



The Supreme Court of Texas

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June 1, 2011

Hon. Royce West
Texas State Senate
Texas Capitol

Dear Senator West:

For its own integrity's sake, the civil justice system must be available to every Texan victimized by domestic violence, to each veteran wrongly denied the benefits our country has promised, and to all families who have paid their bills but are nevertheless evicted from their homes. These situations occur in Texas. But under current funding sources, we can reach less than one-fourth of those in need.

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

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

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

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

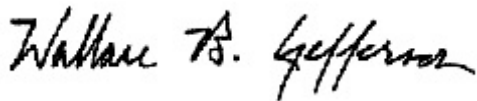
work; the legal aid lawyers help when they can, and enlist the services of private attorneys who donate their time and money to provide free assistance. When legal aid organizations perish through lack of funding, the portal through which clients are aligned with private attorneys will collapse.

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

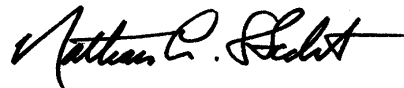
Some consider this Court conservative. Conservative principles do not call for the rule of law to be denied the most vulnerable members of our community. The civil justice system is where people can claim for themselves the benefits of the rule of law. It is where the promises of the rule of law become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

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

Sincerely,



Wallace B. Jefferson
Chief Justice



Nathan L. Hecht
Justice