

STATE OF TEXAS
RESOLUTION
of the
TEXAS JUDICIAL COUNCIL

Civil Justice Committee Recommendations

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, in June 2017 the Council formed the Civil Justice Committee to “study the Conference of Chief Justices’ Civil Justice Initiative Recommendations¹ and the landscape of Texas civil justice² and recommend necessary reforms to improve access to civil justice in the Texas Courts;” and

WHEREAS, the Civil Justice Committee has worked in conjunction with an advisory committee, composed of judges, attorneys, clerks, court officials, legal aid providers, advocacy organizations, and business organizations, and has made recommendations for legislative changes; and

WHEREAS, the Civil Justice Committee has found that:

- The vast majority of civil cases are debt collection, landlord/tenant, and other small claims cases involving relatively modest monetary claims;
- For most litigants, the costs of litigating a case through trial would greatly exceed the monetary value of the case;
- The vast majority of civil cases are disposed of without adjudication on the merits;
- Some litigants with meritorious claims and defenses are effectively denied access to justice, because it is beyond their financial means to litigate; others, who have the resources and legal sophistication to do so, are opting for private alternatives to the civil justice system;
- An increasing number of litigants are seeking to represent themselves; and
- While our legal system promises the just, speedy, and inexpensive resolution of civil cases, too often it does not live up to that promise; and

WHEREAS, the Council finds that the landscape of litigation has changed to the degree that change is necessary to preserve the civil justice system; and

¹ <https://www.ncsc.org/~media/Microsites/Files/Civil-Justice/NCSC-CJI-ExecutiveSummary-Web.ashx>

² <http://www.txcourts.gov/media/1438069/tjc-civil-justice-initiative-june-30-2017.pdf>

WHEREAS, the Council believes that the legislative changes will result in meaningful increases in improving access to justice in the Texas courts;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council requests that the Legislature:

1. Ensure that the judiciary is able to attract the best and brightest minds to promote a fair and experienced judiciary by:
 - a. Considering alternatives to the current method of selection of judges by partisan elections;
 - b. Passing a resolution proposing a Constitutional amendment to modify the qualifications of judges to serve as justices/judges as follows:
 - i. Eliminating or increasing the maximum age restrictions as a qualification to serve as a justice/judge and placing greater emphasis on years of experience; or
 - ii. Alternatively:
 1. Raising the age to preside over statutory county courts and statutory probate courts from 25 to 30 years;
 2. Requiring justices of the peace and municipal judges (not a court of record) to be at least 25 years old if the justice/judge is a licensed attorney or 30 years old if the justice/judge is not a licensed attorney; and
 3. Requiring municipal judges (court of record) to have the same qualifications as a district judge.
 - iii. Requiring Justices of the Peace in counties with a population exceeding 500,000 to be licensed attorneys; and
 - iv. Increasing the required number of years of service as a practicing attorney or judge to twelve years to serve as an appellate justice/judge and to eight years for a district judge.
 - c. Increasing judicial compensation to an amount sufficient to “attract the most highly qualified individuals in the state, from a diversity of life and professional experiences, to serve in the judiciary without unreasonable economic hardship and with judicial independence unaffected by financial concerns;”³
2. Examine the structure and jurisdiction of the courts to increase efficiency by:
 - a. Simplifying the trial court structure by establishing consistent jurisdiction among the various trial courts across the state, as follows:
 - i. Increasing the civil jurisdictional floor for district courts from \$200 to \$10,000;
 - ii. Increasing the civil jurisdictional floor for the statutory county courts in Sec. 25.0003, Tex. Govt. Code, from \$200 to \$5,000;

³ Govt. Code, Sec. 35.102(b)

- iii. For counties with increased qualifications for justices of the peace to require being a practicing attorney, increasing the maximum civil jurisdiction of the justice courts from \$10,000 to \$20,000; and
 - b. Simplifying the court of appeals' structure in an effort to improve jurisprudence and reduce the need for transfer among the courts of appeals;
3. Clarify the unauthorized practice of law and barratry statutes to differentiate between providing legal information and legal advice and to authorize legal assistance software applications that provide legal information; and
4. Increase the funding for civil legal aid services throughout the state.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council