

**PRESENTED AT**

**42<sup>ND</sup> ANNUAL PAGE KEETON CIVIL LITIGATION CONFERENCE**

November 8-9, 2018  
Houston, Texas

**TEXAS LEGISLATIVE UPDATE**

**DAVID E. CHAMBERLAIN  
JAY HARVEY**

David E. Chamberlain  
Chamberlain♦McHaney  
Austin, Texas  
[dchamberlain@chmc-law.com](mailto:dchamberlain@chmc-law.com)  
512.474.9124

Jay Harvey  
Winckler & Harvey, L.L.P.  
Austin, Texas  
[jharvey@wincklerharvey.com](mailto:jharvey@wincklerharvey.com)  
512.306.1800

## **Heading Toward the Lege: A Preview of the 86<sup>th</sup> Legislature**

**David E. Chamberlain  
Chamberlain McHaney**

**Jerry D. Bullard  
Adams, Lynch & Loftin, P.C.  
Vice-Chair, State Bar of Texas Appellate Section  
Co-Chair, Legislative Liaison Committee, State Bar of Texas Appellate Section  
Member, Legislative Committee, State Bar of Texas Litigation Section**

On November 12, 2018, legislators will begin filing bills for the 2019 legislative session. One can only speculate as to what bills of significance may be filed once the bill-filing period opens and the 86<sup>th</sup> Legislature convenes. However, in addition to bills addressing issues that failed to pass in previous sessions, there likely will be proposals consistent with various resolutions adopted by the Texas Judicial Council related to the civil justice system and other recommendations adopted by House and Senate committees that performed interim studies on civil justice issues. Some of the resolutions and recommendations are summarized below.

### **Texas Judicial Council Resolutions**

In September, the Texas Judicial Council adopted several resolutions that memorialize the Council's legislative priorities for 2019. These resolutions include, but are not limited to, the following:

- The Legislature should seek to ensure that the judiciary is able to attract the best and brightest minds to promote a fair and experienced judiciary by:
  - considering alternatives to the current method of selection of judges;
  - proposing a constitutional amendment to modify the qualifications to serve as justices/judges; and
  - increasing judicial compensation to an amount sufficient to “attract the most highly qualified individuals in the state, from a diversity of life and professional experiences, to serve in the judiciary without unreasonable economic hardship and with judicial independence unaffected by financial concerns.”
- The Legislature should examine the structure and jurisdiction of the courts to increase efficiency by:
  - simplifying the trial court structure by establishing consistent jurisdiction among the various trial courts across the state, such as
    - increasing the civil jurisdiction floor for district courts from \$200 to \$10,000;
    - increasing the civil jurisdictional floor of the statutory county courts in Sec. 25.0003, Tex. Govt. Code from \$200 to \$5,000; and

- for counties with increased justices of the peace qualifications, the Legislature should increase the maximum civil jurisdiction of the justice courts from \$10,000 to \$20,000.
  - Simplifying the courts of appeals' structure and reduce the need for transfer among the courts of appeals.
- The Legislature should clarify the unauthorized practice of law and barratry statutes to differentiate between providing legal information and legal advice and amend the unauthorized practice of law and barratry statutes to authorize legal assistance software applications that provide legal information.
- The Legislature should increase funding for civil legal aid services throughout the state.
- The Legislature and County Commissioners Courts should provide adequate funding to:
  - Support core services to the judicial branch, as outlined in the legislative appropriations requests for the state-funded courts and judicial branch agencies;
  - Provide sufficient judicial education to the over 3,300 judges of this state;
  - Retain and recruit knowledgeable and dedicated employees through targeted salary increases at the courts and judicial branch agencies;
  - Protect Texas children by creating new child protection courts for growing CPS caseloads;
  - Fund an expansion of the Guardianship Compliance Project to prevent fraud and abuse committed against the elderly and incapacitated;
  - Support the creation of a statewide case management system pursuant to the Governor's School Safety Initiative; and
  - Ensure access to justice is available to individuals seeking justice through continued funding for basic civil legal services and increased funding for basic civil legal services for veterans and their families; and
- The Legislature should adopt the recommendations of the Judicial Compensation Commission to:
  - Increase judicial compensation of the justices and judges of the supreme court, court of criminal appeals, courts of appeals, and district court judges by 15 percent;

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

## Title search: Heading Toward the Lege: A Preview of the 86th Legislature

Also available as part of the eCourse

[2018 Page Keeton Civil Litigation eConference](#)

First appeared as part of the conference materials for the 42<sup>nd</sup> Annual Page Keeton Civil Litigation Conference session "Legislative Preview from Both Sides of the Bar"