

March 27, 2020

Dear Members of the Texas Supreme Court:

We write as leaders of various associations of attorneys at the Bar across Texas with a unified voice about an issue of serious concern and proposed solutions we hope the Court will enact. Represented here are the Presidents of the State Bar of Texas, the Litigation Section of the State Bar of Texas, the Texas Chapter of the American Board of Trial Advocates, the Texas Association of Defense Counsel, the Texas Trial Lawyers Association, the Austin Bar Association, the Dallas Bar Association, the Houston Bar Association, and the San Antonio Bar Association.

Specifically, the issue is the permissive language in paragraph 3 of the Court's First Emergency Order Regarding the Covid-19 State of Disaster dated March 13, 2020 and the practical concerns it raises regarding the application of Statute of Limitations in this very challenging time. Paragraph 3 states: "All courts in Texas may extend the statute of limitations in any civil case for a stated period ending no later than 30 days after the Governor's state of disaster has been lifted."

The use of the term "may" leaves courts, the bar, and parties with no understanding of how to address the potentially dispositive issue of limitations that are arising while the nation is in this moment of unprecedented crisis. The practical effect of the language suggests there could be various application or enforcement of statute of limitations for cases filed in Dallas County as opposed to filed in Williamson County, effectively allowing different rules for all 254 counties. In the effort toward a solution, the group has considered two proposals drafted by Jim Perdue, Jr., who facilitated the collection and discussion of this group.

Concept A:

Any specific time limit for the commencement, filing, or service of any civil legal action under the laws of this State is hereby tolled from the Court's March 13, 2020 Emergency Order No. 1 until 75 days after the Governor's state of disaster order has been lifted.

Concept B:

For any action in which a deadline to bring suit under Tex. Civ. Prac. & Rem. Code Chapter 16 falls on a day from March 1, 2020 until 30 days after the Governor's state of disaster has been lifted, such deadline is extended until 75 days after the Governor's state of disaster has been lifted.

The below signed group of association presidents agree a clear, non-permissive order relating to the statute of limitations from the Texas Supreme Court would benefit parties and the entire bar. We defer to the Court for a final analysis of the best language to achieve that consensus desire. We offer the Court these two alternative proposals and no member of group has voiced objection toward either. They are offered as alternative suggestions of proposed language that could assist the Court achieve the unanimous goal of a statewide, uniform, non-permissive order from the Court tolling limitations during this unprecedented national emergency.

**/s/ Randy Sorrels**  
**President, State Bar of Texas**  
**(but not as on behalf of the authority of the State Bar)**

**/s/ Robby Alden**  
**President, Tex-ABOTA**

**/s/ Leonard R “Bud” Grossman**  
**President, TADC**

**/s/ Jim Mitchell**  
**President, TTLA**

**/s/ D. Todd Smith**  
**President, Austin Bar Association**

**/s/ Robert L. Tobey**  
**President, Dallas Bar Association**

**/s/ Benny Agosto, Jr.**  
**President, Houston Bar Association**

**/s/ Thomas A. Crosley**  
**President, San Antonio Bar Association**

**/s/ Jennifer Doan**  
**Chair, Litigation Section of the State Bar**