

# When Textualism Divides the Texas Court

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*This article was originally published by Texas Lawbook. Any opinions in this article are not those of Winston & Strawn or its clients; the opinions in this article are the author's opinions only.*

Winston & Strawn Houston Of Counsel Brandon Duke and Dallas Associate Dylan French discuss the recent Texas Supreme Court decision in *Hogan v. Zoanni*, a defamation case that focused on what it means to “maintain” an action under the Texas Defamation Mitigation Act. Despite the Court’s commitment to textualism, the justices were unable to agree on a correct interpretation of the Act. The rare 4-1-3 split led to a plurality decision announcing the court’s judgment, while leaving the state of the law unclear.

“*Hogan* provides a unique chance to consider the approaches to statutory interpretation among the current justices and the practical effect of a Texas Supreme Court decision without a controlling majority,” Brandon said.

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