

BILL ANALYSIS

Senate Research Center

S.B. 1754
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Jurisprudence
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As Filed

DIGEST

Currently, the Texas Rules of Civil Procedure allow litigants to obtain a disposition of claims prior to trial when a question of law for the court exists and no issue of material fact must be decided. Although the language of the Texas and federal rules is nearly identical, Texas courts require the summary judgment movant to conclusively prove its claim or defense with regard to the existence, substance, or credibility of the non-movant's evidence. This has resulted in an ineffective procedure for deciding even the most frivolous claims or defenses prior to trial and contributed to a backlog of cases in Texas courts. In contrast, the federal rule allows federal judges the discretion to grant summary judgment motions where there is neither a material nor genuine issue of fact remaining and reasonable minds could not differ as to the outcome of the issue. This bill adopts the federal standard for summary judgment practice in Texas in order to provide litigants with a more efficient system of dispute resolution.

PURPOSE

As proposed, S.B. 1754 provides regulations for the granting of summary judgment in civil cases.

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 Title 2C, Civil Practice and Remedies Code, by adding Chapter 40, as follows:

CHAPTER 40. SUMMARY JUDGMENTS

Sec. 40.001. PRODUCTION OF EVIDENCE. Sets forth regulations regarding the production of evidence on a motion for summary judgment.

Sec. 40.002. STANDARD OF REVIEW OF THE EVIDENCE. Requires judgment, whenever a court is requested by proper pleading to render summary judgment, to be rendered for the movant if, after considering all of the evidence in the light most favorable to the nonmovant, reasonable minds could not differ as to the material facts, and application of the law to the facts yields the conclusion that judgment is proper for the movant.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.