

- SUBJECT:** Expanding entities from which attorney's fees may be recovered
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 9 ayes — Leach, Farrar, Y. Davis, Julie Johnson, Krause, Meyer, Neave, Smith, White
- 0 nays
- WITNESSES:** For — Sean Rooney, National Association of Credit Managers; William Westcott, State Bar of Texas; (*Registered, but did not testify:* Scott Stewart, American Council of Engineering Companies of Texas; Jon Fisher, Associated Builders and Contractors of Texas; Corbin Van Arsdale, Associated General Contractors-Texas Building Branch; Wendy Lambert, Central Texas Subcontractors Association; John McCord, National Federation of Independent Business; Lee Parsley, Texans for Lawsuit Reform; James Hines, Texas Association of Business; Jennifer Fagan, Texas Construction Association; David Lancaster, Texas Society of Architects; Will Adams, Texas Trial Lawyers Association; Thomas Parkinson)
- Against — (*Registered, but did not testify:* Guadalupe Cuellar, City of El Paso)
- BACKGROUND:** Civil Practice and Remedies Code sec. 38.001 allows for the recovery of reasonable attorney's fees from individuals and corporations in certain civil cases.
- Some have raised concerns that current state law provides challenges for the recovery of attorney's fees in these cases from state agencies and other classes of business entities.
- DIGEST:** CSHB 790 would add the state or an agency or institution of the state to the list of entities from which a person could recover reasonable attorney's fees that were in addition to the amount of a valid claim and costs if the claim was of a specified nature. The bill also would add to the list a

corporation, limited or general partnership, limited liability company, business trust, real estate investment trust, joint venture, joint stock company, cooperative, association, bank, insurance company, credit union, savings and loan association, or other organization, regardless of whether the organization is for-profit, nonprofit, domestic, or foreign.

The bill would take effect September 1, 2019