



# The Information Edge

Current Legal News from Collin County's  
Curt B. Henderson Law Library

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## Useful Internet Sites and Articles

### Texas New Discovery Rules (Updated as of 1/1/2021)

[law.com/texaslawyer/2020/11/13/discovery-changes-in-family-law/](http://law.com/texaslawyer/2020/11/13/discovery-changes-in-family-law/)

Amendments to discovery rules in Texas family law cases took effect on Jan. 1, 2021.

**Level One:** The first change is that Level One discovery under rule 190.2 now applies to any divorce, not involving children, when a party pleads that the value of the marital estate is more than zero but less than \$250,000. This limit is up from the previous \$50,000 limit, so the number of cases where Level One discovery will apply is sure to increase. The comment to the rules explains that the new monetary limit is established to promote the prompt, efficient, and cost-effective resolution of civil actions. Under Rule 190.2 for Level One, discovery now begins when initial disclosures are due (30 days after the answer) and continues until 180 days after the date the initial disclosures are due. The total time for depositions in Level one also changes from six hours to 20 hours to examine and cross-examine all witnesses in oral depositions.

**Level Two:** Level Two cases also start the discovery period when initial disclosures are due and generally continue until 30 days before the date set for trial in cases under the Family Code.

#### **Level Three: No Changes**

Under rule 192.2 generally, a party cannot serve other discovery until after the initial disclosures are due. Under Rule 193, the parties still have the right to assert privilege even from the automatic initial disclosures. New Rule 194 now specifies that disclosure is basically automatic. Additional, under Rule 194.1(b) copies of documents or other tangible items must be served with the response. Under Rule 194.2(a) a party must make the initial disclosures at or within 30 days after the filing of the first answer unless a different time is set by the parties agreement or court order. Under rule 194 the party must produce a copy or descrip-

tion by category and location of all documents, electronically stored information, and tangible things that the responding party has in its possession, custody, and control that the party may use to support its claims or defenses, unless the use would be solely for impeachment. Information will now need to be expedited and produced much earlier in a case.

Under Rule 194.2(c), in a divorce or annulment, a party must provide a copy of all documents pertaining to real estate, relating to any pension, retirement profit sharing or other employee benefit plan, all documents pertaining to any life, casualty, liability, and health insurance policies, and most recent statement pertaining to all accounts held at any financial institution, including banks, savings, and loans institutions, credit unions, and brokerage firms. The due date of 30 days after the answer will speed up document production but can come as a costly and challenging processing depending on the size of the estate.

Rule 194.4 is new and, in addition to the other disclosures, requires a party to provide the evidence that it may present at trial, other than solely for impeachment, including the name, address, and telephone number of each witness—separately identifying those the party expects to present and those it may call if the need arises. These disclosures must be made at least 30 days before trial.

Under Rule 195, regarding expert witnesses, the party using must disclose within the initial 30 day period after the answer is filed the expert's name, address, the subject matter on which the expert will testify, the general substance of the expert's impressions and opinions, or documents reflecting such information.

The New Discovery Rules for Texas are extensive and can be further studied and researched at the following link:

[law.com/texaslawyer/2020/11/13/discovery-changes-in-family-law/](http://law.com/texaslawyer/2020/11/13/discovery-changes-in-family-law/)

Copies of these articles are available in the library, or from the law librarian via email:  
bfansler@co.collin.tx.us

## Spotlight on the Supremes

On December 22, 2020, the Texas Supreme Court extended deadlines for procedures for tenants and landlords under a statewide housing-assistance program intended to avoid evictions for tenants behind on rent. Under the order establishing the program, an eviction proceeding may be abated by agreement for 60 days. Courts will provide tenants with information about the program and court records for participants will be confidential while eviction cases are delayed. The order specifies that eviction pleadings must include notice to tenants that they may be eligible for as much as six months past-due rent paid if they and their landlords agree to participation in the program. The order was set to expire March 15 but was extended by the Chief Justice of the Supreme Court until March 31.

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Hours of Operation:  
Monday–Friday  
8:00 am–5:00 pm

Note: Computers will  
automatically log off  
at 4:50 p.m.

## Did You Know?

On February 11, 2021, the Texas Supreme Court, in a 35th emergency pandemic order, extended until May 12 the force of pleading requirements to forestall evictions for certain tenants behind on rent.

The state's voluntary eviction-diversion program is administered by the Texas Department of Housing and Community Affairs and now reaches statewide after limited pilot programs in its beginning in October. Eligibility for rental assistance under the Texas Eviction Diversion Program will be determined by the Texas Department of Housing and Community Affairs.

Details for assistance can be found [here](#) and from [Texas legal aid providers](#). Questions also may be answered by calling the Texas Legal Services Center, 855.270.7655.



## Important Announcement

Please keep in mind that if you are not comfortable visiting the library in person to do research during the pandemic, we have a number of resources available online. While we cannot provide legal advice, we may be able to guide you to the resources or forms necessary to assist you in your situation.

Library staff may be reached at 972-548-4255 or 972-548-4244.



## Texas Fresh Start Guide

Texas Law Help has provided a free app to help you find out if you are eligible for an expunction or order of nondisclosure in Texas. Both are procedures used to clean up adult criminal history records. This can make it easier for people to find employment, earn professional licenses, and improve credit scores.

- **Expunction (record clearing)** can permanently remove entries from an adult criminal history record.
- **Nondisclosure (sealing)** hides certain offenses from public disclosure, but the offenses are still visible to criminal justice agencies, licensing agencies, and certain government entities. Eligibility for Nondisclosure will depend on the type of offense you committed and whether the court put you on deferred adjudication.

To use this app, **you will need to know:**  
the **type of crime(s)** you want to clear,  
the **type of court** that handled your case,  
the **outcome of your case**, and  
any **significant dates**.

Do not use the app to address federal crimes or acts committed while a minor.

Learn more and access the toolkit at the following link:

<https://georgetown.neotalogic.com/a/TexasFreshStartV2>



## Tech Tips: More Useful Sites and Law Blogs

- <https://proyectoimmigrante.org/> - Proyecto Inmigrante Immigration Counseling Services, Inc. is committed to serve, educate, and assist the immigrant community in matters concerning immigration and education. Their agency is recognized and accredited by the U.S. Department of Justice with offices in the cities of Dallas, Fort Worth, and Wichita Falls, Texas.
- <https://tmwf.org/> - Texas Muslim Women's Foundation has been committed to a strategic and holistic approach as a social services agency and promoter of peace. Over the years they have grown and expanded their programs, services and outreach to serve the ongoing and ever-changing needs of their clients and community. For 15 years they have been serving those in need in North Texas.



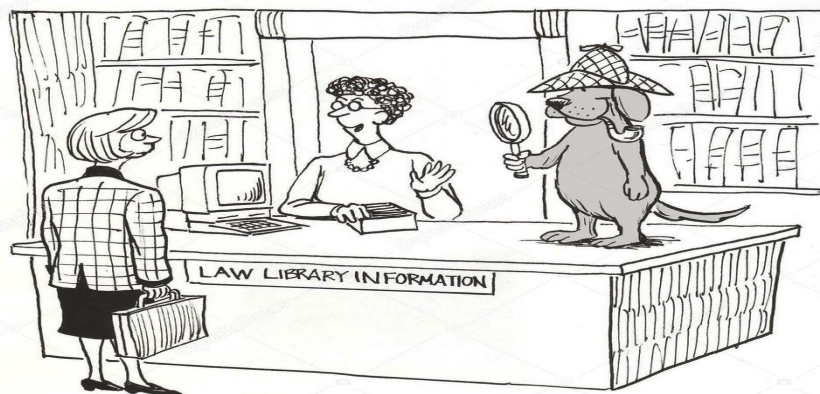
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will be closed  
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April 2nd for  
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## New on the Shelf

- Texas Forms - Real Estate / Commercial & Residential 2021
- Police Misconduct Law and Litigation Third Edition (2020-2021 Edition)
- Texas Rules of Evidence Handbook 2021
- O'Connor's Texas Family Law Handbook 2021
- Texas Construction Law Manual 2020-2021 Edition
- Texas Employment Codes Plus 2020-2021
- Pretrial Motions in Criminal Prosecutions Fifth Edition
- Texas Business Organizations Code Plus
- Texas CPRC Plus 2020-2021
- Federal Civil Judicial Procedure and Rules 2020 Revised Edition
- Ineffective Assistance of Counsel 2020 Edition
- Vehicle Search Law Deskbook 2020-2021 Edition
- Texas Criminal Lawyer's Handbook Vol 1-2
- Texas Criminal Codes Plus 2020-2021
- Fifth Circuit Pattern Jury Instructions Civil 2020
- Uncharged Misconduct Evidence 2021 Edition
- Texas Workers' Compensation Manual 2021 Edition
- O'Connor's Federal Rules - Civil Trials 2021 / Texas Edition
- O'Connor's Texas Causes of Action 2021

## Law Library Humor



**“Our researcher can find that book.  
What did it smell like?”**