

NEAL MANNE - REPRESENTATIVE PRO BONO CASES

- 1) ***ODonnell v. Harris County***: For decades, the Harris County Jail held tens of thousands of people who were arrested for misdemeanors but financially unable to post bail. Though arrested for the same minor offense, a person with money could avoid jail entirely while an indigent person would spend days or weeks in jail before any determination of the merits. Along with Civil Rights Corps and the Texas Fair Defense Project, Manne represents on a pro bono basis a class of indigent arrestees who challenged the constitutionality of Harris County's money bail practices. In April 2017, after an 8 day evidentiary hearing, the U.S. District Court found Harris County's system unconstitutional and ordered broad injunctive relief. The bail reforms went into effect in June 2017. The U.S. Court of Appeals for the 5th Circuit affirmed the district court's rulings that the system was unconstitutional. In the first year in which the injunctive relief was in effect, more than 12,000 people were released from jail. A final consent decree was entered in 2019.
- 2) ***In re: Alfred DeWayne Brown***: In 2005 Dewayne Brown was convicted of murder and sentenced to death. Brown's alibi turned on a telephone call he had made from another place around the time of the murders, which would prove he could not have been involved. The recipient of the telephone call confirmed Brown's alibi. Prosecutors subpoenaed the records, which confirmed Brown's alibi, then hid the records in a police officer's garage rather than turning them over to Brown's lawyers as required by *Brady v. Maryland*. In addition, the district attorney had Brown's alibi witness jailed until she agreed to abandon the alibi and "cooperate" with Brown's prosecutors. Brown spent more than 12 years in prison, of which 9 years was on Death Row, before his habeas petition finally was granted. All charges against Brown were eventually dismissed. Manne and others represent Brown on his statutory claim for compensation from the state of Texas for his wrongful incarceration. In 2019, a special prosecutor, the current District Attorney, and a state district judge all agreed that Brown is "actually innocent."
- 3) ***State Bar of Texas v. John Jackson***: In 1992 Cameron Todd Willingham was convicted of murder-by-arson. Willingham was executed by the State of Texas in 2004 despite overwhelming forensic evidence by that point that the fire was not arson. A report for the Texas Forensic Science Commission concluded that the arson determination years earlier had been based on folklore and myth, not science. John Jackson, the prosecutor, conceded that arson report used at trial was flawed, but pointed to alternative evidence of Willingham's guilt: the corroborating testimony of a jailhouse snitch, who also testified that he had not been offered anything in return for his testimony. Years after Willingham's execution, the witness recanted his testimony, and admitted he had been promised leniency if he testified against Willingham. Along with The Innocence Project, Manne represented certain Willingham family members on a pro bono basis in a grievance filed with the State Bar of Texas, seeking to have former prosecutor Jackson disciplined for misconduct. Though documentary evidence of the prosecutor's deal with the witness was discovered, the grievance was not successful.
- 4) ***Texas v. United States of America and the International Rescue Committee***: In late 2015, the State of Texas sued to block the federal government and the International Rescue Committee (IRC) from resettling any Syrian refugees in Texas. Manne and a group of his firm's lawyers represented IRC.

Working with the ACLU, and the Southern Poverty Law Center, they defeated the State's multiple requests for injunctive relief. In 2016, the federal district court dismissed all of the state's claims.

- 5) ***State Bar of Texas v. Charles Sebesta***: In 2010, after spending 18 and one-half years in prison including 12 years on Texas' Death Row, Anthony Graves was fully exonerated and the State of Texas declared Graves to be "actually innocent" of the murders for which he had been wrongly convicted. In reversing Graves' conviction, the U.S. Court of Appeals for the 5th Circuit pointed to serious misconduct by Sebesta, who had prosecuted Graves in 1992. Along with the Texas Defender Service, Manne represented Graves on a pro bono basis in a grievance filed with the State Bar of Texas, seeking to have Sebesta disciplined for his misconduct. Manne represented Graves at the evidentiary hearing at which the Bar proceeded against Sebesta. In June 2015, the Bar found that Sebesta had engaged in numerous ethical violations and disbarred him for life. In February 2016, the Bar's Board of Disciplinary Appeals affirmed the disbarment.
- 6) ***James Turrell / "The Light Inside"***: If former Manne client Robert Rauschenberg was one of the greatest artists of the 20th century, James Turrell is one of the greatest of the 21st century. When Turrell and Houston's Museum of Fine Arts were sued regarding an art installation, Manne represented Turrell on a pro bono basis and obtained a dismissal of all claims against him.
- 7) ***Houston Music Hall Foundation / "Broadway Across America"***: The Hobby Center for the Performing Arts has been Houston's venue for traveling Broadway shows since it opened in 2002. When a change in control by its private partner and other circumstances in the market threatened to undermine the Hobby Center's ability to operate, Manne helped negotiate new agreements that put the Hobby Center on a more secure financial footing. Manne later represented the Hobby Center in several other pro bono matters.
- 8) ***In re: Seibel Foundation***: Descendants of Abe Seibel tried unsuccessfully for years to persuade the bank that controlled the Galveston-based Seibel Foundation to use a portion of the assets to help build student unions on college campuses, in memory of Abe and Annie Siebel, as called for by Seibel's will. Frustrated, they asked Manne to intervene. Over a period of years, Manne negotiated changes in the trust documents which were approved by the bank, the Texas Attorney General, and the probate court. Based on the new agreement, the Foundation has donated nearly \$10 million for facilities at colleges across Texas.
- 9) ***Lena Dessia Ray v. Metropolitan Transit Authority***: Until May 10, 1999, Lena Ray had not missed a single day of work in her 42 years at a Houston pre-school. On her way to work that morning, a METRO bus driver caused the bus to lurch forward just as Ms. Ray was boarding the bus, throwing her to the floor and severely injuring her leg. METRO's driver claimed that Ms. Ray simply had fallen, and METRO refused to accept responsibility. Representing Ms. Ray on a pro bono basis along with his brother Burton, Manne established through other METRO witnesses that the driver initially had admitted fault and then, at the urging of another METRO employee, engaged in a cover up. Confronted with this evidence, METRO stipulated to liability and paid Ms. Ray a large settlement.
- 10) ***In the Matter of Judge Sharon Keller***: The Texas Commission on Judicial Conduct initiated proceedings against the Honorable Sharon Keller, Presiding Judge of the Texas Court of Criminal Appeals, relating to the execution of Death Row inmate Michael Richard. The Commission accused Judge Keller of misconduct for effectively denying Richard access to court late on the day of his execution, in violation of the Court's own internal procedures. Lawyers and paralegals from the

Texas Defender Service, a non-profit organization that had represented Mr. Richard, were key witnesses in the proceedings. Manne represented them and their organization (whose board of directors Manne later chaired). The Commission found that Judge Keller violated standards set forth in the Texas Constitution, the Texas Government Code, and the Texas Code of Judicial Conduct. It issued a formal Public Warning "in condemnation of the conduct." On appeal, a special court of review held that the Commission could have censured Judge Keller, but that a Public Warning was not an available remedy. The court of review emphasized that "We express no opinion about the merits of the accusations against Judge Keller."

- 11) ***James Wilkerson v. Sheriff Johnny Klevenhagen; C.A. No. H-92-1737, U.S. District Court for the Southern District of Texas, Houston Division:*** During Ramadan, the Islamic holy month, Muslims do not eat until sunset each day (and do not eat pork products). Harris County Jail authorities refused to accommodate the dietary rules of Muslim inmates, and refused to allow them to eat later than 4:00 p.m., the regular dinner time. When a Black Muslim inmate filed suit on his own, a federal judge asked Manne to handle the case on behalf of all the affected prisoners. On a pro bono basis, Manne won broad changes for all Muslim inmates. The Harris County Jail now accommodates religious dietary restrictions and holiday rules regarding meal times.
- 12) ***Planned Parenthood v. American Coalition of Life advocates, No. 99-35320, United States Court of Appeals for the Ninth Circuit:*** Planned Parenthood of the Columbia/Willamette won an injunction and damages against a radical anti-abortion group who sponsored a web site that threatened and encouraged violence against doctors and nurses at women's health clinics. On appeal, the U.S. Court of Appeals for the Ninth Circuit reversed the judgment, holding that the web site was protected as free speech under the First Amendment of the U.S. Constitution. When the Ninth Circuit agreed to re-consider the case en banc the American Medical Association asked Manne to help prepare an amicus brief urging that the original injunction and damages award be upheld. Teaming with former Ninth Circuit Judge William Norris, for whom he had served as a law clerk more than 20 years before, Manne represented the AMA on a pro bono basis. The en banc panel adopted the position urged by Planned Parenthood and the AMA, rejected the conclusion of the earlier Ninth Circuit panel, and affirmed the injunction and damages against the web site.
- 13) ***The Nationalist Movement v. Access Houston Cable Corp., CA-No. H-92-3451 in the United States District Court for the Southern District of Texas, Houston Division:*** When the City of Houston's public access television station was sued by The Nationalist Movement, a virulently racist white supremacist organization in Mississippi, Manne agreed to represent Access Houston on pro bono basis. The Nationalist Movement contended that the small fee Access Houston charged for broadcasting any programming produced outside the Houston area violated its free speech rights under the First Amendment. After more than ten years of litigation that included an injunction proceeding, dismissal on summary judgment and an appeal to the Fifth Circuit, Access Houston fully prevailed in a trial in federal district court. All of The Nationalist Movement's claims against Access Houston were dismissed.
- 14) ***Planned Parenthood of Houston and Southeast Texas, Inc. et al v. Operation Rescue National a/k/a Operation Rescue et al.; in the 190th Judicial District Court of Harris County, Texas:*** In 1992, radical anti-abortion groups announced plans to come to Houston and shut down all women's health clinics through mass disobedience during the Republican National Convention. Planned

Parenthood and other clinics came to Manne for advice, and he agreed to represent them on a pro bono basis. On the eve of the Convention, Manne obtained an injunction protecting the clinics, and then successfully tried the national leaders of the extremist groups for contempt when they violated the injunction. The leaders were jailed during the Convention and the clinics never closed. National women's rights groups lauded Manne's legal strategy and courtroom success.

- 15) ***Planned Parenthood of Houston and Southeast Texas, Inc. et al v. Operation. Rescue-National a/k/a Operation Rescue, et al.*; No. 97-0171, Supreme Court of Texas:** Buoyed by the success of their legal actions against anti-abortion extremists during the 1992 Republican National Convention, women's health clinics asked Manne to represent them - again for free - in a suit to recover monetary damages and permanent protection for clinic patients, physicians and staff. In 1994, after a six week jury trial, Manne won a \$1.2 million verdict and a sweeping permanent injunction. The New York Times profiled the case on its front page, calling it "by far the largest civil award ever against the antiabortion movement." The judgment ultimately was affirmed by the Texas Supreme Court.
- 16) ***In the Matter of Speaker James C. Wright, Jr. (House Ethics Committee):*** When Jim Wright, Speaker of the U.S. House of Representatives, came under increasing pressure in the Spring of 1989 for alleged ethics violations, he turned to Steve Susman and Neal Manne to take over his defense. Manne, who had left Capitol Hill only a year before, worked with Susman to devise a new strategy for Wright. It was too little, too late. Wright resigned, but not before Susman argued the case to the House Ethics Committee on national television and Manne debated Rep. Newt Gingrich on ABC's "Nightline."
- 17) ***Anna Mahoney v. Washington National:*** When Anna Mahoney, an elderly African American maid, fell behind on her mortgage and property taxes, her employer persuaded her to transfer title to the house to the employer, who assured Mrs. Mahoney that all current and future mortgage and tax payments would be paid by the employer from Mrs. Mahoney's wages, and Mrs. Mahoney would be allowed to live in the house for the rest of her life. After Mrs. Mahoney retired, her former employer stopped making the payments. Because her name no longer was on the title, Mrs. Mahoney received no notice that the bank was going to foreclose on the home. Mrs. Mahoney only learned of the problem when the bank began efforts to evict her. Manne and then-colleague Michael Dreeben agreed to represent her pro bono in a suit against the former employer and the bank. The court eventually ruled for Mrs. Mahoney, who remained in the home for which she had worked so hard.
- 18) ***Liuzzo v. United States:*** On March 25, 1965, immediately after Martin Luther King, Jr. completed the Voting Rights March from Selma to Montgomery, civil rights activist Viola Liuzzo was shot and killed by a group of KKK members. Years later, as part of a Congressional investigation of FBI misconduct, it was disclosed that one of the Klansmen was a paid FBI informant. Although he had informed the FBI about the planned violence before it occurred, the FBI had done nothing to prevent it or to protect Liuzzo because the FBI did not want to blow the informant's cover. Manne represented Liuzzo's children in a suit against the FBI. A federal court ultimately ruled that the Government could not be held liable for Liuzzo's death.

***Nothing on this web page is intended to represent that Susman Godfrey currently represents any particular clients mentioned because matters and client relationships naturally terminate from time to time.*