

SUPREME COURT OF TEXAS

Laura Beeman and Janet Lock v. Brad Livingston, in His Official Capacity as Executive Director of the Texas Department of Criminal Justice

468 S.W.3d 534 (Tex. 2015) · No. 13-0867 · Decided June 29, 2015

SUMMARY

The Supreme Court of Texas held that Texas Department of Criminal Justice prisons are not “public facilities” under Chapter 121 of the Texas Human Resources Code. Because the statute did not require the accommodations sought by the plaintiffs, the executive director’s alleged conduct was not ultra vires, and sovereign immunity barred the suit. The court affirmed dismissal for want of jurisdiction.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Justice Phil Johnson
JURISDICTION	Texas
DECIDED	June 29, 2015
DOCKET	13-0867
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petition for review of a judgment by the Court of Appeals for the Third District of Texas reversing the trial court and dismissing the suit for want of subject-matter jurisdiction based on sovereign immunity.
STANDARD OF REVIEW	Statutory construction is reviewed to give effect to legislative intent, ordinarily relying on the statute's plain meaning unless a different meaning is supplied by statutory definition or context or the plain meaning produces an absurd or nonsensical result. Subject-matter jurisdiction and sovereign-immunity issues are jurisdictional.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Texas; precedential.
PARTIES	Laura Beeman, Janet Lock v. Brad Livingston, in his official capacity as Executive Director of the Texas Department of Criminal Justice

TOPICS

sovereign immunity

subject matter jurisdiction

statutory interpretation

ada / disability

PRACTICE AREAS

civil rights

disability discrimination

sovereign immunity

statutory interpretation

appellate jurisdiction

QUESTIONS PRESENTED

1. Whether TDCJ prisons qualify as public facilities under Texas Human Resources Code Chapter 121.
2. Whether the alleged failure to provide accommodations could constitute an ultra vires act permitting suit against the TDCJ executive director despite sovereign immunity.
3. Whether the federal Americans with Disabilities Act informs the interpretation of Chapter 121's definition of public facilities.

HOLDINGS

1. TDCJ prisons are not public facilities within Chapter 121's definition because the statutory term public, when used as an adjective, means open and accessible to the public, and prisons are generally inaccessible and not open to the public.
2. Because Chapter 121 did not apply to TDCJ prisons, Livingston could not have acted without legal authority or failed to perform a ministerial act under that statute; Beeman therefore could not proceed under the ultra vires exception to sovereign immunity.
3. The court declined to use the ADA to expand Chapter 121's definition of public facilities to include prisons because Chapter 121 contains no analogous definition and the Legislature did not amend the relevant language to include prisons.

KEY QUOTATIONS

"We conclude that "public," when used as an adjective in the statutory definition, means open and accessible to the public." (opinion at 8)

"We affirm the judgment of the court of appeals dismissing Beeman's suit for want of jurisdiction." (opinion at 15)

FACTUAL BACKGROUND

Laura Beeman and Janet Lock are deaf inmates housed at the Texas Department of Criminal Justice's Lane Murray Unit. Beeman alleged that the TDCJ executive director failed to provide reasonable access to inmate telephone services and sign-language interpreters for educational, religious, disciplinary, grievance, and other prison programs. The trial court found a violation of Texas Human Resources Code Chapter 121 and ordered accommodations, but the court of appeals dismissed the suit for want of jurisdiction.

PROCEDURAL HISTORY

The trial court denied Livingston's plea to the jurisdiction, granted injunctive relief, and after a bench trial found that Texas Human Resources Code Chapter 121 applied to prisons and that Livingston had discriminated against

Beeman by failing to provide reasonable accommodations. The court of appeals reversed and dismissed the claims for want of subject-matter jurisdiction, holding that TDCJ prisons were not public facilities under Chapter 121 and that Livingston's conduct therefore could not qualify as ultra vires. The Supreme Court of Texas affirmed.

DISPOSITION

affirmed

CASES CITED

- Livingston v. Arrington, No. 03-12-00205-CV, 2012 WL 6764069 (Tex. App.—Austin Dec. 28, 2012) (per curiam)
- Livingston v. Arrington, No. 03-11-00266-CV, 2012 WL 1499490 (Tex. App.—Austin Apr. 25, 2012) (mem. op.)
- Livingston v. Beeman, 408 S.W.3d 566 (Tex. App.—Austin 2013)
- Tex. Natural Res. Conservation Comm'n v. IT-Davy, 74 S.W.3d 849, 855 (Tex. 2002)
- City of Hous. v. Williams, 353 S.W.3d 128, 134 (Tex. 2011)
- City of El Paso v. Heinrich, 284 S.W.3d 366, 368, 372 (Tex. 2009)
- Sw. Bell Tel., L.P. v. Emmett, ___ S.W.3d ___ (Tex. 2015)
- Tex. Lottery Comm'n v. First State Bank of DeQueen, 325 S.W.3d 628, 635 (Tex. 2010)
- State v. \$1,760.00 in U.S. Currency, 406 S.W.3d 177, 180-81 (Tex. 2013)
- City of Lorena v. BMTP Holdings, L.P., 409 S.W.3d 634, 643 (Tex. 2013)
- Lippincott v. Whisenhunt, ___ S.W.3d ___ (Tex. 2015)
- TGS-NOPEC Geophysical Co. v. Combs, 340 S.W.3d 432, 439 (Tex. 2011)
- Carlisle v. J. Weingarten, Inc., 152 S.W.2d 1073, 1075-76 (Tex. 1941)
- In re Allen, 366 S.W.3d 696, 706 (Tex. 2012)
- Retzlaff v. Tex. Dep't of Criminal Justice, 135 S.W.3d 731, 742 (Tex. App.—Houston [1st Dist.] 2003, no pet.)
- Tex. Workers' Comp. Comm'n v. Cont'l Cas. Co., 83 S.W.3d 901, 905 (Tex. App.—Austin 2002, no pet.)
- Pell v. Procnier, 417 U.S. 817, 822 (1974)
- Pa. Dep't of Corrs. v. Yeskey, 524 U.S. 206, 210 (1998)
- Molinet v. Kimbrell, 356 S.W.3d 407, 414 (Tex. 2011)
- Prairie View A & M Univ. v. Chatha, 381 S.W.3d 500, 507-09 (Tex. 2012)

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