

IN THE SUPREME COURT OF TEXAS

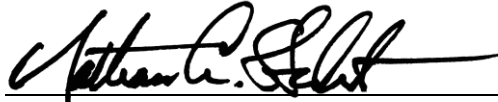
Misc. Docket No. 19-9052

ORDER AMENDING TEXAS RULE OF CIVIL PROCEDURE 91a.7

ORDERED that:

1. The Court approves the following amendments to Rule 91a.7 of the Texas Rules of Civil Procedure.
2. To effectuate the Act of May 21, 2019, 86th Leg., R.S., ch. 885 (HB 3300, codified at TEX. CIV. PRAC. & REM. CODE § 30.021), the amendments are effective September 1, 2019. But the amendments may later be changed in response to public comments. Written comments should be sent to rulescomments@txcourts.gov. The Court requests that comments be sent by November 1, 2019.
3. The amendments apply only to civil actions commenced on or after September 1, 2019. A civil action commenced before September 1, 2019 is governed by the rule as adopted in Misc. Docket No. 13-9022.
4. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

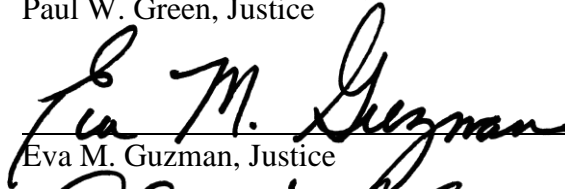
Dated: July 11, 2019



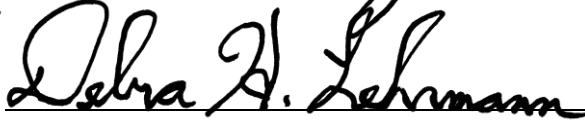
Nathan L. Hecht, Chief Justice



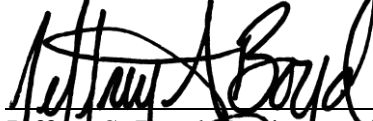
Paul W. Green, Justice



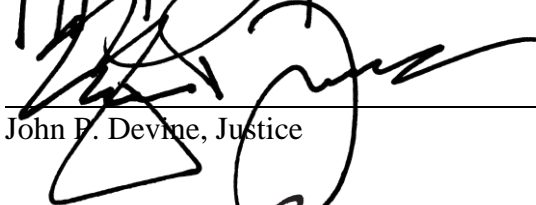
Eva M. Guzman, Justice



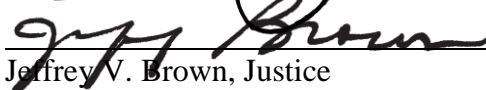
Debra H. Lehrmann, Justice



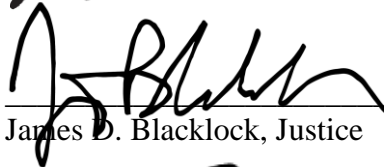
Jeffrey S. Boyd, Justice



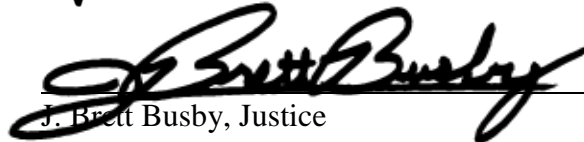
John F. Devine, Justice



Jeffrey V. Brown, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice

RULE 91a. DISMISSAL OF BASELESS CAUSES OF ACTION

91a.7 Award of Costs and Attorney Fees ~~Required~~. Except in an action by or against a governmental entity or a public official acting in his or her official capacity or under color of law, the court ~~must~~ may award the prevailing party on the motion all costs and reasonable and necessary attorney fees incurred with respect to the challenged cause of action in the trial court. ~~The court must consider evidence regarding costs and fees in determining the award. Any award of costs or fees must be based on evidence.~~

Comment to 2019 change: Rule 91a.7 is amended to implement changes to section 30.021 of the Texas Civil Practice and Remedies Code. The amendments to Rule 91a.7 apply only to civil actions commenced on or after September 1, 2019. A civil action commenced before September 1, 2019 is governed by the rule as adopted in Misc. Docket No. 13-9022.