




New SOAH

Discovery Rules

A Practitioner's Guide to the Potential Impacts
on Administrative Litigation

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Disclaimer

- Significant Modifications made to Texas Administrative Code Title 1 Chapter 155 Subchapter F
- Rules 155.251 – 155.259

Effective January 1, 2017

- **New Rule:** (b) Discovery Period. The discovery period ends ten days before the hearing on the merits begins, unless otherwise ordered by the judge or agreed by the parties.
 - 155.255(b) Written discovery requests shall be served at least 30 days before the end of the discovery period.
- **Old Rule:** Discovery responses and depositions must be completed by the tenth day before the hearing on the merits begins unless otherwise ordered by the judge or agreed by the parties. Discovery requests shall be served at least 30 days before the end of the discovery period.
- **Deadline for serving written discovery is still 40 days before hearing**

155.251 General Provisions

- **New Rule:** (c) Discovery rights. Parties have the discovery rights provided in this section, the APA, and the TRCP, other than the provisions relating to discovery control plans **and except as modified by this chapter**. Discovery rights may be modified or changed by the judge. For cases not adjudicated under the APA, the judge will determine what discovery, if any, will be permitted.
- **Old Rule:** Parties have the discovery rights provided in this section, the APA, and the TCRP, except the provisions relating to the discovery control plans. Discovery rights may be modified or changed by the judge. For cases not adjudicated under the APA, the judge will determine what discovery, if any, will be permitted.
- New rule seems to reduce scope of discovery rights.

155.251 General Provisions

- No significant changes.
- New rule adds: “The parties should make reasonable efforts to confer on the date, time, and location of the deposition.”
- Efforts to confer are always good.

155.253 Depositions

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