

Required Initial Disclosures in Texas Civil Cases

TexasLawHelp (<https://texaslawhelp.org/directory/legal-resource/texaslawhelp>) [1] Starting January 1, 2021, the parties to new civil lawsuits in Texas will, with a few exceptions, have to exchange information within 30 days of the filing of an answer, waiver of service, or counterpetition.

To figure out when this information is due, do not count the day you file the answer. Start counting on the day after the answer is filed.

Important: Do not wait until the other party in the lawsuit **asks** for this information.

What do I have to give the other side?

If this is a lawsuit filed after January 1, 2021, **Texas Rule of Civil Procedure 194.2** (<https://www.txcourts.gov/rules-forms/rules-standards.aspx>) [2] says that, without awaiting a discovery request, a party must provide to the other parties:

1. The correct names of the parties to the lawsuit;
2. The name, address, and telephone number of any potential parties;
3. 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);
4. A computation of each category of damages claimed by the responding party--who must also make available for inspection and copying the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered;
5. 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
7. Any indemnity and insuring agreements described in Rule 192.3(f);
8. Any settlement agreements described in Rule 192.3(g);
9. Any witness statements described in Rule 192.3(h);
10. 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;
11. 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
12. The name, address, and telephone number of any person who may be designated as a responsible third party.



What happens if I do not give the other side the required information?

Abuse of the discovery process—either by asking for more than what you are entitled to or refusing to cooperate with requests—can result in sanctions from the court. You could be forbidden from doing more discovery, or you might not be able to use certain evidence in your trial or hearing (see Texas Rule of Civil Procedure 193.6(a) (<http://www.txcourts.gov/rules-forms/rules-standards/>) [3]). For more information on what qualifies as “abuse,” read **Texas Rule of Civil Procedure 215**. (<https://www.txcourts.gov/rules-forms/rules-standards/>)

[4]

Do I have to give the other side this information in all cases?

You do not have to give the other side this information in ALL types of cases. There are several types of suits except from initial disclosure requirements, including:



- petitions for habeas corpus
- child support actions filed by or against the Office of the Attorney General Child Support Division
- child protection actions
- protective orders and other domestic violence actions in court
- appeals from justice court.

The judge can still order you to make some disclosures. It's important to talk to a lawyer if you think your situation means you do not have to make these disclosures.

Do I file the initial required disclosures with the court?

No.

But if this is a contested case, you will have to file something different with the court called **pretrial disclosures**.

If your case is contested, hire a lawyer if at all possible.

Is it possible to get out of having to produce initial disclosures?

The parties can enter into a settlement agreement or an agreement under Rule 11 of the Texas Rules of Civil Procedure. If at all possible, seek the advice and services of a lawyer about entering into an agreement.

Is there a form for making these required initial disclosures?

Yes. See Required Initial Disclosures in Texas Civil Cases

(<https://texaslawhelp.org/node/6914/>) [5].

TexasLawHelp has similar forms for family law cases (Required Initial Disclosures in Divorces, Annulments, and Suits to Declare Marriage Void (<https://texaslawhelp.org/node/6910/>) [6] and Required Initial Disclosures - SAPCR or Modification (<https://texaslawhelp.org/node/6913/>) [7]).



When are the required initial disclosures due to the other party?

To figure out when this information is due, do not count the day that someone files an answer, waiver, counter-petition, or other appearance. Start counting on the day after the answer is filed.

Important: Do not wait until the other party in the lawsuit asks for this information. Otherwise, you will have to give a copy—or a description by category and location—of all documents, electronically stored information, and tangible things so that the responding party has it or can get it at a reasonable time and place.

Do I have to give a hard copy of the documents to the other side?

There are several ways to provide the documents and information to the other side. You may be able to do it electronically, using the forms as a guide to help you gather up what you need. You may be able to give the other side hard copies. Talk to a lawyer for guidance.

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[1] <https://texaslawhelp.org/directory/legal-resource/texaslawhelp>

[2] <https://www.txcourts.gov/rules-forms/rules-standards.aspx>

[3] <http://www.txcourts.gov/rules-forms/rules-standards/>

[4] <https://www.txcourts.gov/rules-forms/rules-standards/>

[5] <https://texaslawhelp.org/node/6914/>

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