

TEXAS SENATE ■ FINANCE

Late push may save legal aid programs

Legislature is prepared to restore \$17 million

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With luck, good timing and a strong push from the Texas Supreme Court, the Legislature is prepared to add \$17 million to legal aid programs, preserving civil court access for thousands of low-income Texans.

The money, added late last week to a Senate finance bill, would shore up endangered legal aid programs that offer help for life-altering problems, including home foreclosures, child custody disputes, consumer scams and many other noncriminal issues.

Without the money, an estimated 25,000 people would be unable to get free or reduced-cost legal help, many of them military veterans, domestic violence victims and elderly and disabled Texans.

"It's not about handouts and programs. It's about the integrity of the legal process," Supreme Court Justice Nathan Hecht said Monday.

Hecht and Chief Justice Wallace Jefferson, speaking for the entire nine-member court, visited legislators and submitted a letter that

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helped turn a late-session fiasco into an expected easy victory for legal aid funding.

"A society that denies access to the courts for the least among us denigrates the law for us all," the justices wrote last week in a letter to Sen. Royce West, D-Houston, that was distributed to all senators.

Legal aid groups have been hit hard by declines to their biggest funding source: interest payments on more than \$1 billion in bank accounts in which lawyers deposit their clients' money. The accounts generated \$20 million in 2007, but ultra-low interest rates produced only \$1.5 million in 2009 and an estimated \$4.4 million this year. The Legislature responded with \$20 million in 2009, but legal aid advocates were told to expect nothing this year because of the budget shortfall.

An amendment to raise legal aid money through higher court fees was tacked onto a finance bill late in the session, but the language was stripped out by conference committee, leaving no time to respond — until a special session

was called to handle other pending issues.

New bills were introduced to raise court costs, but they faced an iffy future in a Legislature that has taken a dim view of fee increases.

Those bills — by Sen. José Rodríguez, D-El Paso, and Reps. Jerry Madden, R-Richardson, and Will Hartnett, R-Dallas — became moot Friday when Sen. Steve Ogden agreed to amend a finance bill by adding \$17 million for legal aid and \$7 million for an indigent defense program by the state Office of Court Administration. The money was available in the 2012-13 budget "because the state's economy is improving," said Ogden, R-Bryan.

Though \$3 million less than current spending, the money "gets us close" to what is needed to keep legal aid in place for about 100,000 Texans a year, said Betty Balli Torres, executive director of the Texas Access to Justice Foundation.

Additional money has come from more than 80 banks that have agreed to pay higher interest rates on lawyer accounts, Torres said. The list of banks is available on the foundation's website, www.teajf.org.

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