

SUPREME COURT OF TEXAS

Chambers v. O'Quinn

242 S.W.3d 30 (Tex. 2007) · No. No. 06-1073 · Decided December 14, 2007

SUMMARY

The Supreme Court of Texas held that a prior denial of mandamus relief did not deprive the court of appeals of jurisdiction to review an order compelling arbitration in an appeal from a final judgment. The court reversed the dismissal and remanded for review of the arbitration order on the merits.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Texas
DECIDED	December 14, 2007
DOCKET	No. 06-1073
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petition for review of the First Court of Appeals' dismissal of an appeal from an order compelling arbitration.
STANDARD OF REVIEW	The Supreme Court reviewed the court of appeals' jurisdictional determination de novo.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Texas
PARTIES	Bob Chambers, et al. v. John M. O'Quinn, John M. O'Quinn, P.C., John M. O'Quinn d/b/a O'Quinn & Laminack

TOPICS

- appellate jurisdiction
- arbitration
- interlocutory appeal
- writ of certiorari
- appellate procedure

PRACTICE AREAS

- appellate procedure
- arbitration
- civil procedure
- contracts

QUESTIONS PRESENTED

1. Whether a Texas court of appeals has appellate jurisdiction to review an order compelling arbitration as part of an appeal from a final judgment.

2. Whether prior denials of mandamus relief without comment on the merits deprive a different appellate court of jurisdiction to review the arbitration order in a subsequent appeal.

HOLDINGS

1. An order compelling arbitration may be reviewed on appeal from a final judgment, even though the Texas Arbitration Act and Federal Arbitration Act do not provide for an interlocutory appeal from such an order.
2. A prior denial of a discretionary writ of mandamus, without comment on the merits, does not deprive another appellate court of jurisdiction to consider the matter in a subsequent appeal.

KEY QUOTATIONS

“The writ of mandamus is a discretionary writ, and its denial, without comment on the merits, cannot deprive another appellate court from considering the matter in a subsequent appeal.” (32)

“Thus, the court of appeals has jurisdiction to review the order compelling arbitration in this appeal.” (32)

FACTUAL BACKGROUND

Bob Chambers and 182 other former clients sued John M. O'Quinn for legal malpractice arising from O'Quinn's representation and settlement of their toxic-tort claims. O'Quinn moved to compel arbitration under a compulsory arbitration clause in the contingency-fee agreement, and the trial court granted the motion. After prior mandamus petitions were denied without merits discussion, Chambers' claims proceeded to arbitration, resulting in an award for O'Quinn.

PROCEDURAL HISTORY

Chambers sued O'Quinn for legal malpractice, and the trial court compelled arbitration under a contingency-fee agreement. Chambers unsuccessfully sought mandamus relief from two courts of appeals and the Texas Supreme Court. The trial court later dismissed the malpractice action for want of prosecution, and Chambers appealed. The First Court of Appeals dismissed that appeal for lack of appellate jurisdiction, reasoning that mandamus was the proper remedy and that the prior denials of mandamus precluded review. The Texas Supreme Court reversed and remanded for review on the merits.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The court of appeals was instructed to review the order compelling arbitration on the merits.

CASES CITED

- In re Chambers, 2002 WL 24567, at *1
- In re Chambers, Cause No. 14-02-00020-CV (Tex. App.—Houston [14th Dist.] 2002)

- In re Chambers, Cause No. 02-0154 (Tex. 2002)
- Chambers v. O'Quinn, 2006 Tex. App. LEXIS 9006, at *3-4, 2006 WL 2974318, at *1 (Tex. App.—Houston [1st Dist.] Oct. 19, 2006)
- In re Am. Homestar of Lancaster, Inc., 50 S.W.3d 480, 483 (Tex. 2001)
- Freis v. Canales, 877 S.W.2d 283, 284 (Tex. 1994)
- Green Tree Fin. Corp. v. Randolph, 531 U.S. 79, 89, 121 S. Ct. 513, 148 L. Ed. 2d 373 (2000)
- In re AIU Ins. Co., 148 S.W.3d 109, 119 (Tex. 2004)