

By: Naishtat

H.B. No. 2124

A BILL TO BE ENTITLED

AN ACT

relating to appointment of counsel in appeals of certain eviction suits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 24, Property Code, is amended by adding Section 24.0071 to read as follows:

Sec. 24.0071. APPOINTMENT OF COUNSEL IN CERTAIN APPEALS.

(a) On a written application of any party to an eviction suit, the county court or county court at law in which an appeal of the suit is filed shall appoint counsel to attend to the cause of a party who:

(1) was in possession of the residence at the time the eviction suit was filed in the justice court; and

(2) has perfected the appeal on a pauper's affidavit approved in accordance with Rule 749a, Texas Rules of Civil Procedure.

(b) The appointed counsel shall represent the individual in the proceedings of the suit in the county court or county court at law. At the conclusion of those proceedings, the appointment terminates.

(c) The court may terminate representation appointed under this section for cause.

(d) Reasonable attorney's fees and expenses of appointed counsel shall be:

(1) taxed by the court in any manner the court

1 considers fair and just; and

2 (2) paid by the county in which the suit is filed, in
3 appropriate suits.

4 (e) The court shall provide for a method of service of
5 written notice on the parties to an eviction suit of the right to an
6 appointment of counsel on perfection of appeal on approval of a
7 pauper's affidavit.

8 SECTION 2. The change in law made by this Act applies only
9 to an eviction suit filed on or after the effective date of this
10 Act. A suit filed before the effective date of this Act is governed
11 by the law in effect immediately before that date, and that law is
12 continued in effect for that purpose.

13 SECTION 3. This Act takes effect September 1, 2005.