

Texas Civil Procedure

Texas Civil Procedure

Pretrial Litigation

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Introduction

This book is the first in a two-part series that will teach you how lawsuits are handled in the Texas courts, from the earliest client contact through a final appeal to the Texas Supreme Court. You have already studied one procedural system—the federal one—in your first year Civil Procedure course. As you learn about the Texas system, you will see both similarities and differences in rules and in attitudes. This volume will introduce you to the pre-trial phases of litigation, from pre-filing activities through attempts at alternative dispute resolution.

The Texas Trial and Appellate Procedure book will cover merits-related procedural issues such as trial settings, motions for continuance, jury selection, trial procedures, jury instructions, non-jury trials, appealable orders, and post-trial motions. It will also deal with all aspects of appeals and original proceedings in the appellate courts in Texas, including standards of review, appellate deadlines, handling appeals, and review in the Texas Supreme Court.

It is not possible to learn all the details of Texas procedure in a single course. But this book and its counterpart will introduce you to the most important concepts at a level of sophistication that will put you in good stead as you begin to litigate in Texas courts. In addition to cases,¹ statutes, and rules, the book uses Notes to provide supplementary information as well as discussion questions designed to probe your understanding of the material and the policy issues underlying the technical rules. Many sections of the book also contain Practice Exercises so that you can test your ability to apply the rules. Finally, a number of chapters are followed by an appendix containing former actual bar examination questions. Although Texas has transitioned to the Uniform Bar Exam, these questions should be helpful examples of practice problems.

We hope you will find this book to be helpful and enlightening.

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1. Case footnotes are numbered as in the original and are otherwise omitted. Citations have sometimes been removed from within cases without ellipses in the interest of readability.

