

**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.