



## LEGISLATIVE UPDATE

During the past week, there have been two additional bills which we are tracking and analyzing. These two bills are **SB 1119** filed by Sen. Juan Hinojosa relating to an amendment of Section 41.0105 of the Texas Civil Practices and Remedies Code (APaid or Incurred@) and **SB 992** which relates to the administration of the civil court system and civil court resources (the ACourts bill@). Each of these bills will impact your practice and your input is appreciated.

### [SB 1119 - CLICK HERE TO READ THE BILL](#)

This bill would repeal Section 41.0105 of the Texas Civil Practices and Remedies Code in all suits except those brought in a medical malpractice case. This would have the effect of allowing a Plaintiff to introduce evidence of the amount of his or her medical bills regardless of the sum actually paid in satisfaction of those bills. The bill also makes it clear, in cases where it did apply, it does not prohibit the introduction of evidence of the future medical billing which the Plaintiff establishes was required for his or her treatment.

### [SB 992 - CLICK HERE TO READ THE BILL](#)

SB 992 is a 137 page bill. This summary is intended to highlight the bill=s general provisions but is not intended as a comprehensive review. SB 992 can be generally segregated into two sections. The bill seeks to both streamline the efficiency of the civil justice system and to establish a resource request system by which courts who can demonstrate a particular need can request additional resources.

The Aefficiency@ features of the bill include: (1) the ability of the various courts within a county to transfer cases in and among themselves (assuming agreement of the parties) to remove as much of the bureaucracy which impedes the efficient administration of justice as is possible. While we have some reservations about the way the enabling legislation is phrased, the concept appears sound; (2) the bill seeks to raise the minimum jurisdiction of the district courts to \$10,000 and make all State District Courts into courts of general jurisdiction. This will allow each county=s board of judges to make decisions relating to the assignment of cases and allocation of the district court docket. This is designed to allow each county to respond more quickly to the fluid nature of its case load and remove their reliance on the legislature to address changes every two years; and (3) the bill changes the manner in which the regional administrative judge is selected by removing the selection authority from one of gubernatorial appointment to one of appointment by the Chief Justice.

The Aresources@ portion of the bill is virtually identical to that offered last session. Essentially, it allows a party or the trial court to request additional resources if a particular case demonstrates a need for the resources requested. The request can be denied by the trial court, the regional administrative judge or a counsel comprised of all the regional administrative judges and chaired by the

Chief Justice. There is no right of appeal any denial at level of the request.

Never hesitate to contact the TADC if you have a legislative issue on which you wish to inquire, or if there is an issue that you believe must be addressed. The TADC will monitor ALL legislation which might affect your practice.

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**REMINDER** - 2009 TADC SPRING MEETING  
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**Justice Nathan Hecht, Texas Supreme Court**

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