

Commission and Foundation Applaud the Legislature for Providing Legal Aid Funding

In a tremendous show of bipartisan support, the Texas Legislature appropriated \$17.5 million for civil legal aid and \$7.6 million for county indigent defense programs in general revenue for the biennium during the recent special session. Gov. Rick Perry signed Senate Bill 2 that included an amendment for funding civil legal services on July 19.

This funding mitigates the decline in Interest on Lawyers' Trust Accounts (IOLTA) funds, a primary source of funding for legal aid. IOLTA funding has declined more than 71 percent since 2007.

"All Texans should be grateful for the actions of the Texas House and Senate in these efforts to provide access to justice for Texans who could otherwise not afford it," Texas Supreme Court Justice Nathan L. Hecht, the Court's liaison for access to justice issues, said. "For its own integrity's sake, the civil justice system must be available to every Texan victimized by domestic violence, to each veteran wrongly denied the benefits our country has promised, and to all families who have paid their bills but are nevertheless evicted from their homes."

Following the formal request for emergency relief by the Texas Supreme Court, and with the leadership of Senators Ogden, West, Rodriguez, Hinojosa, Ellis and Duncan, the Senate amended SB 2 on June 3 to include a provision for funding legal aid.

"As a former legal aid lawyer, I am grateful that the Legislature provided the funding necessary to live up to our commitment of ensuring that everyone, regardless of their means, can access our justice system," Sen. José Rodriguez said.

In the House, the amendment appropriating \$25 million for the two programs was offered by Rep. Jim Pitts, chairman of the House Appropriations Committee. "It was

a privilege to offer this amendment to help protect Texans' fundamental right to fair legal representation," Pitts said.

Rep. Will Hartnett and Rep. Jerry Madden were also among the many supporters in the House. "Assuring access to basic legal services is a vital role of our state government," Hartnett said. "I am delighted that the House has renewed the funding of this important program."

In a historic move, the Texas Legislature issued a joint resolution in June commending the Supreme Court for its efforts to preserve access to justice for all Texans.

Press Conference Highlights Needs

Before the approval of legal aid funding in the special session, several groups and individuals worked on proposals and bills during the regular session. The Commission and Foundation hosted a news conference in February at the Capitol to highlight the continued funding crisis in the Texas legal aid system.

Access to justice leaders detailed how a legislative cut of 51 percent in funding for legal aid would affect less fortunate Texans and also outlined a legislative plan to help combat the issue. The rise in poverty and historically low interest rates on IOLTA continues to strain available resources for Texans in need of civil legal services.

Crystal shared her emotional account as an example of a client who desperately needed help. With increasing economic pressures, her husband began physically abusing her, threatening her life and her children – even pointing a shotgun at her face. She left her home with a bag, and credits the help of legal aid through Aid to Victims of Domestic Abuse (AVDA) with saving her life.

Jacqueline Pontello, executive director of AVDA, recalled a client that she once had to turn away due to lack of resources, "I don't

want to speak at funerals. I want to speak at commencements and places we've invested in folks at a bad time in their lives," she said.

Sen. José Rodriguez, Rep. Pete P. Gallego and James B. Sales, Chair Emeritus of the TAJC, also spoke at the briefing in support of funding for legal aid in Texas.



Texas Supreme Court recognized at the Senate



Texas Legal Aid Clients Council visits legislators at the Capitol



TAJC Press Conference

Chair's Report

BY HARRY M. REASONER, COMMISSION CHAIR



Two years ago, a woman was found locked in the trunk of a car in Hidalgo, Texas. For three months, she had been sexually abused by her captors – but discovered in that

locked trunk, her legal struggles were just beginning. T-visas, offered by the U.S. to combat the human trafficking industry, are extremely difficult to obtain. Catholic Charities San Antonio, which is supported by access to justice funding, took her case. After two years of legal struggle, that woman learned this past month that she would now receive the protections of a T-visa, safe and secure with her family.

You can support this lifesaving work by making the suggested \$150 donation to the Access to Justice Fund through the State Bar of Texas. Legal services for

the poor – to combat human trafficking, domestic violence, veterans' homelessness or wrongful denial of benefits, unlawful evictions, or other life crippling problems – are at the bedrock of our nation's aspiration of justice for all. Pro bono legal service providers are facing devastating funding shortfalls. Your support will give them the ability to represent thousands of low-income families.

In order to keep the rule of law from being mere rhetoric, we must strive to give as many Texans as possible meaningful access to the legal system. With 5.7 million Texans qualified to receive free legal assistance, legal aid can provide help to only one in five poor Texans who need legal help. There are simply not enough resources to meet the growing demand for legal aid.

The Commission is therefore supporting the work of the new Texas Supreme Court Taskforce on Uniform Forms. The creation of standardized forms for all Texas courts will enhance the ability of people

to represent themselves in simple matters when no legal representation of any kind can be had. It will also enhance the ability of the Courts to deal efficiently and fairly with self-represented litigants.

We are delighted to welcome Trish McAllister as the Commission's new Executive Director. Before joining the Commission in February, Trish served as executive director of Volunteer Legal Services of Central Texas, a nonprofit legal aid provider in Austin. Trish's long career in the legal services industry has been highlighted by passion, dedication, and great success.



McAllister

Helping Self-Represented Litigants Attain Access to the Courts

The Self-Represented Litigants (SRL) Committee of the Commission provides a resource for courts and communities seeking to address the challenges presented by the increasing number of people at the courthouse who cannot afford an attorney. The Committee has formed six subcommittees to help communities provide tools and services to low-income litigants so that they can more easily navigate the court system.

The Education Subcommittee will inform and educate the judiciary, private bar, and the public about self-represented litigant issues, and how to more effectively serve these litigants. Clerks and court staff will be trained how to provide legal information while remaining impartial, maintaining confidential information, and avoiding ex parte communications. Participants will be taught the critical difference between legal advice and legal information.

The Self-Help Center and Services Subcommittee will work towards expanding the quantity and quality of self-help centers

across the state. The subcommittee is assembling a comprehensive list of self-help centers and assessing their technical assistance needs to more effectively serve litigants representing themselves.

The Assisted Self-Representation Subcommittee will work to expand the availability of attorney assistance to pro se litigants. In assisted pro se projects, attorneys help litigants prepare pleadings and other forms, weigh options as to which course of action to take, and help them prepare for hearings.

The Limited Scope Representation Subcommittee will promote the involvement of private practice attorneys assisting pro se litigants through representation on discrete aspects of a case. With limited scope representation, the litigant pays an attorney only for the services needed, be it providing advice or drafting pleadings.

The Rules and Guidelines Subcommittee will be investigating model court rules, legislation, and other policies to ensure equal access to the courts. The subcommittee



The Lubbock County Bar Association and Texas Legal Services Center created a new video that prepares a pro se litigant for court. It can be viewed at www.TexasLawHelp.org.

is currently investigating rules, orders and standardized policies and forms created by other states.

The Communications and Information Dissemination Subcommittee will formulate a plan of how to communicate effectively with the judiciary, private bar, and the public about the self-represented litigant issues, and create a clearinghouse of information.

Why We Support the Prime Partner Program

JON D. LEVY, PRESIDENT—WESTLAKE BRANCH OF PLAINSCAPITAL BANK AND TEXAS ACCESS TO JUSTICE FOUNDATION DIRECTOR



Challenging economic times often magnify the fact that tough business decisions need to be made to ensure goals, collaborations and solutions are realized. Organizations as well as individuals are

often defined by how they react in these situations. Banks and financial institutions are no different, and many of us have seen the last months bring new challenges to our industry as we battle a slow economic recovery. One way PlainsCapital Bank is continuing to serve as a trusted partner in the community is through our support of legal services in the Texas Access to Justice Foundation's Interest on Lawyers' Trust Accounts (IOLTA) Prime Partner Program.

At a time when interest rates remain at historically low levels, more than 80 Texas banks and financial institutions have chosen to pay one percent on IOLTAs to help the

less fortunate members of our communities get the legal assistance they need to remain productive citizens. Taking care of our customers and our communities is part of our culture at PlainsCapital Bank and is vitally important to how we do business. Being a Prime Partner is the right thing to do, especially during tough economic times endured by so many in our communities.

The State Bar of Texas Board of Directors demonstrated its support of the Prime Partner Program by recently adopting a resolution urging lawyers and local bar organizations to support the Program. The Legal Services to Poor in Civil Matters Committee of the Bar has been instrumental in this effort and in communicating the ways lawyers are called upon to support the program.

Consider what you can do to help:

1. Ask your bank to become a Prime Partner.
2. If your bank chooses not to become a Prime Partner, move your money to a Prime Partner bank and tell your bank why you are



Prime Partner Awards were presented to Lubbock-area banks. Betty Balli Torres, TAJF Executive Director; Tom Hodges, BBVA Compass; Abel Castro, First Bank & Trust; Keith Larremore, PlainsCapital; John Richardson, Security State Bank; and Justice Phil Johnson.

leaving. A list of Prime Partner banks can be found at www.teajf.org.

3. Talk to your colleagues about the Prime Partner Program and the need for increased funding for civil legal aid in Texas.

This is an extremely important program for our communities; and with your help, we can expand our base of support and inspire opportunities throughout the state.

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We would like to extend our appreciation to the U.S. Marine Corps Color Guard – San Antonio Recruiting Station, the State Bar Military Law Section for the display of military flags, Harry M. Reasoner for sponsorship of the Gala banners, and the State Bar of Texas for underwriting the event.



The Texas Access to Justice Foundation, in conjunction with the Commission and State Bar of Texas, honored U.S. Senator John Cornyn with the prestigious Harold F. Kleinman Award, June 24, during the State Bar of Texas Annual Meeting in San Antonio. Justice Hecht presented the award to Sen. Cornyn for his efforts in protecting the federal insurance coverage on IOLTA, thereby preserving legal services funding for those who otherwise would have no access to our justice system. Pictured left-right: Justice Hecht, Darrell Jordan, Chief Justice Wallace Jefferson, Betty Balli Torres, Sen. Cornyn, and Richard L. "Dick" Tate.



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Texas LSC-Funded Programs' Budgets Are Cut

Much like other legal aid funding, federal funding for civil legal services is also in jeopardy. Congress approved a cut of \$15.8 million for the Legal Services Corporation (LSC) in April, retroactive to the beginning of 2011. Out of the budget cut, more than \$1.3 million in funds were eliminated for Texas legal aid providers.

Three Texas legal aid organizations receive LSC funding, including: Legal Aid of NorthWest Texas, Lone Star Legal Aid, and Texas RioGrande Legal Aid. Some programs have already begun staff lay offs. These organizations cover the entire state and are the largest providers of basic civil legal aid in Texas.

In July, the House Appropriations Committee proposed a 26 percent cut in fiscal year 2012, totaling \$104 million. This would lessen the funding for Texas by an additional \$8.4 million at a time when the state can ill afford it.

Legal Services Corporation funding accounts for nearly one-third of the total

funding for legal aid in Texas.

A team of leaders with the Texas Supreme Court, State Bar, Commission and Foundation meet annually with the Texas Congressional Delegation during an American Bar Association-sponsored event in Washington, D.C. During this year's meeting, attention focused primarily on the funding issues facing both the national and state legislatures and its effect on the legal aid delivery system as a whole.

Congress established the LSC in 1974 as an independent 501(c)(3) nonprofit corporation to promote equal access to justice and provide high-quality civil legal assistance to low-income individuals and families. LSC-funded programs assist approximately eight million Americans annually.

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