

BILL ANALYSIS

Senate Research Center

S.B. 1119
By: Harris
Jurisprudence
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As Filed

DIGEST

Currently, Texas statutory law is not clear on the standard for appealing a summary judgment, thereby adding uncertainty to a judge's ability to make summary judgments. The current absence of clear statutory direction may encourage litigants to raise meaningless "fact issues," so as to unreasonably delay the proceedings, and thereby force a better negotiation outcome between litigants. When this occurs, it also leads to backlogged dockets and longer delays for other litigants not immediately a party to the dispute. This bill will clarify the standard for an appeal court in reviewing a judge's summary judgment decision in civil matters regarding the Family Code.

PURPOSE

As proposed, S.B. 1119 clarifies the standard for an appeal court in reviewing a judge's summary judgment decision in civil matters regarding the Family Code.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 51, Civil Practice and Remedies Code, by adding Subchapter C, as follows:

SUBCHAPTER C. APPEALS FROM SUMMARY JUDGMENT

Sec. 51.051. STANDARD OF REVIEW REGARDING CIVIL MATTER IN FAMILY CODE. Requires the appellate court, in reviewing a summary judgment on appeal regarding a civil matter in the Family Code, to uphold a judge's determination that there is no genuine issue as to a material fact unless the appellate court finds that the judge's determination was clearly wrong.

Sec. 51.052. CONFLICT WITH TEXAS RULES OF CIVIL PROCEDURE. Prohibits this subchapter, notwithstanding Section 22.004, Government Code, from being modified or repealed by a rule adopted by the supreme court.

SECTION 2. Makes application of this Act prospective.

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