

FIVE YEAR STRATEGIC PLAN  
FOR THE  
TEXAS ACCESS TO JUSTICE COMMISSION  
*(Adopted May 27, 2009)*

**I. Introduction**

Under the dedicated leadership of Chair James Sales, major progress was made on the goals set forth in the Five Year Strategic Plan adopted on October 4, 2004. (Attached as Appendix A.) Unfortunately, the current economic recession, a growing poverty population, the continued failure of Federal assistance to meet the increasing need, plummeting IOLTA revenue due to the recent decline in interest rates, and the devastating effects of natural disasters such as Hurricane Ike, have left our state in desperate need of greater resources to provide equal access to justice.

The Commission proposes that the following strategic objectives and initiatives be taken to address the State's critical needs for legal services to the poor:

**II. Continue Efforts to Ensure Stable Funding for Legal Services Providers**

- A. Change State Bar Dues Form from "opt-in" to "opt-out" for Access to Justice Campaign contributions to ensure full consideration of needs by State Bar members.
- B. Persuade Texas law firms, lawyers and corporations to sponsor annual fellowships to fund the costs of a lawyer working for a recognized legal services provider (similar to a Skadden Arps Fellowship Program).
- C. Assist with and promote law school endowments that are conditioned on the recipient spending an agreed amount of time with a recognized legal services provider.
- D. Explore legislation or rule changes that increase funding for legal services to the poor.
- E. Continue hosting annual Gala to increase funds and awareness for access to justice efforts.

**III. Continue Education and Outreach Efforts to the Profession**

- A. Continue and augment long-term program to educate the public and government officials about the realities of unequal access to justice and the need for enhanced resources.
- B. Continue recognition of lawyers who actively engage in pro bono in publications and bulletins.

- C. Collaborate with law school and alumni organizations to publicize programs and initiatives focused on access to justice. Seek article about participating alumni for each law school.
- D. Work with the Texas Center on Legal Ethics & Professionalism to develop an Access to Justice presentation to be included in the mandatory program for newly-licensed attorneys.
- E. Expand Access to Justice presentations to local bars and utilize the Access to Justice Track of the Bar Leaders conference as a way to better reach leaders of the legal profession.
- F. Establish a speakers bureau comprised of access to justice partners to expand education and awareness efforts.

#### **IV. Expand Law School Programs**

- A. Support law school programs that encourage future lawyers to engage in pro bono legal assistance as part of their ongoing professional development.
- B. Expand the Commission's ATJ Summer Internship program to allow for student interns to volunteer at recognized legal aid programs during the school year.
- C. Encourage law schools to provide scholarships to qualified students who will commit to a minimum of three years of service with a legal aid provider.
- D. Encourage law schools to provide fellowships for students to work with legal aid providers.

#### **V. Renew Efforts to Implement a *Cy Pres* Strategy**

*Cy Pres* awards from unclaimed funds by courts in other states have been of enormous benefit to access to justice programs in those states. A renewed effort must be made in order to achieve such results in Texas.

- A. Develop an educational campaign informing both the judiciary and the legal profession on the *cy pres* concept and the critical importance of dedicating such funds to legal services to the poor.
- B. Support legislative efforts that provide for *cy pres* funds being dedicated to legal services programs.

#### **VI. Expand Delivery of Legal Services in the Underserved Areas and Populations of the State**

Work with the court-appointed task force and legal service providers to enhance service in non-urban areas and among underserved populations.

- A. Develop a disaster response procedure for volunteer mobilization.
- B. Increase infrastructure of task force, including required reports by court-appointed sections detailing accomplished pro bono initiatives.

**VII. Continue Training Advocacy Programs To Enhance the Skills of Legal Aid Lawyers**

- A. Continue a bi-annual trial academy with the American College of Trial Lawyers (ACTL) to enhance the trial advocacy skills of legal service lawyers.
- B. Continue to alternate an evidence course and appellate & motions academy with the trial advocacy courses to enhance advocacy skills of legal aid attorneys.
- C. Establish a mentoring program whereby senior lawyers from the ACTL review and critique briefs for legal aid lawyers.
- D. Develop a client counseling/interviewing training for new legal aid lawyers.
- E. Refine the training program to focus on legal analysis, case planning and development skills within the legal services sector.

**VIII. Advance Technology Initiatives to Ensure Efficient Delivery of Legal Services**

The furnishing of hardware and software to legal service providers and the assistance of law firm IT departments in the development of operating standards and software training for legal service providers has been of great benefit. The technology program should be continued and enhanced.

- A. Work with IT directors to review and refine business continuity/disaster recovery plans for legal services providers to improve responsiveness after emergency situations such as a natural disaster.
- B. Develop recommended guidelines for technology infrastructure for legal services programs.
- C. Explore increased mentoring opportunities for lawyers in diverse areas of the state through IT communications.
- D. Develop alternative technology platforms for the delivery of legal services to low-income Texans, particularly low-income Texans in underserved areas.

**IX. Expand Corporate Counsel Strategy**

The Corporate Counsel Committee has made great contributions to the efforts to support and reaffirm principles relating to equal access to justice. Efforts are being made to broaden the membership of the Committee and the participation of Corporate Counsel.

- A. Restructure the corporate counsel committee to include a broader spectrum of members to increase corporate counsel involvement in access to justice initiatives.

- B. Explore a pro bono exemption for corporate lawyers licensed in other states to handle pro bono cases in Texas.
- C. Pursue effort to enlist General Counsel to join the corporate counsel committee and publicize the committee in the Texas Bar Journal whenever appropriate.
- D. Establish an annual giving campaign for corporations doing business in Texas.
- E. Leverage Corporate Counsel relationships to encourage increased pro bono participation among law firms and colleagues.

**X. Develop a Legislative Strategy on Issues Affecting Legal Aid**

- A. Devise a program for better educating legislators on the needs of low-income Texans.
- B. Continue to establish productive relationships with legislators and develop a network of lawyers available to contact their local representatives to support increased funding for legal services.
- C. Formulate or assist in the formulation of legislation, in consultation with the State Bar of Texas Board of Directors, designed to enhance delivery of legal services to the poor.
- D. Formulate methods to seek removal of impediments to, and to encourage participation of, government lawyers in the provision of pro bono services to low-income Texans.

**XI. Enhance Partnerships with Law Firms to Increase Firm Participation in Access To Justice Efforts**

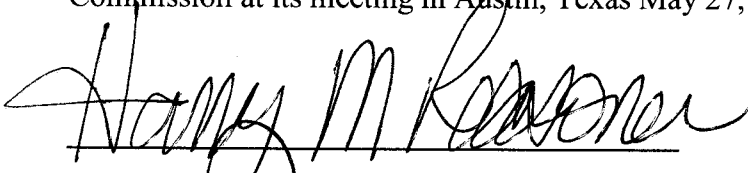
- A. Develop a model for creating a law firm leadership circle, which establishes best practices for law firms relating to pro bono and access to justice initiatives.
- B. Enhance “lend-a-lawyer” law firm programs in which firm staff dedicate their time to a legal aid agency for a period of time.

**XII. Expand Efforts to Address Gaps in Legal Services**

- A. Develop strategies for increasing access for Limited English Proficiency populations within legal services.
- B. Explore the formation of a government attorneys committee to work on pro bono policies as they apply to federal, state, city and county employees.
- C. Study and develop strategies for Civil Gideon.
- D. Study and develop recommendations regarding self-representation.

- E. Sponsor a study focusing on the comprehensive legal needs in Texas, to be published every four years.

This document embodies the overall strategic objectives and underlying initiatives of the Texas Access to Justice Commission for the next five years as adopted by the Commission at its meeting in Austin, Texas May 27, 2009.



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**Chair, Texas Access to Justice Commission**