

## **BILL ANALYSIS**

Senate Research Center

S.B. 453  
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Jurisprudence  
2-18-97  
As Filed

### **DIGEST**

Currently, a judge's ruling on a motion in the course of a lawsuit may only be appealed after a judgment has become final. Recently, the Supreme Court of Texas issued a writ of mandamus to dismiss an improperly subjected party to the Texas legal system whose special appearance had been denied. The writ was issued because Texas law does not allow an interlocutory appeal for a special appearance. Also, if a court improperly denies a motion to join a responsible third party there is no interlocutory appeal for the denial, and the subsequent trial would proceed without all potential liable parties. This bill provides a solution by allowing interlocutory appeals from an order granting or denying a special appearance and a motion to join a responsible party.

### **PURPOSE**

As proposed, S.B. 453 authorizes a person to appeal an interlocutory order that grants or denies the special appearance of a defendant or grants or denies a motion to join a responsible third party.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 51.014, Civil Practice and Remedies Code, to authorize a person to appeal an interlocutory order that grants or denies the special appearance of a defendant or grants or denies a motion to join a responsible third party.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Emergency clause.  
Effective date: upon passage.