

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JOSEPH WARD, et.al.,

Plaintiffs,

VS.

Cecile Young, in her official capacity as Executive Commissioner of the Texas Health and Human Services Commission,

Defendant.

CIVIL ACTION NO. 1:16-cv-00917

## CLASS ACTION

## ORDER ON PLAINTIFF'S UNOPPOSED MOTION TO ADD CLASS COUNSEL

This matter comes before the Court on the Plaintiffs’ Unopposed Motion to Add Class Counsel. (Dkt. # 157.) The Court, after reviewing the motion and pleadings on file, and being otherwise fully advised, is of the opinion that the Plaintiffs’ motion is meritorious and should be granted.

As the Court noted in its March 29, 2022 Order on Plaintiffs’ Motion for Class Certification (ECF No. 137),

Rule 23(a)(4) of the Federal Rules of Civil Procedure requires that “the representative parties will fairly and adequately protect the interests of the class.” The rule “mandates an inquiry into the zeal and competence of the representative’s counsel and into the willingness and ability of the representative to take an active role in and control the litigation and to protect the interests of absentees.” *Horton v. Goose Creek ISD*, 690 F.2d 470, 484 (5th Cir. 1982). The Court must find class counsel “qualified, experienced, and generally able to conduct the proposed litigation.” *North Am. Acceptance Corp. v. Arnall, Golden & Gregory*, 593 F.2d 642, 644 (5th Cir. 1979) (quoting *Johnson v. Georgia Highway Express, Inc.*, 417 F.2d 1122, 1125 (5th Cir. 1969)).

The Court notes that Plaintiffs have provided the Court with declaration evidence from Jeff Edwards of the Edwards Law Group demonstrating the firm's attorneys' zeal, competence, willingness, and abilities and that Lisa Snead has been an attorney of record in this case for over

five years. The Court accordingly finds that Edwards Law Group can adequately represent Plaintiffs and class members and the requirements of Rule 23(a)(4) are satisfied.

It is therefore ORDERED, pursuant to Rule 23(g), that Edwards Law Group is appointed as additional class counsel, joining existing counsel Disability Rights Texas and Winston & Strawn, LLP, for the class consisting of all persons who are now, or will be in the future, (a) charged with a crime in the State of Texas, (b) ordered by a Texas court to a Texas Department of State Health Services facility where they are to receive competency-restoration services, but (c) because the Texas Department of State Health Services maintains insufficient forensic capacity, (d) remain detained in a Texas county jail more than 21 days from the day the Texas Department of State Health Services receives the court order to the day the Texas Department of State Health Services makes a bed available in a Texas Department of State Health Services mental health facility.

SO ORDERED this 15th day of May, 2023.



---

HONORABLE DAVID A. EZRA  
UNITED STATES DISTRICT JUDGE