

Amend CSHB 2850 (house committee printing) as follows:

(1) On page 1, between lines 14 and 15, insert the following:

Sec. 301.003. DRAFT EXPERT REPORTS AND DISCLOSURES PROTECTED. A draft expert report or draft disclosure required under this chapter is protected from discovery, regardless of the form in which the draft is recorded.

(2) On page 7, between lines 18 and 19, insert the following:

Sec. 301.108. EXPERT COMMUNICATIONS PROTECTED. Communications between a party's attorney and a testifying expert witness in an action subject to this chapter are protected from discovery regardless of the form of the communications, except to the extent that the communications:

(1) relate to compensation for the expert's study or testimony;

(2) identify facts or data that the party's attorney provided and that the expert considered in forming the opinions the expert will express; or

(3) identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions the expert will express.