

## Ben Mesches, Brian Singleterry and Alicia Pitts in Texas Lawbook: ‘Appellate 2021 Year in Review: SCOTX and the Fifth Circuit’

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January 21, 2022 Ben Mesches, Brian Singleterry

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**PRACTICES** Appellate, Oil and Gas Litigation, Litigation

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Year two of the pandemic brought a gradual return to “normal” operations at the Texas Supreme Court and Fifth Circuit. Virtual arguments – in many cases – transitioned to in-person oral arguments. Both courts issued major commercial and business decisions and opinions that will greatly impact how commercial litigators practice in state and federal court.

The Fifth Circuit issued important guidance on certifying Fair Labor Standards Act collective actions; rejected the so-called fraudulent misjoinder doctrine; clarified standards for federal jurisdiction in the arbitration context; established the standards for intervention; and criticized the rampant practice of sealing court records.

For its part, the Texas Supreme Court issued key contract formation cases; refined the standards for determining when courts and agencies have jurisdiction to decide tort claims in the electric-power context; provided guidance on key procedural questions under the Texas Citizens’ Participation Act; and ruled on a novel products-liability question impacting online sales.

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