

# DON WILLET AND REGULATION

## Highlights:

- Don Willett crusaded against government overreach and regulations.

## Willett Opposed Government Regulations

### **WILLETT WROTE THAT ROBINSON V. CROWN CORKS & SEAL CO. TAUGHT “A VITAL LESSON ABOUT DIMINISHED LIBERTY STEMMING FROM GOVERNMENT OVERREACHING”**

#### In His Opinion, Willett Expressed His Hatred For What He Deemed As Government Overreach

**In His Opinion, Willett Expressed His Hatred For What He Deemed As Government Overreach.** According to the concurring opinion in *Robinson v. Crown Corks & Seal Co.* written by Justice Willett, “Judges are properly deferential to legislative judgments in most matters, but at some epochal point, when police power becomes a convenient talisman waved to short-circuit our constitutional design, deference devolves into dereliction. The Legislature's policymaking power may be vast, but absent a convincing public-welfare showing, its police power cannot be allowed to uproot liberties enshrined in our Constitution.” [FindLaw, accessed [6/26/24](#)]

#### Willett Wrote That *Robinson v. Crown Corks & Seal Co.* Taught “A Vital Lesson About Diminished Liberty Stemming From Government Overreaching”

**Willett Wrote That *Robinson v. Crown Corks & Seal Co.* Taught “A Vital Lesson About Diminished Liberty Stemming From Government Overreaching.”** According to the concurring opinion in *Robinson v. Crown Corks & Seal Co.* written by Justice Willett, “Every case that reaches this Court concerns real people buffeted by real problems in the real world. This dispute, however, possesses a transcendent quality, touching not only these parties but also building-block constitutional principles that belong to all Texans. In that sense, it affords a whetstone on which to sharpen our thinking on some bedrock notions of government and how the Texas Constitution assigns democratic responsibilities. More to the point, it teaches a vital lesson about diminished liberty stemming from government overreaching: The Legislature's police power cannot go unpoliced.” [FindLaw, accessed [6/26/24](#)]

#### *Robinson v. Crown Corks & Seal Co.* Held A Statute That Limited Corporate Successor Liability Violated Texas’s Constitutional Prohibition Against Retroactive Laws

***Robinson v. Crown Corks & Seal Co.* Held A Statute That Limited Corporate Successor Liability Violated Texas’s Constitutional Prohibition Against Retroactive Laws.** According to Casetext, “*Robinson v. Cork* Summary: Holding a statute that limited corporate successor liability for asbestos-related claims, as applied, violated the state constitutional prohibition against retroactive laws.” [Casetext, accessed [6/26/24](#)]

#### *Willett Joined The Majority In Striking Down The Tort Reform Law As Unconstitutionally Retroactive*

**Willett Joined The Majority In Striking Down The Tort Reform Law As Unconstitutionally Retroactive.** According to Vlex, “Justice Hecht delivered the opinion of the Court, in which Chief Justice Jefferson, Justice Medina, Justice Green, Justice Willett, and Justice Lehrmann joined. [...] The issue we address in this case is whether a statute that limits certain corporations' successor liability for personal injury claims of asbestos exposure violates the prohibition against retroactive laws contained in article I, section 16 of the Texas Constitution<sup>1</sup> as applied to a pending action. We hold that it does, and therefore reverse the judgment of the court of appeals and remand the case to the trial court.” [Vlex, accessed [6/27/24](#)]

## **WILLETT WROTE THE CONCURRING OPINION WHICH STRUCK DOWN A TEXAS STATUTE, CITING “PREPOSTEROUS” REGULATORY REQUIREMENTS FOR EYEBROW THREADING**

**Willett Wrote The Concurring Opinion Which Struck Down A Texas Statute, Citing “Preposterous” Regulatory Requirements For Eyebrow Threading.** According to Governing, “One of the justices, Don Willett, who has served on the court since 2005, went much further. The state’s regulatory requirements were not just extreme, he concluded, but ‘preposterous.’ To pursue the low-paying job, prospective eyebrow threaders had to pay thousands of dollars in fees and were required to complete more than five times as many hours of initial training as emergency medical technicians. ‘If these rules are not arbitrary,’ Willett wrote in a concurring opinion, ‘then the definition of ‘arbitrary’ is itself arbitrary.’ Willett’s concurrence in the case, *Patel v. Texas Department of Licensing and Regulation*, has been hailed as one of the most important conservative opinions of recent years.” [Governing, [7/26/17](#)]

### **Patel v. Texas Department Of Licensing & Regulation Ruled That Texas’s Licensing Requirements For Commercial Eyebrow Threading Were Oppressively Burdensome**

**Patel v. Texas Department Of Licensing & Regulation Ruled That Texas’s Licensing Requirements For Commercial Eyebrow Threading Were Oppressively Burdensome.** According to Justia, “Certain provisions of the Texas Occupations Code and Texas Commission of Licensing and Regulation rules promulgated pursuant to that Code require eyebrow threaders to undergo 750 hours of training in order to obtain a license before practicing commercial threading. Plaintiffs, several individuals practicing commercial eyebrow threading and the salon owners employing them, filed this declaratory judgment action asserting that, as applied to them, Texas’s licensing statutes and regulations violate the state Constitution’s due course of law provision. Specifically, Plaintiffs alleged that the number of hours required for a license to practice commercial eyebrow threading are not related to health or safety or to what threaders actually do. The trial court granted summary judgment for the State. The court of appeals affirmed. The Supreme Court reversed, holding that the large number of required hours that are not arguably related to the actual practice of threading, the associated costs of those hours, and the delayed employment opportunities while taking the hours make the licensing requirements as a whole reach the level of being so burdensome that they are oppressive in light of the governmental interest.” [Justia, accessed [6/26/24](#)]

### **Governing: Willett’s Concurring Opinion Had “Been Hailed As One Of The Most Important Conservative Opinions Of Recent Years”**

**Governing: Willett’s Concurring Opinion Had “Been Hailed As One Of The Most Important Conservative Opinions Of Recent Years.”** According to Governing, “Willett’s concurrence in the case, *Patel v. Texas Department of Licensing and Regulation*, has been hailed as one of the most important conservative opinions of recent years. It was expansive enough to trigger talk about reviving a judicial approach to regulation that has lain dormant for decades. It’s one of the main reasons Willett’s name appeared on President Trump’s short list for the U.S. Supreme Court.” [Governing, [7/26/17](#)]