

MEMORANDUM

From: SCAC TRCP 500-510 Subcommittee

To: SCAC Committee

Date: December 6, 2021

Re: Review of TRCP 506.1(b)

Our subcommittee was asked to consider whether the bond amount required by **TRCP 506.1(b)** --double the judgement – is too high. The subcommittee was also asked to consider other changes that would clarify whether attorney fees are included in the bond amount.

TRCP 506.1(b)

(b)Amount of Bond; Sureties; Terms. A plaintiff must file a \$500 bond. A defendant must file a bond in an amount equal to twice the amount of the judgment. The bond must be supported by a surety or sureties approved by the judge. The bond must be payable to the appellee and must be conditioned on the appellant's prosecution of its appeal to effect and payment of any judgment and all costs rendered against it on appeal

A majority of the subcommittee believes the bond requirement is too high. The majority favors using **TRAP 24.2** to determine bond requirements for litigants of the Justice Courts. One member of the subcommittee would leave the current bond provision as it is.