



**Carol Sims, Executive Director, TCJL
Red McCombs,
Chairman, TCJL PAC**

INSIDE

It's All About the Judges 2

Judicial Endorsements 3

Friend of the Court 4

Legislative Overview 4

2012 General Legislative Races 5

25 Years of Tort Reform 6-7

Red McCombs Hosts
TCJL PAC Event 8

Texas Fourth Court
of Appeals Judges 9

Endorsement of Ted Cruz 11

Join the PAC 12

Statehouse to the Courthouse: 25 Years of Tort Reform and the Future

For the past quarter century, TCJL and its allies have accomplished many of our primary public policy objectives through well-reasoned and balanced legislation. In the next 25 years, Texas courts will decide how these laws will be applied to an array of specific fact situations. Engagement with the judicial system has never been more important than it is right now.

What does this mean for TCJL and its members? Obviously, we must be vigilant in the Legislature to preserve the beneficial reforms that we worked so hard to achieve and to respond to new policy challenges as they occur. But just as importantly, we must assure that Texas maintains a fair, impartial, and independent judiciary that will apply the law as the Legislature intended. To accomplish this task will require a sustained effort on multiple fronts.

First, we must reinforce our efforts to educate and inform Texas voters about the crucial importance of the judicial system to the preservation of their liberties and quality of life. Indeed, in some ways the outcomes of judicial elections have more influence over citizens' everyday lives than those of other elected officials. This is true for the business community as well. Judges make decisions every day that dramatically affect individual

businesses, as well as the economic climate of the state as a whole. Judicial elections simply cannot be left to the vagaries of partisan politics and voter apathy. It is our responsibility to make sure that Texans make informed and deliberate choices of the men and women who wield the gavel.

*We must get out
the vote for these
crucial judge races.*

Second, as long as Texas elects judges in contested partisan elections, we must contribute financially in judicial elections to assist candidates who share our philosophy of fairness, impartiality, and independence. Our system of justice only works if those with the power of decision exercise that power free of undue political or special interest influence. This level of participation may be distasteful to many, but it is the system we have, and we must function within it to the best of our ability.

Third, we must participate directly in important matters before the courts that implicate public policy questions of broad and significant



Carol Sims
It's All About the Judges!

Texas judges wield significant power in the state of Texas. It takes the entire Legislature of 181 members to enact one new law. In the district and appellate court system, it only takes one or two judges to permanently change the course of your business or your life. In fact, each appellate court district is roughly the size of two state Senate districts. The Fourth Court of Appeals district alone is larger than the state of New Hampshire. The Third Court of Appeals is actually a statewide court because all administrative and regulatory appeals related to state law bypass their respective district court of appeals and go straight to the Third Court in Austin. It is the final word on 95% of all cases related to statewide administrative and regulatory law.

What this means to Texas business is this – for 25 years the League and our allies have worked to reform the legal system and level the playing field for all participants. There is no doubt we have succeeded in passing some of the broadest and most effective legislation in the United States. The timeline on page six of this newsletter clearly illustrates our efforts.

Herein also lies the problem. Because Texas is ahead of the game in legal reform, in many instances there is no legal precedent for the courts to follow. To an outsider, it may appear that tort reform is complete because it has endured the legislative process. However, *it ain't over 'til it's over*. And it is not over until these years of legislation survive litigation and appeals, which can take decades. In large part, that is where we are now. Judicial interpretation seals the deal, and defense of our position is an ongoing process. Texas was the leading edge into the legal reform movement and is home to many Fortune 500 companies. Texas is the "holy grail" for the plaintiff's bar simply because the money is here. If they have their way we will be the leading edge back to the dark ages of jackpot justice. We cannot afford to let down our guard.

See **It's All About the Judges**, page 11

TEXAS CIVIL JUSTICE LEAGUE

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- Michael Chatron**
Associated General Contractors
Texas Building Branch

- John Clausen**
State Farm Insurance

- Jayne Cox**
Shell Oil Company

- Jack Dillard**
Altria Client Services

- Frank Galitski**
Farmers Insurance Group

- Jonna Kay Hamilton**
Nationwide Insurance

- Diane Hirsch**
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TEXAS CIVIL JUSTICE LEAGUE

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TCJL PAC 2012

Judicial Endorsements

The TCJL PAC has announced its final judicial endorsements for the general election scheduled for November 6, 2012.

TEXAS SUPREME COURT

Don Willett* (R) Texas Supreme Court, Plc 2

Nathan Hecht* (R) Texas Supreme Court, Plc 6

COURTS OF APPEALS

Jane Bland* (R) 1st Court of Appeals – Houston, Place 2

Harvey Brown* (R) 1st Court of Appeals – Houston, Place 6

Terry Jennings* (R) 1st Court of Appeals – Houston, Place 7

Michael Massengale* (R) 1st Court of Appeals – Houston, Place 8

Rebeca Huddle* (R) 1st Court of Appeals – Houston, Place 9

Jeff Rose* (R) 3rd Court of Appeals – Austin, Place 2

Scott Field (R) 3rd Court of Appeals – Austin, Place 3

David Puryear* (R) 3rd Court of Appeals – Austin, Place 5

Bob Pemberton* (R) 3rd Court of Appeals – Austin, Place 6

Marialyn Barnard* (R) 4th Court of Appeals – San Antonio, Place 2

Rebecca Simmons* (R) 4th Court of Appeals – San Antonio, Place 3

Steve Hilbig* (R) 4th Court of Appeals – San Antonio, Place 4

Karen Angelini* (R) 4th Court of Appeals – San Antonio, Place 5

Phylis J. Speedlin* (R) 4th Court of Appeals – San Antonio, Place 7

Jim Moseley* (R) 5th Court of Appeals – Dallas, Place 5

David Lewis (R) 5th Court of Appeals – Dallas, Place 9

Douglas S. Lang* (R) 5th Court of Appeals – Dallas, Place 11

Bob Fillmore* (R) 5th Court of Appeals – Dallas, Place 12

Bailey C. Moseley* (R) 6th Court of Appeals – Texarkana, Place 2

Chris Antcliff* (R) 8th Court of Appeals – El Paso, Place 2

Tom Greenwell (R) 13th Court of Appeals – Corpus Christi, Place 2

Gina M. Benavides* (D) 13th Court of Appeals – Corpus Christi, Place 5

Brett Busby* (R) 14th Court of Appeals – Houston, Place 3

Jeff Brown* (R) 14th Court of Appeals – Houston, Place 4

Martha Hill Jamison* (R) 14th Court of Appeals – Houston, Place 5

John Donovan (R) 14th Court of Appeals – Houston, Place 8

*Incumbent

TEXAS CIVIL JUSTICE LEAGUE

You Be The Judge
on Nov 6, 2012

| | |
|------------------------------------|-----------------------|
| Voter registration deadline | Oct. 9 |
| Early voting | Oct. 22-Nov. 2 |
| General election | Nov. 6 |



Legislative Session

By Lisa Kaufman

As we approach the 2013 legislative session, the political climate and agenda is clearer than it was before the spring primaries and Lt. Gov. Dewhurst's July run-off against Ted Cruz for the U.S. Senate. Dewhurst's defeat means his re-engagement with the Texas Senate, the appointment of committee chairs and agenda setting. Every indication is that Joe Straus will return as Speaker and is well positioned to lead on major issues.

State primaries and retirements will bring high turnover to both the chambers after the November 6 elections. In the Senate, which will have four, possibly five new members, we anticipate more Republicans to join, bringing their numbers to 19 or 20 out of 31 seats. Though the House is expected to remain at least as conservative as it was last session, Democrats are expected to gain a few more seats, overcoming the supermajority that Republicans held after that session ended. The estimated partisan make up of the House is 96 Republicans and 54 Democrats. More than half of House members will be in either their freshman or sophomore terms, which will keep the League busy educating new members on economic issues.

With his recent re-shuffling of committee chairs, Lt. Gov. Dewhurst appears to be aligning himself with the more conservative members of a more conservative Texas Senate. Making education a top priority, Dewhurst named Senator Dan Patrick (R-Houston) as chair of the Senate Public Education Committee and Senator Kel Seliger (R-Amarillo) as chair of the Senate Higher Education Committee. Senator Royce West (D-Dallas) was named chair of the Senate Jurisprudence Committee, a position he previously served during the early 2000's. Straus will make his committee appointments in February.

As I mentioned in our last newsletter, the League is shifting our focus from tort issues alone to more general business and regulatory issues. In addition to our traditional committees, we are adding two others to our portfolio: Regulatory & Administrative and Business Law. Please contact the TCJL office if you would like to join any of the policy committees. We look forward to hearing from you as we are preparing for the upcoming session. ★

Amicus Curiae, Friend of the Court

As a court with discretionary review, the Texas Supreme Court only accepts cases of major importance to the jurisprudence of the state, constitutional questions, matters of first impression under Texas law, and questions of law over which the Courts of Appeals are clearly divided. For 25 years, the League has been active as amicus curiae in numerous matters before the Court that have a significant impact on our membership. At the request of members in the past year, TCJL has filed amicus letters or briefs in thirteen cases in the Texas Supreme Court and one in the Florida Supreme Court (the constitutionality of caps on damages in medical liability cases). Here is a partial list of the diverse questions we have briefed:

- The legislative history and proper construction of the government standards defense enacted in 2003;
- Whether an order certifying a class action may be amended by a post-certification motion that changes the characteristics of the class;
- The appropriate standard for establishing gross negligence in negligent hiring claims;
- Whether Texas should recognize a cause of action for emotional harm resulting from the loss of a pet;
- Whether a statute requiring a person planning to move personal property within a certain distance of a power line to notify and consult with the utility confers a duty on a transmission utility to act affirmatively to protect the person from resulting harm;
- Whether Texas should recognize a constitutional cause of action attacking the Railroad Commission's determination of common carrier status for energy-related pipelines;
- Whether a "no damages for delay" clause in a construction contract prospectively exculpates a party from liability for breaching the contract;
- Whether a trial judge should determine corporate veil-piercing claims as a matter of law.

This significant acceleration of the League's amicus program indicates a transition in the Texas legal landscape. Questions based on past legislative enactments are working their way through the judicial system. The changing economic climate is generating complex new issues that our courts have not dealt with before. Business transactions that occur on a national or global scale have increasingly important implications for Texas.

The TCJL is helping its members meet these challenges by offering the expertise and institutional knowledge we have gained in hard-won successes in the legislative and judicial arenas. TCJL's amicus program is one of the most valuable services we provide, and we encourage you to think of us if you have a case on which our perspective may be helpful. ★

Legislative Races

Texas Senate and House of Representatives

Texas Senate

SD 1 Kevin Eltife* (R) vs. Stephen Russell (D)
 SD 2 Bob Deuell* (R)
 SD 3 Robert Nichols* (R)
 SD 4 Tommy Williams* (R)
 SD 5 Charles Schwertner (R)
 SD 6 R. W. Bray (R) vs. Mario Gallegos, Jr.* (D)
 SD 7 Dan Patrick* (R) vs. Sam "Tejas" Texas (D)
 SD 8 Ken Paxton (R) vs. Jack Ternan, Jr. (D)
 SD 9 Kelly Hancock (R) vs. Pete Martinez (D)
 SD 10 Mark M Shelton (R) vs. Wendy Davis* (D)
 SD 11 Larry Taylor (R) vs. Jacqueline Acquistapace (D)
 SD 12 Jane Nelson* (R)
 SD 13 Rodney Ellis* (D)
 SD 14 Kirk Watson* (D)
 SD 15 Bill Walker (R) vs. John Whitmire* (D)
 SD 16 John Carona* (R)
 SD 17 Joan Huffman* (R)
 SD 18 Glenn Hegar* (R)
 SD 19 Michael Berlanga (R) vs. Carlos Uresti* (D)
 SD 20 Raul Torres (R) vs. Juan "Chuy" Hinojosa* (D)
 SD 21 Grant Rostig (R) vs. Judith Zaffirini* (D)
 SD 22 Brian Birdwell* (R)
 SD 23 Bishop John Lawson (R) vs. Royce West* (D)
 SD 24 Troy Fraser* (R)
 SD 25 Donna Campbell (R) vs. John Courage (D)
 SD 26 Leticia Van De Putte* (D)
 SD 27 Eddie Lucio, Jr. (D)
 SD 28 Robert Duncan* (R)
 SD 29 Dan Chavez (R) vs. Jose Rodriguez* (D)
 SD 30 Craig Estes* (R)
 SD 31 Kel Seliger* (R)

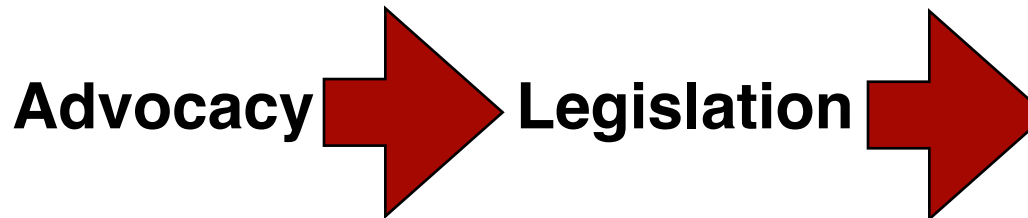
HD 29 Ed Thompson (R) vs. Doug Blatt (D)
 HD 30 Geanie Morrison* (R) vs. Alex Hernandez Jr. (D)
 HD 31 Ann Matthews (R) vs. Ryan Guillen* (D)
 HD 32 Todd Hunter* (R)
 HD 33 Scott Turner (R)
 HD 34 Connie Scott* (R) vs. Abel Herrero (D)
 HD 35 Oscar Longoria (D)
 HD 36 Sergio Munoz, Jr.* (D)
 HD 37 Rene Oliveira* (D)
 HD 38 Alex Torres (R) vs. Eddie Lucio III* (D)
 HD 39 Joel De Los Santos (R) vs. Armando "Mando" Martinez* (D)
 HD 40 Terry Canales (D)
 HD 41 Miriam Martinez (R) vs. Bobby Guerra* (D)
 HD 42 Richard Raymond* (D)
 HD 43 J.M. Lozano* (R) vs. Yvonne Gonzalez Toureilles (D)
 HD 44 John Kuempel* (R)
 HD 45 Jason Isaac* (R) vs. John Adams (D)
 HD 46 Dawwna Dukes* (D)
 HD 47 Paul Workman* (R) vs. Chris Frandsen (D)
 HD 48 Robert Thomas (R) vs. Donna Howard* (D)
 HD 49 Elliott Naishtat* (D)
 HD 50 Mark Strama* (D)
 HD 51 Eddie Rodriguez* (D)
 HD 52 Larry Gonzales* (R)
 HD 53 Harvey Hilderbran* (R)
 HD 54 Jimmie Don Aycock* (R) vs. Claudia Brown (D)
 HD 55 Ralph Sheffield* (R)
 HD 56 Charles "Doc" Anderson* (R)
 HD 57 Trent Ashby (R)
 HD 58 Rob Orr* (R)
 HD 59 J.D. Sheffield (R) vs. Bill Norris (D)
 HD 60 Jim Keffer* (R)
 HD 61 Phil King* (R)
 HD 62 Larry Phillips* (R) vs. Eristeo Perez (D)
 HD 63 Tan Parker* (R)
 HD 64 Myra Crownover* (R) vs. Mary Brown (D)
 HD 65 Ron Simmons (R) vs. Gary Brown (D)
 HD 66 Van Taylor* (R)
 HD 67 Jeff Leach (R)
 HD 68 Drew Springer (R)
 HD 69 James Frank (R)
 HD 70 Scott Sanford (R)
 HD 71 Susan King* (R)
 HD 72 Drew Darby* (R)
 HD 73 Doug Miller* (R)
 HD 74 Thomas Kincaid, Jr. (R) vs. Poncho Nevarez (D)
 HD 75 Mary Gonzalez (D)
 HD 76 Naomi Gonzalez* (D)
 HD 77 Marisa Marquez* (D)
 HD 78 Dee Margo* (R) vs. Joe Moody (D)
 HD 79 Joe Pickett* (D)
 HD 80 Tracy King* (D)
 HD 81 Tryon Lewis* (R)
 HD 82 Tom Craddick* (R)
 HD 83 Charles Perry* (R)
 HD 84 John Frullo* (R)
 HD 85 Phil Stephenson (R) vs. Dora Olivo* (D)
 HD 86 John Smithee* (R)
 HD 87 Four Price* (R) vs. Abel Bosquez (D)
 HD 88 Ken King (R)
 HD 89 Jodie Laubenberg* (R)
 HD 90 Lon Burnam* (D)

HD 91 Stephanie Klick (R)
 HD 92 Jonathan Stickland (R)
 HD 93 Matt Krause (R) vs. Shane Hardin (D)
 HD 94 Diane Patrick* (R)
 HD 95 Monte Mitchell (R) vs. Nicole Collier (D)
 HD 96 Bill Zedler* (R)
 HD 97 Craig Goldman (R) vs. Gary Grassia (D)
 HD 98 Giovanni Capriglione (R)
 HD 99 Charlie Geren* (R) vs. Michael McClure (D)
 HD 100 Eric Johnson (D)
 HD 101 Chris Turner (D)
 HD 102 Stefani Carter* (R) vs. Rich Hancock (D)
 HD 103 Rafael Anchia* (D)
 HD 104 Roberto Alonzo* (D)
 HD 105 Linda Harper Brown* (R) vs. Rosemary Robbins (D)
 HD 106 Pat Fallon (R)
 HD 107 Kenneth Sheets* (R) vs. Robert Miklos (D)
 HD 108 Dan Branch* (R)
 HD 109 Helen Giddings* (D)
 HD 110 Toni Rose (D)
 HD 111 Yvonne Davis* (D)
 HD 112 Angie Chen Button* (R)
 HD 113 Cindy Burkett* (R)
 HD 114 Jason Villalba (R) vs. Carol Kent (D)
 HD 115 Bennett Ratliff (R) vs. Mary Clare Fabishak (D)
 HD 116 Trey Martinez Fischer* (D)
 HD 117 John Garza* (R) Philip Cortez (D)
 HD 118 Robert Casias (R) vs. Joe Farias* (D)
 HD 119 Anna Campos (R) vs. Roland Gutierrez* (D)
 HD 120 Ruth Jones McClendon* (D)
 HD 121 Joe Straus* (R), Speaker, Texas House of Representatives
 HD 122 Lyle Larson* (R)
 HD 123 Mike Villarreal* (D)
 HD 124 José Menéndez* (D)
 HD 125 Alma Perez Jackson (R) vs. Justin Rodriguez (D)
 HD 126 Patricia Harless* (R)
 HD 127 Dan Huberty* (R) vs. Cody Pogue (D)
 HD 128 Wayne Smith* (R)
 HD 129 John E. Davis* (R)
 HD 130 Allen Fletcher* (R)
 HD 131 Alma Allen* (D)
 HD 132 Bill Callegari* (R)
 HD 133 Jim Murphy* (R)
 HD 134 Sarah Davis* (R) vs. Ann Johnson (D)
 HD 135 Gary Elkins* (R) vs. Paul Morgan (D)
 HD 136 Tony Dale (R) vs. Matt Stillwell (D)
 HD 137 M. J. Khan (R) vs. Gene Wu (D)
 HD 138 Dwayne Bohac* (R)
 HD 139 Sam Brocato (R) vs. Sylvester Turner* (D)
 HD 140 Armando Walle* (D)
 HD 141 Michael Bunch (R) vs. Senfronia Thompson* (D)
 HD 142 Harold Dutton, Jr.* (D)
 HD 143 Doug Weiskopf (R) vs. Ana Hernandez Luna* (D)
 HD 144 David Pineda (R) vs. Mary Ann Perez (D)
 HD 145 Carol Alvarado* (D)
 HD 146 Borris Miles* (D)
 HD 147 Garnet Coleman* (D)
 HD 148 Jessica Farrar* (D)
 HD 149 Dianne Williams (R) vs. Hubert Vo* (D)
 HD 150 Debbie Riddle* (R) vs. Brad Neal (D)

Texas House of Representatives

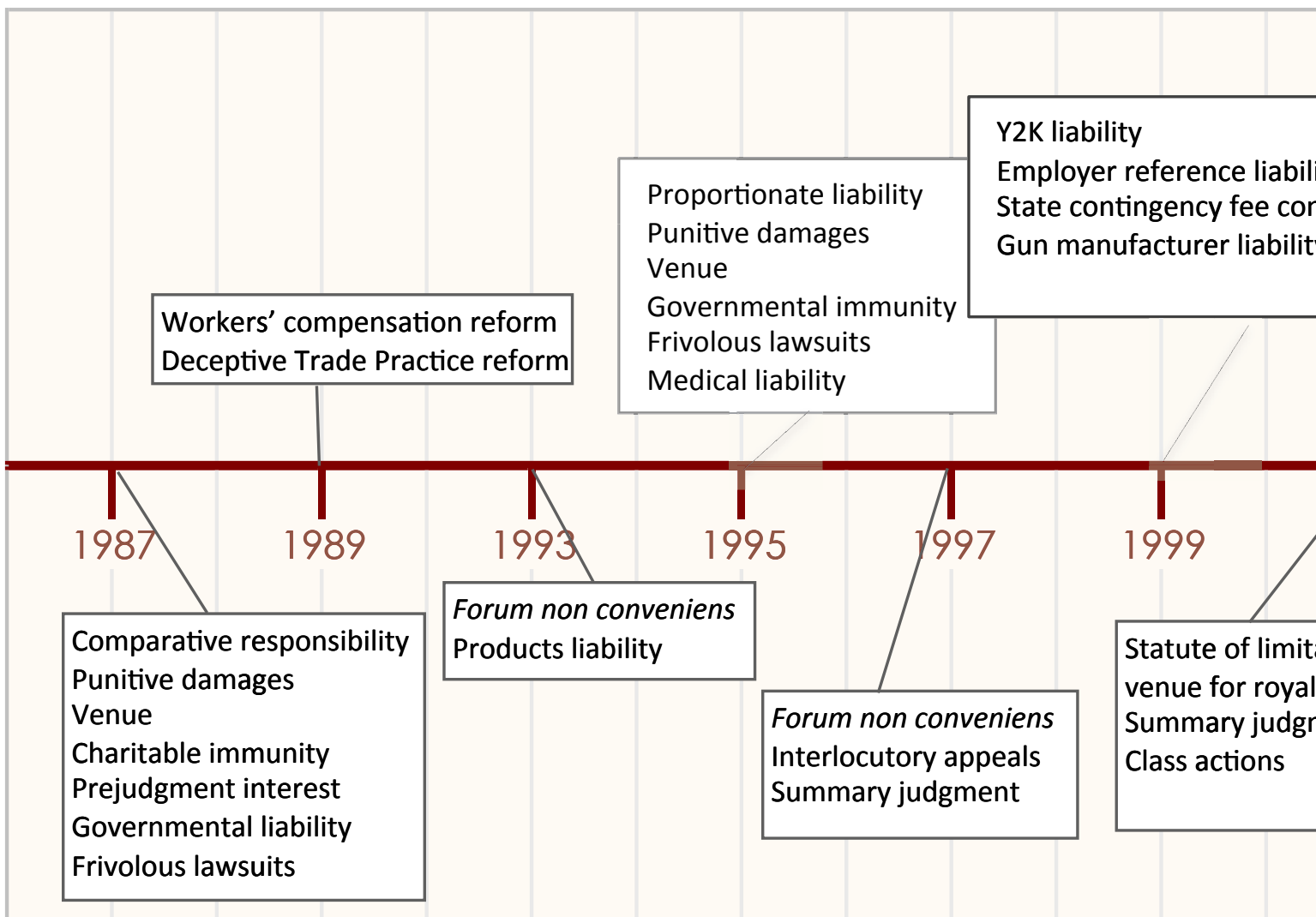
HD 1 George Lavender* (R)
 HD 2 Dan Flynn* (R)
 HD 3 Cecil Bell, Jr. (R)
 HD 4 Lance Gooden* (R)
 HD 5 Bryan Hughes* (R)
 HD 6 Matt Schaefer (R)
 HD 7 David Simpson* (R)
 HD 8 Byron Cook* (R) vs. Charles Morgan (D)
 HD 9 Chris Paddie (R)
 HD 10 Jim Pitts* (R)
 HD 11 Travis Clardy (R)
 HD 12 Kyle Kacal (R) vs. Robert Stem (D)
 HD 13 Lois Kolkhorst* (R)
 HD 14 John Raney* (R) vs. Judy Le Unes (D)
 HD 15 Steve Toth (R)
 HD 16 Brandon Creighton* (R)
 HD 17 Tim Kleinschmidt* (R) vs. Colin Guerra (D)
 HD 18 John Otto* (R)
 HD 19 James White* (R)
 HD 20 Marsha Farney (R)
 HD 21 Allan Ritter* (R)
 HD 22 Joe Deshotel* (D)
 HD 23 Wayne Faircloth (R) vs. Craig Eiland* (D)
 HD 24 Greg Bonnen (R) vs. Rusty Cates (D)
 HD 25 Dennis Bonnen* (R)
 HD 26 Rick Miller (R) vs. Vy Nguyen (D)
 HD 27 Kris Allfrey (R) vs. Ron Reynolds* (D)
 HD 28 John Zerwas* (R)

25 Years of Tort Reform

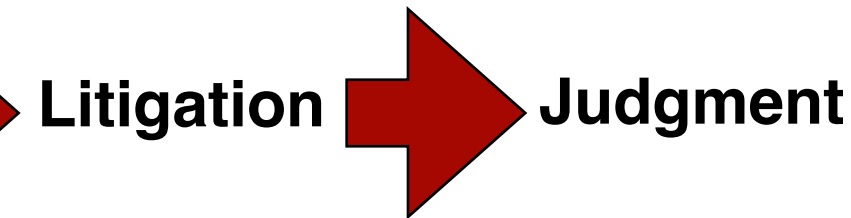


"I heard Steve Wynn say in a national interview that the rest of the state... He's not the only businessman to recognize the hard work that the Texas Civil Justice League has done... Twenty-five years ago we started working on legislative change."

Red Mc

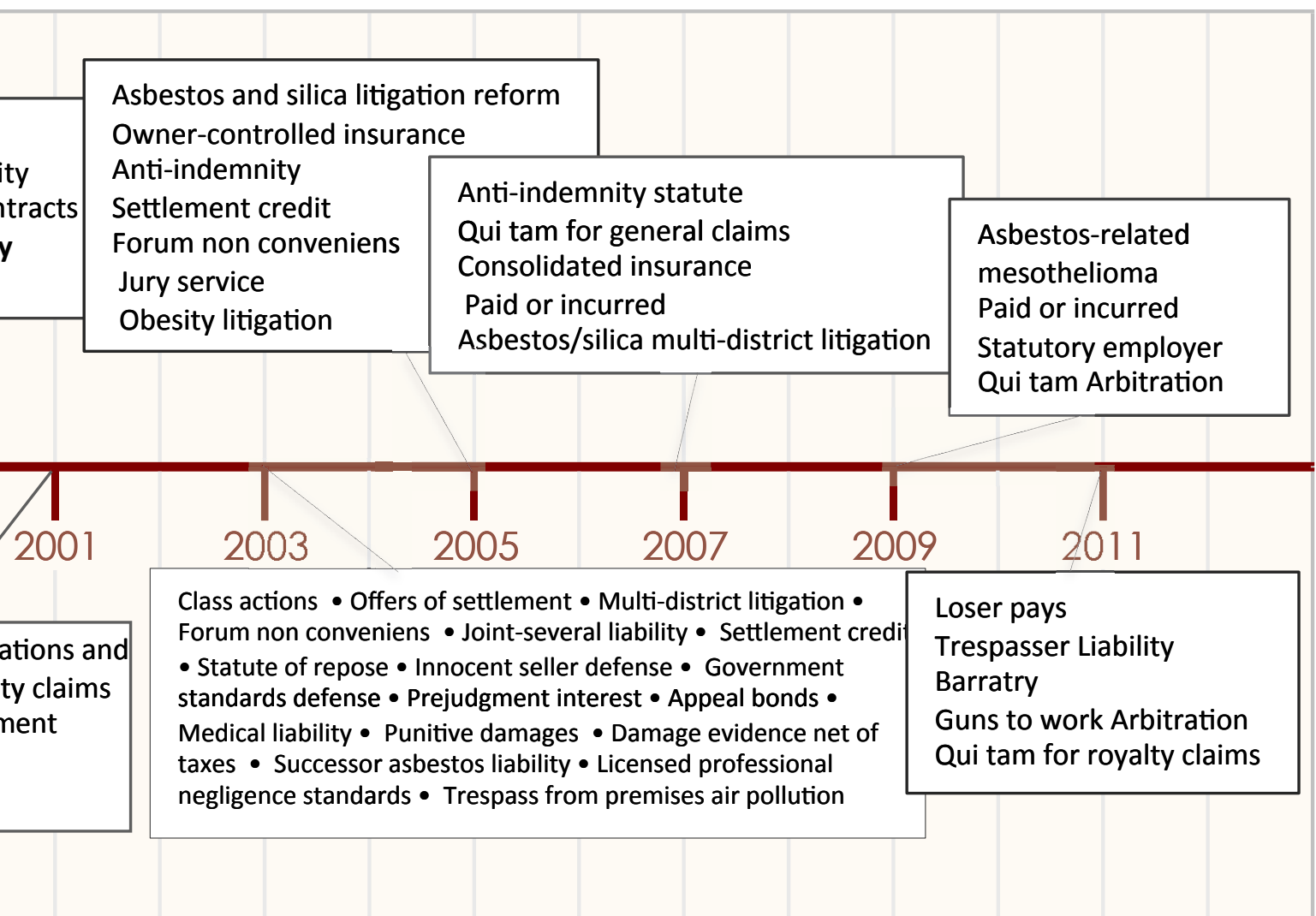


n – Judges Now Decide



es need to be like Texas with respect to tort reform and business climate. Civil Justice League has invested in bringing jobs and investment to our state. s, and now the judges are having their say. We can't let up now."

Combs



Red McCombs Hosts PAC Luncheon

Speaker Joe Straus Gives Keynote Address

This November, an unusually large number of Texas appellate justices are on the ballot, presenting the TCJL PAC with a tremendous challenge in educating Texas voters about the importance of these races to the state's economic future.

The Fourth Court of Appeals in San Antonio has attracted a great deal more attention than usual. The rapid development in the Eagle Ford Shale in south Texas is within the court's district, and this activity has created a flurry of activity for the Fourth Court. Five of the seven justices are on the ballot. This supermajority means the philosophical view of the court as a whole could change drastically if these seats are lost.



Representative Doug Miller; Carol Sims, Executive Director TCJL, and Joe Straus, Speaker, Texas House of Representatives



**Carol Sims, Executive Director, TCJL
Red McCombs, Chairman, TCJL PAC**



**Joci Straus and
George Christian, Sr. Counsel, TCJL**



**Joe Straus, Speaker, Texas House of Representatives;
John Fainter, Chairman, TCJL; Walter Fisher, Sr. Advisor, TCJL**



**Justice Paul Green, Texas Supreme Court
and Tim Watt, General Counsel, Zachry Corp.**



Texas Fourth Court of Appeals Judges

Clockwise from top left:

Bob Huxel, Justice Phylis Speedlin, Chris Grascel; Chris Grascel, Justice Rebecca Simmons; Cody Webb, Justice Karen Angelini; Justice Marialyn Barnard, Mark Murray; José Cantu, Justice Steve Hilbig

Statehouse to the Courthouse:

25 Years of Tort Reform and the Future

continued from page 1

concern to the Texas business community. Judges need to know the potential impact of their decisions on the economy, employment, and capital investment in our state. They also need to know the full implications of the decisions that individual parties to litigation ask them to make. No important judicial decision affects only the parties who will be bound by it, and we must always be prepared to respond when the common interest of all Texas businesses and citizens requires.

Fourth, we must assure that the administrative, procedural, and regulatory functions of the courts are as fair and impartial as the judges themselves. This task requires our involvement in a broad array of areas, including court rule-making, funding for court operations and judicial compensation, and the structure and jurisdictional limits of the various levels of the system. Only a well-organized, smoothly functioning and adequately funded judiciary can deliver timely and effi-

cient justice for Texas businesses and citizens.

Fifth, we must maintain a continuous presence in the Texas legal community and keep abreast of developing areas of the law. As business transactions become more complex and global in nature and scope, litigation will arise that will test our laws in ways we cannot now foresee. While these changes may well require a legislative response, the first line of attack or defense is likely to be in the courts. We are the only broad-based association of business entities that performs this function. If we allow it to lapse, we will have to pay far more in the future to correct problems that we might otherwise avoid or ameliorate by action today.

Sixth, we must strengthen the constitutional and institutional health of the third branch of government. Our economy depends on two fundamental principles: freedom of contract and judicial review of disputes between economic actors. While much of our advocacy in the past 25 years

has concentrated on tort liability, the issues that predominate today involve the appropriate standards for the construction of contracts, the interpretation of complex statutory and regulatory frameworks for specific economic activities, and, more generally, the proper role of the judiciary in relation to the legislature and executive. We must maintain a strong and active presence in each of the legislative, executive, and judicial arenas to make sure that businesses and citizens can continue to operate under clearly defined rules and boundaries.

None of this would be possible without the ongoing support and active participation of our members. The ultimate success of our efforts since 1986 depends on the judges we elect today and in the future, as well as on the maintenance of the judicial system. We look forward to working with our members over the next 25 years to secure the benefits of the fair, efficient, and responsive administration of justice to all Texans. ★



The Texas Civil Justice League
wisely uses membership funds.

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Email info@tcjl.com
with the subject line "Electronic Newsletter."

Ted Cruz: For The U.S. Senate

The Texas Civil Justice League is proud to support Republican nominee Ted Cruz and his campaign for United States Senate. Cruz's experience as Solicitor General of Texas and Deputy Attorney General of the United States, as well as his steadfast defense of Texans' constitutional rights, make him the best candidate to represent Texas in Washington.



Elect ed in November to succeed Senator Kay Bailey Hutchinson, Cruz will become the first Hispanic-American to serve our state in the U.S. Senate. A graduate of Princeton University and Harvard Law School, he obtained a prestigious clerkship with the United States Supreme Court, where he worked under the direction of former Chief Justice William Rehnquist. He has authored more than 80 briefs filed in cases before the Court and presented oral argument in nine of those. In his five years as Solicitor General of Texas under Attorney General Greg Abbott, Cruz successfully defended the state in litigation involving the 2003 legislative and congressional redistricting plans, the recitation of the Pledge of Allegiance in Texas schools, and the maintenance of the Ten Commandments monument on the Capitol grounds. A partner in the law firm of Morgan, Lewis & Bockius, he heads the firm's U.S. Supreme Court and national appellate litigation practice. ★

It's All About the Judges

continued from page 2

The laws we fought so long and hard to change are now being judged. Of the 80+



Leonarda Tracy, USAA and Judge Renee McElhany, 73rd District Court.

appellate judges in the state, half of them are on the general election ballot on November 6. The TCJL PAC has made endorsements in 28 key races (see page 5). It's these judges that will decide the future of Texas tort law. They all have opponents, and they all need your help. Twenty five years of hard work now stands to be overturned, one piece at a time.

If you've had a recent conversation with me and I haven't brought up the importance of the judicial races, you haven't been listening. It is critical that we elect competent, fair judges. If you have donated to the PAC, that money has gone directly to candidates we believe in. Please see our website for more information. Texas judges and Texas business needs your help. Every vote and every dollar counts. ★



Mark your calendar
for the
TCJL Annual Meeting

Thursday, November 8th

3:00 – 6:00pm

Headliners

221 West 6th Street

Austin, Texas

General election analysis
by Ross Ramsey,
Texas Tribune and *Texas Weekly*
and Ken Herman,
Austin American Statesman.

RSVP to info@tcjl.com



Texas Civil Justice League
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 PERMIT NO. 525

The 2012 election will include **51 state appellate justices and all 181 members of the Texas Senate and House of Representatives**. Please consider contributing to the TCJL PAC efforts to support judicial and legislative candidates who share our commitment to a fair and balanced civil justice system.



**YES! I WANT TO ENCOURAGE
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