

**SUBJECT:** Exempting legal malpractice claims from constitutional right protections

**COMMITTEE:** Judiciary & Civil Jurisprudence — committee substitute recommended

**VOTE:** 9 ayes — Leach, Julie Johnson, Davis, Flores, Moody, Murr, Schofield, Slawson, Vasut  
0 nays

**WITNESSES:** For — (*Registered, but did not testify:* Thomas Parkinson)  
  
Against — Thomas Leatherbury, Freedom of Information Foundation of Texas, Texas Press Association (*Registered, but did not testify:* Kelley Shannon, Freedom of Information Foundation of Texas; Mike Hodges, Texas Press Association; Chnequa Kirby Harrison)

**BACKGROUND:** Civil Practices and Remedies Code ch. 27 protects the exercise of certain constitutional rights, allowing any individual who has a legal action brought against them for exercising these rights to file a motion to dismiss. The statute also establishes a list of exempted circumstances under which the chapter does not apply.  
  
Concerns have been raised that the judicial interpretation of Civil Practices and Remedies Code ch. 27 established in *Youngkin v. Hines* may prohibit clients from bringing forward malpractice suits, as a lawyer's right to petition was confirmed within the case as a protected constitutional right.

**DIGEST:** CSHB 527 would add legal malpractice claims to the list of legal actions exempt from the motion to dismiss established in Civil Practices and Remedies Code Section 27.010(a).  
  
The bill would take effect September 1, 2023 and would apply only to actions commenced on or before the effective date.