



LEGISLATIVE UPDATE

March 18, 2011

[CLICK HERE](#) *to be directed to Texas Legislature On-Line homepage where you may look up any bill before the legislature by bill number*

Last Friday, March 11th, was the 60th day of the legislative session and the final day bills could be introduced without the consent of the house of origin. All in all, more than 5,800 bills were filed (local legislation continues to be introduced daily, but the consent requirement makes it unlikely that any additional controversial legislation will be filed). TADC is actively tracking approximately 250 bills that deal with various aspects of the judicial system. Many of these bills are relatively uncontroversial or local in nature, but there are a number of proposals that will affect TADC members and our clients.

On Monday, March 21st, the [House Judiciary and Civil Jurisprudence Committee](#) will hear two of these: [HB 2047](#) by Representative Tryon Lewis (R-Odessa) and [HB 2031](#) by Representative Jerry Madden (R-Plano). HB 2047 repeals Sec. 33.004(e), TCPRC, which allows a claimant to join a person designated as a responsible third party regardless of limitations, not later than 60 days after designation. HB 2031 allows a defendant to create a compensation fund (similar to the BP fund) under certain circumstances and abate a trial. The details of HB 2031 are still in flux, but as drafted it would apply broadly to death claims involving two or more persons, personal injury claims involving 5 or more persons and property damage claims involving 5 or more persons. It would also cap the claimant's attorney's fees at 5% and create cost shifting if the claimant declines the fund's offer and the jury award, net of claimant's attorney's fees, is more favorable to the defendant than the funds offer. There is no mechanism allowing cost shifting to the fund.

TADC President Keith O'Connell plans to testify before the committee on both bills. If you are interested in viewing the committee meeting, you may do so on Texas Legislature Online (<http://www.capitol.state.tx.us/>) by clicking Video Broadcasts: House (on the right-hand side of the home page) and locating the House Judiciary and Civil Jurisprudence Committee. The meeting is scheduled to begin at 2 p.m. or upon adjournment of the House. The House will convene at 11 a.m. on Monday to consider the controversial voter identification legislation, so the committee hearing may not begin until late in the day.

We also expect additional bills of importance, including the Governor's loser pays proposal ([HB 274](#)), to be heard in the near future, perhaps as soon as next week. The TADC legislative committee is currently preparing an analysis of the loser pays proposal and developing testimony for the committee hearing.

TADC LEGISLATIVE DAY

TADC's Legislative Day will kick-off Wednesday, March 30th. It is so important for you to take the time to come to Austin and take advantage of the opportunity to visit your legislators and let them know how you feel about "loser pays", "victims relief fund", "statutory employer" and other critically important issues. An orientation will occur at 11 a.m. on March 30th at the Hyatt Regency on Lady Bird Lake (208 Barton Springs Road – Austin). TADC will provide you with the materials and information you need to make an effective case on behalf of the profession and your clients, but the important thing is for legislators to hear from their own constituents. Nothing is more persuasive to an elected official than seeing a real live voter in his or her office!

Please mark your calendar and plan to attend this important event and take advantage of this opportunity! Other professional groups are walking the halls to help educate members of the legislature, and it is vital that members of the TADC do so as well! Please do not hesitate to contact the TADC office if you have questions about the TADC Legislative Day.

REMINDER - REGISTER NOW!

2011 TADC Spring Meeting

March 30-April 3, 2011 - Hyatt Regency on Lady Bird Lake - Austin, Texas

Don't miss this Seminar [\(program link below\)](#)

*A **9.0** hr (with **3.00** hrs ethics) CLE Program Featuring:*

*The Honorable Sam Sparks, U.S. District Judge, Western District of Texas
Chief Justice Wallace Jefferson and Justice Paul Green, Texas Supreme Court
District Judge Karen Gren Johnson & outstanding lawyers
and litigators Michael Huddleston, David Chaumette, Greg Cokinos, Ed Burbach,
Harriett O'Neill
and Craig Enoch to name but a few!*

***PLUS the TADC Legislative Day and Breakfast with the current
and former members
of the Texas Supreme Court!***

[CLICK HERE](#) for registration materials. Sign up today!