Court of Appeals

Eighth District of Texas

500 E. San Antonio, Suite 1203
El Paso, Texas 79901
(915) 546-2240

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 July 2014, and the court intends to keep the information current for the use of persons with matters before the court.

Internal Operating Procedures of the Eighth Court of Appeals

The Basics

1. Court's Address: 500 E. San Antonio, Suite 1203, El Paso, Texas 79901
2. Telephone numbers: (915) 546-2240; fax (915) 546-2252
3. Website address: http://www.8thcoa.courts.state.tx.us
4. Names of Judges: Chief Justice Ann Crawford McClure; Justices Guadalupe Rivera and Yvonne T. Rodriguez
5. Chief Staff Attorney: Kay Waters
6. Clerk: Denise Pacheco
7. Counties served: Andrews, Brewster, Crane, Crockett, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reagan, Reeves, Terrell, Upton, Ward, and Winkler
8. Local Rules: The court has published local rules on its website, but they are being revised.

The Ins and Outs

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
E-Filing	All attorneys in civil and criminal cases are required to file all documents (except a document submitted under seal or subject to a motion to seal) with the court through the efiletexas.gov electronic filing system. Parties not represented by an attorney are encouraged to e-file documents, but e-filing is not required. Visit http://www.efiletexas.gov/ for more information. An e-filer is not required to file any paper copies of an e-filed document unless specifically requested by the court.	Files should consult the Redaction Guidelines found on the Supreme Court's website and TRAP 9.8, 9.9, and 9.10. All documents submitted to the court must be redacted in compliance with Rules 9.8, 9.9, and 9.10.	All local rules and templates on e-filing are superseded by the e-filing rules promulgated by the Texas Supreme Court in Misc. Docket No. 13-9165, effective January 1, 2014. A party or attorney may file a written request for an electronic copy of a record via the electronic filing portal. Depending on the size of the file, the record will be provided via email or on a CD/DVD. The written request should specify what portions of the record are sought and should provide an email address, physical mailing address, the preferred manner of shipping (e.g., overnight), and the account number of the preferred carrier (e.g., FedEx, UPS).	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. Once an email address has been provided, the email address will be entered in the court's case management system and all future notices, orders, and correspondence will be electronically delivered to this email address. Parties and attorneys are required to notify the court of any changes to their email address within one business day.
Records	The court notifies the parties, clerks, and reporters of the due date in accordance with TRAP 35. Motions to extend are filed by clerks and reporters directly with the court.	Except in parental termination and child protection cases as defined in TRAP 28.4(a)(2), first and second motions to extend for 30 days or less––10 days or less in accelerated cases—are generally handled by the clerks. First and second motions asking for more than 30 or 10 days and subsequent motions may be submitted to the court.	An attorney representing a party to the appeal may make a written request to obtain a copy of a sealed record through the electronic filing portal. Requests are reviewed by the clerk and court on a case-by-case basis. If the court requires or permits a paper record to be filed, it will scanned by the clerk if feasible and will be made available to the parties as described above.	Under TRAP 35.3(c), each extension granted may not exceed 30 days in regular appeals and 10 days in accelerated appeals. The court receives the majority of clerk's and reporter's records via

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				e-filing, with two exceptions: (1) when the court requests that a sealed record be paper filed and (2) when the court grants an exceptional request by a clerk or reporter to file all or part of the appellate record via paper or other physical media. In parental termination and child protection cases, extensions may not exceed 30 days total and may not be granted in all appeals. TRAP 28.4(b)(2).
Motions	Should be electronically filed. But if not electronically filed, only the original should be filed.	Motions are decided as follows: for pre-submission motions, a single judge referred to as the motions judge rules on the motion; after submission, a motion may be decided by the author or the panel. The motions judge rotation lasts one month.	All motions are reviewed for compliance with TRAP 9 and 10. In civil cases, any applicable fee must be paid or the motion will not be acted on by the clerk, motions judge, or the court.	Motions are considered on a daily basis. The court sometimes provides notice that a motion will be decided on a certain date. Agreed motions may be ruled upon immediately.
Briefs	Should be electronically filed. But if not electronically filed, only the unbound original should be filed. See TRAP 9.3(a).	The court has a local rule addressing briefs in cross-appeals. The court follows TRAP 38.7 with respect to amended and supplemental briefs. The court generally permits the parties to file letters of authority without leave of court.	There are no unique requirements for briefs in original proceedings in this court.	The court has a local rule requiring that the trial judge be identified in the list of parties and counsel.

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Case Assignment			Cases are randomly assigned by draw when the cases are being scheduled for submission.	
Oral Argument	Oral argument should be requested on the cover of the brief.	The court grants 20 minutes per side; with ten minutes for appellant's rebuttal. Additional time may be allowed in exceptional situations where the party files a motion requesting additional time at least one week prior to the scheduled argument date.	The court reviews all briefs to determine whether a request for oral argument should be granted. A party or attorney requesting oral argument should provide in the brief a statement explaining why oral argument should be granted. See TRAP 38.1(e). If a party files a motion to vacate oral argument, the court may deny the motion and submit the case without oral argument. If only one party requests oral argument, the court will permit both appellant and appellee to argue.	Upon proper notice to the parties, the court may hear oral argument through the use of Teleconferencing technology. See TEX.GOV'T CODE §§22.302, 73.003(e).
Voting			There is no set time when voting occurs. The panel discusses a case set with oral argument both before and after argument. After argument, the authoring judge circulates the opinion to the other judges for decision.	
Opinions			The court generally releases its opinions on Thursdays, but an opinion may be issued on any business day.	
Motions for Rehearing	Should be electronically filed. But if not electronically filed, only the unbound original should be filed.			
Original Proceedings	Should be electronically filed. But if not electronically filed, only the unbound original should be filed. See TRAP 9.3(a).	The motions judge and a staff attorney review an original proceeding and any motion for emergency relief to determine whether the case requires expedited review and immediate action and whether a response should be requested from the real party in interest.		The court reviews the petition, response, and any reply to determine whether a request for oral argument should be granted.

Technology

1. The court utilizes Westlaw.
2. With respect to citation form, the court prefers that parties follow the green book and blue book.
3. The court records oral argument and the parties may obtain a copy. The recording is not an official record and may not always be available.

Appellate Mediation

1. The Court has a program for alternative dispute resolution.
2. The parties may request ADR in the docketing statement form which is available on the court's website.
3. The court does not select the mediator.

Fees

1. Appeal: $195
2. Original Proceeding: $145
3. Motions, except motions for rehearing: $10
4. Motions for rehearing: $15
5. Response to motion: None

Miscellaneous

1. The court uses visiting judges as needed.
2. The court utilizes memorandum opinions only for dismissals.