

Supreme Court of Texas

Misc. Docket No. 25-9021

Preliminary Approval of Amendments to Texas Rule of Civil Procedure 201

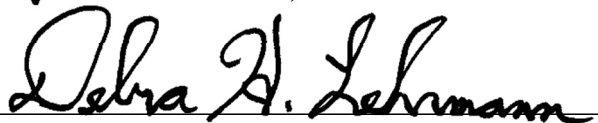
ORDERED that:

1. In accordance with the Act of May 21, 2023, 88th Leg., R.S., ch. 616 (H.B. 3929), the Court invites comments on proposed amendments to Texas Rule of Civil Procedure 201.
2. Proposed new Rule 201.3 would adopt the Uniform Interstate Depositions and Discovery Act, as modified, in accordance with Section 1 of H.B. 3929.
3. Comments regarding the proposed amendments should be submitted in writing to rulescomments@txcourts.gov by August 1, 2025.
4. The Court will issue an order finalizing the rules after the close of the comment period. The Court may change the rules in response to public comments. The Court expects the amendments to take effect on August 31, 2025.
5. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to the Governor, the Lieutenant Governor, and each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

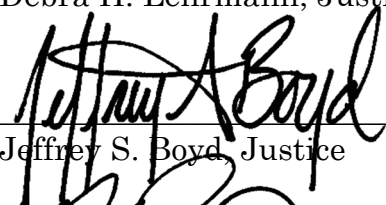
Dated: April 30, 2025.



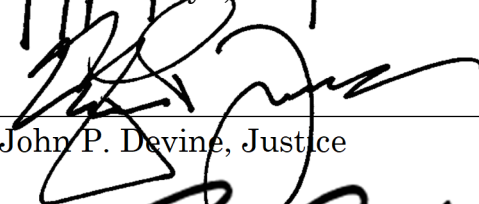
James D. Blacklock, Chief Justice



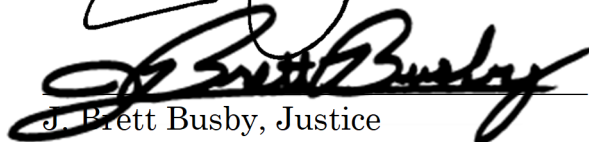
Debra H. Lehrmann, Justice



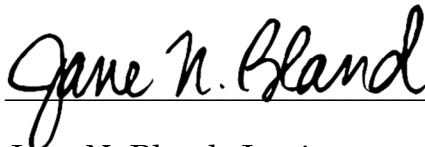
Jeffrey S. Boyd, Justice



John P. Devine, Justice



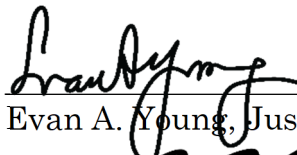
J. Brett Busby, Justice



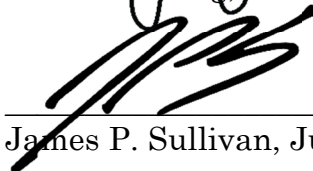
Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice



James P. Sullivan, Justice

RULE 201. DEPOSITIONS DISCOVERY IN OTHER STATES AND FOREIGN JURISDICTIONS COUNTRIES FOR USE IN TEXAS PROCEEDINGS; DEPOSITIONS DISCOVERY IN TEXAS FOR USE IN FOREIGN PROCEEDINGS IN OTHER STATES AND FOREIGN COUNTRIES

201.1 Depositions in Other States and Foreign Jurisdictions Countries for Use in Texas Proceedings.

201.2 Depositions in Texas for Use in Proceedings in Foreign Jurisdictions Countries.

If a court ~~of record~~ of any ~~other state or~~ foreign ~~jurisdiction~~ country that is a signator to the Hague Convention on the Taking Evidence Abroad in Civil or Commercial Matters or another similar treaty issues a ~~mandate, writ, or commission~~ letter of request that requires a witness's oral or written deposition testimony in this State, the witness may be compelled to appear and testify in the same manner and by the same process used for taking testimony in a proceeding pending in this State.

201.3 Discovery in Texas for Use in Proceedings in Other States.

(a) Definitions.

- (1) "Out-of-state subpoena" means a subpoena issued under the authority of a court in another state.
- (2) "Subpoena" means a document issued under the authority of a court requiring a person or entity to:
 - A. attend and give testimony at a deposition on oral examination or written questions; or
 - B. produce documents or tangible things.

(b) Issuance of Subpoena.

- (1) Request. To request issuance of a subpoena, a party must submit an out-of-state subpoena to a clerk of a court in the county in which discovery is sought to be conducted in Texas. A request for the issuance of a subpoena under this rule does not constitute an appearance in a Texas court.

- (2) Clerk Duties. When a party submits an out-of-state subpoena to a Texas court clerk, the clerk, in accordance with that court's procedures, must promptly issue a subpoena for service on the person or entity to which the out-of-state subpoena is directed.
- (3) Subpoena Contents. A subpoena under paragraph (2) must:
- A. incorporate the terms used in the out-of-state subpoena; and
 - B. contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party who has appeared and is not represented by counsel.
- (c) Service of Subpoena. A subpoena issued under paragraph (b)(2) must be served in compliance with Rules 176 and 205.
- (d) Depositions and Production. Rules 190 to 200 and 205 apply to subpoenas issued under paragraph (b)(2).
- (e) Application to Court. An application to the issuing court for a protective order or to enforce, quash, or modify a subpoena must comply with the rules or statutes of Texas.

Notes and Comments

Comment to 2025 change: New Rule 201.3 is based on the Uniform Interstate Depositions and Discovery Act, in accordance with Section 1 of the Act of May 21, 2023, 88th Leg., R.S., ch. 616 (H.B. 3929). The Uniform Interstate Depositions and Discovery Act is adopted as modified by new Rule 201.3. The modification excludes that Act's provisions permitting premises inspection by subpoena, retaining the Texas rule requiring a court order for premises inspections for both in-state and out-of-state litigation. Other clarifying and stylistic changes have been made.