



TEXAS

ACCESS TO JUSTICE COMMISSION

UPDATE

April 2008

Make a Voluntary Contribution to Legal Aid with Your State Bar Dues

Judy suffered extensive abuse at the hands of her husband, such as the time he slashed her face with a fork in front of their children. With no money and nowhere to turn, she and her children had few options. Legal Aid of NorthWest Texas offered her legal protection, allowing her to regain control and rebuild her life with her children.

While Judy was able to get the help she needed, many are not as fortunate. A national study reveals that legal aid turns away half of all qualified applicants, because there are not enough resources to help them. Donations made via the voluntary contribution option on the State Bar of Texas dues

statement can help thousands of low-income Texans — like Judy — who need access to quality civil legal aid.

When you pay your State Bar of Texas dues, please consider donating \$100 or more to the Access to Justice fund. In addition to helping legal aid organizations provide services to those in great need of legal help, you will help your local bar association or young lawyer association win the prestigious Hankinson Award, named for former Supreme Court of Texas Justice Deborah Hankinson. The award is given to the large-city and small-city bar associations and young lawyer associations with the highest percentage

of members who make the voluntary Access to Justice contribution via the State Bar dues statement.

Pay your dues and make your contribution at www.texasbar.com beginning May 1. For more information about legal aid, visit the Texas Access to Justice Commission Web site at www.texasatj.org or the Texas Access to Justice Foundation site at www.teajf.org.

In 2007, Texas lawyers donated more than \$520,000 for legal aid through the State Bar dues statement.



Judy Mills was the victims of abuse, but Legal Aid of NorthWest Texas helped her start a new life.

Let's make a statewide effort to surpass the amount of money raised in 2007. Each donation can make a huge difference in the life of someone who desperately needs help.

IOLTA Compliance Online May 6

The Supreme Court of Texas requires that every licensed Texas attorney submit IOLTA compliance information each year to the Texas Access to Justice Foundation, regardless of whether the attorney handles IOLTA funds. Texas attorneys can submit their mandatory IOLTA compliance information online at www.teajf.org beginning May 6.

Interest earned on qualifying IOLTA accounts is remitted to the Foundation, which grants the funds

to nonprofit groups that provide free civil legal aid to indigent Texans. The funds help poor clients resolve legal issues, such as obtaining protection from abusive spouses, maintaining public benefits and gaining recourse when faced with consumer scams. When attorneys comply online, the Foundation saves on administrative costs, freeing up more funds that can be dedicated to helping low-income Texans with their civil legal needs.

Firm Compliance: Firm administrators can now complete IOLTA compliance for all members of their firm online. If your firm has not provided an email address to the Foundation or received instructions for completing firm compliance online, please contact Joyce Lindsey at jglindsey@teajf.org.

Did you KNOW?

In 1995, Texas legal aid providers received \$32 million in federal funding. In 2007, level funding adjusted for inflation would have been \$46.3 million. Actual funding was \$27.8 million.

Chair's Report

By James B. Sales, Commission Chair



William Chriss, the Executive Director of the Texas Center for Legal Ethics and

Professionalism, recently presented "The Noble Lawyer" at a CLE seminar. Chriss spoke of the failure of our profession to assure the public that we are truly committed to their most personal and fundamental rights. Emphasizing the need for lawyers to rehabilitate the legal profession in the public's mind, Chriss concluded, "By working together ... and standing for liberty and justice for all, lawyers will again be viewed as noble heroes."

Chriss' words should resonate deeply with all lawyers and should move us

to contemplate the reasons we entered our profession. Did we enter the profession aspiring to serve a noble cause or simply to make more money vis-à-vis other careers? It's true, we may not have the opportunity for high-profile, noble heroics. However, simply helping people gain access to the justice system is a magnificent way

to pursue noble ideals. As Whitney Young, Jr. once said, "... I would like to think that at a crucial moment, I was an effective voice of the voiceless, an effective hope of the hopeless."

As Chair of the Texas Access to Justice Commission,

I strongly believe every lawyer must not only profess a personal commitment to access to justice for all, but must become an *effective voice of the voiceless*, an *effective hope of the hope-*

"I strongly believe every lawyer must not only profess a personal commitment to access to justice for all, but must become an effective voice of the voiceless."

less. Despite the fact that we have more than 74,000 active licensed attorneys in Texas, currently 77 percent of the legal needs of low-income Texans remain unsatisfied. The

tragic reality of these statistics is that while lawyers profess dedication to the principle of access to justice for all, entirely too many are not committed to this ideal in actual practice.

The *Texas Lawyer* article "In the Grid: Large Firms Pay

Many Texas Associates Bigger Bonuses" reveals a growing trend of some law firms to award large bonuses for hours billed above already high minimum billable hours. Though many law firms enthusiastically encourage pro bono work by allowing pro bono hours to count towards some portion of billable hours, more and more firms seem to be reducing or de-emphasizing such accommodation. By removing this incentive, these law firms are delivering a virtual death blow to the idea that their lawyers participate in legal service for the public good. Moreover, the inevitable result of increased billable hours translates into less time for providing pro bono legal services.

While lawyers certainly have an unquestionable legitimate interest in making a living,

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Pro Bono Section Award Winners

The Supreme Court of Texas Task Force to Expand Legal Services Delivery has awarded three State Bar of Texas sections the newly established Pro Bono Section Awards. The award honors small-, medium- and large-size sections for innovative and creative pro bono projects. This year's winners are:

Family Law Section (large section) - The Family Law Section worked jointly with local legal aid programs to identify remote areas in the state with limited pro bono assistance available in family law cases. In select rural areas, the section hosts free CLE

seminars. By preparing and presenting relevant family law articles, the Family Law Section offers its expertise to attorneys living outside of metropolitan communities in exchange for the attorney's commitment to taking at least two pro bono cases from legal aid in the next year.

Appellate Section (medium section) - The Appellate Section partnered with the Supreme Court of Texas and the Third Court of Appeals in Austin to match clients who are financially unable to hire attorneys with volunteer Texas lawyers who agree to serve without expectation

of compensation. In both pro bono programs, the clients obtain qualified legal counsel to help them navigate the often complex appeals process, while the attorneys gain valuable experience and exposure to the appellate courts.

Poverty Law Section (small section) - The Poverty Law Section hosts a monthly CLE seminar on the first Friday of each month, focusing on different areas of poverty law that are current and/or requested by members. The topics have been as diverse as consumer law, family law, ethics, immigration law,

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Free Ethics CLE

Texas Access to Justice Commission staff members are available to provide presentations to local bar associations and other attorney groups regarding ways in which attorneys can help increase access to justice for poor and low-income Texans. To schedule your free ethics CLE, email tlcmail@texasbar.com, or call Lisa Villarreal-Rios at 512.427.1855 or 800.204.2222, ext. 1855.

Foundation Honors Prime Partner Banks

By Richard L. Tate, Foundation Chair



As interest rates continue to fall, Prime Partner banks are even more integral to the Interest on Lawyers' Trust Accounts (IOLTA) Program. As we've mentioned in previous newsletters, Prime Partner banks pay a net yield of at least 70 percent or more on IOLTA accounts (IOLTA rules call simply for banks to pay rates comparable to what they are paying similar customers).

To show our appreciation for their efforts, the Texas Access to Justice Foundation will honor Prime Partner banks throughout the year. On February 29, Texas Supreme Court Justice Harriet O'Neill presented plaques to Amegy Bank of Texas, Citibank Texas, Comerica, Compass, Sterling Bank and Washington Mutual at the Fort Bend Lawyers Care annual luncheon.

Funded in part by the Texas Access to Justice Foundation, Fort Bend Lawyers Care (FBLC) provides legal assistance to low-income residents of Fort Bend County and promotes volunteerism among the legal community. FBLC hosts the "Justice for All" luncheon to recognize outstanding volunteers. Justice Harriet O'Neill of the Texas Supreme Court provided the keynote address.

In the coming year, the Foundation will continue to recognize Prime Partner banks for their outstanding contributions to legal aid.

To further augment the Prime Partner program, the Foundation has created "tool kits," including advertising, news-



l-r: Fabio Comin, Compass Bank; James Smith, Washington Mutual; Peter Hernandez, Washington Mutual; Justice Harriet O'Neill, Supreme Court of Texas; Wendel Skolaski, Amegy Bank; Pamela Martinez, Citibank Texas; Lila Vu, Compass Bank; Juan Munoz, Comerica Bank; Ronald Brandt, Sterling Bank

letter articles, post cards and more. The tool kits may be utilized by bar associations and legal aid and pro bono programs to encourage banks to become Prime Partners, as well as to promote those that have already joined the program. If you would like to help the Foundation persuade more banks to join the ranks of Prime Partner, thereby increasing revenue for legal assistance for low-income Texans, please call 512.320.0099 for a copy of the tool kits.

Award Winners

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landlord-tenant law and public benefits, but what sets the CLEs apart is their constant focus on legal services to indigent clients.

Funded by the Texas Bar Foundation, the Pro Bono Section Awards were implemented to encourage State Bar sections to create self-sustaining pro bono projects that motivate lawyers from specialized practice areas to provide pro bono legal assistance to the poor. Each winning section receives \$1,000 to invest in their pro bono projects.

Prime Partners

The IOLTA Program Prime Partner list continues to grow. Are you banking at a Prime Partner bank?

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)
NewFirst National Bank (El Campo)
Nexbank (Dallas)
North Dallas Bank & Trust (Dallas)

Northstar Bank of Texas (Denton)
OmniAmerican Bank (Ft. Worth)
PlainsCapital Bank (Statewide)
Security State Bank (Littlefield)
Sterling Bank (Statewide)
Texas Brand Bank (Garland)
Town North Bank (Dallas)
VisionBank Texas (Richardson)
Washington Mutual (Statewide)

Did you
KNOW?

In Texas, there is one full-time legal aid attorney per 10,344 Texans who are financially eligible for legal aid.

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Clarissa Trevino Lavalais, a law student at Texas Wesleyan, addresses fellow students about her participation in the Commission's Access to Justice Internship Program. Commission staff members are visiting law schools and hosting presentations regarding opportunities for law students and young lawyers to get involved in access to justice efforts.

Chair's Report

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pursuing ever increasing financial gain above all else inevitably diminishes the sense of professional obligation to serve those in need—indeed, even the sense of being part of a profession at all. It then becomes just a job. For the five million low-income and poor Texans desperately seeking basic legal help, high billable hour minimums, and large bonuses for hours worked above those minimums, present an impenetrable barrier. Though the framework of our legal system may not encourage it, I implore all attorneys to take a pro

bono case or participate in a pro bono program. While taking pro bono cases is the best contribution to ensure access to justice, I also urge you to donate to the Access to Justice Campaign through your annual State Bar dues statements.

Whether noble heroes or not, by becoming an *effective voice of the voiceless* and an *effective hope of the hopeless*, lawyers can live up to the ideals of our profession and regain the respect from the public that we seem to have lost.