

Written Comments Submitted to the  
Texas Access to Justice Commission Access to Legal Services Working Group

[Contents](#)

Matias J. Adroque.....	3
Jon Anderson.....	3
Jerry Andrews .....	4
Matt Aulsbrook .....	5
Brandy M. Austin.....	5
Julie Balovich.....	7
Kristen Bell .....	9
Sharita Blacknall.....	10
Monica Garcia Bohuslav.....	11
Scott Brazil.....	12
Steve Bresnen .....	13
Guy Choate.....	14
Megan L. David.....	15
Chad H. Davis .....	16
Judson Daws.....	17
Daryl L. Derryberry.....	18
Chad W. Eaton .....	19
Michael R. Goldman.....	21
Osiris A. Gonzalez.....	22
James E. Girards .....	23
Shelly Greco .....	25
Rola Hart .....	26
Ed Hensley.....	27
Hon. Mark Hocker .....	27
Daniel Horowitz.....	28
Jason January .....	28
Kevin Johnson .....	29
Kathleen Kearney .....	30
L. Todd Kelly .....	31
Pete Kennedy .....	32

John T. Kirtley, III .....	34
Richard LaVallo .....	35
Myles Lenz.....	36
UA Lewis.....	37
Sam A. Maida .....	37
Christina E. Mancuso.....	38
Tanja K. Martini .....	39
Matthew Masek .....	41
Griffin T. McMillin.....	43
Cole D. McNiel.....	44
Jennifer Montemayor.....	45
Rachel E. Montes.....	46
Ja'Mesha L. Morgan .....	47
Kaitlyn Moreno.....	48
Jill Campbell Penn .....	50
Robert Ray.....	51
Ryan C. Runkle.....	52
Mohammad Said .....	53
Elizabeth Sanford .....	54
John W. Shaw .....	54
Charles E. Soechting, Jr .....	56
Gerald M. Thomas.....	57
John L. Thompson .....	58
Charles A. Whittier .....	59
Martin Woodward.....	60
Maria Wormington.....	60
Frontline Justice .....	62
Institute for the Advancement of the American Legal System .....	68
North Carolina Justice for All Project .....	73
Texas Lawyers for Children .....	115
Texas Watch .....	118

*The comments contained within this report reflect the written comments submitted to the Access to Legal Services Working Group of the Texas Access to Justice Commission for consideration at the December 15, 2023 meeting. Many of these comments were submitted via email to the Commission's public email address, while others were sent to individuals associated with the Commission and/or Working Group. A minority of substantive comments were submitted on an online form designed for the public to sign up to attend and speak at the Commission's December 15<sup>th</sup> meeting. The comments that were made verbally at that meeting are not contained in this report, but instead are available in the Commission's minutes and in the public recording of the meeting.*

Matias J. Adroque  
[mja@mjalawyer.com](mailto:mja@mjalawyer.com)

[comments made in sign-up form for attending public meeting]

As an experienced trial lawyer, I am against Nonlawyer Ownership of Law firms. This will destroy our noble profession. Every Texas lawyer should be obligated to provide 5-10 hours of pro bono work to difference organizations. These hours could replace a portion of the CLE hours required. We can have the locals bars compete against each other - Houston v. Dallas on how many hours or clients we help pro bono and have a right to a Lady Justice Trophy. We as lawyers have a moral, ethical, spiritual and religious (whichever religion you want) to help those in need. The legal business now is dirty enough, if we legally allow nonlawyers into our profession it will be a mockery of our profession. Read the Spanish Newspaper - La Subasta - it is full of lawyers and NONlawyers - notaries acting like lawyers. There is so much going on now that is killing our profession. There are enough lawyer jokes and insults, let's work together to show Texas and the other professionals how to give back to those who need it.

Jon Anderson  
Clark|Von Plonski|Anderson  
404 North 2<sup>nd</sup> Street, Lufkin, TX 75901  
3500 Maple Ave., Ste 1250, Dallas, TX 75219  
604 W. Woldert St., Tyler, TX 75702  
[jla@easttexas.awyer.com](mailto:jla@easttexas.awyer.com)

I agree wholeheartedly with Mr. Brazil's concerns.

Jerry Andrews

Law Office of Jerry D. Andrews, P.C.  
Board Certified in Personal Injury Trial Law since 1996  
Texas Board of Legal Specialization  
3030 LBJ Freeway, Suite 130  
Dallas, Texas 75234  
Office 214-221-5800  
Fax 972-619-6809  
Web site: [www.dfwinjurylawyer.com](http://www.dfwinjurylawyer.com)  
Email : [ja@dfwinjurylawyer.com](mailto:ja@dfwinjurylawyer.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This is merely a money-grab for the likes of Wall Street investors and mega corporations like Wal-Mart, that is hidden under a problem that it isn't actually going to fix.

Affordability of legal services, for low-income individuals, can be a problem, but the solution should not come with a price tag that would eventually severely weaken the entire legal system in Texas.

Resources for low income folks are available through NON-PROFIT organizations. There is NO "crisis" in the civil justice system and the use of scare tactics should arouse the suspicion of intelligent individuals. There is no evidence whatsoever that the public is losing confidence in the civil justice system. Another scare tactic commonly used by those without factual support for what they want.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Contrast the lawyers' duty of client loyalty with business entities that by definition must make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is antithetical to a lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. One cannot scheme away or disclose away the inherent conflicts of interest that are structural in a non-attorney ownership of law firms. "Minimizing" the problem of the loss of attorney duty of loyalty to clients is not good enough – there must be absolutely NO concern about attorney independence. By definition, this is impossible when non-attorneys own law firms.

Please consider why an entity whose sole purpose is to maximize profits would want to be the provider of legal services to people who cannot afford legal services. This is an obvious loss leader strategy designed to get the camel's nose under the tent so that corporations can take over the practice of law in general and squeeze law firms out of the market. That's a simple task for publicly traded companies with market capitalization of many billions; merely undercharge for legal services and break the backs of law firms until you control the market. When that is accomplished, one is free to charge any amount for services, without competition.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes.

There is no evidence that non-attorney owned law firms has resulted in better legal services for the poor in the few states who have been taken in by this hoodwink effort of big business to take over the role of law firms. Without solid evidence of this claim, it would be fool hardy to experiment on the citizens of Texas with an unproven scheme.

There is a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

[Matt Aulsbrook](#)

Aulsbrook Law Firm, PLLC

I'd like to voice my opposition to non attorney firm ownership in Texas.

I understand the intent to provide access to justice for lower income individuals. However, I think corporate greed will actually happen.

I have personally had a nonattorney owned firm in Arizona reach out to me. They are signing up Texas personal injury cases and wanting Texas firms to work up the cases and for their firm to take 50% of the fee. I did not entertain their offer. I don't think this is an example of what Arizona envisioned when they opened up nonattorney ownership.

I'm strongly opposed to nonattorney firm ownership and I hope my example helps articulate my reason.

[Brandy M. Austin](#)

Brandy Austin Law Firm, PLLC

[brandy@brandyaustinlaw.com](mailto:brandy@brandyaustinlaw.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Julie Balovich

Law Office of Julie M. Balovich PLLC

512-497-9747 tel/text

[jmbalovich@gmail.com](mailto:jmbalovich@gmail.com)

Dear Access to Justice Commission:

Please accept this letter as **public comment** on the above report and recommendation. I am unable to attend the meeting because I have a mediation that was already scheduled before I received notice of the meeting. I suspect a lot of folks who care about this issue will also not be able to attend. Hopefully they will speak up.

I reviewed the October 24, 2022, letter from Justice Busby to Chairwoman Miers and the Report and Recommendation. I appreciate the hard work that went into studying and preparing the recommendations. But the idea of improving access to justice by opening up representation of poor folks by non-lawyers is the wrong way for us as a profession. It creates two tiers of justice. It is very likely to hurt the folks you are trying to help.

Licensing paraprofessionals is a fine idea but they need to be supervised by attorneys if they are providing direct services. I read the comments of the stakeholders: they were all on target. The one thing that was not noted is that few folks will meet the criteria the recommendations anticipate can be assisted without attorney supervision in family law. When I started working at legal aid in the early 2000s, we conducted assisted pro se clinics for family law applicants whose cases met the criteria set forth for paraprofessionals to provide direct representation without attorney supervision: uncontested defaults or agreed; no children; no significant property. We had to open up the clinics to folks with agreed SAPCRs and agreed property distributions in order to get enough folks to make the clinics worthwhile to conduct. And that of course required more attorney resources to ensure things were done correctly. But it was worth doing because the point of the assisted pro se clinics was to help more people. In other words, **the justice gap did not exist for uncontested simple cases; it was for contested and cases involving children and property.** If the cases are truly uncontested and there are no children and property, and the folks are under 200%, the resources exist.

Divorces are critically important for folks who are low income often is economic security; they need clean title; they need financial support for their children; they need to provide for new partners and establish paternity and support for children outside the marriage. When folks are not able to get divorced, it creates economic problems for them (in addition to potential personal strife). Access to justice efforts would make the biggest impact for low-income people who have children and property and need divorces, *but they cannot be served by non-attorneys or folks not supervised by attorneys*: the potential harm if done incorrectly is too significant.

Paraprofessionals may provide quantifiably more services but allowing them to provide direct representation in “uncontested” cases without attorney supervision is likely to create situations where assets are misrepresented, assets are not fairly divided, or title problems are created because there is no one to properly police eligibility for services. *In other words, people are going to say their*

*case is uncontested because that is the only way to get help.* You simply cannot entrust oversight to the persons who have a financial incentive to handle these cases.

The probate and estate issues are equally concerning. Low-income folks may have means-tested public benefits which can be impacted by transfers of assets. To improve access to justice for people under 200% of the federal poverty guidelines, the person preparing these documents must not only be supervised by an attorney but should be supervised by an attorney with knowledge of these public benefits, government subsidies, and how they can be impacted by these conveyances. In other words, this is an example where letting paraprofessionals go it alone might help more people access documents, but it could be harmful without appropriate oversight. JBCC cannot provide this oversight. Even within legal aid organizations, this is an area of specialized knowledge.

Also, it is important to remember that with things filed in court, people are testifying under oath and there are implications of making false statements under oath. We should be uncomfortable delegating advising people on testifying in court to nonlawyers.

Regarding consumer debt, this is also something that an attorney should supervise especially when you are working with low income folks who may be judgment proof, or who may need help with understanding the implications of an agreed judgment (something that debt plaintiffs often seek as a type of settlement). Also, I am not sure what an uncontested consumer debt case is; if a debt case has to go to court, it is because someone has not paid their debt.

To summarize: licensing paraprofessionals would be helpful but to ensure they are expanding access to justice, they should be employed by legal aids or other entities that are restricted to this client population and supervised by lawyers.

I have none of the same concerns about the community justice worker proposal; I think it is a fabulous idea. Importantly comes with the safeguards that the paraprofessional licensure recommendations do not have.

It is hard for me to conceptualize how non-attorney ownership of legal services firms will increase access to justice for the poor, but perhaps that is where a pilot program would be helpful.

Many thanks for your hard work. I worked in legal services for 21 years. I am now a solo practitioner in a rural community and I remain deeply committed to access to justice. My concern here is not about competition; we need more lawyers and legal services in underserved areas. My least favorite kind of legal work is fixing things that were done improperly by notaries and individuals who went it alone who perhaps would have hired a lawyer in the first place if legal fees were more affordable. Unfortunately I see the recommendation for nonsupervised paraprofessionals as creating more of these problems, not fewer.

Sincerely,

  
Julie M. Balovich



Kristen Bell, J.D., M.Ed.  
Director of Training & Operations  
Texas Lawyers for Children  
(214)219-5852 (office)  
(972)849-5365 (cell)  
[kristen@TexasLawyersforChildren.org](mailto:kristen@TexasLawyersforChildren.org)  
[www.texaslawyersforchildren.org](http://www.texaslawyersforchildren.org)

Dear Mr. Lavallo,

I hope this email finds you well. Barbara Elias-Perciful, Beecher Threatt, and I all reviewed the Rules and Recommendations of the Legal Access Working Group, and we are still concerned that some of the family law provisions could be interpreted to include CPS cases. This is because suits under Title V that involve "standard conservatorship provisions" could include CPS cases. In addition, there can be cases with "standard possession schedules" where CPS is also involved. Also, when looking at the response of Judge April Probst, included in the comments section of the Appendix of the Report (p.13 of the comments section), she also questions whether or not child welfare cases would be included. Since this seems to be vague to some legal professionals with experience practicing in this area, we kindly request that the group writing the scope of representation revisit this language.

We believe it is not the intent of the group to include CPS cases, as children and some parents have statutory rights to counsel and constitutional rights in these cases. We would like to ask that the Rules include explicit exemptions where CPS cases are involved, and that the Rules state a non-attorney can never provide services to a child in a suit affecting a parent-child relationship. Because these rights are so important, we ask that the working group ensures that there can be no misunderstanding about the need for children and indigent parents to have representation by licensed attorneys in suits affecting the parent-child relationship.

We have attached our written comments, which we submitted to the Access to Justice Foundation yesterday. I also wanted to share this with Jonathan Bates, who spoke on behalf of the group writing the family law recommendations, but I do not have his email address. If you feel it would be helpful, we would appreciate you forwarding this information on to him.

Thank you very much for your consideration of this issue. Please let us know if you would like to discuss.

Sharita Blacknall  
Founder and Chief Legal Strategist  
The Blacknall Firm  
A Divorce and Child Custody Law Firm  
[www.blacknallfirm.com](http://www.blacknallfirm.com)  
[info@blacknallfirm.com](mailto:info@blacknallfirm.com)

Dear Honorable Members of the Texas Access to Justice Commission and Hon. Justice Brett Busby,

I am writing to express my strong opposition to the proposal allowing non-attorney ownership of law firms in Texas. This concept, in my opinion, poses significant risks and is primarily a financial opportunity for large investors rather than a solution to the accessibility of legal services.

While I acknowledge the challenges in making legal services affordable for low-income individuals, the proposed approach could potentially undermine the integrity of our legal system. Non-profit organizations currently play a vital role in offering legal aid to those in need, and this system, though not without its challenges, does not constitute a crisis in our civil justice system. Public confidence in this system remains robust, contrary to the perception of some.

As attorneys, our primary duty is to our clients, fulfilling our fiduciary responsibilities with utmost dedication. Introducing non-attorney ownership into law firms creates a conflict with this duty, as business entities inherently aim to maximize profits for their owners or shareholders. This model is fundamentally at odds with the ethical practice of law, and no regulatory measures or disclosures can adequately address the resulting conflicts of interest.

Furthermore, the introduction of "paraprofessionals" does not equate to the expertise of fully trained attorneys. The complexity of our legal system demands the comprehensive education and skills that only licensed lawyers possess, regardless of any imposed regulations on paraprofessionals.

Implementing this proposal would also necessitate additional bureaucratic structures, raising questions about the financial implications, especially considering the current budget constraints in Texas. This could lead to increased taxation, ultimately serving the interests of a few rather than the broader public.

In conclusion, I believe that the proposed changes could lead to a situation where, as Justice Learned Hand once observed, "If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice." I urge the Commission to reconsider these proposals in light of these concerns.

Monica Garcia Bohuslav  
Carew Garcia Bohuslav Law, PLLC  
6000 Valley View Lane, Suite 200  
Irving, TX 75038  
[monica@carewgarcia.com](mailto:monica@carewgarcia.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, "Little people get little justice." That is what will happen, in my view, with the Commission's proposals.

Scott Brazil

Brazil & Dunn LLP  
13231 Champion Forest Dr. #406  
Houston, TX 77069  
Phone: (281) 580-6310  
Fax: (281) 580-6362  
[www.brazilanddunn.com](http://www.brazilanddunn.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. Hedge fund owners, insurance industry leaders and other wealthy business tycoons would certainly love the opportunity to own law firms. This ownership would further tilt the already uneven playing field in their favor. The 7th Amendment to the U.S. Constitution would be eviscerated by allowing the proverbial fox into the hen house. These corporations already control much of the legislation and the firms that represent them. Permitting them to own their competition will destroy even the semblance of balance in our legal system.

Businesses make money for themselves. That is their nature. The fiduciary nature of our profession sets us apart from that profit-motivated system. Do we enjoy making money? Sure we do. However, our professional ethics prohibit us from doing so at the expense of our clients. Corporate ownership will simply tear that system down, destroying good, well-intentioned lawyers, and their multitude of clients in the wake.

Ethical rules will not matter nor be applicable to them as they pressure the plaintiff attorneys in personal injury cases to resolve a case for less, because they also own the defendant corporation? Or perhaps they simply deny representation of these people who desperately need representation because the target defendant is an ally or subsidiary of the company whose bottom line is about to be affected if the legal representation is competent. When these powerful corporations actually own the lawyers, we will devolve into lawlessness. The concept of non-lawyer ownership of law firms flies directly in the face of what this commission sets forth as its goal of providing access to justice for those who cannot otherwise get it. This proposal slams that door shut!

And who is served by allowing non-lawyers to represent the poor? I submit that only the wealthy gain this advantage. Do you think that Wal-Mart or JP Morgan will combat these para-professionals with anyone who did not graduate from an accredited law school, pass a state bar examination, keep current with their CLE requirements, and bear professional responsibility (and consequences) for their failures. It would be folly to think so. This "representation" would be mere window dressing on a broken system. It would further victimize the voiceless. We practice a noble profession. Please keep it noble.

This course of action will have attorneys asking their corporate overseers for permission every single time we want to hold one of them accountable to the law. No longer will justice be a right, but a favor meted out by the corporate overseers of our nation.

This proposal is bad for everyone except big business. I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Moreover, "paraprofessionals," no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Steve Bresnen

Bresnen Associates

311 West 5<sup>th</sup> #1002

Austin, Texas 78701

512.917.0011

[steve@bresnenassociates.com](mailto:steve@bresnenassociates.com)

Re: Texas Family Law Foundation Comments: Non-Layer Organization ("NLO") Provision of Legal Services Recommended in the "Report and Recommendations of the Texas Access to Legal Services Working Group" dated December 5, 2023

Dear Chair Miers:

These comments are submitted on behalf of the Texas Family Law Foundation (the "Foundation"), which we represent. The Foundation is a volunteer organization of hundreds of attorneys who provide family law services to clients all over Texas.

The Foundation has monitored the activities of the Working Group, reviewed its recommendations and analyzed the comments of the Future of Family Law Committee of the Texas Family Law Council, the governing body of the Family Law Section of the State Bar of Texas, which is also a volunteer organization.

The Foundation opposes the Working Group's recommendations regarding NLO-provided legal services for many of the same reasons the proposals are opposed by the Future of Family Law Committee. In addition, the Foundation has serious doubts that the NLO proposals can be enacted by the Texas Supreme Court acting without the approval of the Legislature. The proposals appear to mirror the regulatory processes applicable to other entities regulated by the Judicial Branch Certification Commission (JBCC) but the Working Group's report fails to acknowledge that numerous statutes give the JBCC its jurisdiction to license and sanction those other professions or explain the legal basis for enacting the proposals without legislation.

We appreciate the opportunity to comment on the Working Group proposals.

Sincerely,

A handwritten signature in black ink, appearing to read "Guy Choate". The signature is fluid and cursive, with a large initial "G" and "C".

Attorney at Law

[Guy Choate](#)

Webb, Stokes & Sparks

Attorney | Board Certified, Personal Injury Law

(325) 653-6866 | (800) 727-4529

314 W. Harris Ave. San Angelo, TX 76903

[www.webbstokessparks.com](http://www.webbstokessparks.com)

[gdchoate@webbstokessparks.com](mailto:gdchoate@webbstokessparks.com)

I oppose the imposition in Texas of non attorney ownership of law firms. The concept is inconsistent with our fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. Business entities are by definition established to make a profit. In fact, to make the largest profit possible. These entities are not moral or immoral, they are amoral. They have no duty, and we should expect them to have no duty save and except make profits for their owners. There is nothing wrong with that as that is their mission. It is up to us to craft laws that require businesses to observe legal requirements. That task is totally inconsistent with the obligations of a legal professional.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else. This process is proposed as a mechanism for providing legal aid to the poor and otherwise underserved. Obviously, being housed doesn't appear to be one of the important missions in this regard. All of that said, the effect will not be to expand aid to the poor, but to commence the process of making the practice of law a trade and no longer a profession.

Non Attorney ownership of law firms is about money. Plain and simple. If I believed for a second it would provide access to justice for the poor I could support it. That will not be the effect.

Megan L. David

MD Law, PLLC  
12222 Merit Drive, Suite 1200  
Dallas, Texas 75251  
[www.megandavidlaw.com](http://www.megandavidlaw.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Chad H. Davis  
Attorney at Law  
The Davis Law Firm  
(972) 426-8388  
[chad@chaddavislaw.com](mailto:chad@chaddavislaw.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.



Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Judson Daws

Daws Legal, PLLC

6160 Warren Parkway, Suite 100

Frisco, Texas 75034

P: 972-970-9580

F: 972-928-9520

E: [judson@dawslegal.com](mailto:judson@dawslegal.com)

I am aware that a colleague of mine recently sent the below letter to you. I agree with his sentiments. For that reason, I am resending his letter to show opposition to the proposition of non-attorney owned law firms / paraprofessionals in Texas.

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are limited resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

[Daryl L. Derryberry](#)

BOARD CERTIFIED- PERSONAL INJURY TRIAL LAW  
TEXAS BOARD OF LEGAL SPECIALIZATION  
AV PREEMINENT RATING BY MARTINDALE HUBBELL  
AMERICAN BOARD OF TRIAL ADVOCATES (ABOTA)  
1043 ASHER WAY, SUITE 200  
TYLER, TEXAS 75703  
[DLD@DZWLLAW.COM](mailto:DLD@DZWLLAW.COM)  
[dld@dzlawgroup.com](mailto:dld@dzlawgroup.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. "Minimizing" the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, "paraprofessionals," no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, "Little people get little justice." That is what will happen, in my view, with the Commission's proposals.

Chad W. Eaton  
Partner/Trial Attorney  
2030 Main Street, Suite 200  
Dallas, Texas 75201  
[chade@rolleatonlaw.com](mailto:chade@rolleatonlaw.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO

“crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Michael R. Goldman  
Goldman Law, PC  
One Energy Square  
4925 Greenville Avenue, Suite 200  
Dallas, Texas 75206  
Telephone: (214) 274-6857  
Facsimile: (972) 692-7265  
[michael@goldmanlawpc.com](mailto:michael@goldmanlawpc.com)  
[www.goldmanlawpc.com](http://www.goldmanlawpc.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are limited resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO "crisis," however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is "at risk." If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. "Minimizing" the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, "paraprofessionals," no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Osiris A. Gonzalez

The Osiris A. Gonzalez Law Firm, PLLC

[2015 E. Griffin Pkwy.](#)

[Mission, Texas 78572](#)

Tel. [956.583.4404](#)

Fax [956.583.4401](#)

Email: [oag@oaglawfirm.com](mailto:oag@oaglawfirm.com)

Web: [www.oaglawfirm.com](http://www.oaglawfirm.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

James E. Girards

Girards Law Firm

Preston Commons Center

8117 Preston Rd, Suite 300

Dallas TX 75225

t 214-346-9529

f 214-346-9532

e [jim@girardslaw.com](mailto:jim@girardslaw.com)

Dear Sirs/Madams and Hon. Justice Busby:

First, let me state that practicing law in general, and practicing Trial Law in Texas specifically, has been the greatest and most humbling honor of my lifetime. I was licensed in 1989 in Texas. I am licensed in two other states and have been involved with litigation in various places throughout the US. Texas trial lawyers are without question the most competent and professional lawyers in the country and always lead the other states with the level of courtesy, competence & professionalism they display every day.

With that background, let me say in the strongest possible manner that I oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea, if put into practice, will destroy the legal profession. It will open the door for venture capitalists to take over the practice of law similar to what has been happening in medicine. The practice of medicine is worse off because of that and the legal profession will be as well, if the current proposal is adopted. Business investors have no idea about, or interest in, maintaining the high standards of professionalism required to maintain public confidence, and practitioner competence, in legal representation for citizens of this state.

I spent 6-years on the District 6A Grievance Committee in Dallas in the past. I can assure you that the very last thing our profession needs is to be taken over by individuals or entities that feel little obligation to adhere to the highest of ethical standards in legal representation that we insist upon as a foundation

for the work we do. Licensed professionals make hard decisions every day navigating conflicts of interest, eg, knowing that making the correct decisions preserves their licensure and making wrong decisions endangers it. Business entities and non-lawyers will feel little to no obligation to making correct decisions in line with professional obligations and standards knowing that if they get caught or injure legal consumers they can move on to a different investment strategy in some other financially beneficial area of our economy.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas. While there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders. Texas lawyers should never be put in a position to please non-lawyer owners or non-lawyer shareholders when the demands of those persons or entities conflicts with the lawyers fiduciary duties to a client.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas. This is a much better solution than allowing non-lawyers to own law firms.

A colleague quotes a famous trial lawyer who once said, “Little people get little justice.” I agree that this is what will happen with the Commission’s proposals. If we are to maintain a minimally acceptable level of professionalism that the practice of law demands, the Commission’s proposals must be rejected.



Shelly Greco  
Attorney at Law  
American Board of Trial Advocates Member

Dear Sirs/Madams and Honorable Justice Busby:

I strongly oppose the proposed non-attorney ownership of law firms. This proposition puts us at the crossroads of deciding if the legal profession is going to continue to be a true profession with ethical and legal obligations primarily to our clients or merely a "legal business" with duties and obligations to shareholders, business investors, and/or the bottom line over our clients. Currently, it is our fiduciary duty to serve our clients best interests to the best of our abilities without obligations to anyone else and certainly not owners, investors or shareholder. I think it is imperative that we keep our fiduciary duty to our clients without creating conflicting business obligations.

As attorneys, we are the only profession given the privilege and responsibility to speak for others. I think it is important that we keep the integrity of the profession and not spit our ethical and legal obligations by involving hedge fund investors and other business investors thus making us just another business that happens to be involved in the legal process. We have seen this erosion already begin to occur as business folks have become more involved in law firms. This will also lead to more legal conglomerates, large firms, multi-national companies squeezing out the small law firms that are key to serving the very communities this proposal suggests it seeks to help. This proposed solution to a perceived problem, will only make the very problem in question worse.

There may be *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO "crisis". I respect and like Justice Busby and the work this board does; however, I am concerned you all are being led astray by forces that seek to infiltrate the legal profession and our judicial system. A focus on increasing non-profit organization involvement and resources would be a much better solution.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. "Minimizing" the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Additionally, "paraprofessionals," no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests. If there is money available to try to address the issue of low-income legal services, then I would ask that you work with the members of the bar and non-profits on how to best achieve

what we all desire to see - more accessible low-income legal services. Opening the flood gates to investors and businessmen and women, is NOT the way to do this.

I respectfully ask that you seek a better solution to the proposed problem. Offering our profession up to special interests, investors and large business is NOT the solution!

Rola Hart

Cooper Hart Leggiero & Whitehead

[rola@chlwlaw.com](mailto:rola@chlwlaw.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It will become a money-grab for the likes of Wall Street investors.

If adopted, non-lawyer ownership of law firms will have a similar result to what happened to the dental industry over the last 20 years: a significant portion of dental practices in the United States went from being privately owned by dentists to now owned and operated by Wall Street investors under national brand names such as Aspen Dental and others.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO "crisis," however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is "at risk." If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. "Minimizing" the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, "paraprofessionals," no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

Create requirements for lawyers to provide pro bono work on a regular basis, but don't open the door to private, non-attorney investors owning law firms and the dilemma that will create for Texas attorneys and citizens.

The Commission's proposals are not a proper solution to affordability of legal services in the state of Texas. For all of these reasons, I am opposed to non-attorney ownership of law firms in Texas.

Ed Hensley  
[Ed4636@yahoo.com](mailto:Ed4636@yahoo.com)

[Comments submitted in sign-up form for attending public meeting]

Lawfirms owned by corporations. Insurer and industry staff lawyers are common. Who owns the lawyer's employer does not, like doctors working in hospitals, change the lawyer's professional ethics or responsibility to clients or the profession.

Allowing Corporate non-lawyer ownership of law firms should not harm clients if lawyers offering services are professional. Depending on good corporate values, it likely will improve how lawyers are perceived by clients and the public. Law firms can adopt firm trade names now, so no change there.

Hon. Mark Hocker  
Judge Presiding  
Lubbock County Court at Law No. 1  
[MHocker@LubbockCounty.gov](mailto:MHocker@LubbockCounty.gov)  
(806) 438-8222

To whom it may concern,

While I appreciate the effort to make justice accessible to all, especially those without the means to easily hire attorneys, I fear the proposed changes to existing rules will jeopardize our justice system and place judges in particularly difficult situations. The rule changes I am referring to are:

1. Allowing “qualified” non-attorney paraprofessionals to provide limited legal services directly to low income Texans; and
2. Allowing non-attorneys to have economic interests in entities that provide legal services to low-income Texas.

As a judge and Texas attorney, I am strongly opposed to both proposals. I pray that you will pass this on to the committee and that the Supreme Court will take into account the opinions of the judiciary and the Bar before taking action on such proposals. I fear that not taking this through the State Bar of Texas channels to allow for lawyer comment is making an end run around our Bar and will have negative consequences.

I am happy to visit in person or via telephone with anyone about this further.

[Daniel Horowitz](#)

2100 Travis Street, Suite 280

Houston, Texas 77002

T: 832-460-5181

F: 832-266-1478

C: 832-483-3060

[www.ddhlawyers.com](http://www.ddhlawyers.com)

Good morning. Without repeating the thoughts and comments you have already received by many of my colleagues, I too OPPOSE non-attorney owned law firms and paraprofessionals.

[Jason January](#)

Attorney at Law

3030 LBJ Fwy.

Suite 130

Dallas, Texas 75234

phone: 214-646-6688

fax: 214-203-1460

[www.JanuaryLaw.com](http://www.JanuaryLaw.com)

Dear Sirs/Madams and Hon. Justice Busby:

I also strongly oppose the proposed imposition of non-attorney ownership of law firms in Texas.

I was licensed in 1985 and spent my first 15 years of practice in the Dallas County District Attorney’s Office. I was hired by the legendary Henry Wade.

After 15 years of prosecution, I became a solo practitioner helping individuals with civil and criminal matters.

I helped victims of crime for 15 years as a prosecutor- and now 23 years I have not only helped victims of crime or negligence, I have helped clients of all types to the best of my ability. I cannot imagine how a non-lawyer without the training and experience and ethical guardrails that licensed Attorneys have in Texas could possibly represent any Texas citizens competently or with the requisite skill, training, experience, and constraints. Texas attorneys are subject to discipline, continuing education requirements, not to mention years of intense schooling.

Business entities are only endeavoring to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. "Minimizing" the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, "paraprofessionals," no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

In creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, this would invariably lead to higher taxes only to serve profits for special interests.

I agree with one proposal that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – in addition to the IOLTA accounts of Texas lawyers already helping fund legal aid for the poor, more money could be raised by making the voluntary \$150 annual contribution to the Texas Access to Justice Foundation mandatory to all attorneys licensed in Texas.

Any tax dollars that are being proposed to be spent on bankrolling business entities would be much better served by making that tax money a contribution to the existing Texas Access to Justice Foundation as well.

Kevin Johnson  
[kevin@justinian.com](mailto:kevin@justinian.com)

[Comments submitted in sign-up form for attending public meeting]

I am against the pretense that allowing non-attorney ownership will do anything to help people get access to justice. It will be the commoditization of legal work that will only help corporations.

Kathleen Kearney  
Attorney & Registered Nurse  
[www.NurseAttorneyKearney.com](http://www.NurseAttorneyKearney.com)  
4310 N. Central Expy.  
Dallas, Texas 75206  
phone 214-810-1867  
fax 844-810-6458

I object to non-attorneys practicing law and non-attorneys owning law firms in Texas. Affordability of legal services for low-income individuals is an issue but the solution should not be to severely cripple the entire legal system in Texas.

In addition to the weekly free legal advice I give to the public when they reach out to my private law office, I volunteer for Dallas Bar Association's Legal Line every other Wednesday evening. The free legal advice requested is usually related to issues that are too complicated for paraprofessionals to handle. **Receiving bad legal advice has worse outcomes than receiving no legal advice.**

Paralegals and paraprofessionals - no matter how much training they may have - are not lawyers. They do not have the rigorous education, knowledge, and skills necessary to navigate the complex legal system in Texas, regardless of the regulations imposed upon them.

**The Texas Board of Nursing has rejected similar proposals even during the height of the pandemic. It was determined that non-nurses functioning as nurses would put patients at-risk.**

While there are *limited* resources for free or affordable legal services, there ARE resources available through organizations to provide legal services to low-income individuals that could be better funded. There is no evidence whatsoever that public confidence in the civil justice system is "at risk."

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. "Minimizing" the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished by allowing non-attorneys to own law firms.

It is the mission of every attorney in Texas to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Further, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes, and all to serve profits for special interests.

One simple, cost-effective solution, that could provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of the legal profession would be to make

the \$150 annual contribution to the Texas Access to Justice Foundation mandatory for all attorneys licensed instead of voluntary.

You can also require lawyers to provide pro bono work on a regular basis. But opening up Texas to non-attorney investors owning law firms will not serve the best interests of people of Texas.

The Commission's proposals are not a proper solution to affordability of legal services in the state of Texas. For all of these reasons, I am oppose and object to non-attorneys practicing law as well as non-attorney ownership of law firms in Texas.

L. Todd Kelly

Senior Partner

Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization

Member, Texas Chapter of the American Board of Trial Advocates

Faculty Instructor, The Trial Lawyers College

AV Rated by Martindale-Hubbel

6200 La Calma Drive, Suite 100

Austin, Texas 78752

1-737-808-0529

[www.texanlegal.com](http://www.texanlegal.com)

[todd@texanlegal.com](mailto:todd@texanlegal.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. New York hedge fund owners, insurance industry leaders and other wealthy business tycoons would certainly love the opportunity to own law firms. Why wouldn't they? This ownership would further tilt the already uneven playing field in their favor. The 7th Amendment to the U.S. Constitution would be eviscerated by allowing the proverbial fox into the hen house. These corporations already control much of the legislation and the firms that represent them. Permitting them to then own their competition will destroy even the semblance of balance in our legal system.

Businesses make money for themselves. That is their nature. The fiduciary nature of our profession (or calling, for some of us) sets us apart from that profit-motivated system. Do we enjoy making money? Sure we do. However, our professional ethics prohibit us from doing so at the expense of our clients. Corporate ownership will simply tear that system down, destroying good, well-intentioned lawyers, and their multitude of clients in the wake.

As an attorney who once engaged the services of one of these hedge fund owners, I know first-hand the pressures that they place on firm owners (even now) to litigate in a certain manner, or to take or refuse certain litigation. How much more if they actually own the firms? Ethical rules will not matter to them as they pressure the plaintiff attorneys in personal injury cases to resolve a case for less, because they also own the defendant corporation? Or perhaps they simply deny representation of these people who desperately need representation because the target defendant is an ally or subsidiary of the company

whose bottom line is about to be affected if the legal representation is competent. I have felt these pressures. They are real. And that is NOW! When these powerful corporations actually own the lawyers, we will devolve into lawlessness. The concept of non-lawyer ownership of law firms flies directly in the face of what this commission sets forth as its goal of providing access to justice for those who cannot otherwise get it. This proposal slams that door shut!

That brings me to my second point. As your proposals related to para-professionals representing low income clients, it would appear on its face that the intent is well-meaning. The obviously foreseeable effect, however, will be in opposition to that intent. There are other ways to resolve the issues of indigent legal representation than to give them pseudo-representation by people that did not go to school to learn the law, have not been tested by the state bar, and do not bear the consequences of their failures. In fact, only their supervisors will pay this price - and for doing only what you propose to impose upon them.

And who is served by allowing non-lawyers to represent the poor? I submit that only the wealthy gain this advantage. Do you think that Wal-Mart or JP Morgan will combat these para-professionals with anyone who didn't graduate from an accredited law school, pass a state bar examination, keep current with their CLE requirements, and bear professional responsibility (and consequences) for their failures. It would be folly to think so. This "representation" would be mere window dressing on a broken system. It would further victimize the voiceless. Do not do this. We practice in a noble profession. Please keep it noble.

Theodore Roosevelt once said that "No man is above the law, and no man is below it; nor do we ask any man's permission when we require him to obey it. Obedience to the law is demanded as a right; not asked as a favor." This course of action will have attorneys asking their corporate overseers for permission every single time we want to hold one of them accountable to the law. No longer will justice be a right, but a favor meted out by the corporate overseers of our nation. George Orwell could not have written it better.

I cannot plead in stronger terms. Please protect the legal profession. Please do not do this!

[Pete Kennedy](#)

Graves Dougherty Hearon & Moody

[12/14/2023 Comments from Pete Kennedy of Graves Dougherty Hearon & Moody<sup>1</sup>](#)

The overview of the proposals are as follows:

- Focus on low-income Texans. For the purposes of the proposals in this report, "low income" is defined as at or below 200% of the federal poverty guidelines as determined

---

<sup>1</sup> Mr. Kennedy's comments appear in bold font in this document.



by the United States Department of Health and Human Services.

**That's a good principle, but I bet legal affordability and access needs run much higher than 200% of federal poverty guidelines. Lawyers are generally unaffordable to average people and even small companies, let alone the working and non-working poor. I could not afford to hire myself, for instance, to handle a legal matter.**

- Authorize Supreme Court-licensed (1) paraprofessionals to represent and assist low-income Texans with certain matters in certain areas of the law and (2) Community Justice Workers to provide limited-scope representation in justice court cases, under the supervision of an attorney working for a legal aid entity or other nonprofit entity.

**Both ideas are worth exploring. But both will face the same funding limitations that plague legal access, since both types of workers will need outside funding; their clients won't be likely to be able to pay fees sufficient to support their salary and overhead. One model to look at for model (2), though, is what UpSolve (a firm client) is doing in New York with community workers: <https://www.cato.org/blog/upsolve-wins-right-give-basic-legal-advice>. I'm not handling that lawsuit, but I think it was a well-conceived and narrow challenge to UPL laws, and it's worked so far. I'm sure the founders would be happy to talk to your committee and I can connect you if you're interested.**

- Create rules, qualifications, licensing, and disciplinary infrastructure within the Judicial Branch Certification Commission (JBCC) to ensure paraprofessionals have the necessary training, skill, and oversight to deliver quality services while protecting the public.

**Sure, this is a need, but from what I've seen, this creates such a barrier to entry that few paraprofessionals will sign up, and it can face undermining by the profession. The ABA has a long story on why a family law pilot program failed in Washington. <https://www.abajournal.com/web/article/how-washingtons-limited-license-legal-technician-program-met-its-demise> My sense is that this article exaggerates the opposition and fails to consider the poor economic model that paraprofessional programs provide – expensive training and certification + low wages = limited engagement by non-lawyers. That would have been a problem even if the program was fully supported by the Bar.**

- Create a pilot program, regulated and overseen by the Judicial Branch Certification Commission and the Supreme Court, that permits non-attorney ownership under an exception to Texas Disciplinary Rule of Professional Conduct 5.04 for entities that demonstrate a business model that provides services to low-income Texans and includes infrastructure to protect clients and ensure attorney independence.

**As I mentioned, I've got some familiarity with the programs in Arizona and Utah that have opened up non-lawyer ownership for qualifying companies. I have several clients who are participating. Both programs appear to be successes and both are attracting considerable attention from the tech and investment communities. California considered a similar 'sandbox' program, but it was opposed by segments of the Bar and then was scuttled by legislation. Seems to me that if California doesn't like it, that means Texas should take a serious look! Far more than the paraprofessional programs, these programs appeal to entrepreneurial talent and investors, and thus are more likely to generate creative legal access solutions. In very general terms, Utah's program is more directly focused on legal access to underserved communities, but almost by definition these alternative law firm structures are looking to expand access to justice, rather than compete with the traditional law firm model serving corporations and high net worth individuals. The Texas Supreme Court has been doing great work with standardized forms and processes; creating a sandbox or ABS program would give private equity and entrepreneurs an opportunity to leverage that work and expand on it.**

[John T. Kirtley, III](#)

Ferrer, Poirot Feller Daniel  
2603 Oak Lawn Ave., Suite 300  
Dallas, Texas 75219

[jkirtley@lawyerworks.com](mailto:jkirtley@lawyerworks.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO "crisis," however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is "at risk." If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. "Minimizing" the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, "paraprofessionals," no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, "Little people get little justice." That is what will happen, in my view, with the Commission's proposals.

Richard LaVallo  
Legal Director  
[www.DRTx.org](http://www.DRTx.org)

[email reply to Kristen Bell's comments]

There was no discussion or consideration of paraprofessionals representing parents or children in CPS cases. I totally agree with you and would have been adamantly opposed to such a proposal. The Family Law Bar was the most resistant to expanding the role of paraprofessionals in family law cases. You definitely should share your objections with Jonathan who was a zealous advocate for the family law bar.

The proposed recommendations have to be approved by the Supreme Court. You will probably have an opportunity to express your concerns about CPS cases when the Supreme Court solicits input about the proposals.

Myles Lenz  
Partner  
Shamieh Law  
Dallas | Austin | Lake Charles  
[www.shamiehlaw.com](http://www.shamiehlaw.com)  
[myles@shamiehlaw.com](mailto:myles@shamiehlaw.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are limited resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, "Little people get little justice." That is what will happen, in my view, with the Commission's proposals.

UA Lewis

[lawyerup@thelewislaw.com](mailto:lawyerup@thelewislaw.com)

[Comments submitted in sign-up form for attending public meeting]

The purpose of access to justice is to make sure that the those with your resources are not deprived their day in court which should be meaningful and not just to check a box. Without bar membership, oversight will be weak. Those same people needing access to justice will be taking advantage of in new creative ways that we can't even imagine at this point. How far will it go? Will disbarred/suspended attorneys be discriminated against in this new push, or will they be welcomed as non-lawyers helping get access to justice?

Sam A. Maida

Attorney at Law, Maida Law Firm  
8313 Southwest Freeway, Suite 102  
Houston, TX 77074

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO "crisis," however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is "at risk." If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. "Minimizing"

the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Christina E. Mancuso

Simon Greenstone Panatier

[cmancuso@sgptrial.com](mailto:cmancuso@sgptrial.com)>

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. **We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.**

Business entities are, by definition, established to make the largest profit possible. **These entities have no legal or ethical duty to anyone except the owners/shareholders.** The concept of non-attorney

**ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms.**

Profits above people and in this case, concerning people usually at a vulnerable time with problems that need to be resolved. "Minimizing" the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, "paraprofessionals," no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. **All to serve profits for special interests. Think of all the ramifications – some which you cannot even imagine – if this proposed idea passes.**

There is a very simple cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – **make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.**

A famous trial lawyer once said, "Little people get little justice." That is what will happen with the Commission's proposals.

Tanja K. Martini  
Attorney at Law

10440 N. Central Expy., Ste. 1240  
Dallas, Texas 75231  
214.753.4757 - T | 888.248.1734 - F  
[tanja@themartinilawfirm.com](mailto:tanja@themartinilawfirm.com)  
[www.themartinilawfirm.com](http://www.themartinilawfirm.com)

Dear Sirs/Madams:

As a 22-year licensed attorney in the State of Texas, I am writing to express my strong opposition to the proposed imposition, in Texas, of non-attorney ownership of law firms.

New York hedge fund owners, insurance industry leaders, and other wealthy business tycoons would certainly love the opportunity to own law firms. Why wouldn't they? This ownership would further tilt the already uneven playing field in their favor. The 7th Amendment to the U.S. Constitution would be eviscerated by allowing the proverbial fox into the hen house. These corporations already control much

of the legislation and the firms that represent them. Permitting them to then own their competition will destroy even the semblance of balance in our legal system.

Businesses make money for themselves. That is their nature. The fiduciary nature of our profession sets us apart from that profit-motivated system. Do we enjoy making money? Sure we do. However, our professional ethics prohibit us from doing so at the expense of our clients. Corporate ownership will simply tear that system down, destroying good, well-intentioned lawyers, and their multitude of clients in the wake.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there *are* resources available through non-profit organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the Texas civil justice system. There is no evidence whatsoever that public confidence, in the Texas civil justice system is “at risk.”

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be NO concern about attorney independence. By definition, this cannot be accomplished by allowing non-attorneys to own law firms.

I would compare the concept of non-attorney ownership of law firms to that of dental practices owned and operated by venture capitalists. The push to increase profits to appease shareholders has caused the standard of care dentists provide to their patients – both young and old – to plummet. Patients are encouraged to undergo procedures they neither require nor which the dentists are qualified to perform. My concern is that the non-attorney-owned law firms that will be backed by investors and major corporations will have a similar impact on the people seeking quality legal representation. The conflict of interest is simply too great to ignore.

And who is served by allowing non-lawyers to represent the poor? I submit that only the wealthy gain this advantage. Do you think that Wal-Mart or JP Morgan will combat these paraprofessionals with anyone who did not graduate from an accredited law school, pass a state bar examination, keep current with their CLE requirements, and bear professional responsibility (and consequences) for their failures? It would be folly to think so. This “representation” would be mere window dressing on a broken system. It would further victimize the voiceless. Do not do this. We practice in a noble profession. Please keep it noble.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex



legal system, regardless of the regulations imposed upon them. For this reason, paraprofessionals have always been subject to attorney supervision.

And, of course, in creating a whole new bureaucracy for non-attorney-owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests. How will it be regulated?

What about the Texas Penal Code § 38.123 regarding the unauthorized practice of law? Where will the new line be drawn? How can unsophisticated Texans protect themselves? The risk of abuse is far too great and should not be permitted.

Nevertheless, there is, in fact, a quite simple, cost-effective solution, which will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of the legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas. Also, require Texas attorneys to provide a minimum amount of pro bono hours per year in addition to the mandatory CLE requirements.

Theodore Roosevelt once said "[n]o man is above the law, and no man is below it; nor do we ask any man's permission when we require him to obey it. Obedience to the law is demanded as a right; not asked as a favor." This course of action will have attorneys asking their corporate overseers for permission every single time we want to hold one of them accountable to the law. No longer will justice be a right, but a favor meted out by the corporate overseers of our nation. George Orwell could not have written it better.

A famous trial lawyer once said, "Little people get little justice." That is what will happen, in my view, with the Commission's proposals. I cannot plead in stronger terms. Please protect the legal profession and the community we serve.

[Matthew Masek](#)

Litigation Attorney

TBN: 24089910

Best, Watson & Gilbert, P.C.

870 W. Interstate 30

Garland, TX 75043

(214) 528-6060, Phone

(214) 528-6020, Fax

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are limited resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Griffin T. McMillin

**KINDER LAW PLLC**

Associate Attorney

3701 W. Northwest Highway, Suite 304

Dallas, Texas 75220

[GMcMillin@justcallkinder.net](mailto:GMcMillin@justcallkinder.net)

[gcmillin@justcallkinder.net](mailto:gcmillin@justcallkinder.net)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are limited resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO "crisis," however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is "at risk." If anything, this is only an issue of perception, not reality. And the solution to this problem is greater investment in non-profit organizations, which, unlike investors, will put low-income people first.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. "Minimizing" the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished by allowing non-attorneys to own law firms.

Moreover, "paraprofessionals," no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney-owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Cole D. McNiel

Anderson Injury Lawyers

1310 W. El Paso Street

Fort Worth, TX 76102

[cole@AndersonInjuryLaw.com](mailto:cole@AndersonInjuryLaw.com)

[www.AndersonInjuryLaw.com](http://www.AndersonInjuryLaw.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Jennifer Montemayor  
Simon Greenstone Panatier  
[jmontemayor@sgptrial.com](mailto:jmontemayor@sgptrial.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Rachel E. Montes

Board Certified – Personal Injury Trial Law Texas Board of Legal Specialization

[rachel@monteslawgroup.com](mailto:rachel@monteslawgroup.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart, in fact, it is widely known as “Law-Mart” and seriously degrades and waters down our profession, and, more basic than that, has catastrophic potential to hurt the public when there is zero accountability for frauds, malpractice, errors and omissions. It will be a disaster for Texas of epic proportions.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas. In fact, there are many many programs that benefit low-income people with legal issues. This is ripe for a hedge fund takeover and assembly line practice of law. This hurts Texan families.

There is NO “crisis,” in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality. One need only look to the public comments from the disaster in Arizona to know that this havoc should not be brought to Texas.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders. If this is brought to Texas, shareholders interests will trump clients’ interests, and that is bad for everyone.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent

conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them. Law school weeds out the folks who should not be lawyers, who often end up in a paralegal capacity, don’t allow those who should not practice law, practice law.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

This is a colossal bad idea for Texans and their families and will have disastrous consequences. Please do not do this. Make the profession of law remain a noble one, dedicated only to our clients, not to bottom dollar line.

**Ja'Mesha L. Morgan, esq.**

*Your Neighborhood Esquire*

6440 N. Central Expy, Suite 516

Dallas, Texas 75206

e-Mail: [jmorgan@neighborhoodesq.com](mailto:jmorgan@neighborhoodesq.com)

Phone: 972-707-1260

Fax: 1-800-395-1643

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO

“crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Kaitlyn Moreno  
Attorney  
Herbet Law Group LLP  
2600 N. Central Expy, Suite 200  
Richardson, TX 75080  
[kaitlyn@zdhinjury.com](mailto:kaitlyn@zdhinjury.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.



Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are limited resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Jill Campbell Penn  
[jill@richardspenn.com](mailto:jill@richardspenn.com)  
[www.richardspenn.com](http://www.richardspenn.com)  
516 E. Commerce Street  
P.O. Box 1309  
Jacksonville, Texas 75766

Dear Sirs/Madams and Hon. Justice Busby:

I vehemently oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This is merely a investors and Wal-Mart-esque businesses who come in, destroy local competition, then raise prices and completely eviscerate the local lawyers – the ones who help the ACTUAL people this “relief” is supposed to help. Have you spoken with any of lawyers in the small towns, the rural communities, the poor areas of our State? Judges in these areas? I doubt it. If so, this wouldn’t be the proposed solution.

The solution to the issue of affordable legal services is NOT letting non-attorneys provide those or corporate ownership of businesses that provide legal advice. One answer is pretty simple: give lawyers CLE credit for pro bono work. Another solution is to **\*require\*** attorneys to provide a certain number of pro bono hours each year. The rural areas, like the one in which I practice, have a lot of individuals who need legal assistance but cannot afford the same. I do not disagree that this does happen. But a crisis, it is not. I volunteer via pro bono through Lone Star Legal Aid for several domestics/family cases each year. I won an award for this. I am not speaking out of turn. Lawyers have the time to take on one or two pro bono cases a year.

Another option is to fund mediation centers so that low income persons can have access to family law mediators and landlord/tenant relief.

Finally: increase the funding for the state criminal defense bar. While I do not practice in that area, I do know that in the rural areas especially, funding is abysmal so the good lawyers often stop taking court appointments.

Aside from family and landlord/tenant law, I cannot think of another area where low income individuals need attorney assistance that is not already provided. Lawyers take personal injury and employment cases on contingency. Criminal attorneys are already paid. Justice courts exist for smaller disputes without the need for attorneys.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders. If corporate ownership is permitted, kiss ethics rules and fiduciary obligations goodbye. Corporations are required to make the largest profit possible. Their fiduciary obligation is to shareholders, not clients. This will cause an INCREASE in litigation (just like we have seen with zoom), not a decrease. It will provide no solution at all to those who actually need the assistance.

And worse, you will run all of the smaller town, more rural lawyers who actually provide services to the low income individuals out of business. Think of Wal-Mart’s business model – lower prices, crush

competition, raise prices. The same thing will happen in this proposal. And it will be the residents of the State of Texas....and the Judges of our local courtrooms...who suffer the consequence. Then again, maybe that is the goal.

Paraprofessionals are not lawyers. They cannot spot legal issues. Many of the lawyers of this State have seen first hand what happens when “notaries” or “notarios” are performing legal work on behalf of persons who do not speak English proficiently. Once again, these persons are creating more issues, not less, for the already overwhelmed justice system.

In all, I cannot imagine finding a lawyer (or a judge who is actually on the bench) that supports this, which begs the question, who does?

[Robert Ray](#)

Attorney at Law

ROBERT E. RAY, PLLC

1177 West Loop South, Suite 1180

Houston, TX 77027

Office: 713.333.8118

E-mail: [robert@roberteray.com](mailto:robert@roberteray.com)

Dear Sirs/Madams and Hon. Justice Busby:

Non-attorney ownership of law firms is a profoundly flawed notion which will open a vexatious and unending Pandora’s Box of conflicts of interest and misrepresentations for Texans seeking legal services. Moreover, the already challenging task of regulating a vast and increasing population of licensed professionals will become far more burdensome and unwieldy for the State Bar of Texas by shoving the legal profession into the world of profit-driven businesses to be owned, controlled and/or operated by those with no interest or ability to make the ethics-related judgments and decisions that attorneys must make and live by every day.

No lawyer or consumer of legal services will be served by permitting non-attorney ownership of law firms. Our profession is already under siege by those who seek to denigrate and dilute its ability to balance our obligations as professionals with ever-increasing demands for profits. Permitting non-attorney ownership of law firms would benefit one group and one group only: non-attorney owners.

As a 37-year member of the State Bar of Texas, I strongly oppose any and all proposals which would permit non-attorney ownership of Texas law firms.

Ryan C. Runkle

Hotze Runkle, PLLC  
1101 S. Capital of Texas Hwy  
Suite C-100  
Westlake Hills, TX 78746  
(512) 476-7771 tel  
(512) 476-7781 fax

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It will become a money-grab for the likes of Wall Street investors.

I am also an Arizona attorney and have seen the effect that their introduction of this concept (with more stringent restrictions mandating attorney management) has had in terms of investors seeking to form "law firms". The amount of solicitation occurring from investor groups is jaw-dropping and jarring.

When such firms are established, the first downturn in profits will contribute to those firms ceasing operation. This is going to ultimately harm clients whose interests will be a back burner consideration. This is going to create mass chaos that will cripple the legal system.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO "crisis," however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is "at risk." If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. "Minimizing" the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, "paraprofessionals," no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

Create requirements for lawyers to provide pro bono work on a regular basis, but don't open the door to private, non-attorney investors owning law firms and the dilemma that will create for Texas attorneys and citizens.

The Commission's proposals are not a proper solution to affordability of legal services in the state of Texas. For all of these reasons, I am opposed to non-attorney ownership of law firms in Texas.

Mohammad Said

Attorney and Counselor at Law

MAS.Law

[212 W. Spring Valley Rd.](#)

[Richardson, Texas 75081](#)

Direct: 972.331.0222

Office: 972.789.1664

Fax: 972.789.1665

Dear Sirs/Madams and Hon. Justice Busby:

I oppose the proposed rule change, in Texas, of non-attorney ownership of law firms. As I write this e-mail in opposition, I am aware that our sister states of Arizona and Utah changed some of their rules to experiment with this endeavor. Texas, however, should not follow in these footsteps. Our legal industry is a fragmented one, and I say that with pride. Allowing non-lawyers to own law firms will eventually consolidate a substantial portion of our industry. Think of the slippery slope this will cause and compare to other industries that are consolidated and how it has effected the individual residents of Texas and our government as a whole. The quality of services will decline and profit driven measures will be placed ahead of the duties and ethical responsibility we lawyers must adhere by. Every other industry that has gone through a consolidation such as this has suffered in providing quality and ethical services to clients. For example, the dental industry, pharmaceutical industry, and so forth. In Arizona for example, the rule change has not in any way provided more access to justice to residents, instead, there are more ads than ever in the personal injury field and almost every non-lawyer group opening a law firm is diving into the personal injury representation.

Allowing non-lawyers to dictate and direct to a licensed attorney how to practice law will influence the lawyer's professional independence and duty to their clients. Conflicts of interest will be in

abundance. Attorneys employed by a law firm owned by non-attorneys/investment groups will struggle to never be adverse to their company employing them while abiding by their duties and responsibilities to their client. In every situation that I have faced as a trial attorney, wherein my firm's bottom line and profits are adverse to a client's interest, I have always sided with the client's best interest, without any regrets or anyone telling me otherwise. I find it very hard to believe that would be possible in every situation if I had to answer to a board that has the interest of its shareholders and investors in mind when making these decisions. Allowing such a measure would undeniably give non-attorney owned corporations with a financial stake in litigation substantial control over how our legal profession functions.

As attorneys, we are rigorously trained and sworn to represent clients ethically and to the best of our ability. That is a standard that non-attorney-owned businesses will never be able to meet, because they are trained to be profit driven, first and foremost. The slippery slope is terrifying.

[Elizabeth Sanford](#)

Sandford Firm

1910 Pacific Ave, Suite 15400

Dallas, TX 75201

[esanford@sanfordfirm.com](mailto:esanford@sanfordfirm.com)

I also oppose.

[John W. Shaw](#)

Blanchard & Thomas, PLLC

4040 Broadway St., Ste. 515

San Antonio, Texas 78209

Tel. 866.219.6119

Email: [JShaw@BlanchardThomas.com](mailto:JShaw@BlanchardThomas.com)

Re: Public Comments Against the Recommendations of the Texas Access to Legal Services Working Group

Dear Chairwoman Miers:

My name is John Shaw. I am currently a Plaintiff's Personal Injury and Family Lawyer in San Antonio. I started off my career with Legal Aid of NorthWest Texas in Fort Worth in 2007. I worked for LANWT for more than 5 years. When I left LANWT and went into private practice, I maintained my relationship with the legal services world by joining the board of directors of Texas Legal Services Center (TLSC). For the past 5 years I have served as Chairman of the board.

I am here to speak on behalf of myself as a lawyer, but it is impossible for me to divorce myself from my experience as a board member of TLSC and as a former legal aid lawyer. While my comments

do come from a place as someone who has experience in the legal services world, I want it to be clear that I am not commenting on behalf of TLSC or our board of directors. I am also not commenting on behalf of my law firm.

**I am against the recommendations of the Legal Services Working Group as it relates to “licensed paraprofessionals” as well as “non-attorney ownership” of entities providing legal services mainly because I do not believe that either will close the justice gap and I am afraid that they could cause more harm than good.**

As it relates to the Working Group’s **recommendation that the Texas Supreme Court license paraprofessionals to engage in particular types of legal representation in certain substantive legal areas**, especially as it relates to non-attorney supervised work, I would like to say that people who cannot afford a lawyer do not have legal problems that are any less complicated than someone who can afford a lawyer. I will admit that I have not had much time to fully digest the report and recommendations, I have read the full report, and in the little time that I have had, my understanding is that in all of the substantive practice areas the gist is that a paraprofessional can do things without attorney supervision as long as it is uncontested. What happens when it becomes contested?

Once contested, that paraprofessional must back out of the case leaving the low-income Texans without representation and without the money in their pocket that they paid the paraprofessional. Where are they going to go? Who is going to get the ball across the goal line? We’ve already established that they cannot afford a lawyer, and nothing has happened in their lives that will make them any more likely to be represented by a legal aid agency. This hasn’t bridged the Justice gap, if anything it has left the impoverished Texan in a worse spot than they were before because they have spent what money they may have had to resolve their dispute and have been left holding the bag.

I am additionally concerned that by creating and supporting the “licensed paraprofessional” title we are going to be playing into the hands of people who already take advantage of the poor and giving them yet another avenue to take advantage of our most vulnerable Texans. Many poor Texans are targeted by scammers who claim that they can do things in the legal services arena that they cannot do. Whether these people call themselves “Notarios” or whether they claim to be a “Notary Publics” I repeatedly saw throughout my time as a legal aid lawyer where someone paid one of these people hundreds of dollars to do the things they were seeking my assistance to get accomplished only to have the person they paid the money to completely disappear, stopping returning their calls, and simply move on to the next victim. This happens at an alarming rate and unfortunately it is under reported because, at least what I have been told by these victims, is that they are scared of law enforcement, and they are often just embarrassed because they have been taken advantage of. I am afraid that people will come out of the woodworks and claim to be a “licensed paraprofessional” when they are not. Vulnerable Texans who are looking for legal representation will not have the ability to differentiate between who is actually licensed and who is not and will be taken advantage of by someone looking to make a quick buck.

With regard to the **non-attorney ownership of entities providing legal services**, allowing tech companies and venture capitalists to turn justice into a profit-making scheme is not legal innovation and it is not going to close the justice gap.

In an October 19, 2022, article in the Yale Law Journal entitled “The Pitfalls and False Promises of Nonlawyer Ownership of Law Firms,” author Stephen P. Younger points out that even the ABA has rejected the idea of nonlawyer ownership of law firms by a landslide vote in favor of Resolution 402, reaffirming the notion that the “sharing of legal fees with non-lawyers and the ownership or control of the practice of law by non-lawyers are inconsistent with the core values of the legal profession. There are many problems associated with non-lawyer ownership of law firms but chief among them is that the motivation of tech companies and venture capitalists, insurance companies, hedge funds and other corporate entities is profit. There is simply no way that profit motivation cannot interfere with the independent judgment of a lawyer. There is no way that profit motivation does not create conflicts of interest. There is no way that profit motivation does not come between what is best for a client and what is best for the company.

More important to me though, is that again, it will not close the justice gap. As Mr. Younger points out in his paper, “Advocates of NLO [non-lawyer ownership] have not presented any compelling evidence that NLO will improve access to justice in a meaningful way, Rather, the benefits of NLO are generally oversold and potentially divert attention from more promising strategies.” Evidence of this is clear in early adopters of non-lawyer ownership including the United Kingdom and Australia where there has been no noticeable reduction in either country’s justice gap.

I am very grateful for the commission giving me this opportunity to comment. More importantly I am extremely grateful for the work that the Commission does, I am proud of the Texas Supreme Court and especially Chief Justice Hecht for the amazing work that he has done that is innovative and has increased the funding for Civil Legal Aid in this State and I posit to you that the answer to closing the justice gap is finding ways to increase funding to Legal Services Law Firms who are the experts on provision of legal services to impoverished Texans.

Sincerely,



John W. Shaw

Charles E. Soechting, Jr  
Simon Greenstone Panatier  
[csoechting@sgpblaw.com](mailto:csoechting@sgpblaw.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe and is merely a money-grab for the likes of Wall Street investors and Wal-Mart.



Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

While there are *limited* resources, there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Conversely, business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Gerald M. Thomas  
[gerald.maurice.thomas@outlook.com](mailto:gerald.maurice.thomas@outlook.com)

I think it would be helpful if certain non-lawyer legal professionals had the ability to represent clients in Texas Justice Courts and Municipal Courts. While we all agree that criminal law and contract disputes can be very specialized, I don’t think every legal job requires a hammer. I think a non-lawyer legal

professional should be allowed to write a letter of representation to a Texas Justice Court in response to a Class C misdemeanor or provide representation in small claims cases under \$20,000.

With the advancements in AI, I foresee that AI can generate a letter responding to a fine-only criminal charge, an eviction lawsuit, or a small debt collection lawsuit in Texas Justice Court. Additionally, AI could conduct legal research by analyzing a collection of several thousand statutes, appellate court cases, and constitutional provisions that a traditional lawyer could become obsolete. Imagine a case where AI conducts the necessary legal research, files a petition in the Texas Justice Court, and automatically responds to a Class C misdemeanor complaint/civil lawsuit in the Justice Courts. I believe if non-lawyers receive the same level of continuing education as Texas Justices of the Peace to become well versed in the law, properly trained non-lawyers should be allowed to represent clients in Texas Justice Courts. Like non-lawyer Justices of the Peace, non-lawyers with a limited law license should be required to complete a certain number of hours of continuing education, maintain professional liability insurance protecting clients from errors and omissions, and register with the State Bar of Texas to obtain a limited State Bar Number.

This technology could save attorneys and small claims courts several hours to give personal attention to more serious matters that involve costly civil penalties and punishments that include incarcerates. Please let me know if you would like to collaborate on a petition to the Texas legislature to allow non-lawyers to represent clients fine-only criminal offenses, eviction cases, uncontested divorces, uncontested name changes, and uncontested adoptions.

John L. Thompson  
GUERRINI & THOMPSON, P.C.  
6500 Greenville Avenue, Ste. 320  
Dallas, Texas 75206  
Tel: 214.692.6556 | Fax: 214.692.6578  
[jlt@erisaltd.com](mailto:jlt@erisaltd.com)  
[www.erisaltd.com](http://www.erisaltd.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are limited resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO "crisis," however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is "at risk." If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. "Minimizing" the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, "paraprofessionals," no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, "Little people get little justice." That is what will happen, in my view, with the Commission's proposals.

Charles A. Whittier  
cawesq@gmail.com

[comments made in sign-up form for attending public meeting]

I would like to address, the difficulty the State Bar of Texas and the profession of attorneys at large would have as a result of paralegals providing unsupervised legal services. The line between paralegal services and legal advice would be hard to always define clearly, thereby, encouraging the unlicensed practice of law by paralegals. Consequently, lower income Texas would be more likely to receive a lower standard and quality of legal services.

Martin Woodward  
Kitner Woodward PLLC  
13101 Preston Road, Suite 110  
Dallas, Texas 75240  
214-443-4300  
214-443-4304 (direct and fax)  
[martin@kitnerwoodward.com](mailto:martin@kitnerwoodward.com)  
[www.kitnerwoodward.com](http://www.kitnerwoodward.com)  
[martin@kitnerwoodward.com](mailto:martin@kitnerwoodward.com)

I write to strongly oppose the idea that non-lawyers can permissibly share in ownership of law firms.

Maria Wormington, RN JD  
Wormington & Bollinger  
[212 East Virginia Street](http://www.wormingtonlegal.com)  
[McKinney, Texas 75069](http://www.wormingtonlegal.com)  
[972 569 3930](http://www.wormingtonlegal.com)  
[972 547 6440\(fax\)](http://www.wormingtonlegal.com)  
[maria@wormingtonlegal.com](mailto:maria@wormingtonlegal.com)  
[www.wormingtonlegal.com](http://www.wormingtonlegal.com)

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern

about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.



December 15, 2023

Sent via email

Texas Access to Justice Commission

RE: Public Comment on the Report and Recommendations of the Texas Access to Legal Services Working Group

Dear Commissioners:

Thank you for the opportunity to submit comments regarding the *Report and Recommendations of the Texas Access to Legal Services Working Group* (hereinafter the Report). We applaud the Working Group on producing a report that is both comprehensive and accessible. We write on behalf of Frontline Justice,<sup>1</sup> a newly- launched organization that is committed to advancing nonlawyer justice workers as a critical, evidence-based, and scalable solution to addressing our nation's access to civil justice crisis. Justice workers are trained and trusted individuals working in communities to help people resolve their legal problems and advance just solutions at scale through limited legal advice and representation. As outlined below, the evidence is abundantly clear: unless we expand access to legal advice and representation beyond lawyer-only solutions, justice problems will continue to overwhelm individual Americans and their communities and effective solutions will be impossible to scale.<sup>2</sup> Our submission focuses specifically on the Report's recommendations related to justice workers. We offer three kinds of evidence to help support the Commission in regulating and implementing effective, scalable, and sustainable justice worker models in Texas: 1) evidence of the enormity of the access to civil justice crisis in the United States, and why bold, urgent, and innovative solutions are required; 2) descriptions of existing justice worker models in the United States and scientific evidence that supports the fact that they are both safe and effective; and 3) specific suggestions to support the Report's recommendations.

#### Recognizing the Enormity of the Access to Civil Justice Crisis in the US

Our nation faces an access to civil justice crisis of extraordinary scale. Each year, Americans will experience 150 million to 250 million new civil justice problems, many involving basic human

---

<sup>1</sup> Rebecca L. Sandefur, Professor and Director, Sanford School of Social and Family Dynamics, Arizona State University and Faculty Fellow, American Bar Foundation Matthew Burnett, Senior Program Officer, Access to Justice Research Initiative, American Bar Foundation; Visiting Scholar, Justice Futures, Arizona State University; and Adjunct Professor of Law, Georgetown University Law Center. Nikole Nelson, Founding CEO, Frontline Justice.

<sup>2</sup> Burnett, Matthew, and Rebecca L. Sandefur. "Designing Just Solutions at Scale: Lawyerless Legal Services and Evidence-Based Regulation." *Direito Público* 19, no. 102, 2022.

needs like having a safe place to live, making a dignified living, and caring for those who depend on them.<sup>3</sup> As many as 120 million of those problems will go unresolved, with consequences like eviction, homelessness, lost wages and benefits, separated families, and impaired health. The access to justice crisis affects every group in society; however, evidence clearly shows that it disproportionately impacts those with low-incomes and people of color. Texas is no exception. In Texas, 90% of the civil legal needs of low-income individuals go unmet.<sup>4</sup> More than 5.2 million Texans qualify for civil legal aid, but there is only 1 legal aid lawyer for every 7,000 low-income Texans who qualify.<sup>5</sup> Texas ranks 46th in the nation for ensuring access to justice for all people.<sup>6</sup>

For many years in the United States, access to justice has been understood as access to courts and lawyers, and access to justice efforts have been focused on expanding access to lawyers by calling for increased funding for civil legal aid, incentivizing pro bono work, and advocating for a civil right to counsel. While these solutions have a part to play, the reality is that while the American legal profession has quadrupled in size over the last 50 years, all evidence suggests that this crisis has only gotten worse. The most recent study of low-income people's civil justice experiences found that this group of vulnerable Americans received legal help for *less than 10% of their civil justice issues*.<sup>7</sup> According to the World Justice Project's Rule of Law Index, the United States ranks 115 out of 140 countries measured for accessibility and affordability of civil justice (in the bottom quarter of all countries measured), and last among high-income countries.<sup>8</sup> As one of the world's richest nations, Americans deserve better. In order to meet the magnitude of this crisis, we must look beyond lawyer-only solutions.

### Existing Justice Worker Models and Evidence of their Effectiveness

Among the leaders in responding to this crisis are state supreme courts. Recognizing just how acute the US access to justice crisis is and the challenges of existing legal aid and pro bono models to adequately scale to address the need, state supreme courts in Alaska, Arizona, and Utah have already granted waivers of unauthorized practice of law restrictions to permit justice workers to provide legal services. As the Report reflects, in 2022 the Alaska Supreme Court approved a waiver that permits community justice workers trained and supervised by Alaska

---

<sup>3</sup> IAALS & HiiL, *Justice Needs and Satisfaction in the United States of America*, (2021), <https://iaals.du.edu/sites/default/files/documents/publications/justice-needs-and-satisfaction-us.pdf>. Rebecca Sandefur & James Teufel, *Assessing America's Access to Civil Justice Crisis*, 11 *University of California Irvine Law Review*, 753 (2020).

<sup>4</sup> *Report and Recommendations of the Texas Access to Legal Services Working Group*, 3.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Legal Services Corporation, *The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans*, (2022), <https://justicegap.lsc.gov/resource/2022-justice-gap-report/>.

<sup>8</sup> World Justice Project, 2023 Rule of Law Index (United States – Civil Justice). Available at <https://worldjusticeproject.org/rule-of-law-index/country/2022/United%20States/Civil%20Justice/>.

Legal Services Corporation (ALSC), the state’s primary provider of civil legal aid, to provide legal advice and represent their clients in court.<sup>9</sup> These justice workers are trained to provide targeted legal services in the areas of SNAP benefits, end-of-life planning, debt, domestic violence, and Indian Child Welfare Act matters.<sup>10</sup> ALSC has trained over 300 Community Justice Workers, who have handled hundreds of cases with a 100 percent client success rate. The Supreme Court of Arizona in 2019<sup>11</sup> authorized a program that “empower[s] non-lawyer advocates to provide trauma-informed, limited-scope legal advice to domestic violence survivors. [These justice workers] help survivors navigate the legal system to obtain child support, spousal maintenance, and fair and equitable property and debt divisions.”<sup>12</sup> In 2023, the Arizona State Supreme Court also granted a waiver<sup>13</sup> to permit trained Housing Stability Legal Advocates to assist low-income people facing eviction. Around the same time, the Utah State Supreme Court granted a similar waiver to permit this activity in Utah.<sup>14</sup> The Utah Supreme Court also oversees the legal regulatory Sandbox,<sup>15</sup> a regulatory innovation that enables nonlawyer justice workers to deliver legal services to meet Utahans’ justice needs, including programs assisting people with legal issues surrounding medical debt, criminal records expungement, domestic violence, and end of life planning.<sup>16</sup> Over the last three years, these and other entities in Utah’s legal services regulatory Sandbox have delivered over 60,000 legal services,<sup>17</sup> with no evidence of material consumer harm. Indeed, fewer than 10 harm-related complaints have been received by this regulator during those three years, and all have been resolved to the satisfaction of both the involved consumer and the regulator.<sup>18</sup>

As part of New York State’s Housing Court Answers Navigators Pilot Project, trained volunteer nonlawyer Navigators assisted low-income tenants in Brooklyn Housing Court by helping tenants answer landlord petitions for nonpayment of rent.<sup>19</sup> “Litigants assisted by Housing Court Answers Navigators asserted more than twice as many defenses as litigants who received no assistance.”<sup>20</sup> As a result, “tenants assisted by Housing Court Answers Navigator were 87 percent more likely than unassisted tenants to have their defenses recognized and addressed by

---

<sup>9</sup> <https://alaskabeacon.com/briefs/nonattorney-advocates-can-represent-alaskans-in-court-under-a-new-waiver/>

<sup>10</sup> <https://www.alsc-law.org/community-justice-worker-program/>

<sup>11</sup> <https://www.azcourts.gov/Portals/22/2023-21.pdf>

<sup>12</sup> <https://www.innovation4justice.org/dv-lla>

<sup>13</sup> [https://docs.google.com/document/d/1G3OqXB8Y5nz4la\\_kRChxtBLJz3A\\_J3AodjiZ457PMvs/edit](https://docs.google.com/document/d/1G3OqXB8Y5nz4la_kRChxtBLJz3A_J3AodjiZ457PMvs/edit), p. 51

<sup>14</sup> *Id.*, p. 52

<sup>15</sup> The Office of Legal Services Innovation, <https://utahinnovationoffice.org/>.

<sup>16</sup> *Authorized Entities*, The Office of Legal Services Innovation, <https://utahinnovationoffice.org/authorized-entities/>.

<sup>17</sup> The Office of Legal Services Innovation, Activity Report: October 2023 7 (November 29, 2023), <https://utahinnovationoffice.org/wp-content/uploads/2023/11/2023.10-Public-Report-.pdf>.

<sup>18</sup> Activity Report: October 2023, *supra* note 14, at 8.

<sup>19</sup> Rebecca L. Sandefur & Thomas M. Clarke, Roles Beyond Lawyers, Summary, Recommendations and Research Report of An Evaluation of the New York City Court Navigators Program and its Three Pilot Projects, 4 (Dec. 2016), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2949038](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2949038).

<sup>20</sup> Sandefur & Clarke, *supra* note 21, at 4.



the court.”<sup>21</sup> “For instance, judges ordered landlords to make needed repairs about 50 percent more often in Navigator-assisted cases.”<sup>22</sup> In the eviction context, the University Settlement Navigators Pilot Project employed trained caseworkers (employees of a nonprofit organization) to operate in Brooklyn Housing Court, working with litigants from case inception to resolution. Encouragingly, “[i]n cases assisted by these University Settlement Navigators, *zero percent of tenants experienced eviction from their homes* by a marshal.” [Emphasis added.]<sup>23</sup>

In addition to state reforms, the federal government routinely allows representation by nonlawyer justice workers in a wide range of administrative hearings, and has done so for decades. For immigration hearings, over 2,000 federally accredited nonlawyer immigration representatives deal with all sorts of legal matters faced by their clients, including representation in immigration court and before the Board of Immigration Appeals.<sup>24</sup> Indeed, many of these services are provided by religious, community, and social services organizations, which are authorized by the U.S. Executive Office for Immigration Review to offer legal advice and representation through non-lawyer staff.<sup>25</sup> To take another example, the Social Security Administration advises claimants appealing determinations of their right to representation, but it does not require that those representatives be licensed attorneys.<sup>26</sup> Just this month, the U.S. Department of Justice Office of Access to Justice and its Legal Aid Interagency Roundtable (LAIR) published a report, “Access to Justice in Federal Administrative Proceedings: Nonlawyer Assistance and Other Strategies,” which outlines the significant scope of activity by non-lawyers across federal agencies.<sup>27</sup>

In short, a growing body of evidence suggests that nonlawyer justice worker programs are both safe and effective. The consistent finding across this research is that specialization and experience, rather than formal legal training, are the critical factors in ensuring effective representation in routine matters that come before these fora<sup>28</sup>, and that such representation by justice workers is as or more effective than lawyers.<sup>29</sup> Finally, evidence suggests that unlike

---

<sup>21</sup> Sandefur & Clarke, *supra* note 21, at 4.

<sup>22</sup> Sandefur & Clarke, *supra* note 21, at 4.

<sup>23</sup> Sandefur & Clarke, *supra* note 21, at 5.

<sup>24</sup> Rebecca L. Sandefur, *Legal Advice from Nonlawyers: Consumer Demand, Provider Quality, and Public Harms*, 16 *STAN. J. C.R. & C.L.* 283 (2020) at 290.

<sup>25</sup> See *Recognized Organizations and Accredited Representatives Roster by State and City*, U.S. Dep. Justice, <https://www.justice.gov/eoir/recognized-organizations-and-accredited-representatives-rosterstate-and-city>.

<sup>26</sup> Herbert M. Kritzer, *Legal Advocacy: Lawyers and Nonlawyers at Work* 113 (1998), at 113; see also Social Security Administration, *Your Right to Representation* (2020), <https://www.ssa.gov/pubs/EN-05-10075.pdf>.

<sup>27</sup> <https://www.justice.gov/d9/2023-12/2023%20Legal%20Aid%20Interagency%20Roundtable%20Report-508.pdf>

<sup>28</sup> See, e.g. Rebecca L. Sandefur, *Legal Advice from Nonlawyers: Consumer Demand, Provider Quality, and Public Harms*, 16 *STAN. J. C.R. & C.L.* 283 (2020) Herbert M. Kritzer, *Legal advocacy: Lawyers and nonlawyers at work*. University of Michigan Press, 1998. Hazel Genn and Yvette Genn. *The effectiveness of representation at tribunals*. London: Lord Chancellor’s Department, 1989

<sup>29</sup> See, e.g. Regulating Will-Writing, 2011. Available at:

[https://www.legalservicesconsumerpanel.org.uk/publications/research\\_and\\_reports/documents/ConsumerPanel\\_WillwritingReport\\_Final.pdf](https://www.legalservicesconsumerpanel.org.uk/publications/research_and_reports/documents/ConsumerPanel_WillwritingReport_Final.pdf). Richard Moorehead et. al, *Quality and cost: final report on the contracting of Civil, Non-Family Advice and Assistance Pilot*. The Stationary Office, 2001.

lawyer-only models, justice workers have the potential to scale to meet the civil justice needs of everyday Americans.<sup>30</sup>

### Suggestions Based on the Report's Recommendations

We commend the Working Group's report and recommendations for their efforts to increase access to justice through a variety of reforms; our comments are focused on a set of specific recommendations, those related to the justice worker proposal. We support the recommendations to amend Texas Rule of Civil Procedure Rule 500.4 to authorize trained and supervised Community Justice Workers to provide assistance and representation in justice court cases, that justice workers be appropriately supervised by a nonprofit, and that adequate and appropriate training is provided. We also support amending Texas Rule of Civil Procedure 500.4(c) so that a court is required to make a finding of just cause if it prohibits a nonlawyer from assisting a self-represented litigant in justice-court cases, instead of the current rule which requires an affirmative finding of good cause to allow such assistance. We encourage you to adopt these reforms now. We additionally offer the following suggestions based on empirical research evidence for future consideration:

- 1) Expand the scope of practice for justice workers to address critical unmet legal needs that go beyond matters overseen by justice courts. While justice courts handle a range of cases that represent critical legal needs for low-income Texans, including debt and evictions, we encourage the Commission to consider other areas of vast unmet legal need such as family issues, intimate partner violence, and administrative proceedings that fall outside of the jurisdiction of justice courts. As the evidence above suggests, these matters are routinely and effectively handled by justice workers in other jurisdictions. We recommend that the Scope of Practice Working Group continue to explore both opportunities for legal representation beyond justice courts and a regulatory framework that incorporates the kind of flexibility that allows justice workers to expand into additional practice areas without undo administrative or regulatory burdens.
- 2) Develop a training program and requirements that are targeted to people's justice needs, accessible to potential justice workers, and are not unduly burdensome for justice workers. The ultimate goal of justice worker training and credentialing is not to create generalists, but rather to expand the availability of qualified help. The most successful existing programs engage and support individuals that are already embedded in communities, such as social services providers, librarians, faith leaders, and health workers, and focus on one or two areas of routine legal advice and representation that these community providers routinely see in the course of their work with the populations

---

<sup>30</sup> Burnett, Matthew, and Rebecca L. Sandefur. "Designing Just Solutions at Scale: Lawyerless Legal Services and Evidence-Based Regulation." *Direito Público* 19, no. 102, 2022, at 108-09.

they serve. Training should be physically, linguistically, and culturally accessible, and not unduly burdensome for potential helpers. In Alaska, for example, most justice worker training modules can be completed in less than 10 hours, virtually and asynchronously, and at the justice workers' own pace. These trainings are then supplemented by hands-on experience, where justice workers handle a case under the supervision of an attorney. Overburdening training costs and credentialing requirements have been a key constraint in scaling nonlawyer assistance. Each additional requirement can pose a barrier to access and scalability, and thereby limit the impact of the proposed changes.

- 3) Licensing requirements should not place undue hardship or restrictions on participation by people who wish to help as justice workers. Under the proposed recommendations, justice workers are required to be supervised by a nonprofit organization that provides free or low-cost services to low-income communities. Justice workers are not independent providers, nor are they handling client funds or engaged in meaningful financial transactions in giving advice or over the course of representation. As such, traditional licensing requirements, such as character and fitness, are not appropriate here and should not pose undue constraints on participation.
- 4) Build research and data collection into the design of the program. A solid evidence base from the US and other jurisdictions shows that these programs can be safe and effective at providing access to justice for people. Nonetheless, we can learn more about how to do this work well and to do it better from what happens in Texas. The inception of new programs in Texas offers a critical opportunity to embed research and data collection into the very design of these programs, so that the Texas Supreme Court, the Texas Access to Justice Commission, local service providers, legislators, and other Texans can learn in real-time about how these projects are working and how they may be made more effective.

Sincerely,

Rebecca Sandefur  
Co-Chair

Matthew Burnett  
Senior Advisor

Nikole Nelson  
CEO



---

Justice we can believe in

---

## **Comments Regarding the Texas Access to Justice Commission Access to Legal Services Working Group's Recommendations**

We write on behalf of IAALS, the Institute for the Advancement of the American Legal System, regarding the Texas Access to Justice Commission Access to Legal Services Working Group's Recommendations ("Recommendations"). IAALS is a national, independent research center at the University of Denver dedicated to continuous improvement of the civil justice system. IAALS identifies and researches issues in the legal system; convenes experts, stakeholders, and users of the system to develop and propose concrete solutions; and then goes one step further to empower and facilitate the implementation of those solutions to achieve impact. We are a nonpartisan organization that champions people-first reforms to the legal system and the legal profession. Since 2019, IAALS has had an Unlocking Legal Regulation initiative through which it has worked with leaders in states across the country to rethink how we deliver and regulate legal services.

We applaud the Texas Access to Justice Commission and its Access to Legal Services Working Group for their leadership in regulatory reform efforts in Texas. We hope these recommendations are just the first step in a new era of legal regulatory innovation in the state.

### **Defining the "Access to Justice Gap"**

---

As the legal profession continues to have discussions about closing the justice gap and ensuring that all Americans have access to the legal help they need, it is important that we first use a common definition for the "access to justice gap" so that we are all on the same page. It is unclear from the report and recommendations how the Texas Access to Legal Services Working Group ("Working Group") defines the access to justice gap. Some legal professionals, including one cited in the Working Group's report, define the access to justice gap as limited to people who qualify for free legal aid (usually people who have an income of 125% or less of the federal poverty guidelines and who are not able to access legal services). It is [well documented](#), however, that people above this income eligibility line—and far into the middle-class—also cannot access the legal help they need. Therefore, at IAALS, we include people

and small businesses who would be considered low- or middle-income in this “access to justice gap,” and we bring this perspective to our comments below.

### **The Access to Justice Gap Requires an Ecosystem of Legal Service Providers**

---

The breadth and depth of the problem is alarming. It is so extensive and dire that even if all of the recommendations and all of the suggestions offered by stakeholder groups included in the Working Group’s report are accepted, it will still not be enough. The reality is that we need an entire ecosystem of legal service providers, which includes each of these recommended solutions and probably dozens more that we have not yet contemplated. Given this reality, perhaps the question is not which program(s) we should implement. It is which program(s) we should implement first, and what is the most effective and efficient way of doing so.

### **Launching a New Program Requires a Substantial Amount of Resources**

---

In our experience talking and working with states that have implemented programs akin to the ones proposed in the Recommendations, states must be very intentional in allocating enough resources toward these programs to effectively develop, evaluate, and sustain them. This is true even when existing groups—such as the Judicial Branch Certification Commission—are used to fill the regulatory agency role. While the total amount of resources needed to launch a program is not unreasonably large, state resources that can be devoted to these programs are often finite. In determining which of these recommended programs to move forward with, IAALS urges that the Working Group and ultimately the Texas Supreme Court prioritize obtaining enough funding and resources to support each of these programs individually and as a collective.

### **Every Model Proposed Is Needed to Close the Access to Justice Gap, but Each Model Must Be Paired with the Right Framework to Succeed**

---

As we shared above, it really is all hands on deck when it comes to closing the access to justice gap. The gap is massive, and we need an entire ecosystem of models and providers to close it. At this point, at least a few states have implemented each type of regulatory model recommended in the Working

Group’s report, and from these state efforts we’ve come to learn the frameworks needed for each model to be successful and achieve maximum impact.

### *The Community Justice Worker Proposal*

The Supreme Court of Texas has identified low-income Texans as the target audience on which the Working Group should focus its efforts. Community justice worker models in [Alaska](#), [Utah](#), [Arizona](#), [Delaware](#), and [Hawai’i](#) are proving to be successful avenues through which to serve this particular population. By definition, low-income people have very little to no income. They do not have money to pay for legal services. They need the legal services to be free. Community justice worker models are non-profit models through which legal services can be delivered for free—a perfect fit for low-income Texans. IAALS recommends that the Supreme Court of Texas adopt a community justice worker program in Texas.

### *The Licensed Paraprofessional Proposal*

Over the past three years, IAALS has devoted considerable time and energy to the advancement of these licensed paraprofessional (“LP”) programs. We developed a [Landscape Report](#) that examines why states have created these programs and the similarities/differences between them, we convened a group of expert stakeholders to discuss best practices and lessons learned from existing programs, and we published a [National Framework Report](#) that lists 18 recommendations on the creation of these programs based on discussions at the convening. Based on our research and the data supporting the successes of these programs, IAALS fully supports Texas creating an LP program. Our comments below on the LP recommendation are based on our general support of these programs coupled with our knowledge on what is needed for these programs to be successful.

To create a successful program where LPs can both make a living and help the millions of Texans who cannot afford an attorney, the 200% income cap must be removed. When Colorado’s Providers of Alternative Legal Services subcommittee developed their recommendations for an LP program, it too recommended an income cap. It considered a cap of 400% or below the federal poverty guidelines, but the Colorado Supreme court ultimately decided that an income cap was not appropriate. We agree with the Colorado Supreme Court. Data from Washington’s Limited Licensed Legal Technician (“LLLT”) program shows that many LLLTs bill on a sliding scale based on the client’s income. This allows them



to serve lower-income clients in addition to clients that earn above the 200% threshold that Texas is considering. Any income cap will unnecessarily restrict a huge portion of Texans who make more than 200% of the federal poverty guidelines but still cannot afford the services of an attorney. It will also unnecessarily limit for LPs their pool of potential clients and their ability to make a living since their work is not subsidized like that of community justice workers.

It is also essential to the success of an LP program that the scope of practice areas and responsibilities are not so limited that it dissuades people from becoming LPs and precludes any meaningful impact to closing the access to justice gap. The recommended limitation of divorce cases to only those that are uncontested, and the requirement of attorney supervision for suits affecting the parent-child relationship are too limiting. All the data that has come out of LP programs supports the expansion of scope of work, not its limitation. In 2022, the Minnesota Supreme Court expanded the scope of LPs to include cases involving allegations of domestic or child abuse so long as they fulfilled additional training requirements. This expansion came, in part, from supervising attorneys suggesting that LPs' roles be expanded into these areas of the law. This expansion by the Minnesota Supreme Court falls directly in line with Recommendation 5 of our Framework Report, that “instead of restricting the [LP] role, states should instead modify the education and testing requirements to ensure [LPs] are competent to handle a case from start to finish.” We fear that these limitations noted above will impede Texas' LP program from being successful and helping to close the access to just gap.

#### *The Alternative Business Structure Proposal*

Both Utah and Arizona permit alternative business structures (“ABSs”)—entities in which people who are not lawyers have an economic interest or decision-making authority in a firm. One lesson IAALS has learned from the Utah and Arizona efforts is that ABSs work best serving the group of people who make too much money to qualify for free legal aid but not enough to pay market rates for attorneys—the middle class. As stated above, it is well-documented that the middle class falls within the access to justice gap; therefore, ABSs are proving to be an effective model for closing the access to justice gap. While there are ABSs in Utah and Arizona that are serving low-income people, most of them are also serving a substantial number of people who fall above 200% of the federal poverty guidelines. It is unclear how many entities would be able to create a financially sustainable business model that did not include serving people who fall above 200% of the federal poverty guidelines. If the Supreme Court of

Texas approves this ABS recommendation, we recommend elimination of any income restrictions so entities can create financially sustainable business models that serve the greatest number of people in the access to justice gap.

One additional lesson IAALS has learned from the Utah and Arizona efforts establishing ABS programs is that the elimination of rules, waiver of rules, or rule changes is preferred to launching pilot projects. A pilot project can be a powerful model for civil reform and has been used by IAALS and others to achieve change. In the ABS space, however, unique challenges are presented when you have companies that are trying to decide whether to invest. The word “pilot” injects uncertainty into a program and uncertainty is scary to business owners and investors. Starting a business is a time- and resource-intensive endeavor. No one wants to invest a lot of time and money into a project that could theoretically end at a moment’s notice. If the Supreme Court of Texas decides to pursue a pilot project as opposed to a rule change (like in Arizona), we recommend that the pilot project has an end date at the outset, and that the timeframe for the pilot project be long enough for it and the entities participating in it to flourish. For example, the pilot project timeline for the Utah sandbox, which includes ABS models, is seven years.

IAALS is grateful to the Texas Access to Justice Commission for the opportunity to share our support for and concerns with the Working Group’s Recommendations. If the Working Group or Commission has any follow-up questions based on our comments, we welcome the opportunity to discuss in more detail IAALS’ extensive research and work in these areas.

Sincerely,

Jessica Bednarz  
Director of Legal Services and the Profession

Michael Houlberg  
Director of Special Projects



December 14, 2023

Attn: Harriet Miers, Chair  
Texas Access to Justice Commission  
P.O. Box 12487  
Austin, Texas 78711  
[atjmail@texasbar.com](mailto:atjmail@texasbar.com)  
[ATJMail@texasatj.org](mailto:ATJMail@texasatj.org)

Re: Public Comment on the December 5, 2023 Report and Recommendations of The Texas Access to Legal Services Working Group; Considerations for Regulatory Reforms in Light of the 2023 Report: ALICE in the Crosscurrents: COVID and Financial Hardship in Texas

Dear Commissioners:

The North Carolina Justice for All Project (JFAP) is a non-profit advocacy association committed to expanding access to justice across the state of North Carolina. We strive to empower individuals by championing reform in the legal profession and educating the public, legal community, and other stakeholders on the pressing issues that greatly impact the lives of North Carolinians.

Our team is made up of individuals from diverse backgrounds, including those with experience in family law and other areas of people law, public sector work, law enforcement, and victim advocacy. We are united by our personal experiences of trying to assist those caught in civil legal disputes with nowhere to turn to. We witness firsthand the failures of the legal system and how justice is often only attainable for those who can afford an attorney.

To address this crisis, we propose innovative policy alternatives and advocate for the utilization of professionals other than attorneys to serve the public effectively in certain areas of the law. We are committed to fighting for the millions of North Carolinians and Americans across the country who cannot afford a lawyer, do not qualify for legal aid or pro bono services, and have no other options for representation or advice when they have a legal need.

We are writing to convey our strong endorsement of the initiatives aimed at bridging the access to justice gap in Texas. This includes authorizing Supreme Court-licensed (1) paraprofessionals to represent and assist low-income Texans with certain matters in certain areas of the law (e.g., family law, probate and estate, and consumer-debt law) and (2) Community

Attn: Harriet Miers, Chair  
Texas Access to Justice Commission  
P.O. Box 12487  
Austin, Texas 78711  
[atjmail@texasbar.com](mailto:atjmail@texasbar.com)  
[ATJMail@texasatj.org](mailto:ATJMail@texasatj.org)  
December 14, 2023  
Page 2



Justice Workers to provide limited-scope representation in justice court cases under the supervision of an attorney working for a legal aid or other nonprofit entity. We are also writing to express concerns regarding the structure of your proposed programs and the population they are intended to serve.

Although we are writing from outside Texas, your state’s challenges and issues concerning civil access to justice are not dissimilar to those of other states, including our own. Every state nationwide is embroiled in similar civil access to justice crises, regardless of population size, makeup, or geographic location. Furthermore, issues related to civil justice often have far-reaching implications that extend beyond state borders. As such, Americans across the country benefit by working collaboratively to identify solutions and ensure all individuals in every state can access the legal resources and assistance they need.

As members of the legal community and advocates for civil access to justice, we have followed the progress in Texas toward providing a meaningful resource for civil legal needs to your citizens. We applaud your efforts. Many individuals and families simply cannot afford the high cost of legal services, leaving them vulnerable to many legal problems that impact housing, safety, economic stability, and family structure. This is especially true for marginalized communities, who often face barriers to accessing legal assistance.

## Texas Profile

### LSC-Eligible Population

<i>Estimate of eligible population</i>		<i>Annual Income Level for Eligibility</i>	
<b>Eligible Pop</b>	<b>Percent Eligible</b>	<b>Single Person</b>	<b>Family of Four</b>
5,179,080	17.9%	\$18,225	\$37,500

Population with household income below 125% Federal Poverty Guidelines, based on 2021 1-year American Community Survey estimates provided to LSC by the U.S. Census Bureau.

Income eligibility thresholds are 125% of the 2023 Federal Poverty Guidelines set by the U.S. Dept. of Health & Human Services.

We calculate, conservatively, that nearly 43% of the citizens in your state cannot afford legal assistance when they need it. Of course, this includes the low-income population. Texas's

Attn: Harriet Miers, Chair  
Texas Access to Justice Commission  
P.O. Box 12487  
Austin, Texas 78711  
[atjmail@texasbar.com](mailto:atjmail@texasbar.com)  
[ATJMail@texasatj.org](mailto:ATJMail@texasatj.org)  
December 14, 2023  
Page 3



income cap for LSC-funded legal aid is \$18,225 for one person and \$37,500 for a family of four.<sup>1</sup> According to Legal Services Corporation, 5,179,080 Texans (or 17.9% of your nearly 29.53 million people) are eligible for legal aid services. While legal aid plays an essential role in helping low-income individuals access legal services, there are limitations to what they can provide.

### **Considerations for Regulatory Reforms in Light of the 2023 Report: ALICE in the Crosscurrents: COVID and Financial Hardship in Texas**

Additionally, despite the significant legal needs of low-income individuals, a considerable number of middle-income families are also struggling to access affordable legal services. Unfortunately, there are few alternatives available to the middle-income population for assistance with legal disputes. With legal aid excluded as an option, well-meaning lawyers often suggest pro bono legal services as the solution. Unfortunately, while pro bono lawyers can make a valuable contribution to increasing access to justice, they cannot solve the access to justice crisis on their own. Pro bono services are typically provided by volunteer lawyers who offer brief advice and counsel, and while this can help some individuals who are unable to afford legal representation, it is not a sustainable solution for the millions of people who need extended service and cannot afford legal help. The access to justice crisis requires meaningful change, including regulatory reforms, to ensure that everyone has access to the legal help they need, regardless of their financial circumstances.

Those who cannot qualify for free legal services and cannot afford a lawyer are frequently referred to as the “missing middle” because they are often disregarded.<sup>2</sup> To better understand the size of Texas’s “missing middle,” we estimated it using data from the United for ALICE Texas report and the U.S. Census Bureau. To address the “missing middle” in Texas and ensure legal services are more accessible and affordable, it is essential to consider the ALICE (Asset Limited, Income Constrained, Employed) population. As of 2021, 29% of Texas households were categorized as ALICE, earning a wage above the Federal Poverty Level (FPL) but insufficient to afford basic living expenses. This demographic, combined with those below

---

<sup>1</sup> Texas Profile. Legal Services Corporation. Retrieved December 14, 2023, from <https://www.lsc.gov/grants/our-grantees/texas-state-profile>

<sup>2</sup> Houlberg. (2022). *Allied Legal Professionals*. Institute for the Advancement of the American Legal System at University of Denver. Retrieved March 9, 2023, from <https://iaals.du.edu/projects/allied-legal-professionals>

Attn: Harriet Miers, Chair  
Texas Access to Justice Commission  
P.O. Box 12487  
Austin, Texas 78711  
[atjmail@texasbar.com](mailto:atjmail@texasbar.com)  
[ATJMail@texasatj.org](mailto:ATJMail@texasatj.org)  
December 14, 2023  
Page 4



the poverty level, constitutes 43% of the state's households living below the ALICE Threshold. The ALICE Household Survival Budget for a family of four in Texas was \$60,660, significantly higher than the FPL of \$26,500. These figures demonstrate the substantial portion of Texas's population facing financial vulnerability. See the attached April 2023 report, *ALICE in the Crosscurrents: COVID and Financial Hardship in Texas*, attached as Appendix A.

Current regulatory reform proposals focusing on enhancing the affordability of legal services for individuals at or below 200% of the federal poverty guidelines will not address the needs of the "missing middle." This is because many ALICE households, while earning above the FPL, still struggle to meet basic needs due to their limited income. If the reforms continue to set a cap at less than 200% below the poverty guidelines, a significant number of ALICE households may not benefit, thereby overlooking a crucial segment of the population in dire need of affordable legal services.

In order to effectively bridge the access to justice gap, it's imperative that Texas's regulatory reforms expand their scope to include the ALICE population. This approach would ensure that a larger segment of the population, particularly those who are employed yet financially constrained, can access the legal services they need. Such an inclusive reform strategy would not only cater to the immediate legal needs of these households but also contribute to a more equitable and just legal system in Texas.

The legal system can be complex and intimidating, especially for those who are not familiar with its processes and procedures. As a result, many individuals are left with no choice but to navigate the system on their own without the guidance and support of a qualified legal professional. This can be particularly challenging for individuals who are low-income or otherwise marginalized, as they may face additional obstacles such as language barriers or a lack of legal knowledge.

However, with proper training and oversight, non-attorneys can provide valuable legal services to those who need them most. By allowing non-lawyers to provide limited legal services, such as document preparation and legal advice in specific areas, the legal system can become more accessible and inclusive for all Texans. Non-attorneys who have received the necessary training and support can help bridge the gap between the legal system and those who need to navigate it.

Attn: Harriet Miers, Chair  
Texas Access to Justice Commission  
P.O. Box 12487  
Austin, Texas 78711  
[atjmail@texasbar.com](mailto:atjmail@texasbar.com)  
[ATJMail@texasatj.org](mailto:ATJMail@texasatj.org)  
December 14, 2023  
Page 5



You have the opportunity to empower individuals and families to meet their basic needs and protect their rights. This can mean the difference between a family having shelter or being homeless or being able to secure a fair settlement or custody arrangement. It can help prevent ongoing domestic violence and other forms of abuse by providing families with the legal tools to protect themselves. Additionally, it would help reduce the backlog of cases in the courts by providing assistance with legal paperwork and other matters.

The proposed regulatory reforms in Texas, aimed at relaxing Unauthorized Practice of Law (UPL) statutes to include community justice workers and paraprofessionals, might encounter significant opposition. However, evidence from other jurisdictions suggests that such reforms can effectively bridge the access to justice gap without causing public harm or unduly disrupting the legal market.

First, concerns regarding public harm have been largely unfounded in states like Utah and Arizona, where limited licensing models are established. Similarly, at the federal level, non-lawyer advocates have been effectively utilized in administrative proceedings in areas such as immigration and social security for many years. These examples indicate that appropriately trained and regulated non-lawyer professionals can provide valuable legal services without compromising public safety or service quality.

Second, the fear of competition from alternative legal service providers, as highlighted in the 2017 report by the National Center for State Courts and the American Bar Foundation, is overestimated. The access to justice gap predominantly affects those who cannot afford traditional legal services. Therefore, regulatory reform is unlikely to infringe upon the existing legal market. Instead, it expands access to legal services for a previously underserved demographic, enriching the legal ecosystem rather than competing with it. Moreover, it's important to remember that the legal profession's primary obligation is to serve the public interest, not to protect its own market share. The current UPL statutes, while well-intentioned, inadvertently restrict access to legal assistance for many individuals who could benefit from the services of non-lawyer professionals with relevant skills and experience.

While the reforms under consideration mark a significant step forward, they presently target a relatively narrow population segment. To truly address the access to justice gap, it is crucial to expand the scope of these reforms to include a broader range of Texans. This approach

Attn: Harriet Miers, Chair  
Texas Access to Justice Commission  
P.O. Box 12487  
Austin, Texas 78711  
[atjmail@texasbar.com](mailto:atjmail@texasbar.com)  
[ATJMail@texasatj.org](mailto:ATJMail@texasatj.org)  
December 14, 2023  
Page 6



not only aligns with the core values of justice and fairness but also strengthens the legal framework by making it more inclusive and responsive to the needs of the community.

Finally, by pioneering these reforms, Texas can lead the way for other states, potentially catalyzing a nationwide movement toward greater legal inclusivity. Such a trend would contribute to a more equitable legal system nationwide, where access to necessary legal services is a reality for all, irrespective of their economic status.

We urge you to weigh these considerations and the transformative potential of these reforms on the lives of countless Texans. Thank you for the opportunity to share our perspective on this critical issue.

Respectfully,

*Alicia Mitchell-Mercer*

*Alicia Mitchell-Mercer*  
*Director of Strategic Projects, Policy Analyst*

*S.M. Kernodle-Hodges*

*S.M. Kernodle-Hodges*  
*Executive Director*



# ALICE IN THE CROSSCURRENTS

APPENDIX A



## COVID AND FINANCIAL HARDSHIP IN TEXAS

2023 Report | [UnitedForALICE.org](https://UnitedForALICE.org)



# ABOUT UNITED FOR ALICE AND OUR PARTNERS

*ALICE in the Crosscurrents: COVID and Financial Hardship in Texas* is brought to you by [United Way of Greater Houston](#) and [United Ways of Texas](#) in partnership with [United For ALICE](#), a driver of innovative research and action around financial hardship for **ALICE** (Asset Limited, Income Constrained, Employed) households. With a commitment to [racial and economic justice](#), United For ALICE and United Ways across Texas share this work with foundations, government, corporations, and other nonprofits to inform policy and promote positive change for ALICE households. The grassroots ALICE movement, developed by United Way of Northern New Jersey, has spread to 27 states and the District of Columbia. Learn more about the ALICE movement [here](#).

To create the ALICE Reports, our [team of researchers](#) works with [Research Advisory Committees](#) composed of experts from our partner states. This work is guided by our rigorous [methodology](#), which is updated biennially with experts from across our Research Advisory Committees.

United For ALICE partners with [United Way of Greater Houston](#) and [United Ways of Texas](#) to bring the ALICE research to Texas.



Greater Houston



United Ways of Texas

**Director and Lead Researcher:** Stephanie Hoopes, Ph.D.

**ALICE Research Team:** Andrew Abrahamson; Ashley Anglin, Ph.D.; Catherine Connelly, D.M.H., M.A.; Max Holdsworth, M.A.; Dana Isaac; Dan Treglia, Ph.D.  
Research Fellows: Daniel Assamah and Kathleen Lopez.

**State Research Advisory Committee:** Erin Brackney Kremkus, M.S.W., OneStar Foundation; Monica Faulkner, Ph.D., L.M.S.W., Texas Institute for Child & Family Wellbeing, University of Texas at Austin; Garrett Groves, Ph.D., Austin Community College District; Kirby Hiscox, Texas Association of Business; Coda Rayo-Garza, M.A., Every Texan; Wynn Rosser, Ph.D., T.L.L. Temple Foundation; Eugene Wang, Ph.D., Texas Tech University; Kaitlan Wong, Every Texan; Jie Wu, M.A., Harris County Department of Economic Equity and Opportunity.

To learn more about how you can get involved in advocating and creating change for ALICE in Texas, contact: **Roxanne Jones** at [roxanne.jones@uwtexas.org](mailto:roxanne.jones@uwtexas.org).

To access interactive ALICE data and resources for Texas, go to [UnitedForALICE.org/Texas](https://UnitedForALICE.org/Texas)





# TABLE OF CONTENTS

- ALICE Research in a Time of Change . . . . . 1
- The ALICE Household Survival Budget . . . . . 2
- ALICE in Texas: Executive Summary . . . . . 4
- The Competing Forces of the COVID Economy . . . . . 6
- The Impact of the COVID Economy on:
  - ALICE Demographics and Equity . . . . . 7
  - Work and Wages . . . . . 11
  - Pandemic Assistance . . . . . 14
  - Savings and Assets . . . . . 17
- Beyond 2021: Economic Challenges Ahead for ALICE . . . . . 19
- County Comparison: Income Status, 2021 . . . . . 23
- National Comparison: Income Status, 2021 . . . . . 32
- Next Steps . . . . . 33

# ALICE RESEARCH IN A TIME OF CHANGE

This ALICE Report provides the first look at the extent of financial hardship in Texas using ALICE metrics since the COVID-19 pandemic began. The pandemic has disrupted longstanding patterns in how and where people live, work, study, save, and spend their time. The story of ALICE and the pandemic is still unfolding as this Report is being written, amid an ongoing health crisis and an economic and public policy landscape that continues to shift. In a time of change, United For ALICE remains committed to providing the most up-to-date local data possible on financial hardship in Texas and across the U.S.

Two pillars of the ALICE measures are household costs and income. The **Household Survival Budget** calculates the cost of household essentials for each county in Texas, and relies on a wide range of sources for the budget items of housing, child care, food, transportation, health care, and a smartphone plan, plus taxes.

For household income, the ALICE measures rely on the U.S. Census Bureau's American Community Survey (ACS). The ACS experienced such significant [disruption in data collection](#) in 2020 that the Census Bureau released only experimental estimates, which are not included in our analysis. By 2021, standard Census data collection had resumed.

Household costs are compared to household income to determine if households are **below the ALICE Threshold**. This includes both households in **Poverty**, with income below the Federal Poverty Level (FPL), and those that are **ALICE**, with income above the FPL but below the cost of basics.

Our standard ALICE data is based on the ACS — both [household tabulated data](#) and individual data from

## KEY TERMS

- **ALICE: Asset Limited, Income Constrained, Employed** — households that earn above the Federal Poverty Level (FPL) but cannot afford the basic cost of living in their county. Despite struggling to make ends meet, ALICE households often do not qualify for public assistance.
- **ALICE Threshold of Financial Survival:** Derived from the Household Survival Budget, the minimum average income that a household needs to afford housing, child care, food, transportation, health care, and a smartphone plan, plus taxes. Calculated for all U.S. states and counties.
- **Below ALICE Threshold:** Includes people in poverty-level and ALICE households combined.

the [Public Use Microdata Sample](#) (PUMS) records. In addition, this Report includes our analysis of two surveys that capture the experiences of a nationally representative sample of households during the pandemic:

- [Federal Reserve Board's Survey of Household Economics and Decisionmaking](#) (SHED), October, 2019; November, 2020; and November, 2021
- [U.S. Census Bureau's COVID-19 Household Pulse Survey](#) (Household Pulse Survey), August 19–August 31, 2020; September 14–November 14, 2022; and December 9–December 19, 2022

Learn more about our methodology at: [UnitedForALICE.org/Methodology](https://UnitedForALICE.org/Methodology)

**Data Notes:** The data used in this Report are estimates; some are geographic averages, others are one- or five-year averages depending on population size (see [Data Sheet](#)). Percentages are rounded to whole numbers, sometimes resulting in percentages totaling 99% or 101%. ALICE analysis includes all households, regardless of work status, as employment is fluid and most households have members who are working, have worked, or are looking for work.

# THE ALICE HOUSEHOLD SURVIVAL BUDGET

The ALICE Household Survival Budget is the foundation of the ALICE research. This budget calculates the bare-minimum cost of the household basics needed to live and work in the modern economy by household composition, in every county.

When compared to the more accurate cost of living included in the Household Survival Budget, the Federal Poverty Level (FPL) is drastically inadequate. Unlike the ALICE budgets, the FPL is not based on the cost of contemporary household necessities, and except for Alaska and Hawai'i, it is not adjusted to reflect cost-of-living differences. Nor does it adjust for different ages of household members. The FPL is increased annually based on the Bureau of Labor Statistics' (BLS) Consumer Price Index (CPI), and those increases are the same for all U.S. households of a given size. By contrast, the actual household costs in the Survival Budget have increased at different rates depending on location, household size, and household composition.

Yet despite its inadequacies, the FPL continues to be the standard for determining the number and proportion of people living in poverty in the U.S. **With the FPL as the primary way for policymakers and local stakeholders to gauge the extent of financial hardship in their communities, a huge portion of struggling U.S. households go unrecognized.**









Across Texas, for all household sizes and in all locations, the FPL is well below the Household Survival Budget. In 2021, the FPL was \$26,500 for a family of four. In contrast, Figure 1 shows that the average cost of living for a family of four in Texas was \$60,660, considerably higher than the FPL, and average household costs for a single adult were also substantially higher. Cost increases were driven largely by housing and food. Increases were mitigated by child tax credits in 2021 for families with children.

**Figure 1. ALICE Household Survival Budget and Federal Poverty Level, Texas, 2021**

	<b>Federal Poverty Level</b> <i>Census income thresholds that vary by household size but not geography to determine who is in poverty</i>	<b>ALICE Household Survival Budget</b> <i>The cost of the essentials needed to live and work in the modern economy, by household type and location</i>
<b>Family of Four</b>		
<b>Monthly Total</b>	\$2,208	\$5,055
<b>Annual Total</b>	\$26,500	\$60,660
<b>Percent Change, 2019–2021</b>	3%	10%
<b>Single Adult</b>		
<b>Monthly Total</b>	\$1,073	\$2,044
<b>Annual Total</b>	\$12,880	\$24,528
<b>Percent Change, 2019–2021</b>	3%	11%

Note: Percent change is pre-tax.

Sources: ALICE Household Survival Budget, 2021; Assistant Secretary for Planning and Evaluation (ASPE), HHS poverty guidelines for 2021, U.S. Department of Health and Human Services

ALICE Household Survival Budget		Average Monthly Costs, Texas, 2021	
	Description, Update, and Sources	One Adult	Family of Four
<b>Housing</b> 	<b>Rent:</b> Fair Market Rent (40 <sup>th</sup> percentile) for an efficiency, one-bedroom, or two-bedroom apartment (based on family size), adjusted in metro areas using the American Community Survey (ACS) – minus utilities <b>Utilities:</b> As captured by the Community Expenditure Survey (CEX) <b>Update:</b> Costs of rent and utilities are now shown separately. <b>Sources:</b> ACS metro housing costs and U.S. Department of Housing and Urban Development (rent); CEX (utilities)	\$502 rent + \$154 utilities	\$603 rent + \$292 utilities
<b>Child Care</b> 	Cost for registered Family Child Care Homes for infants (0–2 years), preschool-age (3–4), and school-age children (5–12) <b>Source:</b> Texas Workforce Commission, 2021	\$ -	\$1,236
<b>Food</b> 	USDA Thrifty Food Plan by age with county variation from Feeding America <b>Update:</b> A <a href="#">change in legislation</a> requires the USDA Thrifty Food Plans to reflect the cost for resource-constrained households to purchase a healthy, practical diet, starting in 2021, increasing costs from prior years. <b>Sources:</b> Feeding America; U.S. Department of Agriculture (USDA)	\$374	\$1,020
<b>Transportation</b> 	Operating costs for a car (average daily miles by age, cost per mile, license, fees, and insurance), or public transportation where viable <b>Update:</b> The decline in public transportation use during the pandemic <a href="#">reduced the average expenditure</a> , yet the cost for workers who had to use it to commute remained the same. To reflect this, the budget uses 2019 average CEX spending. <b>Sources:</b> AAA, Federal Highway Administration, The Zebra (car); CEX (public transportation)	\$342	\$819
<b>Health Care</b> 	Health insurance premiums based on employer-sponsored plans plus out-of-pocket costs for households with \$40,000–\$69,000 annual income by age, weighted with the poor-health multiplier. For the senior budget, cost of Medicare Part A and B, out-of-pocket costs, plus average out-of-pocket spending for the top five chronic diseases as reported by CMS. <b>Sources:</b> Centers for Medicare and Medicaid Services (CMS); CEX (health); Medical Expenditure Panel Survey (MEPS)	\$211	\$882
<b>Technology</b> 	Smartphone plan with 10GB of data for each adult in a household <b>Update:</b> Costs were upgraded from a 5GB to a 10GB monthly data plan to reflect the increased need for internet access. <b>Source:</b> Consumer Reports	\$75	\$110
<b>Miscellaneous</b> 	Cost overruns estimated at 10% of the budget, excluding taxes, to cover one-time unanticipated costs within the other categories	\$166	\$496
<b>Taxes</b> 	Federal, state, and local taxes owed on the amount of income to cover the Survival Budget, as well as tax credits, including the Child Tax Credit (CTC) and the Child and Dependent Care Tax Credit (CDCTC) <b>Update:</b> Due to the significant effect of the expanded tax credits in 2021, total taxes before credits and the credits are both listed. <b>Sources:</b> Internal Revenue Service; Tax Foundation	\$220	\$792 Tax before CTC and CDCTC  -\$1,195 CTC and CDCTC
<b>Monthly Total</b>		<b>\$2,044</b>	<b>\$5,055</b>

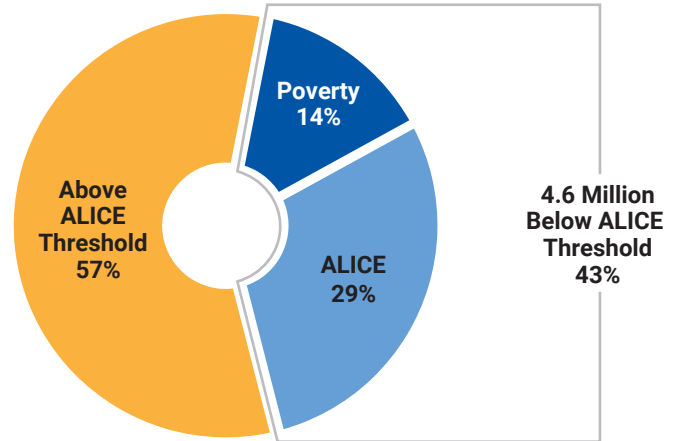
To view ALICE Household Survival Budgets for all counties and for any household composition, visit [UnitedForALICE.org/Household-Budgets/Texas](https://UnitedForALICE.org/Household-Budgets/Texas).



# ALICE IN TEXAS: EXECUTIVE SUMMARY

## The number of households in financial hardship in Texas continues to be undercounted in official measures.

According to the FPL, 14% of households in Texas (1,460,106) were in poverty in 2021. Yet [United For ALICE](#) data shows that another 29% (3,099,184 households) – more than twice as many – were **ALICE** (Asset Limited, Income Constrained, Employed). ALICE households earn above the FPL, but not enough to afford the basics in the communities where they live.



The reality is that of the 10.7 million households in Texas, nearly 4.6 million – 43% – had income below the [ALICE Threshold of Financial Survival](#) in 2021. This includes both households in poverty and ALICE households.

The crux of the problem is a mismatch between earnings and the cost of basics. For example, 52% of cashiers (one of the most common occupations in Texas) were below the ALICE Threshold in 2021. These workers earned a median hourly wage of \$11.06 – not even enough to cover the **ALICE Household Survival Budget** for one worker employed full time (\$12.26 per hour), much less for a family with children, even with two adults working (combined wage of \$30.33 per hour). From 2019 to 2021, the cost of basics increased across Texas and remained well above the FPL. For a family of four in 2021, the FPL was \$26,500 while the ALICE Household Survival Budget was \$60,660. Between 2019 and 2021, the average annual costs (excluding taxes) increased 11% for a single adult, 11% for a single senior, and 10% for a family of four.

ALICE Household Survival Budget, Texas Average, 2021			
	Single Adult	Single Senior	2 Adults, 1 Infant, 1 Preschooler
<b>Monthly Costs</b>			
Housing – Rent	\$502	\$502	\$603
Housing – Utilities	\$154	\$154	\$292
Child Care	-	-	\$1,236
Food	\$374	\$345	\$1,020
Transportation	\$342	\$295	\$819
Health Care	\$211	\$553	\$882
Technology	\$75	\$75	\$110
Miscellaneous	\$166	\$192	\$496
Tax Before Credits	\$220	\$276	\$792
<b>Monthly Total</b>	<b>\$2,044</b>	<b>\$2,392</b>	<b>\$6,250</b>
<b>ANNUAL TOTAL Before Credits</b>	<b>\$24,528</b>	<b>\$28,704</b>	<b>\$75,000</b>
Tax Credits (CTC and CDCTC)	-	-	(\$14,340)
<b>ANNUAL TOTAL with Credits</b>	<b>\$24,528</b>	<b>\$28,704</b>	<b>\$60,660</b>
<b>Full-Time Hourly Wage</b>	<b>\$12.26</b>	<b>\$14.35</b>	<b>\$30.33</b>

Note: CTC = Child Tax Credit, CDCTC = Child and Dependent Care Tax Credit. Percent change is pre-tax. Full-time hourly wage represents the wage needed at 40 hours per week to support the annual total, with credits. For the family of four, this represents the combined wage needed for two workers. Many households incur higher costs, especially for housing, as units may not be available at Fair Market Rent. To view ALICE Household Survival Budgets for all counties and for any household composition, visit [UnitedForALICE.org/Household-Budgets/Texas](https://UnitedForALICE.org/Household-Budgets/Texas)

Sources: AAA, 2021; Agency for Healthcare Research and Quality, 2021; American Community Survey, 2021; Bureau of Labor Statistics, 2021—Consumer Expenditure Surveys; Bureau of Labor Statistics, 2021—Occupational Employment Statistics; Centers for Medicare & Medicaid Services, 2021—Medicare - Chronic Conditions; Centers for Medicare & Medicaid Services, 2021—Medicare Current Beneficiary Survey; Centers for Medicare & Medicaid Services, 2021; Federal Highway Administration, 2017; Feeding America, 2022; Fowler, 2021; Internal Revenue Service, 2021; Internal Revenue Service—FICA, 2021; Medicare.gov; Scarborough, 2021; Tax Foundation, 2021; Texas Workforce Commission, 2021; The Zebra, 2022; U.S. Department of Agriculture, 2021—Official USDA Food Plans; U.S. Department of Housing and Urban Development, 2021—Fair Market Rents; Walczak, 2021.

This Report details the impact of competing economic forces and public policy interventions during the pandemic on ALICE households in Texas in 2021. It also presents research suggesting that the impact of the pandemic on financial security continued beyond 2021.

## Key findings include:

- **Financial hardship over time:** ALICE households are especially vulnerable to national economic disruptions. The number of households below the ALICE Threshold in Texas increased substantially after the Great Recession (2007–2010) and continued to rise steadily. By 2019, the number of ALICE households had just started to fall – but then the pandemic hit. From 2019 to 2021, the total number of households in Texas increased by 8% and the number of households below the ALICE Threshold also increased by 8%.
- **Demographics:** There are households below the ALICE Threshold across all demographic groups. However, disparities exist in the rates of financial hardship due to [persistent racism](#), [ageism](#), and [gender discrimination](#), as well as [geographic barriers](#) that limit many families’ access to resources and opportunities for financial stability. For example, by race/ethnicity, 57% of Black and 51% of Hispanic households were below the ALICE Threshold in Texas in 2021, compared to 34% of White households. By age of householder, the youngest (under age 25) and oldest (age 65+) faced the highest rates of hardship. And by household composition, single-parent families with children were more likely to be below the Threshold than married-parent households or single/cohabiting households without children. Financial hardship also varied by location, with a higher percentage of households in predominantly rural counties below the Threshold than those in predominantly urban counties (47% vs. 42%).
- **Work and wages:** Of the 20 most common occupations in Texas in 2021, 65% paid less than \$20 per hour. Most of these saw an increase in the median wage; for example, the median wage for retail sales increased by 14% to \$13.03 per hour statewide in 2021. But given that wages had stagnated for a decade, many of the most common jobs still had a substantial percentage of workers who lived below the ALICE Threshold in 2021.
- **Pandemic assistance:** Public assistance programs were temporarily expanded in 2021, but not enough to bring most households below the ALICE Threshold to financial stability. In Texas, a family of four with two parents working full time in two of the most common occupations (retail salesperson and cashier) could not afford the Household Survival Budget in 2021, even with the expanded Child Tax Credit, the Child and Dependent Care Tax Credit, and the Economic Impact Payments.
- **Savings and assets:** While emergency savings rates were increasing on average in Texas, rates differed by income. According to SHED, only 29% of households below the ALICE Threshold had emergency savings or rainy day funds in October 2019 compared to 66% of households above the Threshold. By November 2021, the rates increased for both groups (to 32% for households below the Threshold and 74% for households above the Threshold).
- **Beyond 2021:** With pandemic assistance waning while significant challenges remain, there are signs that the economic situation for households below the ALICE Threshold has worsened since 2021, including sustained high levels of food insufficiency, feelings of anxiety and depression, continued difficulty paying bills, and increased medical debt.

# THE COMPETING FORCES OF THE COVID ECONOMY

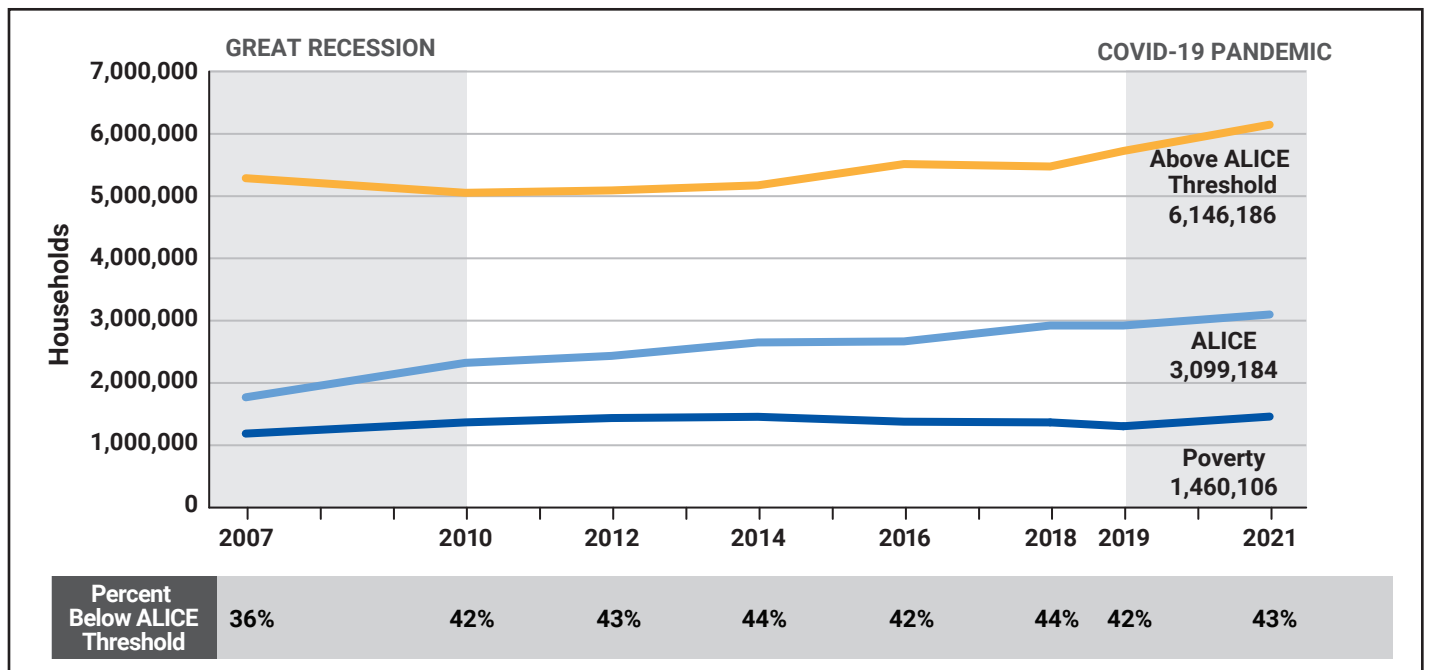
Competing forces have made it difficult to predict the net impact of the pandemic on household financial stability. When the pandemic hit, businesses, child care providers, schools, and community services closed, some permanently; others went remote for months. [The loss of jobs and wages was not experienced equally](#); those who could work remotely fared better than those who were required to be on-site. Initially, costs for many basics declined, but disruptions to the [supply chain and higher wages](#) to retain workers then [pushed prices up](#) – by 7.5% annually across the U.S. in 2021, compared to less than 3% annually in the [prior 10 years](#) – straining ALICE households even more.

Yet other forces provided economic benefits for many households. In 2021, average weekly wages across all industries were up 5% in Texas from 2020, and up 5.6% nationally (the second-fastest national increase in the past two decades). [Emergency pandemic measures](#) and [economic policies](#) also provided critical support for ALICE families, including housing assistance, expanded unemployment insurance, stimulus checks, enhanced tax credits, and an nationwide eviction moratorium.

These government policies and assistance measures helped to mitigate, but not prevent, the economic impact of the pandemic. Rates of financial hardship in Texas have shifted over time (Figure 2). During the last major economic disruption – the Great Recession – the percentage of Texas households below the ALICE Threshold increased from 36% in 2007 to 42% in 2010. In the decade that followed, the number of ALICE households continued to rise – never returning to pre-Recession levels – while the number of households in poverty remained relatively flat. The share of households below the ALICE Threshold ranged between 42% and 44% during this period.

Compared to the stark increase in financial hardship during the Great Recession, the impact of the pandemic was more muted, with the percentage of households below the Threshold rising from 42% in 2019 to 43% in 2021. Total households in Texas also grew 8% between 2019 and 2021, and by number, all groups – poverty, ALICE, and above the Threshold – saw an increase in total households. The number of households below the Threshold increased 8% (from 4,227,313 to 4,559,290).

**Figure 2. Households by Income, Texas, 2007–2021**



Sources: ALICE Threshold, 2007–2021; U.S. Census Bureau, American Community Survey, 2007–2021

# THE IMPACT OF THE COVID ECONOMY ON... ALICE DEMOGRAPHICS AND EQUITY

While the overall number of Texas households that were struggling financially increased from 2019 to 2021, the impact of competing forces played out differently across demographic groups (Figure 3). In many cases, the pandemic exposed and exacerbated disparities and vulnerabilities that have long existed in our society, with substantial differences in rates of hardship by race/ethnicity, age, and household composition.

In Texas in 2021, Black households, young households, and single-parent households had the highest rates below the ALICE Threshold. White households, working-age households, and married-parent households had the lowest rates below the Threshold.

Rates of financial hardship differed substantially across demographic groups, a result of multiple factors including [persistent racism](#), [ageism](#), and [gender discrimination](#), as well as [geographic barriers](#) that limit many families' access to resources and opportunities for financial stability:

- In 2021, the largest number of households below the ALICE Threshold in Texas were White (1,666,696), making up 34% of White households. And while the number of struggling households was lower for other groups, the percentage of those households was higher for most groups. For example, 51% (1,778,921) of Hispanic and 57% (774,397) of Black households were below the Threshold. (Asian households had a similar rate of hardship to White households at 33%.)

- By age of householder, the youngest and oldest households had the highest rates of hardship, with 73% of households headed by someone under age 25 and 52% of senior households (age 65+) below the Threshold in Texas. By comparison, 39% of households headed by people age 25–44 and 36% of households headed by those age 45–64 were below the Threshold.
- By household composition, single parents were most likely to be below the ALICE Threshold, with 56% of single-male-headed households and 77% of single-female-headed households struggling to make ends meet. Rates of financial hardship were lower for married-parent households (24%) and single/cohabiting households without children (41%).
- Households in predominantly rural counties had a higher rate of financial hardship than those in predominantly urban counties (47% vs. 42% below the ALICE Threshold).

Figure 3 paints a clear picture of the rates of hardship for different demographic groups compared to the Texas average. For all households in the state, 14% were in poverty and 29% were ALICE in 2021.



### Figure 3. Household Financial Status and Key Demographics, Texas, 2021

	Total	Below ALICE Threshold	<span style="color: #0056b3;">■</span> Poverty <span style="color: #4f81bd;">■</span> ALICE <span style="color: #ffc000;">■</span> Above ALICE Theshold
<b>ALL HOUSEHOLDS</b>	10,705,476	4,559,290	14% 29% 57%
<b>AGE</b>			
Under 25 Years	524,024	381,521	32% 41% 27%
25 to 44 Years	4,016,566	1,581,273	14% 26% 61%
45 to 64 Years	3,841,351	1,392,717	11% 25% 64%
Seniors (65+)	2,323,535	1,203,779	13% 38% 48%
<b>RACE/ETHNICITY</b>			
American Indian/ Alaska Native	51,748	23,923	11% 35% 54%
Asian	487,754	159,328	8% 24% 67%
Black	1,365,604	774,397	15% 41% 43%
Hispanic	3,496,781	1,778,921	11% 40% 49%
Native Hawaiian/ Pacific Islander	7,803	3,426	7% 37% 56%
Two or More Races	1,739,439	849,608	11% 37% 51%
White	4,935,468	1,666,696	7% 27% 66%
<b>HOUSEHOLD TYPE</b>			
Married With Children	2,293,164	551,427	9% 15% 76%
Single-Female- Headed With Children	777,246	598,609	44% 33% 23%
Single-Male-Headed With Children	249,322	138,653	20% 36% 44%
Single or Cohabiting, Under 65, no Children	5,062,209	2,066,822	11% 30% 59%
<b>URBAN/RURAL</b>			
Rural	1,125,874	526,328	16% 30% 53%
Urban	9,579,602	4,032,962	13% 29% 58%

Note: The groups shown in this figure overlap across categories. Within the race/ethnicity category, all racial categories except Two or More Races are for one race alone. Race and ethnicity are overlapping categories; in this Report, the American Indian/Alaska Native, Asian, Black, Native Hawaiian (includes other Pacific Islanders), and Two or More Races groups may include Hispanic households. The White group includes only White, non-Hispanic households. The Hispanic group may include households of any race. Because household poverty data is not available for the American Community Survey's race/ethnicity categories, annual income below \$15,000 is used as a proxy. Counties are defined as rural or urban based on the USDA's designation of metropolitan or non-metropolitan at the census tract level. Counties with 50% or more of the population in metropolitan tracts are designated as urban; those with 50% or more of the population in non-metropolitan tracts are designated as rural.

Sources: ALICE Threshold, 2019 and 2021; American Community Survey, 2019 and 2021

# Changes in Population and Financial Hardship (2019–2021)

In the decade preceding the pandemic, population growth in the U.S. had started to slow due to a decrease in both the number of births and international migration, and an increase in deaths associated with the aging population. The pandemic [exacerbated the national slowdown](#), and in 2021 population growth in the U.S. reached a [historic low](#) due to a sharp increase in COVID-related deaths, postponement of having children, and more restrictive policies on immigration.

The pandemic also affected domestic migration, which contributed to population shifts nationally and in Texas. Between 2020 and 2021, the percentage of the [population that moved](#) from one residence to another within the U.S. dropped from 9.3% to 8.4%. People moved for a [variety of reasons](#), which included relocating to places where the cost of living was lower (especially for [housing](#) and [taxes](#)), and/or to [less densely populated locations](#).

In Texas, the pandemic also impacted where people lived, who they lived with, and the demographics of households.

**Location:** In Texas from 2019 to 2021, all of the five largest counties (in terms of total households) saw a percentage increase in both total households and households below the ALICE Threshold. For example, in Harris County, the number of households increased 5%, and the number of households below the ALICE Threshold increased 6% during this period (see additional county-level data [on the ALICE website](#) and in the “County Comparison” section of this Report).

Overall, the total number of households in predominantly rural counties increased slightly across Texas (up 1%). The rate of growth was higher in predominantly urban counties (8%). However, the rate of financial hardship was higher in rural counties (47%) than in urban counties (42%).

**Age:** The number of households that were struggling increased across all age groups between 2019 and 2021, with the most substantial increases in the youngest (under 25 years) and oldest (65 and older) households – the same groups that were struggling the most before the pandemic. The total number of young households increased by 23%, with a 24% increase in the number below the Threshold. Total senior households increased by 8%, while those below the Threshold increased by 20%. In contrast, the total number of households headed by someone age 25–44 or 45–64 increased only slightly, and the share of these households below the Threshold decreased.

**Household composition:** Between 2019 and 2021, total single or cohabiting households without children had the highest percentage growth of any household composition (up 9%). The number of these households below the ALICE Threshold also increased (by 6%), although the share of these households below the Threshold remained relatively unchanged.

Among households with children, married-parent households had the largest percentage increase in total households (up 7%), while the number and percentage below the Threshold remained flat. The number of families with children headed by a single male increased slightly (up 2%), yet the number and share of these households below the Threshold decreased (from 60% in 2019 to 56% in 2021). For families with children headed by a single female, the total number increased by 6%,

## URBAN AND RURAL CHANGE IN TEXAS (2019–2021)

- 1% increase in total number of households in rural counties
- 8% increase in total number of households in urban counties

and the number below the Threshold increased by 9%. The share of these households below the Threshold decreased from 79% in 2019 to 77% in 2021— though this was still the highest rate below the Threshold of any household type.

**Race/ethnicity:** This Report is not able to accurately capture change over time by race/ethnicity in the total number or share of households below the ALICE Threshold. Starting in 2020, the U.S. Census Bureau changed how it asks about and codes [data on race and Hispanic origin](#). These changes help the Census and ACS provide a more complete picture of the U.S. population, especially for people who self-identify as multiracial or multiethnic. But as a result, the [Census urges caution](#) when comparing race data between years before and after 2020. For example, in Texas, the huge increase in the Census count of people of [Two or More Races](#) (also referred to now as Multiracial) — an increase of 825% from 2019 to 2021 — is a combination of actual growth in this population and improvements to Census questions and coding. (Note: The number of Multiracial households below the ALICE Threshold increased at an even higher rate, by 898%).

**Immigration:** The pandemic not only imposed new barriers to international migration but also had a significant impact on immigrant communities across the U.S. According to the [Migration Policy Institute](#), as a result of immigration center processing delays and bans on international travel, the number of visas issued in the U.S. dropped by half between 2019 and 2020. In Texas in 2021, 17% of the population were immigrants, the same percentage as in 2019, with the largest number of immigrants originating from El Salvador, India, and Mexico. The counties in Texas with the largest number of immigrants included Bexar, Dallas, Fort Bend, Harris, and Tarrant counties.

## ALICE DATA ONLINE

Visit [UnitedForALICE.org/Texas](https://UnitedForALICE.org/Texas) to see interactive maps and data on:

- Financial hardship over time at the state and county levels
- State and county ALICE demographics
- ALICE household budgets
- The labor landscape in Texas

# THE IMPACT OF THE COVID ECONOMY ON... WORK AND WAGES

Overall, in 2021, the labor market was rebounding from the record-breaking unemployment and [drop in total employment](#) that occurred at the start of the pandemic. By 2021, the unemployment rate in Texas was 5.7% — still elevated from pre-pandemic levels, but a stark contrast to the unemployment rate in April 2020 (12.6%). In addition, [average weekly wages](#) across all industries in Texas increased 5% from 2020 to 2021. This was driven by the increased demand for [essential workers](#), as well as by “[The Great Resignation](#)” — while some workers left the labor force, over time many more changed jobs to find better pay as well as work-life balance.

It was also a unique year for low-wage jobs and workers. In 2021, low-wage workers across the country experienced [faster wage growth than middle- and high-wage workers](#), although from a much lower starting point. Research from [Opportunity Insights](#) shows that the number of low-wage jobs fell in Texas: In December 2021, there were 18.1% fewer jobs paying less than \$29,000 per year than at the start of the pandemic — some became higher-paying jobs, others went away altogether.

[State Unemployment Insurance](#) (UI) helps individuals who lost jobs — before, during, and after the pandemic. In 2021, \$3 billion was paid to individuals under Texas’ regular unemployment insurance program, and an additional \$1.4 billion was paid in Extended Unemployment Benefits, available during periods of specified high unemployment.

During the pandemic, these standard UI benefits were expanded by the [Cares Act, the American Rescue Plan, and the Continued Assistance Act](#), which included [four temporary programs](#). The most utilized was the Federal Pandemic Unemployment Compensation (FPUC) program, which provided a \$300 weekly supplement to all UI benefits (down from the \$600 weekly supplement included in the original 2020 authorization). Additional programs extended the weeks of eligibility for people who exhausted regular UI benefits, and expanded eligibility to people who were not otherwise eligible for UI benefits (including workers who were self-employed, independent contractors, or gig economy workers). Nationally, these temporary UI measures enacted in response to the COVID-19 pandemic ended in September 2021; however, Texas [opted out](#) of these programs in June 2021.

For low-wage workers, the increases in wages and UI benefits were important developments during the pandemic. But they are only part of the story; ALICE workers still faced significant challenges:

- Better pay and work opportunities were helpful, but not enough to recoup years of being squeezed by the increasing cost of basics, especially for those who struggled to secure full-time employment. As documented in the [ALICE Essentials Index](#), the cost of essential goods had already been outpacing wages for more than a decade, stretching ALICE households even further.

## THE ALICE ECONOMIC VIABILITY DASHBOARD — COMING FALL 2023

The Economic Viability Dashboard (EVD) will provide key data on the local economic conditions that matter most to ALICE households: Housing Affordability, Job Opportunities, and Community Resources. The EVD mapping, profile, and comparison features will help stakeholders identify the gaps that ALICE workers and families face in reaching financial stability. Then, the Action Toolkit puts that data to use by quantifying gaps and pairing them with promising solutions.

- Many frontline and essential jobs became [hazardous and difficult](#) during the pandemic. In addition to increased exposure to COVID-19, many workers were required to work more days and hours, skip lunch and breaks, stand for hours, and work while sick. Others were [gig workers](#), forced to work more hours to fill income gaps. Without protective gear, health insurance, or even sick days, there were [increases in mortality](#) compared with previous years, especially for food- and agriculture-sector workers.
- Underemployment became an increasing problem. Many workers were unable to work full time due to family responsibilities, being in school or training, illness, disability, or child care problems. Others were working part time because their hours had been reduced; still others were unable to find full-time jobs. In 2021 in Texas the [underemployment rate](#) that captures these workers was 10%, nearly twice as high as the traditional unemployment rate (5.7%), and higher than before the pandemic (6.8% in 2019).
- Many older workers were also forced to [retire earlier than planned](#). Nationally, according to SHED in November 2021, 25% of adults who retired within a year prior to the survey, and 15% of those who reported they retired one to two years earlier, said factors related to COVID-19 contributed to when they retired.
- Nationally, those most impacted by [unemployment](#), [job disruption](#), and [hazardous and difficult working conditions](#) were [immigrants](#) and workers who were American Indian/Alaska Native, Black, Hispanic, Native Hawaiian and Other Pacific Islander, or of Two or More Races.

## Wages for the Most Common Occupations

In 2021, the impact of the pandemic on workers' wages and wage gains did not translate uniformly across all jobs and sectors in terms of the share of households that were still left below the ALICE Threshold.

Of the 20 most common occupations in Texas in 2021, 65% paid less than \$20 per hour. Most of these saw an increase in the median wage; for example, the median wage for retail sales increased by 14% to \$13.03 per hour statewide in 2021. But given that wages had stagnated for a decade, many of the most common jobs still had a substantial percentage of workers who lived below the ALICE Threshold in 2021 (Figure 4). The wage to cover the ALICE Household Survival Budget for a single adult was \$12.26 per hour working full time, or for a family with two adults and two children, a combined wage of \$30.33 per hour.

While there were ALICE workers in all sectors in Texas, the top occupations with the highest percentage of workers below the ALICE Threshold in 2021 were cook; personal care aide; cashier; waiter/waitress; and fast food/counter worker.

### CHILD CARE WORKERS

The pandemic brought to the forefront the crisis in child care availability and cost. For families with two children in care, child care is often the most expensive item in their budget, even more expensive than housing. Child care workers are the workforce behind the workforce, yet many struggle to make ends meet for their own families: With a median hourly wage of \$10.87 in Texas in 2021, 46% were below the ALICE Threshold. And with staffing and demand fluctuations, many child care providers went out of business during the pandemic. Lack of care remains an [obstacle for working parents](#).

**Figure 4. Top Occupations, Employment, Wages, and Percentage Below ALICE Threshold, Texas, 2021**

<b>Occupation</b>	<b>Total Employment (BLS)</b>	<b>Median Hourly Wage (BLS)</b>	<b>Percent Median Wage Change From 2019 (BLS)</b>	<b>Percent Workers Below ALICE Threshold (ACS PUMS)</b>
Fast Food and Counter Workers	353,500	\$10.56	9%	49%
General and Operations Managers	336,380	\$39.98	-16%	13%
Driver/Sales Workers and Truck Drivers	324,260	\$20.32	9%	33%
Retail Salespersons	321,980	\$13.03	14%	35%
Personal Care Aides	306,410	\$10.82	12%	59%
Cashiers	305,980	\$11.06	3%	52%
Customer Service Representatives	291,260	\$17.48	11%	34%
Office Clerks	235,230	\$16.36	-1%	32%
Stockers and Order Fillers	229,580	\$14.48	10%	43%
Registered Nurses	217,630	\$37.17	5%	10%
Laborers and Movers, Hand	207,390	\$14.39	6%	43%
Elementary and Middle School Teachers	202,990	\$29.31	8%	11%
Cooks	193,370	\$13.06	10%	60%
Waiters and Waitresses	171,060	\$10.04	11%	52%
Secretaries and Administrative Assistants	155,450	\$17.81	6%	25%
Office and Administrative Support Supervisors	148,390	\$28.75	8%	17%
Bookkeeping, Accounting, and Auditing Clerks	132,510	\$20.77	6%	20%
Maintenance and Repair Workers	118,570	\$17.84	2%	25%
Sales Representatives, Wholesale and Manufacturing	116,400	\$31.94	2%	13%
Retail Sales Supervisors	116,060	\$18.46	-6%	24%

Sources: ALICE Threshold, 2021; Bureau of Labor Statistics—Occupational Employment Statistics, 2021; U.S. Census Bureau, American Community Survey, PUMS, 2019 and 2021

To see more data on jobs by hourly wages and full-time, part-time, and hourly work schedules, visit [UnitedForALICE.org/Labor-Force/Texas](https://UnitedForALICE.org/Labor-Force/Texas)



# THE IMPACT OF THE COVID ECONOMY ON... PANDEMIC ASSISTANCE

A prominent feature of the federal government’s response to the COVID-19 pandemic was a range of direct assistance programs, including:

- Economic Impact Payments (stimulus payments)
- The expanded Child Tax Credit (CTC) and Child and Dependent Care Tax Credit (CDCTC)
- Pandemic-specific unemployment insurance
- Emergency rental assistance

While ALICE households generally earn too much to qualify for traditional forms of public assistance like the Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF), almost all ALICE households qualified for the Economic Impact Payments, and ALICE families with children were eligible for CTC and CDCTC.

Figure 5 illustrates the impact of pandemic assistance on a household’s ability to meet the cost of basics in 2021. The figure shows a family of four in Texas with two parents working full time in two of the most common occupations, retail salesperson and cashier (median wages of \$13.03 and \$11.06 per hour, respectively). This family could not afford the Household Survival Budget in 2021, even with the temporarily increased credits and payments available to them: the CTC (\$3,600 for each child under age 6), the CDCTC (increased to \$4,000 per child in child care), and the Economic Impact Payments (\$2,800 for married couples plus \$1,400 for each child in December 2021). With both parents working full time, they were not eligible for [Treasury Emergency Rental Assistance](#) (ERA). This family’s annual income fell short of the Household Survival Budget by \$4,086, or 6%.

If both parents worked part time (20 hours per week), they could receive ERA to cover their rent, as well as [SNAP](#) and the [Earned Income Tax Credit](#) (EITC), but they would still fall short in meeting the Survival Budget by \$8,263, or 12%.

Additional actions taken by the state of Texas in response to the pandemic can be found in the National Conference of State Legislatures’ [State Action on Coronavirus Database](#).

## Pandemic Timeline

**2020** State Annual [COVID-19 Deaths](#): 28,0454

**March 2020** – [National Emergency Declared](#)

Emergency Pandemic Unemployment Insurance (UI) benefits (including [PUA](#), [PEUC](#), [FPUC](#), and [MEUC](#))

States required to keep [Medicaid beneficiaries enrolled](#)

**April 2020** – [Economic Impact Payments](#) of up to \$1,200 per adult for eligible individuals and \$500 per qualifying child

**December 2020** – First [COVID-19 vaccinations](#) receive emergency use authorization from FDA

[Economic Impact Payments](#) of up to \$600 per adult for eligible individuals and up to \$600 per qualifying child

**2021** State Annual [COVID-19 Deaths](#): 47,549

**January to November 2021** – [Emergency rental assistance](#) provided on average \$4,345 to low-income households to pay rent or utility bills

**March 2021** – [Economic Impact Payments](#) of up to \$1,400 for eligible individuals

**July to December 2021** – [Child Tax Credit payments](#) (up to \$300 month per child); temporary [expansion of CTC ended nationally](#) in December

**September 2021** – National end of all [Emergency Pandemic UI benefits](#)

**October 2021** – End of CDC’s [eviction moratorium](#)  
CDC approves vaccinations for [children age 5-11](#)

**2022** State Annual [COVID-19 Deaths](#): 15,973

**June 2022** – CDC approves vaccinations for [children under 5 years old](#)

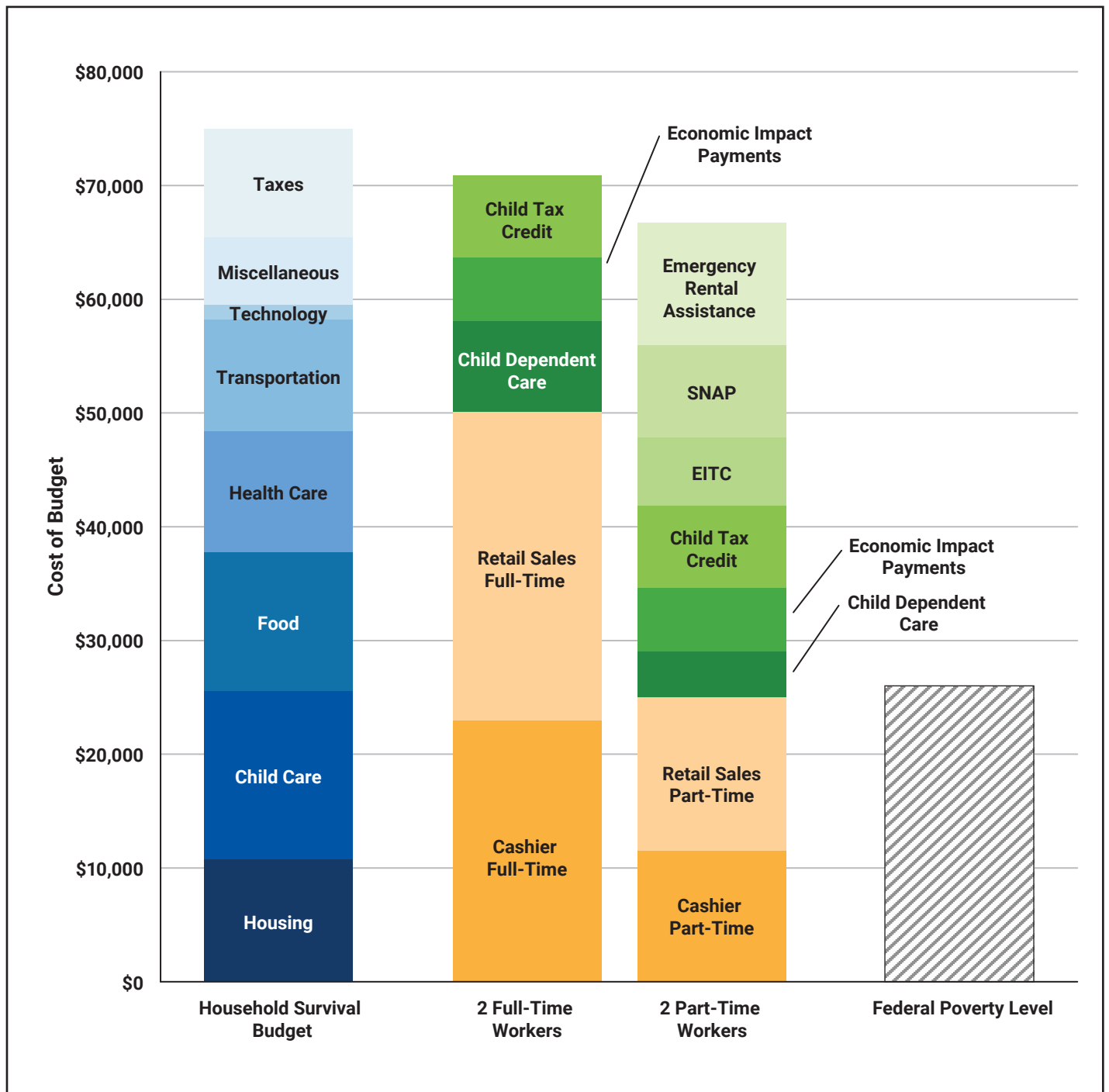
**July 2022** – Federal rental assistance funds depleted in [many states](#)

**December 2022** – Federal rental assistance funds depleted in [most states](#)

**2023**

**May 11, 2023** – [Scheduled end](#) of the national emergency and public health emergency

**Figure 5. Income and Expenses, Family of Four, Texas, 2021**



Note: Full-time income is calculated based on 40 hours per week; part-time income is based on 20 hours per week.

Sources: ALICE Threshold, 2021; Bureau of Labor Statistics—Occupational Employment Statistics, 2021; Internal Revenue Service, tax credits – CTC, CDCTC, EITC, 2021; USDA, SNAP, 2021; U.S. Treasury, 2022



# Participation in Assistance Programs

Traditional public assistance does not reach all people in households that are struggling financially. Due to [income and assets limits](#), most ALICE households are not able to participate in public assistance; and additional barriers, strict [program requirements](#), and [stigma](#) prevent even households in poverty from participating. In addition, income and asset limits for public assistance can create “[benefits cliffs](#)” that limit economic mobility. In Texas in 2021:

- With increased food insecurity during the pandemic, the federal [SNAP](#) provided an [emergency allotments option](#) starting in 2020, that increased the amount of SNAP payments by about \$90 per month per household. Yet because the income eligibility threshold for SNAP was 165% of the FPL in Texas, the reach of emergency and regular SNAP benefits was limited: 36% of households in poverty and 18% of ALICE households participated, based on ACS PUMS data. However, it is important to note that while not all financially insecure households are eligible for SNAP, the program reached [approximately 75% of eligible households](#) in Texas.
  - The percentage of households below the ALICE Threshold receiving direct cash assistance from programs like [TANF](#) was even smaller (5% of households in poverty and 4% of ALICE households).
  - Participation in [SSI](#) – an assistance program only available for people with disabilities and seniors with limited financial resources – was also minimal, with 8% of all households below the ALICE Threshold and 15% of households with a member with a disability below the Threshold participating.
- To address the increased demands for health care during the pandemic, the federal government provided additional funding to states for Medicare and prohibited states from adding eligibility restrictions or terminating [Medicaid coverage](#) during the public health emergency. In 2021, 40% of all households below the ALICE Threshold in Texas participated in CHIP or Medicaid.
  - Paying for housing expenses was the top concern of households below the ALICE Threshold, as reported in the 2021 ALICE Report, [The Pandemic Divide](#). The federal [Emergency Rental Assistance Program](#) was critical in stabilizing millions of households by paying for rent, utilities, and home energy costs. Yet because of the strict requirements to qualify, many households struggling to afford rent were not eligible. Requirements included qualifying for unemployment benefits, experiencing a reduction in income, and one or more household members being at risk of homelessness. It is not surprising then that in the fall of 2022, 11% of adult renters in Texas were not caught up on rent, according to the Household Pulse Survey.

**In contrast, eligibility limits for the well-publicized stimulus payments and tax credits (Economic Impact Payments, CTC, and CDCTC) were well above those for traditional public assistance programs, making them available to most poverty-level and ALICE households.**

However, even qualified households [experienced difficulties](#) getting their payments, especially those who were filing taxes for the first time, those without bank accounts or internet access, and families with mixed immigrant status or who were experiencing homelessness.

# THE IMPACT OF THE COVID ECONOMY ON... SAVINGS AND ASSETS

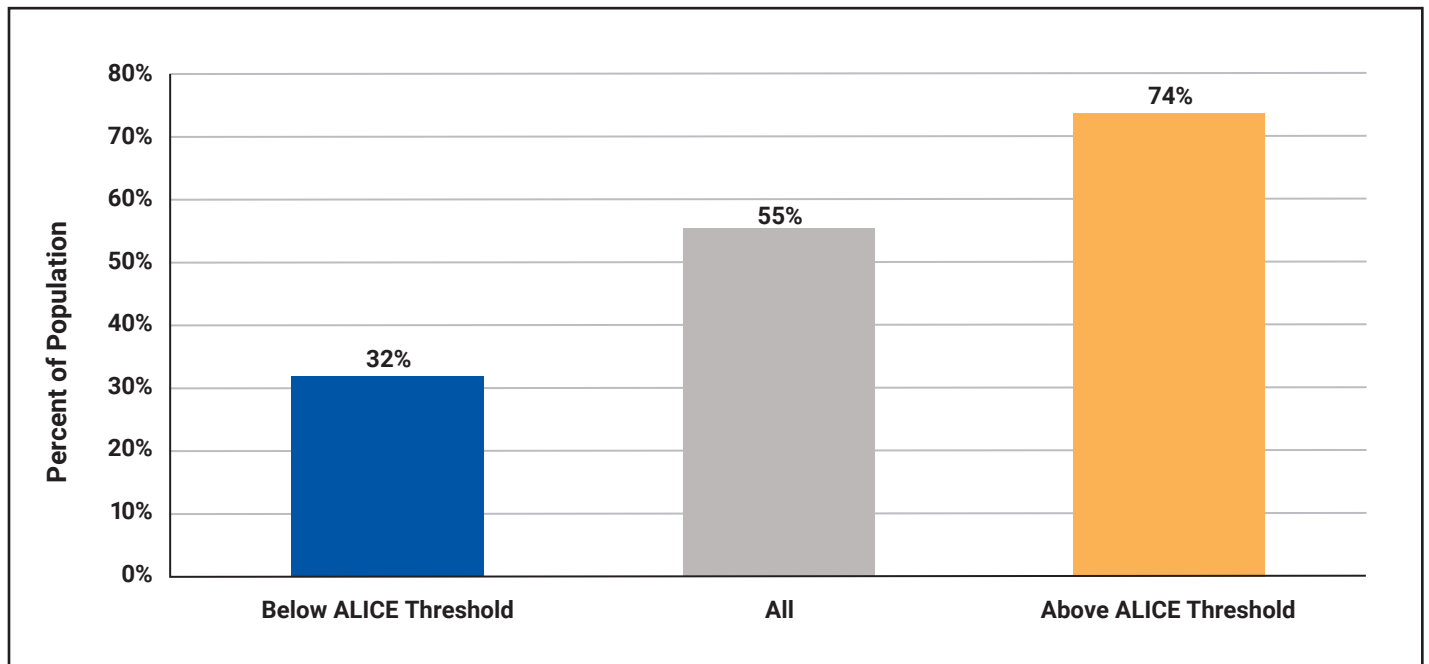
It has been widely reported that U.S. household [savings increased](#) during the pandemic. Yet analysis of the data from the Federal Reserve SHED reveals that the average conceals different experiences by state and even more so by income level in terms of rainy day funds and retirement assets.

## Rainy Day Funds

One of the best-known questions in the SHED survey asks whether respondents had set aside emergency savings or “rainy day” funds that would cover their expenses for three months in case of sickness, job loss, economic downturn, or other emergencies. In October 2019, 50% of Texas respondents reported having these funds; by November 2021, this rate increased to 55% (Figure 6).

Yet only 29% of respondents below the Threshold in Texas reported having rainy day funds in October 2019, with the percentage dropping to 27% by November 2020, then rising to 32% by November 2021. In contrast, rates were much higher for those above the Threshold and increased at each timepoint, from 66% in October 2019, to 70% in November 2020, and to 74% in November 2021. And while SHED data is not available below the state level, it is likely that there is also variation in emergency savings by location within the state. For example, a [2021 survey of Houston residents](#) found that more than a third of respondents would not be able to cover a \$400 emergency expense.

**Figure 6. Funds to Cover Three Months’ Expenses by the ALICE Threshold, Texas, 2021**



Question: Have you set aside emergency or rainy day funds that would cover your expenses for three months in the case of sickness, job loss, economic downturn, or other emergencies?

Sources: ALICE Threshold, 2021; Federal Reserve Board, Survey of Household Economics and Decisionmaking (SHED), November 2021

Nationally, there were also substantial gaps by income and race/ethnicity in rainy day funds (this data is not available at the state level, but it is likely these disparities were mirrored in Texas). In 2021, White and Hispanic respondents below the ALICE Threshold had higher rates of emergency savings (42% and 41%, respectively) than Black respondents below the Threshold (32%). Rates were higher overall for respondents above the Threshold, yet gaps remained (77% for White, 71% for Hispanic, and 64% for Black respondents). Each of these racial/ethnic groups made gains during the pandemic, with Hispanic respondents both above and below the Threshold showing the largest increase in emergency savings. From October 2019 to November 2021, the percentage of Hispanic respondents below the Threshold with rainy day funds increased from 28% to 41%, and the percentage of Hispanic respondents above the Threshold with these funds increased from 57% to 71%.

## Retirement Assets

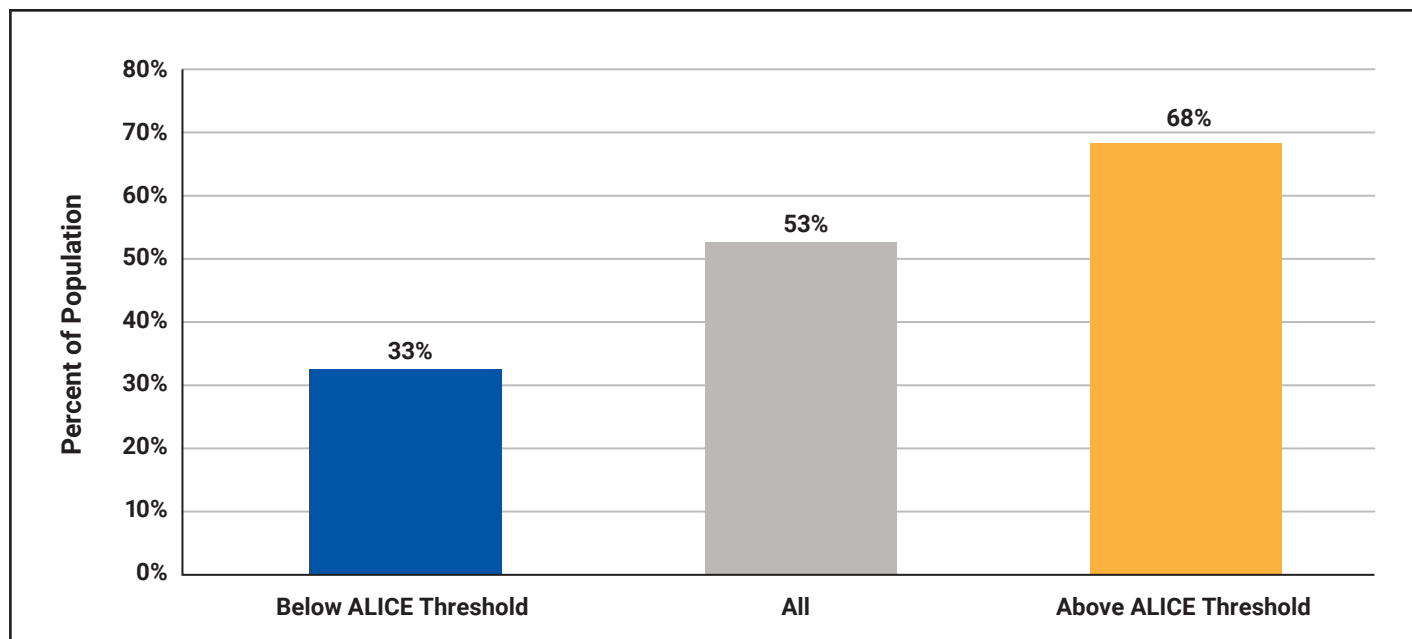
[Retirement assets](#) include 401(k)s, IRAs, pensions, or business or real estate holdings that provide income in

retirement. Overall, 53% of Texas respondents reported having these funds in October 2019 and in November 2021 (no change). Yet this average conceals a widening disparity in retirement assets between households above and below the ALICE Threshold in Texas (Figure 7):

- **Below ALICE Threshold:** Prior to the pandemic, in October 2019, 38% of SHED respondents below the Threshold in Texas had retirement assets. The rate dropped to 33% by November 2021.
- **Above ALICE Threshold:** In October 2019, 65% of respondents above the Threshold in Texas had retirement savings; the rate increased to 68% by November 2021.

The [CARES Act](#) reduced penalties for early withdrawals from retirement accounts, making it easier for households to access retirement funds. According to SHED, 7% of non-retired adults in Texas tapped into their retirement savings in 2021. And according to a [national retirement survey](#), the majority of loans or hardship withdrawals in 2022 were taken by low-income households.

**Figure 7. Retirement Assets by the ALICE Threshold, Texas, 2021**



Question: Do you currently have each of the following types of retirement savings? Selected at least one: 401(k); IRA; pension; savings outside a retirement account, business, or real estate holding that will provide income in retirement; other retirement savings

Sources: ALICE Threshold, 2021; Federal Reserve Board, Survey of Household Economics and Decisionmaking (SHED), November 2021

# BEYOND 2021: ECONOMIC CHALLENGES AHEAD FOR ALICE

The pandemic timeline shows a contracting economy in 2020 followed by a strong policy response in 2021. The government's broad [pandemic response was effective](#) in preventing the kind of surge in financial hardship that was experienced during the Great Recession.

But 43% of households were still living below the ALICE Threshold in Texas in 2021. With COVID-19 continuing but pandemic relief benefits expiring, initial data from 2022 suggests that the economic situation has in fact gotten worse for ALICE, which in turn puts the wider economy at risk.

An analysis of recent surveys reveals that households below the ALICE Threshold are still facing food insufficiency, difficulty paying bills, increased medical debt, and feelings of anxiety and depression. These challenges were first reported in [The Pandemic Divide](#), and they are updated here with the most recent data from SHED (through November 2021) and the Household Pulse Survey (through December 2022).

These surveys also provide an alarming look at the breakdown of pandemic experiences by race/ethnicity, sex, sexual orientation and gender identity, and disability status. The differences here are even starker than when looking at income alone, giving credence to concerns that the pandemic is exacerbating racial and other inequities across all facets of life. The analysis reveals that, in particular, Black and Hispanic respondents, lesbian, gay, bisexual, and transgender (LGBT) respondents, and respondents with disabilities have been disproportionately impacted by the pandemic.

## Warning signs:

**!** **Food insufficiency:** ALICE families experiencing food insufficiency are a canary in the coal mine, indicating larger problems beyond food. Shockingly, the rates of food insufficiency have [remained elevated](#) since the beginning of the pandemic. In the August 2020 Household Pulse Survey, respondents below the ALICE Threshold in Texas were more likely to report that their household sometimes or often did not have enough food in the prior seven days than respondents above the Threshold (17% vs. 4%); by November 2022, the rates increased for those below the Threshold, while remaining unchanged for those above the Threshold (23% vs. 4%). Some demographic groups experienced higher than average food insufficiency (Figure 8). For example, 34% of Black respondents below the Threshold and 36% of respondents with disabilities below the Threshold reported not having enough food compared to 13% of all Texas households.

For households with children in Texas, rates of food insufficiency continued to increase between 2021 and 2022, especially for households below the ALICE Threshold. In August 2020, 21% of respondents below the ALICE Threshold reported that often or sometimes their children were not eating enough because they couldn't afford enough food (compared to 4% of those above the Threshold); in November 2022 the rate increased to 27% (compared to 5% of those above the Threshold).

## Figure 8. Food Insufficiency, Above and Below the ALICE Threshold, Texas, 2022

Food Insufficiency			
	Below ALICE Threshold	Above ALICE Threshold	State Average
Black	34%	5%	13%
Hispanic	23%	4%	
Female	25%	4%	
With a Disability	36%	11%	
LGBT	37%	7%	

Question: In the last seven days, which of these statements best describes the food eaten in your household? Selected: Sometimes or often not enough

Note: Black respondents are non-Hispanic; the Hispanic group includes respondents of Hispanic, Latino, or Spanish origin of any race; the "With a Disability" group includes respondents who have one or more vision, hearing, cognitive, mobility, or self-care difficulties; the "LGBT" group includes respondents who identify as gay or lesbian, bisexual, and/or transgender.

Sources: ALICE Threshold, 2021; U.S. Census Bureau, Household Pulse Survey, September 14, 2022–November 14, 2022, Phase 3.6

With changes to the emergency pandemic food measures, including the [ending of SNAP emergency allotments](#), many families will need to rely on the charitable food system that was designed for emergencies but is increasingly [an ongoing necessity](#).

**! Learning loss:** Following a year of widespread school closings and disrupted education, most students returned to in-person learning in the fall of 2021. The [learning loss](#) that accompanied remote learning has been widely reported. Not surprisingly, students in lower-income districts with fewer resources were hardest hit. In Texas, in 2021, 67% of parents below the Threshold said that their child was prepared for the academic year ahead, compared to 79% of parents above the Threshold. [The National Center for Education Statistics](#) (NCES) reported that nationally in 2022, scores for 9-year-old students declined five points in reading and seven points in mathematics compared to 2020 – the largest average score decline in reading since 1990, and the first-ever score decline in mathematics. Drops were even larger for low-income students as well as for Black and Hispanic students.

**! Behind on rent payments:** According to the Household Pulse Survey, renter households below the ALICE Threshold in Texas were more likely than those above the Threshold to report that they

were not caught up on rent payments. In August 2020, 18% of renters below the Threshold and 7% of renters above the Threshold were not caught up. However, by November 2022, those rates improved (to 13% for renters below the Threshold and 6% for renters above the Threshold). Renters who fall behind on rent are at greater risk for eviction, especially since the federal moratorium on [evictions and foreclosures](#) and [state-level bans](#) have now expired, and funding for rental assistance is running out. As a result, [eviction filings are on the rise](#) and are likely to [increase in the near term](#).

**! Struggling to pay bills:** During the pandemic, most ALICE households in Texas reported difficulty paying for their usual household expenses. According to the Household Pulse Survey in August 2020, respondents below the ALICE Threshold were more than twice as likely as households above the Threshold to report that they found it somewhat or very difficult to pay for usual items such as food, rent or mortgage, car payments, and medical expenses (54% vs. 20%). These rates increased through November 2022 for both groups (61% vs. 29%).

**! Medical Debt:** According to SHED, in November 2022, nearly one in four Texans – both above and below the ALICE Threshold – reported that they had an unexpected major medical expense that they had to pay out-of-pocket because it was not

completely paid for by insurance. While this rate was high for both groups, households below the Threshold have fewer resources for covering this unexpected expense.

**!** **Physical health:** A [September 2020 national survey](#) found that 36% of adults (age 18 to 64) delayed or missed health care services, including dental care, primary care, or specialist visits; preventive health screenings; and medical tests. For those with one or more chronic conditions, a mental health condition, or a lower income, the likelihood of postponing or forgoing care was even higher. Parents also postponed care for their children. In the fall of 2021, Texas households below the ALICE Threshold were more likely to report that they missed, delayed, or skipped their [child’s preventive check-up](#) in the last 12 months than households above the Threshold (46% vs. 30%). These delays, coupled with preexisting conditions, can contribute to [more serious conditions in the future](#).

In addition, according to the November 2022 Household Pulse Survey, Texas respondents below the ALICE Threshold were more likely to report having long-COVID symptoms (such as fatigue, “brain fog,” difficulty breathing, heart palpitations, dizziness, or changes to taste/smell) lasting three months or longer that they did not have prior to

having COVID-19 than respondents above the Threshold (33% vs. 25%).

**!** **Mental health:** With these sustained challenges, it’s not surprising that people below the ALICE Threshold in Texas were more likely to report feeling depressed or anxious than those above the Threshold. According to the Household Pulse Survey, in August 2020, 18% of respondents below the Threshold and 14% above the Threshold reported feeling nervous, anxious, or on edge nearly every day over the last two weeks. These rates worsened as of November 2022 (26% and 15%, respectively). Respondents below the Threshold were also more likely to report feeling down, depressed, or hopeless at both timepoints (11% in 2020 and 19% in 2022) than respondents above the Threshold (8% in 2020 and 9% in 2022). Some demographic groups experienced substantially higher rates of feeling anxious than the state average (Figure 9).

The lack of mental health resources during the pandemic has been [widely recognized](#), and awareness is increasing, especially with the launch of the [Nationwide Suicide and Crisis Lifeline](#) (988). But there remains a severe [shortage of mental health resources](#), especially for low-income families, and mental health providers struggle to meet [increased demand](#).

**Figure 9. Feeling Anxious, Above and Below the ALICE Threshold, Texas, 2022**

Feeling Nervous, Anxious, or on Edge			
	Below ALICE Threshold	Above ALICE Threshold	State Average
<b>Black</b>	26%	14%	21%
<b>Hispanic</b>	23%	17%	
<b>Female</b>	27%	18%	
<b>With a Disability</b>	51%	37%	
<b>LGBT</b>	42%	30%	

Question: Over the last two weeks, how often have you been bothered by feeling nervous, anxious, or on edge? Selected: Nearly every day

Note: Black respondents are non-Hispanic; the Hispanic group includes respondents of Hispanic, Latino, or Spanish origin of any race; the “With a Disability” group includes respondents who have one or more vision, hearing, cognitive, mobility, or self-care difficulties; the “LGBT” group includes respondents who identify as gay or lesbian, bisexual, and/or transgender.

Sources: ALICE Threshold, 2021; U.S. Census Bureau, Household Pulse Survey, September 14, 2022–November 14, 2022, Phase 3.6



# From Warnings to Reality: ALICE Today

The strength of the Texas economy is inextricably tied to the financial stability of all residents. As the pandemic has shown, ALICE workers are critical to the smooth running of the economy, during times of crisis and beyond. And, in turn, the stability of ALICE families depends on their being able to fully participate in that economy. Leaving ALICE behind in the recovery sets households and the larger economy up for greater vulnerability to the next economic disruption.

This is already happening, at the same time that the frequency and severity of [natural disasters](#) continue to increase. In places that experienced natural disasters in 2021 and 2022 — such as Hurricane Ian in Florida; wildfires in California, Idaho, and Utah; flooding in

Kentucky and Missouri; and tornadoes in the southern U.S. — ALICE families faced [higher risks](#). For example, following [Hurricane Ian in September 2022](#) in Florida, according to the Household Pulse Survey (December 2022), respondents below the ALICE Threshold were more likely than households above the Threshold to be displaced from their home (9% vs. 6%). One month after the storm, respondents below the Threshold were at least three times more likely to be experiencing a shortage of food (39% vs. 13%) and drinkable water (42% vs. 12%).

The pandemic has highlighted the ability of government policymakers and business managers to respond to changing conditions quickly. The 2021 ALICE data may surprise some readers who were expecting much worse. But 2021 was a unique year — and these warning signs are both a call to action and a challenge to complacency. We ignore our essential workers at our economy's and our communities' peril.



# COUNTY COMPARISON: INCOME STATUS, 2021

Texas Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Anderson	16,477	55%	-1%	-12%
Andrews	6,263	39%	12%	21%
Angelina	32,538	48%	1%	29%
Aransas	10,452	47%	9%	0%
Archer	3,371	38%	-2%	8%
Armstrong	708	33%	2%	-11%
Atascosa	15,899	39%	2%	-17%
Austin	11,841	36%	5%	3%
Bailey	1,952	42%	-5%	-22%
Bandera	8,383	42%	0%	-1%
Bastrop	31,271	40%	22%	-7%
Baylor	1,509	52%	-1%	11%
Bee	8,497	50%	3%	-13%
Bell	139,582	42%	10%	18%
Bexar	742,836	46%	15%	10%
Blanco	4,749	28%	9%	-4%
Borden	196	33%	-14%	18%
Bosque	7,037	37%	-2%	-2%
Bowie	34,038	44%	-3%	-1%
Brazoria	130,734	32%	1%	26%
Brazos	86,154	51%	8%	20%
Brewster	4,706	37%	15%	9%
Briscoe	557	54%	-7%	-2%
Brooks	2,425	72%	14%	11%
Brown	14,651	49%	2%	10%
Burleson	7,178	38%	5%	2%
Burnet	17,941	39%	7%	11%
Caldwell	14,315	45%	6%	-9%



Texas Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Calhoun	7,748	41%	2%	1%
Callahan	5,247	48%	-2%	-1%
Cameron	135,734	47%	5%	-9%
Camp	4,385	47%	-5%	-7%
Carson	2,282	30%	0%	-1%
Cass	11,371	48%	-5%	-1%
Castro	2,417	53%	-5%	14%
Chambers	14,905	33%	6%	-1%
Cherokee	18,173	45%	0%	-5%
Childress	2,070	48%	-14%	-24%
Clay	4,119	34%	0%	-13%
Cochran	973	55%	-3%	-5%
Coke	1,384	48%	-16%	-9%
Coleman	3,222	43%	-6%	-1%
Collin	399,810	35%	10%	35%
Collingsworth	1,053	57%	2%	-2%
Colorado	6,999	42%	-6%	-12%
Comal	60,714	32%	7%	13%
Comanche	5,138	42%	-6%	4%
Concho	803	49%	-12%	-5%
Cooke	16,106	39%	5%	11%
Coryell	23,954	38%	8%	-20%
Cottle	654	50%	-7%	-26%
Crane	1,614	37%	14%	24%
Crockett	1,297	31%	-4%	-20%
Crosby	1,934	54%	-6%	-13%
Culberson	634	77%	9%	12%
Dallam	2,367	39%	0%	5%
Dallas	975,062	47%	4%	3%
Dawson	4,214	53%	-2%	-3%

## Texas Counties, 2021

## Percent Change, 2019–2021

County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Deaf Smith	6,064	59%	-1%	21%
Delta	2,057	44%	3%	21%
Denton	350,081	29%	15%	19%
DeWitt	6,610	44%	-6%	-5%
Dickens	635	56%	-25%	-19%
Dimmit	2,902	62%	-8%	-12%
Donley	1,193	46%	-11%	-16%
Duval	2,842	58%	-19%	-24%
Eastland	6,697	53%	3%	-4%
Ector	64,169	42%	22%	14%
Edwards	558	59%	-29%	-4%
El Paso	298,059	47%	11%	8%
Ellis	69,223	31%	13%	-1%
Erath	14,926	42%	10%	2%
Falls	5,419	61%	4%	3%
Fannin	12,470	45%	0%	8%
Fayette	8,720	38%	-5%	-6%
Fisher	1,533	38%	-4%	-19%
Floyd	1,894	45%	-17%	-11%
Foard	471	59%	-12%	2%
Fort Bend	283,446	38%	12%	26%
Franklin	3,546	35%	-11%	-19%
Freestone	6,567	43%	-3%	-7%
Frio	4,763	45%	5%	-19%
Gaines	6,775	42%	17%	13%
Galveston	144,182	38%	13%	15%
Garza	1,705	44%	10%	22%
Gillespie	11,205	37%	5%	3%
Glasscock	457	34%	13%	1%
Goliad	2,671	50%	-2%	18%

Texas Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Gonzales	7,496	45%	2%	21%
Gray	7,881	48%	0%	1%
Grayson	56,005	37%	14%	4%
Gregg	46,766	42%	2%	1%
Grimes	9,469	41%	5%	-15%
Guadalupe	61,414	35%	10%	24%
Hale	11,070	59%	1%	23%
Hall	1,132	56%	-11%	-12%
Hamilton	2,910	50%	-3%	10%
Hansford	1,764	58%	-4%	-6%
Hardeman	1,222	41%	-23%	-36%
Hardin	20,568	38%	0%	0%
Harris	1,735,020	47%	5%	6%
Harrison	24,276	42%	4%	-3%
Hartley	1,704	36%	2%	10%
Haskell	2,030	50%	-5%	-10%
Hays	94,205	42%	21%	26%
Hemphill	1,387	45%	7%	30%
Henderson	32,576	48%	6%	6%
Hidalgo	268,598	52%	9%	-7%
Hill	13,043	45%	0%	2%
Hockley	7,935	48%	-1%	-4%
Hood	24,195	38%	9%	16%
Hopkins	13,746	42%	2%	4%
Houston	7,353	55%	-11%	-13%
Howard	12,062	47%	9%	2%
Hudspeth	869	77%	-11%	-5%
Hunt	37,206	49%	6%	9%
Hutchinson	6,881	42%	-1%	-18%
Irion	677	51%	-1%	7%

## Texas Counties, 2021

## Percent Change, 2019–2021

County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Jack	2,914	44%	-8%	-12%
Jackson	5,155	35%	5%	3%
Jasper	12,776	53%	-1%	4%
Jeff Davis	1,010	60%	-4%	29%
Jefferson	94,828	43%	6%	5%
Jim Hogg	1,423	58%	-12%	-17%
Jim Wells	12,835	52%	-1%	-14%
Johnson	64,338	36%	9%	1%
Jones	5,792	37%	2%	-1%
Karnes	4,431	52%	3%	-4%
Kaufman	50,212	48%	26%	36%
Kendall	16,261	27%	14%	6%
Kent	243	35%	-11%	-34%
Kerr	21,842	39%	2%	4%
Kimble	1,797	40%	1%	-17%
Kinney	1,039	44%	-22%	-45%
Kleberg	11,559	49%	6%	-6%
Knox	1,251	47%	-9%	-9%
La Salle	1,868	33%	-18%	-53%
Lamar	19,930	46%	1%	6%
Lamb	4,604	48%	-3%	-4%
Lampasas	7,928	36%	2%	12%
Lavaca	8,012	42%	2%	20%
Lee	6,148	46%	2%	11%
Leon	6,136	46%	-5%	-9%
Liberty	27,688	53%	3%	3%
Limestone	8,027	47%	-4%	-16%
Lipscomb	1,144	32%	-4%	-22%
Live Oak	3,857	46%	3%	0%
Llano	9,220	36%	6%	5%

Texas Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Lubbock	124,689	43%	6%	2%
Lynn	2,104	47%	-2%	-13%
Madison	3,985	46%	-7%	-12%
Marion	4,036	52%	-14%	-7%
Martin	1,868	31%	10%	-13%
Mason	1,490	32%	-12%	-48%
Matagorda	13,686	49%	-1%	5%
Maverick	17,690	49%	9%	-14%
McCulloch	3,138	51%	0%	14%
McLennan	97,065	41%	4%	1%
McMullen	186	44%	-31%	-20%
Medina	16,765	34%	7%	-14%
Menard	904	53%	-11%	5%
Midland	63,506	34%	11%	7%
Milam	9,740	45%	6%	6%
Mills	1,695	43%	-5%	-8%
Mitchell	2,258	56%	-5%	11%
Montague	7,835	39%	0%	-10%
Montgomery	232,095	34%	11%	12%
Moore	6,893	42%	2%	12%
Morris	4,784	44%	-7%	-12%
Motley	458	42%	-6%	-22%
Nacogdoches	24,179	50%	2%	-2%
Navarro	17,602	53%	2%	12%
Newton	4,728	56%	-11%	-2%
Nolan	5,548	55%	3%	23%
Nueces	127,624	47%	-3%	6%
Ochiltree	3,605	38%	4%	-12%
Oldham	648	40%	9%	35%
Orange	31,323	35%	-2%	8%

Texas Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Palo Pinto	10,383	40%	1%	-13%
Panola	8,186	46%	-5%	12%
Parker	50,815	38%	15%	27%
Parmer	3,172	38%	-1%	-12%
Pecos	4,995	46%	7%	-3%
Polk	17,028	53%	-6%	16%
Potter	44,472	54%	1%	-5%
Presidio	2,195	77%	-14%	-5%
Rains	4,585	41%	6%	0%
Randall	56,509	33%	12%	17%
Reagan	1,069	45%	-1%	44%
Real	893	50%	-21%	-39%
Red River	4,591	54%	-7%	3%
Reeves	4,070	51%	16%	0%
Refugio	2,189	55%	-14%	-2%
Roberts	310	39%	3%	54%
Robertson	6,310	44%	-2%	-2%
Rockwall	35,771	22%	8%	-30%
Runnels	3,746	46%	-4%	-3%
Rusk	17,656	42%	-2%	-4%
Sabine	4,317	50%	0%	-6%
San Augustine	3,167	56%	-8%	7%
San Jacinto	9,451	51%	-6%	-12%
San Patricio	23,808	48%	4%	14%
San Saba	1,960	57%	-6%	15%
Schleicher	883	45%	-18%	-22%
Scurry	5,973	52%	1%	18%
Shackelford	1,269	42%	-4%	1%
Shelby	8,898	51%	-4%	0%
Sherman	810	44%	-21%	-21%

Texas Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Smith	81,175	45%	3%	22%
Somervell	3,227	33%	3%	-11%
Starr	18,599	71%	15%	13%
Stephens	3,385	50%	4%	2%
Sterling	397	55%	-13%	65%
Stonewall	472	45%	-19%	-14%
Sutton	1,124	42%	-20%	-7%
Swisher	2,477	60%	-1%	-1%
Tarrant	771,657	41%	6%	27%
Taylor	55,974	44%	11%	14%
Terrell	426	39%	2%	-16%
Terry	4,082	55%	1%	10%
Throckmorton	618	44%	-7%	-19%
Titus	10,654	46%	-2%	-7%
Tom Green	45,516	40%	4%	1%
Travis	567,627	37%	12%	13%
Trinity	5,879	50%	-3%	-5%
Tyler	6,525	49%	-8%	-10%
Upshur	14,576	45%	3%	3%
Upton	1,422	38%	7%	-8%
Uvalde	8,324	44%	-6%	-27%
Val Verde	16,146	46%	2%	-5%
Van Zandt	22,047	40%	9%	6%
Victoria	36,753	46%	14%	6%
Walker	23,780	62%	8%	16%
Waller	17,286	43%	14%	-9%
Ward	4,299	36%	8%	7%
Washington	13,906	38%	10%	-3%
Webb	78,730	47%	3%	-3%
Wharton	14,991	44%	-1%	-11%



Texas Counties, 2021			Percent Change, 2019–2021	
County	Households	% ALICE + Poverty	# of Households	# ALICE + Poverty
Wheeler	1,935	48%	-11%	5%
Wichita	49,071	46%	2%	2%
Wilbarger	4,586	52%	-11%	5%
Willacy	5,372	60%	-7%	-16%
Williamson	241,836	29%	25%	-1%
Wilson	16,949	33%	8%	2%
Winkler	2,723	36%	4%	-9%
Wise	23,488	38%	5%	-6%
Wood	17,584	42%	7%	3%
Yoakum	2,682	27%	2%	-23%
Young	7,409	43%	1%	13%
Zapata	4,390	61%	-3%	-4%
Zavala	3,394	50%	-5%	-29%

Note: To ensure accuracy and confidentiality, counties with fewer than 100 households are not displayed.

# NATIONAL COMPARISON: INCOME STATUS, 2021

STATE	RANK (1 = lowest % Below ALICE Threshold)	TOTAL	Household Income Status		
		Number of Households	% Households in Poverty	% ALICE Households	% Households Below ALICE Threshold
United States	—	126,903,920	13%	29%	41%
Alabama	48	1,951,995	16%	32%	48%
Alaska	1	266,391	10%	22%	32%
Arizona	24	2,813,110	12%	28%	40%
Arkansas	46	1,176,614	16%	31%	47%
California	35	13,420,382	12%	31%	43%
Colorado	13	2,297,529	10%	27%	37%
Connecticut	19	1,428,313	10%	28%	39%
Delaware	27	395,656	12%	29%	41%
District of Columbia	31	319,565	15%	28%	42%
Florida	44	8,533,422	13%	32%	45%
Georgia	47	3,954,813	14%	34%	47%
Hawai'i	29	490,101	12%	30%	41%
Idaho	34	681,926	11%	32%	43%
Illinois	10	4,981,919	12%	24%	36%
Indiana	21	2,656,794	12%	27%	39%
Iowa	9	1,293,028	11%	24%	36%
Kansas	20	1,153,270	12%	27%	39%
Kentucky	38	1,767,504	16%	28%	44%
Louisiana	50	1,776,260	19%	32%	51%
Maine	30	583,562	12%	30%	42%
Maryland	15	2,352,331	10%	28%	38%
Massachusetts	25	2,756,295	11%	28%	40%
Michigan	22	4,029,761	13%	26%	39%
Minnesota	8	2,254,997	10%	26%	35%
Mississippi	51	1,116,509	20%	32%	52%
Missouri	36	2,459,987	13%	30%	43%
Montana	28	443,529	12%	29%	41%
Nebraska	17	781,693	11%	27%	39%
Nevada	42	1,189,085	14%	31%	45%
New Hampshire	2	548,727	8%	25%	33%
New Jersey	12	3,495,628	11%	26%	37%
New Mexico	45	821,310	17%	29%	47%
New York	40	7,635,201	14%	30%	44%
North Carolina	41	4,150,059	13%	31%	44%
North Dakota	6	322,588	11%	23%	34%
Ohio	16	4,820,453	13%	25%	38%
Oklahoma	43	1,536,903	15%	30%	45%
Oregon	39	1,697,608	12%	32%	44%
Pennsylvania	23	5,229,253	12%	27%	39%
Rhode Island	18	435,782	12%	27%	39%
South Carolina	33	2,037,203	15%	29%	43%
South Dakota	11	352,363	11%	26%	36%
Tennessee	37	2,740,302	14%	30%	44%
<b>Texas</b>	<b>32</b>	<b>10,705,476</b>	<b>14%</b>	<b>29%</b>	<b>43%</b>
Utah	5	1,087,978	9%	25%	34%
Vermont	26	265,098	11%	29%	40%
Virginia	14	3,300,111	10%	28%	38%
Washington	4	3,013,644	10%	24%	34%
West Virginia	49	711,392	17%	31%	48%
Wisconsin	7	2,436,961	11%	23%	34%
Wyoming	3	233,539	11%	22%	34%

# NEXT STEPS

Capturing the true extent of financial hardship in Texas is critical for the appropriate allocation of funds for programs in areas such as education, health care, food access, housing, and employment. There is a lot more to be done to change the trajectory for households struggling to make ends meet. How can you help?

## Learn more and help to raise awareness of the struggles ALICE households face with:

- » The interactive [ALICE in Texas webpages](#), to dig deeper into:
- » [County Reports](#)
- » [Household budgets](#)
- » [Maps with data for local geographies](#)
- » [Demographics](#)
- » [Labor force data](#)
- » [ALICE data alongside additional Indicators of Well-Being](#)

## Connect with stakeholders:

- [Contact your local United Way](#) for support and volunteer opportunities.
- Connect with members of the state [Research Advisory Committees](#) that support this work.
- Find your state and federal representatives and see ALICE household data by legislative district with our [ALICE Legislative District Tool](#).

## Turn the ALICE data into action in your state, county, or community:

- Use the ALICE metrics to highlight the challenges ALICE households face, to inspire action and

generate innovative solutions that promote financial stability.

- Armed with the ALICE data, advocate for policy change, apply for grant funding, allocate funding for programs and services targeted to ALICE households, etc.
- Learn more on our [ALICE in Action webpage](#) about the programs, practices, and policies to improve access to affordable housing, high quality child care and education, healthy food, health care, transportation, workforce training, and more.
- Demonstrate potential financial challenges that ALICE workers face with interactive tools from the Federal Reserve Bank of Atlanta that incorporate the Household Survival Budget. These tools, which include the [Policy Rules Database](#) and the [Career Ladder Identifier and Financial Forecaster](#), map changes in benefits along a career path and identify potential benefits cliffs.

## Be an ally and advocate for better data:

- Advocate for more accurate data collection by the [U.S. Census Bureau](#) for people who have been [historically undercounted](#), including (but not limited to) people with disabilities, people experiencing homelessness, people of color, individuals who identify as LGBTQ+, and people in low-income and hard-to-count geographic areas.
- Support the implementation of a single combined question for race and ethnicity. Census research shows this change will yield a more accurate portrait of how the U.S. population self-identifies, especially for people who self-identify as multiracial or multiethnic.

Suggested Citation: United For ALICE. (2023). "ALICE in the Crosscurrents: COVID and Financial Hardship in Texas." [UnitedForALICE.org/Texas](#)

© Copyright 2009–2023 United Way of Northern New Jersey. All rights reserved.



## Texas Lawyers for Children

Championing Children's Rights

8330 LBJ Freeway, Suite B480 • Dallas, Texas • 75243

P: (214)-219-5TLC (5852) • F: (214)-219-5851 • [www.TexasLawyersforChildren.org](http://www.TexasLawyersforChildren.org)

To: Access to Justice Commission  
From: Barbara J. Elias-Perciful, J.D., Beecher Threatt, J.D., Kristen Bell, J.D.  
Date: December 15, 2023  
Subject: Comments on the *Report and Recommendations of the Texas Access to Legal Services Working Group*

Commissioners:

Texas Lawyers for Children (TLC) submits the following comments on the *Report and Recommendations of the Texas Access to Legal Services Working Group*, scheduled to be considered at the Access to Justice Commission's December 15 meeting.

TLC's mission is to improve case outcomes for abused and neglected children by enhancing the quality of legal services they receive. For almost three decades, TLC has provided training and legal resources to over 3,700 Texas judges and attorneys who serve abused and neglected children throughout our court system. Through this work, our attorneys have served on numerous statewide committees, including serving as Chair of the Texas State Bar Committee on Child Abuse and Neglect, on the Governing Council of the Child Protection Law Section of the State Bar, and on both the Legal Representation and the Standards of Representation Committees for the Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families.

**TLC respectfully asks the Commission to please consider the following comments in adopting recommendations for rules changes to the Texas Supreme Court and to exclude any proceeding brought by the Department of Family and Protective Services under the Family Code from the changes.**

- 1) TLC's main position is that non-attorneys must never be allowed to supplant an attorney in cases that involve clients who are children when those children benefit from a statutory right to counsel or from constitutional rights, such as rights to their physical and/or emotional safety and security, including any case where there is a threat of termination of parental rights. A licensed attorney should always be appointed to represent a child, even in an uncontested case, and this must be explicitly stated in the Recommendations to prevent harm to unrepresented children now and in the future.

- Decisions in a case may be uncontested to the state and/or parent, but that does not mean the decision is uncontested to the child. The child's desired outcome may not be what the other parties decided.
- Because a child may not have the capacity to determine whether or not to contest decisions made in his or her case, or to communicate that he or she contests a decision being made, there will never be a situation that a child does not need the legal counsel and representation of an attorney.
- Attorneys ad litem have both rights and duties under Texas Family Code Chapter 107 that are in place to protect the child.
- Attorneys must have specialized training to represent children as court-appointed attorneys, and there is no mention that non-attorneys can be adequately trained to carry out this highly specialized role.
- The parent may back out of the agreement at the last minute, and at that point the case becomes contested. With no licensed attorney for the child or parent present, error may not be preserved or the jurisdictional dismissal date may pass.

2) Even in cases of adult representation, problems may arise around family law matters that must be addressed and are discussed below.

- In certain cases brought by Texas Department of Family and Protective Services under Title 5, non-attorneys should not be allowed to provide legal services to low-income individuals. This includes Texas Family Code Chapters 160-162 of Subtitle B and all Subtitle E proceedings, including suits brought to order participation in services.
- The working group report would allow paraprofessionals to provide services in uncontested Title 5 cases. (Report, p. 43.) Who has the authority to decide whether a case is uncontested, whether an uncontested case has become contested, or whether a matter exceeds the scope of non-attorneys' licensure? Does the attorney supervising the non-attorney decide whether it is uncontested? The report is not clear on the meaning of 'uncontested', especially in the context of children's and parents' constitutional rights and despite the definition on page 42.
- For example, Chapter 161 authorizes termination of parental rights, including when a parent voluntarily signs an affidavit of relinquishment of parental rights. If the parent has agreed to sign an affidavit before any court proceedings have begun, that could be considered an uncontested matter. Additionally, a parent may not meet the indigency requirement to obtain an appointed attorney ad litem and seeks out a non-attorney paraprofessional to assist him in executing an affidavit of relinquishment. A licensed attorney should always counsel a parent on the ramifications of a relinquishment affidavit.

- The proposed rules say a non-attorney must take certain steps and give the client certain information when he or she discovers the case requires tasks beyond the scope of engagement. (See Appendix A, p. 3.) Is there room for different conclusions to be reached by different people as to whether something has become contested? What if the client just decides he would rather have an attorney? What are the next steps the non-attorney must take in that case?

We advise that further research on the impact these recommendations will have on cases involving termination of parental rights is warranted. While the Report mentions a similar project in Alaska, it is unclear whether or not non-attorneys provide legal services to parents and children in termination cases in that program and what impact that decision has had on similar cases, children's right to counsel, and children's constitutional rights. The Report does mention that Washington stopped licensing non-attorneys this year in a similar program, and we respectfully request the working group to look into why Washington took that action (Report, p. 14, fn 43.), as well as the decisions of any other states that have elected to allow non-attorneys to fulfill the role of an attorney, especially in cases as important as those affecting the parent-child relationship.

Thank you for the opportunity to comment on the changes recommended by the working group. For any follow up questions or comments, please contact Beecher Threatt at [beecher.threatt@texaslawyersforchildren.org](mailto:beecher.threatt@texaslawyersforchildren.org).



December 14, 2023

Texas Access to Justice Commission  
1414 Colorado  
Austin, Texas 78701

Re: Opposition to non-lawyer ownership of firms and paraprofessional legal services

Chair Miers, Members of the Commission, and the Honorable Brett Busby:

I lead Texas Watch, a non-partisan, non-profit organization that advocates on behalf of consumers and our courts. We provide these comments in opposition to proposals to (1) permit non-lawyers to own legal entities and (2) allow paraprofessionals to provide legal services in our state.

Providing increased access to justice for low-income Texans is an exceptionally laudable goal. Indeed, in the face of sustained opposition at the Texas Capitol, our organization has advocated for increased access to justice throughout our 25-year history. However, we believe the proposals before you will lead to many unintended consequences, threatening the quality of legal services throughout our state.

The practice of law is a *profession* – one that is highly regulated. Attorneys receive years of intensive training; pass an extensive background check and the bar exam; educate themselves each year; and are subject to a host of ethical duties, professional rules, and laws. These requirements are for a very good reason -- the protection of the public.

Allowing non-attorneys to own law firms will ultimately coarsen the legal profession and harm Texans. Medical professionals are seeing the negative effects of business interests consolidating and commodifying their essential services. They spend less time with their patients as profits are maximized by those who focus solely on the bottom line. Law firms are more than businesses -- they serve a higher purpose – and the legal profession should not repeat the mistakes other professionals suffer from today. Clients are people with problems that need solving by caring and competent professionals. They are more than mere economic units to be monetized. The nature of the legal profession is at stake if non-lawyers are allowed ownership. Lawyers should answer only to their clients and our courts, not corporate boardrooms.

Some of the proposals before you appear limited at this time, but slopes often prove slippery. Missions creep. Just consider all of the legal services non-lawyers are allowed to provide in Utah today.<sup>1</sup> We already permit paralegals and law students with a “third-year bar card” to serve the public under the close supervision of an attorney. There is no compelling reason to change this model.

We encourage the Commission to investigate other means to increase access for low-income Texans. Texas attorneys may be required to provide pro bono services and contribute monetarily to provide access to justice as a condition of their license. Court filing fees could help support legal aid programs. The Commission could study how tort “reform” statutes and class action jurisprudence has limited access to justice in Texas, providing insight for the Texas Legislature on how best to correct these injustices. We further encourage the Commission to hold highly publicized field hearings across the state to meaningfully engage the public in this policy debate if it should continue. Thank you for your consideration.

Respectfully submitted,

Ware V. Wendell  
Executive Director

---

<sup>1</sup> See LEGAL SERVICES INNOVATION, UTAH SUPREME COURT, AUTHORIZED ENTITIES, <https://utahinnovationoffice.org/authorized-entities/> (last visited 12/14/23).