

BILL ANALYSIS

Senate Research Center

H.B. 1745
By: Dutton (Ellis)
Jurisprudence
5-17-97
Engrossed

DIGEST

Currently, an intervenor can oppose and prevent a settlement offer agreed upon by all parties in a legal case. However, an intervenor may not be held responsible for the resulting costs and attorney's fees for the litigation of the other parties. This bill requires an intervenor to be liable for costs and attorney's fees if the intervenor opposes and prevents a settlement with the result that final judgment or subsequent settlement is less than the original proposed offer.

PURPOSE

As proposed, H.B. 1745 requires an intervenor to be liable for costs and attorney's fees if the intervenor opposes and prevents a settlement with the result that final judgment or subsequent settlement is less than the original proposed offer.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 30, Civil Practice and Remedies Code, by adding Section 30.012, as follows:

Sec. 30.012. INTERVENOR'S LIABILITY FOR ATTORNEY'S FEES AND COSTS. Requires a court to order an intervenor in a civil action to pay the attorney's fees and costs of the other parties to the action, if certain conditions occur. Provides that attorney's fees and costs awarded under this section include reasonable attorney's fees and costs of the parties other than the intervenor incurred beginning and ending on a certain date. Provides that this section does not apply to a statutory intervention.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.