

Viewpoint

Legal-aid safety net unraveling in Texas

BY HARRIET O'NEILL

When Hurricane Ike tore holes in the roof of Sara's apartment, she waited for her landlord to begin fixing the problems.

After rats clawed through the sheetrock, she did her best to patch the holes in the roof and walls.

Then her landlord accused her of "destroying" the property.

A local legal aid organization helped Sara through the Federal Emergency Management Agency's appeals process and a subsequent eviction hearing where the landlord's actions were found to be unjust.

During these tough economic times, legal aid can help keep people housed, employed and families stable.

More than 100,000 low-income Texans are served annually by legal aid providers, including victims of domestic violence, the elderly and the disabled.

Legal aid is the safety net that keeps these fellow Texans from going over the edge; without it, they might never recover, even when the economy improves.

We cannot afford to let this safety net unravel. Solving the critical legal needs that thousands of poor Texans face will help them remain productive and inevitably hasten our state's recovery.

In fact, a recent study by The Perryman Group found that for every direct dollar spent in the state for indigent civil legal services, the overall annual gains to the economy are estimated at \$7.42 in total spending.

However, the Texas legal aid system is in danger of being decimated.

The largest source of state funds for legal aid in Texas is interest on lawyers' trust accounts.

Recent declines in interest rates have had a major impact on the funds.

In 2007, revenue on these trust accounts was projected to reach \$28 million, but totaled only \$20 million. With major interest rate declines during 2008, trust account revenue fell to \$12.2 million and is expected to continue to fall in 2009, with a projected total of only \$1.5 million.

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These declines in funding will have a tremendous impact on legal aid service providers in the state. Some may have to close their doors altogether.

To make matters worse, the economic downturn and recent hurricanes, particularly Hurricane Ike, have caused an increased need for legal aid services.

Limited resources and a rapidly increasing poor population are challenges that are virtually insurmountable given the current funding forecast.

Legal aid often means the difference between life and death, living in a home or on the streets, being self-sufficient or needing to rely on governmental agencies.

Texas ranks just 43rd in the nation in per capita revenue spent to provide civil legal aid. And a national study by Legal Services Corp. found that legal aid programs turn away half of all qualified applicants because they lack the resources to help them.

Specifically, legal aid is able to assist only 20 to 25 percent of low-income Texans who need and seek help.

Without additional funding sources, many of the state's legal aid organizations will face major budget shortfalls next year.

In turn, thousands of poor Texans will no longer receive the legal services they need to resolve serious issues impacting their daily lives.

This decrease in service will come just when the need for these services increases with our current economic conditions.

Addressing the shortfall

A general appropriation of \$37 million for the biennium has been proposed by the Texas Legislature to address the shortfall in funding.

This funding is a desperately needed bridge until interest rates return to levels sufficient to generate enough revenue from lawyers' trust accounts to support the legal aid system once again.

Without the safety net that legal aid provides, thousands of Texans will slip further into poverty, exacerbating their legal needs and creating a bigger drain on state resources.

For those who fall over the edge, there may be no recovery.

Keeping vulnerable Texans on their feet during these difficult times will surely pay dividends in the long run.

We simply can't afford not to.

HARRIET O'NEILL is a justice on the Supreme Court of Texas. She is the court's representative on the Texas Access to Justice Commission, which develops and implements initiatives designed to ensure the court system meets the basic civil legal needs of low-income Texans.