

2018 INDIGENT DEFENSE AWARDS

Warren Burnett Award

Named for the late legendary Texas Attorney Warren Burnett, the award recognizes extraordinary contributions to improving the quality of criminal legal representation to indigents in Texas. The award honors either an individual or organization for their work in the courtroom, legislature, or in the public space.

2018 Recipient: Martin Underwood (Comstock, Texas)

Martin Underwood has a “no-nonsense” approach to indigent defense and a success rate that has made his presence known to other defense attorneys. He is similarly admired and respected by the judges before whom he has practiced and the prosecutors with whom he has sparred over the years. It is only fitting that the first case he ever tried was as co-counsel to his idol, Warren Burnett.

Underwood has consistently represented the indigent accused throughout his career. His name is recognized in courthouses across West Texas as one who wins cases despite seemingly overwhelming evidence against his client. But perhaps his most important and far-reaching pro bono work has been in the form of mentoring and teaching other lawyers along the way. He has looked for opportunities to work cases with other lawyers, often teaching the things that aren’t taught in law school – weaving between prosecutors and court clerks, endearing oneself to clients and juries, and just how much to hit the books to prepare for the next argument. He serves as an example to other lawyers and reminds us that making a difference in the lives of our clients means more than making money.

Underwood has devoted his career to representing criminal defendants as a court-appointed attorney. Many of his cases have involved capital murder. “The thing about capital murder defendants is that most of them are guilty, most are terribly unsympathetic and almost all of them are broke,” Underwood explained. “But I don’t defend them for any of those reasons. You defend them because of the one innocent person who may be tried for capital murder, or murder anything. It’s for that one innocent person, whoever they are.”

In addition to his dedication to representing indigent defendants, Underwood has contributed to changes in Texas law, including the fact that indigent defendants are entitled to their own court-appointed psychiatrist, and written several educational articles for the Texas Criminal Defense Lawyers Association.

Michael K. Moore Award for Excellence in Research or Writing in the Area of Indigent Criminal Defense

This award is named after Dr. Michael K. Moore for his pivotal role in several research and writing efforts that had a major effect on indigent defense in Texas. The award will be presented to an individual (including both private citizens and members of the Bar) or organization in recognition of exceptional research or writing that deals with indigent criminal defense and that represents a significant contribution to the knowledge and practices of the bench, bar, and scholarly communities.

2017 Recipient: Scott Ehlers (Austin, Texas)

Based on his research, dedication, and actions in producing his “Review of the Operations of the State Counsel for Offenders,” Scott Ehlers has shown his dedication to contributing to the quality of indigent defense in Texas. The report has contributed to the movement to secure an independent public defenders organization for prison inmates. Ehlers’s report strives to determine if there are problems in the structure and operations of the State Counsel for Offenders (SCFO) and the provision of indigent defense services to inmates in Texas and make recommendations on how these problems might be addressed. Using an objective standard, the American Bar Association’s *Ten Principles of a Public Defense Delivery System*, Ehlers examined the SCFO’s operations. These Principles combine indigent defense guidelines developed by various organizations, including the American Bar Association, the National Legal Aid and Defender Association, the National Advisory Commission on Criminal Justice Standards and Goals, and the National Study Commission on Defense Services.

Ehlers also conducted an online survey of current and former employees of the SCFO and criminal defense attorneys familiar with SCFO's work. The survey questions were based on the Principles, and respondents were given standardized responses to choose from in addition to an opportunity to provide open-ended feedback. Additional information was gathered through an information request sent through Senator Rodney Ellis's office. Ehlers also conducted research on how other states provide legal services to inmates. Finally, Ehlers interviewed current and former attorneys from the Special Prosecution Unit who work with SCFO attorneys on a regular basis to include the perspective of prosecutors.

Ehlers's research and report have provided an educated basis to afford those interested in the SCFO a springboard from which to speak about specific issues supporting quality defense for Texas inmates.

2018 Pro Bono Excellence Awards

Frank J. Scurlock Award

This award honors an individual attorney, in good standing, who has provided outstanding pro bono work. The award is named for the late Frank J. Scurlock, the first chair of the Legal Services to the Poor in Civil Matters Committee. Scurlock was known for his tireless efforts to provide legal services to the poor.

Ronald Ned Dennis (Marshall)

Ronald Ned Dennis has been practicing law for 48 years, mostly as a sole practitioner in the small town of Marshall, Texas, and has provided pro bono services since the beginning of his career. He is a charter member of the Pro Bono College of the State Bar of Texas and has been previously recognized as an ATJ Pro Bono Champion in the *Texas Bar Journal*. Dennis accepts referrals from Lone Star Legal Aid and from other attorneys, local courts, and various individuals and agencies in his small town. He also spends his time responding to questions submitted on TexasLegalAnswers.org. In the last two years, he has donated approximately 310 hours and handled 80 cases ranging from family law and probate to business transactions and landlord/tenant issues. In 2017, Lone Star Legal Aid recognized Dennis for handling the most litigated cases.

Dennis does pro bono because he believes it is the right thing to do. People need help, and there is an ever increasing need for legal aid. He believes that lawyers have a duty to respond to the needs of our fellow citizens.

J. Chrys Dougherty Legal Services Award

This award recognizes an outstanding legal services staff attorney. The award is named for J. Chrys Dougherty, a private attorney and Bar leader, whose efforts helped to build a strong working partnership between the State Bar of Texas and legal services providers. The award includes a \$1,500 stipend from the Texas Bar Foundation and a contribution from Graves Dougherty Hearon & Moody.

Aimee Maldonado, South Texas College of Law Houston (Houston)

Aimee Maldonado's 13 year career has seen her in many different roles, but always advocating on behalf of immigrants: she has opened her own immigration practice, worked as the Supervising Attorney over the Unaccompanied Minors Program at Catholic Charities, and now is the Immigration Clinic Staff Attorney at South Texas College of Law Houston.

Through her work in the Immigration Clinic, she provides legal instruction and casework supervision to students and acts as the primary case handler. In addition to providing direct representation to immigrant clients, Maldonado develops, coordinates, and attends outreach events to educate potential clients in the community about their rights and responsibilities.

In her short time at the law school, Maldonado has built and enhanced a robust partner network to include client referrals and peer consultations. Under her supervision, students support outreach events and workshops at partner sites, providing advice and counsel on immigration law. Her expertise, teaching style, passion, and energy inspire her students to get involved beyond their school requirements and become advocates for change. She emphasizes to her students the importance of continuing pro bono work as licensed practitioners. Even though the course is not offered in the summer, Maldonado trained and worked with volunteer students at outreach events to assist immigrants seeking legal status during the summer.

As the immigration staff attorney and adjunct faculty, Maldonado is able to share her passion for service and instill in her students a commitment for pro bono work. She is vigilant about tracking upcoming volunteer opportunities to share with her students, and she tirelessly recruits volunteers from the entire student body for immigration-related outreach events and workshops. She understands the importance of giving back, especially for lawyers, and she is adamant about laying the foundation for community service into every student she interacts with.

Judge Merrill Hartman Pro Bono Judge Award

This award honors a judge, sitting or retired, who has provided exemplary pro bono service, including: outreach to attorneys to increase the quantity and quality of pro bono representation; modifications to court processes to increase access to justice; advocacy on behalf of access to justice; or service as a volunteer judge for pro bono clinics or other pro bono proceedings. The award is named after the late Judge Merrill Hartman of Dallas, a tireless advocate for low-income communities' access to justice.

Judge Eduardo V. Rodriguez (Brownsville)

Judge Rodriguez was admitted to practice in 1996, has served on the Pro Bono Executive Committee of the State Bar, and is the current Chair of the Bankruptcy Section, which he joined at its inception. In July 2015, he was appointed by the Fifth Circuit as a United States Bankruptcy Judge for the Southern District of Texas.

Judge Rodriguez brought together Bankruptcy Judges Mark X. Mullin, Craig Gargotta, and Bill Parker, Bankruptcy Trustees, and practitioners to appear in a video titled "Bankruptcy in a Box." The project, proposed by Texas RioGrande Legal Aid, Lone Star Legal Aid, and Legal Aid of NorthWest Texas, was made possible by grants from the Bankruptcy Section and will expand pro bono representation for low-income people in Bankruptcy matters. The web-based video CLE is available for free to volunteer attorneys who agree to accept two pro bono Chapter 7 cases for low-income people and will benefit low-income Texans for years to come. Bankruptcy in a Box has gained national attention and will be featured in a presentation at the ABA/NLADA Equal Justice Conference in May 2018. This project, standing alone, would more than justify the Judge Hartman Award for Judge Rodriguez, but his participation in pro bono goes back much further.

Under the leadership of Judge Rodriguez and others, the Bankruptcy Section sponsored and coordinated its first Bankruptcy Pro Bono Project (BP2) in collaboration with the University of Texas School of Law. This project will be expanded to include other law schools across Texas, starting with St. Mary's University School of Law. The goal of BP2 is for pro bono attorneys and law students to help low-income clients determine whether a Chapter 7 bankruptcy would be appropriate under the circumstances. If so, they represent that client in preparing, filing, and discharging the case.

Also under Judge Rodriguez' leadership, the Bankruptcy Section has a new website and has added to "facilitate the provision of pro bono legal service directly by Section members or through qualified legal aid organizations" to the Section's purpose.

In 2014, Judge Rodriguez helped kick off National Pro Bono Week by telling the *Texas Bar Blog* : "It is my belief that, as attorneys, we are charged with a moral obligation to do good in the community and to assist the less fortunate. Volunteering to represent the indigent population with legal matters is always a priority for me." Judge Rodriguez was also recognized by the *Texas Bar Journal* as an ATJ Pro Bono Champion in 2015. His advice to those thinking about starting to do pro bono work was: "The good work you do, for even one individual, will be returned to you ... tenfold. Don't hesitate – get involved."

Pro Bono Award

This award honors a volunteer attorney organization that has made an outstanding contribution toward guaranteeing access to the legal system by the poor.

Houston Volunteer Lawyers (Houston)

In 2017, Houston Volunteer Lawyers (HVL) assisted more than 12,000 low-income people in Harris County and surrounding counties, with volunteer attorneys donating 18,355 hours of legal service valued at \$6,775,383. While the numbers may be impressive, it is the clients behind those numbers that are the important part of the equation. They are mothers in abusive domestic situations who just want a safe home for their children. They are people who still cannot get their homes repaired or their lives back together more than six months after a devastating storm. They are veterans

who need help with the benefits they have earned, coming in to HVL clinics proudly wearing the flag and the insignia of the units in which they unselfishly performed that service, including some of our WWII heroes.

HVL has been able to accomplish so much in the community because of the diversity of its outreach programs. These programs include twice-monthly Saturday legal clinics, weekly veterans clinics at the Michael DeBakey VA Medical Center and twice monthly clinics at VA Outpatient Clinics in surrounding counties, a medical-legal partnership with Texas Children's Hospital, clinics for victims of domestic violence in conjunction with the Houston Area Women's Center, clinics to assist low-income taxpayers and to provide wills for low-income seniors and the disabled, and clinics that focus on Houston's growing Asian population. HVL has significantly expanded its services to pro se litigants, supplementing an office in the Civil Courthouse with an additional pro se clinic in the Harris County Law Library, which began having expanded hours on March 5th.

Additionally, HVL's response to the immense legal needs in the greater Houston area after Hurricane Harvey was tremendous. Staff and volunteer attorneys offered legal assistance almost immediately after the storm at shelters and disaster centers and worked closely with Lone Star Legal Aid and other legal aid providers in the spirit of service. This is the true measure of equal justice, when an organization assumes a leadership role under the harshest circumstances, when many volunteers were enduring flooding of their own, to offer comfort and direction in times of crisis.

Pro Bono Support Staff Award

The Pro Bono Staff Support Award recognizes the outstanding and exemplary contributions of non-attorney volunteers such as paralegals, administrative assistants, interpreters, and other support staff who work on pro bono projects. The award promotes the awareness of pro bono activities that non-attorneys can participate in and encourages non-attorneys who work in the legal profession to volunteer their time and specialty skills to pro bono projects within their community. To qualify for this award, an individual must provide legal assistance, without compensation, in a non-mandatory program, that requires specific legal skills, knowledge, or training, under the supervision of a licensed attorney or qualified organization. Services may be provided through such organizations as, but not limited to, legal aid programs, community legal clinics, bar associations, courts, or government agencies.

Ann Berkowitz, Winston & Strawn (Houston)

Ann Berkowitz has been a legal secretary for over 30 years and has supported legal professionals ranging from the head of the Litigation Section at one of the nation's largest firms to first-year attorneys. Berkowitz recently moved to Winston & Strawn after spending 23 years working with Morgan, Lewis & Bockius partner Denise Scofield.

Berkowitz has been an integral part of the Juvenile Sealing Program since it was established in 2013 by the Houston Bar Association. The program, a partnership of the Houston Bar Association, Harris County Juvenile Probation, the Houston Police Department, and the Harris County District Attorney's Office, seals the non-violent, misdemeanor juvenile records of youth who have turned 18. As Berkowitz says, "Even good kids make bad decisions, and one bad decision should not follow them the rest of their lives." When her firm decided to make the Juvenile Record Sealing Program its major pro bono project, Berkowitz's role greatly expanded. She took the lead in the development of the project and has been completely committed to ensuring these kids get a second chance. Her attention to detail has been crucial to the program's success. From scheduling the initial attorney meeting, to attending meetings and hearings, to handling all of the administrative work, to filing the pleadings, Berkowitz goes above and beyond. She walks the clients through all of the forms; provides mentorship and guidance to the kids, their parents, and the lawyers who participate; and is committed to making sure that every young person gets equal treatment and justice under the law.

Berkowitz exemplifies the definition of this new award for her work in cases that give young people a second chance at life.

Pro Bono Coordinator Award

The Pro Bono Coordinator Award is presented to an individual who has made an exceptional contribution to the delivery of, and access to, legal services for the poor, while serving as the pro bono coordinator for a volunteer attorney

organization or group, local bar association, law firm, law school, corporate legal office, governmental law department or legal services organization. Attorney and non-attorney pro bono coordinators are eligible and may self-nominate.

Keri Brown, Baker Botts (Houston)

Keri Brown, a partner at Baker Botts L.L.P. and the chair of the pro bono committee at her firm's Houston office, became the de facto law firm leader of the legal community's pro bono response to Hurricane Harvey. In the aftermath of the storm, Brown immediately stepped in to see how she could be of assistance at the George R. Brown Convention Center. Lone Star Legal Aid, the federally-funded legal aid program in the Houston area, had staff working at the Convention Center. Brown realized they needed volunteer attorneys to answer questions and triage legal needs. She worked with Lone Star and Houston Volunteer Lawyers to recruit enough attorneys to fill 79 shifts over two days at the various shelters around Houston.

Brown also coordinated products and supplies, such as producing disaster legal aid flyers, with assistance from her firm, Vinson & Elkins, and Locke Lord. She arranged for her firm's IT department to configure laptops that were divided among the shelters so that survivors could apply for things like replacement food stamps that were lost in the flood. With the full support of her firm's management, Brown coordinated a CLE on providing disaster legal aid that was attended by 150 attorneys in person and 550 attorneys via webinar. The CLE was also made available to attorneys in Jefferson County who wanted to volunteer to help those affected in that area as well. Brown coordinated the drafting and developing of the Harvey Crisis Response Guide and a LegalLine FAQ (later provided to the Houston Bar Association for their use) to help attorneys and individuals address the myriad of legal issues the hurricane left in its wake.

Her assistance to the legal aid and pro bono programs in Houston, and to thousands of people whose lives were affected by Hurricane Harvey, show her outstanding commitment to service in this time of crisis.

W. Frank Newton Award

This award recognizes the pro bono efforts of attorney groups (e.g., law firm, corporate law department, government attorney office, law school faculty) whose members have made an outstanding contribution toward increasing access to legal services for the poor. The award is named for W. Frank Newton, former Dean of Texas Tech University School of Law and longtime pro bono advocate.

San Antonio Young Lawyers Foundation (San Antonio)

San Antonio Young Lawyers Foundation (SAYLF) is the 501(c)(3) charitable sister organization of the San Antonio Young Lawyers Association (SAYLA). SAYLF works to provide pro bono services for underserved communities, service opportunities for young lawyers, and raise funds for deserving charitable organizations. The organization has been engaged in pro bono work for over 70 years. In recent years, there has been a renewed focus on pro bono within the organization, and SAYLF has developed or participated in programs involving over 100 attorney volunteers and more than 300 hours of pro bono service at the events.

While SAYLF's pro bono activities are traditionally concentrated in the winter months as part of their "Season of Service," in the fall of 2017, SAYLF operated a new project – a series of Hurricane Harvey Relief Clinics across South Texas. Taking the lead and coordinating other organizations, SAYLF's first Hurricane Harvey Relief Clinic was held in San Antonio while evacuees were still in the area-run shelters. In the weeks that followed, however, SAYLF traveled to hold clinics in Victoria and Portland, Texas, cities with great need but small bar associations that did not have the resources to provide the pro bono services needed. Partnering with San Antonio's Community Justice Program for administration, SAYLF received a grant from the Texas Bar Foundation to fund these clinics. With volunteers from SAYLA and the Corpus Christi Young Lawyers, SAYLF was able to assist approximately 30 indigent clients with issues ranging from landlord-tenant disputes to FEMA assistance to insurance coverage questions. SAYLF also started a new e-clinic, enabling attorney volunteers to meet at a coffee shop to collaboratively answer legal questions on TexasLegalAnswers.org. This e-clinic is an innovative way to encourage attorneys to do pro bono work while also incorporating social elements. It also allowed SAYLF to extend its reach, assisting nearly 30 clients from all across the state in less than two hours.