

87th Legislative Session

This session brought new protocols and changes due to the pandemic, from COVID-19 health checks by the National Guard to constantly changing rules regarding public testimony. But it was also business as usual. Our staff members were at the Capitol testifying in support of good bills and working to block bills that would be harmful to Texans. These are the bills we advocated for that passed both chambers and made it to the Governor's desk.

Coerced Debt/Identity Theft (HB 3529): HB 3529 builds on important changes from the 2019 Legislative session that updated the criminal definition of identity theft to include debts incurred through coercion. This bill would streamline Texas law to ensure access to remedies under Chapter 521 of the Business and Commerce Code for victims of coerced debt. Chapter 521 enables victims to be declared victims of identity theft in state district court, based on the facts surrounding a particular debt. Once a person has such a declaration from a court, it can be used as a defense in a debt collection lawsuit to remove coerced debts from a credit report and to stop other collection efforts. This expansion is essential for survivors of domestic violence, as they often face pushback from credit bureaus and debt collectors even when they have a police report alleging identity theft. It also helps survivors of domestic violence who may not feel comfortable going to the police because of fear or intimidation.

Driver's Ed/Youth in Foster Care & Youth Experiencing Homelessness (HB 2286/SB 2054): In 2019, Texas Appleseed worked with a coalition to pass a bill to waive fees associated with driver's licenses, state identification certificates, and any qualifying documents needed to get these IDs for youth in foster care or youth experiencing homelessness. The 2019 bill created a fund where Texans can donate money when they renew their own licenses; this fund quickly amassed more money than was needed for its original purpose. With the same coalition, Texas Appleseed worked to expand the use of the fund

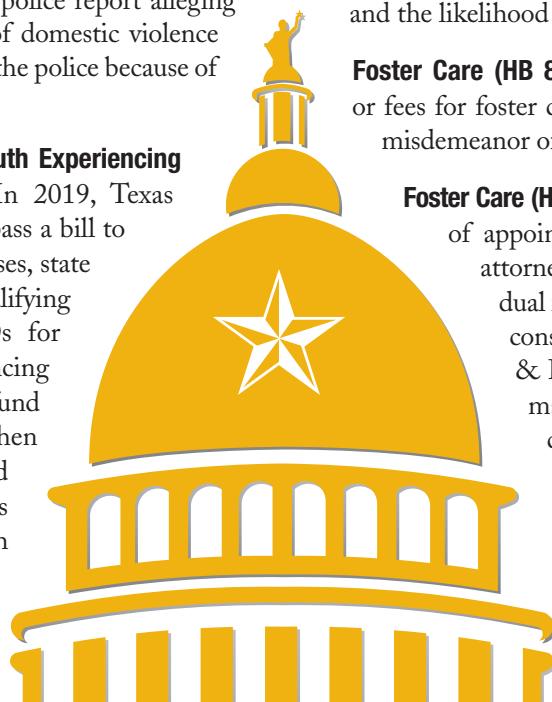
to provide money for youth in foster care or those experiencing homelessness to complete driver's education courses, something that is too costly for most of these young people. Completing driver's education and getting a license opens up more employment opportunities for young people and helps them achieve economic stability.

Juvenile Fees (SB 41): SB 41 abolishes many juvenile fees. Juvenile fees exacerbate racial/ethnic disparities, increase youth recidivism, and generally cost more money than jurisdictions can collect. The bill was led by the Office of Court Administration and informed by our advocacy, as well as the research of the Berkeley Policy Advocacy Clinic.

Fines & Fees (HB 569): Following confinement, people incarcerated may face outstanding fines and fees or arrest warrants from unpaid debt related to low-level offenses committed prior to or at the same time as the offense for which they were incarcerated. This can create a significant barrier for people trying to re-enter society who may also face legal discrimination in employment. This bill enables people who were incarcerated to receive credit toward any owed fines and fees for offenses where the maximum penalty is a fine, based on how many days they were incarcerated prior to sentencing, reducing barriers to successful re-entry and the likelihood of being re-incarcerated.

Foster Care (HB 80): HB 80 is a bill that disallows fines or fees for foster children who are charged with a Class C misdemeanor offense.

Foster Care (HB 1315): This bill requires the continuation of appointment for a guardian ad litem and an attorney ad litem, or an attorney serving in a dual role, for as long as the child remains in the conservatorship of the Department of Family & Protective Services. The change this bill makes is a long time coming, as it was contained within our recommendations that were made in Texas Appleseed's original foster care report in 2010. Our partners on this bill included Texas CASA, Texans Care for Children, and TexProtects, along with many others.



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Updated Mission

While our work hasn't changed, our mission has. Timed with our 25th anniversary, we have updated our mission to better reflect the work we're doing and our important community partnerships. Our mission reaffirms how we will continue to advocate for laws and policies that create a more just Texas for all. **Here's our updated mission statement:** Texas Appleseed promotes social, economic, and racial justice for all Texans by leveraging the skills and resources of volunteer lawyers, other professionals, and community partners to identify practical solutions to difficult, systemic problems.

Monitoring Team's Report

The *M.D. vs Abbott* monitoring team filed its second major report on May 4 in advance of a compliance hearing on May 5 and 6. Our team comprises experts in children's law and policy, child welfare specialists, data and policy analysts, social workers, and former foster youth. The team is led by Co-monitor Deborah Fowler and is charged with reporting to Judge Jack on progress or inaction of court-ordered reforms regarding Texas' foster care system and the children and youth in its care.

New Reports

Education Transformed: The K-12 Experience in Texas During the Coronavirus Pandemic examines the extraordinary adverse impact of the past year on schoolchildren across Texas. Using publicly available data and reports, information gathered from public information requests to the Texas Education Agency and school districts, and anecdotes from directly impacted people across Texas, *Education Transformed* illustrates how multiple crises converged to detrimentally burden millions of children and their families.

In ***Debt, Access to Justice, and Racial Equity***, we revealed how debt collection lawsuits were booming — increasing by 162% from 2014 to 2019 in Texas justice courts, where most consumer debt collection cases are filed. After reviewing data from justice courts statewide and Harris County justice courts, we also found two other concerning trends. The first was the increase in default judgments, leading to most cases being decided without considering both sides. The second trend was the growing use of turnover receivers to collect debts. Turnover receivers — usually chosen by the person who sued to collect the debt but appointed by the court — have historically been used to collect business debts. In a trend unique to Texas, they are being used more and more for consumer debts.

Texas at the Crossroads: Protecting Privacy and Civil Rights explains how the use of personal data is intrusive and often discriminatory. Weak regulations can cause inequities and abuses based on race, gender, sexual orientation, demographics, political opinions, social networks, tagged photos and more. Real-time bidding in advertising, predatory loan pricing and resume-sorting are just a few ways your data can be used against you. The report expands on how companies are using people's information. We co-wrote the report with Steve Perkins, former Associate Dean of Graduate Programs in the School of Management at the University of Texas at Dallas and a Certified Information Privacy Professional.

Paycheck Protection Program (PPP) funds are part of a federal program created through the CARES Act to help small businesses stay afloat and keep their workforce employed during the COVID-19 pandemic. A variety of small businesses qualified for these important funds, such as florists, hair salons, restaurants, family-owned contractors, and more. In ***Use of Public Pandemic Aid by Texas Payday & Auto Title Loan Businesses***, we began to explore potential abuse of this funding, specifically as it relates to an industry with a history of trapping Texans into a cycle of debt — payday and auto title loan businesses.

Find all of the reports at www.texasappleseed.org/publications.

Invest Monthly in Social Justice & Racial Equity for all Texans

By giving monthly, you provide a steady source of income that builds the foundation for long-term systems change. Monthly gifts also support quick responses to acute injustices and disasters.

Visit give.texasappleseed.org/monthly-giving and become a monthly donor today!

New Board Members & Staff Members

We're proud to welcome new board members and introduce new staff members.

New Board Members

Eric L. Muñoz, Akin Gump Strauss Hauer & Feld LLP*

Elizabeth Myers, Thompson Coburn LLP*

Christopher M. Odell, Arnold & Porter*

Allissa A.R. Pollard, DLA Piper LLP (US)*

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New Staff Members

Deborah L. Borman, A.M., J.D.,

Writing Director, M.D. vs Abbott Monitoring Team

Jennifer Carreon, Ph.D., *Research Associate*

Angelica Maldonado, *Assistant Director of Digital Communications*

Vicky Luna Sullivan, J.D., Ed.D.,

Senior Staff Attorney, Education Justice Project

Carson White, J.D., *Staff Attorney, Criminal Justice Project*

Vivian Young, *Development Associate*

Emerging Leaders Council Officers

The ELC is a member organization of Texas Appleseed, open to professionals in Texas. We encourage people of various interests to join, from people working in graphic design to medicine to education to architecture and more. Learn more at www.texasappleseed.org/emerging-leaders-council.

Annik Morgan, Chamblee Ryan Attorneys at Law,* *ELC President*

T.J. Hope, Stout Risius Ross, LLC,* *ELC President-Elect*

Nina Guidice, Austin City Council,* *ELC Vice President*

Jason Jordan, Haynes & Boone, LLP,* *ELC Treasurer*

Jessica Robertson, Beverly Ann Miller Institute of Civic Bio Design,*
ELC Secretary

Deidra Perry, University of Houston,* *ELC Pro Bono Committee Co-Chair*

Megan Utz, PwC,* *ELC Pro Bono Committee Co-Chair*

Jane Ehinmoro, Jones Day,* *ELC Membership Committee Chair*

Georgia Jolink, DLA Piper,* *ELC Events & Fundraising Committee Chair*

Gabriella McDonald, *Pro Bono & New Projects Director* at Texas Appleseed, is the staff liaison for the ELC.

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Prop B Brings About Criminalization Again



In 2019, the Austin City Council voted to curb laws that criminalized unavoidable, life-sustaining activities for unhoused people. Removing a constant threat of being displaced, ticketed, or arrested provided people who were experiencing unsheltered homelessness with improved stability and safety, and limited barriers to housing and employment. The resulting increased visibility also prompted unprecedented efforts of support: Decriminalizing homelessness contributed to more people being housed and increased access to vital resources.

On May 1, Austin voters passed Prop B, which reinstated and expanded old laws that criminalized homelessness. Shelters are at capacity, yet these new laws make it a crime for people:

- to sleep on any public land if they have any possessions (no tent required),
- to sit or lie down on any public land in the downtown or University of Texas area, and
- to ask for help after 7 p.m., or anytime around specified infrastructure or in an “aggressive” manner.

We cannot allow extreme poverty to simply be hidden from view so that we no longer feel compelled to help. We must focus on housing options and making policy changes that prevent homelessness. As we continue our efforts, please sign this petition to help provide homes, not handcuffs: <https://austinjustice.org/sign-the-petition-fund-the-summit-plan/>.

Celebrating 25 Years

When we reflect upon the past 25 years, we are proud that we have been able to effect laws and policies to help Texans who deserved better, who deserved fairness, justice and dignity.

The theme for our 25th is “Moving justice forward.” Even though we have accomplished so much, our world today requires that we continue to stand up and continue working with intention. There is still work to be done that ensures all Texans can reach their full potential. When the scales of justice are balanced and felt among all people, it benefits the entire community.

From landmark indigent defense reform (the Fair Defense Act fundamentally changed when and how lawyers are appointed to represent poor people accused of a crime in Texas) to bolstering young people’s dreams of law school through our scholarship, we are proud to have impacted the spectrum of issues that influence people’s lives each and every day. And we have done this work alongside board members, community partners and people with lived experience to bring about that change.



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