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Looking Back Over the 84th Lege:

**An Overview of Selected Bills that Passed and
Those that Didn't (But You Ought to Know About
Anyway)**

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TABLE OF CONTENTS

I.	Introduction.....	1
II.	Legislation that Passed.....	1
A.	Attorney – Practice of Law	1
	SB 534 – Oath of Persons Admitted to Practice in Texas	1
	HB 7 – Repeal of Occupation Tax	1
B.	Damages.....	2
	SB 735 – Availability and Use of Certain Evidence in Connection with an Award of Exemplary Damages.....	2
C.	Deceptive Trade Practices Act.....	3
	HB 1265 – Deceptive Trade Act or Practice Involving a Solicitation in Connection with a Good or Service	3
	HB 2573 – Deceptive Trade Act or Practice Related to the Use of Certain Words to Imply that a Person who is not an Attorney Authorized to Practice Law	4
D.	Defamation.....	4
	SB 627 – Relating to Certain Publications that are Privileged and Not Grounds for a Libel Action	4
E.	Evictions	4
	HB 3364 – Appeals of Eviction Suit Judgments	4
F.	Health Care Liability.....	5
	HB 1403 – Defining Health Care Liability Claim for Purposes of Certain Claims.....	5
G.	Internet Activity	5
	SB 1135 – Creation of Civil and Criminal Liability for Disclosure or Promotion of Intimate Visual Material.....	5

H.	Judiciary/Court Administration	6
	HB 1 – General Appropriations Bill	6
	SB 455 – Creation of a Special Three-Judge District Court	7
	SB 1116 – Notices or Documents Sent to Mail or Email by a Court, Court Clerk, or Judge	7
	SB 1139 – Operation and Administration of and Practice in Courts in the Judicial Branch and Increase in Filing Fees	8
I.	Patent Infringement Claims	8
	SB 1457 – Bad Faith Patent Infringement Claims	8
J.	Probate Court Filings	9
	SB 512 – Promulgation of Forms for Use in Probate Matters	9
K.	Trial Court Procedure	9
	HB 1692 – Doctrine of Forum Non Conveniens	9
III.	Legislation that Failed.....	10
A.	Appellate Procedure.....	10
	HB 1494 – Filing of the Reporter’s Record.....	10
B.	Attorney’s Fees/Fee Agreements.....	10
	HB 230 – Recovery of Attorney’s Fees in Certain Civil Cases.....	10
	HB 247 – Limitations on Certain Actions Arising Out of Attorney’s Fee Agreements	10
	HB 1531 – Referrals for Legal Services by Legislators and Executive Officer	11
C.	Attorneys – Practice of Law	11
	SB 1430/HB2045 – Eligibility of Attorneys Listed Outside of State to Take Bar Exam	11

	HB 2624 – Effects of Default on a Student Loan Administered by Higher Education Coordinating Board on License Renewals	11
D.	Certificate of Merit	12
	HB 1353 – Certificates of Merit for Certain Professionals.....	12
E.	Collaborative Law.....	12
	HB 2512 – Adoption of the Uniform Collaborative Law Act	12
F.	Constitutional Challenges to Texas Statutes.....	12
	SJR 8 – Constitutional Amendment Authorizing Legislature to Require a Court to Provide Notice to the Attorney General of a Constitutional Challenge to State Statutes	12
G.	Construction Defect Claims	13
	HB 1784 – Construction Defect Claims	13
H.	Damages.....	13
	HB 419 – Federal Income Tax Liability for Damages Awarded in Civil Actions	13
	HB 820 – Liability for Damages Arising from Certain Motor Vehicle Accidents	13
I.	Deceptive Trade Practices Act.....	14
	HB 2898 – Relating to Certain DTPA Procedures, Civil Penalties, and Remedies.....	14
J.	Decisions Based on Foreign Laws (Non-Family) Law Proceedings	14
	HB 670 – Application of Foreign Laws and Foreign Forum Selection in Texas (Related Constitutional Amendment: HJR 32.....	14
	HB 828 – Application of Foreign or International Laws or Doctrines	15

K.	Defamation/Libel Actions.....	15
	HB – 4116 Defense to Libel Actions	15
L.	Elections.....	15
	HB 25/SB 1702 – Elimination of Straight Ticket Voting for Judicial Offices	15
	HB 1444 – Elimination of Straight-Party Voting in Certain Counties	15
	HB 3880 – Filing Requirements for Candidates for Certain Judicial Offices.....	16
M.	Family Law	16
	SB 531 – Application of Foreign Laws and Foreign Forum Selection in Proceeding involving Marriage, a Suit for Dissolution of a Marriage/Affecting Parent-Child Relationship.....	16
	SB 1090/HB 3943 – Application of Foreign Laws and Foreign Forum Selection in a Marriage/Divorce Proceeding or a Suit Affecting the Parent-Child Relationship.....	17
	HB 899 – Application of Foreign Laws and Foreign Forum Selection in Certain Family Law Proceedings.....	17
	HB 1195 – Disclosure by an Attorney before Accepting Representation in a Marriage Dissolution Proceeding.....	17
N.	Governmental Immunity	18
	SB 1600/HB 3641 – Limit on Award of Attorney’s Fees in Certain Proceedings against the State or State Agency	18
	HB 2375 – Liability of a Governmental Unit for Personal Injury and Death Caused by the Governmental Unit’s Negligence	18
O.	Government Settlement Agreements	18
	HB 1630 – Limitations on Settlement Agreements Governmental Units	18

P.	Health Care Liability.....	19
	HB 956 – Scope of a Health Care Liability Claim	19
Q.	Insurance Claims.....	20
	SB 1166 – Recovery of Damages for Delayed Payment of Certain Insurance Claims.....	20
	SB 1628 – Insurance Claims and Certain Prohibited Acts and Practices Relating to the Business of Insurance.....	21
	HB 3697 – Texas Department of Insurance Study of Claims Data and Recovery of Attorney’s Fees in First Party Claims.....	22
	HB 3822/HB 3533 – Recovery under Uninsured/Underinsured Insurance Coverage.....	22
R.	Judicial Selection	22
	HB 2088 – Interim study Regarding the Method by Which Judges and Justices are Selected.....	22
S.	Judiciary/Court Administration	23
	SB 64 – Appellate Court Procedures and Deadlines in Civil Actions	23
	SB 443 – Study and Recommendations on Consolidating the Court of Criminal Appeals and the Texas Supreme Court	24
	SB 524/HB 1427 – Review of State Laws Requiring an Action or Proceeding to be brought in Travis County or a Travis County Court.....	24
	SB 824 – Number of Jurors Required in Certain Civil Cases Pending in Statutory County Court	25
	SB 967 – Authority of a District Clerk to Collect Fees for Providing Electronic Copies of Certain Court Records.....	25
	SB 1970 – Increase of Statewide Electronic Filing Fees.....	25
	HB 427/HJR 49 – Creation of Texas Redistricting Commission	25
	HB 1416 Judicial Recusal Based on Political Contributions.....	25

	HB 1603 – Creation of the Chancery Court and Court of Chancery Appeals to Hear Certain Cases	26
	HB 1656 – Public Financing of Campaigns for Appellate Judicial Offices	27
	HB 2730 – Creation of Fifteenth District Court of Appeals.....	27
	HB 3426 – Jurisdiction of Statutory County Courts at Law	27
	HB 3430 – Jurisdiction of Supreme Court and Court of Criminal Appeals	27
	HJR 62 – Constitutional Amendment Regarding the Recording and Publication of Certain Supreme Court and Court of Criminal Appeals Proceedings.....	28
	HJR 81 – Constitutional Amendment to Change the Terms of District Court Judges to Six Years.....	28
	HJR 90 – Constitutional Amendment to Abolish the Court of Criminal Appeals	28
T.	Lawsuit Financing/Lending	29
	HB 3218 – Litigation Finance Agreements	29
	HB 3454 – Assignment of Rights in an Individual’s Legal Claim	29
U.	Patent Infringement Claims	30
	SB 1187/HB 3176 – Patent Infringement Claims.....	30
V.	Product Liability Claims	30
	HB 1988 – Liability of Manufacturers and Sellers for Misuse of Products.....	30
W.	Qualifications for Public Office and Term Limits.....	31
	SJR 6 – Constitutional Amendment to Provide Qualifications for and Limit the Time that a Person May Service in Certain Offices.....	31
	SJR 24/HJR 38 – Constitutional Amendment Limiting to Two the Number of Consecutive Terms for Which a Person may be Elected or Appointed to Hold Certain State Offices.....	31

X.	Survival Actions.....	31
	HB 3416 Authority of Certain Persons to Bring a Survival Action	31
Y.	Trial Court Procedures.....	32
	SB 1534 – Venue in Lawsuits Filed Against the State of Texas or State Agency.....	32
	HB 241 – Substituted Service of Citation through Social Media	32
	HB 2211 – Agreed Venue Selection in Civil Actions	32
Z.	Wrongful Life/Birth Causes of Actions.....	32
	HB 1367 – Elimination of Wrongful Life/Birth Causes of Action.....	32
	HB 3008 – Elimination of Wrongful Birth Cause of Action.....	32
IV.	Summary	33

I. INTRODUCTION

The 84th Legislature ended its regular session on June 1, 2015. According to the Texas Legislative Reference Library, a total of 6,476 bills and joint resolutions were introduced during the session.¹ Over 1,300 bills and joint resolutions were passed and sent to Governor Abbott.² Of that total, 43 bills were vetoed.³ The remainder were either signed by the Governor or otherwise allowed to become law.⁴

This paper summarizes selected legislative proposals that could have a noticeable impact on the practice of civil trial and appellate law in Texas. For more detailed information about each bill and additional background information about the same, please visit Texas Legislature Online at <http://www.capitol.state.tx.us> and/or subscribe to the author's e-newsletter by following the directions at the end of this article.

II. LEGISLATION THAT PASSED

A. Attorneys – Practice of Law

SB 534 - Oath of Persons Admitted to Practice Law in Texas⁵

SB 534 amends section 82.037 of the Government Code and revises the oath taken by all attorneys admitted to practice law in Texas so as to require attorneys to conduct themselves “with integrity and civility in dealing and communicating with the court and all parties.”

Effective Date: May 15, 2015.

HB 7 - Repeal of Occupation Tax⁶

HB 7 addresses the use of certain statutorily-dedicated revenue and includes provisions that repeal various occupation taxes, including the \$200 annual attorney occupation tax.

Effective Date: September 1, 2015. The changes in the law made by HB 7 apply only to a surcharge, additional fee, additional charge, fee increase, tax, or late fee imposed after the effective date.

¹ Legislative Reference Library of Texas, 84th Legislature Legislative Statistics (June 29, 2015).

² Id.

³ Id.

⁴ Id.

⁵ Act of May 5, 2015, 84th Leg., R.S., S.B. 534 (to be codified as an amendment of TEX. GOV'T CODE ANN. §82.037).

⁶ Act of June 1, 2015, 84th Leg., R.S., H.B. 7 (2015).

B. Damages

SB 735 - Availability and Use of Certain Evidence in Connection with an Award of Exemplary Damages⁷

SB 735 amends section 41.011 of the Texas Civil Practice and Remedies Code (CPRC) to define “net worth” to mean “the total assets of a person minus the total liabilities of the person on a date determined appropriate by the trial court.” SB 735 also adds section 41.0115 to the CPRC, which provides as follows:

“Sec. 41.0115. DISCOVERY OF EVIDENCE OF NET WORTH FOR EXEMPLARY DAMAGES CLAIM. (a) On the motion of a party and after notice and a hearing, a trial court may authorize discovery of evidence of a defendant's net worth if the court finds in a written order that the claimant has demonstrated a substantial likelihood of success on the merits of a claim for exemplary damages. Evidence submitted by a party to the court in support of or in opposition to a motion made under this subsection may be in the form of an affidavit or a response to discovery. (b) If a trial court authorizes discovery under Subsection (a), the court's order may only authorize use of the least burdensome method available to obtain the net worth evidence. (c) When reviewing an order authorizing or denying discovery of net worth evidence under this section, the reviewing court may consider only the evidence submitted by the parties to the trial court in support of or in opposition to the motion described by Subsection (a).”

By way of floor amendment, the House amended SB 735 to include the following language: *“If a party requests net worth discovery under this section, the court shall presume that the requesting party has had adequate time for the discovery of facts relating to exemplary damages for purposes of allowing the party from whom net worth discovery is sought to move for summary judgment on the requesting party's claim for exemplary damages under Rule 166a(i), Texas Rules of Civil Procedure.”*

Effective Date: September 1, 2015. The changes in the law made by SB 735 apply only to an action filed on or after the effective date.

⁷ Act of May 30, 2015, 84th Leg., R.S., Tex. S.B. 735 (to be codified as an amendment of TEX. CIV. PRAC. & REM. CODE ANN. §41.001 and at §41.0115.

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