

BILL ANALYSIS

C.S.H.B. 3336
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A cornerstone of the rule of law is the expectation that every Texan, no matter their background or economic status, has the right to access a court to peacefully resolve a legitimate civil dispute. However, concerns have been raised that the increasing cost of litigation limits the accessibility of the civil justice system to many Texans and can result in delays in the resolution of disputes or leave these disputes unresolved altogether. C.S.H.B. 3336 seeks to address these concerns and promote judicial expediency by increasing the amounts in disputes that certain courts are permitted to preside over; requiring the Supreme Court of Texas to write rules to expedite certain civil cases; and providing for a 12-person jury to be seated in certain civil cases in a statutory county court unless the parties agree otherwise.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3336 amends the Government Code to revise the applicability of rules of civil procedure adopted by the Supreme Court of Texas to promote the prompt, efficient, and cost-effective resolution of civil cases in district courts, county courts at law, and statutory probate courts by increasing from \$100,000 to \$250,000 the maximum amount in controversy for a civil action to which such rules apply and by removing the specification that the amount is inclusive of all claims for damages of any kind, whether actual or exemplary, a penalty, attorney's fees, expenses, costs, interest, or any other type of damage of any kind. The bill expands the prohibition against the adoption of rules that conflict with certain law to prohibit conflict with any other statutory law. The bill requires the supreme court, not later than January 1, 2020, to adopt rules as necessary to implement these provisions.

C.S.H.B. 3336 increases from \$200,000 to \$250,000 the maximum amount in controversy in civil cases over which most statutory county courts have concurrent jurisdiction with the district court.

C.S.H.B. 3336 repeals the provision requiring the drawing of jury panels and selection of jurors in the statutory county courts to conform to the procedures of county courts and establishes that the drawing of jury panels and selection of jurors in statutory county courts with respect to matters of concurrent jurisdiction with district courts are governed by laws and rules pertaining to district courts. The bill specifies that the laws and rules governing matters pertaining to the

conduct of trials and hearings in the statutory county courts that involve those matters of concurrent jurisdiction are the laws and rules pertaining to the district courts in the county in which the applicable statutory county court is located. The bill subjects the county courts at law in Jefferson County and in Travis County to provisions relating to general practice and procedure for statutory county courts, including these provisions relating to jury procedures.

C.S.H.B. 3336 requires a jury in a civil case pending in a statutory county court in which the matter in controversy is \$250,000 or more to be composed of 12 members unless all of the parties agree to a jury composed of a lesser number of jurors. The bill makes the following changes relating to jury size in specific statutory county courts:

- clarifies that requirements for a six-member jury do not apply if the constitution or other law requires otherwise;
- with regard to matters in a county court at law in Cass County over which the court has concurrent jurisdiction with the district court and for which a 12-member jury is not required by law, removes the condition that the judge of the court must consent to a party's request for the jury to be composed of 12 members;
- with regard to a civil case in a county court at law in Cass County, Gregg County, Lamar County, or Smith County, removes the condition on the authorization for parties to agree to try the case with any number of jurors and have a verdict rendered and returned by the vote of any number of those jurors that the agreement must be with the judge's consent;
- requires a jury in a county court at law in Jefferson County to be composed of 12 members for a family law case or proceeding and to be composed of six members for all other cases; and
- with regard to a civil case before a county court at law in Travis County, establishes that failure to object before a six-member jury is seated and sworn constitutes a waiver of the option to have 12-member jury and removes an exception to the six-member jury requirement that applies if party files a written request for a 12-member jury not later than the 30th day before the date of the trial.

C.S.H.B. 3336 increases from \$10,000 to \$20,000 the maximum amount in controversy in civil cases over which a county court has concurrent jurisdiction with the justice courts and in civil matters over which a justice court has original jurisdiction if exclusive jurisdiction is not in the district or county courts.

C.S.H.B. 3336 repeals the following provisions of the Government Code:

- Section 25.0007(a)
- Section 25.1092(p)
- Sections 25.2292(a) and (m)
- Section 25.2392(i)

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3336 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions requiring the establishment of pilot programs in

counties selected by the supreme court for purposes of allowing applicable trial courts to experiment with practices and procedures to enhance access to the civil justice system.