

Agenda for October 2019 CCA Rules Advisory Committee Meeting

1. Welcome & introductory remarks
2. Review of minutes from August 2019 Rules Advisory Committee meeting (See Exhibit A)
3. Update on CCA order issued since last meeting and any comments received (See Exhibit A.1)
4. Ali Dahlberg's comment on Misc. Docket 19-003 (TRAP 73.7, 73.8) (See Exhibit B): 2 Options Provided to Amend Proposed Rule Language in Misc. Docket 19-003 (See Exhibits B.1, B.2)
5. Proposed Amendment to Rule of Evidence 103(c) (See Exhibit C)
6. Proposed TRAP Rule 9.11 regarding minor's names (See Exhibits D, D.1)
7. Randy Schaffer's proposed TRAP amendments (See Exhibits E, E.1, first two issues):
 - a. Proposing a new rule requiring an explanation from the trial court regarding a failure to enter an order designating issues (ODI); and
 - b. Proposing a rule defining the doctrine of laches as an affirmative defense pled by the State and restricting its reach
9. Jani Maselli Wood's proposed TRAP amendments (See Exhibit F):
 - a. Amending Rule 73.2 to allow the CCA to "abate and remand for reformation" noncompliant writ applications; and
 - b. Deleting Rule 21.6 requiring presentation of a motion for new trial within ten days of filing
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 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 H)

LIST OF EXHIBITS

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| A | Minutes from August 2019 CCA Rules Advisory Committee Meeting |
| A.1 | Misc. Docket No. 19-008 (Order Amending TRAP 25.2, & 32.2) |
| B | Memo from Ali Dahlberg Regarding Misc. Docket No. 19-003 (Regarding TRAP 73.7, 73.8) |
| B.1 | Two Options for Amending Language in Order Proposing Amendments to TRAP 73.7 & Adopting TRAP 73.8 |
| B.2 | Misc. Docket No. 19-003 (Order Proposing Amendments to TRAP 73.7 & Adopting TRAP 73.8) |
| C | Proposed Amendment to Rule of Evidence 103(c) (Professor S. Goode) |
| D | Proposed TRAP 9.11 (minor names) |
| D.1 | CCA Staff Research on Minor Names Issue |
| E | Proposed TRAP Rules Changes Memo from R. Schaffer |
| E.1 | Response to Proposals by Mr. Randy Schaffer from Joshua Reiss, Division Chief, Post-Conviction Writs (Harris County DA's Office) |
| F | Proposed TRAP amendments to Rules 73.2 and 21.6 from Jani Maselli Wood |
| G | Proposed amendment to TRAP 9.4 adding page limits for Article 11.071 habeas applications |
| G.1 | Response to proposal to add page limits for Article 11.071 habeas applications (Ben Wolff) |
| H | Memo from Advisory Committee on Evidence Rules RE FRE 803(16), 902(13) (14) |