

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 97- 9134

FINAL APPROVAL OF REVISIONS TO THE TEXAS RULES OF APPELLATE PROCEDURE

ORDERED that:

1. The Texas Rules of Appellate Procedure, amended by Order of March 20, 1997, and now changed after public comments, as affecting civil cases, are those attached. The format and style of these amended rules are part of the official promulgation.

2. These amended rules take effect September 1, 1997, and apply fully to any appeal perfected on or after that date and any proceeding initiated in an appellate court on or after that date. Beginning September 1, 1997, no application to the Supreme Court for writ of error may be filed except a successive application under former Appellate Rule 130(c).

3. If the initial brief, petition, or application is filed before September 1, 1997, all other briefs in that case in that court may comply with the former rules in all respects, including format and timetables, but if the initial brief, petition, or application is filed on or after September 1, 1997, that filing, and all other filings in that case in that court, must comply with these amended rules.

4. In an appeal perfected before September 1, 1997, any cross-appeal may be brought in accordance with either the rules and law in effect before that date or these amended rules.

5. Beginning September 1, 1997, no case can be disposed of or issue decided on the grounds that the record was not timely filed, before or after that date, except under these amended rules.

6. Appellate Rule 49.9 applies only to a petition for review and not to an application to the Supreme Court for writ of error.

7. Except as provided in paragraph 3, the timeliness of an act done on or after September 1, 1997, must be determined under these amended rules unless it was determined untimely by written order before September 1, 1997.

8. To facilitate the complete transition to these amended rules and to further the resolution of appeals on the merits, the courts of appeals are authorized and directed to suspend these amended rules in a particular case as necessary and as provided in Appellate Rule 2.

9. The notes and comments appended to these amended rules are incomplete, are included only for the convenience of the bench and bar, and are not a part of the rules.

10. The Clerk is directed to file an original of this Order with the Secretary of State forthwith, and to 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*.

SIGNED AND ENTERED this 15th day of August, 1997.

Thomas R. Phillips
Thomas R. Phillips, Chief Justice

Raul A. Gonzalez
Raul A. Gonzalez, Justice

Nathan L. Hecht
Nathan L. Hecht, Justice

John Corryn
John Corryn, Justice

Craig T. Enoch
Craig T. Enoch, Justice

Rose Spector
Rose Spector, Justice

Priscilla R. Owen
Priscilla R. Owen, Justice

James A. Baker
James A. Baker, Justice

Greg Abbott
Greg Abbott, Justice



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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CLERK
JOHN T. ADAMS

JUSTICES
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NATHAN L. HECHT
JOHN CORNYN
CRAIG ENOCH
ROSE SPECTOR
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

September 25, 1997

Office of the Secretary of State
Statutory Filings Division
1019 Brazos Street
Austin, Texas 78701

Please find enclosed, a copies of Misc. Docket No. 97-9134, Misc. Docket No. 97-9145 and Misc. Docket No. 97-9159, pertaining to Texas Rules of Appellate Procedure. Also enclosed is a copy of Misc. Docket No. 97-9139, pertaining to the Rules of Civil Procedure.

Originals of 97-9134 and 97-9139 are not yet available and will be forwarded as soon as possible. In the interim, please accept these certified copies.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.



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JUSTICES
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CLERK
JOHN T. ADAMS

EXECUTIVE ASST
WILLIAM L. WILLIS

ADMINISTRATIVE ASST
NADINE SCHNEIDER

August 15, 1997

Mr. Antonio Alvarado
Executive Director
State Bar of Texas
1414 Colorado Street
Austin, Texas 78701

Dear Mr. Alvarado,

Please find enclosed, a copy of an order of the Supreme Court of Texas of this date. Per this order, a copy is to be published as soon as possible in the Texas Bar Journal. You may contact the undersigned if there are any questions in this matter.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Ms. Kelley Jones