



TYLER AREA ASSOCIATION OF LEGAL PROFESSIONALS APRIL 2022 NEWSLETTER

President's Message

Leatha Kopech, PP, PLS

SPRING HAS SPRUNG!!!! Seems like all the *cold* snaps are over and the spring like temperatures may be here to stay. I am so ready for Spring and Summer. Spring brings lots of beautiful colors, everything coming to life again. The spring forward of time allows for lots of activities after work. All of this together makes me feel so much better and happier, hopefully, it does you as well. Find something today that makes you smile!!!

Our annual April Membership Social is scheduled for Thursday, April 14th. Make plans to attend. It is always so much fun. The meeting will be held at Clear Springs, 6519 S. Broadway, Tyler. Our speaker will Ty Czapl, he will be speaking to us on Ethics in Family Law. Thanks to the generosity of several law firms and our vendors, the CLE, dinner and a drink are on TAALP as a thank you for your participation and interest in our organization. There will be lots of fun and door prizes as well.

Remember half-price membership for new and renewing members for the remainder of our 2020-21 year (Jan. 1 – June 30). Be sure to share this with friends and co-workers, and invite them to join TAALP!

Law Day is scheduled for April 28th at 6:30 p.m. Please make plans to attend and help us celebrate Lisa Best as Legal Professional of the year.

Elections for next year's board is approaching fast. We will be taking nominations in May, and our June meeting is Election Day. We would love to have you serve on the Board. If you are interested in serving and have questions, please reach out to any of our current Board members. Their names, position and contact information are on the last page of this newsletter. Active members, remember that in order to be nominated for an office and for active voting members, your active membership status must be in good standing. In order to ensure that you remain in good standing, you cannot miss attendance at one meeting (either regular or board) per month for three (3) consecutive months during any fiscal year. If a member misses attendance at one meeting (either regular or board) per month for three (3) consecutive months during any fiscal year, then the member will be placed on "associate" status, without refund of dues, for the remainder of the fiscal year in which the violation occurred or until the said member has attended one meeting (either regular or board) per month for two (2) consecutive months, at which time the member may be reinstated as an active member. So to paraphrase that, just make sure you don't miss attending meetings 3 months in a row! If you have, then please attend the two monthly meetings in a row before May 1st to reinstate your active status. If you have any questions or concerns about your attendance and current active status, please contact Lisa Betts, lisa@sscfirm.com regarding your attendance/active status.

Leatha Kopech

TAALP can help get your name out to our members!

For more information, email:
branditurchi@gmail.com

Transcript Ad Rates (Per Month):

Business Card - \$10.00
Quarter Page - \$20.00
Half Page - \$30.00
Full Page - \$50.00

NOTICES:

The price of lunch is \$15.00, which covers an hour of CLE and a full course meal (salad, entrée, drink and dessert). Feel free to bring your own lunch with you should you chose not to eat the catered meal.

When responding to your evite, please note whether you will attend and whether or not you will eat so an accurate count can be provided to the caterer. If an RSVP is made with a notation that a meal will be paid for and you do not attend the meeting, you will still be responsible for the cost of that meal. Those with extenuating circumstances will be taken under advisement.

Law Day 2022:
Thursday, April 28,
2022, at 6:30 p.m. at
Hollytree Country
Club

TAALP
MINUTES OF APRIL 6, 2022 BOARD MEETING
By: Gaye Boynton, Recording Secretary

The Executive Board met at Texas Music City Grill and Smokehouse on Wednesday, April 6, 2022 for the monthly meeting. The following board members were present: Leatha Kopech, President; Jo Ruth Hancock, President-Elect; Lisa Betts, 1st Vice President; Candace Dillon, 2nd Vice President; Tina Knighton, Treasurer; Brandi Turchi, Corresponding Secretary; Helen Koch, Parliamentarian; Gaye Boynton, Recording Secretary, and Carrie King, Executive Advisor.

President Leatha Kopech called the meeting to order at 12:20 pm

LEATHA KOPCH, President

Old Business:

- March meeting attendance: 31

New Business:

- Half Price Membership – Now through June.
- April Membership Social – Clear Springs **STARTS AT 5:00 P.M.**
- April Sponsorship – Deposition Resources, \$100 Wilson Firm, \$100 Starr Schoenbrun, \$100 Files Harrison, \$50.00 Negem Firm & \$100 MacKenzie Life Care Planning
- Disbursement of door prizes/gift cards was discussed and decided upon
- 2022 Texas Advanced Paralegal Seminar, Sponsored by the Paralegal Division, September 28-30, 2022 – Fort Worth, Texas - newsletter

JO RUTH HANCOCK, President-Elect

- April Meeting – Member Social-**Evening** meeting-Clear Springs

LISA BETTS, 1st Vice President

- 21-2022 Renewal Membership total to date 95.
- Evite for April 14, 2022 membership meeting at noon (Deadline to RSVP Tuesday, March 9th at noon) - send evite on Friday, April 8, 2022. Location: Clear Springs. Membership social. Select Menu.

CANDACE DILLION, 2nd Vice President

- April: Ty Czapla – Ethics in Family Law
- May: John Sjovall, in-house atty for Brookshire's - Practice Tips for Working with In-House Legal Counsel

GAYE BOYNTON, Recording Secretary

- Board Meeting Minutes

Gaye Boynton moved that the Minutes of the March, 2022, board meeting be approved, as reported in the Transcript. The motion was seconded, carried and the minutes were approved.

BRANDI TURCHI: Corresponding Secretary

- Publish the newsletter by Wednesday, April 13, 2022. Deadline to get your information to Brandi is Friday, April 8th by 5:00 pm.

TINA KNIGHTON, Treasurer-

- March, 2022 Treasurer's Report was presented by Tina Knighton

Tina moved that the Treasurer's Report for March, 2022, be filed for audit. The motion was seconded and it carried.

CARRIE KING, Executive Advisor-

- No new business

HELEN KOCH, Parliamentarian

- Law Day – Invitations have gone out for 4/28. It will be an **EVENING** event beginning at 6:30 p.m.

Next Regular Meeting: April 14, 2022 – Clear Springs

Next Board Meeting: May 4, 2022

The meeting concluded at 12:40 pm.

Gaye Boynton, Recording Secretary

Leatha Kopech, President

EMPLOYMENT – APRIL 2022

*Contact: Lisa Betts
TAALP Job Bank Coordinator
903.534.0200 or lisa@sscfirm.com*

Position	Practice Areas/Job Description	Location
1. Paralegal	A Longview law firm with an office in downtown Tyler is needing a full-time Paralegal for its Plaintiff personal injury practice. Must have at least 3-5 years of Paralegal experience. Requirements include; self-starter, trustworthy, be able to draft pleadings, discovery, complete the service process on a lawsuit, and be able to work independently. Benefits offered are: medical, dental, vision, retirement, and life insurance with a competitive pay. Any travel expenses and overtime are paid by firm.	Tyler
2. In-take Specialists	We are looking for someone to handle our intake process. This position involves constant monitoring of our firm's intakes and reaching out to potential clients via email/text/phone to get information and set up appointments. It is a busy position. Spanish language proficiency is a plus, but not an absolute requirement. Compensation will be based upon background and experience. We do offer health insurance and the firm covers 50% of the premium for the employee. Please have candidates email their resume to info@hommelfirm.com .	Tyler
3.Paralegal	Full-time Paralegal for a family law practice, 3-5 years of law office exp required, proficient in Office specifically Outlook, Word, and Excel; Familiar with Westlaw and Clio; organized, strong oral and communication skills. See further information from email of 2-24-22	Tyler
4. Court Administrator	Wood County Court Administrator needed; serves as primary clerical support for Judge. Please see complete job description and how to apply in my 3/3/22 email.	Quitman
5. Paralegal	Part-time (20-25 hours) Paralegal needed for estate planning firm; 3 plus years in legal field; proficient in Microsoft Office, strong oral and written communication skills; please email: Sherry@tomjbrownlaw.com	Tyler
6. Office Mgr and Tax Assistant	This job is located in North Dallas/Richardson area. Please visit www.tugglerussell.com for more information or my email from 3/16/22.	North Dallas/Richardson
7. Administrative Asst.	Part-time The position is about 20-21 hours/week M-Thursday from 8:30 or 9 until 2:00 Pay is around \$13-\$14/hour depending on experience. It's truly an Administrative position because there is no legal experience needed. Just someone who wants to learn, is professional, and can work alone as I am in court often. Perfect for a retired person that is now bored or a mom with kids in school	Tyler
8. Legal Assistant	Family Law Legal Assistant Downtown – Small office	Tyler

	<p>Minimum requirements – five plus years as legal assistant and at least three years with family law experience</p> <p>Need ability to independently draft initial pleadings and orders and discovery (sending and answering,) lots of client contact; trial and hearing preparation.</p> <p>Benefits – competitive salary with bonuses, paid health insurance for employee, paid parking, CLE and TAALP and SBOT dues paid, most court holidays and additional vacation days.</p> <p>Need proficiency with Prodoc (or Family Law Practice Manual,) Efile, Adobe Pro, Word, Outlook, and Excel is a plus.</p>	
--	--	--

IN THE KNOW:

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9153

FINAL APPROVAL OF AMENDMENTS TO
TEXAS RULES OF CIVIL PROCEDURE 47, 99, 169,
190, 192, 193, 194, 195, 196, 197, AND 198

ORDERED that:

1. On August 21, in Misc. Dkt. No. 20-9101, the Court preliminarily approved amendments to Rules 47, 169, 190, 192, 193, 194, and 195 of the Texas Rules of Civil Procedure to comply with Act of May 27, 2019, 86th Leg., R.S., ch. 696 (SB 2342), and invited public comment. Following public comment, the Court made revisions to those rules and also revised Texas Rules of Civil Procedure 99, 196, 197, and 198. This Order incorporates the revisions and contains the final version of the rules, effective January 1, 2021.
2. The amendments apply to cases filed on or after January 1, except for those filed in justice court. The rules amended by this Order continue govern procedures and to limitations in cases filed before January 1, 2021.

3. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of the Order for publication in the *Texas Register*.

Dated: December 23, 2020

RULE 47. CLAIMS FOR RELIEF

An original pleading which sets forth a claim for relief, whether an original petition, counterclaim, cross-claim, or third party claim, shall contain:

- (a) a short statement of the cause of action sufficient to give fair notice of the claim involved;
- (b) a statement that the damages sought are within the jurisdictional limits of the court;
- (c) except in suits governed by the Family Code, a statement that the party seeks:
 - (1) only monetary relief of \$~~100,000~~250,000 or less, ~~including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees~~excluding interest, statutory or punitive damages and penalties, and attorney fees and costs; ~~or~~
 - (2) monetary relief of \$~~100,000~~250,000 or less and non-monetary relief; ~~or~~
 - (3) ~~monetary relief over \$100,000 but not more than \$250,000; or~~
 - (4) ~~monetary relief over \$250,000 but not more than \$1,000,000; or~~
 - (5) ~~monetary relief over \$1,000,000; and~~
only non-monetary relief; and
- (d) a demand for judgment for all the other relief to which the party deems himself entitled.

Relief in the alternative or of several different types may be demanded; provided, further, that upon special exception the court shall require the pleader to amend so as to specify the maximum amount claimed. A party that fails to comply with (c) may not conduct discovery until the party's pleading is amended to comply.

Comment to 2021 change: Rule 47 is amended to implement section 22.004(h-1) of the Texas Government Code. A suit in which the original petition contains the statement in paragraph (c)(1) is governed by the expedited actions process in Rule 169.

RULE 99. ISSUANCE AND FORM OF CITATION

- b. **Form.** The citation shall (1) be styled “The State of Texas,” (2) be signed by the clerk under seal of court, (3) contain name and location of the court, (4) show date of filing of the petition, (5) show date of issuance of citation, (6) show file number, (7) show names of parties, (8) be directed to the defendant, (9) show the name and address of attorney for plaintiff, otherwise the address of plaintiff, (10) contain the time within which these rules require the defendant to file a written answer with the clerk who issued citation, (11) contain address of the clerk, ~~and~~ (12) ~~shall~~ notify the defendant that in case of failure of defendant to file and answer, judgment by default may be rendered for the relief demanded in the petition, and (13) notify the defendant that the defendant may be required to make initial disclosures. The citation shall direct the defendant to file a written answer to the plaintiff's petition on or before 10:00 a.m. on the Monday next after the expiration of twenty days after the date of service thereof. The requirement of subsections 10, ~~and~~ 12, and 13 of this section shall be in the form set forth in section c of this rule.
- c. **Notice.** The citation shall include the following notice to the defendant: “You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.”

RULE 169. EXPEDITED ACTIONS

- (a) *Application.*
- (1) The expedited actions process in this rule applies to a suit in which all claimants, other than counter-claimants, affirmatively plead that they seek only monetary relief aggregating ~~\$100,000~~ 250,000 or less, ~~including damages of any kind, penalties, costs, expenses, pre-judgment interest, and~~

attorney fees excluding interest, statutory or punitive damages and penalties, and attorney fees and costs.

(2) ~~The expedited actions process does not apply to a suit in which a party has filed a claim governed by the Family Code, the Property Code, the Tax Code, or Chapter 74 of the Civil Practice & Remedies Code.~~

(b) *Recovery.* In no event may a party who prosecutes a suit under this rule recover a judgment in excess of \$~~100,000~~250,000, excluding ~~post-judgment~~ interest, statutory or punitive damages and penalties, and attorney fees and costs.

(c) *Removal from Process.*

(1) A court must remove a suit from the expedited actions process:

(A) on motion and a showing of good cause by any party; or

(B) if any claimant, other than a counter-claimant, files a pleading or an amended or supplemental pleading that seeks any relief other than the monetary relief allowed by (a)(~~1~~).

(2) A pleading, amended pleading, or supplemental pleading that removes a suit from the expedited actions process may not be filed without leave of court unless it is filed before the earlier of 30 days after the discovery period is closed or 30 days before the date set for trial. Leave to amend may be granted only if good cause for filing the pleading outweighs any prejudice to an opposing party.

(3) If a suit is removed from the expedited actions process, the court must reopen discovery under Rule 190.2(c).

(d) *Expedited Actions Process.*

(1) *Discovery.* Discovery is governed by Rule 190.2.

(2) *Trial Setting; Continuances.* On any party's request, the court must set the case for a trial date that is within 90 days after the discovery period in Rule 190.2(b)(1) ends. The court may continue the case twice, not to exceed a total of 60 days.

(3) *Time Limits for Trial.* Each side is allowed no more than eight hours to complete jury selection, opening statements, presentation of evidence, examination and cross-examination of witnesses, and closing arguments. On motion and a showing of good cause by any party, the court may extend the time limit to no more than twelve hours per side.

(A) The term "side" has the same definition set out in Rule 233.

- (B) Time spent on objections, bench conferences, bills of exception, and challenges for cause to a juror under Rule 228 are not included in the time limit.
- (4) Alternative Dispute Resolution.
- (A) Unless the parties have agreed not to engage in alternative dispute resolution, the court may refer the case to an alternative dispute resolution procedure once, and the procedure must:
 - (i) not exceed a half-day in duration, excluding scheduling time;
 - (ii) not exceed a total cost of twice the amount of applicable civil filing fees; and
 - (iii) be completed no later than 60 days before the initial trial setting.
 - (B) The court must consider objections to the referral unless prohibited by statute.
 - (C) The parties may agree to engage in alternative dispute resolution other than that provided for in (A).
- (5) Expert Testimony. Unless requested by the party sponsoring the expert, a party may only challenge the admissibility of expert testimony as an objection to summary judgment evidence under Rule 166a or during the trial on the merits. This paragraph does not apply to a motion to strike for late designation.

Comment to 2021 change:

Rule 169 is amended to implement section 22.004(h-1) of the Texas Government Code— which calls for rules to promote the prompt, efficient, and cost-effective resolution of civil actions filed in county courts at law in which the amount in controversy does not exceed \$250,000—and changes to section 22.004(h) of the Texas Government Code. To ensure uniformity, and pursuant to section 22.004(b) of the Texas Government Code, Rule 169’s application is not limited to suits filed in county courts at law; any suit that falls within the definition of subsection (a) is subject to the provisions of the rule. However, certain suits are exempt from Rule 169’s application by statute. See, e.g., TEX. ESTATES CODE §§ 53.107, 1053.105. The discovery limitations for expedited actions are set out in Rule 190.2, which is also amended to implement section 22.004(h- 1) of the Texas Government Code.

RULE 190. DISCOVERY LIMITATIONS

190.1 Discovery Control Plan Required.

Every case must be governed by a discovery control plan as provided in this Rule. A plaintiff must allege in the first numbered paragraph of the original petition whether discovery is intended to be conducted under Level 1, 2, or 3 of this Rule.

190.2 Discovery Control Plan - Expedited Actions and Divorces Involving ~~\$50,000~~250,000 or Less (Level 1)

- (a) **Application.** This subdivision applies to:
- (1) any suit that is governed by the expedited actions process in Rule 169; and
 - (2) unless the parties agree that rule 190.3 should apply or the court orders a discovery control plan under Rule 190.4, any suit for divorce not involving children in which a party pleads that the value of the marital estate is more than zero but not more than ~~\$50,000~~250,000.
- (b) **Limitations.** Discovery is subject to the limitations provided elsewhere in these rules and to the following additional limitations:
- (1) **Discovery period.** All discovery must be conducted during the discovery period, which begins when ~~the suit is filed~~the first initial disclosures are due and continues ~~until~~for 180 days ~~after the date the first request for discovery of any kind is served on a party.~~
 - (2) **Total time for oral depositions.** Each party may have no more than ~~six~~20 hours in total to examine and cross-examine all witnesses in oral depositions. ~~The parties may agree to expand this limit up to ten hours in total, but not more except by court order.~~ The court may modify the deposition hours so that no party is given unfair advantage.
 - (3) **Interrogatories.** Any party may serve on any other party no more than 15 written interrogatories, excluding interrogatories asking a party only to identify or authenticate specific documents. Each discrete subpart of an interrogatory is considered a separate interrogatory.
 - (4) **Requests for Production.** Any party may serve on any other party no more than 15 written requests for production. Each discrete subpart of a request for production is considered a separate request for production.
 - (5) **Requests for Admissions.** Any party may serve on any other party no more than 15 written requests for admissions. Each discrete subpart of a

request for admission is considered a separate request for admission.

(6) ~~**Requests for Disclosure.** In addition to the content subject to disclosure under Rule 194.2, a party may request disclosure of all documents, electronic information, and tangible items that the disclosing party has in its possession, custody or control and may use to support its claims or defenses. A request for disclosure made pursuant to this paragraph is not considered a request for production.~~

(c) **Reopening Discovery.** If a suit is removed from the expedited actions process in Rule 169 or, in a divorce, the filing of a pleading renders this subdivision no longer applicable, the discovery period reopens, and discovery must be completed within the limitations provided in Rules 190.3 or 190.4, whichever is applicable. Any person previously deposed may be redeposed. On motion of any party, the court should continue the trial date if necessary to permit completion of discovery.

190.3 Discovery Control Plan - By Rule (Level 2)

(a) **Application.** Unless a suit is governed by a discovery control plan under Rules 190.2 or 190.4, discovery must be conducted in accordance with this subdivision.

(b) **Limitations.** Discovery is subject to the limitations provided elsewhere in these rules and to the following additional limitations:

(1) **Discovery period.** All discovery must be conducted during the discovery period, which begins when ~~suit is filed~~the first initial disclosures are due and continues until:

(A) 30 days before the date set for trial, in cases under the Family Code; or

(B) in other cases, the earlier of

(i) 30 days before the date set for trial, or

(ii) nine months after ~~the earlier of the date of the first oral deposition or the due date of the first response to written discovery~~the first initial disclosures are due.

(2) **Total time for oral depositions.** Each side may have no more than 50 hours in oral depositions to examine and cross-examine parties on the opposing side, experts designated by those parties, and persons who are subject to those parties' control. "Side" refers to all the litigants with generally common interests in the litigation. If one side designates more than two experts, the opposing side may have an additional six hours of total deposition time for each additional expert designated. The court may modify the deposition hours and must do so when a side or party would be given unfair advantage.

- (3) **Interrogatories.** Any party may serve on any other party no more than 25 written interrogatories, excluding interrogatories asking a party only to identify or authenticate specific documents. Each discrete subpart of an interrogatory is considered a separate interrogatory.

Comment to 2021 change: Rule 190.2 is amended to implement section 22.004(h-1) of the Texas Government Code. Under amended Rule 190.2, Level 1 discovery limitations now apply to a broader subset of civil actions: expedited actions under Rule 169, which is also amended to implement section 22.004(h-1) of the Texas Government Code, and divorces not involving children in which the value of the marital estate is not more than \$250,000. Level 1 limitations are revised to impose a twenty-hour limit on oral deposition. Disclosure requests under Rule 190.2(b)(6) and Rule 194 are now replaced by required disclosures under Rule 194, as amended. The discovery periods under Rules 190.2(b)(1) and 190.3(b)(1) are revised to reference the required disclosures.

RULE 192. PERMISSIBLE DISCOVERY: FORMS AND SCOPE; WORK PRODUCT; PROTECTIVE ORDERS; DEFINITIONS

192.1 Forms of Discovery.

Permissible forms of discovery are:

- (a) ~~requests for~~required disclosures;
- (b) requests for production and inspection of documents and tangible things;
- (c) requests and motions for entry upon and examination of real property;
- (d) interrogatories to a party;
- (e) requests for admission;
- (f) oral or written depositions; and
- (g) motions for mental or physical examinations.

192.2 Timing and Sequence of Discovery.

- (a) **Timing.** Unless otherwise agreed to by the parties or ordered by the court, a party cannot serve discovery on another party until after the other party's initial disclosures are due.
- (b) **Sequence.** The permissible forms of discovery may be combined in the same document and may be taken in any order or sequence.

**RULE 193. WRITTEN DISCOVERY: RESPONSE; OBJECTION;
ASSERTION OF PRIVILEGE; SUPPLEMENTATION AND
AMENDMENT; FAILURE TO TIMELY RESPOND; PRESUMPTION
OF AUTHENTICITY**

193.1 Responding to Written Discovery; Duty to Make Complete Response.

A party must respond to written discovery in writing within the time provided by court order or these rules. When responding to written discovery, a party must make a complete response, based on all information reasonably available to the responding party or its attorney at the time the response is made. The responding party's answers, objections, and other responses must be preceded by the request or required disclosure to which they apply.

193.3 Asserting a Privilege

A party may preserve a privilege from written discovery in accordance with this subdivision.

- (a) **Withholding privileged material or information.** A party who claims that material or information responsive to written discovery is privileged may withhold the privileged material or information from the response. The party must state—in the response (or an amended or supplemental response) or in a separate document—that:
- (1) information or material responsive to the request or required disclosure has been withheld,
 - (2) the request or required disclosure to which the information or material relates, and
 - (3) the privilege or privileges asserted.
- (b) **Description of withheld material or information.** After receiving a response indicating that material or information has been withheld from production, ~~the~~ party seeking discovery may serve a written request that the withholding party identify the information and material withheld. Within 15 days of service of that request, the withholding party must serve a response that:
- (1) describes the information or materials withheld that, without revealing the privileged information itself or otherwise waiving the privilege, enables other parties to assess the applicability of the privilege, and
 - (2) asserts a specific privilege for each item or group of items withheld.

- (c) **Exemption.** Without complying with paragraphs (a) and (b), a party may withhold a privileged communication to or from a lawyer or lawyer's representative or a privileged document of a lawyer or lawyer's representative
- (1) created or made from the point at which a party consults a lawyer with a view to obtaining professional legal services from the lawyer in the prosecution or defense of a specific claim in the litigation in which discovery is requested or required, and
 - (2) concerning the litigation in which the discovery is requested or required.
- (d) **Privilege not waived by production.** A party who produces material or information without intending to waive a claim of privilege does not waive that claim under these rules or the Rules of Evidence if—within ten days or a shorter time ordered by the court, after the producing party actually discovers that such production was made—the producing party amends the response, identifying the material or information produced and stating the privilege asserted. If the producing party thus amends the response to assert a privilege, the requesting any party who has obtained the specific material or information must promptly return the specified material or information and any copies pending any ruling by the court denying the privilege.

193.4 Hearing and Ruling on Objections and Assertions of Privilege.

- (a) **Hearing.** Any party may at any reasonable time request a hearing on an objection or claim of privilege asserted under this rule. The party making the objection or asserting the privilege must present any evidence necessary to support the objection or privilege. The evidence may be testimony presented at the hearing or affidavits served at least seven days before the hearing or at such other reasonable time as the court permits. If the court determines that an *in camera* review of some or all of the requested discovery or required disclosure is necessary, that material or information must be segregated and produced to the court in a sealed wrapper within a reasonable time following the hearing.
- (b) **Ruling.** To the extent the court sustains the objection or claim of privilege, the responding party has no further duty to respond to that request or required disclosure. To the extent the court overrules the objection or claim of privilege, the responding party must produce the requested or required material or information within 30 days after the court's ruling or at such time as the court orders. A party need not request a ruling on that party's own objection or assertion of privilege to preserve the objection or privilege.
- (c) **Use of material or information withheld under claim of privilege.** A party may not use—at any hearing or trial—material or information withheld from discovery under a claim of privilege, including a claim sustained by the court, without timely amending or supplementing the party's response to that discovery.

193.6 Failing to Timely Respond - Effect on Trial

- (a) **Exclusion of evidence and exceptions.** A party who fails to make, amend, or supplement a discovery response, including a required disclosure, in a timely manner may not introduce in evidence the material or information that was not timely disclosed, or offer the testimony of a witness (other than a named party) who was not timely identified, unless the court finds that:
- (1) there was good cause for the failure to timely make, amend, or supplement the discovery response; or
 - (2) the failure to timely make, amend, or supplement the discovery response will not unfairly surprise or unfairly prejudice the other parties.
- (b) **Burden of establishing exception.** The burden of establishing good cause or the lack of unfair surprise or unfair prejudice is on the party seeking to introduce the evidence or call the witness. A finding of good cause or of the lack of unfair surprise or unfair prejudice must be supported by the record.
- (c) **Continuance.** Even if the party seeking to introduce the evidence or call the witness fails to carry the burden under paragraph (b), the court may grant a continuance or temporarily postpone the trial to allow a response to be made, amended, or supplemented, and to allow opposing parties to conduct discovery regarding any new information presented by that response.

RULE 194. REQUESTS FOR REQUIRED DISCLOSURES

194.1 Request Duty to Disclose; Production.

~~A party may obtain disclosure from another party of the information or material listed in Rule 194.2 by serving the other party no later than 30 days before the end of any applicable discovery period the following request: "Pursuant to Rule 194, you are requested to disclose, within 30 days of service of this request, the information or material described in Rule [state rule, e.g., 194.2, or 194.2(a), (e), and (f), or 194.2(d)-(g)]."~~

- (a) **Duty to Disclose.** Except as exempted by Rule 194.2(d) or as otherwise agreed by the parties or ordered by the court, a party must, without awaiting a discovery request, provide to the other parties the information or material described in Rule 194.2, 194.3, and 194.4.
- (b) **Production.** If a party does not produce copies of all responsive documents, electronically stored information, and tangible things with the response, the response must state a reasonable time and method for the production of these items. The responding party must produce the items at the time and in the method

stated, unless otherwise agreed by the parties or ordered by the court, and must provide the requesting party a reasonable opportunity to inspect them.

194.2 ~~Content~~Initial Disclosures.

- (a) **Time for Initial Disclosures.** A party must make the initial disclosures within 30 days after the filing of the first answer or general appearance unless a different time is set by the parties' agreement or court order. A party that is first served or otherwise joined after the filing of the first answer or general appearance must make the initial disclosures within 30 days after being served or joined, unless a different time is set by the parties' agreement or court order.
- (b) **Content.** Without awaiting a discovery request, Aa party may request disclosure of any or all of the following must provide to the other parties:
- (a1) the correct names of the parties to the lawsuit;
 - (b2) the name, address, and telephone number of any potential parties;
 - (e3) the legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial);
 - (d4) the amount and any method of calculating economic damages;
 - (e5) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
 - (6) 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 possession, custody, or control, and may use to support its claims or defenses, unless the use would be solely for impeachment;
 - (f) ~~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; and~~

~~(B) the expert's current resume and bibliography;~~

~~(g7)~~ any indemnity and insuring agreements described in Rule 192.3(f);

~~(h8)~~ any settlement agreements described in Rule 192.3(g);

~~(i9)~~ any witness statements described in Rule 192.3(h);

~~(j10)~~ in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;

~~(k11)~~ in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party; and

~~(l12)~~ the name, address, and telephone number of any person who may be designated as a responsible third party.

(c) Content in Certain Suits Under the Family Code.

(1) In a suit for divorce, annulment, or to declare a marriage void, a party must, without awaiting a discovery request, provide to the other party the following, for the past two years or since the date of marriage, whichever is less:

(A) all deed and lien information on any real property owned and all lease information on any real property leased;

(B) all statements for any pension plan, retirement plan, profit-sharing plan, employee benefit plan, and individual retirement plan;

(C) all statements or policies for each current life, casualty, liability, and health insurance policy; and

(D) all statements pertaining to any account at a financial institution, including banks, savings and loans institutions, credit unions, and brokerage firms.

- (2) In a suit in which child or spousal support is at issue, a party must, without awaiting a discovery request, provide to the other party:
 - (A) information regarding all policies, statements, and the summary description of benefits for any medical and health insurance coverage that is or would be available for the child or the spouse;
 - (B) the party's income tax returns for the previous two years or, if no return has been filed, the party's Form W-2, Form 1099, and Schedule K-1 for such years; and
 - (C) the party's two most recent payroll check stubs.
- (d) **Proceedings Exempt from Initial Disclosure.** The following proceedings are exempt from initial disclosure, but a court may order the parties to make particular disclosures and set the time for disclosure:
 - (1) an action for review on an administrative record;
 - (2) a forfeiture action arising from a state statute;
 - (3) a petition for habeas corpus;
 - (4) an action under the Family Code filed by or against the Title IV-D agency in a Title IV-D case;
 - (5) a child protection action under Subtitle E, Title 5 of the Family Code;
 - (6) a protective order action under Title 4 of the Texas Family Code;
 - (7) other actions involving domestic violence; and
 - (8) an action on appeal from a justice court.

194.3 Response.

194.3 Testifying Expert Disclosures.

In addition to the disclosures required by Rule 194.2, a party must disclose to the other parties testifying expert information as provided by Rule 195.

A Production.

~~Copies of documents and other tangible items ordinarily must be served with the response. But if the responsive documents are voluminous, the response must state a reasonable time and place for the production of documents. The responding party must produce the documents at the time and place stated, unless otherwise agreed by the~~

~~parties or ordered by the court, and must provide the requesting party a reasonable opportunity to inspect them.~~

RULE 195. DISCOVERY REGARDING TESTIFYING EXPERT WITNESSES

195.1 Permissible Discovery Tools.

A party may ~~request another party to designate and disclose~~obtain information concerning testifying expert witnesses only through ~~a request for~~ disclosure under ~~Rule 194~~this rule and through depositions and reports as permitted by this rule.

195.2 Schedule for Designating Experts.

Unless otherwise ordered by the court, a party must designate experts—that is, furnish information ~~requested under~~described in Rule ~~194.2(f)~~195.5(a)—by the ~~later of the~~ following ~~two~~ dates: ~~30 days after the request is served, or~~

- (a) with regard to all experts testifying for a party seeking affirmative relief, 90 days before the end of the discovery period;
- (b) with regard to all other experts, 60 days before the end of the discovery period.

195.4 Oral Deposition.

In addition to ~~the information~~ disclosed under Rule ~~194.5(a)~~195.5(a), a party may obtain discovery concerning the subject matter on which the expert is expected to testify, the expert's mental impressions and opinions, the facts known to the expert (regardless of when the factual information was acquired) that relate to or form the basis of the testifying expert's mental impressions and opinions, and other discoverable matters, including documents not produced in disclosure, only by oral deposition of the expert and by a report prepared by the expert under this rule.

195.5 Court-Ordered 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.
- (b) **Expert Reports.** If the discoverable factual observations, tests, supporting data, calculations, photographs, or opinions of an expert have not been recorded and reduced to tangible form, the court may order these matters reduced to tangible form and produced in addition to the deposition.
- (c) **Expert Communications Protected.** Communications between the party's attorney and any testifying expert witness in the case are protected from discovery, regardless of the form of the communications, except to the extent that the communications:
 - (1) relate to compensation for the expert's study or testimony;
 - (2) identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed; or
 - (3) identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.
- (d) **Draft Expert Reports and Disclosures Protected.** A draft expert report or draft disclosure required under this rule is protected from discovery, regardless of the form in which the draft is recorded.

Comment to 2021 change: Rule 195 is amended to reflect changes to Rule 194. Amended Rule 195.5(a) lists the disclosures for any testifying expert, which are now required without awaiting a discovery request, that were formerly listed in Rule 194(f). Amended Rule 195.5(a) also includes three new disclosures based on Federal Rule of Civil Procedure 26(a)(2)(B). New Rules 195.5(b) and (c) are based on Federal Rules of Civil Procedure 26(b)(4)(B) and (C) and are added to clarify protections available.

197.2 Response to Interrogatories.

- (a) **Time for response.** The responding party must serve a written response on the requesting party within 30 days after service of the interrogatories, ~~except that a defendant served with interrogatories before the defendant's answer is due need not respond until 50 days after service of the interrogatories.~~

RULE 198. REQUESTS FOR ADMISSIONS

198.2 Response to Requests for Admissions.

- (a) **Time for response.** The responding party must serve a written response on the requesting party within 30 days after service of the request, ~~except that a defendant served with a request before the defendant's answer is due need not respond until 50 days after service of the request.~~

TAALP would like to thank all of the following for your membership:

Baker, Michele	Earls, Kristen	Lexitas	Sparks, Rhonda
Beck, Karen	Field, Joanna	Liska, Rhonda	Speerly, Amanda
Bedlington, Sally	Green, Cecila	Luker, Kayla	Spencer, Ashley
Betts, Lisa	Grissom, Janice	Marshall, Tracy	Stewart, Clothilda
Blair, Erin	Hall, Carrie	Martin, Melissa	Taylor, Vickie
Blubonnet Process Service	Hancock, Jo Ruth	Martinez, Marieliza	Tekell, Amanda
Boynton, Gaye	Harvey, Terri	May, Tamara	Thedford, Kimberly
Brooks, Bonnie	Hemphill, Carla	Mayfield, Tammye	Thomas, Deborah
Brotherton-Pyatt, Margaret	Henry, Donna	McKnight, Tiffanie	Toon, Kristine
Buchanan, Ann	Hesse, Wendy	Mendell, Melissa	Turchi, Brandi
Burns, Katherine	Heyder, Brittany	Parker, Nancy	Vallery, Jo
Carter, Kimberly	Jackson, Laura	Penn, Ofelia	Vickers, Hailey
Cash, Lanell	Jones, Christine	Pilcher, Laney	Wade, Kelly
Clarkston, Paul	Jones, Gabby	Rakestraw, Macy	Webb, Stacey
Clayton, Catherine	Kinard, Griselda	Reynolds, Kylista	Wheeler, Connie
Collins Investigations	King, Carrie	Rex, Renda	Wilgus, Melissa
Connor, Sarah	Kirby, Cindy	Scirto, Hannah	Williams, Brandi
Coplan, Patricia	Knighton, Tina	Sepmoree, Tina	Wootton, Magen
Crawford, Melani	Koch, Helen	Sherrill, Sharon	
Crim, Nancy	Kopech, Leatha	Shipp, Kelsey	
Deposition Resources	Kramer, Jackie	Shirley, Racheal	
Dillon, Candice		Skeen, Barbara	
Discovery Records		Skinner, Peggy	
Donabo de Ford, Jessica		Slayter, Linda	
Dowdy, Alicia			

Our purpose of TAALP is:

To establish good fellowship among association members, national and state legal associations, and members of the legal community.

- ✚ To encourage a high order of ethical and professional attainment.
- ✚ To advance high standards of integrity and professionalism for legal professionals to the end that the public and the legal profession may be better served.
- ✚ To further education among members of the legal profession.
- ✚ To cooperate with state and local bar associations.
- ✚ To further the interests of legal support staff and professionals through this Association.
- ✚ To support and carry out the programs, purposes, aims and goals of the National Association of Legal Assistants, Inc.

The benefits you will have with TAALP are:

- ✚ CLE approved programs and seminars
- ✚ Discounts to TAALP seminars
- ✚ Access to job bank
- ✚ Subscription to monthly newsletter - The Transcript
- ✚ Great network to other legal professionals

Process Service

Surveillance

Witness Locate

Michael J. Collins
Private Investigator

COLLINS
INVESTIGATIONS

110 N. College Ave
Suite 1504
Tyler, TX 75702
Lic. No. A08864

903-526-1411
FAX 903-526-6453
mikecollins@sprintmail.com

Background Searches

Jury Research

Interviews

mikecollins@sprintmail.com

KTS
LITIGATION
SUPPORT SERVICES



SERVING EAST TEXAS SINCE 2002

www.KTSLitigationSupport.com

Phone: 903.533.9559

Like us on Facebook

THE LITIGATION SUPPORT SOLUTION OF EAST TEXAS AND BEYOND

COPY/PRINT/SCAN

BLACK & WHITE
COLOR
OCR
NO JOB TOO SMALL OR TOO LARGE

PATENT LITIGATION SUPPORT

EXHIBIT SET BLOWBACKS
WITNESS BINDERS
PRINT & BIND PRESENTATIONS
HIGH VOLUME
OVERNIGHT SUPPORT

DEMONSTRATIVE BOARDS

STANDARD OR DRY-ERASE
DOCUMENT/PHOTO ENLARGEMENT
SIZES UP TO 7' LONG

BINDING

SPIRAL
COMB
3-RING
CUSTOM TABS/NUMBER & LETTER TABS

OTHER KEY SERVICES

POWERPOINT PRESENTATION DESIGN
VIDEO EDITING
CD/DVD/DRIVE DUPLICATION
ELECTRONIC BATES LABELS
ELECTRONIC EXHIBIT STICKERS

QUALITY ORIENTED

PROMPT RESPONSE
QUALITY CONTROLLED PROCESSES
ON-TIME DELIVERY

ON CALL 24 HOURS

SERVING: TYLER • LONGVIEW • MARSHALL • SHERMAN • TEXARKANA • WACO
FREE PICK UP & DELIVERY IN TYLER

BLUBONNET PROCESS SERVER

*Serving Tyler-Smith County & Longview-Gregg County
& surrounding areas in East Texas*

Pamela "Blu" Daniels

903-372-2818

blondefilly@wb4me.com

SCH4241

Member TPSA, NAPPS and TAALP

Discovery Records, Inc.

Toll free 866-4MEDREC

- √ Medical and Business Records Retrieval
- √ Depositions on Written Questions
- √ Litigation Services for Attorneys and Insurance

Fast turnaround

Very reasonable rates

Electronic delivery available

On-Line Repository

Over 20 years experience in Class Action and MDL dockets

Visit us on-line at: www.discoveryrecordsinc.com



Happy Birthday April

Kelsey Shipp 9th

Lisa Betts 12th

Hailey Vickers 18th

Peggy Skinner 25th



Happy 47th Anniversary to NALA – The Paralegal Association!



On April 10, 1975, NALA began. Thank you to our members (long-time and new) who keep our association going strong and make this anniversary possible. Thank you to the countless volunteers, Board members, and committee members who selflessly give their time and energy to support NALA and better the paralegal profession.

We could not do it without you!

TAALP
would like to extend a
BIG “THANK YOU”
to DAIRY QUEEN OF TYLER,
for donating the nice TREATS
members are finding in their
birthday cards!!
Be Sure To Frequent Your Local
DAIRY QUEEN!





TAALP EXECUTIVE BOARD OF DIRECTORS 2021-2022

President

LEATHA KOPECH, PP, PLS
J. Scott Killough, PC
4660 Kinsey Drive
Tyler, Texas 75703
903-561-8280
llkopech@gmail.com

President-Elect

JO RUTH HANCOCK, CP
Wilson, Robertson & Cornelius, P.C.
Mailing: 909 ESE Loop 323, Suite 400
Tyler, Texas 75701
(903) 509-5016 Direct
(903) 509-5000 Main
(903) 509-5091 Facsimile
jhancock@wilsonlaw.com

First Vice President

LISA BETTS
Starr Schoenbrun & Comte, PLLC
110 North College Avenue, Suite 1700
Tyler, Texas 75702
903-534-0200
lisa@sscfirm.com

Second Vice President

CANDY DILLON, CP
Linebarger Goggan Blair & Sampson,
LLP Attorneys at Law
1517 W. Front St., Suite 202
Tyler, TX 75702
Main: (903) 597-2897
Fax: (903) 597-2402
Candice.Dillon@lgbs.com

Executive Advisor

CARRIE KING, CP, TBLS
Fish & Richardson, PC
1717 Main Street, Suite 5000
Dallas, Texas 75201
214-760-6109
cking@fr.com

Recording Secretary

GAYE FINLEY BOYNTON, CP
Ritcheson, Lauffer & Vincent, P.C.
821 ESE Loop 323, Ste. 530
Tyler, TX 75701
903.535.2900
rfinley@msn.com

Corresponding Secretary

BRANDI TURCHI, CP
MacKenzie Life Care Planning
110 N College Ave #1118
Tyler, Texas 75702
903-521-2820
branditurchi@gmail.com

Treasurer

TINA KNIGHTON, CP
County Court, Smith County
200 East Ferguson, Suite 100
Tyler, Texas 75702
903-590-4611
tknighton@smith-county.com

Parliamentarian

HELEN G. KOCH
Bauman & Smith, PLLC
400 E. Fifth St.
Tyler, Texas 75701
903-597-6333
paralegal@baumansmith.com

Find us on:  and at www.taalp.com