

# Supreme Court of Texas

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Misc. Docket No. 24-9050

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## **Preliminary Approval of Rules Governing Licensed Legal Paraprofessionals and Licensed Court-Access Assistants**

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This Order invites public comments on proposed new and amended rules that allow licensed legal paraprofessionals and licensed court-access assistants to provide certain limited legal services to low-income individuals.

Many individuals have incomes low enough to qualify for assistance from legal aid and volunteer attorney organizations, but resources and staffing constraints allow these organizations to serve only a small fraction of qualified applicants. The Legal Services Corporation reported recently that 92% of low-income Americans have unmet civil legal needs. Often, the only option for individuals who cannot be served is to attempt to represent themselves in court proceedings. For years, the Court has made combating this “justice gap” a top priority, and it has become clear that we must think beyond traditional efforts—such as funding and volunteer work—and focus on reforms that will help bridge the justice gap with new providers.

To that end, the Court, through its liaison to the Texas Access to Justice Commission, Justice Busby, sent a letter on October 24, 2022, requesting that the Commission examine existing rules and propose modifications that would allow qualified non-lawyers to provide limited legal services directly to low-income individuals. The letter expressly directed the Commission to consider qualifications, licensing, practice areas, and oversight of providers; eligibility criteria for clients; and whether compensation for providers should be limited to certain sources, such as government and non-profit funds. It also noted the need for input from the State Bar of Texas and a range of other relevant constituencies in developing a proposal.

In response, the Commission created a Working Group on Access to Legal Services for Low-Income Texans, which was led by the Honorable Michael Massengale, Lisa Bowlin Hobbs, and Kennon L. Wooten, and assisted by Commission Chair Harriet Miers, Commission employees, and representatives from the National Center for State Courts. The Working Group met five times in 2023—on January 30, April 26, July 27, September 26, and November 2. Shortly after its first meeting, the Working Group divided into subject-matter subcommittees, including the Scope of Practice Subcommittee and the Paraprofessional Licensing Subcommittee, to study issues and make recommendations for allowing certain qualified individuals to provide limited legal services to low-income

Texans. These subcommittees included Working Group members as well as others from the bench and bar. Subcommittee members carried the laboring oar, meeting many times in 2023 and working between meetings to ensure timely completion of the tasks assigned to them. In addition, they kept the Working Group apprised of their progress and gathered its input. The Working Group also sought and collected input from others throughout the process, including by conducting an online survey, conducting focus groups, visiting with stakeholders in and beyond the State Bar, and creating an email inbox for suggestions with assistance from the State Bar. All input was carefully reviewed and analyzed.

The Working Group submitted its final report to the Commission on December 5, 2023. The Commission considered the Working Group's recommendations relating to scope of practice and licensing at its December 15, 2023 meeting, and it approved them unanimously (with four Commissioners abstaining) as recommendations of the Commission to the Court.

Records of the above-described meetings, input received, the Working Group's report, and other materials are available at <https://www.texasatj.org/access-legal-services-working-group>.

The Court extends its gratitude to the Commission, the Working Group leaders and members, the subcommittee members, the National Center for State Courts, the State Bar and its various sections, the Texas Board of Law Examiners, the Texas Board of Legal Specialization, the Office of Court Administration, the Justice Court Training Center, and the many other groups and individuals who lent their time and expertise to provide thoughtful input.

After considering the recommendations of the Commission and the supporting materials provided, the Court concludes that the licensing of legal paraprofessionals and court-access assistants to provide limited legal services to low-income individuals will help narrow the justice gap and expand access to justice for low-income individuals.

Accordingly, it is **ORDERED** that:

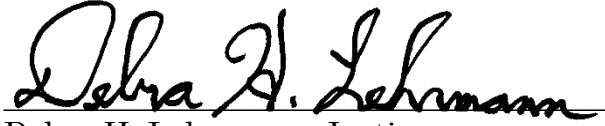
1. The Court invites public comments on proposed new Articles XV and XVI of the State Bar Rules and on proposed amendments to Texas Rules of Civil Procedure 500.4 and 510.4, as set forth in this Order.
2. Articles XV and XVI of the State Bar Rules are provided in clean form. The amendments to Texas Rules of Civil Procedure 500.4 and 510.4 are provided in redline form.
3. Comments regarding the new and amended rules should be submitted in writing to [rulescomments@txcourts.gov](mailto:rulescomments@txcourts.gov) by November 1, 2024.

4. The Court will issue an order finalizing the new and amended rules after the close of the comment period. The Court may change the new and amended rules in response to public comments. The Court expects the new and amended rules to take effect on December 1, 2024.
5. The Clerk is directed to:
  - a. file a copy of this Order with the Secretary of State;
  - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this Order to each elected member of the Legislature; and
  - d. submit a copy of this Order for publication in the *Texas Register*.

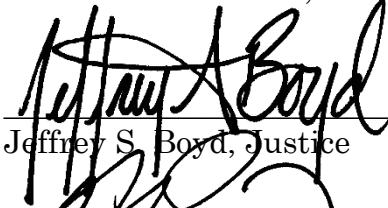
Dated: August 6, 2024.



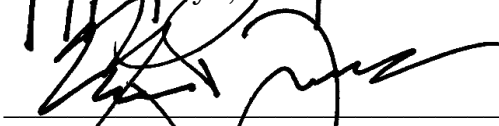
Nathan L. Hecht, Chief Justice



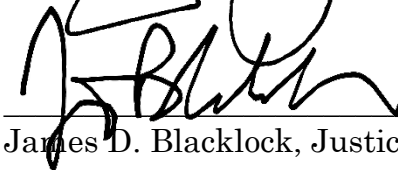
Debra H. Lehrmann, Justice



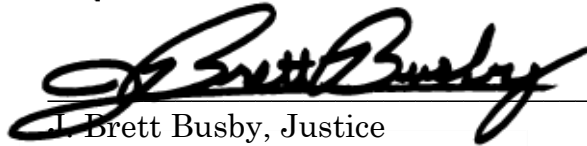
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



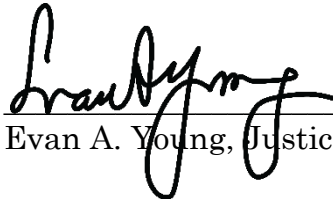
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

# STATE BAR RULES

## ARTICLE XV LICENSED LEGAL PARAPROFESSIONALS

### Section 1. Definitions

A. “Applicant” means a person who files with the State Bar an application for licensure as a legal paraprofessional.

B. “Approved entity” means:

1. the Court;
2. an organization that reports to the Court, including the Texas Access to Justice Commission, the Office of Court Administration, the Texas Judicial Commission on Mental Health, and the Texas Children’s Commission;
3. any Texas court; and
4. eFileTexas.

C. “Complex property issues” means that the suit involves a third-party sale or title transfer of real estate.

D. “Immigration services” means applying federal, state, and local laws to determine legal strategies, solutions, consequences, and eligibility related to immigration benefits, compliance, defenses, and forms of relief, including actions such as selecting, assisting with, filling out, preparing, and drafting applications, petitions, and filings, and representing individuals and entities in such matters before federal, state, and local agencies. For example, immigration services includes the processes of seeking visas, waivers, lawful permanent residence, and humanitarian benefits (such as asylum, parole, and U visas). Immigration services also includes providing advice and assistance related to immigration laws, forms, policies, strategies, and regulations.

E. “Intentional crime” means:

1. a serious crime that requires proof of knowledge or intent as an essential element; or
2. any crime involving misapplication of money or other property held as a fiduciary.

F. “Lawyer supervision” means that a lawyer reviews all documents before they are filed, is identified in all filings, and is available to answer any questions relating to the tasks

being completed. It does not mean that the supervising lawyer is required to appear, whether in person or electronically, for court proceedings.

**G.** “Low income” means at or below 200% of the federal poverty guidelines as published annually by the U.S. Department of Health and Human Services.

**H.** “NALA” means the National Association of Legal Assistants.

**I.** “NFPA” means the National Federation of Paralegal Associations.

**J.** “Paralegal” means a person—qualified through various combinations of education, training, or work experience—who is or has been employed or engaged by a lawyer, law office, court, governmental agency, nonprofit, or other entity to perform substantive legal work.

**K.** “Program” means the Licensed Legal Paraprofessionals Program established by this Article.

**L.** “Serious crime” means:

1. barratry;
2. any felony involving moral turpitude;
3. any misdemeanor involving theft, embezzlement, or fraudulent or reckless misappropriation of money or other property; or
4. any attempt, conspiracy, or solicitation of another to commit any of the foregoing crimes.

**M.** “Substantive legal work” includes conducting client interviews and maintaining general contact with a client, locating and interviewing witnesses, conducting investigations and research, drafting pleadings and correspondence, summarizing testimony or discovery, and attending court proceedings. It does not include clerical or administrative work.

**N.** “TBLE” means the Texas Board of Law Examiners.

**O.** “TBLS” means the Texas Board of Legal Specialization.

**P.** “Uncontested divorce” or “uncontested suit” means a suit in which there is no opposition by another party to any issue before the court. Uncontested suits include no-answer default-judgment suits. The filing of a general denial without a request for affirmative relief does not cause a suit to be contested unless the general denial includes a contrary position on an issue before the court. The serving of process upon a party does

not cause the suit to be contested. A suit becomes “contested” when a party files a pleading or motion with the court that takes a contrary position on any issue before the court or otherwise communicates to the court, in a hearing or otherwise, a contrary position on any issue before the court.

**Q.** “Uncontested court proceeding” means a court proceeding in which there is no opposition by another party to any issue before the court at that court proceeding.

## **Section 2. Eligibility**

To be eligible for licensure as a legal paraprofessional, an applicant must:

- A.** have a high school diploma or equivalent;
- B.** be at least 18 years old;
- C.** be authorized to work lawfully in the United States;
- D.** meet at least one of the following criteria:
  - 1.** be a TBLS Certified Paralegal;
  - 2.** be a Certified Paralegal through NALA;
  - 3.** be a Registered Paralegal through NFPA;
  - 4.** have completed an ABA-approved paralegal education program;
  - 5.** have completed a paralegal education program that consists of at least 15 semester credit hours, 30 quarter credit hours, or 100 clock hours of substantive legal courses;
  - 6.** have been employed as a paralegal for at least 5 years and dedicated at least 50% of the applicant’s work to substantive legal work; or
  - 7.** have a bachelor’s degree or higher;
- E.** meet subject-area specific requirements as provided in Section 4;
- F.** be of present good moral character and fitness as provided in Section 5;
- G.** have successfully completed the legal paraprofessional examinations as provided in Section 6, unless expressly exempted under Section 6;
- H.** be willing to abide by this Article, including the Code of Ethics in Section 9; and

I. pay the appropriate application, licensing, examination, and enrollment fees.

### **Section 3. Application, Licensure, and Enrollment**

A. An applicant must submit to the State Bar an application for licensure as a legal paraprofessional and fees in an amount set by the State Bar in consultation with the Court and TBLE.

B. The application must state the subject matter or matters for which the applicant is requesting licensure. The subject matters available are:

1. family law;
2. estate-planning and probate law; and
3. consumer-debt law.

C. If the State Bar determines that the applicant has satisfied the requirements of Section 2, the State Bar must enroll the applicant as a member of the State Bar and certify the applicant to the Court in the appropriate subject matter or matters. The Clerk of the Court will issue a corresponding license for each subject matter certified.

D. No general licensure as a legal paraprofessional is available.

### **Section 4. Subject-Specific Requirements**

To be eligible for licensure, an applicant must meet at least one of the following criteria in each subject matter for which the applicant is requesting licensure:

- A. be a TBLS Certified Paralegal in the subject matter;
- B. have been employed as a paralegal in Texas and dedicated at least 50% of the applicant's work in 3 of the past 5 years to the subject matter; or
- C. have completed training approved by the Court or the State Bar for the subject matter.

### **Section 5. Present Good Moral Character and Fitness Requirement**

A. To be eligible for licensure as a legal paraprofessional, an applicant must have present good moral character and fitness.



**B.** Within 270 days after the date of application and fee payment, TBLE or the State Bar will assess the applicant's present good moral character and fitness by considering:

1. school-related discipline;
2. criminal-history information, including a criminal background check;
3. professional licenses and certifications held and any disciplinary history related to those licenses or certifications;
4. reports of unauthorized practice of law either to the Unauthorized Practice of Law Committee or the State Bar's Paralegal Division;
5. employment history;
6. military service;
7. legal and financial information, including information about participation in legal proceedings, child-support judgments and arrearages, and past-due debts; and
8. information about whether a candidate has ever offered immigration services or used the term "notario" to refer to their work.

## **Section 6. Examinations**

**A.** To be eligible for licensure as a legal paraprofessional, an applicant must have successfully completed:

1. an ethics examination; and
2. except as provided in paragraph (D), the subject-matter examination in each subject matter for which the applicant is requesting licensure.

**B.** The ethics examination covers the Code of Ethics in Section 9 and other ethics rules, including ethics related to a licensed legal paraprofessional's permitted activities under Section 7.

**C.** The subject-matter examination covers the subject matter in which the applicant requests licensure. The family-law examination must cover best practices for referring matters that may adversely affect immigration status.

**D.** An applicant is exempt from the subject-matter examination if the applicant:

1. has received a score of 260 on the Texas State Bar Examination;

2. has taken another examination that tests competency in the subject matter, including an examination by TBLS, NALA, or NFPA; or
3. has met another exemption standard set by the State Bar.

**E.** An applicant who has failed the ethics examination 5 times cannot become a licensed legal paraprofessional in any subject matter. An applicant who has failed a subject-matter examination 5 times cannot become a licensed legal paraprofessional in that subject matter. For good cause, the State Bar may waive this prohibition.

## **Section 7. Permitted Practice**

**A.** As set forth in this Section, a legal paraprofessional licensed by the Court may provide limited legal services to clients with low income.

**B.** In representing a client, a licensed legal paraprofessional must:

1. obtain the client's self-certification, by affidavit or unsworn declaration under Chapter 132 of the Texas Civil Practice and Remedies Code, that the client has low income;
2. enter into a written engagement agreement with the client explaining that the licensed legal professional is not a lawyer and describing the limited scope of the representation; and
3. provide the client with a brochure approved by the State Bar explaining the Program and how to report concerns or potential violations.

**C.** A legal paraprofessional licensed by the Court in any of the available subject matters may represent a client, without lawyer supervision, in a civil suit in justice court, including:

1. handling the preparation, litigation, and settlement of a suit;
2. communicating with an unrepresented opposing party or, if represented, the lawyer, authorized agent, licensed legal paraprofessional, or court-access assistant for the opposing party;
3. perfecting an appeal of a judgment to the county court; and
4. handling post-judgment collection, discovery, and receiverships.

**D. *Family Law.***

1. Except as provided in paragraph (2), a legal paraprofessional licensed by the Court in family law may provide, without lawyer supervision, the following limited legal services in an uncontested divorce that does not involve children or complex property issues:

- a. advise a client on completing and file family law forms that have been approved by an approved entity;
- b. represent a client in court proceedings, including preparation of affidavits in support of temporary orders and divorce decrees;
- c. communicate with the court on issues related to the matters described in paragraphs (a) and (b); and
- d. communicate with an unrepresented opposing party or, if represented, the lawyer or licensed legal paraprofessional for the opposing party on issues related to the matters described in paragraphs (a) and (b).

2. When providing services under paragraph (2), the licensed legal paraprofessional must not, without lawyer review, prepare a qualified domestic relations order (“QDRO”) required to make the division of retirement funds effective. If not preparing a QDRO, the licensed legal paraprofessional must advise the client to seek prompt assistance from a lawyer.

3. A legal paraprofessional licensed by the Court in family law may provide, with lawyer supervision, the following limited legal services in an uncontested suit for protection under Title IV of the Family Code or in an uncontested suit affecting the parent–child relationship—including an uncontested divorce involving children—that only involves standard conservatorship provisions, standard possession schedules, and guideline child-support issues:

- a. advise a client on completing and file family law forms that have been approved by an approved entity;
- b. represent a client in court proceedings, including preparation of affidavits in support of temporary orders and final orders;
- c. communicate with the court on issues related to the matters described in paragraphs (a) and (b); and
- d. communicate with an unrepresented opposing party or, if represented, the lawyer or licensed legal paraprofessional for the opposing party on issues related to the matters described in paragraphs (a) and (b).

4. An uncontested suit affecting the parent–child relationship in paragraph (3) excludes any suit where the Texas Department of Family and Protective Services is a party to the suit.

**E. *Estate-Planning and Probate Law.*** A legal paraprofessional licensed by the Court in estate-planning and probate law may provide, without lawyer supervision, the following limited legal services:

1. advise a client on completing and file the following forms:
  - a. Health Insurance Portability and Accountability Act release;
  - b. annual reports of a person in guardianship;
  - c. medical power of attorney;
  - d. declaration of guardian;
  - e. directive to physicians;
  - f. declaration for mental health treatment;
  - g. supported decision-making agreements;
  - h. statutory durable power of attorney;
  - i. transfer on death deed;
  - j. small estate affidavit; and
  - k. muniment of title application;
2. in addition to the forms in paragraph (1), advise a client on completing and file estate-planning and probate forms that have been approved by statute or an approved entity;
3. represent a client in an uncontested court proceeding related to a muniment of title;
4. communicate with the court on matters related to annual reports of a person in guardianship, small estate affidavits, or muniment of title applications; and

5. communicate with an unrepresented opposing party or, if represented, the lawyer or licensed legal paraprofessional for the opposing party on issues related to the matters described in paragraphs (1) to (3).

**F. *Consumer-Debt Law.*** A legal paraprofessional licensed by the Court in consumer-debt law may provide, without lawyer supervision, the following limited legal services in courts other than justice courts:

1. advise a client on completing and file consumer-debt forms that have been approved by statute or an approved entity;
2. represent a client in an uncontested court proceeding related to consumer debt;
3. communicate with the court on issues related to the matters described in paragraphs (1) and (2); and
4. communicate with an unrepresented opposing party or, if represented, the lawyer or licensed legal paraprofessional for the opposing party on issues related to the matters described in paragraphs (1) and (2).

**G.** Nothing in this Article should be construed as:

1. limiting a licensed legal paraprofessional's or other person's ability to provide legal information, including:
  - a. providing information about court rules, court terminology, and court procedure, including how to initiate, advance, and finalize a suit and compliance with local procedure;
  - b. directing to legal resources, forms, and referrals;
  - c. encouraging litigants to consult a lawyer;
  - d. offering educational classes and informational materials;
  - e. recording on forms verbatim;
  - f. reviewing forms and other documents for completeness and, if incomplete, stating why the form or document is incomplete; and
  - g. explaining how to navigate a courthouse, including providing information about security requirements and directional information and explaining how to obtain access to a suit file or request an interpreter;

2. regulating the use of paralegals by lawyers; or
3. regulating the activities an authorized agent or court-access assistant can perform in justice court suits under Texas Rule of Civil Procedure 500.4.

### **Section 8. Appearance, Client Protection, and Withdrawal**

**A.** If a licensed legal paraprofessional's representation involves appearing before or communicating with a court, then the licensed legal paraprofessional must file a notice of limited appearance signed by the licensed legal paraprofessional and the client. The notice must be served on all parties. The notice must identify:

1. the licensed legal paraprofessional making the limited appearance;
2. the subject matter or matters in which the licensed legal paraprofessional is licensed;
3. the party the licensed legal paraprofessional represents;
4. the tasks for which the licensed legal paraprofessional will represent the party; and
5. the service information for the licensed legal paraprofessional.

**B.** If, during the representation of a client, the licensed legal paraprofessional learns that the suit requires performance of activities beyond those permitted in Section 7, the licensed legal paraprofessional must take appropriate steps to protect the client, including:

1. notifying the client in writing or in a court proceeding of the scope issues and of all pending deadlines or settings known to the licensed legal professional;
2. providing the court and the opposing party with the client's service information;
3. requesting an extension or continuance from the court, as appropriate;
4. directing the client to known resources;
5. surrendering papers and property to which the client is entitled; and

**6.** if the suit requires performance of activities wholly beyond those permitted in Section 7, do at least one of the following:

- a. move to withdraw consistent with Texas Rule of Civil Procedure 10; or
- b. add a lawyer in charge.

### **Section 9. Code of Ethics**

**A.** A licensed legal paraprofessional must maintain a high standard of competency and ethical conduct to better assist the legal profession in fulfilling its duty to provide quality legal services to the public and to contribute to the integrity of the legal profession.

**B.** A licensed legal paraprofessional must only engage in the practice of law as permitted in Section 7 or as otherwise authorized by statute or Court rule.

**C.** A licensed legal paraprofessional must exercise care in using independent professional judgment and in determining the extent to which a client may be assisted within the scope of the licensed legal paraprofessional's license.

**D.** A licensed legal paraprofessional owes a duty of candor to a court consistent with the duty owed by lawyers under Rule 3.03 of the Texas Disciplinary Rules of Professional Conduct.

**E.** A licensed legal paraprofessional must preserve and protect the confidences and secrets of a client as required by lawyers under Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct.

**F.** A licensed legal paraprofessional must avoid any interest or association that constitutes a conflict of interest pertaining to a client matter. Avoidance may include withdrawal if a representation becomes improper.

**1.** A licensed legal paraprofessional must not represent opposing parties to the same litigation.

**2.** A licensed legal paraprofessional must not represent a person if the representation of that person:

a. involves a substantially related matter in which that person's interests are materially and directly adverse to the interests of another client of the licensed legal paraprofessional or the licensed legal paraprofessional's firm;  
or

b. reasonably appears to be or become adversely limited by:

i. the licensed legal paraprofessional's or the licensed legal paraprofessional's firm's responsibilities to another client or to a third person; or

ii. the licensed legal paraprofessional's or licensed legal paraprofessional's firm's own interests.

3. A licensed legal paraprofessional who has represented multiple parties in a matter must not thereafter represent any of such parties in a dispute among the parties arising out of the matter unless prior consent is obtained from all such parties to the dispute.

**G.** A licensed legal paraprofessional must not make or sponsor a false or misleading communication about the licensed legal paraprofessional's qualifications or services and, to the extent applicable, should follow the advertising rules applicable to lawyers under Section VII of the Texas Disciplinary Rules of Professional Conduct.

**H.** A licensed legal paraprofessional must not provide immigration services.

**I.** A licensed legal paraprofessional must not charge or receive, either directly or indirectly, any compensation for preparing a legal instrument affecting title to real property under Texas Government Code § 83.001.

## **Section 10. Court Sanctions and Discipline**

**A.** A licensed legal paraprofessional may be sanctioned by a court in the same manner as a lawyer.

**B.** A complaint against a licensed legal paraprofessional must be filed with the State Bar.

**C.** The State Bar must notify the licensed legal paraprofessional of the complaint and investigate.

**D.** After an investigation, the State Bar must:

1. dismiss the complaint with notice to the licensed legal paraprofessional and the complainant; or

2. request a response from the licensed legal paraprofessional and conduct a hearing.

**E.** The State Bar may suspend or revoke a license for:

1. a violation of this Article;



2. for a court sanction against the licensed legal paraprofessional; or

3. for conviction of a serious crime or intentional crime or being placed on probation, with or without an adjudication of guilt, for a serious crime or intentional crime.

F. A licensed legal paraprofessional seeking to appeal a license suspension or revocation must submit a written appeal to the Executive Director of the State Bar or within 30 days. The licensed legal paraprofessional must elect to have the appeal heard by either:

1. the Executive Director of the State Bar or the Executive Director's designee; or

2. a single member of the Board of Disciplinary Appeals who will be selected on a randomized basis.

G. The State Bar must notify the Clerk of the Court when a licensed legal paraprofessional's license is suspended or revoked.

### **Section 11. Duty to Notify; Annual Licensing Requirements**

A. A licensed legal paraprofessional must notify the State Bar of:

1. any change in contact information within 30 days of the change; and

2. any arrests or court sanctions received immediately after the arrest or sanction.

B. A licensed legal paraprofessional must comply with the following each year to renew licensure:

1. pay annual dues in an amount set by the State Bar in consultation with the Court;

2. complete at least 3 hours of continuing education on ethics;

3. complete at least 7 hours of continuing education in each subject matter in which the licensed legal paraprofessional is licensed to practice; and

4. report the number of clients served by the licensed legal paraprofessional under this Article and any other data requested by the State Bar.

C. The initial compliance year for each member is the 12-month period that begins on the first date of the licensed legal paraprofessional's birth month following the date of licensure. All subsequent compliance years begin on the first date of the licensed legal paraprofessional's birth month.

**D.** A licensed legal paraprofessional’s license may be suspended for failure to comply with paragraphs (A) or (B). A licensed legal paraprofessional’s license may be revoked for failure to comply with the duty to notify in paragraph (A)(2) and the education requirements in paragraphs (B)(2) and (B)(3).

## **Section 12. Privilege**

The rules of law and evidence relating to privileged communications between lawyer and client govern communications made or received by a licensed legal paraprofessional performing activities under this Article.

# **ARTICLE XVI LICENSED COURT-ACCESS ASSISTANTS**

## **Section 1. Definitions**

**A.** “Approved legal assistance organization” means:

1. a nonprofit that:

a. is funded in part by the Texas Access to Justice Foundation;

b. is funded in part by the Legal Services Corporation; or

c. provides at least 50% of its legal services at no cost to individuals living at or below 200% of the federal poverty guidelines published annually by the U.S. Department of Health and Human Services;

2. a clinic or pro bono program of a Texas law school; or

3. a pro bono project or program of the State Bar or of a local or specialty bar association within Texas.

**B.** “JCTC” means the Justice Court Training Center.

## **Section 2. Eligibility**

To be eligible for licensure as a court-access assistant, an applicant must:

**A.** have completed justice court training approved by the Court or JCTC that includes training on justice court procedures, professional conduct, and the substantive areas of civil law handled by justice courts;

**B.** pass a criminal-history background check; and

C. provide a certificate of sponsorship by an approved legal assistance organization.

### **Section 3. Application, Licensure, and Enrollment**

A. An applicant must submit to the State Bar an application for licensure as a court-access assistant.

B. The application must be in the form directed by the State Bar and include a certificate of sponsorship by the approved legal assistance organization explaining the scope of the applicant's services, the processes for lawyer supervision, and any training provided.

C. If the State Bar determines that the applicant has satisfied the requirements of Sections 2 and 3, the State Bar must enroll the applicant as a member of the State Bar and certify the applicant to the Court. The Clerk of the Court will issue a corresponding license.

### **Section 4. Permitted Practice**

A. A licensed court-access assistant may, under the supervision of a lawyer at the sponsoring approved legal assistance organization, provide in a civil justice court suit legal services on which they have been trained if the licensed court-access assistant:

1. informs all clients in writing that the court-access assistant is not a lawyer; and
2. obtains written consent from the client to their representation by a non-lawyer.

B. To supervise a licensed court-access assistant, a lawyer must be available to answer any questions relating to documents filed and other tasks undertaken by the licensed court-access assistant but need not appear, whether in person or electronically, with the licensed court-access assistant for court proceedings. A sponsoring approved legal assistance organization must adopt policies for lawyer supervision of its licensed court-access assistants.

C. Nothing in this Article should be construed as limiting a licensed court-access assistant's or other person's ability to provide legal information, including:

1. providing information about court rules, court terminology, and court procedure, including how to initiate, advance, and finalize a suit and compliance with local procedure;
2. directing to legal resources, forms, and referrals;
3. encouraging litigants to consult a lawyer;
4. offering educational classes and informational materials;

5. recording on forms verbatim;
6. reviewing forms and other documents for completeness and, if incomplete, stating why the form or document is incomplete; and
7. explaining how to navigate a courthouse, including providing information about security requirements and directional information and explaining how to obtain access to a suit file or request an interpreter.

### **Section 5. License Revocation; Reinstatement**

**A.** A license issued to a court-access assistant is revoked and the court-access assistant must cease any activities permitted under Section 4:

1. for good cause and upon notice and an opportunity to be heard by the State Bar; or
2. upon the termination of sponsorship by the sponsoring approved legal assistance organization.

**B.** A license revoked under paragraph (A)(2) may be reinstated upon submission of a new application and certification of sponsorship by another approved legal assistance organization.

**C.** The State Bar must notify the Clerk of the Court when a court-access assistant's license is revoked.

### **Section 6. Sponsor Obligations**

The sponsoring approved legal assistance organization must:

**A.** require all licensed court-access assistants to complete at least 3 hours of continuing education by the sponsoring approved legal assistance organization or another entity approved by the Court or JCTC; and

**B.** immediately notify the State Bar if it:

1. has knowledge that the licensed court-access assistant has committed conduct that raises a substantial question as to the court-access assistant's honesty, trustworthiness, or fitness to assist clients; or
2. will no longer sponsor the licensed court-access assistant; and

C. annually report the number of clients served by the licensed court-access assistants under this Article and any other data requested by the State Bar.

### Section 7. Compensation

A licensed court-access assistant must not directly charge a client for services or claim or receive a percentage fee, contingency fee, or origination fee. However, nothing in these rules is intended to prevent the licensed court-access assistant from being paid for services by the sponsoring approved legal assistance organization.

### Section 8. Privilege

The rules of law and evidence relating to privileged communications between lawyer and client govern communications made or received by a licensed court-access assistant performing activities under this Article.

## TEXAS RULES OF CIVIL PROCEDURE

### PART V – RULES OF PRACTICE IN JUSTICE COURTS

#### RULE 500. GENERAL RULES

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#### RULE 500.4. REPRESENTATION IN JUSTICE COURT CASES

(a) *Representation of an Individual.* An individual may:

(1) represent himself or herself;

~~(2) be represented by an authorized agent in an eviction case; or~~

~~(3)~~ be represented by:

~~(A) an attorney;~~

~~(B) in an eviction case, an authorized agent;~~

~~(C) a legal paraprofessional licensed by the Supreme Court under Article XV of the State Bar Rules; or~~

~~(D) a court-access assistant licensed by the Supreme Court under Article XVI of the State Bar Rules.~~

- (b) *Representation of a Corporation or Other Entity.* A corporation or other entity may:
- (1) be represented by an employee, owner, officer, or partner of the entity who is not an attorney;
  - (2) be represented by a property manager or other authorized agent in an eviction case; or
  - (3) be represented by an attorney.
- (c) *Assisted Representation.* The court ~~may, for good cause, must~~ allow an self-represented individual representing himself or herself to be assisted in court by a family member or other individual who is not being compensated by the self-represented individual, unless the court determines there is good cause not to allow such assistance. The self-represented individual must be present for any court proceeding in which assistance is provided.
- (d) Notice If representation by a non-attorney under paragraph (a)(2) involves appearing before or communicating with the court, then the non-attorney must file a notice of limited appearance signed by the non-attorney and the client. The notice must be served on all parties. The notice must identify:
- (1) the non-attorney making the limited appearance;
  - (2) the party the non-attorney represents;
  - (3) the tasks for which the non-attorney will represent the party;
  - (4) the service information for the non-attorney; and
  - (5) if the non-attorney is a court-access assistant:
    - (A) the tasks on which the court-access assistant is trained;
    - (B) the court-access assistant's sponsoring approved legal assistance organization, as defined in Article XVI of the State Bar Rules; and
    - (C) any limitations placed on the court-access assistant's representation by that organization.

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## RULE 510. EVICTION SUITS

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### RULE 510.4. ISSUANCE, SERVICE, AND RETURN OF CITATION

- (a) *Issuance of Citation; Contents.* When a petition is filed, the court must immediately issue citation directed to each defendant. The citation must:
- (1) be styled “The State of Texas”;
  - (2) be signed by the clerk under seal of court or by the judge;
  - (3) contain the name, location, and address of the court;
  - (4) state the date of filing of the petition;
  - (5) state the date of issuance of the citation;
  - (6) state the file number and names of parties;
  - (7) state the plaintiff’s cause of action and relief sought;
  - (8) be directed to the defendant;
  - (9) state the name and address of attorney for plaintiff, or if the plaintiff does not have an attorney, the address of plaintiff;
  - (10) state the day the defendant must appear in person for trial at the court issuing citation, which must not be less than 10 days nor more than 21 days after the petition is filed;
  - (11) notify the defendant that if the defendant fails to appear in person for trial, judgment by default may be rendered for the relief demanded in the petition;
  - (12) inform the defendant that, upon timely request and payment of a jury fee no later than 3 days before the day set for trial, the case will be heard by a jury;
  - (13) contain all warnings required by Chapter 24 of the Texas Property Code; and
  - (14) include the following statement: “For further information, [visit www.texaslawhelp.org](http://www.texaslawhelp.org) and consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this

citation. To determine whether you may represent yourself or be represented by an attorney or other individual in this case, consult Texas Rule of Civil Procedure 500.4.”

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