

Agenda for May 17, 2019 CCA Rules Advisory Committee Meeting

1. Welcome & introductory remarks
2. Review of minutes from February 2019 Rules Advisory Committee meeting (See Exhibit A)
3. Update on CCA order RE TRAP 73.7, 73.8 issued since last meeting (See Exhibit A.1)
4. Three proposed amendments (based on discussion at last meeting) concerning bills of exception/offers of proof and the application of the Rules of Evidence in habeas corpus proceedings (See Exhibits B, B.1, B.2, B.3, B.4)
5. Proposal to Broaden Requirement for Serving the SPA, including proposed deletion of TRAP 68.11 and adding new TRAP 80.1 (See Exhibit C)
6. Proposal from Deana Williamson (CCA Clerk) to amend TRAP 69.4 (Clerk's Duties) to remove requirement to send certified copy of order (See Exhibit D)
7. Proposal to amend TRAP 47 to address the publication and precedential value of memorandum criminal opinions (See Exhibit E)
8. Discussion of sensitive data concerns, sensitive data definition, and proposed amendments to TRAP 9.10 (See Exhibits F, F.1, F.2, F.3)
9. Proposal to amend Rules of Evidence 803 & 902 in light of changes to Federal Rules of Evidence:
 - a. Rule 803(16) (limiting application of ancient documents hearsay exception to documents created before 1998) and
 - b. Rule 902 (creating new subsections re authentication of certain electronic evidence). (See Exhibit I)
10. Proposal to amend TRAP 9.4 to add page/word limits for Article 11.071 writ applications (See Exhibits G, G.1)
11. Proposal for writ filings to be served on the parties automatically via e-file rather than by mail from the District Clerk (See Exhibit H)

LIST OF EXHIBITS

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| A | Minutes from February 2019 CCA Rules Advisory Committee meeting |
| A.1 | Misc. Docket No. 19-003: Order Proposing Amendments to TRAP 73.7, 73.8, and a comment |
| B | Message RE bills of exception and offers of proof in habeas proceedings (Randy Schaffer) |
| B.1 | Counter-exception proposal for Rule of Evid. 101(e) |
| B.2 | Rule of Evid. 103 proposed comment |
| B.3 | Proposal for TRAP 73.9 RE application of Rules of Evidence in habeas hearings |
| B.4 | Joseph Varela proposed amendment to Tex. R. Evid. 101, 103 |
| C | Proposed TRAP amendments RE service on State Prosecuting Attorney (SPA) |
| D | Message from Deana Williamson proposing amendment to TRAP 69.4 (Clerk's Duties) |
| E | Memorandum requesting change to TRAP 47 RE the publication and precedential value of memorandum criminal opinions (Justice Evelyn V. Keyes) |
| F | Proposed amendments to TRAP 9.10 updating sensitive data definition and addressing sensitive data concerns in criminal cases |
| F.1 | Research related to sensitive data concerns (minor names) regarding TRAP 9.10 |
| F.2 | Sensitive Data Definitions Table |
| F.3 | Existing TRAP 9.8, 9.9, & 9.10 |
| G | Proposed amendment to TRAP 9.4 adding page limits for Article 11.071 habeas applications |
| G.1 | Memorandum responding to proposal to add page limits for Article 11.071 habeas applications |
| H | Message RE E-file Texas service of habeas filings (Angela Moore) |
| I | Memo from Advisory Committee on Evidence Rules RE Amendments to FRE 803(16) & 902 |