BILL ANALYSIS

Senate Research Center

H.B. 462
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Jurisprudence
6/2/2003
Enrolled

DIGEST AND PURPOSE

Roughly 20 states and United States territories charge fees to certain nonresident attorneys who wish to participate in proceedings in that state or territory's courts. H.B. 462 requires a nonresident attorney to pay a $250 fee if the attorney requests to participate in Texas court proceedings.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 1 (Section 82.0361, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 82, Government Code, by adding Section 82.0361, as follows:

Sec. 82.0361. NONRESIDENT ATTORNEY FEE. (a) Defines "nonresident attorney."

(b) Requires a nonresident attorney requesting permission to participate in proceedings in a court in this state, except as provided by Subsection (e), to pay a fee of $250 for each case in which the attorney is requesting to participate. Requires the attorney to pay the fee to the Board of Law Examiners (board) before filing with the applicable court a motion requesting permission to participate in proceedings in that court as provided by rules adopted by the supreme court.

(c) Requires fees under this section to be collected in the same manner as other fees collected by the board. Requires the board to remit the fees collected under this section to the comptroller not later than the 10th day after the end of each calendar quarter.

(d) Requires the comptroller to deposit the fees received under this section to the credit of the basic civil legal services account of the judicial fund for use in programs approved by the Supreme Court of Texas (supreme court) that provide

basic civil legal services to the indigent.

(e) Authorizes the supreme court to adopt rules to waive or reduce the fee required by this section for a nonresident attorney who seeks to represent an indigent person in proceedings in a court in this state.

(f) Requires a nonresident attorney who files a motion requesting permission to participate in proceedings in a court in this state to provide to that court proof of payment of the fee required by this section. Requires the supreme court by rule to prescribe the method of proof.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2003.