



TEXAS

ACCESS TO JUSTICE COMMISSION

# UPDATE

December 2008

## Hurricane Ike's Impact Continues

Long after the water subsides and the media coverage ends, victims of Hurricane Ike will encounter disaster-related legal problems for years. You won't see the 350 families still living in a tent city near Galveston or those still living in their homes despite the encroaching black mold and lack of running water. These families are still there and their legal needs are just as great as they were the day after the storm.

While legal aid offices and volunteer attorneys in Southeast Texas have worked tirelessly to distribute more than 50,000 legal information

packets since Hurricane Ike hit in September, disaster-related legal services are only just beginning for the region's providers. History indicates legal issues will inevitably develop between landlords and tenants, with unjust denials of benefits, and a variety of problems from employers, insurers, state agencies, public utilities and FEMA.

The Texas Access to Justice Foundation (TAJF) has received \$18,000 in donations from generous lawyers, State Bar Sections, and local bar associations. Those funds have been put to effective use in the initial phase of



Hurricane Ike survivors in Chambers County receive information packets and assistance from volunteers with Lone Star Legal Aid (LSLA). Photo by Britney Jackson, LSLA

legal aid's response. More resources will be needed to meet the urgent needs of those in the storm's path.

In addition to the need

for increased funding, there is an urgent need for pro bono attorneys. Volunteer attorneys throughout the (continued on page 2)

## Give the Gift of Legal Aid

This holiday season, as we face the continuing challenge of providing legal services for low-income Texans across the state; give the gift of legal aid.

In this issue of *Update*, you will note the opportunity to make a donation to the access to justice effort. Funds received in response to this request will be granted by the Texas Access to Justice Foundation to legal aid organizations providing assistance with basic civil legal problems, including those faced by victims of Hurricane Ike.

Nationally, Texas ranks 43rd in funding for legal

services and currently legal aid is only able to meet 20 – 25 percent of the legal needs of poor Texans. This situation is exacerbated during times of natural disasters and disproportionately impacts the most vulnerable in our communities. The need is great and the task is daunting.

Providing pro bono legal services and volunteering in your local legal aid program are also ways you can help make a difference in meeting the legal needs of low-income and poor people throughout Texas.

[www.teajf.org](http://www.teajf.org)

## First Magna Stella Pro Bono Award

The Texas Access to Justice Commission partnered with the Texas General Counsel Forum to present the first Magna Stella Pro Bono Award to a corporate legal department actively engaged in pro bono in Texas. CenterPoint Energy in Houston, represented by Scott Rozzell, Executive Vice President and General Counsel, received the award Nov. 13 at the annual Forum dinner in San Antonio.

CenterPoint Energy is a shining example of how a small corporate law department of 17 dedicated attorneys can contribute in a significant way to provide pro bono legal assistance to Texans unable (continued on back page)



Texas Supreme Court Justice Harriet O'Neill presents the first Magna Stella Pro Bono Award to the Legal Department of CenterPoint Energy in Houston; accepted by Scott Rozzell, Executive Vice President and General Counsel.

# Chair's Report

By James B. Sales, Commission Chair



Just as the Texas Supreme Court-ordered IOLTA "Comparability" Rule

was beginning to generate an urgently-needed increase in funds for the access to justice effort, the national, and now global, economic situation kicked revenue generation into a terrifying downward spiral. The comparability rule was designed to enhance the resources of the legal service providers who work to ensure that all Texans have access to the justice system in civil matters. Now, with the current unholing of the economy, the eagerly anticipated increase in IOLTA revenue has essentially evaporated. Correspondingly, the existing level of financial support has dropped precipitously. This economic turmoil is having a cataclysmic impact

on those who strive so tirelessly to help the less fortunate of the state.

No one seems willing to predict with any certainty when the disastrous decline in the economic situation will stabilize.

Even fewer economic experts seem willing or, even remotely confident, to suggest when a meaningful long-term restoration of

economic stability will be achieved. Currently, the population in Texas is approaching 25 million. Roughly one-fifth of our population cannot afford the services of a private attorney and, therefore, are effectively foreclosed from the justice

system in the absence of legal aid.

Before the economic crisis burst forth onto the scene, legal service providers were only able to help approximately 25 percent of those

**"If all 72,324 licensed lawyers practicing law and residing in Texas would contribute at least \$75, we would raise in excess of five million dollars to support and maintain those who are working on the front lines, providing legal help to those in need."**

seeking legal help. That percentage is likely to decline as legal service providers are compelled to cut staff attorneys, reduce the scope of operations

in the field, and reallocate resources for maintaining and operating intake units. Thus, while the legal landscape in Texas was already distressing, the situation has deteriorated even further.

According to the latest figures, there are 80,562

active lawyers currently licensed by the state of Texas. Of this total, 72,324 licensed lawyers reside and practice in the state of Texas. In May 2008, the State Bar of Texas mailed out annual dues statements which included, among other items, a specific request for contributions to the Access to Justice Campaign. Fewer than 6,000 attorneys made contributions to the Campaign. This is less than eight percent of Texas lawyers. A contribution by only one out of every twelve licensed lawyers privileged to practice law in Texas is a particularly disappointing response.

Time and again I have heard lawyers rail, as Judge Learned Hand declared, "Thou shall not ration justice." Yet, even as we utter such powerful words, millions of less fortunate Texans are denied meaningful access to the justice system simply because they cannot afford to  
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## Hurricane Ike Impact

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region affected by Ike have mobilized to augment the delivery of legal services since the hurricane. Attorneys through Lone Star Legal Aid and the Houston Volunteers Lawyers Program have provided assistance in Disaster Recovery Centers and through the Houston Bar Association's LegalLine. Similarly, in the Gulf Coast region and throughout Texas, attorneys have stepped up to provide direct assistance to low-income Texans affected by the disaster.

Numerous volunteer

opportunities exist, including LiveHelp, a new online chat forum that provides legal information on issues related to disaster relief. Attorneys who wish to volunteer can sign up at [www.texasbar.com/ikevolunteers](http://www.texasbar.com/ikevolunteers).

Legal challenges following Ike will sometimes seem as devastating as the storm itself. Please support the recovery effort to ensure that Texans affected by Ike are not victimized by the storm that has already decimated families emotionally and financially.

## Thank You to Our Hurricane Ike Legal Aid Fund Contributors

Asian American Bar Association of Houston  
Asian American Bar Foundation of Houston  
Kendall County Bar Association  
State Bar of Texas Construction Law Section  
State Bar of Texas Corporate Counsel Section  
State Bar of Texas Family Law Section  
State Bar of Texas Health Law Section  
State Bar of Texas Military Law Section  
State Bar of Texas Poverty Law Section  
State Bar of Texas Real Estate, Probate & Trust Law Section  
TXU Energy  
And numerous individual donations from lawyers

Donations are still needed. Visit [www.teajf.org](http://www.teajf.org) to make a donation online, or mail to: Texas Access to Justice Foundation, P.O. Box 12886, Austin, TX 78711-2886

# Banking on Justice

By Richard L. Tate, Foundation Chair



More than five million Texans live in poverty and struggle to meet their most basic civil legal services to deal with FEMA issues, insurance matters, and housing-related issues. The legal aid providers in the area affected by Ike are working diligently to meet that need, but it requires resources.

basic needs, particularly during these challenging economic times. These Texans are disproportionately impacted during times of crisis as witnessed following Hurricane Ike. Those impacted by Ike will need help with

Donations are particularly critical now in light of decreased interest rates which see IOLTA revenue reduced from \$20 million in 2007 to a projected 7.5 million in 2009. The Texas Access to Justice

Foundation appreciates the donations it has received thus far from lawyers and bar-related entities. The demand is great and we continue to need resources. Donations can be made through the enclosed envelope or online at [www.teajf.org](http://www.teajf.org).

## Bank at a Prime Partner Bank

With the rapidly diminishing interest rates, one important way you can help increase these resources is to place your IOLTA accounts at

a Prime Partner Bank. Under Supreme Court of Texas rules, IOLTA accounts must be held at banks that pay interest rates comparable to similarly situated accounts. Prime Partner Banks, listed below, go above and beyond eligibility requirements by paying at least 70 percent of the Federal Funds Target Rate. The additional interest ensures more funding for legal services programs.

## Awards Honor Law Students, Schools

The Texas Access to Justice (ATJ) Commission created two new awards to recognize law students and law schools. The ATJ Law Student Pro Bono Award honors a Texas law student who has most enhanced the delivery of quality legal services to poor Texans and underserved communities.

At the new lawyer induction ceremony Nov. 18 in Austin, the Supreme Court of Texas and the Commission recognized one student from each law school as a finalist for the ATJ Law Student Pro Bono Award. The finalists included: Leah Bhimani

Buratti, SMU Dedman School of Law; Jessica Cassidy, University of Texas School of Law; Bianca Castillo, TSU, Thurgood Marshall School of Law; Amanda Lynn Chase, South Texas College of Law; Alma Gonzalez, Texas Tech University School of Law; Alexis Hoff, Texas Wesleyan University School of Law; Evan Johnson, University of Houston Law Center; Amanda Rivas, St. Mary's University School of Law; and Abigail Toth, Baylor Law School.

Jessica Cassidy of UT Law School received the inaugural award and a \$2,000 stipend. Cassidy is committed to

public service as evidenced by her work in the public interest field. She organized her peers on a pro bono legal trip to the Gulf Coast, where students provided legal services for the poor.

The ATJ Law School Commitment to Service Award

## Texas IOLTA Prime Partners

Access 1st Capital Bank	Highlands Bank
Amegy Bank of Texas	Huntington State Bank
Bank of Tyler	LegacyTexas Bank
Brazos Valley Bank	Lindale State Bank
Capital Bank	Lone Star National Bank
Capital One	LoweryBank
Citibank Texas	NewFirst National Bank
Comerica Bank	NexBank
Compass Bank	North Dallas Bank & Trust
Coppermark Bank	Northstar Bank of Texas
Crosby State Bank	OmniAmerican Bank
Community Bank of Warren	PlainsCapital Bank
Dallas City Bank	Providence Bank of Texas
First International Bank	Security State Bank
First National Bank of Bosque County	Sterling Bank
First National Bank Southwest	Texas Brand Bank
First State Bank	Town North Bank
First Victoria National Bank	Washington Mutual
Green Bank	Wells Fargo
	Worthington National Bank

honors a Texas law school that has made significant and innovative strides toward increasing access to justice. This year, the award was presented to Texas Tech University School of Law.

Texas Tech Law School partners with the local legal aid office, and encourages both students and faculty to contribute their time and skills to benefit underserved

populations. The law school has regularly contributed critical legal services to poor Texans through innovative clinics for low-income taxpayers, criminal justice, civil practice, and an innocence project; recently creating a Night Court Divorce Project to assist low-income, pro se clients who do not qualify for legal aid.



Texas Supreme Court Justice Harriet O'Neill, Texas Tech University School of Law Associate Dean J. Wesley Cochran, UT Law Student Jessica Cassidy, and Texas ATJ Commission Chair James B. Sales



## Commission Members and Staff

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Emily Jones,  
*Executive Director*  
*Newsletter Executive Editor*

### Chair's Report

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hire a lawyer.

This is the hard reality of today's environment. It is understandable that some lawyers are unable to participate in pro bono representation because of their particular circumstances. It would seem, however, that even those who are unable to participate in pro bono representation would be persuaded to make some contribution to their profession's access to justice effort. If all 72,324 licensed lawyers practicing law and residing in Texas would contribute at least \$75, we would raise

in excess of five million dollars to support and maintain those who are working on the front lines, providing legal help to those in real need.

As gatekeepers of the rule of law in Texas, we all bear a special obligation to ensure the accessibility of our justice system. If we all pitch in, we can help to make our justice system work for all Texans. Please, as a lawyer, care enough to make a difference – make a contribution to the access to justice effort in Texas!

### Magna Stella Award

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to afford legal representation. CenterPoint Energy attorneys have taken cases from the Houston Volunteer Lawyers Program since 1992. As a corporate "Equal Access Champion," CenterPoint has committed to handling a certain number of cases each year for five years, even accepting double the number of cases it is assigned to handle in a year. Last year, CenterPoint sponsored three Drive Time Legal Clinics, where low-income residents were given the opportunity to receive much needed civil legal

help at times that do not conflict with work hours. In addition, the legal department at CenterPoint Energy participated in A Day of Giving, where free legal clinics for low-income residents were conducted at multiple locations throughout Harris County.