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Neal Manne Named Texas Lawyer's Attorney of the Year

BY MIRIAM ROZEN

In Harris County, money is no longer required up front for release of any misdemeanor arrestee who is indigent and who is not subject to some other hold.

Thank Neal Manne, a managing partner at Susman Godfrey, for that change. In April, Manne won for his clients a monumental ruling from a Houston federal judge that led to the release thousands of people jailed for minor offenses who were stuck behind bars for no other reason than because they were poor.

Based on his work on that litigation, Texas Lawyer honored Manne as an Attorney of the Year.

Among the other finalists were Mikal Watts, who represented himself in a five-week

trial before a federal jury. Watts won an acquittal and beat federal prosecutors' charges that he intentionally submitted phony names to recover damages from the 2010 BP Gulf of Mexico oil spill. The other finalist was Christine Stetson, who won a favorable ruling from the U.S. Court of Appeals for the Fifth Circuit bolstering the odds that her clients, family members of a detainee who died in an Orange County, Texas, jail, would win a final judgment. The Orange County Commissioners Court paid Stetson's clients a \$3.175 million judgment in January.

"It's a huge honor to be named Attorney of the Year. I am especially happy that Texas Lawyer recognized Christine, Mikal and me not



Neal Manne, managing partner of Susman Godfrey.

for the kinds of cases we usually handle in our law practices, but for legal work we did in opposition to the coercive power of government," Manne said. "Whether it is extreme medical neglect of a prisoner, a misguided

criminal prosecution, or jailing people simply because they are poor, oppressive government actions can overwhelm people who do not have the assistance of lawyers. We live in unusual times, when the rule of law and even our judiciary are under attack—sometimes from the very highest levels of government. It has never been more important for lawyers to step forward, help the powerless, and defend our country's most fundamental values. It will be our profession's finest hour," he added.

In the case Manne argued that the bail system used in Harris County violated the due process and equal protection rights of indigent people arrested for minor offenses. The ruling he won emphasized that Texas' largest county detained 40 percent of people who were arrested for misdemeanor offenses such as driving without a license and that poor people are often jailed for days and

weeks at a time because they can't pay for a bond to secure their appearance in court.

U.S. District Judge Lee Rosenthal, who issued the order in the case, *O'Donnell v. Harris County*, barred Harris County from detaining misdemeanor defendants who are eligible for release from jail but are unable to do so because they can't afford bail.

Following Rosenthal's ruling, Harris County has tried to fight it in appeals courts, but has not succeeded so far. In August, the American Bar Association argued against Harris County's appeal to the U.S. Supreme Court, arguing in an amicus brief its bail system violates the Equal Protection and Due Process clauses of the 14th Amendment.

Manne's victory came after an eight-day trial in March, which included nearly 300 written exhibits, 2,300 video recordings of bail-setting hearings conducted in Harris County and 13 witnesses, including four experts.

Manne's pro bono representation of the plaintiffs class will likely make a significant impression on county officials nationwide since Harris County operates the third largest jail in the United States and Manne's case represents the first time issues about holding indigent misdemeanor arrestees because they can't pay bond have been presented at a trial.

"The judge's ruling is obviously a landmark decision. It's 193 pages and it pretty much dismantles all of the justifications the judges and the county had used," Manne told Texas Lawyer shortly after Rosenthal's ruling.

"I think it's going to change things in Harris County and indirectly change things across the country. In any jurisdiction in any state where this issue is raised, the first thing any judge is going to do is read Judge Rosenthal's magnificent opinion," Manne added about his win.