

SB 41: Filing Fees and Appeals in Civil Cases

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Resources

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

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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

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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)*

\$25: Justice Court Support Fund

- Replaces money collected as part of \$25 civil filing fee *(repealed Local Government Code 118.121(1))*.
- May only be used to cover costs of services provided by a justice court.

\$5: County Dispute Resolution Fund

- Replaces optional \$5 ADR fee *(repealed CPRC 152.005)*.
- No longer discretionary.
- May only be used to help fund an ADR program set up by a county under CPRC Ch. 152.

\$3: Language Access Fund

- Replaces \$3 interpreter fee *(repealed CPRC 21.051)*.
- May only be used to help pay for required interpreter services.

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What does the court do with the fees?

- Both fees are sent to the county treasurer.
- The state fee is forwarded on to the comptroller by the treasurer in their quarterly remittance. *See p. 41 of the FF&C Deskbook.*
- The local fee is deposited into the funds listed above by the treasurer.
- It is the treasurer's job, not the court's, to separate the fees into the funds.

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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.

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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.

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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?

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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)*

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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)*

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FAQ

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APPEAL FEE FAQ

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

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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.

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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

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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.

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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)*

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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.

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WHAT ABOUT ODL APPLICATIONS?

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

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WHAT ABOUT HANDGUN LICENSE APPEALS?

- Since the appeal is directly filed in the county court, the justice court **would not** collect the \$54 upon an appeal being filed.

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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.

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Questions?