

STATE OF TEXAS

RESOLUTION

of the

TEXAS JUDICIAL COUNCIL

Public Trust and Confidence Committee Improving Access to Courts Recommendation

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 Public Trust and Confidence Committee is charged with studying ways to improve access to courts and recommending any necessary reforms; and

WHEREAS, the right to counsel attaches in criminal, juvenile delinquency, and child-welfare cases (Family Protection Representation); and

WHEREAS, though indigent individuals are afforded this right, there are significantly fewer lawyers providing representation to indigent defendants and juveniles than in recent years and the remaining attorneys are older, nearing retirement, and carrying an excessive number of cases; and

WHEREAS, in recent years, the average percentage of indigent criminal cases in Texas have increased, yet from 2014 to 2022, the number of rural Texas attorneys accepting appointments in criminal cases fell by 27%, from 1,926 to 1,406 attorneys; and

WHEREAS, without focusing on recruiting and creating pipeline programs for newer indigent defense attorneys, counties will be faced with growing counsel shortages and constitutional challenges; and

WHEREAS, this issue is most acute in rural counties; and

WHEREAS, a loan repayment program for public defenders and private attorneys serving indigent clients facing criminal, juvenile delinquency charges, or representing children or parents in child welfare cases will help recruit more attorneys, as the average law school graduate owes \$160,000; and

WHEREAS, Texas courts are charged with serving the State's vast area, populated by almost 31 million Texans, ranging from densely populated mega-urban areas to rural counties; and

WHEREAS, transportation to the courthouse can be a significant challenge for indigent litigants; and

WHEREAS, the impacts of these transportation barriers are not limited to individual litigants, because when a party does not appear for a hearing, or is delayed arriving, it requires the other parties, their attorneys, and the court to wait or reschedule matters, not only affecting that day's docket, but keeping matters pending longer than necessary for the administration of justice;

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

1. Establish a loan repayment program(s) for public defenders and private attorneys serving indigent clients facing criminal, juvenile delinquency charges, or representing children or parents in child welfare cases, similar to the Physicians Educational Loan Repayment Program; and
2. Pass legislation to encourage counties to provide transportation for indigent litigants to attend courts and establish grant programs to assist fiscally challenged counties with the cost of a court transportation assistance program.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council