

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**March 3, 2003**

**TO:** Honorable Will Hartnett, Chair, House Committee on Judicial Affairs

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB462** by Gallego (Relating to the collection of a fee from certain nonresident attorneys requesting permission to participate in proceedings in a Texas court.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would require the clerks of the supreme court, courts of appeals, district, county-level, justice, and municipal courts to collect a fee of \$250 from a non-resident attorney who is not a member of the State Bar of Texas on the filing of a motion by the person requesting permission to participate in proceedings in a court in Texas.

One hundred percent of the \$250 fee collected by clerks for the Texas Supreme Court or a Court of Appeals would be deposited in the basic civil legal services account of the Judicial Fund No. 573. Half of the revenue generated by the same \$250 fee collected by clerks for district courts, statutory county courts, justice courts, and municipal courts, would also be remitted to the Comptroller to be deposited in the basic civil legal services account of the Judicial Fund. The remaining half of the \$250 fee collected in state trial courts would be deposited in the local general fund for providing legal representation and other defense services to indigent defendants or improving the efficiency of the administration of justice in the county or municipality.

Although revenue would be generated from the \$250 fee, based upon agency and court responses, it is not anticipated that the total amount of fees in civil cases collected statewide would have a significant fiscal implication.

The bill would take effect September 1, 2003.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated. Each district, county, statutory county, justice, and municipal court would gain some revenue, but the amount would be small. The Harris County court system does not officially track the number of attorneys that are not members of the Texas State Bar, but court administrators report that the number is very low. The Rockwall County District Clerk reports that in the past ten years, there have been approximately six cases filed by an out-of-state attorney.

**Source Agencies:** 201 Supreme Court Of Texas, 211 Court Of Criminal Appeals, 212 Office Of Court Administration, Texas Judicial Council, 223 Third Court Of Appeals District, Austin, 304 Comptroller Of Public Accounts

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