

RESOLUTION SUPPORTING CIVIL LEGAL AID IN TEXAS

WHEREAS, The State Bar 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 shalt 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 State Bar of Texas includes ensuring access to justice for all as a Statement of Purpose in its Strategic Plan;

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 have dramatically reduced funding for the IOLTA program from \$20.1 million in 2007 to \$5.5 million in 2009, and have created a 73 percent loss in funding for civil legal services since 2007;

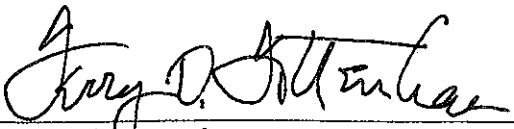
WHEREAS, Texas Supreme Court Chief Justice Wallace B. Jefferson has made a request to the Texas Legislature for \$20 million from general revenue to offset the loss of IOLTA funds;

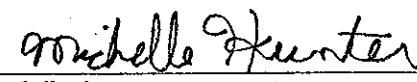
WHEREAS, the Texas Judicial Council has endorsed recommendations of the Texas Access to Justice Commission for additional funding for basic civil legal services;

WHEREAS, Texas attorneys have contributed numerous hours of pro bono services to increase access to justice, including pro bono services for Texas veterans through the Texas Lawyers for Texas Veterans Initiative;

THEREFORE, BE IT RESOLVED that the State Bar of Texas supports increased funding for civil legal services to the poor and calls upon all Texas attorneys to take action in order to ensure that all Texans have access to the justice system.

SIGNED this 3rd day of March 2011.


Terry Tottenham, President
State Bar of Texas

Witnessed by: 
Michelle Hunter, Executive Director
State Bar of Texas