

The Texas Lawbook

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Doing More with Pro Bono – Making Laws and Inciting Change

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As lawyers, when we think of pro bono work, we think about representing people in court proceedings or giving legal advice free of charge, thwarting an eviction or helping the underprivileged who otherwise cannot afford legal services – all very important matters. As a lawyer and lobbyist, though, I realized there were other important areas of need, which led me to take on a project beyond the pro bono tasks we commonly expect.

Shortly before the 2019 Texas legislative session, I was approached by Elizabeth Henneke, founder and executive director of the Lone Star Justice Alliance LSJA. Henneke knew I worked on passing legislation the prior session and sought help with her legislation aimed at providing a pathway to clemency for survivors of human trafficking and domestic abuse who were convicted of crimes. I enthusiastically said “of course,” and we got to work!

I am not a criminal law attorney in any way, shape or form. Much of what I learned about the nuances of criminal convictions, evidence of trafficking or abuse to those convicted and the many hoops one must jump through to receive clemency or commutation of their sentence was shocking and new.

Henneke, however, is an expert in that area of law, as she represents these victims daily through LSJA. With her subject-matter expertise and my expertise in legislative procedure and advocacy, we became a force to be reckoned with. Not to mention, we had the amazing support of other stakeholder groups such as the Smart on Crime Coalition.

Perhaps most important, though, were the legislative champions I asked to carry this bill and fight on the front lines with us to get it over the finish line: the ever-powerful forces of Rep. Senfronia Thompson (D-Houston) and Sen. Judith Zaffirini (D-Laredo). Thompson and Zaffirini are the longest-serving women in the Texas Legislature and have long been champions of granting a second chance to victims of human trafficking and domestic violence.

I advised in the development of Texas House Bill 3078, authored by Thompson and

sponsored by Zaffirini, which would create a path to clemency for victims of domestic violence or human trafficking sentenced to prison for crimes committed while being abused or trafficked. I advocated for the passage of HB 3078 on behalf of LSJA during the 86th Texas legislative session, where it was the first bill of its kind, providing survivors coerced into committing crimes a fresh start and the ability to clear their name.

HB 3078 passed the Texas Legislature unanimously on the first attempt, but was later vetoed. Ultimately, continued efforts by the LSJA and other stakeholders resulted in Governor Greg Abbott establishing a customized clemency application specifically for survivors of human trafficking or domestic violence. The application will contain a section that offers human trafficking and domestic violence survivors an opportunity to apply for a full pardon for crimes committed while under the hold of their abuser.

The goal is to give survivors a chance to finally break free from the cycle of abuse and crime forced upon them. I am extremely excited that the governor took this step to put Texas at the forefront of this effort after our work this last legislative session.

It is an honor to be a part of such important legislation and have the opportunity to use my knowledge and background in the government law and policy space to aid this amazing nonprofit client pro bono. Hopefully more Texas lawyers will be inspired to look for unexpected ways to incorporate pro bono work into their practice, whatever that may be.

Onward to the next Texas legislative session and all of the excitement that brings!

Elizabeth Hadley is a shareholder in the Austin office of Greenberg Traurig. Her government practice includes representing clients with legislative, regulatory and administrative issues across all policy areas in Texas. She has experience working within the U.S. Senate, the Texas State Senate and the Texas Department of Agriculture.