

Ben Mesches on Texas Lawbook Webcast: Texas Supreme Court Cases to Watch

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PRACTICES Litigation, Appellate, U.S. Supreme Court

Haynes Boone Partner [Ben Mesches](#) participated in a webcast this month discussing cases the Texas Supreme Court will hear this term. Ben is chair of the firm's Litigation Practice Group and a member of the Board of Directors.

The hourlong continuing legal education (CLE) webcast was hosted by *The Texas Lawbook* and had 180 attendees. Watch a replay [here](#) or read an excerpt below:

Ben Mesches of Haynes Boone drew attention to what he called a “really important” personal jurisdiction case that has found itself in an unusual procedural posture as a holdover from last term.

The case asks the court to decide whether Texas can haul the German car manufacturers Audi and Volkswagen into state courts in a lawsuit stemming from the emissions cheating software scandal perpetrated by the companies.

After oral arguments in February and without either party requesting the move, the Texas Supreme Court abated the case on June 24 and removed it from its active docket. For the past several years the court has decided every case it accepts by the end of the term, making this case an outlier.

Chief Justice Nathan Hecht sent a letter to the governor that same day informing him that two justices — Justice Jimmy Blacklock and Justice Evan Young — recused themselves from the case after argument and asked that he appoint two new judges in their place to “participate in the deliberation and determination of these cases.”

“There was some briefing about whether that was appropriate here, given that Texas is a party and the government makes the appointment,” Mesches said of Chief Justice Hecht's request to Abbott.

On Aug. 25 Gov. Greg Abbott appointed two new justices to the case: Chief Justice Bonnie Sudderth of the Second Court of Appeals to replace Justice Blacklock and Justice Jaime E. Tijerina of the Thirteenth Court of Appeals to replace Justice Young.

Mesches and others on the panel wondered whether the appointment of two new justices on the case would require some sort of “re-argument” scenario or if it would be decided based on the record as it stands.

Excerpted from *The Texas Lawbook*. To read the full article, click [here](#).