

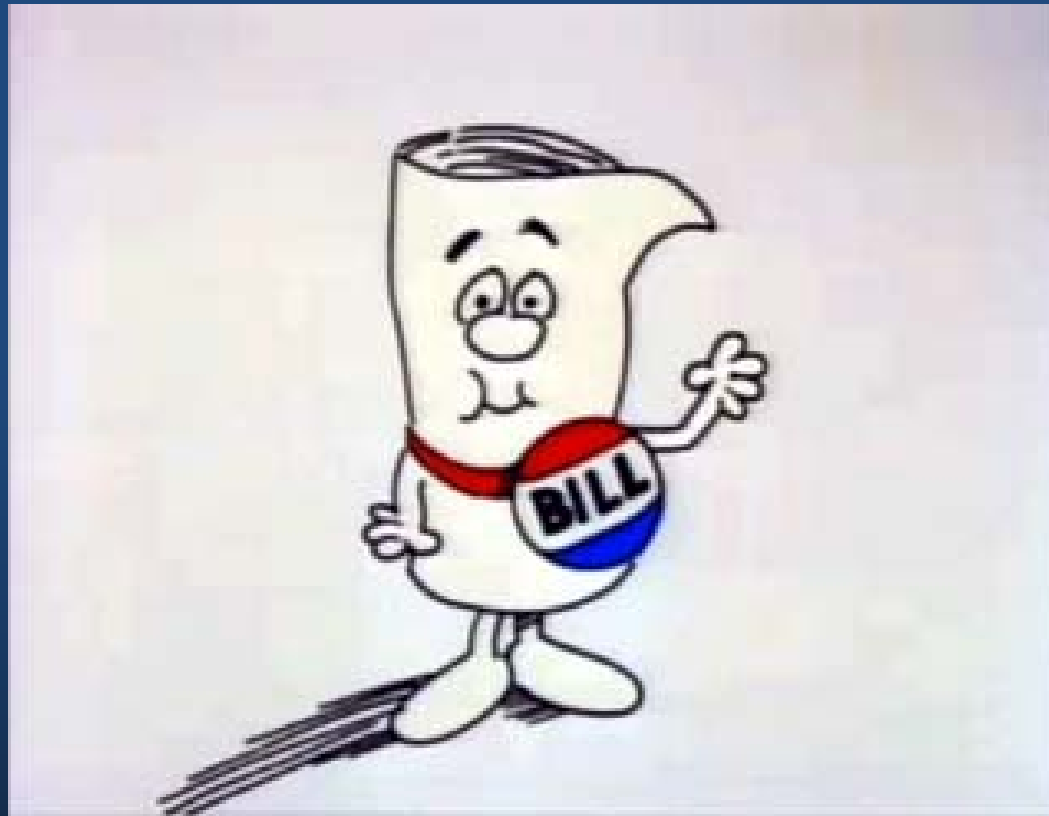
# Tort Law Update: Recent Developments in Texas Tort Law

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# LEGISLATIVE UPDATE



# H.B. 533 - Liability for Trafficking of Persons

- Creates a civil cause of action for victims of human trafficking (defined in the penal code under Chapter 20A).
- Victim can be awarded actual damages, exemplary damages, court costs, and attorney's fees.

# H.B. 537 - Seatbelt in Backseat Requirements

- All occupants of a vehicle are to wear a safety belt, no matter their age or how they are seated



# S.B. 61 - Booster Seat Requirements

- Requires children to ride in booster seats until age 8 or a height of 4 feet 9 inches
- Prior law mandated booster seats until age 5 of a height of 3 feet

# No Restraint Requirements for Pets



# Prohibitions against Zombies and Botnets (S.B. 28—Effective Sept. 1, 2009)

- S.B. 28 adds a new section to TBCC Section 324.055 to prohibit Zombies and Botnets



# Prohibitions against Zombies and Botnets (S.B. 28—Effective Sept. 1, 2009) (Cont.)

- Zombie is a computer program that (without knowledge and consent of the computer's owner or operator) has been compromised in order to give access or control to another program or to a person (other than the computer's owner or operator)
- Botnet is a collection of 2 or more zombies



# RECENT TORT CASES



# Insurance Cases:

- *Zurich Am. Ins. Co. v. Nokia, Inc.*, 268 S.W.3d 487 (Tex. 2008)



# Products Liability:

- *Brockert v. Wyeth Pharm.*, 287 S.W.3d 760 (Tex. App.—Houston [14th Dist.] 2009, no pet.)

## Premises Liability:

- *Dual D. Healthcare Operations, Inc. v. Kenyon*, 291 S.W.3d 486 (Tex. App.—Dallas 2009, no pet.)

# Texas Tort Claims Act:

- *City of Weston v. Gaudette*, 287 S.W.3d 832 (Tex. App.—Dallas 2009, no pet.)



# Medical Malpractice:

- *St. Luke's Episcopal Hosp. v. Poland*, 288 S.W.3d 38 (Tex. App.—Houston [1st Dist.] 2009, pet. filed)



# Damages:

- *Ruiz v. Guerra*, 293 S.W.3d 706 (Tex. App.—San Antonio May 27, 2009, no pet.)



# Upcoming Tort Issues





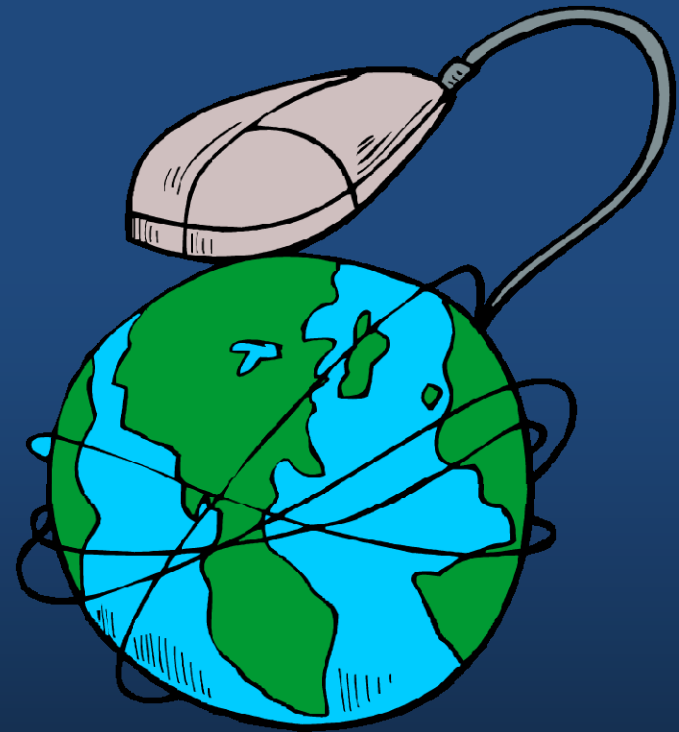
# Internet Defamation on Social Websites:

- Blogs, Myspace, Facebook, Twitter



# Internet Jurisdiction

- Social networking and the internet has made establishing personal jurisdiction more complicated.



# That's All Folks!

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