



TEXAS

ACCESS TO JUSTICE COMMISSION

# UPDATE

September 2007

## ATJ Technology Committee Supports Legal Aid

The Texas Access to Justice Commission identified technology as one of the most pressing issues facing the legal aid community in Texas. The Commission established the Technology Committee to identify the technological resources that are utilized among legal aid providers and determine how best to improve those resources.

Jeff Edwards, attorney with Whitehurst Harkness Ozmun & Brees and member of the Commission, chairs the Technology Committee and is proud of the progress the committee has made.

"Technology is a vital tool in the efficacy and efficiency of legal aid, so we are working toward solutions that raise the level of legal aid organizations' technological capabilities," Edwards said.

The chief information officers of Andrews Kurth, Baker Botts, Bracewell & Giuliani, Fulbright & Jaworski, and Vinson & Elkins were

recruited to the committee and are lending their unique and comprehensive expertise to ascertain the technology needs and recommend viable solutions.

The committee's Technology Work Group, led by Kirk Scruggs, director of information technology at Bracewell & Giuliani, determined that some legal aid organizations did not have basic computer equipment, such as CPUs and monitors. The Technology Work Group conducted research and compiled a report outlining the technological needs of the legal aid community. The Texas Access to Justice Foundation has committed funds to assist legal aid organizations in meeting their technology needs.

Another issue of particular concern is the case management systems used throughout the legal aid community. The Case Management Systems Work Group, led by Scott Preston, chief information



L-R: Technology Committee members Dennis Van Metre, Chief Technology Officer, Vinson & Elkins; Kirk Scruggs, Director of Information Technology, Bracewell & Giuliani; Lynn McGuire, Chief Information Officer; Andrews Kurth; J. Mark Hendrick, Director of Information Technology, Baker Botts. Not pictured: Scott A. Preston, Chief Information Officer, Fulbright & Jaworski

officer at Fulbright & Jaworski, is evaluating existing systems and determining the feasibility of utilizing one system among all legal aid providers.

The Training Work Group, led by Lynn McGuire, chief information officer at Andrews Kurth, and comprised of IT instructors from the participating firms, developed a training program to teach legal aid providers how to effectively use technology to better serve low-

income clients. Volunteers have provided training to Foundation grantees on the use of Microsoft Word in a legal environment. The trainings, conducted in Austin, Dallas, San Antonio and Houston, have been very successful and well received. As one participant stated, "I have worked with Word for many years, but I learned so many different and new things that I can apply to current projects at work."

## Texas Lawyers Donate \$516,000 to Legal Aid

Texas attorneys have made it clear that they are committed to ensuring low-income Texans have access to civil legal aid – lawyers throughout the state have contributed more than \$516,000 to legal aid via the

voluntary contribution option on the State Bar of Texas dues statement.

In 2003, the Texas Access to Justice Commission began awarding the Deborah G. Hankinson Access to Justice Awards to local bar asso-

ciations and Texas Young Lawyers Association (TYLA) affiliates in the cities with the highest percentage of attorneys donating to legal aid. The Hankinson Awards are named for former Supreme Court of Texas Justice

Deborah Hankinson.

The 2007 award winners are the Austin Bar Association; Kerr County Bar Association; Austin Young Lawyers Association; and Corpus Christi Young Lawyers Association.

### Did you KNOW?

58 percent of Texas attorneys provided an average of 43 hours of pro bono legal services to the poor in 2006.

# Chair's Report

By James B. Sales, Commission Chair



Access to justice is an enormous problem for society. Because our society

is based on the fundamental principal of the supremacy of the rule of law, a lack of access undermines this foundational premise. Today, there are approximately 3.9 million Texans living in poverty who cannot afford legal representation.

As members of the legal profession, we alone are licensed by the Texas Supreme Court as officers of the court.

This license to practice law confers a unique and precious privilege to a select group of individuals in society. This privilege, just like every other special privilege conferred by society, is encumbered with corresponding responsibilities. These responsibilities make lawyers the gatekeepers for the justice system. As Dean Roscoe Pound notes, "Pursuing the learned art in the spirit of a public servant is the primary purpose." This is the corresponding obligation of lawyers.

Those who need and are seeking the services of a lawyer are not some name-

less, faceless people who reside in our communities. These are spouses and children facing domestic violence, serious neglect or worse; they are the elderly who are denied critical medical, disability and related benefits; they are men and women who work in virtual indentured servitude, unable to collect wages earned to support their families. They are the vulnerable of our communities who too often are taken advantage of and scammed of their savings, and they are those wrongly evicted by the unscrupulous or denied housing required

for their families.

Despite the collective effort of the major legal aid providers and the various statewide pro bono providers, the legal profession currently handles approximately 20-25 percent of the legal problems of those seeking help. It is frustratingly obvious that only with the participation of all members of our profession can we reasonably hope to solve this problem. It is difficult to see how this problem can be solved otherwise. We can do better – we must do better!

(continued on back page)

## Texas Lawyers Care 25th Anniversary Celebration

October 4, 2007, 7:00 p.m.

Bob Bullock Texas History Museum  
Austin, Texas

Make plans to attend the 25th Anniversary Celebration of Texas Lawyers Care, the State Bar's pro bono/legal services support department. The event, hosted by the Commission, is being held to honor Texas Lawyers Care for 25 years of service helping low-income Texans gain access to our justice system.

Join us for an exciting evening of dinner, dancing and live music! There is still time to sponsor or purchase tickets to attend. For more information, visit [www.texasbar.com/tlccelebration](http://www.texasbar.com/tlccelebration). All proceeds benefit the Texas Access to Justice Foundation, which funds legal aid organizations throughout Texas. The TLC Celebration is sponsored by:

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### Change Key

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## Commission Hosts Evidence Academy for Legal Aid Lawyers

The Texas Access to Justice Commission hosted the Evidence Academy in Austin May 17-18 for legal aid attorneys. The Evidence Academy, held at The University of Texas Law School, gave legal aid attorneys the opportunity to enhance their skills and knowledge regarding the rules of evidence, as well as techniques and strategies for presenting evidence in court.

Fifty-eight staff attorneys from legal aid organizations throughout Texas attended the two-day, interactive seminar, which included lectures, mock court proceedings, and Q&A sessions. Evidence Academy faculty demonstrated trial skills through mock hearings, and answered questions from participants about style and technique.

Members of the elite



Clockwise: Evidence Academy faculty Lynn Liberato, Dan Bishop, Steven Goode (with Academy participant)

American College of Trial Lawyers donated their time to share their extensive trial knowledge and skills with the front-line lawyers who advocate for the poor. Dan Bishop of Bishop London Brophy & Dodds, P.C. in Austin served as the course director for the Evidence Academy.

# Texas Access to Justice Foundation Persuades 535 Banks to Become IOLTA Eligible

By Richard L. Tate, Foundation Chair



In December 2006, the Supreme Court of Texas approved a rule mandating that Texas attorneys place their IOLTA accounts in "eligible" financial institutions, or those that pay interest rates comparable to rates paid on similarly situated non-IOLTA accounts. The rule was designed to elicit equitable treatment from banks on Interest on Lawyers' Trust Accounts (IOLTA),

thereby generating more funds for legal aid. The Texas Access to Justice Foundation had until June 1 to ensure the eligibility of financial institutions holding Texas IOLTA accounts. As of that date, the Foundation had persuaded 535 financial institutions in Texas to become eligible institutions.

The Texas Access to Justice Foundation expects interest earned on IOLTA accounts to potentially double or triple due to the new rule.

The following banks have signed on to the IOLTA

Program at the Prime Partner level, which means they pay at least 70 percent of the federal funds target rate on IOLTA accounts:

**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); **Liberty Federal Savings Bank** (Dallas); **Lindale State Bank** (Lindale); **NexBank** (Dallas); **North Dallas Bank & Trust** (Dallas); **OmniAmerican Bank** (Fort Worth); **PlainsCapital** (Statewide); **Redstone Bank** (Houston); **Security State Bank** (Littlefield); **State National Bank** (Lubbock); **Texas Brand Bank** (Garland); **Town North Bank** (Dallas).

The complete list of eligible banks can be found at [www.teajf.org](http://www.teajf.org).

## Foundation Announces Grant Awards

The Texas Access to Justice Foundation recently awarded grants for the 2007-2008 grant year. The Foundation will grant \$18,092,500 to 40 legal aid organizations throughout Texas.

New grantees include:

- Catholic Charities of Central Texas, which provides legal services in Waco and the surrounding area.
- Boat People SOS, which provides legal assistance to victims of crime, particularly victims of domestic violence, in the Vietnamese community in Harris County.
- Earl Carl Institute for Legal and Social Policy at Texas Southern University School of Law, which is launching a legal clinic focused on the legal needs of low-income minorities in the Harris County area.

For a complete list of grant awards, visit [www.teajf.org](http://www.teajf.org).

## Foundation's Annual Grantee Meeting a Success



*Gib Walton, State Bar of Texas president, discusses Bar initiatives related to access to justice.*

The Texas Access to Justice Foundation hosts an annual meeting with its grantees to discuss issues of importance to the legal aid community and to ascertain challenges the community faces. This year's meeting was held at the office of Andrews Kurth, LLP in Houston and gave legal aid providers the opportunity to share with each



*Jeff Edwards, chair of the Commission's Technology Committee*

other means for addressing challenges, as well as methods by which to expand collaboration.

At the meeting, consultant John Tull presented information about the new American Bar Association Standards for the Provision of Civil Legal Aid. The document is offered to provide thoughtful and practical guidance on how

legal aid efforts can best succeed.

Texas Access to Justice Commission Chairman James B. Sales discussed with legal aid providers how the Commission is endeavoring to augment the service delivery system. The Commission's Technology Committee, chaired by Jeff Edwards, conducted breakout sessions to discuss legal aid intake systems. Randy Chapman, executive director of the Texas Legal Services Center, and Anthony Haley, partner in Haley Romero Winick & Kroll, provided an update to attendees on the 80th Texas Legislative Session and the issues that will impact legal aid organizations and their clients.

## Commission Members and Staff

### Members

James B. Sales, *Chair, Houston*  
Martin D. Beirne Jr., *Houston*  
Jeff Edwards, *Austin*  
Hon. Rodney G. Ellis, *Austin*  
Mary Faithfull, *Austin*  
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### Staff

Emily Jones,  
*Executive Director*  
Newsletter Executive Editor

### Chair's Report

*(continued from page 2)*

The Commission has formulated and is currently implementing a number of major statewide initiatives to address the lack of access to the justice system. Success of these ambitious initiatives is inextricably linked to and dependent on all members of our profession accepting a proprietary responsibility for helping to solve this problem. As Dean Pound observed, making an appropriate living practicing law does not absolve anyone from the inherent obligation to serve the public good. Service to those economically disadvantaged is an integral part of that obligation.

President John Fitzgerald Kennedy may have summed it up best in a speech he gave to a Joint Convention of the General Courts of the Commonwealth of Massachusetts just prior to his inauguration in January of 1961, when he quoted the book of Luke, chapter 12, verse 48, "For of those to whom much is given, much is required." We are a part of that privileged group to whom much has been given and from whom, as members of the legal profession, much is required.

### Pro Bono Project Competition for State Bar Sections

The Supreme Court of Texas Task Force to Expand Legal Services Delivery and the Texas Bar Foundation will award \$1,000 to each of the three State Bar of Texas sections with the best statewide pro bono projects. As identified by the State Bar, large-, medium- and small-sized sections will compete against other similarly sized sections to develop and implement statewide pro bono projects that promote legal assistance to underserved populations and encourage private attorneys to engage in pro bono legal work.

The competition was developed to encourage State

Bar sections to create self-sustaining pro bono projects that motivate lawyers from specialized practice areas to serve the indigent in Texas. To qualify, the projects must utilize the sections' legal expertise to directly benefit poor communities in Texas. The projects must be implemented between June 2007 and February 2008.

The three \$1,000 prizes will be reinvested exclusively into the winning sections' pro bono programs for the following year.

Beginning January 2008, nomination forms will be available at [www.TexasATJ.org](http://www.TexasATJ.org).