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## Evaluating Legal Needs

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## EVALUATING LEGAL NEEDS

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### ABSTRACT

*This article is the first to explore legal needs in the Rio Grande Valley of Texas—a region that is predominantly Latinx and has both rural and urban characteristics. There are few legal needs assessments of majority Latinx communities, and none that examine needs in areas that are also U.S. border communities. Access to justice studies often overlook this area of the U.S. and this segment of the population despite their unique qualities. Latinos are projected to constitute the largest ethnic group in the country by 2060, making it imperative that we study access to justice-related assets, needs, opportunities, and barriers that currently exist within majority-Latinx communities. Legal needs assessments are a first step to legal service innovation, public education campaigns, and legal reform. Such assessments will help us to effectively address access to justice concerns.*

*The piece also considers efforts to start a law school in the region and connects it to the importance of developing institutions of legal education in underserved communities. This article's analysis centers on the experiences of Rio Grande Valley residents, through surveys, focus groups and oral history methodologies. It charts a course of study that can be followed in other regions to rethink the provision of legal services. Through its empirical and historic evaluation of legal needs, the article offers an example of how to capitalize on an area's cultural and linguistic strengths to increase communities' understanding of legal rights and responsibilities. It hopes to expand discussion on access to justice, legal innovation, and legal service investment in expanding majority Latinx communities within the U.S.*

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## INTRODUCTION

Like everything else in society, the legal profession was impacted significantly by the COVID-19 pandemic. State courts delayed court proceedings and then began hearings online. Legal service providers were restricted to meeting virtually with clients in need, through phone and video conferencing. The country faced a looming tsunami of eviction proceedings, requiring a temporary eviction moratorium issued by the Center for Disease Control. In 2020, the Legal Services Corporation estimated that it would require more than 2.5 billion dollars to properly fund legal aid organizations to address evictions for low-income Americans.<sup>1</sup> However, Congress subsequently appropriated more than \$45 billion to states and territories for rental assistance.<sup>2</sup>

The pandemic exposed weaknesses in the social fabric of our country, particularly as it related to communities that were greatly impacted by the virus and its economic aftermath. Across the nation, advocates for legal services were vocal about the need to increase funding for greater access to legal services, particularly to vulnerable communities that experienced the threat of evictions, significant loss of income, and disruption in family relations. Increasing funding to provide more legal services was critical during the pandemic. However, going forward, the legal community should consider doing more assessment of community needs to tailor community-led, responsive solutions for the civil legal problems that individuals face.

This article is the first to explore legal needs in the Rio Grande Valley of Texas—a region that is predominantly Latino<sup>3</sup> and has both rural and urban characteristics. There are few legal needs assessments of majority Latino communities, and none that examine needs in areas that are also U.S. border communities. Access to justice studies often overlook this area of the U.S. and this segment of the population, despite their unique qualities. Latinos will constitute the largest ethnic group in the country by 2060.<sup>4</sup> Understanding access to justice dynamics in the country requires also understanding the unique assets, needs, opportunities, and barriers that currently exist in these

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1. *LSC Estimates Grantees Would Need \$2.5 Billion to Address Eviction Surge*, LEGAL SERVS. CORP. (Aug. 4, 2020), <https://www.lsc.gov/press-release/lsc-estimates-grantees-would-need-25-billion-address- eviction-surge>.

2. Consolidated Appropriations Act, 2021, H.R. 133, 116th Cong. (2020) (approving \$25 billion); American Rescue Plan Act of 2021, H.R. 1319, 117th Cong. (2021) (approving another \$21.55 billion).

3. Markers of ethnicity and nation are complex and constantly evolving, but for the sake of clarity we use the generic term “Latinx,” “Latino,” and, to a lesser extent, “Mexican American” when identifying the people of the Rio Grande Valley. When writing specifically of women of Latin American origin, we use “Latina.” Labels such as Latina/o, Latin@, or Latinx did not always work well in this research project as these terms have limited circulation in the Rio Grande Valley, especially among the historical protagonists that we interviewed for this project.

4. *Percentage Distribution of Population in the United States in 2016 and 2060, by Race and Hispanic Origin*, STATISTA (Sept. 2018), <https://www.statista.com/statistics/270272/percentage-of-us-population-by-ethnicities/> (showing projections that Hispanics will make up 27.5% of the U.S. population by 2060, a greater percentage than any other ethnic group in the country).

communities. Access to justice assessments are necessary to properly address legal needs within the context of the communities where these needs arise.

The analysis presented here centers on the experiences and expertise of residents of the Rio Grande Valley collected through surveys, focus groups, and oral history methodologies. It charts a course of study that can be followed in other regions to rethink the provision of legal services. Through its empirical and historic examination of legal needs, this article offers an example of how to capitalize on an area's cultural and linguistic strengths to increase the communities' understanding of legal rights and responsibilities. Its goal is to increase discussion on how we should capture data on access to law and justice, to generate legal innovation in the region, and to promote investment in expanding access to law and justice in majority Latinx communities within the U.S. Information from more than 400 individuals that participated in surveys, focus groups, and interviews between August and March 2019 is compiled here to create an overview of the historic legal-resource environment that exists for residents of the area under study, the Rio Grande Valley in Texas. The study found that information and services related to immigration, family, and property law are major needs in the area. It also found that the cultural and political context of the region, particularly as it relates to immigration status, are significant obstacles for accessing information and assistance from the legal system. Limited access to technology was found to be a critical obstacle to accessing free online resources available to navigate legal matters.

One aspect of our research incorporates an oral history surrounding efforts to get an accredited law school in the region. The Reynaldo G. Garza School of Law was briefly in operation, from 1984 to 1993.<sup>5</sup> It was never granted accreditation by the American Bar Association. Since the time of its founding, there has been an ongoing effort to pressure state regulators and lawmakers to devote more educational funding to this majority-Latinx region, an area disproportionately underfunded compared to other parts of the state. The law school was not successful in obtaining accreditation, and there has been no other law school established in the Rio Grande Valley since then. Still, a number of its graduates sat for the Texas Bar Exam. The graduates that passed the bar exam are now judges and lawyers and continue to advocate for a law school to meet the higher educational needs of the region. The closest law school is located more than 250 miles from the region.<sup>6</sup>

The various components of the interdisciplinary, mixed-methods study are presented in this article. Part I begins by discussing the historic, demographic, and economic backdrop of the region. This section also contextualizes the

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5. For the opening date of the law school, see Russell Grantham, *First Law School Opens*, BROWNSVILLE HERALD, Aug. 12, 1984, at 14A; Jerry Urban, *Newest Little Law School in Texas*, TEX. LAW., Apr. 17, 1985. For the closing date, see Robert Elder, Jr., *Garza Exemption Now Twofold: Wesleyan Also Unaccredited Joins the Party*, TEX. LAW., May 17, 1993.

6. Emily Donaldson, *Push for Rio Grande Valley Law School Continues Amid Lack of Attorneys*, SAN ANTONIO REP. (July 19, 2019), <https://sanantonioreport.org/push-for-rio-grande-valley-law-school-continues-amid-lack-of-attorneys/> (last visited Mar. 18, 2022).

project within current scholarship on access to justice. There is an increasing call for access to justice studies centered on underserved, majority-minority, and rural communities. The article ties the importance of this study to the gap in scholarship on legal needs in rural and Latinx communities. It highlights research on the role that law schools can and do play in bringing legal information and services to underserved areas. Part II discusses the mixed-methods used in the study, including surveys, focus groups, and oral history interviews that serve as the basis for our recommendations. The quantitative research results are presented in Part III. This section discusses surveys of hundreds of residents, centered on legal needs and assets, before and after the COVID-19 pandemic. Part IV delves into qualitative research findings, including the focus groups, to understand barriers to accessing justice and pathways towards resolving gaps in access to justice. The section also incorporates oral history interviews that provide history-based context to undercurrent themes that emerged in our study. The oral histories detail efforts to establish a law school in the region and present it in the context of the South Texas Border Initiative litigation that culminated in the Texas Supreme Court. The final part of this article, Part V, offers recommendations for moving forward to address legal access and legal education needs in the Rio Grande Valley. This section brings together common themes from the study to guide how the country might address legal needs in underserved communities and capitalize the cultural and geographic strengths of those areas.

#### I. CONTEXTUALIZING THE STUDY

The Rio Grande Valley is the ideal site to study the legal needs of a population that is largely Latinx, as it is comprised of both metropolitan and rural areas. The Rio Grande Valley region has unique qualities, requiring a context-sensitive study and solutions specifically tailored to its residents. The region faces lower than the state average ratio of 1 lawyer per every 311 persons.<sup>7</sup> The area does not have a law school, an institution which traditionally plays a role in examining and helping address access to justice issues. A community-based study of legal needs is a critical tool for communities like the Rio Grande Valley to identify needs and barriers to justice. A comprehensive legal needs assessment hopes to help rally support to address legal injustices in the region.

##### A. *The Rio Grande Valley, Texas*

In 2020, Latinxs accounted for 18% of the U.S. population.<sup>8</sup> Texas had the second largest Latinx population in the country, with more than 11.5 million

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7. STATE BAR OF TEX., DEP'T OF RSCH. & ANALYSIS, 2020–21 ATTORNEY POPULATION DENSITY BY METROPOLITAN STATISTICAL AREA 5, [https://www.texasbar.com/AM/Template.cfm?Section=Demographic\\_and\\_Economic\\_Trends&Template=/CM/ContentDisplay.cfm&ContentID=54242](https://www.texasbar.com/AM/Template.cfm?Section=Demographic_and_Economic_Trends&Template=/CM/ContentDisplay.cfm&ContentID=54242).

8. The Latinx population grew to 62.1 million (18.7%) in 2020. Nicholas Jones et al., *2020 Census Illuminates Racial and Ethnic Composition of the Country*, U.S. CENSUS BUREAU (Aug. 12,

Latinos that comprised 39% of the total state population.<sup>9</sup> The Rio Grande Valley, which includes Hidalgo, Cameron, Willacy, and Starr counties, was more than 90% Latinx.<sup>10</sup>

Texas is one of two states with the highest number of Latinxs living in rural communities.<sup>11</sup> Majority Latinx rural communities in Texas, like those of the Rio Grande Valley, lag behind in the number of lawyers per population.<sup>12</sup> The most recent Texas State Bar research on the attorneys in Texas show that, in 2020, on average the attorney per population ratio in Texas was one lawyer for every 311 individuals.<sup>13</sup> However, this ratio is not consistent across the state. The Brownsville-Harlingen Metropolitan Statistical Area (“MSA”) had one lawyer for every 706 people.<sup>14</sup> In comparison, Harris County reported one lawyer for every 194 people, Dallas County had one lawyer for every 156 people, Travis County had one lawyer for every 118 people, and Bexar County had one lawyer for every 315.<sup>15</sup> The McAllen-Edinburg-Mission MSA reported one lawyer for every 785 people,<sup>16</sup> yet it ranks in the top ten metropolitan areas of the state with the most attorneys.<sup>17</sup> When we narrow in on the two rural counties in the Rio Grande Valley, the number of lawyers per population is even starker. In Starr County, there is one lawyer for every 1,234

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2021), <https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html>. However, on March 10, 2022, the U.S. Census announced that two analyses of its data revealed that the Latino population was undercounted by 4.99%. *Census Bureau Releases Estimates of Undercount and Overcount in the 2020 Census*, U.S. CENSUS BUREAU (Mar. 10, 2022), <https://www.census.gov/newsroom/press-releases/2022/2020-census-estimates-of-undercount-and-overcount.html>.

9. *Hispanic Population of the United States in 2019, by State*, STATISTA (Sept. 2020), <https://www.statista.com/statistics/259850/hispanic-population-of-the-us-by-state/>. Hispanics comprise 39.7% of Texas’s population. *QuickFacts: Texas*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/TX/POP010210>.

10. Igor Ryabov & Stephen Merino, *Recent Demographic Change in the Rio Grande Valley of Texas: The Importance of Domestic Migration*, 32 J. BORDERLANDS STUD. 211, 211–12 (2017).

11. Steve Murdock & Mike Cline, *Texas Population: Still Growing and Becoming Increasingly Diverse*, TEX. ALMANAC, <https://texasalmanac.com/topics/population/texas-population-still-growing> (last visited Dec. 24, 2020). In 2017, California and Texas had the greatest proportion of rural Latinos, both at 33%. Christina Maria Figueroa et al., *Healthcare Needs of U.S. Rural Latinos: A Growing, Multicultural Population*, 21 ONLINE J. RURAL NURSING & HEALTH CARE 24, Figure 2 (2021).

12. The Laredo MSA, for example, has one attorney for every 752 people. STATE BAR OF TEX., *supra* note 7, at 5. The other three MSAs in Texas with worse attorney per population ratios include the Killeen-Temple MSA (1:106), Odessa MSA (1:972), and Wichita Falls MSA (1:716). *Id.* at 5–6.

13. *Id.* at 3.

14. *Id.* at 4.

15. *Id.* at 3–5.

16. *Id.* at 5.

17. *Id.* at 3.

people and Willacy County has one lawyer for every 2,521 people.<sup>18</sup> Table 1 below provides an overview of the Rio Grande Valley's lawyer community. The low ratio of lawyers in the Rio Grande Valley may be attributed to Latinxs' underrepresentation in the legal profession. The American Bar Association reports that only 5% of all attorneys in the U.S. are Latinx.<sup>19</sup> Further, Latinx attorneys comprised 11% of the State Bar of Texas.<sup>20</sup>

**TABLE 1: POPULATION, ATTORNEY POPULATION, PERCENTAGES, AND RATIOS IN RGV COUNTIES, 2020-21**

	<b>2020 Population</b>	<b>Percent of TX Pop.</b>	<b>Number of Texas Attorneys</b>	<b>Percent of Texas Attorneys</b>	<b>Ratio of Attorneys to Pop.</b>
Brownsville-Harlingen MSA	421,017	1.47	596	0.65	1:706
McAllen-Edinburg-Mission MSA	870,781	3.03	1,109	1.22	1:785
Starr County	65,920	0.23	49	0.05	1:1,345
Willacy County	21,515	0.07	8	0.01	1:2,521
Texas	29,139,544	100	93,821	88 <sup>21</sup>	1:311

Source: State Bar of Texas (2020-21)

Understanding the under-development of legal services and the abundant legal needs of Latinxs in the Rio Grande Valley requires an exploration of the region's history in advocating for higher education. The Mexican American Legal Defense and Educational Fund ("MALDEF") sued Texas in 1987 for denying Mexican American residents in South Texas adequate access to higher

18. *Id.* at 9–10.

19. AM. BAR ASS'N, ABA NATIONAL LAWYER POPULATION SURVEY, 10-YEAR TREND IN LAWYER POPULATION BY STATE (2021), [https://www.americanbar.org/content/dam/aba/administrative/market\\_research/2021-national-lawyer-population-survey.pdf](https://www.americanbar.org/content/dam/aba/administrative/market_research/2021-national-lawyer-population-survey.pdf).

20. STATE BAR OF TEX., DEP'T OF RSCH. & ANALYSIS, RACIAL/ETHNIC MINORITY ATTORNEYS: ATTORNEY STATISTICAL PROFILE (2020–21) 1, [https://www.texasbar.com/AM/Template.cfm?Section=Demographic\\_and\\_Economic\\_Trends&Template=/CM/ContentDisplay.cfm&ContentID=56197](https://www.texasbar.com/AM/Template.cfm?Section=Demographic_and_Economic_Trends&Template=/CM/ContentDisplay.cfm&ContentID=56197). The Texas Bar has a higher population of Latinx lawyers than the national average. *See* AM. BAR ASS'N, *supra* note 19.

21. This figure accounts only for in-state attorneys and doesn't include the 12,770 attorneys that are members of the Texas State Bar living outside of the state.

education.<sup>22</sup> The case alleged that Texas discriminated against Latinos by not providing sufficient funding to the South Texas region to support colleges and universities. The Texas Supreme Court heard the case and ruled against the plaintiffs,<sup>23</sup> yet the case helped spark a series of legislative efforts that provided funding for higher education along the Texas-Mexico border.<sup>24</sup>

Despite advocacy from local politicians, community leaders, and law students, the fight to operate a law school in the Rio Grande Valley has not been successful. Since the 1980s, the area has continually been denied the necessary funding and political support for an accredited law school in the region. The lack of legal education resources and overwhelming legal needs of the area's residents raises important questions about the continued marginalization of this border region and its residents. Through a mix of oral histories and archival research, this project investigates the long and complex fight for a law school in the Rio Grande Valley as another way to highlight the long-neglected legal needs of Mexican Americans in South Texas.

The four-county region that constitutes the Rio Grande Valley was selected because it is a region with both urban and rural communities.<sup>25</sup> The region is over 90% Latinx—primarily of Mexican descent.<sup>26</sup> The Rio Grande Valley population is relatively young compared to the national and state median

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22. *Richards v. League of United Latin Am. Citizens (LULAC)*, 863 S.W.2d 449 (Tex. 1993).

23. *Id.* The case was filed by LULAC in 1987. For a discussion of the lawsuit, see Albert Kauffman, *Effective Litigation Strategies to Improve State Educational and Social Service Systems*, 45 J. L. & EDUC. 453, 478–88 (2016) (principal litigator discussing the lawsuit strategy and history).

24. *Id.* at 478–83 (discussing the litigation's impact on legislation to improve public education in South Texas). See also Ricardo Ray Ortégón, *LULAC v. Richards: The Class Action Lawsuit that Prompted the South Texas Border Initiative and Enhanced Access to Higher Education for Mexican Americans Living Along the South Texas Border 2* (Nov. 2013) (Ed.D. thesis, Northeastern University), <https://repository.library.northeastern.edu/files/neu:1117/fulltext.pdf>.

25. The U.S. Census Bureau identifies geographic areas that have 50,000 or more people as urban and areas with populations of 2,500 to 49,999 as urban clusters. See Michael Ratcliffe et al., *DEFINING RURAL AT THE U.S. CENSUS BUREAU 3*, U.S. CENSUS BUREAU (Dec. 2016), [https://www2.census.gov/geo/pdfs/reference/ua/Defining\\_Rural.pdf](https://www2.census.gov/geo/pdfs/reference/ua/Defining_Rural.pdf). Anything that is not urban is considered rural. *Id.*

26. Cameron County is 90% Latinx, 8.6% White non-Hispanic, 0.8% Asian, 0.8% Black, 0.7% American Indian, and 0.6% two or more races; *QuickFacts: Cameron County Texas*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/cameroncountytexas> (last updated Apr. 1, 2020). Hidalgo County is 92.5% Latinx, 5.9% White non-Hispanic, 1% Asian, 0.9% Black, 0.5% American Indian, and 0.5% two or more races; *QuickFacts: Hidalgo County Texas*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/hidalgocountytexas> (last updated Apr. 1, 2020). Starr County is 96.4% Latinx, 3.3% White non-Hispanic, 0.4% Black, 0.2% Asian, 0.4% American Indian, and 0.3% two or more races; *QuickFacts: Starr County Texas*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/starrcountytexas> (last updated Apr. 1, 2020). Willacy County is 88.5% Latinx, 8.5% White non-Hispanic, 2.7% Black, 0.9% Asian, 0.7% American Indian, and 0.6% two or more races; *QuickFacts: Willacy County Texas*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/willacycountytexas> (last updated Apr. 1, 2020).

age.<sup>27</sup> The median age of the population in the Rio Grande Valley in 2020 was between twenty-nine and thirty-three.<sup>28</sup> Education levels in the region are lower than the state average. Table 2 shows the percentage of high school graduates and individuals with a bachelor's degree or higher.<sup>29</sup>

**TABLE 2: EDUCATIONAL ATTAINMENT BY COUNTY, 25 YEARS OR AND OLDER, 2015-2020 (PERCENTAGE)**

County	High school graduate or higher	Bachelor's Degree or Higher
Cameron	67.9	17.3
Hidalgo	65.7	17.7
Starr	53.3	9.9
Willacy	65.7	8.9

Source: U.S. Census Bureau: Quick Facts (2020)

The Rio Grande Valley is located on the southernmost point of the U.S. Mexico border and includes the cities of Brownsville, Raymondville, Harlingen, Weslaco, Pharr, McAllen, Edinburg, Mission, San Juan, and Rio Grande City.<sup>30</sup> There are 900 colonias (residential areas that lack municipal infrastructure and services) in the Rio Grande Valley.<sup>31</sup> The most recent population estimates report more than 1.4 million individuals live in the counties of Cameron,

27. In 2019, the median ages in the U.S. for both sexes were 38.4 years. *Annual Estimates of the Resident Population for Selected Age Groups by Sex: April 1, 2010 to July 1, 2019*, U.S. CENSUS BUREAU (June 2020), <https://www2.census.gov/programs-surveys/popest/tables/2010-2019/national/asrh/nc-est2019-agesex.xlsx>. The Texas median age in 2019 was 35.1. *American Community Survey 1-year Estimates*, CENSUS REP., <https://censusreporter.org/profiles/04000US48-texas/> (last visited Oct. 8, 2021).

28. In 2002, the median age in Cameron County was 32.4, Hidalgo County median age was 29.2, Starr County median age was 29.1, and Willacy County's median age was 33. CNTY. INFO. PROGRAM, *Texas Counties: Median Age*, TEX. ASS'N OF CNTYS., <https://txcip.org/tac/census/morecountyinfo.php?MORE=1004> (from *Annual County and Puerto Rico Municipio Resident Population Estimates by Selected Age Groups and Sex: April 1, 2010 to July 1, 2020*, U.S. CENSUS BUREAU (2020)).

29. *Quick Facts: Starr County, Texas; Willacy County, Texas; Cameron County, Texas; Hidalgo County, Texas*, U.S. CENSUS BUREAU (Apr. 1, 2020), <https://www.census.gov/quickfacts/fact/table/starrcountytexas,willacycountytexas,cameroncountytexas,hidalgocountytexas/PST045221>

30. *From the Archives of South Texas*, 33 J. S. TEX. 150–52 (2019).

31. Stacy Cantu-Pawlik, *Colonias: A Public Health Crises on the Texas-Mexico Border*, SALUD AM.! (July 12, 2018), <https://salud-america.org/colonias-a-public-health-crisis-on-the-texas-mexico-border/>. See also OFF. OF THE TEX. ATT'Y GEN., COLONIAS DATABASE, <https://www.texasattorneygeneral.gov/divisions/colonias> (last visited Dec. 28, 2020).

Willacy, Hidalgo, and Starr.<sup>32</sup> However, leaders in the area report that the population has been historically underreported by as much as 300,000.<sup>33</sup> The region borders two metropolitan areas in Mexico—Matamoros and Reynosa/Rio Bravo—and is largely bilingual.<sup>34</sup> The region’s history includes ties to the early Coahuiltecan people, Spain, and Mexico.<sup>35</sup> According to the American Community Survey, the foreign-born population in Starr, Hidalgo, and Cameron counties is higher than the state average of 17%.<sup>36</sup>

The Rio Grande Valley was once an agriculture-based rural economy, but population growth,<sup>37</sup> international retail, and trade, transformed the region into

32. The Texas Demographic Center reported the following population estimates as of January 2020: Cameron 426,144; Hidalgo 888,958; Starr 63,688; and Willacy 21,502. POPULATION ESTIMATES AND PROJECTIONS PROGRAM AT TEX. DEMOGRAPHIC CTR., UNIV. TEX. AT SAN ANTONIO, ESTIMATES OF THE TOTAL POPULATIONS OF COUNTIES AND PLACES IN TEXAS FOR JULY 1, 2019 AND JANUARY 1, 2020 (Nov. 2020), [https://demographics.texas.gov/Resources/TPEPP/Estimates/2019/2019\\_txpopest\\_county.pdf](https://demographics.texas.gov/Resources/TPEPP/Estimates/2019/2019_txpopest_county.pdf). In addition, Mexican Census estimates for March 2015 reported the population of the Matamoros, Tamaulipas metropolitan region as 520,367 and the population of the Reynosa, Tamaulipas metropolitan area as 773,089. See *Mexico: Metropolitan Areas*, CITYPOPULATION, <https://www.citypopulation.de/php/mexico-metro.php> (from *Instituto Nacional De Estadística Geografía e Informática*, CONSEJO NACIONAL DE POBLACIÓN, MÉXICO).

33. Dominic Anthony Walsh, *Underfunded by Billions, Local RGV Officials Aim to Increase Historically Low Census Response*, TEX. PUB. RADIO (July 27, 2020), <https://www.tpr.org/texas/2020-07-27/underfunded-by-billions-local-rgv-officials-aim-to-increase-historically-low-census-response> (discussing the Census undercount as a result of fear of deportation due to their own or their family’s unlawful immigration status).

34. The U.S. Census reports that all counties within this region have more than 64% of residents that spoke a language other than English in the home, between 2014–2018. See *QuickFacts: Cameron County Texas*, *supra* note 26 (Cameron County 71.4%); *QuickFacts: Hidalgo County Texas*, *supra* note 26 (Hidalgo County 83.4%); *QuickFacts: Starr County Texas*, *supra* note 26 (Starr County 95.3%); *QuickFacts: Willacy County Texas*, *supra* note 26 (Willacy County 63.5%).

35. For more on the history of the Rio Grande Valley, see DAVID MONTEJANO, *ANGLOS AND MEXICANS IN THE MAKING OF TEXAS, 1836–1986* (1987); LETICIA MAGDA GARZA-FALCÓN, *GENTE DECENTE: A BORDERLANDS RESPONSE TO THE RHETORIC OF DOMINANCE* (1998); DANIEL D. ARREOLA, *TEJANO SOUTH TEXAS: A MEXICAN AMERICAN CULTURAL PROVINCE* (2002); OMAR S. VALERIO-JIMÉNEZ, *RIVER OF HOPE: FORGING IDENTITY AND NATION IN THE RIO GRANDE BORDERLANDS* (2013); JOHN WEBER, *FROM SOUTH TEXAS TO THE NATION: THE EXPLOITATION OF MEXICAN LABOR IN THE TWENTIETH CENTURY* (2015); CRISTINA SALINAS, *MANAGED MIGRATIONS: GROWERS, FARMWORKERS, AND BORDER ENFORCEMENT IN THE TWENTIETH CENTURY* (2018).

36. Willacy County has a foreign-born population of 16.9%. *Texas Foreign-Born Population Percentage by County*, U.S. CENSUS BUREAU, <https://www.indexmundi.com/facts/united-states/quick-facts/texas/foreign-born-population-percent#map> (from *American Community Survey (ACS) and Puerto Rico Community Survey (PRCS): 5-Year Estimates*, U.S. CENSUS BUREAU).

37. Most of the population growth in the RGV was in Hidalgo County, with a 12.1% increase from 2010 to 2019. TEX. COMPTROLLER OF PUB. ACCTS., *THE SOUTH TEXAS REGION: 2020 REGIONAL REPORT*, <https://comptroller.texas.gov/economy/economic->

a crucial trade and binational center. Citrus, cotton, sugarcane, vegetable, and sorghum continue to be important agricultural staples in Texas,<sup>38</sup> yet international agreements also opened the door to factories or “maquiladoras” in Mexico, with distribution centers in the Rio Grande Valley.<sup>39</sup> In addition, the region’s semi-tropic climate attracts tourism to the beach community of South Padre Island and to the various nature preserves that are filled with a variety of birds and butterflies. The warmer weather and proximity to more accessible Mexican healthcare also draws seniors from the Midwestern states, referred to as “Winter Texans,” during the colder months.<sup>40</sup>

New industries emerged in the Rio Grande Valley during the last fifty years.<sup>41</sup> The health care and education sectors also saw significant growth in the last twenty years.<sup>42</sup> These sectors are responsible for 47% of job growth in the McAllen House Market Area.<sup>43</sup> Five private clinics and regional medical centers account for the ten largest employers in Hidalgo County.<sup>44</sup> In August 2014, Space X announced the creation of a port for space exploration in Boca Chica, near Brownsville.<sup>45</sup> At the time, the Brownsville Economic Development Council projected that Space X would create 500 jobs and bring in \$85 million to the city that would generate \$51 million in annual salaries.<sup>46</sup>

Even though the Rio Grande Valley offers great economic promises, the four counties are amongst the poorest in Texas.<sup>47</sup> Starr County had the fourth

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data/regions/2020/south.php. Cameron County and Starr County respectively experienced 4.2% and 6% increases. *Id.* The more rural Willacy County saw a population loss of 3.5%. *Id.*

38. Rod Santa Ana, *Agriculture Tells the History of the Rio Grande Valley*, TEX. A&M AGRILIFE (Jan. 3, 2019), <https://agrifetoday.tamu.edu/2017/01/03/valley-agriculture-history/>.

39. *Id.*

40. Matthew Dalstrom, *Mobile Midwesterns: The Impact of Migration on Aging, Health, and Community*, 34 ANTHROPOLOGY & AGING Q. 6 (2013).

41. See e.g., FED. RSRV. BANK OF DALL., MCALLEN-EDINBURG-MISSION: RETAIL, MEDICAL HUB DRAWS ON CROSS-BORDER TRADE, <https://www.dallasfed.org/~media/documents/research/heart/mcallen.pdf>.

42. *Id.*

43. *The Health Service Sector in McAllen Sees Unprecedented Growth*, MCALLEN CHAMBER OF COM. (Aug. 16, 2017), <https://mcallen.org/news/the-health-service-sector-in-mcallen-sees-unprecedented-growth/>.

44. *Id.*

45. Eric Berger, *Texas, Space X Announce Spaceport Deal Near Brownsville*, HOUS. CHRON. (Aug. 4, 2014, 1:47 PM), <https://blog.chron.com/sciguy/2014/08/texas-spacex-announce-spaceport-deal-near-brownsville/>.

46. Rick Jervis, *Texas Border Town to Become Next Cape Canaveral*, USA TODAY (Oct. 6, 2014, 6:02 PM), <https://www.usatoday.com/story/money/business/2014/10/05/spacex-brownsville-spaceport/16584729/>.

47. The per capita income in the region ranges from \$31,710 in Willacy County to \$33,690 in Cameron County. CNTY. INFO. PROGRAM, *Texas Counties: Percent in Poverty*, TEX. ASS’N OF CNTYS., <https://txcip.org/tac/census/morecountyinfo.php?MORE=1009> (last visited Mar. 17, 2022) (based on data from the U.S. Census Bureau’s Small Area Income & Poverty Estimates); see also Alexa Ura, *Data: Texas’ Top 5 Poorest Counties All Located in the Rio Grande Valley*, TEX. TRIB.

highest poverty rate in Texas—25.20% in 2020.<sup>48</sup> The county with the lowest poverty rate in the region was Hidalgo County at 23.0%.<sup>49</sup> Table 3 shows the ten counties with the highest poverty rates in the state in 2020.<sup>50</sup>

**TABLE 3: TEXAS COUNTIES WITH THE HIGHEST POVERTY RATES, 2020 (PERCENTAGE)**

County	Percentage
Brooks County	28.7
Zavala County	27.2
Dimmit County	25.5
Starr County	25.2
Willacy County	24.7
Zapata County	24.6
Cameron County	24.4
Hudspeth County	24.2
La Salle County	24.0
Hidalgo County	23.9

Source: U.S. Census Bureau: Small Area Income & Poverty Estimates (2020).

Despite the poverty levels, between 2017 and 2020, Hidalgo County was ranked as the 14th highest in terms of state GDP, and Cameron County was ranked 26<sup>th</sup>.<sup>51</sup> Out of the 254 Texas counties, Starr was ranked 109<sup>th</sup> and Willacy 176<sup>th</sup> for GDP output during that same period.<sup>52</sup>

The most recent U.S. wage statistics show that Cameron and Hidalgo counties are amongst the lowest-paying large counties in the nation.<sup>53</sup> Large counties are those with annual average employment levels of at least 75,000

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(Jan. 19, 2016, 2:50 PM), <https://www.valleycentral.com/news/local-news/data-texas-top-5-poorest-counties-all-located-in-the-rio-grande-valley/>.

48. *Id.* Brooks County had the highest poverty rate in Texas at 28.70%, Zavala County had the second highest at 27.20%, and Dimmit County had the third highest at 25.50%.

49. CNTY. INFO. PROGRAM, *supra* note 47.

50. *Id.*

51. GDP is represented by numbers in thousands of (2012) chained dollars. U.S. DEP'T OF COM., BUREAU OF ECON. ANALYSIS, TABLE 1. REAL GROSS DOMESTIC PRODUCT BY COUNTY, 2016–2020 (Dec. 8, 2021), <https://www.bea.gov/sites/default/files/2021-12/lagdp1221.pdf> (last visited March 17, 2022).

52. *Id.*

53. U.S. BUREAU OF LAB. STAT., *County Employment and Wages in Texas – Third Quarter 2020*, U.S. DEP'T OF LAB. (Mar. 18, 2021), [https://www.bls.gov/regions/southwest/news-release/countyemploymentandwages\\_texas.htm](https://www.bls.gov/regions/southwest/news-release/countyemploymentandwages_texas.htm).

people.<sup>54</sup> The national wage among large counties was \$1,173 per week.<sup>55</sup> Meanwhile, Cameron County wages were \$697 per week (the lowest wages of large counties) and Hidalgo County wages were \$713 per week (the second lowest of large counties).<sup>56</sup> The average national hourly wage was \$27.07 in May 2020.<sup>57</sup> However, the hourly wage for workers in the Brownsville-Harlingen MSA was \$17.40.<sup>58</sup> This 34% discount in wages was slightly lower in the McAllen-Edinburg-Mission MSA where the average hourly wage was \$18.04—or 30% less than the national figure.<sup>59</sup> Lower wages impact all occupations—including the legal profession.<sup>60</sup>

### B. Literature Review

There is little to no research focused on legal needs and access to justice within the Rio Grande Valley. To situate the current research, the research team reviewed scholarly articles and reports on access to justice, legal needs assessments, and access to legal services for marginalized sectors including rural and Latinx communities. In addition, the literature review explored assessments of non-legal needs, particularly in public health studies, the role of law schools in addressing access to legal services, and the history of higher education in the Rio Grande Valley.

Recent studies have focused on access to justice in marginalized sectors of the U.S. Some demonstrate that where there is a lack of improvement in the performance and effectiveness of legal aid systems within marginalized

54. *Id.*

55. *Id.*

56. *Id.*

57. BUREAU OF LAB. STAT., OCCUPATIONAL EMPLOYMENT AND WAGES IN BROWNSVILLE-HARLINGEN — MAY 2020, U.S. DEP'T OF LAB. (June 28, 2021), [https://www.bls.gov/regions/southwest/news-release/pdf/occupationalemploymentandwages\\_brownsville.pdf](https://www.bls.gov/regions/southwest/news-release/pdf/occupationalemploymentandwages_brownsville.pdf).

58. *Id.*

59. U.S. DEP'T OF LAB., BUREAU OF LAB. STAT., OCCUPATIONAL EMPLOYMENT AND WAGES IN MCALLEN-EDINBURG-MISSION (May 18, 2020) (on file with author).

60. In May 2020, the U.S. Department of Labor, Bureau of Labor Statistics reported the mean hourly wage for individuals working in the legal profession was \$54.00. U.S. BUREAU OF LAB. STATS., *May 2020 National Occupational Employment and Wage Estimates*, [https://www.bls.gov/oes/current/oes\\_nat.htm#23-0000](https://www.bls.gov/oes/current/oes_nat.htm#23-0000) (last visited Dec. 28, 2020). It also reported that individuals in the same sector earned a mean hourly wage of \$31.46 in the McAllen Metropolitan Area, U.S. BUREAU OF LAB. STATS., *Occupational Employment and Wages in McAllen-Edinburg-Mission — May 2020*, [https://www.bls.gov/regions/southwest/news-release/occupationalemploymentandwages\\_mcallen.htm](https://www.bls.gov/regions/southwest/news-release/occupationalemploymentandwages_mcallen.htm), and \$31.08 in the Brownsville Metropolitan Area, U.S. BUREAU OF LAB. STATS., *Occupational Employment and Wages in Brownsville-Harlingen — May 2020*, [https://www.bls.gov/regions/southwest/news-release/occupationalemploymentandwages\\_brownsville.htm#:~:text=972\)%20850%2D4800-,Occupational%20Employment%20and%20Wages%20in%20Brownsville%2DHarlingen%20%E2%80%94%20May%202020,of%20Labor%20Statistics%20reported%20today](https://www.bls.gov/regions/southwest/news-release/occupationalemploymentandwages_brownsville.htm#:~:text=972)%20850%2D4800-,Occupational%20Employment%20and%20Wages%20in%20Brownsville%2DHarlingen%20%E2%80%94%20May%202020,of%20Labor%20Statistics%20reported%20today).

communities, those legal systems act to sustain rather than dismantle barriers.<sup>61</sup> Research demonstrates that the loss of access to justice in many communities of color has led to a decline in public trust in legal institutions.<sup>62</sup> Scholars advocate for more community lawyering models, in and outside of legal institutions, to address systemic barriers to access to justice in marginalized communities.<sup>63</sup> Many highlight access to justice as a national priority, necessitating work to expand non-lawyer services, lifting restrictions on the work of legal aid providers, and mandating funding to make “justice” more readily available.<sup>64</sup>

Access to law, which are commonly referred to as access to justice studies, are a critical first step to addressing systemic justice issues.<sup>65</sup> Increasingly, researchers have developed studies on legal needs and access to justice in under-focused regions, like rural parts of the U.S., and under-studied groups, like Latinx communities.<sup>66</sup> Access to justice may be framed as availability of free or low-cost counsel, ability to navigate the legal system pro se, initiate legal action, defend oneself from legal action, and equal likelihood of obtaining a desired result.<sup>67</sup> Justice may be sought in legal and nonlegal forums.<sup>68</sup> One scholar frames equality in access to justice to mean that members of different sectors of a society have the same likelihood of achieving a particular resolution to a matter.<sup>69</sup>

Critics of access to justice studies argue that the studies traditionally center on access to courts and lawyers, and do not investigate institutional inequalities.<sup>70</sup> They point out that legal process alone does not cure structural

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61. Wayne Moore, *Increasing Access to Justice*, 16 J.L. SOC'Y 103, 164 (2014).

62. Tina L. Rasnow, *Traveling Justice: Providing Court Based Pro Se Assistance to Limited Access Communities*, 29 FORDHAM URB. L.J. 1281, 1282 (2002).

63. Rose Cuison Villazor, *Community Lawyering: An Approach to Addressing Inequalities in Access to Health Care for Poor, of Color, and Immigrant Communities*, 8 N.Y.U. J. LEGIS. & PUB. POL'Y 35, 35–36 (2004).

64. Deborah L. Rhode, *Whatever Happened to Access to Justice?*, 42 LOY. L.A. L. REV. 869, 869 (2009); Rasnow, *supra* note 62, at 1311.

65. Rebecca L. Sandefur, *What We Know and Need to Know About the Legal Needs of the Public*, 67 S.C. L. REV. 443, 459 (2016).

66. See, e.g., Lisa R. Pruitt, *Latina/os, Locality, and Law in the Rural South*, 12 HARV. LATINO L. REV. 135 (2009).

67. Larry R. Spain, *The Opportunities and Challenges of Providing Equal Access to Justice in Rural Communities*, 28 WM. MITCHELL L. REV. 367, 367 (2001); Charles Silver & David A. Hyman, *Access to Justice in a World Without Lawyers: Evidence from Texas Bodily Injury Claims*, 37 FORDHAM URB. L.J. 357, 360 (2010); Luz E. Herrera, *Community Law Practice*, 148 DÆDALUS 106 (2019); JACOB KANG-BROWN & RAM SUBRAMANIAM, VERA INST. OF JUST., OUT OF SIGHT: THE GROWTH OF JAILS IN RURAL AMERICA (2017), <https://www.vera.org/downloads/publications/out-of-sight-growth-of-jails-rural-america.pdf>.

68. Rebecca L. Sandefur, *The Fulcrum Point of Equal Access to Justice: Legal and Nonlegal Institutions of Remedy*, 42 LOY. L.A. L. REV. 949, 964 (2009).

69. *Id.* at 949.

70. Sameer Ashar & Annie Lai, *Access to Power*, 148 DÆDALUS 82, 83 (2019).

injustice.<sup>71</sup> Increasingly, literature on access to justice incorporates structural injustice and social context of barriers to justice in the analysis of access.<sup>72</sup>

Legal needs assessments are critical for developing solutions and strategies to enhance access to justice within communities. They can lead to a better allocation of resources for justiciable problems that individuals and communities experience.<sup>73</sup> The legal component of the problem is not always obvious. Many individuals do not self-identify some of these problems as “legal” issues or needs.<sup>74</sup> An assessment of needs allows for innovations tailored to serve the needs of a community.<sup>75</sup> Scholarship on the implementation of legal needs-assessments emphasize the necessity of involving the affected community members and diverse stakeholders in the assessment.<sup>76</sup>

This study links approaches from existing research threads to develop a methodology that sheds light on the legal needs of Latinxs in rural and urban communities, and the importance of investing educational resources in those communities.

### 1. Access to Legal Services in Rural Sectors

In a 2017 Justice Gap Report, the Legal Services Corporation positions rural Americans as a distinctly vulnerable population. Despite their specific attributes based on location and demographics, some common obstacles appear within rural communities.<sup>77</sup> Studies by Pruitt and Spain demonstrate that shortages of lawyers in many regions create challenges for rural residents seeking legal support.<sup>78</sup> Distance between residents’ homes can make it difficult to provide full coverage of services and accessible locations. Lack of transportation creates barriers to accessing legal services.<sup>79</sup> Shortages tend to

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71. *Id.*

72. Colleen F. Shanahan & Anna E. Carpenter, *Simplified Courts Can’t Solve Inequality*, 148 DÆDALUS 128 (2019); Sandefur, *supra* note 68, at 446–47; Francisca D. Fajana, *Race-Based Lawyering: Engaging Minority Communities in Legal Needs Assessments*, MGMT. INFO. EXCH. J. 20 (2015); Pruitt, *supra* note 66.

73. Sandefur, *supra* note 68, at 443.

74. *Id.* at 449.

75. Lisa R. Pruitt et al., *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 13 HARV. L. & POL’Y REV. 15, 131 (2018).

76. Fajana, *supra* note 72.

77. Nancy Villarreal, *Improving Legal Aid to Rural Communities in California*, 20 BERKELEY LA RAZA L.J. 191, 203 (2010); CAL. COMM’N ON ACCESS TO JUST., IMPROVING CIVIL JUSTICE IN RURAL CALIFORNIA (2010).

78. Spain, *supra* note 67, at 373–74; Lisa R. Pruitt & Bradley E. Showman, *Law Stretched Thin: Access to Justice in Rural America*, 59 S.D. L. REV. 466, 467–68 (2014); *see also* Grant Gerlock, *Lawyer Shortage in Some Rural Areas Reaches Epic Proportions*, NPR (Dec. 26, 2016, 5:00 AM), <https://www.npr.org/2016/12/26/506971630/nebraska-and-other-states-combat-rural-lawyer-shortage>.

79. Spain, *supra* note 67.

most affect people in consumer, health and employment law concerns.<sup>80</sup> Rural residents face shortages in defense counsel and alternatives to incarceration.<sup>81</sup> Studies have shown that within smaller towns, concerns about lack of anonymity discourage people from accessing services.<sup>82</sup>

Scholarship on rural legal service gaps highlights the importance of “access to justice” solutions supported by the local community.<sup>83</sup> These include legal and non-legal institutions to remedy justice problems.<sup>84</sup> Scholars and advocates emphasize the pressing importance of additional scholarship of rural needs specific to communities of color.<sup>85</sup> Efforts to address gaps must develop solutions for people living in remote or isolated communities.<sup>86</sup> Suggested innovations include enhanced technology infrastructure and strategies for overcoming barriers that would prevent access to technology-based solutions for all.<sup>87</sup> Some suggest strengthening legal aid institutions, or increasing state funds for representation through the private, local bar.<sup>88</sup> Finally, access to legal education to students from under-represented regions is described as another potential solution.<sup>89</sup>

## 2. Access in Latinx Communities

There are few reports focused specifically on Latinx communities’ legal service needs or reports that contrast rural, majority Latinx legal service needs with majority Latinx metropolitan centers.<sup>90</sup> The last national legal needs survey, conducted in 1994, included Latinos in its sample and found that low-income Latinos reported “fewer legal needs than non-Latinos, especially regarding finances and housing and property, although they express slightly more difficulties of a community or regional nature.”<sup>91</sup> A study of legal service awareness in a Nevada region found links between income, access to education,

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80. See LEGAL SERVS. CORP., *THE JUSTICE GAP: MEASURING THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS* 19 (2017).

81. Spain, *supra* note 67.

82. *Id.*

83. Pruitt & Showman, *supra* note 78, at 470.

84. Sandefur, *supra* note 68.

85. See *id.*

86. *Id.*

87. James E. Cabral et al., *Using Technology to Enhance Access to Justice*, 26 HARV. J.L. & TECH. 241, 277–78 (2012).

88. Sandefur, *supra* note 68, at 966; Spain, *supra* note 67, at 376.

89. Pruitt & Showman, *supra* note 78, at 478.

90. ROBERT L. BACH, INST. FOR RSCH. ON MULTICULTURALISM AND INT’L LAB., *BECOMING AMERICAN, SEEKING JUSTICE: THE IMMIGRANTS’ LEGAL NEEDS STUDY* (1996).

91. INST. FOR SURVEY RSCH. AT TEMPLE UNIV., *LEGAL NEEDS AND CIVIL JUSTICE: A SURVEY OF AMERICANS* (1994), [https://www.wisbar.org/aboutus/membership/Documents/WisTAFApp\\_J\\_ABA\\_Legal\\_need\\_study.pdf](https://www.wisbar.org/aboutus/membership/Documents/WisTAFApp_J_ABA_Legal_need_study.pdf).

and members' ability to access justice.<sup>92</sup> This research hones in on other factors relevant to unaddressed legal needs, including privacy concerns, concerns about unequal access to services between citizens and noncitizens, language barriers, reliance on non-licensed professionals, and legal service outreach efforts that did not address language difference and were not well-tailored to the community.<sup>93</sup> A recent legal needs study in California includes a substantial number of Latinos, but its only group-specific findings are a discussion of the sample group as a reflection of the state's demographic characteristics.<sup>94</sup>

The Rio Grande Valley faces unique challenges in accessing services. Reports from other social service sectors show that the Rio Grande Valley is a unique context and has a need for solutions tailored to address the specific context. The public health sector has issued a proliferation of research dedicated to rural, majority Latinx community health needs in the Rio Grande Valley.<sup>95</sup> Those reports highlight the important role of promotoras and the promotora-organizing model.<sup>96</sup> The promotora model centers on the local development of community workers who provide a link between underserved residents and services.<sup>97</sup> Since the workers are from or in close contact with the most marginalized communities in the region, they are highly attuned to sensitivities, strengths, and needs.<sup>98</sup> The voices of the promotoras have also been useful in assessing community needs.<sup>99</sup>

### 3. Law Schools and Access to Justice

Legal education plays an important role in access to justice. Law schools can integrate access to legal services into their curriculum to encourage

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92. See, e.g., Edgar Flores, *Legal Service Awareness of the Latino Population in Southern Nevada* 2012, (Dec. 20, 2012), <https://www.leg.state.nv.us/Session/77th2013/Exhibits/Assembly/JUD/AJUD112C.pdf> (submitted to 77th session of Nevada State Legislature (2013)).

93. *Id.*

94. Latinos comprised 35% of the respondents in the sample. STATE BAR OF CAL., THE CALIFORNIA JUSTICE GAP: MEASURING THE UNMET CIVIL LEGAL NEEDS OF CALIFORNIANS 18–19 (2019).

95. See, e.g., Nelda Mier et al., *Health-Related Quality of Life Among Mexican Americans Living in Colonias at the Texas-Mexico Border*, 66 SOC. SCI. & MED. 1760 (2008); Jennifer J. Salinas et al., *The Role of Social Support and the Neighborhood Environment on Physical Activity in Low-Income, Mexican-American Women in South Texas*, 51 J. PREVENTATIVE MED. & PUB. HEALTH 234, 235 (2018).

96. See, e.g., A.L. Ramirez et al., *Family-Based Health Needs Along the Texas–Mexico Border*, 33 J. PUB. HEALTH 579, 580 (2011).

97. *Id.*

98. *Id.*; see also Rose L. Lucio et al., *Incorporating What Promotoras Learn: Becoming Role Models to Effect Positive Change*, 37 J. CMTY. HEALTH 1026 (2012).

99. Rosa D. Manzo et al., *A Community Cultural Wealth Model to Train Promotoras as Data Collectors*, 19 HEALTH PROMOTION PRAC. 341, 343 (2018).

graduates to develop affordable services for low-income communities.<sup>100</sup> Recruitment and support for students from under-represented communities of color may also affect access to justice, as studies show that these students are more likely to provide services within communities of color with access to justice concerns.<sup>101</sup> Other scholars also argue that access to rural justice requires accessible legal education in rural areas.<sup>102</sup> They recommend that institutions of legal education be responsive to emerging rural needs.<sup>103</sup>

Law schools offer legal services that can assist a community with access to justice issues.<sup>104</sup> Law schools, specifically law clinics, provide legal services to communities. Law clinics are experiential education settings that provide legal or justice-related services, usually to parties that are unable to afford private counsel.<sup>105</sup> Law clinics cannot fill the access to justice gaps, but can play a role in contributing to work that creates innovations and solutions.<sup>106</sup> For instance, the Texas Access to Justice Commission, charged with expanding access to and enhancing the quality of justice, has utilized law school-based initiatives.<sup>107</sup> Those efforts are mostly centered as volunteer opportunities that promote infrequent pro bono services, not sustained educational experiences.<sup>108</sup> Those types of legal service resources are most readily available in locations where law schools currently exist.<sup>109</sup>

Currently, no law school exists in the Rio Grande Valley. There is scanty literature on the struggle for legal education in the region.<sup>110</sup> Scholarship on the history of efforts to fund a law school in the Rio Grande Valley provides some

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100. Luz E. Herrera, *Encouraging the Development of "Low Bono" Law Practices*, 14 U. MD. L.J. RACE, RELIGION, GENDER, & CLASS 1, 23–24 (2014).

101. See Rachele Veikune, *Access to Legal Education for Minorities Increases Access to Justice for Underserved Populations*, 85 J. KAN. B. ASS'N 14, 14 (2016).

102. Pruitt & Showman, *supra* note 78, at 477.

103. *Id.* at 478.

104. See generally Peter A. Joy, *Government Interference with Law School Clinics and Access to Justice: When is There a Legal Remedy?*, 61 CASE W. RESV. L. REV. 1087 (2011); Stephen Wizner & Jane Aiken, *Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice*, 73 FORDHAM L. REV. 997 (2004).

105. Wizner & Aiken, *supra* note 104, at 997.

106. *Id.* at 1010.

107. Catherine Greene Burnett & Eden Harrington, *Law Schools Working Together to Increase Access to Justice*, 51 S. TEX. L. REV. 689, 700–01 (2010).

108. See, e.g., *Pro Bono*, TEX. ACCESS TO JUST. COMM'N, <https://www.texasatj.org/pro-bono> (last visited Oct. 7, 2021) (describing the Pro Bono Spring Break program that sends fifty law students with supervising attorneys to provide free legal services once per year); Jon C. Dubin, *Clinical Design for Social Justice Imperatives*, 51 SMU L. REV. 1461, 1495 (1998) (describing clinic student work against contract for deed in Webb County colonias and community education efforts); Diana Fuentes Aguilar, *Pro Bono Opportunities in Deep South Texas*, 88 ADVOCATE (TEX.) 22, 22 (2019) (describing law students' work in wills clinic).

109. Burnett & Harrington, *supra* note 107, at 701.

110. Ortegón, *supra* note 24, at 88.

context to historic access to justice concerns in the region.<sup>111</sup> Since the 1980s, the region has struggled to get the support of the state to establish an accredited law school in the Rio Grande Valley.<sup>112</sup> Members of a local coalition attempted to change the discriminatory higher education funding structure in Texas.<sup>113</sup> The South Texas Border Initiative was the product of a lawsuit brought by the coalition members, asserting that the state systematically underfunded education within the region.<sup>114</sup> The Initiative fundamentally transformed higher education in South Texas. A more in-depth study of the Initiative and efforts to establish a local law school are important to understanding access to justice gaps within the region.

The Rio Grande Valley encompasses rural areas and has a majority population comprised of Latinx community members, both indicators of barriers in access to justice.<sup>115</sup> The Rio Grande Valley faces lower than average ratios of lawyers per person.<sup>116</sup> The area does not have a law school, which traditionally plays a role in examining and helping to address access to justice issues. There is not sufficient research identifying access to justice issues or to exploring legal education as a tool to counter access to justice concerns within the Rio Grande Valley. In this context, a community-based study of legal needs is an important tool for communities in the Rio Grande Valley in identifying the priority needs and barriers to justice.

## II. METHODOLOGY

The idea for this research project sprouted after several meetings and conversations between lawyers, local government leaders, community leaders in the Rio Grande Valley and administrators from Texas A&M University School of Law between November 2016 and March 2018.<sup>117</sup> Those conversations revealed an interest in having more accessible legal service resources, including continuing legal education, devoted to the region. An underlying narrative about the need for a law school and discussions surrounding prior attempts to accredit a law school in the region also emerged. Those exploratory meetings revealed there were no legal needs studies in the

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111. See, e.g., Donaldson, *supra* note 6.

112. Ortegón, *supra* note 24, at 75–77.

113. *Id.* at 70.

114. James C. Harrington, *From Michigan's Strawberry Fields to South Texas's Rio Grande Valley: The Saga of a Legal Career and the Texas Civil Rights Project*, 19 CUNY L. REV. 247, 247 (2016); Ortegón, *supra* note 24, at 2.

115. See REBECCA L. SANDEFUR, ACCESSING JUSTICE IN CONTEMPORARY USA: FINDINGS FROM THE COMMUNITY NEEDS AND SERVICES STUDY 8–9 (2014) (explaining that Blacks and Hispanics were more likely to report civil justice issues). See also Pruitt & Showman, *supra* note 78, at 468–69.

116. See STATE BAR OF TEX., *supra* note 7.

117. The meetings and gatherings that predated the project also involved personnel at Texas A&M Health Sciences Center, the Texas A&M Agrilife Extension Program, the Texas A&M University Colonias project, judges, and legal aid lawyers.

area and the court data available did not provide a full overview of the most prevalent legal issues in the region. These meetings motivated a local interest in additional information about legal needs.

To develop a better understanding of the legal issues landscape, the research team applied for a Texas A&M Triads for Transformation (T3) grant—a multidisciplinary seed-grant program designed to advance Texas A&M University’s commitments to “enhancing discovery and innovation and expanding impact on our community, state, nation, and world.”<sup>118</sup> The grant enabled an interdisciplinary team to design and conduct long-term research and scholarship collaborations. The information already gathered from approximately fifty community informants and the literature review, described above, provided sufficient information to structure this project. The research team also benefitted from having a research assistant and a faculty member who were from the region. Their personal and professional relationships proved helpful in opening doors to recruit individuals to participate in the focus groups.

The researchers used their expertise in weaving together primary and secondary data to make a set of conclusions and recommendations found in this article. The information for the study involved data review, site visits, focus groups with a variety of stakeholders, and data from a survey of adult residents of the Rio Grande Valley. The key purpose of the research was to provide a detailed discussion about pertinent legal needs in the Rio Grande Valley from the perspective of its residents. The project documents legal needs to better inform interested parties about where the investment for legal infrastructure should be directed in the region and to create pipelines for legal education. The key constructs we set for the study were to:

- Identify the various legal needs, including co-existing and overlapping ones, for various types of residents of Rio Grande Valley;
- Understand the range and types of legal assistance mechanisms available;
- Discern the breadth and quality of legal services available;
- Pinpoint gaps or unmet needs in the current legal services delivery system;
- Map the existing linkages and disconnects among legal and non-legal service providers;
- Detect the existing barriers to accessing legal services, particularly among underserved populations;
- Identify important historical events or trends to provide a context for understanding existing legal needs; and
- Develop an historical understanding of the efforts to establish and sustain a law school in the Rio Grande Valley that began with the Reynaldo Garza School of Law, 1983-1990.

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118. *About T3*, TEX. A&M UNIV., <https://pef.tamu.edu/t3/index.html> (last visited Oct. 7, 2021).

These constructs guided the overall evaluation methodology, tasks, and activities that led us to use multiple methodological approaches and resulted in a mixed methods evaluation technique.<sup>119</sup> The mixed methods design helped the evaluators to combine elements of qualitative and quantitative research approaches (e.g., use of qualitative and quantitative viewpoints, data collection, analysis, inference techniques) for the broad purposes of breadth and depth of understanding and corroboration.

The mixed methods approach was driven by a series of data collection activities that involved collecting qualitative (via focus groups and interviews) as well as quantitative (surveys) data. Descriptions of each methodology employed follows.

#### *A. Quantitative Methodology*

An initial needs assessment survey of the Rio Grande Valley residents as well as a follow-up COVID-related survey were conducted using the sample panel methodology. The first survey was implemented through the Qualtrics platform from mid-August to mid-September 2019 and the second in September 2020. The survey questions for the first survey are included in [Appendix A](#). The survey questions for the second survey are included in [Appendix B](#). The first survey yielded 281 total responses and the second yielded 220 total responses. In a panel or online sample, a pre-arranged pool of respondents, who have agreed to be contacted in exchange for incentives, responded to surveys. For this study, Qualtrics aggregated a pre-screened group of Rio Grande Valley residents who expressed a willingness to participate in the survey for a monetary incentive. In principle, the validity of research using online panels is a function of the internet penetration in the population being studied.<sup>120</sup> Generally speaking, the higher the internet penetration of the target population, the greater the chance that a panel might reflect the sub-traits of the entire target population. The 2019 survey comprised of fourteen questions and was systematically designed to capture information on various aspects of local legal resources, gaps in legal services, and suggestions for improvement. The 2020 survey was added because we wanted to understand if the questions from 2019 would be answered differently in the context of the pandemic. The 2020 survey consisted of the same demographic questions asked of the first group plus four additional questions tailored to solicit input about how and whether the pandemic might have impacted the residents of the region. All survey data was analyzed with the help of state-of-the art statistical software.

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119. Judith Schoonenboom & R. Burke Johnson, *How to Construct a Mixed Methods Research Design*, 69 KÖLNER ZEITSCHRIFT FÜR SOZIOLOGIE UND SOZIALPSYCHOLOGIE 107, 108 (2017) (Ger.).

120. MARIO CALLEGARO ET AL., ONLINE PANEL RESEARCH: A DATA QUALITY PERSPECTIVE 2 (2014).

### *B. Qualitative Methodology*

The focus groups provided the rich qualitative data for the project. Participants were systematically recruited through several local contacts, including community organizations and their umbrella coalitions, constituent relations staff from the offices of elected state representatives, legal service providers, attorney bar networks, charter schools, and other educational contacts etc. Following a structured protocol approved by Texas A&M, each focus group session was led by a two-member team who facilitated participants through free-flowing discussions format.

The discussions began with introductory greetings by the facilitation team, an explanation of the Institutional Review Board (IRB) approval and the confidentiality process, the purpose of the sessions, and collection of signed consent forms from the session attendees. After ensuring that each individual understood the purpose of our study and consented to participating, the teams began asking a series of questions set forth in [Appendix C](#). Facilitators allowed participants to comfortably consider important details about local historical context and contemporary challenges related to accessibility of legal services in the region. The questions from the structured protocol allowed the participants to talk about legal service quality, related gaps and barriers, and ideas on improving the services by combining forces and capabilities from within and outside the community.

Facilitation ensured that discussions remained focused on the session goals and maximized participation by all the attendees. Participant input was captured with the help of video tapes and flip charts/posters. The sessions were video-recorded for the purposes of note taking, later thematic analysis of the qualitative data, record keeping, and documentation. Light refreshments helped to create a comfortable environment for participants and encouraged in-depth, thoughtful, and focused discussion. After each session, the two-member facilitation team created a short summary of the session and followed validation processes to consolidate or refine statements on needs constructs so that there was conceptual clarity for the prioritized needs within the given community contexts. Thematic analysis of the qualitative data from a total of twelve focus group sessions involved coding, recoding, validity checking, and analytic induction.

### *C. Oral History Methodology*

The oral history methodology included a mix of interviews and archival research. Oral history enables individuals to share their stories in their own words, with their own voices, through their own understanding of what happened, and why. Centering on recorded interviews between a narrator with personal experience of historically significant events and a well-informed interviewer, its goal is to add information to the historical record that might not be included in the archival documents or other primary sources. It is also a process that allows the narrator to provide a first-person account to the events and historical experiences they lived through. In this study, our goal was to conduct interviews with participants who graduated from the Garza School of

Law and that are currently practicing law in South Texas. Conducting oral history interviews adds to our overall mixed methods approach by documenting people's personal experiences along with capturing the stories of women, many of whom tend to be silenced in the primary documents found in the archives. Moreover, it provides the researchers an opportunity to gain insights from marginal students within the Garza School of Law that otherwise might not have had such a prominent voice at the time. Conducting oral histories expanded our reach and provided the researchers an opportunity to narrate a more complete history.

The research team was able to address some of the key constructs but were limited by time, funding, and the access constraints imposed by the emergence of COVID-19. To date, nine oral history interviews have been conducted. Participants were selected because of their connection to the Garza School of Law either as former students or as former staff members.<sup>121</sup> Additional interviews, focus groups, and assessment of court and government entity data can provide a more complete assessment of the legal needs and resources available in the Rio Grande Valley.

### III. SURVEY FINDINGS

This section offers a quantitative perspective compiled from our two survey findings conducted approximately a year apart—before and during the COVID-19 pandemic.

#### A. 2019 Legal Assets & Needs Survey

Two-thirds of the respondents to the first survey, conducted in the fall of 2019, identified as women. The vast majority of participants, 94.2%, spoke English. Only 8.1% of them indicated they had an advanced or professional degree and 51.1% of respondents indicated they earned under \$40,000. The vast majority, 94.5% of respondents, were between the ages of 18–64.

The survey asked participants to choose from a list of people or organizations who they believe residents in their region turn to first when they have a legal need. As seen in Table 4 below, a majority (44.49% of total participants) believe that “Lawyers” are the first people to turn to if they have a legal need. The second-highest response to this question is “Friends and Family,” with sixty-five participants (28.63%) choosing this response. Both “Churches” and “Government Offices” had twenty participants (8.81%) each, “Community Leaders” had ten responses (4.41%), and “Health Professionals” had nine responses (3.96%). Both “Legal Aid-Free Services” and “Notary” only had one response (0.44%) each.

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121. The findings reported in this section come from nine oral histories conducted with former staff and students from the Garza School of Law: Michael DeMoss, the Founding Dean of the Garza School, and students: Arnoldo Cantu, Fred Garza, Jaime Palacios, Rodolfo Gonzalez, Anna De Leon, and Dalinda Garcia. More Garza School graduates will be contacted beginning in January 2021 to continue collecting oral histories.

**TABLE 4: PEOPLE OR ORGANIZATIONS THAT RGV RESIDENTS FIRST TURN TO WHEN IN NEED OF LEGAL ASSISTANCE**

<b>Contact for Legal Assistance</b>	<b>Freq.</b>	<b>Percent</b>
Lawyers	101	44.49
Friends and Family	65	28.63
Churches	20	8.81
Government Office	20	8.81
Health Professionals	10	4.41
Community Leaders	9	3.96
Legal Aid-Free Services	1	0.44
Notary	1	0.44

Participants were asked to list three types of legal providers that, in their opinion, are most readily available in the Rio Grande Valley. Table 5 provides a breakdown of these responses categorized into themes. The most common response to this question indicated that legal services dealing with “Government Officials/Public Services/Community Concerns” are most readily available in the region. This is followed by legal aid, with twenty-three responses. Services dealing with “Social Services/Gov’t Programs,” “Lawyers (General),” and “Other” (which contained services that didn’t fall in any other category created) each had twenty-two responses.

**TABLE 5: LEGAL SERVICES MOST READILY AVAILABLE IN THE RGV REGION**

<b>Legal Services Providers</b>	<b>Frequency</b>
Government Officials/Public Services/Community Concerns	36
Legal Aid	23
Social Services/Gov’t Programs	22
Lawyers (General)	22
Other	22
Healthcare	13
Domestic Relations	11
Financial	10
Property	8

Immigration	6
Criminal (General)	5
Civil (General)	5
Workforce	4
Automobile	4
Human Rights/Social Issues	3
Education	1
Drug Issues	1

Survey participants were asked to list, in their opinion, the top two unmet legal needs in the area. As seen in Table 6, the open-ended responses were categorized into separate “themes” based on common concerns. The five most commonly mentioned concerns that participants listed as the biggest unmet legal needs in the area include: “Government Officials/Law Enforcement/Community Concerns” (twenty-one responses), “Financial” needs (twenty responses), “Lawyers (General)” (eighteen responses), and “Healthcare” needs (fourteen responses). The “Other” category, which contained concerns that didn’t fall under any of the other “themes,” had twenty-six responses.

**TABLE 6: BIGGEST UNMET LEGAL NEEDS IN THE RGV REGION**

<b>Unmet Legal Needs</b>	<b>Frequency</b>
Government Officials/Law Enforcement/Community Concerns	21
Financial	20
Lawyers (General)	18
Healthcare	14
Social Services/Gov’t Programs	13
Workforce	12
Criminal (General)	11
Immigration	10
Domestic Relations	10
Education	9
Legal Aid	7

Human Rights	6
Drug Issues	6
Property	5
Civil (General)	4
Automobile	3
Don't Know/NA	2
Other	26

When asked if participants believed that the region has adequate legal services and attorneys available to handle the legal needs of the area residents, nearly half (112 responses or 48.48%) of the participants said “Yes,” whereas seventy-five participants (32.47%) said “No.” However, forty-four participants (19.05%) said they “Don’t Know/NA” if the region has adequate legal services and attorneys available to handle the legal needs of the area. Table 7 summarizes their responses.

**TABLE 7: DOES THE RGV REGION HAVE ADEQUATE LEGAL SERVICES AND ATTORNEYS AVAILABLE TO HANDLE LEGAL NEEDS OF RESIDENTS?**

<b>Adequate Legal Services or Attorneys</b>	<b>Freq.</b>	<b>Percent</b>
Yes	112	48.48
No	75	32.47
Don't Know	44	19.05

Table 8 details the breakdown of the types of legal services that participants identified as available in the Rio Grande Valley. As seen below, “Direct Services-full representation in litigation” was most commonly identified as a legal service available in the region by participants, with 124 responses (19.41%). This was followed by “transactional work or advice” with ninety-six responses (15.02%) and “legal advice clinics” with seventy-nine responses (13.36%). Alternatively, only forty-five participants (7.04%) said “self-help materials” were available in the region and thirty-five participants (5.48%) mentioned mobile legal advice clinics as an available service.

**TABLE 8: LEGAL SERVICES AVAILABLE IN THE RGV REGION**

<b>Type of Service Available</b>	<b>Freq.</b>	<b>Percent</b>
Direct Services-full representation in litigation	124	19.41
Transactional work or advice (e.g. drafting	96	15.02

contracts, wills, tax matters, etc.)		
Legal advice clinics	79	13.36
Referrals to volunteer or pro bono attorneys	73	11.42
Limited advice	56	8.76
Compensation assistance	56	8.76
Advice phone lines	53	8.29
Self-help materials	45	7.04
Mobile legal clinics	35	5.48
None of the above	14	2.19
Other (please specify) <sup>122</sup>	8	1.25

Table 9 details the common barriers that Rio Grande Valley residents face when accessing legal services. The majority (22.69%) of participants mentioned “Immigration status” as the top barrier. “Lack of money to access services” was the second most commonly agreed upon barrier that people face, with 123 responses (19.94%). “Language barriers” was the third most commonly agreed upon barrier, with seventy-three responses (11.83%). Other barriers listed, from most to least commonly agreed upon, include: “Not financially eligible to access legal services” (8.75%), “Feel intimidated by the legal system” (8.59%), and “Don’t know when/how to access services” (7.78%). Both “Lack of transportation” and “Services are limited” each received twenty-nine responses (4.70%). The five least agreed upon barriers to legal services that area residents face include: “Have to be at work when services are open” (4.21%), “Lack of child care” (2.92%), “Disability” (2.76%), “Other” (0.65%), and “Lack of time to access services” (0.49%).

**TABLE 9: BARRIERS RGV RESIDENTS FACE WHEN ACCESSING LEGAL SERVICES**

<b>Barriers in Accessing Legal Services</b>	<b>Freq.</b>	<b>Percent</b>
Immigration status	140	22.69
Lack of money to access services	123	19.94
Language barriers	73	11.83
Not financially eligible to access legal services	54	8.75
Feel intimidated by the legal system	53	8.59
Don’t know when/how to access services	48	7.78
Lack of transportation	29	4.70

122. Other responses specified stated: (1) “Don’t really know.” (2) “I’m not sure.” and (3) “I don’t know.”

Services are limited	29	4.70
Have to be at work when services are open	26	4.21
Lack of child care	18	2.92
Disability	17	2.76
Other (please specify) <sup>123</sup>	4	0.65
Lack of time to access services	3	0.49

Respondents were asked to choose up to three of the most useful ways for residents of the Rio Grande Valley to receive self-help materials and information about important legal topics and resources. As detailed in Table 10 below, a majority (101 responses or 16.92%) of respondents claimed that social media sites (e.g. Facebook, Twitter) are the most useful way of receiving self-help information, followed by community workshops or community group sessions (ninety-one responses or 15.24%) and mailed information (eighty-six responses or 14.41%).

**TABLE 10: MOST USEFUL METHODS FOR RGV RESIDENTS TO RECEIVE SELF-HELP MATERIALS AND INFORMATION ABOUT LEGAL TOPICS AND RESOURCES**

<b>Most Useful Methods to Receive Information</b>	<b>Frequency</b>	<b>Percent</b>
Social media sites (e.g., Facebook, Twitter)	101	16.92
Community workshops or community group sessions	91	15.24
Mailed information	86	14.41
Informational brochures	83	13.90
Videos posted on the internet	51	8.54
Newspaper	43	7.20
Law library in the community	38	6.37
Informational emails	37	6.20
Telephones information	37	6.20
Text messages	21	3.52
Other (please specify) <sup>124</sup>	9	1.51

123. Other responses included answers that stated: (1) "Ignorance of the law. Many people don't know what can help them or what can hurt them. Honestly all the options apply, I'm just not allowed to select them all on the survey." (2) "There are so many easy ways to access legal services." (3) "None." (4) "middle class families get screwed (financially) when sending their children to college."

124. Other responses specified stated: (1) "Phone." (2) "The people of the RGV are for the most part very dependent on their community. More one on one contact and advice that people can

Finally, participants were asked what they thought is needed to improve the legal services in the region. As seen in Table 11, open-ended responses were categorized into “themes” based on common ideas. The most frequently (twenty-two responses) mentioned need for improvement was an “Increase in public awareness on information for legal services.” Besides the “Other” category, which had twenty responses that didn’t fit into the other themes constructed from the responses, the following themes with the most frequent responses include “Ethics and community improvement” with sixteen responses, and an “Increase in accessibility/Availability” with thirteen responses. Other themes commonly brought up include: “Affordability/Cost transparency” (ten responses), “Cultural Competency Accommodation” (seven responses), and there were three responses that stated “Nothing” needed improvement.

**TABLE 11: IMPROVEMENTS NEEDED FOR LEGAL SERVICES IN THE RIO GRANDE VALLEY REGION**

<b>Improvements Needed</b>	<b>Frequency</b>
Increase public awareness on information for legal services	22
Other	20
Ethics and Community Involvement	16
Increase Accessibility/Availability	13
Affordability/Cost Transparency	10
Cultural Competency Accommodation	7
Nothing	3

The first survey represents opinions of legal needs and local resources before the world was transformed by the COVID-19 pandemic. Since the pandemic began to greatly impact the Rio Grande Valley as Phase I of our study was coming to an end, the research team thought it was prudent to devote additional resources to again survey the residents of the region about legal needs a year later during the fall of 2020.

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get in their community, the more likely they are to learn.” (3) “I don’t actually believe SELF HELP is a good idea as comprehension of legal procedures and terminology is difficult for lay person, let alone suggest they SELF LEARN.” (4) “Television or radio.” (5) “One on one counseling.”

### B. Legal Assets & Needs During COVID-19

The Rio Grande Valley was heavily impacted by the COVID-19 pandemic.<sup>125</sup> During the summer of 2020, hospitalizations in the region increased by over 1000%.<sup>126</sup> The region was one of the state's pandemic hotspots.<sup>127</sup> As a result of the pandemic, unemployment across the region's counties tripled over the summer months.<sup>128</sup> As part of an overall effort to identify neglected legal needs in the region of Texas, a short survey was administered to a sample of 220 current residents of the Rio Grande Valley (RGV) to supplement the previous survey in an effort to determine if COVID-19 impacted the legal needs of area residents.

The 2020 survey asked the same demographic information but only asked four questions related to availability of legal services and barriers individuals may face accessing them during the pandemic. It provided greater opportunity for individuals to contribute their ideas since the questions did not suggest options for answers. The vast majority of participants, 91.8%, spoke English.<sup>129</sup> Only 10% of the respondents indicated they had an advanced or professional

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125. See Nicole Narea, *How Coronavirus Devastated Texas's Vulnerable Borderlands*, VOX (Aug. 8, 2020), <https://www.vox.com/2020/8/8/21352396/coronavirus-texas-rio-grande-valley-starr-hidalgo-cameron>; Caitlin Dickerson, *Vulnerable Border Community Battles Virus on 'A Straight Up Trajectory.'*, N.Y. TIMES (July 19, 2020), <https://www.nytimes.com/2020/07/19/us/coronavirus-texas-rio-grande-valley.html> (discussing health impacts, including that up to half of residents in the region have no health insurance); Alana Rocha et al., *Hanna Brings Flooding, Power Outages to Southern Texas Gulf Coast*, TEX. TRIB. (July 24, 2020), <https://www.texastribune.org/2020/07/24/hanna-corpus-christi-coronavirus/> (describing compounding disasters in the area, a pandemic and severe weather); *RGV COVID-19 Live Blog: Hidalgo County Announces Community Vaccine Clinic For 2021 As Known Case Tally Nears 51,000*, TEX. PUB. RADIO (Dec. 30, 2020), <https://www.tpr.org/rgv-covid-19-blog> (reporting that the region had over 3,600 confirmed COVID-19 related deaths at the end of 2020).

126. John C. Moritz, *Texas Lawmakers Seeking Immediate COVID-19-Related Federal Aid for Rio Grande Valley*, CORPUS CHRISTI CALLER TIMES (July 10, 2020), <https://www.caller.com/story/news/local/texas/state-bureau/2020/07/10/texas-lawmakers-seeking-immediate-covid-19-related-federal-aid-rio-grande-valley/5416897002/> (legislators' letter cites to data on impact of COVID-19 on RGV region).

127. See Brice Helms, *ICU beds in the Rio Grande Valley are Dangerously Low, Officials Say It is Not All Due to COVID-19*, VALLEY CENTRAL (Feb. 10, 2021, 08:09 AM), <https://www.valleycentral.com/news/local-news/icu-beds-in-the-rio-grande-valley-are-dangerously-low-officials-say-it-is-not-all-due-to-covid-19/>.

128. Brice Helms, *COVID-19 Relief Bill Expected Soon as RGV Suffers Through High Unemployment*, VALLEY CENTRAL (Dec. 2, 2020), <https://www.valleycentral.com/news/local-news/covid-19-relief-bill-expected-soon-as-rgv-suffers-through-high-unemployment/> (The unemployment rate is at least 37% higher in RGV than in other parts of the state.); Meena Venkataramanan, *Texans Struggle to Find Work in the Rio Grande Valley, Where Unemployment Has Nearly Tripled*, TEX. TRIB. (June 25, 2020), <https://www.texastribune.org/2020/06/25/texas-unemployment-rate-coronavirus-rio-grande-valley/> (discussing impact on employment during summer COVID-19 spike).

129. The second survey had 40.5% of respondents identify as male, while 57.3% identified as female. Only 0.5% identified as transgender male and another 0.5% as transgender female.

degree and 51.8% of respondents indicated they earned under \$40,000. The vast majority, 93.2%, of respondents were between the ages of 18–64.

Of the residents surveyed, 44.1% indicated that the region has adequate legal services and attorneys available to meet the needs of residents during the corona virus pandemic. An additional 29.1% indicated that the services were inadequate and 26.8% indicated that they did not know about the adequacy of the legal services in the Rio Grande Valley. Table 12 presents their responses.

**TABLE 12: ADEQUATE LEGAL SERVICES AVAILABLE TO HANDLE THE LEGAL NEEDS OF THE RGV RESIDENTS DURING THE CORONAVIRUS PANDEMIC**

<b>Adequate Legal Services during the Pandemic</b>	<b>Freq.</b>	<b>Percent</b>
Yes	97	44.1
No	64	29.1
Don't Know	59	26.8

The survey asked respondents to identify which legal services were most easy to access during the pandemic. The responses of readily available services in the region, summarized in Table 13, varied greatly and included answers such as “General Legal Services (e.g. Attorneys),” “Immigration” related services, “Family Related Issues” (e.g., family and divorce lawyers), “Accident/Injury” related services, “Legal Aid Program,” and “Criminal Law Services.” Unsurprisingly, 31.4% of respondents reported that they were not aware of the types of legal services available during the coronavirus pandemic. Of the 220 respondents, seventy (31.8% of respondents) indicated that they did not know which types of services were readily available and twenty-four listed responses unrelated to legal services. Many of the responses listed ( $n = 33$ ) either indicated that more general legal services such as attorneys were available or that “all legal services” or “everything” was available. To the contrary, some respondents ( $n = 16$ ) stated that there were little to no services available. In this regard, responses included comments such as, “none that I have seen” and “very under par.” One specific program, *Legal Aid*, was mentioned multiple times ( $n = 7$ ) as a readily available source for legal services in the RGV. Unlike many other services, *Legal Aid*, which provides free legal services throughout many counties in Texas, was the only legal service organization mentioned by name amongst all of the responses.

**TABLE 13: LEGAL SERVICES ARE MOST READILY AVAILABLE IN THE RGV REGION DURING THE CORONAVIRUS PANDEMIC**

<b>Legal Services</b>	<b>Freq.</b>	<b>Percent</b>
Don't Know	70	31.80

General Legal Services (e.g. Attorneys)	33	15.00
N/A	24	10.90
Accident/Injury	19	8.60
Little/None	16	7.30
Health Related	14	6.40
Immigration	11	5.00
Criminal Law Services	10	4.50
Family Related Issues	9	4.10
Legal Aid Program	7	3.20
Housing and Basic Needs	5	2.30
Financial	3	1.40
<b>Total</b>	<b>221</b>	

Although a large proportion of respondents believe that the RGV region has adequate legal services available to meet the legal needs of RGV residents, many residents agree that there are still barriers to accessing those services which may have been exacerbated by the effects of the coronavirus pandemic. When asked to indicate the biggest barrier faced by people in the region during the coronavirus pandemic, the most common answer was that they did not know. Not surprisingly, immigration and family-related services emerged as top unmet legal needs but their various responses also pointed to financial services. The cost of services was also identified as barrier to accessing assistance for legal needs. COVID-19 related safety concerns appeared as a new challenge and to a lesser degree, respondents also mentioned that the availability of services and the length of wait times to get an appointment as barriers to accessing legal services. The survey responses identifying the biggest legal needs during the COVID-19 pandemic are captured in Table 14.

**TABLE 14: BIGGEST UNMET LEGAL NEEDS IN THE RGV REGION DURING THE CORONAVIRUS PANDEMIC**

Unmet Legal Needs	Freq.	Percent
Don't Know	72	31.03
N/A	34	14.66
Immigration	16	6.90
Basic Living and Financial Services	15	6.47
Family Related Services	14	6.03
Workplace Related	13	5.60
Accessibility/Affordability of Services	13	5.60

Health Related Services	12	3.72
None	13	5.60
COVID-19 Resources and Policy Enforcement	10	4.31
Delayed Services/Management of Public Services (courts)	6	2.59
General (Attorneys)	6	2.59
Discrimination and Civil Rights	4	1.72
Personal Property Related Needs	1	0.43
Education Related Needs	1	0.43
Regulation of Law Enforcement and Political Officials	1	0.43
Voting Resources	1	0.43
<b>Total</b>	<b>232</b>	

When asked to indicate the two biggest unmet legal needs in the Rio Grande Valley during the coronavirus pandemic, there was little collective agreement on a small subset of needs. Unmet needs varied and included needs pertaining to immigration-related services, family-related services, affordable services, and work-related services. Once again, a large portion of the respondents ( $n = 72$ , 31.03%) mentioned that they were unaware of the two biggest unmet needs, and 15% of responses ( $n = 34$ ) were not applicable to the question.

Although no one need was mentioned very frequently, a number of needs were mentioned with similar frequency (i.e., needs mentioned account for 10% to 16% of responses). These needs included legal services related to immigration such as assistance with Deferred Action for Childhood Arrivals (“DACA”),<sup>130</sup> migration issues, naturalization rights, and immigration violations. Legal needs also included family-related services such as services to address domestic violence, child abuse, child support, and divorce as well as assistance with accessing legal services. Multiple respondents mentioned that there is a justice gap in accessing legal services such that individuals earning less income cannot afford legal services. Respondents mentioned the need for more pro bono services, services accessible for individuals experiencing homelessness, and services generally accessible to individuals with less income. Respondents also mentioned the need for services catering to legal needs related to the workplace. Responses touched on issues such as job rights, hazard pay,

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130. DACA refers to an Executive Order first issued on June 15, 2012, by President Barack Obama, that gives prosecutorial discretion to the Secretary of Homeland Security to defer removal of immigrants with unlawful status from the U.S. The deferral is for two years during which an individual has work authorization. DACA does not convey legal status. *See* Deferred Action for Childhood Arrivals, 86 Fed. Reg. 53,736 (Sept. 28, 2021). *See also* U.S. CITIZENSHIP & IMMIGR. SRVS., *Consideration of Deferred Action for Childhood Arrivals (DACA)*, <https://www.uscis.gov/DACA> (last visited Mar. 10, 2022).

and protection/compensation for essential workers. Uniquely in relation to the coronavirus pandemic, there was one response that related to the enforcement of safety policies in public spaces. This respondent specifically mentioned a need for the “enforcement of capacity [limits] in restaurants.”

To better understand the specific issues impacting access to legal services in the RGV during the coronavirus pandemic, respondents were asked to indicate the biggest barrier to legal services faced by people in the RGV region during the pandemic. The issue most often mentioned as a barrier was the cost of legal services. Pertaining to the cost of legal services, responses specifically included comments such as, “no money because of [no] work,” “financial barrier/can’t afford it,” “low income/losing jobs,” and “affordability—we are struggling to make payments for essentials.” Safety concerns specifically in relation to the coronavirus were also frequently indicated as the biggest barrier to accessing services. Respondents were concerned about potential exposure to the coronavirus due to people not wearing masks, not following guidelines, face-to-face communication, waiting in public spaces, etc. Respondents were also concerned about social distancing and that many people were not taking the coronavirus pandemic seriously in their area. Thus, it seems that, as a result of the coronavirus pandemic, many people are unable to, or feel uncomfortable with, accessing legal services as many services had generally been offered in-person prior to the pandemic.

Because many businesses have closed or modified their hours as a result of the coronavirus pandemic, it is unsurprising that the availability of services and waiting periods for scheduling appointments were also mentioned as barriers to accessing legal services. In relation to scheduling appointments and the availability of services, respondents made comments such as, “having to make an appointment and waiting,” “not knowing what offices are available during lockdown,” “finding a legal office that is taking new clients,” and “not being able to access [the] courthouse.”

To a lesser extent, respondents also mentioned that a lack of information about services available and concerns about one’s citizenship or immigration status may also pose a potential barrier to accessing legal services. Some also mentioned that not having the time available to access services either due to familial responsibilities, or other reasons, could also pose as a barrier to accessing legal services. Issues most frequently indicated as barriers to accessing legal services for people in the Rio Grande Valley were the same regardless of age, gender, annual household income, and county of residence. Regardless of whether respondents indicated that they thought the region had adequate legal services and attorneys available to meet the needs of the area’s residents during the coronavirus pandemic, the cost of legal services was still the most frequently mentioned as the biggest barrier to accessing legal services in the region during the pandemic.

**TABLE 15: BIGGEST BARRIER FACED BY PEOPLE IN THE RGV REGION DURING CORONAVIRUS PANDEMIC**

<b>Barriers to Services</b>	<b>Freq.</b>	<b>Percent</b>
Affordability of Services due to Loss of Job or Low Income	59	26.80
Don't Know	45	20.50
COVID-related Concerns (e.g., distancing, wearing masks, getting sick)	38	17.30
N/A	33	15.00
Availability of Services and Waiting Periods	15	6.80
Lack of Information or Education about Services or How to Obtain	7	3.20
Citizenship/Immigration Status	7	3.20
No Barriers	7	3.20
Communication/Language Barriers	5	2.30
Time Available to Handle Legal Needs	4	1.80
Location of Services	1	0.50
Racism/Discrimination	1	0.50
<b>Total</b>	<b>222</b>	

The two surveys revealed that a little over half of both survey respondents believe that there are adequate legal services in the Rio Grande Valley. However, there is little consensus on what is available. Just under 20% of the first survey group identified direct litigation services as the most available services, followed by 15% identifying transactional work (including contracts, wills, and taxes). However, when asked about available services during the pandemic, 31.8% indicated that they didn't know what services were available. Another 10.5% chose the not applicable answer and only 15% indicated general legal services. There was more consistency on barriers. More than a quarter of each group indicated that affordability and cost of legal services was a barrier. Immigration and language barriers were also identified as barriers in both surveys. Narratives offered by individuals who participated in focus groups and interviews offered a more nuanced contextual understanding of the region's needs.

#### IV. UNDERSTANDING NEEDS THROUGH QUALITATIVE RESEARCH

Conversations with individuals in focus groups and in one-to-one interview settings, provided greater context to the survey results.

### A. Focus Groups

There were twelve focus groups across the Rio Grande Valley that engaged 151 individuals in conversations about legal needs and the unique characteristics of the region. The information gathered from each of the focus group sessions was qualitatively analyzed using a deductive coding approach that helped to thematically categorize the responses. To achieve this, a codebook was developed to outline the definitions and guidelines by which responses were subsequently grouped. Table 16 identifies the focus group name. Tables 17, 18, 19, and 20 illustrate which thematic issue was mentioned in the focus group sessions with an “X”.

**TABLE 16: FOCUS GROUP IDENTIFICATION**

<b>Focus Group Name</b>	<b>Letter</b>
Starr County Legal Community	A
Texas A&M university Health Science Center	B
ProBar	C
IDEA Schools	D
Elected Officials’ Representatives	E
Proyecto Azteca	F
TAMU College of Architecture, Colonias Project	G
Texas Rio Grande Legal Aid (TRGLA)	H
Casa Adobe	I
Cameron County Promotoras	J
Housing Work Group	K
Willacy County Leaders	L

The focus group asked participants to identify the top three legal issues they perceived residents in Rio Grande Valley struggled to resolve. Across all focus groups, participants cited family law as an unmet legal needs issue in the region. Participants stated that there was a high demand for lawyers that specialized in domestic violence cases, child support and custody, marriage, and divorce. Table 17 lists the issues identified by each focus group.

The coinage “immigration status” was frequently brought up by focus group participants. The area is described as having a high number of undocumented residents and therefore we presume, also has a higher number of mixed-immigration status families.<sup>131</sup> Participants frequently mentioned a high need for immigration issues to be addressed.

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131. See Alexa Ura & Jolie McCullough, *Interactive: Demographics of Texas’ Undocumented Population*, TEX. TRIB. (Jan. 28, 2015), <https://www.texastribune.org/2015/01/28/undocumented-population-demographics/> (last visited Mar. 17, 2022). Mixed-immigration status families refers to families that have both documented and undocumented immigrants in their unit. See Silva Mathema, *State-by-State Estimates of the*

Issues dealing with property were also frequently raised by focus group participants. Participants cited that many community members dealt with land ownership issues due to having land in both the U.S. and in Mexico. Some participants describe land title issues resulting from jurisdictional control from Spain, to Mexico, to the United States. Additionally, one participant mentioned poor housing conditions for migrant workers.

Focus group participants cited cultural and language issues as relevant factors in people not accessing law. There were several discussions in a number of the focus groups about how cultural norms led many local community members to enter into contracts orally rather than through legal documentation. Examples of where this is a common practice is the lack of documentation of living wills and property transfers that facilitate estate ownership. Language barriers were also noted as a major issue when accessing legal services. Many mentioned that there are not enough bilingual services offered in the region.

Lack of access to information was also cited as a common issue that many faced in the community. Repeatedly, focus group participants stated that individuals often do not know who or where to turn to when seeking legal assistance. Other examples of responses included: lack of attorneys that deal with vulnerable groups (including older adults, LGBTQ+ communities, veterans, and racial and ethnic minorities), workers' rights cases (in which cases workers' are either underpaid or abused by employer), consumer rights, health cases (such as medical malpractice and health fraud), poor infrastructure, lack of available social service providers (to meet the terms of criminal law probation), lack of resources (e.g. medical and mental health), a need for local treatment programs, and a lack of understanding the differences in legal systems between the U.S. and Mexico.

Additional themes of recurring legal issues included discussions of matters related to accessing health care, understanding workers' rights, community infrastructure development such as roads and drainage, consumer rights, and small business issues. Additional conversations that arose from this question focused on the lack of bilingual legal resources and a lack of understanding of legal systems on both sides of the border. One group, comprised of individuals that were primarily Spanish speaking and had close family ties in Mexico, explained they felt discriminated against or misunderstood by non-Spanish speaking individuals who are more established in the U.S. The groups also acknowledged that there are not as many legal resources focused on assisting vulnerable populations, such as the elderly, disabled, LGBTQ+ individuals, low-income individuals, and groups who have been historically discriminated against.

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*Family Members of Unauthorized Immigrants*, CTR. FOR AM. PROGRESS (Mar. 16, 2017), <https://www.americanprogress.org/article/state-state-estimates-family-members-unauthorized-immigrants/> (last visited Mar. 18, 2022).

**TABLE 17: LEGAL NEEDS IDENTIFIED BY FOCUS GROUP**

<b>Legal Need &amp; Focus Group Identifier</b>												
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>I</b>	<b>J</b>	<b>K</b>	<b>L</b>
Immigration	X	X	X	X	X	X	X	X	X	X	X	X
Property		X	X	X	X	X	X	X	X	X	X	X
Family	X	X	X	X	X	X	X	X	X	X	X	X
Health		X	X	X		X	X		X		X	X
Worker's Rights	X	X		X		X		X		X	X	
Infrastructure	X					X		X			X	
Bilingual Services & Cultural Competency		X	X	X	X			X		X	X	
Access to Information	X			X		X	X	X	X	X		X
Vulnerable Populations	X		X		X	X	X			X		X
Consumer Rights		X			X			X	X		X	X
Criminal Law		X	X			X				X		
Oversight of Gov't Abuse	X	X						X			X	

The focus groups engaged in an exercise that asked them to identify where people turn to first when they have a legal need. It required that participants tell us whether lawyers, churches, health professionals, government offices, community leaders, or friends and families were the first stop. A significant majority of focus group participants cited family and friends as the people they turn to first when they have a legal need in the RGV community. This ties back into a social context previously characterized as cultural norms in the region that drives individuals to deal with problems within the family network. Other responses included lawyers, churches, government or elected officials and offices, and community leaders. Typically, health care providers were seen as the least likely group in the community whom participants would turn to in this situation. Participants were also able to identify additional ideas, and those responses included: notaries, the internet, social media, university agencies, the media, social service groups, and psychologists.

The focus group participants were asked to explain the historical or community-specific contexts that may impact the legal needs they described. The most frequent answers discussed their location on the U.S.-Mexico border as being critical to understanding their specific legal needs. Many participants described the region as having a high number of undocumented citizens as well as mixed-immigration status families. According to the focus group

participants, lack of documented status goes hand-in-hand with other challenges such as a high level of uninsured drivers, low socioeconomic status, and not seeking professional services such as medical care or legal assistance. When discussing low socio-economic attainment, discussions focused on income and education levels that translated to fewer economic opportunities, impacting the entire community.

Many focus group participants discussed a border culture that is best characterized by a certain degree of fear and distrust of authorities. The groups explained that those who are undocumented or have family members who do not have legal immigration status feel that they are constantly under surveillance. Conversations touched upon the federal presence of Border Patrol Immigration and Customs Enforcement. They discussed having a whole group of people geographically “trapped” in the Rio Grande Valley due to immigration checkpoints located within 100 miles of the border. Undocumented citizens are unable to cross the checkpoints to reach necessary resources or opportunities.

This distrust was referred to as corruption in some conversations and as the existence of an insider circle that is supported by well-connected families with long histories in the region. As an unexpected corollary to distrust of authorities, participants also describe an over-acquiescence to authority, linking this to tenuous status (economically or due to immigration status), limited education, and reliance on personal and community networks. Because of the influence of home-country culture, many residents may either not question authority or they may also not trust the system due to fear of deportation or abuse.

The connection between lower levels of income and education and not accessing legal services were clearly connected by many focus group participants. One participant stated:

We are in a digital divide, if you go into a location, they’ll tell you, you have to apply online, but there are people who don’t have that access. The people who are trying to apply don’t have the experience to do so, they don’t have Skype, they don’t know all that.

Citing low income as one reason for the high uninsured motorist population among RGV residents, one participant said:

I have a vehicle that I’m insuring, my wife and I- it’s no big deal. I include my 19 -year-old son, it skyrockets. So la raza says, I’m gonna exclude my son from this policy, but at the end of the day, junior will have to be at the end of the wheel at some point. So yeah that car is insured when someone gets hit, but the person driving it wasn’t.

Linguistic challenges and cultural differences in perceiving the U.S. legal system also play a big role in how community members utilize and approach the legal services available to them. Spanish is cited as a dominant language in certain segments of the Rio Grande Valley. They point to their location as the epicenter of the recent influx of Central American immigrants seeking asylum and point to the fact that increased Spanish speaking population creates greater

demand for translation services of Spanish and indigenous languages as well. For community members who need to seek any type of legal service, language challenges emerge as a key hurdle.

In addition, focus group participants described the region as having a fluid border that families have been crossing for years. They told stories of individuals who lived in Mexico and crossed the border daily for work or to attend school in the Rio Grande Valley. Some U.S. citizens live in Mexico and some Mexican citizens live in the United States. As a result of this fluidity and the increased scrutiny about immigration status, some individuals discussed having family members who were born in the U.S. with the aid of midwives and whose births were not recorded and documented, due to legal problems. These individuals may often find themselves blacklisted when trying to access resources or documents such as passports, permits, or licenses. They discussed the lack of legal documentation for U.S.-born individuals as subsequently leading to the inability to obtain jobs which contributes to the lower socio-economic status among area residents.

There were a few other issues that appeared in more than two focus groups and are worth noting. One issue a respondent referred to was a culture of “machismo.” It was explained as one where the male is seen as the authority figure of the household. A few participants discussed how male dominated traditions in families often results in the idea that legal issues should be kept private—within the family—and that seeking help outside of the family unit is frowned upon. Participants also discussed difficulties in obtaining services, particularly in the more rural areas of the Rio Grande Valley. Many participants felt isolated from treatment centers that were farther away, and some discussed issues obtaining referrals to necessary services. The limited public transportation system was also raised as a context-specific reason for not being able to access services—legal or otherwise. The overview of the social context identified by each focus group appears in Table 18.

**TABLE 18: SOCIAL CONTEXT DESCRIBED BY FOCUS GROUP**

<b>Social Context and Focus Group Identifier</b>												
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>I</b>	<b>J</b>	<b>K</b>	<b>L</b>
Immigration Status		X		X	X	X	X	X	X		X	X
Socio-economic status	X	X		X	X		X	X		X	X	X
Culture as Barrier	X	X	X	X	X	X	X	X	X	X	X	X
Resource Availability	X		X		X	X		X	X	X	X	X
Border Presence	X		X			X	X	X	X	X		
Discrimination		X	X			X		X				

Focus group conversations also addressed the key barriers, obstacles, and challenges that exist for Rio Grande Valley residents to address their legal needs. The key barrier discussed in some form in most focus groups was affordability. This barrier was explained in terms of a lack of pro bono attorneys, high fee structures of the existing attorneys, low educational levels, and low socio-economic status of area residents compared to other regions in Texas.

Another barrier commonly mentioned was the general lack of information and knowledge of rights among community members. This barrier was explained in terms of absence of centralized resources in the area or one-stop shops as well as a general lack of understanding of laws and legal rights due to low educational levels. They attributed the lack of understanding of laws and legal rights as being intertwined with existing fears about authority figures from whom legal knowledge could be obtained. Community members, specifically those who still hold strong cultural values from Mexico, maintain a certain degree of distrust and fear against authority figures in the U.S. Participants in the focus group frequently referenced fear of deportation, the unknown, or government retaliation as a cause for this distrust. In addition, responses also conveyed a belief that lack of higher education opportunities in the region contributes to the lack of understanding of legal rights and responsibilities.

This then ties with the issue of “immigration status,” where participants specifically listed an individual’s immigration status as a barrier that prevents community members from being eligible for legal services. Participants additionally cited an issue with certain misconceptions that many area residents may have in regard to legal mechanisms in the U.S. This was connected to individuals’ previous knowledge of how the legal system in Mexico functions. For example, many participants mentioned the differences in the role of a notary in Mexico versus the U.S. To qualify as a notary in Mexico, one must also be an attorney. While becoming a notary in the U.S. does not require an individual to be a lawyer, many Rio Grande Valley residents still seek legal assistance from notaries that often have minimal understanding of the operation and consequences of legal transactions.

As previously mentioned, because of its location on the U.S.-Mexican border, the region has a high Spanish-speaking population, making language a major barrier. Although Spanish is oftentimes the only language spoken by many community members in certain cities of the region, indigenous languages spoken by recent immigrants are either not considered or emerge as an unmet need in legal services translations.

Accessibility to legal services was characterized as limited by a lack of community infrastructure and low socioeconomic status. Public transportation and time conflicts were also discussed by participants. When discussing available legal resources, one participant stated, “[m]ost of these resources are available when these people work. We’re in a highly low-income area, so these people can’t take time off to get 2–3 hours of legal help . . . . [This calls for unaddressed] transportation issues, sometimes they don’t have a way to get from

Point A to Point B.” While courts and legal aid organizations have invested a great deal in providing online legal information and services, the transition from in-person services to internet-based services was described by a number of individuals in focus groups as negatively impacting individuals with no or limited access to computers, Internet, and reading literacy. The barriers identified by each focus group appears in Table 19.

**TABLE 19: BARRIERS IDENTIFIED BY FOCUS GROUP**

<b>Barriers and Focus Group Identifier</b>												
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>I</b>	<b>J</b>	<b>K</b>	<b>L</b>
Affordability	X	X	X	X	X	X	X	X	X	X	X	X
General Lack of Information & Knowledge of Rights	X	X	X	X	X	X		X	X	X		X
Distrust of System & Fear of Authority	X	X	X			X	X	X		X	X	
Language	X		X	X	X	X				X	X	
Immigration Status				X						X	X	X
Difference in Cultural Values and Perceptions	X			X		X		X		X	X	
Low Accessibility of Legal Resources			X	X	X	X			X			X
Low Education							X			X	X	X

To better understand the survey responses, participants were asked if they thought there were enough lawyers in the Rio Grande Valley. The responses led to conversations about strengths and weaknesses of the lawyer services in the region. Most participants believed that although there are too many attorneys in the area, there are not enough attorneys that specialize in immigration. Participants made similar statements about scarcity of attorneys that helped on matters related to family, estate planning, probate, worker rights, and health related issues including medical malpractice and healthcare fraud. Additional discussion revealed that the high number of advertisements for personal injury attorneys were primarily responsible for the view that there were too many lawyers in the region.

Focus group participants also mentioned the need for higher quality attorneys that can effectively help address legal needs without exploiting

residents for money. The idea that attorneys were taking advantage of their clients because they charged high amounts for their work was the most common perception expressed of attorneys in the area. One participant commented, “attorney fees, some charge \$500 per hour others charge \$150 per hour, there’s no standard, but whatever it is, it’s still high.” In more isolated regions, participants felt that there were not enough local lawyers because none of the citizens have enough money to pay, thus lawyers “cannot make a living there.” Participants explained that attorneys in the area were inaccessible to many in the region due to residents’ limited financial means. They also explained that more free legal assistance was needed because of the socioeconomic status of the majority of residents in the region.

After inquiring about legal needs, existing assets, and what may inform legal matters in the region, we asked participants to offer possible solutions to address them. Many focus group participants recommended increasing community awareness on how and where to access legal resources through the use of one-stop shops, educational campaigns, and self-help centers. Additionally, they recommended simplification of legal jargon, better use of media as an outreach tool, and collaboration with community leaders such as the church.

Because culture is so influential in how members view and utilize legal services, participants recommended having more culturally competent awareness programs. This included tailoring methods in which the different regions and demographics access information such as radio, television, and social media. They further suggested that it was important to provide the information through bilingual services and using culturally-sensitive language. Members of some groups also mentioned having a law school in the Rio Grande Valley. Participants referred to law schools as important generators of more specialized attorneys to deal with high demand issues such as immigration. They also referenced the use of legal clinics and law students as instruments in providing more free and affordable legal assistance.

The need for increased higher educational opportunities was widely expressed, yet the idea of a law school was not well-received by all. Free legal aid providers raised the need for increased funding for free or affordable programs, particularly for those that are already established in the region, rather than funneling money into developing new programs. Furthermore, participants brought up increasing the accessibility of resources by means of improving public transportation, having lawyers available either outside of normal work hours or by phone and improving court calendaring.

**TABLE 20: SOLUTIONS OFFERED BY FOCUS GROUPS**

<b>Solutions and Focus Group Identifier</b>												
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>I</b>	<b>J</b>	<b>K</b>	<b>L</b>
Increase Affordability	X		X			X	X	X	X	X		X
Provide More					X					X		X

Education Opportunities												
Law School in Area			X	X	X			X			X	
Increase Awareness of Legal Resources	X	X	X	X	X	X	X	X		X	X	X
Increase Cultural Competency	X	X	X	X		X	X	X		X		X
Increase Resource Accessibility					X		X					X

Table 20 offers helpful information offered by the focus groups that can help attorneys and other providers of legal information and services, better understand what individuals living in the Rio Grande Valley want and need.

### B. Regional Law School

The conversations that led to the development of this research project revealed a history of advocacy efforts that have attempted to establish a law school in the Rio Grande Valley. Specifically, the rise and fall of the Reynaldo G. Garza School of Law, which operated (unaccredited) from 1984 to 1993 in the Rio Grande Valley.<sup>132</sup>

Those that know the history of the Reynaldo G. Garza School of Law simply call it “the Milagro Law School” (the Miracle Law School).<sup>133</sup> Indeed, it was. The Rio Grande Valley has historically had some of the highest rates of poverty in the entire nation and, as a border region, was often left out of the higher education funding provided by the state of Texas.<sup>134</sup> When the Reynaldo

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132. The Reynaldo G. Garza School of Law was denied accreditation on May 5, 1993. It then petitioned the Texas Legislature to let their students sit for the Texas Bar Exam circumventing the Texas Supreme Court. *See Elder, supra* note 5, at 1.

133. MICHAEL C. DEMOSS, *NEWEST LITTLE LAW SCHOOL IN TEXAS: THE MILAGRO LAW SCHOOL AGAINST THE ODDS* 3 (2015).

134. *See* Richard C. Jones & Albert Kauffman, *Accessibility to Comprehensive Higher Education in Texas*, 31 SOC. SCI. J. 263 (1994); *see also* Matthew J. Ramseyer, *Financing Higher Education in the 1990’s: The Case of the South Texas Border Initiative* (May 2000) (Ph.D. dissertation, University of Texas at Dallas); DEBORAH A. SANTIAGO, *EXCELENCIA IN EDUCATION, ALASS ACCELERATING LATINO STUDENT SUCCESS AT TEXAS BORDER INSTITUTIONS: POSSIBILITIES AND CHALLENGES* (2008); Ortegón, *supra* note 24; Denise Razo, *Historical Overview of Equity in Higher Education: A Case Study of the South Texas Border Initiative* (May 2013) (Ed.D. dissertation, University of Texas at El Paso); Vincent D. Carales & Erin E. Doran, *The Pursuit of Equal Educational Opportunity: A Historical Analysis of the South Texas/Border Initiative*, EDUC. POL’Y 1 (2020).

G. Garza School of Law opened, it was the only professional school in the entire region in South Texas. A medical school program came to the region in 2015 through the University of Texas.<sup>135</sup> The closest law school to the Rio Grande Valley is more than 250 miles away in San Antonio.<sup>136</sup>

The need for such a law school in the Rio Grande Valley was obvious to many in higher education in the 1980s. In 1984, when the Reynaldo G. Garza School of Law first opened, there was one lawyer for every 1,250 people in the four-county area.<sup>137</sup> The need was, and continues to be, critical.

In 2019, Texas State Representative Armando Martinez (D-Weslaco) testified before the Texas House Committee on higher education to make his case to establish a public law school in the Rio Grande Valley of South Texas (House Bill 103).<sup>138</sup> The bill received support in the House, however, the State Senate did not put it up for a vote and the bill stalled.<sup>139</sup> Since at least 2009, Representative Martinez, and a few of his colleagues, have filed bills every legislative session for the approval of a law school in South Texas.<sup>140</sup> Representative Martinez reintroduced the bill once again in 2021 as House Bill 695.<sup>141</sup> These efforts make up part of a longer movement to bring fair and equitable funding for higher education to the South Texas border region that dates back to the late 1960s.

Prior to 1970, access to institutions that offered undergraduate or graduate degrees in the South Texas border region were almost nonexistent.<sup>142</sup> Students from the border region had to travel either to Kingsville or San Antonio.<sup>143</sup> In

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135. *About Us*, UNIV. TEX. HEALTH, RIO GRANDE VALLEY SCH. MED., <https://www.utrgv.edu/school-of-medicine/about/index.htm> (last visited Feb. 28, 2021).

136. See Donaldson, *supra* note 6.

137. See DEMOSS, *supra* note 133, at 10.

138. See H.B. 103, 86th Leg. (Tex. 2019); Donaldson, *supra* note 6.

139. *Id.*

140. See H.B. 91, 81st Leg. Sess. (Tex. 2009); H.B. 50, 82nd Leg. Sess. (Tex. 2011); H.B. 53, 82nd Leg. Sess. (Tex. 2011); H.B. 67, 83rd Leg. Sess. (Tex. 2013); H.B. 363, 83rd Leg. Sess. (Tex. 2013); H.B. 59, 84th Leg. Sess. (Tex. 2015); H.B. 46, 84th Leg. Sess. (Tex. 2015); H.B. 791, 84th Leg. Sess. (Tex. 2015); H.B. 46, 85th Leg. Sess. (Tex. 2017); H.B. 319, 85th Leg. Sess. (Tex. 2017); H.B. 103, 86th Leg. Sess. (Tex. 2019); H.B. 138, 86th Leg. Sess. (Tex. 2019); H.B. 695, 87th Leg. Sess. (Tex. 2021).

141. H.B. 695, 87th Leg. Sess. (Tex. 2021); David A. Díaz, *Proposed Rio Grande Valley School of Law, Supported in 2019 by Likely Speaker of the House Phelan, Reintroduced by Rep. Armando Martínez for Action During 2021, Says Attorney Omar Ochoa*, TITANS OF TEX. LEGIS. (Jan. 2, 2021), <https://edinburgpolitics.com/2021/01/02/proposed-rgv-school-of-law-supported/>.

142. Ortegón, *supra* note 24, at 13–16.

143. See *Our History*, TEX. A&M UNIV., <https://www.tamuk.edu/about/index.html> (last visited March 18, 2022) (explaining that what is now Texas A&M University, Kingsville opened in 1925). See also *History of UTSA*, UNIV. OF TEX. AT SAN ANTONIO, <https://www.utsa.edu/commencement/traditions/history.html#:~:text=Founded%20by%20the%2061st%20Texas,UTSA%20celebrated%20its%2050th%20anniversary> (last visited Mar. 18, 2022) (explaining that it opened its doors in 1973). See also, Kauffman, *supra* note 23 at 459–62 (explaining that it was not until 1965 that Pan American College in Edinburg, Texas, became a

1968, a group of twenty-seven representatives from Laredo, Texas, made the trip to Austin to meet with members of the Texas Higher Education Coordinating Board (established in 1965) to make a case for the development of higher education institutions in Laredo and along the Texas-Mexico border.<sup>144</sup> Tasked with overseeing higher education in Texas and making recommendations to the governor and the legislature, the Texas Higher Education Coordinating Board had a tremendous amount of power.<sup>145</sup> Yet, the Board was often not reflective of the diversity across the state, especially when it came to representation from the border region. From 1965 to 2013, the Coordinating Board had seventy-one representatives on their board, and only five of those serving in this nearly fifty-year period were from the border region.<sup>146</sup>

The calls for equity in higher education funding would not come to fruition until the late 1980s when students from the struggling Reynaldo G. Garza School of Law in Edinburg, Texas, joined a class action lawsuit against the state of Texas.<sup>147</sup> Filed in December 1987 on behalf of the League of United Latin American Citizens (“LULAC”), the American G.I. Forum, the Hispanic Law Student Association of the Reynaldo G. Garza School of Law, and other organizations and individuals,<sup>148</sup> the Mexican American Legal Defense and Education Fund (“MALDEF”) argued that the state of Texas discriminated against Mexican Americans—especially those living in South Texas—and denied them equal access to higher education resources.<sup>149</sup> The result left South Texas residents with no choice but to attend poorly-funded schools that did not offer graduate or professional programs.

The timing of the lawsuit could not have been better. In 1990, the South Texas border region was “larger than 24 individual states, ha[d] more population than 34 states, and offer[ed] only 1 doctoral program per million residents.”<sup>150</sup> In 1987, the average student in Texas would have to travel forty-five miles to reach a public university that offered graduate degrees.

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public university and not until 1971 that San Antonio got a four-year university that was part of the University of Texas). Pan American College became part of the University of Texas system in 1989.

144. Ortegón, *supra* note 24, at 14.

145. *Id.* at 31.

146. *Id.* at 32.

147. The case was originally filed as League of United Latin Am. Citizens (LULAC) v. Clements, No. 12-87-5242-A (Cameron Cty. Dist. Ct. 107th Jud. Dist. Ct., Dec. 1987) and was later renamed Richards v. LULAC, 863 S.W.2d 449 (Tex. 1993). See Kauffman, *supra* note 23, at n.2.

148. Other organizations of the class action lawsuit included Texas Association of Chicanos in Higher Education, Latino student organizations from UT Law School, University of Houston School of Law, Texas Southern University School of Law, Texas Tech School of Law, University of Texas San Antonio, and fifteen individual Latino students. Kauffman, *supra* note 23, at 1, n.2.

149. *Presentation on South Texas Border Initiatives: Before the House Border and International Affairs Committee*, 78th Leg. Sess. (Tex. 2003) (presentation of Teri Flack, Deputy Commissioner, Texas Higher Education Coordinating Board).

150. Stephen Cavazos, *Lawsuit Seeks More Doctoral Degrees for South Texas*, PAISANO, Feb. 18, 1992.

Conversely, a student from the South Texas border had to travel more than 225 miles to reach a similar public institution.<sup>151</sup> At the time the lawsuit was filed, the region made up 20% of the state's population and only received 10% of the state's appropriations for higher education.<sup>152</sup> Of the 590 doctoral programs offered by Texas public universities, only three were available to students on the U.S.-Mexico border.<sup>153</sup>

In November 1991, after eight weeks of testimony, the jury found that the Texas Legislature had failed to establish public institutions of higher education along the border but not that the defendants were not guilty of discrimination on the basis of race or ethnicity.<sup>154</sup> On January 20, 1992, the judge dismissed the jury's ruling and issued his own ruling prohibiting the state from funding higher education until the state enacted "a constitutionally sufficient plan for funding the public universities."<sup>155</sup> He then "stayed" his injunction until May 1, 1993, to give the state legislature time to enact such a plan.<sup>156</sup>

The state appealed the district court ruling in *LULAC v. Richards*, and the case was directed to the Texas Supreme Court. The court ruled that the evidence presented did not prove discrimination against Mexican Americans in the border region.<sup>157</sup> In addition, the court ruled that higher education in Texas was not a "fundamental right" under the Texas Constitution.<sup>158</sup> It recognized K-12 education as being a fundamental right, but access to higher education was another matter altogether.<sup>159</sup> Regardless, the case became instrumental in launching the South Texas Border Initiative ("STBI") in 1989.<sup>160</sup> As *LULAC v. Richards* made its way through the courts, state legislators developed the STBI in 1989 (71st Texas Legislature) to help address systemic inequalities in higher education along the South Texas border that were raised by the lawsuit.<sup>161</sup> The STBI was made up of a committee of state senators and representatives whose mission was "to enhance the scope and quality of higher education institutions and programs along the Texas-Mexico border."<sup>162</sup>

151. Ortegón, *supra* note 24, at 65.

152. Katherine S. Mangan, *Texas Jury Faults State on Equal Access to Top Universities*, CHRON. HIGHER EDUC., Nov. 27, 1991, at A25.

153. Ortegón, *supra* note 24, at 65.

154. Kauffman, *supra* note 23 at 480–84. *See also*, RICHARD R. VALENCIA, CHICANO STUDENTS AND THE COURTS: THE MEXICAN AMERICAN LEGAL STRUGGLE FOR EDUCATIONAL EQUALITY 258–59 (Richard Delgado & Jean Stefancic eds., 2008).

155. Kauffman, *supra* note 23, at 483–84; VALENCIA, *supra* note 155, at 259–60.

156. *Richards v. League of United Latin Am. Citizens (LULAC)*, 868 S.W.2d 306, 309 (Tex. 1993); *Richards v. League of United Latin Am. Citizens (LULAC)*, 863 S.W.2d 449 (Tex. 1993); Kauffman, *supra* note 23, at 478, fn. 89; VALENCIA, *supra* note 155, at 260.

157. *See also* Ortegón, *supra* note 24, at 69.

158. *Id.* at 11.

159. *Id.*; Carales & Doran, *supra* note 134, at 21.

160. Ortegón, *supra* note 24, at 11.

161. *Id.* at 44

162. *Presentation on South Texas Border Initiatives: Before the House Border and International Affairs Committee*, *supra* note 150.

From 1990 to 2003, STBI fundamentally transformed higher education in South Texas with more than 880 million dollars for higher education projects, buildings, and programs.<sup>163</sup> These funds supported the development and expansion of programs and degrees at the University of Texas at Brownsville, the University of Texas at El Paso, the University of Texas–Pan American (in Edinburg), the University of Texas at San Antonio, Texas A&M International University (in Laredo), Texas A&M University–Corpus Christi, Texas A&M University–Kingsville, Sul Ross State University, and the University of Texas Health Science Center in San Antonio.<sup>164</sup> In 2015, the University of Texas at Brownsville and the University of Texas–Pan American merged to form the University of Texas Rio Grande Valley (“UTRGV”), which included a new school of medicine.<sup>165</sup> Today, there are three institutions of higher education in the Rio Grande Valley that offer bachelor degrees.<sup>166</sup> Only UTRGV offers doctoral programs—none of them in law.<sup>167</sup>

This history provides a critical backdrop to understand the efforts of those who organized and sought accreditation for the Reynaldo G. Garza School of Law. At the height of the law school’s success in the mid-1980s, the school had over 200 students enrolled, a law library valued at over two million dollars (donated by the Mobil Oil Company), administrative staff, seven full-time faculty, and a dean.<sup>168</sup> The nine individuals involved in the movement to have an accredited law school in the Rio Grande Valley talk about its existence as critical to providing greater economic opportunity and financial stability in the region. Additional key findings from the interviews conducted to date tell us that the Mexican Americans who attended the Reynaldo G. Garza School of Law were all first-generation college students. Although all those interviewed came from low socioeconomic backgrounds and most grew up as migrant farmworkers, they were all part of a post-civil rights generation of Mexican Americans who started attending college in large numbers in the late 1970s.

The Reynaldo G. Garza School of Law also opened up new possibilities for Mexican American women to attend law school. For the women interviewed, and many of their peers, attending law school outside of the Rio

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163. Ortegón, *supra* note 24, at 12

164. *Id.* at 11.

165. Matthew Adams, *System Opens UT-Rio Grande Valley Campus*, DAILY TEXAN (Sept. 1, 2015), <https://thedailytexan.com/2015/09/01/system-opens-ut-rio-grande-valley-campus/>

166. For degrees at South Texas College, see *South Texas College Bachelor’s Degrees*, S. TEX. COLL., <https://bachelors.southtexascollege.edu/index.html> (last visited Mar. 17, 2022). For degrees offered at the Texas A&M University Center at McAllen, see *Undergraduate Degrees*, TEX. A&M UNIV., <https://mcallen.tamu.edu/Academics#ug-deg> (last visited Mar. 17, 2022). For degrees at UTRGV, see *Innovative Learning for Successful Careers*, UNIV. OF TEX. AT RIO GRANDE VALLEY, <https://www.utrgv.edu/en-us/academics/index.htm> (last visited Mar. 17, 2022).

167. UTRGV offers Ph.D. programs in Business Administration, Clinical Psychology, Human Genetics, Mathematics and Statistics, Physics, and Rehabilitation Counseling. *Graduate College*, UNIV. OF TEX. AT RIO GRANDE VALLEY, <https://www.utrgv.edu/graduate/for-future-students/graduate-programs/index.htm> (last visited Mar. 17, 2022).

168. DEMOSS, *supra* note 133, at 31.

Grande Valley was simply not an option due to cultural norms. “I’m the oldest in the family[,] [m]y parents [were] very conservative,” Garza student Dalinda Garcia remembered, and “[t]here was no way that my parents were going to let me go out of the valley to study, no way.”<sup>169</sup> For another Garza student, Anna De Leon, the decision to stay in South Texas was driven more by the racism she experienced during a visit to the campus of the University of Texas at Austin. As a junior in high school, Anna remembered, “one of the counselors . . . took a couple of us up there to UT, I think it was about 10 of us,” and when “we were walking into the cafeteria [at UT], there was a group of students sitting there, and *pos* [we all] walked in together, and they started laughing at us, and they said, you know, in a loud voice, . . . ‘ohhh, look at all those Mexicans walking in . . .’ [it] was horrible . . .”<sup>170</sup> As a Garza law school student, Anna would go on to organize the Hispanic Law Student Association, one of the central groups that led the movement to get accreditation for the Garza School of Law.

All of the former students who studied at the Reynaldo G. Garza School of Law indicated they understood the risks they were taking by attending an unaccredited law school. They were aware that they might never have the opportunity to take the bar exam yet they enrolled regardless. That small sliver of hope was enough for many people to sacrifice their time and resources. Even though most Garza students were children in the heyday of the Chicano movement of the late 1960s, they cited the era as providing the inspiration needed to fight for their right to take the bar exam. “We made big sacrifices,” commented Dalinda Garcia, “but we all had a fighting spirit . . . we never quit.”<sup>171</sup>

They took their fight to the Texas Supreme Court as they fought for accreditation and the right to sit for the bar exam.<sup>172</sup> Students, many of whom worked full-time jobs and took their law classes in the evenings became their own advocates as they sought accreditation. In 1987, the students visited the offices of their legislators and left each of them bottles of ketchup with the message that it was time that the Rio Grande Valley “catch-up” to the rest of the state.<sup>173</sup> “We were pests,” Garza student Diana Rivera remembered, as they visited the offices of legislators and refused to take no for an answer.<sup>174</sup> However, time was not on their side. With the dismal prospects for accreditation, and graduation looming in 1988 for the first and second classes of the law school (who would have started classes in 1984), it was clear that a

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169. Telephone interview with Dalinda Garcia (June 30, 2020).

170. Telephone interview with Anna De Leon (June 23, 2020). “Pos” is colloquial for pues, which in Spanish means “well.”

171. Interview with Dalinda Garcia, *supra* note 170.

172. Barbara Belejck, *Law School Feels Luck Changing*, BROWNSVILLE HERALD, Feb. 7, 1988.

173. *Id.*

174. *Id.*

waiver granting permission to sit for the bar, something only the Texas Supreme Court could grant, was their only option.<sup>175</sup>

On January 25, 1988, four Texas Supreme Court justices visited the law school and shortly thereafter determined the students graduating from the Garza school in 1988 and 1989 would have a two-year window to sit for the bar exam.<sup>176</sup> Fourteen students signed up for the bar exam in July 1988 (shortly after their May graduation) with more to follow in the coming months after the second class graduated in December 1988.<sup>177</sup> As students prepared to take the bar exam, they were also plaintiffs in a large lawsuit filed by MALDEF that alleged discriminatory practices in how the state of Texas funded higher education in South Texas.<sup>178</sup> That case would change higher education in Texas.

The oral histories make clear the tremendous sacrifice that students made to study law. They worked full-time jobs during the day (as teachers or healthcare workers) and attended class in the evenings. On the weekends, they sacrificed time away from family to study and prepare for class the following week. They sat in hot classrooms with no air conditioning in a region that averages temperatures of eighty-five degrees Fahrenheit for at least seven months of the year. The interviews revealed that these students worried about possibly having to relocate classrooms quite frequently. The work and pace of it all took a toll on them, but with the support of their family and classmates, most completed the program of study. The Reynaldo G. Garza School of Law closed in the early 1990s, but its legacy lives through forty-one of the attorneys listed as graduates of the school on the Texas State Bar website.<sup>179</sup>

## V. ANALYSIS, RECOMMENDATIONS & CONCLUDING INSIGHTS

Understanding the legal needs of any community requires engagement of multiple key stakeholders and informants through a variety of methodologies. These assessments are difficult to fund and are time-consuming to implement. Still, they are important to undertake when developing legal intervention programs. Key stakeholders such as judges, elected officials, business leaders, and directors of legal services programs are inevitably consulted when new programs are developed in a community. However, it is necessary to also

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175. See Joel Williams, *Justice: Students Will Take Bar Exam*, VALLEY MORNING STAR (Texas), Feb. 8, 1988, at A10. Texas law requires that students graduate from a law school accredited by the American Bar Association to be allowed to take the state bar exam. The Texas Supreme Court, however, has the power to waive that accreditation requirement. *Id.*

176. *Id.* The justices that visited the law school included: Justice William Kilgarlin, Justice C.L. Ray, Justice Ted Robertson, and Justice Raul Gonzalez (a native of the Rio Grande Valley and the first Latino to serve on the Texas Supreme Court). *Id.*

177. Victor J. Garcia, *14 Garza Law Students Make History*, MONITOR, May 29, 1988.

178. John Stolarek, *Law Students Lauded, Urged to Back Suit*, VALLEY MORNING STAR, Apr. 25, 1988, at A2; *State is Target of Discrimination Lawsuit*, MONITOR, Dec. 2, 1987, at 1, 12A.

179. *Attorneys Graduates Reynaldo G. Garza School of Law*, US L. DIRECTORY, <https://uslawdir.com/lawschools/reynaldo-g-garza-school-of-law> (last visited Dec. 28, 2020).

engage a larger community perspective to be responsive to the users of these services. Individuals we communicated with before engaging with community members pointed to needs that were definitely echoed by community respondents through surveys and focus groups. Each stakeholder had institutional or financial interests that were important to consider, but most of these individuals were well-positioned in terms of their financial means and professional networks, to find legal services when needed. We sought to get a more complete view of community needs from residents that were more representative of the average legal services consumer.

The survey and focus group responses revealed that individuals in the Rio Grande Valley do not believe more lawyers is necessarily the answer to their legal needs. Consistently, the majority of responses in focus groups and surveys was that there were sufficient lawyers. Focus group conversations revealed that the region was saturated with billboards and other advertisements for personal injury lawyers. We found that part of the proliferation of personal injury lawyers was tied to a devastating 1989 school bus crash in Hidalgo County that resulted in the deaths of twenty-one schoolchildren.<sup>180</sup> The school bus crash brought a significant amount of personal injury attorneys to the region, where corporate compensation to victims and families amounted to over 148 million dollars.<sup>181</sup> Many still identify the area as having significant amount of personal injury lawsuits and noticeable representation from the personal injury bar.<sup>182</sup>

Focus group conversations also shed light into some of the responses that discussed the role that government plays in facilitating legal services. The data collected indicates that government offices are viewed as a common resource for assistance with legal issues. At the same time, when asked what were the biggest unmet legal needs in the Rio Grande Valley, issues with government officials/law enforcement and numbers of lawyers were amongst the most common responses. Government appears as a key player that is associated with legal services; however, group conversations revealed a lack of confidence in some of the government personnel. In addition to concerns centered around policing of immigrant families, perceptions that family relationships, money, and political connections played a significant role in obtaining a favorable outcome on a legal matter prevailed.

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180. See generally JUAN P. CARMONA, *THE ALTON BUS CRASH* (2019).

181. See KRGV, *KRGV Special Report: Alton Bus Anniversary Crash – Part 3*, YOUTUBE (Sept. 22, 2016), <https://www.youtube.com/watch?v=6A6VVRVPTac>.

182. Corporate big rig drivers frequently drive through the area, and when there are accidents, the companies are solvent and able to pay damages. According to one source the area is known by insurance companies as “judicial hellhole.” See Josh Skurnik, *Texas-Sized Business: Critics, Lawyers Discuss Controversy Behind Personal-Injury Attorneys*, KSAT SAN ANTONIO (Sept. 20, 2016, 10:45 PM), <https://www.ksat.com/news/2016/09/21/texas-sized-business-critics-lawyers-discuss-controversy-behind-personal-injury-attorneys/>; see also Milan Korcok, *Medicolegal Hell in Texas*, 153 CANADIAN MED. ASSOC. J. 963, 965 (1995); Mark Reagan, *Lawyer’s Arrest Highlights Ongoing ‘Ambulance Chasing’ Problem*, MONITOR, Sept. 2, 2019, at A3.

It is also clear that the location on the U.S.-Mexico border impacts the way that law and legal issues are experienced. Immigration was a recurring conversation piece that appeared throughout our survey. Immigration was discussed not only as a legal need, but also as influencing whether and how individuals deal with legal issues. One aspect of addressing legal issues was language barriers and fear that handling a legal matter will result in the detention or deportation of a family member was also raised as a reason someone may not seek legal assistance.

Answers to survey questions and their further interpretation by our focus groups conveyed that one of the most important aspects of obtaining legal services in this community is affordability. Focus group conversations revealed that attorneys that offer contingency-based agreements for personal injury work are plentiful, that legal aid organizations are at capacity in terms of who they can serve, and there is little evidence that models that promote affordable legal services exist unless they are provided by notarios or tax preparers.<sup>183</sup> Since a large portion of the population in this region is experiencing poverty or have modest incomes, they need additional options that allow them to access legal services for a fraction of what is now provided.

Many additional insights on legal needs in the Rio Grande Valley residents were gathered through the online survey, focus groups, and oral history interviews. The most pressing themes to arise out of the data include the following:

***Immigration, family, and property law are major needs in the area.*** Respondents commonly identified these as areas of need. Diverse specialization was a general concern, particularly as it relates to immigration and property transfer matters. The need for free and more accessibly priced attorneys was also apparent, particularly for legal problems related to immigration status, family law, and a variety of property issues, including estate planning. Some respondents stated that the area had sufficient attorneys, yet further probing uncovered that the impression of attorney saturation was specific to personal injury representation. Far-and-away, the most common legal needs noted by respondents included issues of family law, such as divorce and custody. Many agencies are prepared to assist with protective order paperwork but lack the personnel or expertise to pursue most family law matters.

***More affordable and accessible legal services necessary.*** There was an overwhelming sense that there are plenty of attorneys in the region—just not enough that offer affordable or accessible services. This perception was communicated primarily as a need for more free and affordable legal services that responded to the ability of individuals in the region to pay.

***Services must be responsive to unique regional context.*** The importance of service and outreach tailored to the local context was emphasized by participants. This may include use of community hubs, language access, and

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183. These conclusions were drawn by the research team based on feedback from focus group discussions.

understanding binational aspects of the region. In more rural parts, like Willacy County, one concern expressed was that the limited number of clients able to pay made it impossible for lawyers to make a living in the area. Many people with low-flexibility jobs have trouble accessing services during work hours. The participants also discussed the importance is understanding local cultural contexts, including reluctance to ask for legal assistance, family networks, and local political networks.

***Social media is a way to distribute information about legal services.***

Many people identified social media as the best form of outreach to inform people of existing legal services. Information about legal rights and responsibilities, access to pro bono lawyers, and other resources to help address legal matters have greater reach if they are posted by community leaders with good reputations and sizeable followings.

***Access to technology and internet complicate delivery of remote services.***

Respondents mentioned the difficulty of accessing information about legal services online. Financial restrictions may prevent people from having necessary technology to download and print documents. Internet access is also difficult for people in rural regions with irregular service or none at all. It is important to consider how to make legal information available through existing community networks and smartphone technology which is much more prevalent in these communities.

***Concerns over immigration status creates a barrier in access to services.***

Concerns about immigration status affect residents in a number of ways. Many households in the area are mixed-immigration status families. Vulnerability due to immigration status enables worker abuse and discourages victims from reporting employers who violate their rights. People with vulnerable immigration status, or who have family members with vulnerable immigration status, distrust authority and are hesitant to seek help from courts, agencies, and even attorneys.

***Acknowledge central role of family networks and church in accessing legal services.*** Like other studies reveal, this study confirmed that trusted individuals, such as friends, family, and church leaders are often the first stop when a legal problem emerges.

***Highlight government transparency as a major legal issue.*** The issue of corruption and lack of government transparency appeared in most of the focus group discussions. Community members and attorneys interviewed discussed the role that family and political connections often play in getting legal matters resolved in local courts and government agencies.

***Exhibit continued interest in legal education opportunities in the region.*** There continues to be interest in having higher education options in the region. Most of the interest seems to call for a part-time law school program that would permit individuals in the region to attend law school as a way to advance in their careers or become lawyers.

***Expand resources to local organizations and community workers.***

Respondents emphasized further supporting local organization and developing culturally and regionally specific outreach efforts rather than bringing in new

organizations from the outside the Rio Grande Valley. Community health workers (promotoras) should be trained in assisting colonias residents in identifying legal needs and helping connect residents to services and explore use of local community centers as hubs for clinics and legal service outreach. Other efforts should include distribution of legal information and resources on popular radio and television shows. Information should include methods for individuals with immigration concerns or families with mixed immigration status to access legal services.

***Determine how local legal education can assist in meeting gaps.*** Most discussions around building a law school were tied to the need for greater educational opportunities in the region. This conversation is important in terms of access and equitable distribution of state dollars. It is important to further analyze on how a law school in the region may help meet gaps in legal needs, including getting a better sense of what the private bar already offers in the region. Since cost is a significant issue in accessing legal services, it will be critical to understand how existing paralegal programs in the region may be further supported to increase the provision of legal services in administrative law areas where trained and certified advocates can provide a more cost-effective option than lawyers.

***Develop online-accessible directories of existing legal services.*** As respondents emphasized, many residents did not know about existing services. Developing a platform that included a regularly updated directory of services or referrals is necessary to maximize knowledge about existing legal services and resources.

***Introduce new models to offer free and affordable legal services.*** Residents in the region discussed paying fees for legal work to notarios and to tax preparation services. Even though these services are not free, individuals perceive them to be more affordable than the rates attorneys in the region charge. There may be opportunities to introduce limited scope representation or other reduced fee models that can address the request for more affordable services.

***Encourage statewide collaboration to deliver legal services.*** Infrastructure, such as internet availability and transportation, are necessary for residents to have access to necessary legal services. Residents also need courts, state agencies, and pro bono offices to develop further innovations specific to rural areas. They should include innovations to maintain a presence in rural, low population areas and hours that are accessible for residents with low flexibility in the work schedules.

## CONCLUSION

We hope the study findings are helpful in outlining common and priority areas of legal needs and services in the Rio Grande Valley. Our shared belief that legal services assessments consider the community's pertinent history and regional context was reaffirmed by this study. What works well in one region of Texas may need to be tweaked in another based on specific community characteristics. We believe that the key findings derived from our study can

help improve the delivery of legal services in the Rio Grande Valley and that the oral history anecdotes help inform future efforts to create law programs in the region. Our efforts will be affirmed if this needs assessment helps to garner support for efforts to address access to law and injustice in the region.

**APPENDIX A**  
**2019 SURVEY QUESTIONS**

1. What county in the Rio Grande valley do you live in?
  - a. Hidalgo
  - b. Willacy
  - c. Starr
  - d. Cameron
  - e. I have never lived in the Rio Grande Valley region in Texas.  
[TERMINATE. NOT ELIGIBLE.]
  
2. To which gender identity do you identify yourself?
  - a. Male
  - b. Female
  - c. Transgender Male
  - d. Transgender Female
  - e. Gender Variant/Nonconforming
  - f. Prefer not to answer
  
3. In which of the following age ranges do you belong?
  - a. 18-34 years
  - b. 35 to 44 years
  - c. 45 to 54 years
  - d. 55-64
  - e. 65 or more years
  
4. What is the highest level of education you have completed?
  - a. 0-8 years, no GED
  - b. 8-12 years, no high school diploma or GED
  - c. High school diploma or completed GED
  - d. Some college, no degree
  - e. Associate's degree (AA, AS)
  - f. Bachelor's degree (BA, BS, AB)
  - g. Advanced or professional degree (MA, JD, PHD, MD, etc.)
  - h. Other \_\_\_\_\_
  
5. Is your total annual household income, from all sources before taxes, over or under \$40,000?
  - a. Over \$40,000
  - b. Under \$40,000
  - c. Don't know
  
6. What is the primary language you speak at home?
  - a. Spanish
  - b. English
  - c. Spanish and English
  - d. Other (please specify) \_\_\_\_\_

7. When people have a legal need in the RGV region, where (that is, which people or organizations) do you think they turn to first? (Choose one response from list below)

Where People Turn To For Legal Help: Selected:

Lawyers

Churches

Health Professionals

Government office

Community Leaders

Friends and Family

Other \_\_\_\_\_

8. In your opinion, what are the 3 types of legal services that are most readily available in the RGV region? \_\_\_\_\_

\_\_\_\_\_ (open-ended)

9. What, in your opinion, are the two biggest unmet legal needs in the RGV region?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Do you think the RGV region has adequate legal services and attorneys available to handle the legal needs of the RGV residents?

a. Yes

b. No

c. Don't know

11. Which types of the following legal services are available in the RGV region? (Please check all that apply)

Legal Services Types: Selected:

Direct services-full representation in litigation

Transactional work or advice (e.g., drafting contracts, wills, tax matters etc.)

Limited advice

Referrals to volunteer or pro bono attorneys

Self-help materials

Advice phone lines

Legal advice clinics

Mobile legal advice clinics

Compensation assistance

None of the above

Other (please specify) \_\_\_\_\_

12. In accessing legal services, what are the biggest barriers faced by people in the RGV region? Select up to three (3) choices from the following list.

Barriers:	Selected:
Immigration status	
Lack of money to access services	
Lack of transportation	
Don't know when/how to access services	
Feel intimidated by the legal system	
Not financially eligible to access legal services	
Lack of time to access services	
Language barriers	
Services are limited	
Have to be at work when services are open	
Lack of child care	
Disability	
Other (please specify)	

\_\_\_\_\_)

13. In your opinion, what would be the most useful ways for residents of RGV to receive self-help materials and information about important legal topics and resources? Select up to three (3) choices from the following list.

Different ways:	Selected:
Informational brochures	
Community workshops or community group sessions	
Informational emails	
Videos posted on the internet	
Social media sites (e.g., Facebook, Twitter)	
Text messages	
Newspaper	
Law library in the community	
Mailed information	
Telephoned information	
Other (Please specify)	

\_\_\_\_\_)

14. What do you think is needed to improve the legal services in the RGV region?

\_\_\_\_\_ (open ended)

15. Do you have any recommendations for other people or organization(s) that we should contact to find out about legal services and legal needs in the RGV region? If you do, please provide the information below.

3 Organization Names	3 Names of People & Email Addresses	
	Name	Email Address

**APPENDIX B**  
**2020 SURVEY QUESTIONS**

1. What county in the Rio Grande valley do you live in?
  - a. Hidalgo
  - b. Willacy
  - c. Starr
  - d. Cameron
  - e. I have never lived in the Rio Grande Valley region in Texas.  
[TERMINATE. NOT ELIGIBLE.]
  
2. Within the last year, have you completed an online survey on legal needs in the Rio Grande Valley?
  - a. Yes
  - b. No
  - c. Unsure
  
3. To which gender identity do you identify yourself?
  - a. Male
  - b. Female
  - c. Transgender Male
  - d. Transgender Female
  - e. Gender Variant/Nonconforming
  - f. Prefer not to answer
  
4. In which of the following age ranges do you belong?
  - f. 18-34 years
  - g. 35 to 44 years
  - h. 45 to 54 years
  - i. 55-64
  - j. 65 or more years
  
5. What is the highest level of education you have completed?
  - a. 0-8 years, no GED
  - b. 8-12 years, no high school diploma or GED
  - c. High school diploma or completed GED
  - d. Some college, no degree
  - e. Associate's degree (AA, AS)
  - f. Bachelor's degree (BA, BS, AB)
  - g. Advanced or professional degree (MA, JD, PHD, MD, etc.)
  - h. Other \_\_\_\_\_
  
6. Is your total annual household income, from all sources before taxes, over or under \$40,000?
  - a. Over \$40,000
  - b. Under \$40,000

c. Don't know

7. What is the primary language you speak at home?
- e. Spanish
  - f. English
  - g. Spanish and English
  - h. Other (please specify) \_\_\_\_\_
8. Do you think the RGV region has adequate legal services and attorneys available to handle the legal needs of the RGV residents during the coronavirus pandemic?
- a. Yes
  - b. No
  - c. Don't know
9. In your opinion, which types of legal services are most readily available in the RGV region during the coronavirus pandemic?
- \_\_\_\_\_
- \_\_\_ (open-ended)
10. What, in your opinion, are the two biggest unmet legal needs in the RGV region during the coronavirus pandemic? \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_(open ended)
11. In accessing legal services during the coronavirus pandemic, what is the biggest barrier faced by people in the RGV region? \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_ (open ended)

**APPENDIX C**  
**FOCUS GROUP QUESTIONS**

1. What brings you here today? (use as ice breaker)
2. In your opinion, what are the top 3 biggest legal issues in the Rio Grande Valley?
  - a. In which areas of legal issues do you see the residents here in Rio Grande Valley struggling (to resolve their legal issues) in Rio Grande Valley?
3. What factors in the history or context of your community might impact these legal needs?
4. When people have a legal need, where (that is, which people or organizations) do people turn to first?
  - a. Lawyers
  - b. Churches
  - c. Health Professionals
  - d. Government office
  - e. Community Leaders
  - f. Friends and Family
  - g. Other \_\_\_\_\_
5. What key barriers/obstacles/challenges might exist for people to adequately address their legal needs in Rio Grande Valley?
  - a. What are some ways to overcome those barriers?
  - b. What type of resources may be necessary to overcome the barriers?
6. Do you think there are enough lawyers in the Rio Grande Valley?
  - a. If not, why not?
7. Please describe the type of legal services that are offered in this region.
  - a. Do any of the services 'specialize' in a particular form of victimization?
  - b. Do any of these services focus on encouraging entrepreneurship or small businesses?
  - c. How would you describe the quality of these legal services?
  - d. What are some of the best or strongest things about the services that are available?
  - e. What are some of the weakest things about the services that are available?

8. What needs to be done to provide adequate legal services in Rio Grande valley?
  - a. What do you think is needed to improve the legal services in this region?
  - b. If there was a donor who wanted to fund a legal services project in the RGV, what should it look like and why?
9. We recognize that often researchers come into community that they are not from to collect information and you never hear back from them. On the contrary, we would like to report back to you. Is there something that you would like to see or do in terms of our research that would be helpful to you or this community?
10. Do you have any recommendations for other people or organization that we should contact to find out about legal services and legal needs in this region?