



Court of Appeals Fourteenth District of Texas

301 Fannin, Room 245
Houston, Texas 77002
(713) 274-2800

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 June 2011 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: 301 Fannin, Room 245, Houston, Texas 77002
2. Telephone number: Phone (713) 274-2800
3. Website address: <http://www.14thcoa.courts.state.tx.us>
4. Justices: Adele Hedges (C.J.), John S. Anderson, Kem Thompson Frost, Charles W. Seymore, Jeffrey V. Brown, William J. Boyce, Tracy Christopher, Martha Hill Jamison, and Sharon McCally.
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 1st and 14th 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
E-Filing	<p>Effective January 1, 2012, <u>all attorneys in civil cases</u> are required to file all documents (except a document submitted under seal or subject to a motion to seal) with the Court through the Texas.gov electronic filing system. Persons not represented by an attorney in a civil case or any party to a criminal proceeding may e-file documents, but e-filing is not required.</p> <p>Visit http://www.texas.gov/en/tx-efiling/Pages/default.aspx for a direct link to Texas.gov.</p>	<p>A filer who e-file a brief should consult the Redaction Guidelines found on the Supreme Court's website.</p>	<p>A filer who e-files a document must comply with Local Rule 4. ELECTRONIC FILING OF DOCUMENTS.</p> <p>Local Rule 4(h) also governs the number of paper copies required when a document is filed in a paper format.</p>	<p>An e-filed document must include the e-filer's email address, in addition to any other information required by the Texas Rules of Appellate Procedure.</p>
Motions	<p>If not e-filed, original plus 1 copy required when filed in paper format.</p>	<p>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.</p>	<p>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.</p>	<p>As a general rule, motion rulings and orders issue on Thursdays.</p>

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		<p>Motions will be held for 10 days unless a certificate of conference shows the motion is unopposed, it is an emergency, or it requests an extension of time to file a brief.</p>		
Briefs	<p>If not e-filed, original plus 1 copy when filed in paper format.</p>		<p>The Court follows the Texas Rules of Appellate Procedure.</p>	
Case Assignment	<p>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.</p>	<p>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.</p>	<p>The justices and legal staff of each panel read briefs, review the records, and discuss the cases at pre-submission and post-submission conference.</p>	<p>En banc consideration is rare.</p>
Oral Argument	<p>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</p>	<p>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</p>	<p>The Court grants oral argument under the guidelines of Tex. R. App. P. 39.</p>	

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	omitted, it is proper to file a motion requesting argument promptly after discovering the omission. Late requests are not favored.	submission notice letter is mailed about 30 days before argument.		
Voting			The court's deliberative process is confidential.	Opinions and motions are circulated electronically for voting by the justices.
Opinions		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.	
Motions for Rehearing	If not e-filed, original plus 1 copy when filed in paper format. May also be e-Filed. Motions for rehearing en banc require an original plus 1 copy when filed in paper format.	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 60 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.	

<p>Original Proceedings</p>	<p>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. If not e-filed, the court prefers, however, to receive an original and 1 copy when filed in paper format</p>	<p>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).</p>	<p>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.</p>	<p>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.</p>
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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 no longer accepts motions filed by fax. For a motion that needs immediate consideration, parties should file motions through Texas.gov, the portal established by the Texas Legislature.

3. The court has access to the Harris County Law Library, but appreciates it if the parties provide copies of out of state cases.
4. The Court distribute its orders and opinions electronically on its website.
5. The Court records 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 is abated 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.

Fees

1. Appeals: \$175
2. Original Proceedings: \$125
3. Motions: \$ 10
4. Motions for rehearing: \$15
5. DVD Copies of Oral Argument: \$25
6. Standard Paper Copy of Document without Certificate or Seal:

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

A \$25 fee is required in advance for retrieval of cases kept in off-site storage.

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

7. 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. As of June 6, 2011, after-hours filing will no longer be available through the "drop-box" in the lobby of the Court of Appeals building. After hours filing is available through [electronic filing](#) (e-file). A party may e-file any document that may be filed with the court in paper form, except a document under seal or subject to a motion to seal. Documents e-filed by a party electronically with the Fourteenth Court of Appeals

must conform to [Local Rule 4](#) of this Court's Local Rules. Visit the court's website and <http://www.texas.gov/en/tx-efiling/Pages/default.aspx> to learn more..

2. The Court occasionally utilizes the services of visiting judges.
3. The Court estimates that approximately 70% of its opinions are memorandum opinions.

