In 2010, the Corpus Christi Bar Association requested that local courts answer questionnaires regarding their practices and preferences. This information was updated in August 2012 and the court intends to keep the information current for the use of persons with matters before the court.

APPELLATE COURT QUESTIONNAIRE

1. How are panels selected/assigned? At the Thirteenth Court of Appeals, panels are randomly selected by lot on a quarterly basis beginning in September, the first month in the Court's fiscal year.

2. At what point is the Justice who is to write the majority opinion selected/assigned? For the majority of appeals, cases are randomly assigned to a writing Justice shortly after the appellant's brief is filed. Accordingly, extended delays in filing briefs or repeated motions for extension of time to file a brief are disfavored. For original proceedings, cases are assigned to a writing Justice when filed.

3. Do the Justices prefer that CD or other electronic format of the brief, case law, etc. be provided in addition to the written brief? The Court is currently accepting electronic filings of the appellate record and the Office of Court administration is working to institute electronic filings of briefs. In the interim, the Court welcomes supplemental information in CD formats for the briefs.

4. Are briefs read before oral argument? The briefs are always read by all panel members prior to oral argument. Some Justices also utilize pre-submission memoranda which summarize the legal issues, standards of review, and background facts for each case.

5. When and for what reason(s) does the Court accept supplemental briefs or arguments? The Court routinely accepts supplemental briefing or arguments when timely requested by the parties. The Court also occasionally directs supplemental briefing when an important issue needs more analysis. The Court does not allow supplemental briefing to include new or additional issues on appeal. Supplemental briefing is most often suggested when resolution of the appeal may be affected by recently issued opinions that were not addressed in primary briefing.

6. What is the Court's policy for granting/declining oral argument? The Justice who is assigned to write the majority opinion recommends whether or not oral argument should be granted based on his or her review of the briefs generally and

particularly any statement therein regarding why oral argument should or should not be permitted. *See* TEX. R. APP. P. 38.1(e). The Justice will also examine whether or not both appellant and appellee have requested oral argument, and may look to TEX. R. APP. P. 47.4, which distinguishes opinions from memorandum opinions, in making the determination regarding whether or not oral argument would be helpful in determining the appeal.

7. What is the Court's policy if a party asks for reconsideration of the Court's decision to decline oral argument? Any request for reconsideration should be made by motion. The authoring Justice will recommend whether to grant or deny the motion for reconsideration, and then the motion will be circulated to the Justices on the panel for their vote on the motion.

8. How are the Court's attorneys utilized by the Justice? The Court's attorneys primarily assist the Justices with legal research, analysis, writing, cite-checking, and general formatting of opinions. Their duties include researching and writing memoranda on appeals and original proceedings, making recommendations on certain motions, participating in case conferences, making oral presentations to the Court in en banc conference regarding specific cases or legal issues, and performing routine administrative duties. Attorneys also review all draft opinions for which their Justices sit on panel.

9. What is the Court's policy for designating an opinion as a "Memorandum Opinion"? Utilizing the factors listed in TEX. R. APP. P. 47.4, the authoring Justice makes an initial recommendation regarding whether the opinion should be designated as a memorandum opinion or an opinion. When the opinion goes through the circulation process to the panel attorneys and then on to the panel Justices, those individuals have the opportunity to suggest whether the designation should change. Ultimately, in accordance with TEX. R. APP. P. 47.2, the designation is made by a majority of the panel justices.

10. Does the Court permit use of visual aids prepared just for oral argument? Yes. Parties should contact the Clerk of the Court in advance of oral argument for permission to use visual aids. However, parties should be aware that the Court will only consider the appellate record in determining the merits of the appeal.

11. If so, under what circumstances does the Justice find PowerPoint or other type visual presentations effective for use during appellate arguments? Visual presentations are useful in a broad variety of cases. They may be particularly useful when, e.g., resolution of an issue depends on determining a chronology of events, or the interaction between different statutes, or the relationship between different contractual provisions. They may also be useful in cases involving highly specialized fields or processes where background information or illustrations may be helpful, such as product liability cases.

12. What is the Court's practice for mediation of cases on appeal? The Court has a program for appellate mediation which is, in part, governed by the "ADR" section of the parties' docketing statements. Any party may file a motion asking for appellate mediation, or the Court may sua sponte refer a case to mediation. The following cases may be mediated at the Court's direction: (1) cases in which both parties agree to mediate; (2) cases involving monetary judgments up to $50,000, exclusive of costs and interest; (3) family law cases excluding custody disputes, termination of parental rights, and juvenile cases; and (4) forfeiture of property cases. Other cases may also be referred to mediation by the panel Justices after briefing has been completed.

13. What are the Justices' recommended do's and don'ts, pet peeves, unwritten rules and/or preferences for the conduct of attorneys and their manner of presentation during oral argument? The Court has read the briefs and performed preliminary research, so don't merely re-argue your brief. Make sure that your briefs and statements made at oral argument correctly represent the record and the law. If a member of the Court asks you a question, answer it! If you are unable to answer a question, consider asking for leave to file a post-submission brief in response to the question. Consider utilizing demonstrative evidence. If citing a case that is not contained in your brief, furnish copies of the case to the members of your panel and opposing counsel. Obtain permission to file any subsequent briefs. Do not ask to reset oral argument unless it is absolutely necessary. Notify the Court with a written motion as expeditiously as possible if you are requesting to reset or cancel oral argument. Do not wait until submission day to notify the Court if there are any circumstances that prevent a Justice on your panel from hearing your case.