

# ECI END of YEAR REPORT



## THURGOOD MARSHALL SCHOOL OF LAW EARL CARL INSTITUTE

*"ECI, Creating A New Vision For Legal & Social Justice"*

**January 1, 2016 - December 31, 2016**



## We Are ECI

*Creating a new vision for legal & social justice*

*Because truth matters: Freeing the Innocent*

*Helping Children Today to Have a Better Future Tomorrow*

*Taking it to the streets: TMSL Street Law Program*

**Interdisciplinary Perspectives on Legal  
& Social Policy: The Bridge**

*Increasing wealth through homeownership*

**Advocacy through academic and grassroots efforts**

*Creating opportunities to promote policy changes*

**Student Development**

**Reducing disproportionality & disparity**

*Serving the community*

*Educational programming*

**LEGENDS AND LEADERS**

**WE ARE**

**The Earl Carl Institute For Legal & Social Policy, Inc.**

[www.earlcarlinstitute.org](http://www.earlcarlinstitute.org)

***BECOME A PART OF THE MOVEMENT***

**713.313.1139**

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# Message From The Director



As the Institute evolves, it continues to work toward identifying potential implementable solutions to legal and social issues disproportionately impacting communities of color and other traditionally disenfranchised populations. 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, Thurgood Marshall School of Law, and Texas Southern University.

Current ECI's free legal services programs include **The Opal Mitchell Lee Property Preservation Project, the ECI Juvenile Justice Project and the Thurgood Marshall School of Law Innocence Project.** ECI provides law students opportunities to gain experience working with clients,

lawyers and courts through its three clinics.

ECI's focus is on providing **research based policy advocacy** through direct legal services and written materials addressing issues that have a disproportionate impact on people of color, as well as other populations traditionally

disenfranchised, on a local, state and national level. Current research projects involving disproportionate minority involvement include: Homelessness, teen dating violence, decriminalizing poverty, pretrial diversion, human sex trafficking, incarceration versus education, and issues involving disproportionate minority contact in the juvenile system, as well as the Foster care to Prison Pipeline. ECI policy or position papers target academia, the Texas Legislature, other political actors, Texas Department of Criminal Justice, Judges, attorneys and other vested interests, including civil rights and advocacy groups, and individuals from other disciplines as well as the community at large.

ECI generally undertakes projects that are interdisciplinary in nature and have one of three outcomes (1) Student Development, (2) Public Policy Initiatives, and (3) Community Education. ECI's 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 Research, Writing and Student Development.

ECI also undertakes Special Projects involving interdisciplinary partnerships and collaborations. Current special projects include an open-access journal, **The Bridge: Interdisciplinary Perspectives on Legal & Social Policy, the TMSL Street Law Program, and annual symposiums on child victim forensics, indigent defense, and the annual ECI Journal Special Issue conference.**

We are proud of our accomplishments during this reporting period. We hope you will support us into the next year with both your intellectual and financial resources.

  
**Sarah R. Guidry**  
Executive Director

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

— Mahatma Gandhi —  
”

## PREFACE

The Earl Carl Institute is proud to present this End of Year Report spanning the time period from **January 1, 2016 through December 31, 2016.**

### **Key Highlights:**

- Receipt of funding (grants/appropriations) in the amount of \$389,933 and donations in the amount of \$2,957.
- Employment of 38 students as researchers/writers and student clerks/attorneys.
- Convening of 8 very successful community education and CLE programs.
- Increase of nearly 3000 requests for assistance from the Thurgood Marshall School of Law Innocense Project.
- Saved or obtained for ECI's Property Preservation clinic clients, a calculated value in assets of \$2,893,613 primarily in real property.
- The ECI Juvenile Justice Project saw a 71% case dismissal rate in delinquency courts.
- Worked with more than 30 collaborators to provide group advocacy for like-minded policies and to provide community education forums.

## ECI MISSION, VISION, AND CORE BELIEFS

The mission of the Institute is to identify, address, and offer solutions to legal and social problems that affect traditionally urban and disenfranchised communities. 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.

The vision of the Institute is 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.

### **The core beliefs of the Institute are --**

- to promote excellence in education using an interdisciplinary approach to create excellent future leaders who will advance social justice;
- to provide an effective service delivery component to address the needs of individual citizens and advance community representation;
- to contribute to public discourse by producing high quality significant research that enhances public policy discussions;
- to provide accessibility to the Institute and its programs in order to foster an environment that promotes equality for traditionally underserved populations; and
- to have a significant role in facilitating awareness that contributes to the advancement of civil rights and social justice.

# 2015 - 2016 Honors & Awards



## NAACP President's Award

The NAACP Houston Branch held its annual Freedom Fund Awards Gala on October 30, 2015. It was the 92nd annual, honoring and awarding individuals and organizations from the Houston area who have made significant contributions to the community. This year's theme was "Pursuing Liberty in the Face of Injustice."

This year the NAACP President's Award was given to the Anti-Defamation League and the Earl Carl Institute for Legal & Social Policy, Inc. ECI was specifically

awarded because its "work as a think tank has aided the NAACP with research and statistical gathering; helping locally, regionally and even nationally".

In her acceptance speech, Ms. Sarah Guidry, Executive Director of ECI, highlighted the disproportionate criminalization of our minority communities and thanked the NAACP for recognizing ECI and the urgent need to identify implementable solutions to the social issues that negatively impact our communities of color. She also recognized members of the ECI staff who were all in attendance.



## Houston Lawyers Association Ally Award

ECI was an honoree of Houston Lawyers Association receiving its Mission Ally award at their 2016 Annual Awards and Scholarship Gala. The gala was held on May 21, 2016.

Recipients of the award were individuals and organizations whose work embodies the HLA mission to address injustice and educate members and the community by serving as a redress conduit, improving legal services and providing a voice for the community



through advocacy, mentoring, professionalism and coalition building. Recipients of this award were said to be an example to members and the

community of what it means to either: (1) Address injustice by ensuring equal opportunity for black lawyers in employment and business opportunities; (2) educate the community by supporting community programs that benefit the black community; (3) serve as a redress conduit for the community; (4) improve access to and the quality of legal services; and (5) provide a voice for the community through advocacy, mentoring, professionalism and coalition building. ECI was honored to be recognized by members of the community we strive to serve.

# Student Development & Special Projects

## Special Projects

### Board Relations

During this period ECI saw a resurgence of commitment to the institute by its board members. We established additional committees to expand board governance and resource development. We also commissioned a finance committee. In June 2015 ECI had a board retreat resulting in a renewed commitment to the expansion of ECI programs by ECI's Board of Directors and a determination to add new board members which can contribute information, professional guidance, intellectual resources and financial contribution as well as in-kind resources.

ECI's Governing Board Nominations Committee began working on securing new board members who can make the financial commitment to ECI personally or through their network of connection. The ECI Board of Directors adopted the following criteria for selecting new board members:



1. Money to give/Deep pockets
2. Extensive networks/ Access to Money
3. Large law firm representative
4. Foundation board members or management
5. Interdisciplinary academics
6. Like-minded organizations members
7. People knowledgeable & passionate about ECI, its stories and its work
8. Access to other resources
9. Corporate support
10. Availability for active participation: Solicitation visits or grant writing
11. COMMUNITY CONNECTIONS (Religious organizations, Corporate, Education, Media, Political, Philanthropy, Small business, Social services, Other)

During this period, the Board's Resource Development Committee proposed an ambitious resource development plan which the full board unanimously adopted.

## Fundraising

During this time period the Institute was awarded the following grants:

PROJECT	FUNDER	TYPE	AMOUNT
Opal Mitchell Lee Property Preservation Project	Texas Access to Justice Foundation	Grant – IOLTA, BCLS & BOA	TOTAL: \$209,933 (IOLTA: \$2,500 BCLS: \$139,008 BOA: \$68,425)
Juvenile Justice Project	Equal Justice Works Fellowship	Reimbursement (Attorney salary)	\$41,000
Thurgood Marshall School of Law Innocence Project	State of Texas/ Texas Indigent Defense Commission	State Appropriation (reimbursement for attorney services)	\$100,000
Thurgood Marshall School of Law Innocence Project - HMRP Program	Texas Bar Foundation	Grant	\$21,000
Debt Boot camp	Capital One Bank	Grant	\$5,000
The Legacy Project	Catch Foundation	Grant	\$9,000
Opal Mitchell Lee Property Preservation Project Summer Internship Program	State Bar of Texas Litigation Section	Grant	\$4,000
<b>TOTAL:</b>			<b>\$389,933</b>



## Street Law

*Summary:* The TMSL STREET LAW Program is an educational, legal outreach program that trains current law students to teach law to students at high schools throughout the Houston-Harris County area. The mission of the Program is to empower youth through interactive education about law, democracy, and human rights while furthering the professional development of TMSL law students.



- a. Street Law presentations were carried out at three HISD locations during the current reporting period. Presentations were held at Yates HS, Sterling HS and Madison HS during TMSL Law Week 2015.
  - A total of 7 student volunteers presented the modified Street Law curriculum
  - Over 150 HISD students were reached during these presentations. Students were in grades 9-12 and ages 15-19.
  - One ECI student was paid and assigned to work on the curriculum and assist the Associate Director of Special Projects with coordinating the program.



- b. During the current academic reporting period ECI formed a collaboration with Teen And Police Service (TAPS) Academy to provide a modified version of the TMSL Street Law Curriculum at the TAPS 2016 Summer Camp.
  - The TAPS Academy, funded by the Department of Justice COPS Office, provides a school-based curriculum that brings law enforcement, community service, and at-risk youth together through an 11-week program. Topics such as physical/sexual abuse, stalking, domestic trafficking, sexual exploitation, violence, and bullying are covered. Law enforcement related subject areas that may be important to the youth were also covered.
  - An ECI student was assigned to work on the curriculum and assist the Associate Director of Special Projects with coordinating the program during Summer 2016.

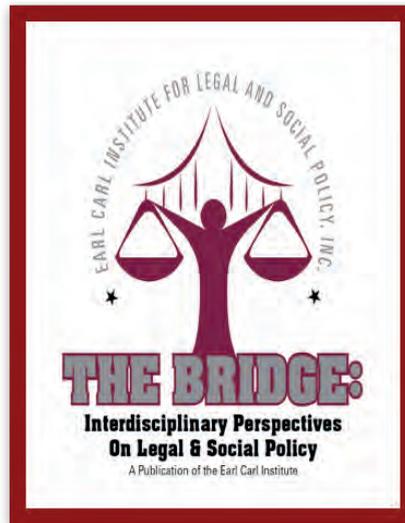
## The Bridge: Interdisciplinary Perspectives on Legal & Social Policy, A Publication of the Earl Carl Institute

### Summary:

**The Bridge: Interdisciplinary Perspectives on Legal & Social Policy** began as *The ECI Interdisciplinary Journal for Legal & Social Policy* in the Spring of 2011, as 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 journal has utilized editors and peer reviewers from the university's various colleges and schools, including the schools of Education, Business and Public Affairs. The journal uses professional editing companies for final edits. This has been particularly helpful since as an interdisciplinary journal our articles represent various disciplines and their associated non-legal writing styles (e.g., Chicago, APA, MLA, etc.)

- a. In 2014 the Editorial Board of the Journal convened for its annual planning session and proposed to re-launch the journal with a refined



vision and a new name that was even more reflective of the Journal's intent to facilitate conversations involving multiple disciplines that advance social policy through academic research.

- b. After proposal to and approval by the ECI board of directors during this reporting period, the journal was re-launched as **The Bridge: Interdisciplinary Perspectives on Legal & Social Policy, A Publication of the Earl Carl Institute.**

### Why the Bridge?

The metaphor of bridge building is commonly used in interdisciplinary thinking and work. Often symbolizing progress, connections, and stability, it is useful in

assisting academics and scholars to illustrate the interdisciplinary process—the process by which knowledge integration transpires for the purpose of an enlarged understanding. Similarly, the use of “The Bridge” in the IJLSP’s new name is meant to be symbolic of the Journal’s refined mission and goal to bridge the disciplines of law and social sciences to address disproportionality in communities of color.

This is not a novel approach to creating change in our society. The Supreme Court has relied on the social sciences to reach many landmark decisions that have substantially changed societal norms. In *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), which overturned the “separate but equal” doctrine established in *Plessy v. Ferguson*, 163 U.S. 537 (1886), the Court listed seven studies that supported its conclusion. Similarly, in *Lawrence v. Texas*, 539 U.S. 558 (2003) the Court overruled *Bowers v. Hardwick*, 478 U.S. 186 (1986), a case in which the right to privacy did not extend to private, consensual homosexual acts. The Court based its decision on the extrajudicial research presented in the amicus curiae briefs of the

ACLU, the CATO Institute and an alliance of history professors. The advent of the science of DNA testing likewise has resulted in changes in legal policy as exonerations are reviewed to find the underlying causes for wrongful convictions. More recently, in the Supreme Court's landmark decision declaring same-sex marriage a constitutional right nationwide, in *Obergefell v. Hodges*, 135 S.Ct. 1039 (2015) the Court referenced "countless studies, papers, books, and other popular and scholarly writings" supporting the evolution of societal change. Justice Kennedy

succinctly articulated the Court's recognition that social issues do shape our laws when he stated that marriage was the "keystone of our social order." Indeed, nearly all landmark court decisions resulting in significant societal changes have involved evolving sciences.

A printed version of The Bridge with a preface introducing the new name and updated list of abstracts was published during the current reporting period.



### Key Outcomes:

Readership tracking 01/01/2015 through 12/31/2016: **3130 downloads** as follows:

<b>Title</b>	<b>Number of downloads</b>
Behavioral Changes for African Americans To Improve Health, Embrace Culture, and Minimize Disparities	1418
In Support of Reasonable Humanistic Education	276
Proposal to Reduce Recidivism Rates in Texas - 2010 Update	245
How (and Why) NCLB Failed to Close the Achievement Gap: Evidence from North Carolina, 1998-2004	204
Urban Education Reform- Case Study: North Forest Independent School District	179
The Status of Dialogue Journal Writing as a Methodology for the Literacy and Language Development of African American Students	177
Getting To Excellence: What Every Educator Should Know About Consequences of Beliefs, Attitudes, and Paradigms for the Reconstruction of an Academically Unacceptable Middle School	153
From Colonization to R.E.S.P.E.C.T.: How Federal Education Policy Fails Children and Educators of Color	131
Educational Genocide: Examining the Impact of National Education Policy on African American Communities	116
The Quality of Education for African Americans in Houston	102
Education Reform and the Political Safeguards of Federalism	79
Entre Nous. A Critical Appraisal of Science Outcomes of Schooling for African American Children and Youth Enrolled in the Houston Independent School District	50
<b>TOTALS</b>	<b>3130</b>

## 84th Legislative Update: An Urban Perspective

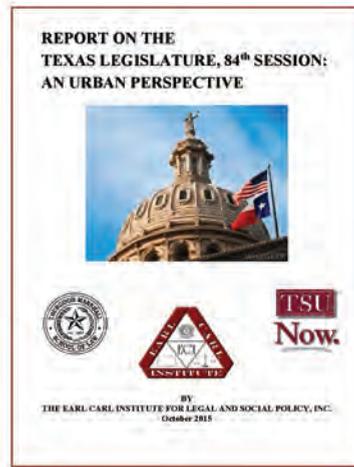
**Printed and Disseminated** by the Earl Carl Institute on August 20, 2015 - August 2017.

**Authors:** Sarah Guidry and Zahra Buck Whitfield

**Student Researchers:** Mia Shanklin Allen and Sabrina Vessel.

**Abstract:** A report on the impact of new legislation, passed during the 2015 Legislative session, on TSU and the urban community. The report describes the new laws, and includes analyses, codifications and effective dates. The report was distributed to TMSL and TSU Administrators, ECI's Board, elected officials, judges and various independent school districts throughout the State of Texas. The report was 75 pages.

- The legislation covered in this report falls under such issues as ***Election, Criminal Justice (Human Trafficking, Criminal Procedure, Wrongful Convictions, Domestic Violence), Juvenile Justice, Family Law, Property, Education, Healthcare, Wills, Estate and Probate, Wealth and Litigation.***
- The 84th Texas Legislative session convened at noon on January 13, 2015. The Texas Senate ended the 84th Legislative session on June 1, 2015. The 84th Texas Legislature introduced 11,356 bills, passed 6,083 bills of which 42 were vetoed, and 163 became law without the Governor's signature. Over 500 bills became effective immediately upon passage and 678 became effective on September 1, 2015. By observation, the



84th legislative session has been described less efficient by filing more bills than the 83rd Legislative Session yet passing fewer bills through both chambers.

Bills highlighted included:

- Decriminalizing the use of synthetic cannabinoids
- Requiring law enforcement to report officer-involved injuries or deaths and certain injuries or deaths of peace officers to the Office of the Texas Attorney General
- Eliminating the statute of limitations for sexual assault
- Granting DNA testing where there is reasonable likelihood that exculpatory biological evidence exists to prove actual innocence.
- Permitting the carry of concealed guns at public colleges and university buildings
- Transfer-on-death deeds removing the necessity of probate proceeding to transfer real property after death
- Increased funding to the Texas Indigent Defense Commission
- Repealed the \$200 "professionals' tax" imposed on lawyers, doctors, engineers and other licensed professions



## Student Development

The success of many ECI projects and programs depends heavily on the high quality work product of its staff as well as the paid student researchers provided by TMSL. As such, ECI's staff members commit a fair amount of time to the professional and academic development of its students. The staff time devoted to student development supports the law school's mission to provide a high quality academic legal training program to its diverse community of students and the institute's stated mission "to enhance the ability of future leaders to advocate, educate and promote equity. . ." ECI provides its students with a highly structured program that includes:

- An-depth student selection process that involves a group interview with all associate directors, as well as post interview feedback on resumes, writing samples and interview skills
- Comprehensive student orientation for student researchers and clinicians as detailed below
- Periodic research training from TMSL library staff
- Entry/Exit interviews and surveys to evaluate student outcomes
- Weekly individual and group meetings to monitor student progression on assignments, identify additional skills or training needed and provide guidance
- Weekly review and editing of student research papers and other work product.

It is ECI's belief and experience that the provision of a highly structured program that emphasizes professional and academic skills development will result in an enjoyable and beneficial educational experience for TMSL students.

During the Fall and Spring semesters ECI typically employs, through the law school, 18-20 students to work 10 hours per week on research and writing projects or to provide student attorney/internship/externship services in one of the ECI clinics. During the Summer the number of students is reduced to 12 students working 20 hours per week. The students receive a stipend from the law school for the semester. ECI has started working with students to secure supplemental financial resources through the Equal Justice Works Americorps JD Program Summer Internship Programs which provides a stipend to student of \$1,230 payable towards their student loans or tuition.

## Student Orientation

ECI transitioned from a two day student orientation each semester to a one day orientation. Topics for all students include: Overview of ECI, Administrative Matters, Work Product, Project Assignment, Journaling, Plagiarism, Conflicts Of Interest, and an evaluation and initial student assessment. After a morning session for all students, students were divided into two groups comprised of researchers and clinicians who are trained on topics specific to their work assignments.

Research students receive additional training on: (1) Types of Legal Writing & Review of Sample Papers, (2) Research Assignment Components: Assignment Summary, Thesis Statement, Outline, Citations, Secondary v. Primary Sources: and (3) What to Cite To, & Statistical and Government Research.

Clinical students are introduced to client centered representation, client empathy, the ECI Case Management System, the Client Services Manual, highlights from the ABA Standards for Civil Legal Services Providers, File Maintenance, standard forms



and procedures and legal sources for best practices and annotations. Clinicians receive a follow-up session to complete reviewing the Client Services Manual and an Introduction to Legal Files.

- ECI employed 17 student researchers and clinicians during the spring semester due to the Dean providing additional employment slots to provide support to each director via a research assistant. 12 students worked at ECI during the Summer and 16 in the Fall. The IP was allowed admin students as well.
- ECI increased its number of student workers by becoming an externship placement for students enrolled in the Externship course via the Experiential Learning Department for which they receive course credits. ECI's externship opportunities include Bankruptcy, Legislative, Innocence Project and Property.

### **Student Assessment Activities**

Per the ECI 2013-2018 Strategic Plan, ECI began making formal student assessments during AY 2013 and continued to do so during this period.

- In an effort to assess performance and growth, students were required to (1)

keep a reflective journal, updated weekly, throughout the semester, (2) meet specific time frames for work on each stage of research and writing projects and (3) give a 3-5 minute presentation on their assigned project at the end of the semester.

- Evaluations are based on specific learning outcome rubrics and competency is determined on a 1-5 point scale.

### ***Reflective Journals***

The practice of reflective journaling is being used in many instructional environments to enhance student success. Reflective journaling in legal education is a useful tool in assessing each individual student's progress throughout the semester. It is also a useful way of helping students to realize that learning is about drawing on life experiences, not just something that takes place in a classroom. It enables students to think about what and how they learn and to understand that this impacts on how well they do career wise and requires them to reflect thought and feeling on the content of their assignments in their journals.

The ECI Executive Director reviews the weekly journals for all students and has found it to be an essential tool in ensuring that students are on task and that their learning experience is meeting their expectations, ECI's expectations and increasing the student's critical thinking skills.

Students are required to keep three parts of the journal as follows:

1. Indicate against the following list which of the activities you practiced: organization and management of legal work or research and writing, legal analysis and reasoning, oral and written communication skills, team work,

- litigation skills, recognizing and resolving ethical dilemmas, maturity and judgment.
2. Consider the principal activities conducted during the week (this can include anything from the drafting memos, conducting legal research, drafting research outlines or conducting client or informational interviews)
  3. Reflect on their experience, using this list of questions to structure the reflection:
    - a. Which single activity that you have undertaken this week do you consider to be your best achievement?
    - b. State the reasons why you consider this to be your best achievement.
    - c. How could you further improve upon that achievement?
    - d. State any reflective thoughts regarding any case, issue researched, material read or writing exercise conducted. Describe why you think it relates to ECI's commitment to solving legal and social problems within urban and minority communities.

4. Journal entries are due weekly to the Executive Director and the student's supervisor with a final journal "notebook" due at the end of the semester.
5. ECI employs a journaling rubric to determine the student competencies on this task.

### ***Presentations***

Students are required to give a 3-5 minute presentation on their assigned project at the end of the semester. Presentations are expected to contain the following components:

1. Overview of the project, i.e, purpose or importance of the project.
2. Use of current data and statistics.
3. Key findings.
4. Recommendations for change.
5. Conclusion



Students are evaluated based on the following:

1. Understanding of the project.
2. Progress made on the project.
3. Quality of presentation.
4. Professional presence.

### ***Written Work Product***

At the beginning of each semester, all research and writing students are given a timeline for completion of components of their written research and writing projects. The components for completing the overall assignment are:

1. Essay on the student's understanding of the assignment
2. Establishment of a research question
3. Design of Research Strategy
4. Research
5. Write Thesis statement
6. Prepare outline
7. First draft
8. Revise and Rewrite
9. Put paper in final form
10. Submit draft for peer review and editing

Specific rubrics are used to assess the student competency on the thesis statement and overall legal research and writing.

## Policy Advocacy

### Student Generated Policy Papers

ECI hires several research students each semester to work on ECI policy or position papers. These papers cover topics selected by ECI staff based on recommendations from board members, TMSL administration, ECI task force members and/or staff identified current hot topics within the scope of ECI's disproportionality agenda.

Pending research topics from 2015 – 2016:

- Cognitive Bias & Disproportionate Impact Across Systems
- Do System Biases Preclude Indigent Defendants From Reaping The Benefits Of Pre-Trial Diversion Programs?
- LGBTQ Youth & the School to Prison Pipeline”
- The Impact Of Homeless Foster Youth On The African-American Community
- The Foster Care to Prison Pipeline
- Changing The Age Of Juvenile Court Jurisdiction From 17 To 21
- Proposal To Videotape Interrogations To Prevent False Confessions
- Recommendations for Reducing Homelessness Among LGBT Youth
- Decriminalizing Poverty through Reducing Fees and Bail Reform
- The School to Prison Pipeline

New topics are listed under the Center for Government Law as they are tied to Texas Legislative Interim Charges for the upcoming legislative session.



## Love Shouldn't Hurt: Recognizing, Understanding and Combating Dating Violence

**LOVE SHOULDN'T HURT:  
Recognizing, Understanding and Combating Dating Violence**

Texas Southern University-  
Thurgood Marshall School of Law,  
Earl Carl Institute for Legal &  
Social Policy, Inc.,  
Harris County Domestic Violence  
Coordinating Council and  
The Texas Southern University  
Women's Resource Center

**February 18, 2016**  
9:00 a.m.-4:30 p.m.  
THURGOOD MARSHALL SCHOOL OF LAW  
Rooms 105-106  
3100 Cleburne St.  
Houston, TX 77004

**DISCUSSION TOPICS:**  
Overview and Legislative Update on Domestic Violence; Domestic Violence in the Age of Technology; Domestic Violence and Immigration Issues; Protective Orders and Criminal Charges for Family Violence; Clergy Act and Campus Reporting of Sexual Assault; Same Sex Couple Violence

**MCLE, CEU and TCLEOSE Credit Available (6.0 hrs.; 0.5 ethics)**  
\* Texas Southern University, Thurgood Marshall School of Law is an accredited sponsor approved by the State Bar of Texas Committee on MCLE

**COSTS:** Attorneys-\$90.00; Other Professional (claiming credits)-\$45.00;  
Free Admission for TSU Faculty, Staff, Students and the General Public

**Register Online:** <http://datingviolencesymposiumregistration.eventbrite.com/>

In light of the recent \$950,000 settlement of a lawsuit against Florida State University for their indifference in the investigation into a rape allegation involving NFL quarterback Jameis Winston, their then all star quarterback who went on to win the Heisman Trophy, and in observance of Teen Dating Awareness Month, Texas Southern University, Thurgood Marshall School of Law; TSU's Women's Resource Center, Harris County Domestic Violence Coordinating Council and the Earl Carl Institute for Legal & Social Policy Inc. hosted a domestic violence continuing legal education seminar entitled "LOVE SHOULDN'T HURT: Recognizing, Understanding And Combating Dating Violence" on Thursday, February 18, 2016 from

9:00a.m.-4:00 p.m. The seminar was intended to bring awareness about the growing epidemic of dating violence that is prevalent in our communities and how it can impact the lives of teenagers and young adults. In addition the seminar was intended to provide practicing attorneys with information on legal alternatives that exist to protect clients who are victims of domestic violence.

Teen DV Month (sometimes called TDVAM) is a national effort to raise awareness about abuse in teen and 20-something relationships and promote programs that prevent it during the month of February. Dating violence is more common than many people think. One in three teens in the U.S. will experience physical, sexual or

emotional abuse by someone they are in a relationship with before they become adults.

### LOVE SHOULDN'T HURT: Recognizing, Understanding and Combating Dating Violence

was intended to be a thought provoking and substantive discussion by an esteemed panel of

experts who were prepared to support their opinions with facts and statistics. In addition, the panelists provided information and resources for victims.

This seminar's topics included:

- *Overview & Legislative Update on Domestic Violence,*
- *Domestic Violence in the Age of technology,*
- *Protective Orders & Criminal Charges for Family Violence,*
- *What You Should Know: Resources Available to College Students,*
- *Same Sex Couple Violence and*
- *Domestic Violence and Immigration Issues.*



The Luncheon Keynote Speaker for this event was actress and author Denisha Raychelle Hardeman. The Houston native, while attending Southern Methodist University on a track scholarship, was cast as a background actress in the Oscar winning film, “Django Unchained.” While on set, Denisha caught the attention of Samuel L. Jackson who encouraged her to follow her dreams and move to Los Angeles. In Aug. 2012, she moved to Los Angeles to attend the New York Film Academy. Denisha starred and worked on



many commercials, indie films, and television shows including “Glee” and “CSI.” Denisha also

appeared in the record breaking film, “Straight Outta Compton.” Ms. Hardeman was a victim of dating violence and sexual assault as both a high school and college student. She recounts her experiences in her recently released book *8 Lanes* based on her early years in college as a track star dealing with domestic violence, sexual assault, suicidal tendencies, addiction and depression.

- The event was co-sponsored by the Harris County Domestic Violence Coordinating Council and the Texas Southern University Women’s Resource Center.
- There were 54 registered attendees and 21 attorneys. Attorneys in attendance earned 6.0 MCLE credits and .05 ethics

### **The 5th Annual Honorable Craig Washington and Senator Rodney Ellis: Excellence in Indigent Defense Series.**

*The 5th Annual Honorable Craig Washington and Senator Rodney Ellis: Excellence in Indigent Defense Series* was held on February 24 and 25, 2016. The event was co-hosted by the Thurgood Marshall School of Law, the Texas Criminal Defense Lawyers Association and the Criminal Defense Lawyers Project.

*The 5th Annual “Excellence in Indigent Defense” Series* focused on one of the ECI Center for Criminal

Justice’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 2016 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.

5th ANNUAL



**February 25-26, 2016**  
8:30 a.m. - 5:15 p.m. (each day)



*"Creating a New Future for  
Legal & Social Justice"*

LOCATION: TEXAS SOUTHERN UNIVERSITY  
THURGOOD MARSHALL SCHOOL OF LAW  
3100 Cleburne Street, Houston, Texas 77004

## Honorable Craig Washington & Senator Rodney Ellis **EXCELLENCE IN INDIGENT DEFENSE SERIES**

**Early Registration on or before 02/12/2016**

- Attorneys: \$175
- Government and Nonprofit Attorneys: \$100
- Public Defenders and Non-Attorneys: Complimentary
- Students/Faculty - Complimentary

**Registration after 2/12/2016**

- Attorneys: \$225
- Government and Non-Profit Attorneys: \$150
- Public Defenders and Non- Attorneys: \$50
- Students/Faculty: Complimentary

Breakfast, lunch and parking validation included

**Meet all your Annual CLE requirements in one course**  
Register Online at: <https://5thannualindigentdefenseseries.eventbrite.com>



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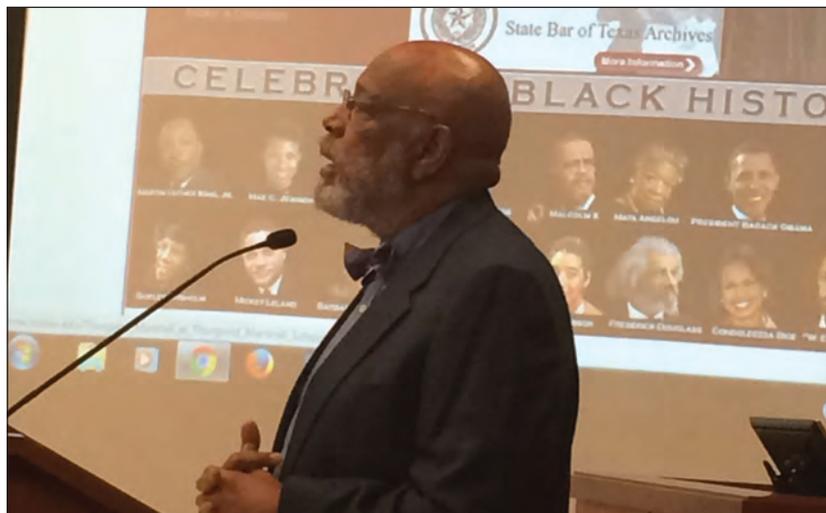
THE EARL CARL INSTITUTE FOR LEGAL AND SOCIAL POLICY, INC. • THURGOOD MARSHALL SCHOOL OF LAW  
TEXAS CRIMINAL DEFENSE LAWYERS ASSOCIATION • CRIMINAL DEFENSE LAWYERS PROJECT

The program covered:

- Race, Class and Reform in the Carceral State
- Policing the Police: Effective Suppression Issues
- Racial Profiling in Law Enforcement
- Race and the use of Deadly Force
- Primer on Forensic Science
- Bail Reform
- Legislative Updates
- Confronting Race in the Courtroom
- Using Electronic Media To Win
- Ethics after Conviction
- Cultural Competency in Criminal Cases

- Race Lessons from the JAG
  - Picking Your Best Jury
  - Bonds for Indigents
- a. Each day, over 60 individuals were in attendance. This program was funded in part by the

Texas Criminal Defense Lawyers Association through a grant from the Criminal Defense Lawyer's Project. There was a grand total of \$4285 collected in on site registrations, t-shirt purchases and donations.



## Black Administrators in Child Welfare Community Forum- It's Time! A Call to Action: Preserve Our Families –Bring Our Children Home

This program was a community convening to discuss methods for improving the child welfare system to create better outcomes for African Americans. This forum was prompted by discussions between the Earl Carl Institute and Black Administrators in Child Welfare as well as other stakeholders in leadership roles in systems involving African American children, youth, and families. The event was an interactive discussion between top child welfare professionals, other systems leaders and community advocates. The goal of the event was to provide feedback for constructing implementable solutions that promote equitable outcomes in child and family services systems.

On February 26, 2016 the Earl Carl Institute hosted this community forum at the Barbara Jordan-Mickey Leland School of Public Affairs McCoy Auditorium

- There were 72 registered attendees at this Forum. Donations of \$325 were collected.

### Topics & Presenters:

- *Overview of Black Administrators in Child Welfare, Mission and Catalyst for Change*, Dr. Sharon McDaniel
- *Groundwater Analysis of Racial Inequities in Texas*, Joyce James, Race Equity Consultant
- *Proposal for ICWA-Like Burdens of Proof in Addressing African American Overrepresentation in the Child Welfare System*, Sarah R. Guidry, Executive Director, Earl Carl Institute
- *Policies and Practices that Impact on Kinship Placements*, TDFPS Region 6 Director
- *Federal Court Finds that Texas Violates the Constitutional Right of Foster Children*, Attorneys for the Children, Dori Goldman & Chris Porter, Yetter Coleman, LLP



**The Earl Carl Institute for Legal & Social Policy, Inc.  
and Black Administrators in Child Welfare, Inc.**

*Presents*

**It's Time! A Call to Action:  
Preserve our Families Bring Our Children Home**



*A community convening to discuss methods for improving the child welfare system to create better outcomes for African Americans.*

**February 26, 2016**  
**10a.m. - 3:00p.m.**  
at the The Barbara Jordan-Mickey Leland School of Public Affairs McCoy Auditorium

**TEXAS SOUTHERN UNIVERSITY**  
3100 Cleburne Street  
Houston, Texas 77004

*"Equal Treatment Does Not Lead to Equity"*  
This forum was prompted by discussions between the sponsoring organizations, as well as, other stakeholder in leadership roles in systems involving African American children, youth, and families. This event will be an interactive discussion between top child welfare professionals, other systems leaders and community advocates. The goal of this event is to provide feedback for constructing implementable solutions that promote equitable outcomes in child and family services systems.



**TO ENSURE SUFFICIENT SEATING AND REFRESHMENTS  
PLEASE REGISTER TO ATTEND  
at <http://ecibringingourchildrenhome.eventbrite.com>**



# THE EARL CARL INSTITUTE'S 3<sup>RD</sup> ANNUAL CHILD WELFARE FORENSICS CONFERENCE

Thursday, April 14, 2016 – Friday, April 15, 2016

Thursday – 8:30 am – 5:00 pm (Soft Sciences)

Friday – 8:30 am – 5:00 pm (Hard Sciences)

Event Location: Thurgood Marshall School of Law

EARN ALL YOUR ANNUAL CLE ETHICS CREDITS AT ONE LOW COST TRAINING

MCLE/CEU/TCOLE

15 Total Hours; 3 Hours Ethics

Early Registration on or before 4/1/2016

- Attorneys: \$175
- Government/nonprofit attorneys: \$100
- Public defenders, Non-Attorneys, Faculty, Staff, and Students: Complimentary

Registration after 4/1/2016

- Attorneys: \$225
- Government/nonprofit attorneys: \$150
- Public defenders and non-attorneys: \$50
- Faculty, Staff, and Students: Complimentary



TENTATIVE TOPICS:

Child Suggestibility & False Confessions of Juveniles, Cell Phones, Social Media & Computer Forensics, Fetal Alcohol Syndrome, Daubert & the Use of Experts, Common Mental Health Diagnoses & Understanding the DSM V, False Allegations of Sexual Abuse & Recovered Memories, Shaken Baby Syndrome, Forensic Medical Examinations, Conditions Mistaken for Abuse, Understanding Psychological Evaluations, Understanding Medical Reports, Imaging & SANE Exams, DNA, Toxicology & Other Forensic Evidence, Ethics in Sexual Assault Cases, "Junk Science", Attorney Ethics in Cases With Child Victims, Race & Infant Mortality, Trauma Informed Practice, Reliability of the Medical Literature, Substance Abuse: Family Dynamics & the Child Victim



JUVENILE JUSTICE PROJECT  
EARL CARL INSTITUTE



Register at <https://eci2015childwelfareforensicsconference.eventbrite.com>

## The Earl Carl Institute's 3rd Annual Child Welfare Forensics Conference

*The Earl Carl Institute's 3rd Annual Child Welfare Forensics Conference* was held on April 14-15, 2016 at Thurgood Marshall School of Law. The purpose of the conference was to educate and inform attorneys, law enforcement, and case managers on issues related to forensics in child victim cases. Forensics in children's cases can often involve issues different from an adult victim case. In order to improve practices in both civil child welfare cases and criminal cases involving child victims, ECI teamed with Texas Criminal Defense Lawyers Association to present this Children's Forensic Conference CLE. Specifically, this series was designed to:

- Educate attorneys who handle cases involving children in both the civil and criminal arena
  - To improve law enforcement procedures
  - To educate Child Protective Services Personnel
- a. **Collaborations:** This CLE is a product of collaboration between the Earl Carl Institute, Thurgood Marshall School of Law, Barbara Jordan-Mickey Leland School of Public Affairs Forensic Science Lab, Texas Criminal Defense Lawyers Association, Harris County Public Defenders Juvenile Division, DePelchin Children's Center, SBOT Committee on Child Abuse & Neglect, and the Harris County Protective Services for Children & Adults Region 6 Training Institute. Other sponsors/ collaborators were charged with marketing and advertising this event.
  - b. 2016 topics and presenters included:
    - Texas Forensic Science Training Center – Dr. Ashraf Mozayani
    - Child Suggestibility, False Confessions Of Juveniles - Dr. James Wood
    - Cell Phone & Computer Forensics - Attorney E.X. Martin III

- Daubert & Use of Experts – Attorney Christopher L. Tritico
- Common Mental Health Diagnoses, Understanding the DSM V & Ethics in Dealing With Experts – Dr. Dashiel J. Geyen
- False Allegations of Sexual Abuse & Recovered Memories – Dr. Susan P. Robbins (U of H)
- Conditions Commonly Mistaken for Child Abuse, Race & Cultural Sensitivity – Lateesa Posey
- Ethics in Sexual Assault Cases – Attorney Nicole DeBorde
- Understanding Psychological Evaluations & the Impact of Substance Abuse – Dr. Connie Almeida
- Forensic Medical Examinations - Bite Marks, Burns, Broken Bones, Bruising, and Healing Rates – Lisa Creamer, Pediatrics Texas Children’s Hospital Children’s Assessment Center Medical Clinic
- Understanding Medical Reports (X-rays, digital imaging, etc.) & SANE Exams – Stacey Mitchell
- Ethics in Sexual Assault Cases – Attorney Heather J. Barbieri
- Trauma Informed Advocacy – A Lawyer’s Ethical Duty-Tara Garlinghouse, Disability Rights Texas
- Reliability of Medical Literature- Dr. Thomas Greeley
- Junk Science: Hair & Fiber, Bite Marks & Mixed DNA– Professor Anthony Haughton
- c. 47 attendees pre-registered and there were approximately another 20 participants (counting faculty, students and onsite registrations). Some of the participants were social workers, education professionals or child welfare professionals.
- d. This program was funded in part by the Texas Criminal Defense Lawyers Association through a grant from the Criminal Defense Lawyer’s Project. \$3207 in CLE fees, donations and purchases were collected.



# Center For Civil Advocacy

Formerly known as the Institute for Trial Advocacy, The Center for Civil Advocacy (CCA) was established in November 2001 and provides Thurgood Marshall law students an opportunity to gain practical experience by working with clients, lawyers and courts. Sources for cases include the Houston Volunteer Lawyers Program, Lone Star Legal Aid, other legal services organizations, community based organizations and churches. The clients represented through CCA are commonly low-income individuals and families. The CCA currently has two advocacy projects: the Opal Mitchell Lee Property Preservation and Foreclosure Prevention Project (OMLPPP) and the ECI Juvenile Justice Project (JJP).

ECI students participate in the Center's major advocacy projects, including research on policy initiatives and participation in pro bono public interest work. ECI provides a structured student program that includes an in depth student selection process, comprehensive student orientation, additional trainings on various components of legal writing, case management and law office management. ECI directors and contract staff attorneys supervise student research and advocacy work.

## Juvenile Justice Project

### Overview

Since its inception, the Earl Carl Institute's Juvenile Justice Project (JJP) has rapidly developed into one of Texas' premier programs assisting youth in the juvenile justice system. The Institute began the JJP in November of 2009 through a \$6,000 grant from the State Bar of Texas Litigation Section. This grant was aimed at helping address the rising number of Class C Misdemeanor school tickets faced by students accused of school misconduct. At the time, the project's primary purpose was to train attorneys to advocate for juveniles facing these Class C Misdemeanor tickets.

Beginning in September 2011, with funding from the Texas Bar Foundation, the JJP was revamped to add a training and impact litigation/policy advocacy component. Then in late 2012, the JJP received a grant from the Houston Endowment to hire



### EARL CARL INSTITUTE JUVENILE JUSTICE PROJECT

a full time contract attorney to provide direct representation to students in Class C Misdemeanor cases stemming from school behavior.

During the 2013 Texas Legislative Session, due in part to the JJP's efforts to educate stakeholders and lawmakers about the effects of ticketing students for in-school behavior, the Texas Legislature passed laws making the use of school ticketing for behavioral issues almost impossible. Therefore the JJP's caseload was nearly reduced to nil. As a result, the JJP then



shifted its focus to Class C Misdemeanor tickets issued to students for truancy. These efforts were continued through the remaining life of the Houston Endowment Grant.

In late 2014, attorney Mani Nezami received a two year Equal Justice Works Fellowship, marking the first time Thurgood Marshall School of Law has hosted an Equal Justice Works Fellow. Under this fellowship the JJP expanded to address the issue of disproportionate minority contact through a holistic approach. The first year of the fellowship, the JJP worked closely with a number of other organizations in pushing the Texas Legislature to decriminalize truancy, thus nearly eliminating the use of Class C Misdemeanor tickets in schools. With this, the JJP had once again continued the successful trend of partially putting

itself out of business through dramatic and positive changes in the law.

With these changes in place, the JJP has now shifted its focus to representing youth in multiple systems. This approach allows the project to provide legal representation to children who are in the juvenile/criminal justice system, disparate educational systems, the mental health system, and the foster care system. The project currently has the following 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.

- Legal services include:
  - Legal Advice & Consultation
  - Review of Student Records
  - Meeting with Parents
  - Negotiating with the School Districts & Prosecutors
  - In-Court Representation



“ While interning with the Juvenile Justice Project I had the privilege of helping young people with their legal troubles. I was able to assist with juvenile legal matters involving truancy, assault, school tickets, drug possession, forgery, as well as some juvenile felony cases. My work with the Juvenile Justice Project at the Earl Carl Institute over the past two years was an invaluable experience that I would recommend to any law student. ”



## Experiential Learning

The JJP offers law students a unique opportunity to work a case from scratch, and see it through to its resolution. Throughout the state, the JJP is the only juvenile justice clinic housed on campus, offering a direct, hands-on approach to help law students get an intimate and in-depth experience in working a case.

Law students assist the supervising attorney in working up a case from intake, to the initial client interview, to the research involved in each case prior to the hearings, to attending all of the hearings and seeing it through to its conclusion. And because these cases can vary between criminal, civil, and administrative, they provide the law student an excellent opportunity to experience many different types of legal practice.

## Key work product

### Systematic Changes

Due to the JJP's novel model of providing direct representation along with working on systematic change through impact litigation and policy advocacy, the JJP has become an invaluable partner to many organizations in the state who are also working toward similar changes. Essentially, because of the direct representation component, the JJP is able to help "put a face to the issue." While many of our partners work strictly on policy changes, none are able to provide the client pool that the JJP can. As such, the JJP has been widely embraced by the community of organizations that are striving for complementary changes in these areas of the law.

Because of these efforts, a policy that had led to the criminal prosecution of 115,000 children in 2013 alone, was overturned. That number was twice as many as all of the

other 49 States combined. Additionally, 4 out of 5 children sent to truancy court were found to be economically disadvantaged, with an overrepresentation of African American, Hispanic and children with disabilities. This is no longer happening in Texas, in large part due to the JJP's efforts.

### Direct Representation

The JJP essentially providing wrap-around legal services to youth in multiple systems. Often, youth who are in multiple systems have advocates and attorneys in each of those individual systems. While these advocates and attorneys may have a level of expertise in their particular field, they rarely are aware of the ancillary issues that their clients face. The JJP model (which has been recommended by the Department of Justice), allows us to have an expertise in the client and the systems in which the client has pending issues. The JJP is one of only a handful of programs throughout the country to use this new approach. We are truly on the cutting edge

of involving new approaches to the legal representation for youth.

- a. During 2016 the JJP closed out 20 cases, of those 20 cases:
  - 12 were delinquency cases. Of the 12, JJP was able to obtain a dismissal (either outright or through pretrial diversion) in 9 of the cases. That comes out to a 75% dismissal rate. In the remaining 3 cases, no clients had to pay court costs or fines. 4 of these youth were in foster care. 5 involved sealing and/or expunction or records. JJP was successful in all 5 cases. 3 of those youth were in foster care.
  - 2 cases were removals to alternative school. In 1 case the JJP was successful in reversing the school's decision to remove the client to alternative school.
  - 5 cases were sealing cases in which ECI was successful in sealing the juveniles records 3 of which of were former foster care youth
  - 1 cases involved representation in ARD meetings. In that case the JJP was able to successfully advocate for its client's needs.

- b. Breaking these numbers down by separate systems:
- JJP had 17 cases in the juvenile justice system.
  - JJP served 3 youth in the education system/ school hearings (removals to alternative school and ARD meetings).
  - In the foster care system, ECI was successful in sealing the juvenile records of all 3 former foster care youth we represented.

### **Press Coverage**

As a result of its policy efforts and direct representation, JJP has been featured in numerous national, state, and local publications and television programs. On April 12, 2013, the JJP was recognized in the lead article of the front page of the New York Times. The JJP's has also been interviewed by and quoted in the PBS NewsHour, BuzzFeed National News, Texas Monthly, Texas Tribune, Breitbart, ABC Houston KTRK, NBC Austin KXAN, The Houston Chronicle, Fort Worth Weekly, Odessa American, The Texas Bar Journal, and the Choices with Jeanette Television Program.

The JJP was mentioned as among the top advocates for changes to how school discipline is handled in Texas. This work, along with the media coverage the JJP has garnered, has helped solidify ECI, TMSL, and TSU's reputation throughout the country.

### ***Community Education and Outreach***

The JJP's reputation in the community has grown markedly in recent years as we've continued to make numerous contacts in the region and throughout the state. The JJP is consistently referred clients by these

contacts. JJP has become a crucial and valuable resource for representation and education in the region, and have played a part in helping expand the reputation of ECI, TMSL, and TSU.

In early 2016, JJP was approached to be part of a Harris County Dual Status Taskforce. This taskforce includes judges, administrators, CPS case workers and directors, members of juvenile probation, along with other nonprofits looking at how to best serve CPS youth who are also in the criminal justice system. While this taskforce is just getting started in Harris County, the JJP is able to bring 2 years of experience in serving this population. We have already been referred to as "veterans in this new way of approaching our most at risk youth" by Charles Rotramel, the founder of ReVision Houston.

Additionally, the JJP is planning on pushing for more policy change by forging relationships with state lawmakers. One of ECI's cases, regarding a felony charge stemming from counterfeit bill being used to purchase school lunch, garnered a great deal of media attention. This attention caused a stir in Houston ISD and the surrounding school districts. In fact, Fort Bend ISD was forced to have an open town hall where concerned families questioned the Superintendent on the school district's practice of criminalizing children in these types of cases. The JJP met with Representative Giddings and she has expressed strong interest in ECI helping her put forth legislation to curb the use felony prosecutions in these types of forgery cases and to investigate whether school districts are pressing more serious charges against

students in circumstances where a child would have been charged with a Class C Misdemeanor prior to the 2013 legislative changes making that more difficult for school district police departments to do. But for the fact that the JJP has brought this issue to light, through one of ECI's clients, these types of cases would in all likelihood have continued. ECI is currently working on, as is Texas Appleseed, research on whether the number of Class B and A misdemeanors for school behaviors have increased since the 2013 legislation eliminating most Class Cs.

Additionally the JJP also plans to work with ECI's nonprofit partners to address raising the age of juvenile jurisdiction from 17 years old to 21 years old based on new adolescent brain studies data. These efforts will likely be through both a push for legislation and possible impact litigation.

Finally, the JJP is currently in the midst of working with Texas Appleseed to provide an Implicit Bias Training for school administrators. The JJP in communications with The People's Institute,

an organization out of New Orleans that puts on a highly regarded two-day implicit bias workshop entitled, "Undoing Racism". ECI staff were invited to attend their workshop in Austin in late June. The JJP is looking to set up a similar training for HISD school administrators, faculty and staff, with the hopes of expanding in and around the region and state.

**Collaborators have included:**

- Texas Appleseed
- Texas Department of Family & Protective Services
- DePelchin Children's Center
- Disability Rights Texas
- Texas Rio Grande Legal Aid
- Lone Star Legal Aid
- HHSC Center for the Elimination of Disproportionality & Disparity
- Texas Criminal Justice Coalition
- BJ-ML SOPA, Administration of Justice Department
- Prairie View A & M - TX Juvenile Crime Prevention Center
- Harris County Child &

Adult Protective Services Training Institute

- National Center for Youth Law
- One Voice Texas
- Harris County Juvenile Probation
- ReVision Houston
- Black Administrators in Child Welfare
- Harris County CRCG
- My Brother's Keeper Houston
- Legal Services Juvenile & Education Task Force

**2016 Media Citations:**

- <http://abc13.com/1314203/>
- <http://abc13.com/news/fbisd-police-chief-lays-out-counterfeit-cash-issues-for-school-board/1341308/>
- <http://www.houstonchronicle.com/news/education/article/New-state-law-pushes-change-in-Fort-Bend-1SD-6446759.php>

## Opal Mitchell Lee Property Preservation Project

### Summary:

The Earl Carl Institute began the “Opal Mitchell Lee Property Preservation Program” (OMLPPP) in September of 2007, through a 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. The program was able to add foreclosure defense work through a special limited time grant in 2010 to address the foreclosure crisis. In 2015, OMLPPP was able to add a dedicated foreclosure and bankruptcy attorney through a grant from TAJF made possible by a DOJ settlement with Bank of America. Thus the program now operates with 3 fulltime ECI attorneys. In addition, during this period the OMLPPP received paralegal support from two Administration of Justice students from the Barbara Jordan-Mickey Leland School of Public Affairs.

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 and tax foreclosure defense, bankruptcy, property tax exemptions, formation of nonprofit corporations that assists with community development and consumer debt issues.

Through the services of 3 supervising attorneys, student practitioners, and strategic partnerships with other organizations, in 2016 the program provided



legal services to those in jeopardy of losing their property or who wanted to put measures in place to preserve their property for themselves and future generations or who wanted to gain real property to increase their wealth. Those services included representation in court, counsel and advice, pro se document preparation, investigations, and negotiations as appropriate.

### Key Outcomes:

- OMLPPP had 8 student interns plus one Bankruptcy Externship Student in AY 2015. 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. All of the students participated in some aspect of trial or hearing preparation including drafting and answering discovery, preparing trial notebooks, and interviewing clients. The students worked 10 hours in the Fall & Spring and 20 hours in the summer. The Extern worked 17 hours per week and received course credits for participating in the program.

- During 2016 OMLPPP screened 106 cases. Over 31% of applicants were over income. We closed 100 cases and had 137 open cases at the end of the period. In 2016, 363 individuals were affected by the services we provided. Our number of closed cases increased over the last year as did the number of open cases primarily because of increased outreach efforts. While most of ECI's closed clients are residents of Harris County, we were able to assist residents in Brazoria, Dallas, Montgomery, Harrison and Fort Bend counties.
- During 2016 ECI's team of staff and law school students had several outstanding successes. We provided representation in a number of probate matters. We successfully prevented several foreclosure actions.
- While our clients do not receive direct dollar benefits, they do often receive an interest in property or we save the property they own from foreclosure. **The calculated value in assets that were obtained or saved by our clients in 2016 is \$2,893,613, most of which is in real property, and almost triple the amount from last year.**
- ECI's foreclosure prevention grant from the Bank of America settlement added a new attorney to the project. **During 2016 that program handled 40 cases, stopping the majority of the foreclosure proceedings through settlement or in-court representation.** The program has also worked with CDCs to help with loan modification. It has been able to prevent tax, mortgage and property owner foreclosure proceedings.



### Outreach:

We continued OMLPPP's outreach efforts which included:

- Updating all program brochures. In addition, we created new brochure on bankruptcy and reverse mortgages
- Sending letters to all local legal services programs intake staff and to local elected officials
- ECI prepared a media advisory to send to 85 media outlets in the area spotlighting ECI's program and seeking appearance on community based media programming
- ECI contacted community organizations and delivered brochures to them
- OMLPPP continued strong collaborations with Lone Star Legal Aid, Advocate Legal Senior Center and Houston Volunteer Lawyers Program. OMLPPP staff also participated in a taxpayer workshop with Bank on Houston, the Harris County Appraisal District and the Harris County Tax Assessor Collector to assist property owners with understanding payment and deferral options for paying property taxes.
- ECI collaborates a great deal with the Houston Volunteer Lawyers Project to serve many of its applicants. Since the collaboration began approximately 40% - 50% of ECI's applicants are referred to us by HVLP.



## Debt Bootcamp

Besides ECI's clinic services, the most successful program during the 2015 – 2016 academic year was the Debt Boot Camp. The Debt Boot Camp began in 2012 and is sponsored by Capital One Bank and Windsor Village United Methodist Church. Program partners include Crime Stoppers, Money Management International, the Earl Carl Institute and Covenant Community Capital. The Debt Boot Camp provides its participants with a curriculum that teaches habits and principles of reducing debt, avoiding debt, and eliminating debt. The camp's free 7 month curriculum includes topics such as: Getting and Keeping a Steady

Job; Increasing Spendable Income; Dealing with Creditors; Eliminating Unnecessary Spending; Using Credit Cards Correctly; The ABC's of Investing and many more. Overall, each participant learns the importance of saving and building a strong credit score.

The other tangible benefits each participant receives are specific for each partner involved. In addition to obtaining access to premium personal financial education at no cost, those who register for the program receive free one-on-one confidential financial counseling from experts from Money Management International, as well

as coaching from Capital One bankers. Capital One provides a free savings account with all service and minimum balance fees waived for one year. Covenant Community Capital's Individual Development Account, features matching funds up to \$4,000 for participants who meet income and other guideline qualifications.

During this year's programming, Capital One Bank provided a \$5,000 grant to the Earl Carl



Institute to support its work with the Debt Boot Camp. The Institute taught courses discussing such subjects as:

- Credit Card Debt
- Judgments and Abstracts
- Sheriff's Sale & Exempt Property
- Clearing Liens
- Mortgage, tax, and Property Owners Association Foreclosures
- Bankruptcy
- The Importance of Estate Planning
- Wills & Trusts, Probate and Intestate Succession, and Alternatives to Probate.

In addition, the Institute provided legal consultation to all participants with legal issues related to wealth

development and provides free estate planning packets for all interested participants. These estate planning documents included: Simple Wills, Statutory Durable Power of Attorney, and Appointment of Agent to Dispose of Remains, Declaration of Guardian for Self and Declaration of Guardian for Child, HIPPA Release, Directive to Physician, and Medical Power of Attorney.

These documents were evaluated, witnessed and executed by Thurgood Marshall School of Law students who had been trained and who worked on this project under the supervision of an

experienced attorney with expertise in this area of the law. In all, **14 law students, 5 attorneys, and 4 notaries provided legal services.** The students receive a stipend for participating in training sessions and providing legal services at the Debt Boot Camp. **40 individuals were provided with services related to the estate planning packet which was on average 6 documents per person for more than 240 individual documents reviewed, witnessed and executed; for a total value of approximately \$20,000 in free legal services.**



# The Center For Criminal Justice

The Center for Criminal Justice (CCJ) fosters a fair and accountable justice system through research, analysis, collaboration and actual innocence litigation. The center uses an interdisciplinary approach to address problems in the criminal justice system that impacts the urban community disproportionately. The goals of the center are to: (1) research criminal justice reform issues and recommend more effective policies, and (2) provide students with an opportunity to hone their advocacy skills. The Thurgood Marshall School of Law Innocence Project (TMSLIP) is operated under the auspices of the CCJ.

## Innocence Project

### Summary:

The Innocence Project at Thurgood Marshall School of Law (TMSLIP) was created in June of 2007. In March of 2009, the Innocence Project began operating under the Earl Carl Institute for Legal & Social Policy, Inc. TMSLIP came to ECI with only 24 open service requests and by the close of 2016 the project had nearly 3,000 requests for assistance. The Project promotes student development by employing a full time supervising attorney as well as numerous law student investigators who review claims of actual innocence. Like most statistics associated with our criminal justice system the problem of wrongful conviction impacts the African American community more than any other. The reflection of disparate impact on the African American community is caught in Texas' DNA exonerations; of the first 45



persons found to be wrongfully convicted based on DNA tests more than 80 % were African American.

In Fiscal year 2015, the Project celebrated the release of its first "actual innocence" client. The client was released on parole based on the investigative work of the Innocence Project on his claim of actual innocence. The Project co-counseled the parole hearing with Attorney Tammy Peden. Presentations on behalf of the

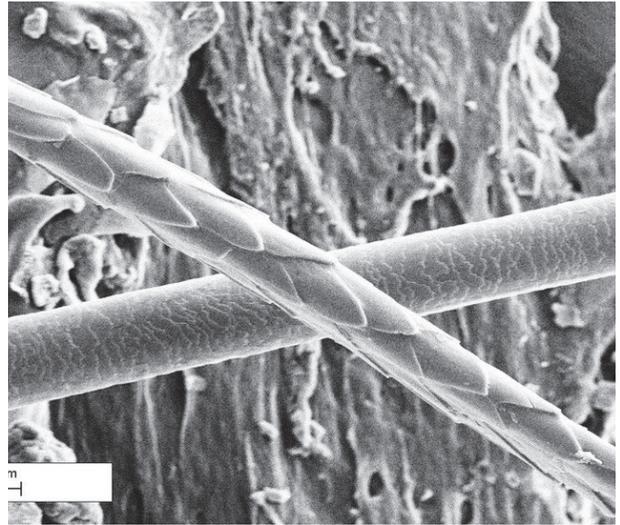
client were made by attorney Peden, a project student, and its staff attorney. After his release the client came to the school and participated in a Project Recruitment event with members of his family. At the event the client discussed his case and what it meant for him to have the assistance of an Innocence Project. The Client then thanked the students who had worked on securing his release, and the students who were continuing to work on his case.

## Hair Microscopy Review Project

In April of last year, the FBI stunned the legal community with its acknowledgment that testimony by its forensic scientists about hair identification was scientifically indefensible in nearly every one of more than 250 cases it had reviewed. The FBI's initial review came years after DNA testing had shown that hair comparisons were little more than junk science, which in turn led to the FBI and almost every State to start reviewing all hair comparison expert testimony for potential wrongful convictions of innocent persons. The Department of Justice coordinated efforts to review FBI testimony about hair analysis in more than 2,500 cases in more than 40 states from 1985 to 1999. The results of the first 268 cases examined found that FBI testimony was fundamentally flawed in 257 of those cases — a stunning 96% of the total. Of those defendants, 33 received the death penalty and nine have been executed so far.

Texas, under the leadership of the Texas Forensic Science Commission (TFSC), is currently undertaking the same sort of review of cases employing hair comparison evidence and testimony as positive, probative evidence of guilt. To date, the TFSC has identified more than 270 cases where hair comparison evidence may have played a significant role in criminal convictions. The efforts to identify all such cases is ongoing. Most of the cases that have been identified need to be reviewed for error through document collection and review, transcript review, and witness interviews.

ECI's goal with the Hair Microscopy Review Project, under the supervision of Professor Anthony S. Haughton, is to assist in reviewing the cases identified by the TFSC where there was a positive, probative association made by a hair examiner in



a laboratory report, and the examiner either: (a) provided subsequent testimony as an expert witness at trial; or (b) included scientifically invalid language in the report to such a degree that the defendant's plea could not have been voluntary. This funding will provide enhanced legal assistance to innocent persons, who due to now recognized flawed forensic sciences, were wrongfully convicted.

### Key Outcomes:

#### *Intake:*

By December 2016, the project had more than 2,900 requests for assistance. This meant that the project had again surpassed 500 new RFA's in a fiscal year, just as it had done in 2014. Due to the total number of RFA's the project is receiving between 50 and 60 pieces of mail each month. As a result the Project has continued to work on ways to streamline the intake process while maximizing the resources available to meet intake needs. For example, the project is continuing to work on setting up a web based "status-website." The website will allow "prospective clients" (persons who have submitted a questionnaire) to review the status of their case directly on-line, which should reduce incoming mail requests for status updates.

In terms of maximizing resources the Project has been able to boost the number of ECI – Innocence Project Administrative students from two to three per semester. These administrative students are law students who are employed part-time through the ECI and paid by the law school. As opposed to regular Project students, these students work only on the administrative side of the Project, handling intake and responding to inmate letters.

The students provide 10 hours each per week during the fall and spring semesters, and 20 hours per week during the summer. The Project also continued its collaboration with the San Jacinto County College Paralegal Program (SJCCPP). First started in 2014, the collaboration takes advantage of the SJCCPP's requirement that students provide 240 volunteer hours as part of their paralegal certification process. TMSLIP had one SJCCPP trainee paralegal

student during the fall and spring. The Project was also able to attract a number of other volunteers specifically for administrative assistance including 2 non-law students who worked actively on administrative tasks in the fall and spring and one during the summer. The Project received 509 new RFA's during fiscal year 2015. During the same period 223 cases were screened and 183 cases were rejected after initial screening.

## Investigation / Pre-Litigation

The Project had its first client release in 2015. The release was based on presentations to a parole board in 2014. As a result, the client was released after 20 years of incarceration after going through specialized program. The 20 years were part of a 40 year sentence the client had been given after being revoked on a 5 year deferred adjudication probation. The client had pled no contest to the charge, and had been on probation for about one month prior to being revoked. The investigation carried out by the Project included interviewing all known witnesses, including the treating physician, outcry witnesses, and DNA technicians (the actual biological material had been lost), and obtaining all available documents including medical records and copies of the D.A.'s file. On review of the case there was no physical evidence to support the claim, and the witnesses provided recantation statements detailing why they had lied. Their recantations were supported by the treating physician who had not previously been contacted about the case. The case is now under review by the Harris County District Attorney's Office

*"Because Truth Matters"*



Thurgood Marshall School of Law  
Innocence Project

Post Conviction Integrity Unit. Project students made a presentation of the case to the Integrity Unit, who agreed to review the case. If taken it will be the integrity unit's first recantation based innocence case. The HoustonPress ran a story about the case at <http://www.houstonpress.com/news/can-wordsalone-exonerate-this-sex-offender-8044541>.

At the beginning of 2016, the Project had a total of 98 open investigations. The project had worked on a total of 137 investigations and have closed or had ready for closing 39 investigations. During the year TMSLIP students interviewed lay witnesses, experts,

prosecutors and defense attorneys, they also visited crime scenes, courts, and collected documents. Of special note is the work TMSLIP students have done on recantation cases using mental health experts to evaluate the recantations. These mental health experts were located by the students and have either volunteered their time and services or provided them at cost.

In a particularly interesting case, referred to our office by the Harris County Public Defender's office, with the request that ECI take it into federal habeas, a defendant pled guilty to possessing a controlled substance. After his plea the substance was tested and found to be Tylenol III, for which the defendant had a prescription. The trial court, prosecutor and defense attorney all agreed that this was an actual innocence case. The CCA disagreed and said that since the Tylenol III was obtained under a prescription it was only a technical innocence claim, and thus denied the defendant the additional relief to which he would have been granted if this was an actual innocence claim. Because of Anti-Terrorism and Effective Death Penalty Act (AEDPA) tolling restrictions this case needs to be taken into litigation as soon as possible.

## Litigation

The Project has no cases in litigation at present. Five of TMSLIP's cases are close to litigation. Two are being worked on collaboratively with the conviction integrity unit of the prosecutor that obtained the conviction and two are in the process of being presented to the prosecutor's offices for re-investigation. One of these cases is the case where the client obtained release as discussed above. The Project is continuing to investigate these cases and hopes to be ready to file for relief on the clients behalf, as needed, in fiscal 2017.

## Experiential Learning: Student Participation / Student Development

A total of 39\* law students participated in the Innocence Project classes and/or clinics in 2015. The breakdown is as follows. First, 8 students in the fall and 7 students in the spring took the regular Innocence Class and Clinic course offering. The TMSLIP had 2 advanced IP students in the fall and 1 in the spring. TMSLIP also had its largest Summer Student Volunteer Internship Program (Internship) this year. Eight TMSL students, two non-law students and a graduate law student from the University of Wolverhampton, England, (UK) participated in the Internship program this year. The Internship is a volunteer program, participating students are not paid and do not receive credit for participating in the program. The program is therefore a Pro Bono program and provides law students an avenue to start giving free legal services to the community prior to graduating law school. The Internship requires that students work fulltime in the program for a minimum of 8 weeks beginning on the first Monday in June, and ending on the last Friday in July. The TMSL students were chosen through a recruitment process that started in March of 2016. More than 30 students applied for the positions available, the application process included submissions of writing samples, grades, recommendations and an interview, simulating traditional legal hiring practices. The summer program began with a three day orientation. During orientation students were provided with training in investigative and case development skills

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*This total does not include the ECI's administrative law students, nor non-law student volunteers. Students who participated at the IP in more than one role are only counted once. In addition to the students in the IP class and clinics there were non-law student volunteers, and 3 admin law students per semester. The admin students worked at the project year round.*

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and were given an over view of actual innocence law, the main causes of wrongful convictions of the innocent, and methods and strategies for undoing wrongful convictions. in the summer. The administrative students worked up to 10 hours per week for 12 weeks in the spring and fall, and

up to 20 hours in the summer. Their responsibilities revolved around initial intake, filing, letter writing, other administrative tasks, and first line questionnaire review. TMSL students gave a total of 4,365 hours of investigation on their cases during the past year, and as a group received a total

of 191 hours of direct one-on-one supervision of their cases. The students were able to start or continue investigations on 139 cases, and were able to reach the conclusion that we should close 37 of those cases. The remaining cases continue to be investigated.

## Outreach and Community Development:

The Project has continued to focus on outreach and community development. The Project used media, community symposiums, conferences and other events, and CLE's as its primary methods of outreach and community development in 2015. The Project continues to be a regular monthly contributor to KPFT's Prison Radio Show, where its students have a regular monthly spot to appear as guest commentators to discuss the Project's work and related issues directly to the target audience. The Project also appears and presents on its work at various community events and at CLE's, some of which are highlighted below.

The following is a partial list of Outreach / Community Development Activities during 2016:

1. Monthly - - Ongoing - - Project Attorney and 2 Project Students (per show) present on KPFT Prison Radio Show on Actual Innocence Issues.
2. Host & Presenter: 5th Annual Honorable Craig Washington & Senator Rodney Ellis Excellence in Indigent Defense Series - Theme: Race & the CJ system; co-hosted by the Thurgood Marshall School of Law, the Texas Criminal Defense Lawyers Association and the Criminal Defense Lawyers Project



# Work Performance Data

DESCRIPTION	TOTAL
<b>INTAKE</b>	
Incoming requests from inmates for innocence review	509
Number of cases screened	223
Number of cases rejected after screening	181
<b>SCREENING</b>	
Questionnaires <sup>2</sup> sent	298
Questionnaires returned	11
TPIQ'S received	322
<b>INVESTIGATION</b>	
Total Law Student Hours <sup>3</sup>	4365
Total Non-Law Student Hours	653
Total Attorney Hours	848
Investigations open at start of year	63
New investigations initiated	72
Investigations that suggest closing case	37
Open investigations	98
<b>LITIGATION</b>	
Litigation initiated	0
Clemency proceedings initiated	0
Number of cases clemency granted	0
Convictions overturned	0
Cases referred to another institution	0
<b>STUDENT PARTICIPATION</b>	
Number of TMSL Law students participating in Project	39
Hours worked by TMSL law students	4365
Students from other fields of study participating in the Project	4
Hours worked by students from other fields of study	653
<b>STUDENT ADMIN<sup>4</sup> PARTICIPATION</b>	
Number of TMSL Law students participating in Admin	3
Hours worked by TMSL admin law students	1233
<b>ATTORNEY PARTICIPATION</b>	
Staff Attorney Hours	2196
Volunteer Attorney	149
Assistance from other Attorneys (school only)	15

<sup>2</sup> The program now sends post cards detailing how to obtain TPIQ to inmates, and only sends Questionnaires to released persons, or inmates who claim they cannot obtain a TPIQ – this number includes post cards.

<sup>3</sup> This number does not include, administrative student hours, which are set out below.

<sup>4</sup> The School provided 3 students a semester to assist with the administrative tasks associated with the project. The students work up to 10 hours each per week in fall and spring and 20 hours a week in the summer.

# Center For Government Law

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. The Center also serves as a bridge between government and academia by providing practical experience to students who assist government leaders in advancing research in a multitude of law and public policy arenas.

In addition, the Center is responsible for a report 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 issues of disproportionality for legislators and other policy organizations.

## 84th Legislature Interim Charges

### Summary:

In 2016 ECI continued research on legislative Interim charges related to ECI's current priorities, involving interdisciplinary social policy issues, and having a disproportionate impact on urban and minority communities. Among the interim charges initially identified and tracked were the following:

#### a) House Charges:

- Continue oversight of the Texas Commission on Jail Standards and issues jails currently face, including the mental health of those in jail, and make recommendations for refinement or improvement of processes and programs.
- Determine which counties have implemented a cite-and-summons policy, whether the policy has been effective in lessening overcrowding in county jails, and whether those cited by peace officers comply with the policy.
- Study the classification of 17-year-olds as adults in the criminal justice system of Texas.
- Study the effectiveness of deferred adjudication and orders for non-disclosure

in spite of the many exceptions to the statute. Study extending the use of expunction of criminal records history and non-disclosures to certain qualified individuals with low-level, nonviolent convictions. Examine the statutorily allowed but underused non-disclosure and expunction of criminal records, and the use of deferred adjudication.

- Study the impact of SB 1289 (83R). Examine the sale of criminal histories that may be erroneous as well as the lasting impact that arrest records have on individuals who are arrested but not charged or convicted. Assess the need for revision of existing statutes and consider designating an agency responsible for regulating entities involved in the industry

- Study the implementation of SB 462 (83R). Examine which counties currently have veterans' courts, as well as veterans' courts in other states, and determine how those programs are working and whether these courts provide additional services or resources for veterans.
- Monitor the implementation of Foster Care Redesign. Evaluate its impact on the child welfare system in areas of the state where redesign is underway, including transition from the legacy system, foster family retention and recruitment, placement stability, permanency and child safety.
- Study issues that inhibit the use of wills and access to the probate process in Texas, particularly for low-income individuals.
- Study the impact of SB 393 (83R) and SB 1114 (83R). Assess the impact of school discipline and school-based policing on referrals to the municipal, justice, and juvenile courts, and identify judicial policies or initiatives designed to reduce referrals without having a negative impact on school safety.
- Study Title 15 of Election Code, which regulates political funds and campaigns, including requirements for financial reports by campaigns, candidates, officeholders, and political committees. Specifically, study what types of groups are exempt from reporting requirements in the Election Code and make recommendations on how to make the political process more transparent.

In March 2016, three areas were identified for further development into position papers that will be made

available to key legislators in support of bill filings for the 85th Legislative Session. Those issues are:

1. Working Title: Do System Biases Preclude Indigent Defendants From Reaping the Benefits of Pre-Trial Diversion Programs?
  - a. Review pretrial service and bonding practices throughout the state
2. Working Title: Do Bail Practices In Texas Result In Excessive Costs To Society As Well As The Individual?
  - a. Study the constitutional requirements and local practices for the appointment of counsel to indigent defendants and the operation of innocence projects at the state's six public law schools.
3. Working Title: Policy Recommendations for Improving the Efficiency & Effectiveness of Proving Actual Innocence by Public Law School Innocence Projects
4. Working Title: Proposal to Videotape Confessions To Reduce Wrongful Convictions
5. Working Title: Human Trafficking: When Black Girls Run Away
6. Working Title: The Debate About Whether to Increase the Age for Adult Prosecution to 21

### Key Outcomes:

Education of critical TSU staff, stakeholders, and elected officials through provision of issues included in interim charges and written materials addressing issues raised by interim charges; thus, enabling formulation of policy recommendations prior to the beginning of the 2017 legislative session.

## ECI 2015 Legislative Update

See discussion of Update under section on ECI publication.

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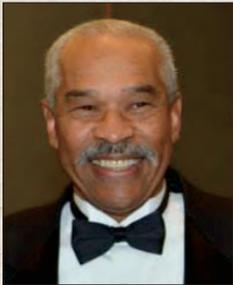
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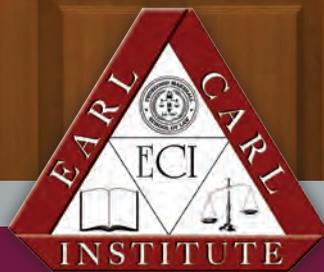
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