

**SUBJECT:** Excluding attorney's fees in justice court jurisdictional amount

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

**VOTE:** 6 ayes — Thompson, Hartnett, Clark, Garcia, Shields, Zbranek  
1 nay — Crabb  
2 absent — Luna, Solis

**SENATE VOTE:** On final passage, May 5 — voice vote

**WITNESSES:** No public hearing

**BACKGROUND :** Justice courts have original jurisdiction over civil matters in which exclusive jurisdiction is not in the district or county court and in which the amount in controversy is not more than \$5,000, exclusive of interest. Justice courts also have original jurisdiction over cases of forcible entry and detainer and foreclosure of mortgages and enforcement of liens on personal property in which the amount in controversy is within their jurisdiction.

Small claims and justice courts have concurrent jurisdiction in actions for the recovery of money in which the amount involved, exclusive of costs, does not exceed \$5,000.

**DIGEST:** SB 1500 would add attorney's fees and costs to the expenses excluded from the \$5,000 limit. The bill also would allow a person to be represented by an attorney in justice court. It would limit the amount awarded for attorney's fees in both justice and small claims court to \$2,500 per case.

SB 1500 would take effect September 1, 1997.

**SUPPORTERS SAY:** SB 1500 would increase access to justice courts. The \$5,000 limit, exclusive of interest, is too low and prevents many litigants from hiring adequate attorney representation. SB 1500 would ameliorate this problem by allowing justice courts to hear cases involving amounts not more than \$5,000, not including attorney costs. In addition, SB 1500 would provide consistency in the jurisdiction of small claims and justice courts.

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OPPONENTS      SB 1500 would be an unwise expansion of the jurisdiction of justice courts.  
SAY:              Justice of the peace courts are “courts of the people” and should be  
                        accessible without an attorney.