

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 18, 2003

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

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB2435 by Dutton (Relating to the legal representation of county officials by district, county, and private attorneys.), **As Introduced**

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| No fiscal implication to the State is anticipated. |
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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 another county official for an action arising from the performance of public duty if the county or district attorney decline to represent the official who is 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

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