



TEXAS

ACCESS TO JUSTICE COMMISSION

# UPDATE

December 2009

## Celebrating Pro Bono

Texas legal aid organizations, pro bono volunteers, and bar associations participated in the first annual National Pro Bono Celebration, held October 25-31, to highlight the pro bono efforts of lawyers who help Texans in need of legal assistance. Sponsored by the ABA Standing Committee on Pro Bono and Public Service, the Celebration was a coordinated national effort to showcase the great difference that pro bono lawyers make to the nation, its system of justice, its communities and, most of all, to the clients they serve.

"To me, celebrating pro bono is about honoring the work lawyers provide to those in need. The pasture may seem greener in Texas than in other states during this economic downturn, but the legal needs of our poorest citizens are not being met," said State Bar of Texas

President Roland Johnson.

In Texas, there is only one legal aid lawyer for every 11,512 Texans who qualify for legal aid. The support of pro bono attorneys and the quest for more volunteers is critical to helping meet the ever-growing legal needs of our most vulnerable citizens.

In an open letter to Texas lawyers, the Supreme Court of Texas stated, "We commend Texas attorneys for their ongoing pro bono contributions and take this opportunity to remind all attorneys that by engaging in pro bono work, we can make a meaningful difference in the lives of all Texans who would not otherwise have access to the legal system."

Numerous events took place throughout Texas for the National Pro Bono Celebration:

- An Access to Justice Fair sponsored by the El Paso Bar Association and local legal aid organizations provided advice

and resources to more than 300 El Pasoans in the one-day event.

- Hundreds received free divorces in the Rio Grande Valley through the Community Justice Program and Texas Rio Grande Legal Aid.
- The San Antonio Bar Association created the first annual Community Justice Awards program to recognize individuals and firms that provide pro bono services. Lawyers were honored at events of the Jefferson County Bar Association, the

Plainview office of Legal Aid of NorthWest Texas, and several others throughout the state.

- Texas Tech law students assembled panel discussions with pro bono attorneys, legal aid lawyers, and student legal aid interns; and also distributed information about pro bono opportunities for law students throughout the week.
- Selected Texas lawyers were spotlighted during October for their pro bono contributions on the State Bar of Texas Blog.



A client at the Dallas Volunteer Attorney Program receives help from paralegal Jigna Vyas Gosal during the Pro Bono Celebration

## Season of Giving Time, Talent, and Resources

With your support, Janice escaped her abusive husband, Bill and Mary have kept their home from foreclosure, Sara rebuilt her life after Hurricane Ike, and Henry maintained his medical benefits. More than 100,000 families like these received basic civil legal services from one of the legal aid organizations funded by the Texas Access to Justice Foundation this year.

During these tough economic times, legal aid

keeps people housed and employed and families stable. It is often the safety net that keeps our fellow Texans from going over the edge; without it, they might never recover, even when the economy improves. To help support legal aid, use the enclosed donation envelope to make a contribution to the Texas Access to Justice Foundation. We cannot afford to let the safety net unravel.



El Paso Bar Association President Carlos Eduardo Càrdenas receiving a proclamation for Pro Bono Week from El Paso Mayor John Cook

# Chair's Report

By Harry M. Reasoner, Commission Chair



Striving to make justice accessible to every level of our society is one of the finest

aspirations of our profession. Great accomplishments toward this goal have been made under the splendid leadership of Justice Harriet O'Neill, Jim Sales, the Texas Supreme Court, the State Bar, the Texas Young Lawyers Association, and many Sections of the State Bar. I am deeply impressed with their efforts. We can take pride in the role our profession has played.

The percentage of lawyers,

however, who participate in pro bono activities remains very small. The level of public funding at the federal and state levels is very low. We need to redouble our efforts to educate both the Bar and the public about the compelling needs, the great social and human costs, and the opportunities to be of service.

In emphasizing how much remains to be done, I do not want to diminish the importance of what has been accomplished. This issue of the *Update* celebrates some of the great pro bono contributions that have been made. The Commission and the Texas General Counsel Forum presented Exxon Mobil Corporation

with the Magna Stella Pro Bono Award honoring its outstanding pro bono efforts. St. Mary's University School of Law was presented with the annual Access to Justice Law School Commitment to Service Award for its admirable contributions. Renee Brosch of Texas Tech University School of Law received the Access to Justice Law Student Pro Bono Award for her remarkable work while in law school. Happily, all of these selections were hard choices because so many outstanding contributors merited strong consideration.

The exemplary pro bono work of corporate counsel and law schools is encouraging evidence of a broadening effort to serve

those in need. With close to a fifth of our population in Texas unable to afford critical legal services, there is much to be done. To live up to the ideals of our country and our profession, we can and must do more. Working under the leadership of the Supreme Court and with the State Bar and the state's law schools, we can continue to broaden and deepen the interest of the 75,000 plus attorneys in Texas in providing and supporting pro bono legal services.

As the new Chair of the Commission, I look forward to working with all of you who already do so much to make access to justice a reality in our great state.

## Law Student Sees Impact of Pro Bono Work Firsthand

Texas Tech University law graduate Renee Brosch volunteered to represent "Shirley," a patient with terminal cancer at a pro bono clinic through Legal Aid of NorthWest Texas. "Shirley" was no longer able to work and needed financial support from her husband (who abandoned the family upon her cancer diagnosis) to help provide for her family. Brosch was able to expeditiously obtain temporary orders to provide "Shirley" with the necessary financial support for her family. However, she became concerned because of the client's deteriorating health that she may not be able to meet the client's other objective of dissolving her marriage before her death.

With the statutory 60-day waiting period for a divorce looming, Brosch was able to convince the judge to allow "Shirley's" testimony by written affidavit. Brosch drafted and met the client in her home to execute an affidavit that would be used in lieu of her client's appearance. On the 61st day, despite having a law school final exam later that day, Brosch appeared before the court with "Shirley's" affidavit and obtained the final decree of divorce for her client. "Shirley" passed away peacefully several hours later with the satisfaction of knowing that her marriage was dissolved and her children would be cared for.

"It has shown me the impact that I can have on an individual's life that normally would not have had fair legal counsel, due to economic hardships in their lives. There is so much pro bono

work and not enough attorneys that are willing to do it," said Brosch of her law school clinic experience.



St. Mary's University School of Law, represented by Dean Charles Cantú, (left) received the Access to Justice (ATJ) Commission Law School Commitment to Service Award, presented by Justice Harriet O'Neill, and Texas Tech law graduate Renee Brosch (right) received the ATJ Law Student Pro Bono Award at the New Lawyer Induction Ceremony.

# Providing a Lifeline for those in Need

By Richard L. Tate, Foundation Chair



Every population group and geographic region in Texas is served by a legal

aid organization funded by the Texas Access to Justice Foundation (TAJF). During a typical grant cycle, we award and administer grants to approximately 40 legal aid organizations that provide basic civil legal services for poor and low-income Texans. Nearly half of the cases served by legal aid involve family law or domestic violence.

As a result of funding from the 81st Legislative Session, TAJF grantees will be able to maintain the services they typically provide – even though IOLTA revenue continues to suffer dramatically with low interest rates. Currently, funding meets only 20 to 25 percent of those Texans in need.

While the new funding helps fill the gap created by the drop in IOLTA revenue, it also provides an opportunity to help creatively approach future funding issues for an ever-increasing need.

The statewide Parenting Order Legal Clinic Project, a joint program with the Office of the Attorney General, has completed its first year. We celebrate the success of serving more than 1,350 parents in need of information about access to and support of their children. Approximately 25 clinics are operating monthly throughout the state and feedback has been overwhelmingly positive.

More than 80 public interest lawyers are receiving stipends from the Student Loan Repayment Assistance Program with TAJF support. This funding enables these attorneys – who carry an average student loan debt

of \$80,000 on an average yearly salary of less than \$47,000 – to accept public interest jobs without having to go into further debt. We also continue to fund three Equal Justice Works Fellowships annually. Fellows use an innovative and entrepreneurial approach to addressing critically needed legal services and are matched with a nonprofit organization that has agreed to host them for two years.

While the need for civil legal services continues to outweigh our resources, the organizations and programs we help fund continue to provide a lifeline for Texans in need of legal aid. Please remember these Texans as you give of your time, talent and resources to support legal services this holiday season and throughout the upcoming year.

TEXAS ACCESS to JUSTICE FOUNDATION

## By the Numbers 2008

TAJF grantees closed 106,733 cases, assisting 246,479 persons.

Family law cases comprise 48 percent of legal aid cases.

Approximately \$50,144,000 was secured in back awards for legal aid clients.

More than 67 percent of legal aid clients are female.



Become a fan of Texas Access to Justice Foundation on Facebook and visit the new "TxAccessToJustice" channel on YouTube.

## Champions of Justice Gala for Veterans

Save the Date – May 4, 2010

The Texas Access to Justice Commission will hold its annual fundraising gala on May 4, 2010, at the AT&T Executive Education & Conference Center in Austin. David Beck, Justice Deborah Hankinson, Joseph D. Jamail, and Charles Matthews will co-host the event dedicated to increasing access to civil legal

services, this year benefiting veterans. The Texas Access to Justice Foundation will use the proceeds to fund legal services programs providing desperately needed civil legal services for poor and low-income veterans in Texas. For sponsorship opportunities, contact Catherine Nahay at 800-204-2222, ext. 1873.

## In Memoriam

The Texas Access to Justice Commission and Foundation remember Emily C. Jones who passed away in August. Emily served as executive director of the ATJ Commission from 2002 to 2008 and was a tireless advocate for the poor and disadvantaged.



The South Texas Pro Bono Asylum Representation Project (ProBAR), a national effort to provide immigration legal services to asylum seekers and other detained persons in South Texas, celebrated 20 years of service Nov. 12, in San Benito, Texas. Pictured are: Pablo J. Almaguer, TRLA Attorney; Hong Tran Escobar, Texas Lawyers Care Director; Elma E. Garcia, ATJ Commission Director; Meredith Linsky, ProBAR Director; Roland Johnson, SBOT President; and Linley R. Boone, TRLA Attorney. To volunteer, email [probar@sbcglobal.net](mailto:probar@sbcglobal.net).

## Commission Members and Staff

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Elma Garcia, *Executive Director*

## Access to Justice Awards



At the Commission's October meeting, the Poverty Law Section of the State Bar of Texas presented State Rep. Elliott Naishtat (third from right) of Austin the Impact Award for his longtime efforts of service to the access to justice community. He was specifically recognized for his work on SB408, which establishes state court judicial review of final administrative decisions of Medicaid, food stamps, and Temporary Assistance for Needy Families.



El Paso attorney Scott Vogelmeier (left) received the Cy Pres: Impact on Justice Award for securing two court awards for Texas RioGrande Legal Aid. ATJ Commissioner Cezy Collins of El Paso presented the award.



Texas Sen. Jeff Wentworth of San Antonio received the Star of Justice Award at the San Antonio Bar Assn. meeting for his outstanding leadership efforts to increase state funding for civil legal services to the poor. Wentworth authored the bill that increased funding from filing fees in justice and county courts.

**ExxonMobil** Congratulations to the legal department of ExxonMobil, winner of the 2009 Magna Stella Award for Pro Bono.