

2020 Rule Amendments

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Texas Legislature Mandates Changes to Expedited Trial & Discovery Rules

- The 2019 Legislature enacted Government Code Section 22.004(h-1).
- On August 21, 2020, the Supreme Court of Texas published proposed rules implementing Government Code Section 22.004(h-1) amending the expedited action process. Tex. R. Civ. P. 169 cmt (2020).
- The Texas Supreme Court adopted the finalized version of the rules on December 23, 2021. Misc. Docket No. 20-9153. Full text in Appendix.

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Bill Analysis

- “Every Texan, no matter their background or economic status, has the right to access a court to peacefully resolve a legitimate civil dispute. The ever-increasing cost of civil litigation, however, limits the ability of many Texans to access the civil justice system, creating frustration with the system and, in some instances, causing unacceptable delays in resolution of disputes or leaving disputes unresolved altogether.
- C.S.S.B. 2342 addresses the issue of the increasing cost of litigation by allowing justice of the peace courts and many county courts at law to handle somewhat larger civil disputes and by providing that the Supreme Court of Texas is required to promulgate rules to expedite the resolution of civil disputes having \$250,000 or less in controversy, which expands an existing requirement to expedite cases having less than \$100,000 in controversy.”

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FYI-Changes in Subject Matter Jurisdiction

- Justice of the Peace: Increase amount in controversy up to \$20,000
- Constitutional County Ct: Increase amount in controversy up to \$20,000
- County Courts At Law: Default amount in controversy increased to \$250,000 (unless creating statute provides otherwise). Govt. Code 25.0001 *

* A jury, in a civil case pending in a statutory county court in which the matter in controversy exceeds \$250,000, is required to be composed of 12 members unless all of the parties agree to a jury composed of a lesser number of jurors. Tex. Govt. Code. 25.0007(c).

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The amended rules govern cases filed on or after January 1, 2021

- The rules amendments govern civil cases filed on or after January 1, 2021. So different rules govern expedited trials and discovery depending on when the case was filed.
- Query: What if you join or are added to a suit on or after Jan. 1, 2021 but the suit was on file before 1-1-21?
- Expedited actions apply to a suit filed on or after 1-1-21 “in which all claimants, other than counter-claimants, affirmatively plead they seek **only** monetary relief aggregating 250,000 or less, **excluding** interest, statutory or punitive damages and penalties, and attorney fees and costs.” A claimant may not recover more than the \$250,000 limit. TRCP 169.

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Exempt from Rule 169's application

- If your suit is governed by a statute, check that statute to assess whether it exempts the suit from the expedited actions process under Rule 169.
- Claims filed on or after 1-1-21 governed by the Family Code, the Tax Code, or Chapter 74 of the Civil Practice & Remedies Code are no longer exempt from TRCP 169.
- Justice cases remain exempt.
- Claims where non-monetary relief is sought as well as monetary relief are exempt from expedited actions process.

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