



***IN THIS ISSUE: [Message from the President](#),
[Up-Coming Events](#), [Legal News & Recent Opinions](#)***

FROM THE PRESIDENT

Tom Henson, Ramey & Flock, P.C.; Tyler



The legislature is grinding away in what promises to be one of the shortest Special Sessions in nearly a quarter century. Two of the three charges made by the Governor have been kicked out of committee and are set for debate today. Senate Bill 1 which would reauthorize five state agencies into 2011, including the Texas Department of Insurance and Texas Department of Transportation and Senate Bill 2 which would allow Texas to sell 2 billion dollars worth of transportation bonds, are expected to pass easily and with little fanfare. Senate Bill 3, which would give much broader authority to private toll road companies to build and profit from roads on government owned land, appears at least for now, to be stalled. SB 3 is controversial mainly due to the fact that a vote for this legislation is in essence, a stamp of approval for toll roads and a number of legislators are just not willing to walk out on that limb. The good news is that since Governor Perry so narrowly defined the charges for this session, there is little possibility for failed bills from the Regular Legislative Session to be tacked on as amendments to either SB 1 or SB 2. The TADC will continue to monitor the Special Session and report any changes which may affect the membership.

For TADC's 2009 LEGISLATIVE SESSION WRAP-UP - [CLICK HERE](#)

The TADC is headed to Coeur d'Alene, Idaho next week for the 15th installment of the Summer Seminar. This seminar was started in 1995 to answer the call for a

family-friendly meeting and has since grown into one of the Association's most popular! If you have not made plans to attend, there is still time!

You will have by now received the June issue of the TADC magazine and will have noticed that the 2009 Nominating Committee will meet in Austin in early August. If you have a partner or colleague that you believe would be valuable as a member of the TADC Board of Directors, please contact Fred Raschke, Chair of the Committee fraschke@millsshirley.com.

The 2009 Annual Meeting is just around the corner. The TADC will meet in Montreal September 30 through October 4 and Max Wright, this year's Annual Meeting Chair has assembled an outstanding cast of trial attorneys in a program that features over 11.5 hours of CLE. Registration materials for the Annual Meeting will be in the mail early next week and available on the TADC website shortly thereafter. Register quickly, as you won't want to miss this program and venue!

Have a safe and happy 4th of July weekend. I hope to see you in Montreal!

UPCOMING EVENTS

July 8-12, 2009

TADC Summer Seminar

Coeur d'Alene Resort – Coeur d'Alene, Idaho
Doug Rees, Chair

[CLICK HERE](#) for Meeting Registration

August 7-8, 2009

TADC Budget & Nominating Committee Meeting

Hyatt Regency on Lady Bird Lake – Austin
Fred D. Raschke, Nominating Committee Chair

Sept. 30-October 4, 2009

TADC Annual Meeting

Hotel Intercontinental – Montreal, Quebec
Max E. Wright, Chair

October 9, 2009

West Texas Rookie Seminar

Texas Tech University School of Law – Lanier Room
12:00pm-5pm

November 13-14, 2009

TADC Board of Directors Meeting

Ricks Grand Hotel – McKinney, Texas

January 15-16, 2010

TADC Board Of Directors Meeting
Elegante Hotel – Beaumont, Texas

January 27-31, 2010

TADC Winter Seminar
Vail Cascade Resort – Vail, Colorado
Gayla Corley & Troy Glander, Co-Chairs

April 28-May 2, 2010

TADC Spring Meeting
Hotel Del Coronado – San Diego, California
Carol Traylor & Greg Blaies, Co-Chairs

LEGAL NEWS

CIVIL PRACTICE

Galbraith Engineering Consultants, Inc. v. Pochucha **(Tex. 06/26/2009)**

The Legislature intended for the term "limitations" in Texas Civil Practice and Remedies Code §33.004(e) to refer only to statutes of limitations and does not include statutes of repose. Texas Supreme Court, No. 07-1051, 06-29-2009.

TO READ THIS OPINION IN FULL, [CLICK HERE](#)

In re International Profit Associates, Inc. **(Tex. 06/12/2009)**

Although evidence that a party concealed a forum-selection clause combined with evidence that concealment was part of an intent to defraud may be sufficient to invalidate the clause, simply being unaware of a forum-selection clause does not make it invalid. Tex. Sup. Ct. J. 852, No. 08-0531, 2009

TO READ THIS OPINION IN FULL, [CLICK HERE](#)

EMPLOYMENT

Nabors Drilling, U.S.A., Inc. v. Caescoto (Tex. 06/19/2009)

An employer whose work conditions could induce extreme fatigue in its employees does not have a duty to prevent injury due to the fatigue of its off-duty employee or to train employees about the dangers of fatigue. Texas Supreme Court, No. 06-0890, 06-22-2009. TO READ THIS OPINION IN FULL, **[CLICK HERE](#)**

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