

MEMORANDUM

TO: State Affairs Committee
Texas Senate

FROM: Coalition of Texans with Disabilities
Environment Texas
Homeowners for Better Building
MALDEF
Mothers Against Drunk Driving (MADD)
NAACP of Texas
NARAL Pro-Choice Texas
Planned Parenthood Affiliates of Texas
Public Citizen Texas
Somos Tejanos, Inc.
Texans for Public Justice
Texas AFL-CIO
Texas Building & Construction Trades Council
Texas Employment Lawyers Association
Texas Public Interest Research Group (TexPIRG)
Texas Watch

DATE: May 16, 2011

SUBJECT: House Bill 274, relating to the reform of certain remedies and procedures in civil actions and family law matters.

We are writing to express our opposition to House Bill 274. Under the bill, Texans of all stripes with valid claims will face the threat of having to pay the full legal costs of corporate defendants in civil suits not only if they lose, but even if they win in court. Families and small business owners will be forced to weigh the possibility of paying the bloated legal costs of corporate defendants before exercising their legal rights. In many cases, the risk will be too great, thereby immunizing wrongdoers from accountability.

Our organizations represent varied interests and constituencies. We come together in opposition because the scope of this bill is exceptionally far-reaching. It impacts virtually every conceivable civil legal claim. HB 274 has broad implications that devastate the legal rights of Texans of all walks of life. Texans who have been harmed should not have to choose between their financial security and justice.

Just a few examples of the many it will harm follow:

OUR MOST VULNERABLE TEXANS

- Children who have been sexually abused at their day care by a pedophile.
- Parents of babies who were killed by defective cribs.
- Nursing home residents, particularly those who are Medicaid dependent and of limited means, who have been abused, neglected, or killed through the actions of staff.

- Texans with disabilities who are physically abused or scammed by so-called “caretakers.”
- Victims of rape, domestic violence, and sexual harassment.
- Children who have been denied equal educational opportunities.

NEIGHBORHOODS AND COMMUNITIES

- Neighborhoods that have their water and air poisoned by industrial polluters, such as coal plants, nuclear waste dumps, or natural gas fracking operators.
- Property owners who have their property confiscated by utilities.
- Families, law enforcement, and first responders who suffer civil harm at the hands of criminals and terrorists.
- Drunk driving victims and their survivors.

SMALL BUSINESS, WORKERS, AND INVESTORS

- Small, downstream merchants whose contracts are knowingly violated by large manufacturers or suppliers.
- Subcontractors who are cheated by general contractors or developers.
- Workers who are knowingly exposed to the risk of fatal explosions at oil refineries or on oil rigs.
- Victims of Madoff-style pyramid schemes.
- Workers who have been subjected to workplace discrimination.

CONSUMERS

- Families who are injured by negligent drivers and are subjected to denial and delay in the payment of their claims by the at-fault drivers’ insurance companies .
- Families whose vehicles malfunction, causing rollovers and cave-ins during collisions.
- Homeowners who suffer defective construction at the hands of shoddy builders and contractors.

PATIENTS

- Patients who have had the wrong limb amputated by a doctor who was high on drugs.
- Women who are rendered infertile by butchered gynecological surgical procedures.
- Patients who have been sexually abused by their dentist or doctor while under anesthesia.