



JOURNAL

THE AMERICAN COLLEGE OF TRIAL LAWYERS

UK-U.S. LEGAL EXCHANGE PARTICIPANTS DISCUSS ACCESS TO JUSTICE



The 2016 Annual Meeting in Philadelphia, seated from left to right:
Hon. Neil M. Gorsuch; The Right Hon. Lady Justice Arden;
The Hon. Mr. Justice Singh; and Nicholas Segal.

TEXAS FELLOW NEAL MANNE SETS THE BAR FOR PRO BONO WORK



It is an old adage that if you want something done right, give it to a busy person. For all those lawyers who say they are just too busy to take on pro bono work, Fellow **Neal S. Manne** of Houston, Texas shows that adage is really true. Despite being a full-time trial lawyer in bet-the-company litigation and despite also being the Managing Partner of Susman Godfrey LLP, Manne regularly makes time to personally handle pro bono cases.

In fact, Manne recently was told he does more pro bono work than any other managing partner of a national firm. Just a few of his pro bono matters make it clear he is a leader by example.

In a successful pro bono representation in early 2016, Manne and the ACLU defeated multiple requests for injunctions by the state of Texas to prohibit placement of Syrian refugees in Texas. Manne appeared in that litigation on behalf of the International Rescue Committee, a non-profit refugee resettlement agency.

For the past two years, he handled, pro bono, a grievance filed with the Texas Bar against a former district attorney for ethical misconduct in a death penalty case that had resulted in the wrongful imprisonment of an innocent defendant for more than eighteen years. In 2016, the Bar's lifetime disbarment of the prosecutor was affirmed on appeal.

The exoneree, Anthony Graves, called Manne a "man of God who stepped up to help me get a measure of justice." As important to Graves was the emotional support provided by Manne and his wife Nancy, who "welcomed me back into society, treated me as the man I am, and helped me get my life back on track." Listening to him, it is clear Manne went above and beyond what was necessary to simply provide good legal representation.

Manne presently is working on another death penalty related matter, where the defendant has already been executed by the state of Texas. On behalf of the defendant's family, Manne, along with the Innocence Project, is pursuing a Bar grievance against the former prosecutor based on evidence that prosecutorial misconduct resulted in the execution of an innocent man. Tenacious is a weak adjective for Manne.

His newest pro bono case is a lawsuit (brought with Washington, DC-based Civil Rights Corps.) against Harris County, Texas, challenging the constitutionality of its system of money bail, which often results in long-term, pre-disposition incarceration of people simply because they are poor. The U.S. Department of Justice has agreed that money bail systems like this violate the Fourteenth Amendment. It is an important issue in our country's judicial system, and is the subject of ongoing discussion by the College's Access to Justice Committee.

Manne's pro bono commitment is in no way new-found. It dates as far back as the 1980s.

As a very young lawyer, Manne's first pro bono case was for Anna Mahoney, an elderly African American maid who had been swindled out of her Washington, D.C. home. Mahoney's employer had persuaded her to transfer title of the house to the employer, who assured Mahoney that she would make

all mortgage and tax payments for her lifetime. After Mahoney retired, the former employer stopped making the payments. Because Mahoney's name was no longer on the title, she only learned about this when the bank, which already had foreclosed on the property, began eviction proceedings.

Working with his then-colleague and lifelong friend Michael Dreeben—now the Deputy Solicitor General of the United States, who has argued more than 100 cases before the U.S. Supreme Court—Manne represented Mahoney pro bono in a suit against the former employer and the bank. The court eventually ruled for Mahoney, who was then able to remain in the home for which she had worked so hard.

Over the years, Manne has had an incredibly wide range of pro bono cases, including cases against radical anti-abortion groups threatening violence against patients, doctors and nurses at Houston's women's health clinics. After a lengthy jury trial, Manne won a record-setting damages award and a broad "buffer zone" injunction to protect the clinics.

His pro bono legal work led the National Women's Political Caucus to honor him (along with then-Vice President Al Gore) as the national "Good Guy of the Year" in 1994. The Houston Press followed suit, calling Manne "Good Guy Lawyer of the Year" in Houston, and Planned Parenthood gave him its Public Service Award.

One of his longest-running pro bono cases pitted Manne against The Nationalist Movement, a virulently racist group that sued Houston's public access television station, claiming that the small fees charged for broadcast of non-local content violated its free speech rights under the First Amendment. Manne's litigation against this Mississippi-based white supremacist organization lasted more than ten years, including a trial and an appeal to the Fifth Circuit. In the end, all of the claims by The Nationalist Movement were dismissed.

Manne has not shied away from controversial cases involving potentially unpopular causes. In Houston, the county jail had a practice of refusing to accommodate the dietary rules of Islamic inmates, and refusing to allow them to eat later than 4:00 p.m., the regular dinner time, during Ramadan, the Islamic holy month during which Moslems do not eat until sunset each day. When an inmate filed suit on his own, a federal judge asked Manne to handle the case on behalf of all affected prisoners. Manne won broad relief for all Moslem inmates. The Harris County jail now accommodates religious dietary restrictions and holiday rules regarding meal times.

In addition to regularly handling individual pro bono cases, Manne is chair of the Board of Directors of Texas Defender Service (TDS), a nonprofit organization that provides pre- and post-conviction legal services in Texas capital cases. Kathryn Kase, the executive director cannot give enough accolades about Manne's dedication to pro bono legal services. She stressed that he not only handles cases himself, he encourages others to do so.

"TDS has benefitted from Neal's willingness to recruit lawyers and law firms to take on capital habeas cases. I'll never forget the time he left town to try a case in Alaska and, upon return, advised that he had persuaded opposing counsel to represent a Texas death row inmate pro bono publico. Now, that's lawyering!" Kase said.

It is not just his own clients who have good things to say about Manne's pro bono work—even folks on the other side of his cases do.

Terry O'Rourke, Special Counsel of the County Attorney's Office, is opposing counsel in the Harris County bail reform class action pending now in Houston. He described Manne as "an extraordinary litigator," and makes the point that "when a lawyer with his stature and acclaim undertakes to use his time and energies in pro bono representations, it is both impressive and noteworthy." O'Rourke added that "Neal works these cases, he is not just a name on a piece of paper."

Manne is the recipient of numerous awards for his pro bono work, including the Anti-Defamation League's 2011 Jurisprudence Award given for "commitment to equality, justice, fairness and community service," the Houston Bar Association Auxiliary's 2003 Leon Jaworski Award, given for "a lifetime of volunteer service," and recognition by his alma mater, the University of Texas School of Law, as the Distinguished Alumnus for Community Service.

Manne fulfills the highest aspirations of the College. His stellar example of furthering the administration of justice and ensuring access to justice for all, regardless of ability to pay, makes all Fellows of the College proud.

But he is not done yet. "Pro bono case are one of the most enjoyable and satisfying aspects of my practice," Manne said. "I'm fortunate that my law firm supports this work, and I look forward to handling many more pro bono cases in the coming years. It would be fun to work on some with other Fellows from around the country!"

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