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Make it Significant: Supporting Legal Aid to Close the Justice Gap in Texas

By SARA FOSKITT, FOSKITT LAW OFFICE

Each year when attorneys dutifully pay our State Bar dues, we simultaneously verify that we comply with the Interest on Lawyers' Trust Accounts — or IOLTA — rules. Created in 1984, IOLTA was intended to supply legal aid programs with adequate funding by transferring the interest on trust accounts to the Texas Access to Justice Foundation. According to their website, the Foundation grants millions of dollars per year to approximately 40 organizations statewide that provide free civil legal assistance to low-income Texans. Unfortunately, due to lowered interest rates, funding through IOLTA has been significantly



(From left) Justice Nathan Hecht, Rep. Senfronia Thompson, Governor Rick Perry, Sen. Robert Duncan, Chief Justice Jack Pope, and Chief Justice William Jefferson at the signing of HB 1445, named Chief Justice Jack Pope Act. Photo courtesy of the State Bar of Texas

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Supporting Legal Aid

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lower than in the past and woefully inadequate as a funding source on its own. Additionally, severe cuts at the federal level are further stressing the budgets of legal aid programs such as Texas RioGrande Legal Aid, Lone Star Legal Aid, and Northwest Texas Legal Aid.

Thankfully, after the recent legislative session, Texas Governor Rick Perry signed the "Chief Justice Jack Pope Act," which restored \$4.6 million dollars of previously-cut funding and additionally budgeted \$13 million for the general revenue of the Foundation. Nearly 30 years ago, Chief Justice Jack Pope signed the original Supreme Court Order authorizing the IOLTA program. At 100 years old, Chief Justice Pope attended the Governor's signing of the bill into law.

These funds are necessary to provide legal aid to more than 100,000 low-income Texans and their families annually. However, more needs to be done. According to the Foundation, currently about 5.7 million Texans qualify for legal aid. The poor economy has caused this number to grow, and more assistance is needed.

The Foundation lists these staggering statistics on its website (www.teajf.org):

- Approximately one legal aid lawyer is available for every 11,150 Texans who qualify.
- Only about 20 to 25 percent of the civil legal needs of low-income and poor Texans are being met.
- For every one person helped by legal aid, a qualifying individual is turned away.

These statistics are just the beginning. To qualify for legal aid, an individual must make less than \$14,363 per year, with an income cap of \$29,438 for a family of four. While the number of people who qualify is in the millions, the number who don't qualify — but still can't afford a lawyer — is even greater. These programs urgently need our help.

As attorneys, we are urged to donate annually in support of pro bono legal services, as well as directly provide pro bono services to those in need. I recently decided to take it a step



Texas Access to Justice Commission Executive Director Trish McAllister (left) and Texas Access to Justice Foundation Executive Director Betty Balli Torres with Chief Justice Jack Pope.

Photo courtesy of the State Bar of Texas

further. In addition to my law firm, I also own a real estate company. **I have pledged 25% of my real estate commissions to support legal aid programs in Texas.** Since May 1, more than \$5,000 has been donated or pledged to programs that offer free legal assistance to those in need. Each client can choose the pro bono program of their choice, with my suggestions including Texas Access to Justice Foundation, Volunteer Legal Services of Central Texas, Texas RioGrande Legal Aid, and Texas Advocacy Project, which provides legal services to domestic violence victims.

The opportunity to support these important programs is a great one — and I most certainly see it as an opportunity. I believe we are each responsible to support our community, and I challenge each reader — attorney and non-attorney — to do the same. Find a way, make it happen, and make it significant.

I find this quote to be very fitting: "Be kind, for everyone you meet is fighting a hard battle." - Author Unknown. • AL

Sara Foscitt, an attorney for over ten years, owns Foscitt Law Office and Foscitt Realty Group (foscitt.com). An outline of her pledge and an update on current donations can be found at foscitt.com/2013-pledge/.



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