

Fifth District Court of Appeals (Dallas)

The Basics

1. Court's Address: Court of Appeals, Fifth District, 600 Commerce Street, Suite 200, Dallas, Texas, 75202-4658
2. Telephone number: 214-712-3400 (main)
3. Website address: www.eFileTexas.gov
4. Names of Justices: Chief Justice Carolyn Wright, and Justices David Bridges, Molly Francis, Douglas S. Lang, Elizabeth Lang-Miers, Robert M. Fillmore, Lana Myers, David Evans, David Lewis, Ada Brown, Craig Stoddart, Bill Whitehill, and David Schenck
5. Chief Clerk: Lisa Matz
6. General Counsel: Cliffie Wesson; Deputy Chief Staff Attorney: Marilyn Houghtalin.
7. Local Rules: The Court's local rules are available on its website. The Court also has internal operating rules that are not publicly available.
8. Jurisdiction: The Court's jurisdiction includes Dallas (Constitutional seat), Collin, Grayson, Hunt*, Rockwall, and Kaufman.¹

The Ins and Outs

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
E-Filing	<p>Attorneys in civil and criminal cases must file text-searchable documents electronically through www.eFileTexas.gov except a document under seal or subject to a motion to seal.</p> <p>The name of the electronic document must be under 60 characters.</p> <p>Pro se filers have the option to efile or file a paper copy.</p>	All efiled documents must conform to TRAP 9.2.		
Sealed or subject to a pending motion to seal	See TRAP 9.2(c)(3), documents filed under seal, subject to a pending motion to seal, or to which access is otherwise restricted by law or court order <u>must not</u> be electronically filed.	File two sealed paper (one original and one copy) documents.		

* Assigned to more than one appellate district. See Rule of Judicial Administration 15 (Appeals from Trial Courts in Counties Assigned to Multiple Appellate Districts).

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Record	<p>All trial Court clerks and reporters are required to file all clerk's records and reporter's records in electronic form. However, the Court still receives a few paper records from clerks in smaller counties.</p> <p>Judges and their chambers work on records in electronic format. If the clerk's office receives a paper record, the Court will scan it in electronic format.</p>	<p>See TRAP 28.4 for any special record requirements in particular cases.</p> <p>Sealed Records: the attorney of record must come to the court and show their identification. Once the clerk verifies they are the attorney of record, the record will be checked out to the attorney.</p>	<p>To obtain a copy of the electronic record, attorneys of record may come to the Court, send someone to the Court, or request a copy of the electronic record by mail. The Court will give a copy of the record to the attorney or the attorney's representative free of charge as long as the record is not sealed. The Court does not email records because of the size of the records and the limitations of email.</p>	
Docketing Statements	<p>The docketing statement can be electronically filed.</p>	<p>A docketing statement form available on the Court's website can be filled out. However, After completing the form, in order to create a PDF suitable for electronic filing you must use the Print to PDF feature that is explained on the Court's website.</p>	<p>Parties must complete ADR section of docketing statement.</p>	
Motions	<p>Attorneys in civil and criminal cases must file text-searchable documents electronically through www.eFileTexas.gov except a document under seal or subject to a motion to seal.</p> <p>The name of the electronic document must be under 60 characters.</p> <p>If the electronic motion contains more than one exhibit, the document must contain bookmarks to assist in locating each item, and be combined</p>	<p>The Chief Justice appoints a motions panel that sits for a year. Generally, motions for extension of time are granted by the clerk if filed before the expiration of the deadline and requests are not for more than 30 days. Further motions for extensions of time are referred to the motions panel for consideration.</p>	<p>The motions panel is reconstituted yearly. The Court follows the TRAPs with respect to deciding motions.</p>	<p>Motions are reviewed and decided on a daily basis according to the TRAPs.</p>

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	<p>with the motion to create one computer file, unless that file would exceed the size limit prescribed by the electronic filing manager.</p> <p>Paper copies are not required.</p> <p>Unrepresented parties in civil and criminal cases may electronically file motions; however, electronic filing is not required.</p> <p>If filing by paper, one original is required.</p>			
Briefs	<p>Attorneys in civil and criminal cases must file text-searchable documents electronically through www.eFileTexas.gov except a document under seal or subject to a motion to seal.</p> <p>The name of the electronic document must be under 60 characters.</p> <p>An electronically filed appendix that includes more than one item must contain bookmarks to assist in locating each item, and be combined into one computer file with the brief, unless that file would exceed the size limit prescribed by the electronic filing manager.</p>	The Court follows TRAP rules on briefs.	<p>The Court appreciates bookmarking the briefs to the table of contents. The Court also appreciates any hyperlinking that the parties want to provide.</p> <p>If a brief contains sensitive data, file in accordance with the redaction rules in the TRAPs.</p> <p><u>Cross-Appeals</u>: See TRAP 9.4(2)(B).</p>	A motion for leave must accompany any late brief or any brief other than an appellant's brief, an appellee's brief or a reply brief

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	<p>Hyperlinked Briefs: The Court prefers briefs that are hyperlinked. Hyperlinking the table of contents to the brief/appendix or hyperlinking issues in the table of contents to the brief can be included. The Court appreciates any hyperlinking.</p> <p>Paper copies are not required.</p> <p>Unrepresented parties in civil and criminal cases may electronically file briefs; however, electronic filing is not required.</p> <p>If filing by paper, one original is required.</p>			
Case Assignment		The Court follows an internal rotation schedule for assigning cases. Panels are reconstituted every 9 weeks.	The panel has a formal conference and vote immediately following argument or submission. Panels rarely, but occasionally, meet informally before argument or submission but do not vote at that time.	The Court has never heard a case <i>en banc</i> at the outset. Fewer than 5% of cases are heard <i>en banc</i> . On occasion, the Court will decide to sit <i>en banc</i> without being requested to do so by the parties.
Oral Argument	Follow the TRAPs in requesting oral argument.	The Court typically allows 20 minutes per side, plus an additional 5 minutes for the appellant's rebuttal. The Court allows more time only in extraordinary circumstances and only in response to a written motion.	The Court does not automatically grant requests for argument. The Court makes this decision on a case-by-case basis. Parties find out who is on their panel in a submission notice sent approximately 60 days before the argument.	If only one side requests argument in its brief and the Court grants it, the party that did not previously request argument should do so if it wants to argue.

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Voting		Clerks and staff attorneys do not generally participate in conferences or prepare memos for the conferences.	Voting occurs at the formal conference following argument or submission.	
Opinions		Author is usually assigned at the formal conference after submission and is chosen by an internal rotation schedule. The panel decides on a case-by-case basis whether to circulate opinions to the entire Court.	The Court does not release opinions on a particular day.	I
Motions for Rehearing	<p>Attorneys in civil and criminal cases must file text-searchable documents electronically through www.eFileTexas.gov except a document under seal or subject to a motion to seal.</p> <p>The name of the electronic document must be under 60 characters.</p> <p>If the motion contains more than one exhibit, the document must contain bookmarks to assist in locating each item, and be combined with the motion to create one computer file, unless that file would exceed the size limit prescribed by the electronic filing manager.</p> <p>Paper copies are not required</p> <p>Unrepresented parties in civil and criminal cases may electronically file documents; however, electronic filing is not required.</p>	<p>Motions for rehearing are initially circulated to author; author makes recommendation; then it is circulated to other members of the panel. Motions for rehearing en banc are circulated to all the justices. The Court occasionally grants rehearing on its own motion.</p>		

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	If filing by paper, one original is required.			
Original Proceedings	<p>Attorneys must file text-searchable documents electronically through www.eFileTexas.gov except a document under seal or subject to a motion to seal.</p> <p>The name of the electronic document must be under 60 characters.</p> <p>An electronically filed record or appendix in an original proceeding that includes more than one item must contain bookmarks to assist in locating each item, and must be combined with the original proceeding to create one computer file, unless that file would exceed the size limit prescribed by the electronic filing manager. No additional paper requirements.</p> <p>Unrepresented parties may electronically file documents; however, electronic filing is not required.</p> <p>If filing by paper, one original is required.</p>	There is an original proceedings panel that changes monthly pursuant to an internal rotation schedule	Original proceedings are reviewed immediately, whether or not emergency relief is requested.	Original proceedings are set for oral argument only in extraordinary circumstances

Technology

1. Effective December 1, 2010, court reporters are required to electronically file all records.
2. Effective December 1, 2010, district and county clerks may file records electronically.
3. Effective January 1, 2014, in civil and criminal cases, attorneys are required to electronically file all documents except documents under seal.
4. The Court uses Westlaw, WestNext, and Lexis for research.
5. The Court uses Adobe Acrobat X Pro for viewing/working with electronic files.
6. The Court records oral argument. Selected recordings are available on the Court's website.
7. Anyone can register to receive electronic notices on a case via Case Mail on its website.
8. Notices to attorneys of record are emailed daily beginning at 5 p.m. Unrepresented parties have the choice to receive notices electronically or by mail.
9. All documents are posted to the website except clerk and court reporter records, and briefs designated as do not post by the Court.
10. The Court's website updates daily beginning at 3 a.m.

Appellate Mediation

1. The Court has a program for appellate mediation.
2. Parties must complete ADR section of the docketing statement.
3. The chief staff attorney and select justices oversee the mediation program.
4. If someone needs to contact the Court about mediation, they must go through the clerk.
5. The Court encourages parties to select their own mediator, but will assign mediators based on a roster maintained by the Court.

Fees

1. Appeal: \$205
2. Petition for permissive appeal. \$205
3. Original Proceeding: \$155
4. Motion: \$10
5. Amended or Supplemental Motion: \$10
6. Motion for Rehearing: \$15
7. Amended or Supplemental Motion for Rehearing: \$15
8. Response to any type of Motion: None
9. Exhibits tendered for oral argument: \$25
10. No fee for obtaining a copy of the record if you are the attorney of record, if not, the cost is \$.10 per page.
11. Submitting or using handouts at oral arguments: \$25.
12. Electronic filing fees are determined by third-party vendors. See www.eFileTexas.gov for additional information.

Miscellaneous

1. Retired justices approved by the Supreme Court are utilized on an as needed basis as visiting justices.
2. Absent prior leave of Court, no electronic devices may be used in the courtroom. Cellular telephones must be turned off before entering the courtroom.