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## **Fact Sheet: The "Rent-A-Legislator" Practices—Legislative Continuances and Legislators Appearing Before State Agencies**

### **Legislative Continuances**

#### **The law:**

Ch. 30.003, Civil Practices and Remedies Code, governs legislative continuances. It states that at any time within 30 days of the date when the legislature is set to be in session or during session, the court must automatically grant a continuance to any party represented by a legislator. The continuation lasts until 30 days after the session has ended. The only exception is cases in which the legislator is hired within 10 days of the set date of trial, in which case the judge has discretion to grant the continuance.

#### **A sample of abuses:**

- A judge was hired by Firestone one month before the 2001 session to delay at least two cases filed by roll-over victims in Texas. The legislator admitted in court to having no experience in such cases.
- A legislator was brought in as co-counsel on a fen-phen victim suit 10 days before the trial date and two years after the suit was filed, squeaking by the deadline for an automatic continuance. Lawyers for the victim claimed that she might not live through the delay, and accepted a drug company-requested settlement in defeat soon after the continuance was granted.
- A legislator was hired by a defendant in a spousal-abuse trial. The judge denied the request for a continuance and set the date of trial for a Friday when the Legislature was not in session. The trial was resolved in a day with a substitute lawyer while the legislator spent all day at the Court of Appeals getting an appeal to her decision. The defendant was convicted of beating his wife, but the legislator had the judge held in criminal contempt.
- Another legislator hired by a pharmaceutical company in a fen-phen case one month before the session and on the eve of the trial and got a continuance. Though the makers of the drug had a \$4 billion judgment against them last year, they hired a legislator who was a young lawyer with little experience in the area.
- One legislator was hired by a corporation facing asbestos litigation. The opposing lawyer said that the only time he's seen the member's signature on a document were the petitions for continuances.



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## **Legislators Representing Clients Before State Agencies**

### **The law:**

Ch. 572.052, Government Code, says that

(a) A member of the legislature may not, for compensation, represent another person before a state agency in the executive branch of state government unless:

(1) the representation:

(A) is made in a proceeding that is adversary in nature or in another public hearing that is a matter of record; or

(B) involves the filing of documents, contacts with the agency, or other relations, that involve only ministerial acts on the part of the commission, agency, board, department, or officer; and

(2) the member discloses to the agency that the member is being compensated for the representation.

### **Examples of Abuse:**

- A senator on the Senate Finance Committee, which controlled the budget for the Texas Water Commission, is hired by a group of commercial dairies to represent them in front of the Commission.
- A senator is hired to represent a group of bail bondsmen in front of a Commissioner's Court. Shortly thereafter the senator sponsors legislation that would make it more difficult for others to enter his client's industry and compete with them.
- A senator is hired by a company to argue against a rival's waste incineration permit before a state agency. He then urges the agency to old off on the ruling due to legislation that was filed in the Senate: his.
- Legislators fall under investigation for their representation of a nutritional supplement manufacturer. While law limits their activities to proceedings "adversary in nature", legislators call Texas Department of Health to argue their case, even using legislative stationary to write officials and staff of the agency.
- A legislator serving on a committee evaluating the State Board of Insurance was hired to represent an insurance company under investigation, blocking the suspension of his client's license for months.
- Two legislators were hired by a man convicted of defrauding investors of \$30 million appeared before the parole board and got the man an early release: he served 1/5<sup>th</sup> of his 19 year sentence.

**A Gallup poll found that 71% of Texans think that legislators should not be allowed to represent clients for pay before state agencies.**