

PUBLICATION UPDATE

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Dorsaneo, Texas Litigation Guide

Publication 719

Release 118

September 2015

HIGHLIGHTS

- **Employment Litigation Chapter Totally Revised and Reorganized**
- **Choice of Law Chapter Completely Revised and Updated**
- **New Coverage of Breach of Contract Actions Against Local Governments**

This release of *Texas Litigation Guide* includes complete revisions of Ch. 203A, *Employment Litigation* and Ch. 62, *Choice of Law*, as further described below. In addition, discussion of statutory provisions governing breach of contract actions against local government entities has been added to Ch. 210A, *Contracts*. The chapters on railroad and maritime employee injuries (Chs. 350 and 351) have been updated with recent Texas and federal case law, and miscellaneous updates and revisions have been made to Ch. 90, *Discovery: Scope and Limitations* and to the forms in Ch. 22, *Attorney's Fees*.

The release also contains a completely

updated subject matter index and table of statutes.

The highlights of the release are further discussed below.

DORSANEO, TEXAS LITIGATION GUIDE (USPS 018-383) is published quarterly for \$4,125 by Matthew Bender & Co., Inc. 3 Lear Jet Lane Suite 102 PO Box 1710, Latham, NY 12110. Periodical postage is paid at Albany, N.Y. and at additional mailing offices. POSTMASTER: Send address changes to DORSANEO, TEXAS LITIGATION GUIDE, 136 Carlin Rd., Conklin, N.Y. 13748-1531.

Employment Litigation Chapter Completely Revised and Updated. This release features a complete revision, reorganization, and expansion of Chapter 203A, *Employment Litigation*, covering employment litigation under federal and Texas law. The revised chapter provides extensive coverage of employment discrimination actions under Title VII of the Civil Rights Act of 1964, as well as under Section 1981 of the Civil Rights Act of 1866, Section 1983 of

the Civil Rights Act of 1871, the Equal Pay Act, the Americans With Disabilities Act, the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, the False Claims Act, and the Sarbanes-Oxley Whistleblower Act.

This chapter also includes detailed coverage of civil actions under the Texas Commission on Human Rights Act (TCHRA), the Texas Whistleblower Act, the anti-retaliation provisions of the Workers' Compensation Act (WCA), and the *Sabine Pilot* Doctrine, as well as common law claims for infliction of emotional distress, assault, and slander in the employment context. Coverage of public employees' First Amendment rights, vested rights in employment, blacklisting, and other forms of discrimination is also included. Petitions for actions under the TCHRA, the Whistleblower Act, and the anti-retaliation provisions of the WCA are also provided.

Choice of Law Chapter Completely Revised and Updated. Ch. 62, *Choice of Law* has been thoroughly revised and updated with recent case law, and the discussion of key subtopics has been expanded. The revised chapter features a new subsection on choice of law issues in class actions

(§ 62.01[9]). It also expands the discussions of the relationship between various choice of law principles (§ 61.01[4]), as well as choice of law issues pertaining to evidentiary rules (§ 62.02[3]), fraud claims (§ 62.01[3]), subrogation rights in workers' compensation cases (§ 62.03[4]), and contractual choice of law by the parties to an agreement (Sec. 62.04[2]). The discussion of judicial notice of the laws of other states (§ 62.07[1]) and countries (§ 62.07[2]) has been updated to reflect recent case law and the April 2015 amendments to the applicable Texas Rules of Evidence.

Chapter 210A, Contracts, Expanded to Cover Actions for Breach of Contract Against Local Governmental Entities.

This release adds a new § 210A.42[4], which covers actions for breach of contract against local governmental entities under Texas Local Government Code Section 271.151 et seq. It discusses the types of entities and contracts that are covered by these provisions, the entity's waiver of sovereign immunity for purposes of a breach of contract action, applicable contractual adjudication procedures, and limitations on liability.

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Publication 719 Release 118

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