

MINUTES OF THE
SUPREME COURT ADVISORY COMMITTEE

FEBRUARY 10, 1990

The Advisory Committee of the Supreme Court of Texas convened at 8:00 o'clock a.m. on Saturday, February 10, 1990, pursuant to call of the Court.

Members present: Chair Luther H. Soules III, Justice Nathan L. Hecht, Justice Lloyd Doggett, Judge Sam Houston Clinton, Justice David Peebles, Honorable Raul Rivera, Gilbert T. Adams, Jr., Pat Beard, Frank L. Branson, Elaine Carlson, John E. Collins, Tom H. Davis, William V. Dorsaneo III, J. Hadley Edgar, Charles F. Herring, Franklin Jones, Jr., Gilbert I. Low, Steve McConnico, Russell McMains, Charles Morris, John M. O'Quinn, Tom L. Ragland, Harry M. Reasoner, Broadus A. Spivey, Harry L. Tindall, Sam D. Sparks, Sam Sparks, and Marty Swanger. Also present were Pat Hazel and Holly J. Halfacre.

Members absent were: Chief Justice Austin McCloud, Judge Solomon Casseb, Jr., David Beck, Kenneth Fuller, Michael A. Hatchell, Vester T. Hughes, Jr., and Anthony J. Sadberry.

The suggested corrections made by the COAJ with the exception of "H" were reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court promulgate the requested amendment.

A request for amendment to proposed TRCP 3a was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court not promulgate the requested amendment.

A request for amendment to proposed TRCP 4 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court promulgate the requested amendment.

A request for amendment to proposed TRCP 5 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court not promulgate the requested amendment.

A request for amendment to proposed TRCP 10 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court promulgate the requested amendment.

A request for amendment to proposed TRCP 18b was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court promulgate the requested amendment.

A request for amendment to proposed TRCP 21 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court not promulgate the requested amendment.

A request for amendment to proposed TRCP 21a was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court promulgate the requested amendment.

A request for amendment to proposed TRCP 21b was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court not promulgate the requested amendment.

A request for amendment to proposed TRCP 57 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court not promulgate the requested amendment.

A request for amendment to proposed TRCP 60 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court promulgate the requested amendment.

A request for amendment to proposed TRCP 63 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court not promulgate the requested amendment.

A request for amendment to proposed TRCP 87 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court promulgate the requested amendment.

A request for amendment to proposed TRCP 106 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court promulgate the requested amendment.

A request for amendment to proposed TRCP 107 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court promulgate the requested amendment.

A request for amendment to proposed TRCP 120a was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court not promulgate the requested amendment.

A request for amendment to proposed TRCP 166a was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court not promulgate the requested amendment.

A request for amendment to proposed TRCP 166b was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court promulgate the requested amendment.

A request for amendment to proposed TRCP 167a was reported on, motion was made, and the committee voted 15 to 4 to recommend that the Supreme Court promulgate the requested amendment.

A request for amendment to proposed TRCP 168 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court promulgate the requested amendment.

A request for amendment to proposed TRCP 169 was reported on, motion was made, and the committee voted 15 to 5 to recommend that the Supreme Court promulgate the requested amendment. Steve McConnico and David Beck were assigned to study the consequences of not filing discovery.

A request for amendment to proposed TRCP 208 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court not promulgate the requested amendment.

A discussion of the committee was had regarding various changes to proposed TRCP 271-275. The committee voted unanimously to recommend TRCP 271-275 as previously proposed except with some changes.

Motion was made, seconded and unanimously approved to meet again on Friday, February 16, 1990.

Meeting adjourned.

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FEBRUARY 16, 1990

The Advisory Committee of the Supreme Court of Texas convened at 8:00 o'clock a.m. on Friday, February 16, 1990, pursuant to call of the Court.

Members present: Chair Luther H. Soules III, Justice Nathan L. Hecht, Justice Lloyd Doggett, Gilbert T. Adams, Jr., Pat Beard, Doak Bishop, David Beck, Elaine Carlson, John E. Collins, Tom H. Davis, Kenneth Fuller, J. Hadley Edgar, Charles F. Herring, Franklin Jones, Jr., Russell McMains, Charles Morris, Tom L. Ragland, Anthony Sadberry, Broadus A. Spivey, Harry L. Tindall, and Sam D. Sparks. Also present were Pat Hazel, Tom Leatherbury and Holly J. Halfacre.

Members absent were: Chief Justice Austin McCloud, Judge Solomon Casseb, Jr., Judge Sam Houston Clinton, Judge David Peoples, Judge Raul Rivera, Michael A. Hatchell, Vester T. Hughes, Jr., Harry Reasoner, Frank Branson, William V. Dorsaneo III, Gilbert Low, Steve McConnico and John M. O'Quinn.

A request for amendment to proposed TRCP 206 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court not promulgate the requested amendment.

A request for amendment to proposed TRCP 216 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court not promulgate the requested amendment.

An assignment was made to all subcommittees to study and report on a uniform way to spell "non-jury".

A request for amendment to proposed TRCP 245 was reported on, motion was made, and the committee voted House to 1 to recommend that the Supreme Court not promulgate the requested amendment.

A request for amendment to proposed TRCP 296 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court not promulgate the requested amendment.

A request for amendment to proposed TRCP 306 was reported on, motion was made, and the committee voted unanimously to recommend that the Supreme Court promulgate the requested amendment.