

## Vexatious Litigant Prefiling Orders

**Background:** OCA is required to maintain a list of vexatious litigants subject to prefilling orders under Section 11.101 of the *Civil Practice and Remedies Code* and to send the list to the clerks of the state annually.

Section 11.104 of the *Civil Practice and Remedies Code* requires the clerk of a court to send OCA a copy of any prefilling order issued under Section 11.101—an order prohibiting a person from filing a new litigation in a court in the state if the court finds, after notice and a hearing, that the person is a vexatious litigant. Subsequently, the person must obtain permission from a local administrative judge to file litigation, and the judge may grant permission only if it appears that the proposed litigation has merit and has not been filed for the purposes of harassment or delay.

The Judicial Information Division maintains the list of vexatious litigants. Copies of the prefilling order may be faxed to (512)936-1358, emailed to [ReportingSection@courts.state.tx.us](mailto:ReportingSection@courts.state.tx.us), or mailed to:

Office of Court Administration  
Attn: Judicial Information Division  
P O Box 12066  
Austin, TX  
78711-2066

**NOTE: There is often confusion about what should or should not be reported. Read the judgment carefully to determine whether OCA should report the information received.**

### The information should be reported if:

- ◆ The judgment declares that the person is prohibited from filing (or the clerk of a court shall refuse) any litigation unless he/she obtains an order from the local administrative judge.
- ◆ The plaintiff was declared vexatious under Section 11.101 of the Civil Practice and Remedies Code.

### The information should NOT be reported if:

- ◆ The judgment requires the plaintiff **to post a bond** (“furnish security”) but does not prohibit the plaintiff from filing additional litigation in the state.
- ◆ The plaintiff was declared vexatious under Section 11.054 of the Civil Practice and Remedies Code.
- ◆ The judgment declares that the person is prohibited from filing (or the clerk of a court shall refuse) any litigation in a certain county unless he/she obtains an order from the local administrative judge.
- ◆ The judgment declares that the person is prohibited from filing (or the clerk of a court shall refuse) any litigation against certain parties unless he/she obtains an order from the local administrative judge.