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Supreme Court advances access-to-justice efforts with proposed new rules to license legal paraprofessionals

AUSTIN — The Supreme Court of Texas today issued preliminary rules allowing licensed paraprofessionals and court-access assistants to provide limited legal services that will help bridge the gap between the civil legal needs of low-income Texans and the resources currently available to fill those needs.

The Court’s order, which can be viewed here, invites public comment on the proposed new and amended rules by November 1, 2024. The rules are expected to take effect on December 1, 2024.

The Court has for years championed efforts to combat the “justice gap” in Texas. Despite resolute efforts by legislators, the judiciary, non-profit organizations, bar associations, volunteer attorneys, and others, many Texans who qualify financially for legal assistance are unable to receive help due to resource and staffing constraints. Indeed, the gap is growing: the Legal Services Corporation, the nation’s largest funder of civil legal aid programs, estimates that 92 percent of low-income Americans now have unmet civil legal needs, up from 90 percent in their last survey. These low-income individuals often find no option other than representing themselves in court.

“Ensuring that people, regardless of their economic standing, have access to civil legal services is fundamental to the integrity of our judicial system,” Chief Justice Nathan L. Hecht said. “People of limited means who cannot afford legal representation are denied justice, pure and simple.”

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The Court's proposed new and amended rules were developed in a nearly two-year process that began when the Court, through Justice Brett Busby, its liaison to the Texas Access to Justice Commission, asked the Commission to propose rule modifications that would allow qualified non-lawyers to provide limited legal services to low-income individuals. A working group formed by the Commission met five times during 2023, collecting input from various stakeholders and the public before producing a final report of recommendations to the Court in December 2023.

"It is unacceptable that 92 percent of low-income Texans are not being served by our legal profession," Justice Busby said. "Their basic civil legal needs are real and serious: they include protection from domestic violence, denial of veterans' benefits, and access to housing and food. Despite the hard work of volunteer attorneys, legislative appropriations for legal aid, and the generosity of private donors, these unmet needs are growing. We must explore innovative structural changes like those in today's order if we are to close this gap and ensure that justice is not simply a privilege for those who can afford it, but a right guaranteed to all. The Court is grateful to the Commission, to the leaders, members, and staff of its working group, and to all the legal professionals who have dedicated themselves to addressing this problem thoughtfully and responsibly."

The new and amended rules allow individuals with certain qualifications to apply for licensure as legal paraprofessionals. Licensed paraprofessionals may represent low-income individuals facing certain problems in the areas of family law, estate planning and probate law, and consumer debt law, as well as in justice court cases. The rules also allow licensed court-access assistants sponsored by approved legal assistance organizations to represent low-income individuals in justice court.

Public comments may be submitted in writing to rulescomments@txcourts.gov before November 1, 2024.

Media note: For interviews with Justice Brett Busby, please contact Amy Starnes at amy.starnes@txcourts.gov.

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