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May 12, 2009

Senator Kevin Eltife
Texas Senate
P.O. Box 12068 - Capitol Station
Austin, TX 78711-2068

RE: Funding for Civil Legal Aid in Texas

Dear Senator Eltife:

I serve as President of the Texarkana Bar Association representing 264 members in the Texarkana area. One of the areas of greatest concern to our membership is the availability of civil legal services to poor members in our community.

Currently, nonprofit legal aid programs in Texas which includes staff and pro bono attorneys, are only able to meet 20% of the legal programs facing poor Texans. As dire as that is, the situation is about to get worse because of the staggering decline in IOLTA revenue which will result in a serious decline in IOLTA dollars available to fund the legal aid delivery system. As you know, without legal aid there are no options for those who can barely meet their most basic needs.

The Texarkana Bar Association has adopted the attached Resolution in support of the request by Chief Justice Jefferson for \$37 million dollars in funding to support the legal aid program during this time of crisis. We understand that there are many priorities, but legal aid is the only safety net for low-income Texans seeking protection from domestic violence, the elderly and disabled trying to obtain essential benefits and homeowners and tenants facing wrongful foreclosures and evictions. Now, more than ever, we need legal aid.

Thank you for your attention to this very important matter.

Sincerely,



Robert W. Weber
President, Texarkana Bar Association

RWW/mh
Enclosure

cc: Harper Estes, President, State Bar of Texas
Jim Sales, Chair, Texas Access to Justice Commission
Richard L. Tate, Chair, Texas Access to Justice Foundation
Justice Harriet O'Neill, Supreme Court of Texas

RESOLUTION SUPPORTING FUNDING FOR CIVIL LEGAL AID IN TEXAS

WHEREAS, the Texarkana Bar Association, embraces the principals 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, in the 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 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 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 Texas, 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.

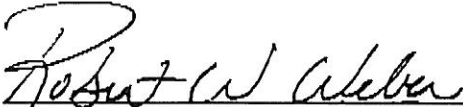
WHEREAS, the Texas Access to Justice Foundation was created by Supreme Court Order in 1984 to administer the Interest on Lawyers' Trust Accounts (IOLTA) program to fund nonprofit organizations that provide free civil legal aid to low-income Texas and is the leading state funder for civil legal aid in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

WHEREAS, the drop in interest rate 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 for a Biennium to offset the anticipated shortfall.

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

THEREFORE, BE IT RESOLVED that the Texarkana Bar Association supports Chief Justice Jefferson's request to the Texas Legislature for \$37 million from general revenue and request such funds be allocated to bridge this loss IOLTA funding.

SIGNED this 12th day of May, 2009.


Robert W. Weber
President, Texarkana Bar Association