



Texas Supreme Court Update

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Family Law: Community Property Division

The court granted review in [Bradshaw v. Bradshaw](#) to determine whether the trial court abused its discretion when it failed to award all community property to the wife after the husband was convicted of continuous sexual abuse of the wife's daughter. The case was submitted by oral argument on February 28.

Oil and Gas: Lease Interpretation – Fixed v. Floating Royalty

[U.S. Shale Energy II, LLC, et al. v. Laborde Properties, L.P., and Laborde Management, LLC](#) asks the court to decide whether a lease that reserved an undivided one-half interest in the royalty but later restated that interest as "being equal to one-sixteenth of the production" created a fixed or a "floating" royalty interest. The case was submitted by oral argument on February 28.

Unemployment Benefits for Leave Under the Family Medical Leave Act?

The petition in [Texas Workforce Commission v. Wichita County](#) asks whether an employee taking leave under the federal Family and Medical Leave Act may get unemployment benefits under the Texas Labor Code. The case was submitted by oral argument on February 28.

Ad Valorem Taxation of Underground Wastewater Disposal Wells

In [Bosque Disposal Systems, LLC, et al. v. Parker County Appraisal District](#), the issue is whether taxing underground wastewater disposal wells separately from the surface is an unconstitutional double taxation. The case was submitted by oral argument on February 28.

Expunction of a Criminal Record

In [State v. T.S.N.](#), the respondent's record of a felony arrest was expunged even though she was convicted of a misdemeanor for which she was arrested at the same time she was arrested on the felony charge. The expunction statute refers to expunging arrest records. The issue is whether the court may expunge the record of a particular offense if the *arrest* itself does not otherwise meet the criteria for expunction. The case was submitted by oral argument on March 1.

Governmental Immunity for Road Rage Firearm Use

[Harris County v. Lori Annab](#) arises out of a road-rage shooting by an off-duty county deputy constable. The issues are: (1) whether the county has immunity under the Texas Tort Claims Act's intentional-tort exclusion; (2) whether the county's authorization of the deputy's firearm use falls under the tort-claims act's definition of negligent use of

¹ The opinions expressed are solely those of the author. They do not necessarily represent the views of Munsch, Hardt Kopf & Harr, P.C. or its clients.

tangible personal property; and, if so, (3) whether the county proximately caused the shooting injuries. The case was submitted by oral argument on March 1.

Worker's Compensation: Does a Waiver of Subrogation Supersede Statutory Reimbursement Rights?

[Wausau Underwriters Insurance Co. v. Wedel](#) involves an action by a workers compensation insurer to recover from a settlement with a liable third party. The issue is whether subrogation waiver from the state insurance department overrides the insurer's statutory right to reimbursement. The case was submitted by oral argument on March 1.

Videos of oral arguments are available [here](#).