SB 41: Filing Fees and Appeals in Civil Cases

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1

Resources

- Local Government Code Ch. 131 and 135
- Fines, Fees, and Costs Deskbook Updated December 2021!
- SB 41 text <u>https://capitol.texas.gov/</u>
 - select 87(R) 2021 in dropdown, then enter SB 41 in bill number box

SB 41: Civil Fees and Costs – State Consolidated Civil Fee

Effective January 1, 2022

- The "standard" civil filing fee will be \$54 (\$46 for cases filed before January 1, 2022). This fee is now made up of the state consolidated civil fee (this slide) and the local consolidated civil fee (next slide).
- The **State Consolidated Civil Fee (\$21)** consolidates the fees below into one fee.
- (Local Government Code § 133.151(a-1) and related Ch. 133 provisions).

\$6: Indigent Legal Services \$10: E-filing System Fund \$5: Judicial Education Fund

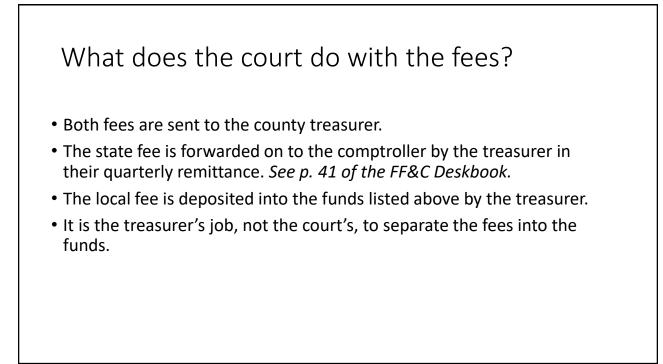
3

SB 41: Civil Fees and Costs – Local Consolidated Civil Fee

• The Local Consolidated Civil Fee for justice court (\$33) goes into the funds listed below. Note that these are funds and not fees that are separately assessed.

• (Local Government Code § 135.103 and related Ch. 135 provisions)

 Replaces money collected as part of \$25 civil filing fee <i>(repealed CPRC 152.005).</i> No longer discretionary. No longer discretionary. May only be used to cover costs of services provided by May only be used to cover under CPRC Ch. 152. Replaces optional \$5 ADR fee <i>(repealed CPRC 152.005).</i> Replaces \$3 interpreter fee <i>(repealed CPRC 152.005).</i> No longer discretionary. May only be used to cover under CPRC Ch. 152. Replaces \$3 interpreter fee <i>(repealed CPRC 21.051).</i> May only be used to cover under CPRC Ch. 152. 	\$25: Justice Court Support Fund	\$5: County Dispute Resolution Fund	\$3: Language Access Fund
a justice court.	 part of \$25 civil filing fee (repealed Local Government Code 118.121(1)). May only be used to cover 	 (repealed CPRC 152.005). No longer discretionary. May only be used to help fund an ADR program set up by a county 	 fee (repealed CPRC 21.051). May only be used to help pay for required



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5
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WHAT SHOULD THE BILL OF COSTS LOOK LIKE?

- Any receipt or bill of costs should reflect the two costs that courts are authorized to charge, and **not** the buckets that the comptroller or county treasurer puts them in!
- So effective Jan. 1, there should not be entries shown for the e-filing fee, indigent legal services fee, judicial education fund, ADR fee, or interpreter fee.

SB 41: Civil Fees and Costs – Other Fees

Government Code § 411.0745(b): Changes fee for nondisclosure order from \$28 to regular civil filing fee.

Occupations Code § 2308.457: Takes away the \$20 tow hearing fee – now just charge the standard civil filing fee.

Transportation Code 372.107(c): Changes the filing fee from \$100 to the standard civil filing fee for toll hearings.

Multiple sections from Government Code Ch. 51 repealed: Takes away several county-specific filing fees.

SB 41: Civil Fees and Costs – When Filing Fee is Assessed

- In addition to when the filing fee would already be charged, it now also needs to be charged when a party makes a motion for new trial or files an appeal.
 - What? Why? How?

7

FEE ON APPEALS AND MNT

- The clerk of a justice court shall collect [the state consolidated civil fee] on the filing of any civil case and on any action other than an original action for the civil case, **including an appeal** and any counterclaim, cross-action, intervention, contempt action, interpleader, **motion for new trial**, or third-party action.
- LGC 131.151(a-1)

FEE ON APPEALS AND MNT

- In addition to all other fees and court costs, a person shall pay the local consolidated filing fee on filing of any civil case in a justice court and on any action other than an original action for a civil case, including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, or third-party action.
- LGC 135.103(a)

11

APPEAL FEE FAQ

• Does the appellant still have to pay filing fees in county court also?

FAQ

- Does this reduce access to justice?
- What does "any action" mean?
- What about motions to set aside default j/m and motions to reinstate?
- What if the motion for new trial is denied?
- What is a "contempt action"?

What if a case is filed before Jan. 1 but appeal/mnt after jan. 1?

• The new fee would be assessed on the MNT or appeal.

13

TRANSCRIPT FEE AND OTHER WRITS

- Do we still charge the \$10 transcript fee on appeals? Yes
- Did the fees for abstracts of judgment or other writs change? Not for justice court, but some did change in other courts, so you may hear about that

DID THE JURY FEE GET REPEALED? Not for justice court! The \$22 jury fee is provided for by the Rules of Civil Procedure – not modified by this bill The jury fee assessed by *district clerks was* repealed.

15

WHAT IF WE DON'T HAVE AN ADR SYSTEM IN PLACE IN OUR COUNTY?

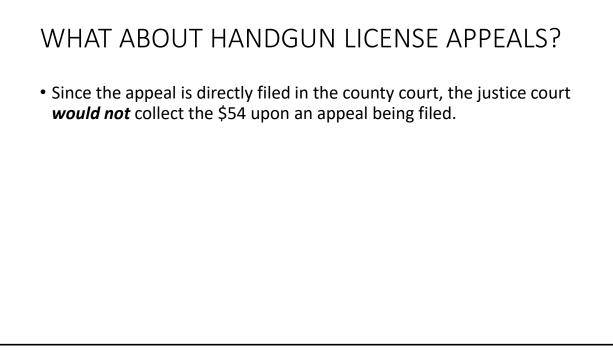
- The money that would be allocated to that fund gets remitted to the comptroller and the comptroller allocates the money to the statewide electronic filing system fund.
- Local Government Code § 135.157(b)

What about the different Cases that didn't get the ADR fee BEFORE?

- Counties that have an ADR system previously assessed a separate fee of \$5, that was not assessed in eviction cases.
- Now, the SCCF and LCCF are assessed in all civil cases, including evictions, and \$5 from the LCCF will go into the ADR fund bucket.

WHAT ABOUT ODL APPLICATIONS?

• They will now require the \$54 fee, instead of the \$46 currently assessed.



WHAT ABOUT STOLEN PROPERTY HEARING APPEALS?

• In these, and in any case where a party does not pay the civil filing fee (or file a Statement of Inability) to initiate the case, the \$54 would not be assessed on appeal either.

