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June 20, 2012

VIA EMAIL AND REGULAR MAIL

Charles "Chip" Babcock
Supreme Court Advisory Committee
Jackson Walker LLP
1401 McKinney, Suite 1900
Houston, Texas 77010

Re: Proposed Revision of Rules for Eviction Proceedings

Dear Supreme Court Advisory Committee Members:

I write you on behalf of the Texas Building Owners and Managers Association (Texas BOMA) regarding the draft justice court rules proposed by the Task Force for Rules in Small Claims Cases and Justice Court Proceedings.

Texas BOMA represents the interests of owners and managers of commercial real estate in the State of Texas. Texas BOMA is composed of six local federated associations located in Austin, Corpus Christi, Dallas, Fort Worth, Houston, and San Antonio. Texas BOMA members manage over 660 million square feet of commercial real estate in Texas, and pay an estimated \$1.6 billion in property taxes annually. Texas BOMA represents over 2,000 members statewide, and approximately 3.3 million people conduct business in Texas BOMA members' buildings.

Texas BOMA has a substantial interest in how the Supreme Court Advisory Committee (SCAC) revises any rules related to the eviction process for commercial real estate. Texas BOMA opposes any changes that could slow the eviction process. Slowing the eviction process is detrimental for both the landlord and the tenant. Once a landlord is able to evict a tenant, the landlord can seek a suitable replacement tenant. Finding a replacement tenant both allows the landlord to begin collecting rent on a going-forward basis, and it minimizes the damages (unpaid rent) a tenant owes.

Texas BOMA joins with the Texas Apartment Association and the Texas Association of REALTORS in their comments on the process in justice court cases. Specifically, Texas BOMA opposes the changes in proposed rules 531, 560, 564, 739, 741, 742, 743, 745, 746, 749, 750a, 750b, and 755, which would all increase the costs of an eviction suit by drawing the process out, thereby contributing to additional lost rent, or by increasing out of pocket costs for additional service of process. In addition, Texas BOMA opposes any changes that would stop the use of the Texas Rules of Evidence and Texas Rules of Civil Procedure in eviction suits. Finally,

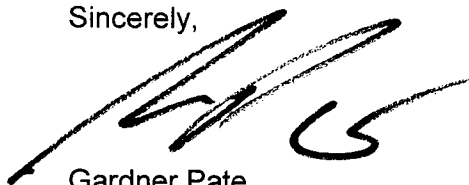
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Texas BOMA opposes proposed rule 531a, which would allow for court-ordered alternative dispute resolution. Texas BOMA believes such a process is unnecessary for eviction suits, where there is usually only one issue to resolve: the amount of rent owed.

In conclusion, we urge the SCAC to recommend the Texas Supreme Court avoid making wholesale changes that would have a serious detrimental impact on the commercial real estate industry in Texas. Making such large changes would exceed the legislative intent of HB 79, which consolidated small claims courts with justice courts and triggered the need for some revisions of the rules applicable to those courts. Texas BOMA does not believe the legislature intended this change to trigger so massive a re-write of the rules applicable to eviction suits.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'Gardner Pate', written over a horizontal line.

Gardner Pate

cc: Marisa Secco (via email and regular mail)
Robert Miller (Firm)