

2019 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.

2019 Recipient: James G. McDermott, II (Alpine, Texas)

In 2017, James McDermott left a lucrative practice to open the brand new Far West Texas Regional Public Defender as its first Chief Public Defender. Prior to his roles as a co-founding partner in a law firm he was Director of Texas RioGrande Legal Aid's Public Defender Division where he oversaw three regional public defender programs; Assistant Public Defender in the Appellate Division in Dallas; First Assistant Public Defender for a regional public defender program in South Texas; and a staff attorney and law clerk at the Third Court of Appeals under Chief Justice Law and Justice Pemberton, respectively. In his short time in his current role, he has had remarkable success. The first trial he had was not only the first not guilty verdict in Culberson County in years; it was also the first jury trial in the county in anyone's collective memory.

He received recommendation letters from a former recipient of the Burnett award, a prosecutor who often opposed him in court, colleagues, a former boss, and a former employee. They all lauded Mr. McDermott for his excellent advocacy on the page and in the courtroom, as well as his work ethic and the time and attention he devotes to each of his clients. He is also a dedicated mentor, known for employing unique methods such as hiring a drama and improv teacher for the young lawyers in his office to help them become more comfortable and flexible in court. Although he is a zealous advocate for every one of his clients, he is also recognized by both his colleagues and opposing counsel for always exhibiting collegiality and humility. Mr. McDermott truly exemplifies the highest ideals of indigent defense and the legal profession in general.

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.

2019 Recipient: Jani Maselli Wood (Houston, Texas)

Ms. Wood is one of the leading appellate and post-conviction attorneys in the state. She dedicates her time and talent to using research and writing to advance justice for indigent defendants in every arena.

One of her most recent accomplishments is her years long campaign of successful appeals regarding unconstitutional court fees culminating in the decisive ruling in *Salinas v. State*, 523 S.W.3d 103 (Tex. Crim. App. 2017). In *Salinas*, the Court of Criminal Appeals found that because part of the fee in question was allocated to programs that had nothing to do with criminal justice or the court system, it was not a "court cost." As such, the fee was an unconstitutional tax, making the statute authorizing the fee unconstitutional on its face. Post *Salinas*, Ms. Wood continues her work to reduce burdensome fines for indigent defendants.

Additionally, Ms. Wood is the author of *The Harris County, Texas Bail Manual* published by the National Association of Criminal Defense Lawyers. Many recent changes to the Harris County bail system—in part due to a federal lawsuit—made the guide necessary, and Ms. Wood created a comprehensive guide that benefits both indigent defendants and the public defenders and private attorneys who represent them.

Finally, Ms. Wood is a sought after lecturer, teacher, and mentor. She teaches legal research and writing at the University of Houston School of Law. In addition to the dozens of conferences and CLEs she speaks at annually, she also created a hands-on appellate brief writing seminar that is sponsored annually by the Texas Criminal Defense Lawyers Association.

Ms. Wood's creative approaches, exceptional skill, and unwavering tenacity help advance justice for indigent defendants in our state and set an example for all lawyers to strive to replicate in their respective practices.

2019 Pro Bono Excellence Awards

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.

Texas Lawyers for Texas Veterans – Tarrant County Chapter (Ft. Worth)

Since 2010, the Tarrant County Chapter of Texas Lawyers for Texas Veterans (TLTV) has worked collaboratively to bring the resources of a community together to provide free civil legal assistance to the county's heroic veterans. This program of the Tarrant County Bar Association and Tarrant County Bar Foundation continues the initiative of the State Bar of Texas and 2010-2011 State Bar of Texas President Terry Tottenham by providing assistance at monthly legal clinics where any United States veteran or spouse of a deceased veteran in the county can receive a free legal consultation and advice.

Not content with their prior successes, in 2018 the Tarrant County Chapter of TLTV sought to increase not only the total number of veterans served by the program's clinics, but also the number of veterans who would "cross the finish line" by having their legal problems resolved by pro bono attorneys providing extended services outside of a legal clinic. They were successful. In 2018 alone, the Tarrant County Chapter of TLTV assisted over 300 veterans and spouses of deceased veterans with their legal issues, and the number of low-income veterans receiving extended legal services almost tripled.

With only 1.5 full-time staff, the Tarrant County Chapter of TLTV's accomplishments are due in no small part to its outreach efforts and community engagement. While the efforts of 117 volunteer attorneys were crucial to 2018's successes, they do not just depend on pro bono attorneys. They also utilize paralegals, law students and non-attorney volunteers to give their veteran clients the highest class of services. To increase volunteer participation this year, they coordinated with Texas A&M Law School's Pro Bono Coordinator to increase law student recruitment and training, and, as a result, saw law student participation increase by 67%.

Already collaborating with Legal Aid of NorthWest Texas and the Texas A&M Law School Veterans Benefits and Family Clinic, the Tarrant County Chapter of TLTV reached out to other organizations to help host their monthly clinics. The eleven clinics held in 2018 were held at seven different entities, including churches, colleges, the Veterans Affairs outpatient facility and other local community organizations, ensuring veterans all around the county can access legal help.

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.

Amy Warr (Austin)

Amy Warr, a partner with Alexander Dubose Jefferson & Townsend, is well known for her pro bono partnerships, including with Legal Aid of NorthWest Texas and with Texas RioGrande Legal Aid, and her recent appellate work on two separate matters is indicative of her long commitment to providing legal services to the poor.

Amy played a crucial role in bringing an end to the unlawful practice of collecting court fees from indigent litigants in Tarrant County in *Campbell v. Wilder* at the Texas Supreme Court and the subsequent appeal in *Wilder v. Campbell* at the Fort Worth Court of Appeals. She devised the legal strategy and was principal author

of the Supreme Court brief challenging the lower court's decision that indigent litigants could not bring suit to challenge the Clerk's collection policy as a whole, but could only challenge their individual fees. Her work with the litigation team led to a unanimous decision in favor of the right to access the courts. Even after that, Amy continued working on matter to ensure low- and moderate-income Texans could obtain reimbursement from the District Clerk to get back their court costs that were collected illegally.

In another case, Amy and Texas RioGrande Legal Aid have prevailed in the trial court on the issue of Texas's decision to grant a childcare license to the federal detention center in Karnes City, which detains immigrant women and their children. Amy is lead counsel on the case, currently on appeal in the Third Court of Appeals.

In the last two years alone, Amy has expended 627 hours on these matters. While the sheer number of hours of her pro bono service is impressive, so is *how* she does pro bono. Her ability to foster comradery among a legal team is well-known and has been essential in her successes for low-income Texans. She also serves as a mentor to six women—five law students and one young lawyer—through the University of Texas School of Law and the Travis County Women Lawyers Association, promoting advancement of women in the legal profession and guiding a new generation of attorneys to do pro bono work.

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.

Amber Haney (Austin)

Amber Haney has been a paralegal for over 15 years, and works with The Haney Law Firm in Austin. She was nominated by two different people to receive this award, who both emphasized her central role is providing pro bono services central Texas and in encouraging other paralegals to do pro bono work. Haney believes in not just providing legal services without compensation, but using her skills to give back to the community.

Haney assists pro bono efforts of attorneys in her firm, executing pro bono wills for hospice patients. She frequently accompanies attorneys to the homes or hospice facilities to execute the documents, even on nights and weekends. She also provides free notary services to Austin Hospice's Christopher House and Doug's Place. Further, she has volunteered for CANLAW, a nationally recognized pro bono clinic that assists cancer patients with their end-of-life documents, at its quarterly clinics since its inception three years ago. If that was not enough, she participates several days each week at the Travis County Pro Se Litigant and Family Law Clinic at the Travis County Law Library and Self-Help Center, assisting pro se litigants in completing their family law and expunction forms. There, she explains the uncontested docket process and reviews the forms for completion and factual accuracy, so that the volunteer lawyers can focus on pressing substantive law issues.

All told, Haney gives over 100 hours of pro bono work a year and is a member of the State Bar of Texas Paralegal Pro Bono College. However, she not only shares her estate planning expertise directly with clients who need it, but also with other paralegals to support legal outreach to low- and moderate-income Texans. Haney is an active member in her local professional organization, the Capital Area Paralegal Association (CAPA). As soon as she

joined CAPA in 2017, she was the unofficial liaison for pro bono service opportunities. She currently serves as Mentor/Internship Program Co-Chair & Pro Bono Service Co-Chair where she has “single-handedly breathed new life” into the committee. She trains fellow CAPA members so other paralegals can provide the same high quality of services as she is dedicated to providing.

Numerous letters share her excitement about pro bono work and the importance of her encouragement – “She is wonderful about spreading knowledge about these clinics, assisting volunteers with questions, directing them on where to be and when, and making sure everyone is having a good time while serving others.”

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.

Stephen Rispoli, Baylor Law School & Waco-McLennan County Young Lawyers Association

Stephen Rispoli, Assistant Dean of Student Affairs at Baylor Law School and officer for the Waco-McLennan County Young Lawyers Association (MCYLA), is committed to increasing pro bono legal services at Baylor and in the surrounding area. At Baylor, he first focused on the importance of “serving those who served” in providing legal services through the school’s Veterans Clinic. He went on to expand the Pro Bono Litigation Team, which has developed into the Trial Advocacy Clinic, where students advocate for defendants juvenile and municipal court proceedings. He also created the Pro Bono Transactional Team, which developed into the school’s Estate Planning Clinic, which provides free, basic estate planning for local veterans and first responders. Throughout his work at Baylor his two overarching goals have been to provide legal assistance to those in need, and to instill within law students the desire to serve and volunteer.

As a MCYLA officer, Rispoli has helped the association launch a Pro Bono Challenge for all lawyers practicing in McLennan County, providing them easy way to track pro bono hours online and keeping lawyers up to date with new and ongoing pro bono opportunities. Since the Challenge’s creation in 2014, it has met or exceeded its goal for reported pro bono hours, and increased its goal for the next year. In 2017, attorneys participating in the Pro Bono Challenge provided 2,500 hours of free volunteer legal services. Rispoli’s service puts into practice his conviction that helping people in need is an essential component of being an attorney. His motto about lawyers? “We are the problem solvers. We are here to help people.”

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.

William Holston, Human Rights Initiative (Dallas)

William Holston has worked with Human Rights Initiative (HRI) since its founding in 2000, first as a pro bono attorney, and, since 2012, as its executive director. His work is integral in not just providing direct legal services to refugees and immigrants, but also in working collaboratively with other organizations to serve immigrant communities.

In Holston's recent work of note, he led HRI in working closely with RAICES and Justice for Our Neighbors to respond to a large ICE workplace raid in Paris, TX. He also helped form the Force for Immigrant Rights and Empowerment ("FIRE"), a coalition of Dallas organizations advocating for immigrant communities. FIRE is the first effort to organize the disparate groups, including humanitarian aid and legal aid agencies, which protect immigrant rights in Dallas. FIRE works to share resources and avoid the duplication of efforts so its member groups can provide effective and efficient services to clients. In its first year, FIRE created a referral list for immigrant-related services, formed a rapid response team, presented joint continuing legal education presentation, and hosted a statewide convening of immigrant rights groups.

His advocacy in this field started far before his collaboration with HRI. Since 1987, Bill has provided pro bono legal representation for political and religious asylum applicants from 20 countries in Immigration Court or before the Houston Asylum office. Now as executive director of HRI he brings both substantive knowledge and strategic vision to the organization, growing the organization's funding, staff, and services to immigrants. Holston also provides training and mentoring to pro bono attorneys, like volunteer lawyers from AT&T and Akin Gump, so they can provide pro bono service outside their primary areas of expertise.

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.

Dallas Office of Hunton Andrews Kurth, LLP (Dallas)

The law firm of Hunton Andrews Kurth, LLP might operate around the globe, but of special note is the pro bono work of the firm locally in Texas, and specifically the efforts of the Dallas office. Under the leadership of partner Dan Garner, the Dallas office Pro Bono Committee hosts monthly luncheons on pro bono work, giving updates on projects currently in progress and new opportunities to increase legal access to low income neighbors. The Dallas office prioritizes support of the firm's goal of meeting or exceeding the Law Firm Pro Bono Challenge to have 100% of full-time attorneys participate in a pro bono project and provide at least 3% of billable time to pro bono services.

Dallas attorneys at Hunton Andrews Kurth serve a number of local charities and also maintain robust dockets of individual pro bono cases through Dallas Volunteer Attorney Program (DVAP), a collaboration between Legal Aid of NorthWest Texas and the Dallas Bar Association. Ten attorneys in the Dallas office gave 100 or more hours of pro bono service in the past fiscal year. For this and more, the Dallas office of Hunton Andrews Kurth was the winner of 2018 DVAP Pro Bono Law Firm of the Year. Also in 2018, three associates at the firm won pro bono accolades from DVAP and Lone Star Legal Aid for supporting and growing legal clinics and for organizing teams of lawyers from the firm and from ExxonMobil to aid survivors of Hurricane Harvey. Other pro bono projects of the Dallas office have included reuniting a youth with special needs with her adoptive parents after separation at the U.S.-Mexico border and several Hague Convention cases relating to international child abductions.

In addition to encouraging and supporting its attorneys to provide pro bono service, Hunton Andrews Kurth is also partnering with Association of Women Attorneys Foundation to fund a new pro bono fellowship in Houston to assist immigrant children. The fellowship funds will pay for hiring of attorney to work with Kinds in Need of Defense (KIND) who will help provide legal representation to unaccompanied immigrant children and to assist in the reunification of children with their deported parents.