

STATE OF TEXAS

RESOLUTION

of the

TEXAS JUDICIAL COUNCIL

**Supporting Funding for Civil Legal Aid in Texas**

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the Texas Judicial Council embraces the principles that our nation promises justice for all, not just for those who can afford to pay for it; and

WHEREAS, the most recent U.S. Census reports that more than 5.7 million Texans qualify for civil legal aid; and

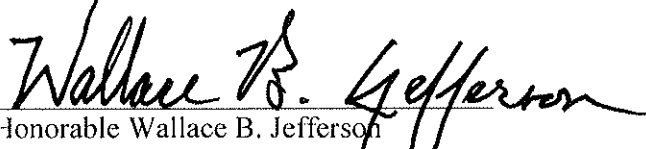
WHEREAS, low-income Texans are often the most vulnerable in our communities, including the elderly, persons with disabilities, veterans, and victims of domestic abuse; and for many disadvantaged Texans access to legal help might be all that stands between them and homelessness, safety, and income to provide food on their table and shelter for their children; and

WHEREAS, the Texas Access to Justice Foundation was created by Supreme Court Order in 1984 to administer the Interest on Lawyers' Trust Accounts (IOLTA) program to fund nonprofit organizations that provide free civil legal aid to low-income Texans; and

WHEREAS, historically low interest rates have dramatically reduced funding for the IOLTA program from \$20.1 million in 2007 to approximately \$4.4 million in 2012, a more than 75 percent loss in funding since 2007; and

WHEREAS, an additional annualized loss of \$6.1 million in federal funding for legal services occurred in 2012 with funding cuts to the Legal Services Corporation;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council supports the Supreme Court of Texas' appropriations request for basic civil legal services funding from the Texas Legislature and supports the Texas Access to Justice Commission and Foundation proposals for additional funding for basic civil legal services.

  
Honorable Wallace B. Jefferson  
Chair, Texas Judicial Council

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**STATE OF TEXAS**  
**RESOLUTION**  
**of the**  
**TEXAS JUDICIAL COUNCIL**  
**Vexatious Litigants**

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the Legislature created Chapter 11 of the Civil Practice and Remedies Code in 1997 to deal with vexatious litigants; and

WHEREAS, the statute's criteria for finding a litigant to be vexatious are unnecessarily complex; and

WHEREAS, the statute provides for two types of vexatious litigant declarations (one requiring security for costs and one requiring prefiling permission) that are often confused; and

WHEREAS, the statute is unclear regarding the applicability of orders, procedures regarding requests for permission to pre-file and the handling of mistaken filings, and the Office of Court Administration's responsibilities regarding maintaining the list of vexatious litigants;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council recommends that the Texas Legislature amend the current vexatious litigant statute to:

- (1) clarify procedures for finding a person to be a vexatious litigant and add a separate legal action to find a person to be a vexatious litigant;
- (2) clarify procedures for requesting permission to file after being declared a vexatious litigant and provide procedures to address mistaken filings;
- (3) clarify the applicability of orders and identify the courts that have the authority to declare persons to be vexatious litigants; and
- (4) clarify the responsibilities of the Office of Court Administration regarding maintaining the list of vexatious litigants.

  
Honorable Wallace B. Jefferson  
Chair, Texas Judicial Council

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