

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 9207

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DISBURSEMENT POLICIES FOR ACCESS TO JUSTICE CONTRIBUTIONS

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Pursuant to the cooperative efforts of the Supreme Court of Texas, the Texas Access to Justice Commission, the Texas Bar Foundation, the Texas Equal Access to Justice Foundation, and the State Bar of Texas to increase funding for access to justice programs, the State Bar of Texas annual dues statement now contains a suggested contribution for combined access to justice programs. The Court now adopts a method for disbursing these contributions to ensure the timely distribution and efficient use of these collected funds.

**IT IS ORDERED:**

1. The Court designates as a workgroup for making annual recommendations to the Court on the distribution and use of Access to Justice contributions (ATJ contributions) a representative from each of the following organizations:
  - i. The Chairperson of the Texas Access to Justice Commission;
  - ii. The Texas Bar Foundation;
  - iii. The Texas Equal Access to Justice Foundation; and
  - iv. The State Bar of Texas.
  
2. Not later than July 15<sup>th</sup> of each year, the State Bar shall provide the Court and the designated workgroup with an estimate of the amount of ATJ contributions that

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will be collected.

3. Not later than August 15<sup>th</sup> of each year, the Chairman of the Texas Access to Justice Commission shall file a report and make a recommendation to the Court on the distribution and use of ATJ contributions based on the recommendations from the various members of the designated workgroup. Members of the designated workgroup who do not agree with the report and recommendation may attach a dissenting report for the Court's consideration.
  
4. The recommendation shall:
  - i. identify any ATJ contributions that are to be provided as dedicated pass-through revenue to entities identified by the Texas Equal Access to Justice Foundation and the Texas Bar Foundation;
  - ii. recommend that the distribution of the remaining ATJ contributions comply with the goals and priorities of the Texas Access to Justice Commission and be distributed to the Texas Equal Access to Justice Foundation and the Texas Bar Foundation based on the overall needs of the State;
  - iii. establish a date for disbursement of the ATJ contributions that coincides with the grant-making cycles of the Texas Equal Access to Justice Foundation and the Texas Bar Foundation; and
  - iv. ensure that the ATJ contributions:
    - A. are received only by an organization whose primary purpose is the

delivery of civil legal services to low-income persons; and

B. are used only to provide civil legal services to individual indigent persons.

5. The Court, after reviewing and approving the recommendations of the designated workgroup, shall issue instructions to the State Bar of Texas to proceed with distributions of the ATJ contributions in accordance with the approved recommendations.

6. After the Court has issued instructions to the State Bar of Texas, but in no case later than September 20<sup>th</sup> of each year, the executive directors of the Texas Equal Access to Justice Foundation and the Texas Bar Foundation shall request, in writing, that the State Bar of Texas begin the transfer of ATJ contributions from the State Bar of Texas to their respective organizations.

7. The State Bar of Texas, the Clerk of the Court, and the Texas Bar Foundation will use the following process in distributing the Fiscal Year 2002-2003 ATJ contributions:

i. The State Bar of Texas and the Clerk of the Court shall transfer \$50,000 from the State Bar of Texas' Access to Justice Account to the Texas Bar Foundation to be set aside for the benefit of the South Texas Pro Bono Asylum Representation Project (ProBAR) (In exchange, the Texas Bar

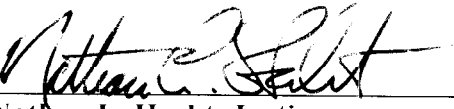
Foundation has agreed to make a \$50,000 grant to the South Texas Pro Bono Asylum Representation Project (ProBAR);

- ii. The State Bar of Texas and the Clerk of the Court shall transfer \$130,000 (in addition to the \$50,000 earmarked for ProBAR) from the State Bar of Texas' Access to Justice Account to the Texas Bar Foundation; and
- iii. The State Bar of Texas and the Clerk of the Court shall transfer the remainder of the ATJ contributions from the State Bar of Texas' Access to Justice account to the Texas Equal Access to Justice Foundation.

- 8. Miscellaneous Docket Order No. 02-9017 is hereby withdrawn.

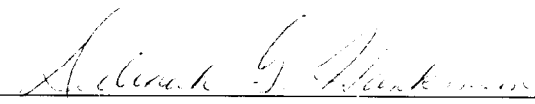
IT IS SO ORDERED this 19<sup>th</sup> day of November, 2002.

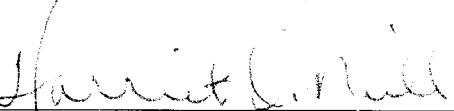
  
Thomas R. Phillips, Chief Justice

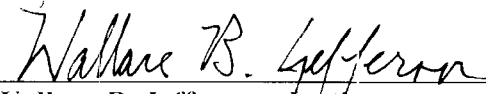
  
Nathan L. Hecht, Justice

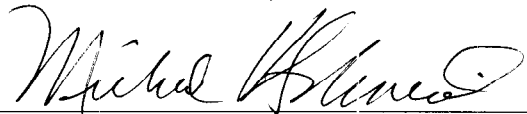
  
Craig T. Enoch, Justice

  
Priscilla R. Owen, Justice

  
Deborah G. Hankinson, Justice

  
Harriet O'Neill, Justice

  
Wallace B. Jefferson, Justice

  
Michael H. Schneider, Justice