

**SUBJECT:** Increasing court of appeals fees

**COMMITTEE:** Judicial Affairs — favorable, without amendment

**VOTE:** 7 ayes — Thompson, Hartnett, Clark, Garcia, Luna, Shields, Zbranek  
0 nays  
2 absent— Crabb, Solis

**WITNESSES:** For — None  
Against — None  
On — Tom Phillips, Texas Supreme Court; Marilyn Aboussie, Third Texas Court of Appeals

**DIGEST:** HB 787 would increase certain fees collected by courts of appeal in civil cases. The fee for filing an appeal from a court within the appeals court's jurisdiction would increase from \$50 to \$100; for filing a motion relating to a proceeding, from \$20 to \$50; for motions that were granted, from \$30 to \$75; and for motions to file or extend time to file record on appeal, from \$5 to \$10.  
  
HB 787 would take effect September 1, 1997, and apply to fees payable on or after the effective date.

**SUPPORTERS SAY:** HB 787 would bring fees collected by courts of appeals more in line with those collected by the Texas Supreme Court and state district courts. An estimated 5,000 civil cases are filed with the 14 Texas courts of appeals each year and fees that are collected do not even begin to cover the state's expenses in an appeal. Furthermore, fees have not changed since 1983, even though the total number of pending caseloads has increased consistently every year for the past nine years. The proposed fee hikes would not hurt the average citizen, since there is no filing fee for most of the common and miscellaneous motions filed with an appeals court.

HB 787  
House Research Organization  
page 2

OPPONENTS  
SAY: No apparent opposition.

NOTES: According to the fiscal note prepared by the Legislative Budget Office, the fee increase in HB 787 would result in a total gain for fiscal 1998-99 of \$296,000, divided equally between the judicial fund and the judicial and court personnel training fund.