

A Need For Those In Need

Recently released statistics by the U.S. Census Bureau confirm what many people have already suspected: the number of Americans struggling to survive and raise families with incomes below the poverty level continues to rise.

This observation was underscored last week by Texas Supreme Court Justice Nathan Hecht who cited the census as showing that 14.3 percent of Americans live in poverty and that Texas' poverty rate is even higher at 17.3 percent -- the sixth largest in the nation.

This means that nearly 1.8 million Texas children -- over 25 percent -- live in poverty.

"The recession has lasted longer than many experts had predicted," said Justice Hecht who added, "Many need help with basic civil legal issues impacting their very existence: foreclosures, employment disputes, domestic violence and benefits to veterans and the elderly. Currently in Texas, there are 5.7 million people who qualify for legal aid."

In Texas, legal aid organizations help more than 100,000 low-income families each year, and yet there is only one legal aid lawyer for every 10,838 Texans who qualify. And, due to a lack of resources, only about 20-25 percent of the civil legal needs of low-income and poor Texans are being met.

"Those of us who are involved in the legal system know first-hand how important these services are to so many vulnerable Texans who are struggling during these difficult times," Justice Hecht has said.

Unfortunately, a primary source of legal aid funding -- Interest on Lawyers' Trust Accounts (IOLTA) -- has declined significantly during the recession as a result of historically low interest rates.

IOLTA revenues have plummeted from

\$20 million in 2007 to just over \$5 millions in 2009, resulting in a crisis in legal aid funding for Texas. The devastating effect of a nearly 73 percent drop in funding from IOLTA since 2007 continues to reduce critical resources for legal aid.

In its last session, the Texas Legislature provided much-needed financial support which helped keep women and children safe from abuse and kept families in their homes. Those funds temporarily bridged the gap created by the economic crisis, with measures to provide resources to legal aid, including an appropriation of \$20 million.

Texas lawyers have also stepped up to support legal aid through pro bono work and donations. Meanwhile, financial institutions, by participating in the Prime Partner Program and by paying higher-than-required interest rates on IOLTA accounts, have also played a critical role in supporting legal aid.

"The upcoming Texas Legislative Session will present many serious fiscal challenges, but access to justice should not be denied to our fellow Texans," said Justice Hecht. "The Texas Supreme Court, Texas Access to Justice Foundation and the Texas Access to Justice Commission urged the State of Texas to continue to provide funding for legal aid providers who are many times the only safety net for poor Texans struggling to survive these difficult times."

Any middle class Texas family knows that coping with the current economic environment is not easy by any stretch of the imagination.

But that struggle is nothing compared to the daunting challenge being faced every day by Texas' lowest-income citizens.