

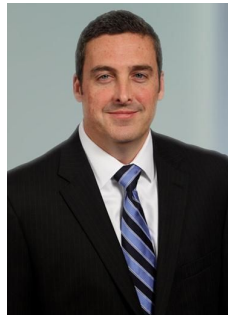


"Do not withhold good from those to whom it is due, when it is in your power to act."

Proverbs 3:27

## Greetings from Derreck Brown

It is hard to believe that we are already in March. This year is almost a quarter of the way over already, and I still catch myself writing 2019. That being said, the days are warming up, and spring is here! To my kids, the start of spring means a whole week off from school. Of course, spring also symbolizes rebirth, renewal, growth and hope. To me personally, this spring marks a beginning in a new chapter of my career as a partner with this firm. I am very excited about continuing the Fletcher Farley commitment to providing high quality legal services in an efficient manner. We extend our gratitude to all of you and look forward to serving your legal needs in the future.



## You've Been Served! Service of Process on Social Media in Texas

### Jonathan Hernon

Effective June 1, 2020, Texas Civil Practice & Remedies Code §17.033 states that if a substituted service citation is authorized, service on a defendant may be done through social media. The Texas Legislature acknowledges that social media, such as Twitter, Instagram and FaceBook, have become an integral part of people's daily lives and continues to evolve Texas laws to adapt to these platforms. Passed during the 86th Legislative Session in 2019, the statute does not address a number of issues. For example, exactly which platforms of social media are acceptable? Does the statute include networking apps such as LinkedIn? Do the accounts need to be public, or is there a way to effect service on a private account? These are only a few of the questions which will most likely be addressed through litigation and appeals over the next



## Congratulations to Jonathan Hernon and Jeff Smith on their selection to the 2020 Texas Rising Stars list

We are proud to announce the selection of [Jonathan Hernon](#) and [Jeff Smith](#) to the 2020 Texas Rising Stars list!

Each year, no more than 2.5 percent of the lawyers in Texas are selected by the research team at Super Lawyers to receive this honor.



Congratulations  
Jonathan Hernon & Jeff Smith  
2020 Texas Rising Stars

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several years.

Initially, the Texas Rules of Civil Procedure requires that a lawsuit be physically served on a party named to a lawsuit by an authorized individual or by certified mail. If a Plaintiff is not successful, they are able to move for substituted service by forms which include: 1) leaving a copy with anyone over the age of sixteen (16) years old at a residence specified in an affidavit approved by the Court, 2) by publication, or 3) by any manner which shows that service was reasonably effective to give the defendant notice of the suit. Section 17.033 will now allow a licensed process server or any other authorized individual, to file a return of service with the Court, showing that a defendant has been served through social media.

Another interesting question will be what type of proof a Court will need to verify that the service was effected through social media. The process server will most likely send the individual a message that they have been sued and a way for that person to access a copy of the lawsuit and any accompanying documents. Indeed, this will make for an interesting year.

## Conflicts Resolved

### Fletcher Farley Obtains Summary Judgment

[Kristi Kautz](#) obtained a summary judgment in favor of our client, a luxury car dealership. Plaintiff alleged violations of the Texas Deceptive Trade Act by our client on the basis that statements in our client's advertisements that they "valued their customers" and provided "exceptional service" were misrepresentations. Kristi argued that the statements in the advertisements were puffery and opinion and therefore not actionable under the DTPA. Kristi further argued that Plaintiff had failed to prove that the statements resulted in any damages to her. The Court agreed and dismissed all claims brought by Plaintiff against our client.

The Texas Law Update 2020 will be held on Friday, April 24th at the DoubleTree by Hilton at Campbell Centre in Dallas.

[CLICK HERE](#)

for event information and registration!



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