



MY OPINION

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Let Me Make This Clear

On the kitchen table, there is a packet from the U.S. Census Bureau. I have not opened it, but I am going to fill it out and return it, because an accurate census count will mean significant changes for Texas. These changes are likely to include more representatives in Congress and more citizens who lack access to our judicial system. That's right, I predict that an accurate census count will mean that more Texans will be counted among those unable to afford basic legal services.

A decade ago, when the last census was completed, more than 3 million Texans were deemed eligible for legal aid. For a family of four, that meant a household income of slightly more than \$20,000 per year. Because of the state's growing population, including an influx of refugees from Hurricane Katrina and other natural disasters we welcomed, that number has grown considerably. Yet despite this growth and the dedicated work of legal services attorneys across the state, it is estimated that we are able to meet the needs of only 20 to 25 percent of those who qualify and desperately need basic legal services. Census 2010 is likely to report that more Texans qualify for legal aid. Said another way, more Texans will fall into the gap of needing but not having access to justice.

A BASIC FREEDOM

Access to Justice is a basic tenant of freedom. If people cannot access the justice system, a breakdown occurs, which has repercussions immediate and long-term. Disputes that need to be resolved

are left to be resolved outside of the judicial system. Basic legal issues — divorce, visitation, child custody, employment, foreclosure, bankruptcy — do not wait. It is imperative that we adequately fund our state and federal judicial system. Can you believe that our Texas courts are facing the prospect of being asked to cut 5 percent of their budgets? In California, inadequate judicial funding led to firing court personnel and closing courtrooms. Let's not let the same be said of Texas.

YOUR DUES STATEMENT

You will soon be receiving your 2010–2011 State Bar of Texas Dues Statement. Let me make this clear: I am asking you *not* to opt out of making a voluntary access to justice contribution. You will notice a change on this year's form: you have to opt out in order not to make a suggested donation of \$150. Did I make this clear? Doing right by helping to ensure low-income Texans have access to our legal system means leaving the dues statement alone and making a voluntary, tax-deductible donation to support legal services for the poor through local programs funded by the Texas Access to Justice Foundation and Texas Bar Foundation. This contribution will cost you less than \$13 a month, which works out to roughly 43 cents a day. Please read the letter from the Supreme Court of Texas that accompanies your Dues Statement. The Court has provided wise leadership on this issue.

Last year, Texas lawyers donated a record amount through their voluntary access to justice contributions. Fewer

than 5 percent of eligible lawyers managed to donate \$618,800. I challenge us to give a significant multiple — say, five times last year's number — this year. We can do this great deed together. We can help bridge the gap. As the Preamble to the Texas Lawyer's Creed says, "I am committed — for no other reason than it is right." I am committed to not opting out. I hope you will join me.

This is my last page to pen as president of the State Bar of Texas. I am pleased it coincides with asking lawyers not to opt out. Throughout this year, on many issues and in many locations, Texas lawyers have chosen not to opt out. You have engaged on mentoring, by taking part in new initiatives such as *Transition to Practice* and **AfterTheBarExam.com**. You have engaged on professionalism, by voicing your opinions and offering your feedback on whether or not lawyers should be required to disclose if they carry professional liability insurance and proposed changes to the Texas Disciplinary Rules of Professional Conduct. You have engaged by continuing to help those in need during these challenging economic times.

Let me make one more thing clear: I am eternally grateful for the opportunity to work for and alongside you. Helping you to help others has been one of the great honors of my personal and professional lives. I am proud of you. I can never repay you for the experiences you have provided me, but I will try for the rest of my life.

Let's close with the words of Dag Hammarskjöld. Cindy and I said these to one another 33 years ago. They are just as appropriate today: "For all that has been, thanks. For all that will be, yes." ✪