

## 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](http://www.eFileTexas.gov)
4. Names of Justices: Chief Justice Robert D. Burns, III, and Justices Lana Myers, David Schenck, Ken Molberg, Leslie Osborne, Robbie Partida-Kipness, Bill Pederson, III, Amanda Reichek, Erin Nowell, Cory Carlyle, Bonnie Goldstein, Craig Smith, and Dennise Garcia
5. Chief Clerk: Lisa Matz
6. General Counsel: Cliffie Wesson; Managing Attorney: Carol Geary.
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<sup>1</sup>, Rockwall, and Kaufman counties.

### The Ins and Outs

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
<b>E-Filing</b>	<p>Attorneys in civil and criminal cases must file text-searchable documents electronically through <a href="http://www.eFileTexas.gov">www.eFileTexas.gov</a> <b>except an in camera document or a document under seal or subject to a motion to seal.</b></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>	<p>All efiled documents must conform to TRAP 9.2.</p> <p>All filers should consult and follow the redaction guidelines found on the Texas Supreme Court's website and TRAPs 9.8, 9.9, and 9.10</p>		
<b>In Camera, Sealed, or subject to a pending motion to</b>	<p>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</p>	<p>File two sealed paper documents (one original and one copy).</p>		<p>Include sealing order at the beginning of sealed documents. If a signed, sealing order is not available at time of filing, provide the Court with notice that you are</p>

<sup>1</sup> 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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<b>seal</b>	electronically filed.			filing the documents subject to a pending motion to seal and provide the Court a copy of the signed order when it is available.
<b>Record</b>	All trial court clerks and reporters are required to file all clerk's records and reporter's records in electronic form.	See TRAP 28.4 for any special record requirements in particular cases.  Sealed Records: the attorney of record must come to the Court and show his/her identification. Once the clerk verifies he is the attorney of record, the record will be checked out to the attorney.	To obtain a copy of the electronic record, attorneys 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.  Attorneys of record may also access civil and criminal documents through the attorney portal. Documents (on active cases) are available on the portal for 24 months from the date of filing. Sealed documents, .mp3, and, .mp4 exhibits are excluded from the attorney portal.	
<b>Docketing Statements</b>	The docketing statement should be electronically filed.  Pro se filers have the option to efile or file a paper copy.	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.		
<b>Motions</b>	Attorneys in civil and criminal cases must file text-searchable documents electronically through <a href="http://www.eFileTexas.gov">www.eFileTexas.gov</a> except a document under seal or subject to a motion to seal. The name of the electronic document must be under 60 characters.  If the electronic motion	The Chief Justice appoints motions panels for both civil and criminal motions. Generally, first motions for extension of time are granted by the clerk if filed before an extension of the expiration of the deadline and requests are not for more than 30 days. Except, in accelerated cases including parental termination and child protection cases as defined in TRAP 28.4(a)(2). In parental termination and child protection cases, motions to extend may be granted upon a reasonable explanation of need but in shorter increments, in light of the Supreme Court's 180-day guideline for disposition in such cases. Tex. R. Jud. Admin.	The motions panel is reconstituted from time to time. The Court follows the TRAPs with respect to deciding motions.	Motions are reviewed and decided on a daily basis according to the TRAPs.

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	<p>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 motions; however, electronic filing is not required.</p> <p>If filing by paper, one original is required.</p>	6.2(a).		
<b>Briefs</b>	<p>Attorneys in civil and criminal cases must file text-searchable documents electronically through <a href="http://www.eFileTexas.gov">www.eFileTexas.gov</a> 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</p>	The Court follows the TRAPs regarding briefs. See TRAPs 9, 38.	<p>The Court appreciates bookmarking the briefs. The Court also appreciates any hyperlinking the parties want to provide.</p> <p>It is useful for the bookmarks in electronic briefs to list each section and heading in the brief (or a shortened version thereof) and each item in the appendix.</p> <p>In addition to the items required by TRAP38.1(k)(1), the appendix should include key authorities that are not available on Westlaw.</p> <p><b>If a brief contains sensitive data, file in accordance with the redaction rules in the TRAPs.</b></p> <p><b><u>Cross-Appeals:</u></b> See Local Rule 5.</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>into one computer file with the brief, unless that file would exceed the size limit prescribed by the electronic filing manager.</p> <p>Paper copies are not required unless filing under seal. Then one original plus one copy.</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>			
<b>Case Assignment</b>		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.	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.
<b>Oral Argument</b>	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.	<p>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 submission date.</p> <p>Each panel votes whether to post the recording of oral argument to the Court's website.</p>	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 by filing a motion if it wants to argue.
<b>Voting</b>			Voting occurs at the formal conference following argument or submission.	
<b>Opinions</b>		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.	
<b>Motions for Rehearing</b>	Attorneys in civil and criminal cases must file text-searchable documents	Motions for rehearing are initially circulated to the author; the author makes recommendation; then it is circulated to other		

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	<p>electronically through <a href="http://www.eFileTexas.gov">www.eFileTexas.gov</a> 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>If filing by paper, one original is required.</p>	<p>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>		
<b>Original Proceedings</b>	<p>Attorneys must file text-searchable documents electronically through <a href="http://www.eFileTexas.gov">www.eFileTexas.gov</a> except a document under seal or subject to a motion to seal.</p> <p>The name of the electronic</p>	<p>There is an original proceedings panel that changes monthly pursuant to an internal rotation schedule</p>	<p>Original proceedings are reviewed immediately, whether or not emergency relief is requested.</p> <p>It is useful for the bookmarks in electronic briefs to list each section and heading in the brief (or a shortened version thereof) and each item in the appendix.</p> <p>In addition to the items required by TRAP 38.1(k)(1), the appendix should include key authorities that are not</p>	<p>Original proceedings are set for oral argument only in extraordinary circumstances</p>

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	<p>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>		<p>available on Westlaw.</p>	

**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, and WestNext, 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 the Court's website.
8. Electronic notices are sent to lead and retained counsel beginning at 5 p.m. weekdays. 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. Attorneys of record may access civil and criminal documents via the Attorney Portal.
11. The Court's website updates daily beginning at 3 a.m.

**Appellate Mediation**

1. If both parties notify the Court that they have agreed to a mediator, the Court will refer the case to mediation.

**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](http://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.