

IN THE SUPREME COURT OF TEXAS

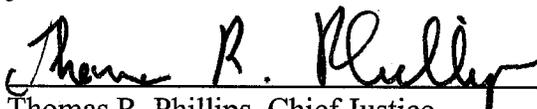
Misc. Docket No. 04- **9170**

**APPROVAL OF AMENDMENTS TO THE LOCAL RULES
FOR THE SECOND DISTRICT COURT OF APPEALS**

ORDERED that:

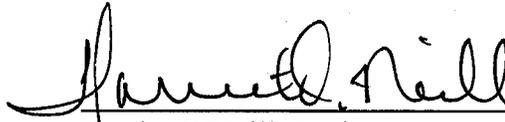
Pursuant to Texas Rule of Civil Procedure 3, the following Amendments to the Local Rules for the Second District Court of Appeals are approved.

In Chambers, this 17 day of Aug, 2004.

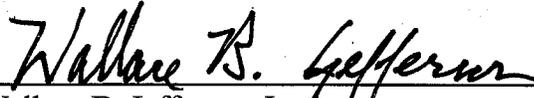

Thomas R. Phillips, Chief Justice


Nathan L. Hecht, Justice


Priscilla R. Owen, Justice



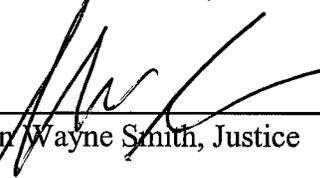
Harriet O'Neill, Justice



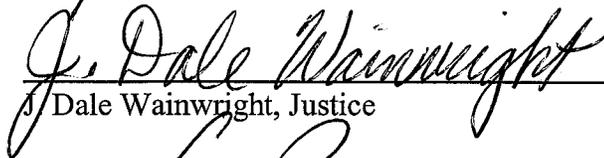
Wallace B. Jefferson, Justice



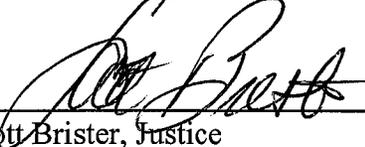
Michael H. Schneider, Justice



Steven Wayne Smith, Justice



J. Dale Wainwright, Justice



Scott Brister, Justice



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS**

**CHIEF JUSTICE
JOHN CAYCE**

**JUSTICES
SAM DAY
TERRIE LIVINGSTON
LEE ANN DAUPHINOT
DIXON W. HOLMAN
ANNE GARDNER
SUE WALKER**

**TARRANT COUNTY JUSTICE CENTER
401 W. BELKNAP, SUITE 9000
FORT WORTH, TEXAS 76196**

TEL: (817) 884-1900

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**CLERK
STEPHANIE LAVAKE**

**CHIEF DEPUTY CLERK
DEBRA SPISAK**

**CHIEF STAFF ATTORNEY
JANETTE THOMPSON**

**AMENDMENTS TO SECOND COURT OF APPEALS
LOCAL RULES
(EFFECTIVE JANUARY 5, 2001)**

RULE 5. WITHDRAWAL OF RECORD ON APPEAL

In addition to the conditions contained in Rule 12.4 of the Texas Rules of Appellate Procedure, the clerk may permit the record or file item to be taken from the clerk's office on the following conditions:

A. Civil cases. In civil cases, attorneys may check out the record from the clerk at any time up to three days before the date on which the case is scheduled to be submitted to the court. After that time, attorneys may not check out the court of appeals' record except on the leave of the court. An attorney who checks out the record shall return it promptly to the clerk on demand. Pro se parties may inspect the record only on the premises of this court.

B. Criminal cases. In criminal cases, the court will not allow the record to be checked out. Records must be checked out through the district clerk's office or county clerk's office in the county from which the appeal arose.

RULE 6. FAX FILING OF DOCUMENTS

A. By the Court. Except as specifically required by the Texas Rules of Appellate Procedure, any notices issued by the clerk of the court or any orders issued by the court may be made by fax, at the discretion of the court. Fax notification shall be made to the fax number provided by the attorney of record for each party to the appeal.

B. By the Parties.

(1) Permissible Fax Filings. In accordance with Rule 9.2(c) of the Texas Rules of Appellate Procedure, the clerk will accept for filing any document that is a total of ten transmitted pages or less, excluding the cover sheet. Documents may faxed to the court (fax number: 817-884-1932) both during and after normal working hours, but documents received after 4:45 p.m. will be considered filed the next day the court is open to the public.

(2) Cover Sheet. A cover sheet shall accompany all documents transmitted by fax and shall clearly identify: 1) the name, address, telephone number, and fax number of the sender; 2) the name of the party the sender represents; 3) the document being transmitted; 4) the cause number; 5) the number of pages being transmitted; 6) and the name of the clerk or deputy clerk, if any, to whose attention the document is directed.

(3) Receipt of Transmission. The quality of the original shall be clear and dark enough to be transmitted legibly by fax. The clerk will not be responsible for events that disrupt, impair, or render impossible the receipt of documents transmitted by fax. The sender is obligated to ensure that documents transmitted by fax have been received legibly and completely by the clerk. Although the clerk's office will verify by telephone that a document has been received legibly and completely, it will not initiate the telephone call. If a document transmitted by fax is not complete or is otherwise illegible, the clerk will nonetheless file it and bring it to the attention of the court. However, the incompleteness or illegibility of a document may be grounds for striking or denying a motion.

(5) Service on Parties. The party transmitting a document by fax must serve a copy of the document on all parties to the appeal by fax or other expedited means.

(6) Fees. The sender must deposit any applicable fees in the U.S. mail on the day the fax is transmitted. Failure of the clerk to receive the fees within seven days after the day the fax is filed may result in the striking of the filing transmitted by fax.

(7) Signature on Original. The sender shall maintain the original of any document transmitted by fax, with the original signature affixed, as required by section 51.806 of the Texas Government Code.

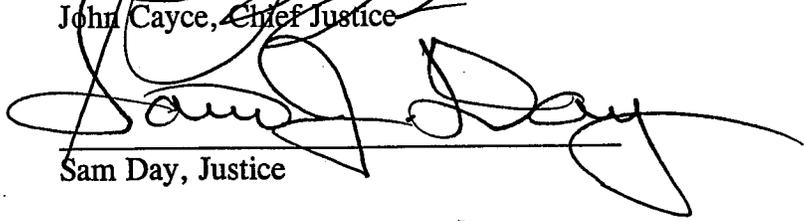
RULE 7. ALTERNATIVE DISPUTE RESOLUTION

On a party's motion, or on the court's own initiative, the court may refer a civil case to alternative dispute resolution.

Signed this 5th day of January, 2001.



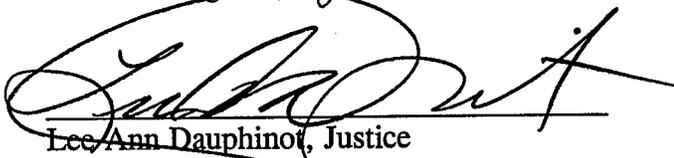
John Cayce, Chief Justice



Sam Day, Justice



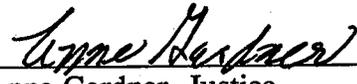
Terrie Livingston, Justice



Lee Ann Dauphinot, Justice



Dixon W. Holman, Justice



Anne Gardner, Justice



Sue Walker, Justice