



TEXAS

ACCESS TO JUSTICE COMMISSION

# UPDATE

December 2007

## When You Think of Giving, Think Legal Aid

The holidays often remind us of the importance of giving to those who are less fortunate. While basic necessities such as food and clothing are vital, also critical is access to legal aid. In Texas, half of all qualified applicants are turned away from legal aid, because there are not enough resources to meet the need. Legal aid organizations need more funding to help low-income Texans attain access to the justice system.

In this issue of Update, you will note the inclusion of a donation envelope. Funds raised through this mechanism will be granted by the Texas Access to Justice Foundation to legal aid organizations throughout Texas. These organizations annually help 100,000 low-income Texans with their civil legal problems.

If you are looking for other

ways to give, there are many opportunities throughout the year to make a difference in the lives of low-income Texans. Below are various ways you can have a significant impact on the delivery of legal aid.

### Local Donations

Local legal aid programs desperately need more funding so that they can help more clients who need legal services. Consider making a contribution directly to a legal aid organization in your area. For a list of programs by county, visit [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

### "And Justice For All" License Plate

For the low price of \$30, you can purchase the "And Justice for All" specialty license plate for your car, demonstrating your commitment to

equal justice under the law. Proceeds from the sale of the plate (\$22) go to the Texas Access to Justice Foundation and benefit civil legal aid in Texas.

### Voluntary Access to Justice Contribution

Every year, Texas lawyers can make a voluntary Access to Justice Contribution when paying their State Bar of Texas dues. This donation of \$100 or more helps to provide civil legal aid to low-income and poor Texans.

### Pro Bono

The State Bar of Texas suggests an aspirational goal of 50 or more hours of pro bono work each year. As part of your New Year's resolution, commit to take at least one pro bono case in 2008. It could be the most rewarding thing you've ever done. For attorneys interested in doing pro bono work or organizations that might need assistance in facilitating pro bono involvement, visit [www.TexasLawyersHelp.org](http://www.TexasLawyersHelp.org).



## Corporate Counsel Committee Supports Pro Bono

The Texas Access to Justice Commission's Corporate Counsel Committee, chaired by ExxonMobil General Counsel Charles Matthews, has been working diligently to involve more corporate and in-house attorneys in legal aid and pro bono activities.

The Committee is creating a how-to manual for corporate legal departments interested in doing pro bono. The manual will help legal

departments start their own organized pro bono program and will include information on the structure of pro bono programs, as well as accompanying policies.

Matthews will be the featured speaker at the 30th Annual Corporate Counsel Institute, which will be held in Houston February 7-8 at the Westin Galleria and in Dallas February 28-29 at the Belo Mansion. His speech will focus

on the Commission's efforts to promote pro bono involvement. The presentation will lead into a discussion about pro bono with Hong Tran of the Texas Access to Justice Commission and Frances Leos Martinez with Texas C-Bar. In Houston, they will be joined by Samara Salmon of Shell, a volunteer with the Houston Volunteer Lawyers Program. In Dallas, they will be joined by Laney Vazquez of BP and

Michelle Alden of the Dallas Volunteer Attorney Program. The Institute is hosted by the State Bar of Texas Corporate Counsel Section, chaired by Luis Garcia of McClane Company.

To learn more about corporate counsel efforts, visit the Corporate Counsel Committee's Web page at [www.texaslawyershelp.org/corporatecounsel/index.cfm](http://www.texaslawyershelp.org/corporatecounsel/index.cfm).

# Chair's Report

By James B. Sales, Commission Chair



The holiday season is upon us once again. As you celebrate this

wonderful time of year, take a few moments to consider how very fortunate we are to be members of the legal profession and proud defenders of a justice system that is the envy of much of the world. As law students we were taught early on about the rule of law and the fact that our society is based on this straightforward, yet profound principle. The rule of law, as we learned, defines who we are as a society and as a people. A

society founded on the rule of law necessarily contemplates that all citizens have equal access to the justice system.

Lawyers are the gatekeepers for the justice system. As noted by Benjamin Cardozo, "Membership in the bar is a privilege burdened with conditions. An attorney is received into that ancient fellowship for something more than private gain. He becomes an officer of the court and, like the court itself, an instrument or agent to advance the ends of justice."

There are countless thousands in our society who futilely struggle to solve their most serious personal problems with no realistic hope or

expectation of gaining access to the justice system. The despair of those with no hope is an unfortunate reality and is tragic in its consequences. In the context of these enormous problems, the failure to help does not comport with a lawyer's professional responsibility. Unless all lawyers actively participate in providing legal help, these hapless and desperate Texans will continue to be denied meaningful access to our justice system.

There exists in every major geographic area of the state numerous established pro bono programs that desperately need more lawyer participation and more

resources to meet the most pressing and urgent needs of those seeking legal help. Many of you already are engaged in that effort, and I applaud your commitment.

Unfortunately, we have not yet fully energized all members of our profession to become involved in and to participate in helping alleviate this tragic reality. Too often, we hear the refrain, "I want to help but the demands of my practice and law firm, coupled with the demands of family prevent my participation in pro bono work." Inaction should never be an acceptable option for a

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## TLC 25th Anniversary Celebration a Success

The Texas Access to Justice Commission hosted a Celebration on October 4th in honor of the 25th Anniversary of Texas Lawyers Care, the pro bono and legal aid support department of the State Bar of Texas. All the proceeds – \$186,000 – went to the Texas Access to Justice Foundation.

More than 300 people, including supporters from law firms of all sizes, legal aid programs, the state and federal judiciary, and corporations, attended The Texas Lawyers Care Celebration. The evening included a reception, dinner and dancing with live music by Rotel and the Hot Tomatoes.

At the event, the Texas Access to Justice Commission and Texas Lawyers Care honored two individuals for their long-standing dedication to ensuring that low-income Texans have access to

the justice system. Betty Balli Torres, executive director of the Texas Access to Justice Foundation, and Emily Jones, executive director of the Texas Access to Justice Commission, received "Star of Justice" awards for their leadership and ongoing commitment to the legal aid community.

The Commission also gave the State Bar of Texas a special recognition plaque for its support of Texas Lawyers Care and its commitment to legal services for the poor. The State Bar of Texas and the federally funded Texas legal aid programs established Texas Lawyers Care in 1982 to encourage and support pro bono work among attorneys.

Deborah Hankinson, with the Law Offices of Deborah



*Emily Jones, recipient of the Commission's Star of Justice Award.*



*James and Beuna Sales with Judge William Wayne Justice (center).*



*Betty Balli Torres, recipient of the Commission's Star of Justice Award.*



*l-r: Jim Harrington of the Texas Civil Rights Project and Charles Matthews of ExxonMobil.*

Hankinson in Dallas, and Bill Whitehurst, with Whitehurst Harkness Ozmun

& Brees in Austin, served as the Celebration Host Committee co-chairs.

# Prime Partner Banks Can Help Offset Interest Rate Drop

By Richard L. Tate, Foundation Chair



The Supreme Court of Texas amended the Interest on Lawyers'

Trust Accounts (IOLTA) rules to require attorneys to place IOLTA accounts at eligible banks—those that pay interest rates on IOLTA which are comparable to the rates they pay other similarly situated accounts.

Just in time for the fruits of this labor to be realized, the Federal Reserve has lowered the interest rate and may do so again in the near future. To offset this

loss, it is now more important than ever to bank at a Prime Partner Bank.

Prime Partners go above and beyond IOLTA eligibility requirements by paying at least 70 percent of the Federal Funds Target Rate. By doing so, they are ensuring that more funding is generated for legal aid. The cover story of Update presents ways in which you can make a difference in access to justice for low-income Texans. Keep in mind that you can make a significant impact on IOLTA revenue, thereby increasing resources for legal services, by banking at one of the following Prime Partner banks:

**Access 1st Capital Bank** (Denton); **Amegy Bank of Texas** (Statewide); **Capital Bank** (Houston); **Citibank Texas** (Statewide); **Comerica Bank** (Statewide); **Compass Bank** (Statewide); **Coppermark Bank** (Plano); **Crosby State Bank** (Crosby); **Dallas City Bank** (Dallas); **First International Bank** (Plano); **First National Bank of Bosque County** (Valley Mills); **First State Bank** (New Braunfels); **First Victoria National Bank** (Victoria); **Green Bank** (Houston); **LegacyTexas Bank** (Plano); **Lindale State Bank** (Lindale); **NexBank** (Dallas) **North Dallas Bank & Trust** (Dallas);

**OmniAmerican Bank** (Forth Worth); **PlainsCapital** (Statewide); **Security State Bank** (Littlefield); **State National Bank** (Lubbock); **Sterling Bank** (Statewide); **Texas Brand Bank** (Garland); **Town North Bank** (Dallas); **VisionBank Texas** (Richardson).

For more information about the IOLTA Prime Partner Program, visit the Texas Access to Justice Foundation Web site at [www.teajf.org](http://www.teajf.org).

## Access to Justice Internship Program

The Access to Justice Internship Program is a project created by the Law School Advisory Committee of the Access to Justice Commission. Established to increase law school involvement in access to justice issues, the Committee is comprised of the deans of each of the nine Texas law schools. The Committee developed the Access to Justice Internship Program in order to involve law students in legal aid and increase needed legal services to underserved areas.

The internships place law students in a legal aid office for the summer in areas where there is not a nearby law school. The 2007 internship program was funded through a grant to the University of Texas Law School's Justice Center from

the Texas Bar Foundation and through a gift from attorney and best-selling author John Grisham.

In preparation for the internship, the students attended an orientation, which began with a presentation by Justice Harriet O'Neill at the Supreme Court of Texas in Austin. The students then participated in a two-day training program held at the UT Law School. Following the orientation, the 14 interns were placed for seven to ten weeks in East Texas and South Texas at the Texas Civil Rights Project and in multiple offices of Lone Star Legal Aid and



Texas Supreme Court Justice Harriet O'Neill with 2007 interns.

Texas RioGrande Legal Aid.

Christopher Weimar, a student at UT Law School who spent his summer at the Weslaco office of Texas RioGrande Legal Aid, described how the opportunity to "meet real clients, work on real cases and observe excellent attorneys on the job" impacted him.

Weimar stated, "I returned to school this fall with a better understanding of how the legal system operates and, more importantly, reminded of why I came to law school in the first place."

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### Chair's Report

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member of our profession.

Moreover, mere placatory words, rather than action, do not satisfy a lawyer's professional responsibility. The early Greek philosopher Demosthenes observed, "You cannot have a proud and chivalrous spirit if your conduct is mean or paltry; for whatever a man's actions are, such must be his spirit." Actions, not words, reflect the true inner spirit of an individual.

Perhaps it would be appropriate for each of us to take an inventory of our service on behalf of the public interest and the enhancement of the ends of justice during this holiday season.

This is a time of giving and sharing, of renewal and celebration. What better time to make a commitment to increasing access to justice for all? As you contemplate your New Year's resolutions, consider doing something more meaningful than getting more exercise or losing a few extra pounds. Rather, resolve to take a pro bono case, to make a financial donation to your local legal aid or pro bono program, or to volunteer to help make access to justice a reality for someone in need. And then, do it. You'll be glad that you did.

### Texas Access to Justice Foundation Gives Betty Balli Torres Kleinman Award



*Texas Supreme Court Justice Harriet O'Neill presents Kleinman Award to Betty Balli Torres.*

The Texas Access to Justice Foundation has awarded Betty Balli Torres the prestigious Harold F. Kleinman award for her outstanding contributions to legal aid. The award was presented to

Torres at the Foundation's annual luncheon with the Supreme Court of Texas on October 18.

Torres has served as the Foundation's executive director for six years. She has dedicated her life to public interest work, starting her career as a staff attorney at Legal Aid of Central Texas (now Texas RioGrande Legal Aid) in 1987. She has since held various direct service and administrative public interest positions through the state.

The Kleinman Award is named after former Texas Access to Justice Foundation Chairman Harold F. Kleinman.