

TEXAS CIVIL  
JUSTICE  
LEAGUE

# JOURNAL

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# TEXAS CIVIL JUSTICE LEAGUE



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# Chairman's Corner

*by Richard Jackson*

We have become so used to TCJL's record of success in legislative sessions that we risk taking it for granted. My association with TCJL goes back for decades, but serving as Chair of the Executive Committee this session has given me a new appreciation for this wonderful organization and how it does its business at the Capitol.

Nowhere was TCJL's patient and respectful approach to legislative policymaking more evident than in the difficult and contentious issue of eminent domain. Recognizing that emotions run very high when private property rights are concerned, TCJL reached out to landowner groups to listen to their concerns and negotiate a reasonable compromise. "Compromise" isn't a word we hear around the Capitol as much as we used to, but 30 years of tort legislation has

The ADA issue illustrates a growing trend in litigation: the use of generous remedies and venue provisions of federal law to create mass lawsuits in the states. During the 2015 session, the issue was patent trolls. In 2017 it shifted to the ADA. We don't yet know what the next one will be, but we fully expect to be back in 2019 dealing with another litigation attack on the business community.

As we enter the 2018 election cycle, TCJL is turning its attention to judicial elections. Next year fully half of the state's court of appeals justices will be on the ballot, along with three Supreme Court justices and innumerable trial benches. We will be working overtime to bring you the best and most accurate information about these candidates so that you can inform your members and employees about the



***Next year fully half of the state's court of appeals justices will be on the ballot, along with three Supreme Court justices and innumerable trial benches.***

shown beyond doubt that getting the parties to the table results in far more durable and lasting reform than one-sided legislation does.

Though our effort was not successful in producing a compromise bill at the end of the process, we believe that legislators involved in the issue appreciate both the ideas and good faith we brought to the discussions. What happens next in eminent domain is anybody's guess, but TCJL's reputation for honest dealing is stronger than ever.

TCJL also successfully navigated the legislative minefield to achieve a measure of reform of so-called "drive by" lawsuits under the Americans with Disabilities Act. These lawsuits disproportionately affect restaurants and small retailers, so TCJL's involvement was critically important to bringing the issue to the attention of the general business community and the Legislature. Though we can do very little at the state level to affect the federal ADA, we did amend the state version of the ADA to give businesses notice and a right to cure ADA defects. Our special thanks go out to Rep. John Smithee (R-Amarillo) and Sen. Kel Seliger (R-Amarillo) for leading this effort in the Legislature.

importance of these races to the Texas business climate. We will also be involved in reaching voters to encourage them to learn about the candidates and vote in these races. TCJL is the only statewide business association that provides this function, so please keep us in your budgets and support this incredibly important work.

Thank you for your membership and loyalty in this great organization. It is an honor to serve as Chairman, and I look forward to continuing to work with you in the challenging years ahead. ★



**Chairman  
Texas Civil Justice League**

# LEAGUE IMPACT

## 85<sup>TH</sup> LEGISLATIVE SESSION SUMMARY

**A**s long-time Capitol groupies can attest, each and every legislative session has its own personality. This one was no different. Some say it “came in like a lion,” but few would say it “went out like a lamb.” On the contrary, the atmosphere was acrimonious from the beginning and pretty much stayed that way throughout the 140 days. The reasons are multi-faceted. Depending on who you ask, some blame the perceived direct hostility toward groups like immigrants, women, and transgender children, just to name a few. Some say it was caused by the state’s revenues shortfalls leaving legislators with less money to spend. Some point to the emphasis on social issues instead of business and economic concerns. And some say it was just politics, as we have come to know it, from the Big Three (Governor, Lieutenant Governor, Speaker) on down.

Regardless of the reason, the 85th Legislature did pass the only bill that is constitutionally required. **SB 1** -- the \$217 billion biennial budget. Other major legislation included critical reform of Child Protective Services (CPS), a ban on sanctuary cities, some ethics reform and a resolution in the case of an Article V Convention of the States. However, Lieutenant Governor Patrick’s priorities of tax reform, bathrooms and school vouchers and Speaker Straus’ school finance plan will have to live to fight another day.

Despite the turbulence of the 85th legislative session, the Texas Civil Justice League had a very successful session.

Please contact Texas Civil Justice League staff for any questions or additional information on issues covered below.

Governor Abbott’s veto period ended June 18, 2017. Until that date, bills sent to the Governor could be signed, vetoed, or allowed to become law without his signature.

### **ADA Drive-by Lawsuits**

*Signed by the Governor*

**HB 1463** by **Representative John Smithee** (R-Amarillo) and **Senator Kel Seliger** (R-Amarillo) deals with so-called “drive-by” lawsuits in which

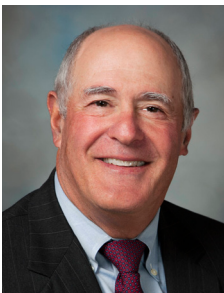


**John Smithee**  
(R-Amarillo)

plaintiff’s attorneys demand specified “settlement” amounts from businesses for alleged violations of the Americans With Disabilities Act. These demand letters sometimes allege minor technical violations based on little more than a Google Map search of a business premises, and can be directed at any “place of public accommodation,” whether a physical location or online.

The bill requires a claimant to give 60 days’ notice to a business of intent to file a claim under the state version of the Americans With Disabilities Act (ADA). The notice must disclose the name of the individual





**Kel Seliger**  
**(R-Amarillo)**

asserting the claim (no more demand letters from law firms on their own behalf), the nature of each alleged violation, and the time, place, and manner in which the claimant discovered the violation. A notice may not make a demand for damages, request settlement, or offer to settle a claim without a determination of whether the condition stated by the notice is excused by law or may be

remedied. The claimant must prove by a preponderance of evidence that the respondent has not remedied an alleged violation, and a respondent can ask the court for an additional 60 days' abatement of the action to complete corrections already initiated when suit is filed. Finally, the bill allows a respondent to move for dismissal without prejudice or summary judgment if the respondent has corrected violations.

Most claims of this nature are filed under the federal ADA, and the Texas Legislature has no authority to change federal law. Passage of this bill ensures that expected future changes to federal law will not result in a flood of transfers and filings in state court. Texas law will now provide a procedural framework and an opportunity to make corrections, and will discourage abuse and frivolous litigation. *Effective September 1, 2017.*

### **Hail Litigation**

*Signed by the Governor*

Legislation aimed at ending the mass filing of hailstorm and weather-related property and casualty insurance claims finally made it to the Governor's desk and has been signed into law. **HB 1774** by **Representative Greg Bonnen** (R-Galveston) and **Senator Kelly Hancock** (R-North Richland Hills) originally applied to all first party claims but was narrowed to claims arising from losses caused by a "violent act of nature, including an earthquake or earth tremor, wildfire, flood, tornado, lightning, hurricane, hail, wind, snow, or rain."

Key provisions include: no application to actions arising under policies issued by the Texas Windstorm Insurance Association; lower interest penalty on late payment; required 60-day presuit notice with detailed information about the claim and incurred fees; right of inspection by insurer; immunity for an agent if the insurer accepts liability; and a limitation on attorney's fees. *Effective September 1, 2017.*

### **Foreign Money Judgment Act**

*Signed by the Governor*

A bill with significant implications for businesses doing business in foreign jurisdictions, **SB 944** by **Senator Bryan Hughes** (R-Mineola) and **Representative Travis Clardy** (R-Nacogdoches). **SB 944** adopts the Uniform Foreign

# League Impact: 85th Legislative Session Summary

Country Money Judgments Recognition Act and repeals the current law governing enforcement of foreign judgments



**Travis Clardy  
(R-Nacogdoches)**

(Ch. 36, CPRC). The bill adds two provisions to current law allowing a Texas court to decline to recognize a foreign judgment if: (1) the foreign judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment; or (2) the specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law. The bill responds to a U.S. 5th Circuit Court of Appeals decision declining to enjoin enforcement of a judgment obtained against a Texas business in a Moroccan proceeding with serious due process irregularities. The bill applies to a pending suit in which the recognition of a foreign judgment has been raised, regardless of when the suit was filed. *Effective September 1, 2017.*

## Chapter 18 Medical Affidavits

### *Dead in Committee*

Chapter 18, Civil Practice & Remedies Code, governs the submission of medical expenses in litigation involving personal injuries. The intent of Chapter 18 is to provide a streamlined process by which plaintiffs can submit medical records to the court without having to bring witnesses to testify regarding the accuracy of the records or the reasonableness and necessity of the charges. Problems arise under current law, however, because of the timeframe in which a defendant may file a controverting affidavit to contest the reasonableness and necessity of the charges is so short that the defendant runs the risk of either hiring an unnecessary expert to review the records or failing to controvert unnecessary or unreasonable medical expenses. Furthermore, some plaintiff's attorneys contract with health care providers or use third party factors to defer billing third party payers until after the litigation, making it appear that medical expenses—particularly those covered by insurance—have not been paid. The use of these tactics clearly frustrates the purpose of the paid or incurred rule and have become the subject of litigation. Finally, some courts have interpreted the affidavit of medical expenses to create a presumption that the charges themselves are reasonable and necessary, even though the affidavit can be executed by a custodian of records with no actual knowledge of the charges themselves.

Based on these concerns, the Texas Civil Justice League and a number of other parties sought legislation to reform Chapter 18. As filed, **HB 2301** by **Representative Mike Schofield** (R-Katy) amended §18.001, CPRC, to extend the date of service of an affidavit of medical expenses to the earlier of 60 days before trial or the date the offering party must designate experts in order to give a defendant more time to verify the records and determine whether to controvert them. The bill required a party intending to controvert the affidavit to serve a copy of the counter-affidavit by the earlier of 30 days before trial or the date the party must designate experts and allowed a party or the party's attorney to make the counter-affidavit. Finally, it provided that the affidavit of medical expenses does not create a presumption that the amount charged was reasonable or the service necessary. HB 2301 was heard in House Judiciary & Civil Jurisprudence on April 11 but did not advance from committee.

The Texas Civil Justice League worked with other stakeholders to negotiate a compromise on HB 2301. The parties tentatively came up with a substitute that would have moved the deadline to the earlier of 90 days before trial or the date the offering party must designate experts. A controverting affidavit would have to be filed by the earlier of 60 days before trial or the expert designation date. In either case, an affidavit could not be used as evidence of proximate cause. Finally, a party could supplement the affidavit 30 days before trial to reflect continuing services, with a controverting affidavit due 14 days before trial. Unfortunately, the proposed compromise did not receive sufficient support and time ran out before further changes could be crafted to satisfy lingering concerns with the bill. *Dead, though this issue will certainly be back next session.*

## Effort to Raise Medical Liability Caps

### *Dead in committee*

For the first time in several sessions, legislation was filed to raise the \$250,000 cap on non-economic damages in health care liability claims. **HB 719** by **Representative Gene Wu** (D-Houston) would have indexed the cap by cumulative changes in the Consumer Price Index between September 1, 2003 and the date of the final judgment or settlement. Indexing would also apply to the liability limits and financial responsibility amounts in §74.302, CPRC. The bill was heard in House Judiciary & Civil Jurisprudence on March 28 and left pending for the remainder of the session. The Texas Civil Justice League and others vigorously opposed this legislation.



# League Impact: 85th Legislative Session Summary

## Eminent Domain... Again *Dead in committee*

In 2007, and then again in 2011, the Legislature passed what was thought to be sweeping changes to the condemnation process making the laws more favorable to Texas landowners. Most notably, in 2011, the Legislature passed **SB 18** by **Craig Estes** (R-Wichita Falls), requiring condemning authorities, among other requirements, to provide property owners with the “Landowner Bill of Rights.”

Despite those changes, groups representing large numbers of landowners, including the Texas Farm Bureau, the Texas and Southwestern Cattle Raisers Association and the Texas Wildlife Association, believe that “condemning entities continue to hold an unfair advantage over landowners who are forced to sell their property without truly being made whole when their property is taken.” In response, a number of bills focusing on various aspects of the eminent domain process were filed. The most comprehensive were **SB 740** by **Lois Kolkhorst** (R-Brenham) and **HB 3284** by **DeWayne Burns** (R-Cleburne). Elements of these comprehensive bills were also included in **HB 3687** by **Trent Ashby** (R-Lufkin); **HB 2694** by **Kyle Kacal** (R-College Station); **HB 3170** by **Cecil Bell** (R-Magnolia); **HB 2556** by **Justin Holland** (R-Rockwall); **HB 528** by **Mike Schofield** (R-Katy); **HB 2076** by **Leighton Schubert** (R-Brenham); **SB 626, 627 and 628** by **Charles Schwertner** (R-Georgetown); and **HB 2090** by **Gary VanDeaver** (R-Bowie).

Going into the legislative session, passage of eminent domain reform appeared inevitable given the momentum surrounding anecdotal stories shared by landowner groups. While we acknowledge the landowners’ frustrations, it was imperative for the Legislature to hear from the industries responsible for building critical infrastructure in Texas. In an unprecedented display of cohesiveness, these industries came together and created the Coalition for Critical Infrastructure. Due to the fee component (discussed below) and past experience managing project coalitions, the Texas Civil Justice League was selected to coordinate the effort. The Coalition’s role was to ensure that changes to the eminent domain laws were done in a balanced way recognizing the growing needs in Texas for roads and highways; oil, natural gas and water pipelines; electric transmission and distribution lines; and other important infrastructure. The Coalition included both public and private entities, all with statutory or common law condemnation authority.

As evidenced by its inclusion in the Texas Constitution, the use of eminent domain is essential to meeting the needs of millions of Texans. However, having one’s property taken under the threat of eminent domain is not a desirable outcome for a significant number of property owners. With this understanding, the Coalition endeavored to negotiate a bill with the landowner groups in an effort to address the perceived grievance of an unequal playing field between the landowners and the entities with condemnation authority.

From late January through early May, the Texas Civil Justice League and coalition attorneys spent hours with the landowner groups and interested legislators working in good faith to strike a balance and further ensure that the process was transparent, efficient, and just. The goal was to achieve a strong and durable framework that would treat property owners respectfully and fairly, promote the efficient and timely resolution of disputes, and strengthen long-term relationships between property owners and infrastructure developers.

From the beginning, stakeholders knew there were some areas of fundamental disagreement. The most significant, from the outset, and the main reason the Texas Civil Justice League became initially involved, was the landowner position that the condemning entities should be responsible for landowner attorney fees in some circumstances. Having been intimately involved in tort reform and lawsuit abuse fights over the past 30 years, the Texas Civil Justice League was well-positioned to share this established fact: a fee proposal would only increase the overall cost of projects, resulting in additional money going to lawyers, and not necessarily to actual landowners. Virtually all projects with condemnation authority are ultimately paid by average citizens, whether directly through tax-funded projects, or indirectly through rates paid for utility and energy infrastructure. With the understanding that the attorney fee proposal was unacceptable, the Coalition worked to find other meaningful areas of agreement. Despite these efforts, just prior to striking a final deal, the landowner groups withdrew from discussions and declined to move forward. Regardless of the coalition effort, many existing Texas Civil Justice League members would be affected by changes to eminent domain law, and the Texas Civil Justice League remains committed to having open and productive dialogue with all stakeholders, including landowners, going forward. *Dead in committee.*

See **League Impact**, page 16

# *amicus curiae*

## TCJL Amicus Report

Over the past several years, TCJL has witnessed a rapid increase in the number of appellate decisions from courts across the state with significant potential impacts on our members. TCJL's *amicus curiae* program offers our members the opportunity to participate in appellate litigation before the Texas Supreme Court, the 14 district courts of appeals, and, on occasion, the federal courts. TCJL accepts *amicus* requests from members in good standing and evaluates them based on the larger implications of the issue or issues presented in the litigation for Texas businesses as a whole. In our briefs, we hope to bring a unique perspective to the court rather than simply repeat the arguments of other parties. The following is a list of selected *amicus* briefs we have filed in the past year.

### **1. Exxon Mobil Corporation v. The Insurance Company of the State of Pennsylvania (17-0200)**

This case presents two issues with significant implications for Texas businesses: (1) when does an insurance policy incorporate extrinsic documents; and (2) how does one interpret industrial contracts that require parties to secure insurance and subrogation waivers to begin with? The court of appeals got the answers wrong in both cases and, in doing so, introduced a considerable measure of uncertainty into the customary and longstanding risk allocation practices of Texas businesses. If the court of appeals' decision stands and the answer is yes to these questions, however, Texas businesses that have negotiated

and paid for insurance coverage will find themselves without the benefits of that coverage when they need them. The court of appeals' decision also makes a business's—or potentially any property owner's—insurer a silent party in any industrial contract, big or small, that allocates risk between the parties and requires insurance to cover that risk. In other words, the court of appeals' decision, if allowed to stand, could affect virtually every third-party construction-related insurance policy issued in Texas. TCJL's brief urges the Supreme Court to accept review in the case and reverse the court of appeals' decision.

### **2. ConocoPhillips Company and Burlington Resources Oil & Gas Co., L.P. v. Koopman (16-0662)**

In this case the trial court's award of attorney's fees to the plaintiffs and the court of Appeals' affirmance of that award in this case created an absurd result contemplated neither by the language nor the intent of H.B. 274 and Rule 91a, which establish an early dismissal of a lawsuit for failure to state a claim. Here the trial court denied a Rule 91a motion (without explanation) and subsequently entered a summary judgment in favor of the defendants on the same causes of action based on substantially the same defense arguments. The court then awarded attorney's fees to the plaintiffs with respect to substantially the same claims it dismissed. As a result, the defendants owed attorney's fees for claims that the



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).

The Texas Civil Justice League helps its members meet these challenges by offering the expertise and institutional knowledge gained in hard-won successes in the legislative and judicial arenas. The League'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 in which our perspective may be helpful.

plaintiffs should never have brought in the first place, in addition to the discovery costs and defense attorney's fees they had to pay between the date of the Rule 91a motion and the grant of summary judgment. TCJL's brief urged the Supreme Court to grant review, which the court did on June 16, 2017.

### **3. *In Re Poly-America, L.P. (16-0472)***

In this case involving the proper application of the Apex Doctrine, TCJL argued that an important policy objective of the doctrine is to protect the public business and the public purse. The Apex Doctrine prevents courts from wasting time and money on discovery better and more efficiently obtained from another source. It protects parties to litigation from harassment, game-playing, and one-upmanship. It emphasizes the importance of judicial economy, ethical practice, and public service to legal institutions. But the doctrine also represents something greater. It serves the fundamental principle that we only hale private citizens into court for very good reasons, and once there we treat them with dignity and respect, regardless of who they are or where they come from. The Supreme Court ultimately denied the Relator's motion for rehearing in the case and allowed the trial court's order to stand.

### **4. *In Re: Dupuy Orthopaedics, Incorporated, Pinnacle Hip Implant Product Liability Litigation (U.S. Court of Appeals for the Fifth Circuit, No. 16-11051)***

This important product liability case involves a number

of critical questions, including the constitutionality of Texas' limits on punitive damages and the interpretation of the non-manufacturing seller provision of the Texas product liability statute (§82.003, Civil Practice & Remedies Code). TCJL argued that the federal district court misinterpreted the statute to create a cause of action against a product manufacturer. Under the 1993 product liability reforms, if the plaintiff chooses to drag a nonmanufacturing seller into a lawsuit, the seller may defend itself against both the product manufacturer, in the form of a mandatory claim for indemnity, and the plaintiff, in the form of an affirmative defense. If a manufacturing defendant wishes to attach liability to a nonmanufacturing seller, the seller must be proven independently liable under a theory recognized by Texas law, such as negligent alteration of a product. Under §82.003, a nonmanufacturing seller is not liable to the plaintiff at all, unless the plaintiff can prove up one or more of the exceptions listed in §82.003. If the plaintiff meets this burden of proof, the effect is to take the defense out of play, not to establish an independent ground of liability. Nothing in the statute remotely suggests that the seller suddenly becomes liable to the plaintiff by virtue of anything in §82.003. Simply stated, §82.003 immunizes a nonmanufacturing seller unless some reason can be shown not to grant such immunity. TCJL urged the 5th Circuit to reverse the trial court, or alternatively to certify the question to the Texas Supreme Court for clarification. Plaintiff's counsel (The Lanier

# Amicus Curiae

## TCJL Amicus Report

Firm), however, objected to TCJL filing the brief, and the 5th Circuit ultimately denied leave to file.

### 5. *In Re State Farm Lloyds (15-0903)*

This mandamus action arises from the multi-billion dollar hailstorm litigation crisis. A multi-district litigation judge appointed to hear thousands of hailstorm claims issued a pretrial discovery order mandating that insurer State Farm produce certain electronic data in a format different than the one the insurer customarily uses to store the data. Compliance with this order will be costly and burdensome to the insurer with no corresponding benefit to the production of discoverable information. TCJL's two briefs in this case argue that the trial court's order violates the "just and efficient standard" of Rule 13, Rules of Judicial Administration and perpetrates an abuse of the discovery process. The Supreme Court issued its opinion on May 26, 2017, denying mandamus without prejudice in order to allow the Relator to request the trial court to reconsider its discovery order in light of the Court's guidance. In a meticulous and detailed unanimous opinion written by Justice Eva Guzman, the Court laid out a seven-pronged balancing test for determining the appropriate scope and

form of electronic discovery, as well as the need for state and federal courts to follow a consistent approach. This is a major decision that largely addresses the concerns TCJL expressed in its brief.

### 6. *Texas Windstorm Association v. Dickinson Independent School District (14-16-0074-CV; 14th District Court of Appeals [Houston])*

In this heavily fact-intensive case, the pre-trial judge ruled that an appraisal performed seven years after Hurricane Ike conclusively established the amount of the school district's damages that were caused by the covered peril of wind. The trial judge then barred TWIA from offering evidence of affirmative defenses, ruling that the pre-trial judge's order foreclosed TWIA from contesting coverage and liability for the damages established by the contested appraisal award. TCJL's brief in support of TWIA argues that an appraisal award does not establish causation and that the trial court's actions demonstrate the very abuses that the Texas Legislature addressed in both the TWIA and hailstorm litigation reform bills. ★



# TEXASJUDGES.org

Judicial races are "down ballot." What this means is that they're typically at the end of a very long list of items needing voters' attention. The Texas Civil Justice League is reminding Texans that ballot fatigue is bad for our state — we are urging voters to become educated and to vote all the way through their ballots. Join us and help your circle of influence understand that:

- **Judges are important.** They have a direct impact on citizens, perhaps more than any other elected official, because they make decisions that can affect jobs, homes, children and personal freedoms.
- **Voters must take the responsibility to educate themselves** about judicial races. And they must vote! Turnout is important, for both the primaries and the general election.
- **Texans need to elect judges who are fair, impartial and well qualified.** It's easy to run as a single-issue candidate, but judges with activist agendas are not good for Texas. Learn about the people on your ballot and vote for the ones who will do a great job for our state.
- **See [TEXASJUDGES.org](http://TEXASJUDGES.org) for judicial candidate comparisons**

As Texans, we get to elect our judges. That's a big responsibility. Help us urge people to do their homework, to go to the polls, and to vote for good people who will make great judges.



# TCJL PAC 2018

## Preliminary Judicial Endorsements

The TCJL PAC has announced preliminary endorsements for the primary election scheduled for March 6, 2018.

### TEXAS SUPREME COURT

Don Willett\* (R) Texas Supreme Court, Place 2  
John Devine\* (R) Texas Supreme Court, Place 4  
Jeff Brown\* (R) Texas Supreme Court, Place 6

### COURTS OF APPEALS

Jane Bland\* (R) 1st Court of Appeals – Houston, Place 2  
Harvey G. Brown\* (R) 1st Court of Appeals – Houston, Place 6  
Michael C. Massengale\* (R) 1st Court of Appeals – Houston, Place 8  
Bonnie Sudderth\* (R) 2nd Court of Appeals – Fort Worth, Chief Justice  
Mark T. Pittman\* (R) 2nd Court of Appeals – Fort Worth, Place 6  
Cindy Bourland\* (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  
Marialyn Barnard\* (R) 4th Court of Appeals – San Antonio, Place 2  
Patrick Ballantyne (R) 4th Court of Appeals – San Antonio, Place 4  
Rebecca Simmons (R) 4th Court of Appeals – San Antonio, Place 5  
Shane Stolarczyk (R) 4th Court of Appeals – San Antonio, Place 7  
David Evans (R) 5th Court of Appeals – Dallas, Place 2  
Craig Stoddart\* (R) 5th Court of Appeals – Dallas, Place 5  
Jason Boatright\* (R) 5th Court of Appeals – Dallas, Place 9  
Molly Francis\* (R) 5th Court of Appeals – Dallas, Place 10  
Elizabeth Lang-Miers\* (R) 5th Court of Appeals – Dallas, Place 13  
Judy C. Parker\* (R) 7th Court of Appeals – Amarillo, Place 2  
Patrick A. Pirtle\* (R) 7th Court of Appeals – Amarillo, Place 3  
Leanne Johnson\* (R) 9th Court of Appeals – Beaumont, Place 3  
Hollis Horton\* (R) 9th Court of Appeals – Beaumont, Place 4  
Tom Gray\* (R) 10th Court of Appeals – Waco, Chief Justice  
John Bailey (R) 11th Court of Appeals – Eastland, Chief Justice  
Greg Neeley\* (R) 12th Court of Appeals – Tyler, Place 2  
Ernest Aliseda (R) 13th Court of Appeals – Corpus Christi/Edinburg, Chief Justice  
Jaime Tijerina (R) 13th Court of Appeals – Corpus Christi/Edinburg, Place 4  
Brett Busby\* (R) 14th Court of Appeals – Houston, Place 3  
Marc Brown\* (R) 14th Court of Appeals – Houston, Place 4  
Martha Hill Jamison\* (R) 14th Court of Appeals – Houston, Place 5  
William J. Boyce\* (R) 14th Court of Appeals – Houston, Place 6  
John Donovan\* (R) 14th Court of Appeals – Houston, Place 8

\*Incumbent



**You  
Be The  
Judge**  
on March 6, 2018

Voter Registration Deadline	FEB 5
Early Voting	FEB 20
Texas Primary Election	MAR 6

### Candidate Filing Nov 11 - Dec 11

The deadline for a candidate to file for a place on the 2018 primary ballot is December 11, 2017. This list is based on the best available information at the time of publication, but will change prior to that date. Once the filing deadline has passed and candidates have been certified, we will publish a final and complete list of candidates.

# ONE TO REMEMBER

## 85th Special Legislative Session Recap

**A**midst the rancor between the presiding officers of the Senate and House, the 85<sup>th</sup> Legislature concluded its first called session without resolution of several of the Governor's priority items, most notably property tax reform. Governor Abbott initially called the session to address sunset legislation for a few healthcare licensing agencies, including the Texas Medical Board, but expanded the call to include 20 other items, ranging from social issues such as the use of public bathrooms by transgendered persons and vouchers for special needs children to local ordinances governing the removal of trees on private property and municipal annexation. Given the fact that some of the issues on the call did not advance very far during the regular session, while others produced deep division between the House and Senate, prospects for accomplishing the full agenda seemed doomed from the start. So the case proved.

When the House abruptly adjourned *sine die* on day 29 of the 30-day session, the Governor could claim victory on 9 items. These include:

- extending the sunset date for the Texas Medical Board and other agencies;
- municipal annexation reform, which passed both houses during the regular session and only died as the result of a Senate filibuster in the session's waning hours;
- legislation permitting property owners to plant trees to mitigate fines or penalties for tree removal under local ordinances;
- tightening the circumstances under which a medical provider may honor a do-not-resuscitate order;
- requiring separate insurance policies for abortion services;
- mandating additional reporting by physicians who perform abortion services;
- strengthening penalties for mail-in ballot fraud;
- extension of the Maternal Mortality and Morbidity Task Force; and
- adding funding for retired teacher's health insurance, hardship grants to school districts facing the expiration of so-called ASATR funding, new funding for special needs students, funding for charter school facilities, and the creation of a commission to study and recommend changes to the school finance system.



From the start, Governor Abbott and Lieutenant Governor Patrick made it clear that they would hold Speaker Straus responsible for a “failure of will” to pass key components of the ambitious agenda. The two leaders likewise indicated that they would take the names of Republican members who opposed them and threatened to challenge those members in the March 2018 primary. This strategy furthered the current philosophical divide between the House and the Senate in addition to intensifying the conflict and competition which naturally occurs between the two chambers. While the Senate acted quickly on the whole list of items, the House took a deliberate approach, concentrating on its own priorities first, particularly school finance reform and TRS Care funding, which the Governor had initially omitted from the call. The Speaker likewise made it clear that he had no intention of taking up the bathroom or voucher legislation, which had already failed in the regular session. In addition, proposals to pre-empt local ordinances relating to construction permitting and texting while driving proved to be non-starters in the House, as were bills prohibiting state and local governments from offering payroll deductions for employee unions, blocking funding for women’s health care, revenue caps for local governments, or an additional statutory limit on growth in state appropriations.

But property tax reform constituted the biggest bone of contention. Backed by the Governor, the Senate passed a bill slashing the current 8-cent rollback rate to 4 cents and mandating a ratification election if a local government adopted a tax rate exceeding the rollback rate (current law requires a cumbersome and virtually insurmountable petition requirement). The House version set the rollback rate at 6 cents and required a mandatory election, but exempted smaller taxing districts. The House also added important transparency and appraisal process reforms designed to give taxpayers more tools to fight tax rate increases. Ultimately, the Senate refused to accept the combination of a higher rollback tax rate and the exemptions in the House bill.

In the immediate aftermath of the session, both the Governor and Lieutenant Governor had harsh words for the Speaker blaming him for torpedoing property tax “relief.” But as House Ways & Means Chair Dennis Bonnen (R-Angleton) and many others pointed out, both during the regular and special sessions, reducing the rollback rate would not produce property tax relief: only substantial new state funding for school finance could do that. Nevertheless, it should be noted that the House did pass a substantive reform bill that included a reduction in the rollback and automatic elections for large taxing units with a great majority of the

property value—and population—in the state. Given the diversity of the House, this is no small achievement for the Speaker, Chairman Bonnen, and the House leadership team. We should also note that the House property tax reform bill ended up with considerable bipartisan support, which did not occur in the Senate.

Will the Governor call the Legislature back to take another shot at unfinished business? Perhaps a better question is whether the outcome would be any different if he did. The House has demonstrated that it has zero interest in bathrooms or spending public money on private schools. Something could probably be worked out on property tax reform. While the Senate continues to insist that “tax relief” should be shouldered by local governments, this argument does not

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**“...tax policy experts continue to reiterate that only a major infusion of state revenue into the school finance system will compress property tax rates.”**

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motivate a substantial majority of House members. Rather, tax policy experts continue to reiterate that only a major infusion of state revenue into the school finance system will compress property tax rates. If the point of calling another session is to hammer Speaker Straus and House Republicans in advance of next year’s primary, then the Governor may call one, possibly waiting until next January or February to turn up the heat even higher. Of course, those same members will have opponents anyway. Only time will tell.

Don’t forget that little matter of congressional redistricting. On the same day the Legislature adjourned the special session *sine die*, a three-judge panel of federal judges concluded that two congressional districts—27 (Lloyd Doggett, D-Austin) and 35 (Blake Farenthold, R-Corpus Christi)—violate the federal Constitution and Voting Rights Act. The state is expected to appeal this decision. The court did not rule on the pending challenge to the Texas House maps, though it could do so in the near future. Thus far, we have no word from the Governor on a special session for redistricting. Given the bad feeling on all sides and the near impossibility of getting a bill passed in time to affect the next election, such a call would appear unlikely, but we’ll see. ★

# What's on the Web



## [tcjl.com](http://tcjl.com)

- Current articles & information of interest
- Legislative resources & summaries
- Amicus briefs
- TCJL staff & board information
- TCJL publications back to 1988



## [tcjlpac.com](http://tcjlpac.com)

- Current articles & information of interest
- Calendar for political events, fundraisers, elections, session info, etc
- TCJL PAC endorsements & press releases
- Judges, including a link to judicial candidate comparison on [texasjudges.org](http://texasjudges.org)
- Full details on races and candidates for:
  - Statewide races
  - Senate races
  - House races



TEXAS CIVIL JUSTICE LEAGUE

## [texasjudges.org](http://texasjudges.org)

- Current articles and information of interest
- Judicial candidate information for:
  - Supreme Court of Texas
  - Texas Court of Criminal Appeals
  - Texas District Courts of Appeals
- Texas court structure
- Judicial elections history
- Detailed race & candidate information
- Comparisons of 2018 judicial candidates



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# JOIN THE TEXAS CIVIL JUSTICE LEAGUE

## Established in 1986, the Texas Civil Justice League:

- is a non-partisan, member driven, statewide business coalition committed to a fair and equitable business climate.
- cost-effectively extends the benefits of corporate legal departments by monitoring court rulings and legislation and alerting members to challenges that threaten the state's judicial system.
- is the state's oldest and most effective legal reform organization. Business leaders and former legislators founded the Texas Civil Justice League to enact recommendations issued by the 1987 House/Senate Joint Committee on Liability Insurance and Tort Law Procedure.
- takes fiscal responsibility seriously, leveraging membership dues into meaningful, long-term reform.
- is the only statewide legal reform coalition governed by a board of directors composed of business and statewide association leaders.
- works closely with business and professional associations to achieve mutual public policy objectives.
- actively seeks and incorporates members' input into legislative proposals.
- is a national leader in the lawsuit reform movement and has assisted in the organization of similar state groups in many other states.
- is a charter member of the American Tort Reform Association and collaborates with other national groups including the Civil Justice Reform Group and the U.S. Chamber of Commerce's Institute for Legal Reform.



**For membership information, please contact us at [info@tcjl.com](mailto:info@tcjl.com) or 512.320.0474**

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# League Impact: 85th Legislative Session Summary

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## COURTS AND JUDICIARY

### Expedited Trial Expansion

*Dead in the House*

**HB 2574** by Representative **Andrew Murr** (R-Junction) proposed to raise the damages limit for an expedited trial from \$100,000 to \$200,000, excluding attorney's fees. Following negotiations between the Texas Civil Justice League, TADC, TTLA, and TLR, Representative Murr agreed to a committee substitute that maintained the \$100,000 limit, exclusive of attorney's fees, which could not exceed \$50,000. The bill was reported favorably as substituted from House Judiciary & Civil Jurisprudence on May 1, but did not advance to the House floor before the deadline for consideration. *Not received in Calendars. Dead.*

### Elimination of Straight Ticket Voting

*Signed by the Governor*

The Legislature made an important and somewhat surprising change this session that could significantly affect voting in judicial (and other) elections. **HB 25** by Representative **Ron Simmons** (R-Carrollton) and Senator **Hancock** eliminates straight ticket voting in all elections effective September 1, 2020. Part of the impetus for this change is the partisan sweeps in some metropolitan counties in presidential elections years. Democrats have signaled that they will challenge this new law in court as an impermissible burden on minority voting rights. *Effective September 1, 2020.*

### Judicial Qualifications and Terms

*Dead in the Senate*

More specific to the judiciary, **HJR 10** by Representative **Smithee** and Senator **Joan Huffman** (R-Houston) would have changed the qualifications for election to the Supreme Court to require 10 years of law practice in Texas or 10 years of service on a state or statutory county court. The resolution also strengthened the qualifications for district court judges from four to six years of law practice or judicial service. **HJR 10** passed the House and made it out of Senate committee, but died on the Senate Intent Calendar. Proposals to lengthen the terms of office of district judges from four to six

years and appellate justices from six to eight years likewise did not survive this session. The Texas Civil Justice League supported these changes and will encourage another attempt in 2019. *Dead on Senate Intent.*

### Judicial Petitions

*Signed by the Governor*

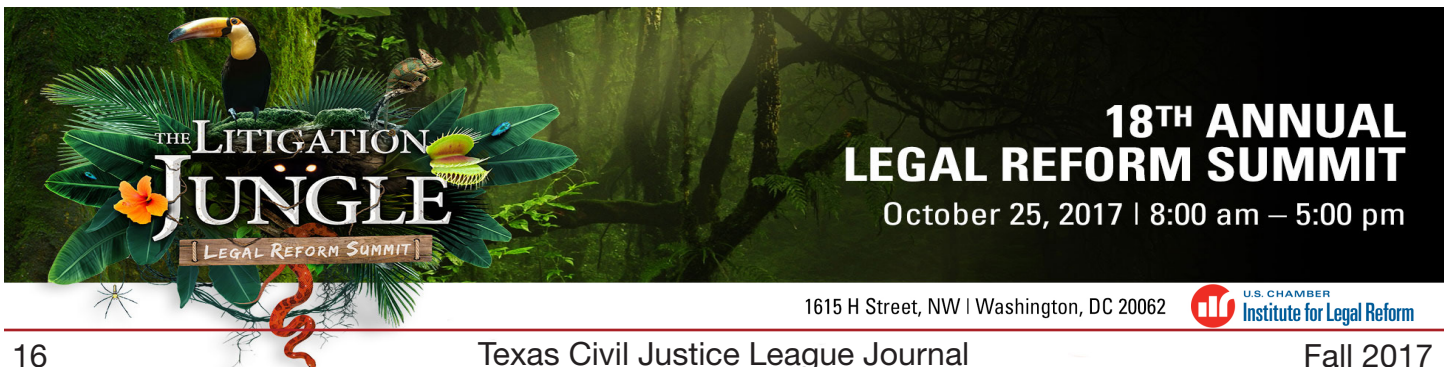
Fortunately, the legislature did restore the petition requirement for a place on the ballot for a judicial office in a county with a population of at least 1.5 million. **SB 44** by Senator **Judith Zaffirini** (D-Laredo) and Representative **Schofield** requires the petition to contain at least 250 signatures (500 if the candidate chooses not to pay the filing fee), except that candidates for the supreme court or court of criminal appeals must gather at least 50 signatures from each court of appeals district. *Effective immediately May 23, 2017.*

### Political Contributions by Judicial Candidates

*Signed by the Governor*


**HB 3903** by Representative **Cindy Burkett** (R-Sunnyvale) and Senator **Huffman** lifts the limitation in current law that restricts a judicial candidate's ability to make contributions to a state or county party executive committee for goods and services, including campaign advertising and communications, that benefit the candidate. The bill addresses recent Ethics Commission rulings that sanctioned certain judicial candidates for making contributions for such services in excess of the candidate's "pro rata share" of the committee's overhead, administrative, and operating costs. This vague standard did not adequately reflect the value of the goods and services to the candidate, so the legislation sought a more flexible rule. **HB 3903** should allow judicial candidates to use party services more effectively. Moreover, the potential elimination of straight ticket voting will put down-ballot judicial candidates at a disadvantage, which may make a coordinated campaign with the parties an even more important means of getting the judicial candidate's name before the voters.

The bill also clarifies that judicial candidates can use political funds to purchase tickets or sponsorships for party and affiliated entity events and fundraisers. At the request



**THE LITIGATION JUNGLE**  
LEGAL REFORM SUMMIT

**18TH ANNUAL  
LEGAL REFORM SUMMIT**  
October 25, 2017 | 8:00 am – 5:00 pm

1615 H Street, NW | Washington, DC 20062  U.S. CHAMBER  
Institute for Legal Reform

# League Impact: 85th Legislative Session Summary

of many members of the judiciary, the Texas Civil Justice League became involved in the bill late in the process when it appeared that it would subject judicial candidates to unlimited fundraising appeals from party affiliates. In response to our concerns, Senator Huffman amended the bill on the Senate floor to specify the nature of the permissible contributions. *Effective immediately June 15, 2017.*

## Supreme Court Jurisdiction

*Signed by the Governor*

This session, the Texas Civil Justice League supported modernization of the statutory provisions governing the jurisdiction of the Texas Supreme Court. **HB 1761** by **Representative Smithee** and **Senator Hughes** revises the Supreme Court's jurisdiction to apply to any appeal that presents a question important to the jurisprudence of the state. The bill eliminates the archaic language referring to a writ or error and clarifies that an appeal to the court is carried by a petition for review. Finally, HB 1761 repeals obsolete jurisdictional provisions in the Government Code. *Effective September 1, 2017.*

## New District and County Courts

*Signed by the Governor*

Despite state budget challenges, the Legislature created a number of new district and county courts-at-law to handle the increasing population in several parts of the state. **SB 1329** by **Senator Huffman** and **Representative Smithee** creates new district courts in Fort Bend, Travis, Denton, and Hidalgo counties. It also creates new statutory county courts in Fort Bend, Denton, Grimes and Hays counties. *Effective September 1, 2017.*

## Administrative Judicial Regions

*Signed by the Governor*

**SB 1893** by **Senator Brian Birdwell** (R-Granbury) and **Representative Smithee** expands the number of administrative judicial regions in the state from 9 to 11. The changes take counties out of the First and Second Regions and create new regions in East Texas (Tenth) and Harris and surrounding suburban counties (Eleventh). The Governor had until September 1, 2017 to appoint presiding judges for the new regions. *Effective September 1, 2017.*

See **League Impact**, Page 22

# TEXAS CIVIL JUSTICE LEAGUE 31<sup>ST</sup> ANNUAL MEETING

Thursday, November 9, 2017

2:00-3:00 PM Board of Directors Meeting

3:00-6:00 PM Member Meeting & Reception

## Headliners Club

221 W. 6th Street  
Austin, Texas 78701



## SPECIAL GUESTS:

The Hon. John Sharp, Chancellor, The Texas A&M University System

The Hon. Jeff Brown, Justice, Texas Supreme Court

Luis Saenz, Chief of Staff, Governor's Office

Mike Baselice, President/CEO, Baselice & Associates

For more details, visit [TCJL.com](http://TCJL.com) or RSVP to [rsvp@tcjl.com](mailto:rsvp@tcjl.com)





*TCJL Treasurer Bill Oswald, U.S. Senator John Cornyn, Sandy Cornyn & Julie Moore*



*Jason Bergeron & S. Jack Balagia*



*U.S. Senator John Cornyn & Lou Goodman*



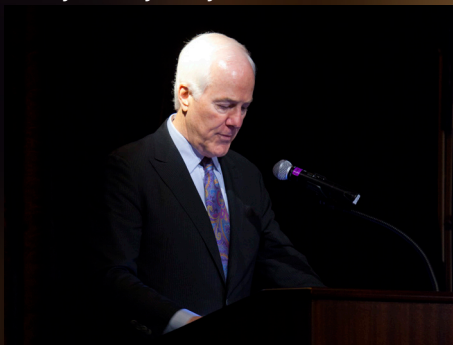
*U.S. Senator John Cornyn & Hon. Jerry "Nub" Donaldson*



*U.S. Senator John Cornyn & TCJL Vice-Chairman Hector Rivero*



*Kelli Jones, Janet Carrig, U.S. Senator John Cornyn, Sandy Cornyn & Laura Robertson*



*U.S. Senator John Cornyn*



# *Thirty Years*

The Texas Civil Justice League celebrated its 30th Anniversary on November 4, 2016. United States Senator John Cornyn delivered the keynote address in which he reflected upon the League's three decades of successes, his service on the Texas Supreme Court and as Texas Attorney General, and the importance of the





*Hon. Phil Johnson & U.S. Senator John Cornyn*



*Justices Eva Guzman & Cindy Olson Bourland*



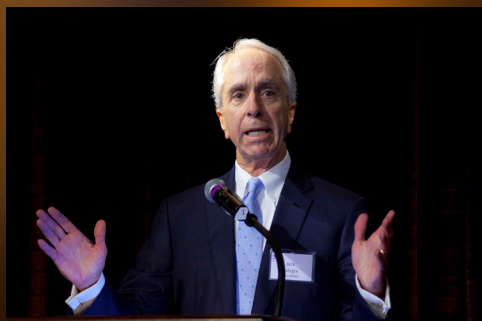
*Justice Cindy Olson Bourland, Jay Glibson, & Justice Melissa Goodwin*



*U.S. Senator John Cornyn & TCJL PAC Chairman Red McCombs*



*TCJL Chairman Richard Jackson*



*S. Jack Balagia*

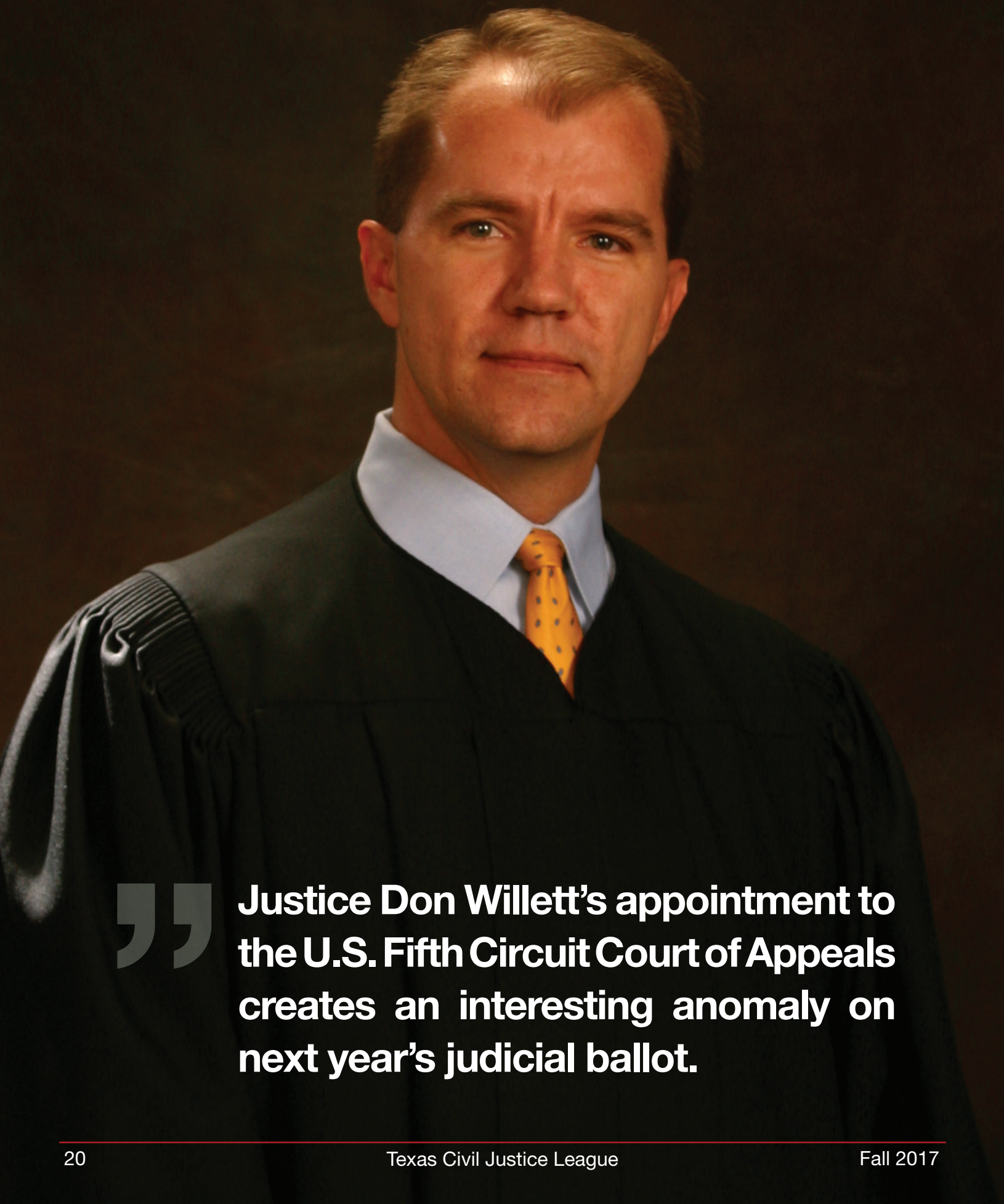


*Michael Balagia, S. Jack Balagia & U.S. Senator John Cornyn*

*1986-2016*

civil justice system to the future of our state and nation. Following Senator Cornyn's address, the League awarded Jack Balagia its Lifetime Achievement Award for his dedicated service to the Texas civil justice system. Mr. Balagia retired as General Counsel of the Exxon Mobil Corporation last year.





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**Justice Don Willett’s appointment to the U.S. Fifth Circuit Court of Appeals creates an interesting anomaly on next year’s judicial ballot.**



# President Trump Taps Justice Don Willett, James Ho for Fifth Circuit

**The President has named Justice Don Willett and former Solicitor General of Texas James Ho to vacancies on the U.S. Fifth Circuit Court of Appeals. Justice Willett has served on the Texas Supreme Court since Governor Rick Perry appointed him to the court in 2005. Ho, also a former member of Senator John Cornyn's staff, is currently practicing appellate law at Gibson, Dunn & Crutcher in Dallas.**

Justice Don Willett's appointment to the U.S. Fifth Circuit Court of Appeals creates an interesting anomaly on next year's judicial ballot.

Prior to his appointment, Justice Willett had begun fundraising for re-election to his seat in 2018. How the appointment will affect this activity remains to be seen, but the confirmation process is likely to make it difficult for Justice Willett to continue to raise money or campaign actively. There is as yet no indication how long this process will take, but the earliest date for a vote on confirmation may be next April or May. In the meantime, Justice Willett plans to file for re-election, so he will appear on the March primary ballot.

Unfortunately, former State Rep. Rick Green, who has twice run for the Texas Supreme Court, has announced his intention to file for Justice Willett's seat. If he goes forward, a contested primary for Place 2 could well occur. This means that a campaign for the seat will have to be conducted to re-nominate Justice Willett, regardless of the outcome of the confirmation process. It is as yet unclear how this will be done.

Assuming Justice Willett is not confirmed before March 6 and wins the primary, his eventual confirmation will produce a vacancy. The timing of the vacancy, however, remains unknown. If confirmation occurs in the late spring timeframe,

the vacancy on the ballot could be filled by a vote of the State Republican Executive Committee. If confirmation doesn't take place until the fall, however, the vacancy will occur after the deadline for replacing a nominee on the ballot passes. This deadline is on or about August 24. In this event, Justice Willett would remain on the ballot. If Justice Willett wins the ballot, the Governor would then appoint someone to fill the vacancy.

The vacancy on the ballot is one issue, but the vacancy in the office is separate. Upon confirmation by the U.S. Senate, Justice Willett, whose term ends on December 31, 2018, will resign his seat on the Texas Supreme Court. Governor Abbott will then have the opportunity to fill the seat by appointment. A number of things can happen here. If the vacancy occurs in the spring, Governor Abbott could appoint a new justice and use his influence with the SREC to put that appointee on the ballot in Justice Willett's place. If the vacancy occurs in the fall, after the deadline for replacing a nominee on the ballot, Governor Abbott would first make the appointment to fill Justice Willett's unexpired term, and presumably reappoint the same person to fill the vacancy until the next general election in 2020. From our standpoint, this would be the most desirable outcome because it would provide continuity and allow the Governor to control the appointment process, as he or she does when ordinary vacancies occur. ★

# League Impact: 85th Legislative Session Summary

(continued from Page 17)

## Construction Law Bills Generate Controversy

This was an extremely active session for bills proposing significant changes to construction law and contracting practices. Some proposals focused on construction of public works, while others dealt with the allocation of risk in construction projects more generally. The focus of controversy was **SB 1215** by **Senator Hughes**, which provided that a contractor was not responsible for defects in, and may not warranty, the adequacy, suitability, accuracy, or sufficiency of plans, specifications, or other documents provided to the contractor by the client entity or client representative, including design professionals. The bill as filed also barred the waiver of this provision so that it cannot be waived by contract, although a House committee amendment authorized a waiver if the contractor expressly agreed to it.

Faced with increasing opposition from property owners and others, SB 1215 was amended on the House floor to substitute an interim study on risk allocation in construction contracts in place of the original language of the bill. The study committee will be composed of members of the appropriate standing committees of the House and Senate appointed by the Speaker and Lt. Governor. Issues within the purview of the interim committee include indemnity, insurance, contract relations, allocation of responsibility, standards of care, warranties, civil actions, dispute resolution, and remedies. *VETOED.*

## Other Construction Law Bills

**HB 2121** by **Representative John Cyrier** (R-Lockhart) - **SB 1950** by **Hughes**: Allowed a contractor to recover attorney's fees in a breach of contract action against the state if the claim is for engineering, architectural, or construction services (or materials relating to those services) and the amount in controversy is less than \$250,000 (excluding penalties, costs, expenses, prejudgment interest, and attorney's fees). Signed by the Governor. *Effective immediately June 15, 2017.*

**HB 2128** by **Cyrier** - **SB 1947** by **Hughes**: Waived sovereign immunity for a breach of contract claim against the state (current law requires breach of an "express provision" of a contract in order to waive sovereign immunity). Allowed a contractor to recover consequential damages for additional work performed at the direction of the agency. Allowed a contractor to recover attorney's fees that are just and equitable (current law limits recovery to hourly rates, but only if recovery of attorney's fees is permitted to all parties

to the contract). HB 2128 was added as an amendment to a state agency contracting bill (SB 533) on the House floor on May 16, but the amendment was removed from SB 533 in conference committee. Dead in Conference.

**HB 2170** by **Representative Kyle Kacal** (R-College Station): Created an implied guaranty and warranty of adequacy, accuracy, sufficiency, and suitability for plans, specifications, and related documents for the construction or repair of improvements to real property. Did not apply to a design professional, defined as registered architect or licensed engineer. *Not heard in committee. Dead.*

**HB 2343** by **Representative Paul Workman** (R-Austin): As filed, the bill required a person with an interest in real property with an alleged construction defect to obtain a written report from an independent third-party licensed professional engineer prior to filing a lawsuit. Required the claimant to notify each party subject to the claim at least 10 days prior to the inspection and gives each party the right to attend the inspection. Creates a right to correct a construction defect or related condition identified in the report within 150 days. Tolls the statute of limitations for one year if the claim is brought in the final year of the limitations period. Provided for an abatement of a lawsuit for up to one year on a showing of non-compliance with the inspection requirement and dismissal with prejudice if the claimant does not comply. Excepted from the inspection and right to correct requirement: (1) a claim asserted by a contractor, subcontractor, supplier, or design professional; (2) a claim for personal injury, survival, or wrongful death; (3) a claim involving construction of residential property governed by Ch. 27, Property Code; (4) a defect or design claim covered by §82.119, Property Code (Uniform Condominium Act); (5) a contract entered into by TXDOT; or (6) a project that receives money from the state or federal highway fund. The bill was amended in committee to apply only to commercial property, specifically excluding industrial and residential property. HB 2343 cleared House committee late in the session and was on the last House calendar, but time ran out before the bill could be considered. *Dead on the Calendar.*

**HB 2422** by **Schofield**: Required an affiant who produces a certificate of merit in an action against a licensed architect, engineer, surveyor, or landscape architect to establish the affiant's familiarity or experience with the practice area at issue such that they establish the affiant's to render the opinion on the issue. Required the affiant to attach a CV to the affidavit. HB 2422 was reported favorably from House Judiciary & Civil Jurisprudence in mid-April but was never scheduled for floor debate. *Not received in Calendars. Dead.*

# League Impact: 85th Legislative Session Summary

**SB 807** by **Senator Brandon Creighton** (R-Conroe) - **HB 1844** by **Workman**: Defines “construction contract” for purposes of Ch. 272, Business & Commerce Code (contract provision that provides for venue, choice of law, or arbitration in another state voidable by the party obligated to perform the work) and includes in the provision collateral agreements to a construction contract. *Signed by the Governor. Effective immediately June 9, 2017.*

**HB 1053** by **Representative Morgan Meyer** (R-Dallas): Reduced the statute of repose for construction defect claims against architects, designers, or engineers from 10 years to 5 years. HB 1053 was heard in House Judiciary & Civil Jurisprudence on March 28 and left pending. *Dead in committee.*

## Gun Liability

Several bills were filed this session dealing with the consequences of a premises owner’s decision to allow or prohibit licensed handguns on the premises. The bill that finally emerged from House committee, **HB 606** by **Representative Drew Springer** (R-Muenster), provided that no cause of action exists against the owner, lessee, or manager of property based on that person’s decision “not to exercise the option to forbid the carrying of handguns by a license holder on the property” by providing statutory notice. The Texas Civil Justice League expressed concerns about this bill because it suggests a cause of action could lie against a business owner that exercises the legal option to forbid guns; only to have a third party incident give rise to liability -- for a duty that does not actually exist. The possible unintended consequences and unforeseeable effects of this bill on premises liability law created an undue risk to property owners. The bill was reported from House Judiciary late in the session, but did not advance to the floor. *Not received in Calendars. Dead.*

## Attorney Fees

Attorney’s fees were a hot button item this session. Generally speaking, the Legislature looked more favorably on bills allowing the recovery of attorney’s fees in actions against local governments than it did on fee recovery in private actions. We’ve already mentioned HB 2121. Another example is **HB 1704** by **Representative John Kuempel** (R-Seguin) and Senator Huffman, which authorizes a court to award attorney’s fees and court costs against a municipality in an action to enforce uniform permitting requirements under Chapter 245, Local Government Code. *Signed by the Governor. Effective immediately May 29, 2017.*

On the other side of the ledger, **HB 744** by **Representative Jessica Farrar** (D-Houston) would have amended §38.001, CPRC, to clarify that attorney’s fees cannot be recovered in the enumerated actions under the statute from the state, a state agency or institution, or political subdivision of the state. The bill also clarified that attorney’s fees can be recovered under this section against any legal entity, in addition to individuals and corporations. HB 744 was one of the first bills to pass the House this session (on March 15), but languished in the Senate. It was not referred to Senate committee until May 18, and no action was taken. *Not heard in committee. Dead.*

Similarly, **HB 2457** by **Meyer** and **HB 2843** by **Representative Dustin Burrows** (R-Lubbock) proposed to amend §38.001, CPRC, to include business organizations (in addition to corporations) for purposes of fee recovery under the statute. HB 2457 was voted out of House Judiciary & Civil Jurisprudence on May 2, but did not advance. *Not received in Calendars. Dead.*

## Cyberbullying Bill Goes To Governor

The Legislature responded to recent horrifying incidents of cyberbullying by enacting **SB 179** by **Senator Jose Menendez** (D-San Antonio) and Representative Ina Minjarez (D-San Antonio). As originally filed, SB 179 established a new cause of action for mental anguish damages against the parent or person responsible for a minor engaged in cyberbullying. The bill also authorized a court to issue a pre-suit subpoena to investigate a potential claim involving the death or injury of a minor or to perpetuate or obtain records or testimony related to a potential claim.

The Texas Civil Justice League and others expressed concerns regarding the potential for lawsuits against providers of electronic devices or communications services and the possible conflict between the presuit subpoena power and federal law governing the privacy of certain electronic data maintained on personal devices. We are very grateful to the bill’s sponsors and supporters for hearing our concerns and working with us to address them while preserving a strong deterrent against these appalling attacks on young people. The final version of the bill establishes an action for injunctive relief against a parent, guardian, or other person standing in the place of a parent to enjoin cyberbullying. It also creates the criminal offense of cyberbullying against a person under 18 years of age. Both the civil cause of action and the presuit subpoena power were removed from the bill. *Signed by the Governor. Effective immediately June 9, 2017.*



# League Impact: 85th Legislative Session Summary

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## Immunity From Civil Liability

Several bills affecting immunity from liability for various activities passed and were sent to the Governor. Some of the more notable bills include:

**HB 435** Relating to the application of certain weapons laws to, and liability for, certain actions of volunteer emergency services personnel licensed to carry a handgun. *Signed by the Governor.*

**HB 1978** Relating to physician assistant services performed as volunteer care. *Signed by the Governor.*

**SB 1193** Relating to the adoption of the Texas Revised Uniform Fiduciary Access to Digital Assets Act. *Signed by the Governor.*

**SB 2190** Relating to the public retirement systems of certain municipalities. *Signed by the Governor.*

## New Causes Of Action

Of particular importance to the Texas Civil Justice League are bills that create new causes of action. This session, approximately 130 bills fell into that category. Of those, only 21 made their way to the Governor's desk.

**HB 53** Relating to settlement of claims and actions against a governmental unit. *Signed by the Governor.*

**HB 89** Relating to state contracts with, and investments in, companies that boycott Israel. *Signed by the Governor.*

**HB 240** Relating to evidence in a suit to abate certain common nuisances. *Signed by the Governor.*

**HB 931** Relating to liability of certain electric utilities and political subdivisions that contract for certain uses of land that the electric utility owns, occupies, or leases. *Signed by the Governor.*

**HB 1166** Relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases. *VETOED.*

**HB 1433** Relating to suspending the statute of limitations in the Texas Unemployment Compensation Act during a lawsuit. *VETOED.*

**HB 1508** Relating to notice to applicants to and enrollees in certain educational programs regarding the consequences of a criminal conviction on eligibility for an occupational license. *Signed by the Governor.*

**HB 1774** Relating to insurance claims and certain prohibited acts and practices in the business of insurance. *Signed by the Governor.*

**HB 1974** Relating to durable powers of attorney. *Signed by the Governor.*

**HB 2121** Relating to damages in certain contract claims against the state. *Signed by the Governor.*

**HB 2552** Relating to prostitution and trafficking of persons and to certain criminal and civil consequences of that conduct. *Signed by the Governor.*

**HB 2950** Relating to the continuation and functions of the Texas Board of Nursing and to the regulation of the practice of nursing. *Signed by the Governor.*

**SB 4** Relating to the enforcement by certain governmental entities of state and federal laws governing immigration and to the duties of law enforcement agencies concerning certain arrested persons. *Signed by the Governor.*

**SB 179** Relating to student harassment, bullying, cyberbullying, injury to or death of a minor. *Signed by the Governor.*

**SB 341** Relating to the consequences of the possession of illegal synthetic cannabinoids on a holder of or applicant for certain alcoholic beverage licenses and liability of a person who provides, sells, or serves a synthetic. *Signed by the Governor.*

**SB 560** Relating to surcharges imposed for the use of a credit card. *Signed by the Governor.*

**SB 813** Relating to recovery of damages, attorney's fees, and costs related to frivolous regulatory actions by state agencies. *VETOED.*

**SB 830** Relating to the provision of accounting statements by mortgage servicers for certain loans secured by a lien on residential real property. *VETOED.*

**SB 877** Relating to liability of certain political subdivisions in certain workers' compensation actions. *Signed by the Governor.*

**SB 1052** Relating to debt cancellation agreements offered in connection with certain loans and retail installment contracts and to amounts charged for certain agreements offered in connection with certain loans and retail installment. *Signed by the Governor.* ★



# BACK THE PAC

WHY YOUR SUPPORT IS VITAL TO THE TEXAS CIVIL JUSTICE LEAGUE PAC

Because the 2018 election cycle poses a stiff challenge, and as a group we must to pull together and guarantee the candidates we support have sufficient resources to run competitive campaigns.

For starters, three Texas Supreme Court justices and more than half of the state's court of appeals justices are on the ballot. If recent election cycles are any indication, we have to prepare for contested GOP primaries with well-funded opposition. In addition to that, Justice Don Willett, who will be on the 2018 ballot, has been appointed to the U.S. Fifth Circuit Court of Appeals, but his confirmation could take months and run well into next year. This raises the potential for an open spot on the ballot sometime late next spring or summer. We need to be ready to respond to this uncertainty. A seat on the Texas Supreme Court is simply too important to be left to chance.

**"...more than half of the state's courts of appeals justices are on the ballot."**

Just as importantly, six crucial seats are up for grabs on the San Antonio and Corpus Christi courts of appeals, which are now hotbeds of oil and gas and other business litigation from the Gulf Coast and South Texas. This year voters in these districts have the opportunity to elect more conservative justices and change the balance of these courts, but if we don't get the word out about the qualifications of these candidates, this won't happen.

To make sure our candidates get the widest possible support, we will print and distribute thousands of slate cards that will go into the hands of voters. In addition, with your help, we will make direct contributions to candidates. None of the money you contribute will be wasted. It will directly fund the candidates we have voted to endorse.

Our staff has spent countless hours researching and interviewing candidates. We've vetted their philosophies and scoured their records. With complete confidence, we have endorsed judicial and legislative incumbents and candidates committed to a fair and balanced civil justice system.

Turn back to Page 11 of this edition of the TCJL Journal to see our list of endorsements. Note the great number of highly qualified judicial candidates who need our help. Additionally, many legislative candidates who have earned our support through the years have asked us for contributions to their campaigns.

Our effectiveness has always depended in part on our participation in the elective process, and your generous support in the past has enabled us to assist in races in which we are most needed. Please make your TCJL PAC contribution today so that we may once again support meritorious candidates for the Legislature and judiciary.

Sincerely,

A handwritten signature in red ink that reads "Red McCombs".

**Red McCombs**  
Chair, TCJL PAC

# Texas Appellate Courts

## Preliminary 2018 Texas Primary Candidates

Candidate filing deadline for the 2018 primary ballot: December 11, 2017. This preliminary list is based on the best available information at time of publication, but will change prior to that date. We will publish a final complete list of candidates once filing deadline has passed and candidates have been certified.

COURT/PLACE	DEMOCRAT	REPUBLICAN	OTHER
SUPREME COURT (STATEWIDE   BASED IN AUSTIN)			
Place 2	Steven Kirkland	Don Willett*	
Place 4		John Devine*	
Place 6		Jeff Brown*	
COURT OF CRIMINAL APPEALS (STATEWIDE   BASED IN AUSTIN)			
Presiding Judge		Sharon Keller* David L. Bridges	
Place 7		Barbara Hervey* Donald H. Flanary	
Place 8 OPEN SEAT		Alexander H. Kim Dib Waldrip	
FIRST COURT OF APPEALS (10 COUNTIES   BASED IN HOUSTON)			
Place 2	Gordon E. Goodman	Jane Bland*	
Place 6	Sarah Beth Landau	Harvey G. Brown*	
Place 7	Terry Jennings*	Terry Wayne Yates Kathryn "Katy" Boatman	
Place 8	Richard F. Hightower	Michael C. Massengale*	
Place 9		Jennifer V. Caughey*	

\*Incumbent (D) Democrat (R) Republican (I) Independent (L) Libertarian (G) Green Party (WI) Write-in

**TEXAS**  
PRIMARY  
ELECTION  
  
  
**MAR**  
**06**  
**18**

**PRIMARY ELECTIONS: MARCH 6, 2018**  
First day to file for Primary ballot: Saturday, November 11, 2017  
Candidate Filing Deadline (Ind. candidates Declaration of Intent):  
Monday, December 11, 2017 at 6:00 PM  
**LAST DAY TO REGISTER TO VOTE: MONDAY, FEBRUARY 5, 2018**  
First Day of Early Voting: Tuesday, February 20, 2018  
Last Day of Early Voting: Friday, March 2, 2018

**RUNOFF ELECTION: MAY 22, 2018**  
Last Day to Register to Vote: Monday, April 23, 2018  
First Day of Early Voting: Monday, May 14, 2018  
Last Day of Early Voting: Friday, May 18, 2018

**ELECTION DAY: TUESDAY, NOVEMBER 6, 2018**  
First Day to File for General Election Ballot: Saturday, July 21, 2018  
Last Day to File for Gen. Election Ballot: Monday, August 20, 2018 at 5:00 p.m.  
Last Day to File a Declaration of Write-in Candidacy: Friday, August 24, 2018  
**LAST DAY TO REGISTER TO VOTE: TUESDAY, OCTOBER 9, 2018**  
First Day of Early Voting: Monday, October 22, 2018

**TEXAS**  
GENERAL  
ELECTION  
  
  
**NOV**  
**06**  
**18**



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# Texas Appellate Courts

## Preliminary 2018 Texas Primary Candidates

Known or expected candidates at time of printing. Candidate filing period Saturday, November 11, 2017 - Monday, December 11, 2017 @ 6:00 PM

COURT/PLACE	DEMOCRAT	REPUBLICAN	OTHER
SECOND COURT OF APPEALS (12 COUNTIES   BASED IN FORT WORTH)			
Chief Justice		Bonnie Sudderth*	
Place 4 OPEN SEAT			
Place 5 OPEN SEAT	Robbie Partida-Kipness		
Place 6		Mark T. Pittman*	
THIRD COURT OF APPEALS (24 COUNTIES   BASED IN AUSTIN)			
Place 2		Cindy Bourland*	
Place 3		Scott Field*	
Place 5		David Puryear*	
Place 6 OPEN SEAT		Bob Pemberton* Donna Davidson	
FOURTH COURT OF APPEALS (32 COUNTIES   BASED IN SAN ANTONIO)			
Place 2	Beth Watkins	Marialyn Barnard*	
Place 3	Patricia O. Alvarez*	Jason Pulliam	
Place 4	Luz Elena D. Chapa*	Patrick Ballantyne	
Place 5 OPEN SEAT	Liza A. Rodriguez	Rebecca Simmons	
Place 7	Rebeca A. Martinez*	Shane Stolarczyk	
FIFTH COURT OF APPEALS (6 COUNTIES   BASED IN DALLAS)			
Chief Justice		Douglas S. Lang	
Place 2	Monique N. Ward	David Evans*	
Place 5	Erin A. Nowell	Craig Stoddart*	
Place 9		Jason E. Boatright*	
Place 10		Molly Francis*	
Place 11 OPEN SEAT	Cory Lee Carlyle	John Browning Tom Nowak Daniel Wyde	
Place 12		Jim Piki Wm. "Randy" Johnson Perry J. Cockerell	
Place 13		Elizabeth Lang-Miers*	
SIXTH COURT OF APPEALS (19 COUNTIES   BASED IN TEXARKANA)			
Place 2 OPEN SEAT		Scott English Stevens	

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# Texas Appellate Courts

## Preliminary 2018 Texas Primary Candidates

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COURT/PLACE	DEMOCRAT	REPUBLICAN	OTHER
SEVENTH COURT OF APPEALS (32 COUNTIES   BASED IN AMARILLO)			
Place 2		Judy C. Parker* Bryan David Denham	
Place 3		Patrick A. Pirtle*	
EIGHTH COURT OF APPEALS (17 COUNTIES   BASED IN EL PASO)			
Place 2	Yvonne T. Rodriguez*		
NINTH COURT OF APPEALS (10 COUNTIES   BASED IN BEAUMONT)			
Place 3		Leanne Johnson*	
Place 4		Hollis Horton*	
TENTH COURT OF APPEALS (18 COUNTIES   BASED ON WACO)			
Chief Justice		Tom Gray*	
ELEVENTH COURT OF APPEALS (28 COUNTIES   BASED IN EASTLAND)			
Chief Justice		Jim R. Wright*	
TWELFTH COURT OF APPEALS (17 COUNTIES   BASED IN TYLER)			
Place 2		Greg Neeley*	
THIRTEENTH COURT OF APPEALS (20 COUNTIES   BASED IN CORPUS CHRISTI & EDINBURG)			
Chief Justice OPEN SEAT	Dori Contreras Ray L. Thomas	Ernest "Ernie" Aliseda	
Place 2	Nora Longoria*		
Place 4	Nelda V. Rodriguez* Rudy Delgado	Jaime Tijerina	
Place 5	Gina M. Benavides*		
FOURTEENTH COURT OF APPEALS (10 COUNTIES   BASED IN HOUSTON)			
Place 3	Gerald L. Zimmerer	Brett Busby*	
Place 4	Charles A. Spain	Marc Brown*	
Place 5	Frances Y. Bourliot	Martha Hill Jamison*	
Place 6	Meagan E. Hassan	William J. Boyce*	
Place 8	Michele Barber Chimene	John Donovan*	

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## American Tort Reform Association (ATRA) Annual Legislative Conference For State Coalition Leaders

November 13 (1PM) - November 15, 2017 (12PM)

Omni Barton Creek - Austin

For more information, e-mail Geneva Carney: [gcarney@atra.org](mailto:gcarney@atra.org)

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## Statewide Offices

### Preliminary 2018 Texas Primary Candidates

Known or expected candidates at time of printing. Candidate filing period Saturday, November 11, 2017 - Monday, December 11, 2017 @ 6:00 PM

OFFICE	DEMOCRAT	REPUBLICAN	OTHER
Governor	Andrew White Joseph W. Mumbach Jeffrey Payne Tom Wakely Demetria Y. Smith Garrett E. Brown	Greg Abbott* Larry SECEDE Kilgore	Byron A. Bradford (I) Danny Harrison (I) Kory Watkins (L) Yvette Y. Gbalazeh (?) Daniel Ray Wooten (?) Edward Lee Nash (?)
Lieutenant Governor	Mike Collier Allen Vaught Michael Cooper	Dan Patrick* Miriam Martinez Scott R. Milder	
Attorney General		Ken Paxton*	
Comptroller	Tim Mahoney	Glenn Hegar*	
Land Commissioner		George P. Bush*	
Agriculture Commissioner	Thomas D. Caudle	Sid Miller* Trey J. Blocker	
Railroad Commissioner	Roman J. A. McAllen	Christi Craddick*	Mark Miller (L)

\*Incumbent (D) Democrat (R) Republican (I) Independent (L) Libertarian (G) Green Party (WI) Write-in

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## Texas Senate

### Preliminary 2018 Texas Primary Candidates

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OFFICE	DEMOCRAT	REPUBLICAN	OTHER
SD 2	Kendall Scudder Aron Ra	Bob Hall* Cindy Burkett	
SD 3		Robert Nichols*	
SD 5	Glenn H. Williams Brian Cronin	Charles Schwertner*	Margaret R. Walsh (?)
SD 7		Paul Bettencourt*	
SD 8 OPEN SEAT	Pam Curry Brian Chaput	Phillip Huffines Angela Paxton	
SD 9		Kelly G. Hancock*	
SD 10	Allison Campolo Beverly Powell	Konni Burton*	
SD 14	Kirk Watson*		
SD 15	John Whitmire* Damian LaCroix		
SD 16	Joseph Bogen Nathan Johnson	Don Huffines*	
SD 17	Fransheneka Watson Ahmad R. Hassan	Joan Huffman*	

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# Texas Senate

## Preliminary 2018 Texas Primary Candidates

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OFFICE	DEMOCRAT	REPUBLICAN	OTHER
SD 23	Royce West*		
SD 25	Steven Kling	Donna Campbell*	
SD 30		Craig Estes* Pat Fallon	
SD 31		Kel Seliger* (R) Mike Canon (R) Victor E. Leal (R)	

\*Incumbent (D) Democrat (R) Republican (I) Independent (L) Libertarian (G) Green Party (WI) Write-in

# Texas House of Representatives

## Preliminary 2018 Texas Primary Candidates

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Known or expected candidates at time of printing. Candidate filing period Saturday, November 11, 2017 - Monday, December 11, 2017 @ 6:00 PM

OFFICE	DEMOCRAT	REPUBLICAN	OTHER
HD 1		Gary VanDeaver*	
HD 2		Dan Flynn* Bryan L. Slayton	
HD 3		Cecil Bell*	
HD 4		Lance Gooden* Marty Reid Stuart K. Spitzer	
HD 5		Cole Hefner*	
HD 6		Matt Schaefer* Ted Kamel	
HD 7		Jay Dean*	
HD 8		Thomas McNutt	
HD 9		Chris Paddie* Dennis Golden Garrett Boersma	
HD 10		John Wray*	Matthias J. Savino (L)
HD 11		Travis Clardy* Danny Ward Tony Sevilla	
HD 12	Marianne K. Arnold Christopher A. Miller	Kyle Kacal*	
HD 13		Leighton Schubert*	
HD 14	Joshua A. Wilkinson	John Raney* Sarah E. Laningham	

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# Texas House of Representatives

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OFFICE	DEMOCRAT	REPUBLICAN	OTHER
HD 15 OPEN SEAT		Steve Toth Mary J. Waters Rick Mora	
HD 16		Will Metcalf* Christian Ehmling	
HD 17		John Cyrier*	Dawn M. Ryan (?)
HD 18		Ernest Bailes* Wesley Hinch Garrett M. Craddock Emily Cook	
HD 19	Sherry Ann Williams	James White*	
HD 20		Terry Wilson* Jeff Novak	
HD 21		Dade Phelan*	
HD 22	Joe Deshotel*		
HD 23		Wayne Faircloth* Mayes Middleton	
HD 24		Greg Bonnen*	
HD 25		Dennis Bonnen* Damon Rambo	
HD 26	Laquitta DeMerchant	Rick Miller*	
HD 27	Ron Reynolds*		
HD 28		John Zerwas*	
HD 29		Ed Thompson*	
HD 30		Geanie W. Morrison*	Robin R. Hayter (L)
HD 31	Ryan Guillen* Ana Lisa Garza		
HD 32		Todd Hunter*	
HD 33		Justin Holland*	
HD 34	Abel Herrero*		
HD 35	Oscar Longoria*		
HD 36	Sergio Muñoz*		
HD 37	René O. Oliveira*		
HD 38	Eddie Lucio III*		
HD 39	Armando Martinez*		
HD 40	Terry Canales*		
HD 41	Bobby Guerra*		

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# Texas House of Representatives

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OFFICE	DEMOCRAT	REPUBLICAN	OTHER
HD 42	Richard Peña Raymond Luis F. De La Garza		
HD 43		J.M. Lozano*	
HD 44		John Kuempel*	
HD 45	Elizabeth R Bryant Erin Zwiener	Jason A. Isaac*	
HD 46	Dawnna M. Dukes* Michael Hendrix Sheryl Cole Michael Hendrix Ana Cortez Nnamdi Orakwue Jose "Chito" Vela Casetra McKinney		
HD 47	Sheri Soltes Vikki Goodwin William R. Simpson Garen Elaina Fowler	Paul Workman* Jay Wiley Candace A. Aylor	
HD 48	Donna Howard*	Zackery Tedder	
HD 49	Gina Hinojosa*		
HD 50	Celia Israel*		
HD 51	Eddie Rodriguez*		
HD 52 OPEN SEAT	James Talarico	Jeremy Story Christopher L. Ward Jesse Ancira Jr. Cynthia Flores	
HD 53	Joe P. Herrera	Andrew Murr*	
HD 54		Scott Cospers* Brad Buckley	
HD 55		Hugh Shine* Brandon Hall C.J. Grisham	
HD 56	Katherine Turner-Pearson	Charles "Doc" Anderson*	
HD 57		Trent Ashby*	
HD 58		DeWayne Burns*	
HD 59		J.D. Sheffield* Chris Evans	
HD 60	Mason Casas	Mike Lang*	
HD 61		Phil King*	
HD 62 OPEN SEAT	Valerie Hefner	Brent Lawson Kevin Couch Reginald Smith	
HD 63		Tan Parker*	

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# Texas House of Representatives

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OFFICE	DEMOCRAT	REPUBLICAN	OTHER
HD 64	Matt Farmer Mateo Pruneda	Lynn Stucky* Mark Roy	Andrew D. Morris (?)
HD 65	Michelle Beckley	Ron Simmons*	
HD 66	Sharon Hirsch	Matt Shaheen*	
HD 67	Sarah Depew Matthew Lagos	Jeff Leach*	
HD 68		Drew Springer*	
HD 69		James Frank*	
HD 70		Scott Sanford*	
HD 71		Stan Lambert*	
HD 72		Drew Darby*	
HD 73		Kyle Biedermann*	
HD 74	Alfonso Poncho Nevárez*		
HD 75	Mary Gonzalez* MarySue Femath		
HD 76	Cesar Blanco*		
HD 77	Evelina Ortega*		
HD 78	Joe Moody*		
HD 79	Joe Pickett*		
HD 80	Tracy O. King* Danny Valdez		
HD 81		Brooks Landgraf*	
HD 82		Tom Craddick*	
HD 83	Drew Landry	Dustin Burrows*	
HD 84	Samantha T. Fields Zachary Reames-Zepeda	John Frullo*	
HD 85	Jennifer Cantu	Phil Stephenson*	
HD 86		John Smithee*	
HD 87		Four Price* Dennis D. Brassfield	
HD 88		Ken King* Jason B. Huddleston	
HD 89 OPEN SEAT		Candace T. Noble	
HD 90	Ramon Romero, Jr.*		
HD 91		Stephanie Klick*	
HD 92	Steve Riddell	Jonathan Stickland*	

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# Texas House of Representatives

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OFFICE	DEMOCRAT	REPUBLICAN	OTHER
HD 93		Matt Krause*	
HD 94	Finnigan Jones	Tony Tinderholt*	
HD 95	Nicole Collier*		
HD 96		Bill Zedler*	
HD 97	Beth L. McLaughlin	Craig Goldman*	Daniel S. Martin (?)
HD 98	Mica Ringo	Giovanni Capriglione* Armin Mizani	
HD 99		Charlie Geren* Bo French	Michael Stackhouse (?)
HD 100	Eric Johnson*		
HD 101	Chris Turner*		
HD 102	Eric Poole	Linda Koop*	Ana-Maria Ramos (?) Scott T. Kilgore (?)
HD 103	Rafael Anchia*		
HD 104	Roberto R. Alonzo*		John Ting (?)
HD 105		Rodney Anderson*	
HD 106 OPEN SEAT		Clinton A. Bedsole Jared L. Patterson	
HD 107	Victoria Neave*	Deanna Maria Metzger "Smokin" Joe Ruzicka	
HD 108	William "Zac" Duffy Joanna Cattanch	Morgan Meyer*	
HD 109	Helen Giddings*	Casey Littlejohn	
HD 110	Toni Rose*		
HD 111	Yvonne Davis*		
HD 112	Brandy K. Chambers	Angie Chen Button*	Thomas S. Howery (?) Michael J. Devin (?)
HD 113 OPEN SEAT	Rhetta Bowers	Jim Phaup Jonathan M. Boos	Billy F. Ingram (?)
HD 114	John W. "Jim" Turner David R. Bower	Jason Villalba*	
HD 115	Dorothea Ocker	Matt Rinaldi*	
HD 116	Diana Arévalo* Trey Martinez Fischer		
HD 117	Philip Cortez*		
HD 118	Tomas Uresti*		Steven Cantu (?)
HD 119	Roland Gutierrez*		
HD 120	Barbara Gervin-Hawkins*		

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# Texas House of Representatives

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OFFICE	DEMOCRAT	REPUBLICAN	OTHER
HD 121		Joe Straus*	
HD 122		Lyle Larson* Chris Falls	
HD 123	Diego Bernal*		
HD 124	Ina Minjarez*		
HD 125	Justin Rodriguez*		
HD 126	Undrai Fizer	Kevin Roberts*	Joshua M. Hall (?)
HD 127		Dan Huberty*	Kyle Brandon Stephenson (?)
HD 128		Briscoe Cain* William "Terry" Sain	
HD 129		Dennis Paul*	
HD 130		Tom Oliverson*	
HD 131	Alma Allen*		
HD 132		Mike Schofield*	
HD 133	Martin S. Schexnayder Aaron J.A. Moore	Jim Murphy*	Sandra G. Moore (?)
HD 134	Allison Sawyer Angela K. Hayes	Sarah Davis*	
HD 135		Gary Elkins*	
HD 136		Tony Dale*	
HD 137	Gene Wu*		
HD 138	Adam Milasincec	Dwayne Bohac*	
HD 139	Jarvis Johnson*		
HD 140	Armando L. Walle*		
HD 141	Senfronia Thompson*		
HD 142	Harold Dutton* Richard Bonton		
HD 143	Ana Hernandez*		
HD 144	Mary Ann Perez*	Keith Nielsen	
HD 145	Carol Alvarado*		
HD 146	Shawn Thierry*		
HD 147	Garnet Coleman*		Wenzhou Wang (?)
HD 148	Jessica Farrar*		
HD 149	Hubert Vo*		
HD 150		Valoree Swanson*	

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**TEXAS CIVIL JUSTICE LEAGUE**  
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Suite 1400  
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