

RESOLUTION SUPPORTING FUNDING FOR CIVIL LEGAL AID IN TEXAS

WHEREAS, 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 Texas Disciplinary Rules of Professional Conduct preamble 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 "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 3.9 million people live below the poverty level in Texas, and more than 5.1 million qualify for civil legal aid to the poor

WHEREAS, Texas currently ranks 43rd in the nation in overall funding for legal services and there is an estimated one legal aid attorney for every 11,500 low income Texans

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

WHEREAS, the Texas Access to Justice Foundation ("the 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 the poor and is the leading state funder for civil legal aid in Texas.

WHEREAS, the drop in interest rates has brought the IOLTA Program from \$20.1M in FY 2007 to \$12.2M in FY 2008 and is now estimated to drop to \$1.5M in FY 2010 and 2011 and would need \$37 million to offset the anticipated shortfall

WHEREAS, Texas Supreme Court Chief Justice Jefferson has made a request to the Texas Legislature for 37 million to offset the loss of IOLTA funds

WHEREAS, The Foundation is the most appropriate vehicle to allocate appropriate revenues including federal stimulus funds that can be used to fund civil legal aid to the poor

THEREFORE, BE IT RESOLVED that the Smith County Bar Association supports Chief Justice Jefferson's request to the Texas Legislature for 37 million to be allocated to bridge this loss of IOLTA funding and awarded to the Foundation

SIGNED this 20 day of March, 2009

