

## Compliance Documentation for TAJC Legislative Activities

1. Brief Explanation of Proposal. Attach a copy of the proposed legislation, if available. If not available, provide details of the proposal:

The proposed legislation (which is attached) amends Chapter 57.002 of the Government Code, which governs the appointment of interpreters, to clarify that a person with a valid Statement of Inability to Afford Payment of Court Costs on file is not required to pay costs associated with language access services to comport with TRCP 145.

2. Detailed Narrative:

TAJC regularly hears from legal aid providers that some courts continue to require low-income litigants and/or legal aid providers to provide language access services (interpreters) at their own expense even though TRCP 145 states that court-appointed professionals are a covered court cost that those with a valid Statement of Inability to Afford Payment of Court Costs on file are not required to pay. Chapter 57.002 of the Government Code governs the appointment of interpreters. Amending the Government Code to comport with TRCP 145 will help clarify that courts must cover these court costs for those who qualify.

TAJC drafted the proposed legislation, which was reviewed and approved by TAJC's Legislative Committee on July 7, 2022, and the full Commission on July 14, 2022. TAJC did not receive a request to draft this legislation. TAJC's intent is to actively lobby this bill to state legislators, including seeking bill sponsors and testifying at hearings where this bill will be considered.

3. How Proposed Legislation meets *Keller* and *McDonald*. Provide an explanation of how TAJC's position on the proposed legislation addresses the State Bar, the regulation of lawyers, the functioning of state or federal courts, or the functioning of the legal system.

The proposed bill will improve the functioning of courts, the legal system, and the quality of legal services. The proposed bill addresses the "functioning of the state's courts," which is expressly permitted under *Keller* and *McDonald*. Language access services are necessary for litigants to have meaningful participation in civil court so that they and their witnesses can be understood and can understand what the judge, the opposing party, counsel, and witnesses are saying. Thus, language access is a fundamental component of a fair court system. Moreover, the proposed bill is aimed at expanding and improving access to courts for low-income Texans, which was expressly approved in *McDonald*.

4. To the extent known:
  - a. **Has the bill has been introduced in prior legislative sessions?** If so, provide a summary of any legislative action during prior sessions.

No

- b. **Does any State Bar section have a position on the legislative proposal?**

None known at this time.

**c. List any known support or opposition of the proposed legislation:**

None known at this time.

**d. Has any similar legislation has been filed in the same legislative session? If so, cite to the bill(s):**

No

5. Date a copy of the proposed legislation was sent to SBOT: August 29, 2022