

Kristal Voth

From: Kristal Voth
Sent: Tuesday, November 03, 2015 2:45 PM
To: lbenton@levibenton.com; harvey.brown@1stcoa.courts.state.tx.us; 'harvey.brown@txcourts.gov'; ecarlson@stcl.edu; Hoffman, Lonny; 'Roger Hughes'; 'pkelly@texasappeals.com'
Subject: RE: 801(e)(1)(B)
Attachments: TRE 801 Original.pdf; Notes of Advisory Committee on FRE 801.pdf; FRE 801.pdf; TRE 801 Restyled 2015.pdf

Dear Committee Members:

I am enclosing herein the following:

1. TRE 801 in effect prior to 2015;
2. TRE 801 after the restyling in 2015;
3. FRE 801 as amended effective December 1, 2014; and
4. Notes of advisory committee concerning 2014 amendment to FRE 801(d)(1)(B).

Note: FRE 801(d)(1)(B) is actually TRE 801(e)(1)(B). FRE has three definitions (a), (b), and (c). TRE has four definitions, (a), (b), (c), and (d). That is the reason and the difference between the numbers.

I have talked to professor Stave Goode and Judge Robin Malone Darr, chair of the Rules of Evidence Committee for the Administration Rules of Evidence Committee of the State Bar of Texas. The recommended amendment is for two reasons. First, is style but secondly, and most importantly, is for substance. You will see from the notes of the advisory committee concerning the 2014 amendment of FRE, that substantive changes were made and you can see the reasons for such changes. The State Bar Committee felt that that was a valid reasoning and to be consistent with the federal rule they made their recommendation.

Please let me have your thoughts and views on this.

Sincerely,
Buddy Low

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From: Kristal Voth
Sent: Thursday, October 29, 2015 1:27 PM
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Subject: Re: 801(e)(1)(B)

Dear Committee Members:

I am enclosing herein a proposed revision to TRE 801(e)(1)(B), which is made for purposes of clarity and does not include any substantive changes. Please let me have your views on this.

Thank you,
Buddy Low

PE – You will notice the language is verbatim, the same language used in the federal rule.

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