

SUBJECT: Delaying the abolishment of small claims courts until August 31, 2013

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Lewis, Farrar, Farney, Gooden, Hernandez Luna, Hunter,  
K. King, Raymond, S. Thompson

0 nays

WITNESSES: For — Becky Kerbow, Justices of the Peace and Constable Association of  
Texas; (*Registered, but did not testify*: Randy Erben, Texas Apartment  
Association)

Against — None

On — Bronson Tucker, Texas Justice Court Training Center

BACKGROUND: Under HB 79 by Lewis (82nd Legislature, first called session), all small  
claims courts are to be abolished on May 1, 2013, and the presiding justice  
of the peace to transfer dockets to a justice court in the county. The bill  
requires justice courts to follow rules for small claims courts developed by  
the Supreme Court of Texas. It requires rules be promulgated by May 1,  
2013, that would:

- define cases that constitute small claims cases;
- establish rules of civil procedure for small claims cases; and
- establish rules for eviction proceedings.

DIGEST: HB 1263 would delay until August 31, 2013 the abolishment of small  
claims courts and the transfer of their dockets to justice courts. The Texas  
Supreme Court would be required to finalize new justice court rules by  
May 1, 2013, and the rules would take effect August 31, 2013.

The bill would take immediate effect if finally passed by a two-thirds  
record vote of the membership of each house. Otherwise, it would take  
effect September 1, 2013.

**SUPPORTERS  
SAY:**

CSHB 1263 would delay the implementation date for abolishing small claims courts and transferring their dockets to justice courts, giving the courts the time they need to prepare for new rules being developed by the Supreme Court of Texas.

The rules are open for public commentary until April 1 and the Supreme Court is expected to finalize them by April 15. It would be impractical to try to train the state's more than 800 justices of the peace and constables, as well as their clerks and staff, and to update technology and create new legal documents by May 1. Reserving enough time to thoroughly train court personnel and implement the rules is necessary and desirable because the rules are expected to help streamline substantive, procedural, and evidentiary practices for all of the state's justice courts.

Some have argued that the justice courts could be preparing now, but training personnel too early would be unwise because the rules could change before they are finalized. While justices of the peace and constables are familiarizing themselves with the proposed rules as they develop, it would be ineffective and costly to update technology and legal documents more than once.

**OPPONENTS  
SAY:**

Extending the implementation date to August 31, 2013 is unnecessary because the justice courts could be preparing now for the abolishment of small claims courts.

**NOTES:**

The companion bill, SB 576 by Duncan, was placed on the Senate Intent calendar on March 6, 2013.

HB 1263 differs from the bill as filed by retaining the May 1, 2013 date for the Supreme Court of Texas to finalize the new rules and specifying that they would not take effect until August 31, 2013.