

SUMMARY OF DISCOVERY RULE CHANGES
EFFECTIVE JANUARY 1, 2021

| RULE | CHANGE |
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| 47 | Lowest level of a claim for relief is now \$250,000 instead of \$100,000 |
| 99 | Citations must now advise defendants that they may be required to make initial disclosures |
| 169 | Expedited actions now include civil cases with damages of \$250,000 or less excluding interest, statutory or exemplary damages, penalties, attorneys' fees and costs. Removes the prior exemptions for family, property, tax, and medical malpractice cases. |
| 190.2(a) | Discovery control level 1 now includes cases involving \$250,000 or less in damages. |
| 190.2(b) | Discovery period begins when the first initial disclosures are due. Each party may have no more than 20 hours of depositions. |
| 190.3 | Discovery period begins when the first initial disclosures are due. |
| 192.1 192.7 193.1 193.3 193.4 193.6 194 194.5 195.1 195.2 | Disclosures are now required. |
| 192.2 | A party cannot serve discovery on another party until after the other party's initial disclosures are due. |
| 194.1 | Unless exempted by rule, agreement, or court order, a party must provide the information and material described in Rules 194.2, 194.2, and 194.4. If a party does not produce documents with the written disclosures, the party must state the time and method for production. |
| 194.2 | Unless modified by agreement or court order, a party must make initial disclosures within 30 days of the first answer or general appearance. Parties served or joined later must make initial disclosures within 30 days after being served or joined. In addition to former requirements, parties must provide a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the responding party has in its |

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| | possession, custody, or control, and may use to support its claims or defenses, unless the use would be solely for impeachment. Specific disclosure requirement for family cases are added. The following cases are exempt from initial disclosures: actions for review on an administrative record; forfeitures arising from state statute; habeas corpus; Title IV-D family code cases; child protection actions; protective orders; actions involving domestic violence; appeals from justice courts. |
| 194.3 | Initial disclosures must include expert witness information required by Rule 195. |
| 194.4 | The following pretrial disclosures are mandatory and must be filed 30 days in advance of trial: the name and, if not previously provided, the address, and telephone number of each witness—separately identifying those the party expects to present and those it may call if the need arises; and an identification of each document or other exhibits, including summaries of other evidence—separately identifying those items the party expects to offer and those it may offer if the need arises. |
| 195.5 | Expert disclosures must include: expert’s name, address, telephone number; subject matter of expert’s testimony; the general substance of the expert’s mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information. For experts retained by responding party, disclosure must include all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert’s testimony; expert’s resume and bibliography; except when the expert is the responding party’s attorney and is testifying to attorney fees, a list of all other cases in which, during the previous four years, the expert testified as an expert at trial or by deposition; and a statement of the expert’s compensation. Communications between attorneys and experts are protected from discovery except those that relate to the expert’s compensation, facts and data the expert considered in forming opinions, assumptions relied on by the expert, and draft expert reports. |
| 196-198 | Amended to reflect that parties are no longer permitted to serve discovery with the original petition. |