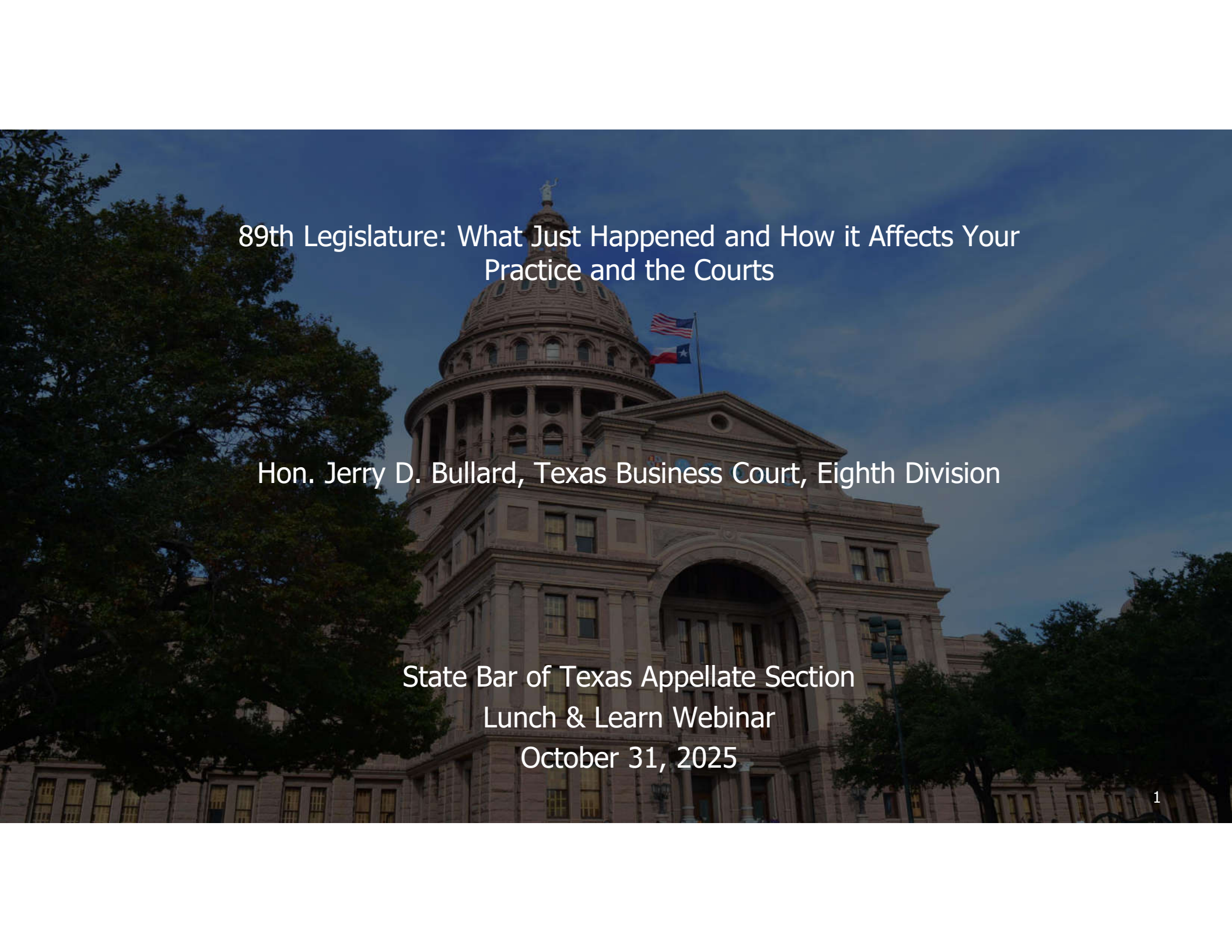


A photograph of the Texas State Capitol building in Austin, Texas, featuring its iconic dome and classical architecture. The building is partially obscured by large trees on the left and right sides. The sky is a clear, pale blue.

89th Legislature: What Just Happened and How it Affects Your Practice and the Courts

Hon. Jerry D. Bullard, Texas Business Court, Eighth Division

State Bar of Texas Appellate Section
Lunch & Learn Webinar
October 31, 2025

89th Lege - Bill Statistics (Regular Session)



Filed: 8,719 (New record)

- 88th Legislature (2023): 8,046
- 81st Legislature (2009): 7,419
- 86th Legislature (2019): 7,324

Passed: 1,213

- 88th Legislature (2023): 1,246

8,719 bills filed →

The Texas legislative process is similar to a giant funnel: 8,719 bills were poured into the top but only 1,213 (14%) passed.

The process is essentially designed to kill bills through procedural mechanisms rather than by taking actual votes.



89th Lege Demographics

- 181 seats
 - House – 150 (88 R / 62 D)
 - Senate – 31 (20 R / 11 D)
- 59 licensed attorneys
 - 49 – House
 - 10 – Senate

Bills that Passed



SB 293 – Judicial Compensation, Judicial Discipline by SCJC, & Judicial Transparency

- *Compensation:* Annual base salary of a district court and business court judge is increased to \$175,000.
- *District Court Reporting:* District Court judges are required to submit semi-annual reports to their respective administrative presiding judges about docket activity and the performance of certain judicial-related duties.
- *SCJC Procedures:* Amends the Government Code to provide changes to various SCJC investigation and disciplinary procedures.

SB 293 – Judicial Compensation, Judicial Discipline by SCJC, & Judicial Transparency

- *Judicial misconduct definition:* Amends “wilful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties” in Tex. Gov’t Code §33.001(b) to include:
 - (1) “wilful, persistent, and unjustifiable failure to timely execute the business of the court, considering the quantity and complexity of the business, *including failure to meet deadlines, performance measures or standards, or clearance rate requirements set by statute, administrative rule, or binding court order.*”

SB 293 – Judicial Compensation, Judicial Discipline by SCJC, & Judicial Transparency

- *Appellate court remote proceedings:* Absent exigent circumstances, an appellate court must participate in oral argument presented through teleconferencing technology from a courtroom or other state-provided facility.
- *Summary judgment procedures:* Trial courts must hear MSJ (via oral argument or written submission) within 45 days after a response is filed and provide a written ruling with 90 days after submission or argument. Compliance with the deadlines must be reported to OCA on a quarterly basis. ++

SJR 27 – Proposed Constitutional Amendment SCJC & Judicial Discipline

- Amends Texas Constitution and changes composition of SCJC:
 - Six court judges/justices appointed by SCOTX (two must be trial court judges) with Senate approval.
 - Seven citizens appointed by Governor with Senate approval who are at least 35 years of age.

SJR 27 – Proposed Constitutional Amendment SCJC & Judicial Discipline

- Limits SCJC authority to issue private admonitions, warnings, or reprimands to only judges/justices who haven't been the subject of a previous order and doesn't involve a complaint/report alleging conduct constituting a criminal offense.
- Authorizes SCJC to recommend suspension for judicial misconduct and that a judge/justice be suspended without pay for a specific period under certain circumstances.

HB 16 (S.2) – Omnibus Courts Bill

- Creates new courts (13 district, 1 CCL, and 1 probate court), designates court preferences, and modifies the concurrent jurisdictions of various county courts at law in multiple jurisdictions.
- Increases the maximum amount-in-controversy for certain county courts at law from \$250,000 to \$325,000.

HB 16 (S.2) – Omnibus Courts Bill

- Prohibits filing of a NOA in a civil case that requests assignment of the appeal to the Fifteenth Court of Appeals unless the notice includes a matter arising out of/related to a case within the court's exclusive intermediate appellate jurisdiction.
- Creates places for two additional justices on the Fifteenth Court of Appeals, one of which would be filled for the fourth year following the court's creation (2028) and the other filled during the fifth year following the court's creation (2029).

HB 16 (S.2) – Omnibus Courts Bill

- *Summary judgment procedures:* Trial courts must hear MSJ (via oral argument or written submission) no later than: (1) 60 days after the motion is filed, or (2) 90 days after the motion is filed (a) if the court's docket requires a hearing on a date later than the 60th day after the motion is filed, (b) on a showing of good cause, or (c) if the movant consents.
 - Applies to MSJs filed on or after effective date
 - Deadlines will not apply to withdrawn motions
 - Trial court must provide a written ruling within 90 days after submission or argument

HB 16 (S.2) – Omnibus Courts Bill

- *Business Court:* Bastrop County is moved to the Third Division
- *Supreme Court rulemaking:* Amends the Government Code to provide that all laws and parts of laws governing practice and procedure in civil actions enacted before May 15, 1939, are repealed, except that no laws or parts of laws are superseded until SCOTX adopts a rule that governs the subject matter of the law or part of a law; however, no substantive laws are repealed.
- *Effective date:* 91st day after the session ends (Dec. 4, 2025)

SB 29 – Business Organizations Code

- Allows governing documents to (1) specify that Texas courts will be the exclusive forum and venue for internal disputes, and (2) contain an enforceable jury trial waiver concerning internal disputes.
- Authorizes a corporation to (1) form a committee of independent and disinterested directors to review/approve transactions, and (2) petition a court with jurisdiction to hold an evidentiary hearing to determine whether the appointed directors are independent and disinterested. Court must hold a preliminary hearing within 10 days after notice to shareholders to determine appropriate legal counsel and to promptly hold the hearing.

SB 29 – Business Organizations Code

- Codifies the “business judgment rule” and establishes a presumption that directors and officers act in good faith in furtherance of the corporation’s interests and according to law.
- Allows governing documents to establish a new threshold for shareholder actions (3% minimum).
- Allows governing documents to specify that books and records can be inspected only by shareholders: (1) who own 5% or more of outstanding shares, or (2) who have owned their shares for at least six months.
- *Effective date:* May 14, 2025

HB 40 – Business Court

- Expands definition of “qualified transaction” to include a series of related transactions applying to one or more parties and reduces minimum consideration value for qualified transactions from \$10 million to \$5 million.
- Adds to court’s jurisdiction actions:
 - Arising or related to intellectual property and trade secrets.
 - To enforce an arbitration agreement or review an arbitral award involving an amount over \$5 million.
 - MDL pretrial matters if the court otherwise has jurisdiction.
- Reduces amount-in-controversy threshold from \$10 to \$5 million for non-corporate governance-related claims (e.g., breach of contract).

HB 40 – Business Court

- Provides that actions commenced before 9/1/24 that are within the business court's jurisdiction may be transferred to and heard by the court on an agreed motion and the BC judge's permission.
- Revises the 30-day removal timeline provisions to include service of process as a triggering event for a party to seek removal.
- SCOTX to adopt rules relating to jurisdictional determinations.
- Removes sunset provisions for the unfunded Second, Fifth, Sixth, Seventh, Ninth, and Tenth Divisions, and moves Montgomery County to the Eleventh Division.
- Changes apply to civil actions commenced on or after September 1, 2024.

HB 4081 – Uniform Trade Secrets Act

- *Requests to seal party's own trade secrets:* File sealing notice and an affidavit that (1) describes the type of information contained in the document; (2) provides contact information for subsequent notice of any motion to unseal; and (3) states the factual basis for the party's allegation that the info constitutes a trade secret.
- Deliver a copy of the document to be sealed to the trial court in a sealed envelope labeled to identify the corresponding sealing notice and serve a copy of the notice, affidavit, and document on each party to the action.

HB 4081 – Uniform Trade Secrets Act

- *Filings that include trade secrets claimed by another party:* Filing party must: (1) file a sealing notice and a **statement** generally describing the type of information contained in the document and identifying the person who claims the document includes the trade secret; (2) deliver a copy of the document to be sealed to the trial court in a sealed envelope labeled to identify the corresponding sealing notice; and (3) serve a copy of the notice, statement, and document on each other party to the action and any non-party who alleges the document contains the person's trade secret.
- No later than the 14th day after the date a person who alleges a document contains the trade secret receives a sealing notice, the person must file in the same cause an affidavit: (1) generally describing the type of information in the document; (2) providing contact information for subsequent notices of any motion to unseal the document; and (3) stating the factual basis for the allegation that the information in the document constitutes a trade secret.

HB 4081 – Uniform Trade Secrets Act

- If the trial court receives the notice, statement, and sealed document, the document must be treated as filed under seal until the time for filing an affidavit expires and, if no affidavit is timely filed, the document will be treated as publicly filed until an affidavit is filed.
- Once the trial court receives a notice, affidavit, and sealed document, the document is treated as permanently filed under seal. At any time before or after judgment, any person may intervene in a trade secrets-related action to seal or unseal a document. If a person alleges the person's trade secret was filed of public record, the person could seal the document containing the alleged trade secret by taking the same actions with respect to the document that a party to an action is authorized to take with respect to the party's alleged trade secret.

HB 4081 – Uniform Trade Secrets Act

- Any person may move to unseal any sealed document. The motion and notice of hearing must be served on the parties to the action in which the document was filed, and on the person who submitted an affidavit by CMRRR by the 14th day before any hearing on the motion.
- The trial court must grant the motion and unseal all or part of the document if the person who claims the document contains the trade secrets fails to demonstrate by a preponderance of the evidence that all or part of the document contains a trade secret. If trial court determines that only a part of the document should be unsealed, the trial court must redact all information containing a trade secret before providing the document to the movant.
- Orders granting or denying a motion to unseal a document are considered to be severed and are final appealable judgments.

HB 4325 and HB 2733– Penalties for Barratry

- HB 4325 increases the civil penalty for barratry, the illegal solicitation of clients for legal services, from \$10,000 to \$50,000.
- HB 2733 expands the definition of barratry to include digital communications, specifically targeting online platforms.

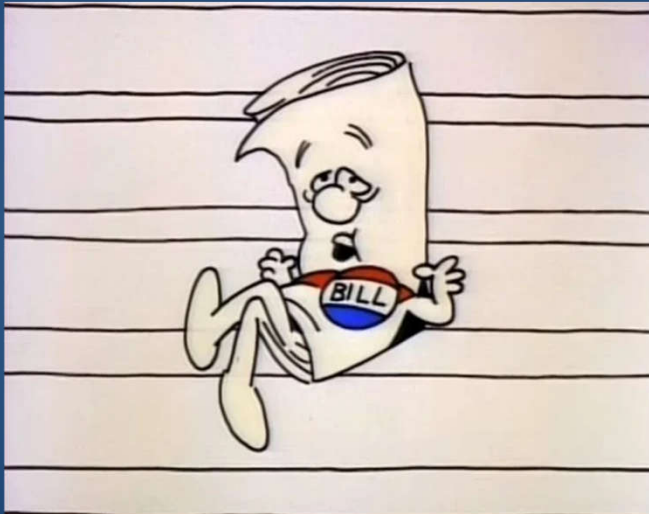
Jurisdiction of the Fifteenth Court of Appeals

- SB 15 – Size and density requirements for residential lots
- SB 840 / SB 2477 – Municipal regulation of conversion of certain office buildings to mixed-use and multifamily residential occupancy
- SB 1567 – Authority of home-rule municipalities to regulate the occupancy of dwelling units
- HB 7 – Prohibition for manufacturing/providing abortion-inducing drugs
- SB 8 – Designation/use of spaces and facilities according to sex
- HB 18 – Civil penalties for absent legislators during legislative sessions

Bail Reform

- SJR 5 - Allow judges to deny bail to those accused of certain violent crimes. It also ensures that a defendant has a right to counsel at no-bail hearings and requires the State to offer proof that a defendant is a public safety or flight risk.
- SB 9 - Omnibus bail reform-enabling legislation (related to SJR 5) that also serves as a “clean-up” bill for the major bail reform legislation that passed in 2021 (i.e., SB 6 - Damon Allen Act). It revises the public safety report (PSR) system, limits appointed magistrates’ authority to set or reduce bail, limits personal bonds for more types of crimes, clarifies the process for prosecutors to appeal allegedly insufficient bail, and establishes a process to review bail decisions.

Bills that Failed



Legal Profession

- SB 1073 – Discrimination Against/Burdening Constitutional Rights of Law License Holder/Applicant
- HB 1528 / HB 2386 / HB 2624 – Licensing and Regulation of Legal Paraprofessionals
- HB 1387 – Bar Exam Eligibility Requirements
- HB 5104 – Elimination of Mandatory Bar Requirements

Tort Liability and Damages

- SB 30 / HB 4806 – Damages in Civil Actions
- SB 39 / HB 4688 – Civil Liability of a Commercial Vehicle Owner or Operator
- SB 779 / HB 3694 – Nuisance Suits
- HB 2446 – 18.001 Affidavits
- HB 4101 /SB 2027 – Funeral Home / Non-Economic Damages Caps

Interlocutory Appeals

- SB 336 / HB 2459 – Automatic Stay During TCPA Motion to Dismiss Appeals
- HB 2986 – Authority of Appellate Court to Lift Stay in Connection with an Interlocutory Appeal
- HB 3647 – Appeals from Orders Granting or Denying a Governmental Unit's Plea to the Jurisdiction
- SB 1292 – Authority of an Appellate Court to Issue Temporary Orders in Connection with an Interlocutory Appeal
- SB 1794 – Interlocutory Appeal from Orders by a Political Subdivision or an Officer or Employee of a Political Subdivision
- SB 2516 / HB 5477 – Court Orders Eligible for an Interlocutory Appeal

Judiciary

- SB 311 – Writ Power of the Texas Supreme Court
- SB 1210 / HB 933 – Jurisdiction of the Texas Supreme Court and Court of Criminal Appeals
- HB 2322 – Annual Base Salaries of State Judges and Justices
- HB 4797 – Appellate Court Redistricting

Thank you.