

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 527
By: Wu et al. (Zaffirini)
State Affairs
5/15/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Citizens Participation Act was originally intended to protect the exercise of constitutional rights like free speech, freedom to petition, and the right to association by providing for expedited dismissal procedures. The Supreme Court of Texas case *Youngkin v. Hines* (2018), however, held that the Citizens Participation Act protects an attorney's statements in court on behalf of a client during a judicial proceeding. In essence, this ruling could imply that even if a lawyer engages in malpractice, the client may not be able to seek legal recourse because the law protects the lawyer's right to petition.

H.B. 527 would clarify 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.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 527 amends current law relating to exemption of certain civil actions from being subject to a motion to dismiss on the basis of involving the exercise of certain constitutional rights.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 27.010(a), Civil Practice and Remedies Code, to provide that Chapter 27 (Actions Involving the Exercise of Certain Constitutional Rights) does not apply to a legal malpractice claim brought by a client or former client. Makes nonsubstantive changes.

SECTION 2. Makes application of Section 27.010(a), Civil Practice and Remedies Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2023.