

SUPREME COURT OF TEXAS

Richard T. Archer, David B. Archer, Carol Archer Bugg, John V. Archer, Karen Archer Ball, and Sherri Archer v. T. Mark Anderson and Christine Anderson, as Co-Executors of the Estate of Ted Anderson

No. 16-0256, Supreme Court of Texas (June 22, 2018)

SUMMARY

The Texas Supreme Court held that Texas does not recognize a cause of action for intentional interference with inheritance, resolving a split among the courts of appeals. The court reasoned that existing remedies—including probate law, constructive trusts, restitution, and established torts—adequately redress wrongful interference with expectancies, and that recognizing the tort would conflict with statutory probate procedures and the principle of freedom of disposition. The decision overrules prior appellate cases that had recognized the tort.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Nathan L. Hecht; Justice Green; Justice Guzman; Justice Devine; Justice Blacklock
JURISDICTION	Texas
DECIDED	June 22, 2018
DOCKET	16-0256
DISPOSITION	affirmed
PROCEDURAL POSTURE	On petition for review from the Court of Appeals for the Third District of Texas
STANDARD OF REVIEW	De novo for legal questions regarding recognition of a cause of action
PRECEDENTIAL VALUE	Published
PARTIES	Richard T. Archer, David B. Archer, Carol Archer Bugg, John V. Archer, Karen Archer Ball, and Sherri Archer v. T. Mark Anderson and Christine Anderson, as Co-Executors of the Estate of Ted Anderson

TOPICS

torts

probate

probate procedure

estate litigation

remedies

PRACTICE AREAS

Torts

Probate

Estate Planning

QUESTIONS PRESENTED

1. Whether Texas recognizes a cause of action for intentional interference with inheritance.

HOLDINGS

1. There is no cause of action in Texas for intentional interference with inheritance. Existing law affords adequate remedies for the wrongs the tort would redress, and the tort would conflict with Texas probate law.

KEY QUOTATIONS

“Because existing law affords adequate remedies for the wrongs the tort would redress, and because the tort would conflict with Texas probate law, we hold that there is no cause of action in Texas for intentional interference with inheritance.” (at 1)

“The tort of intentional interference with inheritance is not recognized in Texas. The decisions of the courts of appeals to the contrary are overruled.” (at 21)

FACTUAL BACKGROUND

Jack Archer executed a will in 1991 leaving the bulk of his estate to his brother's children (the Archers). After a stroke in 1998, his friend Ted Anderson, an attorney, obtained powers of attorney and attempted to change Jack's estate plan to disinherit the Archers and leave everything to charities. Anderson hired attorneys who drafted new wills and trusts disinheriting the Archers, despite doubts about Jack's mental capacity. The Archers instituted guardianship proceedings and later sued for declaratory judgment to set aside the documents, settling with the charities. They then sued Anderson's estate for intentional interference with inheritance, seeking damages including attorney fees and settlement costs.

PROCEDURAL HISTORY

The Archers sued Anderson's estate for intentional interference with inheritance. The jury found in favor of the Archers, and the trial court rendered judgment on the verdict. The court of appeals reversed and rendered judgment for Anderson, holding that Texas does not recognize the tort. The Texas Supreme Court granted review.

DISPOSITION

affirmed

CASES CITED

- Kinsel v. Lindsey, 526 S.W.3d 411 (Tex. 2017)
- Pope v. Garrett, 204 S.W.2d 867 (Tex. Civ. App.—Galveston 1947), rev'd in part, 211 S.W.2d 559 (Tex. 1948)
- King v. Acker, 725 S.W.2d 750 (Tex. App.—Houston [1st Dist.] 1987, no writ)
- Yost v. Fails, 534 S.W.3d 517 (Tex. App.—Houston [1st Dist.] 2017, no pet.)
- Rice v. Rice, 533 S.W.3d 58 (Tex. App.—Houston [14th Dist.] 2017, no pet.)
- Brandes v. Rice Trust, Inc., 966 S.W.2d 144 (Tex. App.—Houston [14th Dist.] 1998, pet. denied)
- In re Estate of Valdez, 406 S.W.3d 228 (Tex. App.—San Antonio 2013, pet. denied)
- In re Estate of Russell, 311 S.W.3d 528 (Tex. App.—El Paso 2009, no pet.)
- Stern v. Marshall, 471 S.W.3d 498 (Tex. App.—Houston [1st Dist.] 2015, no pet.)
- Pagayon v. Exxon Mobil Corp., 536 S.W.3d 499 (Tex. 2017)
- Humble Sand & Gravel, Inc. v. Gomez, 146 S.W.3d 170 (Tex. 2004)
- Ritchie v. Rupe, 443 S.W.3d 856 (Tex. 2014)
- Roberts v. Williamson, 111 S.W.3d 113 (Tex. 2003)
- Standard Fruit & Vegetable Co. v. Johnson, 985 S.W.2d 62 (Tex. 1998)
- Wal-Mart Stores, Inc. v. Sturges, 52 S.W.3d 711 (Tex. 2001)
- Meadows v. Bierschwale, 516 S.W.2d 125 (Tex. 1974)
- KCM Fin. LLC v. Bradshaw, 457 S.W.3d 70 (Tex. 2015)
- 490 S.W.3d 175 (Tex. App.—Austin 2016)