



TEXAS

ACCESS TO JUSTICE COMMISSION

UPDATE

July 2010

Commission Raises Funds for Veterans

The Texas Access to Justice Commission hosted the Champions of Justice Gala for Veterans benefiting the Texas Access to Justice Foundation on May 4 in Austin. Proceeds from the event, which will be used to fund civil legal services for veterans, totaled nearly \$270,000.

"We owe access to justice to those in the armed services who are defending our country and to the families of those who did not return," Harry M. Reasoner, Texas Access to Justice Commission chair, said. "We should make sure they have the services they need for the service they provided to our country."

The gala featured the U.S. Marine Corps Color Guard, a display of military flags provided by the State Bar of Texas Military Law Section, and keynote speaker renowned trial lawyer Joseph D. Jamail, a veteran of World

War II. The fundraising event was co-chaired by David J. Beck, Hon. Deborah G. Hankinson, Charles W. Matthews, and Jamail.

Texas Supreme Court Chief Justice Wallace B. Jefferson presented the Emily C. Jones Lifetime Achievement Award to Justice Harriet O'Neill for her steadfast commitment to improving access to justice across the state. Charles W. Matthews, recently retired general counsel of Exxon Mobil Corporation, also received the award for his role in significantly raising awareness of access to justice for low-income Texans among corporate counsel in Texas.

In addition, Austin attorney J. Hampton

Skelton received the Cy Pres—Impact on Justice Award from the Texas Access to Justice Foundation (TAJF). Skelton was instrumental in designating cy pres funds to the TAJF and five of its grantees to support civil legal services to persons with disabilities.

The Champions of Justice Gala for Veterans coincides with the efforts of State

Bar of Texas President Terry Tottenham, focused on assisting veterans. The Texas Lawyers for Texas Veterans initiative, modeled on a successful program of the Houston Bar Association, will develop a network of lawyers to assist veterans with civil legal issues who otherwise could not afford counsel.



Chief Justice Jefferson presents award to Justice Harriet O'Neill and Charles W. Matthews.

Justice Hecht Named New Access to Justice Liaison



Texas Supreme Court Chief Justice Wallace B. Jefferson appointed Justice Nathan L. Hecht as the Court's liaison to the Texas Access to Justice Commission and Texas Access to Justice Foundation. Justice Hecht will replace Justice Harriet O'Neill who has served as liaison to both the Commission and the Foundation since 2003.

Justice O'Neill announced in August that she would not seek another term on the Court; she will be leaving the Court in June.

"Justice O'Neill has brought the Commission and Foundation into national prominence, increasing the funding for programs designed to help indigent Texans

find legal representation," Chief Justice Jefferson said. "All Justices on our Court agree that access to justice must remain

a priority," Jefferson continued. "That is why I am appointing Justice Hecht, the state's most senior appellate justice, to oversee the good work of these important organizations."

"Assuring access to the civil justice system for those who cannot afford legal representation is a high calling," Justice Hecht said. "I welcome the opportunity to work with the many people committed to this calling and to assist the Supreme Court of Texas in achieving its goal of full access."

"I am grateful for the opportunity to have worked as the Court's representative to ensure that our justice system is open to all, regardless of income, for basic civil legal needs," Justice O'Neill said, "needs like protection from domestic violence, or a veteran's access to earned medical benefits, or a roof over the head of hurricane victims. I am confident that Chief Justice Jefferson, Justice Hecht and the entire Court will continue their unwavering commitment to these worthy organizations, as will I."

Chair's Report

By Harry M. Reasoner, Commission Chair



Our nation owes a great debt to the veterans who have served us in war,

often at heavy personal and economic cost. In these hard economic times, veterans often find themselves in desperate need of legal assistance to obtain medical care or disability benefits, to deal with marital or child custody problems, or to cope with other civil legal problems that have arisen during their tours of duty. A great many cannot afford the legal help they need. The State Bar of Texas has initiated Texas Lawyers for Texas Veterans to help provide legal

representation pro bono.

This year's Texas Access to Justice Commission Champions of Justice Gala for Veterans helped raise funds for representation of Texas Veterans. These funds will be distributed solely for that purpose by the Texas Access to Justice Foundation. This is an opportunity for the Bar both to provide pro bono representation as the ideals of our profession call for and to show true patriotism.

In addition to supporting increased access to service for veterans, the Commission continues its ongoing initiatives to enhance justice in Texas. In April, the Commission and other access to justice partners sponsored the Texas Forum on Self-Represented Litigants and the Courts in Dallas. The Forum

launched a statewide effort to provide Texas courts the tools to help pro se litigants navigate the court system. This can both alleviate the burden on the courts and give pro se litigants a better chance at justice.

Also in April, a team of Commission members and other access to justice advocates participated in this year's "ABA Day in Washington." The team met with the Texas congressional delegation to seek support for continued and increased funding for the Legal Services Corporation.

During the summer, the Commission again hosted the Texas Trial Academy and the Access to Justice Summer Internship Program. Held at the University of Texas School of Law, the Academy

is a four-day intensive trial advocacy skills training presented by faculty of the American College of Trial Lawyers. The training is open to staff attorneys of nonprofit organizations providing free legal services to low-income Texans. The Summer Internship Program places law students in summer academic internships with civil legal service providers across Texas, in rural communities without law schools.

Our profession's ideal of justice accessible to all citizens of our great state needs the participation of our entire membership. I urge your contribution of pro bono services in the way that works best for you.

Pro Bono Spotlight: A Case from the Front Line



A retired U.S. army sergeant, who suffered traumatic injuries in two combat tours in Iraq, sought pro bono help to avoid imminent foreclosure on the home he shared with his wife and six children. Pro bono lawyers with Vinson & Elkins quickly determined that the root of his family's financial problems was the wrongful denial of disability benefits from the Social Security Administration (SSA) and the Veteran's Administration's

(VA) improper award of only 80 percent disability compensation.

Through the efforts of pro bono attorney Jim Sargeant, a former First Lieutenant in the U.S. Marine Corps, the VA upgraded the retired army sergeant's disability classification to 100 percent, which substantially increased his monthly VA disability payment. In addition, Sargeant convinced the SSA to reverse its earlier denial of benefits and allow the

SSA claim in full, which also resulted in another substantial increase in monthly income. Now, the retired army sergeant's family will receive substantial lump sum payments for past unpaid benefits and substantially increased monthly payments in the future. This will allow the family to avoid threatened home and car loan foreclosures and other financial difficulties.

Free Ethics CLE

Members of the Access to Justice Speakers Bureau are available to provide local bar associations, law firms, and other attorney and community groups with a FREE ethics CLE highlighting the many ways attorneys can get involved to increase access to legal services for poor and low-income Texans. Presentations are tailored to local areas and individual group needs and also present an opportunity to recognize local pro bono champions — individuals or groups who go above and beyond the call of duty in promoting access to justice. To schedule an Access to Justice Speakers Bureau presentation, email kschmitt@teajf.org or call 512-320-0099, ext. 104.

Impact on Justice through Court Awards TEXAS ACCESS to JUSTICE FOUNDATION

By Tom Godbold, Chair, Court Awards Strategies Committee



When the Texas Access to Justice Foundation (TAJF) and Texas Access to Justice Commission

created the joint Court Awards Strategies Committee, we were just beginning to see the devastating effects of low interest rates on funding for civil legal aid in Texas. The Interest on Lawyers' Trust Accounts (IOLTA) program, a primary funding source for legal services administered by the TAJF, has seen a 73 percent decline in IOLTA revenue since 2007. This decline is coupled with an increasing need for civil legal services among low-income Texans. These are people for whom basic civil legal services

can serve as a life-line during these economic times – like helping a worker receive just wages, protection from losing one's home, securing benefits for persons with disabilities, or helping our veterans.

Our Committee began looking at ways to compensate for this crisis in legal aid funding by exploring options for court awards – like cy pres awards – to generate desperately needed resources for our state's most vulnerable. During the past two years, we studied court award models in other states, examined legal precedence for court awards for legal aid, and continue to work to educate judges and lawyers about the positive impact court awards can have on funding for civil legal services.

An "Impact on Justice through Court Awards" toolkit is available at www.teajf.org.

Austin attorney J. Hampton Skelton with Woody & Skelton became aware of how cy pres funds could be used for civil legal aid in Texas. Close to the end of a long case in federal court with potential awards unclaimed by the class, Skelton helped structure a substantial amount of cy pres funds to the TAJF and five of its grantees to support civil legal services to persons with disabilities.

As we continue to look for ways to help fund civil legal



Commission Chair Reasoner and Cy Pres Impact on Justice Award winner J. Hampton Skelton

aid in Texas, we encourage you to make an impact on justice and consider the Texas Access to Justice Foundation and our nonprofit legal aid organizations as recipients of court awards.

Did you KNOW?

In Texas, there are more than 90 Prime Partner banks that go above and beyond, by paying 1% or more on IOLTA accounts. Particularly during this time of historically low interest rates, these banks are making a difference in the lives of poor Texans. Are you banking on justice? Find a Prime Partner bank near you at www.teajf.org.

Texas IOLTA Prime Partners

First Texas Forum on Self-Represented Litigants and the Courts held in Dallas

A growing number of Texans appear in courtrooms across the state without the benefit of an attorney. When these litigants cannot afford a lawyer or they are turned away from legal aid due to inadequate funding, they represent themselves, often to the peril of their case.

In April, the Texas Access to Justice Commission and Texas Access to Justice Foundation, along with several partners in the legal community, hosted the first Texas Forum on Self-Represented Litigants and the Courts in Dallas to develop strategies that will assist pro se litigants in navigating the court system. Examples of strategies discussed include: court-based self-help centers, plain-language forms and instructions, and the development of ethical guidelines for clerks and court staff.

The statewide Forum included keynote speaker Associate Justice Jess Dickinson of the Mississippi Supreme Court, and local and statewide leaders including Texas Supreme Court Chief

Justice Wallace B. Jefferson, Justice Harriet O'Neill, retired Chief Justice Linda Thomas, and moderator Judge Lora Livingston.

As a result of the Forum, the Commission will request that the Supreme Court create a statewide task force to develop standard form pleadings and briefs for statewide use. A new committee – engaging county clerks, law librarians, judges, legal aid and the private bar – will also be formed to focus on assisted pro se issues.



Hon. Linda B. Thomas, Dallas

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The League of Women Voters of Texas (LWVT) received the Star of Justice Award from the Commission and Foundation for their efforts to help secure funding for legal aid during the 81st Texas Legislative session. Pictured are Karen Nicholson, president, LWVT, and Texas Access to Justice Commissioner Judge Katie Kennedy.



Yavneh Academy students and members of Uniting Students of Dallas hosted "An Evening with the Chief" dinner that raised more than \$15,500 for the Texas Access to Justice Foundation.



Justice Nathan L. Hecht presents the ATJ Corporate Counsel Pro Bono Award to Houston attorney Karen Lukin of Marathon Oil Company. The presentation took place at the State Bar of Texas Annual Meeting in Fort Worth.

Voluntary Dues Contribution

When paying your annual bar dues, please choose to include the voluntary \$150 contribution for access to justice. Your donation helps ensure that all Texans, regardless of income, have access to the justice system. To make a contribution online, log on to MyBarPage, www.texasbar.com, using your bar card number and pin or password.