

TCJL

CIVIL JUSTICE ADVOCATE

A monthly progress report of the Texas Civil Justice League

Where We've Been...

We joined hands last year to address inequities in the state's tort system. And we succeeded in reversing law that had made Texas the most "pro-plaintiff" state in the nation.

By working together as an extensive, yet tightly knit, team, we achieved reforms including the prohibition of frivolous lawsuits, the requirement that defendants be more than minimally responsible to be held jointly and severally liable, and the provision that a products liability plaintiff who is 60 percent or more responsible for his own injuries cannot collect damages.

Taken together, the reforms are historic, and set the stage for future reforms.

Addressing Other Issues

In the process of reintroducing equity to the Texas tort system, we began to marvel at the diversity yet effectiveness of the Texas Civil Justice League's membership. And the majority of us feel that the League's talent and power could be put to immediate and effective use by addressing other ways that our courts and the legislature affect our lives. As TCJL President J.P. Word put it: "We must not let the momentum wane."

... And Where We Are Going

Capitalizing on the strength and ability already demonstrated by the League's 27,000 members and volunteers, we plan to broaden our reach and focus. A recent survey of our members indicates support for the League to monitor issues other than tort reform. Watch this newsletter for reports on implementation of the new tort reforms and other issues of concern.

Survey Yields Members Views

We conducted a survey of our trade and professional members this summer to seek suggestions, to benefit from members' experience and ideas, and to see if there was a degree of unity in the thinking of the membership. As we expected, we learned a great deal, including that 76 percent of you wanted a newsletter.

We are pleased that the majority of the membership rated League performance highly (79% said either "good" or "very good") and most (70%) felt that recent tort reforms would directly benefit their organization's own constituents.

"Keep the Pressure Up"

But we were most interested in the ideas and suggestions of the membership. For example,

* "Keep the pressure up. We need to achieve goals that were not met this session."

* "Reforms that were achieved need to be defended and maintained."

* "Don't be shy about naming legislators for a voting record and work on their campaigns."

Asked if the League should "stick only to civil justice issues or expand into other areas," a majority of the members sought expansion. Specifically, they named several issues that the League should consider addressing:

* **Deceptive Trade Practices Act**

* **Workers Compensation**

* **Judicial Reform**

If you would like to serve on a League committee developing positions on these issues, please contact Mary Miksa at 512-320-4813.

Joint Legislative Committees Appointed

House Speaker Gib Lewis and Lt. Gov. Bill Hobby recently named two joint interim legislative committees that coincide with areas of concern already cited by League members.

One committee, co-chaired by Rep. Charlie Evans and Sen. Carl Parker, will assess Texas law and procedure regarding the security of judgments, including the amount and right to post bonds.

"Skyrocketing premiums..."

The other committee is charged with studying the workers compensation system in Texas. Speaker Lewis summarized the need for the study when he said: "Texas businesses continue to be faced with skyrocketing premiums for workers compensation insurance while benefits to injured workers continue to be low."

The workers compensation study committee, co-chaired by Rep. Richard Smith and Sen. Ray Farabee, will study all aspects of this insurance system as well as how other states have addressed similar problems. At press time the WC committee was holding its organizational meeting, so it looks like it's off to a quick start on a complex issue.

Montford and Toomey: Legislators of the Year

Sen. John Montford (D-Lubbock) and Rep. Mike Toomey (R-Houston) were named "Legislators of the Year" by the American Tort Reform Association (ATRA) in their October 19 meeting

* TCJL Members Speak
* Upcoming TCJL Activities
* "Legislators of the Year"
* Announcing "CourtWatch"

This Issue -

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in Dallas. The two legislators sponsored this year's tort reform package passed by the Texas legislature. ATRA called the new Texas tort reforms "impressive" and "very strong," and said that the reforms were "particularly gratifying against as strong and effective an opposition as that which exists in Texas."

The League once again extends thanks and congratulations to Sen. Montford and Rep. Toomey for their legislative leadership in helping achieve the new reforms.

Watch for CourtWatch

In response to our recent member survey, you will soon be receiving a copy of "CourtWatch," a new League publication dedicated to monitoring Texas courts. The new publication will analyze and report on current judicial opinions and activities, especially those of the Texas Supreme Court.

"CourtWatch" is intended not only to tell you what opinion has been rendered or action taken place, but what that opinion or action may mean to you and your profession.

Hill Wants Replacement Chosen on Merit

Politics is hotter than ever on the Texas Supreme Court. No fewer than three incumbent justices will be contesting in the 1988 election for Chief Justice, while three other places on the nine-member court are also on the ballot and vigorous contests are anticipated.

All of this is because Texas lacks a judicial selection system similar to those of most other states. Elsewhere, some form of merit, appointive and elective system is in use. In Texas, we elect all judges in partisan elections—a system retiring Chief Justice John Hill and many other leaders would like to change.

At this writing, Gov. Bill Clements has not appointed Hill's successor but he has made it clear he will select someone he feels is highly qualified without the advice of a nominating committee, which Hill recommended he institute as a test of a formal merit process he hopes will be enacted in the future. When the Governor makes his appointment, it is expected to be a Republican who will face the winner of a Democratic primary race between Associate Justices Ted Robertson and Robert Campbell.

Former U.S. Rep. Jack Hightower and state Sen. Hector Uribe are both candidates for Robertson's seat. Also up for re-election are Justices William Kilgarlin and Raul Gonzalez, neither of which has an announced opponent yet. Republican candidates are expected in all these races.

Annual Meeting

The second annual membership meeting is being held Friday, October 23, in the third floor auditorium in the United Bank Building in Austin (400 West 15th Street). Watch the next newsletter for a full report on the meeting.