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Two Bills Would Shift Money to Civil Legal Aid

Funding for legal aid services for indigent Texans could get a boost if the Legislature passes two bills that committees in the House and Senate considered separately on March 18.

Angela Morris

Texas Lawyer

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Funding for legal aid services for indigent Texans could get a boost if the Legislature passes two bills that committees in the House and Senate considered separately on March 18.

The bills would allow more money collected by the Texas attorney general in some actions to fund civil legal aid. The Senate State Affairs Committee voted 7-0 to pass [Committee Substitute Senate Bill 635](#) to the full Senate. The House Judiciary & Civil Jurisprudence Committee heard testimony but didn't vote on its companion, [House Bill 1445](#).

CSSB 635 author Sen. Robert Duncan, R-Lubbock, explained to members of the Senate committee that traditional funding sources for indigent legal-aid have declined drastically because of the poor economy. The 81st Legislature passed a bill to allow the attorney general to transfer certain funds to the Texas Supreme Court for legal aid, he said.

The bills tweak that funding mechanism. Currently, the funding, capped at \$10 million, comes from civil penalties recovered by the attorney general in suits under the Deceptive Trade Practices Act (DTPA). The bills would increase the cap to \$50 million and expand the source to include civil restitution in actions under consumer-protection, public-health or general-welfare laws. The restitution would go to legal aid only if a court couldn't disburse it to injured parties or funds remained after a payout to parties.

Testifying about CSSB 635 before the Senate State Affairs Committee, Texas Supreme Court Justice Eva Guzman said that, although the amount the AG recovers is "uncertain" and could be less than \$50 million, it would be a "godsend" to legal-aid providers to share large recoveries when they come.

Jim Sales, chairman emeritus of the Texas Access to Justice Commission, told the House Judiciary & Civil Jurisprudence Committee that the Legislature in 2009 and 2011 provided general revenue for civil legal aid.

"The bill before this committee seeks to develop further funds, because we were told last year by many members, both in the House and Senate, we need alternatives that would not involve general revenue, because of the budgetary restraints," said Sales, of counsel at Fulbright & Jaworski in Houston.