

# 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, 11<sup>th</sup> 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](http://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. 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 Offshore 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.tarrantcountytx.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](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](http://www.fbi.gov)  
[www.tips.fbi.gov](http://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](http://www.oig.hhs.gov).

Potential Internet Fraud (FBI) [www.ic3.gov](http://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](http://www.sec.gov)  
[www.sec.gov/complaint/select.shtml](http://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)