

Legislative Update

[38 days to go, but who's counting]

University of Texas Law CLE
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COURTS

CREATION/RESTRUCTURING:

Appellate Court Redistricting:

- HB 339/King, HB 2613/Murr
- SB 11/Huffman – reduced number of appellate courts from 14 to 7

Business Courts:

- HB 1875/Landgraf – creation of specialized trial and appellate court for business litigation

New Texas Court of Appeals:

- SB 1529/Huffman – new intermediate appellate court with five justices elected statewide created to hear suits against the state or state agency
- Passed Senate 4/14/21, referred to House State Affairs Committee

Omnibus Court Creation:

- HB 3774/Leach
- SB 1530/Huffman



COURTS

Multidistrict Litigation:

- HB 2950/Smith

Remote Proceedings:

- HB 3611/Leach
- SB 690/Zaffirini



COVID-19 IMMUNITY

SB 6/Hancock-HB 3659/Leach: Limited liability for business exposure and transmission cases with mandatory causation report comparable to Chapter 74; higher standard of care for health care treatment during a pandemic emergency;
RETROACTIVE effect to March 12, 2020

- Passed Senate April 4/8/21

Other Covid bills:

HB 3/Burrows

HB 2782/Dean

HB 3747/Smith

HB 3748/Smith

HB 4481/Oliverson



Commercial Motor Vehicle Liability Protection

HB 19/Leach:

- “Commercial Motor Vehicle” is any motor vehicle used to transport people or goods. A household vehicle used primarily for household purpose is not a commercial motor vehicle.
- Mandatory bifurcation at Defendant’s request. New system of bifurcation asks jury to answer liability for and amount of compensatory damages in Phase One. In Phase Two, jury is asked liability for and amount of exemplary damages.



Commercial Motor Vehicle Liability Protection

HB 19/Leach:

- Any evidence of a violation of law or standards must be causative of the wreck itself.
- If a Defendant stipulates that the driver was an employee driving within the course and scope of employment, no evidence of the company’s own liability may be presented in Phase One of the trial. Narrow exception for vehicle maintenance or load.
- Mandatory admission of all pictures of vehicles in the wreck without expert or evidentiary predicate.



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