

News Release

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Justice DeLayed?

- **Special-Session Lawmakers Used A Legislative Perk To Delay 33 Court Cases.**
- **'Moldy Joe' Nixon Hit the Brakes on the Wheels of Justice Nine Times.**

Austin, TX: Texas lawmaker Joe Nixon, who is to be honored today by the Texas Civil Justice League (TCJL), used a perk of his office to delay more Texas court cases than any other legislator, new Texans for Public Justice research reveals.

Texas law allows lawmakers who are attorneys for cases in state courts to obtain "legislative continuances" that automatically postpone those cases for the period starting 30 days before a legislative session and ending 30 days after the session ends. Continuance season for the 2003 regular session opened on December 15, 2002. The three subsequent special sessions called for Tom DeLay's redistricting greatly extended this year's continuance season, which ended this week.

Unfortunately, nobody knows how many continuances lawmakers filed over the past 11 months.¹ Under a reform from 2003's regular session, lawmakers first had to begin disclosing continuance requests to the Texas Ethics Commission starting September 1st. Since then, 12 lawmakers have filed "legislative continuances" to delay 33 Texas court cases. The No. 1 "court clogger" is Houston Rep. Joe Nixon, whom TCJL is honoring today for his work in the regular session to shield businesses from lawsuits. Stopping the clock on nine court cases, Nixon accounted for 27 percent of all reported special-session continuances.

Rep. Nixon already applied for—and received—a \$300,000 civil-justice award from Farmers Insurance to settle mold remediation claims on his own home. A company whistleblower says that Farmers granted Nixon claims that it routinely denies to other customers. This year Nixon also:

- Ostracized "frivolous" mold claims on his legislative website; and
- Obtained a continuance for an insurer that denied mold claims made by a Baptist church.

"Justice delayed is justice denied," said Texans for Public Justice Director Craig McDonald. "If the Civil Justice League must give this court clogger a civil-justice award, how about a bronzed bottle of Drano?"

Representatives Roberto Alonzo of Dallas and Ron Wilson of Houston placed in the next continuance heat, delaying five court cases apiece in the past 10 weeks.

Texas Court Cases Delayed By Lawmakers Since September 1, 2003				
Legislator	Party	Home	Dist.	Continuances Since Sept. 1
Joseph Nixon	R	Houston	H-133	9
Roberto Alonzo	D	Dallas	H-104	5
Ron Wilson	D	Houston	H-131	5
Harold Dutton	D	Houston	H-142	3
Jim Dunnam	D	Waco	H-57	2
Ruben Hope, Jr.	R	Conroe	H-16	2
Robert Puente	D	San Antonio	H-119	2
Chris Harris	R	Arlington	S-9	1
D. Bryan Hughes	R	Mineola	H-5	1
Todd Smith	R	Eules	H-92	1
Jack Stick	R	Austin	H-50	1
Will Hartnett	R	Dallas	H-114	1
TOTAL:				33

Altogether, lawmakers delayed 15 cases in Houston's Harris County and five more in Dallas County. No other county suffered more than two legislative-continuance delays in this period.

Lawmaker-Delayed Cases By County	
Texas County	Continuances Since Sept. 1
Harris	15
Dallas	5
Bexar	2
McLennan	2
Tarrant	2
Travis	2
Fannin	1
Galveston	1
Hill	1
Jefferson	1
Montgomery	1
TOTAL:	33

Facing a blizzard of fen-phen heart-damage claims—including a \$1.4 million verdict from a Beaumont jury last month—the Wyeth drug company is the only defendant that had two special-session continuances filed on its behalf since September 1st. Rep. Ruben Hope filed both of them.

Legislator Last Name	Court	County	Wyeth Case
Hope	Co. Court of Law No 3	Galveston	<i>Donna Franz & Allan Franz v. Wyeth et. al.</i>
Hope	State District Court 172	Jefferson	<i>Jerry Coffey v. Wyeth</i>

The party most often hit by continuance delays was none other than the State of Texas, whose own lawmakers filed nine continuances on behalf of defendants facing state charges.

Lawmakers Delayed Nine Cases Brought By the State of Texas			
Legislator	Court	County	Case
Alonzo	Co. Criminal Court	Fannin	<i>State of Texas v Alexander N. Brenes</i>
Alonzo	Co. Criminal Court No. 287	Tarrant	<i>State of Texas v. Valente Guel</i>
Alonzo	State District Court 194	Dallas	<i>State of Texas v Abraham Rinconcillo</i>
Alonzo	Carrollton Municipal Court	Dallas	<i>State of Texas v. Jose Nicolas Ramirez</i>
Alonzo	State Ofc. of Admin Hearings	Dallas	<i>Texas DPS v. Jorge Enrique Charles</i>
Dunnam	Waco Municipal Court	McLennan	<i>State of Texas v. El Amin Muhammad</i>
Dutton	State District Court 176	Harris	<i>State of Texas v. Michael Selexman</i>
Wilson	North Oak Ridge Mun'l Court	Montgomery	<i>State of Texas v. Darrell Beaulier</i>
Wilson	State Ofc. of Admin Hearings	Travis	<i>Texas DPS v. Alan Freeman</i>

¹ TPJ sued two legislators in recent years (Rep. Gabi Canales and ex-Rep. RickGreen) in an effort to force all lawmakers to disclose continuances under the Texas Public Information Act.

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