

SUBJECT: County alternative dispute resolution systems

COMMITTEE: Civil Practices — favorable, without amendment

VOTE: 5 ayes — Bosse, Janek, Alvarado, Hope, Zbranek
0 nays
4 absent — Dutton, Goodman, Nixon, Smithee

SENATE VOTE: On final passage, Local and Uncontested Calendar, May 3 — 30-0

WITNESSES: (*On House companion bill, HB 3641:*)
For — Tom Lawrence, Dispute Resolution Center of Harris County
Against — None

BACKGROUND : Counties may establish alternative dispute resolution (ADR) systems funded by a maximum \$10 fee on each civil case, except for suits for delinquent taxes.

DIGEST: SB 1718 would allow a judge to refer a case to an established county ADR system upon the judge's own motion.

The bill would specify that the \$10 court fee used to support the county ADR system could be collected for civil cases relating to probate matters, but could not be collected for condemnation proceedings or mental health commitment proceedings.

Harris County would be allowed to charge an additional fee of up to \$3 upon the authorization of the county commissioner's court. That fee would apply to every civil case filed in justice courts in the county, except suits for delinquent taxes or eviction proceedings.

SB 1718 would take effect September 1, 1999.

SUPPORTERS SAY: Alternative dispute resolutions systems can be very beneficial in allowing parties to work out their differences without having to go through the

formalities of the adversarial court system. Allowing judges to refer cases to a county ADR system would bring counties into alignment with the practice of judges in state courts. Oftentimes, parties are reluctant to request this procedure because it could be perceived as a willingness to settle the case. Allowing the judge to send a claim to ADR would give the judge additional control over the case and could allow for a quicker resolution of disputes.

Allowing Harris County to establish an additional fee of up to \$3 for its ADR system would be necessary to allow it to continue to function. The Harris County Dispute Resolution Center has been very successful in resolving disputes. The county's justice courts have made extensive use of the dispute resolution system, and this legislation would allow the claimants in those courts to help to support the center financially.

**OPPONENTS
SAY:**

Additional court fees make it more difficult for persons of limited means to assert their rights in court. Justice courts are designed to serve individuals not represented by attorneys who often are seeking to recover relatively small amounts of damages. Requiring them to pay an additional fee before filing their suit may make it difficult for some to be able to afford to bring such suits.

**OTHER
OPPONENTS
SAY:**

Other counties should be allowed to authorize additional ADR fees in their justice courts if those courts use the county ADR system.