

Table of Contents

| | <u>Pages</u> |
|--|--------------|
| State Bar of Texas, Board of Directors Approval of Resolution of the Legal Services to the Poor in Civil Matters Committee Proposing Amendments to Sanctions Rules | 0001 |
| Proposed Amendments to Tex. R. Civ. P. 191.3(e), 215.2(b)(2) | 0002 |
| Other options for amendments to Tex. R. Civ. P. 191.3(e), 215.2(b)(2) | 0003-0004 |
| Current Tex. R. Civ. P. 13, 191.3, 215.2, 215.3 | 0005-0009 |
| Tex. Civ. Prac. & Rem. Code, Ch. 10 | 0010-0012 |
| Examples of large sanctions awards | 0013-0014 |
| Texas Supreme Rulemaking authority | |
| Tex. Gov't Code §22.004 | 0015 |
| Tex. Const. art. V, § 31 | 0016 |
| Tex. Loc. Gov't Code provisions | 0017 |
| Types of Sanctions – American Bar Association, Section of Litigation, Standards and Guidelines for Practice Under Rule 11 of the Federal Rules of Civil Procedure §L(2), 121 F.R.D. 101 (1988) | 0018 |



**APPROVED BY THE STATE BAR BOARD OF DIRECTORS
APRIL 17, 2009**

**RESOLUTION OF THE STATE BAR OF TEXAS
LEGAL SERVICES TO THE POOR IN CIVIL MATTERS STANDING COMMITTEE**

WHEREAS, the Legal Services to the Poor in Civil Matters Standing Committee's purpose is to concern itself with the delivery of legal services to persons who are unable to afford counsel to represent themselves in civil matters; and

WHEREAS, declining interest rates have drastically depleted revenue from interest on lawyers' trust accounts (IOLTA), which is a major source of funding for civil legal services in Texas, and that loss has created a funding crisis for civil legal services to the poor, and

WHEREAS, the courts currently have broad authority under the Texas Rules of Civil Procedure and the Texas Civil Practice & Remedies Code to impose monetary sanctions related to discovery abuse and frivolous pleadings, and

WHEREAS, Rules 13, 191.3, and 215 of the Texas Rules of Civil Procedure collectively address both discovery sanctions and frivolous-pleading sanctions, with Rule 13 incorporating Rule 215 sanctions, and

WHEREAS, Rules 191.3 and 215 may be amended to specifically mention a monetary sanctions option permitting an award to be paid into "the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to the indigent," and

WHEREAS, such amendment could produce significant awards in some cases that would benefit the provision of legal services to the poor, and

WHEREAS, the above-quoted language already appears in the Texas Government Code's pro hac vice fee provision, Section 82.0361,

THEREFORE BE IT RESOLVED that the Legal Services to the Poor in Civil Matters Standing Committee respectfully requests that the Supreme Court of Texas and the Court's Advisory Committee consider amending Rules 191.3 and 215 of the Texas Rules of Civil Procedure to specify a new option for monetary sanctions permitting an award to be paid into "the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to the indigent" or some similar option that would benefit the provision of civil legal services for the poor in Texas.

Rule 191.3(e): “*Sanctions*. If the certification is false without substantial justification, the court may, upon motion or its own initiative, impose upon the person who made the certification, or the party on whose behalf the request, notice, response, or objection was made, or both, an appropriate sanction as for a frivolous pleading or motion under Chapter 10 of the Civil Practice and Remedies Code, or impose a monetary sanction to be paid into the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to the indigent.”

Rule 215.2(b)(2): “. . . an order charging all or any portion of the expenses of discovery or taxable court costs or both against the disobedient party or the attorney advising him, or requiring such party or attorney to pay a monetary sanction into the basic civil legal services account of the judicial fund for use in programs approved by the supreme court that provide basic civil legal services to the indigent . . .”¹

¹ Note that arguably Rule 215.2(b) already permits such a monetary award directed to legal services. In the instances specified in that introductory paragraph, that provision broadly authorizes “such orders in regard to the failure as are just, and among others the following . . .” We have suggested adding the proposed language to Rule 215.2(b)(2) for two reasons: (1) to make clear and explicit the legal-services sanctions option; and (2) to permit that option under Rule 215.3, which addresses discovery abuse sanctions in broader terms and which cross-references several of the sanctions options under the subdivisions of Rule 215.2(b) but does not refer to that introductory paragraph of Rule 215.2(b).

Rule 191.3(e): "*Sanctions*. If the certification is false without substantial justification, the court may, upon motion or its own initiative, impose upon the person who made the certification, or the party on whose behalf the request, notice, response, or objection was made, or both, an appropriate sanction as for a frivolous pleading or motion under Chapter 10 of the Civil Practice and Remedies Code, or a sanction to pay a monetary sum to a nonprofit provider of legal services to the poor in civil matters."

Rule 191.3(e): "*Sanctions*. If the certification is false without substantial justification, the court may, upon motion or its own initiative, impose upon the person who made the certification, or the party on whose behalf the request, notice, response, or objection was made, or both, an appropriate sanction as for a frivolous pleading or motion under Chapter 10 of the Civil Practice and Remedies Code, or a sanction to pay a monetary sum to a nonprofit entity selected by the trial court from a list compiled by the State Bar of Texas of providers of legal services to the poor in civil matters."

Rule 191.3(e): "*Sanctions*. If the certification is false without substantial justification, the court may, upon motion or its own initiative, impose upon the person who made the certification, or the party on whose behalf the request, notice, response, or objection was made, or both, an appropriate sanction as for a frivolous pleading or motion under Chapter 10 of the Civil Practice and Remedies Code, or a sanction to pay a monetary sum to the State Bar of Texas for use in providing legal services to the poor in civil matters."

Rule 215.2(b)(2): “. . . an order charging all or any portion of the expenses of discovery or taxable court costs or both against the disobedient party or the attorney advising him, or requiring such party or attorney to pay a monetary sum to a nonprofit provider of legal services to the poor in civil matters.”

Rule 215.2(b)(2): “. . . an order charging all or any portion of the expenses of discovery or taxable court costs or both against the disobedient party or the attorney advising him, or requiring such party or attorney to pay a monetary sum to a nonprofit entity selected by the trial court from a list compiled by the State Bar of Texas of providers of legal services to the poor in civil matters.”

Rule 215.2(b)(2): “. . . an order charging all or any portion of the expenses of discovery or taxable court costs or both against the disobedient party or the attorney advising him, or requiring such party or attorney to pay a monetary sum to the State Bar of Texas for use in providing legal services to the poor in civil matters.”

TEX. R. CIV. P. 13. EFFECT OF SIGNING PLEADINGS, MOTIONS AND OTHER PAPERS; SANCTIONS

The signatures of attorneys or parties constitute a certificate by them that they have read the pleading, motion, or other paper; that to the best of their knowledge, information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment. Attorneys or parties who shall bring a fictitious suit as an experiment to get an opinion of the court, or who shall file any fictitious pleading in a cause for such a purpose, or shall make statements in pleading which they know to be groundless and false, for the purpose of securing a delay of the trial of the cause, shall be held guilty of a contempt. If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, after notice and hearing, shall impose an appropriate sanction available under Rule 215-2b, upon the person who signed it, a represented party, or both. Courts shall presume that pleadings, motions, and other papers are filed in good faith. No sanctions under this rule may be imposed except for good cause, the particulars of which must be stated in the sanction order. "Groundless" for purposes of this rule means no basis in law or fact and not warranted by good faith argument for the extension, modification, or reversal of existing law. A general denial does not constitute a violation of this rule. The amount requested for damages does not constitute a violation of this rule.

Rule 191.3. Signing of Disclosures, Discovery Requests, Notices, Responses, and Objections.

(a) *Signature Required.* Every disclosure, discovery request, notice, response, and objection must be signed:

(1) by an attorney, if the party is represented by an attorney, and must show the attorney's State Bar of Texas identification number, address, telephone number, and fax number, if any; or

(2) by the party, if the party is not represented by an attorney, and must show the party's address, telephone number, and fax number, if any.

(b) *Effect of Signature on Disclosure.* The signature of an attorney or party on a disclosure constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the disclosure is complete and correct as of the time it is made.

(c) *Effect of Signature on Discovery Request, Notice, Response, or Objection.* The signature of an attorney or party on a discovery request, notice, response, or objection constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the request, notice, response, or objection:

(1) is consistent with the rules of civil procedure and these discovery rules and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law;

(2) has a good faith factual basis;

(3) is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and

(4) is not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

(d) *Effect of Failure to Sign.* If a request, notice, response, or objection is not signed, it must be stricken unless it is signed promptly after the omission is called to the attention of the party making the request, notice, response, or objection. A party is not required to take any action with respect to a request or notice that is not signed.

(e) *Sanctions.* If the certification is false without substantial justification, the court may, upon motion or its own initiative, impose on the person who made the certification, or the party on whose behalf the request, notice, response, or objection was made, or both, an appropriate sanction as for a frivolous pleading or motion under Chapter 10 of the Civil Practice and Remedies Code.

CREDIT(S)

Added Aug. 5, 1998, and amended Nov. 9, 1998, eff. Jan. 1, 1999.

Rule 215.2. Failure to Comply with Order or with Discovery Request

(a) *Sanctions by Court in District Where Deposition is Taken.* If a deponent fails to appear or to be sworn or to answer a question after being directed to do so by a district court in the district in which the deposition is being taken, the failure may be considered a contempt of that court.

(b) *Sanctions by Court in Which Action is Pending.* If a party or an officer, director, or managing agent of a party or a person designated under Rules 199.2(b)(1) or 200.1(b) to testify on behalf of a party fails to comply with proper discovery requests or to obey an order to provide or permit discovery, including an order made under Rules 204 [FN1] or 215.1, the court in which the action is pending may, after notice and hearing, make such orders in regard to the failure as are just, and among others the following:

- (1) an order disallowing any further discovery of any kind or of a particular kind by the disobedient party;
- (2) an order charging all or any portion of the expenses of discovery or taxable court costs or both against the disobedient party or the attorney advising him;
- (3) an order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;
- (4) an order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;
- (5) an order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing with or without prejudice the action or proceedings or any part thereof, or rendering a judgment by default against the disobedient party;
- (6) in lieu of any of the foregoing orders or in addition thereto, an order treating as a contempt of court the failure to obey any orders except an order to submit to a physical or mental examination;
- (7) when a party has failed to comply with an order under Rule 204 requiring him to appear or produce another for examination, such orders as are listed in paragraphs (1), (2), (3), (4) or (5) of this subdivision, unless the person failing to comply shows that he is unable to appear or to produce such person for examination.
- (8) In lieu of any of the foregoing orders or in addition thereto, the court shall require the party failing to obey the order or the attorney advising him, or both, to pay, at such time as ordered by the court, the reasonable expenses, including attorney fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. Such an order shall be subject to review on appeal from the final judgment.

(c) *Sanction Against Nonparty For Violation of Rules 196.7 or 205.3.* If a nonparty fails to comply with an order under Rules 196.7 or 205.3, the court which made the order may treat the failure to obey as contempt of court.

CREDIT(S)

Oct. 29, 1940, eff. Sept. 1, 1941. Amended by orders of Aug. 5, 1998, and Nov. 9, 1998, eff. Jan. 1, 1999.

Rule 215.3. Abuse of Discovery Process in Seeking, Making, or Resisting Discovery

If the court finds a party is abusing the discovery process in seeking, making or resisting discovery or if the court finds that any interrogatory or request for inspection or production is unreasonably frivolous, oppressive, or harassing, or that a response or answer is unreasonably frivolous or made for purposes of delay, then the court in which the action is pending may, after notice and hearing, impose any appropriate sanction authorized by paragraphs (1), (2), (3), (4), (5), and (8) of Rule **215.2(b)**. Such order of sanction shall be subject to review on appeal from the final judgment.

CREDIT(S)

Oct. 29, 1940, eff. Sept. 1, 1941. Amended by orders of Aug. 5, 1998, and Nov. 9, 1998, eff. Jan. 1, 1999.

CIVIL PRACTICE AND REMEDIES CODE CHAPTER 10. SANCTIONS FOR
FRIVOLOUS PLEADINGS AND MOTIONS

CIVIL PRACTICE AND REMEDIES CODE
TITLE 2. TRIAL, JUDGMENT, AND APPEAL

SUBTITLE A. GENERAL PROVISIONS

CHAPTER 10. SANCTIONS FOR FRIVOLOUS PLEADINGS AND MOTIONS

Sec. 10.001. SIGNING OF PLEADINGS AND MOTIONS. The signing of a pleading or motion as required by the Texas Rules of Civil Procedure constitutes a certificate by the signatory that to the signatory's best knowledge, information, and belief, formed after reasonable inquiry:

(1) the pleading or motion is not being presented for any improper purpose, including to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) each claim, defense, or other legal contention in the pleading or motion is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(3) each allegation or other factual contention in the pleading or motion has evidentiary support or, for a specifically identified allegation or factual contention, is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) each denial in the pleading or motion of a factual contention is warranted on the evidence or, for a specifically identified denial, is reasonably based on a lack of information or belief.

Added by Acts 1995, 74th Leg., ch. 137, Sec. 1, eff. Sept. 1, 1995.

Sec. 10.002. MOTION FOR SANCTIONS. (a) A party may make a motion for sanctions, describing the specific conduct violating Section 10.001.

(b) The court on its own initiative may enter an order describing the specific conduct that appears to violate Section 10.001 and direct the alleged violator to show cause why the conduct has not violated that section.

(c) The court may award to a party prevailing on a motion under this section the reasonable expenses and attorney's fees incurred in presenting or opposing the motion, and if no due diligence is shown the court may award to the prevailing party all costs for inconvenience, harassment, and out-of-pocket expenses incurred or caused by the subject litigation.

Added by Acts 1995, 74th Leg., ch. 137, Sec. 1, eff. Sept. 1, 1995.

Sec. 10.003. NOTICE AND OPPORTUNITY TO RESPOND. The court shall provide a party who is the subject of a motion for sanctions under Section 10.002 notice of the allegations and a reasonable opportunity to respond to the allegations.

Added by Acts 1995, 74th Leg., ch. 137, Sec. 1, eff. Sept. 1, 1995.

Sec. 10.004. VIOLATION; SANCTION. (a) A court that determines that a person has signed a pleading or motion in violation of Section 10.001 may impose a sanction on the person, a party represented by the person, or both.

(b) The sanction must be limited to what is sufficient to deter repetition of the conduct or comparable conduct by others similarly situated.

(c) A sanction may include any of the following:

(1) a directive to the violator to perform, or refrain from performing, an act;

(2) an order to pay a penalty into court; and

(3) an order to pay to the other party the amount of the reasonable expenses incurred by the other party because of the filing of the pleading or motion, including reasonable attorney's fees.

(d) The court may not award monetary sanctions against a represented party for a violation of Section 10.001(2).

(e) The court may not award monetary sanctions on its own initiative unless the court issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party or the party's attorney who is to be sanctioned.

(f) The filing of a general denial under Rule 92, Texas Rules of Civil Procedure, shall not be deemed a violation of this

chapter.

Added by Acts 1995, 74th Leg., ch. 137, Sec. 1, eff. Sept. 1, 1995.

Sec. 10.005. ORDER. A court shall describe in an order imposing a sanction under this chapter the conduct the court has determined violated Section 10.001 and explain the basis for the sanction imposed.

Added by Acts 1995, 74th Leg., ch. 137, Sec. 1, eff. Sept. 1, 1995.

Sec. 10.006. CONFLICT. Notwithstanding Section 22.004, Government Code, the supreme court may not amend or adopt rules in conflict with this chapter.

Added by Acts 1995, 74th Leg., ch. 137, Sec. 1, eff. Sept. 1, 1995.

GREGORY JOSEPH, SANCTIONS: THE FEDERAL LAW OF LITIGATION ABUSE §3(B), at 1-16, 1-60, 1-61 (4th ed. 2008) ("Many sanctions awards [are] in excess of \$1 million.")

Low v. Henry, 221 S.W.3d 609 (Tex. 2007) (reversing and remanding \$50,000 in penalty sanctions awarded under §10.004(c)(2)).

Chambers v. NASCO, Inc., 501 U.S. 32, 111 S.Ct. 2123 (1991) (affirming an inherent-power sanctions award of almost \$1 million).

Cass v. Stephens, 156 S.W.3d 38 (Tex.App.—El Paso 2004, pet. denied) (affirming a \$978,492 sanctions award).

Kugle v. DaimlerChrysler Corp., 88 S.W.3d 355 (Tex.App.—San Antonio 2002, pet. denied) (affirming a sanction of more than \$865,000).

FDIC v. Hurwitz, 384 F.Supp.2d 1039 (S.D. Tex. 2005) (imposing sanctions of \$72,255,147.51), *rev'd in part and remanded*, *FDIC v. MAXXAM, Inc.*, 523 F.3d 566 (5th Cir. 2008).

Compaq Computer Corp. V. Ergonome Inc., 387 F.3d 403 (5th Cir. 2004) (sanctions of \$2,765,026.90).

Crowe v. Smith, 151 F.3d 217 (5th Cir. 1998) (reversing \$5.075 million in sanctions).

Lubrizol Corp. v. Exxon Corp., 957 F.2d 1302 (5th Cir. 1992) (\$2,424,462 in inherent-power sanctions).

American Cash Card Corp. v. AT&T Corp., 184 F.R.D. 521 (S.D.N.Y. 1999), *aff'd*, 210 F.3d 354 (2d Cir. 2000) (\$108 million sanctions default judgment).

DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc., 534 F.Supp.2d 224 (D. Mass. 2008) (\$10 million inherent-power sanction).

Bush Ranch, Inc. v. E.I. duPont de Nemours & Co., 918 F.Supp. 1524, 1557-1558 (M.D. Ga. 1995), *rev'd*, 99 F.3d 363 (11th Cir. 1996) (\$114,687,675.06 in attorneys' fees and fines imposed for discovery abuse pursuant to the court's inherent power, Fed. R. Civ. P. 11, 26, 33, 34, and 37, 28 U.S.C. §1651 and 18 U.S.C. §401 (contempt)).

Hoxworth v. Blinder, Robinson & Co., 980 F.2d 912 (3d Cir. 1992) (\$73 million default judgment for discovery abuse and failure to appear at trial entered pursuant to Fed. R. Civ. P. 37 and 55).

Wanderer v. Johnston, 910 F.2d 652 (9th Cir. 1990) (\$25 million default judgment for discovery abuse entered pursuant to Fed. R. Civ. P. 37).

Philips Med. Sys. Int'l, B.V. v. Bruetman, 982 F.2d 211 (7th Cir. 1992) and 8 F.3d 600 (7th Cir. 1993) (\$19 million default judgment for discovery abuse and other contumacious behavior entered pursuant to Fed. R. Civ. P. 37).

Baker v. General Motors Corp., 159 F.R.D. 519 (W.D. Mo. 1994) (\$11.3 million default judgment for discovery abuse entered pursuant to Fed. R. Civ. P. 37), *rev'd*, 86 F.3d 811 (8th Cir. 1996).

Adriana Int'l Corp. v. Thoeren, 913 F.2d 1406 (9th Cir. 1990) (\$8.3 million default judgment for the defendant on a counterclaim entered pursuant to Fed. R. Civ. P. 37).

Hathcock v. Navistar Int'l Transp. Corp., 53 F.3d 36, 41 (4th Cir 1995) (reversing \$6 million default judgment).

Bonilla v. Volvo Car Corp., 150 F.3d 88 (1st Cir. 1998) (reversing \$3,518,844.41 in attorneys' fees and costs).

United States v. Philip Morris USA, Inc., 327 F.Supp.2d 21, 26 (D.D.C. 2004) (\$2,750,000 ordered to be paid into court for deletion of email in violation of court order and corporate policy).

Bristol-Myers Squibb Co. v. Rhone-Poulenc Rorer, Inc., 2002 U.S. Dist. LEXIS 13706, at *45 (S.D.N.Y. July 25, 2002) (\$2,578,159 in expert witness fees awarded pursuant to inherent power of the court).

§22.004. RULES OF CIVIL PROCEDURE. (a) The supreme court has the full rulemaking power in the practice and procedure in civil actions, except that its rules may not abridge, enlarge, or modify the substantive rights of a litigant.

(b) The supreme court from time to time may promulgate a specific rule or rules of civil procedure, or an amendment or amendments to a specific rule or rules, to be effective at the time the supreme court deems expedient in the interest of a proper administration of justice. The rules and amendments to rules remain in effect unless and until disapproved by the legislature. The clerk of the supreme court shall file with the secretary of state the rules or amendments to rules promulgated by the supreme court under this subsection and shall mail a copy of those rules or amendments to rules to each registered member of the State Bar of Texas not later than the 60th day before the date on which they become effective. The secretary of state shall report the rules or amendments to rules to the next regular session of the legislature by mailing a copy of the rules or amendments to rules to each elected member of the legislature on or before December 1 immediately preceding the session.

(c) So that the supreme court has full rulemaking power in civil actions, a rule adopted by the supreme court repeals all conflicting laws and parts of laws governing practice and procedure in civil actions, but substantive law is not repealed. At the time the supreme court files a rule, the court shall file with the secretary of state a list of each article or section of general law or each part of an article or section of general law that is repealed or modified in any way. The list has the same weight and effect as a decision of the court.

(d) The rules of practice and procedure in civil actions shall be published in the official reports of the supreme court. The supreme court may adopt the method it deems expedient for the printing and distribution of the rules.

(e) This section does not affect the repeal of statutes repealed by Chapter 25, page 201, General Laws, Acts of the 46th Legislature, Regular Session, 1939, on September 1, 1941.

Tex. Const. Art. V, §31

Sec. 31. COURT ADMINISTRATION; RULE-MAKING AUTHORITY; ACTION ON MOTION FOR REHEARING. (a) The Supreme Court is responsible for the efficient administration of the judicial branch and shall promulgate rules of administration not inconsistent with the laws of the state as may be necessary for the efficient and uniform administration of justice in the various courts.

(b) The Supreme Court shall promulgate rules of civil procedure for all courts not inconsistent with the laws of the state as may be necessary for the efficient and uniform administration of justice in the various courts.

(c) The legislature may delegate to the Supreme Court or Court of Criminal Appeals the power to promulgate such other rules as may be prescribed by law or this Constitution, subject to such limitations and procedures as may be provided by law.

(d) Notwithstanding Section 1, Article II, of this constitution and any other provision of this constitution, if the supreme court does not act on a motion for rehearing before the 180th day after the date on which the motion is filed, the motion is denied.

Added Nov. 5, 1985; Subsec. (d) added Nov. 4, 1997.)

Tex. Loc. Gov't Code provisions

Section 113.02: “. . . (a) The fees, commissions, funds, and other money belonging to a county shall be deposited with the county treasurer by the officer who collects the money. . . . (b) The county treasurer shall deposit the money in the county depository in a special fund to the credit of the officer who collected the money. If the money is fees, commissions, or other compensation collected by an officer who is paid on a salary basis, the appropriate special fund is the applicable salary fund created under Chapter 154.”

Section 154.023(a): “A salary fund shall be created in the county to be known as the ‘officers’ salary fund of _____ County, Texas.”

Section 154.042(a): “A salary fund shall be created in the county for each district, county, and precinct office to be known as the ‘(officer’s title) salary fund of (name of county) County, Texas.’ The purpose of the fund is to pay: (1) the salary of the officer; (2) the salaries of the officer’s deputies, assistants, clerks, stenographers, and investigators; and (3) authorized and approved expenses of the office of the officer.”

Section 154.007(a): “At its first regular meeting in the first month of each fiscal year, the commissioners court may direct, by order entered in its minutes, that all money that otherwise would be deposited in a salary fund created under this chapter shall be deposited in the general fund of the county. (b) In a county in which the order is adopted, a reference in this chapter to a salary fund means the general fund.”

Guidelines for Practice Under Rule 11 of the Federal Rules of Civil Procedure §L(2), 120 F.R.D. 101, 124 (1988).

124.2 Types of Sanctions. Among the types of sanction that the court, in its discretion, may choose to impose are:

- a. a reprimand of the offender;
- b. mandatory continuing legal education;
- c. a fine;
- d. an award of reasonable expenses, including reasonable attorneys' fees, incurred as a result of the misconduct;
- e. reference of the matter to the appropriate attorney disciplinary or grievance authority
- f. an order precluding the introduction of certain evidence;
- g. an order precluding the litigation of certain issues;
- h. an order precluding the litigation of certain claims or defenses;
- i. dismissal of the action;
- j. entry of a default judgment;
- k. injunctive relief limiting a party's future access to the courts; and
- l. censure, suspension or disbarment from practicing before the forum court, subject to applicable rules or statutes.