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LEGISLATURE
COMMITTEE HEARING
RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on
Insurance
(AC-In)

(Form Updated: 11/20/2008)

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**INFORMATION COLLECTED BY COMMITTEE
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TEXAS TECH LAW REVIEW



VOLUME 36

SUPPLEMENTAL 2005

HOUSE BILL 4 AND PROPOSITION 12:
AN ANALYSIS WITH LEGISLATIVE HISTORY

To Big (350+ pages)
Only 1st 14 pages
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by

*Michael S. Hull, R. Brent Cooper, Charles W. Bailey,
Donald P. Wilcox, Gavin J. Gadberry, and D. Michael Wallach*

TEXAS TECH LAW REVIEW

VOLUME THIRTY-SIX
2005



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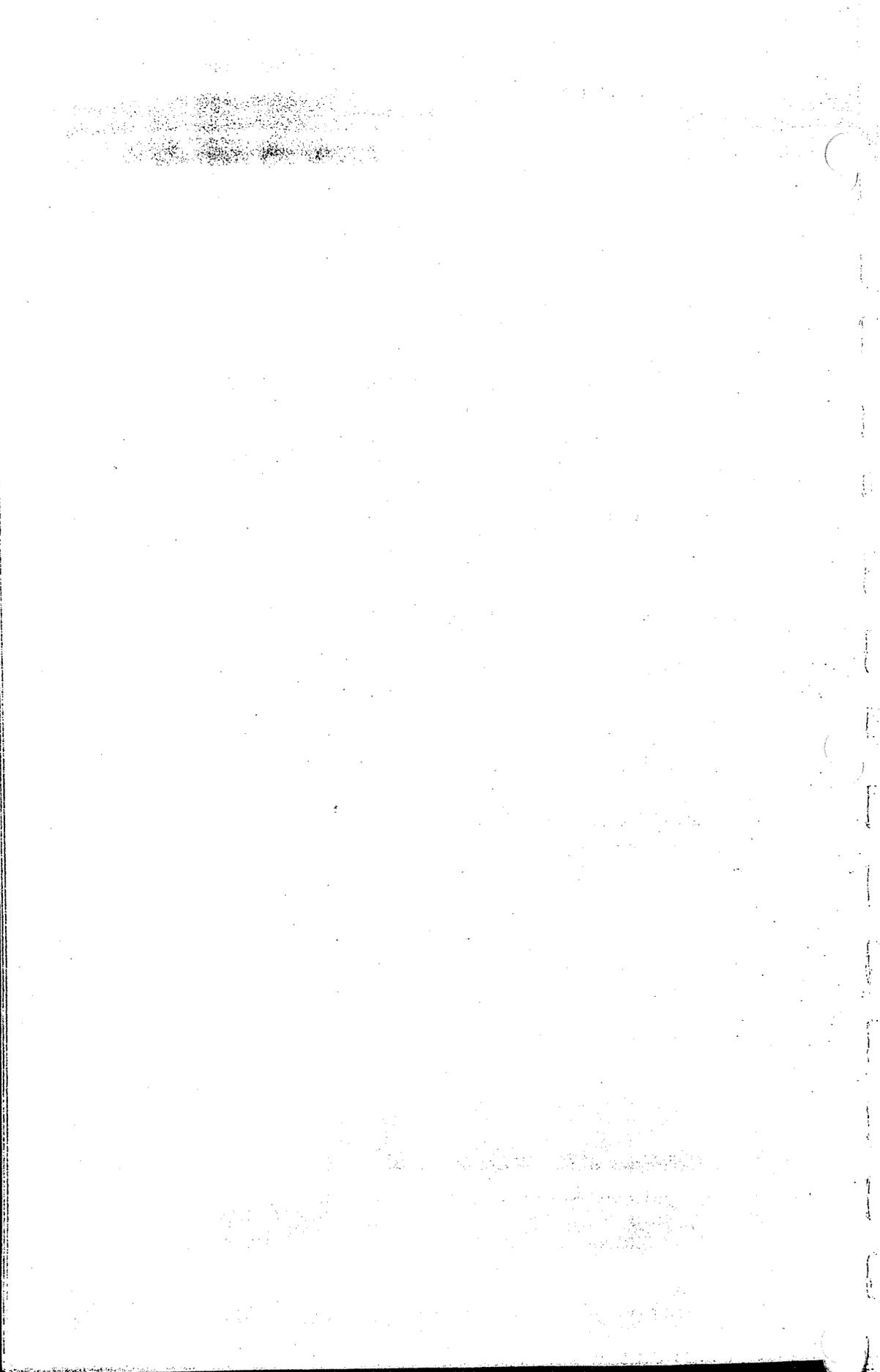
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HOUSE BILL 4 AND PROPOSITION 12: AN ANALYSIS WITH LEGISLATIVE HISTORY*

by Michael S. Hull, R. Brent Cooper, Charles W. Bailey, Donald P. Wilcox,
Gavin J. Gadberry, and D. Michael Wallach**

* The authors wish to thank Chairman Robert L. Duncan of the Texas Senate and Chairman Joseph M. Nixon of the Texas House of Representatives for their assistance and guidance in the development of this Article. The authors also thank Representative Nixon for providing the Introduction to this Article.

Additionally, the authors wish to thank Tammi Kannar for her help and suggestions for improving the text and for her research assistance with this project.

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INTRODUCTION

The substantive and procedural changes incorporated in House Bill 4 are intended to make the Texas civil justice system more equitable and efficient. As House and Senate members debated the merits of these changes we were guided by the simple principle of providing meaningful remedies for those who have been wronged and protections for those who have done no wrong. I believe we achieved this objective with the passage of House Bill 4.

While many view tort reform efforts as anti-lawyer, I did not. Most trial lawyers zealously represent their clients to obtain the maximum recovery or defenses available under the law. However, when the law inequitably favors either side in a suit, legislators must act to bring the scales of justice into balance.

We have, in this country, the most stable and vibrant economy known in the history of mankind. This vibrancy is due, in part, to a well-established judicial system that protects our personal and property rights. Accordingly, protecting our system of justice is a high legislative priority.

The end product of House Bill 4 was the result of a team effort. This article is designed to give the reader a thorough and detailed history of these reforms so that all those affected by these changes in the law will have a clear insight to the legislative process.

I am grateful to those who participated in the legislative process, as well as the writers of this article. The work was enormous and the accomplishment was monumental. This article is a thorough and dispassionate discussion of the legislative history, the legal issues, and the results achieved. I am hopeful that those on the bench and in the bar are able to use this article to help them determine legislative intent where any doubt might arise.

The Honorable Joseph M. Nixon
Texas House of Representatives
Chairman, House Committee on Civil Practices and chief House author of House Bill 4

Mr. Nixon is board certified in civil trial law by the Texas Board of Legal Specialization. He is a commercial litigator and of counsel to the Texas firm of Beirne Maynard & Parsons, LLP.

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