

# KING & SPALDING

King & Spalding LLP  
1100 Louisiana, Suite 4000  
Houston, TX 77002-5213  
Tel: +1 713 751 3200  
Fax: +1 713 751 3290  
www.kslaw.com

Robert Meadows  
Partner  
Direct Dial: +1 713 276 7370  
Direct Fax: +1 713 751 3290  
rmeadows@kslaw.com

February 1, 2017

Supreme Court Advisory Committee  
c/o Mr. Charles L. "Chip" Babcock  
Chair, Supreme Court Advisory Committee  
Jackson Walker L.L.P.  
cbabcock@jw.com

**Re: Discovery Subcommittee Proposed Amendments to Part II, Section 9 of the Rules of Civil Procedure**

Dear Advisory Committee Members,

On behalf of the Discovery Subcommittee, please find an updated version of recommended changes to Part II, Section 9 of the Rules of Civil Procedure, incorporating discussion from September's SCAC meeting. While perhaps not binding, we seemed to have agreement in the SCAC on the changes that now appear in the proposal on the following key matters:

- Increase Level One amount in controversy
- Level Three mandatory conference
- Remove "good cause" requirement for modifying discovery procedures
- Eliminate references to fax, and add e-mail requirements
- Mandatory initial disclosures
- Proportionality and relevancy

The Discovery Subcommittee's recommended changes on the following key topics have not yet been discussed by the SCAC:

- Content of mandatory initial disclosures
- Objecting to written discovery
- Experts
- Requests for production and inspection
- Interrogatories, Admissions, Depositions, and Physical and Mental Examinations

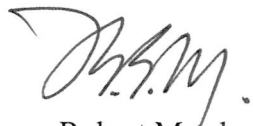
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- Sanctions, including spoliation

With regard to Spoliation, the only topic on which we have not concluded our review for possible changes, the Discovery Subcommittee is in agreement that the language of Federal Rule of Civil Procedure 37(e)—modified slightly—should be added to our sanctions rule (Rule 215). Our Subcommittee does not recommend the adoption of the proposed rule by the State Bar of Texas Committee on Court Rules (attached), and other recommendations on a Spoliation rule (that deal with duty, notice, the mechanism for seeking redress from the court and punishment) remain under review.

Regards,

A handwritten signature in black ink, appearing to read "R. Meadows", with a stylized flourish at the end.

Robert Meadows

Enclosures