



# Court of Appeals

## Fourteenth District of Texas

1307 San Jacinto, 11th Floor

Houston, Texas 77002

(713) 655-2800

*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 December 2008 and the court intends to keep the information current for the use of persons with matters before the court.*

### Internal Operating Procedures of the Fourteenth Court of Appeals

#### The Basics

1. Court's Address: 1307 San Jacinto, 11<sup>th</sup> Floor, Houston, Texas 77002
2. Telephone number: Phone (713)655-2800, Fax: (713) 650-8550
3. Website address: <http://www.14thcoa.courts.state.tx.us>
4. Justices: Adele Hedges (C.J.), Leslie Brock Yates, John S. Anderson, Kem Thompson Frost, Charles W. Seymore, Eva M. Guzman, Jeff Brown, William J. Boyce, and Kent C. Sullivan.
5. Chief Staff Attorney: Nina Indelicato
6. Clerk of the Court: Christopher A. Prine
7. Local Rules: Local Rules Governing Electronic Records and Documents, and Relating to Assignment of Related Cases to and Transfers of Related Cases Between the First and Fourteenth Courts of Appeals. The other internal operating procedures of the Court are confidential.
8. Counties in District: The 1<sup>st</sup> and 14<sup>th</sup> Courts have concurrent jurisdiction over cases from Harris and 9 other counties: Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Waller, and Washington. The trial court clerk randomly assigns each appeal, with one exception: cases in which a related matter has previously been heard by a particular court are assigned to that court.

#### The Ins and Outs

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
Motions	Original plus 2 copies.	Motions are ruled on by the panel to which the case is assigned. Cases are assigned to one of three panels when filed. On agreed motions, the certificate of conference can expedite the ruling on the motion. Motions will be held for 10 days unless a certificate of	The court generally grants a first motion for extension of time for up to 30 days to file a brief. Further requests for extensions to file a brief will be considered on a case-by-case basis.	As a general rule, motion rulings and orders issue on Thursdays.

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		conference shows the motion is unopposed, it is an emergency, or it requests an extension of time to file a brief.		
<b>Briefs</b>	Original plus 5 copies.		The Court follows the Texas Rules of Appellate Procedure.	
<b>Case Assignment</b>	Pursuant to the Court's Local Rules, when a notice of appeal is filed, it must contain a statement indicating whether a related appeal or original proceeding has been previously filed in either the First or Fourteenth Court of Appeals. The notice must provide the related case's caption and cause numbers.	Panels are reconstituted three times per year (at the first of April, August, and December) according to a random matrix. The Chief Justice always presides over A Panel. The most senior justice selected for each of the other panels will preside over that panel. A random draw several weeks before submission determines authorship of each case.	The justices and legal staff of each panel read briefs, review the records, and discuss the cases at pre-submission and post-submission conference.	En banc consideration is rare.
<b>Oral Argument</b>	A request for oral argument must be noted on the front cover of the party's brief. A party's failure to make this request on the front cover waives the right to argue. If the request is inadvertently omitted, it is proper to file a motion requesting argument promptly after discovering the omission. Late requests are not favored.	The Court grants 15 minutes per side, and appellant may reserve time for rebuttal. Requests to modify the time permitted for argument should be made before the day of argument. Parties are notified of the justices on the panel when a submission notice letter is mailed about 30 days before argument.	The Court grants oral argument under the guidelines of Tex. R. App. P. 39.	
<b>Voting</b>			The court's deliberative process is confidential.	Opinions and motions are circulated electronically for voting by the justices.
<b>Opinions</b>		The Court has undisclosed internal guidelines with deadlines for drafting and circulation opinions. The authoring judge circulates an opinion only to the other members of the panel.	Except for emergency matters, the court issues opinions on Tuesday and Thursdays.	

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<b>Motions for Rehearing</b>	Original plus 2 copies. Motions for rehearing en banc require an original plus 11 copies.	Motions are circulated to the entire panel and voted on by the individual panel members. It is rare for the court to grant a rehearing without being requested by the parties. When they do so, it is generally under the Tex. Rule of App. P. 50 permitting reconsideration and modification of criminal opinions 30 days after PDR is filed.	En banc consideration is not favored. The justices on the court carefully apply the standard in Rule 41.2(c), which limits en banc consideration to cases where extraordinary circumstances or conflicts exist. The justices on the original panel first consider the en banc motion. Their vote is reported to the rest of justices who then consider the motion. If any justice calls for a vote, the entire court votes on rehearing.	
<b>Original Proceedings</b>	When an original proceeding is filed, the court's local rules require that a notice must be filed indicating whether a related appeal or original proceeding has been previously filed in either the First or Fourteenth Courts of Appeals. The notice must provide the related case's caption and cause numbers. Rule 9.3 requires an original and 3 copies of all documents (except the record) in an original proceeding. The court prefers, however, to receive an original and 4 copies.	The First and Fourteenth Courts of Appeals have concurrent habeas and mandamus jurisdiction. Petitions are docketed in a single book and assigned on a rotation basis. If however, one court had a related matter, the proceeding will be assigned to the court that had that related matter. See Local Rules for the Fourteenth District Court of Appeals, Houston, Relating to Assignment of Related Cases to and Transfers of Cases Between the First and Fourteenth Court of Appeals. Misc. Docket No. 06-9158 (Tex. Dec. 7, 2006).	The Court reviews requests for emergency relief immediately. The Court's staff reviews petitions when they are filed. All original proceedings are given expedited consideration.	The panel assigned an original proceeding will determine whether to hear oral argument based on the particular issues presented. The Court may grant mandamus relief without oral argument.

## Technology

1. The Court uses Westlaw primarily, and to some extent, Lexis. The Court has Supreme Court Reporters, but not U.S Reporters. Providing citations to the Supreme Court Reporter is helpful.
2. The Court has received briefs or records on CD-Rom and has found them helpful. The Court does not have the capability to accept electronic filings at this time, but e-filing procedures are being developed. The Court is in the process of promulgating procedures to implement the electronic filing of the record as well.
3. The court has access to the Law Library at South Texas College of Law, but appreciates it if the parties provide copies of out of state cases.

4. The Court accepts motions by fax. The filing party must, however, file an original and 2 copies at the earliest opportunity (usually the next day), and indicate that the motion was previously faxed. As long as the filing fee is promptly paid, the motion will be deemed filed as of the date the fax is received. The Court does not accept fax filing of briefs.
5. The Court does not distribute its orders electronically at this time.
6. The Court does not record oral arguments.

**Appellate Mediation**

1. The Court has a program for appellate mediation.
2. Parties are ordered to mediation if the court determines the case is appropriate for mediation or the parties agree. If mediation is ordered, the appeal process is stayed for 60 days, or longer if an extension is granted. Parties are entitled to object to a mediation order within 10 days of the date of the order.
3. When a civil appeal is filed, the parties are notified that the appellant should complete and file a docketing statement, which includes a mediation section, and appellee should complete and file a one-page mediation docketing statement, both within 15 days of the date the case is docketed. The parties are informed that failure to comply will be deemed as an affirmative response to mediation by the non-filing party. A case may be dismissed or sanctions imposed for failure to comply with the court’s mediation orders.
4. The three central staff attorneys monitor the cases assigned to their panels, including the mediation process.
5. When a case is ordered to mediation, the parties are to agree on a mediator within 10 days of the order, or within 10 days of the overruling of an objection, if one is filed.
6. If the parties are unable to agree, they must each submit the names of two acceptable mediators, and the court will randomly select a mediator.

**Fees**

1. Appeals: \$175
2. Original Proceedings: \$125
3. Motions: \$ 10
4. Motions for rehearing: \$15
5. Standard Paper Copy of Document without Certificate or Seal:

1 - 50 pages..... \$ .10 per page  
over 50 pages.....\$ .50 per page

(In accordance with the guidelines as provided by Tex. Gov't Code §51.207, §51.208, and §51.941Tex. Admin Code §70.3)

6. Certified Copies: \$1.00 per page for the first five pages (\$5.00 minimum) and one dollar per page for each additional page.

**Miscellaneous**

1. At the convenience of the Constables, the Court maintains a “drop box” in the lobby of the Court of Appeals building for after-hours filing as a courtesy to practitioners. Documents placed in the drop box between 5:00 and 6:00 p.m. are considered timely filed/received for that day.
2. The Court occasionally utilizes the services of visiting judges.
3. The Court estimates that approximately 70% of its opinions are memorandum opinions.