Insights: Publications

# Certificate of Merit – 2017 in Review, Part I: Dismissal With or Without Prejudice?

*Kilpatrick Townsend Construction Law Blog*

**MARCH 13, 2018** Written by Nicholas J. Nieto

Section 150.002 of the Civil Practices and Remedies Code, entitled “Certificate of Merit,” requires a plaintiff to file an expert affidavit in a lawsuit or arbitration “for damages arising out of the provision of professional services by licensed or registered professional.” The statute goes on to establish the consequences of failing to do so, stating: “The plaintiff's failure to file the affidavit in accordance with this section shall result in dismissal of the complaint against the defendant. This dismissal may be with prejudice.”

## Related People



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