

Practice Information for Practitioners and Pro Se Litigants

The Basics

1. **Court's Address:** Court of Appeals, 5th District, 600 Commerce Street, Suite 200, Dallas, Texas, 75202
2. **Telephone number:** 214-712-3400; 214-745-1083 (fax)
3. **Website address:** www.5th.txcourts.gov
4. **Names of Justices:** Chief Justice Carolyn Wright and Justices Joseph B. Morris, Jim Moseley, David Bridges, Michael J. O'Neill, Kerry P. Fitzgerald, Martin E. Richter, Molly Francis, Douglas S. Lang, Elizabeth Lang-Miers, Mary Murphy, Robert M. Fillmore, and Lana Myers
5. **Chief Clerk:** Lisa Matz
6. **Chief Staff Attorney:** Cliffie Wesson; **Deputy Chief Staff Attorney:** Marilyn Houghtalin
7. **Local Rules:** The Court's local rules are available on its website. The Court also has internal operating rules that are not publicly available.
8. **Jurisdiction:** The Court's jurisdiction includes Dallas (Constitutional seat), Collin, Grayson, Hunt, Rockwall, and Kaufman.

The Ins and Outs Procedure

Procedure	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
Motions (filed in paper form)	One original plus one copy in paper form. Additionally, an electronic copy of the document in text-searchable portable document format (PDF) must be emailed to the Court at ebrief@5th.txcourts.gov and to each party's lead counsel on the same date the original document is filed. (The electronic copy does not constitute a filing.)	The Chief Justice appoints a motions panel that sits for a year. Generally, motions for extension of time are granted by the clerk if filed before the expiration of the deadline and requests are not for more than 30 days. Further motions for extensions of time are referred to the motions panel for consideration.	The motions panel is reconstituted yearly. The Court follows the TRAPs with respect to deciding motions.	Motions are reviewed and decided on a daily basis according to the TRAPs.
Motions (eFiled)	A party may electronically file a document through www.texas.gov/efiling except a document under seal or subject to a motion to seal. No additional paper requirements.	Same as motions filed in paper.	Same as motions filed in paper.	Same as motions filed in paper.

<p>Briefs (filed in paper form)</p>	<p>Rules require one original plus three copies.</p> <p>Additionally, an electronic copy of the document in text-searchable portable document format (PDF) must be emailed to the Court at ebrief@5th.txcourts.gov and to each party's lead counsel on the same date the original document is filed. (The electronic copy does not constitute a filing.)</p> <p>An appendix must be combined into one computer file with the brief.</p> <p>Deadlines follow the TRAPs.</p>		<p>The Court follows TRAP rules on briefs.</p>	<p>A motion for leave must accompany any late brief or any brief other than an appellant's brief, an appellee's brief or a reply brief.</p>
<p>Briefs (eFiled)</p>	<p>A party may electronically file a document through www.texas.gov/efiling except a document under seal or subject to a motion to seal.</p> <p>Additionally, three paper copies of the brief complying with TRAP 9 are required to be filed within one business day of the electronically filed copy.</p>		<p>Same as briefs filed in paper form.</p>	<p>Same as briefs filed in paper form.</p>
<p>Case Assignment</p>		<p>The Court follows an internal rotation schedule for assigning cases. Panels are reconstituted every 9 weeks.</p>	<p>The panel has a formal conference and vote immediately following argument or submission. Panels rarely, but occasionally, meet informally before argument or submission but do not vote at that time.</p>	<p>The Court has never heard a case <i>en banc</i> at the outset. Fewer than 5% of cases are heard <i>en banc</i>. On occasion, the Court will decide to sit <i>en banc</i> without being requested to do so by the parties.</p>

Oral Argument	Follow the TRAPs in requesting oral argument.	The Court typically allows 20 minutes per side, plus an additional 5 minutes for the appellant's rebuttal. The Court allows more time only in extraordinary circumstances and only in response to a written motion.	The Court does not automatically grant requests for argument. The Court makes this decision on a case-by-case basis. Parties find out who is on their panel in a submission notice sent approximately 60 days before the argument.	If only one side requests argument in its brief and the Court grants it, the party that did not previously request argument should do so if it wants to argue.
Voting		Clerks and staff attorneys do not generally participate in conferences or prepare memos for the conferences.	Voting occurs at the formal conference following argument or submission.	
Opinions		Author is usually assigned at the formal conference after submission and is chosen by an internal rotation schedule. The panel decides on a case-by-case basis whether to circulate opinions to the entire Court.	Court does not release opinions on a particular day.	
Motions for Rehearing (filed in paper form)	Original plus one copy. Additionally, an electronic copy of the document in <u>text-searchable portable document format (PDF)</u> must be emailed to the Court at ebrief@5th.txcourts.gov and to each party's lead counsel on the same date the original document is filed. (The electronic copy does not constitute a filing.)	Motions for rehearing (and en banc) are initially circulated to author; author makes recommendation; then it is circulated to other members of the panel. Motions for rehearing en banc are also circulated to the Chief Justice for review. The Court occasionally grants rehearing on its own motion.		

Motions for Rehearing (eFiled)	A party may electronically file a document through www.texas.gov/efiling except a document under seal or subject to a motion to seal. No additional paper requirements	Same as motions for rehearing filed in paper form.		
Original Proceedings (filed in paper form)	The rules require one original plus three copies. Additionally, an electronic copy of the document in text-searchable portable document format (PDF) must be emailed to the Court at ebrief@5th.txcourts.gov and to each party's lead counsel on the same date the original document is filed. (The electronic copy does not constitute a filing.)	There is an original proceedings panel that changes monthly pursuant to an internal rotation schedule.	Original proceedings are reviewed immediately, whether or not emergency relief is requested.	Original proceedings are set for oral argument only in extraordinary circumstances. Local Rule 9 requires that Relator note on the cover of the petition if temporary relief is requested.
Original Proceedings (eFiled)	A party may electronically file a document through www.texas.gov/efiling except a document under seal or subject to a motion to seal. No additional paper requirements.	Same as original proceedings filed in paper form.	Same as original proceedings filed in paper form.	Same as original proceedings filed in paper form.

Technology

1. Effective December 1, 2010, court reporters are required to electronically file all records.
2. Effective December 1, 2010, district and county clerks may file records electronically.
3. Effective May 2, 2011, the parties may file electronic documents via www.texas.gov/efiling.
4. The Court has Westlaw, WestNext, and Lexis for research. The Court uses Adobe Acrobat X Pro for viewing electronic files.
5. The Court records oral argument. Selected recordings are available on the Court's website.
6. The Court distributes opinions electronically via vNotices on its website. Additionally, Court orders and opinions in original proceedings and in certain appeals are emailed immediately to the parties upon issuance.

Briefs

1. The Court prefers that parties provide copies of out of state cases in their briefs.
2. The Court has no preference with respect to United States Supreme Court cites.

Appellate Mediation

1. The Court has a program for appellate mediation.
2. Parties have to complete ADR section of docketing statement.
3. The chief staff attorney and select justices oversee the mediation program.
4. If someone needs to contact the Court about mediation, they must go through the clerk.
5. The Court encourages parties to select their own mediator, but will assign mediators based on a roster maintained by the Court.

Pro Bono Program

The Fifth Court of Appeals in conjunction with the State Bar of Texas Appellate Section Pro Bono Committee and local Bar Associations is conducting a program to place a limited number of civil appeals with appellate counsel who will represent the appellant in the appeal before this Court.

The Pro Bono Committee is solely responsible for screening and selecting the civil cases for inclusion in the Program based upon a number of discretionary criteria, including the financial means of the appellate or appellee. If a case is selected by the Committee, and can be matched with appellate counsel, that counsel will take over representation of the appellant or appellee without charging legal fees. More information regarding this program can be found in the *Pro Bono Program Pamphlet* available in paper form at the Clerk's Office or on the Internet at <http://www.tex-app.org/probono.php>. If a case is selected and matched with a volunteer, the Pro Bono Committee will notify the party within 30 – 45 days after submitting the docketing statement.

Fees

1. Appeal: \$175
2. Original Proceeding: \$125
3. Motions: \$10
4. Motions for Rehearing: \$15
5. Response to Motion: None
6. Exhibits tendered for oral argument: \$25
7. Electronic filing fees are determined by third-party vendors. See www.texas.gov/efiling for additional information.

Miscellaneous

1. Local Rule 3 provides procedures for electronic and fax filings.
2. Retired justices approved by the Supreme Court are utilized on an as needed basis as visiting justices.
3. Absent prior leave of Court, no electronic devices may be used in the courtroom. Cellular telephones must be turned off before entering the courtroom.