

TEXAS CIVIL PROCEDURE:  
PRETRIAL LITIGATION  
*2015–2016 Edition*

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# TEXAS CIVIL PROCEDURE: PRETRIAL LITIGATION *2015–2016 Edition*

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MATTHEW  BENDER

# *Introduction*

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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 book 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 hopes to 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,<sup>1</sup> 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 actual Texas bar examination questions, which should be helpful both in learning about practice and in preparing you for the Texas Procedure & Evidence portion of the bar exam.

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

William V. Dorsaneo III  
Elizabeth Thornburg  
Elaine Grafton Carlson  
David Crump

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<sup>1</sup> 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.



## TABLE OF PRACTICE EXERCISES

Practice Exercise #1	55
Practice Exercise #2	75
Practice Exercise #3	101
Practice Exercise #4	111
Practice Exercise #5	125
Practice Exercise #6	130
Practice Exercise #7	150
Practice Exercise #8	183
Practice Exercise #9	196
Practice Exercise #10	237
Practice Exercise #11	255
Practice Exercise #12	297
Practice Exercise #13	299
Practice Exercise #14	300
Practice Exercise #15	305
Practice Exercise #16	312
Practice Exercise #17	383
Practice Exercise #18	392
Practice Exercise #19	415
Practice Exercise #20	427
Practice Exercise #21	471
Practice Exercise #22	508
Practice Exercise #23	579
Practice Exercise #24	591
Practice Exercise #25	602
Practice Exercise #26	626
Practice Exercise #27	628
Practice Exercise #28	637
Practice Exercise #29	641
Practice Exercise #30	660
Practice Exercise #31	668
Practice Exercise #32	678
Practice Exercise #33	681
Practice Exercise #34	703





# Table of Contents

<b>Chapter 1</b>	<b>THE PRE-LITIGATION PHASE OF A CIVIL DISPUTE . . . .</b>	<b>1</b>
§ 1.01	OVERVIEW OF THE PRE-TRIAL PROCESS . . . . .	1
§ 1.02	INITIATING THE ATTORNEY-CLIENT RELATIONSHIP . . . . .	3
[A]	Fees and Fee Contracts . . . . .	3
[1]	Propriety of Fee . . . . .	4
[2]	Client's Consent to Split Fee . . . . .	4
[3]	Contingent Fee Contracts . . . . .	5
[4]	Informing Client of Fee . . . . .	6
	HOOVER SLOVACEK LLP v. WALTON . . . . .	6
	NOTES AND QUESTIONS . . . . .	13
	NOTES AND QUESTIONS . . . . .	16
[B]	Avoiding Conflicts of Interest . . . . .	17
[1]	General Rule . . . . .	17
[2]	Prohibited Transactions . . . . .	18
[a]	Business Transactions . . . . .	18
[b]	Gifts . . . . .	19
[c]	Literary Rights . . . . .	19
[d]	Acquisition of Proprietary Interest . . . . .	19
[e]	Payment for Legal Services . . . . .	19
[f]	Aggregate Settlement . . . . .	20
[g]	Limitation of Liability . . . . .	20
[3]	Former Client . . . . .	20
§ 1.03	CASE EVALUATION, ACCEPTANCE, AND SETTLEMENT . . . . .	21
§ 1.04	PRE-LITIGATION FACT-GATHERING: INVESTIGATION AND INTERVIEWING . . . . .	24
§ 1.05	WHEN TO FILE THE LAWSUIT: COMPLIANCE WITH PRELIMINARY PROCEDURAL REQUIREMENTS IMPOSED BY STATUTE . . . . .	31
§ 1.06	WHEN TO FILE THE LAWSUIT: STATUTES OF LIMITATIONS AND STATUTES OF REPOSE . . . . .	36
	S.V. v. R.V. . . . .	43
	NOTES AND QUESTIONS . . . . .	50
	PRACTICE EXERCISE #1 . . . . .	55
<b>Chapter 2</b>	<b>EMERGENCY AND INTERIM RELIEF (SPECIAL REMEDIES) . . . . .</b>	<b>57</b>
§ 2.01	TEMPORARY RESTRAINING ORDERS AND INJUNCTIONS . . . . .	57
	NOTE . . . . .	61

---

*Table of Contents*

	CHARTER MEDICAL CORP. v. MILLER . . . . .	62
§ 2.02	INTERIM RELIEF FOR SECURED CREDITORS AND OTHER CLAIMANTS . . . . .	63
[A]	Sequestration . . . . .	63
	MONROE v. GENERAL MOTORS ACCEPTANCE CORP. . . . .	66
[B]	Notice of Lis Pendens . . . . .	68
[C]	Self-Help Repossession by Secured Party . . . . .	69
§ 2.03	INTERIM RELIEF FOR THE GENERAL (UNSECURED) CREDITOR . . .	70
[A]	Attachment . . . . .	70
[B]	Prejudgment Garnishment . . . . .	72
	PRACTICE EXERCISE #2 . . . . .	75
§ 2.04	WRONGFUL USE OF SPECIAL REMEDIES . . . . .	76
	CHANDLER v. CASHWAY BUILDING MATERIALS, INC. . . . .	76
	BARFIELD v. BROGDON . . . . .	79
	NOTES AND QUESTIONS . . . . .	82
<b>Chapter 3</b>	<b>THE SUBJECT MATTER JURISDICTION OF THE TEXAS TRIAL COURTS . . . . .</b>	<b>83</b>
§ 3.01	AN OVERVIEW OF THE TEXAS COURT SYSTEM . . . . .	83
[A]	The Texas Appellate Courts . . . . .	83
[B]	A Simplified Description of the Texas Trial Courts . . . . .	83
§ 3.02	CONSTITUTIONAL AND STATUTORY PROVISIONS: AN OVERVIEW . . . . .	85
[A]	Justice Courts . . . . .	85
[B]	Constitutional County Courts . . . . .	87
[C]	Statutory Courts . . . . .	90
[D]	District Courts . . . . .	93
[E]	Shared Jurisdiction; District and County Level Courts . . . . .	95
[F]	Shared Jurisdiction, Filing, and Transfer . . . . .	97
[1]	Adjudicative Responsibility and Transfer: District Courts and Statutory Courts . . . . .	97
[2]	Adjudicative Responsibility and Transfer in Cases Involving Eminent Domain and Probate . . . . .	99
[G]	Summary . . . . .	101
	PRACTICE EXERCISE #3 . . . . .	101
§ 3.03	AMOUNT IN CONTROVERSY . . . . .	103
[A]	General Rule . . . . .	103
[B]	Increase Above Court’s Maximum . . . . .	103
	UNITED SERVICES AUTOMOBILE ASSOCIATION v. BRITE . . .	104
	NOTES AND QUESTIONS . . . . .	106

---

## *Table of Contents*

[C]	Non-Monetary Relief . . . . .	108
[D]	Included and Excluded Elements of Recovery . . . . .	108
[E]	Multiple Parties . . . . .	110
[F]	Counterclaims, Cross-Claims, and Third-Party Claims . . . . .	111
	PRACTICE EXERCISE #4 . . . . .	111
[G]	Defective Pleading of Amount in Controversy . . . . .	112
	PEEK v. EQUIPMENT SERVICE CO. . . . .	112
	NOTES AND QUESTIONS . . . . .	114
§ 3.04	COMPETING JURISDICTIONAL GRANTS: PARTICULAR CONTROVERSIES . . . . .	115
[A]	The District Court Land-Title Grant Collides With the Justice Court: Forcible Entry and Detainer . . . . .	115
	DASS, INC. v. BENJIE SMITH D/B/A OAK CLIFF METALS . . . . .	115
	NOTES AND QUESTIONS . . . . .	118
[B]	Problems With Probate Jurisdiction . . . . .	120
[1]	Statutory Probate Courts . . . . .	120
[a]	Generally . . . . .	120
[b]	Estates Code . . . . .	120
	PRACTICE EXERCISE #5 . . . . .	125
[2]	Pull-Down Jurisdiction vs. Venue . . . . .	125
	GONZALEZ v. RELIANT ENERGY, INC. . . . .	125
	NOTES . . . . .	129
	PRACTICE EXERCISE #6 . . . . .	130
§ 3.05	JUSTICIABILITY, STANDING, AND RELATED DOCTRINES . . . . .	131
§ 3.06	CONSEQUENCES OF LACK OF JURISDICTION OVER THE SUBJECT MATTER AND RELATED PROBLEMS . . . . .	134
	VALE v. RYAN . . . . .	135
	NOTES AND QUESTIONS . . . . .	138
<b>Chapter 4</b>	<b>JURISDICTION OF PERSONS AND PROPERTY . . . . .</b>	<b>141</b>
§ 4.01	GENERAL PRINCIPLES GOVERNING JURISDICTION . . . . .	141
[A]	Territoriality . . . . .	141
[B]	The “Minimum Contacts” Doctrine . . . . .	142
[C]	Specific vs. General Jurisdiction . . . . .	142
[D]	Other Bases of Jurisdiction . . . . .	143
[1]	Consent . . . . .	143
[2]	In Rem and Quasi in Rem Jurisdiction . . . . .	143
[3]	Transient Jurisdiction . . . . .	144
§ 4.02	PERSONAL JURISDICTION IN TEXAS . . . . .	145
[A]	The General Long-Arm Statute . . . . .	145

---

*Table of Contents*

	NOTES AND QUESTIONS . . . . .	146
	PRACTICE EXERCISE #7 . . . . .	150
[B]	Texas Courts Apply the Statute and Constitution: Specific Jurisdiction . . .	151
	GUARDIAN ROYAL EXCHANGE v. ENGLISH CHINA CLAYS . .	152
	CMMC v. SALINAS . . . . .	162
	MICHIANA EASY LIVIN' COUNTRY, INC. v. HOLTEN . . . . .	165
	NOTES AND QUESTIONS . . . . .	171
[C]	Texas Courts Apply the Statute and Constitution: General Jurisdiction . . .	176
[1]	Distinguishing Specific and General Jurisdiction: The Substantial Connection Test . . . . .	176
	MOKI MAC RIVER EXPEDITIONS v. DRUGG . . . . .	176
	NOTES AND QUESTIONS . . . . .	182
	PRACTICE EXERCISE #8 . . . . .	183
[2]	Substantial, Continuous, and Systematic Contacts . . . . .	184
	PHC-MINDEN v. KIMBERLY-CLARK CORP. . . . .	184
	NOTES AND QUESTIONS . . . . .	194
	PRACTICE EXERCISE #9 . . . . .	196
[D]	Internet Contacts and Jurisdiction . . . . .	196
	CHOICE AUTO BROKERS, INC. v. DAWSON . . . . .	197
	NOTES AND QUESTIONS . . . . .	199
[E]	Consent . . . . .	200
§ 4.03	OTHER LONG-ARM STATUTES: THE FAMILY CODE . . . . .	201
	IN RE FORLENZA . . . . .	202
	NOTES AND QUESTIONS . . . . .	208
§ 4.04	SERVICE OF PROCESS . . . . .	212
[A]	Due Process Requirements . . . . .	212
	PERALTA v. HEIGHTS MEDICAL CENTER, INC. . . . .	213
	NOTES AND QUESTIONS . . . . .	213
[B]	Texas' Statutory and Rule-Based Requirements . . . . .	216
[1]	The Strict Compliance Standard . . . . .	216
	WILSON v. DUNN . . . . .	217
	NOTES . . . . .	221
[2]	Techniques of Service . . . . .	222
[3]	Service of Process and the Statute of Limitations . . . . .	226
[4]	Proof of Service: The Return . . . . .	228
[a]	Personal Service . . . . .	228
[b]	Certified or Registered Mail Service . . . . .	228
[c]	Returns for Alternative Service . . . . .	228
[d]	Amending Flawed Returns . . . . .	229
	BAVARIAN AUTOHAUS, INC. v. HOLLAND . . . . .	229

---

## *Table of Contents*

[5]	Citation by Publication . . . . .	231
[a]	Generally . . . . .	231
[b]	Specific Uses . . . . .	231
	NOTES AND QUESTIONS . . . . .	232
[6]	Special Requirements for Service on the Secretary of State Under the General Texas Long-Arm Statute . . . . .	232
[a]	Pleading Requirements . . . . .	232
	McKANNA v. EDGAR . . . . .	232
[b]	Method of Service . . . . .	234
[c]	Proof of Long-Arm Service: The Return . . . . .	234
	CAMPUS INVESTMENTS, INC. v. CULLEVER . . . . .	235
[7]	An Alternate Way to Serve Nonresident Defendants — Rule 108 . . . . .	236
	PRACTICE EXERCISE #10 . . . . .	237
§ 4.05	CHALLENGES TO JURISDICTION BY NONRESIDENTS . . . . .	238
[A]	The Special Appearance . . . . .	238
[1]	History and Procedure . . . . .	238
	NOTES AND QUESTIONS . . . . .	241
[2]	Strict Compliance Standard? . . . . .	243
	DAWSON-AUSTIN v. AUSTIN . . . . .	243
	NOTES AND QUESTIONS . . . . .	252
[B]	Postjudgment Challenges by Nonresidents . . . . .	253
	PRACTICE EXERCISE #11 . . . . .	255
§ 4.06	THE DOCTRINE OF FORUM NON CONVENIENS . . . . .	255
[A]	The Common Law Doctrine . . . . .	255
[B]	The Statute . . . . .	257
	IN RE GENERAL ELECTRIC COMPANY . . . . .	259
	NOTES AND QUESTIONS . . . . .	267
	APPENDIX — PERSONAL JURISDICTION AND THE TEXAS BAR EXAM . . . . .	268
<b>Chapter 5</b>	<b>VENUE . . . . .</b>	<b>271</b>
§ 5.01	THE BASIC VENUE SCHEME . . . . .	271
[A]	Defendant’s Residence (Natural Persons) . . . . .	272
	MIJARES v. PAEZ . . . . .	272
	NOTES AND QUESTIONS . . . . .	273
[B]	Defendant’s Principal Office (Legal Persons) . . . . .	274
	IN RE MISSOURI PACIFIC RAILROAD CO. . . . .	275
	NOTES AND QUESTIONS . . . . .	280
[C]	County in Which All or a Substantial Part of the Events or Omissions Giving Rise to the Claim Occurred . . . . .	281

---

*Table of Contents*

[1]	Tort Claims . . . . .	281
	VELASCO v. TEXAS KENWORTH CO. . . . .	281
	NOTE . . . . .	283
[2]	Contract Claims . . . . .	284
	KW CONSTRUCTION v. STEPHENS & SONS CONCRETECONTRACTORS, INC. . . . .	284
	NOTE . . . . .	289
[D]	Transfer Based on Convenience . . . . .	289
§ 5.02	EXCEPTIONS TO THE GENERAL RULE . . . . .	291
[A]	Types of Exceptions . . . . .	291
[B]	Mandatory and Permissive Exceptions . . . . .	292
	PRACTICE EXERCISE #12 . . . . .	297
[C]	Multiple Claims and Parties . . . . .	298
[1]	Multiple Claims . . . . .	298
	PRACTICE EXERCISE #13 . . . . .	299
[2]	Multiple Defendants . . . . .	299
	PRACTICE EXERCISE #14 . . . . .	300
[3]	Multiple Plaintiffs; Intervention . . . . .	301
	SURGITEK, BRISTOL-MYERS CORP. v. ABEL . . . . .	302
	NOTES AND QUESTIONS . . . . .	304
	PRACTICE EXERCISE #15 . . . . .	305
[D]	Counterclaims, Cross-Claims, and Third Party Actions . . . . .	306
§ 5.03	LITIGATING VENUE RIGHTS . . . . .	306
[A]	Raising the Issue of Improper Venue . . . . .	306
[B]	Venue “Hearings” . . . . .	307
	PRACTICE EXERCISE #16 . . . . .	312
	CARLILE v. RLS LEGAL SOLUTIONS, INC. . . . .	313
	NOTES AND QUESTIONS . . . . .	316
[C]	Appellate Review of Venue Rulings . . . . .	319
[1]	The Standard of Review on Appeal . . . . .	320
[2]	Reversible Error . . . . .	322
	WILSON v. TEXAS PARKS AND WILDLIFE DEPT. . . . .	322
	NOTES AND QUESTIONS . . . . .	325
§ 5.04	CONTRACTING FOR VENUE . . . . .	327
§ 5.05	CHANGE OF VENUE BECAUSE IMPARTIAL TRIAL CANNOT BE HAD . . . . .	328
	NOTES AND QUESTIONS . . . . .	328
§ 5.06	MULTIDISTRICT LITIGATION . . . . .	330
	APPENDIX — VENUE AND THE TEXAS BAR EXAM . . . . .	335

---

*Table of Contents*

<b>Chapter 6</b>	<b>PLEADINGS</b>	<b>339</b>
§ 6.01	HISTORICAL BACKGROUND	339
§ 6.02	AN OVERVIEW OF TEXAS PLEADINGS AND THEIR FUNCTIONS	341
[A]	Plaintiff’s Pleadings	341
[B]	Defendant’s Pleadings	341
§ 6.03	SAMPLE PLEADINGS	343
	NOTES AND QUESTIONS	346
§ 6.04	PLAINTIFF’S PETITION	346
[A]	General Considerations and Formal Elements	346
[B]	Pleading a “Cause of Action”	347
[1]	Basic Pleading Requirements: Defining a “Cause of Action”	348
	NOTES AND QUESTIONS	348
[2]	“Fair Notice” of the Substantive Legal Theory	349
	CASTLEBERRY v. GOOLSBY BLDG. CORP.	350
	CITY OF HOUSTON v. CRABB	351
	NOTES AND QUESTIONS	352
[3]	“Fair Notice” of Factual Theories	355
	WHITE v. JACKSON	355
	WILLOCK v. BUI	358
	NOTES AND QUESTIONS	359
[4]	Fair Notice: A Sample Dispute	361
	NOTES AND QUESTIONS	366
[5]	Pleading Injuries and Damages	367
	WEINGARTENS, INC. v. PRICE	367
	NOTES AND QUESTIONS	369
[6]	Alternative or Hypothetical Claims	370
	BIRCHFIELD v. TEXARKANA MEMORIAL HOSP.	370
[7]	The “Demand for Relief”; Prayer	371
[8]	Certification and Sanctions for Frivolous Pleadings and Motions	373
	NOTES AND QUESTIONS	375
§ 6.05	MOTIONS TO DISMISS BASELESS CAUSES OF ACTION	379
[A]	Dismissal Standards	379
[B]	Recovery of Fees and Costs to Prevailing Party	381
[C]	Motion Practice; Conduct of Hearings	381
[1]	Contents of Motion	381
[2]	Time for Motion and Hearing	381
[3]	Effect of Nonsuit; Withdrawal of Motion	381
[4]	Effect of Amendment of Petition	382
[5]	Notice of Hearing; Evidence	382
[D]	Relationship of Motion to Due Order Pleading Rules and Special Exception	

---

*Table of Contents*

	Practice . . . . .	382
[1]	Special Exception Practice . . . . .	382
[2]	Due Order Pleading Rules . . . . .	382
§ 6.06	DEFENDANT’S ANSWER . . . . .	383
[A]	Contents and Primary Function of the Answer . . . . .	383
[B]	Use of Defensive Pleas . . . . .	383
	PRACTICE EXERCISE #17 . . . . .	383
[C]	Special Exceptions . . . . .	384
	McCAMEY v. KINNEAR . . . . .	384
	NOTES AND QUESTIONS . . . . .	387
	PRACTICE EXERCISE #18 . . . . .	392
[D]	The Plea in Abatement . . . . .	392
	WYATT v. SHAW PLUMBING CO. . . . .	392
	NOTES AND QUESTIONS . . . . .	396
[E]	Plea to the Jurisdiction . . . . .	397
	TEXAS DEPARTMENT OF PARKS AND WILDLIFE v. MIRANDA . . . . .	397
	NOTES AND QUESTIONS . . . . .	403
[F]	The General Denial . . . . .	404
	BAHR v. KOHR . . . . .	405
	NOTES AND QUESTIONS . . . . .	407
[G]	Special Denials . . . . .	407
[1]	Conditions Precedent . . . . .	407
	DAIRYLAND COUNTY MUTUAL INS. CO. OF TEXAS v. ROMAN . . . . .	408
	NOTES AND QUESTIONS . . . . .	410
[2]	Verified Denials — Execution . . . . .	411
	BAUER v. VALLEY BANK OF EL PASO . . . . .	411
	NOTES AND QUESTIONS . . . . .	412
[3]	Verified Denials — Capacity . . . . .	413
	PRACTICE EXERCISE #19 . . . . .	415
[H]	Affirmative Defenses . . . . .	415
	ECHOLS v. BLOOM . . . . .	416
	NOTES AND QUESTIONS . . . . .	417
§ 6.07	AMENDED AND SUPPLEMENTAL PLEADINGS . . . . .	418
[A]	Amended Pleadings . . . . .	418
	BURNETT v. FILE . . . . .	419
	GREENHALGH v. SERVICE LLOYDS INS. CO. . . . .	421
	NOTES AND QUESTIONS . . . . .	424
[B]	Supplemental Petitions and Answers . . . . .	425



---

## Table of Contents

	ROYAL TYPEWRITER CO. v. VESTAL . . . . .	425
	NOTES AND QUESTIONS . . . . .	426
	PRACTICE EXERCISE #20 . . . . .	427
§ 6.08	SPECIALIZED PLEADING FORMS . . . . .	428
[A]	The Sworn Account Petition . . . . .	428
	PANDITI v. APOSTLE . . . . .	428
[B]	Types of Claims and Procedural Requirements . . . . .	430
[C]	Standard “Sworn Account” Petition . . . . .	434
	NOTES AND QUESTIONS . . . . .	436
[D]	Trespass to Try Title . . . . .	437
[1]	General Requirements . . . . .	437
[2]	The Declaratory Judgment Alternative . . . . .	438
	NOTES AND QUESTIONS . . . . .	440
	APPENDIX — PLEADINGS AND THE TEXAS BAR EXAM . . . . .	441
<b>Chapter 7</b>	<b>PARTIES . . . . .</b>	<b>445</b>
§ 7.01	PERMISSIVE JOINDER OF CLAIMS . . . . .	445
§ 7.02	PERMISSIVE JOINDER OF PARTIES BY THE PLAINTIFF . . . . .	446
	RUSSELL v. HARTFORD CASUALTY INS. CO. . . . .	446
	NOTES AND QUESTIONS . . . . .	449
§ 7.03	JOINDER OF CLAIMS BY THE DEFENDANT . . . . .	453
[A]	Counterclaims . . . . .	453
	INGERSOLL-RAND CO. v. VALERO ENERGY CORP. . . . .	454
	JACK H. BROWN & CO. v. NORTHWEST SIGN CO. . . . .	458
	NOTES AND QUESTIONS . . . . .	463
[B]	Cross-Claims . . . . .	465
	NOTES AND QUESTIONS . . . . .	465
§ 7.04	PERMISSIVE JOINDER OF PARTIES BY THE DEFENDANT . . . . .	466
	NOTES AND QUESTIONS . . . . .	468
	PRACTICE EXERCISE #21 . . . . .	471
§ 7.05	INTERVENTION; VOLUNTARY JOINDER OF NEW PARTIES . . . . .	471
	IN RE UNION CARBIDE CORPORATION . . . . .	472
	NOTES AND QUESTIONS . . . . .	475
§ 7.06	INTERPLEADER . . . . .	477
	CLAYTON v. MONY LIFE INS. CO. OF AMERICA . . . . .	478
	NOTES AND QUESTIONS . . . . .	483
§ 7.07	COMPULSORY JOINDER OF PARTIES . . . . .	484
	BROOKS v. NORTHGLEN ASSOCIATION . . . . .	484
	NOTES AND QUESTIONS . . . . .	488
§ 7.08	CLASS ACTIONS . . . . .	489

---

## Table of Contents

[A]	Texas Supreme Court’s Approach to Class Certification . . . . .	489
	SOUTHWESTERN REFINING COMPANY, INC. v. BERNAL . . . . .	490
[B]	Types of Class Actions . . . . .	499
[1]	Generally . . . . .	499
[2]	(b)(1)(A) Classes . . . . .	500
[3]	(b)(1)(B) Classes . . . . .	500
[4]	(b)(2) Classes . . . . .	501
[5]	(b)(3) Classes . . . . .	501
	NOTES AND QUESTIONS . . . . .	502
	PRACTICE EXERCISE #22 . . . . .	508
<b>Chapter 8                    PRECLUSION DOCTRINES . . . . .</b>		<b>511</b>
§ 8.01	PRECLUSION . . . . .	511
[A]	Claim Preclusion: The Doctrine of Merger and Bar . . . . .	511
	BARR v. RESOLUTION TRUST CORP. . . . .	513
	GETTY OIL CO. v. INSURANCE CO. OF N. AMERICA . . . . .	516
	MARTIN v. MARTIN, MARTIN & RICHARDS, INC. . . . .	519
	NOTES AND QUESTIONS . . . . .	521
[B]	Issue Preclusion: Collateral Estoppel . . . . .	523
[1]	Basic Elements . . . . .	523
	SYSCO FOOD SERVICES, INC. v. TRAPNELL . . . . .	523
	NOTES AND QUESTIONS . . . . .	530
[2]	The Doctrine of Mutuality . . . . .	532
	HARDY v. FLEMING . . . . .	533
	NOTES AND QUESTIONS . . . . .	535
§ 8.02	PARTIES BOUND BY PRIOR ADJUDICATIONS . . . . .	535
	BENSON v. WANDA PETROLEUM COMPANY . . . . .	536
	NOTES AND QUESTIONS . . . . .	538
§ 8.03	ELECTION OF REMEDIES . . . . .	539
	BOCANEGRA v. AETNA LIFE INS. CO. . . . .	539
	NOTES AND QUESTIONS . . . . .	546
§ 8.04	THE LAW OF THE CASE DOCTRINE . . . . .	547
	HUDSON v. WAKEFIELD . . . . .	548
	NOTES . . . . .	550
<b>Chapter 9                    DISCOVERY: PURPOSES, SCOPE, AND USES . . . . .</b>		<b>553</b>
§ 9.01	AN INTRODUCTION TO THE PURPOSES AND SCOPE OF DISCOVERY . . . . .	553
[A]	Objectives of Discovery . . . . .	553
[B]	The Scope and Limits of Discovery . . . . .	554

---

## Table of Contents

[C]	The Ultimate Policies Underlying the Discovery Rules . . . . .	555
[D]	Limits Created by the “Discovery Levels” . . . . .	556
[1]	Level 1 Plans . . . . .	556
[2]	Level 2 Plans . . . . .	557
[3]	Level 3 Plans . . . . .	558
§ 9.02	DISCOVERY AND ATTORNEY OBLIGATIONS . . . . .	559
[A]	Discovery and Ethical Rules . . . . .	559
[B]	Beyond the Ethical Minimum: Lawyer Professionalism and Discovery . . .	559
	NOTES AND QUESTIONS . . . . .	563
§ 9.03	THE SCOPE OF DISCOVERY: “RELEVANT” INFORMATION, “NOT PRIVILEGED” . . . . .	564
[A]	The Discovery “Relevance” Standard; Information “Reasonably Calculated” to Lead to Admissible Evidence . . . . .	564
[1]	The Relevance Test Generally . . . . .	564
	K MART CORP. v. SANDERSON . . . . .	564
	IN RE C.S.X. CORP. . . . .	566
	IN RE NATIONAL LLOYDS INSURANCE CO. . . . .	569
	NOTES AND QUESTIONS . . . . .	571
[2]	Special Relevance Issues . . . . .	572
[a]	Witnesses, Witness Statements, People with Knowledge, and Contentions . . . . .	572
[b]	Insurance Policies and Settlement Agreements . . . . .	573
	IN RE DANA CORP. . . . .	573
	NOTES AND QUESTIONS . . . . .	576
[c]	Net Worth . . . . .	577
[d]	Information Sought Solely for Impeachment . . . . .	578
	PRACTICE EXERCISE #23 . . . . .	579
[B]	Privileges and Other Limits on Discovery . . . . .	580
[1]	The Discovery Rule Privileges . . . . .	580
[a]	Work Product . . . . .	581
	NATIONAL TANK CO. v. BROTHERTON . . . . .	582
[b]	The Problem of Witness Statements . . . . .	587
	IN RE TEAM TRANSPORT, INC. . . . .	588
	WITNESS STATEMENT v. WORK PRODUCT . . . . .	588
	NOTES AND QUESTIONS . . . . .	590
	PRACTICE EXERCISE #24 . . . . .	591
[c]	Expert Witnesses . . . . .	592
	LINDSEY v. O’NEILL . . . . .	592
	AXELSON, INC. v. McILHANY . . . . .	594
	TOM L. SCOTT, INC. v. McILHANY . . . . .	596
	NOTES AND QUESTIONS . . . . .	598

---

*Table of Contents*

	PRACTICE EXERCISE #25	602
[2]	Other Discovery Privileges	602
[a]	Constitutional Privileges	602
[b]	Privileges Based on the Texas Rules of Evidence	603
	NOTES AND QUESTIONS	606
	IN RE CONTINENTAL GENERAL TIRE, INC.	607
[c]	Other Statutory Privileges	613
§ 9.04	PRESERVATION AND WAIVER OF PRIVILEGES	617
[A]	Preservation of Privileges; Written Discovery	617
	IN RE E.I. DUPONT DE NEMOURS & CO.	620
	PRACTICE EXERCISE #26	626
[B]	Involuntary and Inadvertent Disclosure	626
	PRACTICE EXERCISE #27	628
[C]	Waiver by Offensive Use	629
	APPENDIX — SCOPE OF DISCOVERY AND THE TEXAS BAR EXAM	630

**Chapter 10                   DISCOVERY: METHODOLOGY OF THE INDIVIDUAL  
                                  DEVICES . . . . . 633**

---

§ 10.01	THE INDIVIDUAL DISCOVERY DEVICES: AN INTRODUCTION	633
[A]	The Discovery Devices Provided by the Rules	633
[B]	Discovery Timing	635
	PRACTICE EXERCISE #28	637
§ 10.02	DISCOVERY DEVICES	638
[A]	Written Discovery	638
[1]	Requests for Disclosure	638
	NOTES AND QUESTIONS	639
[2]	Interrogatories to Parties	640
	NOTES AND QUESTIONS	640
	PRACTICE EXERCISE #29	641
[3]	Production and Inspection of Documents and Tangible Things From Parties	641
[a]	In General	641
	IN RE KUNTZ	642
	NOTES AND QUESTIONS	646
[b]	Electronic Discovery	647
	IN RE WEEKLEY HOMES, L.P.	648
	NOTES AND QUESTIONS	658
[4]	Getting Documents and Things From Nonparties by Subpoena Without Deposition	659
	NOTES AND QUESTIONS	660

---

*Table of Contents*

	PRACTICE EXERCISE #30	660
[5]	Requests for Admissions	661
	STELLY v. PAPANIA	662
	WHEELER v. GREEN	664
	NOTES AND QUESTIONS	667
	PRACTICE EXERCISE #31	668
[B]	Oral and Other Non-Written Discovery	668
[1]	Depositions — General Considerations	668
[2]	Notice and Formalities for Depositions	669
	NOTES AND QUESTIONS	670
[3]	Conduct During Oral Depositions	677
	NOTES AND QUESTIONS	678
	PRACTICE EXERCISE #32	678
[4]	Use of Depositions at Hearings or Trials	679
	NOTES AND QUESTIONS	680
	PRACTICE EXERCISE #33	681
[5]	Motions for Physical or Mental Examinations	682
	COATES v. WHITTINGTON	682
	NOTES AND QUESTIONS	686
§ 10.03	AMENDMENT AND SUPPLEMENTATION OF DISCOVERY RESPONSES	687
	ALVARADO v. FARAH MFG. CO., INC.	687
	NOTES AND QUESTIONS	692
§ 10.04	SANCTIONS FOR FAILURE TO PROVIDE DISCOVERY	695
	TRANSAMERICAN NATURAL GAS v. POWELL	695
	NOTES AND QUESTIONS	700
	PRACTICE EXERCISE #34	703
	APPENDIX — DISCOVERY DEVICES AND THE TEXAS BAR EXAM	704
		704
<b>Chapter 11</b>	<b>DISPOSITION WITHOUT TRIAL</b>	<b>709</b>
§ 11.01	JUDGMENT BY DEFAULT	709
	MORGAN v. COMPUGRAPHIC CORP.	710
	NOTES AND QUESTIONS	713
§ 11.02	SUMMARY JUDGMENT	715
[A]	Standards and Procedure for Granting	715
[1]	Traditional Motions	715
	SCIENCE SPECTRUM, INC. v. MARTINEZ	718
[2]	No Evidence Motions	720
	MOORE v. K MART CORP.	721

---

*Table of Contents*

	NOTES AND QUESTIONS	726
[3]	Hybrid Motions	727
[B]	Procedure and Evidence	727
[1]	Summary Judgment Proof	727
	KERLIN v. ARIAS	727
[2]	Preserving Complaints About Summary Judgment Evidence	729
	MATHIS v. BOCELL	730
	NOTES AND QUESTIONS	736
	COOPER v. CIRCLE TEN COUNCIL BOY SCOUTS OF AMERICA	741
	APPENDIX — DISPOSITION WITHOUT TRIAL AND THE TEXAS BAR EXAM	743
<b>Chapter 12</b>	<b>SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION</b>	<b>747</b>
§ 12.01	SETTLEMENT AND ITS EFFECTS	747
[A]	General Attributes of Settlement Agreements	747
[B]	Offers of Settlement Under Rule 167	749
[C]	The Effects of Settlement on Remaining Claims	753
	McMILLEN v. KLINGENSMITH	753
	NOTES AND QUESTIONS	756
[D]	The Consent Judgment/Enforcement of the Settlement	761
	LEAL v. CORTEZ	761
	NOTES AND QUESTIONS	767
§ 12.02	ALTERNATE DISPUTE RESOLUTION	768
[A]	ADR Overview	768
[B]	Mediation	770
[1]	The Third-Party Facilitator — Qualifications	770
[2]	Duties of Impartial Third Parties	771
[3]	Impartiality of Third Parties	771
[4]	Orders to Mediate	772
[C]	Arbitration	778
[D]	Other Types of ADR	784
[1]	Mini-Trial	784
[2]	Moderated Settlement Conference	785
[3]	Summary Jury Trial	786
	APPENDIX — SETTLEMENT, ADR, AND THE TEXAS BAR EXAM	787

---

*Table of Contents*

**TABLE OF CASES** ..... **TC-1**

**INDEX** ..... **I-1**

---

