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FOREWORD TO THE TEXAS SURVEY

*Attorney General Greg Abbott**

More than 230 years after the founding of the United States of America, it is easy to forget how fortunate we are to live in “a nation of laws, not of men,” as John Adams famously put it. Our founding fathers envisioned a society where the people’s well-being would not be subject to the whims of a king, so they laid a firm foundation of laws—namely, the Constitution and Bill of Rights—upon which the nation would be built and the people had the freedom to prosper.

The inalienable rights and liberties enshrined in our Constitution—and the founders who had the wisdom to declare them in writing—fundamentally altered the course of human events. In Federalist #51, James Madison wisely observed that government retains “power surrendered by the people.” And it was the promise of a written constitution and a desire for the rule of law that gave the former colonists the confidence to set aside their confederation and form these United States.

Since that time, democratically elected representatives have passed countless laws to further define the contours of our nation, our states, and our cities. The courts’ role is to interpret the Constitution and laws duly enacted by the legislature. In the process, they create a new body of law through interpretation of legislative enactments.

As the Attorney General for the State of Texas and a former Texas Supreme Court justice, I have had the privilege of both enforcing and applying the law. And no matter on which side of the bench I served, my first responsibility was to respect the law.

Judges are to interpret the law as written so their decisions reflect what the law is, not what a single jurist may want the law to be. However well-informed and well-intentioned their motives, judges who interpret and apply the Constitution and laws in a manner different from that which was originally intended, exceed the authority given them by our Constitution. They also thwart the power of individuals to shape their government by overriding the will of the representatives whom the people elected to reflect their policy choices.

The goal of every attorney, then, should be to attain a firm grasp of the statutory language; its intended meaning; its interrelationship with other statutes, the Constitution and the common law; and to inform the courts of the appropriate analysis through briefing and oral argument so that they correctly—and strictly—construe the law.

* Greg Abbott has served as the 50th Attorney General of Texas since 2002. Prior to this office, he served with distinction as a justice on the Texas Supreme Court and as a highly rated state trial judge on the 129th District Court.

Considering the amalgam of statutes, court decisions, and other sources that shape our legal system, the *Annual Survey of Texas Law* is an indispensable tool for those in the legal profession as they strive to uphold and respect the law. The Survey provides an overview of recent Texas case law and legislation, as well as articles on a variety of topics from experts who provide valuable insight into their field of practice. With the help of this Survey, lawyers, judges, and policy makers alike can stay informed and gain a more comprehensive understanding of the ever-changing legal landscape.

Like public officials, judges and elected leaders, lawyers are uniquely sworn to preserve, protect and defend the Constitution. That oath is more than a vow; it is a solemn duty and a professional privilege. With that obligation in mind, readers of this Survey may also benefit from this bit of wisdom from Thomas Jefferson: "Our peculiar security is in the possession of a written Constitution. Let us not make it a blank page by construction."

Articles

