



TADC *e-Update*
The Texas Association of Defense Counsel, Inc.

LEGISLATIVE UPDATE

March 26, 2010

The House Judiciary and Civil Jurisprudence Committee met on Thursday, March 25 to hear invited testimony on the paid or incurred issue. Dan Worthington of Atlas & Hall in McAllen testified on TADC's behalf. Other groups offering testimony included the Texas Trial Lawyers Association, Texans for Lawsuit Reform, Texas Alliance for Patient Access, the National Property & Casualty Insurers Association, Texans for Affordable Insurance Solutions, and a consumer group, Texas Watch.

TLR, TAPA, and the insurance industry representatives discussed the evolution of the case law. They suggested that if any changes are necessary in the statute, they should be limited to procedural matters. They also indicated that if the Supreme Court accepts the Haygood v. Escabedo case out of the Tyler Court of Appeals, most of these issues could be resolved without statutory modification. On the other hand, TTLA and Texas Watch argued that the statute should be repealed with respect to non-medical liability cases.

TADC offered a proposal under which the plaintiff could submit the medical bills as the old law provided, but that the defense could likewise submit evidence of the amount actually paid. The jury would then decide the amount of medical expenses to be awarded. The committee appeared to show interest in this proposal. Rep Jackson responded that this was an “insightful proposal” and volunteered that it might be a “solution” to this long standing controversy.

At the close of the hearing Chairman Hunter indicated that he will appoint a working group to discuss the issue during the remainder of the interim and produce a potential compromise. The working group will include members of the committee and representatives of the stakeholder group. Dan Worthington will represent TADC on the working group.

**Reminder! - Hotel Cutoff Deadline is March 29 - Register
Now for the**

2010 TADC SPRING MEETING

April 28 – May 2, 2010 – Hotel del Coronado – San Diego, California

Don't miss this Great Meeting [CLICK HERE](#) for Registration

**An *11.25 hr* (with *2.0 hrs ethics*) CLE Program featuring such topics
as:**

**“SON OF A SAILOR: JURORS HEAR AND SAY THE
DARNDEST THINGS-EVIDENTIARY ISSUES THAT SURPRISE
DEFENSE ATTORNEYS“**

“ANOTHER DAY IN PARADISE: LAWYERS CREED ISSUES”

**“SITTIN’ ON THE DOCK OF THE BAY: ETHICAL
CONSIDERATIONS IN BUSINESS LITIGATION”**

**“LOVELY CRUISE: BUSINESS DEVELOPMENT FOR TRIAL
LAWYERS”**

And many more!

***San Diego and Coronado Island are amazing destinations with events
and
activities for individuals, couples and families!***

**TADC'S GROUP HOTEL RATE AT THE DEL IS GREAT AND
AIRFARES ARE INCREDIBLY LOW RIGHT NOW!**

400 W. 15th Street, Suite 420, Austin, Texas 78701 512.476.5225 - 512.476.5384 FAX - tadc@tadc.org