

## RECENT CHANGES TO TEXAS RULES OF CIVIL PROCEDURE EVERY PRACTITIONER SHOULD KNOW

Earlier this year the Texas Supreme Court approved amendments to the Texas Rules of Civil Procedure, most notably with respect to substitute service of process and discovery. The changes bring the Rules into compliance with recent legislative changes to the Government Code and attempt to simplify litigation and reduce its attendant high costs. The amended Rules go into effect on January 1, 2021 and apply to all cases filed in state district courts and county courts at law on or after that date.

Federal court practitioners will recognize some of the changes, which align the Texas Rules with their federal counterparts. For example, amended Rule 194 eliminates requests for disclosure in favor of mandatory initial disclosures due within 30 days of answering. Other modifications, such as those related to service of process, reflect the evolution how people regularly communicate. Specifically, amended Rule 106 now allows courts to authorize substituted service by “social media, email, or other technology . . . .” that will be reasonably effective in giving the defendant notice of the suit.

In addition to these two significant changes, the Supreme Court has also modified the following Rules:

- **Rules 47 and 169:** the jurisdictional cap for expedited actions is increased from \$100,000 to \$250,000.
- **Rule 190.2:** the discovery period for level 1 cases now begins when initial disclosures are due and continues for 180 days.
- **Rule 190.3:** the discovery period for level 2 cases now begins when initial disclosures are due and continues until the earlier of 30 days before trial or nine months after initial disclosures are due.
- **Rule 194.2:** damage calculations now require production of the documents used to support the calculation, and parties must provide: (1) a copy of all documents they may use to support their claims and defenses; or (2) a description by category of those documents and their location.
- **Rule 194.4:** no later than 30 days before trial, parties must provide a list of names of people they may present at trial and identify all documents and exhibits they expect to offer.

- **Rule 195.2:** the deadline for designating experts is: (1) for affirmative relief, 90 days before end of discovery period; and (2) for all other experts, 60 days before end of discovery period.

The changes described above are just some of the important modifications that go into effect on January 1, 2021. The full text of the amended rules are available for download on the Court's website at: <https://www.txcourts.gov/supreme/administrative-orders/2020/>.

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