



TEXAS

ACCESS TO JUSTICE COMMISSION

UPDATE

January 2007

Commission Works to Increase Access to Justice

On the day the Supreme Court of Texas signed the order to create the Texas Access to Justice Commission in 2001, then-Justice Deborah Hankinson recalls being energized at the prospect of helping more poor Texans get their legal needs addressed.

"I knew this was the first step in giving access-to-justice issues the recognition they deserve and the momentum they need," Hankinson said. "A centralized body could unify the players and pool resources to maximize our efforts."

The Supreme Court of Texas created the Texas Access to Justice Commission to address the growing problem of low-income and poor Texans' lack of access to the

civil justice system. At the time, more than three million poor Texans were unable to afford a lawyer and were thus effectively foreclosed from accessing the justice system. Today, the number is close to four million.

The Commission was initially chaired by John R. Jones, a partner with Delgado, Acosta, Braden & Jones. From its inception, the Commission designed campaigns to increase awareness of the need for legal aid.

Currently under the leadership of James B. Sales, of counsel to Fulbright & Jaworski since 2004, the Commission has made great strides in addressing issues that adversely affect access to justice.



"The goal of the Commission is to ensure that low-income and poor Texans do not languish in a legal quagmire because they cannot afford an attorney," Sales said. "Everyone should have access to our civil justice system regardless of their economic status. Legal representation is critical because lawyers hold the keys to the courthouse and, therefore, the justice system."

The Texas Access to Justice

Commission has a long-range strategic plan that includes establishment of working committees and task forces to develop programs that enhance the delivery of legal services.

The Commission recruited the deans of all nine Texas law schools to comprise the **Law School Advisory Committee**. Beyond efforts of the individual law schools, the

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Pro Bono Champions of Texas



Darrell Jordan, Charles Matthews and Judge Lora Livingston

"I am a strong advocate of pro bono. The minute I went into private practice, I began taking pro bono cases...The

helping professions — especially lawyers and doctors — have a heightened sense of this responsibility to do

good for the public." - Lora J. Livingston, Travis County District Judge

The State Bar of Texas encourages attorneys to allocate 50 hours per year to providing free legal assistance to the poor.

Throughout the year, the Texas Access to Justice Commission names "Pro Bono Champions" — Texas attorneys who have demonstrated ongoing leadership and dedi-

cation to pro bono efforts on behalf of the poor. The *Texas Bar Journal* features these Pro Bono Champions in select issues.

Past Champions include: **Darrell Jordan**, Godwin Pappas Langley Ronquillo, Dallas; **Lamont Jefferson**, Haynes and Boone, San Antonio; **Charles Matthews**, ExxonMobil, Dallas; **Judge Lora Livingston**, Travis County District Judge, Austin;

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Did you KNOW?

A full-time worker at minimum wage earns only \$10,712 per year. Most legal aid clients are the working poor.

Letter from the Chair

By James B. Sales, Commission Chair



Welcome to the inaugural issue of the Texas Access to Justice Commission

Update. The newsletter, which will be sent to all active Texas attorneys three times a year, is part of a multi-faceted effort to inform the lawyers of Texas about the mission and work of the Commission and the ongoing challenges that we face. Without the active participation of all members of our profession, we cannot hope to provide legal help

for the many less fortunate of our state.

First, I want to thank the M.D. Anderson Foundation for its generous grant providing the funds for this newsletter. Meaningful communication with the members of our profession is crucial to demonstrate the magnitude of the problem we confront and the desperate need we have to mobilize all lawyers in providing legal representation to Texans who desperately seek legal help.

Serving as chair of the Commission has made me more aware than ever before

of the "justice gap" between those who can afford to hire a lawyer and those who futilely struggle to solve serious legal problems with no hope of gaining access to the justice system.

Access to justice is a societal problem. However, as licensed officers of the court, privileged to practice law, we have a special ethical responsibility to take a leadership role in helping to solve the problem. Unless we as a profession participate in providing legal help, hapless Texans will continue to be denied access to our justice system. That

should be abhorrent to every member of our profession.

It has been my experience that when challenged by a worthy cause and motivated by the urgency of that cause, Texas lawyers have always responded in the most noble tradition of our profession. Providing the less fortunate with access to the justice system represents the quintessential worthy cause. I hope that as you learn more about the urgency of the need, each of you will lend your time, legal expertise and financial support to this worthy cause.

Access to Justice

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deans were urged to develop programs that increase participation statewide.

The advisory committee designed and implemented an access-to-justice internship program, which was inaugurated last summer with a successful pilot project. Law students from these schools worked at legal aid offices in the Rio Grande Valley. One of the student interns observed, "Some of the simplistic solutions to poverty I had, had holes shot right through them. I saw people who worked 60, 70



The Edinburg office of Texas RioGrande Legal Aid this summer consisted of (from top left) attorneys Julia Raney, Eric Rodriguez, Pablo Almaguer, Hope Williams, University of Texas Law School student Amber VanSchuyver, and attorney Emily Rickers.

hours and that still wasn't helping them. I saw that even if you do work hard, you may still be poor."

The Commission's **Corporate Counsel Committee** was

formed and is chaired by Charles Matthews, general counsel of ExxonMobil. It is composed of general counsel from twenty major Texas corporations who work together to increase corporate counsel pro bono programs and to support access to justice initiatives. Last year, the committee held Pro Bono Summits in Houston, Dallas and Austin to showcase pro bono opportunities and to involve corporate counsel in the programs.

At the request of the Commission, the Texas Supreme Court formed the **Task Force to Expand Legal Services Delivery**, chaired by Tom Vick, partner with

Vick, Carney & Smith in Weatherford, to address unmet legal needs in underserved areas of Texas, especially rural areas. Composed of representatives of many State Bar sections, the Texas Young Lawyers Association (TYLA), Texas Association of Defense Counsel (TADC), Texas Trial Lawyers Association (TTLA) and other legal organizations, the task force generates new initiatives to involve more lawyers in direct pro bono efforts.

Other major initiatives of the Commission's strategic plan will be discussed in future editions of this newsletter.

Pro Bono Champions

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Stewart Gagnon, Fulbright & Jaworski, Houston; **John Alexander**, Alexander & Hammonds, Winnsboro; **Catherine Burnett**, South Texas College of Law, Houston; and **Ken Fuller**, Koons, Fuller, Vanden Eykel & Robertson, Dallas.

Each year, legal aid and pro bono lawyers help 100,000 low-income Texans with basic civil legal problems, but many more need help. With only about 400 paid legal aid attorneys in Texas, pro bono is a significant step in solving this dilemma.

Volunteer lawyer programs provide support and assis-

tance, including mentorship, training and administrative support, to attorneys who take pro bono cases. **The State Bar of Texas funds malpractice insurance for attorneys who volunteer through pro bono programs.**

The Texas Access to Justice Commission is committed to increasing volunteerism among Texas

attorneys. Commission staff members are available to make presentations regarding the importance of pro bono at local bar association meetings and other events.

For information about taking a pro bono case, contact your local pro bono program, or visit www.TexasLawyersHelp.org.

Texas Access to Justice Foundation- the Funding Arm of Legal Aid

By Richard L. Tate, Foundation Chair



The Texas Access to Justice Foundation, formerly the Texas Equal Access

to Justice Foundation, works very closely with the Texas Access to Justice Commission on efforts to augment legal aid service delivery. In 2006, the Foundation opted to remove the word "Equal" from its name to streamline its identity and better demonstrate its partnership with the Commission.

As the two organizations ramp up efforts to raise their visibility and that

of the tremendous legal needs of poor Texans, the timing of the name change was appropriate. The two organizations have distinct missions regarding access to justice: the Commission handles policy issues and the Foundation handles funding. The change is also in line with the naming protocols of bar associations and foundations.

The Texas Access to Justice Foundation was created by the Supreme Court of Texas in 1984 to manage the Interest on Lawyers' Trust Accounts (IOLTA) Program. The Foundation now administers a variety of funding sources, including Basic Civil Legal

Services, Crime Victims Civil Legal Services, half of the Access to Justice Fee assessed to Texas attorneys, a portion of the Voluntary Access to Justice Contributions from the State Bar of Texas annual dues collection, and proceeds from the sale of the "And Justice for All" license plate, which can be purchased at www.teajf.org.

We at the Foundation are proud to have as board members: G. Joseph Barrientos, Corpus Christi; Ray Farabee, Austin; Deborah G. Hankinson (Secretary), Dallas; Margarita Sanchez, El Paso; Michele Wong Krause, Dallas; Patty Huffines, Austin;

Rep. Pete Gallego (Treasurer), Alpine; Karen M. Neeley (Vice Chair) Austin; Judge Suzanne Covington, Austin; and Rose Wilson, Lubbock.

The Foundation grants approximately \$15 million per year to about 37 legal aid providers throughout the state for operational expenses, such as salaries, rent and technology costs. These organizations collectively help 100,000 people annually with their basic civil legal needs, including housing, family law and consumer issues.

For more information, or to make a donation to the Foundation, visit www.teajf.org.

Did you KNOW?

The Texas Access to Justice **Commission** develops and implements initiatives to increase access to justice for the poor; the Texas Access to Justice **Foundation** provides funding for legal aid, through IOLTA and other funds. The Texas Supreme Court created both organizations.

Attorneys: Take Note of New IOLTA "Comparability" Rule

In a clear display of support for access to justice for low-income Texans, the Supreme Court of Texas on December 18, 2006, signed a court order to amend IOLTA rule 7, calling for attorneys to place IOLTA accounts at "eligible institutions." Eligible institutions are those that pay interest rates comparable to those paid to their similarly situated, non-IOLTA customers.

The rule change goes into effect March 1, 2007.

The Texas Access to Justice Foundation is launching a large-scale effort to persuade financial institutions in Texas

to become eligible institutions, which would mean attorneys who have IOLTA accounts at those banks would not be required to take any action. However, if financial institutions choose not to pursue eligibility, attorneys will be required to move their IOLTA accounts. The Foundation will advise attorneys if they will be required to make such a move. The new rule primarily affects high-balance IOLTA accounts.

The Foundation collaborated with the Texas Supreme Court, the Texas Access to Justice Commission and the

State Bar of Texas to study the implications of the rule change. The amended rule should result in additional revenue for legal aid over the next few years.

Professional Bank and Wachovia are paying comparable rates on Texas IOLTA accounts. The Foundation will work closely with other banks in Texas that hold IOLTA accounts, so that they become eligible institutions. Visit the Foundation's Web site at www.teajf.org for the complete list of eligible banks.

How Banks Impact IOLTA

Currently, the average interest rate paid by the top 80 Texas banks on IOLTA accounts is .65 percent. By contrast, research of the top 16 Texas banks indicates that they pay between 3.31 and 4.92 percent on non-IOLTA, high-balance accounts.

The interest generated by IOLTA accounts is utilized to provide free civil legal aid to poor Texans. In the early 1990s, IOLTA revenue surpassed \$9 million annually. The fund has decreased significantly due to steep interest rate drops and is currently generating about \$5 million per year.

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Bars in Action

Dallas Bar Association Jams for Pro Bono

The Dallas Bar Association on September 16, 2006, hosted its first Law Jam, a musical event geared toward raising funds for and encouraging attorney participation in the Dallas Volunteer Attorney Program. Seven bands, featuring 30 musicians who are also lawyers, played to a full house for six hours.

The Dallas Volunteer Attorney Program, or DVAP, is a joint project of the Dallas Bar Association and Legal Aid of NorthWest Texas. Through DVAP, members of the bar association can volunteer to represent clients unable to receive help from legal aid due to a lack of resources. The Dallas Volunteer Attorney Program provides training, mentorship and legal information to volunteer attorneys to facilitate pro bono work.

Houston Bar Association Rallies Legal Community

Houston's law firms, corporate legal departments and individuals are teaming up to provide increased pro bono representation for poor Houstonians through the Houston Bar Association's Equal Access Initiative. Nearly 70 firms and corporations have signed five-year commitments to provide representation in a certain number of cases, based on the number of attorneys in each firm or corporate legal department, through the HBA's Houston Volunteer Lawyers Program (HVLP).

Glenn A. Ballard Jr., president of HBA, created six teams, each of which was responsible for recruiting a combination of law firms of all sizes, corporations and individual attorneys who will collectively handle at least 1,250 cases per year, a 25 percent increase in HVLP's caseload.

**Did you
KNOW?**

Due to a lack of resources, legal aid meets less than 25 percent of the legal needs of low-income Texans.