



TEXAS

ACCESS TO JUSTICE COMMISSION

UPDATE

February 2008

Legal Aid Programs Receive Gift of Technology

The Texas Access to Justice Commission and the Texas Access to Justice Foundation, with support from several noted law firms, made a major donation of technology equipment worth \$685,000 to 37 nonprofit legal aid organizations in Texas. The donation, including computers, software and peripherals, will allow for increased productivity, thereby enabling legal aid groups to help more poor Texans with their civil legal needs.

Due to limited funding, legal aid organizations lacked basic technology equipment and were working with outdated computers and software. Some organizations did not have enough equipment for every employee. Recognizing the need to level the technological playing field, the Commission established its Technology

Committee to help legal aid offices elevate their capabilities through the use of technology.

Over the last year, the Committee analyzed the status of technology in legal aid offices throughout the state and provided recommendations for how to bring these offices up to speed with hardware and software. The Committee recognized that without adequate equipment and computer programs, legal aid providers could not reach optimal effectiveness and efficiency in the delivery of legal services.

The Committee collected and evaluated detailed information received from legal aid organizations about their technology programs. After analyzing the results, the Committee developed a plan to help providers maximize their technology tools to

better serve their clients. Committee members then examined the costs and benefits of purchasing computers, printers, scanners and software for each legal aid organization in Texas.

Upon completion of the analysis, the Texas Access to Justice Foundation's board of directors voted to make a one-time, bulk purchase of equipment and software to donate to the legal aid organizations. Recipients will be responsible for maintaining a baseline level of equipment in the future.

Linda Brandmiller, executive director of Catholic Charities of San Antonio, said that prior to the donation, employees

were sharing computers, and systems were crashing due to a lack of memory. She also said the new equipment will allow for greater productivity.

"Combined, the new hardware and the database system will kick start our immigration program into the 21st century, with the ability to document, track and remotely access client files in ways we could hardly even dream of just a few short months ago."

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Susan Greene, Ph.D., Advocacy Inc.'s assistive technology advocate, with her new laptop.

New Funding for Law School Internships

The Texas Legal Protection Plan (TLPP) has donated \$50,000 to the Texas Access to Justice Commission to expand the Access to Justice Internship Program. The Legal Protection Plan presented a check to the Commission at the State Bar of Texas board of directors meeting in Grapevine. The funds will be used to provide stipends for three students from each of the state's nine law schools

to work at legal aid offices for seven weeks during the summer of 2008. In 2007, 14 students participated in the program. The unique program places students in academic internships with civil legal service providers located in communities without law schools.

"We are pleased to be able to provide funding for this important internship program at Texas law schools," Richard

Geiger, chair of the Texas Legal Protection Plan board, said. "The future of legal aid services in the state is dependent upon young lawyers understanding the need and committing to be part of the solution."



l-r: Jim Winton, TLPP board member; Jim Buck, TLPP executive director; Richard Geiger, TLPP board chair; Don Jones, Texas Lawyers Care; Gib Walton, State Bar of Texas president.

Chair's Report

By James B. Sales, Commission Chair



Welcome to 2008's inaugural issue of the Texas Access to Justice Commission's *Update*.

Just in its second year of publication, the purpose of this newsletter is to inform Texas lawyers of the Commission's access to justice work and of the incredibly varied opportunities for Texas lawyers to join in this magnificent and critically necessary effort. *Update* is once again made possible by a generous grant from the M.D. Anderson Foundation; thus, I wish to extend my special appreciation to the Foundation for its continuing support of the Commission and the recognition of the importance of communication among our membership

regarding access to justice issues. I also want to acknowledge and thank our membership for their continued charity as witnessed, in part, by the donations that many have sent to the Texas Access to Justice Foundation in response to the Commission's solicitation of funds through December's issue of *Update*. Those funds, which are the lifeblood of our access to justice effort, continue to arrive and will be gratefully accepted for as long as you wish to send them. Thank you for your generous spirit.

Well into the new year, many of us are already revising our new year's resolutions. The year's hustle and bustle has already begun, and we find ourselves steeped in the endless struggles and seemingly unrelenting time constraints that the clean slate of 2008 promised to

change, or at least, better accommodate. Of course we don't really need the countdown that a new year inspires to achieve these new or renewed goals and resolutions; we always have the opportunity to begin anew every day. As noted sculptor Henry Moore observed, "I think in terms of the day's resolutions, not the year's." In that more hopeful vein, I invite you to consider a resolution that may not have made your new year's list: the resolve to take one pro bono case before 2008's end.

In recognition of the estimated 77 percent of unmet legal needs in Texas, our State Bar's current Pro Bono Policy suggests that Texas attorneys aspire to contribute 50 hours of pro bono legal services to the poor. This goal can sometimes be satisfied by taking just one volunteer case a year.

Can you imagine the strides we could make in achieving access to justice for all Texans if our nearly 81,000-strong membership each contributed just 50 hours in 2008? The results would be astounding!

I am grateful beyond measure that many are already fully engaged in this fight. But, simply stated, we need more of you, many more, to join the fight. As eloquently noted by the legendary Justice Hugo Black in *Gideon v. Wainwright*, "The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel." His words are clearly echoed and perhaps made more compelling by the words of a client fortunate to have been represented by counsel: "For me to represent myself in a court and try to come out with my children safe . . . I would be

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Houston Bar Foundation Presents "A Day of Giving"

The Houston Bar Foundation (HBA) celebrated its 25th anniversary on January 12 with "A Day of Giving." The Foundation built on the monthly clinic model developed by the Houston Volunteer Lawyers Program (HVLP) to conduct 10 legal advice clinics for low-income residents in 10 locations throughout Harris County – all on the same morning.

"We decided to celebrate with an event that focused on the reason the Foundation is here to begin with – pro bono service to those in need," said Houston Bar Foundation Chair Karl S. Stern. "This is the

first time the legal community has joined together to provide this type of extensive volunteer service to the community."

Under the leadership of HBA Director Stewart Gagnon of Fulbright & Jaworski, the Foundation recruited volunteer attorneys and support staff from law firms, corporate legal departments, law schools and other legal organizations to staff the clinics. Volunteers for "A Day of Giving" included 308 attorneys; 189 paralegals, law students, interpreters and support staff; and 33 staff members from the HVLP and

HBA.

The clinics served 869 low-income residents, with 884 files on legal matters opened by HVLP. In addition, several hundred clients received paperwork for wills and estate documents, which could bring the total legal services provided to more than 1,000 matters for low-income Houstonians.

Attorneys logged 1,232 volunteer hours, with 1,988 total hours for all volunteers.



l-r: Houston Bar Foundation Chair Karl Stern, Fort Bend Lawyers Care Executive Director Angela Oaks, State Bar of Texas President Gib Walton, and Vinson & Elkins partner Mark Kelly participate in one of 10 legal advice clinics for low-income residents.

Interest Rate Drops Hurt IOLTA

By Richard L. Tate, Foundation Chair



Over the past year, the Texas Access to Justice Foundation has

made important strides in increasing legal aid funding. The new Interest on Lawyers' Trust Accounts (IOLTA) rule, which calls for attorneys to hold client accounts at banks that pay rates comparable to other accounts, was expected to bring IOLTA funds to \$28 million annually. There are very few measures that could generate such a significant amount of money for legal aid in such a short amount of time. But the Federal Reserve has put a kink in the plans. As we go to print on this newsletter, the Fed has

dropped interest rates five times since September 2007, from 5.25 to 3.0. For IOLTA, 2.25 percentage points translates to a projected revenue drop from \$28 million to \$14 million for 2008. It also means that thousands fewer low-income Texans will receive help with their civil legal problems.

You can help to alleviate this drastic decline in IOLTA funding by banking at one of the following IOLTA Prime Partners—banks that pay at least 70 percent or more of the Fed Funds Target Rate:

Access 1st Capital Bank (Denton); **Amegy Bank of Texas** (Statewide); **Brazos Valley Bank** (College Station); **Capital Bank** (Houston); **Citibank Texas** (Statewide); **Comerica Bank** (Statewide); **Compass Bank** (Statewide);

Coppermark Bank (Plano); **Crosby State Bank** (Crosby); **Dallas City Bank** (Dallas); **First International Bank** (Plano); **First National Bank of Bosque County** (Valley Mills); **First National Bank Southwest** (Plano); **First State Bank** (New Braunfels); **First Victoria National Bank** (Victoria); **Green Bank** (Houston); **LegacyTexas Bank** (Plano); **Lindale State Bank** (Lindale); **NexBank** (Dallas); **North Dallas Bank & Trust** (Dallas); **Northstar Bank of Texas** (Denton); **OmniAmerican Bank** (Ft. Worth); **PlainsCapital Bank** (Statewide); **Security State Bank** (Littlefield); **State National Bank** (Lubbock); **Sterling Bank** (Statewide); **Texas Brand Bank** (Garland); **Town North Bank**

(Dallas); **VisionBank Texas** (Richardson); **Washington Mutual** (Statewide).

If you bank at one of these institutions, you are helping to bolster IOLTA funds. Be sure to let your banker know you appreciate their commitment to serving their communities. If your bank is not on this list, encourage them to join. Or, consider moving your account(s) to a Prime Partner bank.

For more information about IOLTA or the Prime Partner program, visit www.teajf.org.

IOLTA Planning Forum Held in Austin

The Texas Access to Justice Foundation invited legal aid providers and access to justice partners to speak at its IOLTA Comparability Forum held on January 17 to consider the best way to utilize additional funds generated by the new IOLTA Comparability rule, which requires attorneys to place IOLTA accounts in banks that pay comparable interest rates.

The Foundation's board of directors heard presentations regarding the current unmet needs regionally and statewide.

Several legal aid representatives mentioned the need for competitive salaries for staff attorneys. In a survey conducted by the Foundation, almost 96 percent of respon-

dents identified salaries as a very important issue. Another concern for legal aid providers is reaching underserved populations, including rural areas. Jesse Gaines, chief executive officer for Legal Aid of NorthWest Texas, explained, "Rural delivery needs to be increased in our state. We are trying to use all the technology we can use, but we need people on the ground, offices in those areas." The Texas Access to Justice Foundation is considering many options for the new funds, including



l-r: Randy Chapman, executive director, Texas Legal Services Center; Vanna Slaughter, executive director, Catholic Charities of Dallas; Jesse Gaines, chief executive officer, Legal Aid of NorthWest Texas discuss legal aid funding.

addressing staffing and technology needs, expanding current services, addressing new services, increasing services to rural areas, and creating a reserve for emergency grants. The Foundation will convene meetings over the next several months to study the issue and develop a

plan to best utilize the funds.

While early projections had put IOLTA net revenue at approximately \$28 million per year, recent interest rate drops will cost the program up to \$14 million annually.

Grant decisions for the 2008-9 grant year will be made in June.

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Legal Aid Receives Technology Gift

The new equipment will enable legal aid service providers to improve efficiency through networking and information sharing, automating case management systems, and upgrading outmoded equipment. Equipment such as laptop computers will enable advocates to work on cases remotely.

The following individuals provided pro bono services to the Texas Access to Justice Commission's Technology Committee by helping develop the statewide technology plan: C. Lynn McGuire, chief information officer, Andrews Kurth LLP (Houston); J. Mark Hendrick, director of infor-

mation technology, Baker Botts, LLP (Houston); C. Kirk Scruggs, director of information systems, Bracewell & Giuliani LLP (Houston); Scott Preston, chief technology officer, Fulbright & Jaworski LLP (Houston); and Dennis Van Metre, chief technology officer at Vinson & Elkins (Houston). Additionally, Nick Altizer, chief information officer for Lone Star Legal Aid (Houston), and Ryan Gravelle, general counsel for BSG Alliance Corp. (Austin), also serve on the committee and donated countless hours to the project. Jeff Edwards, of Whitehurst, Harkness, Ozmun & Brees in Austin, serves as the Technology Committee's chair.

Mary Faithfull, executive director of Advocacy Inc., expressed gratitude for the technology donation.

"The laptop computers provided by the Commission and Foundation will enable Advocacy, Inc. staff to take their computers on the road and work untethered from their desks. Often our staff travel long distances to represent our clients. The laptops will allow staff to work more efficiently. It will make a world of difference."

Chair's Report

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gambling a lot to try to walk in there by myself." It is with the echoes of her words especially that I implore you to think today in "terms of [this] day's resolutions" – and not to put off until next year taking that one pro bono case. Every additional lawyer means added hope for someone in need. Help make a difference in that someone's life. As a lawyer, only you can.