

BILL ANALYSIS

C.S.H.B. 527
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2018, the Texas Supreme Court case *Youngkin v. Hines* held that the Citizens Participation Act, which provides for expedited dismissal procedures intended to protect the exercise of constitutional rights of free speech, freedom to petition, and the right of association, protects an attorney's statements in court on behalf of a client during a judicial proceeding. This may in effect mean that if a lawyer commits malpractice, the client may not sue the lawyer for relief because the law protects the lawyer's right to petition. C.S.H.B. 527 seeks to ensure that the Citizens Participation Act does not apply to legal malpractice claims by adding such claims to the list of exceptions to the expedited dismissal procedures.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 527 amends the Civil Practice and Remedies Code to establish that provisions relating to expedited dismissal procedures for civil actions involving certain constitutional rights do not apply to a legal malpractice claim. The bill applies only to an action commenced on or after its effective date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 527 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced established that provisions relating to expedited dismissal procedures for civil actions involving certain constitutional rights do not apply to a legal action based on a legal malpractice claim, the substitute establishes that those provisions do not apply to a legal malpractice claim.