutions aimed at eliminating the disproportionalities and disparities faced by minorities in the criminal justice system.

To read the full report visit [www.tsulaw.edu/centers/ECI/publications.html](http://www.tsulaw.edu/centers/ECI/publications.html). ■



To view the full report, scan QR code with your smartphone

The Institute began the “Juvenile Justice Project” (JJP)

in November of 2009 to address the rising number of student ticket cases faced by students accused of school misconduct.

The project has operated since that time through financial support from the law school and grants from the Litigation Section of the State Bar of Texas, the Texas Bar Foundation, and the Houston Endowment.

The project’s original purpose was to provide direct legal representation to students in sealing or expunging criminal records, school disciplinary meetings or special education proceedings and Class C Misdemeanor cases, including truancy, pending in Justice and Municipal Courts in Texas. These cases generally involved in-school behaviors that had been criminalized rather than handled by schools as student code of conduct violations.

By directly confronting the issuance of these student tickets, the Juvenile Justice Project sought to ameliorate the impact on students, particularly minority students, and thus decrease the student drop-out rate and the correlating increased rate of future



## EARL CARL INSTITUTE JUVENILE JUSTICE PROJECT

incarceration. The project also addressed law student development by offering TMSL students, under the supervision of an attorney, the opportunity to serve as student attorneys, who conduct client interviews, develop case strategies, conduct investigations, gather evidence, prepare pleadings, and represent individual juveniles.

During the spring of 2013, the Earl Carl Institute’s Juvenile Justice Project (JJP) was able to get approximately 70 percent of the cases it handled dismissed by the prosecution. The JJP provided direct representation

on 17 cases in which students received Class C Misdemeanor school tickets. Of those 17 cases, 12 were dismissed outright, and the remaining 5 disposed of through deferred adjudication. Further, of those five cases, only one received a probationary period of 90 days; the rest were either 30 days or 60 days. Also, of the four resulting in deferred adjudication, three were granted tutorials in lieu of community service, and none of the cases required payment of any court costs or fines. As a result, over a period of 4 months, the JJP was able to

save its families, most of whom were low-income, over \$3500 in fines and court costs.

Also during spring 2013, the JJP collaborated with Lone Star Legal Aid and Children at Risk to launch a pilot program to staff Justice of the Peace Don Coffey’s court in Baytown. This collaboration allowed the JJP to offer free legal advice and possible representation to students and their families at the time of their appearance in court. ECI staff was allowed to speak to the children and parents and to advise them of potential defenses. The JJP launched this pilot program on April 23, 2013. During the course of the program, the JJP staffed ten dockets. These were predominantly in the afternoon, handling cases out of Goose Creek ISD. During the length of the pilot program, the JJP consulted with 13 families. Of the 13 families, the JJP represented eight families before ►

Juvenile Justice Project provides direct legal representation to students in sealing or expunging criminal records, school disciplinary meetings or special education proceedings and Class C Misdemeanor cases, including truancy, pending in Justice and Municipal Courts in Texas.



the Court. The remaining five families opted to take a deferred disposition after consulting with and receiving advice from the JJP. Of the eight families the JJP represented, six cases were dismissed outright.

Clients of the ECI JJP are primarily represented by Mani Nezami who serves as the staff attorney for the project. Mani received his Bachelor of Arts from the University of Texas at Austin (2005), and his Juris Doctor from South Texas College of Law in Houston (2010). Prior to joining the Juvenile Justice Project, Mani volunteered full-time with ECI's Innocence Project for 6 months. Along with support from one or two students each semester, Mani provides services from counsel and advice to direct representation of students who need assistance in multiple juvenile systems in Harris and the surrounding counties. Additionally, Mani and Executive Director Sarah R. Guidry provide educational programming for parents, advocates, attorneys and policymakers.

In addition to direct representation, the project maintains ongoing collaborations with likeminded

organizations to develop impact litigation strategies to address the criminalization of juveniles by schools. The Juvenile Justice Project's focus is on development of a strategy that will attack the disproportionate criminalization of and removal to alternative schools of minority students. The ECI will rely on the joint Department of Justice and Department of Education Discipline Guidance Package issued on January 8, 2014 as guidance for identifying potential cases for impact litigation. (To review the guidance visit <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>). ECI also continually works with like-minded stakeholders to promote legislation that would eliminate or reduce the use of Class C ticketing by schools.

As a result of the efforts of many, in 2013 the Texas Legislature passed sweeping changes to address student ticketing. Specifically, Senate Bill 393 prohibits law enforcement from issuing citations to children for "school offenses." S.B. 393 also requires a court to dismiss any truancy complaint that omits a truancy prevention

statement. The bill prohibits the prosecution of children younger than: (a) 10 for any fine-only misdemeanor, and (b) 12 for disruption of class, disruption of transportation, and most disorderly conduct offenses. The bill creates a rebuttable presumption that children between ages 10 and 15 are incapable of committing most fine-only misdemeanors or violations of municipal penal ordinances. It also requires a court to dismiss a fine-only misdemeanor or violation of municipal penal ordinance prosecution against a child who has a mental illness or developmental disability. As a result of these 2013 Texas legislative changes that went into effect on September 1, 2013 (specifically SB 393, SB 394, SB 395, and SB 1114), the JJP seen a significant decline in the number of behavior based school ticket cases.

Therefore, beginning December 2013, the program was revamped to begin what is called the **JJP Disproportionate Minority Contact (DMC) Project**. This expansion of the JJP addresses the issue of disproportionate minority contact, through a holistic approach, by providing legal representation to children who are in multiple juvenile systems. These systems generally include the criminal justice system, disparate educational systems, the mental health system and foster care system. The project continues to have three components: (1) representation (2) training for community organizations and attorneys involved in these systems, as well as policy advocacy through education for lawmakers, and (3) participation in impact litigation.

Disproportionate Minority Contact, also known as DMC, occurs when there is a disproportionate number of

Compared to Anglo youth, African American youth are 2.78 times and Hispanic youth are 1.56 times more likely to be referred to juvenile justice.

minority youth who come into contact with a particular juvenile system. The DOJ Office of Juvenile Justice and Delinquency Prevention has made elimination of DMC a priority. In Texas, Senate Bill 501 (82nd Texas Legislative Session) “was enacted in May 2011 to address the disproportionality of certain groups in the juvenile justice, child welfare, health, and mental health systems and the disproportionate delivery of certain services in the education system.”

#### Examples of DMC statistics include:

1. Compared to Anglo youth, African American youth are 2.78 times and Hispanic youth are 1.56 times more likely to be referred to juvenile justice. African Americans are 1.29 times more likely to be confined and 1.89 times more likely to be transferred to an adult court.
2. Child Welfare statistics show that child abuse and neglect reports are higher for African and Native American youth than they are for Anglo or Hispanic youth. For example, in 2009 while 16 percent of all the children in Houston were black, approximately 57 percent of children in the Houston foster care system were black.
3. In terms of mental health, “once hospitalized” in this type of facility, “the use of restraints is higher for African Americans than Hispanics or Anglos.” In addition, African American youth are “three times more likely than Anglo or Hispanic youth to report feeling sad or hopeless and to consider attempting or planning suicide.” In turn, African American children and youth are “five times more likely to attempt suicide.”

Because there is a significant overlap of involvement by individual youths in each system, the DOJ is promoting the idea of having integrated implementable solutions that overlap each area that may impact a given family.

In order to significantly improve our communities, our state, and most importantly, the lives of our colored youth and children, we must make the elimination of DMC a priority. ECI proposes to be on the cutting edge in terms

of assisting individuals, educating the public and advocating changes to address DMC. Implementation of this project is an excellent start in that process. We plan to represent foster children who are also involved in one or more of the other juvenile systems involving DMC.

By directly confronting the issuance of student tickets and removals to alternative schools, disparate educational outcomes, delivery of mental health services and juvenile contact with the juvenile justice system, the ECI Juvenile Justice DMC Project works to ameliorate the impact on minority students, particularly African American children, by providing services in the following areas:

- 1) School Disciplinary/Special Education Hearings- We can provide representation to students who are facing a school disciplinary hearing or a special education hearing. Foster parents in particular may need assistance in navigating the educational system as surrogate parents.
- 2) Sealing of Criminal Records- If a child has a previous criminal record, upon reaching the age of 17, we will work with them to have their record sealed or expunged, as appropriate. Having an open criminal record may have a detrimental impact on the child’s future employment, housing and educational opportunities. This can especially impact youth aging out of foster care who do not have a family to rely on.
- 3) Direct Legal Representation in All Class C Misdemeanor School Ticket Cases- If a child has received a Class C Misdemeanor school ticket for in-school behaviors or a truancy complaint, we can provide them with in-court direct legal representation on that matter.
- 4) Advocacy in securing early, preventative and appropriate mental health services.

This project has no income qualifications and is currently funded through a grant from the Houston Endowment as well as TMSL support. The project has also been awarded an Equal Justice Works Fellow to oversee the representation through 2016. ■

In order to significantly improve our communities, our state, and most importantly, the lives of our colored youth and children, we must make the elimination of DMC a priority.



## No **BLACK** Child Left Behind in Disproportionate School Disciplinary Actions

Written By **Sarah R. Guidry**, ECI Executive Director

I recently discovered that my paternal great-grandfather purchased land and built a school for his children and grandchildren to be educated back in the late 1800s. I often recall, as a child, hearing my father talking about how his grandfather had volumes of Shakespeare on his book shelves; that contributed to my father's yearning to learn. It seems that growing up not a single day passed without both my parents and grandparents "preaching" the importance of education. As parents and grandparents of African American children, education was especially important to them. They knew, as I do, that education is a way to a better life. Education improves key aspects of life including financial, social, familial, and spiritual. Education is power.

I am sure that what was not included in my parents' and grandparents' dreams for future generations was

an educational system that does not create more opportunities. My forbearers would never have envisioned a system that routinely criminalizes our children, closing off their chances of a better future and the doors to opportunity and instead leading them down a path towards lifelong involvement in the criminal justice system. This phenomenon is now referred to as the school-to-prison pipeline.

African American students, and to a lesser extent Hispanic students, are significantly overrepresented in

*"My forbearers would never have envisioned a system that routinely criminalizes our children, closing off their chances of a better future and the doors to opportunity and instead leading them down a path towards lifelong involvement in the criminal justice system."*

discretionary suspensions and disciplinary alternative school referrals for nonviolent offenses. The high correlation between school misconduct and later incarceration that led to the phrase, “the school-to-prison pipeline” is now widely acknowledged and researched. This is demonstrated in the Texas A&M Public Policy Research Institute’s finding that, “the single greatest predictor of future incarceration in the juvenile justice system is a history of disciplinary referrals at school.” The simple numbers show that one in three juveniles sent to a locked down facility operated by the Texas Youth Commission has already dropped out of school—and, according to a report by Texas Appleseed, more than 80 percent of Texas adult prison inmates are dropouts..

According to a Texas study on high school discipline patterns released in July 2012 entitled *Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement*, nearly 60 percent of students in Texas received at least one disciplinary action, including in-school suspensions ranging from a single class period to several days, with no cap on how many suspensions they can receive in a school year. “In a little over 2 decades, a paradigm shift has occurred in the Lone Star State. The misdeeds of children—acts that in the near recent past resulted in trips to the principal’s office, corporal punishment, or extra laps under the supervision of a middle school or high school coach—now result in criminal prosecution, criminal records, and

## Nearly 60 percent of students in Texas received at least one disciplinary action

untold millions of dollars in punitive fines and hefty court costs being imposed against children ages 10 through 16.”

Other findings from the *Breaking School Rules* report include:

- ❖ More than 30 percent had out-of-school suspensions of up to 3 days, with no cap on the number in a year;
- ❖ About 15 percent were sent to disciplinary alternative education programs for an average of 27 days;
- ❖ Approximately 8 percent were placed in juvenile justice alternative education programs, averaging 73 days.
- ❖ Only about 3 percent of the disciplinary actions were for behaviors that have a mandated school response under state law.
- ❖ The research found that African American students were more likely to receive discretionary actions than Hispanic or white students. In fact, the complex analysis conducted by the researchers found that African American students had a 31 percent higher likelihood of a school discretionary action as compared to otherwise identical white and Hispanic students.

Texas Appleseed found that available data on ticketing and arrest of students on Texas school campuses across the state indicates that minority and special education students are overrepresented in school ticketing as well as other disciplinary referrals. The 2010

report also made the following findings of particular interest:

- ❖ It is conservatively estimated that more than 275,000 non-traffic tickets are issued to juveniles in Texas each year based on information from the Texas Office of Court Administration (TOCA). Low reporting of juvenile case data by Justice of the Peace courts to TOCA suggests that the number of non-traffic tickets issued to students may very well grossly exceed that number.
- ❖ Twenty-two of the twenty-six districts or jurisdictions supplying ticketing data reported an increase in the number of tickets issued to students at school. There is a correlation to the increase in law enforcement presence in the school. Some Texas school districts have more than doubled the number of Class C misdemeanor tickets issued over the 2- to 5-year period. ►





- ❖ The courts providing information for the study reported assessing fines and court costs for Class C tickets ranging from less than \$60 to more than \$500—and many students receive multiple tickets in a single school year.
- ❖ Where a child attends school, and not the nature of the offense, is the greater predictor of whether that child will be ticketed at school. The practice of issuing Class C tickets depends on locally applied policy, not the nature of the student's behavior.
- ❖ In 2006-07, some of the state's largest school districts issued the greatest number of Class C misdemeanor tickets, with Houston ISD issuing 4828 tickets, and Alief ISD issuing 1926. In the most recent year for which ticketing data is available, the following school districts reported ticketing African American students at a rate double their representation in the student body: Austin ISD,

Dallas ISD, Humble ISD, Katy ISD, and San Antonio ISD.

- ❖ Of the 15 districts that could identify the race and ethnicity of ticketed students, 11 ISDs disproportionately ticketed African American students compared to their percentage of the total student population.

School tickets may be issued for such things as disruption of class, disorderly conduct, disruption of transportation, truancy, and simple assaults related to student fights (regardless of the initiator). Such tickets can result in criminal convictions, fines up to \$500, payment of court costs, and a maximum of 200 hours of community service. In addition, until September 1, 2013, a student could be arrested on his or her 17th birthday for unpaid fines. Tickets that result in criminal convictions can impact a student's ability to get future employment, rent a home, obtain a student loan, obtain a professional license, possess a firearm, enter the military,

participate in internships, and can be used to enhance sentencing on adult convictions.

ECI's Juvenile Justice Project frequently represents children in cases we consider particularly egregious, which brings to mind the story of a student we'll call Mick. Mick retained the ECI Juvenile Justice Project to represent him in a school ticket case. Mick has ADHD and Asperger's, a form of autism, which most often manifests through difficulty with social interaction and repetitive and restricted patterns of behavior. Mick has an issue with elopement. Elopement is when a student leaves a permissible area of containment and enters onto another part of the school grounds unsupervised or without permission. Mick's Individual Education Plan (IEP) specifically requires that his emergency contact (in this case, his mother) be notified immediately if Mick elopes and before any police involvement. Mick was issued a ticket for trespass on school grounds after he eloped from his Behavior Support classroom. Multiple members of the school personnel followed Mick around the campus for 2 hours, never once notifying his mother of his elopement. One of the principals finally suspended Mick for the purpose of involving the police. School policy holds that the only lawful place a suspended student may physically "wait" is in the front office. If the student leaves that area or refuses to go to the office, the school may call the police to arrest the student for "trespass." Only after three squad cars arrived on the scene and Mick was

*Where a child attends school, and not the nature of the offense, is the greater predictor of whether that child will be ticketed at school.*

handcuffed and placed in the back seat of a squad car was Mick's mother notified of the situation. This was Mick's third ticket for behavior related to his disability. We were ultimately able to get Mick's case dismissed. Mick could have potentially had three criminal misdemeanor convictions against him, all by the age of 12, possibly affecting his dream of going to college to earn a degree in computer science and becoming a famous gaming designer.

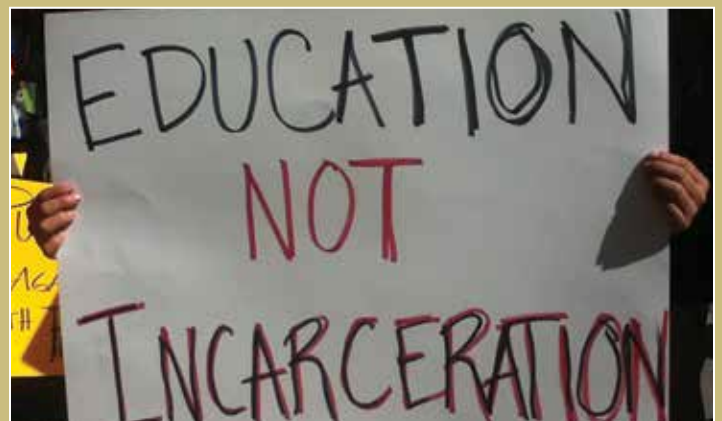
In other cases around the state, children have been ticketed at school for wearing too much perfume, engaging in horse play in the cafeteria, chewing gum in class, cursing in the hallway or cursing when denied a request to go to the restroom, and responding in self-defense to bullying. One of the JJP's clients with Asperger Disorder (a form of Autism) was charged with assault for pushing past a teacher who tried to corner him during a "meltdown." His IEP provided that in such cases he would be allowed to leave the classroom and call a parent. The director of special education for the school district supported our efforts to get the case dismissed, which were successful.

The discretionary removal and school ticketing issues as they contribute to the school-to-prison pipeline should be of particular concern to the African American community. According to the landmark 2011 study referenced above, using Texas data, the Public Policy Research Institute at Texas A&M University and the Council of State Governments (CSG) found that, 97 percent of disciplinary referrals are discretionary

(meaning the school does not have to refer the student). The study further makes two significant findings relative to African American students:

- ❖ The great majority of African-American male students had at least one discretionary violation (83 percent), compared to 74 percent for Hispanic male students and 59 percent for white male students. The same pattern was found, though at lower levels of involvement, for females—with 70 percent of African American female pupils having at least one discretionary violation, compared to 58 percent of Hispanic female pupils and 37 percent of white female pupils.
- ❖ Whereas white, Hispanic, and African-American students experienced discretionary actions at significantly different rates, students in these racial groups were removed from school for mandatory violations (3 percent of disciplinary referrals) at comparable rates.

ECI will continue to work diligently to derail this system. We cannot afford to stand by and watch the efforts of our great-grandparents, grandparents, and parents be eroded by a school system that would rather send our children to jail than to college. If you need help fighting this uphill battle, please contact the Earl Carl Institute at 713.313.1139 or visit our website at [www.earlcarlinstitute.org](http://www.earlcarlinstitute.org) for more information. ■



*97 percent of school disciplinary referrals are discretionary (meaning the school does not have to make a discipline related referral). Moreover, young African Americans receive a disproportionate number of school tickets. In some school districts, African Americans are ticketed at a rate double their percentage of the school population.*

# ECI Juvenile Justice Project in the News



The Earl Carl Institute is among top advocates for changes to how school discipline is handled in Texas. The Institute and an ECI client were recognized in the April 12, 2013, New York Times lead article, *"With Police in Schools, More Children in Court."*

Reporter Erik Eckholm writes, "Sarah R. Guidry, the executive director of the institute, said that when students appeared in court with a lawyer, charges for minor offenses were often dismissed. But she said the courts tended to be 'plea mills,' with students pleading guilty in the hope that,

once they paid a fine and spent hours cleaning parks, the charges would be expunged. If students fail to show up and cases are unresolved, they may be named in arrest warrants when they turn 17."

The JJP has also received mention in the Washington Post article "Texas Students Sent from the Classroom to Courtroom."

Additionally, Sarah Guidry, Executive Director of the Earl Carl Institute, was also recently interviewed by a production company from Barcelona, Spain, for a documentary on the criminalization of students for school related offenses.



To view the entire article, scan QR code with your smartphone



To view the entire article and video, scan QR code with your smartphone

ECI was also interviewed by *PBS NewsHour* from Washington, DC, in a segment entitled "In Texas Schools, Parents Cited for Students' Misbehavior." The online interview featured an ECI client and his father as well as the ECI executive director. ■

Written By **Lucinda R. Daniels**  
ECI Associate Director

According to the American Bar Association Standing Committee on Pro Bono & Public Service, the legal profession is, at its foundation, about service—service to individuals, to organizations, and to private and public entities. “Public service,” however, has a special meaning for the legal profession. This meaning may be debatable around the edges, but at its core is the responsibility of the profession to ensure access to justice for all by meeting not only the legal needs of those who can afford a lawyer but also the legal needs of those individuals and communities that cannot. Standard 302(b)(2) of the ABA Standards for the Approval of Law Schools provides:

- A law school shall offer substantial opportunities for... student participation in pro bono activities. *Interpretation 302-10 provides:* Each law school is encouraged to be creative in developing substantial opportunities for student participation in pro bono activities. Pro bono opportunities should at



a minimum involve the rendering of meaningful law-related service to persons of limited means or to organizations that serve such persons; however, volunteer programs that involve meaningful services that are not law related also may be included within the law school's overall program. Law-related pro bono opportunities need not be structured to accomplish any of the professional skills training required by Standard 302(a)(4). While most existing law school pro bono programs include only activities for which students do not receive academic credit, Standard

302(b)(2) does not preclude the inclusion of credit-granting activities within a law school's overall program of pro bono opportunities so long as law-related, non-credit bearing initiatives are also part of that program.

ECI takes great pride in providing students with opportunities to be involved in pro bono, community service, and policy advocacy activities. We provide these opportunities under the auspices of our Center for Student Development, which is headed by Associate Director Lucinda Daniels.

ECI's pro bono, community service, and policy advocacy supports the Texas Southern University's strategic goal to provide socially responsible public service. Further, it fulfills the law school's mission to provide a high-quality academic legal training program to its diverse community of students by: (1) providing access to an enriching pro bono opportunity that enables them to give back to the community and (2) furthering the professional development of law students through the skills acquired while teaching law-related education. ■



# TMSL Street Law: Law Students Giving Back To The Community

Written By **Lucinda R. Daniels**, ECI Associate Director



**T**hurgood Marshall School of Law has many service oriented programs that reach out and give back to the community. One such program is the Thurgood Marshall School of Law Street Law Program hosted each spring. The TMSL Street Law Program, headed by ECI Associate Director Lucinda Daniels, is a pro bono educational, legal outreach program that trains current law students to teach law at high schools throughout Houston-Harris County. The mission of the Program is to empower youth through interactive education about law, democracy, and human rights while furthering the professional development of law students.

Law students who participate in TMSL Street Law enjoy the emotional

TMSL Street Law provides high school students in urban and minority communities throughout Houston-Harris County with essential legal information and helps them navigate through our law-saturated society.

fulfillment of providing pro bono service to the community while experiencing a unique professional development opportunity. Through teaching about the law and interacting with the community, law students are given a chance to analyze state and local laws and procedures. Specifically, TMSL law students who participate in this program are provided with a curriculum on various aspects of the law and participate in “train the trainer” classes with the ECI associate director. The law students then train high school students, on a weekly basis, through the

use of interactive teaching strategies including mock trials, moot courts, and simulated negotiations that allow students to hone their communication and analytical skills while gaining exposure to other professionals and the community. Street Law injects a human element into law school education, providing students with insight into public policy issues and concerns that impact their community.

TMSL Street Law provides high school students in urban and minority communities throughout Houston-Harris County with essential legal information and helps them navigate through our law-saturated society.

To date, the program has trained approximately 250 HISD high school students about basic legal rights. The program serves to put lawyers in a positive light while at the same time creating positive role models for the students who participate in the classes.

In addition, the program hopes to train teens about the criminal law process, delineating fact from myth, so that the student can avoid incidents of crime and ultimately remain in the educational system.

An ancillary long-term goal of the program is to increase diversity in the legal profession. ■



## Student Internships at ECI



The Institute has grown significantly from its creation as a skills enhancement program for law students to an advocacy organization that trains students in research, writing, advocacy skills, leadership, office management, and problem solving. The Institute expanded its advocacy initiative in winter 2001 when it established the Institute for Trial Advocacy, which has evolved into the Center for Civil Advocacy. In spring 2003 and 2004 respectively, the expansion continued with the creation of the Drug Defense

and Advocacy Clinic and the Center for Human and Civil Rights, neither of which are currently in operation. However, in 2005, the Institute added the Center for Government Law to its programs and in 2010 added the Center for Civil Advocacy and the Center for Criminal Justice. In 2007, the Institute launched its Opal Mitchell Lee Property Preservation Project, providing free legal services to qualified low-income clients. The most recent addition to the ECI clinical programs came in 2009 with the initiation of the ECI Juvenile Justice Project. Also



in 2009, ECI added a third clinical program when the Thurgood Marshall Law School Innocence Project was placed under the auspices of ECI.

ECI hires between 12 and 15 students each semester to work on ECI policy or position papers as well as on the Juvenile Justice and OMLPPP clinic cases. Our goal in offering research and writing and clinical internship opportunities is to provide students with the opportunity to engage in client or written policy advocacy. ►



“ECI has allowed me to gain practical experience that I would not have been able to get in a classroom setting. The work is challenging, but I was able to learn skills that I will be able to utilize in my legal career.”

— Rian Ervin —



“Law school teaches you how to think like a lawyer, but the ECI teaches you how to be a lawyer. The ECI takes you out of the books and puts you in the real world.”

— Jose Martinez —



2014

*“Working with the Earl Carl Institute has afforded me practical experiences in dealing with a variety of different types of law that I would not have had the opportunity to explore if not for ECI.”*



— Sean Darvishi —

2014

*“Priceless! Earl Carl offers the large law firm perks of having many projects available to work on and in-house legal experts while offering the small law firm perks of one-on-one mentoring and a serious but non-threatening learning environment. This is by far the best work experience I have ever had.”*

— Tarishawn Morton —

# Opal Mitchell Lee Property Preservation Project – Working To Increase African American Wealth



The Earl Carl Institute began the Opal Mitchell Lee Property Preservation Program (OMLPP/OML) in September of 2007, through a \$50,000 grant from Texas Access to Justice Foundation (TAJF), to address the legal challenges lower income people face in maintaining their real property and enhancing their wealth.

In 2010, the program was expanded to include foreclosure defense through a special grant to address the foreclosure crisis. Since 2007, the grant has increased to its current amount of \$118,340 per fiscal year.

The program was named after Ms. Opal Mitchell Lee, whose family acquired more than 100 acres of mineral land in East Texas after the death of her great grandfather. Over the years, many of her relatives died intestate, leaving title to the land

fractured among numerous heirs. As a result of being unable to locate all heirs to share in payment of tax liens, the property was lost in a tax foreclosure sale. The legal issues surrounding Ms. Lee's loss are widespread within many disenfranchised communities, and it is our goal to help reduce property loss of this and other types.

The Project is an ECI advocacy program supervised by two attorneys paid with the grant from the Texas Access to Justice Foundation. On average, ECI hires two students per semester to serve as student attorneys for the project. The OMLPPP provides pro bono services to low income individuals to preserve and protect their property interests. Services include actions involving probate, adverse possession, clearing title to property, partitions, mortgage, Property Owners Association, and tax foreclosure defense, property tax exemptions, formation of nonprofit corporations that assist with community development and consumer debt defense.

Through the services of supervising attorneys, student practitioners, and strategic partnerships with other local and state civil legal services programs, the OMLPPP provides legal services to those in jeopardy of losing their property or who want to put measures in place to preserve their property for themselves and future generations. Those services include representation in court, counsel and ►



advice, legal research, pro se document preparation, assistance in preparation of non-profit incorporation documents as well as applications for tax-exempt status, review of real estate documents, wills preparation and contested and uncontested litigation.

The project's focus is to help economically disadvantaged communities retain and grow wealth through the prevention of land loss. If one reflects on one of the most significant contributors to overall poverty is the lack of home and property ownership in America, then one can only conclude a means of reducing poverty is through assisting individuals from losing their best access to wealth. Consider the following:

- In 2007, when the project started, the top 1 percent of households (the upper class) owned 34.6 percent of all privately held wealth, and the next 19 percent (the managerial, professional, and small business stratum) had 50.5 percent, which means that just 20 percent of the people owned a remarkable 85 percent, leaving only 15 percent of the wealth for the bottom 80 percent (wage and salary workers).
- In 2007, the average white household had 15 times as much



During the 2012 calendar year ECI was able to preserve or obtain approximately \$1.2 million dollars in assets for its OMLPPP clients.

total wealth as the average African American or Latino household. If we exclude home equity from the calculations and consider only financial wealth, the ratios are in the neighborhood of 100:1. Extrapolating from these figures, we see that 70 percent of white families' wealth is in the form of their principal residence; for Blacks and Hispanics, the figures are 95 percent and 96 percent, respectively.

- In 2011, a total of 47,652 properties were foreclosed on in Harris County.

The project's impact can be gleaned from the increase in cases handled by the project each year and the increase in funding and staff to meet the need of our target population.

During 2013 OMLPPP screened 109 cases, closed 36 cases and had 54 open cases at the end of the year, providing services affecting 241 individuals. While most of ECI's clients are residents of Harris County, we were able to assist residents in Brazoria, Montgomery, Galveston, Waller and Fort Bend counties. We receive most of our clients through referrals from other local legal services providers and the university community.

In April 2013, the Project which began with only a 0.375 FTE contact attorney, was able to contract for the services of two full time contract attorneys; Silvia Tiller, with over 21 years of experience and a recent TMSL

graduate, Ashley Vignaud Marshall, who had worked for ECI as a student. OMLPPP had 5 student interns this past year who each worked 10 hours per week during the Fall and Spring semesters and 20 hours per week during the summer. Each student was assigned a docket of ongoing cases and a docket of new cases that they had to work from the point of intake. All students were notified and encouraged to attend every court hearing, mediation, and client consultation. Three of the interns had their student bar cards and actively participated in court proceedings. All of the students participated in some aspect of trial or hearing preparation including drafting and answering discovery, researching key legal issues, preparing trial notebooks and interviewing clients.

Some of the project's past successes have included:

- Providing inter vivos assistance to an aging landowner (85 years old) who had an aversion to wills but wanted to retain his property ownership in his heirs.
- Assisting with partitioning property that had been in a family for generations, passing intestate from generation to generation, and of which the eldest member had solely borne the tax obligation for a number of years and thus keeping the property in the family by enforcing the requirement for all heirs to share the tax burden.



- Litigating a case involving a dispute over rights and interest to homestead property and thus maintaining housing for six people who might otherwise become homeless.
- Negotiating delinquent property tax settlements and thus forestalling foreclosure and preventing individuals from facing home loss and possible homelessness.
- Assisting with claiming appropriate property tax exemptions and successfully advocating for reduced taxes through assisting with property tax protest proceedings
- Providing executed estate planning packages to many elderly which will maintain property and enhance the wealth of their families for generation to come.
- Protecting the home of an 80-year-old from foreclosure by her homeowners' association for failure to get permission to erect a storage building in her backyard.
- Forestalling foreclosure proceedings for a number of clients by filing temporary restraining orders that provided the client with time to seek a loan modification.

The OMLPPP participated in a number of programs addressing the problems of the low income individuals. The

most successful being the Debt Boot Camp where the project partnered with Capital One Bank, Windsor Village United Methodist Church, Crime Stoppers, Money Management International, and Covenant Community Capital. The Debt Boot Camp provided its participants with a 9 month curriculum that taught habits and principles of reducing debt, avoiding debt, and eliminating debt. The average graduate from the course increases their credit score by 62 points. Two participants have been able to save enough for a down payment on a house. To date there has been approximately 550 participants enrolled in the program. In addition to workshops ECI presented, the OMLPPP also provide counsel and advice and brief service to a number of individuals who qualified for our legal services. The classes and materials provided, as well as services offered through organizations like ECI had an estimated value of over \$450. ■

The Debt Boot Camp provided its participants with a 9 month curriculum that taught habits and principles of reducing debt, avoiding debt, and eliminating debt.

## ECI Secures Home For Homeless Veteran

Written By Attorney Addie L. Johnson



William "Bill" Hawkins is a 63-year-old veteran of the Air Force. After serving our country in the Vietnam War, he returned home to Seattle and then moved to Houston to attend Texas Southern University. While attending college, he lived at a nearby boarding house with the owner Pearlle Mae and a roommate. Before earning his degree, Bill left school and moved back to Seattle to bury his father and reconnect with his children. On his way back to Texas, his venture landed him in California where he stayed for 5 unproductive years. Although he was working with the Parks Department, he was unable to afford decent living

accommodations. He often slept on the very park benches he worked, local shelters, or the occasional motel room. Despite what most would have seen as a hopeless situation, Bill was determined to get back to Houston and start anew with the help of Ms. Pearlle Mae. In 1990, he again made it to Houston only to find that Ms. Pearlle had passed away 2 years prior, with her house being abandoned and unattended. By February of 1993, Bill was again in need of a place to stay and made his way to Ms. Pearlle's house. Bill moved in and began fixing up the property

*"I may never be able to adequately express the gratitude I feel, but I want you to know, God is working through you to the end of bettering the lives of we, the little people, struggling against tremendous forces."*

—William "Bill" Hawkins—

as best he could. He relied on some assistance from neighbors until he could afford to turn on the lights, water and gas.

In 2002, Harris County sued Pearlle Mae for back taxes. Bill inserted himself in the lawsuit, trying to protect his almost 10-year interest in the property. Despite his efforts, a judgment was entered against her and levied on the property in 2004. The house was put up for public auction four times in 2007 and once in 2008. When the house was put up for public auction in 2010, Bill made an appointment with the Earl Carl Institute. Through the efforts of the ECI staff attorney, the foreclosure sale was taken off the auction list to give Bill an opportunity to get title to the property in his name and repair the tax issues. On July 10, 2010, the Earl Carl Institute filed suit on behalf of Mr. Hawkins to get legal title to the home he had been living in for 17 years. An attorney ad litem was appointed to represent Pearlle Mae and her unknown heirs. She, the ad litem, graciously provided her services pro bono. After her investigation and the testimony of one of Mr.



Addie Johnson  
ECI Former Staff Attorney

Hawkins's neighbors in open court, she found no cause to object to Mr. Hawkins's claims. On August 29, 2011, Mr. Hawkins was granted fee simple title to his home of nearly 20 years. Now that the title was in his name, The OMLPPP worked with Mr. Hawkins assisting him with applying for a tax deferral due to his disability.

In his own words, Mr. Hawkins came to us "after years of homelessness, shelters, and often demeaning public assistance pleas..." He is now excited about the possibility of transforming "his property into a house and home that [he] can fix up and enjoy." Mr. Hawkins has thanked ECI profusely for getting him his title and in response to an ECI survey he stated, "I may never be able to adequately express the gratitude I feel, but I want you to know, God is working through you to the end of bettering the lives of we, the little people, struggling against tremendous forces." ■

# 80 Year Old Gives Homeowners' Association A Run For Their Money



Our client, Ms. Ethel Givens, an 80-year-old senior citizen, was ordered by her homeowners' association (HOA) to remove a storage building from her backyard. The HOA argued that the building violated the neighborhood's deed restrictions adopted by the residents of her subdivision. In addition to removal of the property, the HOA sought attorney's fees and damages at the rate of \$200.00 per day.

Our client had parked her car in her driveway for years and had used her garage for storage until the day her vehicle was stolen from right in front of her home. She understandably became concerned about her safety and decided to construct a building in her backyard to be used for storage and additional housing, if necessary. This would allow her to park her new car in the garage.

Without consulting the HOA, in 2005, our client began construction on the building. A member of the HOA noticed the construction and paid our client a visit. During the visit, he informed her that she needed to obtain certain permits from the City of Houston and that the building was not far enough from the back property line to comply with HOA restrictions. Based on these representations, our client got a city building permit and also hired a company to move the building that was too close to the back fence, even though its foundation had already been laid. Our client, who had not read her deed restrictions since she bought the property in 1972, assumed based on the representations by the HOA representative that she had fully complied with the building requirement.

It wasn't until over a year later that our client received formal notice from an attorney on behalf of the HOA that the building was twice the size permitted for a storage facility, not far enough from the side property line, and the roof was too high. Eventually, the HOA filed suit against her. She was told that her only remedy would be to have the building torn down and to pay all applicable fines and attorney fees.

After months of unsuccessful negotiations with the HOA, our client retained the services of the Earl Carl Institute's Opal Lee Mitchell Property Preservation Project. Our lawyers plead the affirmative defenses of laches, equitable estoppel, ratification, and breach of fiduciary duty pointing to evidence of the length of time the HOA had waited before taking any action and the fact that the HOA allowed several other homeowners to violate deed restrictions. We argued that by failing to consistently enforce its deed restrictions, the HOA waived its right to enforce the deed restriction against Ms. Givens.

Our lawyers fought the HOA for over a year to protect Ms. Givens's rights as a property owner. We vigorously contested this case through motions, meetings, and mediation and finally negotiated a settlement that only required our client to remove the part of the building closest to the fence to reduce its size to the permissible square footage. Our efforts also prevented her from being required to take down the entire property and paying \$11,000.00 in attorney's fees and the applicable fees.

The outcome of this case achieved a permanent improvement in Ms. Givens's basic living conditions. As a result of our efforts, she was able to maintain her storage space and protect her safety, as well as avoid a potential HOA foreclosure of her home. ■



The Center for Government Law was established to provide integrated academic and practical skills training in government administration and regulation to law students. Preparing students for the practice of law in the public sector is a primary goal of the Center. The Center works with numerous governmental organizations on the local, state, and federal level and serves as law school liaison for the Texas Legislative Internship Program (TLIP), which provides practical experience to students who assist government leaders in advancing research in a multitude of law and public policy arenas. The TLIP program supports Thurgood Marshall School of Law's goal to substantially enhance the student learning experience. In addition, the Center is responsible for a report following each legislative session on the impact of new legislation on TSU and the urban community. It is the goal of the center to become an authority and resource on urban issues for legislators and other policy organizations.

The Texas Legislative Internship Program (TLIP), started in 1990, is sponsored by Senator Rodney Ellis. TLIP is administered by the ECI through the ECI Center for Government Law by the Center's Associate Director, Leonard H. O. Spearman, Jr. The program provides opportunities for undergraduate, graduate, and law students to serve as interns in the Texas Legislature, state agencies, local and federal government, and nonprofit organizations.

Law students receive 12 academic credit hours for participating in TLIP, which combines academic study and research with supervised practical training. The internship lasts for one academic semester, and interns are responsible for their academic admissions and enrollment in the necessary courses. Students who work in TLIP positions outside of the

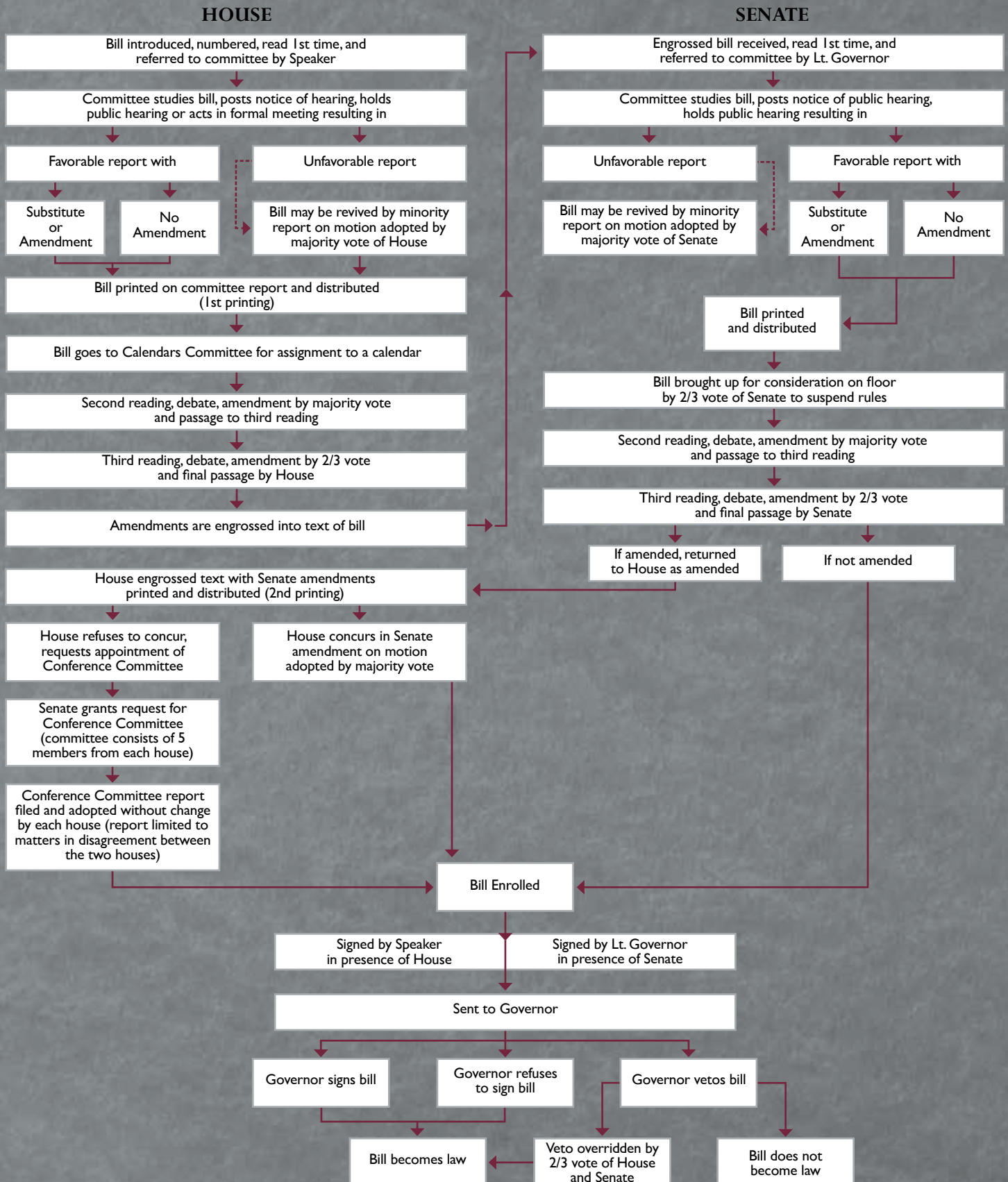
Houston area are given a stipend to assist with living expenses during the semester.

During legislative sessions, TLIP interns are placed in the offices of Texas legislators as well as the offices of the Governor, Lieutenant Governor, and the Supreme Court of Texas, just to name a few. Between legislative sessions, interns serve in the offices of elected and appointed officials at the municipal, county, and state levels, and have been placed in the offices of several U.S. Congressional offices in Washington, DC. Students have also served in the national office of The Innocence Project in New York City.

Interns are involved in all facets of the governmental and legislative process and have been able to use their legal training to draft legislation, analyze legislation and administrative codes, and utilize their persuasive oratory skills in defending their (or the elected official's) position. Students are exposed to the processes of both chambers of the Texas Legislature and the highest state courts in Texas. They get an opportunity to view county and municipal government from the ground up, and their experiences often serve as the springboard for selecting public service careers. ■



# Diagram of the Legislative Process



# The Earl Carl Institute's Report On The 83rd Legislative Session: An Urban Perspective

Written By **Sarah R. Guidry**, ECI Executive Director

The 83rd Texas Legislature filed 5868 bills, with 1437 bills passed, and 26 bills vetoed by the governor. By many accounts from legislators and spectators alike, the 83rd legislative session was both productive and amicable. These descriptions come despite controversy surrounding a heavily contested abortion bill that passed in the second called special session (following a successful filibuster during the initial special session by Texas Senator Wendy Davis) that enacts some of the toughest abortion measures in the country. Overall, state lawmakers worked together to pass important bills such as those to expand funding for women's health, public education, and the mentally ill, just to name a few. The total budget was contained in five major bills instead of one, including SB 1, H.B. 1025, H.B. 6, H.B. 7 and SJR 1. Of note, Senate Bill 1 and Senate Joint Resolution 1, respectively, increased funding in health and human services and education, and allow for \$2 million from the Rainy Day Fund to be used for economic development and water infrastructure. Governor Rick Perry signed into law a 2-year, \$197 billion balanced budget made up of state and federal dollars, an increase of 3.7 percent from 2012-2013.

The legislative session's impact on Texas Southern University was important in several ways. H.B. 29 requires all public universities to offer incoming students a 4-year, fixed rate tuition option. TEXAS Grants received a 25 percent increase to \$724 million, which should fund approximately 84 percent of new eligible students. Changes to the B-On-Time Program will allow universities to keep their proportional share of the contributed funds beginning in 2014. Tuition Revenue Bonds (TRB) were passed by both chambers; however, a joint committee failed to reach an agreement that would have provided \$66 million for a new library and learning center.



The Earl Carl Institute's *Report on the 83rd Legislature – An Urban Perspective* was published in August 2013. This comprehensive report distinguishes itself by focusing on legislative actions that directly impact the urban community. This legislative update is organized by the Institute's key focus areas: education, criminal justice, housing and environment, family and gender, legislative, student development, and wealth and taxation. The bills listed below give a snapshot of the types of bills that are summarized in the publication. The full report is available

online at <http://www.tsulaw.edu/centers/ECI/publications.html>.



## 83rd Legislature Highlights:

### Voter Rights

- ❖ **H.B. 3593 amends current voter laws by providing that** the secretary of state may not determine that a voter is deceased based on a weak match. It further provides that on receiving notification from the secretary of state that a weak match of identifying information exists for a county voter and an individual who is deceased, the county shall investigate whether the voter is the individual who is deceased.

### Criminal Justice

- ❖ **S.B. 825 was passed to address wrongful convictions as it relates to prosecutorial misconduct.** It provides an opportunity for a wrongfully convicted person to pursue a grievance alleging prosecutorial misconduct after being released from prison by tolling the statute of limitations until the date on which the person is released. It also precludes the State Bar from issuing private reprimands to prosecutors who withhold exculpatory evidence from the defense.
- ❖ **S.B. 1292 provides that before a defendant is tried for a capital offense** in which the state is seeking the death penalty, the state shall require either the Department of Public Safety, through one of its laboratories or a laboratory accredited under Section 411.0205, Government Code, to perform DNA testing, in accordance with the laboratory's capabilities at the time the testing is performed, on any biological evidence that was collected as part of an investigation of the offense and is in the possession of the state.

- ❖ **This session's state appropriation restored money cut in 2011 from innocence clinic budgets** at Texas's four public law schools, including Thurgood Marshall School of Law. The legislature also appropriated \$350,000 in fiscal year 2014 and 2015 to be used by the Court of Criminal Appeals to contract with entities to provide continuing legal education courses, programs, and technical assistance projects on actual innocence for criminal defense attorneys, prosecuting attorneys, judges, bailiffs, constables, warrant officers, or other persons as provided by statute.
- ❖ **S.B. 1611, also known as the "Michael Morton Act,"** was passed requiring prosecutors to open their files to defendants and keep records of the evidence they disclose. The US Supreme Court's decision in *Brady v. Maryland* (1963) already requires prosecutors to hand over to defendants any evidence that is "material either to guilt or to punishment," but Texas's new law requires disclosure of all police reports and witness statements, regardless of whether the evidence is material to guilt or punishment.
- ❖ **H.B. 2090 was passed requiring that a written statement signed by the accused must be made in a language** that he or she can read and understand before it can be admitted as evidence in a criminal proceeding.
- ❖ **S.B. 701 brings Texas law up to date regarding the electronic transfer of funds in modern business transactions.** Current law addresses the issue of "hot checks," or paper transactions, but does not address insufficiently funded electronic funds transfers, or "hot drafts." Currently, district and county attorneys lack the authority to file charges against individuals or corporations that submit insufficiently funded accounts for electronic funds transfers. Bringing the code up to date will give prosecutors the authority to prosecute those who pay with hot drafts.

## Human Trafficking

- ❖ **H.B. 1120 providing that:** The Texas Crime Stoppers Council create a program to encourage citizens to report criminal activity relating to trafficking of persons and for the council to provide financial rewards for tips leading or substantially contributing to arrests or apprehensions of traffickers.

- ❖ **H.B. 8 defines "trafficking of persons"** and provides for the issuance of protective orders for victims of trafficking. It also sets the crimes and punishments for involving a minor in such activities and for participating in those activities.
- ❖ **S.B. 92 allows courts to divert identified victims of prostitution** from the justice system and place them in a specialized "trafficked persons" treatment program, then dismiss the case and/or seal a victim's record upon successful completion of the program.

## Juvenile Justice

- ❖ **H.B. 393 provides for diversionary programs prior to referral to municipal and justice courts.** Specifically, the bill removes ticketing as a means to address certain behaviors on school district property and puts in place a complaint-based system. It establishes graduated sanctions, such as warning letters, school-based community service, or referral to counseling for juveniles who committed certain fine-only misdemeanors prior to referral to court and adds Class C misdemeanors, other than traffic offenses, to the list of offenses that can be disposed of through the use of first offender programs.
- ❖ **S.B. 1114 requires a police officer who issues a citation for delinquent conduct** on school property or on a school vehicle (e.g., a bus) to submit to the court not only the police report but also a witness statement and a victim statement, if any. A case cannot proceed to trial if the officer failed to submit available statements, and a case cannot proceed against a child younger than 12 years old. This bill also eliminates disruption of certain school-related activities by a primary or secondary school student as a criminal offense and it prohibits the issuance of an arrest warrant for a Class C misdemeanor if the person committed the offense before his or her 17th birthday.

## Education

- ❖ **H.B. 1952 requires each principal or other appropriate administrator who oversees student discipline to,** at least once every 3 school years, attend professional development training regarding the distinction between a discipline management technique used at the principal's discretion under Section 37.002(a) and the discretionary authority of

a teacher to remove a disruptive student under Texas Education Code Section 37.002(b). The purpose for this training is to reduce disparities in disciplinary practices among school districts.

- ❖ **HB 5- Relating to public school accountability, including assessment and curriculum requirements:** H.B. 5 is a comprehensive reform that changes high school testing requirements and gives more flexibility in graduation plans for public high schools. H.B. 5 impacts high school graduation programs, student assessment, and public school accountability. H.B. 5 institutes a new standard course of study for high school students and reduces the number of end-of-course exams public high school students are required to pass in order to graduate. This bill establishes new accountability ratings systems evaluating schools on academic performance, financial performance, and community and student engagement.

- ❖ **HB 1751- Relating to the Public School Educator Excellence Innovation Program** amends the Education Code to replace the Educator Excellence Awards Program with the Educator Excellence Innovation Program and to set out the new program's purposes. The bill also replaces the previous program's fund with a new fund from which the Texas Education Agency (TEA) is to award grants to school districts on a competitive basis and in an amount determined by TEA in accordance with commissioner

of education rule, rather than as a per capita distribution among qualifying districts as provided under the previous program. The bill requires TEA, depending on the amount of money available for distribution from the fund, to approve plans that most comprehensively and innovatively address the program's purposes so that the various plans' effectiveness can be compared and evaluated. HB 1751 also repeals statutory provisions relating to the authorized uses of payments awarded under the previous program and instead authorizes a school district to use grant funds only to carry out the

program's purposes in accordance with the district's local Educator Excellence Innovation plan.

- ❖ **HB 1781- Relating to a limitation on sanctions imposed on school districts** for the sale of foods of minimal nutritional value if the sale is approved in advance by the school and is made outside of a school area designated for food service or food consumption or during a period other than a school meal service period; and for the purpose of raising money for a student organization or activity sponsored or sanctioned by the school or the school district in which the school is located. ■



# Selected Research for the ECI Interdisciplinary Journal for Legal & Social Policy, Inc.



Lucinda Daniels, *Associate Director*

**I**nterdisciplinary commonly refers to research or study that integrates concepts from different disciplines resulting in a synthesized or coordinated coherent whole. Through the Earl Carl Institute, the Thurgood Marshall School of Law encourages and promotes interdisciplinary research. The ECI Interdisciplinary Journal for Legal & Social Policy was launched in the spring of 2011. The ECI Journal is an open-access, peer-reviewed journal that seeks to make available research and knowledge in the areas of legal and social policy to equip and empower educators and others nationwide with research-driven articles that will contribute to their ability to meet the diverse needs of urban populations.

The ECI Journal is published in an online format annually in November. The online format enables efficient use for potential authors, peer reviewers, and editors as well as increases accessibility for readers and researchers. The Journal publishes papers primarily on issues that impact legal and social policy in the urban community. Based on a survey of journals, there is an absence of interdisciplinary journals that focus solely on legal and social policy issues that impact urban and minority communities in these areas, and the ECI Journal for Legal & Social Policy seeks to fill that void.

The Journal's annual November publication follows an annual April Special Issue Symposium on the publication theme for each year. The 2013 Special Issue Symposium was focused on No Child Left Behind. The 2014 Special issue symposium and publication focuses on Legal, Racial, and Religious Perspective on Same Sex Marriage. The ECI Interdisciplinary Journal may be viewed at [www.ecipublications.org](http://www.ecipublications.org).

## Fall 2013

From Colonization to  
R.E.S.P.E.C.T.: How Policy  
Fails Children and Educators  
of Color

*Christopher B. Knaus and  
Rachelle Rogers-Ard*

How (and Why) NCLB Failed  
to Close the Achievement  
Gap: Evidence from North  
Carolina, 1998-2004

*Roslyn A Mickelson, Jason  
Giersch, Elizabeth Stearns and  
Stephanie Moller*

Education Reform and  
the Political Safeguards of  
Federalism

*Elizabeth Jansma Sharma*

Urban Education Reform-  
Case Study: North Forest  
Independent School District

*Jay K. Aiyer, Michael O. Adams  
& Subria Lapps*

Getting To Excellence:  
What Every Educator  
Should Know About  
Consequences of Beliefs,  
Attitudes, and Paradigms  
for the Reconstruction of an  
Academically Unacceptable  
Middle School- The External  
Environment

*James A. Johnson, Jay  
Cummings, Margaret Stroud,  
Gatsy Moyé-Lavergne, and  
Wilbert J. Andrews Jr.*

## Fall 2012 Edition

Educational Genocide:  
Examining the Impact of  
National Education Policy  
on African American  
Communities

*Christopher B. Knaus and  
Rachelle Rogers-Ard*

Behavioral Changes for  
African Americans To  
Improve Health, Embrace  
Culture, and Minimize  
Disparities

*Dashiel J. Geyen*

## Spring 2011

Entre Nous. A Critical  
Appraisal of Science  
Outcomes of Schooling for  
African American Children  
and Youth Enrolled in the  
Houston Independent School  
District

*James A. Johnson PhD, Bernell  
M. Peltier-Glaze PhD, and  
Danita Bailey-Perry PhD*

The Quality of Education  
for African Americans in  
Houston

*Kimberly McLeod, PhD*

The Status of Dialogue  
Journal Writing as a  
Methodology for the Literacy  
and Language Development  
of African American Students

*Ingrid Haynes-Mays PhD,  
Bernell M. Peltier-Glaze PhD,  
and Shanna L. Broussard PhD*

In Support of Reasonable  
Humanistic Education

*D. Vantrice Oates, EdD*

Proposal to Reduce  
Recidivism Rates in Texas -  
2010 Update

*Marcia Johnson Professor,  
Katherine Bauer, and  
Elizabeth Tagle*





**Sarah R. Guidry**  
*Executive Director*

Sarah R. Guidry, Executive Director, is a graduate of the University of Texas School of Law. Ms. Guidry has worked in the public interest arena most of her career. She has served as an adjunct professor in Trial Simulation and Appellate Litigation. She was previously the East Texas Regional Managing Attorney for Disability Rights Texas where she represented disabled persons in various discrimination matters. In her position there she also provided representation to persons denied health care in the Harris County Jail, TYC facilities, and other facilities housing persons with mental disabilities. Ms. Guidry previously held positions with the Department of Family and Protective Services (DFPS). At DFPS, Ms. Guidry was the supervising attorney of the statewide Special Litigation Unit which handled the most complex cases in the agency, both in jury trials and on appeal. She was also a Special Projects Attorney and in that role created statewide standardized training and best practice materials for social workers, prosecutors and judges, as well as providing legislative analysis to bills that would potentially impact agency litigation. Ms. Guidry began her work in the public interest arena as a legal aid staff attorney and subsequently Supervising Attorney at Coastal Bend Legal Services. She has authored numerous CLE articles as well as authored several chapters for SBOT Family Law Expert Witness Manual.

Lucinda Daniels, Associate Director, Student Development, Special Projects and Publications, is a graduate of Thurgood Marshall School of Law. Ms. Daniels has served as District Director and Counsel for the U.S. House of Representatives, Ninth Congressional District of Texas where she was responsible for the direction and oversight of the Congressional Member's district based congressional offices. Her duties included: planning and implementing community projects and events of local and national significance to constituents residing in the ninth congressional district, oversight of constituent casework and identification of local issues to be addressed through legislative action. Ms. Daniels previously served TMSL in the capacity of Director of Career Services. Ms. Daniels joined the Earl Carl Institute in 2009, where her current duties include directing the Thurgood Marshall School of Law Street Law Program, managing the ECI Interdisciplinary Journal for Legal & Social Policy, providing oversight on student assignments and student assessments, and coordinating the Institute's special projects and publications..



**Lucinda Daniels**  
*Associate Director, Student Development  
and Publications*



**Anthony Haughton**  
*Associate Director  
Center for Criminal Justice*

Anthony Haughton, Associate Director, Center for Criminal Justice, has been with the Thurgood Marshall School of Law since 2009, starting as an adjunct professor. He joined the ECI in his present position in 2011, where he is also responsible for the supervision, running, and teaching of the Thurgood Marshall School of Law Innocence Project. During his 25 years as an attorney, Mr. Haughton has worked consistently in the representation of the indigent accused. His experience includes: working as a consulting attorney at the Texas Resource Center (handling post-conviction capital appeals); 6 years at the Public Defenders Service (PDS) in Washington, DC, where Mr. Haughton served in many roles, handling both appeals and serious criminal trials, ultimately serving as the Chief of the Trial Division; and in private practice, where most recently he has won new trials for two clients on death row.

**L**eonard Spearman, Associate Director, Center for Government Law, is a graduate of the University of Florida and the Thurgood Marshall School of Law at Texas Southern University. Before coming to TMSL, he worked with the state of Texas on environmental and housing issues, served as the regional director in Houston and deputy director of the Office of Compliance and Enforcement with the Texas Commission on Environmental Quality (TCEQ). He also served as the legislative coordinator for Harris County Judge Robert Eckels. Mr. Spearman previously worked in Washington, DC, with several federal agencies including HUD, Justice, SBA and the Commission on Minority Business Development. He was also on the presidential transition team and served in the White House as Deputy Associate Director, Presidential Personnel. Currently, Mr. Spearman directs and coordinates the TLIP program for law students and serves on the TSU legislative affairs team on behalf of the president of the university. He also serves on the Harris County MUD #157 board as a director and is the chairman of the Mickey Leland Environmental Internship Program at TCEQ.



**Leonard Spearman**  
*Associate Director  
Center for Government Law*

*“He who lives outside the law is a slave. The free man is the man who lives within the law, whether that law be the physical or the divine.”*

— Martin Luther King, Jr. —



**Jeanetta Taylor Washington**  
*Sr. Administrative Assistant*

**J**eanetta Taylor Washington, Sr. Administrative Assistant, is the newest member of the Earl Carl Institute family. In this capacity she is the Institute’s first point of contact for internal and external constituencies and plays a key role in its daily operations. Prior to joining ECI, Ms. Washington served as Senior Administrator for the Thurgood Marshall School of Law Office of Career Services where she assisted in maintaining resource materials, performed duties related to the On-Campus Interview and Reciprocity programs, and oversaw the details of numerous off-campus career events. A native Houstonian, Ms. Washington developed her professional skills, in part through completion of courses at Massey Business College and Houston Community College.

**M**ani Nezami, JJP Contract Attorney, is a staff attorney with the Juvenile Justice Project at the Earl Carl Institute (ECI). Mani provides counsel and advice as well as direct representation to students who have received school tickets in Harris and the surrounding counties. Additionally, Mani provides trainings to parents, advocates, and attorneys in the community. Prior to joining the Juvenile Justice Project, Mani volunteered full time with ECI’s Innocence Project for 6 months. Mani received a Bachelor of Arts from University of Texas at Austin (2005), and a Juris Doctor from South Texas College of Law in Houston, Texas (2010).



**Mani Nezami**  
*JJP Contract Attorney*

*“It may be true that the law cannot make a man love me, but it can keep him from lynching me, and I think that’s pretty important.”*

— Martin Luther King, Jr. —



**Silvia Tiller**  
*OMLPPP Sr. Contract Attorney*

**S**ilvia Tiller, OMLPPP Sr. Contract Attorney, is an experienced generalist attorney, mediator, and arbitrator. Ms. Tiller is an alumnus of Howard University, Washington, DC, with a Bachelor of Science degree as a physician assistant. Ms. Tiller was thereafter selected for the prestigious Montefiore postgraduate surgical residency program wherein she specialized in cardiothoracic surgery. Tiller completed the program with honors and achieved her national certification. Immediately after completing the surgery program, she entered Texas Southern University, Thurgood Marshall School of Law. While there she was an active member of BLSA and was Vice Chair of Moot Court. Having achieved her Juris Doctorate degree in 1992, she went on to start her practice in the areas of family, medical malpractice defense, and subcontract work on Workers' Compensation claims for the City of Houston. Ms. Tiller was named Top One Hundred Mediator by the Harris County Dispute Resolution Center.

**A**shley Vignaud Marshall, OMLPPP Contract Staff Attorney, is a native of New Orleans, Louisiana. She earned a Bachelor of Arts in Business Administration from University of Houston and a Juris Doctor from Thurgood Marshall School of Law. Ashley is a member of the Texas State Bar. She is the intake specialist / attorney for the Earl Carl Institute for Legal & Social Policy, Inc. under the Center for Civil Advocacy (CCA) division, Opal Mitchell Lee Property Preservation Project. From September 2010 through April 2012, Ashley served clients and intakes of the Earl Carl Institute for Legal & Social Policy as a student attorney for the Opal Mitchell Lee Property Preservation Project and as a research student for "Our Story," "The State of Black Houston Now" publication/ town hall meeting, and Congressional Black Caucus 2011: U.S. Congressman Al Green town hall meeting.



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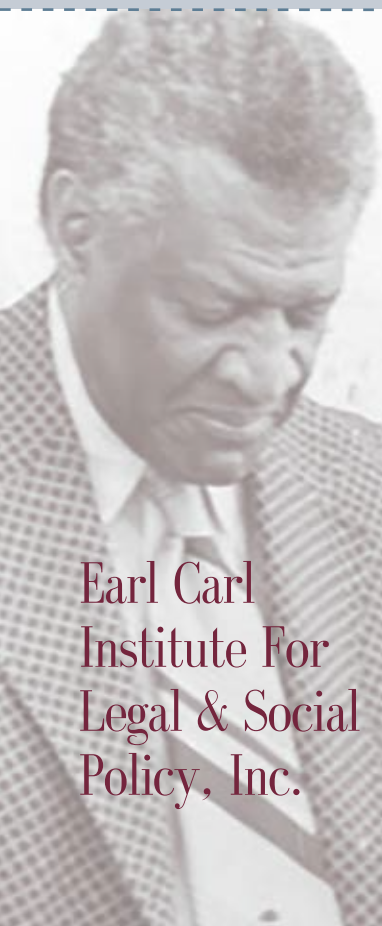
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“None of us got where we are solely by pulling ourselves up by our bootstraps. We got here because somebody - a parent, a teacher, an Ivy League crony or a few nuns - bent down and helped us pick up our boots.”

—Thurgood Marshall



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