Judge David Hittner, Lynne Liberato Publish Updated Summary Judgment Guide in South Texas Law Review

By Lynne Liberato | March 4, 2019

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Haynes Boone and South Texas College of Law Houston are pleased to announce the release of the eighth edition of “Summary Judgments in Texas: State and Federal Practice” by Senior U.S. District Judge David Hittner and Haynes Boone Partner Lynne Liberato.

Published by *South Texas Law Review*, the latest edition of the popular, influential article covers Texas summary judgment practice in federal and state court by examining Texas, U.S. Supreme Court, and Fifth U.S. Circuit Court precedent in light of practice trends and changes in the law.

Since they first co-authored the guide in 1989, Hittner and Liberato have sought to provide a practical reference for trial and appellate lawyers about the procedural and substantive aspects of obtaining, opposing and appealing summary judgments.

The guide often is called the “bible” on summary judgment practice and has been recognized as one of the 10 most-cited law review articles by appellate courts nationwide. In 2007, *South Texas Law Review* published “Summary Judgments in Texas,” which was honored by the Texas Bar Foundation as the “Outstanding Law Review Article” of the year.

“Every Texas litigator who files summary judgments uses ‘Summary Judgments in Texas’ as a practitioner’s guide,” said Matthew Fiorillo, editor-in-chief of *South Texas Law Review*. “For Judge Hittner and Lynne Liberato to choose *South Texas Law Review* to publish such an important article is a high honor. Working with Judge Hittner and Lynne Liberato helped everyone associated with Law Review improve our legal writing skills and knowledge of an incredibly important aspect of practicing law in Texas.”

The article, which appears in the 60th volume of *South Texas Law Review*, can be read in its entirety here. The authors update the guide every three to four years.

Hittner has served as U.S. District Judge for the Southern District of Texas since 1986. Following law school, he entered the U.S. Army, where he served for two years as an infantry captain and paratrooper. Following military service, he practiced as a trial attorney in Houston for 13 years and served as judge of the 133rd District Court from 1978 to 1986. Among the many honors he has received, Hittner received the Samuel E. Gates Award of the American College of Trial Lawyers, the college’s highest national recognition for the improvement of the litigation process in the U.S., and the Presidents’ Award of the State Bar of Texas, which recognizes exceptional services to the public and the legal profession. In 2015, the Texas Bar Foundation selected Hittner for its Outstanding 50 Year Lawyer Award. He has published over 90 legal articles, including 14 law review articles. Hittner is a graduate of New York University and New York University School of Law and is a member of the Texas and New York bars.

A partner in Haynes Boone’s Appellate Practice, Liberato has led teams in some of the most significant appeals and trials in Texas. The Texas Bar Foundation selected Liberato as the 2019

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winner of the Gregory S. Coleman Outstanding Appellate Lawyer Award, which celebrates one distinguished appellate lawyer each year who also demonstrates a commitment to providing legal service to the underserved. She has argued to the U.S. Supreme Court, served as the first woman president of the Houston Bar Association and served as president of the State Bar of Texas. In 2018, the Women and the Law Section of the State Bar of Texas named Liberato the winner of the Louise B. Raggio Award, which recognizes an attorney who has actively addressed the needs and issues of women in the legal profession and the community. A graduate of South Texas College of Law Houston, Liberato previously served on the school's board of directors.

Hittner had already authored the article but asked Liberato to join him as co-author when he left the state district court bench following his confirmation as a federal judge. Liberato has described Hittner's 1986 invitation to co-author the article as a "dream chance" for a young lawyer and said that co-authoring the article has been pivotal to her success as an appellate lawyer.

Both Hittner and Liberato expressed their appreciation to Bracewell LLP Associate Jeremy Dunbar, Hittner's former law clerk and a former editor of South Texas Law Review, for his considerable assistance in preparing the article.

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Haynes Boone is an international corporate law firm with offices in Texas, New York, California, Charlotte, Chicago, Denver, Washington, D.C., London, Mexico City and Shanghai, providing a full spectrum of legal services in energy, technology, financial services and private equity. With 575 lawyers, Haynes Boone is ranked among the largest U.S.-based firms by The National Law Journal, The American Lawyer and The Lawyer.

About South Texas College of Law Houston:

Founded in 1923, South Texas College of Law Houston provides a diverse body of students with the opportunity to obtain an exceptional legal education, preparing graduates to serve their community and the profession with distinction and to be a positive force for change. The law school develops some of the country's best litigators, advocates, negotiators, and transactional lawyers, but also empowers every student with something equally valuable: The unshakable notion that a legal education is a tool for making the world a better place. For more information, please visit www.stcl.edu.

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