

Supreme Court of Texas

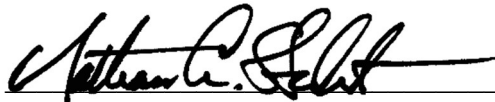
Misc. Docket No. 22-9089

Preliminary Approval of Amendments to Texas Rule of Appellate Procedure 39.7

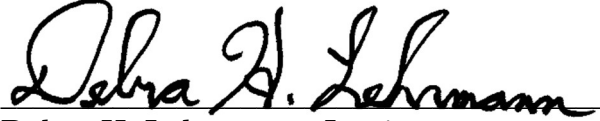
ORDERED that:

1. The Court invites public comments on the proposed amendments to Texas Rule of Appellate Procedure 39.7 set forth in this Order.
2. Comments should be submitted in writing to rulescomments@txcourts.gov by January 1, 2023.
3. The Court will issue an order finalizing the amendments after the close of the comment period. The Court may change the amendments in response to public comments. The Court expects the final amendments to take effect on February 1, 2023.
4. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

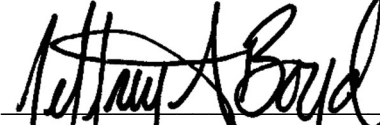
Dated: September 30, 2022.



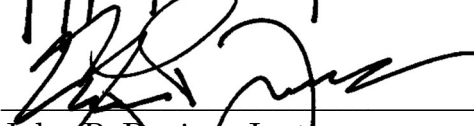
Nathan L. Hecht, Chief Justice



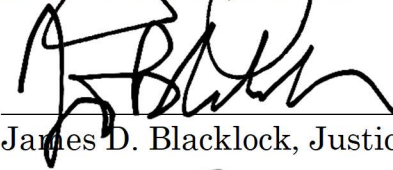
Debra H. Lehrmann, Justice



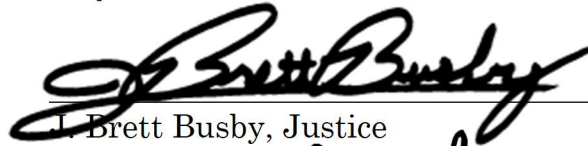
Jeffrey S. Boyd, Justice



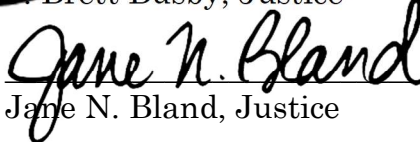
John P. Devine, Justice



James D. Blacklock, Justice



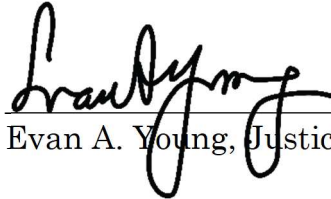
Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

Court of Criminal Appeals of Texas

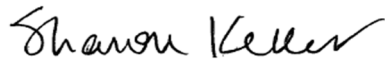
Misc. Docket No. 22-007

Preliminary Approval of Amendments to Texas Rule of Appellate Procedure 39.7

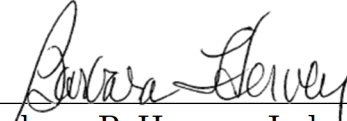
ORDERED that:

1. The Court invites public comments on the proposed amendments to Texas Rule of Appellate Procedure 39.7 set forth in this Order.
2. Any person may submit written comments to the Court of Criminal Appeals by January 1, 2023 at txccarulescomments@txcourt.gov or by mail to the Clerk of the Court of Criminal Appeals at P.O. Box 12308, Austin, Texas 78711.
3. The Court will issue an order finalizing the amendments after the close of the comment period. The Court may change the amendments in response to public comments. The Court expects the final amendments to take effect on February 1, 2023.
4. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

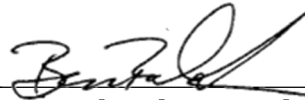
Dated: October 4, 2022.



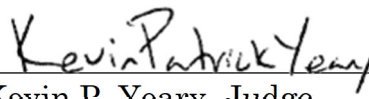
Sharon Keller, Presiding Judge



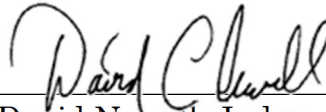
Barbara P. Hervey, Judge



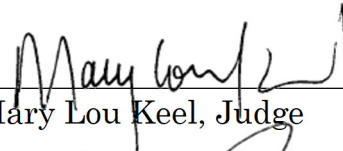
Bert Richardson, Judge



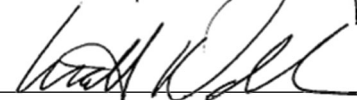
Kevin P. Yeary, Judge



David Newell, Judge



Mary Lou Keel, Judge



Scott Walker, Judge



Michelle Slaughter, Judge



Jesse F. McClure, Judge

Texas Rules of Appellate Procedure

Rule 39. Oral Argument; Decision Without Argument (Redline Version)

39.7. Request ~~and Waiver~~

A party desiring oral argument must note that request on the front cover of the party's brief. ~~A party's failure to request oral argument waives the party's right to argue. If the court sets the case for oral argument, then all parties that filed a brief are entitled to participate in the oral argument, even if a party did not request oral argument on the cover of the party's brief. But even if a party has waived oral argument,~~ the court may direct the party that has not requested argument to appear and argue.

Rule 39. Oral Argument; Decision Without Argument (Clean Version)

39.7. Request

A party desiring oral argument must note that request on the front cover of the party's brief. If the court sets the case for oral argument, then all parties that filed a brief are entitled to participate in the oral argument, even if a party did not request oral argument on the cover of the party's brief. The court may direct a party that has not requested argument to appear and argue.
