RECOVERY OR DENIAL?

ATTORNEYS' FEES: 2018

Carlos R. Soltero

CLEVELAND | TERRAZAS, PLL

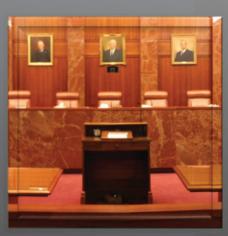
Austin

# 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)



#### 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)

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### 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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