

AUSTIN LAWYER

OFFICIAL PUBLICATION OF THE AUSTIN BAR ASSOCIATION

austinbar.org

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Austin Bar & AYLALeaders Recognize Outstanding Member Contributions During End-of-Year Reception



Austin Bar President Mary-ElLEN King and AYLAL President Emily Morris recognized several members for their contributions during the end-of-year reception.

At the end-of-year reception, outgoing Austin Bar President Mary-ElLEN King and AYLAL President Emily Morris presented their President's Awards to highlight the important contributions of several members of their organizations.

King presented her Outstanding Committee Chair Award to incoming Austin Bar Director and Pro Bono Committee Chair Kara O'Shaughnessy, who was instrumental in planning and executing the Pro Bono Fall Festival held in October 2024.

"Kara took the bull by the horns with the Fall Festival," King said. "She helped coordinate the decorations, and she even did the rough-and-tumble work of getting a trailer and bringing in hay."

The Fall Festival was a great success, netting \$8,000, which was donated to Volunteer Legal Services of Central Texas.

The Outstanding Director Award went to Judge Sylvia Holmes for her help with the Austin Bar Foundation Gala.

"So much work goes into planning the Gala," King said. "We



Judge Sylvia Holmes (right) received the Outstanding Director Award for her help with the Austin Bar Foundation Gala.



Shelby O'Brien (right) received the President's Award of Merit. O'Brien served as the chair of the Fundraising Committee this past bar year.

do so much ourselves in order to save money and make the Gala as profitable as possible. Sylvia came with glue gun in hand and helped us put together the gorgeous centerpieces and other decorations."

The President's Award of Merit went to Shelby O'Brien, who served as the chair of the Fundraising Committee, which was key in monetary, as well as goods and services,

Awards continued on page 7.

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NEWS & ANNOUNCEMENTS

2026 Austin Bar Foundation Gala

Mark your calendars now! The 2026 Austin Bar Foundation Gala will be held on Jan. 25, 2026, at the Four Seasons Hotel in Austin. As the Austin Bar's premier event, the who's who of Austin's legal community will be in attendance. Don't miss the opportunity to bid on great prize packages, expand your personal and professional networks, and improve the administration of justice in Austin and Travis County.

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Texas Lawyers' Assistance Program (TLAP) - 1-800-343-8527

TLAP is a 24-hour confidential crisis counseling and referral program to help lawyers, law students, and judges with substance use and mental health issues.

Justice Mack Kidd Fund

The Austin Bar Foundation administers the Justice Mack Kidd Fund, which can provide financial assistance to individuals seeking treatment for depression or similar illnesses. Visit austinbar.org/?pg=justice-mack-kidd-fund to learn more.

Personal Crisis Assistance Program (PCAP)

The Austin Young Lawyers Association Foundation provides grants and/or peer support for individuals suffering from a personal crisis.

Contact Debbie Kelly: 512-472-0279 x 105

Sheeran-Crowley Trust

Administered through TLAP, the trust provides financial help to Texas attorneys, judges, and law students who need treatment for substance use, depression, and other mental health issues. Visit sheerancrowley.org to learn more.

Alcohol & Drug Abuse

Austin Drug & Alcohol Abuse Program - 512-454-8180

Alcoholics Anonymous - 512-444-0071

Cocaine Anonymous - 512-479-9327

Narcotics Anonymous Counseling - 512-480-0004

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Emergency Screening in a Psychiatric Crisis 24/7 - 512-472-4357

Samaritan Center (provides professional counseling services on a sliding scale) - 512-451-7337

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Austin Lawyer

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Soft Opening: Remembering the Past, Moving into the Future

MAITREYA TOMLINSON, AUSTIN BAR PRESIDENT

Typically, as your new President of the Austin Bar Association, my first article would contain my portrait and answers to numerous questions. We run these articles so that you (if you're so inclined) can get to know the person who will lead the Bar over the next term. That being said, I'm going to take my first executive privilege (assuming there is such a thing) to shake things up a bit (although there will be a little get-to-know-you at the end).

Fear not, you'll see my smiling, bearded face with answers to curated questions in the next edition of the *Austin Lawyer*. I would like, however, to use this article to (as they say in the restaurant business) serve as a "soft opening." I would also like this article to serve as a request for you to provide me with some questions that you'd like answered in the next article (or any feedback that you have concerning how we as a Bar association can improve and provide you with more value). You can send these questions/suggestions to president@austinbar.org.

As for the "soft opening" opening part, I wanted to introduce you to my overarching theme: remembering the past and moving into the future. Many hardworking and dedicated attorneys (and staff members!) have helped build this organization. And many have



helped steward it through challenging times including establishing the association, purchasing/improving our current location, and navigating through a global pandemic. I intend to lean on their wisdom and experience while trying to use a more data-driven approach to discovering how to ensure that our current members feel welcomed and valued. I also would like to collect data (and input) to determine how to increase our membership, effectively support our sections, enhance our fundraising, and increase our visibility. Further, I would like to leverage their and your input to hold events that are fun and for everyone comprising our greater Austin legal community.

To collect some initial data, we'll be emailing surveys. I know that we are all busy professionals who struggle to balance work with our personal lives (and that we receive

Many hardworking and dedicated attorneys (and staff members!) have helped build this organization. ... I intend to lean on their wisdom and experience while trying to use a more data-driven approach to discovering how to ensure that our current members feel welcomed and valued.

more than enough emails every day). So, we will endeavor to send shorter surveys that will not take much time to complete. We will also look to create alternative channels wherein we can accept your feedback and ideas with an eye to implementing them.

I'm not a life-long attorney. In fact, among other things, I'm a former banker who worked for one of the largest banks in the world. In my professional banking career, the

highest praise I ever received was that I made teams better and that I left situations better than I arrived.

I strive to do this over the next term. I will, however, need your help and more importantly your thoughts, ideas, and input to make this happen. Please help me remember the past and move the Austin Bar Association into the future. **AM**



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Roslyn Warner (right) was named AYL's Outstanding Committee Chair for her work on AYL's Publications Committee.



Alex Conant (right) was presented the Outstanding Fundraising Achievement Award, A.K.A. the "Hustler Award."



David Woolbert (right) received the AYL Outstanding Director Award. Woolbert is chairing AYL's Trial 101 CLE.



Katie Fillmore (right) won AYL's Dedicated Service Award for her 14 years of service on the AYL board of directors.



Will Hailey (right) earned AYL's President's Award of Merit for serving in a variety of capacities for AYL.



Jenna Malsbary (left), the incoming AYL president, recognizes outgoing AYL President Emily Morris (right).



Austin Bar President Mary-ellen King (left) with incoming President Maitreya Tomlinson.

Awards continued from page 1.

donations to the Gala, which netted more than \$230,000.

"In the middle of all the planning for the Gala, Shelby moved firms," King said. "Which is no easy thing to do even when things aren't hectic. And through all the insanity, Shelby always showed up to the board meetings with a smile on her face and helpful suggestions."

King also recognized Austin Bar Communications Director

Billy Huntsman, who produced the Stop the Stigma podcast, which was awarded the Star of Achievement by the State Bar of Texas' Stars of Texas Bars Awards.

Emily Morris' Outstanding Committee Chair went to Roslyn Warner, who is chair of AYL's Publications Committee.

"Roslyn coordinates all of AYL's submissions for *Austin Lawyer* to ensure that all of the great things AYL does get the recognition they deserve," Morris said.

"She's also chair of our Health and Wellness Committee, which has put on group yoga events."

The Outstanding Director Award went to David Woolbert.

"David co-chaired our Crawfish Boil this year, coordinating the corn-hole tournament, and he's chairing AYL's Trial 101 CLE," Morris said.

AYL also presented the new Outstanding Fundraising Achievement Award.

"A.K.A., the Hustler Award," Morris said.

This award went to Alex Conant.

"Alex is always there to make sure our fundraising events are a great success," Morris said.

Katie Fillmore won AYL's Dedicated Service Award for her 14 years of service on the AYL board of directors.

"This year, Katie was our inaugural Big Law Liaison," Morris said. "This role focuses on recruiting Big Law members to AYL. Katie also plans our monthly Docket Calls. We're very grateful for her years of service."

Morris' President's Award of Merit went to Will Hailey.

"Will served as AYL parliamentarian," Morris said. "He's also co-chair the Crawfish Boil Committee, the Freshquires Committee, and he's on the committee for our Trial 101 CLE."

AYL Executive Director Debbie Kelly was also recognized by Morris for her 25 years of service to AYL.

Congratulations to this year's Presidents' Awards recipients! **A**



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New Members

The Austin Bar welcomes the following new members:

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Ryan Elson
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Nicolas Gonzalez
Jason Guidangen
Abbey Gutierrez
Rachel Horvit
Stephanie Huisman
Andrew Kaplan
Lexi Larkin
Christine Londergan
Terry Lord
Timothy Mahoney
Tytiana McWhorter
Monique Meneses
Sarah Milocco
Grant Nichols
Weize Ning
Nandan Padmanabhan
Nicole Pearson
Brooke Reinhardt
Grant Schoen
Daniel Shuminer
Maria Sigaud
Dillon Stevens
Jade Toth
Tara Turner
Austin Vincenzini
Jared Williams
Colin Wood



TOP (from left): Jeffrey Angelovich, Michael Angelovich, Bash Beckworth, Boneau.
SECOND ROW (from left): Bruckerhoff, Cohan, Duck, Forman, Goldstein.
THIRD ROW (from left): Griffin, Palmer, Pate, Reid, Saldana.
BOTTOM (from left): Scheck, Schwegmann, Tsai, Wells, Whatley.

KUDOS

Congratulations to the following individuals, who have been included in LawDragon's 2025 500 Leading Plaintiff Financial Lawyers:

Forman Law Firm

Bryan T. Forman - Investment Fraud, Securities Litigation

Bryan is the founder of Forman Law Firm and has spent the majority of his career in the brokerage industry, serving as chief executive officer and general counsel for brokerage firms that he founded. Concurrently, he gained experience in the private equity field, founding a private equity hedge fund whose strategy was private equity investments into public companies. His legal practice is focused on representing public investors and market participants in the securities industry.

Keller Postman

Zina Bash - Commercial Litigation, Public Clients, Antitrust

Zina is senior partner at Keller Postman, where she founded the Public Institutions practice and helps oversee the firm's mass actions. She is an experienced lawyer and policy advisor who has served and worked with public institutions at the highest levels of federal and state governments.

Nix Patterson

Jeffrey Angelovich - Securities, Antitrust & Torts

Jeffrey is a partner at Nix Patterson, where he has practiced his entire career of nearly 30 years. During that time, Jeff has prosecuted actions on behalf of injured parties, consumers, Fortune 100 and 500 businesses, and local and state governments. Those actions

have included catastrophic personal injury cases, defective product cases, consumer class actions, business-to business disputes, securities fraud class actions, antitrust actions, whistleblower actions and governmental recoupment actions.

Jeff was a key member in the firm's representation of the State of Texas in the Texas Tobacco Litigation. Through that action, Jeff assisted in recovering \$17 billion-plus for the State.

Michael Angelovich - Whistleblower, False Claims Act, Affirmative Corporate Recovery

Michael is a partner at Nix Patterson, whose Austin office he co-founded with his brother, Jeffrey, in 2007. Michael joined Nix Patterson in 1996 to work for the State of Texas Tobacco Litigation.

**Bradley Beckworth -
Securities & Energy Litigation**

Bradley is partner at Nix Patterson, where he has been the lead trial lawyer in some of the most important cases in recent history. Brad has recovered more than \$3 billion for his clients, including a \$465 million verdict in the first ever trial against the opioid industry and a \$160 million verdict in one of the largest oil and gas class actions ever tried to verdict. Brad and his team were named the National Trial Team of the Year in 2020.

**Trey Duck - Commercial Litigation,
Whistleblower**

Trey is a partner at Nix Patterson, where he focuses much of his practice on catastrophic personal injury cases. Trey was also an early member of Nix Patterson's oil & gas disputes practice. Trey has led and litigated dozens of oil & gas cases ranging from royalty underpayment class actions to complex breach-of-contract disputes. Trey also has years of experience representing state agencies and whistleblowers across the nation in False Claims Act litigation involving healthcare, finance, banking fraud, and other subject matters.

Drew Pate - Commercial Litigation

Drew is a partner at Nix Patterson, where he maintains a diverse civil litigation practice with trial experience ranging from national class actions involving over 50,000 class members to individual clients' personal injury matters. Drew has contributed to the firm's successful resolution of cases recovering over a billion dollars for clients, including a \$280 million cash settlement against BNY Mellon for alleged breach of its fiduciary duties and securities lending agreements.

**Susan Whatley - Securities &
Commercial Litigation**

Susan is partner at Nix Patterson, where she concentrates on securities litigation and oil and gas royalty underpayment litigation. Susan has represented institutional investors in a variety of securities class actions in which the firm has served as Lead or Co-Lead Counsel. Susan also has represented royalty owners in Oklahoma in a number of underpayment class actions against oil and gas producers.

**Quinn Emanuel
Asher B. Griffin -
Commercial Litigation**

Asher is co-managing partner of Quinn Emanuel's Austin office, where he handles complex and bet-the-company litigation across myriad industries, representing both defendants and plaintiffs. Asher's docket regularly includes all types of business disputes, including breach of contract, non-competition, breach of fiduciary duty, fraud, usurpation of corporate opportunity and trade secret cases. Many of his cases involve private equity funds, hedge funds, and their portfolio companies.

**Matthew R. Scheck - Financial
Litigation, Bankruptcy**

Matthew is partner at Quinn Emanuel, where he practices complex business bankruptcies, bankruptcy-related litigation, and financial litigation. He has represented companies, investment funds, liquidating trusts, statutory committees, and corporate officers and directors in high-stakes disputes. He has also advised hedge funds and other investors in connection with some of the nation's largest bankruptcy cases, which have involved representing such clients as Peabody Energy, ResCap, RadioShack, SemGroup, Lyondell, Lehman Brothers, Dynegy, Spectrum Brands, General Motors, and Enron.

**Reid Collins & Tsai
Craig A. Boneau -
Financial Litigation**

Craig is a partner at Reid Collins & Tsai in the Austin office. Craig appears in federal and state courts and arbitrations across the country representing plaintiffs in professional-liability litigation, including legal and audit malpractice, financial-fraud-based litigation, insolvency disputes, and cross-border financial litigation.

**Joshua J. Bruckerhoff -
Financial Litigation**

Joshua is a partner at Reid Collins & Tsai. He appears in federal and state courts across the country representing bankruptcy trustees, offshore liquidators, and hedge funds in litigation against directors and officers, law firms, banks, auditors, and recipients of fraudulent transfers.

**Keith Y. Cohan -
Financial Litigation**

Keith is a partner in the Austin office of Reid Collins & Tsai. His practice focuses on complex commercial litigation, including cases involving financial fraud, professional negligence, fiduciary liability, and other business torts.

**Ryan Goldstein -
Financial Litigation**

Ryan is a partner in the Austin office of Reid Collins & Tsai LLP. His practice focuses on complex commercial litigation, including actions involving business torts, professional liability, and complex financial transactions. He has litigated and tried cases before state courts, federal courts, and arbitration tribunals across the country, in addition to representing clients in connection with confidential, pre-suit settlements. As part of his professional liability practice, Ryan has pursued legal malpractice claims (often on a confidential basis) against numerous AmLaw 100 firms involving a wide range of alleged misconduct.

**Nathaniel J. Palmer - Commercial
Litigation, Financial & Fiduciary**

Nathaniel is a partner at Reid Collins & Tsai LLP. Nathan represents plaintiffs and defendants in high-stakes, complex commercial litigation, and regularly appears in federal and state courts across the nation in cases involving financial fraud, securities matters, professional/fiduciary liability, and cross-border financial litigation. Nathan developed the legal theories that led to a \$287.5 million judgment against Credit Suisse.

**William T. Reid IV -
Commercial Litigation, Financial**

William is the senior founding partner of Reid Collins & Tsai. His work has resulted in precedent-setting case law protecting investors and holding wrongdoers accountable while obtaining billions of dollars in recoveries for his clients. He represents public companies, hedge funds, private equity funds, offshore liquidators, bankruptcy fiduciaries, SEC receivers, and individual clients, among others.

**Scott D. Saldaña -
Commercial Litigation, Financial**

Scott is a partner in the Austin

office of Reid Collins & Tsai, where he represents plaintiffs in a broad array of cases involving complex commercial disputes, financial fraud, and cross-border issues. Scott regularly brings professional malpractice, breach of fiduciary duty, and fraudulent transfer claims on behalf of financial fraud victims against some of the largest institutions in the world.

**Gregory S. Schwegmann -
Commercial Litigation, Financial**

Gregory is a partner at Reid Collins & Tsai. Greg regularly appears in federal and state courts and arbitrations across the country representing clients in high-stakes, complex commercial litigations, in cases involving financial fraud, securities matters, professional/fiduciary liability, and cross-border financial litigation. His clients include bankruptcy trustees, foreign liquidators, federal receivers, distressed corporations, and investors, among others.

**Lisa S. Tsai - Commercial
Litigation, Financial**

Lisa is the managing partner and co-founder of Reid Collins & Tsai. Lisa has represented plaintiffs in a wide variety of complex business disputes, including financial fraud cases, professional liability actions, legal malpractice actions, fiduciary duty litigation, intellectual property litigation, and other corporate malfeasance and business tort disputes, obtaining hundreds of millions of dollars in recoveries for her clients. Following a lengthy jury trial and bench trial, Lisa obtained a Top 50 Verdict in the United States against global investment bank Credit Suisse for fraud, which was affirmed after several rounds of appeals.

**Jeremy H. Wells - Commercial
Litigation, Financial & Insolvency**

Jeremy is a partner in the Austin office of Reid Collins & Tsai LLP. His practice focuses on complex commercial, insolvency, and qui tam litigation. He has represented plaintiffs, defendants, debtors, creditors, and relators in a variety of matters, including professional malpractice actions, contractual disputes, False Claims Act suits, and litigation issues arising from corporate insolvency proceedings. **AL**

Meet AYLA's 2025-2026 President: Jenna Malsbary

Jenna is an associate counsel at CapMetro, where the mission is to empower and enhance communities through the delivery of high-quality public transportation in Austin and its surrounding areas. Jenna graduated from the University of Texas at Austin and St. Mary's University School of Law. Her passion for leadership and bar service dates back to her time at St. Mary's, where she served as the Student Bar President and held positions as director, Secretary, and Vice President of the San Antonio Young Lawyers Association before moving to Austin in 2016.

In 2018, Jenna began her journey in the Austin legal community by participating in the Austin Bar Association Leadership Academy and running for a director position in 2019. She volunteered with multiple committees and events, co-chaired the Community Service Days Committee and AYLA Day of Service Committee for several years, and navigated the challenges of the 2020 pandemic by finding creative ways to continue giving back. In addition to serving as an AYLA director, Jenna served on the Juvenile Law Section of the State Bar as a council member for six years and as the District Director representing the Austin area for one term with the Texas Young Lawyers Association.

In 2023, Jenna was elected treasurer of AYLA for 2023-2024 and president-elect for the 2024-2025 bar year. She has been recognized for her leadership with numerous awards from both the Austin and Texas Young Lawyers Associations and was honored as a "GOLD: Graduate of the Last Decade" 10 under 10 honoree by the St. Mary's School of Law GOLD Council.

AL: Tell us about yourself. What do you like to do for fun? Pets/family/activities outside the profession?

JM: I am from Round Rock

and have stayed in the Central Texas area for most of my life. I've always had a calling to service and to help and lift up others. In 2015, I had the opportunity to go on a Mission Trip to Haiti to help support an orphanage just outside of Port Au Prince. I fell in love with the country and people (and food), which led to six trips to Haiti total, starting a nonprofit to support the older children who were aging out of the orphanage, and later a program to help house and educate young adults. While the physical work in Haiti was not able to continue after 2020, we have since stayed in touch with and continue to support our friends and now, family, from Haiti. I've had the privilege to serve on the board for some great local nonprofits and look forward to finding similar roles in the future.

I've been married to my husband, Ryan, for six years. We met on Bumble and initially connected through public service. Since day one, he has been a huge supporter of my leadership and commitment to service. He even went on a service trip to Haiti with our nonprofit group. In 2019, we got married in Salado and now have two daughters and our first baby, our eight-year-old dog, Lola. These days for fun, I spend time with friends and family, taking the girls to live music events, doing and supporting all things Austin FC, and going on adventures. I also enjoy volunteering and supporting nonprofits with AYLA or with friends who have an affinity for service.

AL: Why and how did you first get involved with AYLA?

JM: I actually became a member of AYLA while in law school. My goal was always to come back to Austin. David Courreges and Katie Fillmore were instrumental in reaching out to St. Mary's law students interested in returning to Austin and encouraged membership and attendance at AYLA




events while home between semesters. When I moved back to Austin in 2016, I was invited to apply for the leadership academy by Meghan Kempf and then followed the path of committee service, director, and executive board with AYLA.

AL: Tell us about some of your goals/plans for the upcoming year.

JM: This year, I'd like to continue reconnecting members of the local legal community post-pandemic and engage with attorneys across all practice areas. I plan for AYLA to continue to offer a variety of opportunities to enhance the practice of law and serve the community together while strengthening and supporting young lawyers in the Austin area. One of my goals is to find more ways for AYLA members to benefit from membership including more opportunities and events where members can bring friends and family to combine networking, social, and quality time together. For example, I hope for the Community Service Days committee to plan community service activities with nonprofits that allow children to attend and to encourage and welcome members to bring their friends, fami-

ly, and colleagues to the service events. This would be to create space for members to get to know each other beyond the suits and not feel like they have to choose who they are spending time with for the AYLA events that are not during working hours are not lawyer specific.

AL: What would you say to young lawyers to show them the benefit of joining AYLA?

JM: AYLA offers an opportunity to network and build relationships with attorneys, judges, and practitioners from various fields. It's also a chance to serve the community, access continued legal education, attend social and wellness events, and enjoy some of the unique experiences that Austin has to offer. 



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AYLA Receives Awards from TYLA

AYLA is excited to announce that we have been honored with two awards from the Texas Young Lawyers Association!

We won first place in the Service to the Public Category for our “How to Pick a Jury Without a Lawyer in JP & Municipal Court” video series. This project was made possible thanks to a generous grant from the Texas Bar Foundation, as well as the participation of Justice of the Peace for Precinct 3 Judge Sylvia Holmes and her courtroom. This series also would not have come to fruition without the help of Jenna Malsbary, Travis County District Clerk Velva Price, JoU Boone, Austin McElroy, Sarah Harp, Rachael Jones, Emily Morris, Ben Evans, and Samantha McCoy. The final project can be found here: <https://tinyurl.com/juryprep>.

This video series was also included in the list of projects considered in AYLA’s second award, which was first place in the Comprehensive Award of Achievement for a Large City. This award considers various projects put on by a young lawyers program throughout the bar year. The projects we included in the application for consideration were:

“How to Pick a Jury Without a Lawyer in JP & Municipal Court” video series.

Freshquires - Law Di Gras. This CLE event was hosted by

the Freshquires program and was held to educate young lawyers on ethics and to celebrate Mardi Gras. The event was sponsored by Amini Conant and Cain & Skarnulis. The honorable Judge Patrick Keel gave an enthusiastic presentation to young attorneys who were also able to enjoy some crawfish and King cake.

15th AYLA Day of Service on MLK Day. The goal of this annual project is to bring the legal community together to serve the local community in honor of Dr. King. This year, AYLA was able to coordinate service with 10 different local nonprofit organizations with more than 68 volunteers from the Austin legal community. The organizations included: Austin Humane Society, GenerationServe, SAFE, Center for Child Protection, We Are Blood, Any Baby Can, Casa Marianella, Austin Diaper Bank, Central Texas Food Bank, and Austin Allies. There were 14 individuals who were able to donate whole blood for the We Are Blood drive, which equals 42 potential lives saved. This event also donated more than \$775 in items for the Center For Child Protection birthday box initiatives.

4th Annual Crawfish Boil. The goal of this annual event is to raise money for the Austin Young Lawyers Association Foundation. The event was professionally catered by Louisiana Wild and was host-

ed in an oak-covered park near downtown Austin. More than 150 attendees enjoyed fresh food, live music, and libations. Through sponsorships and ticket sales, the project raised more than \$17,000.

Tailgate Fundraiser. Tailgate for a Cause was held on Saturday, Nov. 9, 2024. This year the tailgate raised funds for the Partnerships for Children’s Holiday Wishes Program. The Holiday Wishes Program provides toys for children who are connected to Child Protective Services during the holiday season. AYLA exceeded our fundraising goal and raised approximately \$11,000 for this program. We were provided with a list of toys to purchase for the wrapping party on Dec. 8 at the Partnerships for Children location, which AYLA members also attended. In addition to the Holiday Wishes gifts, we were able to purchase items for the Rainbow

Room located in the Texas Department of Family and Protective Services offices. The Rainbow Room stocks everything from toiletries and clothing to car seats for children who are victims of abuse or neglect. We are proud to have met a direct and substantial need in the Austin community for families with a connection to the legal system.

Thank you to the committee leads, members, sponsors, and volunteers who made these events possible and a success. It is an honor that our hard work was recognized by TYLA. **AL**

UPCOMING EVENTS

THUR, AUG. 31

AYLA Bar Year Kick-Off
Docket Call
5:30 - 7 p.m.
More info to come

THUR, SEPT. 25

AYLA Judicial Reception
5:30 - 7 p.m.
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Ari Cuenin is a partner at Stone Hilton, where he litigates complex government disputes. He has presented more than 30 arguments in state and federal courts, and has been involved in more than a dozen U.S. Supreme Court cases for the State of Texas.

The following are summaries of selected civil opinions issued by the Fifth Circuit in May 2025. The summaries are overviews of particular aspects of the opinions; please review the entire opinions.

FIRST AMENDMENT: The Court rejected a right to receive information that would compel public libraries to keep or acquire books.

The en banc Fifth Circuit issued an opinion in *Little v. Llano County*, creating new precedent for challenges to the removal of books from public libraries. The court reversed a preliminary injunction against the actions of Llano County library officials and rendered judgment for the County and its officials.

The en banc majority held that public-library patrons possess no affirmative First-Amendment right to receive information that would compel a public library to keep or acquire books, instead cabining the doctrine to negative restraints. In so holding, the Court overruled *Campbell v. St. Tammany Parish School Board*, 64 F.3d 184 (5th Cir. 1995), erasing 30-year-old authority ostensibly subjecting book removals to heightened judicial scrutiny. The Court also clarified that Supreme Court language in *Board of Education, Island Trees Union Free*

School District No. 26 v. Pico, 457 U.S. 853 (1982), cannot support a so-called right to receive information because that fractured decision lacks a controlling opinion.

Elsewhere, the majority's opinion also analyzed governmental speech and those who joined it would have found the dispute over book selection beyond the reach of the First Amendment. The opinion also found officials' administration of that curation to be consistent with Supreme Court precedent and rejected reliance on libraries as ostensibly public fora, as library collections were distinct from library premises themselves. But this 25-page analysis of library curation as government speech secured only seven votes. Because it failed to garner majority support, it is not binding precedent—though lower courts within the Fifth Circuit remain free to follow it as persuasive authority.

On the other hand, the Court's disposition and the remainder of its opinion are binding. Plaintiffs within the Fifth Circuit challenging public-library policy will no longer be able to rely on *Campbell* to invoke a "positive" right forcing libraries to retain titles and will have seek alternative constitutional or statutory theories. The absence of an affirmative right to receive information provides a strong defense for governmental defendants. Lower courts may also decide to follow the plurality's government-speech rationale, providing public libraries curating their collections with an additional defense.

APPELLATE JURISDICTION: The Court overruled precedent barring appellate review of orders remanding cases to state court based on waiver.

The Fifth Circuit also issued an en banc ruling in *Abraham Watkins v. Festeriga*. This case overruled long-standing precedent creating a barrier to appellate review in certain cases removed from state court.

Since 1980, Fifth Circuit precedent had precluded review of remand orders based on waiver. See *In re Weaver*, 615 F.2d 919 (5th Cir. 1980). In overruling *Weaver*, the en banc Court has now rendered those orders reviewable within the Fifth Circuit.

The Court explained that failures to satisfy the federal removal statutes—for example, untimeliness, lack of diversity, or an insufficient amount in controversy—qualify as defects barring review. See 28 U.S.C. § 1447(c). Common-law waiver, on the other hand, does not. State-court participation in litigation may forfeit removal, but waiver is a judge-made doctrine. Waiver neither constitutes a Section 1447(c) "defect" nor vitiates federal subject-matter jurisdiction, so it cannot preclude an appeal. See 28 U.S.C. § 1447(d).

The en banc Court resolved this appeal on narrow grounds. Its holding restored appellate jurisdiction but did not reach other issues dispute by the parties, leaving diversity of citizenship and actual waiver to the original panel in the first instance. The ruling now brings the Fifth Circuit in line with the Seventh, Tenth, and Eleventh Circuits regarding appellate jurisdiction for waiver-based remand-order challenges.

MOOTNESS: A public university's mid-litigation policy change in response to judicial pressure did not moot a request to enjoin that policy.

A Fifth Circuit panel (Ho, Duncan & Oldham, JJ.) issued an opinion on voluntary-cessation doctrine affecting suits against public bodies who change their disputed policies mid-litigation. This suit, *Speech First, Inc. v. McCall*, involved a bid to enjoin a harassment policy at Texas State University.

Reaffirming *Speech First, Inc. v. Fenves*, 979 F.3d 319 (5th Cir.

2020), the panel first held that organization members who self-censor in the face of a policy "targeting politically disfavored speech" have Article III standing. No additional proof of imminent enforcement is required.

The panel then clarified Fifth Circuit doctrine regarding assertions that voluntary cessation of a policy has rendered a dispute moot. The Court restated *Fenves*'s "stringent" three-factor indicia of a live controversy—(i) no binding commitment to avoid reenacting the policy, (ii) suspicious timing of the change, and (iii) the defendant's continued defense of the old rule—and applied it to hold that the university's mid-litigation policy rewrite was insufficient to moot a preliminary injunction. Here, judicial pressure, rather than spontaneous repentance, had prompted the change. That motivation "falls far short" of making the absence of future recurrence "absolutely clear." Defendants that tweak policies mid-litigation will therefore face a heavy evidentiary burden (e.g., sworn declarations, formal rescission by governing boards) if they hope to moot judicial review.

Because the district court dismissed the requested injunction as moot without reaching the merits, the panel vacated and remanded for the district court to consider the preliminary-injunction motion in the first instance. The decision does not resolve the constitutionality of Texas State's harassment code; that question—and the scope of any eventual injunction—remains open on remand, guided, but not constrained, by the panel's procedural rulings. ■

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Legal Industry Report 2025

BY NIKI BLACK

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Niki Black is an attorney, author, journalist, and Legal Technology Evangelist at LawPay, the #1 legal payment processor.

We surveyed over 2,800 legal professionals and covered technologies impacting law firms, including artificial intelligence (AI) and generative AI. We also explored how firm leaders are adopting essential software—from financial management platforms to tools that support flexible offices and remote work.

We were especially interested in AI adoption trends, so we revisited many of the same questions from last year's survey. AI is advancing rapidly, but is the legal profession embracing the change? The answer is a lawyerly one: It depends. Personal AI use has increased since last year, but adoption, both individual and firm-wide, varied greatly by firm size and practice area, highlighting the profession's diverse approach to new technology.

Generative AI in Law: Individual Use Rises While Firms Take a Cautious Approach to Adoption

First, let's look at how individual legal professionals use generative AI for work-related purposes. 31% of respondents shared that they used generative AI at work, up from 27% last year. Within the next year, we can expect to see even more significant increases as the technology advances and restrictive law firm AI policies arising from accuracy and ethics concerns are lifted.

AI adoption rates among legal professionals indicate steady interest. However, growth isn't exponential, likely due to slow law firm adoption and restrictive law firm AI policies.

Personal Use vs. Law Firm Use of Generative AI

Personal Use | Law Firm Use*

2024: 31% | 21%

2023: 27% | 24%

*Respondents who replied "Unsure" accounted for 10% in 2023 and 15% in 2024

Respondents from firms with 51 or more lawyers, though representing a smaller subset of this survey's participants, reported a significant 39% generative AI adoption rate. By contrast, firms with 50 or fewer lawyers had adoption rates at half that level, with approximately 20% indicating the implementation of legal-specific AI within their practices.



From Scheduling to Billing: AI's Impact on Law Firm Operations

Drafting correspondence, assisting with scheduling, and business decision-making are increasingly common. AI-driven scheduling tools can optimize meeting times and avoid conflicts, while billing software with AI integration can reduce errors and streamline invoicing.

AI can also influence financial decisions, such as setting competitive pricing strategies and ensuring affordable rates while protecting profit margins. The advantages of integrating AI into practice management software are clear.

First, AI-driven automation reduces administrative burdens and minimizes human error, especially with time-consuming tasks like drafting correspondence and preparing invoices.

Second, AI's ability to analyze firm data assists in identifying the business trends, client preferences, and performance metrics that drive profitability.

Finally, AI tools for correspondence drafting, brainstorming, and data analysis significantly reduce the time lawyers spend on non-billable tasks, improving overall productivity and financial health.

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Laurie Ratliff is a former staff attorney for the Third Court of Appeals. She is board-certified in civil appellate law by the Texas Board of Legal Specialization and owner of Laurie Ratliff LLC.

The following are summaries of selected civil opinions issued by the Third Court of Appeals during May 2025. The summaries are an overview; please review the entire opinion. Subsequent histories are current as of June 10, 2025.



IMMUNITY: Court holds immunity is waived for dog-bite injury.

City of Austin v. Miller, No. 03-24-00385-CV (Tex. App.—Austin May 1, 2025, no pet. h.). Miller sued City for injuries from a dog bite during an adoption event hosted by City’s Animal Center. City knew of the dog’s dangerous propensities before the event. The trial court denied City’s plea to the jurisdiction. As to Miller’s

negligent-handling claim, the court of appeals noted that CPRC § 101.021(2) waives immunity for injuries proximately caused by the use of tangible personal property. The court concluded that City used the dog to entice people to adopt and donate to the shelter as part of City’s animal-control duties. The court held City’s immunity was waived and that City’s use of the dog at the event proximately caused Miller’s injuries. The court held that City’s immunity was not waived for Miller’s strict-liability claim. The court affirmed in part and reversed in part.

ADMINISTRATIVE LAW: Court holds rule that precludes judicial review is invalid.

Morath v. Tex. State Teachers Assoc., No. 03-23-00279-CV (Tex. App.—Austin May 21, 2025, no pet. h.). TSTA sued Commissioner challenging the validity of an administrative rule. The trial court granted summary judgment for TSTA finding the rule invalid. The court of appeals observed that Chapter 39 of the Education Code authorizes Commissioner to implement interventions for underperforming campuses by contracting with an operating partner. Commissioner adopted Rule 97.1075 which gives the operating partner “final” and “sole” authority over district employees. TSTA contended the rule limits the contractual and statutory rights of public-school teachers, in particular, the right to a grievance proceeding for improper ad-

ministrative actions. The court of appeals concluded that conferring “sole” or “final” authority renders the decisionmaker’s decision unreviewable. Thus, the court held that the rule imposes restrictions inconsistent with statutory provisions. The court affirmed in part and reversed in part.

CONTRACTS: Court reverses judgment awarding realtor a commission on a cancelled contract.

Schey v. Copper, No. 03-24-00321-CV (Tex. App.—Austin May 30, 2025, no pet. h.) (mem. op.). Using Copper as their realtor, buyers contracted to purchase a home in Austin but within the option period, cancelled the contract. During the option period, buyers contacted another realtor and purchased a home in San Marcos. Copper sued alleging buyers breached the representation agreement and sought the commission he would have received had buyers not terminated the contract. The trial court granted Copper’s motion for summary judgment and denied buyer’s motion. The court of appeals concluded that the contract did not contemplate a buyer being liable for a commission without a sale or the buyers’ breach. Because buyers timely terminated the contract, Copper would not have received any commission regardless of whether buyers communicated with another realtor. Thus, the court concluded Copper suffered no damages. The court reversed, rendered, and remanded buyers’ attorney’s fees claim.

TRIAL PROCEDURE: Court reverses dismissal where county clerk failed to process a timely-filed fee.

Yang v. Lyons, No. 03-24-00040-CV (Tex. App.—Austin May 2, 2025, no pet. h.) (mem. op.). A justice-court jury awarded Lyons damages and attorney’s fees against Yang. Yang’s attorney filed an appeal bond, which was approved the same day. Yang’s attorney then timely e-filed the appellate fee. Yang’s attorney later received an e-filing system message that the fee cannot be paid through e-file and must be paid by credit card over the phone. The trial court dismissed the appeal for failure to pay the costs of appeal within Rule 143a’s 20-day deadline. The court of appeals concluded that Yang’s attorney did not fail to timely pay costs; the clerk failed to process payment using the card Yang’s attorney had on file. According to the court, documents filed electronically are deemed filed when successfully transmitted, even if the filing is not accepted due to a technical error. The court reversed and remanded. ^{AL}



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Zak Hall is a staff attorney for the Third Court of Appeals. The summaries that follow represent the views of the author alone and do not reflect the views of the court or any of the individual justices on the court.

The following is a summary of selected criminal opinions issued by the Third Court of Appeals from January 2025. The summary is an overview; please review the entire opinions. The subsequent history is current as of June 5, 2025.

CONFESSIONS – VOLUNTARINESS: Trial court did not abuse its discretion in suppressing defendant's statements made to investigators during a recorded interrogation following a polygraph exam.

State v. Cielencki, 706 S.W.3d 634 (Tex. App.—Austin 2025, pet. ref'd). Cielencki was charged with the offense of aggravated sexual assault of a child. During the investigation, Cielencki took a polygraph exam. The exam and interrogation that immediately followed lasted nearly eight hours, with the exam itself taking approximately two hours. Cielencki was informed at the conclusion of the exam that he had failed it. The interrogating officer proceeded to ask Cielencki for a "rational explanation" as to why. The officer explained that polygraphs work by "detecting memories stuck in the amygdala in the brain" that a person might interpret as "intuition," and he suggested that the incident must have happened without Cielencki remembering it. About three and a half hours after Ciel-

encki arrived at the station, the officer was joined by another officer, both of whom expressed their desire to help Cielencki "remember." For the first six and a half hours, Cielencki maintained that he was innocent, but eventually, as the interrogation continued, he confessed. Cielencki filed a motion to suppress, arguing that his confession was not voluntary. The trial court agreed and granted the motion. Its findings of fact on voluntariness focused on the length of the interview, the officers' interrogation techniques, and Cielencki's behavior and mental state throughout the interview. The appellate court affirmed, concluding that the record supported the trial court's finding that Cielencki's statements were "the product of fear, intimidation," and "coercion," which "removed any possibility of voluntariness." The court explained that throughout the interrogation, Cielencki indicated that he understood the interrogating officer to be "an expert in polygraphs" who was telling him that "the polygraph was detecting the physical manifestations of memories in his body for a memory that he could not remember." Thus, "[t]he line of questioning that led to his confession did not rely on accusing Cielencki of being a liar or hiding information from the interviewers," which were typical interrogation techniques, "but rather, the conversation was articulated as the interviewers helping him access a memory that he could not remember." The court was unable to conclude that the trial court abused its discretion in suppressing Cielencki's confession as involuntary. Justice Kelly wrote a concurring opinion, discussing the difficulty of reviewing a trial court's voluntariness decision.

EVIDENTIARY SUFFICIENCY – Definition of "lawfully released from custody": Evidence was sufficient to prove that defendant was "lawfully released from custody" to support defendant's conviction for bail jumping and failure to appear.

Ogbuehi v. State, 706 S.W.3d 689 (Tex. App.—Austin 2025, no

pet.). Ogbuehi was convicted of the offense of bail jumping and failure to appear. A person commits that offense "if he intentionally or knowingly fails to appear in accordance with the terms of his release" after being "lawfully released from custody, with or without bail, on condition that he subsequently appear." On appeal, Ogbuehi asserted that the evidence was insufficient to establish that he was lawfully released from custody because his initial arrest was illegal. The court, in construing the statutory language, disagreed. It explained that, although the Penal Code does not define the phrase "released from custody," the Court of Criminal Appeals has determined that the phrase as used in the statute includes freeing "a person from a more restrictive form of custody" but leaving "some restrictions on the person's freedom of movement." Further, although the Penal Code does not define the term "lawfully," it does define the phrase "unlawful" as meaning

"criminal or tortious or both," and the common meaning of the term lawful is "[n]ot contrary to law; permitted by law." Thus, the court concluded that "the use of the phrase 'lawfully released from custody' in this context means that an individual's release from custody was done through a lawful process or authorized by a legal authority as opposed to someone escaping from custody or otherwise removing themselves from custody through a process not authorized by law." In this case, bail bonds related to Ogbuehi's arrests were admitted into evidence and showed that the bonds were made to secure his release, and both his former attorney and his mother testified that he had been released on bond before failing to appear at trial. Given the reasonable inferences that could be drawn from this evidence, the court concluded that the evidence was sufficient to establish that Ogbuehi had been lawfully released from custody. **A**

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TEXAS SUPREME COURT UPDATE

The following is a summary of selected opinions issued by the Texas Supreme Court in May 2025. This summary is prepared by court staff as a courtesy. It is not a substitute for the actual opinion. The summary is an overview; please review the entire opinion.

Tex. Dep't of Fam. & Protective Servs. v. Grassroots Leadership, Inc., ___ S.W.3d ___, 2025 WL ___ (Tex. May 30, 2025) [23-0192]

The issues in this case are whether the plaintiff's claims are moot and, if they are, whether the courts may nonetheless adjudicate them on the grounds the issues are of considerable public importance. The case began with a Texas Department of Family and Protective Services rule establishing licensing requirements for family residential centers used to detain immigrant families who had illegally entered the United

States. Without a valid license, the federal government was barred from detaining minors for more than a brief period of time. Several mothers detained at facilities licensed under the rule, along with Grassroots Leadership, Inc., challenged the rule as invalid under state law. The trial court held the rule was invalid and enjoined the department from granting licenses under it. The court of appeals initially reversed, holding that the plaintiffs lacked standing, but this Court reversed. On remand, the court of appeals held the claims were moot because the detainees were no longer at the facilities and the capable-of-repetition-yet-evading-review exception to mootness did not apply. But the court invoked a "public-interest exception" to mootness which allowed it to reach the merits of the case. It then affirmed the trial court's invalidation of the rule. The Supreme Court reversed the court of appeals' judgment as to jurisdiction. All plaintiffs had been released from the facilities,

and none had demonstrated a reasonable likelihood of being re-detained with minor children, so the court of appeals correctly described the case as moot. For the same reasons, the capable-of-repetition exception did not apply. The Court then held that, under the Texas Constitution's text, structure, and history, a live dispute is essential at all stages of litigation, regardless of the importance of the underlying issues. Thus, there is no such thing as a public-interest exception to mootness in Texas, and the court of appeals erred in relying on that exception to reach the merits. Accordingly, the Court vacated the court of appeals' judgment as to the merits, and rendered a judgment of dismissal without prejudice for lack of subject-matter jurisdiction. ^{AL}

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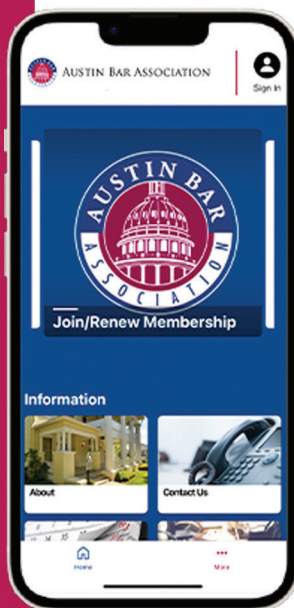




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May 2025 District & County Court Jury Trial Verdicts

BY VELVA PRICE, TRAVIS COUNTY DISTRICT CLERK

Editor's Note: The monthly jury trial verdicts update is first published through Bar Code and the Austin Bar app. Download the app today from either the App Store or the Google Play Store.

DISTRICT AND COUNTY COURT ONLY

CIVIL/FAMILY

In The Interest Of C.S.P and J.A.P., Children

Cause No.: D-1-FM-22-006640

Judge: Jessica Mangrum, 200th Civil District Court

Dates: May 5 - 9, 2025

Attorneys:

Petitioner: Andrea St. Leger, Noelke Maples St. Leger Bryant, LLP [Austin]

Respondent: D. Micah Royer, III, Coldwell/Bowes, LLP [Austin]

Summary: Petitioner filed a petition to modify the parent-child relationship. She requested that the geographic restriction be modified to allow the residence of the children to be Alabama, all communications be through OFW, and monthly child support be increased. The respondent filed a counter-petition and requested that, if the petitioner moves to Alabama, he be appointed the conservator with exclusive right to designate residence of the children and his support obligations be terminated; if the respondent does not relocate, then the possession schedule be modified for equal possession schedule. A jury of 10 found that the petitioner could modify the children's primary residence to Alabama, and the respondent was not designated as the conservator with the exclusive right.

Kathy Dotzler As Trustee Of Kathy Dotzler Living Trust v. Terry Welker, T. Welker and Son, LLC, John Hagy Custom Homes, LLC, DSS HC, LLC D/B/A Dynamic Site Solutions N/K/A True Dynamic Site Solutions, Inc.

Cause No.: D-1-GN-23-003749

Judge: Jan Soifer, 345th Civil District Court

Dates: May 5 - 9, 2025

Attorneys:

Plaintiff: Nick Bressi [Austin]

Defendants: Michael Spike and Aileen Glaeser, Martin, Disiere, Jefferson & Wisdom, LLP [Dallas] for Welker, Greg Godkin, Roberts Markel Weinberg Butler Hailey, PC [Austin] for Hagy and Paul Garcia, Paul Garcia and Associates [San Antonio] for Dynamic Site Solutions [DSS]

Summary: Plaintiff owned property on Barton Creek Blvd. and Defendant Welker owned property adjacent to the plaintiffs. Defendant Welker hired Defendant Hagy to construct a structure on his property. Plaintiff claimed that the construction activities caused damage to her property. A unanimous jury found that the defendants were not negligent, the conduct did not cause a private nuisance, and the defendants did not trespass on the plaintiff's property. Further, the jury found that Welker and Hagy complied with the Rule 11 agreement. The jury did find that Defendant DSS failed to comply with the restrictive covenants, declarations, and bylaws of the Barton Creek North Property Owners Association, Inc. The jury awarded \$100 for loss of use and enjoyment due to vibration, dust, lights, odors, and and/or noise.

Maria Reyes v. Caritino Valdovinos, Jr.

Cause No.: D-1-GN-23-007269

Judge: Aurora Martinez Jones, 126th Civil District Court

Dates: May 6 - 7, 2025

Attorneys:

Plaintiff: Martin Martinez, Law Offices of Thomas J. Henry [San Antonio]

Defendant: Keith Dorsett, Fulbright Winniford [Waco]

Summary: Plaintiff claims she was injured due to the defendant's negligent actions in a car accident on Nov. 30, 2022. The unanimous jury found that both parties were negligent and assigned fault to Maria Reyes, 40 percent, and Caritino Valdovinos, Jr., 60 percent. Damages awarded: Past physical pain and mental anguish - \$0; future physical pain and mental anguish - \$0; past physical impairment - \$0; future physical impairment - \$0; past medical care expenses - \$3,140; and future medical care expenses - \$0.

Christa Renae Day v. Timpro, Inc. and Cooper Thomas Rancatore

Cause No.: D-1-GN-23-001303

Judge: Sherine Thomas

Dates: May 7 - 8, 2025

Attorneys:

Petitioner: Charles Dunn/Christy Londregan, DJC Law, PLLC [Austin]

Respondent: Katherine Wyatt/Tabor Dorsey, Skelton & Woody PLLC [Austin]

Summary: This case arises from a motor vehicle accident that occurred on Oct. 7, 2021. The defendant, Cooper Thomas Rancatore, was in the course and scope of employment with Timpro, Inc. Plaintiff claims various personal injuries resulting from the accident. The jury of 11 only answered damages questions. Damages awarded were: Past physical pain and mental anguish - \$50,000; future physical pain and mental anguish - \$30,000; past physical impairment - \$25,000; future physical impairment - \$25,000; past medical care expenses - \$30,000; and future medical care expenses - \$10,000.

Jessica Willis v. Denise Rodriguez, Ruben Rodriguez

Cause No.: D-1-GN-22-006783

Judge: Jan Soifer, 345th Civil District Court

Dates: May 19 - 22, 2025

Attorneys:

Plaintiff: Ard Ardalan, Ardalan Law Firm PLLC [Austin]/F.

Steeves Hopson, III, Hopson

Injury Attorneys PLLC

Defendants: Represented themselves

Summary: Plaintiff claimed that she was injured when a boxer mix dog attacked and injured her. A unanimous jury found that the defendants owned or possessed a dog that had dangerous propensities abnormal to its class and injured the plaintiff. Defendants filed an answer and represented themselves the entire time of the case. The defendants contended that they did not own the boxer and alleged trespass, contributory negligence and assumption of risk. The jury found that the plaintiff did not trespass on the defendants' property. The jury assigned fault to Defendant Denis Rodriguez, 40 percent, and Ruben Rodriguez, 60 percent. Damages awarded: Past physical pain and mental anguish - \$50,000; future physical pain and mental anguish - \$36,500; past loss of earning capacity - \$15,000; future loss of earning capacity - \$0; past disfigurement - \$28,000; future disfigurement - \$40,000; past physical impairment - \$8,500; future physical impairment - \$0; past medical care expenses - \$10,201.07; and future medical care expenses - \$10,000.

905, Ltd., Nelsen, Inc. D/B/A Nelsen Partners V. H. Dalton Wallace and 909 Congress, Ltd

Cause No.: D-1-GN-23-001981

Judge: Jessica Mangrum, 200th Civil District Court

Dates: May 20 - 27, 2025

Attorneys:

Plaintiff: Santosh Aravind and JoÚ Ellis, Scott Douglass & McConnico LLP [Austin]

Defendants: H. Dalton Wallace and 909 Congress, Ltd.; Matthew Powers and Rudy Metayer, Graves Dougherty Hearon & Moody, PC [Austin]

Summary: Plaintiffs claimed that, due to years of neglect and refusal to maintain the property, the defendants were responsible for the damage caused to the plaintiff's property due to a fire. The petition further stated that the fire was caused by a vagrant who accessed the defendants' property because the defendants failed to secure the property. A jury of 10 made the following findings: Defendants' H. Dalton Wallace and 909 Congress, Ltd. negligence caused the damage to the plaintiffs' property before the fire. Fault was assigned: H. Dalton Wallace was found 90 percent and 909 Congress, Ltd. 10 percent. Damages assessed: Reasonable and necessary in Travis County to repair, fix, or restore the property due to damages suffered before the fire in March 2023 - \$25,000. The jury further found that Defendants, H. Dalton Wallace, 909 Congress, Ltd. And JoÚ Banks were negligent due to the fire in March 2023 and such negligence caused injury to the property. Defendants H. Dalton Wallace was found 25 percent, 909 Congress, Ltd. 25 percent, and JoÚ Banks 50 percent responsible for the damage to the property. Damages assessed are: Reasonable and necessary in Travis County to repair, fix or restore the property due to damages caused by the fire in March 2023 for 905 Ltd. - \$4,378,393.10; reasonable and necessary to compensate for the loss of use of the property during the time reasonably required to repair the property - 905 Ltd. - \$1,345,091.00 and Nelsen Partners - \$759,153.88; market value of the property immediately before and immediately after the fire in March 2023 - \$4,378,393.10. The following parties trespassed on the property - H. Dalton Wallace, 909 Congress, Ltd., and JoÚ Banks; the percentages of responsibility due to trespass finding: H. Dalton Wallace - 40 percent, 909 Congress, Ltd. - 20 percent, and JoÚ Banks - 40 per-

cent. Both H. Dalton Wallace and 909 Congress, Ltd., maintained a common nuisance at the Granberry Building. Jury did not answer the question that, by clear and convincing evidence, the harm to the plaintiffs resulted from gross negligence because the answer to negligence was not unanimous. Attorneys' fees: Representation through trial and completion of proceedings in the trial court - \$272,653.40; through appeal to the Court of Appeals - \$50,000; review stage in the Supreme Court of Texas - \$30,000; merits briefing stage in the Supreme Court of Texas - \$20,000; oral argument and completion of proceedings in the Supreme Court of Texas - \$20,000.

In The Interest of O.G., A Child

Cause No: D-1-FM-23-007793

Judge: Sheren Thomas

Dates: May 21 - 23, 2025

Attorneys:

Petitioner: Alicia Kay Glenn, Self Represented Litigant

Respondent: James Gilbreath/Samantha Rosen, Walters Gilbreath PLLC [Austin]

Summary: Petitioner filed motion to modify the parent-child relationship requesting that she be appointed sole managing conservator. Respondent filed a counter-petition requesting divorce and a disproportionate share of the parties' estate due to various reasons, including fault in the breakup of the marriage. Respondent filed a counter-petition requesting that the court render standard possession order. A unanimous jury declined to appoint Alicia Glenn the sole managing conservator of OG, the parties would remain joint managing conservators, but Jeremy Epperson would have the exclusive right to designate the primary residence of the child with a geographic restriction of Travis County and contiguous counties. Further, the jury found a reasonable fee for necessary services for each party's attorney fees: Representation in the trial court - \$65,000; court of appeals - \$30,000; petition for review stage in the Supreme Court of Texas - \$10,000; merits briefing stage in the Supreme Court of Texas - \$10,000; oral argument and completion of proceedings in the Supreme Court of Texas - \$10,000.

CRIMINAL

State of Texas v. John Arnold

Cause No: D-1-DC-20-301211

Judge: Tamara Needles, 427th Criminal District Court

Dates: April 7-9, 2025

Attorneys:

State of Texas: TJ Harris

Defendant: Mark Pryor, Cofer & Connelly, PLLC [Austin]

Summary: Defendant was indicted for sexual assault, which allegedly occurred May 2020. The jury found the defendant guilty and was sentenced to seven years in prison.

State of Texas v.

Harry Claude James, III

Cause No: D-1-DC-23-209650

Judge: Selena Alvarenga, 460th Criminal District Court

Dates: May 6 - 12, 2025

Attorneys:

State of Texas: Elizabeth Phillips

Defendant: Meril 'Gene' Anthes, Jr., Gunter, Bennett & Anthes, PC [Austin]

Summary: Defendant was indicted for allegedly committing the offenses of assault by impeding breath or circulation and aggravated assault with a deadly weapon on or about December 2023. The jury acquitted the defendant on all counts.

Editor's Note: Samer Chaban v. Kathy Mobarra, Arman Eshraghi in the June 2025 issue of Austin Lawyer mistakenly said plaintiff's lawyer Michael Navarre was with the Law Office of Thomas J. Henry. This has been corrected to Beatty Navarre Strama, PC.

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The Austin Bar Wants YOU to Serve on One (or More) of Our Committees

As we get the 2025-26 bar year started, we want to invite you to join one of our 15 committees!

Committees are a fantastic way to get more involved in bar activities, expand your professional network, and make your voice heard.

Each committee serves a unique purpose, all of which contribute to the mission of the Austin Bar of enhancing the legal profession, administration of justice, and our community through education, networking, and public service.

If you have ideas, and you're ready to put those ideas into action with the support of the bar's executive committee and staff, then we want you to serve on one (or more) of our committees!

DEI Committee: This committee hosts discussions to increase understanding and lead to inner and external change, networking focused on bridging social capital, compiling resources for people seeking guidance, and identifying *Austin Lawyer* authors and topics highlighting Austin's diversity and history. The committee will plan the annual Equity Summit. In addition, this committee oversees the Diversity Fellowship Program, which offers summer internships to minority law school students. Participants intern for the Travis County District judges and for a private law firm.

Fundraising/Golf Tournament Committee: This committee focuses on fundraising by holding social events. Some past events include the Pro Bono Fall Festival held in October 2024; photos with Santa; holiday shopping events; and the inaugural Austin Bar Association Golf Tournament, which will return in spring 2026.

Bench Bar Committee: This committee organizes and implements the Austin Bar's Annual Bench Bar Conference held for Travis County lawyers and judges. Committee members create the full-day conference program, including developing a theme, identifying topics, and recruiting speakers.

CLE Committee: This committee organizes the Austin Bar's monthly 4th Friday CLE programs, which are available for free to Austin Bar members and enables them to maintain their law license at no cost. These monthly CLEs are generally only an hour, featuring one topic and one speaker, and can be held over Zoom.

Austin Adoption Day: This committee coordinates the annual Adoption Day (traditionally held on the first Thursday of November), including organizing and gathering the donations of books, food, balloons, and gift-basket items. Interested committee members may have the opportunity to handle a pro bono case.

Communications: This committee creates and reviews content for Bar Code, Austin Lawyer, the Austin Bar website, and social media.

Fee Dispute: This committee mediates and/or arbitrates fee disputes submitted by clients, attorneys, the courts, and the District 9 Grievance Committee.

History & Traditions: This committee recruits and conducts oral history interviews with Austin attorneys and judges and past Austin Bar presidents to preserve the history of the Austin Bar, the Austin legal community, and significant legal events in the Austin area.

Hilgers House Preservation: This committee performs duties to preserve Hilgers House, applies for preservation grants, researches the history of the house, and provides tours to the general public.

Gala: This committee plans and produces the Austin Bar's biggest event, an annual gala, to raise money for the Austin Bar Foundation's grant program.

Law Related Education in Schools: This committee plans and implements various educational programs aimed at school-aged children and supports the Akins Early College High School legal program, which is the leading advocacy high school training program in the country. The Law Related Education Committee also organizes the Austin Bar's participation in the State Bar's

annual Law Day essay, poster, and photography contests.

Lawyer Well Being: This committee aims to educate, support, and connect our legal community to achieve more balanced, mindful, and joyful lives and practices.


Pro Bono: This committee coordinates and plans Austin Bar pro bono programs and develops relationships with pro bono organizations, such as Volunteer Legal Services of Central Texas, American Gateways, and the Texas Civil Rights Project.

Mentorship: The Mentorship Committee is focused on providing informal mentorship opportunities among lawyers of all ages and practice areas. The committee plans and hosts the bar's regular breakfasts/lunches with members of the judiciary, as well as facilitates a spot-mento-

ring program, where attorneys seeking guidance can submit a query through the Austin Bar website and get connected with another attorney who can provide input.

Membership/Law Student/Paralegal:

Each committee determines how frequently it will meet—whether monthly, quarterly, or even just once a year. Meetings are available by Zoom with advanced notice.

To join a committee, simply sign into your austinbar.org account, visit austinbar.org/committees, and click "Join or update committees." You can join one or more committees of your choosing at no cost – and, if needed, you can remove committee membership right from your account. 

Applications Now Open for LGBTQ+ Scholarships




The LGBTQ+ Law Section is now accepting applications for the ninth-annual LGBTQ+ Scholarship.

A total of \$20,000 will be awarded in scholarships ranging from \$2,500 to \$5,000, based on the strength of the applications.

To be eligible for a scholarship, you must be currently enrolled, about to begin your 1L year, or be a recent graduate of an accredited public or private law school located in the State of Texas.

To apply, applicants will need to submit, in this order: 1) a personal essay with your name appearing in the upper left-hand corner; 2) a resume; 3) either an unofficial transcript or an acceptance letter (if you're an incoming 1L), and 4), optionally, a statement of financial need.

Applicants must submit a written essay, which should discuss how immutable characteristics—such as race, ethnicity, the sex assigned to an individual at birth by another person, sexual orientation, or disability status—should or should not be considered by decision-makers.

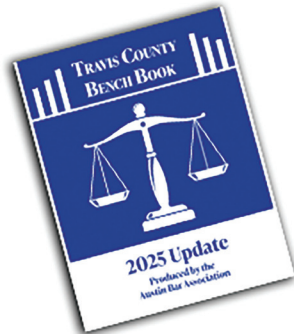
Your PDF application must be submitted to DeLaine Ward at delaine@austinbar.org. No application deadline has been set, though you are encouraged to apply as early as possible. 

2025 Travis County Bench Book Now Available

The Austin Bar is proud to announce the 2025 update of our Travis County Bench Book Court Resource Guide is now available for free to Austin Bar members!

This guide includes Q&As with judges, links to important documents such as standing orders, contact information, courtroom preferences, and court program details for:

- Travis County Civil & Criminal District Courts;
- Travis County Courts at Law;
- Travis County Justice of the Peace Courts;
- Travis County Probate Courts;
- Travis County Associate Courts;
- Western District of Texas; and
- Special programs, such as the Domestic Relations Office, the SMART Re-Entry Court, Special Needs and Prevention Program, Veterans Treatment Court, and



the DWI Court Program.

The Austin Bar is grateful to 345th District Judge Jan Soifer, who helped craft the questions sent to the civil district judges.

Thank you also to Jennifer Kraber, director of criminal courts administration, who provided guidance on what questions would be most relevant for the criminal district judges to answer.

Finally, thank you to all the judges who took the time to answer the questions. **AL**

Insurance Law Section Kicks Off the New Bar Year

The Austin Bar's newly formed Insurance Law Section met for its inaugural CLE and bar-year kickoff event on May 29 at Hilgers House.

The event introduced the section's leadership: Melissa Carr, partner at DuBois Bryant & Campbell, is the section chair; and Andrew Van Osselaer, associate at Haynes & Boone, is the section's treasurer.

The event also included an insurance refresher CLE, which took place in the new Jim & Patty Arnold Conference Room and featured speakers van Osselaer, Catherine Hanna of Hanna & Plaut, and Steve Schulwolf of Schulwolf Mediation. The CLE focused on some of the most significant recent developments in insurance

law, such as:

- the scope of an insurer's duty to defend;
- how excess policies respond to claims;
- what makes a proper *Stowers* demand; and
- the proper role the Declaratory Judgment Act has in coverage disputes.

The CLE specifically discussed *Monroe Guaranty v. Bitco*, *Ohio Casualty v. Patterson-UTI Energy*, *Golden Bear Ins. v. Concrete Cowboy*, and *Westport Insurance Corp. v. Pennsylvania Nat. Mut.*

Thank you to everyone who attended! If you would like to join the Insurance Section, annual dues are \$35, and you can add it to your Austin Bar membership by visiting austinbar.org/insurance-law-section. **AL**



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Record Breaking \$100,000 in Grants Awarded During Annual TCWLF / TCWLA Awards Lunch in May



(L to R): Gabrielle Smith, TCWLA President, with the winners of the Attorney Awards, Jane Webre, Joelle Schulze, Ashley Thomas, Jennifer Freel, Diana Melendez, Kristen Doyle, Terees Shinn-Jenkins, Katie Valle, and Amy Emerson.



(L to R): Gabrielle Smith, TCWLA President, with the 3rd Court of Appeals, recipient of a Landmark Recognition, Justice Maggie Ellis, Justice Karin Crump, Justice Gisela Triana, Chief Justice Darlene Byrne, Justice Chari Kelly, and Justice Rosa Lopez Theofanis.

The Travis County Women Lawyers' Foundation (TCWLF) and Travis County Women Lawyers' Association (TCWLA) held their Annual Grants & Awards Luncheon May 2, 2025, at the Fairmont Hotel. This year, at a sold-out luncheon, TCWLF, the grant-giving arm of the Association, gave away a record breaking \$100,000 in grants to five deserving local providers of pro-bono legal services to women, children, and families in Travis County. These deserving organizations were selected after the TCWLF volunteer board worked throughout the year to solicit grant applications from local nonprofits, reviewed and vetted those applications, and followed up with recipients to ensure that the grants were used for their intended purpose.

Judge Denise Hernandez, Judge for County Court #6 and community activist, delivered the keynote. State Bar President Steve Benesh gave a special welcome to attendees. TCWLA presented Attorney Awards to recognize female lawyers who have shown excellence in their field of practice, along with its first Landmark Recognition, presented to the Third Court of Appeals, which for the first time is comprised of six female justices.

Since 2002, the growth of

TCWLF has been tremendous, particularly over the last five years. Thanks to the generosity of all of the sponsors, guests who attended, and everyone who bought raffle tickets, TCWLF exceeded its fundraising goal of \$135,000. The proceeds of this year's luncheon will be used to provide the grants to be awarded at next year's luncheon.

TCWLF also added a record 16 new Fellows during the luncheon. It is not too late to become a Fellow. All lawyers in Austin are invited to become a Fellow of TCWLF. To make a contribution or to become a Fellow: <https://tcwla.org/foundation-sign-up/#join>. TCWLF is a non-profit 501(c)(3) entity and any contribution is tax-deductible.

Congratulations to all the grant recipients and attorney award winners!

Congratulations to this year's grant recipients!

- CASA of Travis County (\$40,000 - Impact Grant)
- AGE of Central Texas (\$15,000)
- Foster Angels (\$15,000)
- Girls Empowerment Network (\$15,000)
- Seedling (\$15,000)

Congratulations to this year's attorney award winners and honorees!



Liz Nielsen, TCWLF Chair, and Gabrielle Smith, TCWLA President.



TCWLF Grants Co-Chair Sara Churchill, with Suzanne Anderson, CEO of AGE of Central Texas.



Judge Denise Hernandez, Judge for County Court #6, delivered the keynote at the TCWLF/TCWLA annual luncheon on May 2, 2025.

- Public Interest—Kristen Doyle
- Government Service—Terees Shinn-Jenkins
- Litigation/Appellate—Amy Emerson
- Corporate/Transactional—Ashley Thomas

- Criminal Justice–Jennifer Freel
- Pro Bono–Katie Valle
- Contribution to Minority Community–Diana Melendez
- Advancement of Women’s Interests–Joelle Schulze
- Outstanding Achievement–Jane Webre
- Landmark Recognition–Third Court of Appeals

Thank you again to all of the sponsors:

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On June 1, 2025 Jimmy Vaught, a board-certified specialist in both family law and civil appellate law, will bring over 40 years of experience to The Eggleston Law Firm.

The merger will combine the strengths of both firms, offering clients a comprehensive range of family law services, including divorce, high conflict child custody, modifications/enforcements, and appeals throughout Texas. The unified firm will continue to prioritize personalized solutions and provide compassionate guidance, ensuring that clients receive the highest level of legal support.





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TCWLA Awards \$25,000 in Scholarships

BY VELVA PRICE, TRAVIS COUNTY DISTRICT CLERK

The Travis County Women Lawyers' Association Scholarship Fund (TCWLSF) awarded 10 scholarships totaling \$25,000.

This year, TCWLSF created a new scholarship in honor of past TCWLA President Ana Mejia Dietche, who passed away from ovarian cancer in February 2024. The inaugural recipients of the scholarship, which is available only to University of Texas School of Law students, are Samantha Morales and Kelly Martinez Chinchilla.

Samantha just completed her second year and is a staff editor of the *Texas Hispanic Journal for Law and Policy*, and she also serves as a mentor for pre-law students.

Kelly is the *Texas Law Review* articles editor. She is a student member of the Lloyd Lochridge Inn of Court, and she previously interned for U.S. District Judge David Ezra.

The Margaret Cooper Scholarship was established in 2008 to honor former 353rd District Judge Margaret Cooper. The scholarship is awarded to UT Law applicants who demonstrate perseverance in the face of adversity, with special consideration to community service activities. This year's Margaret Cooper Scholarship recipients are Makenna McGraw and Maria

de los Angeles Villarreal.

Makenna recently completed her second year and sits on the Executive Board for Public Interest Law & Texas Law Fellowships.

Maria is a 1L with a social work degree from Columbia University. She mentors pre-law students, is the chief articles editor for the *Texas Hispanic Journal of Law and Policy*, and was president of the Latin Economics and Business Association.

The Ann Forman Scholarship was established in 2012 to honor the life and career of Ann Forman, an accomplished assistant district attorney for Travis County who worked to protect abused and neglected children. Forman passed away in 2019 from breast cancer. The scholarship is awarded to UT Law students who demonstrate particular aptitude in child welfare law. This year's Ann Forman Scholarship recipients are Abigail Gutierrez and Abigail Gage.

Gutierrez is a 2L who participated in UT Law's Children's Rights Clinic, representing children in Travis County as an attorney ad litem. She formerly clerked at Texas RioGrande Legal Aid and interned at both the Texas Alliance of Child and Family Services and the Center for Child Protection.

Gage is a 2L and member of UT's Women's Law Caucus. She wrote a research paper on

child protection issues, formerly clerked for the Texas Court of Criminal Appeals, and was vice-president of the Texas State College Diabetes Network.

The Lora Livingston Scholarship was established in 2023 to honor the career of former 261st District Judge Lora J. Livingston. The scholarship is awarded annually to UT Law students of African descent who demonstrate dedication to pro bono activities. This year's Lora Livingston Scholarship recipients are Sumaya Siddiqui and Diana Obinna.

Sumaya is a staff editor for the *Texas Journal on Civil Liberties and Civil Rights*. She is a student for the Pro Bono and Civil Rights clinics.

Diana just graduated. While in law school, she was a student attorney for the Children's Rights Clinic, parliamentarian for the Thurgood Marshall Legal Society, and organizer of UT Law's Afrofuturism and the Law symposium.


The Orlinda Naranjo Scholarship was established in 2023 to honor the career of former 419th District Judge Orlinda Naranjo. The scholarship is awarded to female UT Law students of Latina descent. Special consideration is given to community involvement and demonstrated service to social and economic justice. This year's Orlinda Naranjo Scholar-

ship recipients are Leslie Villacorta and Jovita Pardo.

Leslie is the editor of the *Texas Hispanic Journal of Law and Policy*, and works at the Center for Public Interest Policy.

Jovita just graduated and was a student attorney for the Entrepreneurship and Community Development Clinic, event director for both the Real Estate Society and Women's Law Caucus, and associate editor for the *Texas Hispanic Journal of Law & Policy*.

Congratulations to all of this year's scholarship recipients! **A**




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Statewide Crime Lab Record-Sharing System in Development

The Texas Crime Lab Records (CLR) Connect portal (which is pronounced Texas “Clear” Connect) is a statewide initiative being developed by the Texas Department of Public Safety (DPS) in response to Senate Bill 991, passed during the 88th Texas Legislative Session. It has been codified as Texas Government Code 411.161-164. Texas CLR Connect is being designed to streamline the request and transfer of crime laboratory records among crime laboratories, attorneys representing the state, and other authorized parties as part of the criminal discovery process under Article 39.14, Code of Criminal Procedure.

The Texas CLR Connect portal will provide a secure, centralized, and digital means for delivering laboratory records subject to discovery. The system aims to

provide the following:

- Improve efficiency in handling record requests.
- Enhance transparency within the criminal justice system.
- Ensure compliance with discovery obligations, including the Brady Rule and the Michael Morton Act.

The project is currently in development, with ongoing stakeholder engagement to ensure that crime laboratories across the state and beyond its borders as well as attorneys on both sides of the aisle are prepared for implementation.

Texas CLR Connect applies to all crime laboratories operating in Texas, as defined by Article 38.35 of the Code of Criminal Procedure. Participation requirements for out-of-state laboratories are still under discussion and will be determined in the finalized ad-

The Texas CLR Connect portal will provide a secure, centralized, and digital means for delivering laboratory records subject to discovery.

ministrative rules.

While there is no firm launch date for the CLR Connect portal at this time, DPS is committed to keeping stakeholders informed throughout the development process. Laboratories and attorneys should be aware that implementation and compliance deadlines will be established through administrative rulemaking, with opportunities for feedback from affected agencies.

Regular updates about the Texas CLR Connect project will be published through the CLR Connect Newsletter. You can access

past and current issues at the following web address: <https://www.dps.texas.gov/section/crime-laboratory/texas-clr-connect-discovery-portal>

We’d love to provide a virtual presentation or speak at your conferences. Our contact information is:

Kevin Callahan, records portal program supervisor, 214-861-2209, kevin.callahan@dps.texas.gov

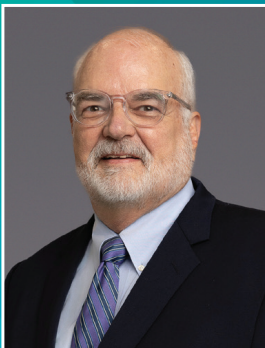
Justin Parker, records program manager, 214-861-2337, justin.parker@dps.texas.gov ^{AL}

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Austin Nonprofit Partners with Law Firm to Improve Access to Justice, Launch Justice Access Support Initiative (JASI)

An Austin nonprofit has partnered with a law firm in order to provide reduced-cost legal services to marginalized communities.

The Austin Justice Coalition (AJC), a 501(c)(3) nonprofit, has partnered with Dallas-based Tolbert & Patrick Law, which also serves clients in Austin, to launch the Justice Access Support Initiative (JASI).

“The Justice Access Support Initiative is a direct response to the systemic barriers that prevent many in our community from obtaining fair legal representation,” Chas Moore, organizing director of Austin Justice Coalition, told KXAN. “This partnership with Tolbert Law Firm allows us to provide crucial legal support while continuing the fight for a

more just and equitable legal system.”


JASI is currently in the process of establishing a fund to be supported by community donations, as well as an intake form for potential clients to apply to JASI for legal aid in civil, criminal, and family matters.

“Justice should not be a privilege reserved for those who can afford it,” Chris Tolbert, managing partner of Tolbert Law Firm said. “We are honored to partner with AJC on this initiative to ensure that everyone, regardless of financial status, has access to quality legal representation.”

In addition to JASI, AJC is also involved in policing reform, affordable housing, and increasing voter participation.

According to the AJC website, the nonprofit’s advocacy and pol-

icy-change efforts have led to a 20-percent reduction in the use of excessive force incidents in Austin over the past three years. AJC has connected more than 500 families to affordable housing resources and economic opportunities. By educating and mobilizing voters, AJC helped increase voter turnout by 15 percent in historically marginalized neighborhoods during the last election cycle.

To learn more about AJC and its series of social justice initiatives and programs designed to eliminate systems that create racial disparities, visit austinjustice.org. 



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Austin Think Tank Recommends Reforms to Texas Property Code to Handle Squatters

BY TEXAS PUBLIC POLICY FOUNDATION

The Texas Public Policy Foundation (TPPF) has issued recommendations¹ to the Texas Legislature to make the process of removing squatters faster.

TPPF defines squatting as “commandeering other people’s property for one’s personal gain on either a short-term or long-term basis.”

“Under current state law, squatting disputes are currently resolved through tenant/landlord civil court proceedings,” the report’s authors, James Quintero and JoÚ Bonura, write.

The removal process can take months and “could deprive the rightful owner or occupant of the property” until the matter is settled.

The authors advocate that the Texas Legislature should look to New York, Florida, and Georgia, whose legislatures have recently enacted new laws to define squatting, make squatting a criminal offense, as well as expedite the removal process.

The Current Removal Process

Because there is no statutory definition for “squatter,” these individuals are legally considered tenants, and so a landlord must follow the same procedure used to evict a tenant for “failing to pay

rent, holding over after the lease expires, or violating the lease,”² as established by Chapter 24 of the Texas Property Code:

1. The owner must send a formal eviction notice. In Texas, the default notice is three days to quit, though landlords can enforce shorter or longer notice periods if it is specified in the lease agreement.

2. After the notice has expired, the owner must file a complaint of forcible detainer with the Texas Justice of the Peace Court. Filing for immediate possession may expedite the eviction process.

3. The court will then issue a citation or summons, which must be served to the squatter by the sheriff or constable.

4. The owner must attend a hearing to present evidence of lawful ownership of the property.

5. Upon confirmation of ownership, the judge may issue a writ of possession after five days have passed since the judgment. The writ gives the squatter final notice to leave. If the squatter does not quit the premises within 24 hours after the writ is served, the sheriff will forcibly remove the squatter.

State Definitions of Squatting

In April 2024, as part of New York State’s fiscal year 2025 bud-



get, the Legislature defined “squatter” in the state’s housing law:

“A tenant shall not include a squatter,” the updated law reads. Further on, it defines a squatter as “a person who enters or intrudes upon real property without the permission of the person entitled to possession, and continues to occupy the property without title, right or permission of the owner or owner’s agent or a person entitled to possession.”³

The definition was necessary, the report’s authors argue, to deny tenant rights to squatters.

During the 2023-24 Legislature in Georgia, legislators unanimously approved House Bill 1017,⁴ the Georgia Squatter Reform Act (GSRA). This bill defines squatting as an individual residing on another’s land or premises without their knowledge or permission. Violators receive citations and have three business days to provide proof, such as a lease or rental agreement confirming they are rightful tenants.

If they cannot provide such

proof, they may be arrested and could face misdemeanor charges.

In March 2024, the Florida Legislature passed House Bill 621, which created a new process to immediately remove a squatter from a residential property if certain conditions are met.

“Under this new process, a property owner or his or her authorized agent may file a verified complaint with the sheriff in the county in which the property is located for the immediate removal of such unauthorized persons,” the bill reads.⁵ “Upon verification of the identity of the person filing the complaint and verification of the person’s right to possess the real property, the sheriff must serve notice to the unlawful occupants to immediately vacate the property.”

Further, the new law created three new crimes:

- Unlawfully detaining or trespassing upon a residential dwelling and intentionally causing at least \$1,000 in damage to such dwelling is a second-degree felony.
- Using a false document pur-



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porting to be a valid lease or deed is a first-degree misdemeanor.

- Fraudulently listing for sale or renting or leasing residential property without possessing an ownership right to or leasehold interest in the property is a first-degree felony.

Recommendations

Based on these case studies, TPPF has four recommendations to reform Texas housing law and address squatting.

1. Define squatting in the Texas Property Code, similar to Georgia's definition:

"A person commits the offense of unlawful squatting when he or she enters upon the land or premises of another and resides on such land or premises for any period of time knowingly acting without the knowledge or consent of the owner, rightful occupant, or an authorized representative of the owner. For purposes of this Code section, the term 'resides' means to inhabit or live on within any land or premises."⁶

2. Create an expedited process to mediate disputes. By making squatting a criminal matter, law enforcement is brought into the picture sooner.

3. Create a criminal penalty for squatters engaged in destructive activities, similar to Florida's law, which makes squatting a second-degree felony if \$1,000 or more in damages is caused by an individual unlawfully occupying or trespassing in a residence.

4. Enhance criminal penalties for anyone caught falsifying documents while engaged in squatting. Such falsification should be elevated to a state-jail felony, the authors argue. ^{AL}

ENDNOTES

- 1 https://www.texaspolicy.com/wp-content/uploads/2025/01/2025-01-TPP-Take-It-Back-Squatters-in-Texas-QuinteroBonura_FINAL.pdf
- 2 <https://innago.com/texas-eviction-process/>
- 3 <https://www.nysenate.gov/newsroom/press-releases/2024/john-c-liu/legislators-announce-language-defining-squatter-state>
- 4 <https://www.legis.ga.gov/legislation/66263>
- 5 <https://flsenate.gov/Session/Bill/2024/621/Analyses/h0621z1.CJS.PDF>
- 6 <https://www.legis.ga.gov/legislation/66263>

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