

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 94-9053

**APPROVAL OF AMENDMENTS TO THE LOCAL RULES OF THE
COURT OF APPEALS FOR THE FIFTH COURT OF APPEALS DISTRICT**

ORDERED:

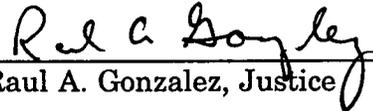
Pursuant to Rule 1(b) of the Texas Rules of Appellate Procedure, the Supreme Court approves the following local rules, which have been submitted to this Court:

Amendments to Local Rules 1:40, 1:53(d), and 1:74(g) of the Court of Appeals for the Fifth Court of Appeals District, dated September 27, 1993, January 24, 1994, and May 2, 1994.

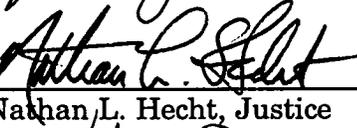
The approval of these rules is temporary, pending further orders of the Court.

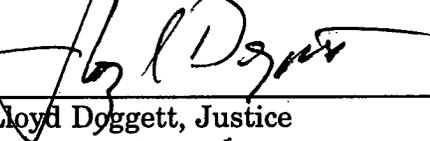
SIGNED AND ENTERED this 10th day of May, 1994.

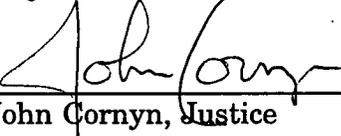

Thomas R. Phillips, Chief Justice


Raul A. Gonzalez, Justice

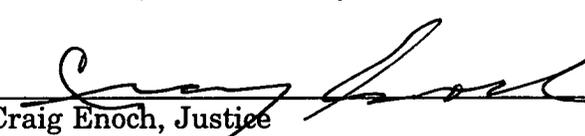

Jack Hightower, Justice

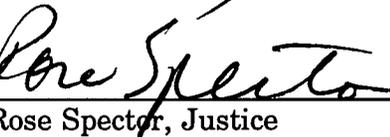

Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice


Craig Enoch, Justice


Rose Spector, Justice

Amendment to Local Rules

RULE 1:40. FILING THE PERFECTING INSTRUMENT AND CIVIL APPEAL INFORMATION SHEET

(a) By the end of the first business day following the perfection of an appeal, an appellant shall file, with the Clerk of the Court of Appeals, Fifth District of Texas at Dallas:

- (1) a file-stamped copy of the perfecting instrument;
- (2) the original and two copies of a Civil Appeal Information Sheet, in a form specified by the Court; and
- (3) a certificate of service complying with Texas Rule of Appellate Procedure 4(e) and (g), for persons served with the appellant's completed Civil Appeal Information Sheet.

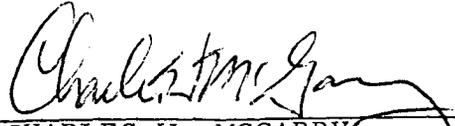
(b) At or before the time an appellant files the Civil Appeal Information Sheet, the appellant shall provide all other parties to the appeal with:

- (1) a copy of the appellant's completed Civil Appeal Information Sheet.
- (2) a blank copy of the form Civil Appeal Information Sheet.

(c) Within five days after receiving an appellant's completed Civil Appeal Information Sheet, any other party to the appeal shall file an original and two copies of a form Civil Appeal Information Sheet completed by that party.

(d) The Court may consider a party's failure to timely file a completed Civil Appeal Information Sheet as a factor in assessing costs of appeal.

These amendments to the Local Rules are adopted by the Court on the 24th day of January, 1994, subject to the approval of the Supreme Court of Texas.

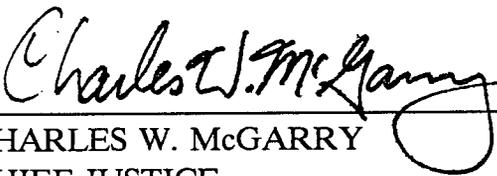

CHARLES W. MCGARRY
CHIEF JUSTICE

AMENDMENT TO LOCAL RULE 1:40

Local Rule 1:40 is amended by adding the following:

(e) Upon a party's motion, or upon its own motion, this Court may refer a case to an alternative dispute resolution procedure. In all civil cases, the Court will consider the parties' completed Civil Appeal Information Sheet in deciding whether to refer the case. In appropriate cases, the Court will enter an order of referral in accordance with the Court's Alternative Dispute Resolution Procedures, a copy of which is available from the Court's clerk. The Court may, on its own motion, extend the appellate timetable to accommodate a referral to alternative dispute resolution procedures.

This amendment to the Local Rules was adopted by the Court on the 2nd day of May, 1994, subject to the approval of the Supreme Court of Texas.


CHARLES W. McGARRY
CHIEF JUSTICE

Amendment to Local Rules

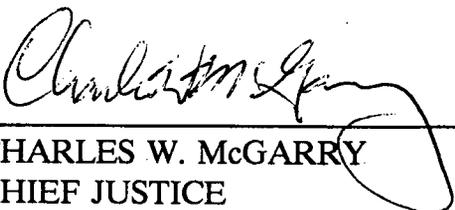
RULE 1.53.

(d) **Transcription of Electronic Statement of Facts.** In cases having an electronic statement of facts, appellant shall file a single transcription of the statement of facts as a separate appendix contemporaneously with the filing of appellant's brief.

RULE 1:74.

(g) **Number of Copies.** Each party shall file an original plus six copies of each brief.

These amendments to the Local Rules are adopted by the Court on the 27th day of September, 1993, subject to the approval of the Supreme Court of Texas.



CHARLES W. McGARRY
CHIEF JUSTICE



**Court of Appeals
Fifth District of Texas at Dallas**

GEORGE L. ALLEN SR. COURTS BUILDING
600 COMMERCE STREET
DALLAS, TEXAS 75202-4658

May 2, 1994

CHARLES W. MCGARRY
CHIEF JUSTICE

TELEPHONE - (214) 653-6920
FACSIMILE - (214) 745-1083

Mr. William L. Willis
Supreme Court of Texas
P.O. Box 12248
Austin TX 78711

Dear Mr. Willis:

Our Court has today adopted an additional amendment to our Local Rules concerning alternative dispute resolution. The purpose of the amendment, which is enclosed, is to clarify how our Court will utilize the Civil Appeal Information Sheet, as well as to clarify our Court's authority to extend the appellate timetable on its own motion.

I would very much appreciate your presenting the enclosed amendment to the justices so that they may consider it simultaneously with our previously submitted amendments. Thank you.

Yours truly,

A handwritten signature in black ink, reading "Charles W. McGarry". The signature is fluid and cursive, with a large loop at the end.

Charles W. McGarry

CM/mc

Enclosure



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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FAX: (512) 463-1365

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WILLIAM L. WILLIS

ADMINISTRATIVE ASST.
NADINE SCHNEIDER

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RAUL A. GONZALEZ
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT
JOHN CORNYN
BOB GAMMAGE
CRAIG ENOCH
ROSE SPECTOR

May 12, 1994

Chief Justice Charles W. McGarry
Fifth Court of Appeals
County Government Center
600 Commerce Street
Dallas, Texas 75202-4658

Dear Chief Justice McGarry,

Please find enclosed, a copy of the order of the Supreme Court that approved amendments to the local rules of the Fifth Court of Appeals.

Sincerely,

SIGNED
John T. Adams
Clerk

Encl.

cc: Clerk
Fifth Court of Appeals

Supreme Court Adv Committee

Mr. Raymond Judice
Office of Court Admin

State Law Library