



JIM R. WRIGHT
CHIEF JUSTICE
MIKE WILLSON
JUSTICE
JOHN BAILEY
JUSTICE

Court of Appeals Eleventh District of Texas

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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 is being updated in June 2014 and the court intends to keep the information current for the use of persons with matters before the court.

Internal Operating Procedures - Eleventh District Court of Appeals (Eastland) (June 2014)

The Basics

1. Court's Address:
Physical Address: Eastland County Courthouse, 100 W. Main, Suite 300, Eastland, Texas 76448;
Mailing Address: P.O. Box 271, Eastland, Texas 76448
2. Telephone number: Phone: (254) 629-2638, Fax: (254) 629-2191
3. Website address: <http://www.11thcoa.courts.state.tx.us>
4. Names of Justices: Jim R. Wright (C.J.), Mike Willson and John M. Bailey.
5. Clerk of the Court: Sherry Williamson
6. Chief Staff Attorney: Jill Barrier Stephens
7. Local Rules: **EFFECTIVE JANUARY 1 2014, ELECTRONIC FILING IS MANDATORY.**

Variance from the Texas Rules of Appellate Procedure is discouraged.

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
Motions	<u>E-filed</u> : No paper copies. <u>Paper</u> : Original only **Paper only permitted for pro se filers	Motions are decided by the Court. The clerks do not handle any motions.	The disposition process is usually handled quickly if the motion is agreed. If the motion is not agreed, the Court waits 10 days for a response. A first motion for extension of time is usually granted, if reasonable. Any subsequent motions for extension of time are handled on a case-by-case basis.	Rulings on motions are normally handed down on Thursdays.

<p>Briefs</p>	<p><u>E-filed</u>: No paper copies. <u>Paper</u>: Original only Request oral argument on cover of the brief.</p> <p>**Paper only permitted for pro se filers</p>	<p>The appellant must file a brief within 30 days–20 days in an accelerated appeal–after the later of: (1) the date the clerk’s record was filed; or (2) the date the reporter’s record was filed. TEX.R.APP.P. 38.6(a). The appellee’s brief must be filed within 30 days–20 days in an accelerated appeal–after the date the appellant’s brief was filed. If the appellant has not filed a brief as provided in TEX.R.APP.P. 38.6(a), an appellee may file a brief within 30 days–20 days in an accelerated appeal–after the date the appellant’s brief was due. TEX.R.APP.P. 38.6(b). A reply brief, if any, must be filed within 20 days after the date the appellee’s brief was filed. TEX.R.APP.P. 38.6(c).</p>	<p>Court follows TEX.R.APP.P. rules on briefs.</p>	<p>Pro se filers: A brief should have durable front and back covers, which shall not be plastic or black, red or dark blue. TEX.R.APP.P. 9.4(f). Use of multiple fonts in the body of a brief is discouraged.</p>
<p>Oral Argument</p>		<p>In civil cases, the Court grants 20 minutes per side; rebuttal is 5 minutes. In criminal cases, the Court grants 15 minutes per side, with 5 minutes for rebuttal. Court sometimes allots more time upon request.</p>	<p>Court usually grants oral argument if requested. Judge and staff attorney review the case. TEX.R.APP.P. 39.1, 39.8. If it is determined that “oral argument would not significantly aid the Court in determining the legal and factual issues presented in the appeal,” argument is denied. The Court will entertain objections to that decision.</p>	<p>Judges meet before and after argument/submission. Clerks and staff attorneys sometimes participate in conferences, but do not usually prepare memos for the conferences.</p>
<p>Voting</p>			<p>There is no formal voting. Judges discuss cases.</p>	
<p>Opinions</p>		<p>The Court does not have internal guidelines concerning the time in which an opinion is drafted.</p>	<p>Author is assigned randomly prior to submission.</p>	<p>Court normally releases its opinions on Thursdays.</p>
<p>Motions for Rehearing</p>	<p><u>E-filed</u>: No paper copies. <u>Paper</u>: Original only</p> <p>**Paper only permitted for pro se filers</p>	<p>Motions for rehearing are initially circulated to the author, who considers the motion and makes a recommendation. The Court does not typically grant oral argument on a motion for rehearing.</p>		<p>Rulings on motions are normally handed down on Thursdays.</p>
<p>Original Proceedings</p>	<p>Original only</p>	<p>Original proceedings are circulated when filed. Emergency relief will be granted when the Justices agree it is necessary.</p>	<p>If emergency relief is requested, it is circulated immediately and dealt with ASAP. If there is no motion for emergency relief, it is addressed as soon as possible.</p>	

Technology

1. Court subscribes to both Westlaw and Lexis.
2. Court does not have a preference with respect to United States Supreme Court cites.
3. Effective January 1, 2014, electronic filing is mandatory. The only exception is for pro se filers.
4. Court prefers that parties provide copies/hyperlinks to out-of-state cases. See TEX.R.APP.P. 38.1(j).
5. Court does not accept filings by fax, except under emergency situations upon permission from Court.
6. Court does not record oral arguments.

Appellate Mediation

The Court does not have a program for appellate mediation, but the Court is looking at procedures used by other intermediate Courts to be applied on a case-by-case basis.

Fees

1. Appeal: \$205
2. Original Proceeding: \$155
3. Motions for Rehearing: \$15
4. All other Motions: \$10
5. Response to Motions: \$0
6. The Court's website has a current list of filing fees. See also TEX. GOV'T CODE § 51.207(b) & (c).

Miscellaneous

1. If a Justice recuses himself, or if the Court is not fully staffed on a case, the Court notifies the parties. TEX.R.APP.P. 16 & 17.
2. The Court does use visiting judges, as budget permits.
3. Approximately 85% of the Court's decisions are memorandum opinions.