

TEXAS EVIDENCE FOR CIVIL TRIALS

MICHAEL T. WATSON

CHAPTER ONE

INTRODUCTION

OVERVIEW

§ 1.1 ARTICLE IV - RELEVANCE

- a. Rule 401. Definition of “Relevant Evidence”
- Rule 402. Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible
- Rule 403. Exclusion of Relevant Evidence on Special Grounds
- b. Rule 406. Habit; Routine Practice
- c. Rule 407. Subsequent Remedial Measures; Notification of Defect
- d. Rule 408. Compromise and Offers to Compromise
- e. Rule 404. Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes
- Rule 405. Methods of Proving Character
- Rule 608. Evidence of Character and Conduct of a Witness
- f. Rule 411. Liability Insurance
- g. Rule 409. Payment of Medical or Similar Expenses

§ 1.2 ARTICLE V - PRIVILEGES

- a. Rule 501. Privileges Recognized Only as Provided
- Rule 511. Waiver of Privilege by Voluntary Disclosure
- Rule 512. Privileged Matter Disclosed Under Compulsion or Without Opportunity to Claim Privilege
- Rule 513. Comment Upon or Inference From Claim of Privilege; Instruction
- b. Rule 503. Lawyer-Client Privilege
- c. Rule 504. Husband-Wife Privileges
- d. Rule 509. Physician-Patient Privilege
- e. Rule 510. Confidentiality of Mental Health Information in Civil Cases
- f. Rule 505. Communications to Members of the Clergy
- g. Rule 506. Political Vote
- h. Rule 507. Trade Secrets
- i. Rule 508. Identity of Informer
- j. Rule 502. Required Reports Privileged by Statute

§ 1.3 ARTICLE VI - WITNESSES

- a. Rule 601. Competency and Incompetency of Witnesses
- b. Rule 602. Lack of Personal Knowledge
- c. Rule 611. Mode and Order of Interrogation and Presentation
- d. Rule 607. Who May Impeach
- e. Rule 608. Evidence of Character and Conduct of a Witness

- f. Rule 609. Impeachment by Evidence of Conviction of Crime
- g. Rule 612. Writing Used to Refresh Memory
- h. Rule 613. Prior Statements of Witnesses: Impeachment and Support
- i. Rule 603. Oath or Affirmation
- j. Rule 604. Interpreters
- k. Rule 610. Religious Beliefs or Opinions
- l. Rule 614. Exclusion of Witnesses
- m. Rule 605. Competency of Judge as a Witness
- Rule 606. Competency of Juror as a Witness

§ 1.4 ARTICLE VII - OPINIONS AND EXPERT TESTIMONY

- a. Rule 701. Opinion Testimony by Lay Witnesses
- b. Rule 702. Testimony by Experts
- Rule 704. Opinion on Ultimate Issue
- c. Rule 703. Bases of Opinion Testimony by Experts
- Rule 705. Disclosure of Facts or Data Underlying Expert Opinion
- d. Rule 706. Audit in Civil Cases

§ 1.5 ARTICLE VIII - HEARSAY

- a. Rule 801. Definitions
- b. Rule 803. Hearsay Exceptions; Availability of Declarant Immaterial
- c. Rule 804. Hearsay Exceptions; Declarant Unavailable
- d. Rule 805. Hearsay Within Hearsay
- e. Rule 806. Attacking and Supporting Credibility of Declarant

§ 1.6 ARTICLES IX AND X - AUTHENTICATION AND IDENTIFICATION; CONTENTS OF WRITING, RECORDINGS, AND PHOTOGRAPHS

- a. Rule 901. Requirement of Authentication or Identification
- Rule 903. Subscribing Witness's Testimony Unnecessary
- Rule 1001. Definitions
- Rule 1002. Requirement of Originals
- Rule 1003. Admissibility of Duplicates
- Rule 1004. Admissibility of Other Evidence of Contents
- Rule 1007. Testimony or Written Admission of Party
- Rule 1008. Functions of Court and Jury
- b. Rule 902. Self-Authentication
- Rule 1005. Public Records
- c. Rule 1006. Summaries
- d. Rule 1009. Translation of Foreign Language Documents

§ 1.7 ARTICLES I AND II - GENERAL PROVISIONS; JUDICIAL NOTICE

- a. Rule 103. Rulings of Evidence
- Rule 105. Limited Admissibility
- b. Rule 101. Title and Scope
- Rule 102. Purpose and Construction
- Rule 104. Preliminary Questions
- c. Rule 106. Remainder of or Related Writings or Recorded Statements
- Rule 107. Rule of Optional Completeness
- d. Rule 201. Judicial Notice of Adjudicative Facts
- Rule 202. Determination of Law of Other States
- Rule 203. Determination of the Laws of Foreign Countries
- Rule 204. Determination of Texas City and County Ordinances, the Contents of the Texas Register, and the Rules of Agencies Published in the Administrative Code

ARTICLE IV - RELEVANCY

OVERVIEW

PURPOSE AND APPLICATION OF ARTICLE IV

§ 2.1 GENERAL RULES OF RELEVANCE, ADMISSIBILITY, AND EXCLUSION

Rule 401. Definition of "Relevant Evidence"

Rule 402. Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible

Rule 403. Exclusion of Relevant Evidence on Special Grounds

- a. Two-pronged test - Probativeness and Materiality
- b. Other similar events or incidents
- c. Other transactions
- d. UCC
- e. Evidence on industry standards
- f. Materiality depends on the issues in the case
- g. Discretion of trial court
- h. Consideration of prejudicial effect
- i. Rejection of evidence because of confusion or misleading effect
 - (1) Expert witness testimony
 - (2) Mitigation of punitive damages
- j. Rejection of evidence for reasons of judicial economy

§ 2.2 HABIT AND ROUTINE

Rule 406. Habit; Routine Practice

- a. Habit is different from character
- b. Offensive habits may result from character, but that does not make the habit inadmissible
- c. Organizational practices
- d. Specificity of repeated conduct
- e. Statutory habitual public nuisances

§ 2.3 SUBSEQUENT REMEDIAL MEASURES

Rule 407. Subsequent Remedial Measures; Notification of Defect

- a. Policy
- b. Third party remedial measures
- c. Admissibility for other purposes
- d. For impeachment
- e. Proof of knowledge of dangerous condition - not admissible
- f. Product liability cases
- g. Notification of defect

§ 2.4 COMPROMISE AND OFFERS TO COMPROMISE

Rule 408. Compromise and Offers to Compromise

- a. Policy
- b. Scope
- c. Dispute
- d. Requirement of offer of concession
- e. Admissible for other purposes
- f. Settlement that affects the interest of a party in the outcome of the case
- g. Bias or prejudice
- h. Admissible in separate trials
- i. Mediation sessions are settlement discussion

§ 2.5 CHARACTER EVIDENCE

Rule 404. Character Evidence not Admissible to Prove Conduct; Exceptions; Other Crimes

Rule 405. Methods of Proving Character

Rule 608. Evidence of Character and Conduct of a Witness

- a. Character directly in legal issue
- b. Charges of moral turpitude
- c. Character for violence or peacefulness in assault cases
- d. Character for truthfulness or mendacity on the part of a witness
- e. Other acts to prove motive, opportunity, intent, plan, or knowledge
- f. Methods of proving truthfulness

§ 2.6 LIABILITY INSURANCE

Rule 411. Liability Insurance

- a. Policy
- b. Scope
- c. Exceptions
- d. Remedies for mention of insurance
- e. Other statutory provisions regarding insurance

§ 2.7 PAYMENT OF MEDICAL EXPENSES

Rule 409. Payment of Medical or Similar Expenses

- a. Policy
- b. Scope

§ 2.8 OTHER STATUTORY PROVISIONS

- a. Communications of sympathy
- b. Subsequent relationships of surviving spouse in wrongful death case
- c. In sexual exploitation cases
- d. Physician review
- e. Evidence of use or nonuse of safety belts or child safety seats
- f. Accident reports

CHAPTER THREE

ARTICLE V - PRIVILEGES

OVERVIEW

PURPOSE AND APPLICATION OF ARTICLE V

§ 3.1 GENERAL RULE OF ESTABLISHMENT, DISCLOSURE, WAIVER, AND PROTECTION

Rule 501. Privileges Recognized Only As Provided

Rule 511. Waiver of Privilege by Voluntary Disclosure

Rule 512. Privileged Matter Disclosed Under Compulsion or Without Opportunity to Claim Privilege

Rule 513. Comment Upon or Inference From Claim of Privilege; Instruction

- a. Establishing the privilege
- b. Waiver by voluntary disclosure
- c. Implied waiver
- d. Partial waiver may be full waiver
- e. Waiver by introduction of character evidence
- f. Erroneously compelled disclosure
- g. No waiver where no opportunity to claim privilege
- h. No adverse inference to be drawn from the claim of privilege

§ 3.2 LAWYER-CLIENT PRIVILEGE

Rule 503. Lawyer-Client Privilege

- a. Policy
- b. Elements of the privilege
- c. In furtherance of the rendition of legal services
- d. Communicating Parties
 - (1) Client
 - (2) Representative of the client
 - (3) Lawyer
 - (4) Representative of the lawyer
 - (5) Confidential communication
- e. Practice pointer
- f. Exceptions - Rule 503(d)
 - (1) Crime-fraud exception
 - (2) Claimants through same deceased client
 - (3) Breach of duty by a lawyer or client
 - (4) Document attested by a lawyer
 - (5) Joint clients
- g. Termination of the privilege
- h. Comparison with work product
- i. Procedure to assert a privilege

§ 3.3 HUSBAND-WIFE PRIVILEGE

Rule 504. Husband-Wife Privileges

- a. Policy and application
- b. Communication
- c. Communications disclosed to, or made in the presence of, third persons
- d. Existence of a marriage
- e. Exception - crime or fraud
- f. Exception - proceedings between spouses in civil cases
- g. Exception - crimes against spouse or minor child
- h. Exception - commitment and competency proceedings
- i. Suits for dissolution of marriage

§ 3.4 PHYSICIAN-PATIENT PRIVILEGE

Rule 509. Physician-Patient Privilege

- a. Rule applies in civil cases
- b. Patient
- c. Physician
- d. Confidential
- e. Applicability to records
- f. Holder of the privilege
- g. Exceptions
- h. Patient-litigant exception
- i. Suggested practice pointer
- j. Written consent
- k. Hospital records
- l. Emergency transport medical records

§ 3.5 MENTAL HEALTH PRIVILEGE

Rule 510. Confidentiality of Mental Health Information in Civil Cases

- a. Scope
- b. Professional
- c. Patient
- d. Representative of the patient
- e. Confidential communication
- f. Exceptions
- g. Other statutory enactments

§ 3.6 COMMUNICATIONS TO MEMBERS OF THE CLERGY

Rule 505. Communications to Members of the Clergy

- a. Scope and purpose
- b. Clergy
- c. Confidential communication
- d. Exceptions

§ 3.7 POLITICAL VOTE

Rule 506. Political Vote

§ 3.8 TRADE SECRETS

Rule 507. Trade Secrets

- a. Scope
- b. Policy
- c. Protection from disclosure in discovery
- d. Banking institutions

§ 3.9 IDENTITY OF INFORMER

Rule 508. Identity of Informer

- a. Scope and purpose
- b. Exceptions

§ 3.10 OTHER STATUTORY PRIVILEGES

Rule 502. Required Reports Privileged by Statute

- a. Scope
- b. Policy
- c. Other statutory privileges
 - (1) Disease control information and records
 - (2) Medical Committee information gathered in the course of the business of a medical institution
 - (3) Board of Medical Examiners
 - (4) Nursing Homes
 - (5) Other statutory privileges to health care information
 - (6) Privilege protecting records of treatment provided by chiropractors
 - (7) A podiatrist's treatment records also have a statutory privilege
 - (8) Dentist records are privileged
 - (9) Veterinarian privilege
 - (10) Water accident reports
 - (11) Environmental reports
 - (12) Medicaid investigations of nursing homes
 - (13) Ongoing criminal investigation

ARTICLE VI - WITNESS COMPETENCE

OVERVIEW

§ 4.1 COMPETENCY AND INCOMPETENCY OF WITNESSES*Rule 601. Competency and Incompetency of Witnesses**Rule 602. Lack of Personal Knowledge*

- a. Scope
- b. Children
- c. Insane persons
- d. Dead Man's Rule - Application
- e. Dead Man's Rule - Party and type of suit
 - (1) Rule applicable
 - (2) Rule inapplicable
- f. Dead Man's Rule - Corroboration
- g. Dead Man's Rule - Waiver
- h. Personal knowledge

§ 4.2 SCOPE AND ORDER IN INTERROGATION OF WITNESSES*Rule 611. Mode and Order of Interrogation and Presentation*

- a. Scope and policy
- b. Scope of cross-examination
- c. Re-direct and re-cross examination
- d. What is a leading question?
- e. When may leading questions be used?
- f. Other rules that govern order of the proceedings
- g. Form of question allowed

§ 4.3 IMPEACHMENT*Rule 607. Who May Impeach*

- a. Breadth of cross-examination
- b. Impeachment of documentary evidence
- c. Areas where impeachment is not allowed

§ 4.4 CHARACTER FOR TRUTHFULNESS*Rule 608. Evidence of Character and Conduct of a Witness***§ 4.5 IMPEACHMENT BY CONVICTION OF A CRIME***Rule 609. Impeachment by Evidence of Conviction of a Crime*

- a. Classification of crimes which are admissible
- b. Probative value versus prejudicial effect
- c. Time of the conviction
- d. Appeal
- e. Pardon, probation, or annulment

§ 4.6 USE OF WRITING TO REFRESH MEMORY*Rule 612. Writing Used to Refresh Memory*

- a. Right to inspection
- b. Admissibility

§ 4.7 USE OF PRIOR STATEMENT OR BIAS TO IMPEACH OR SUPPORT

Rule 613. Prior Statements of Witnesses: Impeachment and Support

- a. Predicate
- b. What constitutes a statement?
- c. Extrinsic evidence of the prior statement
- d. Impeachment versus substantive evidence
- e. Bias or interest

§ 4.8 OATH AND THE SANCTITY THEREOF

Rule 603. Oath or Affirmation

Rule 604. Interpreters

Rule 610. Religious Beliefs or Opinions

- a. Attorney's oath
- b. Interpreters
- c. Religious beliefs or opinions

§ 4.9 EXCLUSION OF WITNESSES

Rule 614. Exclusion of Witnesses

§ 4.10 JUDGE AND JURORS AS WITNESSES

Rule 605. Competency of Judge As a Witness

Rule 606. Competency of Juror As a Witness

- a. Judge as witness
- b. Juror as witness

CHAPTER FIVE

ARTICLE VII - EXPERT AND OPINION TESTIMONY

OVERVIEW

§ 5.1 LAY OPINION TESTIMONY

Rule 701. Opinion Testimony by Lay Witnesses

- a. Scope and policy
- b. Types of matters where lay opinion is commonly accepted
 - (1) Value of real estate
 - (2) Value of a business
 - (3) Value of personal property
 - (4) Personal health
 - (5) Speed
 - (6) Handwriting
 - (7) Reasonable repair costs
 - (8) Time
- c. Matters commonly not allowed as lay opinion testimony
 - (1) Negligence
 - (2) Opinions on ultimate conclusions
 - (3) Motive and intent
 - (4) Medical diagnosis
 - (5) Cause
 - (6) Credibility of a witness
 - (7) Legal capacity

§ 5.2 EXPERT WITNESS TESTIMONY

Rule 702. Testimony by Expert

Rule 704. Opinion on Ultimate Issue

- a. Reliability of expert testimony

- b. Matters subject to the use of expert testimony
 - (1) Accident reconstruction
 - (2) Economic issues
 - (3) Medical standards and diagnosis
 - (4) Design of products
 - (5) Attorney's fees
 - (6) Reasonableness of charges
- c. Opinions on ultimate issues
- d. Qualifications of experts
- e. Burden of proving the qualifications and benefits of experts
- f. Nonbinding effect of opinion evidence

§ 5.3 BASIS AND DISCLOSURE OF BASIS FOR EXPERT OPINIONS

Rule 703. Bases of Opinion Testimony by Experts

Rule 705. Disclosure of Facts or Data Underlying Expert Opinion

- a. Basis of opinion - knowledge
- b. Basis of opinion - other trial data
- c. Basis of opinion - outside sources
- d. Basis of opinion - need not be admissible in evidence
- e. Use of hypothetical questions
- f. Reasonableness of expert's reliance
- g. Disclosure of underlying data

§ 5.4 AUDIT IN CIVIL CASES

Rule 706. Audit in Civil Cases

CHAPTER SIX

ARTICLE VIII - HEARSAY

OVERVIEW

Rule 801. Definitions

Rule 802. Hearsay Rule

§ 6.1 BASIC PREMISE OF THE EXCLUSION OF HEARSAY EVIDENCE - THE UNRELIABILITY OF THE EXPRESSIONS

§ 6.2 HEARSAY MAY BE VERBAL OR NONVERBAL CONDUCT

Rule 801(a). Statement

§ 6.3 THE EXPRESSION MUST BE OFFERED TO PROVE THE TRUTH OF THE MATTER IMPLICITLY OR EXPLICITLY ASSERTED

Rule 801(c), (d). Matter Asserted, Hearsay

§ 6.4 STATEMENTS LISTED AS "NOT HEARSAY" EVEN THOUGH THEY MEET THE DEFINITION

Rule 801(e)(1). Statements Which Are Not Hearsay

Rule 801(e)(2). Admissions by Party-Opponent

Rule 801(e)(3). Depositions

§ 6.5 EXCEPTIONS TO EXCLUSION WHERE AVAILABILITY OF DECLARANT IS IMMATERIAL

Rule 803(6) & (7). Records of Regularly Conducted Activity; Absence of Entry in Records Kept in Accordance With the Provisions of Paragraph (6)

- a. Hearsay within the report

- b. Elements of proof - time; routine; business duty
 - (1) At or near the time
 - (2) Regularly conducted business activity
 - (3) Business duty
- c. Specific types of records - computer; medical records
 - (1) Computer records
 - (2) Medical records
- d. Absence of record
- e. Personal knowledge
- f. Who is a qualified witness

Rule 803(8), (9), and (10). Public Records and Reports; Records of Vital Statistics; and Absence of Public Record or Entry

- a. Absence of a record
- b. Three specific categories of documents

Rule 803(1)-(4). Concurrent and Spontaneous Impressions and Utterances

- a. Spontaneous statements
 - (1) Statement must relate to event or condition
 - (2) Time of the statement
- b. Statements regarding physical and mental conditions
- c. Statements made to physicians for medical diagnosis
- d. Statements regarding then-existing condition

Rule 803(5). Recorded Recollection

Rule 803(18). Learned Treatises

Rule 803(24). Statement Against Interest

Rule 803(11)-(13); (19). Family and Religious Records

Rule 803(20)-(21). Reputation

Rule 803(14)-(17). Documents

Rule 803(22)-(23). Judgments

§ 6.6 STATEMENTS OF UNAVAILABLE DECLARANTS

Rule 804. Hearsay Exceptions; Declarant Unavailable

- a. Former testimony
- b. Dying declarations
- c. Statements of personal or family history

§ 6.7 HEARSAY WITHIN HEARSAY

Rule 805. Hearsay Within Hearsay

§ 6.8 ATTACKING AND SUPPORTING THE CREDIBILITY OF THE DECLARANT

Rule 806. Attacking and Supporting the Credibility of the Declarant

CHAPTER SEVEN

ARTICLE IX & X - AUTHENTICATION

OVERVIEW

§ 7.1 METHODS OF AUTHENTICATION IN GENERAL

Rule 901. Requirement of Authentication or Identification

Rule 903. Subscribing Witness's Testimony Unnecessary

Rule 1001. Definitions

Rule 1002. Requirement of Originals

Rule 1003. Admissibility of Duplicates

Rule 1004. Admissibility of Other Evidence of Contents

Rule 1007. Testimony or Written Admission of Party

Rule 1008. Functions of Court and Jury

- a. Requirement of authentication for all nontestimonial evidence
- b. Best evidence rule
- c. Distinguished from parol evidence rule
- d. Various methods of proving authenticity of different types of evidence
 - (1) Documents
 - (2) Demonstrative and Physical Evidence
 - (i) Identifiable by characteristics
 - (ii) Identifiable by chain of custody
 - (iii) Props and mock-ups
 - (3) Photographs & X-rays
 - (4) Recordings
 - (5) Charts, Maps, and Demonstrations
 - (6) Voice Identifications and Telephone Calls
- e. Subscribing witness unnecessary
- f. Originals, duplicates, and copies
- g. Original necessary, but not obtainable
- h. Opponent's admission to the document
- i. Functions of court and jury

§ 7.2 SELF-AUTHENTICATION

Rule 902. Self-Authentication

Rule 1005. Public Records

- a. Documents not under seal
- b. Certified copies of public records
- c. Contents of the documents as hearsay
- d. Commercial paper
- e. Business records
- f. Periodicals

§ 7.3 SUMMARIES

Rule 1006. Summaries

§ 7.4 FOREIGN LANGUAGE DOCUMENTS

Rule 1009. Translation of Foreign Language Documents

CHAPTER EIGHT

ARTICLE I & II - COURT FUNCTION

OVERVIEW

§ 8.1 PRESENTATION AND PRESERVATION OF EVIDENCE POINTS

Rule 103. Rulings on Evidence

Rule 105. Limited Admissibility

- a. Getting evidence in
 - (1) Getting it all in for all purposes
 - (2) Getting in a portion, or getting it in for limited purposes
- b. Keeping evidence out
 - (1) Keeping it all out for all purposes
 - (i) Specific

- (ii) Accurate
- (iii) Pointed
- (iv) Timely
- (v) Ruling

(2) Keeping out a portion, or for limited purpose

§ 8.2 COURT'S GATEKEEPING FUNCTION

Rule 101. Title and Scope

Rule 102. Purpose and Construction

Rule 104. Preliminary Questions

§ 8.3 OPTIONAL COMPLETENESS

Rule 106. Remainder of or Related Writings or Recorded Statements

Rule 107. Rule of Optional Completeness

§ 8.4 JUDICIAL NOTICE

Rule 201. Judicial Notice of Adjudicative Facts

Rule 202. Determination of Law of Other States

Rule 203. Determination of the Laws of Foreign Countries

Rule 204. Determination of the Texas City and County Ordinances, the Contents of the Texas Register, and the Rules of Agencies Published in the Administrative Code

- a. Adjudicative facts
- b. Mandatory v. Discretionary
- c. Time of taking notice
- d. Instructing the jury
- e. Laws of other states
- f. Laws of foreign countries
- g. Municipal ordinances, Texas Register, and agency rulings

APPENDIX A

PRACTICE AIDS

SAMPLE QUESTIONS AND ANSWERS

Computer Records

Computerized Accident Reconstruction

“Day in the Life” Film

Enlargements

Excited Utterances

Exhibition of Injury

Experiments

Handwriting Exemplars

Learned Treatises

Medical Expenses - Proof by Oral Testimony

Medical Opinion on Diagnosis Causation and Future Prognosis

Models

Official Reports and Records (Public Records)

Past Recollection Recorded
Personal Records - Proof by Written Deposition
Photographs
Prior Consistent Statement
Impeachment by Prior Inconsistent Statement
Testimony From Previous Trial or Proceeding
Proof of X-rays

CHECKLISTS

General

Charts, Diagrams, or Maps
Summaries of Voluminous Records
Tape Recordings

Motion in Limine

General Matters
Matters Relating to Damages
Automobiles
Medical Malpractice Items
Products Liability Items
Will Contest
Workers' Compensation Items

APPENDIX B

FORMS

Self-Authenticating Affidavit for Business Records
Notice of Filing of Business Records Affidavit
Doctor's Services and Charges - Affidavit by Doctor
Medical Services and Charges - Affidavit by Custodian
Counter-Affidavit
Notice of Filing of Medical Services Affidavit
Doctor Records - Affidavit by Doctor
Doctor Records - Affidavit by Custodian
Hospital Records - Affidavit by Medical Records Librarian
Radiologist's Records
Funeral Home Services and Charges
Motion to Rule on Expert's Qualifications
 Letter in Support of Motion to Rule on Expert's Qualifications
 Order Ruling on Expert's Qualifications
Motion for Withdrawal of Trial Exhibits
Order Permitting Withdrawal of Exhibits
Motion to Admit Evidence Pretrial
Order Admitting Evidence Pretrial
Stipulation of Fact
Stipulation of Testimony
Written Questions to Custodian of Medical Records
Written Questions to Custodian of Hospital Records
Written Questions to Custodian of Personnel Records
Written Questions to Doctor Regarding Medical Expenses
Written Questions to Custodian of Medical Expense Records

APPENDIX C

EXPERT OPINION CASE DECISIONS

Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993)

E.I. Du Pont de Nemours & Co. v. Robinson, 923 S.W.2d 549 (Tex. 1995)

Merrell Dow Pharmaceuticals, Inc. v. Havner, 953 S.W.2d 706 (Tex. 1997)

Kumho Tire Co. v. Carmichael, 526 U.S. 137 (1999)

Gammill v. Jack Williams Chevrolet, Inc., 972 S.W.2d 713 (Tex. 1998)

TABLE OF STATUTES

INDEX