

**SUBJECT:** Fee assessments in certain cases filed in Midland County courts at law

**COMMITTEE:** Judiciary — favorable, without amendment

**VOTE:** 6 ayes — Hartnett, Homer, Hopson, R. Cook, Gonzales, Goolsby  
0 nays  
3 absent — Alonzo, Hughes, Krusee

**WITNESSES:** None

**BACKGROUND:** In Midland County, the four district courts and the two county courts at law have concurrent jurisdiction over:

- family law cases and proceedings; and
- civil cases in which the matter in controversy exceeds \$500 but does not exceed \$500,000.

**DIGEST:** HB 4094 would amend Government Code, sec. 25.1672 to change the fees assessed by a county court at law in Midland County to be the same amount as the fees that would be assessed in the district courts of Midland County.

The bill would take effect on September 1, 2007, and would apply only to a cause of action filed on or after the effective date.

**SUPPORTERS SAY:** HB 4094 would address an arbitrary fee assessment by requiring the county courts at law to assess fees as if they were district courts in Midland county. The district courts and the county courts at law in Midland County have concurrent jurisdiction over family law and certain civil matters. In these matters, they provide the same services to the citizens who appear before them. Over time, the kinds and amounts of fees collected by these courts have diverged. This means the fees charged for the same actions cost different amounts depending on the court in which a litigant appears. Because these courts are able freely to transfer cases between their dockets, a person could face larger fees as a result of an arbitrary assignment to a particular court.

The result of the bill would be that everyone would pay the same amount for the same services regardless of whether they appeared before a district court or county court at law. Uniformity in fees would increase their predictability and the usability of the courts. This kind of uniform treatment is critical to maintaining public confidence in the courts.

While the users of these courts would see a slight increase in the total fees assessed before a county court at law, the fee increases would go to state coffers to support the courts and indigent defense. These are worthy causes and, along with the efficiencies created by uniform fees, would make the increased costs worthwhile.

According to the Legislative Budget Board, HB 4094 would not have a significant fiscal impact.

OPPONENTS  
SAY:

Under HB 4094, the average cost of a civil case in Midland County would increase by \$15, from \$202 to \$217. The average cost of a family law case would increase by \$5, from \$223 to \$228. By requiring the county courts at law to assess fees as if they were district courts, the people appearing before county courts at law would be forced to pay higher amounts to access the court system.

NOTES:

HB 4094 originally was recommended for the Local and Consent Committee, which transferred it to the Calendars Committee.