

PRESENTED AT
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Pleas to the Jurisdiction

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PRESENTED BY:

THE HONORABLE STEPHEN YELENOSKY, SENIOR JUDGE

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What is a Plea to the Jurisdiction?

Sovereign/Governmental Immunity

- Derives from the common law.
- Can only be waived by the Legislature, although there are certain situations in which a governmental entity cannot assert immunity.
- Takes two forms: immunity from suit and liability.
- Sovereign/governmental immunity from suit is treated as jurisdictional.

Why Does OAG File All These Pleas?

- A government unit's entitlement to be free from suit is effectively lost if the trial court erroneously assumes jurisdiction and subjects the government unit to discovery and the costs incident to litigation.
- "The high cost of defending a suit against a governmental entity, borne ultimately by the public, is strong motivation for allowing any jurisdictional issue to be resolved before the merits of the suit are litigated." *City of Austin v. L.S. Ranch, Ltd.*, 970 S.W.2d 750, 753 (Tex. App.—Austin 1998, no pet.)

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