

CAUSE NO. D-1-GN-14-000355

TEXAS ASSOCIATION OF	§	
ACUPUNCTURE	§	IN THE DISTRICT COURT OF
AND ORIENTAL MEDICINE,	§	
Plaintiff	§	
	§	
vs.	§	TRAVIS COUNTY, TEXAS
	§	
TEXAS BOARD OF CHIROPRACTIC	§	
EXAMINERS AND YVETTE	§	
YARBROUGH, EXECUTIVE DIRECTOR,	§	
IN HER OFFICIAL CAPACITY	§	
Defendants	§	<u>201ST</u> JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION FOR DECLARATORY JUDGMENT

TO THE HONORABLE JUDGE OF THE DISTRICT COURT:

Plaintiff Texas Association of Acupuncture and Oriental Medicine (“Acupuncture Association”) files this Original Petition for Declaratory Judgment against Defendants Texas Board of Chiropractic Examiners (“Chiropractic Board”) and Yvette Yarbrough, Executive Director, in her official capacity, and as grounds for this lawsuit will show the following:

I.

DISCOVERY CONTROL PLAN

1. Discovery is intended to be conducted under Level 3 of Texas Rule of Civil Procedure 190.4.

II.

PARTIES AND SERVICE OF PROCESS

2. Plaintiff Acupuncture Association is the largest professional organization of licensed acupuncturists and practitioners of Oriental medicine in

Texas. It files this suit through its attorney of record, Craig T. Enoch and the firm of Enoch Keever PLLC, 600 Congress Avenue, Suite 2800, Austin, Texas 78701.

3. Defendants Texas Board of Chiropractic Examiners and Yvette Yarbrough, Executive Director, in her official capacity, are sued. The Chiropractic Board, through their General Counsel, Bryan Snoddy, and Yarbrough may be served at 333 Guadalupe Street, Tower III, Suite 825, Austin, Texas 78701 by personal service or by certified mail.

4. Because of the alternative constitutional challenge to a statute alleged in this petition, the Honorable Gregg Abbott, the Attorney General of Texas, is served with process at 300 W. 15th Street, Austin, Texas 78701, as required by Texas Civil Practice and Remedies Code, Section 37.006(b).

III. JURISDICTION

5. This suit is brought under Texas Government Code, Section 2001.038 and Texas Civil Practice and Remedies Code, Chapter 37. Thus, the Acupuncture Association may only bring suit in a Travis County district court.

IV. LEGAL BACKGROUND

6. Texas Occupations Code, Chapter 201 governs the practice of chiropractic ("Chiropractic Chapter") and Chapter 205 governs the practice of acupuncture ("Acupuncture Chapter").

7. A chiropractor may only perform procedures that are within the scope of the practice of chiropractic. *See* TEX. OCC. CODE § 201.002. All incisive and surgical procedures are expressly identified as outside the scope of chiropractic

practice. *See id.* § 201.002(a)(3), (b)(2). The provision prohibiting incisive procedures identifies only one exception: “the use of a needle for the purpose of drawing blood for diagnostic testing.” *Id.* § 201.002(a)(3).

8. The Chiropractic Chapter further limits the practice of chiropractic to analyzing, examining, or evaluating the biomechanical condition of the spine and musculoskeletal system, and performing nonsurgical, nonincisive procedures, including adjustment and manipulation, to improve the subluxation complex or the biomechanics of the musculoskeletal system. *Id.* § 201.002(b)(1)-(2).

9. Since the early 1990s, the Chiropractic Board has controversially asserted that acupuncture and other procedures involving needles, such as needle electromyography, are within the scope of the practice of chiropractic. The legislature responded to this controversy by enacting the current statutory language in the Chiropractic Chapter forbidding chiropractors from practicing procedures involving needles, except for those used for drawing blood for diagnostic testing. Soon after, the attorney general issued an opinion declaring that acupuncture is outside the scope of the practice of chiropractic. Tex. Att’y Gen. Op. No. DM-415 (1996).

10. In 1997, in the course of the Texas State Board of Acupuncture Examiners’ (“Acupuncture Board”) sunset review, the legislature amended the Acupuncture Chapter to limit acupuncture to the “nonincisive, nonsurgical” insertion of acupuncture needles. The legislature did not amend the Chiropractic Chapter to allow chiropractors to practice acupuncture, despite attempts to do so during that legislative session and subsequent legislative sessions.

11. Nonetheless, because of the amendment to the Acupuncture Chapter, the attorney general reversed course on its previous conclusion that acupuncture was outside the scope of the practice of chiropractic, reasoning that the Chiropractic Chapter and Acupuncture Chapter should be read *in pari materia* since both regulate healthcare professions. Improperly reading the chapters together to import a definition in the Acupuncture Chapter into the Chiropractic Chapter, the attorney general concluded acupuncture is within the scope of the practice of chiropractic. Tex. Att’y Gen. Op. DM-471 (1998).

12. During the 2005 legislative session, the legislature enacted legislation requiring the Chiropractic Board to adopt rules clarifying which specific activities are included in the scope of the practice of chiropractic. The Chiropractic Board responded by promulgating 22 Texas Administrative Code § 75.17, authorizing chiropractors to perform procedures involving needles, including acupuncture and needle electromyography.

13. The Texas Medical Association challenged several of these newly-adopted rules allowing chiropractors to perform needle electromyography on grounds that it was an incisive procedure involving a needle, and thus was outside the statutory scope of chiropractic. The district court agreed and invalidated several of the Chiropractic Board’s rules that allowed for needle use. The Austin Court of Appeals affirmed this portion of the district court’s judgment. *See Tex. Bd. of*

Chiropractic Exam'rs v. Tex. Med. Ass'n, 375 S.W.3d 464, 497 (Tex. App.—Austin 2012, pet. denied).¹

14. In response to the Austin Court of Appeals' decision, the Chiropractic Board repealed the rules related to needle electromyography that were declared invalid by the district court. But several rules remain that impermissibly allow chiropractors to use needles for other procedures, including acupuncture.

15. Rule 75.17 currently provides that a person practices chiropractic if he or she performs specified “nonsurgical, nonincisive procedures,” and excludes from the practice of chiropractic “incisive or surgical procedures.” 22 TEX. ADMIN. CODE § 75.17(a)(1)(B), (2)(A). But the *definition* of incisive procedure used in the rules enlarges the class of invasive procedures chiropractors are allowed to perform from that narrowly allowed in the Chiropractic Chapter. Despite the Chiropractic Chapter's strict prohibition on all needle use, with only one exception for diagnostic blood draws, Rule 75.17 broadly provides that needles may be “used in the practice of chiropractic under standards set forth by the Chiropractic Board but may not be used for procedures that are incisive or surgical.” *Id.* § 75.17(a)(3). And Rule 75.17 defines an incision as “a cut or surgical wound; also, a division of the soft parts made with a knife or hot laser,” *id.* § 75.17(b)(4), even though the Chiropractic Chapter defines incisive or surgical procedure as an incision into “any tissue, cavity, or organ by **any** person or implement,” TEX. OCC. CODE § 201.002(a)(3). In other words, the Chiropractic Board has defined incision in a way that allows

¹ The Texas Medical Association also challenged rules related to other procedures that do not involve the use of needles.

chiropractors to use needles in procedures besides diagnostic blood draws, in direct contravention of the Chiropractic Chapter.

16. Further, Rule 75.17(e)(2)(C) specifically authorizes chiropractors to practice acupuncture. A separate rule sets forth the requirements for a chiropractor to obtain the Chiropractic Board's approval to practice acupuncture. *Id.* § 75.21.

17. Though these rules were ostensibly promulgated in response to legislative amendments, they actually authorize a practice that is well beyond the statutory scope of chiropractic. The Chiropractic Chapter expressly limits chiropractic to matters affecting the spine and musculoskeletal system and specifically prohibits the use of needles, with a narrow exception for diagnostic blood draws. Thus, the Chiropractic Board lacked statutory authority to enact these rules allowing chiropractors to use needles and practice acupuncture.

18. Acupuncturists licensed by the Acupuncture Board must complete at least 1,800 instructional hours from a reputable acupuncture school and satisfy at least two terms of a resident course of instruction in order to become licensed. *See* TEX. OCC. CODE §§ 205.203, 205.206. Acupuncturists must receive training in subjects pertinent to acupuncture, including bacteriology, meridian and point locations, hygiene, and public health. *Id.* § 205.206.

19. In comparison, the Chiropractic Board only requires chiropractors to complete 100 hours of training in acupuncture in order to practice the procedure. *See* 22 TEX. ADMIN. CODE § 75.21. Thus, the Chiropractic Board's unlawful rules create a significant threat to public safety and health because chiropractors lack the education and training to safely perform the procedure of acupuncture.

V.
STANDING

20. The doctrine of standing requires that there be a real controversy between the parties, which will be actually determined by the judicial declaration sought. *Texas Assoc. of Business v. Texas Air Control Bd.*, 852 S.W.2d 440, 446 (Tex. 1993). For a person to have standing, he or she must have a concrete injury. *See Fin. Comm'n of Texas v. Norwood*, __ S.W.3d __, 2013 WL 3119481, at * 7 (Tex. June 21, 2013). Under Texas Government Code, Section 2001.038, a plaintiff has standing to bring a declaratory judgment action if a rule interferes with or impairs a legal right or privilege of the plaintiff. The Section 2001.038 standing requirements are no greater than, and are simply another expression of, the general doctrine of standing. *See id.* at * 8 n.83.

21. An association like the Acupuncture Association has standing if (1) its members would otherwise have standing to sue in their own right, (2) the interests the organization seeks to protect are germane to the organization's purpose, and (3) neither the claim asserted nor relief requested requires the participation of individual members in the lawsuit. *See Texas Assoc. of Business*, 852 S.W.2d at 447. Under each of these elements, the Acupuncture Association has standing to challenge the Chiropractic Board's acupuncture rules as being beyond the statutory scope of chiropractic and thus invalid.

22. Individual acupuncturists who are members of the Acupuncture Association would have standing to sue in their own right because the Chiropractic Board's rules interfere with their legal rights and privileges. As discussed above,

the Acupuncture Chapter sets forth specific intensive education and training requirements to safeguard patients who receive acupuncture. The Chiropractic Board is allowing chiropractors to practice acupuncture without completing the significant hours of training needed for a person to competently and safely perform the procedure.

23. Because the rules in question grant chiropractors the right to perform a procedure that is outside the statutory scope of chiropractic and in which chiropractors are not competently trained, the privilege of practicing acupuncture is diminished in quality and standards. As a result, acupuncturists' legal rights and privileges are interfered with and impaired. It is well-established that physicians have standing to complain of an agency's rule that infringes on the practice of medicine. *See Tex. Bd. of Chiropractic Examiners v. Tex. Med. Bd.*, 270 S.W.3d 777, 782 & n.6 (Tex. App.—Austin 2008, no pet.); *Texas State Bd. of Podiatric Med. Exam'rs v. Texas Orthopaedic Assoc.*, 2004 WL 2556917, at * 3 (Tex. App.—Austin 2004, no pet.). Likewise, acupuncturists have standing to complain of a Board rule that infringes on the practice of acupuncture.

24. Further, acupuncturists are economically injured by the disparate training requirements between chiropractors and acupuncturists. As compared to chiropractors, acupuncturists are required to complete significantly more hours—at a much greater cost—in order to practice acupuncture.

25. The interests the Acupuncture Association seeks to protect through this lawsuit are also germane to its organizational purpose. One of the Acupuncture Association's primary purposes is to protect and promote the practice of

acupuncture and oriental medicine in Texas by promoting high standards of education and patient care. Acupuncturists who are members of the Acupuncture Association are licensed to practice acupuncture in Texas only so long as they comply with the requirements and regulations of the Acupuncture Chapter. In this lawsuit, the Acupuncture Association seeks to protect the value of its members' right to practice acupuncture. The question of who has the right to practice acupuncture is directly related to the quality of the care provided.

26. Finally, neither the claims asserted in this lawsuit nor the relief requested requires the participation of the Acupuncture Association's individual members. The Acupuncture Association questions the validity of Chiropractic Board rules allowing chiropractors to practice acupuncture and, in the alternative, the constitutionality of the Chiropractic Chapter's statutory scheme. These issues are solely questions of law, and the relief sought is a declaratory ruling that would be applied uniformly to acupuncturists and chiropractors.

27. For all of these reasons, the Acupuncture Association has standing to bring this lawsuit.

VI. CAUSES OF ACTION

COUNT I

Request for Declaratory Relief under Texas Government Code, Section 2001.038

28. The preceding paragraphs are incorporated here by reference.

29. The Acupuncture Association brings this suit for declaratory judgment under Texas Government Code, Section 2001.038.

30. The Acupuncture Association seeks a declaration that 22 Texas Administrative Code §§ 75.17(a)(3), (b)(4), (e)(2)(C) (resulting in the inclusion of acupuncture in the chiropractic scope of practice), and § 75.21 (governing the performance of acupuncture by chiropractors), are invalid because (1) the Chiropractic Board lacked statutory authority to adopt these rules as they unlawfully authorize chiropractors to perform acupuncture in violation of the Chiropractic Chapter; (2) the rules unlawfully authorize chiropractors to engage in the practice of acupuncture in violation of the Acupuncture Chapter; and (3) the rules unlawfully authorize chiropractors to engage in the unauthorized practice medicine in violation of the Medical Practice Act.

31. The Chiropractic Chapter prohibits procedures involving the use of needles, but for one limited exception for diagnostic blood draws. *See* TEX. OCC. CODE § 201.002(c). The legislature has never excluded acupuncture from the prohibition on a chiropractor's needle use. In fact, the legislature has repeatedly refused to amend the Chiropractic Chapter to allow chiropractors to practice acupuncture.

32. The Chiropractic Board apparently justifies its adoption of the challenged rules by latching onto the definition of acupuncture in the Acupuncture Chapter, which is “the nonsurgical, nonincisive insertion of an acupuncture needle.” *Id.* § 205.001(2)(A). But nothing in the Chiropractic Chapter authorizes the Board to import a definition from an entirely different chapter in order to determine—and indeed exceed—its governing chapter's statutory scope. The statutory scope of chiropractic is established by the Chiropractic Chapter, not by any other chapter of

the Occupations Code. *See Texas Bd. of Chiropractic Exam'rs*, 375 S.W.3d at 467. The Chiropractic Board may not use legislation that limits another occupation's scope of practice as a means of expanding the scope of practice of the occupation it regulates.

33. Similarly, it is impermissible to read the two chapters *in pari materia*. For two statutes to be *in pari materia*, they must have been enacted with the same purpose in mind. *Texas State Bd. of Chiropractic Exam'rs v. Abbott*, 391 S.W.3d 343, 348 (Tex. App.—Austin 2013, no pet.). “The adventitious occurrence of ***like or similar phrases***, or even of similar subject matter, in laws enacted for wholly different ends will not justify applying the doctrine.” *Id.* at 349 (quoting *In re J.M.R.*, 149 S.W.3d 289, 292 (Tex. App.—Austin 2004, no pet.)) (emphasis added). The “incisive” definition in the acupuncture chapter is intended as a limitation on the practice of acupuncture, not as an expansion of the practice of chiropractic under the Chiropractic Chapter. *See id.*; *DLB Architects, P.C. v. Weaver*, 305 S.W.3d 407, 410 (Tex. App.—Dallas 2010, pet. denied).

34. There is no indication the legislature enacted the two provisions at the same time or with the same purpose in mind. *See id.* To the contrary, while the Chiropractic Chapter is intended to govern the practice of chiropractic, the Acupuncture Chapter is only intended to govern the practice of acupuncture. Indeed, the amendments to the Acupuncture Chapter were made in the course of the Acupuncture Board's sunset review. Thus, the Chiropractic Board exceeded the scope of its statutory authority when it adopted rules authorizing chiropractors to practice acupuncture.

35. Further, to practice acupuncture in this state, a person must hold a license to practice acupuncture issued by the Acupuncture Board under the Acupuncture Chapter. *See* TEX. OCC. CODE § 205.201. The only exception is for health care professionals licensed under another statute of this state and acting within the scope of the license. *See id.* § 205.003(a). As a result, the challenged rules are also invalid because they unlawfully authorize chiropractors to practice acupuncture in violation of the Acupuncture Chapter. Thus, any chiropractor practicing acupuncture without a license issued by the Acupuncture Board is in violation of the Acupuncture Chapter.

36. The rules additionally authorize chiropractors to engage in the unauthorized practice of medicine. Historically, only physicians could perform many medical procedures, including chiropractic and acupuncture. *See Thompson v. Tex. State Bd. of Med. Exam'rs*, 570 S.W.2d 123, 130 (Tex. App.—Tyler 1978, writ refused n.r.e.); *Teem v. State*, 183 S.W. 1144, 1147-48 (Tex. Crim. App. 1916). Over time, the legislature exempted various health care professionals, including chiropractors, from adhering to the requirements of the Medical Practice Act. But the legislature has never completely severed the practice of acupuncture from its historical roots as a practice of medicine under the authority of the Texas Medical Board. *See, e.g., Andrews v. Ballard*, 498 F. Supp. 1038, 1039-40 (S.D. Tex. 1980). As a result, acupuncturists continue to be subject to the supervision of the Texas Medical Board, though with separate licensing requirements, and are not excluded from the scope of the Medical Practice Act. *See, e.g.,* TEX. OCC. CODE §§ 151.052, 205.101.

37. Conversely, the Medical Practice Act expressly excludes chiropractors from its scope and requirements, but *only* to the extent chiropractors are engaged *strictly* in the practice of chiropractic. *See id.* §§ 151.002(13), 151.052. The challenged rules authorize chiropractors to engage in a practice that is not strictly the practice of chiropractic, and thus allow chiropractors to engage in the unauthorized practice of medicine. And the Acupuncture Chapter’s provisions exempting health care providers from its requirements if they are acting within the scope of their licenses do not apply to chiropractors because the chapter may not be construed as authorizing the unauthorized practice of medicine. *See id.* § 205.003(b).

38. The Chiropractic Chapter also defines chiropractic as the performance of procedures involving the spine and musculoskeletal system. In comparison, acupuncture treats and mitigates a variety of “human conditions” in various parts of the human body, not just those involving the spine and musculoskeletal system. *See id.* §§ 201.002, 205.001(2). Thus, acupuncture treats conditions that chiropractors are not permitted to treat under the Chiropractic Chapter. Because the challenged rules authorize chiropractors to treat conditions in contravention of the Chiropractic Chapter, they are invalid. *See Texas Orthopaedic Assoc. v. Texas State Bd. of Podiatric Examiners*, 254 S.W.3d 714, 721 (Tex. App.—Austin 2008, pet. denied).

39. The result of the Board’s adoption of the challenged rules is a serious threat to public health and safety. “An acupuncture needle in unskilled hands can cause serious damage.” *Andrews*, 498 F. Supp. at 1054. Acupuncturists licensed by the Acupuncture Board are statutorily required to complete an intensive course of

study in order to lawfully practice acupuncture. The legislature prescribed this intensive course of study to protect public health. The Chiropractic Board's rules thwart these public health concerns by allowing unskilled chiropractors to engage in the practice of acupuncture. *See Texas State Bd. of Chiropractic Exam'rs*, 391 S.W.3d 343 at 347 (observing that a court must "consider the consequences of a particular construction").

40. Based on the foregoing, the Chiropractic Board's rules authorizing chiropractors to engage in the practice of acupuncture are invalid.

COUNT II

Alternative Constitutional Challenge Under Texas Constitution, article 16, section 31 and Texas Civil Practice and Remedies Code, Chapter 37

41. The preceding paragraphs are incorporated here by reference.

42. In the event this Court determines that the statutory scope of chiropractic includes acupuncture and the challenged rules authorizing chiropractors to practice acupuncture are valid, the Acupuncture Association alternatively requests the Court to declare the statutory scheme authorizing chiropractors to practice acupuncture with significantly less education and training than acupuncturists invalid and unconstitutional in violation of Texas Constitution, Article 16, Section 31. The Acupuncture Association requests declaratory relief under Texas Civil Practice and Remedies Code, Chapter 37. *See* TEX. CIV. PRAC. & REM. CODE §§ 37.004, 37.006; *Tex. Dep't of Transp. v. Sefzik*, 355 S.W.3d 618, 622 (Tex. 2010) (per curiam).

43. The Texas Constitution broadly states: “The Legislature may pass laws prescribing the qualifications of practitioners of medicine in this State, and to punish persons for mal-practice, but no preference shall ever be given by law to any schools of medicine.” *See* TEX. CONST. art. XVI, § 31.

44. Texas courts have interpreted this provision to prohibit the legislature from unfairly and arbitrarily “preferring” one branch of medicine over another by allowing one category of healthcare providers to obtain licenses with less burdensome conditions. *See, e.g., Schlichting v. Tex. State Bd. of Medical Exam.*, 310S.W.2d 557, 564 (Tex. 1958).

45. Because the statutory scheme governing chiropractors and acupuncturists allows chiropractors to perform acupuncture with significantly less training and educational requirements in acupuncture as compared to acupuncturists, the legislature unconstitutionally prefers chiropractic over acupuncture.

COUNT III

Request for Attorney’s Fees

46. The preceding paragraphs are incorporated here by reference.

47. The Acupuncture Association seeks the award of any attorneys’ fees to which it may be entitled that are incurred in connection with the prosecution of its claims.

PRAYER

Plaintiff Texas Association of Acupuncture and Oriental Medicine prays that Defendants Texas Board of Chiropractic Examiners and Yvette Yarbrough,

Executive Director, in her official capacity, be cited to appear and answer in this case, and that on final hearing, the Court grant the following relief:

- (1) A declaratory judgment under Texas Government Code, Section 2001.038 that 22 TEX. ADMIN. CODE §§ 75.17(a)(3), (b)(4), (e)(2)(C) and 75.21 are invalid;
- (2) In the alternative, a declaratory judgment under Texas Civil Practice and Remedies Code, Chapter 37 that the statutory scheme authorizing chiropractors to practice acupuncture with significantly less education and training than acupuncturists is unconstitutional;
- (3) Attorney's fees and costs of court; and
- (4) Any further relief to which Plaintiff may be justly entitled, at law or in equity.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF
TEXAS ASSOCIATION OF
ACUPUNCTURE AND ORIENTAL
MEDICINE**

CIVIL CASE INFORMATION SHEET

MAY ENTER CAUSE # / COURT # IF ALREADY ASSIGNED (E.G., FAMILY MOTION, AMENDED PETITION)

CAUSE NUMBER (FOR CLERK USE ONLY): _____ COURT (FOR CLERK USE ONLY): _____

STYLED Texas Association of Acupuncture and Oriental Medicine v. Texas Board of Chiropractic Examiners and Yvette Yarbrough, Executive Director, in her Official Capacity

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:	Names of parties in case:	Person or entity completing sheet is:
Name: <u>Craig T. Enoch</u> Email: <u>cenoch@enochkever.com</u> Address: <u>600 Congress Ave., Ste. 2800</u> Telephone: <u>(512) 615-1200</u> City/State/Zip: <u>Austin, Texas 78701</u> Fax: <u>(512) 615-1198</u> Signature: <u>/s/ Craig Enoch</u> State Bar No: <u>00000026</u>	Plaintiff(s)/Petitioner(s): <u>Texas Association of Acupuncture</u> and Oriental Medicine Defendant(s)/Respondent(s): <u>Texas Board of Chiropractic Examiners</u> and Yvette Yarbrough, Executive Director in Her Official Capacity [Attach additional page as necessary to list all parties]	<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____

2. Indicate case type, or identify the most important issue in the case (select only 1):

OPTION A: CK CASE TYPE (EXCEPT OTHER) FOR CLERK TO SELECT SUIT TYPE; SEE SEC. 3 NOTE BELOW *Civil* *Family Law*

Contract	Injury or Damage	Real Property	Marriage Relationship	Post-judgment Actions (non-Title IV-D)
Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <i>Malpractice</i> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: _____ <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <i>Product Liability</i> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	<input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <i>Divorce</i> <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	<input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocal (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____
Employment	Other Civil			
<input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property	<input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____		
Tax	Probate & Mental Health			
<input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<i>Probate/Wills/Intestate Administration</i> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings	<input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____		

3. Indicate procedure or remedy, if applicable (may select more than 1):

<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input checked="" type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input checked="" type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/ Injunction <input type="checkbox"/> Turnover
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OPTION C: SECTION 3 PROCEDURES/REMEDIES IN BOLD MAY BE USED AS CASE OR SUIT TYPES. YOU MAY SPECIFY THAT ONE OF THESE PROCEDURES/REMEDIES BE USED AS A SUIT TYPE BY CHECKING IT AND LEAVING THE CASE TYPE IN SECTION 2 BLANK. SELECTING A CASE TYPE IN SECTION 2 OVERRIDES ANY SELECTION IN SECTION 3.