

RESOLUTION SUPPORTING FUNDING FOR CIVIL LEGAL AID IN TEXAS

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

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

WHEREAS, the most recent U.S. Census reports that more than 5.7 million Texans qualify for civil legal aid to the poor

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

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

WHEREAS, historically low interest rates have dramatically reduced funding for the IOLTA program from \$20.1 million in 2007 to approximately \$4.4 million in 2012, and has created a more than 75 percent loss in funding for civil legal services since 2007

WHEREAS, an additional annualized loss of \$6.1 million in federal funding for legal services occurred in 2012 with funding cuts to the Legal Services Corporation

THEREFORE, BE IT RESOLVED that the Board of Directors of the Smith County Bar Association supports the request of \$17.6 million for the biennium from the Texas Legislature to bridge the loss of IOLTA funding and supports the Texas Access to Justice Commission and Foundation proposals for additional funding for basic civil legal services.

SIGNED this 27th day of February, 2013



Randall J. Cook, President