

Orders that Stick:
Sticky Issues to Consider when
Drafting Orders

by
Lisa Bowlin Hobbs



Jack Butler Method



Generally Speaking

- Reduce rulings to written orders
- Be thoughtful about recitations in orders

TRO/TI

- must state reason for issuance / describe injury and why irreparable
- must define, in reasonable detail, act to be constrained
- must set the case for trial on the merits
- must set the amount of bond

TRO/TI

- Requirements are mandatory. Must be strictly followed.
- A non-compliant injunction could be dissolved and declared void.

Qwest Comms. v. AT&T Corp., 24 S.W.3d 335, 337 (Tex. 2000) (per curiam)

TRO/TI

What about *agreed* injunctions?

See In re Garza, 126 S.W.3d 268 (Tex. App.—San Antonio 2003, orig. proceeding).

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"Protecting Trial Court Orders on Appeal: How to Craft an Order that Sticks"