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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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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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