

Supreme Court Advisor Committee  
Supreme Court of Texas  
Austin, TX 78711

October 27, 2008

Committee Members,

I realize it is probably unlikely that you get direct requests from private citizens to address legal issues, but I would appreciate your consideration and apologize ahead of time if this request does not meet any specific procedural or wording requirements a licensed attorney would be familiar with.

On February 14<sup>th</sup> I sent in a letter to inform the Supreme Court that the Small Claims provision of the Government Code do not appear to be being followed and are potentially being misused by attorneys in order to take unfair advantage of others. I would like to formally request this topic be included on the next agenda of your committee. While I understand you have many issues to address, and each person feels their issue is very important, I would ask that the Committee consider the issue I raise could potentially be affecting a great many people who cannot afford to hire expensive attorneys or firms in order to protect themselves.

I provided the County Court with documentation that seems to clearly show I was not required to respond in writing to the attorney's Motion, and that Small Claims proceedings are supposed to be "informal". However, I was not able to convince the Judge to reconsider his decision, meaning that I was unable to have my case heard in either JP or County Court the way the law intended. Instead, the HOA Board gave over \$55,000 of homeowner's money to their attorney who used legal "tricks" not allowed by Law to get my suit dismissed.

I have done some pretty extensive research on the matter of Small Claims in Texas and feel there is no ambiguity as to the intentions of the Law. There would clearly be no point in having a Small Claims system that allows an attorney to use complicated legal tricks against a citizen who could not afford their own. The attorney here knew exactly what to say, and when to say it, to convince the Judges to dismiss my suit at both Court levels, it was clearly not the first time the tactic had been used.

The Courts maintain an enormous amount of authority over citizens. I feel with that authority comes the responsibility to ensure a person receives the rights the Law prescribes. Given that the people who are most likely to be affected by situations like this are not the ones who can pay high-priced attorneys, I would ask the Committee consider the situation and take whatever steps are necessary to ensure that both the "spirit" and the "letter" of the law is enforced properly in the future.

I am again willing to provide any information or documentation the Committee feels would assist its discussions. Thank you for your time and consideration.

Sincerely,

Dr. Thomas J. Ellis