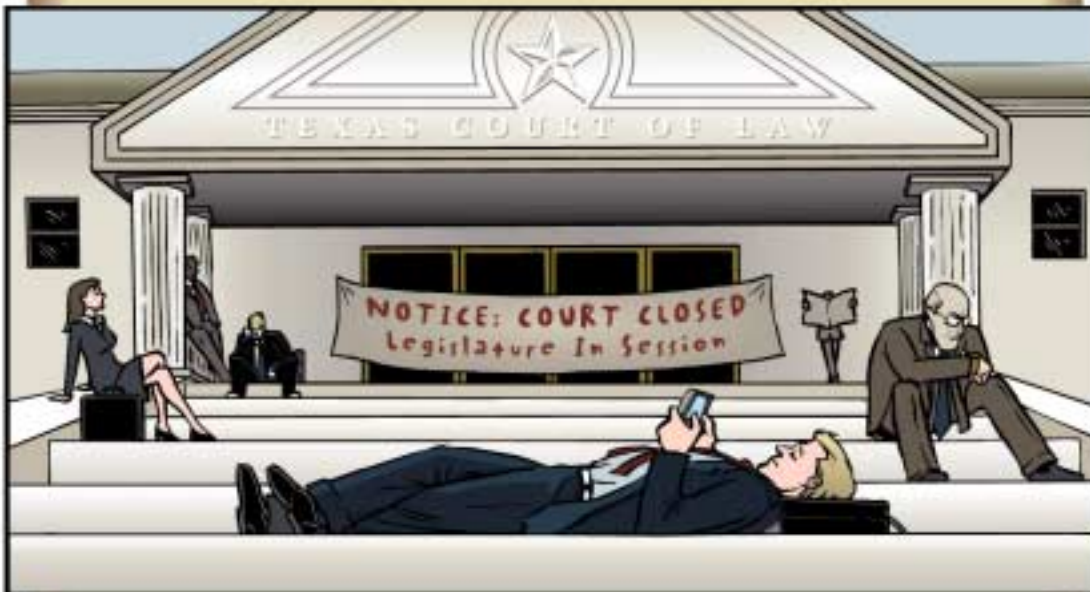


# Continual Perks Slow Texas Courts:

How 32 Lawmakers Claimed  
431 Court Delays in Two Years



Texans for Public Justice  
May 2006

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**Intern Omair Khan did much of research for this report.**

Texans for Public Justice is a non-profit, non-partisan research and advocacy organization that monitors money in Texas politics and promotes campaign finance and judicial-selection reforms.

Texans for Public Justice  
609 W. 18th St., Suite E  
Austin, TX 78701  
PH: (512) 472-9770  
Fax: (512) 472-9830  
[tpj@tpj.org](mailto:tpj@tpj.org)  
<http://www.tpj.org/>

## I. Summary

- For 76 years lawyers who are members of the Texas Legislature have enjoyed a special perk called a “legislative continuance.” Lawmakers who are attorneys in cases in state courts can delay proceedings in those cases whenever the legislature is in session.
- Facing complaints that some defendants abused this perk by hiring lawmakers to stall unwanted legal proceedings, the Texas Legislature passed a 2003 reform that has required lawmakers to publicly disclose their continuances since September 2003.
- The timing of this reform was fortuitous, coming amidst the seven special legislative sessions that Governor Rick Perry has convened in the past three years. By greatly expanding the normal legislative-continuance season, these special sessions helped to create more than two years worth of court blackout days during the two-and-a-half-year period starting in January 2003.
- Research on this report began before Governor Perry launched the latest continuance season by convening the April 17, 2006 special session. This report analyzes the 431 legislative continuances that 32 Texas lawmakers filed between September 2003 and September 2005.
- Rep. Roberto Alonzo filed an extraordinary 241 legislative continuances in this two-year period, accounting for 56 percent of all continuances filed. Rep. Phil King came next, filing 53 continuances (12 percent).
- Largely due to Rep. Alonzo’s filings, lawmakers filed 63 percent of all continuances on behalf of criminal defendants. Family-law cases accounted for 8 percent of all continuances; other civil cases accounted for 29 percent of the total. Even when limited to just civil cases, defendants accounted for 70 percent of all continuance filings.
- Thanks in part to special-session extensions of the legislative-continuance season, some lawmakers repeatedly filed one continuance after another in the same case. Rep. Alonzo claimed the record for serial continuances, filing five of them in one six-month period in the *State of Texas v. Omar Hernandez*. Rep. King filed 11 continuances in five related cases that all involved a group of pawn-shop executives fighting over stock options.
- At least six lawmakers claimed continuances in cases that named themselves or apparent family members as defendants. Reps. Craig Eiland and Robert Puente claimed continuances in lawsuits that named them personally. Reps. Harold Dutton, Trey Martinez Fischer, Roberto Alonzo and Carlos Uresti claimed continuances in cases naming apparent family members as defendants (the latter two did not return calls about these cases).

## II. Introduction

In 1929 the Texas Legislature created a privileged political perquisite that only is bestowed upon lawmakers who practice law. Invoking this “legislative-continuance” perk, a lawmaker who is an attorney of record in a Texas court case can postpone case proceedings during a legislative session. In fact, lawmaker-lawyers can stay these legal proceedings for more than six months—from 30 days before a legislative session until 30 days after it ends.

This perk’s defenders argue that, since lawyer-lawmakers cannot adequately devote themselves to clients during legislative sessions, they should not be penalized for serving in Texas’ part-time legislature. Critics counter that this perk—once created—bred abuse. It is one thing if a lawmaker hired for his or her legal expertise invokes a continuance. It is quite another when a client hires a lawyer-lawmaker with no relevant experience to stall a case. Delay is a legal tactic that has been deployed, for example, by wealthy defendants seeking to outlive plaintiffs with scarce resources. Texas’ legislative-continuance law lacked effective safeguards to stop lawmakers from brokering their continuance powers to parties seeking court delays. Continuance abuses long have frustrated Texas judges, at least one of whom complained that the high volume of continuance trafficking effectively established a market price for them.<sup>1</sup>

For years each biennial, regular legislative session has spawned new media reports of possible continuance abuses. The *Texas Observer* reported in 1999 that Sen. Chris Harris (R-Arlington) obtained continuances on behalf of two nursing homes defending themselves from resident-abuse lawsuits.<sup>2</sup> The *Observer* reported that case records revealed very modest participation by Sen. Harris. Apart from delaying proceedings, his main contribution was to back the defense’s disingenuous—and ultimately failed—argument that the legislature did not intend for state regulatory reports to be used as evidence in nursing-home lawsuits.<sup>3</sup>

Then-Rep. Juan ‘Chuy’ Hinojosa (D-McAllen) was 2001’s continuance poster boy. He filed continuances on behalf of defendants in two lawsuits involving victims of Ford-Firestone rollovers. Firestone hired this lawmaker just before the trials were scheduled to begin.<sup>4</sup> In denying that Firestone hired him solely as a delay tactic, the lawmaker acknowledged the existence of a legislative-continuance market. Hinojosa said he turned down offers from two other clients that just wanted to use him to delay litigation.<sup>5</sup> Later that session, the defense in yet another Ford-Firestone death case hired Rep. Terry Keel (R-Austin) on the eve of trial. Keel is an established criminal attorney who lacked experience litigating product-liability cases.

In 2001 Texans For Public Justice (TPJ) filed Texas Public Information Act (TPIA) requests asking the 62 lawmakers who then were members of the Texas Bar (34 percent of the legislature) to disclose all the legislative continuances that they had filed since 1998. Just 14 members (23 percent) responded positively by disclosing continuances or saying that they had not sought any. The other 48 lawyer-lawmakers (77 percent) either did not respond (37 percent) or failed to provide responsive information (40 percent). Most respondents who refused the disclosure request used variants of a sentence that insiders said was drafted by the Office of the Legislative Counsel. That sentence said, “There are no records in this office that meet your request.”

TPJ believed that TPIA governed legislative continuances, regardless of where they were produced or physically stored. TPJ believed that TPIA applied because legislative continuances are an *ex-officio* perk that is only available to attorneys serving in the legislature. To set a continuance-disclosure precedent, TPJ filed a lawsuit in state district court in Austin in February 2002. That lawsuit singled out then-Rep. Rick Green (R-Dripping Springs), whose TPIA response said, “After consulting the services of the Office of the Attorney General, it is my understanding that I am under no requirement to comply.” No other lawmaker had cited the attorney general. If

the attorney general had formulated an opinion on continuance disclosure, TPJ wanted to disclose that, too.

Rep. Green's selection as TPJ's test-case defendant was serendipitous. Rep. Green quickly settled TPJ's lawsuit by agreeing to disclose his continuances—including a wonderfully self-serving one. Rep. Green had obtained a continuance a year earlier in *Rick and Judy Neill v. Rick and Kara Green*. After the Neill family bought a leaky home built by a Rick Green company, they filed suit to recover \$23,000 in damages from this lawmaker. Representing himself in court, Rep. Green secured a continuance to stall a lawsuit that named him personally. As a *pro se* attorney, Rep. Green illustrated the need for continuance disclosure. But his legal settlement left TPJ in need of a new defendant to establish a disclosure precedent. Meanwhile Rep. Green failed to obtain a different kind of "legislative continuance"—when voters threw him out of office in November 2002.

Prompted by media reports that three lawmakers had obtained at least six continuances on behalf of corporations that marketed dangerous drugs, TPJ again invoked TPIA in February 2003, asking these three lawmakers to disclose all of their continuances. Reps. Ruben Hope (R-Conroe) and Aaron Pena (D-Edinburg) complied. But then-Rep. Gabi Canales (D-Alice) responded with the magic words: "There are no records in this office that meet your request." TPJ filed suit six weeks later to compel this lawmaker to disclose all of her legislative continuances.

Newly elected Canales reportedly had obtained at least three continuances for Fen-Phen defendant Wyeth.<sup>6</sup> Indeed, Rep. Canales—who had nil experience with complex drug litigation—actually got the drug giant two delays in one case. Hiring Rep. Canales allowed Wyeth to successfully petition for the recusal of District Judge Terry Canales on the grounds that he should not hear a case litigated by his daughter.<sup>7</sup> Rep. Canales later invoked this legal clout in an effort to discourage TPJ's lawsuit. Her attorney told TPJ's counsel that Rep. Canales would seek a venue change to her home turf, where TPJ's lawsuit would be found frivolous and TPJ would be forced to pay the defense's legal costs.<sup>8</sup>

During pretrial discovery, TPJ established that Rep. Canales' distinction between her legislative office and her law office was a nebulous one. Rep. Canales acknowledged to TPJ that her legislative district office and her law office shared the same address at 1600 E. Main in Alice, Texas. Two of the three workers employed in Rep. Canales' law office also received payments from her political campaign for "canvassing" and other services. Yet Rep. Canales still argued that the *legislative* continuances produced by her *law* office were off limits to her *legislative* office.

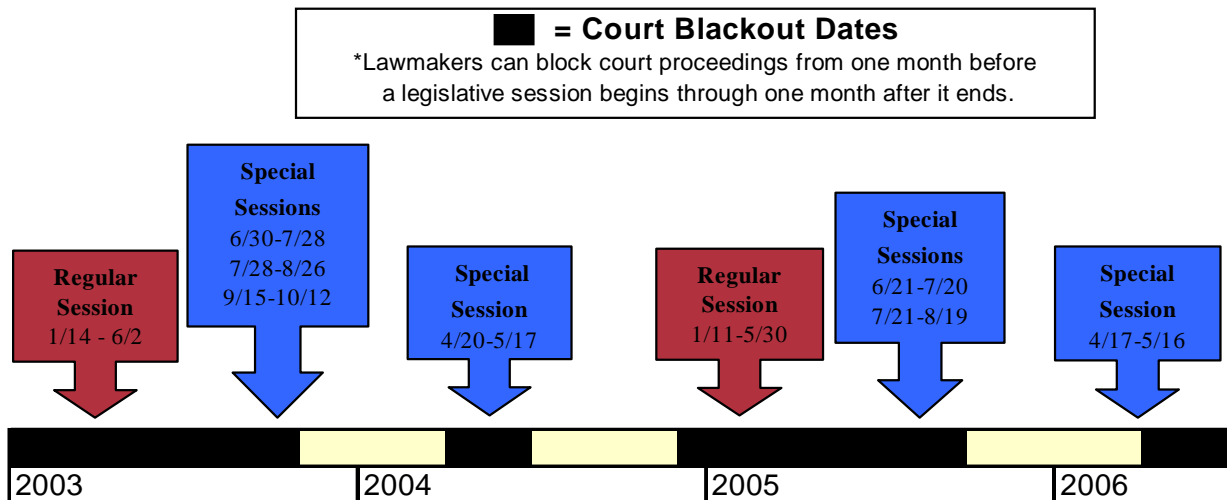
During pre-trial preparations, Governor Perry signed into law a 2003 reform bill (HB1606) that explicitly requires lawmakers to publicly disclose legislative continuances. Having effectively won a two-year disclosure battle, TPJ offered to drop its lawsuit. Instead, Rep. Canales continued to pursue a counterclaim against TPJ, claiming that its lawsuit was "groundless" and filed for "harassment." Her attorney said she only would dismiss her counterclaim if TPJ paid all legal costs and publicly stated that the lawmaker never had an obligation to disclose her continuances. As the reform that would clarify this disclosure obligation awaited the governor's signature, a state trooper pulled over Rep. Canales on the night of June 7 for speeding through her beloved Jim Wells County with a defective headlight. The officer arrested the lawmaker after finding open bottles of Johnny Walker and Crown Royal whiskey in her car. Voters removed Rep. Canales from office five months later.

### III. Continual Continuances

By the time the continuance-disclosure reform took effect on September 1, 2003, Governor Perry already had extended the 2003 legislative-continuance season by convening two special sessions on redistricting that year. Two weeks after the reform took effect the governor convened yet another special session to promote Tom DeLay’s congressional redistricting agenda. Indeed, during the three and a half years from January 2003 through mid 2006, Governor Perry called an extraordinary *seven* special sessions that lasted an average of 29 days each. Nine additional months during this period were consumed by two regular sessions.

Yet the continuance season ran considerably longer. Legislator-lawyers can block court proceedings from up to one month before a session starts to up to one month after it ends. All told, court blackout days consumed 26 out of the 42 months from January 2003 through mid-2006.<sup>9</sup> In other words, legislators could tie up court proceedings for more than two years worth of this three-and-a-half-year period! Perpetual special sessions have created a virtual open season for legislative continuances.

### Legislative-Continuance Season, 2003-2006



### Legislative Sessions, 2003-2006

Session Type	Start Date	End Date	Main Topic Cited By Governor
Special	4/17/06	?	School Finance
Special	7/21/05	8/19/05	School Finance
Special	6/21/05	7/20/05	School Finance
<b>Regular</b>	<b>1/11/05</b>	<b>5/30/05</b>	<b>Not Applicable</b>
Special	4/20/04	5/17/04	School Finance
Special	9/15/03	10/12/03	Redistricting
Special	7/28/03	8/26/03	Redistricting
Special	6/30/03	7/28/03	Redistricting
<b>Regular</b>	<b>1/14/03</b>	<b>6/2/03</b>	<b>Not Applicable</b>

Source: Legislative Reference Library

Research for this report began prior to the advent of the current continuance season surrounding the special session that Governor Perry convened on April 17, 2006. This report analyzes

legislative continuances reported to the Texas Ethics Commission from the time that the continuance-disclosure law took effect in September 2003 through September 2005, which marked the close of that year's continuance season.

#### IV. Defendants Dominate Continuances

Thirty-two lawmakers reported a remarkable 431 legislative continuances during the two years studied. Criminal cases account for 63 percent of these continuance filings largely due to the work of hyperactive criminal-defense attorney Roberto Alonzo (D-Dallas) (see below). Lawmakers filed 29 percent of their continuances in civil cases, which would far outnumber criminal filings were it not for Rep. Alonzo's prolific criminal filings. Finally, family-law cases accounted for 8 percent of all continuances cases.

##### Criminal Defense Attorneys Filed the Most Continuances

Case Type	No. of Cases	% of Cases
Criminal	272	63%
Civil	126	29%
Family	33	8%
<b>TOTAL:</b>	<b>431</b>	<b>100%</b>

##### Defendants Dominate Civil Continuance Filings

Continuance Filings In Civil Cases	No. of Cases	% of Cases
For Defendants	88	70%
For Plaintiffs	30	24%
NA or Unclear	8	6%
<b>TOTAL:</b>	<b>126</b>	<b>100%</b>

In theory and in practice, defendants seem to have a greater interest in delaying both civil and criminal judgments. Defendants accounted for the vast majority of all legislative-continuance filings in both criminal and civil cases. In non-family civil cases, defense attorneys accounted for the vast majority of the continuance filings, outnumbering continuance filings by plaintiff attorneys almost three to one. Such corporate giants as Farmers Insurance, Ford Motor Co., Wal-Mart and Wyeth Pharmaceutical all retained lawmakers who filed legislative continuances.

#### Continuances By Big Corporate Defendants

Corporate Client	Continuance Filer	Continuance Filing Date
Clayton Homes	Rep. Jim Solis (D-Harlingen)	2/24/2005
Farmers Insurance	Rep. Rene Oliveira (D-Brownsville)	4/22/2005
HEB Grocery	Rep. Rene Oliveira (D-Brownsville)	4/22/2004
Ford Motor Co.	Rep. Vilma Luna (D-Corpus)	3/18/2005
Wal-Mart	Rep. Rene Oliveira (D-Brownsville)	4/22/2004
Wal-Mart	Rep. Carlos Uresti (D-San Antonio)	1/14/2005
Wyeth Pharmaceuticals	Rep. Ruben Hope (R-Conroe)	8/14/2003
Wyeth Pharmaceuticals	Rep. Ruben Hope (R-Conroe)	9/12/2003

Rep. Veronica Gonzales (D-McAllen) filed the boldest continuance request. Although legislative continuances only apply to *state* court cases, Rep. Gonzales sought one in *federal* court in McAllen in June 2005. Rep. Gonzales filed this unusual request soon after she was assigned to defend alleged marijuana dealer Israel Jose Juarez, Jr. The federal judge in this case does not appear to have ruled on this continuance request.<sup>10</sup>

## V. The Legislature's Continuance Kings

A tiny elite of lawmakers filed most continuances, with the top five filers accounting for 81 percent of all the state's legislative continuances. Rep. Roberto Alonzo (D-Dallas) is the undisputed continuance king. This criminal-defense attorney filed 241 continuances—or 56 percent of the total. Rep. Alonzo filed an average of two continuances a week.

### Lawmaker Continuance Count

Lawmaker (Party)	Home Town	No. of Continuances
Rep. Roberto Alonzo (D)	Dallas	241
Rep. Phil King (R)	Weatherford	53
Rep. Carlos Uresti (D)	San Antonio	34
Rep. David Leibowitz (D)	San Antonio	11
Rep. Trey Martinez Fischer (D)	San Antonio	11
Rep. Joseph Nixon (R)	Houston	9
Rep. Robert Puente (D)	San Antonio	9
Rep. Jim Dunnam (D)	Waco	7
Rep. Rene Oliveira (D)	Brownsville	7
Rep. Robert Duncan (R)	Lubbock	6
Rep. Ron Wilson (D)*	Houston	5
Rep. Harold Dutton (D)	Houston	3
Rep. Veronica Gonzales (D)	McAllen	3
Rep. Toby Goodman (R)	Arlington	3
Sen. Chris Harris (R)	Arlington	3
Rep. Bryan Hughes (R)	Mineola	3
Rep. Aaron Pena (D)	Edinburg	3
Rep. Sylvester Turner (D)	Houston	3
Rep. Ruben Hope (R)	Conroe	2
Rep. John Mabry (D)*	Waco	2
Sen. Royce West (D)	Dallas	2
Rep. Joseph Deshotel (D)	Beaumont	1
Rep. Craig Eiland (D)	Galveston	1
Rep. Dan Gattis (R)	Georgetown	1
Rep. Will Hartnett (R)	Dallas	1
Rep. Abel Herrero (D)	Corpus	1
Rep. Vilma Luna (D)	Corpus	1
Rep. Todd Smith (R)	Eules	1
Rep. Jim Solis (D)	Harlingen	1
Rep. Jack Stick (R) *	Austin	1
Rep. Robert Talton (R)	Pasadena	1
Rep. Yvonne Gonzalez T. (D)	Alice	1
<b>TOTAL:</b>		<b>431</b>

\*No longer in legislature.

Rep. Alonzo's closest competitor is Rep. Phil King (R-Weatherford), who filed 53 continuances (12 percent of the total). Rep. King's cases principally involved civil suits between businesses or family members. Rep. Carlos Uresti (D-San Antonio) came next with 34 continuances (8 percent), which mostly involved criminal-defense cases. Only two other lawmakers filed more than 10 continuances. They were San Antonio Democrats David Leibowitz and Trey Martinez Fischer, who filed 11 continuances apiece.



## VI. Serial Continuances

Given the recent expansion of the continuance season, some lawmakers filed one continuance after another in the same case. Lawmakers filed more than one continuance in a total of 82 cases. Rep. Alonzo again claimed the title for such serial continuances, filing an extraordinary five continuances in *The State of Texas v. Omar Hernandez*. This case, before the Municipal Court of Grand Prairie, was the only “quintuplet-continuance” case found. Rep. Alonzo filed his first *Omar-Hernandez* continuance in December 2004. He filed the fifth one just six months later in May 2005.

Besides Rep. Alonzo, who had four quadruple continuances cases,<sup>11</sup> Rep. King was the only other lawmaker to report four continuances in a single case: *York International Corp. v. Lightfoot Mechanical, Inc.* in Weatherford’s 43<sup>rd</sup> State District Court. Finally, Rep. Uresti was the only lawmaker other than Reps. Alonzo and King to exceed two continuances in a single case. Rep. Uresti filed triple continuances in two separate cases.<sup>12</sup>

### Multiple Continuances Filed In A Single Case

Lawmaker (Party)	Total No. of Cases With Multiple Continuances	No. of Double-Play Cases	No. of Triple-Play Cases	No. of Quadruple-Play Cases	No. of Quintuple-Play Cases
Rep. Roberto Alonzo (D)	55	39	11	4	1
Rep. Phil King (R)	17	11	5	1	0
Rep. Carlos Uresti (D)	4	2	2	0	0
Rep. David Leibowitz (D)	2	2	0	0	0
Rep. Trey Martinez Fischer (D)	1	1	0	0	0
Rep. Robert Duncan (R)	1	1	0	0	0
Rep. Veronica Gonzales (D)	1	1	0	0	0
Sen. Royce West (D)	1	1	0	0	0
<b>TOTAL:</b>	<b>82</b>	<b>58</b>	<b>18</b>	<b>5</b>	<b>1</b>

Rep. Phil King claimed 11 continuances in five related cases filed in four different state courts. All of these cases grew out of a group of predatory-lending executives fighting over stock options. The fun began in 1998, when an Arlington, Texas-based pawn shop outfit, First Cash Financial Services, bought a California-based check-cashing business and named its chief, Blake Miraglia, as a division president. Relations soon soured. Miraglia quit, filing a lawsuit alleging that First Cash cheated him out of promised stock options.

Miraglia and his allies also posted unflattering information about First Cash on the Internet, prompting First Cash officers and directors to retaliate with defamation lawsuits. As Miraglia’s defense attorney, Rep. King filed 11 related continuances during a six-month period. Senator Chris Harris (R-Arlington) squared off against Rep. King in at least one of these cases. Yet Harris did not report any legislative continuances in these cases.

### Rep. King Filed 11 Continuances On Behalf of Pawn-Shop Executive Blake Miraglia

Continuance		State District	
Date	Case Style	Court No. (County)	Case No.
2/15/05	<i>Phillip E. Powell v. Blake Miraglia et al.</i>	236 (Tarrant)	236-203613-03

2/15/05	<i>Tara Schuchmann v. Blake Miraglia et al.</i>	134 (Dallas)	03-13611-G
2/17/05	<i>Rick Wessel v. Blake Miraglia et al.</i>	48 (Tarrant)	048-203617-03
6/28/05	<i>J. Alan Barron v. Blake Miraglia et al.</i>	415 (Parker)	51257
6/29/05	<i>Phillip E. Powell v. Blake Miraglia et al.</i>	48 (Tarrant)	048-203613-03
6/29/05	<i>Rick Wessel v. Blake Miraglia et al.</i>	48 (Tarrant)	048-203617-03
6/29/05	<i>Tara Schuchmann v. Blake Miraglia et al.</i>	134 (Dallas)	03-13611-G
8/16/05	<i>J. Alan Barron v. Blake Miraglia et al.</i>	415 (Parker)	51257
8/16/05	<i>Phillip E. Powell v. Blake Miraglia et al.</i>	48 (Tarrant)	048-203613-03
8/16/05	<i>Rick Wessel v. Blake Miraglia et al.</i>	48 (Tarrant)	048-203617-03
8/16/05	<i>Tara Schuchmann v. Blake Miraglia et al.</i>	134 (Dallas)	03-13611-G

## VII. Personal Continuances

Some continuances were of a more personal nature. At least six lawmakers claimed continuances in cases naming themselves or apparent family members as defendants.

Rep. Carlos Uresti appears to have filed continuances in two cases involving citations against members of his family. Bexar County officials cited an Alberto V. Uresti in May 2005 for continuing to store junk vehicles at his property after he was ordered to remove them. When contacted about the case, the court clerk said, “Let me see if this is the case in which there has been one continuance filed after another.” The clerk said nothing developed from this citation and prosecutors filed a second one against the same property owner for the same violation five months later.<sup>13</sup>

Rep. Uresti also claimed a continuance in a case involving defendant Lorenzo N. Uresti. While Lorenzo Uresti was driving a Uresti Sons Trucking vehicle in January 2005, a trooper cited him for a defective light, failing to use seat belts and not displaying valid insurance and inspection credentials. That truck was registered to Alberto Uresti at the same address cited for junk vehicles. One of Rep. Uresti’s legislative aides declined to say if the lawmaker is related to defendants Alberto Uresti and Lorenzo Uresti. She directed TPJ to call Rep. Uresti’s law office. Rep. Uresti—who *is* the son of an Alberto Uresti—did not respond to inquiries left there.

Rep. Roberto Alonzo, who has a brother named Victor, filed a continuance last year in the *State of Texas v. Victor Alonzo*. The State Office of Administrative Hearings, where Rep. Alonzo filed this continuance, referred questions about the case to the Texas Department of Public Safety division that revokes drunk drivers’ licenses. That office told TPJ that it could not access information on the case without the defendant’s driver’s license number or date of birth.<sup>14</sup> Rep. Alonzo did not return calls about the case.

Rep. Harold Dutton (D-Houston) filed a continuance in 2003 as an attorney defending his daughter from a lawsuit filed by Melange Fine Cuisine. Melange alleged that Melonie Dutton failed to pay half of a \$46,067 bill that she incurred in 2000, when Melange catered her 500-guest wedding at Houston’s Rice Hotel.<sup>15</sup>

Rep. Craig Eiland (D-Galveston) filed a continuance last year after being sued by an inmate who is serving an 18-year rape sentence. Rep. Eiland sued prisoner Robert Holzwarth first on behalf of the woman that Holzwarth raped in 1993. Although the victim dropped her lawsuit, Holzwarth counter-sued Rep. Eiland and is appealing a summary judgment against the prisoner in that case. Houston’s 151<sup>st</sup> District Court said it could not immediately provide case documents, which were being scanned.

Rep. Robert Puente (D-San Antonio) also claimed a continuance last year in a lawsuit filed against him by a plaintiff whom the lawmaker described as “a rogue tenant” of a building that the lawmaker owns. The lawmaker said he prevailed in this case by arguing that this plaintiff, who subleased space from another tenant, had sued the wrong defendant. Rep. Puente says he successfully argued that the plaintiff should have sued the original tenant rather than the building’s owner. The Bexar County Justice of the Peace clerk did not respond to repeated requests for filings in this case.<sup>16</sup>

Rep. Trey Martinez Fischer (D-San Antonio) claimed a continuance in 2004 in a paternity lawsuit. A legislative aide said the lawmaker is handling this case *pro bono* for his five-year-old niece.<sup>17</sup>

## End Notes

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<sup>1</sup> In a 1999 concurring opinion (988 S.W.2d 808) involving a legislative continuance obtained by Rep. Rene Oliveria, then-San Antonio appeals Judge Tom Rickhoff wrote, “I must confess that I am predisposed to be against this legislative perk, for reasons completely outside this record. In Bexar County during the 1970s legislative continuances were so common they enjoyed a set price.”

<sup>2</sup> “Senator Harris for the Defense,” *Texas Observer*, April 16, 1999.

<sup>3</sup> “The Defense Rests,” *Texas Observer*, May 14, 1999.

<sup>4</sup> “Lawyers Allege Legislative Continuances Used To Delay Tire Trials,” *Texas Lawyer*, January 29, 2001.

<sup>5</sup> “To Be Continued,” *Texas Lawyer*, March 26, 2001.

<sup>6</sup> “Last-minute Legislative Continuance Frustrates Plaintiffs’ Lawyers,” *Texas Lawyer*, December 16, 2002.

<sup>7</sup> “Fighting Back in Fen-Phen Cases,” *Texas Lawyer*, January 20, 2003.

<sup>8</sup> Canales’ attorney, Will Pierson of Royston, Rayzor, Vickery & Williams, brought up his client’s father when he informed TPJ’s counsel that he would seek a venue change from Austin to Alice. “I don’t want to threaten you,” Pierson said, “but Gabi Canales and her father are very powerful people in Jim Wells County.” Pierson then warned that a court in that county would force TPJ to pay the defense’s legal costs for a frivolous lawsuit.

<sup>9</sup> This takes into account that some of these legislative sessions occurred virtually back to back. In those cases, the 30-day continuance “tail” that follows one session overlapped with the 30-day continuance “head” preceding the next session. These overlapping periods were not double counted, which would have exaggerated the actual number of court blackout days.

<sup>10</sup> One possible reason is that the judge granted a non-legislative continuance motion that Rep. Gonzales had filed three days prior to her request for a legislative continuance. See case 99-CR-00580 in U.S. District Court for the Southern District of Texas, McAllen Division.

<sup>11</sup> These were *The State of Texas v.*, respectively, *Amelia Juarez*, *Andres Torres*, *Jose de Jesus de la Rosa* and *Yahaira Ibarra*.

<sup>12</sup> These were the Comal County Court cases styled *The State of Texas v.*, respectively, *John Zillman* and *Paul Sandoval*.

<sup>13</sup> Prosecutors filed both citations with Bexar County justices of the peace. The citations are No. 50-N-05-00379-01 and 50-N-05-00640-01.

<sup>14</sup> Case No. 2004-1250882, State Office of Administrative Hearings, Dallas County.

<sup>15</sup> Case No. 756209 in Harris County Civil Court At Law No. 1.

<sup>16</sup> *Loren Lombardi v. Robert Puente*, Bexar County Justice of the Peace Precinct One, Place Two, case number 12-S-04-000212-01.

<sup>17</sup> Case No. 2000-EM5-05078 in the 166<sup>th</sup> State District Court in San Antonio.