

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

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

**February 28, 2003**

**TO:** Honorable Glenn Lewis, Chair, House Committee on County Affairs

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

**IN RE: HB620** by Keel (Relating to the legal representation of county officials by private attorneys in certain civil cases.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would amend Section 157.901, Local Government Code, to require a commissioners court to employ and pay a private attorney to represent a county official being sued by the county in which the official serves for an action arising from the performance of public duty. The bill would authorize a county official to sue the commissioners court if necessary to obtain representation and to collect reasonable attorney's fees if the official prevails in that suit. A private attorney would also be able to sue the county if necessary to collect payment for representing the official being sued.

The bill would take effect September 1, 2003 and would apply only to applicable suits filed on or after that date.

**Local Government Impact**

Harris and Bexar counties, two of the four largest counties in the state, indicated that the potential costs associated with a county providing private counsel to a county official would be significant. The Harris County Budget Office projects that a lawsuit of the nature described in the bill would require at least 200 hours of counsel time. In Harris County, the cost of private civil counsel ranges from \$250 to \$500 an hour. If only one attorney is assigned to the case, using these assumptions, the cost to the county would range between \$50,000 and \$100,000.

Bexar County estimated attorney fees would total between \$20,000 and \$150,000 per case. Although Bexar County indicated the likelihood of this type of case occurring is remote, if a county were to sue a county official and have to provide private representation, the cost would be significant.

The cost estimates for Harris and Bexar counties would be about the same in any county because attorney fees are fairly similar across jurisdictions. Costs per case would depend on the complexity of the case and the length of time necessary to complete all proceedings, but would be significant, especially in small and medium-sized counties, even if attorney fees were as low as \$100 per hour.

**Source Agencies:** 212 Office Of Court Administration, Texas Judicial Council, 304 Comptroller Of Public Accounts

**LBB Staff:** JK, DLBa