



Recent Developments and Changes In the Texas Rules of Civil Procedure

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House Bill 4 – Massive Tort Reform Bill

Original Goal – intended to reform medical malpractice cases

End Result – impacts a broad range of lawsuits

- Strengthens class action reform
- Implements new “settlement offer” procedures
- Overhauls proportionate responsibility statutes
- Restricts liability of non-manufacturing sellers and successor entities



Texas Legislature Strengthens Class Action Reform

Recent Changes/ HB 4



House Bill 4's Four Changes to Class Action

1. Exclusive or primary jurisdiction of State Agencies threshold issue to be considered before class certification
2. Texas Supreme Court now has jurisdiction over interlocutory appeals from Trial Court rulings on class certification
3. All proceedings in the Trial Court are subject to an automatic stay pending resolution of an interlocutory appeal from a class certification decision
4. New guidelines for calculation of attorney's fees



Jurisdiction of State Agencies Threshold Issue Before Class Certification

- Intent of section –
“require putative class representatives to exhaust their administrative remedies before an appropriate state agency before pursuing their claims as a class action in court”



Jurisdiction of State Agencies Threshold Issue Before Class Certification

- Exclusive or primary jurisdictional questions must be considered before a class may be certified
- Plea to jurisdiction may be appealed if class is certified