



"Do not withhold good from those to whom it is due, when it is in your power to act."

Proverbs 3:27

Greetings from Jeff Smith

As we enter the second month of 2021, we are hopefully another month closer to normalcy. This past year has certainly brought with it its challenges, the least of which is wondering if our microphone is muted or not. In the midst of the challenges and uncertainty, I have been reminded to reflect on all I have been blessed with despite all that is happening. The blessing of family. I enjoyed the opportunity to spend more time with my wife and kids during times we were quarantined and worked from home. The blessing of health. While my youngest son had Covid, his symptoms were mild, he recovered quickly, and the rest of us stayed healthy. The blessing of work. It is a blessing not only to be able to work to serve you but to become a Partner in a firm with a focus on faith, family and service. As we inch closer to a return to normalcy, we remain thankful for you and hope you have an opportunity to reflect on all you have been blessed with despite these challenging times. And hopefully we can travel and connect face to face in the coming months!



Continuing Education Courses

As an approved provider of continuing education for the Texas Department of Insurance, we are able to offer courses virtually.

We provide classes packed with the latest legal information on Texas claims. Topics we cover include transportation, oil & gas, construction, retail, restaurant, hospitality and more.

Check our [website](#) for the latest webinars and please contact us if you are interested in how we can schedule a webinar for you!

Recent Changes to Discovery and What You Should Know

Matthew Skidmore

As we inch further into 2021, we want to make you aware of recent



Behind the Scenes

Celebrating our Employees

changes to the Texas Rules of Civil Procedure effective for cases filed on or after January 1, 2021. These changes will significantly alter the timing and manner in which discovery is conducted, bringing Texas more in line with the Federal rules regarding discovery.



One of the major changes relates to expedited actions designed to fast-track smaller claims, which prior to January 1, 2021 involved suits seeking monetary relief aggregating \$100,000.00 or less. The purpose of categorizing certain suits as expedited actions is to save costs related to litigation to all parties and to reduce the delay of litigation. Expedited actions are subject to shorter timeframes for discovery and shorter time limits for depositions and trial, with the intent that these cases proceed to trial quicker than more complicated suits. The new rules regarding expedited actions expand the umbrella of cases that fall into this category, as suits seeking monetary relief of **\$250,000.00** or less, **excluding** interest, statutory or punitive damages and penalties, and attorney's fees and costs. As an expedited action limits the amount of discovery that parties may undertake, we expect plaintiffs will plead for higher damages, even when unsupported to avoid their lawsuits being governed by the tight deadlines and limited discovery imposed in an expedited action.

Another significant change is the timing of discovery and required disclosure of information, defenses, and documents. Rather than waiting for a request for disclosures, the new rules mandate that within 30 days after the first answer is filed or within 30 days of being joined, each party to a suit must provide automatic initial disclosures regarding their claims and defenses. Plaintiffs must now produce not only a computation of their damages, but all supporting documentation, including medical records and bills, with their disclosures. Additionally, the parties must produce (or provide a description and location of) all documents and tangible things in their possession, custody, or control that they may use to support their claims or defenses. Prior to this rule change, the parties were not required to automatically disclose documents they may use prior to receiving specific discovery requests. Under the new rules, we will need to evaluate documents that may be used to support any claim or defense early on to produce or identify with disclosures. It will be important to gather all documents that may be used to support our defenses earlier in the litigation. However, one major benefit to this rule is that plaintiffs can no longer serve



We are still finding joy and celebrating. It just looks a little different ... still.



The firm finds ways to show how much we care about and appreciate our employees. This includes celebrating birthdays!

We hope you are finding ways to celebrate as well, even amid a pandemic, and also hope to see you in person soon.

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discovery with their petitions. Under the new rules, discovery cannot be served until after the initial disclosures have been made.

As these changes impact the way discovery is conducted going forward, please do not hesitate to contact us to discuss the impact of these rules and any questions you may have. We will work with you to ease the transition into these new rules and continue to work to resolve conflicts in a timely and efficient manner.

Conflicts Resolved

Fletcher Farley Obtains Summary Judgment

[Kristi Kautz](#) recently obtained a summary judgment on behalf of our client, an event marketing company. The case involved an accident which occurred while a caravan of customers, escorted by law enforcement, was proceeding through an intersection on the way to a land sale event. After the Court dismissed Plaintiffs' initial suit against our client, Plaintiffs attempted to file a second lawsuit. Kristi demonstrated to the Court that the dismissal of the first suit also barred the second suit. The Court agreed and granted a summary judgment to our client.

If you want more information or have questions, please contact:

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