

SUBJECT: Changing the filing requirements for foreign judgments of other states

COMMITTEE: Civil Practices — favorable, without amendment

VOTE: 7 ayes — B. Cook, Strama, Madden, Miller, Raymond, Talton, Woolley
0 nays
2 absent — P. King, Martinez Fischer

WITNESSES: For — Jay Harvey, Texas Trial Lawyers Association
Against — None

BACKGROUND: Under current law, the filing requirements are stricter for legal judgments issued in other countries than for legal judgments issued in other U.S. states.

Civil Practice and Remedies Code, sec. 35.003 governs the filing of “foreign” judgments — i.e., judgments issued in other U.S. states. It specifies that a copy of a foreign judgment may be filed in the office of the clerk of any court of competent jurisdiction in Texas. Once filed, the foreign judgment has the same effect as a judgment of the court in which it is filed.

Civil Practice and Remedies Code, sec. 36.0041. governs the filing of judgments issued in other countries. It specifies that a *foreign country* judgment authenticated in accordance with an act of Congress, a Texas statute, or a treaty or other international convention to which the United States is a party may be filed in the office of the clerk of a court in the county of residence of the party against whom recognition is sought or in any other court of competent jurisdiction as allowed under the Texas venue laws.

DIGEST: HB 3063 would amend Civil Practice Code, sec. 35.003(a) to allow a copy of a foreign judgment to be filed in the office of the clerk of a court in the county of residence of the party against whom recognition is sought or in any other court or competent jurisdiction as allowed under the Texas venue laws.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.