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ARCHIVES

JUNE 09, 2011

## House approves amendment providing funding for indigent civil legal aid and indigent criminal defense



A scream reverberated through the offices of the Texas Access to Justice Foundation this morning, as its executive director watched a live broadcast of proceedings in the Texas House. "I couldn't help it. I couldn't help but scream," says Betty Balli Torres (pictured), who leads the agency that manages indigent civil legal aid in Texas. Representatives approved an [amendment](#) on a general appropriations bill that would add \$17.6 million over the biennium for indigent civil legal

aid, as well as \$7.6 million for indigent criminal defense. Torres and Wesley Shackelford, deputy director and special counsel of the Task Force on Indigent Defense, used the word "roller coaster" to describe their feelings while observing this year's legislative session. "It was such a yo-yo in the regular session," says Shackelford about efforts to secure an indigent-defense appropriation. Bills proposing increased [filing fees and new court costs to fund civil and criminal legal aid](#) died in the regular session, came back to life in the special session but went nowhere. Supreme Court justices roamed the halls of the Texas Capitol warning lawmakers that the justice system and the rule of law would break down without the funding. The Senate on June 3 added an appropriation for indigent civil legal aid and indigent defense to Senate Bill 2, only to see [the House Appropriations Committee remove the funding in its substitute version of the bill](#). But this morning, Appropriations Committee Chairman Rep. Jim Pitts, R-Waxahachie, added the funding back with an amendment on S.B. 2, and the House voted to pass the bill to third reading, scheduled for tomorrow. Now, the House and Senate versions include the same language about indigent legal aid funding. If the bill moves to conference committee, lawmakers would only focus on smoothing out differences. Aaron Gregg, chief of staff for Pitts, didn't immediately return a telephone call seeking comment. "I'm very grateful to the members of the Legislature who have seen the importance of this funding to providing legal services for the poor and protecting the rule of law," says Supreme Court Justice Nathan Hecht, liaison to the Texas Access to Justice Commission, who talked with more than 20 lawmakers about the importance of appropriating the funding.

-- Angela Morris

Posted at 04:40 PM | [Permalink](#)



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# Quorum Report

Thursday, June 2, 2011



June 2, 2011 8:16 AM

## JUSTICES JEFFERSON AND HECHT PLEAD FOR LAWMAKERS TO FUND LEGAL AID PROGRAMS

**The jurists make an unusually direct appeal to replace \$20 million used to ensure access to basic legal services for the state's neediest residents**

Two Texas Supreme Court justices have taken the unusual step of making a direct plea to legislators before appearing in committee, asking them to find money for state legal aid programs that are being slashed under the proposed budget.

Chief Justice **Wallace Jefferson** and Justice **Nathan Hecht** made the plea [in a letter](#) sent yesterday. Funding for legal aid programs has become dicey in recent years as low interest rates have sapped one important source of funding – interest generated from lawyers' trust accounts.

In addition, the justices note the *Legal Services Corporation*, another major source of funding, has had its funding cut by 4 percent.

Senator **José Rodríguez (D-El Paso)** had tried to raise money for legal aid programs through some increases in court fees but that provision was stripped in conference committee on the session's main fiscal matters bill.

The funding crisis at legal aid is not new. The Legislature in 2009 found \$20 million for the programs. But that was a different time then with federal stimulus money available to cure a myriad of budget ills.

The justices today admit up front "we know of no way to replace the \$20 million that the Legislature appropriated in 2009." And with interest rates remaining low, the interest bearing accounts won't be of much help. Jefferson and Hecht say the money from those accounts has fallen from \$20 million in 2007 to a projected \$4.4 million this year.

They also note that the lawyers who help provide representation to the needy either volunteer their time or earn far less than what they could command in private practice. They estimate that cutting legal aid funding by \$20 million would deny 25,000 Texans access to basic legal services, or 75,000 if you add in the immediate family of those individuals affected.

Those services include things like women seeking escape from domestic violence, ensuring that a veteran gets the benefits to which he's entitled or fighting a wrongful eviction from a home.

The justices close by saying support for legal aid programs is in keeping with the court's conservative stance.

"Conservative principles do not call for the rule of law to be denied the most vulnerable members of our community," Jefferson and Hecht wrote. "The civil justice system is where people can claim for themselves the benefits of the rule of law. It is where the promises of the rule of law become real. A society that denies access to the courts for the least among us denigrates the law for us all. For these reasons, securing funding for basic civil legal services has been a priority for the Supreme Court, one to which its members are unanimously committed."

By John Reynolds



## The Supreme Court of Texas

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NADINE SCHNEIDER

PUBLIC INFORMATION OFFICER  
OSLER McCARTHY

June 1, 2011

Hon. Royce West  
Texas State Senate  
Texas Capitol

Dear Senator West:

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. These situations occur in Texas. But under current funding sources, we can reach less than one-fourth of those in need.

You have asked what the probable consequences will be if we are unable to secure funding to give these citizens access to our courts. We hesitate to contemplate that outcome. But having consulted the Texas Access to Justice Foundation, which administers grants to legal aid providers in Texas, supervised by the Supreme Court, we are offer the following report.

First, we know of no way to replace the \$20 million that the Legislature appropriated in 2009. For decades, the IOLTA program has been a principal source of funding for Texas legal aid. But IOLTA funds are a product of federal interest rates, which are near zero. Those funds have fallen over 75%, from about \$20 million in 2007, to a projected \$4.4 million this year. The other major source of funding, the Legal Services Corporation, has been cut 4% this year. Deeper cuts are forecast for next year.

Second, we know that, for lack of a minor investment, Texas will be denied great rewards. The forty programs the Foundation funds help about 104,000 families a year. The Foundation estimates that a \$20 million reduction in funding would result in the denial of basic civil legal services to some 25,000 struggling Texans. As many of those Texans are single-parent heads of households, the number truly impacted would exceed 75,000.

Third, lawyers that work in legal aid organizations (for a fraction of what their peers earn) not only represent poor Texans, but also coordinate and support volunteer efforts by other Texas lawyers. It is triage

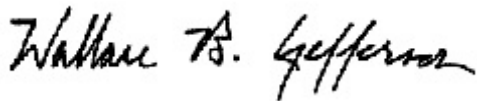
work; the legal aid lawyers help when they can, and enlist the services of private attorneys who donate their time and money to provide free assistance. When legal aid organizations perish through lack of funding, the portal through which clients are aligned with private attorneys will collapse.

Fourth, the funding we seek is not to compensate lawyers. The lawyer who represents an indigent victim of domestic violence works for free or for sums vastly below what the private sector commands. Legal aid lawyers work to preserve the rule of law, and thus the integrity of our civil justice system. They represent our neighbors who fall below the poverty level (annual income of \$13,613 for an individual, \$27,938 for a family of four). These include veterans and their families, the disabled, children, the elderly, and victims of natural disasters. About 5.7 million Texans qualify for legal aid.

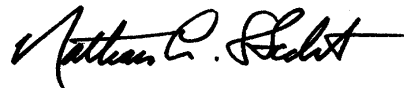
Some consider this Court conservative. Conservative principles do not call for the rule of law to be denied the most vulnerable members of our community. The civil justice system is where people can claim for themselves the benefits of the rule of law. It is where the promises of the rule of law become real. A society that denies access to the courts for the least among us denigrates the law for us all. For these reasons, securing funding for basic civil legal services has been a priority for the Supreme Court, one to which its members are unanimously committed.

Thank you, Senator West, for your assistance in obtaining this funding.

Sincerely,



Wallace B. Jefferson  
Chief Justice



Nathan L. Hecht  
Justice



IMMEDIATE RELEASE

JUNE 28, 2011

Contact: Kimberly Schmitt, [kschmitt@teajf.org](mailto:kschmitt@teajf.org), 512-944-4021

**In Historic Move, the Texas Legislature Issues Joint Resolution Commending the State Supreme Court for Its Efforts to Preserve Access to Justice for All Texans**

AUSTIN, Texas – A resolution was presented to the Texas Supreme Court Monday, June 27, in recognition of their efforts to preserve funding for the state’s legal aid system. Rep. Jerry Madden (Plano), Rep. Will Harnett (Dallas) and Rep. Jim Pitts (Waxahachie) presented the resolution to the Court in the House Chamber. Sen. José Rodríguez (El Paso), Sen. Juan “Chuy” Hinojosa (McAllen), Sen. Rodney Ellis (Houston), Sen. Steve Ogden (Bryan), Sen. John Carona (Dallas) and Sen. Jeff Wentworth (San Antonio) acknowledged the Court’s efforts on the Senate floor.

In part, the resolution reads: “RESOLVED, That the 82nd Legislature of the State of Texas, 1st Called Session, hereby commend the members of the Texas Supreme Court for their actions in support of legal aid services and honor them for their work in promoting access to justice for the state’s most vulnerable citizens; and, be it further RESOLVED, That an official copy of this resolution be prepared for the Texas Supreme Court as an expression of high regard by the Texas House of Representatives and Senate.”

Texas Supreme Court Justice Nathan L. Hecht, the Court’s liaison for access to justice issues, was in attendance for the historic proclamations, along with fellow justices from the Court.

"Continued support for basic civil legal services for the poor is a high priority for the Texas Supreme Court," Justice Hecht said. "With more than 5.7 million Texans qualifying for legal aid, the Supreme Court is proud to have been able to work with the Legislature to ensure access to justice for struggling Texans."

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The Texas Access to Justice Commission was created in 2001 by the Supreme Court of Texas to develop and implement policy initiatives designed to expand access to and enhance the quality of justice in civil legal matters for low-income Texans. The Commission has created several initiatives to increase resources and awareness of legal aid. For more information, please visit [www.TexasATJ.org](http://www.TexasATJ.org).

The Texas Access to Justice Foundation ([www.teajf.org](http://www.teajf.org)), created by the Supreme Court of Texas in 1984, is the primary state-based funding source for the provision of civil legal aid in Texas. The organization is committed to the vision that all Texans will have equal access to justice, regardless of their income. The Foundation administers a variety of funding sources, which are earmarked to assist nonprofit organizations in providing legal aid to approximately 100,000 Texas families each year.

*works in tandem with  
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