

BASIC CIVIL LEGAL SERVICES



AN ISSUE BRIEF FROM LEGISLATIVE BUDGET BOARD STAFF

ID: 3114

JULY 2016

OBJECTIVE

The Basic Civil Legal Services (BCLS) program provides civil legal services to indigent defendants to support providing equal access to the civil justice system.

KEY FACTS

- ◆ Texas legal aid organizations are projected to dispose of approximately 110,000 cases during the 2016–17 biennium.
- ◆ Biennial appropriations for BCLS in 2016–17 include \$3.0 million in General Revenue Funds for veterans and their families, and \$10.0 million in funding from General Revenue–Dedicated Sexual Assault Program Account No. 5010 for victims of sexual assault.
- ◆ Biennial appropriations for 2016–17 in Other Funds, Judicial Fund No. 573, reflect a \$4.4 million decrease due to onetime windfalls of civil penalties in 2014–15.
- ◆ Qualifying individuals cannot have an income greater than \$14,850 annually; however certain crime victims may qualify with an income up to \$22,275.

BUDGETARY IMPACT

Estimated appropriations for the 2016–17 biennium to the Texas Supreme Court for BCLS are \$62.9 million in All Funds, an increase of \$8.5 million from 2014–15 biennial spending levels.

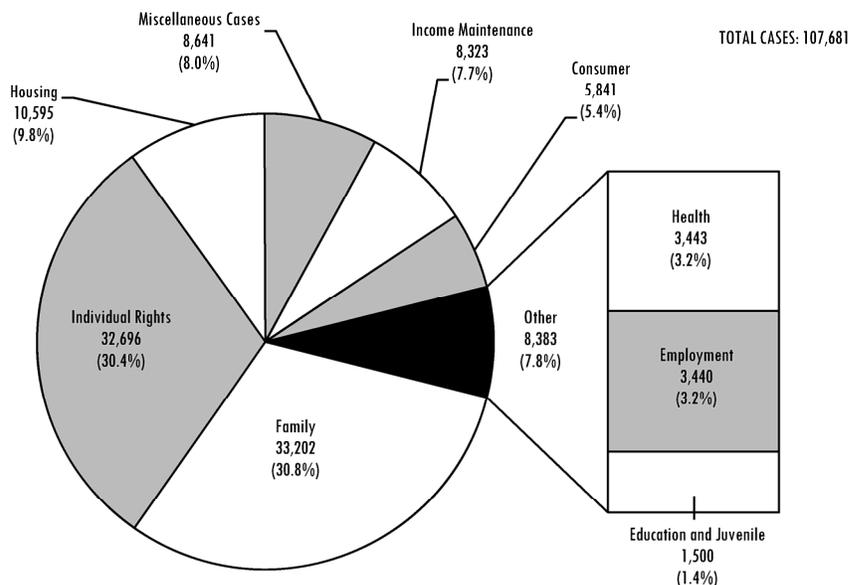
STATUTORY REFERENCES

The Texas Government Code, Chapters 51, 402, and 420

The Supreme Court of Texas makes grants to nonprofit organizations that offer free civil legal services to low-income Texans through the Basic Civil Legal Services (BCLS) program. The type of services offered and the populations intended for support vary by grantee. Although all grantees target low-income persons, some grantees provide aid to select populations, such as victims of domestic abuse, those seeking asylum, or to the homeless. To qualify for aid, an individual cannot have an annual income of more than 125.0 percent of the federal poverty level, or \$14,850. However, certain victims of crime seeking civil legal services in relation to a specific injury may have an annual income of up to 187.5 percent of the federal poverty level, or \$22,275.

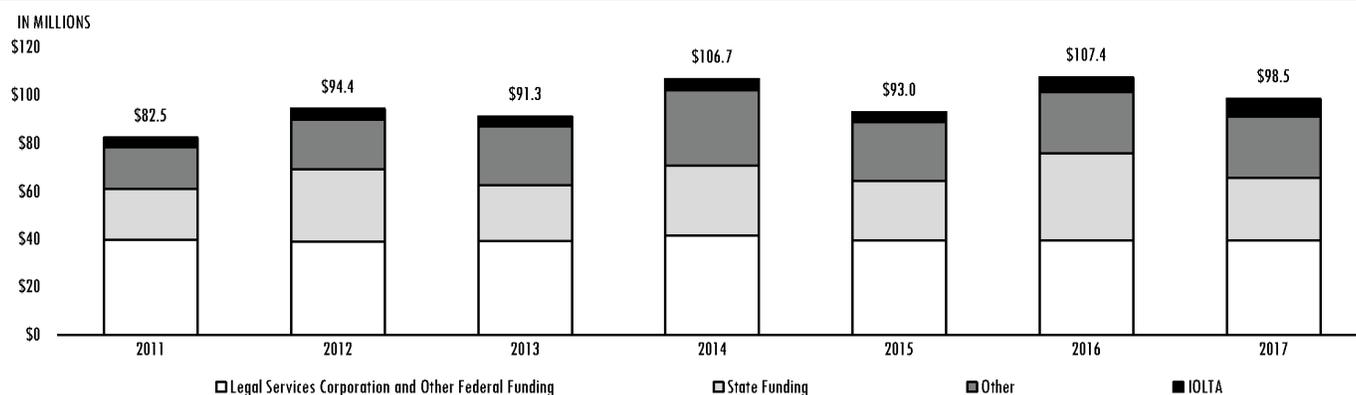
The types of legal problems supported through BCLS are diverse and include areas such as family law, individuals’ rights, housing, consumer finance, and others (see **Figure 1**). This legal aid is provided through programs that can include pro bono programs, law school clinical programs, and domestic violence shelters and social services organizations that include legal components. The type of legal services provided includes services such as advice and counsel, negotiation, and full court representation. The Supreme Court appointed the Texas Access to Justice Foundation (TAJF) to administer the BCLS program beginning in 1984. As of March 2016, the foundation distributed \$33.5 million to 21 grantees for fiscal year 2016. Using all sources of funding, TAJF estimates that Texas legal aid organizations will dispose of approximately 110,000 cases each year of the 2016–17 biennium.

FIGURE 1
BASIC CIVIL LEGAL SERVICES-SUPPORTED LEGAL ISSUES BY CASE TYPE, FISCAL YEAR 2014



NOTE: Totals may not sum due to rounding.
SOURCE: Texas Access to Justice Foundation.

FIGURE 2
BASIC CIVIL LEGAL SERVICES SOURCES OF FUNDING, CALENDAR YEARS 2011 TO 2017



NOTES:

- (1) Amounts for 2011 to 2014 are actual; amounts for 2015 to 2017 are estimated.
- (2) Interest on Lawyers Trust Accounts (IOLTA) amounts for 2016 and 2017 assume an increase in interest rates by the Federal Reserve.
- (3) The Other category includes donations and grants from foundations.

SOURCES: Legislative Budget Board; Texas Access to Justice Foundation.

BASIC CIVIL LEGAL SERVICES FUNDING

BCLS funding includes a combination of federal and state funding, private donations, and grants (see **Figure 2**). Appropriations for BCLS are made to the Supreme Court of Texas and total \$62.9 million. This amount is an \$8.5 million increase from 2014–15 biennial spending levels, and it includes \$20.6 million in General Revenue Funds, \$10.0 million in General Revenue–Dedicated Funds from Sexual Assault Program Account No. 5010, \$27.3 million in estimated General Revenue–Dedicated Funds deposited into Judicial Fund No. 573, and \$5.0 million from an Interagency Contract with the Office of the Attorney General (OAG). Any revenues deposited to the credit of Judicial Fund No. 573 of more than the estimated amounts are automatically appropriated for the same purposes each fiscal year. This appropriation includes onetime proceeds from civil penalties collected by the OAG.

Appropriations for the 2016–17 biennium reflect a decrease of \$4.4 million from General Revenue–Dedicated Funds, Judicial Fund, due to onetime receipts of civil penalties received in the 2014–15 biennium. This decrease is offset by increased appropriations to increase the availability of BCLS to certain populations, including \$3.0 million in General Revenue Funds for an estimated 3,250 veterans and their families, and \$10.0 million from General Revenue–Dedicated Funds, Sexual Assault Program Account, for an estimated 2,921 sexual assault victims.

Other funding sources outside of the appropriations process include: federal Legal Services Corporation program funds; donations and grants; and the Texas Interest on Lawyer Trust Accounts (IOLTA) program. As a policy decision, previous Legislatures increased appropriations (e.g., \$20.0 million during the 2010–11 biennium) when significant decreases in these other funding sources were anticipated. The Federal Funds provided by the Legal Services Corporation to three legal aid organizations that serve clients throughout the state—Lone Star Legal Aid, Texas Rio Grande Legal Aid, and Legal Aid of North West Texas—constitute the largest funding source, contributing 41.2 percent of total BCLS funding since 2011. During that same period, state funds averaged 28.6 percent of total BCLS funding; donations and grants averaged 25.0 percent; and Texas IOLTA funds averaged 5.2 percent.

USEFUL REFERENCES

The website for the Texas Access to Justice Foundation which also includes a list of grantees each year: www.teajf.org/index.aspx.

Financing the Judiciary in Texas, Legislative Primer, published by the Legislative Budget Board, July 2014:

www.lbb.state.tx.us/Documents/Publications/Primer/1508_Financing_the_Judiciary.pdf

Fiscal Size-up, 2016–17 Biennium, published by the Legislative Budget Board, May 2016:

www.lbb.state.tx.us/Documents/Publications/Fiscal_SizeUp/2939_Fiscal_Size-up_2016-17.pdf

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