



*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 January, 2020 and the court intends to keep the information current for the use of persons with matters before the court.*

## **INTERNAL OPERATING PROCEDURES THIRTEENTH COURT OF APPEALS**

### **BASIC INFORMATION**

1. Court's addresses: Nueces County Courthouse, 901 Leopard, 10th Floor, Corpus Christi, Texas 78401; Hidalgo County Courthouse Annex III, 100 E. Cano, 5th Floor, Edinburg, Texas 78539
2. Telephone and facsimile numbers: Corpus Christi—telephone (361) 888-0416 and facsimile (361) 888-0794; Edinburg—telephone (956) 318-2405 and facsimile (956) 318-2403
3. Website address: <http://www.txcourts.gov/13thcoa/>
4. Names of Justices: Chief Justice Dori Contreras, Justice Gina M. Benavides, Justice Nora L. Longoria, Justice Leticia Hinojosa, Justice Gergory T. Perkes, and Justice Jaime Tijerina
5. Chief Staff Attorney: Cecile Foy Gsanger
6. Clerk of the Court: Kathy S. Mills
7. Local Rules: The court has publicly available policies and procedures and unpublished written internal administrative rules.

## THE INS AND OUTS

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
<b>Motions</b>	If a motion is not e-filed, file one original with the clerk.	Motions filed before the appeal is assigned to a justice are submitted for recommendation to the "motions justice." Each justice serves as "motions justice" on a monthly rotating basis. The motions justice's recommendation is then submitted to his or her current panel for ruling. Motions filed after the appeal is assigned to a justice are submitted to the assigned justice for recommendation, and then to his or her current panel. Motions are generally decided by a full panel of three justices.	Agreed motions, uncontested motions, and emergency motions will be acted on as soon as practicable, whereas contested motions are typically held for ten days prior to ruling. As a general rule, first motions for extension of time of thirty days or less to file a brief are routinely granted and may be handled by the clerk's office. Other and subsequent motions for extension of time to file a brief are submitted to the court. All motions for extension of time must include a reasonable explanation regarding why additional time is needed.	The court hands down rulings on motions on a daily basis. Motions seeking emergency relief should be served on other parties in a timely manner by expedited means.
<b>Briefs</b>	If a brief is not e-filed, file one original with the clerk.		The court follows the Texas Rules of Appellate Procedure regarding the filing deadlines and requirements for briefs. If a brief cannot be filed within the dates prescribed by the appellate rules, a motion for extension of time to file the brief is required.	

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<b>Case Assignment</b>		As a general rule, cases are assigned randomly on a rotating basis to each justice; however, related cases may be assigned to the same justice in the interests of judicial economy and efficiency.	The court sits in two panels. The panels are assigned randomly and change on a quarterly basis. The chief justice presides over panel "A," and the most senior justice serving on panel "B" presides over that panel.	Typically, cases are assigned to a specific justice when they become "at issue," that is, when the appellant's brief is filed.
<b>Oral Argument</b>	A request for oral argument must be noted on the front cover of the party's brief.	When oral argument is granted, the court allows each side 20 minutes per argument, and the appellant may reserve time from that allotment for rebuttal. Requests to modify the time permitted for argument should be made by written motion well in advance of the date for argument. The court may grant additional time for oral argument in consolidated cases, cases with multiple parties, or in multiple appeals generated from the same underlying proceeding.	The court favors oral argument and grants it in accordance with the guidelines specified in the appellate rules. By statute, the court hears oral argument on cases originating in Nueces County in its Corpus Christi courtroom and hears oral argument on cases originating in Hidalgo, Cameron, and Willacy counties in its Edinburg courtroom. The court also routinely travels to other appellate courts to hear oral argument on transfer cases.	The panel justices may meet to discuss cases heard at oral argument immediately before or after submission.
<b>Voting</b>			Voting occurs after a draft opinion has been circulated in cases that have been submitted at oral argument or on the briefs.	
<b>Opinions</b>		The court utilizes internal administrative rules that include deadlines for drafting and circulating opinions. These rules are not publicly available.	The court regularly hands down its opinions on Thursdays; however, opinions on original proceedings or emergency matters may be handed down daily.	Draft opinions typically proceed through a two or three-part circulation process which may comprise circulation to all panel attorneys, the chief staff attorney, and the panel justices.
<b>Motions for Rehearing</b>	If the motion is not e-filed, file one original with the clerk.	Motions for rehearing and for en banc reconsideration are initially circulated to the assigned justice for a recommendation, then to the remainder of the panel or court for ruling.		Because en banc reconsideration is not favored in the appellate rules, the court grants it sparingly in accordance with the guidelines provided in the rules.

<b>PROCEDURE</b>	<b>WHAT AND HOW TO FILE</b>	<b>HOW HANDLED</b>	<b>COURT'S PARTICULAR PRACTICES</b>	<b>SPECIAL NOTES</b>
<b>Original Proceedings</b>	If a petition is not e-filed, file one original with the clerk.	Original proceedings are assigned on a rotating basis to a justice and that justice's current panel.	Original proceedings are generally given expedited consideration; however, motions for emergency relief will be given immediate attention. The court typically allows ten days for the real party to file a response to an original proceeding.	The court does not grant motions for temporary relief when the original proceeding itself has not yet been filed.

## **TECHNOLOGY**

1. The court utilizes Westlaw.
2. The court prefers that parties follow The Bluebook: A Uniform System of Citation and The Greenbook: Texas Rules of Form.
3. The court prefers that parties provide copies of legislative history, municipal ordinances, or other materials that may be difficult or onerous to locate. Do not include copies of statutes, rules, or cases unless they are required by the appellate rules or are key to your appellate arguments.
4. The court distributes its orders and opinions through e-noticing, electronically on its website, and through its case mail system.
5. The court records oral argument digitally. The parties can obtain a copy of the argument; however, the court does not guarantee the quality of its recordings.

## **FEES**

1. Appeal: \$205
2. Original Proceeding: \$155
3. Motions: \$10
4. Motions for rehearing or motions for en banc reconsideration: \$15
5. Response to Motion: None

## **MISCELLANEOUS**

1. To arrange for filing documents outside of normal business hours, contact the clerk's office during the business day.
2. The court occasionally utilizes the services of visiting justices.