

INTRODUCTION TO THE 2025-2026 EDITION

Texas Practice Guide: Evidence is a practical and comprehensive guide to Texas evidence law. It answers questions that regularly confront judges and litigators. It discusses the Texas Rules of Evidence, other evidentiary statutes, case law, and some secondary authorities. This guide also offers several strategies, tactics, and approaches for handling common evidentiary problems.

As a guide to Texas state law on evidence, this guide focuses on Texas rules and statutes, as well as published Texas cases. At times, unpublished Texas cases and federal resources are cited if they are uniquely helpful to the analysis. In the interest of readability, where the guide cites a case that itself cites another case, only the first citation is provided, unless the second citation is particularly helpful.

New features and recent developments in this 2025-2026 Edition include:

- Updated and reorganized analysis of preserving error. See §§ 1:19-1:38.
- Addition of section regarding the burden of persuasion to prove jurisdiction in the Texas Business Court. See § 3:32.
- Addition of rebuttable presumptions in a suit between a parent and nonparent under Texas Family Code §§ 153.002, 156.008. See § 3:129.
- Reorganization of section on presumptions created or addressed by statute, and addition of relevant statutes. See § 3:175.
- Addition of new section on the confidentiality and admissibility of records and communications from alternative dispute resolution proceedings. See § 4:195.
- Addition of new section on the Texas Legislature's disapproval of Texas Rule of Evidence 412 in favor of Article 38.372 of the Code of Criminal Procedure and the adoption of new Rule 412. See § 4:233.
- Addition of new section on a lead entity serving as a client representative for the Department of Family Protection Services for purposes of the attorney-client privilege. See § 5:64.

- Reorganization of sections on exceptions to the Dead Man's Rule. See §§ 6:21-6:22.
- Updated chapter on offering and excluding evidence for improved readability in the online edition. See Chapter 12.