

Texas Civil Procedure

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Trial and Appellate Practice

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Dedications

To our families: Des, Julie, Bill, Charley, Thomas, Andrew and Peter Dorsaneo; Bob and Courtney Carlson; Jill, Catherine, Carolyn, John David and Caitlin Crump; and John and Kate Thornburg.

Introduction

This book is the second in a series of textbooks that explains how lawsuits should be handled in Texas courts. It covers the methods for obtaining trial settings and continuances, dismissal for want of prosecution and procedures for reinstatement, the right to jury trial, jury selection procedures, trial procedures and presentation of evidence, submission of the case to the jury, jury argument, non-jury trial practice, postverdict and postjudgment motion practice, judgments and other appealable orders, as well as appellate court jurisdiction, appellate practice and original proceedings in the courts of appeals and in the Texas Supreme Court. The coverage of each of these subjects provides both theoretical and practical guidance concerning standard procedures that practicing lawyers must use in handling cases in Texas courts.

The book is both comprehensible and comprehensive, providing a sophisticated overview of the process of adjudication in Texas Courts. It includes integrated coverage of the Texas Rules of Civil Procedure, the Texas Rules of Evidence, the Texas Rules of Appellate Procedure, the Civil Practice and Remedies Code and the Government Code provisions governing civil litigation as well as an up-to-date case law interpretation of applicable rules and statutes.

The book is designed to provide a fundamental theoretical and practical appreciation of the relationship between trial judges, jurors and reviewing courts. It makes plain that the right to jury trial involves not merely whether a party is entitled to a jury, but also illuminates the more fundamental character of the right to jury trial by examining what roles judges and juries play in the litigation process in relation to one another.

The book also contains supplementary information including background and historical information, detailed textual explanation of important issues and concepts and notes and questions that are designed to facilitate and extend comprehension of the material.

Many chapters also contain or are supplemented with detailed practice exercises demonstrating the context for and the application of principles explained and discussed in the cases. Several chapters are followed by appendices 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 enjoy using the book. We know that you will find it to be challenging and informative.

