One of the most effective ways of convincing committee-members that the TLR legislative agenda is reasonable and necessary is by identifying people who have been involved in an abusive lawsuit. These “case histories” provide a snapshot into the ongoing problems with our state’s civil justice system. The following is a case history that was described to the Civil Practices Committee by Bob Rowling, chief executive officer of TRT Holdings, during the March 25 hearing on the premises liability bill.

Late in 1992, a man checked into the San Antonio Wyndham Hotel. With a companion, he went to a nearby topless bar, where he spent over $300. Shortly after 2:00 AM, he returned to the hotel, got out of his car, began urinating in the parking lot, and was attacked by several men. The attack left him with serious head injuries that later necessitated surgery. There was evidence the attackers followed him into the parking lot either from the topless bar or from the nearby interstate.

Continued on page 6
**Legislative Updates**

Continued from page 1

summary judgment, joining a majority of other states that have procedures in place that closely track the federal approach. This legislation is needed to provide judges with sufficient discretionary authority to dismiss lawsuits that are patently without merit. The premises liability bill, HB 1202 by Rep. Tom Uher, was heard on March 25. TLR worked with a coalition of organizations representing a variety of premises owners—including restaurants, colleges, apartment owners, and retail merchants—to draft a substitute bill to address some of the committee’s concerns that were voiced prior to the hearing. Support for the legislation was forthcoming at the hearing from numerous individuals and associations, including a group of witnesses recruited by TLR who described their case histories.

Hearings on other bills will continue in April. In the meantime, we will continue to work with the committee to address their concerns so the bills can be voted out and considered by the full House of Representatives.

Peter A. Silva

**SHAPING OPINION IN TEXAS NEWSPAPERS**

*by Rachel G. Bejma, Media Relations Consultant*

Texans for Lawsuit Reform has taken its show on the road with newspaper editorial boards across the state. TLR volunteers and leaders have spent countless hours of their valuable time visiting with these newspapers, not to mention becoming very frequent flyers. Papers visited to date include Amarillo, Austin, Corpus Christi, Dallas, El Paso, Fort Worth, San Antonio, Tyler, the Valley, and Waco.

Visiting with editorial boards gives TLR the opportunity to discuss the seven-point agenda in detail to editors and journalists, and to convince these important messengers that further meaningful tort reform is needed in Texas. The objective is to garner favorable support in newsprint, which legislators watch very closely. This hopefully translates into more support for each of TLR’s agenda items by the state representatives and senators in Austin.

Richard Trabulsi, TLR co-founder, who has attended more than seven editorial board meetings since the opening of the legislative session said, “Visiting these newspapers in every corner of the State has been a very effective means of clearly communicating the facts on each of our agenda items. I am extremely appreciative of the talents and time of the many TLR volunteers who have participated in these meetings.”

When visiting with editorial boards, it is important to remember these points.

- Keep your presentation within the time-frame allotted by the editorial board, customarily limited to one hour or less. Bear in mind that another group may be waiting to meet with the board when you are finished.
- Be truthful, concise and direct when expressing your viewpoints. If a member of the board does not agree with your position, do not become overly defensive. Instead, re-state the important facts and move on to the next point.
- If you don’t know the answer to a question, say that you will get an answer to them as soon as possible, and follow through.
- Provide complete information to leave behind.
- Thank the board for their time and follow up with a brief letter including any additional information you need to relay.
In early March, the Texas House of Representatives began hearings on the 1997 tort reform package. The House Civil Practices Committee heard testimony on HB 1020, TLR’s third party liability bill on March 11. This committee activity is perhaps the most important part of the entire process, since the product of their work will be what goes to the entire House.

The following is a list of the members of this crucial committee.

**Patricia Gray, Chair**
District 23 - Galveston
Democratic Representative
Patricia Gray is an attorney. She received her BA and MEd from Mississippi State University. Her MA was received at The University of Texas at Austin, and her JD from the South Texas College of Law. Born October 2, 1946, she has been a member of the House of Representatives since 1992. Ms. Gray can be reached at 520 20th Street, Galveston, TX 77550, 800/615-2525, and by fax at 409/765-8820. She serves District 23 Galveston County (part) with Senators Galloway and Patterson.

**Paul Hilbert, Vice Chair**
District 150 - Spring
Paul Hilbert is an attorney. He received his MBA from Xavier University and his JD from the South Texas College of Law. Born March 24, 1949, he has been a member of the Texas House of Representatives since 1983. Mr. Hilbert can be reached at 2301 FM 1960 West, Ste. 240, Houston, TX 77068, 713/537-5252. He serves District 150, Harris County (part) as Republican Representative with Senators Lindsay and Whitmire.

**Leo Alvarado**
District 116 - San Antonio
Leo Alvarado, Jr, the Democratic Representative from San Antonio is an attorney. He received his BA from St. Mary’s University, and his JD from St. Mary's School of Law. Born April 23, 1939, Alvarado has been a member of the House since 1996. Mr. Alvarado can be reached at 115 Cameron, Suite 200, San Antonio, TX 78205-2492, 210/229-1884, and by fax at 210/229-9464. Mr. Alvarado serves District 116, Bexar County (part) with Senators Luna and Wentworth.

**Fred Bosse**
District 128 - Houston
Democratic Representative
Bosse is an attorney. He received his BS from Texas A&M University and his JD from the University of Houston, Bates College of Law. Born July 18, 1947, Mr. Bosse has been in the House of Representatives since 1991. He can be reached at 855 Uvalde Rd., #A, Houston TX 77015, 713/453-6336, or by fax at 713/453-5013. Mr. Bosse serves District 128, part of Harris County, with Senators Gallegos, Patterson and Whitmire.

**Harold Dutton**
District 142 - Houston
Democratic Representative
Dutton is an attorney in Houston. He received his BBA from Texas Southern University and his JD from the TSU Thurgood Marshall School of Law. Born February 17, 1945, Dutton has served in the Texas House of Representatives since 1985. He can be reached at 9111 Eastex Fwy., Suite 336, Houston, TX 77093, 713/692-9192 or by fax at 713/692-6791. Dutton serves District 142, Harris County (part) with Senators Gallegos, Lindsay, Ellis and Whitmire.

**Toby Goodman**
District 93 - Arlington
Mr. Goodman practices law in Arlington where he lives with his wife, Gloria. He received his BBA from Texas Christian University and his JD from Baylor University. Born November 2, 1948, Goodman has served the Texas House of Representatives since 1991. Goodman can be reached at 1600 Lamar, Suite 115, Arlington, TX 76011, 817/460-8200 or by fax in Arlington at 817/861-2125 and in Austin at 512/475-1178. He serves District 93, Tarrant County (part) with Senators Nelson, Harris and West.

**Joe Nixon**
District 133 - Houston
Joe Nixon and his wife, Allyson, reside in Houston, where he practices law.

**Zeb Zbranek**
District 20 - Winnie
Zbranek and his wife, Angela, live in Winnie where he is both an attorney and a petroleum engineer. Zbranek received his BS from The University of Texas at Austin and his JD from the University of Houston Law Center. Born September 28, 1962, Zbranek has been a member of the Texas House of Representatives since 1993. He can be reached at P.O. Box 2910, Austin, TX 78768, 512/463-0488 or by fax at 512/463-1510. Zbranek serves District 20, Chambers, Hardin and Liberty Counties with Senators Nixon and Galloway.
STATEWIDE TRADE ASSOCIATION ENDOREMENTS

American Alliance for Rights & Responsibilities
American Collectors Association of Texas
American Society of Civil Engineers
Associated Builders & Contractors of Texas
Associated General Contractors - Texas Building Branch
Association of Chemical Industry of Texas
Automotive Wholesalers of Texas
Consulting Engineers Council of Texas
Independent Bankers Association of Texas
Independent Cattleman’s Association of Texas
Lumbermen’s Association of Texas
Mechanical Contractors Association of Texas
National Federation Independent Businesses
Printing Industries Association of Texas
Rural Rental Housing Association of Texas
Southwest Association
Southwest Meat Association
State Firemen’s and Fire Marshals’ Association of Texas
Texas Ag Industries Association
Texas Aggregates and Concrete Association
Texas Agricultural Cooperative Council
Texas Air Conditioning Contractors Association
Texas and Southwestern Cattle Raisers Association
Texas Apartment Association, Inc.
Texas Association of Builders
Texas Association of Business and Chambers of Commerce
Texas Assn of Homes & Services for the Aging
Texas Association of Life Underwriters
Texas Association of Nurseries
Texas Association of Realtors
Texas Assn of Residential Care Communities
Texas Association of Wholesale Distributors, Inc.
Texas Chemical Council
Texas Citrus Mutual
Texas Cotton Ginners' Association
Texas Food Industry Association
Texas Forestry Association
Texas Gas Association
Texas Grain & Feed Assn
Texas Health Care Assn
Texas Hospital Association
Texas Hotel and Motel Assn
Texas Housing Association
Texas Independent Automotive Association
Texas Insurance Professionals
Texas Land Title Association
Texas Lathing & Plastering Contractors
Texas Medical Association
Texas Osteopathic Medical Association
Texas Petroleum Marketers & Convenience Store Association
Texas Physical Therapy Association
Texas Rental Association
Texas Restaurant Association
Texas Risk Retention Association
Texas Seed Trade Association
Texas Sign Manufacturers Association
Texas Society of Architects
Texas Society of Certified Public Accountants
Texas Society of Internal Medicine
Texas Society of Medical Assistants
Texas Society of Professional Engineers
Texas Society of Professional Surveyors
Texas State Florists’ Association
Texas Tire Dealers & Retreaders Association
Texas Waterway Operators Association
Textile Maintenance Association of Texas

LOCAL TRADE ASSOCIATION ENDOREMENTS

Apartment Association of Greater Dallas
Apartment Association of Southeast Texas
Apartment Association of Tarrant County
Associated Builders and Contractors of Texas/Coastal Bend
Associated Builders and Contractors of Texas/Gulf Coast
Associated Builders and Contractors of Texas/Houston
Associated Builders and Contractors of Texas/South Texas
Associated Builders and Contractors of Texas/Southeast Texas
Assoc General Contractors of America, Inc./Austin
Assoc Builders & Contractors/Mid Coast Chapter
Associated Builders & Contractors/Central Texas Chapter
Associated General Contractors, Inc./Houston
Associated General Contractors/Dallas
Association of Consulting Municipal Engineers of Houston
Austin Apartment Association
Austin Board of Realtors
Bay Area Board of Realtors/Houston
Building Owners and Managers Association of Austin
Building Owners and Managers Association of Houston
Builders Association of Fort Worth & Tarrant County
Chambers County
Consulting Engineers Council of TX, San Antonio Chapter
Corpus Christi Apartment Association
Fort Bend Association of Realtors
Greater Dallas Association of Realtors
Greater Houston Builders Association
Greater Houston Hospital Council
Gulf Coast Grocery Assn. of Texas
Home Builders Association of Southeast Texas
Hotel Association of Tarrant County
Houston Apartment Association
Houston Assoc. of Insurance Agents
Houston Assoc. of Life Underwriters
Houston Association of Realtors
Institute of Real Estate Management/Austin
Institute of Real Estate Management/Houston
Jefferson County Medical Society
Lubbock Apartment Association
Mechanical Contractors Association of Houston
North Texas Oil & Gas Association
Retail Merchants Association/Houston
San Antonio Apartment Association, Inc.
Temple Area Home Builders Association
Texas Capitol Area Builders Association
Texas Society of C.P.A.’s - Houston Chapter
Tritech Regional Council
United Property Owners’ Association/Houston

CHAMBER OF COMMERCE ENDORSEMENTS

Amarillo Chamber of Commerce
Arlington Chamber of Commerce
Athens Chamber of Commerce
Bellville Chamber of Commerce
Beltline Area Chamber of Commerce
Bryan-College Station Chamber of Commerce
Canton Texas Chamber of Commerce
Cedar Hill Chamber of Commerce
Denison Area Chamber of Commerce
DeSoto Chamber of Commerce
East End Chamber of Commerce
Eastland Chamber of Commerce
Everman Area Chamber of Commerce
Fort Bend Chamber of Commerce
Fort Worth Chamber of Commerce
Frisco Chamber of Commerce
Giddings Chamber of Commerce
Greater Austin Chamber of Commerce
Greater Dallas Chamber of Commerce
Greater Houston Partnership
Greater Irving-Las Colinas Chamber of Commerce
Greater Killeen Chamber of Commerce
Greater New Braunfels Chamber of Commerce
Greater Orange Area Chamber of Commerce
Greater San Antonio Chamber of Commerce
Greenville Chamber of Commerce
Hallettsville Chamber of Commerce & Agriculture
Harker Heights Chamber of Commerce
Harris County S.E. Economic Development Council
Houston County Chamber of Commerce
Houston Northwest Chamber of Commerce
Humble Area Chamber of Commerce
Longview Partnership
Luftin-Angelina County Chamber of Commerce
Marble Falls-Lake LBJ Chamber of Commerce
McAllen Chamber of Commerce
Midland Chamber of Commerce
North Houston Association
North Houston Greenspoint Chamber of Commerce
Northeast Tarrant County Chamber of Commerce
Pampa Chamber of Commerce
Pasadena Chamber of Commerce
Plano Chamber of Commerce
Raymondville Chamber of Commerce
Rockdale Chamber of Commerce
San Angelo Chamber of Commerce
Shamrock Chamber of Commerce
South Montgomery County-Woodlands Chamber
South San Antonio Chamber of Commerce
Stratford Chamber of Commerce
Taft Chamber of Commerce
Tomball Area Chamber of Commerce
Weatherford/Parker Economic Council
Westchase Business Council
Wharton Chamber of Commerce
Yoakum Area Chamber of Commerce

(All are partial listings at time of printing)
## TEXANS FOR LAWSUIT REFORM LEGISLATION

### COMMITTEES IN WHICH TLR’S LEGISLATION IS LIKELY TO BE HEARD:

**House Civil Practices**
- Patricia Gray, Chair
- Paul Hilbert, Vice Chair
- Leo Alvarado
- Fred Bosse
- Harold Dutton
- Toby Goodman
- Joe Nixon
- Bill Roman
- Zeb Zbranek

**House Calendars**
- Mark Stiles, Chair
- Paul Hilbert, Vice Chair
- Hugo Berlanga
- Kim Brimer
- Debra Danburg
- Harold Dutton
- Christine Hernandez
- Brian McCall
- Allen Place
- Paul Sadler
- Sylvester Turner

**Senate Economic Development**
- David Sibley, Chair
- David Cain, Vice Chair
- Robert Duncan
- Rodney Ellis
- Chris Harris
- Tom Haywood
- Eddie Lucio
- Frank Madla
- Jerry Patterson
- Florence Shapiro
- Eliot Shapleigh

### SENATE (as of March 31, 1997)

<table>
<thead>
<tr>
<th>Number</th>
<th>Issue</th>
<th>Author</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 220</td>
<td>Out-of-State</td>
<td>Teel Bivins</td>
<td>Passed by the Senate referred to Civil Practices</td>
</tr>
<tr>
<td>SB 429</td>
<td>Third Party</td>
<td>Robert Duncan</td>
<td>referred to Economic Development Committee</td>
</tr>
<tr>
<td>SB 428</td>
<td>Premises Liability</td>
<td>Troy Fraser</td>
<td>referred to Economic Development Committee</td>
</tr>
<tr>
<td>SB 419</td>
<td>Judgment Reform</td>
<td>Ken Armbrister</td>
<td>referred to Economic Development Committee</td>
</tr>
<tr>
<td>SB 275</td>
<td>Privity</td>
<td>David Sibley</td>
<td>Passed by the Senate hearing in Civil Practices (3/25)</td>
</tr>
<tr>
<td>SB 648</td>
<td>Summary Judgment</td>
<td>Buster Brown</td>
<td>referred to Economic Development Committee</td>
</tr>
<tr>
<td></td>
<td>Offer of Settlement</td>
<td>Bill Ratliff</td>
<td>still being drafted</td>
</tr>
<tr>
<td>SB 427</td>
<td>Injured Party Protection Act</td>
<td>Tom Haywood</td>
<td>referred to Economic Development Committee</td>
</tr>
</tbody>
</table>

### HOUSE (as of March 31, 1997)

<table>
<thead>
<tr>
<th>Number</th>
<th>Issue</th>
<th>Author</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB 7</td>
<td>Out-of-State</td>
<td>Robert Junell</td>
<td>referred to Civil Practices Committee</td>
</tr>
<tr>
<td>HB 1020</td>
<td>Third Party</td>
<td>Robert Junell</td>
<td>heard in Civil Practices Committee</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Bill pending</td>
</tr>
<tr>
<td>HB 1202</td>
<td>Premises Liability</td>
<td>Tom Uher</td>
<td>hearing in Civil Practices Committee (3/25)</td>
</tr>
<tr>
<td>HB 1022</td>
<td>Judgment Reform</td>
<td>Paul Hilbert</td>
<td>referred to Civil Practices Committee</td>
</tr>
<tr>
<td>HB 886</td>
<td>Privity</td>
<td>Kim Brimer</td>
<td>referred to Civil Practices Committee</td>
</tr>
<tr>
<td>HB 95</td>
<td>Summary Judgment</td>
<td>Joe Nixon</td>
<td>heard in Civil Practices Committee Bill pending</td>
</tr>
<tr>
<td>HB 2985</td>
<td>Offer of Settlement</td>
<td>Henry Cuellar</td>
<td>referred to Civil Practices Committee</td>
</tr>
<tr>
<td>HB 1021</td>
<td>Injured Party Protection Act</td>
<td>Frank Corte</td>
<td>referred to Civil Practices Committee</td>
</tr>
</tbody>
</table>
The plaintiff’s companion was able to escape and he rushed into the hotel to notify security, which was on duty at the time.

The plaintiff sued TRT Holdings, alleging the accident was caused by the company’s failure to provide adequate security, even though there had been no previously reported violent crimes at this hotel, which has on-site security and a well-lit outdoor parking lot.

Although TRT Holdings’ executive management viewed this case as groundless and wanted to take it to trial, where they expected vindication, the insurance companies decided to settle the case for $4 million the day before the trial was to begin.

Texans for Lawsuit Reform believes the current law affecting premises owners discourages economic investment in urban neighborhoods and discourages property owners from making their facilities available to charitable or non-profit organizations for recreational or educational uses. The committee substitute for HB 1202 will be a significant improvement.