



The Information Edge

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Useful Internet Sites and Articles

New Texas Law School Advocacy Competition to Debut in Fall

TBJ, July/August 2021

The first TEX-ABOTA Best in Texas Voir Dire Competition will take place September 30 through October 1, 2021 in San Antonio. TEX-ABOTA is the name of a partnership between the state's ten law schools and the Texas Chapters of the American Board of Trial Advocates. This voir dire competition will be the first of its kind and focuses on the under-taught skills of jury selection.

The idea for this competition started more than a year ago when 2020 TEX-ABOTA President Robby Alden came up with the idea while judging rounds of the Texas Young Lawyers Association National Trial Competition in 2019. The idea grew in popularity among TEX-ABOTA. Soon, Justice Patricia O. Alvarez of the 4th Court of Appeals in San Antonio was selected as chair of the planning committee. Lawyers from all over the state volunteered to serve on the committee and all ten law schools in Texas agreed to participate.

The planning committee soon decided that this competition needed to be more than another mock trial competition and decided to focus on jury selection—a skill not taught in law school—making the Best in Texas Voir Dire Competition one of a kind. The format of the competition is as follows: “real-world laypeople will be brought in to serve as mock jurors. The student advocates will question those jurors just as they would in a real case, and afterward, make both for-cause and peremptory strikes. A six-person jury will then be seated to hear the students opening statements.” After the opening statements the competition is over and the mock jurors will answer a simple question on the ballot: which student attorney did a better job? Texas Tech University School of Law Professor Robert T. Sherwin says, “One of things that I think sometimes gets lost in trial advocacy competitions is that they're judged by lawyers. Well, in the real world, lawyers aren't our audience, people are. And this is a competition where real people will get to decide who did a better job.” The committee also recommended that the competition rotate throughout the cities with a law school. The 2022 competition will be held in Dallas.

State Bar of Texas Committee Reports

TBJ, July/August 2021

Below are highlights of what some of the State Bar of Texas Committees have been working on over the past year. Additional information may be found at www.texasbar.com/committees.

Administration of Rules of Evidence Committee:

The Committee recommended revising the language in Rule 404 to make disclosure of the evidence prosecutors intend to rely on at trial mandatory and no longer only available upon request by a defendant. Other rules being considered for revisions are Rule 503, 509, 510, 601 and 803(16).

Advertising Review Committee: With the passage of the new rules as of the 2021 Rules Vote, this is the first time since the advertising rules were enacted that they have been completely revised. The Committee has been working on a new Advertising Review Department Database which allows attorneys to file their ad or solicitation communication through the State Bar page and staff can electronically communicate any violation back to the attorney.

Continuing Legal Education Committee: Texas Bar Books launched a new website called Texas Bar Practice which is the new platform for Texas Bar Books and the Law Practice Management Program. It offers lawyers a single site to explore free practice management content and shop for practice manuals, deskbooks and jury charges.

Courts Rules Committee: The Committee has several proposals that are being submitted to the Texas Supreme Court for consideration. Some of these proposals include TRCP 226(a), an addition to TRCP 199.2(b)(1), requiring before or shortly after a notice is served for deposition on an organization that the server and the organization confer in good faith about the matters for examination and any documents requested to be produced and an addition to the brand new TRCP 192.2(a), prohibiting a party from serving discovery until after initial disclosures are due.

Pattern Jury Charges Oversight Committee: This Committee met virtually throughout the year to finalize the various 2020 volumes and begin preparing for the 2022 editions. This committee welcomes input from both the bench and practitioners and can be reached at books@texasbar.com

Copies of these articles are available in the library, or from the law librarian via email:

bfansler@co.collin.tx.us

New Rules Change how to Cross-Examine Experts

New amendments to the Texas Rules of Civil Procedure, effective in cases filed on or after January 1, 2021, will impact the way trial lawyers cross-examine expert witnesses in state court cases. Under the new Texas rules, parties must now disclose three new categories of information for testifying experts. This amendment to TRCP 195 is based on Federal Rule of Civil Procedure 26(a)(2)(b). A portion of Rule 195 reads as follows with the amendments in italics:

195.5 Expert Disclosures and Reports

(a) Disclosures. Without awaiting a discovery request, a party must provide the following for any testifying expert:

- (1) the expert's name, address, and telephone number;
- (2) the subject matter on which the expert will testify;
- (3) 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;
- (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (A) 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;
 - (B) the expert's current resume and bibliography;
 - (C) *the expert's qualifications, including a list of all publications authored in the previous 10 years;*
 - (D) *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*
 - (E) *a statement of the compensation to be paid for the expert's study and testimony in the case.*

In addition to the above mentioned amendments, Rule 195 now provides new protections for expert communications and draft reports based on Federal Rule of Civil Procedure 26(b)(4)(B) and (C). Communications between the expert and hiring attorney are now protected from discovery, except when the communications relate to compensation to the expert, or when the communications identify facts or assumptions that the attorney provided and the expert considered in forming opinions. Draft expert reports are also protected from discovery under the new amendments.



Tech Tips: More Useful Sites and Law Blogs

The State Bar of Texas Computer & Technology Section's mission is to educate and involve the legal profession in and about the use and law of computer and information technology. This Section publishes *Circuits*, a quarterly eJournal, provides speakers for live webcasts on technology related topics and has videos on its series titled Tech Bytes, available [here](#). Members of the Computer & Technology Section have access to the Texas Legal App, which provides access to Texas rules and codes with links to case law.



Spotlight on the Supremes

The Texas Supreme Court, along with the Texas Court of Criminal Appeals and the State Bar of Texas, proclaimed September 17, 2021, as the *Texas Day of Civility in the Law*. The Supreme Court of Texas' court order states: "On that day, we urge all lawyers to participate in programs, whether virtually or in person, at bar associations around the State of Texas that will commemorate and focus upon the spirit and aspirations set forth in the Texas Lawyer's Creed."

The Texas Lawyer's Creed was adopted by the Supreme Court of Texas and the Texas Court of Criminal Appeals by an order signed November 7, 1989, and reaffirmed on March 26, 2013. Further amendments to the Creed were approved on February 1, 2016. Per the *Proclamation of The Texas Day of Civility in the Law as September 17, 2021*, all lawyers "are urged to act with civility to preserve our system of justice and to embrace the principles espoused by the Texas Lawyer's Creed as they vigorously represent their clients. In these difficult and unprecedented times, civility and collegiality within the profession and the justice system are as meaningful and essential as ever before."



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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?

Every two years, the Chief Justice of the Texas Supreme Court prepares a state of the judiciary message. This message is typically delivered as a speech to a joint session of the legislature and is mandated by [Government Code §21.004](#). The original legislation mandating a state of the judiciary message passed in 1977 during the 65th legislature and was updated in 1985 as part of nonsubstantive revision of statutes relating to the judiciary. It was amended again in 1993 to specify that the message may either be written or oral. All of the state of the judiciary messages since 1979 are available [here](#), including the most recent speech from Chief Justice Nathan Hecht, delivered on March 23, 2021. Chief Hecht's speech covered topics ranging from remote proceedings and juvenile justice to mental health.

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 972-548-4260.





The Law Library will be closed on Monday, September 6th for Labor Day



New on the Shelf

- ◆ O'Connor's Federal Civil Forms—2021
- ◆ The Family Lawyer's Essential Tool Kit—2021 Edition
- ◆ Courtroom Handbook on Texas Evidence—2021
- ◆ Texas Real Estate Forms Manual—2021
- ◆ Texas Criminal Forms—Revision 15
- ◆ O'Connor's Texas Civil Forms—2021
- ◆ Qualifying and Attacking Expert Witnesses—Revision 33
- ◆ Federal Jury Practice and Instructions—2021
- ◆ Is It Admissible? - Revision 23
- ◆ Federal Postconviction Remedies and Relief Handbook (with forms) - 2021 Edition
- ◆ O'Connor's Texas Family Code Plus—2021-2022



Law Library Humor

