

COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH

Susan E. Harriman v. Leslie Hyman and Pulman, Cappuccio &
Pullen, LLP

No. 02-25-00328-CV (Tex. App.—Fort Worth Apr. 16, 2026) · No. No. 02-25-00328-CV · Decided April 16,
2026

SUMMARY

The Texas Court of Appeals for the Second District affirmed summary judgment against Susan E. Harriman in her legal malpractice action against Leslie Hyman and Pulman, Cappuccio & Pullen, LLP. The court held that Harriman failed to produce more than a scintilla of evidence that the appellees’ alleged conduct proximately caused her claimed damages. The court therefore did not reach the alternative limitations ground for traditional summary judgment.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Brian Walker; Sudderth, C.J.; Wallach, J.; Walker, J.
JURISDICTION	Court of Appeals for the Second District of Texas at Fort Worth
DECIDED	April 16, 2026
DOCKET	No. 02-25-00328-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Harriman appealed the trial court's grant of the appellees' traditional and no-evidence motions for summary judgment on her legal-malpractice claim.
STANDARD OF REVIEW	The court reviewed no-evidence summary judgment under the same legal-sufficiency standard applicable to a directed verdict, examining the entire record in the light most favorable to the nonmovant, crediting favorable evidence if reasonable jurors could, and disregarding contrary evidence unless reasonable jurors could not. If the nonmovant produces more than a scintilla of probative evidence raising a genuine issue of material fact, no-evidence summary judgment is improper.
PRECEDENTIAL VALUE	Published memorandum opinion

PARTIES

Susan E. Harriman v. Leslie Hyman, Pulman, Cappuccio & Pullen, LLP

TOPICS

summary judgment

professional negligence

proximate cause

standard of review

appellate procedure

PRACTICE AREAS

appellate procedure

civil procedure

professional negligence

legal malpractice

evidence

QUESTIONS PRESENTED

1. Whether the trial court properly granted no-evidence summary judgment on Harriman's legal-malpractice claim because she failed to produce more than a scintilla of evidence that the appellees' conduct proximately caused her alleged damages.
2. Whether the court needed to reach the appellees' traditional summary-judgment grounds after affirming on the no-evidence grounds.

HOLDINGS

1. No-evidence summary judgment was proper because Harriman offered only speculation, conjecture, and vague conclusory assertions that the appellees' conduct caused the denial of the motion to unseal, an unfavorable settlement, or damages.
2. The court did not need to analyze the traditional summary-judgment grounds because Harriman failed to produce more than a scintilla of evidence under the no-evidence standard.

KEY QUOTATIONS

“Conjecture, like speculation, is not enough to support the element of proximate cause—and Harriman failed to provide either direct or circumstantial evidence to support this element.” (at 14)

“Because Harriman failed to meet her burden to present more than a scintilla of evidence showing that the Hyman Appellees’ actions proximately caused any of her purported damages, we overrule her second issue.” (at 15)

FACTUAL BACKGROUND

Harriman's former attorneys represented her in an underlying defamation lawsuit and participated in a 2017 hearing regarding whether sealed court records, known as the Boyle files, should be unsealed. The motion to unseal was denied, and the underlying lawsuit was later resolved through a mediated settlement agreement and nonsuit with prejudice. Harriman alleged that the attorneys' conduct at the hearing and their failure to use the Boyle files caused her to settle for less, relinquish affirmative claims, and incur additional fees, but she offered no expert testimony or non-speculative evidence connecting the alleged conduct to her damages.

PROCEDURAL HISTORY

Harriman sued her former attorneys, alleging that their representation during a 2017 hearing concerning sealed court records proximately caused her to enter an unfavorable settlement in an underlying defamation lawsuit. The trial court granted both traditional and no-evidence summary judgment for the appellees. The court of appeals reviewed the no-evidence grounds first and affirmed because Harriman failed to produce more than a scintilla of evidence of proximate cause.

DISPOSITION

affirmed

CASES CITED

- Ford Motor Co. v. Ridgway, 135 S.W.3d 598, 600-01 (Tex. 2004)
- Wal-Mart Stores, Inc. v. Xerox State & Local Sols., Inc., 663 S.W.3d 569, 576 (Tex. 2023)
- Timpte Indus., Inc. v. Gish, 286 S.W.3d 306, 310 (Tex. 2009)
- B.C. v. Steak N Shake Operations, Inc., 598 S.W.3d 256, 259 (Tex. 2020)
- King Ranch, Inc. v. Chapman, 118 S.W.3d 742, 750-51 (Tex. 2003)
- Sudan v. Sudan, 199 S.W.3d 291, 292 (Tex. 2006)
- Hamilton v. Wilson, 249 S.W.3d 425, 426 (Tex. 2008)
- City of Keller v. Wilson, 168 S.W.3d 802, 822 (Tex. 2005)
- Mack Trucks, Inc. v. Tamez, 206 S.W.3d 572, 582 (Tex. 2006)
- Smith v. O'Donnell, 288 S.W.3d 417, 424 (Tex. 2009)
- Kindred v. Con/Chem, Inc., 650 S.W.2d 61, 63 (Tex. 1983)
- Merrell Dow Pharm., Inc. v. Havner, 953 S.W.2d 706, 711 (Tex. 1997)
- Cosgrove v. Grimes, 774 S.W.2d 662, 664 (Tex. 1989)
- Alexander v. Turtur & Assoc., Inc., 146 S.W.3d 113, 117 (Tex. 2004)
- Peeler v. Hughes & Luce, 909 S.W.2d 494, 496 (Tex. 1995)
- Parsons v. Baron, No. 02-09-00380-CV, 2011 WL 3546617, at *2 (Tex. App.—Fort Worth Aug. 11, 2011, pet. denied) (mem. op.)
- Hall v. Rutherford, 911 S.W.2d 422, 424 (Tex. App.—San Antonio 1995, writ denied)
- Connaway v. Village Farms, L.P., 200 S.W.3d 353, 356-57 (Tex. App.—Dallas 2006, no pet.)
- Sw. Key Program, Inc. v. Gil-Perez, 81 S.W.3d 269, 274 (Tex. 2002)
- Doe v. Boys Club of Greater Dall., Inc., 907 S.W.2d 472, 477 (Tex. 1995)
- Avery Pharm., Inc. v. Haynes and Boone, L.L.P., No. 2-07-317-CV, 2009 WL 279334, at *7 (Tex. App.—Fort Worth Feb. 5, 2009, no pet.) (mem. op.)
- Rodgers v. Weatherspoon, 141 S.W.3d 342, 345 (Tex. App.—Dallas 2004, no pet.)
- Read v. Scott Fetzer Co., 990 S.W.2d 732, 737 (Tex. 1998)
- Phan Son Van v. Pena, 990 S.W.2d 751, 755 (Tex. 1999)
- Frew v. Hawkins, No. 3:93-CA-065 WWJ, 2007 WL 2667985, at *29 (E.D. Tex. Sept. 5, 2007)

- *Ulrickson v. Hibbs*, No. 2-02-161-CV, 2003 WL 22514689, at *6 (Tex. App.—Fort Worth Nov. 6, 2003, no pet.) (mem. op.)
- *Excel Corp. v. Apodaca*, 81 S.W.3d 817, 820 (Tex. 2002)
- *Havner v. E-Z Mart Stores, Inc.*, 825 S.W.2d 456, 459 (Tex. 1992)

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