

A MESSAGE FROM YOUR CHAIR: It is Time to Step Up For Access to Justice

Carol E. Jendrzey

Over the past several months there has been a great deal of press about the shortfalls in our federal and state budgets. Most everyone has an opinion on the issue, and many have proposed solutions. At least for me, seeing the proposed cuts to various programs frustrates me. With all the bright minds in our country – why can't we fix this problem without hurting those who need our help the most? Clearly, our section cannot fix all the problems our nation and state now face. However, we can take steps to help alleviate some of the problems people in our state face when it comes to equal access to justice.

Texas' poverty rate last year was 17.3 percent, the sixth-highest in the nation. Currently in Texas, there are approximately 5.7 million people who qualify for legal aid. To assist the Texas Equal Access to Justice Foundation meet this need, many of the state bar sections, including ours are making a donation to the Texas Equal Access to Justice Foundation this year. Our section will donate \$2,500 to the Texas Equal Access to Justice Foundation and we encourage you to also make an individual donation. We understand that many in our membership have their own financial challenges. However, if every member was to donate even \$5.00, you are looking at \$2,700 coming to the Foundation.

For those of you who are not as familiar with all the issues that this population faces, here is just a sampling:

- Spouses and children of domestic abuse;
- Elderly wrongly denied life-sustaining prescriptions and food stamps;
- Veterans wrongly denied critical medical care and disability and other benefits;
- Families whose homes were wrongly foreclosed upon and are forced into shelters and/or the streets; and
- Individuals requiring legal documents for medical treatment and related services.

Although legal aid organizations help more than 100,000 low-income Texas families each year, due to a lack of resources, only about 23 percent of the civil legal needs of low-income and poor Texans are being met. With a significant increase in the poor population and declining revenue for legal aid, this percentage will decline.

In the past, a primary source of legal aid funding is interest on Lawyers' Trust Accounts (IOLTA). However, this revenue declined dramatically when the Federal Reserve lowered its benchmark interest rate to an all-time low of zero to .25 percent in 2008. IOLTA revenues have plummeted from \$20 million in 2007 to barely \$5 million in 2009, resulting in a crisis in legal aid funding for the state. In 2010, IOLTA revenues were projected to remain flat at just over \$5 million. This drop of over \$20 million a year in IOLTA funding devastates the state's essential capability to maintain the critical safety net for Texans in dire need of legal help.

There is state legislation being proposed to address the funding crisis. **HB 2174** seeks to establish an account for the additional financial support. The account would be funded through certain county service fees and court costs. **HB 2502** relates to the fees collected by the district

court clerks on the filing of certain civil actions or proceedings. HB 2174 recently was amended to include provisions from HB 2502 and voted favorably from committee. However, Texas Equal Access to Justice Foundation still needs your support.

I hope that my remarks have encouraged you to step up to help the Texas Equal Access to Justice Foundation. The process to donate easy – just go to www.texasbar.com/atjdonations or [click here to DONATE NOW](#). For those of you who have firms that pay your state bar dues through the automatic billing process, remember to make your own arrangements to make a donation to the Texas Equal Access to Justice Foundation. Again, it is time to step up and donate what you can to the Texas Equal Access to Justice Foundation. In mere minutes, you can make a donation that can have lasting effects on someone life.

Lastly, this is my last column as Chair, so I want to thank our wonderful newsletter editor, Carolyn Moore for her hard work on the newsletter this year. I also want to thank our very hard working Council members and officers, Patricia Blackshear, Mara Blatt, Ralph Brock, Tonya Carter-Clary, Alison Colvin, Deborah Cordova, Melissa Dorman, Ronnie Harrison, Marissa Helm, AJ Johnson, Mary Evelyn McNamara, Judy Ney, Suzette Patton, and Marlene Williams. It was truly an honor to work with each of you. Thank you for your support.