



## Court of Appeals Eleventh District of Texas

100 WEST MAIN STREET, SUITE 300  
P. O. BOX 271  
EASTLAND, TEXAS 76448

**JIM R. WRIGHT**  
CHIEF JUSTICE

**TERRY MCCALL**  
JUSTICE

**RICK STRANGE**  
JUSTICE

**SHERRY WILLIAMSON**  
CLERK

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*In 2004, the Appellate Section of the State Bar of Texas and the Courts of Appeals worked together to identify key information needed by appellate attorneys and pro se litigants to practice effectively before the court. To assist the court in this effort, the Appellate Section collected and formatted the relevant information and published it in the Appellate Advocate in February 2005. This information was updated in March 2007 and the court intends to keep the information current for the use of persons with matters before the court.*

### **Internal Operating Procedures - Eleventh District Court of Appeals** **(Eastland) (August 2007)**

#### **The Basics**

1. Court's Address: Physical Address: Eastland County Courthouse, 100 W. Main, Suite 300, Eastland, Texas 76448; Mailing Address: P.O. Box 271, Eastland, Texas 76448
2. Telephone number: Phone: (254) 629-2638, Fax: (254) 629-2191
3. Website address: <http://www.11thcoa.courts.state.tx.us>
4. Names of Justices: Jim R. Wright (C.J.), Terry McCall, and Rick Strange.
5. Clerk of the Court: Sherry Williamson
6. Staff Attorney: Nancy Nutto Hughes
7. Local Rules: Court does not have local rules. Variance from the Texas Rules of Appellate Procedure is discouraged.

#### **The Ins and Outs**

<b>PROCEDURE</b>	<b>WHAT AND HOW TO FILE</b>	<b>HOW HANDLED</b>	<b>COURT'S PARTICULAR PRACTICES</b>	<b>SPECIAL NOTES</b>
<b>Motions</b>	Original plus 2 copies.	Motions are decided by the court. The clerks do not handle any motions.	The disposition process is usually handled quickly if the motion is agreed. If the motion is not agreed, the court waits 10 days for a response. A first motion for extension of time is usually granted if reasonable. Any subsequent motions for extension of time are handled on a case-by-case basis.	Rulings on motions are handed down on Thursdays at 9:00a.m.
<b>Briefs</b>	Original plus 7 copies.	The appellant must file a brief within 30 days—20 days in an accelerated appeal—after the later of: (1) the date the clerk's record was filed; or (2) the date	Court follows TRAP rules on briefs.	A petition or brief should have durable front and back covers,

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
		<p>the reporter's record was filed. TRAP 38.6(a).</p> <p>The appellee's brief must be filed within 30 days—20 days in an accelerated appeal—after the date the appellant's brief was filed. If the appellant has not filed a brief as provided in TRAP 38.6(a), an appellee may file a brief within 30 days—20 days in an accelerated appeal—after the date the appellant's brief was due. TRAP 38.6(b).</p> <p>A reply brief, if any, must be filed within 20 days after the date the appellee's brief was filed. TRAP 38.6(c).</p>		<p>which shall not be plastic or black, red or dark blue. TRAP 9.4(f).</p> <p>Use of multiple fonts in the body of a brief is discouraged.</p>
<b>Oral Argument</b>	Request oral argument on cover of the brief.	<p>In civil cases, the court grants 20 minutes per side; rebuttal is 5 minutes. In criminal cases, the court grants 15 minutes per side, with 5 minutes for rebuttal.</p> <p>Court sometimes allots more time upon request.</p>	<p>Court usually grants oral argument if requested. Judge and staff attorney review the case. TEX.R.CIV.APP. 39.1. 39.8. If it is determined that "oral argument would not significantly aid the court in determining the legal and factual issues presented in the appeal," argument is denied. The court will entertain objections to that decision.</p>	<p>Judges meet before and after argument/submission. Clerks and staff attorneys sometimes participate in conferences, but do not usually prepare memos for the conferences.</p>
<b>Voting</b>			<p>There is no formal voting. Judges discuss cases.</p>	
<b>Opinions</b>		<p>The court does not have internal guidelines concerning the time in which an opinion is drafted.</p>	<p>Author is assigned randomly prior to submission.</p>	<p>Court normally releases its opinions on Thursdays.</p>
<b>Motions for Rehearing</b>	Original plus 2 copies.	<p>Motions for rehearing are initially circulated to the author, who considers the motion and makes a recommendation. The court does not typically grant oral argument on a motion for rehearing.</p>		
<b>Original Proceedings</b>	Original plus 7 copies.	<p>Original proceedings are circulated when filed. Emergency relief will be granted when the justices agree it is necessary.</p>	<p>If emergency relief is requested, it is circulated immediately and dealt with ASAP. If there is no motion for emergency relief, it is addressed as soon as possible.</p>	

## **Technology**

1. Court subscribes to both Westlaw and Lexis.
2. Court does not have a preference with respect to United States Supreme Court cites.
3. Court has not received briefs or records on CD-ROMs.
4. Court prefers that parties provide copies of out of state cases. See TRAP 38.1(j).
5. Court does not accept filing by fax or electronic filings.
6. Court does not distribute its orders electronically.
7. Court does not record oral arguments.

## **Appellate Mediation**

1. Court does not have a program for appellate mediation, but the court is looking at procedures used by other intermediate courts to be applied on a case-by-case basis.

## **Fees**

1. Appeal: \$175
2. Original Proceeding: \$125
3. Motions for rehearing: \$15
4. All other Motions: \$10
5. Response to Motions: \$10
6. The court's web site has a current list of filing fees. See also Tex. Gov't Code §51.207(b) & (c).

## **Miscellaneous**

1. If a Justice recuses himself/herself, or if the court is not fully staffed on a case, the court notifies the parties. TRAP 16 & 17.
2. There is no typical method for a party to file its brief after hours. In exceptional situations, arrangements can be made with the clerk's office.
3. The court does use visiting judges, as budget permits.
4. Approximately 80% of the court's decisions are memorandum opinions.