



BAIL REFORM AND BACKLASH



LITIGATION, LEGISLATION AND EXPERIMENTATION

February 6, 2026

8:00-9:00 AM Central Time | Breakfast
9:00 AM-2:30 PM Central Time | Program
(Lunch Provided)

John M. O'Quinn Law Building
Danny M. Sheena Courtroom

In Person Only

Approved for 4.25 hours of Texas MCLE credit



Agenda

8:00-9:00AM

Breakfast

9:00-9:10AM

Introductions

9:10-10:00AM

Bail Litigation from *Bell* to *ODonnell*

0.75 Texas MCLE

Kellen R. Funk

Michael E. Patterson Professor of Law
Columbia Law School

10:05-10:55AM

The Evolving Jurisprudence of Bail

0.75 Texas MCLE

Sandra Mayson

Professor of Law
Penn Carey Law
University of Pennsylvania

11:00-11:50AM

Pretrial Friction

0.75 Texas MCLE

Zina Makar

Assistant Professor of Law
University of Baltimore

11:50AM-12:20PM

Break to Pick Up Box Lunches

12:20-1:10PM

**Win-Win Misdemeanor Bail Policy:
Lessons from Data on Harris County
Reforms**

0.75 Texas MCLE

Brandon L. Garrett

David W. Ichel Distinguished Professor of Law
Director, Wilson Center for Science and Justice
Duke Law

Sandra Guerra Thompson

Newell H. Blakely Professor of Law
Former Director, Criminal Justice Institute
University of Houston Law Center

Dottie Carmichael

Principal Investigator
Texas A&M University
Public Policy Research Institute



Agenda

1:15-2:30PM

Roundtable Discussion: Implementing Bail Reform in Harris County

1.25 Texas MCLE

Porscha Brown

Executive Director

Harris County Office of Managed Assigned Counsel

Genesis Draper

Chief Public Defender for Harris County

Paul Heaton

Professor of Law

Academic Director

Quattrone Center for the Fair Administration of Justice

Penn Carey Law

University of Pennsylvania

Natalie Michailides

Director, Harris County Pretrial Services

Sean Teare

Harris County District Attorney

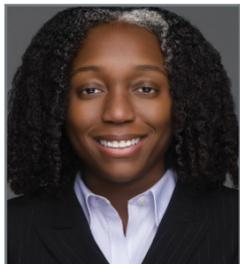
Moderator: Anna VanCleave

Director of the Criminal Defense Clinic

Associate Professor of Law

University of Connecticut School of Law

BIOGRAPHIES



PORSCHA BROWN

Executive Director

Harris County Office of Managed Assigned Counsel

Porscha Brown is the Executive Director of the Harris County's Managed Assigned Counsel (MAC) Program, a key component in ensuring fair and effective representation for residents unable to afford private legal counsel.

Brown brings extensive experience to the role, having served as Assistant Chief Public Defender in Harris County, where she oversaw defense services for thousands of clients each year. She was also an integral member of the MAC Advisory Board and has spent years working in public defense across Texas.



DOTTIE CARMICHAEL

Principal Investigator

Texas A&M University

Public Policy Research Institute

For more than 30 years Dottie Carmichael has worked with the three branches of Texas state government to achieve evidence-informed criminal justice policy. She has led state-wide studies documenting the school-to-prison pipeline and evaluating strategies for high-quality and cost-effective indigent defense. She is currently evaluating the cost impacts of bail reform following the landmark federal court ruling in *ODonnell et al v. Harris County* (2020).

Carmichael is a Governor's Appointee to the Crime Victims Institute Advisory Board. She has also served as a board member for the Indigent Defense Research Association (DRA), the National Legal Aid and Defender Association, Systems Development and Reform Committee, and the National Association of Public Defenders, Indigent Defense Workload Committee. She holds a Bachelor's Degree in Psychology from the University of Georgia and a Master's of Public Administration and Ph.D. in Political Science from Texas A&M University.

BIOGRAPHIES



GENESIS DRAPER

Chief Public Defender

Harris County, Texas

Genesis Draper serves as the Chief Public Defender for Harris County, making history as the first African American and the first woman to hold the role. She leads one of the largest public defender offices in the nation, grounded in a steadfast belief that freedom is not an aspiration, but a constitutional promise worth defending every single day.

Draper began her legal career as an assistant public defender, representing clients at both the state and federal levels. She later served as a criminal court judge and as an adjunct professor, gaining a comprehensive understanding of the criminal legal system. These experiences reinforced the knowledge that public defense remains the most powerful safeguard against injustice.

A proud graduate of Spelman College and The University of Texas School of Law, Draper is an alumna of Gideon's Promise, a national organization dedicated to building a movement of public defenders committed to client-centered, zealous advocacy. She now serves on the organization's Board of Directors, continuing her commitment to strengthening public defense through leadership, training, and transformative impact. Draper is also a Fellow of the American Leadership Forum, where she collaborates with cross-sector leaders to reimagine institutions and expand opportunity.



KELLEN R. FUNK

Michael E. Patterson

Professor of Law

Columbia Law School

Kellen R. Funk is a legal historian with expertise in civil procedure and remedies. He has written on the history of civil litigation practices in the United States, the development and reform of the American bail system, and the jurisprudence of churches and religious groups.

Funk joined the Columbia Law faculty in 2018 after completing a Ph.D. in American history at Princeton University, where he was a Porter Ogden Jacobus Fellow. His first book, *Law's Machinery*, was published by Oxford University Press in 2024. It explores how the 1848 enactment of New York's Field Code shaped the field of American civil procedure by merging law and equity, accelerating creditors' remedies, and giving lawyers supremacy over the rules of litigation.

Funk's scholarship combines historical research methods with data science, including an original text analysis project mapping case law citations across all legal literature in the 19th-century United States. His co-authored study of the transmission of legal codes in Reconstruction America, published in the 2018 *American Historical Review*, has become a foundational work in the field of digital legal history. Other work has appeared in *Constitutional Commentary*, *Law & Social Inquiry*, and the *California Law Review*. Funk's 2017 article in the *Journal of Law and Religion*, "Church Corporations and the Conflict of Laws in Antebellum America," was awarded the Harold Berman Award from the American Association of Law Schools' Law and Religion Section.

BIOGRAPHIES



BRANDON L. GARRETT

David W. Ichel

Distinguished Professor of Law

Director, Wilson Center for Science and Justice

Duke Law

Brandon L. Garrett, a leading scholar of criminal justice outcomes, evidence, and constitutional rights, is the David W. Ichel Professor of Law and director of the Wilson Center for Science and Justice at Duke Law, an initiative that brings together faculty and students to study and improve the criminal justice system.

Garrett's current research and teaching interests focus on evidence, forensic science, constitutional rights, habeas corpus, corporate crime, and criminal law. He is the author of eight books, including: *Defending Due Process: Why Fairness Matters in a Polarized World* (Polity Press, March 2025); *Autopsy of a Crime Lab: Exposing the Flaws in Forensics* (University of California Press, March 2021); *The Death Penalty: Concepts and Insights* (West Academic, 2018) (with Lee Kovarsky); *End of its Rope: How Killing the Death Penalty Can Revive Criminal Justice* (Harvard University Press, 2017); *Too Big to Jail: How Prosecutors Compromise with Corporations* (Harvard University Press, 2014); *Federal Habeas Corpus: Executive Detention and Post-Conviction Litigation* (Foundation Press, 2013) (with Lee Kovarsky); and *Convicting the Innocent: Where Criminal Prosecutions Go Wrong* (Harvard University Press, 2011). These books have been translated for editions in China, Spain, Japan, Korea, and Taiwan.

In addition to numerous articles published in leading law reviews and scientific journals, Garrett's work has been widely cited by courts, including the U.S. Supreme Court, lower federal courts, state supreme courts, and courts in other countries. Garrett also frequently speaks about criminal justice matters before legislative and policymaking bodies, groups of practicing lawyers, law enforcement, and to local and national media. He has been involved with a number of law and science reform initiatives, including the American Law Institute's project on policing, for which he serves as Associate Reporter, and a National Academy of Sciences Committee concerning eyewitness evidence. Garrett serves as co-director of CSAFE (Center for Statistics and Applications in Forensic Evidence). He also serves as the court-appointed monitor in the *ODonnell v. Harris County* misdemeanor bail reform consent decree.

BIOGRAPHIES



PAUL HEATON

*Professor of Law
Academic Director
Quattrone Center for the Fair Administration of Justice
Penn Carey Law
University of Pennsylvania*

Paul Heaton's research aims to apply methodological insights from economics to inform issues in legal and criminal justice policy. An expert on legal and regulatory program and policy evaluation,

Heaton's criminal justice work spans a wide range of areas, including measurement of impacts of criminal justice interventions; applications of cost-benefit analysis to CJ programs; and evaluations of the CJ implication of public policies related to controlled substances.

His work on policing, courts, and drug offending has been widely cited by policymakers and the media. He has also published numerous empirical studies of tort law and insurance regulation. Heaton's work is strongly cross-disciplinary, and he has co-authored papers with legal scholars, psychologists, statisticians, physicians, criminologists, and sociologists. His research has been published in leading scholarly journals such as the *Harvard Law Review*, *Yale Law Journal*, *Stanford Law Review*, *New England Journal of Medicine*, *Psychological Science*, *Journal of Law and Economics*, *Journal of Labor Economics*, and *American Journal of Public Health*.

Prior to joining Penn Carey Law, Heaton served as the Director of the RAND Institute for Civil Justice and Professor at the Pardee RAND Graduate School.



ZINA MAKAR

*Assistant Professor of Law
University of Baltimore*

Makar's scholarship focuses on prisoners' rights and prison law jurisprudence. Her scholarship explores the ways in which carceral space shapes an individual's orientation to the state. Makar's recent scholarship examines how carceral technologies redefine incarcerative spaces. Her articles are featured or forthcoming in the *Yale Law Journal*, *Harvard Journal of Law and Technology*, and *Southern California Law Review*, among others.

Prior to teaching, Makar was an Open Society Institute Fellow from 2014 to 2016. During her fellowship, Makar created the Pipeline to Habeas program, which the Baltimore City Office of the Public Defender now uses as a model to challenge the wrongful pretrial detention of indigent persons. Makar's project focused on revitalizing the use of the writ of habeas corpus in the pretrial context to secure release for her clients. Her program was used by the Office of the Public Defender to obtain the pretrial release of 101 protestors arrested after the death in police custody of Freddie Gray. Makar was recognized for her work and advocacy to advance bail reform in Maryland, and she was the 2017 recipient of the Baltimore City Bar Association's Public Interest Attorney of the Year Award.

BIOGRAPHIES



SANDRA MAYSON

*Professor of Law
Penn Carey Law
University of Pennsylvania*

Sandra Mayson researches and writes in the fields of criminal law, constitutional law, and legal theory, with a focus on the role of preventive restraint in the criminal legal system.

Her academic work draws on her experience as a trial lawyer at Orleans Public Defenders, where she represented indigent clients in criminal proceedings and trained public defenders on immigration-sensitive defense practice. Her articles have appeared in top legal journals, including the *Yale Law Journal*, *Harvard Law Review*, *Stanford Law Review*, *Law & Philosophy*, and *Criminal Law & Philosophy*. Mayson is also engaged in pretrial law reform. She served as the Associate Reporter for the Uniform Law Commission's Pretrial Release & Detention Act, co-authors amicus briefs in lawsuits challenging aspects of money-bail systems, and advises public and private stakeholders on pretrial reform initiatives.

Mayson clerked for Judge Dolores K. Sloviter on the U.S. Third Circuit and Judge L. Felipe Restrepo in the Eastern District of Pennsylvania. Prior to joining the Penn faculty, she was on the faculty of the University of Georgia School of Law, where she received the C. Ronald Ellington Award for Excellence in Teaching in 2020.

Mayson's current projects include an article on the constitutional standards governing pretrial detention and a theoretical line of inquiry into law and consciousness.

BIOGRAPHIES



NATALIE MICHAILIDES

Director, Harris County Pretrial Services

Natalie Michailides is currently the Director of Harris County Pretrial Services. She comes to Harris County with over twenty years of experience as a justice system practitioner and consultant. She has a diverse public safety background that has formed her personal goal to reshape pretrial justice systems to increase community safety, reduce racial and ethnic disparities,

and achieve a less costly alternatives to pretrial incarceration.

Her career has centered around re-engineering pretrial justice systems across the county that are consistent with evidence-based practices to reduce unnecessary pretrial detention. Prior to joining Harris County, she served as the lead site coordinator for the Public Safety Assessment (PSA), a pretrial assessment, in eleven jurisdictions, including Harris County and Cook County. As the site coordinator for implementing the PSA and pretrial justice reform initiatives, she collaborated with stakeholders for strategy development, operationalizing the strategy, and sustaining fidelity.

Michailides has a broad criminal justice background with a focus on the front-end of the system. She held positions as a law enforcement planner, justice affairs coordinator, pretrial supervisor, and Chief of Probation for Canton Municipal Court. During her tenure with CMC, she expanded the capacity of the department beyond probation supervision. She operationalized the first pretrial diversion program for the Court, entitled the First Offender Program. Additionally, she implemented two cognitive behavior programs for the Court. These programs were frequently court-ordered requirements for specific charges and bringing them in-house allowed the Court to waive the fees if a person was unable to pay an outside vendor.

Natalie holds a Master of Arts and Bachelor of Arts both from the University of Akron.

BIOGRAPHIES



SEAN TEARE

Harris County District Attorney

Sean Teare, a lifelong resident of Harris County, believes our criminal justice system should be both empathetic and efficient, balancing safety with fairness. In November 2024, he was elected Harris County District Attorney. Teare has returned to the office he loves, eager to help implement a new vision for justice. He believes in being a voice for survivors and protecting and upholding the rights of victims and the accused.

Growing up, Teare was shaped by activist parents who marched for Civil Rights in the 1960s. They instilled in him an unwavering commitment to equity and community. After his mother's tragic death from addiction, Teare took on the responsibility of raising his younger siblings. He graduated from St. Thomas High School and earned his bachelor's degree in American history from the University of Houston, followed by a JD from the UH Law Center. For 11 years, Teare served as a prosecutor in the office he now leads, including six years as Division Chief of the Vehicular Crimes Division. He and Lauren Teare, his wife of 19 years, are proud to raise their four children as part of the next generation of Houstonians.



SANDRA GUERRA THOMPSON

Newell H. Blakely Professor of Law

Former Director

Criminal Justice Institute

University of Houston Law Center

Sandra Guerra Thompson is the Newell H. Blakely Professor of Law and former Director of the Criminal Justice Institute, where she teaches and publishes in the areas of criminal law and evidence. She serves as Deputy Monitor for the federal

consent decree in *O'Donnell v. Harris County*, which has transformed Harris County's misdemeanor bail system. She is also the Monitor for the *Lomas v. Harris County* consent decree regarding the integrity of the criminal charging process.

Houston Mayor Annise Parker appointed her as a founding member of the Board of Directors of the Houston Forensic Science Center, serving from 2012-2019. Her book *Cops in Lab Coats: Curbing Wrongful Convictions through Independent Forensic Laboratories* (Carolina Academic Press 2015) draws on her research and experience with the Houston lab, which is now widely regarded as one of the best crime labs anywhere. In 2009, she was appointed by Governor Rick Perry as the representative of the Texas public law schools on the Timothy Cole Advisory Panel on Wrongful Convictions.

Professor Thompson is an elected member of the American Law Institute since 1999 and served on the Board of Advisors for the ALI's sentencing reform project. She has received two university-wide teaching awards: the Distinguished Leadership in Teaching Excellence Award in 2015, and the Teaching Excellence Award in 2003.

BIOGRAPHIES



ANNA VANCLEAVE

Director of the Criminal Defense Clinic

Associate Professor of Law

University of Connecticut School of Law

Anna VanCleave directs the Criminal Defense Clinic at the University of Connecticut School of Law, which represents individuals facing the loss of liberty in Connecticut state courts. She worked as a public defender in Washington, D.C., and in Louisiana and has represented children and adults in both non-capital and capital cases at the trial and appellate levels and in post-conviction proceedings. She was the chief of the Capital Division of the Orleans Public Defenders from 2014 to 2016.

Before joining UConn, Professor VanCleave was a research scholar and the director of the Liman Center at Yale Law School, where she co-taught seminar courses on poverty and inequality in legal systems and the criminal justice system, experiential research projects, and the Capital Punishment Clinic. She received her law degree from NYU School of Law, where she was a Root-Tilden-Kern Public Interest Scholar, and was a Forrester Teaching Fellow at Tulane Law School.

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