

- SUBJECT:** Increasing fees in district and county courts at law
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Farrar, Clardy, Hernandez, Laubenberg, Raymond, Schofield, S. Thompson
- 0 nays
- 2 present not voting — Smithee, Sheets
- WITNESSES:** For — Teresa Kiel and Caroline Woodburn, County and District Clerks' Association of Texas; (*Registered, but did not testify:* Seth Mitchell, Bexar County Commissioners Court; Heather Hawthorne, Patti Henry, Cary Roberts, Diane Hoefling, and Donna Brown, County and District Clerks' Association of Texas; Charles Reed, Dallas County Commissioners Court; Mark Mendez, Tarrant County Commissioners Court; Rick Thompson, Texas Association of Counties; John Dahill, Texas Conference of Urban Counties; Conrad John, Travis County Commissioners Court)
- Against — None
- On — (*Registered, but did not testify:* Laura Upchurch)
- BACKGROUND:** Government Code, ch. 25 provides that in certain counties and for certain cases, the district clerk in a county serves as the clerk of a county court at law.
- DIGEST:** HB 2182 would increase fees for:
- a defendant convicted by a jury in a county court, a county court at law, or a district court from \$20 to \$50;
  - civil cases in which a person applied for a jury trial in district court from \$30 to \$50;
  - civil cases in which a person applied for a jury trial in a county court or statutory county court from \$22 to \$50; and

- filing fees for claims against estates from \$2 to \$10.

HB 2182 would allow courts to assess the \$50 administrative fee authorized by Local Government Code, sec. 117.055 when returning cash funds deposited with the court for a bail bond.

Under the bill, district court clerks would be allowed to collect a \$10 court records archive fee for the filing of a suit in any court in the county for which the district clerk accepts filings until September 1, 2019. On or after that date, the fee would be \$5.

The bill would allow district clerks to collect fees for performing services related to matters filed in statutory county courts, in the same amount as fees allowed for services performed at a district court.

The bill would allow a county court clerk at a probate court to collect a filing fee of \$25 for filing certain documents, regardless of the length of the document, after the filing of an order approving the inventory and appraisal or more than 120 days after initial filing of an action.

This bill would take effect on September 1, 2015. The increases in fees would apply only to fees that became payable on or after the effective date.

**SUPPORTERS  
SAY:**

HB 2182 would increase court fees to reflect the amount that court administration costs have increased in the years and sometimes decades since these fees were last adjusted. For example, the number of jurors who respond to a jury summons has decreased to about 30 percent, so to fill a jury panel of 60, 300 people must be summoned. The postage cost alone for mailing 300 summonses would be nearly \$150. The fee for bail bonds also would compensate the county for the accounting and administrative expense incurred in handling registry funds.

HB 2182 would serve to create uniformity between the fees charged by county courts and those charged by district courts. This uniformity would make court administration easier for district clerks who handle filings for

both district and county courts. It also would give third parties filing suit in these courts predictability and uniformity in the costs involved with filing suits.

OPPONENTS  
SAY:

HB 2182 would impose increased court costs on defendants, many of whom already lack adequate financial resources to pay the fees and court costs required of them under existing law.

The bill would continue the steady increase of fees piled onto civil litigants. Eventually, these fees will rise to point where civil justice is unavailable to the public.

Additionally, litigants often file their cases in county courts because of the lower filing cost. The uniformity created by this bill could lead to decreased filings in county courts and increased filings in district courts.