

RESOLUTION SUPPORTING CIVIL LEGAL AID IN TEXAS

WHEREAS, the Texas Young Lawyers Association embraces the principle that justice is to be accorded equally to everyone in our nation without regard to their ability to afford legal services; and

WHEREAS, the Texas Young Lawyers Association 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"; and

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 further states 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"; and

WHEREAS, the most recent U.S. Census reports that 3.9 million people in Texas live below the poverty level, and that more than 5.1 million people in Texas qualify for civil legal aid to the poor; and

WHEREAS, Texas currently ranks 43rd in the nation in overall funding for legal services; and

WHEREAS, low income Texans are more often the most vulnerable individuals in our communities - the elderly, persons with disabilities and victims of domestic abuse; and

WHEREAS, for many poor Texans, access to legal help is all that stands between them and homelessness, personal safety, and the ability to put food on their table and provide shelter for their children; and

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 state's leading source of funding for civil legal aid; and

WHEREAS, it is estimated that there is one civil legal aid attorney for every 11, 500 low income Texans; and

WHEREAS, the drop in interest rates has dramatically reduced the amount of IOLTA funding available for distribution by the Texas Access to Justice Foundation from \$20.1M in FY 2007 to \$12.2M in FY 2008 and now to an estimated \$1.5M in FY 2010 and FY 2011; and

WHEREAS, Texas Supreme Court Chief Justice Jefferson has made a request to the Texas Legislature for \$37M from general revenue needed to offset the loss of IOLTA funds; and

WHEREAS, the Texas Young Lawyers Association President Sylvia Cardona has called upon all lawyers in Texas to increase the number of pro bono cases they handle each year.

THEREFORE, BE IT RESOLVED that the Texas Young Lawyers Association supports increased funding for legal services to the poor in Texas, and calls upon all Texas attorneys to take action to increase the availability of equal justice for all.

SIGNED this 2 day of May, 2009