CIVIL LEGAL SERVICES TO THE POOR IN TEXAS

A Status Report presented by the Texas Access to Justice Commission to the Supreme Court of Texas

September 8, 2004

VOLUME 1 – REPORT
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Executive Summary

At the request of the Supreme Court of Texas, the Texas Access to Justice Commission filed its report on the status of civil legal services to the poor in Texas for the Court’s September 8, 2004, hearing on this matter. The Commission offers this summary of its report to interested parties.

The Supreme Court of Texas held its first hearing on the status of civil legal services to the poor in Texas on January 27, 2000. That hearing marked the beginning of a series of dramatic changes in the landscape of civil legal services to the poor in Texas. In 2000, the Texas Access to Justice Commission did not exist. Texas had ten federally funded legal aid programs; there are now three that cover all 254 Texas counties. Those three programs are among the largest in the nation.

Since 2000, Texas has moved from 45th to 42nd in per capita spending for legal services to the poor, even though the development of new funding sources has been outpaced by the increase in the poverty population. In 2000, approximately 3.2 million Texans lived in poverty in Texas, earning less income than the federally established poverty level. According to recently released 2003 U.S. Census Bureau estimates, 3.7 million Texans live in poverty.

The mergers of the federally funded programs are expected to result in long-term improvement in efficiency and cost effectiveness. However, problems such as salary equalization, incompatible technology, differences in service models, and rural/urban disparities resulted in enormous short-term financial costs to the programs that taxed their ability to maintain client services at previous levels.

Providing high quality services to clients remains the first priority of the provider programs. The frontline delivery of direct legal services to the poor continues to be provided by the dedicated staff of these and other nonprofit organizations and thousands of attorney volunteers located throughout Texas.

The main problems facing access to justice in Texas continue to be limited resources, and in certain instances declining resources, restrictions on uses of funding, and the scarcity of legal services in some of the rural areas of the state.

The Supreme Court of Texas created the Texas Access to Justice Commission in April 2001 to develop and implement policy initiatives to expand access to, and enhance the quality of, justice in civil legal matters for low-income residents of Texas. The Commission was not established to govern the work of the legal service providers, but rather, to assist all participants in developing statewide strategic alliances to more effectively transform ideas into action.

Support from the judiciary, and especially from the highest court, is critical in the effort to increase access to justice in any state. Texas has been extraordinarily fortunate to have that crucial support from the Supreme Court of Texas and from much of the Texas judiciary. The Court’s support in the Legislature is especially critical and has been evident in recent legislative sessions. As Chief Justice Thomas Phillips steps down from the Court in September, legal
services to the poor will lose a strong and effective advocate. The Commission is confident that his successor will continue this support and commitment in order to guarantee access to justice for all low income Texans.

The State Bar of Texas has strengthened its strong tradition of support for access to justice. The Bar supported the creation of the Commission and provides funding and staff support for it. The Bar also has increased its funding for Texas Lawyers Care, its pro bono/legal services support department. The Bar has worked with the Commission, the Court and other partners in the effort to increase funding for legal services to the poor.

Since 2000, new sources of funding have been developed while other sources, most notably the Interest on Lawyers Trust Accounts (IOLTA), have declined. Legal services programs now receive $2.5 million per year to provide legal assistance to the victims of crime, including victims of domestic violence. Texas attorneys voluntarily make Access to Justice contributions on their dues statements each year—more than $3.3 million since 2001. A new fee for out-of-state lawyers who appear in Texas courts has generated more than $300,000 in its first year.

An amendment to the State Bar’s Sunset bill in the 78th Legislature in 2003 added a mandatory fee to attorneys’ dues in Texas. The fee of $65 is divided equally between the judicial fund for programs approved by the Supreme Court that provide basic civil legal services to the poor and the fair defense account for indigent criminal defense projects. The fee is expected to generate about $1.75 million for civil legal aid and an equal amount for indigent criminal defense annually.

In 2002, the Commission initiated a Student Loan Repayment Assistance Program (SLRAP) for lawyers who work in non-profit organizations that provide direct legal services to the poor in Texas. The SLRAP was created to alleviate some of the loan burden that can prevent young lawyers from working in legal aid. In 2004, the State Bar included funding in its budget to support the SLRAP. The Texas Bar Foundation now administers this program.

In 2003, the Supreme Court, at the request of the Commission and the State Bar’s Family Law Section, created the Protective Order Taskforce. The Taskforce is charged with drafting an easily readable and utilitarian domestic violence protective order kit, primarily for victims of domestic violence who do not have legal representation but need a protective order. The Taskforce expects to complete the kit and begin distribution this October.

The Commission and the State Bar hired a consultant in the fall of 2003 to develop a proposed resource development plan. The report, entitled Framework for Resource Development, was completed in June. The Commission is currently preparing a five-year Strategic Plan as the basis for its future work, using the Framework as a resource. Among the recommendations in the Framework that have been adopted by the Commission as part of its five year Strategic Plan are creating an endowment fund to reduce the fluctuations in funding from year to year for legal aid providers; creating a corporate strategy to increase corporate support for legal services; and developing a cy pres strategy.
For the 2004-05 fiscal year, Commission plans include structuring the Texas endowment campaign; creating a week-long trial academy to train legal aid lawyers in litigation skills; working with law schools to create scholarships for a student who will commit to working for a legal aid program upon graduation; creating fellowships to fund the salaries for those legal aid attorneys; and developing a program to increase available volunteer lawyers to provide representation in the underserved areas of Texas, principally rural communities. Other activities for the strategic plan are currently under consideration and should be finalized by October 2004.

The full report submitted to the Supreme Court of Texas includes detailed information on the activities and initiatives of the Commission, the Supreme Court of Texas, the State Bar of Texas, and the Texas Equal Access to Justice Foundation related to access to justice. Supporting documents and additional information are available in the Appendix, Volume 2 of the report.
I. Overview of Civil Legal Services to the Poor in Texas

Since the Supreme Court of Texas held its hearing on civil legal services to the poor in Texas on January 27, 2000, the landscape of civil legal services to the poor in Texas has changed dramatically. In 2000, the Texas Access to Justice Commission did not exist. Texas then had ten federally funded legal aid programs; there are now three. New sources of funding have been developed while others have declined.

Since 2000, Texas has moved from 45th to 42nd in per capita spending for legal services to the poor, even while other states have worked to increase their funding, as well. Also, the development of new funding sources has been outpaced in Texas by the increase in the poverty population. In 2000, approximately 3.2 million Texans lived in poverty in Texas, earning less income than the federally established poverty level. According to recently released 2003 U.S. Census Bureau estimates, 3.7 million Texans live in poverty. Nevertheless, the change in ranking reflects real progress made possible only by the involvement of many new people in access to justice issues and by the increased efforts of traditional supporters. Texas and its legal profession can be proud of the improvement that has been made, and at the same time, recognize that Texas still has a long way to go to move out of the bottom tier of states. However, there is no doubt that increased access to justice is achievable with continued commitment, creativity, and effort.

The frontline delivery of direct legal services to the poor continues to be provided by the dedicated staff of nonprofit organizations and thousands of attorney volunteers. The nonprofit legal services programs are primarily either staff-based or volunteer-based. Many staff-based programs also operate volunteer projects, and most volunteer-based programs require, at the least, funding for administrative staff support.

Both the staff and volunteers of these programs perform yeoman’s duty to provide access to justice for low-income Texans with critical legal needs. Pro bono attorneys willingly represent the most vulnerable in our society because they believe that everyone is entitled to equal justice. Legal aid staff attorneys do their work year after year for salaries they could have earned without ever going to law school. Their strong commitment to justice for all brings honor to the entire legal profession.

A. Staff-based Programs
   1. Legal Services Corporation (LSC) programs

   Each year, Congress appropriates funds for the provision of civil legal services to the poor. These funds are disbursed by the Legal Services Corporation, which sets policy and promulgates regulations for its grantees, in accordance with congressional mandates. In recent years, annual congressional challenges to the continued existence of LSC have all but ceased. This welcome development is a result of much effort on the part of the legal profession through the American Bar Association; state bars, including the State Bar of Texas; access to justice bodies, including the Commission; and many supportive legislators.
In the late 1990s, LSC required its grantees throughout the country to implement a state planning process to ensure that federal funds be used in the most efficient, effective manner and that programs coordinate service to ensure minimal overlap. In 2001, LSC approved a plan for Texas that reduced the number of LSC programs from ten to three. The mergers that resulted in the new configuration were finally completed in 2003. (See Tab I-1.)

The new programs, three of the largest in the country, serve every county in the state. The LSC programs together constitute by far the largest legal services provider in Texas, employing approximately 265 staff attorneys and providing about 80 percent of the legal services to the poor in Texas. The three programs offer a range of civil legal services. Priorities for accepting cases are set by the boards of directors of the programs. More than half the cases handled are family law cases; most other cases are in the areas of housing, consumer law, employment, and public benefits.

The mergers created many challenges for the LSC programs. Coming at the same time as reduced funding from LSC due to the 2000 census increased those challenges. According to the 2000 census, the poverty population grew in Texas since the 1990 census, but did not grow as much as it did in some other states. LSC reallocated its funds based on the census data, which resulted in a reduction of LSC funds for Texas. That funding reallocation will remain in effect until the next census count.

As the programs struggled to combine staffs, avoid interruption of services to clients, and coordinate incompatible technology, costs of the mergers soared, even though the legal merger issues were handled pro bono by several large law firms. LSC programs were forced to cut back, through layoffs or job elimination, more than 120 legal aid staff.

Lone Star Legal Aid (LSLA), resulting from the merger of East Texas Legal Services and Gulf Coast Legal Foundation, faced problems inherent in merging a rural based program (ETLS) with a primarily urban program (GCLF). Prior to that merger, East Texas Legal Services had absorbed Heart of Texas Legal Services, based in Waco, through an agreement of the boards of the two programs. As the first of the major mergers in Texas, LSLA has worked its way through many of its problems, but others still remain.

Texas Rural Legal Aid (TRLA), a large rural program in the Rio Grande Valley, had to integrate four other programs (Coastal Bend Legal Services based in Corpus Christi; Bexar County Legal Aid in San Antonio; El Paso Legal Assistance Society; and Legal Aid of Central Texas based in Austin), all of which were based in urban areas and had strong local support, which in some cases did not welcome the mergers. The resulting entity, Texas Rio Grande Legal Aid, continues to face costly and difficult issues of salary equalization in the midst of recent funding cuts. However, the new TRLA has made much progress in merging its disparate staff “cultures” and integrating technology.

Finally, Legal Services of North Texas (LSNT) and West Texas Legal Services (WTLS), based in Dallas and Fort Worth, respectively, completed their merger in 2003. WTLS
served most of the vast expanse of rural West Texas, while the bulk of LSNT’s services were provided in Dallas and surrounding urban and suburban communities. These programs faced urban/rural issues and the expected difficulties of merging two staff cultures and incompatible technology. The merged entity, Legal Aid of NorthWest Texas (LANWT), has successfully included many community supporters in its transition.

Throughout the merger process, all the programs worked diligently to overcome each hurdle without impacting the quality of client services. For all the LSC programs, providing quality service to their clients remains the top priority.

2. Non-LSC staff programs
Numerous non-LSC staff-based programs operate in Texas. Most of these programs either serve a specific client group or limit service to a specific type of legal issue. Examples include Advocacy, Inc. (disability-related issues), Texas Civil Rights Project (civil rights & discrimination), the Women’s Advocacy Project (domestic violence/family law), Equal Justice Center (immigrant employment issues and farmworker issues) and several immigration projects (immigrants & asylees). These programs provide high quality services in critical areas of law or to low-income populations that LSC programs cannot address adequately due to funding restrictions or limited resources.

B. Volunteer-based Programs
Organized pro bono programs thrive throughout Texas. The Texas Attorneys’ Guide to Volunteer Opportunities, an annual county-by-county listing of pro bono opportunities for attorneys, is available online on the website of the State Bar of Texas. The diversity of the programs provides a wide array of volunteer opportunities for attorneys in all types of practice.

LSC mandates that its grantees expend 12.5 percent of LSC funding on private attorney involvement. LSC programs may use the funds for in-house pro bono projects, often co-sponsored with local bar associations, such as Dallas Volunteer Attorney Project (co-sponsored by Legal Aid of NorthWest Texas and the Dallas Bar Association) and the Community Justice Program (co-sponsored by Texas RioGrande Legal Aid and the San Antonio Bar Association).

LSC programs also may sub-contract with other organizations to administer pro bono legal services, as does Lone Star Legal Aid with Aid to Victims of Domestic Abuse in Houston. Finally, LSC programs may contract with individual attorneys at a substantially reduced hourly rate to provide direct legal services to eligible clients, as does TRLA in the Rio Grande Valley of South Texas.

Many Texas pro bono programs are affiliated with local bar associations, such as the Houston Volunteer Lawyers Program. Other programs focus on specific client groups, such as children, persons with HIV/AIDS, immigrants, the elderly or victims of domestic violence. Usually, an attorney, paralegal or legal advocate staff person recruits volunteer attorneys, coordinates referrals and provides support to the attorney-volunteers. Examples include Justice for Children, Dallas Legal Hospice, and Immigrant and Refugee Rights Project of the Lawyers’ Committee for Civil Rights, among many others.
Faith-based projects are a small but important segment of the pro bono/legal services program community. Some of the smaller projects serve only members of their congregations or immediate neighborhoods, while others make their services available to large regions of the state. One example is Catholic Charities’ immigration programs, which operate in cities throughout the state.

C. Revenue
The legal services delivery system is funded from many sources, the majority of which are from the federal government. Since 2000, the variety of funding sources has increased. The following chart illustrates the 2003 revenue data for grantees of the Texas Equal Access to Justice Foundation. Although the variety of funding sources and the amount of funding has increased since 2000, so has the poverty population eligible for legal aid.

<table>
<thead>
<tr>
<th>REVENUE SOURCES</th>
<th>2003 Funding</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Services Corporation (LSC)</td>
<td>26,669,386</td>
<td>43.9%</td>
</tr>
<tr>
<td>Federal Funding Other Than LSC (Protection &amp; Advocacy, VAWA, DOJ, etc)</td>
<td>9,237,858</td>
<td>15.2%</td>
</tr>
<tr>
<td>TEAJF/IOLTA</td>
<td>4,126,919</td>
<td>6.8%</td>
</tr>
<tr>
<td>SBOT Dues Check-off</td>
<td>851,081</td>
<td>1.4%</td>
</tr>
<tr>
<td>TEAJF/BCLS (State)</td>
<td>4,084,760</td>
<td>6.7%</td>
</tr>
<tr>
<td>TEAJF/CVCLS (State)</td>
<td>2,412,500</td>
<td>4.0%</td>
</tr>
<tr>
<td>Other State and Local Government Funding</td>
<td>3,879,924</td>
<td>6.3%</td>
</tr>
<tr>
<td>United Way</td>
<td>966,382</td>
<td>1.6%</td>
</tr>
<tr>
<td>Client Fees</td>
<td>1,501,703</td>
<td>2.5%</td>
</tr>
<tr>
<td>Bar Associations</td>
<td>917,313</td>
<td>1.5%</td>
</tr>
<tr>
<td>Foundations (Other than TEAJF)</td>
<td>1,904,565</td>
<td>3.1%</td>
</tr>
<tr>
<td>University or Law Schools</td>
<td>330,146</td>
<td>.55%</td>
</tr>
<tr>
<td>Other</td>
<td>3,861,791</td>
<td>6.4%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$60,744,328</strong></td>
<td><strong>99.9%</strong></td>
</tr>
</tbody>
</table>

*not equal to 100% due to rounding
D.  Gaps in Service  
Gaps in the legal services delivery system remain and, for the most part, have not changed since 2000. These gaps continue to result from restrictions on use of funds, inadequate resources and geographic challenges.

1. Restrictions on use of funds  
Almost all Texas programs are limited in the services they provide due to restrictions imposed by funding sources. Restrictions include prohibiting class action lawsuits, suits against the government, redistricting cases, and fee generating cases, among others. Many grantees are prohibited from representing incarcerated people or undocumented immigrants. Unlike many other states, Texas has no significant source of unrestricted funding for the provision of legal services to the poor. Almost all available funding carries restrictions, either by case type and/or by class of eligible client served. (See Tab I-2.)

LSC grantees face an “all funds” restriction. Programs that receive LSC funding cannot use LSC funds for restricted purposes, nor can they use any other funds they receive from other sources for LSC prohibited activity. Some state funds effectively carry “all funds” restrictions, as well. Such restrictions impact other funders that do not choose to restrict funds, since one funder effectively decides for what purposes another funder may issue grants.

A significantly limiting LSC restriction is the one that prohibits LSC programs from receiving, or even requesting, attorneys fees in any cases. This restriction eliminates a potentially valuable source of funding for legal services to the poor. It also removes an important deterrence effect because most cases brought by poor people do not involve large damage awards.

2. Geographic challenges  
Texas geography presents unique challenges, particularly to the rural poor. Remote distances and lack of transportation complicate access. The LSC mergers resulted in further reduction of satellite offices in some rural areas, sometimes increasing the distances that clients must travel to reach a legal aid office. Although technological advances offer some hope for this problem, they come with increased costs. Currently, there are many underserved areas in the state, primarily in rural areas.

3. Inadequate resources  
Programs continue to be severely limited by inadequate resources in 2004. Despite several very successful efforts to create new sources of funding for legal services since 2000, other sources, such as IOLTA (See Glossary, Tab I-3), have continued to decline. Also, many private attorneys volunteer their time and expertise in pro bono cases, but these volunteer efforts, while substantial, cannot possibly meet the existing need. Since that need continues to grow, programs increasingly struggle to do more with less.
All legal services programs are governed by client eligibility and case acceptance guidelines. Applicants for legal services must meet certain income limits, usually 125 percent of the federal poverty guidelines and must reside in the program’s service area. (See Tab I-4.) However, no program is able to serve all the clients who qualify under all the guidelines.

Providers limit the types of cases they accept due to inadequate staff and volunteer resources. One common limitation, for example, is acceptance of divorce cases only where domestic violence is present. People who need divorces for other reasons must wait for extended periods of time or, more often, simply do not receive the services. Additionally, many clients who receive only legal advice often need actual representation but do not receive it due to lack of resources.

II. Texas Access to Justice Commission

The Supreme Court of Texas held its first hearing on the status of civil legal services in Texas in January 2000. That hearing took place in the midst of a statewide planning process for legal services to the poor that began in 1999. Among other outcomes, that planning process resulted in the reconfiguration of federally funded legal services programs in Texas and in the creation of the Texas Access to Justice Commission.

A. Creation of the Commission

The legal services state planning group consisted of a broad range of individuals representing the network of legal service providers throughout the state, the Texas Supreme Court, the State Bar of Texas, the Texas Equal Access to Justice Foundation, the Texas Bar Foundation, and many other interested parties.

Extensive planning sessions, including regional meetings in Houston, San Antonio and Fort Worth, resulted in the identification by consensus of the following key elements required for a successful, comprehensive legal services delivery system:

- A coordinated statewide system;
- Universal access to legal services;
- Adequate resources;
- Maximum use of resources; and
- Effective statewide leadership.

Several months after the Supreme Court of Texas held its hearing on the status of civil legal services in Texas, a two-day summit was held in May 2000 at the Texas Law Center. (See Tab II-1.) At the conclusion of the summit, the planning group recommended the creation of an Access to Justice Commission, modeled on the Washington Supreme Court’s Access to Justice Board, to serve as the umbrella organization for all efforts to expand access to justice in civil matters in Texas.
On April 26, 2001, the Supreme Court, supported by resolution of the State Bar of Texas Board of Directors, created the Texas Access to Justice Commission (“the Commission”). (See Tab II-2.) Its stated mission was, and continues to be, to develop and implement policy initiatives to expand access to, and enhance the quality of, justice in civil legal matters for low-income residents of Texas. The Commission was not established to govern the work of the legal service providers in Texas, but to assist all participants in developing statewide strategic alliances to more effectively move ideas into action.

The stated goals of the Commission are to:

- Develop and publish a strategic plan for the statewide delivery of legal services to low-income Texans;
- Identify and assess current and future needs for access to justice in civil matters by low-income Texans;
- Foster the development of a statewide integrated civil legal services delivery system;
- Increase resources and funding for access to justice in civil matters and ensure both are applied to the areas of greatest need;
- Ensure wise and efficient use of available resources including local, regional and statewide coordination systems;
- Develop and implement other initiatives designed to expand civil access to justice;
- Reduce barriers to the justice system by addressing existing and proposed court rules, procedures and policies that negatively affect low-income members of the public; and
- Monitor the effectiveness of the statewide system and services provided, as well as evaluate the progress made by the Commission in fulfilling the civil legal needs of low-income Texans.

The Commission works toward the accomplishment of these goals through partnerships with the Supreme Court, the State Bar of Texas, the Texas Equal Access to Justice Foundation, the Texas Bar Foundation, local bar associations, local and statewide legal aid providers, and other interested parties. (See Tab II-3.)

B. Commission Structure

The Commission consists of fifteen regular members, eight of whom are appointed by the Supreme Court, with the remainder appointed by the State Bar. The Commission also has three ex officio members appointed by the legislative and executive branches of government. A number of committees and workgroups have been created to take on various assigned tasks. Staff support is provided to the Commission by the Texas Lawyers Care department of the State Bar of Texas. The State Bar also provides the budget for the Commission’s work.

1. Commissioners

The appointment of the commissioners was designed by the Court to provide as broad a range of representation as possible. (See Tab II-4.)

Specifically, the Supreme Court appoints:
Three judges, including one member of the Supreme Court of Texas, one judge from an urban area (county population of greater than 650,000) and one judge from a non-urban area (county population of 650,000 or less);

One member of the Texas Equal Access to Justice Foundation (TEAJF) Board of Directors;

Two representatives (staff, board, or volunteers) of state or federally funded legal services programs (reflecting diversity among LSC and non-LSC funded programs, staff and pro bono based programs, and general civil legal services and specific services); and

Two at-large members.

The State Bar of Texas appoints:

Two members of the State Bar Board of Directors;

One member of the Texas Bar Foundation Board of Directors;

Two representatives (staff, board, or volunteers) of state or federally funded legal services programs (reflecting diversity among LSC and non-LSC funded programs, staff and pro bono based programs, and general civil legal services and specific service programs); and

Two at-large members.

The Commission also includes:

One ex-officio member appointed by the Governor of Texas;

One ex-officio commissioner who is a member of the Texas House of Representatives appointed by the Speaker of the House; and

One ex-officio commissioner who is a member of the Texas Senate appointed by the Lieutenant Governor.

Because of the importance of participation by the Texas corporate and business community in the advancement of access to justice, the Commission, after consulting with the president of the State Bar of Texas, this year has asked the Supreme Court to add an additional commissioner from the ranks of Texas corporate counsel. That request currently is scheduled to be presented for consideration by the Court.

The Supreme Court designates the chair of the Commission after consultation with the president of the State Bar. From the Commission’s inception through May 2004, John R. Jones, an attorney from El Paso, served as chair. Beginning in June 2004, James B. Sales, an attorney from Houston and former president of the State Bar, serves as chair.

The Supreme Court and the State Bar are required to coordinate appointments to ensure that the Commission’s membership reflects the diverse nature of the communities of Texas. Ethnicity, gender, geography, type of legal practice, and other kinds of diversity are considered.

A member may not be appointed to serve more than two successive full three-year terms. A member who has served two successive full terms is not eligible for reappointment.
until the third anniversary of the date that the member’s last full term on the Commission has expired.

2. **Committees**
As soon as the original commissioners were appointed in 2001, the Commission began to structure itself to fulfill its mission. Members of the Washington State Access to Justice Board were invited to a Commission meeting to offer insights and assistance. The Commission adopted its Principles and Core Capacities and established its committee structure. (See Tab II-5.)

Because of the breadth of its mission and goals, the Commission conducts much of its work through its committees. The committees change depending on the focus and need, and a number of committees are now being created as a part of the Commission’s current strategic planning process, which began in July. Current committees include:

- The Communications Committee, a joint committee with the Texas Equal Access to Justice Foundation, charged with identifying and producing media to increase the awareness of the need for legal services to the poor in Texas and the current available resources to help meet that need;
- The Continuing Legal Education Committee, charged with creating new training opportunities for legal aid lawyers. Current plans include a trial academy to train legal aid lawyers in litigation tactics and a two-day, specialized family law training;
- The Corporate Counsel Committee, charged with exploring and implementing ways that in-house counsel can be encouraged to become more active in access to justice issues and activities, including providing pro bono legal services and participating in resource development;
- The *Cy Pres* Committee, charged with encouraging lawyers and judges to agree to award “leftover” funds in settlement actions to legal services providers or other access to justice organizations or causes;
- The Endowment Committee, charged with creating a permanent endowment to increase funding for legal services to the poor in Texas and to minimize the effects of the erratic nature of the annual funding cycle;
- The Legal Access Committee, charged with developing and implementing measures to increase access to justice by the poor and removing barriers to the legal system;
- The Technology Committee, charged with exploring and recommending technological solutions aimed at increasing access to justice;
- The Law School Committee, charged with encouraging Texas law schools to become more active in access to justice issues, including the creation of scholarships for students who agree to work for legal aid providers and funding fellowships to pay the salary of these students;
- The Legislative Committee, charged with monitoring and proposing and/or supporting legislation to further the availability of and access to legal services to the poor; and
- The Executive Committee, charged with conducting the business of the Commission between its regular quarterly meetings.
C. Activities and Initiatives
Since its inception, the Commission has implemented programs and engaged in activities to further its mission. As required by the Supreme Court, the Commission files biannual reports to the Court reporting on its activities and programs. (See Tab II-6.) The salient programs and activities, past and current, are described below. A timeline is included.

1. Timeline of TATJC activities

<table>
<thead>
<tr>
<th>Date</th>
<th>Actions</th>
<th>Tab</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 2004</td>
<td>Commission (TATJC) recommends to Court the division of ATJ voluntary contributions</td>
<td>II-7</td>
</tr>
<tr>
<td>August 2004</td>
<td>Annual ATJ track at Bar Leaders Conference; Hankinson Awards presented</td>
<td>II-8</td>
</tr>
<tr>
<td>July 2004</td>
<td>TATJC begins to create 5-year Strategic Plan</td>
<td></td>
</tr>
<tr>
<td>July 2004</td>
<td>TATJC Chair Jim Sales meets with TEAJF grantees</td>
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<tr>
<td>June 2004</td>
<td>TATJC/TEAJF begin media tour to increase awareness of legal aid</td>
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<tr>
<td>June 2004</td>
<td>Framework for Resource Development report complete</td>
<td>II-9</td>
</tr>
<tr>
<td>May 2004</td>
<td>Chair John Jones resigns; Court appoints Jim Sales as new chair</td>
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<tr>
<td>May 2004</td>
<td>Oklahoma Bar delegation attends TATJC meeting to obtain information on creating a similar body in Oklahoma</td>
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<tr>
<td>May 2004</td>
<td>ABA Day trip to Washington results in 20 congressional visits with letters supporting increase in LSC funds signed by both Texas senators and numerous members of Congress</td>
<td>II-10</td>
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<tr>
<td>April 2004</td>
<td>TBF agrees to administer SLRAP program funded by SBOT and TATJC</td>
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<tr>
<td>February 2004</td>
<td>TATJC/TEAJF host reception for new LSC President Helaine Barnett at new TRLA office in San Antonio during ABA mid-year conference</td>
<td>II-11</td>
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<tr>
<td>January 2004</td>
<td>Justice O’Neill tapes introduction to “Justice for All Texans” video to educate lawyers on new mandatory fee</td>
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<tr>
<td>January 2004</td>
<td>Texas Student Loan Repayment Assistance Program funded by the SBOT and the TATJC</td>
<td>II-12</td>
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<tr>
<td>November 2003</td>
<td>First Lady of Texas Anita Perry writes op-ed on need for legal services</td>
<td>II-13</td>
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<tr>
<td>October 2003</td>
<td>“Justice for All Texans” campaign launched to raise public awareness of legal aid</td>
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<tr>
<td>September 2003</td>
<td>TATJC and SBOT Board fund creation of a statewide resource development plan for legal aid</td>
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<td>Date</td>
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<tr>
<td>August 2003</td>
<td>Annual ATJ Track at Bar Leaders Conference; presentation of first Hankinson awards</td>
<td></td>
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<tr>
<td>July 2003</td>
<td>TATJC requests Supreme Court to create Protective Order Taskforce to develop protective order kit for victims of domestic violence</td>
<td>II-15</td>
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<tr>
<td>May 2003</td>
<td><em>Pro hac vice</em> fee approved by Texas Legislature requires out-of-state attorneys to pay $250 (for legal services to the poor) to appear in Texas courts; $65 mandatory fee for legal services added to dues of Texas attorneys by Legislature; <em>cy pres</em> bill allowing undisbursed funds to be used for legal aid vetoed</td>
<td>II-16</td>
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<tr>
<td>May 2003</td>
<td>TATJC receives grant from ABA Litigation Section for resource development</td>
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<tr>
<td>May 2003</td>
<td>TATJC, TEAJF and Texas LSC programs launch <a href="http://www.TexasLawHelp.org">www.TexasLawHelp.org</a> w/ legal information for low-income Texans</td>
<td>II-17</td>
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<tr>
<td>April 2003</td>
<td>TATJC creates annual Deborah G. Hankinson Awards for participation in ATJ contributions on SBOT dues statement</td>
<td>II-18</td>
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<tr>
<td>April 2003</td>
<td>ABA Day trip to Washington to discuss legal services with members of Congress sets record for number of visits for Texas team</td>
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<tr>
<td>March 2003</td>
<td>LSC mergers complete in Texas</td>
<td>I-1</td>
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<tr>
<td>January 2003</td>
<td>Justice Harriet O’Neill named to Commission</td>
<td>II-18</td>
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<tr>
<td>December 2002</td>
<td>Justice Deborah Hankinson leaves Supreme Court and Commission</td>
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<tr>
<td>September 2002</td>
<td>TATJC/TEAJF launch “Campaign for Equal Justice”</td>
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<tr>
<td>September 2002</td>
<td>TATJC launches Student Loan Repayment Program for legal services attorneys</td>
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<tr>
<td>August 2002</td>
<td>TATJC provides panel at annual Judicial Conference</td>
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<tr>
<td>April 2002</td>
<td>TATJC helps create first annual National Meeting of State Access to Justice Chairs</td>
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<tr>
<td>February 2003</td>
<td>SBOT and TATJC agree to host 2005 ABA/NLADA Equal Justice Conference</td>
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<tr>
<td>February 2002</td>
<td>TATJC unanimously recommends to the Sup. Ct. an “opt-out” format for the ATJ contribution on the State Bar of Texas membership dues statement</td>
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<tr>
<td>November 2001</td>
<td>LSC announces new grants for 3 Texas programs: Lone Star Legal Aid, Legal Aid of NorthWest Texas, and Texas Rural Legal Aid</td>
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<tr>
<td>October 2001</td>
<td>TATJC receives TBF grant for $44,000</td>
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<tr>
<td>October 2001</td>
<td>TATJC Commissioners accompany the Texas Supreme Court to the Lower Rio Grande Valley and visit with legal services providers and their clients on legal needs of the low-income community</td>
<td>II-19</td>
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<tr>
<td>Fall 2001</td>
<td>TATJC surveys Texas counties on availability of protective orders for low-income Texans</td>
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<tr>
<td>August 2001</td>
<td>TATJC sponsors ATJ track at Bar Leaders Conference</td>
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<tr>
<td>June 2001</td>
<td>Texas Legislature allocates $5 million (for the biennium) in Crime Victims Compensation Funds to legal services for crime victims; creates loan repayment assistance program but did not fund it</td>
<td>II-20</td>
</tr>
<tr>
<td>April 2001</td>
<td>Supreme Court creates Texas Access to Justice Commission</td>
<td>II-2</td>
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<tr>
<td>April 2001</td>
<td>State Bar passes resolution recommending creation of Texas Access to Justice Commission</td>
<td>II-2</td>
</tr>
<tr>
<td>May 2000</td>
<td>State Planning Summit, 2-day meeting at the Texas Law Center, recommends creation of statewide access to justice body</td>
<td>II-1</td>
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</table>

2. Communication
In 2001, the Commission began its communications plan to educate the public and legal community about the Commission and its mission. Individuals from the Supreme Court, the Commission, the Texas Equal Access to Justice Foundation (TEAJF), the State Bar of Texas, and other organizations such as the Texas Legal Services Center (TLSC) have given numerous speeches to legal and community groups throughout Texas. Media coverage in various newspapers and legal periodicals has greatly assisted the Commission in this initiative.

Also in 2001, the Commission began to co-sponsor the Access to Justice track at the State Bar’s annual Bar Leaders Conference to inform local bar leaders about issues related to access to justice and how local bars can increase their ATJ activities. Each year since, the Commission has sponsored the track, which averages from 50 to 75 participants. (Tab II-8.)

In 2002, the Commission initiated a website (www.texasatj.org) through which it keeps the public and legal community informed of its activities. Since 2001, the Commission has also utilized the LegalFront, a publication of the Texas Lawyers Care program of the State Bar of Texas, to update its subscribers on the progress of the Commission’s initiatives.
Texas was one of three states to participate in the pilot “Campaign for Equal Justice” sponsored by the National Legal Aid and Defenders Association (NLADA) and the Center for Law and Social Policy (CLASP). The campaign was designed to raise the visibility of and support for legal aid. In its ongoing efforts to increase awareness of access to justice in Texas, the Commission has recognized several Texas attorneys through its Star of Justice Awards and bar associations and TYLA affiliates through its Hankinson Awards.

The Commission published and distributed a Resource Development brochure, entitled *Opportunities for Giving*, which provides potential donors with a menu of possible giving options. The brochure is used to educate the public and potential donors on ways in which they can help access to justice efforts.

In the spring of 2003, the Commission, TEAJF, LSC programs and TLSC kicked off a website ([www.texaslawhelp.org](http://www.texaslawhelp.org)) to help low-income Texans find and access legal services for the poor in Texas and to provide legal information. (See Tab II-17.)

In October 2003, the Commission and the TEAJF launched the *Justice for All Texans* campaign to raise public awareness about the importance civil legal aid plays in improving the lives of Texans. The campaign was announced at a news conference that included Texas Attorney General Greg Abbott, Supreme Court Justice Harriet O’Neill, State Bar of Texas President Betsy Whitaker and Judge Lora Livingston. (See Tab II-14.)

As part of the *Justice for All Texans* campaign, the Commission and TEAJF produced and distributed a public service video documentary narrated by PBS journalist Bill Moyers aimed at increasing funding to help ensure civil legal services for more Texans in need. The video has been used in Texas high schools to raise awareness of and funds for access to justice. Justice Harriet O’Neill taped an introduction to the video in order to inform lawyers about the new mandatory fee for legal services.

3. **Resource development**

The Commission works closely with the State Bar of Texas to raise funds through voluntary contributions by Texas lawyers in conjunction with the State Bar dues statement. Since the 2001-2002 dues statement, when the access to justice campaign began, contributions have totaled $3.3 (as of August). Contributions go to direct providers of legal aid. (See Tab II-21.)

The Commission partnered with the Texas Equal Access to Justice Foundation in addressing the problem of decreasing interest rates and fees charged on IOLTA trust accounts and the effect on TEAJF and its grant-making resources. They embarked on a statewide Attorney Education Campaign in an effort to increase IOLTA revenues by approaching financial institutions to waive fees charged on IOLTA trust accounts. The effort resulted in a reduction or waiver of service fees of approximately $1.6 million on an annual basis on IOLTA trust accounts, thus, increasing the TEAJF funds available for its grantees.
With funding assistance from the State Bar of Texas and a grant from the American Bar Association Litigation Section, the Commission retained Management Information Exchange’s resource development specialist Dennis Dorgan to assist the Commission in developing a long-range resource development campaign. In June 2004, the Commission and the State Bar received the final report by Mr. Dorgan. (See Tab II-9.) The Commission is using the report as a resource to develop a five-year Strategic Plan.

Thus far, the Commission has voted to create an Endowment Committee and a Corporate Counsel Committee to implement portions of the recommendations. The Commission is also considering a number of other strategies in addition to those in the report. (See page 18 below.)

The Commission created the Texas Student Loan Repayment Assistance Program, which provides loan repayment assistance to legal aid attorneys so that they can afford to work for legal aid. The Commission created the program with donations from individual attorneys and case settlements directed to the Program. This year, the State Bar of Texas budgeted funds to continue and expand the program. (See Tab II-22.)

Other resource development work of the Commission involved legislative activity and is discussed in that section below.

4. Legislative activity
At each Texas legislative session since its creation, the Commission has been active in monitoring and promoting legislation focused on increasing access to justice. The support of the Supreme Court of Texas has been a critical factor for legislative success in each session.

a. Supreme Court support
In 2001, Chief Justice Thomas Phillips, a strong supporter of legal aid, made civil legal services to the poor one of the key components of his State of the Judiciary address to the 77th Legislature. (See Tab II-23.) He articulated support for legal services for victims of crime through the Crime Victims Compensation Fund, which was also supported by the Texas Attorney General. For the first time, legal services received $5 million for the biennium for the new Crime Victims Civil Legal Services Program (CVCLS).

That same year, Chief Justice Phillips announced a new voluntary contribution on the State Bar of Texas dues statement in the amount of $65, which would be dedicated to legal services to the poor. When that dues statement was sent out including the new ATJ contribution, accompanied by a letter signed by all the justices on the Supreme Court, donations to legal aid increased from about $70,000 to more than $500,000. (See Tab II-21.) The Court has continued to support the Access to Justice campaign on the dues statement, which has generated more than $3.3 million through the generous donations of Texas attorneys.
In 2003, when Texas faced an unprecedented fiscal crisis and budget cuts were the rule rather than the exception, Chief Justice Phillips reacted swiftly to protect funding for legal services to the poor by announcing that the Supreme Court would cut its budget as necessary but that funding for legal aid should not be reduced. As Chief Justice Phillips steps down in September, legal services to the poor will lose a strong and effective advocate. The Commission is confident that his successor will continue this support and commitment to guarantee access to justice for all.

The Commission’s liaison from the Court, Justice Harriet O’Neill, has supported for legal services in many ways, from testifying for particular bills in the 78th Legislature to encouraging the Texas Attorney General’s office to support continued funding for CVCLS. Former Justice Deborah Hankinson, who was instrumental in the creation of the Commission, served as liaison to the Commission while she was on the Court and was a strong voice for access to justice. (See Tab II-24.) The Commission is grateful for all the support the Court has extended. Such support from the state’s highest court is absolutely critical, and its importance cannot be overemphasized.

b. 77th Legislative session
The Commission was created near the end of the legislative session in 2001, but numerous members of the Commission were active in that session. Three items related to civil access to justice came out of that session. The Supreme Court, the State Bar of Texas, legal services providers, and others, provided extensive support during the session.

First, five million dollars for the biennium were made available from the Crime Victims Compensation Fund for civil legal services for the victims of crime. (See Tab II-20.) The Office of the Attorney General administers the Fund. General John Cornyn and his staff at the Office of the Attorney General were responsive to requests from the State Bar of Texas and members of the Texas Supreme Court to include funding for civil legal services for crime victims in their budget. Representative Pete Gallego was critical in shepherding this proposal and other initiatives through the legislative appropriation process.

Second, House Bill 2323, which provides law school loan repayment assistance to underpaid public interest attorneys was passed and signed by the governor. The bill was designed to recruit and retain attorneys working for nonprofits that provide legal services to poor Texans. Although funding for the Loan Repayment was included in the appropriations bill, it was not funded because it was dependent on state revenues. (See Tab II-20.) Finally, Senate Bill 311, added nonprofit legal services providers to the list of organizations allowed to participate in the state cooperative purchasing process.

Although not a matter of civil legal services, another very important law enacted in 2001 must be mentioned. The Texas Fair Defense Act, also known as Senate Bill 7,
made major changes in the indigent criminal defense system in Texas. The Act focused on four critical issues: timely appointment of counsel, method of counsel appointment by the courts, reporting of information about indigent representation services, and minimum standards for counsel. The legislation also created a task force within the Judicial Council to recommend further improvements and direct funding to assist counties in the improvements. (See Tab II-20.)

c. 78th Legislative session
Entering its 78th legislative session in 2003, the Texas Legislature faced a $10 to $15 billion budget shortfall, leaving little reason to expect additional funding for legal services to the poor. However, bills to create new resources for legal aid were passed.

The pro hac vice bill (HB 462) requires out-of-state lawyers to pay a fee of $250 (per case) when they file a motion to appear in a Texas court. The funds collected are included in the Basic Civil Legal Services account administered by TEAJF. Since the law took effect on September 1, 2003, pro hac vice has generated more than $300,000 for legal services to the poor. (See Tab II-16.)

Cy pres funds are those that remain in class action cases after identifiable class members have received their awards. A cy pres bill, which would have suggested legal services to the poor as an appropriate recipient of cy pres awards in class action lawsuits, passed unanimously in both houses of the legislature. (See Tab II-16.) However, the bill was ultimately vetoed by the governor.

House Bill 599, the State Bar of Texas Sunset bill, was amended by the legislature to require non-exempt attorneys to pay $65 each year as part of their State Bar dues, with 50 percent of the fees directed to the judicial fund for programs approved by the Supreme Court that provide basic civil legal services to the poor, and the other 50 percent to go to the fair defense account for indigent criminal defense projects. (See Tab II-16.) Attorneys exempt from the $65 fee are those 70 years of age or older; those with inactive status; sitting judges; employees of the state or federal government; employees of a city, county, or district attorney’s office who do not have a private practice that accounts for more than 50 percent of the attorney’s time; employees of nonprofit corporations who are prohibited from the outside practice of law; those exempt from MCLE requirements because of nonpracticing status; and those who reside out-of-state and do not practice law in Texas.

Although the creation of the fee was not without controversy, it is expected to generate about $1.75 million for civil legal aid and an equal amount for indigent criminal defense annually. The fee has its own sunset provision and will expire in 2007, if not reauthorized by the legislature.
d. 79th Legislative session
The Commission is currently working on its legislative agenda for the 2005 session. Among a variety of other issues, the Commission is considering how best to protect and continue the access to justice benefits and initiatives passed in earlier legislative sessions.

For example, because appropriations from the Crime Victims Compensation Fund have ballooned in recent years, the Fund is in danger of depletion in the next biennium. An Advisory Council has been created by the Attorney General and directed to come up with a proposal to reduce current appropriations from the fund from $180 million to $60 million.

e. Federal legislative activity
Each year, the Commission leads a Texas team to Washington, D.C., to participate in “ABA Day” sponsored by the American Bar Association. The annual event began in the mid-1990s to respond to congressional opposition to LSC funding. Fortunately, LSC funding now has widespread and strongly bipartisan support in Congress. The purpose of the trip for the Texas team is to educate and inform the elected Texas congressional delegation about the continuing need for funding for the Legal Services Corporation and to build additional support for access to justice in Texas. Representatives of the State Bar of Texas, the Supreme Court of Texas, the Texas Equal Access to Justice Foundation, and other access to justice partners make up the group.

In May 2004, led by Commission Chair John Jones, the Texas team, for the first time, succeeded in obtaining the support of both Texas senators and numerous members of Congress for an increase in LSC funding. (See Tab II-10.) The team also visited the White House to meet with the Honorable Alberto Gonzales, General Counsel to President Bush, about access to justice in Texas.

5. Addressing barriers to access
The Commission is charged with increasing access to justice and reducing barriers that obstruct access to justice. No group has more knowledge of barriers to access than the segment of the legal profession that helps poor people navigate around those barriers. Since its inception, the Commission has consistently involved legal aid providers, in addition to those who sit on the Commission, in its meetings, committees and activities. The Commission acknowledges, appreciates, and utilizes the vast repository of experience and knowledge about access to justice issues available among the dedicated lawyers and staff who spend their professional lives representing low-income Texans.

In 2001, Commission members accompanied the Texas Supreme Court to the Lower Rio Grande Valley, where the Supreme Court and the Commission visited with legal services providers and their clients regarding legal needs of the low-income community to obtain information on how to improve access to justice. In addition, the Commission met with representatives of the South Texas Pro Bono Asylum Representation Project (ProBAR),
Texas Rural Legal Aid and others to find ways to help these organizations meet the overwhelming need for legal services in South Texas.

During the state planning process for legal services, the Commission worked with the ten federally funded legal services organizations in Texas to implement the State Plan, which among other things, consolidated and reconfigured the ten federally funded programs into three regional programs.

In 2002, the Commission initiated a Student Loan Repayment Assistance Program for lawyers who work in non-profit organizations that provide direct legal services to the poor in Texas. An initial $25,000 donation from a lawsuit settlement through the efforts of Texas attorneys Manual Newburger (Austin), Steve Gardner (Dallas), and John Ventura (Brownsville) provided start-up funds for the program. The SLRAP was created to alleviate some of the loan burden that can prevent young lawyers from working in legal aid. (See Tab II-12.) In 2004, the State Bar included funding in its budget to support the SLRAP. The Texas Bar Foundation now administers the program.

In 2003, at the request of numerous providers of legal assistance to victims of domestic violence, the Commission and the SBOT Family Law Section asked the Supreme Court to create a Protective Order Taskforce. The Court responded favorably to the request. (See Tab II-15.)

The Taskforce, supported and staffed by the Commission, is charged with drafting an easily readable and utilitarian domestic violence protective order kit and implementation plan to make the protective order kit readily available both online and directly from law enforcement personnel, domestic violence advocates, libraries, courthouses and other sources. The Taskforce expects to complete the kit and begin distribution this October.

In July 2004, Jim Sales, the new chair of the Commission, invited the 37 TEAJF grantees to an all-day meeting in Austin to hear from them about the greatest problems facing them as they serve their low-income clients. Among the concerns raised were the need for increased funding, the restrictions on current funding, increased personnel (both staff and volunteer), making both the public and legal profession aware of legal aid and what it does, and more training opportunities for legal aid lawyers. The Commission is integrating the information from that meeting into its plans for the future.

D. Plans for the Future

After the first few years of its existence, in which it has sharpened its focus on its role and has begun to identify its best use of resources, the Commission is now moving into an even more active period of increasing access to justice in Texas. As the work of the Commission proceeds, and as it creates even closer partnerships with all of the organizations and entities seeking to provide access to justice for all Texans, its effectiveness and influence in this endeavor will grow.
The Commission is currently preparing a five-year Strategic Plan as the basis for its future work. The starting point for the strategic planning process was the Framework for Resource Development drafted by Dennis Dorgan of Management Information Exchange and based on interviews with lawyers and others in Texas, as well as activities on behalf of legal aid in other states. (See Tab II-9.) Among the recommendations in the Framework are creating an endowment fund to reduce the fluctuations in funding from year to year for legal aid providers; creating a corporate strategy to increase corporate support for legal services; and developing a cy pres strategy.

The Commission already has voted to create a number of new committees to take on the work needed to accomplish the goals of its strategic plan. New committees that are being created are the Endowment Committee, Corporate Counsel Committee, Law Schools Committee, CLE Committee, and Cy Pres Committee.

Particular activities planned for the 2004-2005 fiscal year include structuring the Texas endowment campaign; creating a week-long trial academy to train legal aid lawyers in litigation skills; working with law schools to create scholarships for a student who will commit to working for a legal aid program upon graduation and creating fellowships to fund the salary. Other activities for the strategic plan are under consideration.

While the Commission recognizes the formidable challenges ahead, there is no doubt that Texas can make access to justice a reality for more Texans. The Commission looks forward to working with the Court, the State Bar of Texas, legal services providers and all the other access to justice partners to continue to move forward in this essential endeavor.

III. Access to Justice Partners

The Commission was created by the Supreme Court of Texas to provide statewide leadership in access to justice issues. The community of partners committed to access to justice for all Texans is substantial. This report does not attempt to recognize, or even list, all those partners. Legal services providers, discussed in the Overview above, are the backbone of the system that provides legal services to the poor. Every attorney who takes pro bono cases is a partner, as is every legislator who supports a bill that would increase access to justice. Faith-based organizations that set up legal clinics for the poor are partners. Litigants who agree on a case settlement that includes a contribution to legal services are partners, as well.

While recognizing the importance of all contributions, this section of the report will focus on several access to justice partners that play major roles in increasing access to justice in Texas.

A. Supreme Court of Texas
Support from the judiciary, and especially from the highest court, is critical to the effort to increase access to justice in any state. Texas has been very fortunate to have that needed support from the Supreme Court of Texas and from much of the Texas judiciary.
Attention to access to justice has increased notably in Texas since the Supreme Court held its first hearing on the status of civil legal services in Texas in January 2000. After that hearing, Justice Deborah Hankinson became actively involved in the ongoing state planning process that ultimately led to the creation of the Commission. She then became the Court’s first liaison to the Commission and a member of the Commission. Justice Hankinson served admirably in that position until she left the Court in December 2002. (See Tab II-24.) Last year, she was reappointed to the Commission as a representative of the Texas Equal Access to Justice Foundation, on whose board she also serves. Additionally, Justice Craig Enoch, who served as liaison to the State Bar of Texas during his tenure on the Court, was a strong advocate for access to justice. (See Tab III-1.)

The Commission’s current liaison from the Court, Justice Harriet O’Neill, continues the Court’s strong support for legal services in countless ways, from testifying for particular bills in the 78th Legislature to working with the Attorney General’s office to support continued funding for legal services for crime victims and traveling to Washington to inform members of Congress of the importance of funding for LSC.

In 2001, the Court and the University of Texas Law School hosted an Equal Justice Colloquium designed to encourage law schools to participate more fully in the quest for equal access to justice. The colloquium was a successful collaboration that brought together representatives of all Texas law schools.

The Court’s support in the Legislature is undeniably critical. Chief Justice Thomas Phillips, a steadfast supporter of legal aid for many years, made civil legal services to the poor a key component of his State of the Judiciary address to the Texas Legislature in 2001. (See Tab II-23.) He articulated support for legal services for victims of crime through the Crime Victims Compensation Fund, which the Texas Attorney General also supported. For the first time, legal services received $5 million for the biennium for legal services to crime victims, many of whom are women and children victims of domestic violence.

In 2003, when Texas faced an unprecedented fiscal crisis and budget cuts were the rule for all state agencies, Chief Justice Phillips reacted swiftly to protect funding for legal services to the poor by announcing that the Supreme Court would cut its budget as necessary but that funding for legal aid should not be reduced. The Legislature honored that request and funds for legal aid were protected.

Chief Justice Phillips announced, in 2001, that the State Bar of Texas dues statement would contain a new Access to Justice voluntary contribution in the suggested amount of $65, which would be dedicated to legal services to the poor. When that dues statement was sent out including the new ATJ contribution, accompanied by a letter of support signed by all the justices, donations to legal aid on the dues statement increased from about $70,000 to more than $500,000. In the years since, the Court has continued to support the ATJ contribution on the dues statement, which has generated more than $3.3 million through the generous donations of Texas attorneys. (See Tab II-21.)
As Chief Justice Phillips leaves the Court, legal services to the poor will lose a strong and consistent supporter. The Commission is confident that his successor will show similar support to guarantee access to justice for all. The importance of such support from the state’s highest court cannot be over emphasized.

B. State Bar of Texas

The State Bar of Texas (SBOT) has a long and honorable history of support for access to justice. At the 2000 Supreme Court hearing, it was the State Bar that presented a report to the Court on the status of civil legal services in Texas. Much has happened since, and as a result of, that hearing. The State Bar has remained committed to legal services to the poor and has attempted to focus its efforts, resources and support on activities and initiatives that will bring the most effective and lasting benefit to the cause of access to justice for all Texans.

The State Bar fully supported the creation of the Texas Access to Justice Commission. (See Tab II-2.) Since the Commission’s inception, the State Bar has provided staff for the Commission through its Texas Lawyers Care Department and also has funded the Commission through its annual budget process.

The State Bar appoints seven of the fifteen Commissioners, including representatives from its own board of directors. The State Bar and the Commission work closely together on many issues related to legal services to the poor.

At the same time, the State Bar has continued and expanded its own initiatives. Access to justice is one of the State Bar’s key goals. The efforts of the State Bar in the arena of legal services to the poor generally can be categorized as programs and initiatives it develops and implements directly, or active support of programs and initiatives developed and implemented by other entities. Under the direction of the State Bar Board of Directors, the Bar’s efforts in the first category are carried out primarily through its Texas Lawyers Care program and its Legal Services to the Poor in Civil Matters Standing Committee, along with its efforts through the Texas Young Lawyers Association, Texas Bar CLE and State Bar Sections.

1. Timeline of State Bar initiatives

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<th>Date</th>
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<tr>
<td>June 2004</td>
<td>SBOT Board votes to provide an additional $250,000 for initiatives for legal services programs through Texas Lawyers Care and $50,000 additional funds for TATJC</td>
<td>II-22</td>
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<tr>
<td>May 2004</td>
<td>ABA Day trip to Washington results in 20 congressional visits with letters supporting increase in LSC funds signed by both Texas senators and numerous members of Congress</td>
<td>II-10</td>
</tr>
<tr>
<td>February 2004</td>
<td>ABA, SBOT, AILA delegation to Harlingen to recognize 15th anniversary of ProBAR</td>
<td>III-2</td>
</tr>
<tr>
<td>January 2004</td>
<td>Texas Student Loan Repayment Assistance Program funded by the SBOT and the TATJC</td>
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<tr>
<td>January 2004</td>
<td>SBOT creates Board Legal Services Funding Workgroup to consider request from Legal Services Standing Committee on Legal Services to the Poor in Civil Matters for a grant to TEAJF for legal services programs due to funding crisis</td>
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<tr>
<td>September 2003</td>
<td>SBOT Pro Bono College membership passes 1,000 for first time</td>
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<tr>
<td>September 2003</td>
<td>SBOT Board approves $20,000 for the TATJC’s creation of a statewide resource development plan for legal aid</td>
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<tr>
<td>May 2003</td>
<td>Pro hac vice fee approved by Texas Legislature requires out-of-state attorneys to pay $250 (for legal services to the poor) to appear in Texas courts; $65 mandatory fee for legal services added to dues of Texas attorneys by Legislature as part of SBOT Sunset bill</td>
<td>II-16</td>
</tr>
<tr>
<td>April 2003</td>
<td>Annual ABA Day trip to Washington to discuss legal services with members of Congress sets record number of visits for Texas team</td>
<td>II-10</td>
</tr>
<tr>
<td>March 2003</td>
<td>LSC mergers complete in Texas</td>
<td>I-1</td>
</tr>
<tr>
<td>February 2003</td>
<td>SBOT and TATJC agree to host 2005 ABA/NLADA Equal Justice Conference</td>
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<tr>
<td>January 2003</td>
<td>SBOT Standing Committee on Legal Services to the Poor in Civil Matters completes telephone survey of Texas attorneys on pro bono work</td>
<td>III-3</td>
</tr>
<tr>
<td>September 2002</td>
<td>Legal Services to the Poor in Criminal Matters Standing Committee sponsors Forum on Indigent Defense in Texas</td>
<td>III-8</td>
</tr>
<tr>
<td>August 2002</td>
<td>SBOT wins prestigious ABA Harrison Tweed award for its work in both civil and criminal legal services to the poor</td>
<td>III-4</td>
</tr>
<tr>
<td>May 2002</td>
<td>SBOT dues statement contains first ATJ Voluntary Contribution in opt-out format, collecting $1 million</td>
<td>II-21</td>
</tr>
<tr>
<td>Nov 2001</td>
<td>SBOT sponsors Operation Enduring LAMP (Legal Assistance to Military Personnel) for deployed military personnel in Iraq and Afghanistan</td>
<td>III-5</td>
</tr>
<tr>
<td>September 2001</td>
<td>Texas Bar CLE makes on-line library available free to legal aid attorneys</td>
<td>III-6</td>
</tr>
<tr>
<td>September 2001</td>
<td>SBOT creates Pro Bono Mentor CLE program</td>
<td>III-6</td>
</tr>
<tr>
<td>June 2001</td>
<td>Texas Legislature allocates $5 million (for the biennium) in Crime Victims Compensation Funds to legal services for crime victims; Texas Fair Defense Act enacted</td>
<td>II-20</td>
</tr>
<tr>
<td>May 2001</td>
<td>State Bar of Texas dues statement contains first ATJ voluntary contribution (opt-in format), collecting more than $500,000.</td>
<td>II-21</td>
</tr>
<tr>
<td>April 2001</td>
<td>Supreme Court creates Texas Access to Justice Commission</td>
<td>II-2</td>
</tr>
</tbody>
</table>
2. State Bar of Texas Board initiatives

In April 2001, the State Bar Board of Directors passed a resolution requesting the Supreme Court to create the Texas Access to Justice Commission. (See Tab II-2.) Also in 2001, the Bar and the Texas Equal Access to Justice Foundation created the annual Access to Justice statement, which combined voluntary reporting of pro bono hours with mandatory IOLTA reporting to highlight the importance of reporting the information. (See Tab III-7.)

For the first time in 2001, the State Bar’s dues statement included a single, suggested donation to Access to Justice in the amount of $65. More than $500,000 was generated through the dues statement for legal services to the poor. The following year, the format was converted to an “opt-out” version, and the campaign garnered more than $1 million. In 2003, Texas attorneys donated $1.1 million. (See Tab II-21.)

The State Bar went through the legislative Sunset process in 2003, and the legislature amended the Bar’s Sunset bill to include a new mandatory $65 fee for non-exempt attorneys that is dedicated to legal services to the poor. Half of the fee goes to civil legal services to be administered by TEAJF and half goes to the Task Force on Indigent Defense for indigent criminal defense. The fee is collected through the Attorney Occupation Tax statement. (See Tab II-20.)

In light of the new mandatory fee, rather than eliminate the voluntary ATJ contribution on the dues statement, the State Bar reverted to the “opt-in” format with a suggested voluntary contribution of $100. As of August 23, the 2004 dues statement has generated $639,000, in addition to the estimated $1.75 million that the mandatory fee will raise for civil legal services. Some 7,000 (almost ten percent) of Texas attorneys generously contributed $100 in addition to the mandatory $65 and any other contributions they make to legal services in their local communities. To date, the campaign has generated more than $3.3 million for legal services to the poor.
The State Bar co-sponsors, with the American Bar Association and the American Immigration Lawyers Association, the South Texas Pro Bono Asylum Representation Project (ProBAR). ProBAR provides legal assistance to immigrants in detention facilities in South Texas. In many instances, ProBAR is the only program providing such assistance to detainees. In February, State Bar President Kelly Frels and Past President Guy Harrison participated in an ABA delegation to Harlingen to commemorate the fifteenth anniversary of ProBAR. (See Tab III-2.)

In fiscal year 2003-04, the State Bar funding of its access to justice initiatives and programs totaled more than $1 million. Each year, the State Bar has provided funding for the Commission. The State Bar funds Texas Lawyers Care, through which most of its access to justice initiatives are promoted. In the current fiscal year, the budget for Texas Lawyers Care is $760,000 (including approximately $72,000 for the Commission).

In fiscal year 2004-05, the State Bar budgeted $30,000 to fund the Texas Student Loan Repayment Assistance Program, created by the Commission, for legal services staff attorneys who meet the eligibility guidelines. (See Tab II-12.) The student loan burden that many young lawyers carry prohibits them from accepting jobs with legal aid or from staying in those jobs for more than a short time. The purpose of the Texas SLRAP is to lighten that burden sufficiently to enable those lawyers to work for legal aid programs.

In addition to the $30,000 budgeted for SLRAP, the State Bar also voted to provide up to $20,000 in matching funds for the program. If $20,000 in private donations can be raised, the Bar will match it. State Bar President Kelly Frels then proceeded to seek donations from State Bar Board members and others to trigger those matching funds. As of August, the following members of the State Bar have each donated, or committed to donate, up to $1,000 to the SLRAP program: President Kelly Frels, President-elect Eduardo Rodriguez, Immediate Past President Betsy Whitaker, Board Chair Bill Elliott, Michael Black, Ophelia Camiña, Tom Godbold, Roland Johnson, Mark Murdock, Mark Osborn, and James Winton. At its June meeting, the State Bar Board voted to provide an additional $30,000 for SLRAP as part of its special legal services initiatives package (see below). Thus, at least $60,000, and likely as much as $100,000 will be available from the State Bar for student loan repayment assistance this year.

In June, the State Bar Board voted an additional $300,000 for the activities of Texas Lawyers Care and the Commission. (See Tab II-22.) These additional funds will provide for:

- increased malpractice coverage for legal aid and pro bono programs;
- additional CLE scholarships for legal aid attorneys;
- $30,000 in funding for the Texas Student Loan Repayment Assistance Program (in addition to more than $30,000 already budgeted);
- national training programs for legal aid lawyers;
• creation of a network for legal services providers to defray costs of online legal research (similar to the malpractice insurance network); and
• resource development activities and other initiatives of the Commission.

3. Texas Lawyers Care activities
Texas Lawyers Care (TLC) supports the development and implementation of State Bar policies and initiatives designed to enhance the quality and quantity of legal services available to low-income Texans. Texas Lawyers Care also provides support staff to the Texas Access to Justice Commission. A summary of TLC activities follows.

a. Training and publications
TLC provides specialized and affordable CLE-accredited training in poverty law issues to legal services staff and volunteer attorneys. TLC also provides a number of travel expense reimbursement scholarships to some legal aid staff to attend training events.

• Poverty Law Conference. This annual 3-day conference offers in-depth advanced training on core poverty law issues such as public benefits, family law, consumer law and public housing. Attendance ranges from 225-300 legal aid and pro bono advocates.

• Pro Bono Recruitment Seminars. TLC annually co-sponsors at least four, and often more, pro bono volunteer recruitment seminars statewide.

• Pro Bono Coordinators Retreat. TLC offers a two-day training annually and provides Texas pro bono coordinators with training, resource materials and opportunities for networking and information sharing. Texas Lawyers Care pays all expenses, including travel. Attendance ranges between 45 to 55 coordinators.

• Bar Leaders Conference-ATJ Track. TLC staff coordinates training for local bar leaders on matters relating to access to justice at the annual SBOT Local Bar Leaders Conference. The SBOT Standing Committee on Legal Services to the Poor in Civil Matters pays for local bar leaders designated as “ATJ delegates” to attend the training at no charge.

• Committee Training Events. TLC staff coordinates trainings and seminars sponsored by the Bar Committees it staffs, such as the Symposium on Indigent Defense in Texas and the Forum on Cost-Effective Indigent Defense Systems sponsored by the Legal Services to the Poor in Criminal Matters Committee.

• Legal Services Task Forces. Currently, TLC staff coordinates two task forces: Housing & Consumer Law Task Force and Public Benefits & Health Law Task Force. An Immigration Task Force is currently being created. Task force members are primarily senior legal services staff attorneys, other nonprofit agency service providers and Texas Legal Services Center staff.

• Special Projects Trainings. TLC sponsors trainings as needed in matters relating to access to justice.

• LegalFront. TLC publishes the LegalFront, a quarterly newsletter that features news and innovations in the world of pro bono and legal services to the poor, as well as substantive legal articles relevant to a poverty law practice. Distribution is
more than 4,000 in hardcopy. The LegalFront is also available in .pdf format at www.texasbar.com and at www.texasatj.org.

- **Texas Attorneys’ Volunteer Opportunities.** TLC creates an annual directory of pro bono opportunities called Texas Attorneys’ Guide to Volunteer Opportunities. The directory is available online at www.texasbar.com.

- **Referral Directory.** Annually, Texas Lawyers Care compiles and publishes Legal Services and Other Advocacy in Texas, A Referral Directory for Low Income Texans. The directory includes legal aid and pro bono programs by county, state agency contacts for legal and quasi-legal matters, lawyer referral services, resources for battered immigrant women, criminal defendants, juvenile offenders, military personnel and veterans. In 2004, approximately 4,000 copies of the directory were distributed.

- **Justice for All Calendar.** The Justice for All Calendar is produced in Spanish and English versions and contains basic legal information written in simple language along with social service information. TLC distributes this publication to provider organizations, which then distribute it to their low-income clients. With the financial assistance of several State Bar Sections and the Commission, TLC printed 35,000 English and 15,000 Spanish copies of the 2004-2005 calendar.

- **Attorney Desk Reference (ADR).** The ADR is a two-volume set of legal outlines on 22 selected topics relevant to a poverty law practice. Texas Lawyers Care solicits periodic updates from legal services staff, members of the private bar and other experts as needed to keep the materials accurate and timely. The ADR is provided free of charge to legal aid staff attorneys, TEAJF-funded legal aid programs and other providers of free legal services to indigent Texans.

- **Legal Services Personnel Directory.** This publication is distributed only to the LSC program staff whose addresses it contains. The purpose of this publication is to allow better coordination and cooperation among the programs serving different areas of the state.

### b. Staff support for State Bar

- **Legal Services to the Poor in Civil Matters Committee.** TLC provides staff support to this committee, which makes recommendations to the State Bar Board on legal services issues and works with the Access to Justice Commission on a variety of issues.

- **Legal Services to the Poor in Criminal Matters Committee.** TLC supports the committee’s work with the Texas Task Force on Indigent Defense; surveys of defense attorneys, prosecutors and judges regarding indigent defense in Texas; planning and organizing the committee’s Symposium on Indigent Defense in Texas; and other activities.

- **Labor and Employment Law Section.** TLC staff assisted with developing, and assists with annual implementation, of this section’s pro bono grants and law student summer internship program.

- **Family Law Section.** For the past several years, TLC and the Family Law Section have co-sponsored four annual trainings in various locations across Texas. The family law trainings recruit pro bono attorneys for local provider
programs. Attendance ranges between 20 and 70 volunteer attorneys. TLC staff provides preparation of the handbook (updated annually), coordination between the local legal services program and the section contact, preparation and mailing of notices, and CLE certification.

- **Litigation Section.** TLC implements the distribution of scholarships to the section’s annual Litigation Institute.

- **State Bar Board Legal Services Groups.** TLC provides staff support to the SBOT Board of Directors legal services efforts, including the Board Legal Services Subcommittee and the special ad hoc Legal Services Funding Workgroup created in January 2004 to consider funding for legal services programs.

- **State Bar College.** TLC implements the distribution of scholarships to the College’s annual *Summer School* CLE program.

- **Presentations.** TLC staff makes presentations related to pro bono and other access to justice issues at local bar associations, conferences, seminars and other public speaking engagements.

c. **Pro bono/legal services support**

- **Malpractice Insurance.** TLC administers the Texas Legal Services Network Malpractice Insurance Program, which provides basic professional liability coverage for pro bono and legal aid programs throughout the state. In 2003, due to dramatic increases in insurance costs, TLC completed a new Request for Quotes from several insurance companies, ultimately switching carriers for the Network to save $27,812 annually for the SBOT and to save $108,402 annually for Network members. In 2003, 59 programs participated in the Network, and premiums paid by the State Bar totaled more than $146,000. In June, the State Bar added $30,000 to its Malpractice Insurance program in order to increase coverage for the participants.

- **Assistance for New and Existing Pro Bono Programs.** TLC provides technical assistance on all aspects of program operations to both new and established pro bono programs. Total technical assistance contacts in FY2004 was 923.

- **Information and Resource Clearinghouse.** TLC acts as a clearinghouse to collect materials and resources and dispense to attorneys, bar associations, pro bono projects, and other constituencies.

- **Pro Bono CLE Scholarships.** Free continuing legal education is provided each year up to 75 meritorious pro bono attorneys who have been nominated by their pro bono programs. TLC also administers the purchase and award of advanced Texas Bar CLE course scholarships to staff legal services attorneys and administers a program that provides 50 percent discounted registration rate to other Texas Bar CLE courses for staff attorneys.

- **CLE Videotape Library.** TLC maintains a library of more than 600 continuing legal education (CLE) videotapes and DVDs, including Texas Bar CLE’s Custom CLE courses, to provide free CLE to attorneys who participate in a formal pro bono/private bar involvement program and to legal aid/legal services attorneys.

- **Pro Bono College of the State Bar.** TLC administers the Pro Bono College of the State Bar for Texas attorneys who provide 75 or more hours a year of eligible pro
bono services. Currently, TLC is processing the 2004 applications. Since 2000, membership in the College has increased from 374 to 1,091.

- **Emeritus Attorney Program.** TLC administers the emeritus attorney program, which allows attorneys in inactive status who have been in active practice for five of the last ten years the opportunity to do pro bono work while maintaining their inactive status.

- **State Bar Pro Bono Mentor Program.** Beginning in 2001, up to 5 hours of MCLE participatory credit is available to attorneys participating as a mentor or mentee in an eligible staff legal services/pro bono program. TLC administers this program.

d. **Staff support for the Texas Access to Justice Commission**

- **Commission Support.** TLC provides staff support to the Commission and its members. The TLC director serves as the executive director of the Commission. TLC staff provides scheduling, research, writing, materials preparation and other support for the Commission.

- **Committee and Workgroup Support.** TLC provides staff support for all ATJ committees and workgroups.

- **ABA Day.** TLC coordinates appointments with members of Congress and travel to Washington D.C.

- **Nominations.** TLC staff prepares award nominations submitted by the Texas Access to Justice Commission.

- **Presentations and Reports.** TLC staff provides scheduling, research, materials preparation and other support for presentations made by ATJ volunteers at conferences, seminars and other public speaking engagements. TLC staff drafts reports such as this one.

e. **Public contact**

- **Referrals.** Texas Lawyers Care staff determines the specific needs of the callers and makes referrals from its extensive database to the appropriate legal services and/or pro bono programs or government agencies. TLC also helps callers consider other alternatives when legal services and pro bono options have been exhausted. TLC also responds to inmate requests for referrals. TLC made 5,779 telephone referrals in 2003-2004 (FY04).

- **Web Sites.**
  - [www.texasatj.org](http://www.texasatj.org). TLC provides updates for this website.
  - [www.texaslawhelp.org](http://www.texaslawhelp.org). TLC staff, along with the Texas Legal Services Center and Legal Aid of NorthWest Texas provides support for this site.

f. **Special projects**

- **South Texas Pro Bono Asylum Representation Project (ProBAR).** This joint project of the American Bar Association, the State Bar of Texas, and the American Immigration Lawyers Association provides pro bono legal assistance to asylum applicants who are detained in south Texas. In conjunction with the ABA, TLC oversees ProBAR staff and operations, manages the Texas Bar
Foundation and Texas attorney contribution funds dedicated to ProBAR, provides periodic financial reports, and assists in other efforts for this project.

- **Operation Enduring LAMP (Legal Assistance to Military Personnel).** In times of war, TLC works with the Military Law Section to recruit and train volunteer attorneys to assist active military personnel with matters relating to their deployment, such as estate planning and consumer problems. TLC has organized trainings for volunteers during the Gulf War, the Bosnian deployment, and currently, the wars in Afghanistan and Iraq. TLC has organized numerous trainings throughout Texas and helped recruit more than one hundred volunteer attorneys during the current wars. TLC supports the work of the volunteer director of Operation Enduring LAMP, Col. Bryan Spencer.

4. **Texas Young Lawyers Association**
   In the past two years, the Texas Young Lawyers Association (TYLA) has focused on three primary projects to assist low-income Texans: Law of the Land, Pro Se Divorce Handbook, and Texas Safe and Affordable Water and Wastewater.

   a. **Law of the Land**
   Law of the Land is a publication and a video developed by TYLA with a grant from the Texas Bar Foundation to inform new immigrants and low-income Texans about their rights and responsibilities under Texas and federal law. The program addresses eight specific topics:
   - immigration (naturalization and family-based immigration);
   - voting rights, jury duty and obtaining a U.S. passport;
   - employment rights;
   - landlord-tenant issues;
   - debtor and consumer issues;
   - tax law;
   - family law (divorce and child support); and
   - probate law (the importance of wills).

   The program is available in both English and Spanish. Since its inception, TYLA has distributed Approximately 2,500 copies of the English publication and 600 copies of the Spanish publication.

   b. **Pro Se Divorce Handbook**
   TYLA developed a pro se divorce handbook to provide general guidance to low-income Texans who want to represent themselves in a simple, uncontested divorce. The book includes basic information about court demeanor, the steps of a divorce proceeding, a glossary of terms, and sample forms to use as a model in preparing papers.

   The publication is available in both English and Spanish. Since its inception, TYLA has distributed approximately 3,000 English handbooks and 400 Spanish handbooks.
c. Texas Safe and Affordable Water and Wastewater Services
TYLA developed a guide to help low-income communities across Texas access safe and affordable water and wastewater services. The book describes six ways underserved communities can access water and wastewater services. It includes program overviews, contact information, and resources available from both the government and private sector.

During the program's second year, several of the initial TYLA committee members formed a nonprofit group. The committee, working with the nonprofit, identified three communities in the greater Houston area that had inadequate water services and began assisting those communities in developing adequate water and sewer services.

5. Standing Committee on Legal Services to the Poor in Civil Matters
The State Bar’s Legal Services in Civil Matters Committee (“the Committee”) continues to be very active in its role as the State Bar’s internal mechanism for activities and recommendations on pro bono and legal services issues. The Committee coordinates with the Texas Access to Justice Commission and regularly sends its chair to Commission meetings to report on the Committee’s efforts. Since the 2000 Supreme Court hearing on this topic, the Committee has:

- In 2000, created the Access to Justice track at the State Bar’s Bar Leaders Conference in order to increase involvement of local bar associations in access to justice issues. ATJ delegates from local bars are reimbursed for travel and others costs.
- In 2002, recommended to the Texas Access to Justice Commission and the State Bar that the “opt-in” voluntary contribution be changed to an “opt-out” contribution on the dues statement. This recommendation led to a change in the dues statement, which doubled the voluntary contributions. (See Tab II-21.)
- In 2003, supervised, and financed with half of its own small budget, the first telephone survey conducted by the State Bar on pro bono hours delivered by Texas lawyers to collect scientifically sound data on this issue. (See Tab III-3.)
- In 2003, recommended to the State Bar Board of Directors that the State Bar financially assist the Texas legal services providers in an effort to mitigate a funding crisis. This recommendation ultimately resulted in the State Bar’s funding of several new initiatives in support of Texas legal services providers. (See Tab II-22.)
- Created subcommittees to address and reduce barriers to pro bono activity faced by government attorneys and in-house corporate counsel.

6. State Bar Sections
Each year, Sections of the State Bar of Texas create pro bono committees and involve their members in access to justice issues. Examples of the pro bono activities of State Bar Sections follow.

- Family Law Section
  Pro Bono Seminars—Each year, the Family Law Section Pro Bono Committee holds four seminars entitled Family Law for $2000 or Free. These seminars are provided
free of charge to attorneys accepting two pro bono cases from their local legal aid organization in the coming year. The seminars are traditionally held in areas where pro bono efforts are needed the most. In 2004, the Family Law Section Pro Bono Committee has held seminars in Nacogdoches and Brownwood, with two more scheduled for Laredo and Alpine.

Scholarships—The Section annually provides scholarships for legal aid attorneys to its Advanced Family Law Course.

Donations—The Section regularly donates to the printing costs of Texas Lawyers Care’s Justice for All Calendar, which contains basic legal and social service information for low-income Texans.

- **Labor & Employment Law Section**

  *Law Student Internship Program*—The Labor and Employment Law Section annually sponsors the Law Student Internship Program, which provides for the payment of stipends ($4,000 each) for two Texas law students to work as interns at legal aid, pro bono or other non-profit legal services organization. The students work on projects related to the employment law needs of clients.

  *Pro Bono Service Grants*—The Section also funds $10,000 to $12,000 in grants annually to legal services organizations in Texas for employment-related projects.

  *Donation of Extra CLE Materials*—Any extra materials from Labor & Employment Law Section-sponsored CLE seminars are donated to Texas Lawyers Care for distribution for free to legal aid programs across the state.

- **Military Law Section**

  *Operation Enduring LAMP Program*—The Military Law Section sponsors Operation Enduring LAMP (Legal Assistance for Military Personnel). This project supports local bar associations in providing pro bono legal assistance to military personnel called to active duty in support of military operations in Afghanistan and Iraq. Assistance involves counseling, phone calls, letter writing, and, in some cases, in-court representation. The project has recently expanded to provide pro bono Texas probate for military personnel killed in the line of duty. CLE is also provided around the state covering unique federal statutory areas of the law affecting active-duty military personnel. A recent training for volunteers was held in Beaumont in August. (See Tab III-5.)

  *Donations*—The Section regularly donates to the printing costs of Texas Lawyers Care’s Justice for All Calendar, which contains basic legal and social service information for low-income Texans.

- **Litigation Section**

  *Annual Litigation Update Institute Scholarships*—The Litigation Section annually provides full scholarships to the Litigation Update Institute. The scholarships are available to legal services attorneys and include free tuition and reimbursement of travel, lodging, and meal expenses.

- **Juvenile Law Section**

  *Donation of Extra CLE Materials*—The Juvenile Law Section donates extra section-sponsored CLE materials to be distributed to legal services organizations on a first-come, first-served basis. This year, the Juvenile Law Section donated material from its Annual Juvenile Law Conference.
7. **Standing Committee on Legal Services to the Poor in Criminal Matters**

While this report focuses on access to justice in civil legal matters for low-income Texans, the State Bar also addresses indigent criminal defense in Texas. The State Bar’s Standing Committee on Legal Services to the Poor In Criminal Matters (“Criminal Committee”) studies the system of defense of indigent persons in criminal law matters in Texas, collects data and other information relevant to their defense and develops recommendations for action by the State Bar of Texas and other entities that are or should be involved in the provision of quality representation to indigent persons involved in criminal law matters.

Since 2000, the Criminal Committee has undertaken significant projects to improve the criminal defense system in Texas. Summaries of its major activities follow:

- In December 2000, sponsored and hosted a Symposium on Indigent Criminal Defense in Texas that was attended by more than 150 national and state authorities on the criminal justice system. The symposium provided an unprecedented opportunity for an open discussion on indigent criminal defense in Texas. Judges, prosecutors, defense attorneys, county officials and state legislators, all participated. The symposium was held just prior to the beginning of the 2001 Legislative session in which the Fair Defense Act was passed. (See Tab III-8.)
- Is conducting a series of surveys of judges, prosecutors and criminal defense attorneys to ascertain their perceptions of the changes resulting from the Fair Defense Act. The results will be compared to a similar series of surveys completed by the Criminal Committee prior to the enactment of the Fair Defense Act.
- Drafted recommended standards for indigent criminal defense. The State Bar Board of Directors unanimously adopted these aspirational statements of best practices in April 2001.
- Worked with the Task Force on Indigent Defense in proposing standards for determining indigency.
- Began actively reviewing capital punishment habeas practice after the Bar’s Standing Committee on Death Penalty Litigation was merged into the Criminal Committee.
- Adopted a best practices guide for counties to use in developing an indigent defense system based on a rotation list of assigned counsel and a best practices model for a public defender system.
- Co-sponsored the National Innocence Conference in Austin in 2004.
8. Conclusion

Everyone involved in the effort to increase access to justice for poor Texans knows that there is more to be done in this ongoing campaign. The State Bar has always been committed to this endeavor and has renewed its commitment to exploring and implementing creative and effective ways to leverage its resources in support of access to justice. The State Bar looks forward to its continuing partnership with the Texas Access to Justice Commission and all the stakeholders involved promoting access to justice in Texas.

C. Texas Equal Access to Justice Foundation

The Texas Equal Access to Justice Foundation (TEAJF or Foundation) submitted this section of the report.

Texas Equal Access to Justice Foundation
Initiatives Aimed at Improving Legal Services for Low-Income Texans

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
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<tbody>
<tr>
<td>July 2004</td>
<td>TEAJF holds a meeting of Houston-area grantees.</td>
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<tr>
<td>July 2004</td>
<td>TEAJF holds a meeting of the Valley grantees.</td>
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<tr>
<td>June 2004</td>
<td>Launch of the Justice For All Texans Media Tour. Media visits conducted in Dallas, San Antonio, Austin and El Paso.</td>
</tr>
<tr>
<td>June 2004</td>
<td>Texas Equal Access to Justice Foundation undertakes marketing campaign to promote sales of the “And Justice For All” license plate. Proceeds from the sale of the plate are allocated to the Foundation for the funding of legal aid.</td>
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<tr>
<td>May 2004</td>
<td>TEAJF recognizes First American Bank (Bryan) for continuing to pay a higher than average interest rate on IOLTA accounts.</td>
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<tr>
<td>April 2004</td>
<td>TEAJF recognizes First American Bank (Dallas) for continuing to pay a higher than average interest rate on IOLTA accounts.</td>
</tr>
<tr>
<td>February 2004</td>
<td>TEAJF holds a meeting of the San Antonio grantees.</td>
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<tr>
<td>January 2004</td>
<td>TEAJF Board evaluates peer review system and decides that it should continue due to it effectiveness.</td>
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<tr>
<td>October 2003</td>
<td>The Joint Communications Committee of Texas Equal Access to Justice Foundation and the Texas Access to Justice Commission develop the first comprehensive statewide marketing plan for legal aid.</td>
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<tr>
<td>October 2003</td>
<td>Texas Equal Access to Justice Foundation and the Texas Access to Justice Commission launch the Justice For All Texans campaign. The campaign consists of a documentary video narrated by Bill Moyers, public service announcements in English and Spanish, and a media tour throughout Texas. The campaign was launched at a press conference, which include Supreme Court of Texas Justice Harriet O’Neill and Texas Attorney General Greg Abbott. The campaign runs from 2003 to 2005.</td>
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<tr>
<td>Date</td>
<td>Action</td>
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<tr>
<td>May 2003</td>
<td>Completion of the video project “Justice for All Texans,” narrated by television journalist Bill Moyers.</td>
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<tr>
<td>May 2003</td>
<td>Texas Equal Access to Justice Foundation and the Texas Access to Justice Commission hold a press conference to launch TexasLawHelp.org, a Web site designed to provide free legal information online to low-income Texans.</td>
</tr>
<tr>
<td>March 2003</td>
<td>Texas Equal Access to Justice Foundation launches its new Web site, featuring grant applications and administrative forms, important information for attorneys and financial institutions, and the latest in Foundation news.</td>
</tr>
<tr>
<td>February 2003</td>
<td>TEAJF recognizes Jefferson Bank (San Antonio) for continuing to pay a higher than average interest rate on IOLTA accounts.</td>
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<tr>
<td>November 2002</td>
<td>TEAJF coordinates a visit by the Supreme Court of Texas to the Amarillo office of West Texas Legal Services. The Court was given a tour of the Amarillo office and received comments from members of the local bench and bar about the status of Legal Aid in the community.</td>
</tr>
<tr>
<td>July 2002</td>
<td>TEAJF Board meets with newly merged LSC-funded programs and awards $1,000,000 in one-time emergency funding.</td>
</tr>
<tr>
<td>July 2002</td>
<td>Texas is chosen by the National Legal Aid and Defender Association as a pilot state for the development of a communications strategy framework. The Texas Equal Access to Justice Foundation and the Texas Access to Justice Commission hold strategic planning sessions, which include members of the legal aid community, to develop a framework to increase the visibility of legal aid.</td>
</tr>
<tr>
<td>June 2002</td>
<td>Meeting with crime victims organizations and Legal Aid providers in San Antonio and El Paso.</td>
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<tr>
<td>May 2002</td>
<td>TEAJF implements Phase I of its effort to educate approximately 10,000 attorneys with negative IOLTA accounts (service charges exceed interest earned) and 600 banks about requirements of Rule 4b.</td>
</tr>
<tr>
<td>April 2002</td>
<td>TEAJF holds a workshop to educate grantees on the new CVCLS Program.</td>
</tr>
<tr>
<td>Spring 2002</td>
<td>IOLTA Revenue Enhancement Committee implements an attorney/bank education campaign in an effort to persuade financial institutions to waive or reduce service charges on IOLTA accounts. This campaign started after several drops in the interest rate made the Bank Honor Roll program ineffective.</td>
</tr>
<tr>
<td>January 2002</td>
<td>The Supreme Court of Texas entered into an Interagency Contract with the Office of the Attorney General to administer $5 million for the Crime Victims Civil Legal Services Program. TEAJF will administer the funds for the Court. TEAJF recommends and the Court adopts CVCLS Rules.</td>
</tr>
<tr>
<td>January 2002</td>
<td>IOLTA rule change to allow IOLTA funds to be used for group representation.</td>
</tr>
<tr>
<td>Date</td>
<td>Action</td>
</tr>
<tr>
<td>-----------</td>
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</tr>
<tr>
<td>Fall 2001</td>
<td>TEAJF receives the first funds from the SBOT dues check-off access to justice fees.</td>
</tr>
<tr>
<td>Spring 2001</td>
<td>The mandatory IOLTA Compliance Statement becomes part of the Access to Justice Statement to encourage Texas attorneys to participate in pro bono services and report annually those hours and contributions.</td>
</tr>
<tr>
<td>April 2001</td>
<td>TEAJF hires a Communications Manager to carryout initiative of Joint Communications Committee.</td>
</tr>
<tr>
<td>January 2001</td>
<td>Texas Equal Access to Justice Foundation and the Texas Access to Justice Commission establish a Joint Communications Committee to collaborate on initiatives aimed at increasing public awareness and support for legal aid.</td>
</tr>
<tr>
<td>January 2001</td>
<td>TEAJF implements the new Program Assessment System, which includes Outcomes Measures.</td>
</tr>
<tr>
<td>December 2000</td>
<td>TEAJF holds a workshop to educate grantees on the new Program Assessment System.</td>
</tr>
<tr>
<td>September 2000</td>
<td>TEAJF implements the IOLTA Bank Honor Roll. The goal is to increase the yield on IOLTA accounts by establishing an elite group of Texas financial institutions that receive recognition for their commitment to improving access to justice in their community. The Honor Roll recognizes banks that pay a net yield of 2.5% or more on all IOLTA accounts.</td>
</tr>
<tr>
<td>September 2000</td>
<td>A revision is made to the BCLS rules so that BCLS funds can be used on a pro rata basis for indirect expense without tainting a program’s other revenue with the BCLS restrictions.</td>
</tr>
<tr>
<td>September 2000</td>
<td>TEAJF Board decides to organize a stakeholder committee to work on the development and implementation of a fellowship program in Texas.</td>
</tr>
<tr>
<td>September 2000</td>
<td>TEAJF holds a financial training workshop to educate grantees.</td>
</tr>
<tr>
<td>September 2000</td>
<td>A small delegation, including TEAJF’s Executive Director attend the Washington State “Access to Justice Commission” Conference. Attendance at this event was instrumental in solidifying the idea that a similar model could work in Texas.</td>
</tr>
<tr>
<td>May 2000</td>
<td>TEAJF partners with Texas Lawyers Care to hold a stakeholders meeting on access to justice issues.</td>
</tr>
</tbody>
</table>

TEAJF celebrates its 20th anniversary of existence in 2004. In 1984, the Supreme Court of Texas created the Texas Equal Access to Justice Foundation, a 501(c)(3) nonprofit corporation, to administer funding for civil legal aid for poor and low-income Texans. The Foundation is committed to the vision that all Texans will have equal access to justice, regardless of their income.
In its first grant year, 1987-1988, the Foundation granted approximately $500,000 to nonprofit organizations that provide free civil legal assistance to those who cannot afford it. Today, the Texas Equal Access to Justice Foundation is the largest Texas-based funding source for civil legal aid in the state, granting millions of dollars each year to nonprofit legal aid organizations throughout the state.

On behalf of the Supreme Court of Texas, the Foundation administers the following funds:

**Interest on Lawyers' Trust Accounts (IOLTA) Program**
The IOLTA program, established in 1984 by the Supreme Court of Texas, allows attorneys to pool short-term and/or nominal deposits made on behalf of clients or third parties into one account. Interest generated by these accounts is designated for nonprofit organizations that provide free civil legal aid. Since its inception, the Foundation has awarded more than $86 million in IOLTA funds to qualified organizations serving indigent Texas residents. (See Tab III-9.)

**Basic Civil Legal Services (BCLS) Program**
The Texas Legislature enacted the BCLS program in 1997, to supplement existing funding for legal aid. People who file lawsuits must pay a small additional fee to the court, ranging from $2 in the lower courts to $25 for suits taken to the Supreme Court of Texas. The BCLS Program also encompasses out-of-state attorneys’ fees, the annual Access to Justice Fee assessed to Texas attorneys, and proceeds from the sale of the “And Justice for All” license plates. These funds are designated to assist nonprofit organizations in providing free civil legal services to low-income Texans. Experience suggests that BCLS funds have added approximately $4 million annually to resources for civil legal services for low-income Texans. (See Tab III-10.)

**Crime Victims Civil Legal Services (CVCLS) Program**
In 2001, the Texas Legislature appropriated $5 million to the Texas Office of the Attorney General to create a program to provide free civil legal services to low-income victims of crime and their immediate family. The OAG entered into an agreement with the Supreme Court of Texas to administer the Crime Victims Civil Legal Services fund. The Foundation handles the administrative responsibilities of the fund on behalf of the Court. In 2003, the $5 million in funding was renewed for the 2004-2005 biennium.

The Texas Equal Access to Justice Foundation also receives private donations from individuals, law firms and organizations that support access to justice for all Texans, regardless of income. These donations include voluntary contributions made by Texas attorneys during the State Bar of Texas annual dues collection. (See Tab III-11.)

Through funding from the Texas Equal Access to Justice Foundation and other sources, Texas legal aid providers assist approximately 100,000 low-income Texans with their basic civil legal needs each year.
1. Litigation
In 1994, the Washington Legal Foundation (WLF) sued the board of directors of the Texas Equal Access to Justice Foundation, the administrator of the IOLTA Program, as well as the individual justices of the Supreme Court of Texas. WLF challenged the constitutionality of the IOLTA program in Texas and elsewhere. With the assistance of excellent and dedicated pro bono counsel and the national IOLTA community, the litigation finally ended on October 30, 2003 when the U.S. Court of Appeals for the 5th Circuit dismissed the lawsuit aimed at dismantling the Texas Interest on Lawyers’ Trust Accounts (IOLTA) Program. (See Tab III-12.)

2. TEAJF initiatives – 2000 and beyond
Beginning in 1998 and culminating in consensus and commitment to the long range goals set out below, the Board undertook a long range planning process that sets an agenda for the next decade. The goals identified by the Board moved the Foundation into its next stage of development.

The Board determined that it is a proper and necessary role for the Foundation to expand our focus by supporting the creation of a delivery system that opens the door to all low-income Texans in need of services. The Board has described this role as that of servant-leader. It recognizes that TEAJF can only effectively do that which the Texas Access to Justice Commission, the SBOT, the Court and the community of providers and low-income Texans support. The Board established the following goals in furtherance of its mission:

- To effectively and efficiently administer funds, and
- To encourage, coordinate, and facilitate progress toward an integrated, comprehensive legal services delivery system by:
  - Generating revenue;
  - Creating community capacity;
  - Developing collaboration; and
  - Enhancing community support.
- To measure the Foundation’s performance of each of these goals

a. Effective administration of funds
1. Grant oversight
The TEAJF Board of Directors and staff realized early on that a major role for the Foundation would be to properly evaluate the programs funded by the Foundation. The greatest benefit that the Foundation could provide to low-income Texans was to insure that IOLTA funds were awarded to organizations that were efficiently run and fully capable of providing high quality legal services to the low-income community. In that regard, the Foundation spent the late 80’s and early 90’s creating and refining its monitoring and evaluation system. In designing that system, the Board adopted the American Bar Association’s, Standards for Providers of Civil Legal Services to the Poor and the Standards for Monitoring and Evaluation of Providers of Legal Services to the Poor. Still
considered the seminal work on this subject, the Foundation continues to oversee the work of the programs it funds using this authority.

In 2001, TEAJF implemented a new program assessment system. The program assessment system incorporated outcomes measures from TEAJF grantees. The program assessment system allows TEAJF to obtain valuable information about the work of the individual grantees. (See Tab III-13.)

Additionally, TEAJF implemented a peer review system of on-site evaluation. The Foundation conducts peer review visits by staff and outside consultants, who have expertise in programs providing legal services to the poor, of those grantees that receive in excess of $150,000 annually in TEAJF funding. In 2003, TEAJF conducted peer review visits of two of the newly merged LSC-funded programs, Lone Star Legal Aid and Texas RioGrande Legal Aid. It plans on conducting a visit of the 3rd program, Legal Aid of NorthWest Texas in fall 2004.

2. Mergers of LSC-funded programs
In 2001, the Legal Services Corporation mandated that the nine LSC-funded programs be reduced to three. These mergers had significant implications to the delivery of civil legal services. At its June 2002 meeting, the TEAJF Board met with the staff and Board leadership of the newly merged programs. Although there was an expectation that there were potential cost savings, which could result from the merger, the immediate impact was an increase in costs. After an analysis of the situation, the TEAJF Board decided to provide one-time funding of $1,000,000 to the three LSC-funded programs to assist with merger-related expenses.

3. Technical assistance/support
The TEAJF Board and staff have become involved in doing more for the community of low-income Texans, the legal services providers and the cause of access to justice, than simply allocating dollars. One aim of the Foundation is to facilitate improvements in the delivery system overall and individual providers, when necessary. Providing routine technical assistance to grantees about how to improve their programmatic or fiscal operations has been an on-going role for the Foundation.

In addition to assisting with the routine operation of their programs and the execution of their TEAJF grant, the Foundation strives to assist legal services providers to address critical concerns that arise. The Foundation strives to be a resource to TEAJF-funded programs as they grapple with these issues. Since 2000, TEAJF has sponsored:

- A workshop to educate grantees on the new Program Assessment System, which included Outcomes Measures (See Tab III-14.)
An accounting training focusing on compliance with Foundation fiscal requirements (See Tab III-15.)

A CVCLS Workshop to educate grantees on the new CVCLS Program (See Tab III-16.)

A Resource Development Workshop designed to train legal services providers about how to diversify funding for their organizations (See Tab III-17.)

b. Generating revenue
   1. IOLTA revenue
      The last few years saw 12 interest rate drops, which had a significant impact on IOLTA revenue. The unexpected decline resulted in a drastic reduction in IOLTA revenue. Efforts to increase the net yield on IOLTA deposits is a perennial issue for the TEAJF Board, the goal being to increase the available resources for grants to legal services providers. Prior to those drops, the Foundation had embarked on an “Honor Roll” Campaign, which recognized those financial institutions that were paying “Gold, Silver and Bronze Rates”. However, as a result of the interest drops, it was clear that a new strategy would be necessary.

      The IOLTA Revenue Enhancement Committee decided to focus its energies on the fees being charged by banks. Through this effort, the Foundation was able to persuade many banks, including the six largest IOLTA-account holders, to waive service charges. This effort has resulted in a decrease of approximately $2.7 million in service charges during the past three years. The Foundation continues these efforts.

   2. Development and administration of other funding
      The Foundation has taken a leadership role in the development and/or administration of new revenue, including:
      a. Crime Victims’ Civil Legal Services Program
      b. Voluntary contributions from Texas attorneys on the SBOT dues statements
      c. Pro hac vice fees, which are placed in the BCLS fund. In its first year, it has generated in excess of $300,000 as of this date.
      d. Access to Justice Fee- The 78th Texas Legislature mandated that beginning in 2004, Texas attorneys will pay an annual $65.00 Access to Justice Fee, which is designated to fund civil Legal Aid and defense of indigents in criminal matters. TEAJF administers one-half of the fee.
      e. License plate proceeds- TYLA Project
      f. Private donations from individuals, attorneys and law firms

c. Creating community capacity
   The Foundation has served as a vital partner in the access to justice community as the Texas Access to Justice Commission was developed. The Foundation took a leadership role in the May 2000 planning meeting. Moreover, it participated in other planning efforts to establish the TATJC, including going to Washington State, after
which Texas modeled the ATJ, to research how it could work in Texas. TEAJF has participated in the TATJC’s various strategic planning efforts, including communications and resource development.

d. Developing collaboration
The Foundation can only be successful if it collaborates with its many partners, including the Court, grantees, financial institutions and the State Bar of Texas. The Foundation has formed new partnerships over the course of the last several years. The strongest partnership has clearly been with the Texas Access to Justice Commission. TEAJF has a liaison to the TATJC. Additionally, staff attends and reports at each meeting. In many instances, the TATJC and TEAJF engage in joint projects. Staff provides support to committees and projects of the TATJC.

The Foundation has also developed a valuable partnership with the Office of the Attorney General of Texas, particularly its Crime Victims Division, and the crime victims community. TEAJF participates in activities sponsored by the OAG, including:

- Coordinating two panels Civil Legal Resources and Human Trafficking at the Texas Crime Victim Assistance Conference in January 2004.
- Coordinating a panel on Human Trafficking at the 17th Annual Crime Victim Clearinghouse Conference in May 2004.
- Participation on the Texas Department of Criminal Justice statewide task force.

The Foundation created a Fellowship Committee, which evaluated ways to establish fellowships in Texas. As a result of the committee work, TEAJF has partnered with Equal Justice Works (EJW, formerly NAPIL) to establish two-year fellowships in Legal Aid programs throughout Texas. TEAJF has funded 6 fellowships since 2000. The TEAJF Board has authorized the funding of three additional fellows in 2005.

e. Enhancing community support
After extensive evaluation regarding the need to increase the visibility of Legal Aid in Texas, TEAJF hired a Communications Manager in 2001. The role of the Communications Manager is to assist in efforts to enhance community support, particularly financial, of Legal Aid. The Communications Manager works directly for TEAJF and also provides support to the efforts of the Texas Access to Justice Commission. She staffs the Joint TEAJF/TATJC Communications Committee. TEAJF has taken a leadership in communications efforts including:

- Securing Texas as a pilot state for NLADA’s efforts to raise the visibility of legal services to the poor.
• Launching the first comprehensive statewide public awareness campaign, which includes a documentary video, public service announcements and a statewide media tour.

The efforts to raise the visibility of Legal Aid in Texas have been a part of laying the groundwork for resource development efforts. TEAJF has taken a leadership effort in this regard by active participation in assisting with:

• Development of a Proposal to the ABA to help fund a statewide resource development plan
• Participation in interviews conducted by Dennis Dorgan for the purpose of securing the perceptions of Legal Aid in Texas and the support of legal serves to the poor
• Participation in statewide resource development meetings with partners
• Budgeting a resource development position in the 2004 TEAJF budget

At its September 8\textsuperscript{th} Board meeting, the TEAJF Board of Directors will be discussing \textit{A Framework for Resource Development}, a resource development plan created by Dennis Dorgan, and deciding on the staffing of the Resource Development position.

\textbf{The Court is a Key Player}

Under Chief Justice Phillips’ leadership, and with the assistance of the Court’s liaisons to TEAJF, the Court has been responsive to issues presented by the Foundation. This leadership has been key to the Foundation’s success in the administration of funds to create community capacity to provide legal services for low-income Texans. Additionally, it has been a critical part of progress made toward the vision of equal access for low-income Texans. The Foundation looks forward to the Court’s continued commitment to these issues.

\textbf{D. Texas Bar Foundation}

The Texas Bar Foundation supports access to justice efforts in Texas primarily by providing grants to legal services programs for special projects. The Bar Foundation will submit written comments to the Court.