

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 15-9233

ORDER CREATING THE TEXAS COMMISSION TO EXPAND CIVIL LEGAL SERVICES

Judge Learned Hand famously observed: “If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice.” But without access to quality legal representation, Justice Antonin Scalia has noted, there is no justice.

Federal and state law provide a right to legal representation in cases where a person’s liberty or other constitutional interests are at stake, such as felony criminal cases and government-initiated actions to terminate the parent-child relationship. But a person has no right to legal representation in other matters, including divorce and child custody, protection from domestic violence, eviction and foreclosure, landlord-tenant disputes, entitlements, contract disputes, probate, and elder assistance. Legal aid lawyers work tirelessly to help as many of the poor as their limited resources allow, and lawyers in the private sector donate their services to help *pro bono publico*—for the *public* good. A University of North Texas study has shown that Texas lawyers provide more than two million hours of pro bono legal services to the poor annually. Despite all these efforts, the demand for civil legal services remains overwhelming. Texas legal aid providers help more than 100,000 families each year, yet they estimate that three out of four qualified applicants are turned away for lack of resources. Studies conducted nationally or in other states project that 80-90% of low- and moderate-income Americans with civil legal problems are unable to obtain representation.

The unmet need for legal services is not limited to the very poor. The middle class, who earn too much to qualify for legal aid but not enough to afford an attorney, sometimes feel forced to try to represent themselves or forgo their rights altogether. The cost of legal services has become prohibitive for most Americans. An important factor in the cost of legal services is the rising cost of a legal education. Law students are graduating with six-figure student debt. At the same time, many new lawyers are facing limited job opportunities. In short: more than ever, people need lawyers, and lawyers need work, but the cost of legal services keeps them apart. This gulf has been called the “justice gap”, and it is widening. The integrity of the justice system depends on our ability to close it. Justice for only those who can afford it is neither justice *for* all nor justice *at* all.

States, bar associations, and commentators have proposed various reforms, which the American Bar Association Commission on the Future of Legal Services has been studying. A Texas Commission to Expand Civil Legal Services is needed to study and recommend ways to close the justice gap in Texas.

It is therefore ORDERED:

The Commission to Expand Civil Legal Services is created.

The mission of the Commission is to gather information on initiatives and proposals to expand the availability of civil legal services to low- and middle-income Texans, to evaluate that information, and to recommend to the Supreme Court of Texas ways to accomplish that expansion.

The following are appointed members of the Commission:

S. Jack Balagia Jr.	Dallas	Hon. Ann Crawford McClure	El Paso
Hon. Jane Bland	Houston	F. Scott McCown	Austin
Faye M. Bracey	San Antonio	Chris Nickelson	Fort Worth
Darby Dickerson	Lubbock	Harry M. Reasoner	Houston
William Royal Furgeson Jr.	Dallas	Hon. Lee H. Rosenthal	Houston
Eden Harrington	Austin	Charles W. Schwartz	Houston
Angelica Maria Hernandez	Houston	Frank E. Stevenson II	Dallas
Wallace B. Jefferson	Austin	William O. Whitehurst Jr.	Austin
Joseph C. Matta	Houston	Kennon L. Wooten	Austin

Wallace B. Jefferson is appointed Chair of the Commission.

The Court's liaison to the Commission is Chief Justice Nathan L. Hecht. The Court's staff representatives are Nina Hess Hsu, general counsel; Martha Newton, rules attorney; and Osler McCarthy, staff attorney for public information. The Office of Court Administration will provide administrative assistance.

The Commission will submit its first report to the Court by November 1, 2016.

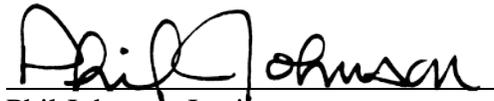
Dated: November 23, 2015



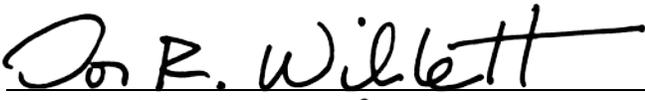
Nathan L. Hecht, Chief Justice



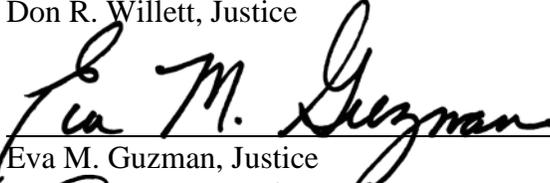
Paul W. Green, Justice



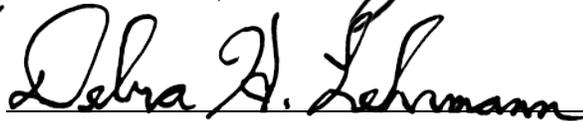
Phil Johnson, Justice



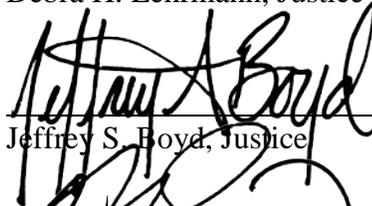
Don R. Willett, Justice



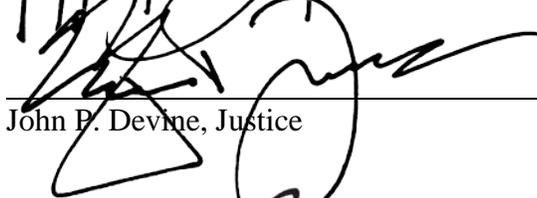
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice