

RESOLUTION SUPPORTING FUNDING FOR CIVIL LEGAL AID IN TEXAS

WHEREAS, Mexican American Bar Association of Texas embraces the principles that our nation promises justice for all, not just for those who can afford to pay for it and subscribes to the values Judge Learned Hand espoused when he said “If we are to keep our democracy, there must be one commandment; Thou shall not ration justice”

WHEREAS, the Preamble to the Texas Disciplinary Rules of Professional Conduct states that “...a lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance.”, and that “Every lawyer, regardless of professional prominence or professional workload, should find time to participate in or otherwise support the provision of legal services to the disadvantaged. The provision of free legal services to those unable to pay reasonable fees is a moral obligation of each lawyer as well as the profession generally.”

WHEREAS, the most recent U.S. Census reports that more than 4.2 million people live below the poverty level in Texas, and more than 5.7 million qualify for civil legal aid to the poor

WHEREAS, low-income Texans are often the most vulnerable in our communities, including the elderly, persons with disabilities, veterans, and victims of domestic abuse; and for many poor Texans access to legal help might be all that stands between them and homelessness, safety and income providing food on their table and shelter for their children

WHEREAS, the Texas Access to Justice Foundation was created by Supreme Court Order in 1984 to administer the Interest on Lawyers’ Trust Accounts (IOLTA) program to fund nonprofit organizations that provide free civil legal aid to low-income Texans and is the leading state funder for civil legal aid in Texas

WHEREAS, historically low interest rates has dramatically reduced funding for the IOLTA program from \$20.1 million in 2007 to \$5.5 million in 2009, and has created a 73 percent loss in funding for civil legal services since 2007

WHEREAS, Texas Supreme Court Chief Justice Wallace B. Jefferson has made a request to the Texas Legislature for \$20 million from general revenue to offset the loss of IOLTA funds

WHEREAS, the Texas Judicial Council has endorsed recommendations of the Texas Access to Justice Commission for additional funding for basic civil legal services

THEREFORE, BE IT RESOLVED that the Mexican American Bar Association of Texas supports Chief Justice Jefferson’s request to the Texas Legislature for \$20 million from general revenue to bridge the loss of IOLTA funding and supports the Texas Access to Justice Commission proposals for additional funding for basic civil legal services, provided that all increases in court fees are applied only to legal services for the poor.

SIGNED on March 8, 2011



Maricela Siewczynski, MABA-Texas President