

Fraud Research Guide

Overview

This research guide includes information and resources on fraud. Generally, fraud is the “knowing misrepresentation or knowing concealment of a material fact made to induce another to act to his or her detriment. Fraud is usually a tort, but in some cases (especially when the conduct is willful) it may be a crime.” *Black’s Law Dictionary, 11th ed.* The resources included here touch on different types of fraud: elder financial, fraudulent transfer, disaster relief, consumer, deceptive trade practices, securities, internet, contractor, and mail fraud. The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas Business & Commerce Code

- Ch. 17 Deceptive Trade Practices <https://statutes.capitol.texas.gov/Docs/BC/htm/BC.17.htm>
- Ch. 24 Uniform Fraudulent Transfer Act <https://statutes.capitol.texas.gov/Docs/BC/htm/BC.24.htm>
- Ch. 26 Statute of Frauds <https://statutes.capitol.texas.gov/Docs/BC/htm/BC.26.htm>
- Ch. 27 Fraud <https://statutes.capitol.texas.gov/Docs/BC/htm/BC.27.htm>

Texas Penal Code

- Ch. 32 Fraud <https://statutes.capitol.texas.gov/Docs/PE/htm/PE.32.htm>

Texas Civil Practice and Remedies Code

- Ch. 12 Liability Related to a Fraudulent Court Record or a Fraudulent Lien or Claim Filed Against Real or Personal Property <https://statutes.capitol.texas.gov/Docs/CP/htm/CP.12.htm>

Secondary Resources in Print

Texas Practice Series REF KFT 1280.T4

- Vol. 6, Ch. 19 Fraud Offenses
- Vol. 15, Ch. 2 Real Property Foreclosure §2.19 Fraud
- Vol. 16, Ch. 21 Fraud
- Vol. 27, Ch. 2 Unfair and Deceptive Conduct
- Vol. 49, Ch. 2 Problems of Formation (contract) §2.13 to §2.32 Fraud and misrepresentation

Texas DTPA Forms and Practice KFT 1430.B7

- §10.05 Negligent Misrepresentation
- §10.06 Fraud

The Lawyer’s Guide to the Texas Deceptive Trade Practices Act KFT 1430.A94

- § 9.041 Actual Damages
- § 9.062[B] Multiple Damages

Restatement of the Law Torts 2d KF 395.A2 T65

- Ch. 22 §552 Information Negligently Supplied for the Guidance of Others (Negligent Misrepresentation)

West’s Texas Forms REF KFT 1268.W47

- Vol. 1A, Ch. 18 Prejudgment Remedies for Fraudulent Conveyances
- Vol. 3, Ch. 2 § 2.8.28 Defendant’s original answer—Affirmative defense—Fraud
- Vol 3, Ch. 2 §2.8.29 Defendant’s original answer—Affirmative defense—Fraudulent inducement

- Vol. 3A, Ch. 9 Causes of Action Relating to Business Torts and Unfair Trade Practices

CLE Materials

Advanced Family Law KFT 1294 .S83

- 2018 Vol. 1, Ch. 5 Fraudulent Transfers and Offshoot Assets

Advanced Consumer and Commercial Law KFT 1430.A75S7

- 2020 Ch. 2 Legal Strategies to Address Coerced Debt
- 2020 Ch. 13 DTPA and Arbitration Update

Collections and Creditors Rights KFT 1367.C6S7

- 2022 Ch. 2 Post-Judgment Remedies: Judgment Liens, Garnishment, Execution, Turnover Proceedings, Receiverships Under the DTPA, Charging Orders and “Other Stuff”
 - Fraudulent Transfer and Fraudulent Conveyances
- 2022 Ch. 9 Debt Collection Motion Practice: A Survey of Motions for Summary Judgment
- 2022 Ch. 18 Avoiding Legal Malpractice

Essentials of Business Law KFT 1405.A7S7

- 2022 Ch. 5.1 Private Causes of Action Under the Recodified Texas Securities Act
- 2022 Ch. 15.1 Reliance Disclaimers in M&A Agreements

Online Resources

Common Scams and Crimes (FBI)

<https://www.fbi.gov/how-we-can-help-you/safety-resources/scams-and-safety/common-scams-and-crimes>

Avoiding Contractor Fraud (Texas Law Help)

<https://texaslawhelp.org/sites/default/files/2022-12/avoiding-contract-fraud.pdf>

Identity Theft (Texas Law Help)

<https://texaslawhelp.org/toolkit/identity-theft/?tab=1&toggle=9&toggle=10>

Tarrant County Elder Financial Fraud (CDA)

<https://www.tarrantcountytexas.gov/en/criminal-district-attorney/criminal-division/ElderFraud.html>

Elder Abuse and Elder Financial Exploitation Statutes (USDOJ)

https://www.justice.gov/elderjustice/prosecutors/statutes?field_statute_state=TX&field_statute_category=All

Reporting Suspected Fraud, Waste, and Abuse in State Government (OAG)

<https://www.texasattorneygeneral.gov/about-office/reporting-fraud-state-government>

Consumer Protection (OAG)

<https://www.texasattorneygeneral.gov/consumer-protection>

Texas State Auditor’s Office

<https://sao.fraud.texas.gov/>

Reporting Fraud (TXDOT)

<https://www.txdot.gov/about/contact-us/report-fraud.html>

Report Waste, Abuse & Fraud (Inspector General)

<https://oig.hhsc.state.tx.us/wafrep/>

Fraud: Texas (Thomson Reuters Practical Law)

[https://adamsreesepr.blob.core.windows.net/adamsreesepr/files/uploads/pdf/5fa08da5672dab00278c6467/file/Fraud%20Texas%20\(w-023-5451\).pdf](https://adamsreesepr.blob.core.windows.net/adamsreesepr/files/uploads/pdf/5fa08da5672dab00278c6467/file/Fraud%20Texas%20(w-023-5451).pdf)

Reporting Fraud Occurring within the State Bar of Texas

<https://www.texasbar.com/Content/NavigationMenu/ReportingFraud/default.htm>

Fraud Reporting

<https://www.tmb.state.tx.us/page/fraud-reporting>

Statutes of Limitations for Crimes (Texas Law Help)

<https://texaslawhelp.org/article/statutes-of-limitation-for-crimes>

National Fraud Information Center

<https://fraud.org/>

10 Things You Can do to Avoid Fraud (Federal Trade Commission)

<https://www.justice.gov/archives/sf/page/file/915196/download>

Consumer Fraud and Identity Theft (Federal Trade Commission) 1-877-FTC-HELP, 1-877-ID-THEFT, or

<https://ReportFraud.ftc.gov/#/?orgcode=TFMICF>

National Center for Disaster Fraud (USDOJ)

<https://www.justice.gov/disaster-fraud/webform/ncdf-disaster-complaint-form>

General Fraud and Other Criminal Matters

Contact the FBI at (202) 324-3000

www.fbi.gov

www.tips.fbi.gov

Health Care Fraud, Medicare/Medicaid Fraud, and Related Matters (Department of Health and Human Services, Office of the Inspector General) 1-800-HHS-TIPS, or online at

www.oig.hhs.gov.

Potential Internet Fraud (FBI) www.ic3.gov

Mail Fraud and Lottery/Sweepstakes Fraud (U.S. Postal Inspection Service) 1-800-372-8347

<https://www.uspis.gov>

Securities Fraud (Securities and Exchange Commission) 1-800-SEC-0330 www.sec.gov

www.sec.gov/complaint/select.shtml

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)