

## Ben Mesches, Mark Trachtenberg, Natasha Breaux in Texas Lawbook: Appellate Year-in-Review: The Fifth Circuit and SCOTX

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**PRACTICES** Litigation, Appellate

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In the appellate world, 2019 was an interesting year, with key decisions from the Fifth Circuit and Texas Supreme Court resolving important questions of federal and state law, providing clarity on legal standards and raising new questions to be decided in the coming years.

The Fifth Circuit issued a variety of rulings in 2019 that are important to civil practitioners. These included ruling that the TCPA does not apply in federal diversity cases, effectively awarding mandamus relief even when the mandamus standards had not been satisfied, refusing to limit the scope of attorney immunity and expounding upon the detail required for findings of fact. The Fifth Circuit also addressed several hot topics of national interest, such as the applicability of Chevron and Auer deference, the constitutionality of the Affordable Care Act and Federal Housing Finance Agency, qualified immunity for police officers and compliance with the Voting Rights Act.

The Texas Supreme Court handed down several important business and contract-law cases in 2019 that provide guidance for lawyers drafting deal documents and those litigating them. Texas' strong policy favoring freedom to contract, ordinary-meaning principles and context played important roles in these cases. The court also clarified the key principles governing attorneys' fees claims – an issue near and dear to lawyers across a wide spectrum of practices.

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