Chapter 18.001 Affidavits, Post-HB 1693: What Changed and What Remains the Same?

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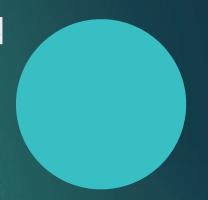
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What Changed?

- ▶ 1. Deadlines
- ▶ 2. Supplementation
- ▶ 3. Notice
- ▶ 4. Causation?



What is Reasonable and Necessary? NO CHANGE



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Plaintiff must prove the expenses were necessary to treat, reasonable in amount, and expenses were paid and incurred.

CPRC 18.001

- ► Eliminated the cost and need to call an expert live to testify.
- Done through an affidavit.
- Can be controverted by affidavit.
- Controverting affidavit negates the effect of the initial affidavit and forces the proponent to call expert testimony (or by other means) and operates to increase litigation cost.
- ▶ If not controverted, supports finding of fact and bars conflicting evidence.

- Does NOT conclusively establish amount of damages as a matter of law.
- Not limited to medical services, covers "services" generally.





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First appeared as part of the conference materials for the 2019 Car Crash Seminar session

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