



LEGISLATIVE UPDATE

March 31, 2009

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With a record number of bills now in the hopper (over 7,000), the Legislature is finally in full speed ahead mode, and much of the earlier activity in Senate and House committees revolves around the civil justice system.

On the Senate side, the State Affairs Committee, chaired by Sen. Bob Duncan (R-Lubbock) has already reported out SB 1119 by Sen. Juan Hinojosa (D-McAllen), regarding the paid or incurred issue. The bill seeks to return the law to its pre-HB 4 status in cases other than medical liability cases. SB 1119 is expected to come before the full Senate early in the week. Another bill of interest, SB 445 by Sen. Jeff Wentworth (R-San Antonio), dealing with juror note-taking and questions, unanimously passed the Senate on March 19.

Last week the committee also heard SB 1123 by Chairman Duncan, dealing with claims for malignant mesothelioma, and SB 152 by Sen. Rodney Ellis (D-Houston), regarding the standard of care for emergency rule physicians. Committee action on these bills could come as early as this week.

In the House, the House Judiciary and Civil Jurisprudence Committee, chaired by Rep. Todd Hunter (R-Corpus Christi), had a long list of bills scheduled for hearing yesterday, including the House versions of the paid or incurred bill (HB 1956 by Rep. John Smithee, R-Amarillo) and the mesothelioma bill (HB 1811 by Rep. Craig Eiland, D-Galveston). Both bills generated a great amount of interest and testimony continued late into the night. The committee left both pending.

There has also been activity around the *Entergy v. Summers* case. HB 1657 by Rep. Helen Giddings (D-DeSoto), which seeks to reverse the decision, was heard in House Business & Industry Committee the week before last and remains pending before the committee. The Senate companion bill, SB 2063 by Sen. Duncan, will probably be heard very soon as well. In a related matter, SB 555 by Duncan, which modifies indemnity provisions in construction contracts, has cleared the Senate and will be heard in the House Judiciary and Civil Jurisprudence Committee on Monday, April 6.

Still in the wings are a number of bills of interest affecting court reorganization and judicial selection. Judicial selection bills are expected to be taken up in House Judiciary on April 6. SB 992, the court reorganization bill, has been set for hearing in the Senate Jurisprudence Committee at 3:30 pm (or upon adjournment of the Senate) on Thursday, April 2. Committees are pushing to report out bills as House and Senate calendars become increasingly clogged in the weeks to come.

TADC has presented testimony and taken an active role in a number of bills thus far this session. We will continue to monitor legislation of interest and keep you updated on the progress of

key bills. Do not hesitate to contact the TADC should you have a question regarding any bill in this update or any other legislation of interest.

REMINDER - 2009 TADC COMMERCIAL LITIGATION SEMINAR

April 16, 2009 ~ Hilton Americas Hotel ~ Houston

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*A **6.0** hr (with 1.5 hrs ethics) CLE Program Featuring:*

**The Honorable Jennifer Elrod, Judge, Fifth Circuit Court of Appeals
Justices Jane Bland and William Boyce, Justices, First & Fourteenth Courts of Appeals
District Judges William R. (Bill) Burke and Mike Miller &
outstanding lawyers and litigators Rosemary Jones, Denise Scofield, William Wood Larry
Veselka and Warren Harris**

Invite non-member commercial litigators you know and members of your firm to attend.

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