

**Everything the Private
Practitioner Needs to Know
About Legal Aid**

Harris County Probate Court 4 CLE Presentation
May 2014

Name a basic need...

1	4
2	5
3	6

**2014 IOLTA/BCLS Federal Eligibility Guidelines
(125% of the Federal Poverty Level)**

Household Size	Annual	Monthly	Weekly
1	\$14,588	\$1,216	\$281
2	\$19,663	\$1,639	\$378
3	\$24,738	\$2,061	\$476
4	\$29,813	\$2,484	\$573
5	\$34,888	\$2,907	\$671
6	\$39,963	\$3,330	\$769
7	\$45,038	\$3,753	\$866
8	\$50,113	\$4,176	\$964
Each Additional	\$5,075	\$423	\$98

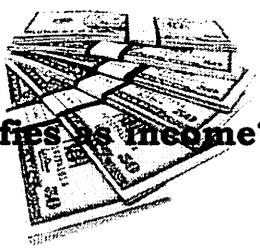
What is poverty?

Poverty Threshold

- Determined by the federal government every year
- Used for statistical purposes and data collection
- Poverty guidelines used to determine eligibility for various government assistance are based on the poverty thresholds

The "absolute poverty line" is the threshold below which families or individuals are considered to be *lacking the resources to meet the basic needs for healthy living; having insufficient income to provide the food, shelter and clothing needed to preserve health.*

What qualifies as income?



earnings
unemployment compensation
workers' compensation
Social Security
Supplemental Security Income
public assistance
veterans' payments
survivor benefits
pension or retirement income
...almost everything.
dividends
rents
royalties
income from estates
trusts
educational assistance
alimony
child support

**Is there anything that *does*
not qualify as income?**



Housing assistance

SNAP Benefits (food stamps)



1104 0000 0001 1000 1-1

What does this mean?

20.8% of the U.S. population
23.6% of the Texas population

Based on U.S. Census Bureau statistics published 12/2013

...lack the resources to meet their minimum basic needs for food, shelter, and clothing.



“The Working Poor”
Earn a living wage
Support more than one person
Need to supplement income with public assistance

The Working Poor

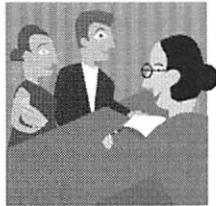
- At minimum wage (\$7.25/hour)
- For 40 hours a week
- For 52 weeks a year
- Annual gross salary of minimum wage worker = \$15,080
- Does this person qualify for legal aid?



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**Where do I send
these
individuals?**



**Resources in Harris and
Surrounding Counties**

- **Handouts**
 - Randall O. Sorrels Legal Clinics Pro Se Directory
 - Houston Bar Association
 - Family Law Handbook
 - Elder Law Handbook
 - Consumer Law Handbook
 - State Bar of Texas Referral Directory
- **Online**
 - TexasLawHelp.org
 - <http://www.tsulaw.edu/clinic/resource.html>

**Examples of Legal Aid
in Houston**

- Randall O. Sorrels Legal Clinics @ STCL
- University of Houston Clinics
- TSU Legal Clinics
- Lone Star Legal Aid
- Catholic Charities
- HVLFP
- Boat People SOS

Areas of Law

- Probate
- Guardianships
- Estate Planning
- Elder Law
- Disability
- Property Tax
- Social Security
- Veterans' Benefits
- Family
- Domestic Violence
- Migrant Worker Issues
- Immigration
- Consumer
- Housing
- Employment
- Disaster Relief

How do people get through?

- Most organizations have a phone number to call for intake (certain hours only)
- Some organizations have online applications
- On-site intake
- Who qualifies differs from organization to organization, depending on funding

Delivery of Legal Services

- **Programs**
 - LSC (Legal Services Corporation) funded programs (federally funded)
 - Non-LSC funded programs
 - IOLTA/BCLS
 - Private Funders
- **Private Attorneys – Pro Bono**
 - Volunteering with program
 - On their own

Funding

- **LSC**
 - Federal funds increasing a small amount each year
 - FY14 total budget of \$365,000,000
- **Non-LSC funded**
 - IOLTA (Interest on Lawyers Trust Account) revenue generated approximately \$4 million in 2013
 - BCLS (basic civil legal services) expenditures approximately \$59.1 in 2012-2013

Funding Continued...

- **Non-LSC funded continued**
 - Private Funders
 - Charities/Foundations
 - Private Bar Donations
- **Total Legal Aid Funding in Texas for 2011 totaled more than \$96.5 million**
 - **\$32.6 million** was LSC funds
 - **\$31.3 million** distributed by **Texas Access to Justice Foundation**
 - **\$32.6** from **other sources**

Despite the funding...

- Texas ranks 43rd in the nation for legal services funding (per capita \$ available per poor person)
- 1 legal aid attorney for every 11,512 poor Texas resident
- Only 20%-25% of civil legal needs of low income and poor Texans are being met

What can I do?



Opportunities

Pro Bono Opportunities
Simple vs. Advance

Advance

- Take a case from:
 - Catholic Charities (juvenile asylum)
 - HVLP (probate, divorce, custody)
 - Lone Star Legal Aid (probate, guardianship, divorce, estate planning)

Simple

- **Limited Representation**
 - Estate Planning (HBA Will-A-Thon, HVLP, Lone Star Legal Aid)
- **Pro Bono Ad Litem appointment**
 - Heirship
 - Guardianship
 - Family Court
- **Mediator**

Simple Continued...

• Advice & Counsel

- Veterans Legal Initiative (Every Friday, 2:00 p.m. – 5:00 p.m. @ DeBakey VA)
- HBA Legal Lines (1st & 3rd Wed each month)
- HBA Saturday Legal Clinics (9 a.m. - ?)
- ACAM Legal Advice
- MOPD Legal Advice

Myths about Pro Bono

- No time.
- Pro bono work will displace “real” client work.
- Malpractice Insurance will not cover.
- No expertise in the area of law where pro bono work is available.

\$ Monetary Contributions \$

- Support the Texas Access to Justice Commission Gala and future annual fundraising.
- Encourage your section to:
 - offer training scholarships to legal aid attorneys
 - fund internships
 - offer grants to legal aid organizations

\$ Monetary Contributions \$

Donate...

- to legal aid organizations
- on your dues statement