

Headline News

Andrews Kurth's Casey Low Writes Amicus Brief in Key Right-to-Counsel Decision

February 19, 2008

Austin, Texas

AUSTIN – Andrews Kurth Associate Casey Low wrote an amicus brief on behalf of Texas Appleseed in a case in which the Texas Court of Criminal Appeals affirmed a lower court's ruling that a defendant's waiver of her right to counsel was invalid because the trial judge failed to inquire into her indigent status and admonish her about the right to appointed counsel.

"This opinion scores a large victory in Texas for the right to counsel that permeates our profession and brings Texas in line with many other jurisdictions cited in the amicus brief," said Low. "It is a testament to Andrews Kurth's commitment to pro bono matters and will have a direct impact on indigent defendants in this state."

Low focuses on both trial and appellate law concerning complex commercial litigation. He has handled cases from pre-litigation to final judgment and full briefing in appellate courts.

The woman in the case was originally convicted at trial after representing herself. The Fourteenth Court of Appeals in Houston reversed the conviction, given her indigent status, and found the error to be fundamental.

The State then appealed to the Court of Criminal Appeals arguing, on the basis of several other opinions of Texas courts of appeals, that an improper admonishment is not fundamental error and harmless error analysis should have been applied. The Court of Criminal Appeals then took the case.

Low stated that, in his opinion, the Court of Criminal Appeals probably agreed to hear the case because it was aware that that the courts of appeals were split and the issue had never been fully decided in Texas.

In affirming the court of appeal's decision, the Court held that the deprivation of the right to counsel, including a deprivation originating from improper admonishments to an indigent defendant of the right to court-appointed counsel, is fundamental error not subject to harmless error analysis.

"The firm is delighted with this excellent result—a significant precedent for the state's criminal jurisprudence—that Casey obtained on behalf of Texas Appleseed," said Liz Wiley, a Partner in the firm's Litigation section and co-chair of the Appellate group.

About Texas Appleseed

Texas Appleseed is a non-profit, public interest law organization that focuses on systemic reform. Founded in 1996, it is one of 16 Appleseed centers throughout the United States and Mexico City engaging in extensive research and analysis, advocacy, and collaborative work at state and local level to address educational, economic and justice challenges facing the poor and marginalized.

About Andrews Kurth

For more than a century, Andrews Kurth has built its practice on the belief that "straight talk is good business." Real answers, clear vision and mutual respect define the firm's relationships with clients, colleagues, communities and employees. With more than 400 lawyers and offices in Austin, Beijing, Dallas, Houston, London, Los Angeles, New York, The Woodlands and Washington, DC, Andrews Kurth represents a wide array of clients in all areas of business law. For more information about Andrews Kurth, please visit andrewskurth.com.