Recovery or Denial?

Attorneys' Fees: 2018

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When to think about attorney's fee$?

- Early & often
- Affect settlement value/potential of case
- Can be substantial
- Some times to think about **requesting** them:
  - Pleadings—if not plead, recovery may be barred
  - Early dismissal practices—different procedures
  - Expert designation—if not, may be precluded
  - Summary Judgment—how's your proof?
  - Trial—who is your witness?







2018 Texas Supreme Court Cases

- *Hill v. Shamoun & Norman, LP*
- *Dudley Construction, Inc. v. ACT Pipe & Supply, Inc.* (no to Construction Trust Fund Act)
- *Ft. Worth TA v. Rodriguez* (interpleader)
- *State Farm Lloyds v. Fuentes* (excessive demand)

FWTA
MORE PLACES. MORE PEOPLE.
MORE POSSIBILITIES.

Other 2018 Cases

- *State ex rel Best. v. Harper* (TCPA, immunity)
- *Conoco Phillips v. Koopman* (Natural Resources Code)

2017 Still Must-Read

- ***In re National Lloyds*** *(opponent discovery, billing records)*
- *In re Davenport* (language in contingency fee agreements scrutinized)

Some Ch. 38 issues

- LLP, LLC— "non-individuals or corporations"
  - Legislature not changed
  - Must raise or complaint is waived
- Presentment
- Promissory estoppel?



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