



Case Summaries June 5, 2026

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DECIDED CASES

In re H.S., ___ S.W.3d ___, 2026 WL ___ (Tex. June 5, 2026) [24-0307]

At issue in this case is whether legally sufficient evidence supported the termination of both Mother's and Father's parental rights when Father, but not Mother, had threatened and committed acts of self-harm and domestic violence.

Mother had a strained marriage with Father, who repeatedly threatened and committed acts of self-harm, sometimes in front of their children. When Father eventually assaulted Mother, she fled with the children. The Department of Family and Protective Services sent a family-based safety services specialist. It later removed the children from the home and sued for conservatorship and termination. Several months before trial, the court suspended the parents' visitation with their children.

Mother filed a motion asking the court to retain the suit and set a new dismissal date, which would allow Mother to continue working her services. The court denied the motion. At trial, the Department argued that Father's violent conduct had endangered the children and that Mother endangered them by allowing them to remain around Father. In accordance with the jury's verdict, the court terminated Mother's and Father's parental rights, and the court of appeals affirmed.

The Supreme Court held that the trial court erred in denying Mother's motion to retain the suit and set a new dismissal date. Mother had shown significant progress on her services, but without any interaction with the children for seven months, she could not fully demonstrate the effect of that progress. The children had been on a dangerous trajectory since being wholly separated from their parents, with two of them requiring admission to a psychiatric hospital. The Supreme Court further held that insufficient evidence supported the finding that termination of Mother's parental rights was in the children's best interest. Mother had demonstrated an increased awareness of the threat that Father posed to her and the children and a willingness to protect the children from Father. The Supreme Court concluded, however, that sufficient evidence did support the termination of Father's parental rights. Accordingly, the Court reversed the judgment of the court of appeals with respect to

Mother, rendered judgment in her favor, and affirmed the judgment with respect to Father.

Justice Lehrmann dissented in part. She agreed with the Court's disposition as to Father but would have affirmed the termination judgment as to Mother because legally sufficient evidence supported the jury's findings on both predicate termination grounds and best interest.

In re K.N., ___ S.W.3d ___, 2026 WL ___ (Tex. June 5, 2026) [24-0881]

In this case Mother and Father challenge the trial court's jurisdiction and the sufficiency of the evidence supporting the termination of their parental rights.

Mother has four children, the three youngest of whom she shares with Father. When the Department of Family and Protective Services began investigating reports that Mother was mistreating her eldest child in the shared family home, Mother and Father declined to cooperate with the investigation or participate in family services. Eventually, the Department initiated removal and termination proceedings against Mother and Father shortly after they relocated from Texas to Louisiana with all four children.

After a jury trial, Father's parental rights were terminated as to the three shared children based on endangerment, constructive abandonment, and failure to comply with a court order. Mother's rights were terminated on the same grounds but only as to the child who is not Father's. Despite finding that termination grounds also existed for Mother as to the three shared children, the jury found that termination of Mother's parental rights was not in their best interest. Both parents appealed, and the court of appeals affirmed, holding the evidence was factually and legally sufficient to support the endangerment and best-interest findings.

The Supreme Court affirmed the termination of Mother's rights but reversed as to Father's rights. In an opinion by Justice Hawkins, the Court rejected Mother's argument that her methods of punishment were merely traditional disciplinary techniques. Instead, the Court emphasized that the record contained sufficient evidence regarding the character of Mother's punishment to enable the jury to find that Mother's discipline was abusive in nature. But the record lacked similar evidence as to Father—thus, the evidence was not legally sufficient to support the termination of Father's rights on endangerment grounds. Finally, the Court rejected Mother and Father's challenges to the trial court's jurisdiction, holding their arguments were not preserved for review because they challenged statutory requirements rather than the court's subject-matter jurisdiction.

Chief Justice Blacklock filed a concurring opinion. He emphasized that Mother's discipline of her eldest child was motivated by a malicious intent rather than a remedial intent.

Justice Bland dissented in part. She would have affirmed the court of appeals' judgment that the evidence was legally sufficient to support the termination of Father's rights on endangerment grounds.

State v. City of McAllen, ___ S.W.3d ___, 2026 WL ___ (Tex. June 5, 2026) [24-1060]

This case concerns whether a group of cities properly sued the State of Texas when they challenged the constitutionality of statutes regulating certain fees.

The Legislature enacted two statutes limiting rates that cities could charge telecommunications companies for the use of public property along city streets. Several cities sued the State, alleging the statutory limits on rates violated the Texas Constitution's Gift Clauses. The trial court rendered a declaratory judgment agreeing with the cities in part. The court of appeals essentially agreed with the cities across the board regarding the Gift Clauses.

The Supreme Court dismissed the case for want of jurisdiction because the cities sued the wrong defendant. Naming the correct defendant is essential when invoking the courts' jurisdiction because the judicial power is the power to issue judgments redressing injuries traceable to the defendant. The State is not automatically a proper defendant in a suit challenging the constitutionality of a statute merely because the Legislature enacted it. The cities failed to even attempt to identify the state officer or agency responsible for the injury they attribute to the State. The proper defendant is the party with whom the plaintiff has a concrete, real-world dispute. Here, the dispute is over how much a city can charge a telecom company to use a public right of way, a monetary dispute between the city and the company. A judgment against the State of Texas declaring the statutorily mandated rates unconstitutional gifts would not require the non-party company to do or refrain from doing anything. A judgment in this lawsuit therefore would not redress the cities' injury or resolve a real-world dispute. It would merely declare the judiciary's position on a legal question.

In re C.S., ___ S.W.3d ___, 2026 WL ___ (Tex. June 5, 2026) [25-0008]

At issue in this case is whether the trial court lost jurisdiction over this parental-termination case for failure to grant an extension before the Family Code § 263.401(a) automatic-dismissal date.

At the pretrial hearing, the trial court recognized that the statutory automatic-dismissal date was approaching and the need for an extension. She ordered counsel for the Department of Family and Protective Services to prepare an extension order before the automatic-dismissal date. No such order was submitted, and the court took no other step before the automatic-dismissal date. After that date passed, Mother moved to dismiss the case for lack of jurisdiction. The court entered its private notes from the pretrial hearing and issued an order purporting to retain the suit on its docket. Following the eventual trial, the court terminated Mother's parental rights. The court of appeals affirmed.

The Supreme Court held that the trial court had not granted a timely extension. The court expressed an intention to grant an extension, but did not. Even if that oral expression could have constituted granting an extension, it would still have been ineffective under § 263.401(a) because it was not rendered in writing or on the record before a court reporter consistent with Family Code § 101.026. Because the case was not extended, it was automatically dismissed by operation of law. The

trial court therefore lacked jurisdiction to terminate Mother’s parental rights, and the court of appeals lacked jurisdiction to adjudicate the merits on appeal. Accordingly, the Court vacated the judgments of the lower courts and dismissed the case.

Justice Lehrmann dissented. She would have held that the trial court did not lose jurisdiction because the court orally granted an extension on the record, in a manner authorized by the Family Code, before the statutory dismissal date passed.

In re S.H., ___ S.W.3d ___, 2026 WL ___ (Tex. June 5, 2026) (per curiam) [26-0030]

At issue in this case is whether the trial court abused its discretion by removing S.H.’s chosen counsel sua sponte.

S.H. faces parallel criminal and parental-termination proceedings in Harris County. The Harris County Public Defender’s Office served as her court-appointed counsel in the criminal proceedings but also offered to represent her in the civil parental-termination proceedings. The trial court had also appointed an attorney ad litem to represent S.H. in those proceedings. S.H. filed a motion to substitute counsel. The trial court denied that motion and issued an order removing the public defender as S.H.’s counsel. The court reasoned that the representation violated the statute governing public defender’s offices and constituted an improper usurpation of the judicial power to determine a party’s indigence and appoint counsel. S.H. filed a mandamus petition in the court of appeals, which was denied.

The Supreme Court held that Article 26.044 of the Texas Code of Criminal Procedure does not prohibit the public defender’s office from providing representation to S.H. in her parental-termination proceedings. The Court also held that because the public defender was not acting as court-appointed counsel but as S.H.’s chosen counsel, the trial court lacked authority to remove the public defender because S.H. is entitled to the counsel of her choice. The Supreme Court therefore conditionally granted mandamus relief, instructing the trial court to vacate its removal order and reinstate the public defender as S.H.’s counsel.

RECENTLY GRANTED CASES

Trinity Indus. Leasing Co. v. Lattimore Materials Corp., ___ S.W.3d ___, 2024 WL 3564994 (Tex. App.—Dallas 2024), *pet. granted* (May 29, 2026) [24-0953]

At issue in this case is the timeliness of a breach-of-contract suit involving a railcar lease agreement.

Trinity leased railcars to Lattimore, a concrete producer. The parties entered into a lease agreement that, among other things, required Lattimore to “reimburse [Trinity] promptly” for “damage, loss or expense suffered by [Trinity] as a consequence” of material corrosion damage to the railcars. Lattimore’s process of rinsing and loading limestone material into the railcars caused corrosion damage. In 2018, nearing the end of the lease term, Lattimore and Trinity discussed Lattimore’s potential liability for the damage. Trinity gave Lattimore an option to defer payment and renew the lease. Lattimore extended the lease to 2021.

In January 2020, citing the railcars' unsafe condition, Lattimore terminated the lease. Trinity sued Lattimore in June 2020, alleging, among other things, that Lattimore improperly terminated the lease and failed to promptly reimburse Trinity for the railcar corrosion damage in violation of Article 13 of the lease.

A jury found that Lattimore breached the lease and awarded Trinity \$1.6 million for lost rent and \$9 million for Lattimore's failure to reimburse Trinity for the corrosion damage. However, the jury also found that Trinity knew or reasonably should have known of Lattimore's failure to comply with Article 13 by December 31, 2015. The trial court entered judgement awarding Trinity lost rent, interest, and attorney's fees, but set aside the corrosion-damage award because Trinity's suit was untimely filed under the applicable four-year statute of limitations. The court of appeals reversed, holding that Trinity's claim is not time-barred, and rendered judgment that Trinity is entitled to recover the corrosion-damage award.

Lattimore filed a petition for review. It argues that Trinity suffered an economic loss as soon as the railcars experienced material corrosion damage. Lattimore breached the lease, and Trinity's claim accrued, when Lattimore failed to promptly reimburse Trinity for that damage. Because this occurred more than four years before Trinity sued, Trinity's claim is time-barred. Trinity argues that its claim did not accrue until January 2020, when Lattimore repudiated the lease agreement and Trinity suffered a reimbursable loss.

The Supreme Court granted the petition.

West Harbour, LLC v. Orleans Harbour Homeowners Ass'n, Inc., ___ S.W.3d ___ 2024 WL 4850326 (Tex. App.—Houston [14th Dist.] 2024), *pet. granted* (May 29, 2026) [24-1063]

This case concerns the existence of an easement by estoppel, the transfer of title by adverse possession, and the mootness of a declaratory-judgment claim.

Orleans Harbour Homeowners Association, Inc. and West Harbour, LLC own adjoining properties. Orleans Harbour asserts interests in two tracts of West Harbour's property. With respect to the first tract, Orleans Harbour claims that it has an easement by estoppel because Orleans Harbour built out and landscaped the tract for several decades. With respect to the second tract, Orleans Harbour claims to own it by adverse possession because Orleans Harbour built a driveway over the tract and has used the driveway for several decades. West Harbour counterclaimed for a declaratory judgment establishing the correct property line.

Orleans Harbour filed a plea to the jurisdiction, arguing that the counterclaim was moot because the parties had agreed to the correct property line. The trial court granted the plea. After trial, the trial court rendered judgment on the jury's verdict, granting Orleans Harbour an easement by estoppel over the first tract and title to the second tract by adverse possession.

The court of appeals reversed on all three claims. It held that there was legally insufficient evidence to support the trial court's finding of an easement by estoppel; that there was factually insufficient evidence to support the trial court's finding of

adverse possession; and that West Harbour’s declaratory-judgment counterclaim was not moot because the property line was still being disputed at trial.

Orleans Harbour petitioned the Supreme Court for review, arguing that legally and factually sufficient evidence supported the trial court’s finding of an easement by estoppel and that the court of appeals erred in holding that a vendor–vendee relationship is an element of an easement by estoppel. Orleans Harbour also argues that factually sufficient evidence supported the trial court’s finding of adverse possession because the judgment’s description of the tract was reasonably specific. Finally, Orleans Harbour argues that the property line was not in dispute at trial because Orleans Harbour had previously represented on the record that it did not dispute the property line. The Supreme Court granted the petition.

Int’l Bhd. of Elec. Workers, Loc. 278 v. Corpus Christi Indep. Sch. Dist., ___ S.W.3d ___, 2024 WL 4982139 (Tex. App.—Corpus Christi–Edinburg 2024), *pet. granted* (May 29, 2026) [25-0182]

At issue in this case is whether local workers have taxpayer standing to challenge school board members’ determination of the prevailing wage rate for construction projects within the school district.

Corpus Christi Independent School District’s school board voted to approve prevailing wage rates for construction projects within the school district based in part on surveys of wages in neighboring counties. The International Brotherhood of Electrical Workers, Local 278 and local electrical workers sued both the board and its individual members alleging that the determined prevailing wage rate improperly surveyed and relied on data outside the school district in violation of Texas Government Code Section 2258.022.

The trial court granted summary judgment in favor of the school board and its members. The court of appeals affirmed the judgment in part and reversed in part. As relevant here, the court of appeals reversed the grant of summary judgment as to the individual electrical workers’ *ultra vires* claims, holding that they had taxpayer standing to challenge the school board members’ prevailing wage rate determination.

The school board members filed a petition for review. They assert that the electrical workers do not have taxpayer standing because they have not tied their claim to any concrete and specific illegal expenditure. They insist that speculative expenditures are insufficient to invoke taxpayer standing. Furthermore, they contend that prevailing wage rate determinations can take account of wages in neighboring counties and in the alternative, prevailing wage rate determinations are not subject to judicial review.

The electrical workers argue that because the prevailing wage rate determination is unlawful, all contract work paid and negotiated under that determination is illegal. They further argue that prevailing wage rate determinations must be based solely on a survey of wages within the corresponding political subdivision and that judicial review of the procedure used to make a prevailing wage rate determination is not barred.

The Supreme Court granted the petition.

In re Delta Equine Center, Inc., 2025 WL 1189169 (Tex. App.—Tyler 2025), *argument granted on pet. for writ of mandamus* (May 29, 2026) [25-0340]

This mandamus proceeding concerns a trial court’s pre-judgment sanction against counsel.

In the underlying case, Robyn Herring brought a bailment action and related claims against Delta Equine after Herring’s horse was allegedly injured under Delta Equine’s care. One exhibit offered by Herring during the jury trial included a text message that mentioned “insurance.” Delta Equine’s counsel later raised the text message with a witness. Herring immediately moved for a mistrial, which the trial court granted. Following a hearing, the trial court ordered Delta Equine’s counsel to pay a pre-judgment sanction of \$126,590.78 for fees to be incurred for a new trial. The trial court found that the mention of insurance violated a limine order and that the sanction could be imposed before final judgment because it would not impair Delta Equine’s access to the courts.

Delta Equine sought mandamus relief at the court of appeals, arguing that the sanctions order was an abuse of discretion because there was no insurance limine order and because Delta Equine cannot otherwise be sanctioned for examining a witness about an exhibit in evidence. Delta Equine also argued that the pre-judgment sanction improperly requires it to fund Herring’s litigation. The court of appeals denied mandamus relief, determining that the appellate remedy is adequate because Delta Equine did not demonstrate that the pre-judgment sanction impairs its access to the courts. Delta Equine seeks mandamus relief from the Supreme Court on similar grounds to those raised at the court of appeals.

The Supreme Court granted argument on the petition for writ of mandamus.

In re Hughey, ___ S.W.3d ___, 2025 WL 1523269 (Tex. App.—Beaumont May 29, 2025), *argument granted on pet. for writ of mandamus* (May 29, 2026) [25-0463]

At issue in this case is whether the trial court abused its discretion in striking the use of a non-stenographically recorded, artificial-intelligence-generated deposition transcript.

Patrick Hughey sued Reddico Construction for wrongful termination. During discovery, Hughey noticed a remote electronic oral deposition of Reddico’s corporate representative over Skribe.ai. The corporate representative and her counsel accepted Skribe.ai’s terms of services before attending the deposition. The corporate representative then appeared and did not object. The deposition proceeded, and Skribe.ai created a written transcript of the non-stenographic recording for the parties. The corporate representative reviewed the transcription, made some corrections, and signed a notary-witnessed errata sheet. Hughey later filed a motion to compel additional depositions and served deposition notices. Reddico moved to quash the depositions and to preclude Hughey from using the written transcription of the previous deposition. The trial court granted Reddico’s motion, quashed future non-stenographic depositions, and struck and barred the use of the corporate representative’s testimony prepared by use of Skribe.ai.

Hughey sought mandamus relief, which the court of appeals denied. The court reasoned that the trial court only struck the written transcription prepared by means other than a certified court reporter and did not exclude the video deposition from evidence or preclude Hughey from playing that video. Hughey therefore had sufficient time to engage a certified court reporter to transcribe the video deposition.

The Supreme Court granted argument on the petition for writ of mandamus.

Estate of Long, ___ S.W.3d ___, 2025 WL 1233212 (Tex. App.—Texarkana Apr. 29, 2025), *pet. granted* (May 29, 2026) [25-0601]

The issues in this case are whether the court of appeals erred in declining to consider evidence tending to show that certain trusts were continued rather than terminated and whether bequests to the trusts failed because the trusts had terminated by their own terms before the testator died.

In the 1950s, a couple created trusts for each of their four sons. One of those sons, Charles Edward Long, later executed a will that, in relevant part, left the residue of his estate to his brothers' trusts, should the beneficiaries of those trusts survive him. Charles Long died in 2020 and was survived by two of his brothers and by Barbara Zazulak, his only child.

One of Charles Long's brothers filed the will for probate, and the trial court ordered the will admitted to probate. Zazulak filed a petition to set aside that order, and the parties filed cross-motions for summary judgment. The court granted Zazulak's motion, denied the Long brothers' motion, found that Zazulak is Charles Long's heir, and declared that the entire residue of Charles Long's estate passes to Zazulak.

The court of appeals affirmed. According to the court, the Long brothers' trusts had terminated by their own terms before Charles Long's death. The court held that the will's text was unambiguous, and it declined to consider evidence that may have shown that the trusts were continued rather than terminated.

The Supreme Court granted the petition for review and set the case for oral argument.