



Court of Appeals

Ninth District of Texas

1001 Pearl St., Suite 330
Beaumont, Texas 77701
(409) 835-8402

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

Internal Operating Procedures of the Ninth Court of Appeals

The Basics

1. Court's Address: 1001 Pearl St., Suite 330, Beaumont, Texas 77701
2. Telephone number: Phone (409) 835-8402
3. Website address: <http://www.9thcoa.courts.state.tx.us/>
4. Chief Justice: Steve McKeithen Justices: Charles Kreger, Hollis Horton, and Leanne Johnson
5. Clerk of the Court: Carol Anne Harley
6. Chief Staff Attorney: Leslie Saia
7. Counties in District: Hardin, Jasper, Jefferson, Liberty, Montgomery, Newton, Orange, Polk, San Jacinto, and Tyler.

The Ins and Outs

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
E-Filing	Effective January 1, 2014, all attorneys in civil and criminal cases are required to file all documents with the Court through the eFileTexas.gov electronic filing system. Parties not represented by an attorney may e-file documents, but e-filing is not required.	All filers should consult the Redaction Guidelines found on the Supreme Court's website and Rules 9.8, 9.9, and 9.10 of the Texas Rules of Appellate Procedure.	A filer who e-files a document must comply with Rule 9 of the Texas Rules of Appellate Procedure. Rule 9.3 of the Texas Rules of Appellate Procedure governs the number of paper copies required when a document is filed in a paper format by a party not represented by an attorney.	An e-filed document must include the e-filer's email address, in addition to any other information required by the Texas Rules of Appellate Procedure.
Records	Court sets due date and notifies parties, clerks, and reporter in accordance with Tex. R. App. P. 35. Motions to extend are filed by clerks and reporters directly with court.	Except in parental termination and child protection cases as defined in Tex. R. App. P. 28.4(a)(2), first motions to extend for 30 days or less—10 days or less in accelerated cases—are generally handled by the clerks.	Sealed Records will not be checked out or viewed except as authorized by an order of the court sealing the record or an order by this Court specifying who may check out or view the record.	Under Tex. R. App. P. 35.3(c), each extension granted may not exceed 30 days in regular appeals and 10 days in accelerated appeals. In parental termination and child protection cases, extensions may not exceed 30 days total, and the court may deny or shorten requested extensions. Tex. R. App. P. 28.4(b)(2).
Motions	<i>See</i> e-filing requirements	Motions are ruled on by the Court For agreed or unopposed motions, including a certificate of conference can expedite the ruling on the motion. Motions	The court generally grants a first motion for extension of time for up to 30 days to file a brief. Further request for an extension to file a brief will be	As a general rule, motion rulings and orders issue on Tuesdays, Thursdays, and Fridays.

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		will be held for 10 days unless a certificate of conference shows the motion is unopposed, it is an emergency, or it requests an extension of time to file a brief.	granted with a notation FINAL.	
Briefs	<i>See</i> e-filing requirements.	Briefs that do not comply with Rule 9 of the Texas Rule of Appellate Procedure are not accepted and are returned for correction.	The Court follows the Texas Rules of Appellate Procedure. Electronic features: It is useful for the bookmarks in electronic briefs to list each section and heading in the brief and each item in the appendix. Hyperlinks from citations in the brief to items in the appendix are also useful. Appendix: Appendix should include the items required by Tex. R. App. P. 38.1(k)(1)	All filers should consult the Redaction Guidelines found on the Supreme Court's website and Rules 9.8, 9.9, and 9.10 of the Texas Rule of appellate Procedure.
Oral Argument	A request for oral argument must be noted on the front cover of the party's brief, and the party may include a statement regarding oral argument in the body of the brief. <i>See</i> Tex. R. App. P. 38.1(e), 39.7. A party's failure to request oral argument on the front cover waives the right to argue. If the request is inadvertently omitted, it is proper to file a motion requesting argument promptly after discovering the omission.	The Court grants 20 minutes per side, and appellant may reserve time for rebuttal. Requests to modify the time permitted for argument should be made before the day of argument. Parties are notified of the justices on the panel when a submission notice letter is mailed about 30 days before argument.	The Court grants oral argument under the guidelines of Tex. R. App. P. 39. If the court grants oral argument, both sides generally will be given an opportunity to argue even if one side did not request oral argument in their brief(s).	Oral argument exhibits may be filed electronically before the day of argument. There is a charge of \$25 per exhibit.

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Opinions		The Court has undisclosed internal guidelines for drafting and circulation opinions.	Except for emergency matters, the court issues opinions on: Criminal - Wednesdays and Civil - Thursdays.	
Motions for Rehearing	<i>See</i> e-filing requirements.	Motions are circulated to the entire panel and voted on by the individual panel members.	En banc consideration is rarely requested.	
Original Proceedings	An original proceeding must be electronically filed by attorneys but is optional for pro se litigants.	All original proceedings are given expedited consideration.	The Court reviews requests for emergency relief immediately. The Court's Judges review petitions when they are filed.	The panel assigned an original proceeding will determine whether to hear oral argument

Technology

1. The Court uses Westlaw, Westlaw Next, Lexis, and Lexis Advance. **The Court no longer accepts any filings filed by fax from attorneys.** For a motion that needs immediate consideration, parties should file motions through eFileTexas.gov, the portal established by the Texas Legislature.
2. The court has access to the Jefferson County Law Library, but appreciates it if the parties provide copies of authorities.
3. The Court distributes its orders and opinions electronically on its website.

Appellate Mediation

1. The Court has a program for appellate mediation.
2. Parties are ordered to mediation if the court determines the case is appropriate for mediation or the parties agree. If mediation is ordered, the appeal is abated for 60 days, or longer if an extension is granted. Parties are entitled to object to a mediation order within 10 days of the date of the order.
3. When a civil appeal is filed, the parties are notified that the appellant should complete and file a docketing statement, which includes a mediation section, and appellee should complete and file a one-page mediation docketing statement.

Fees

- 1. Appeals: \$195
- 2. Petitions for Permissive Appeal: \$195
- 3. Original Proceedings: \$145
- 4. Motions: \$ 10
- 5. Motions for rehearing: \$15
- 6. Responses to Motions or Petition for Permissive Appeals: No charge.
- 7. Exhibits for Oral Argument: \$25 per exhibit
- 8. Standard Paper Copy of Document without Certificate or Seal:
 - 1 - 50 pages..... \$.10 per page
 - over 50 pages.....\$.50 per page
 - offsite files.....\$1.00 per page

(In accordance with the guidelines as provided by Tex. Gov't Code §51.207, §51.208, and §51.941Tex. Admin Code §70.3)

- 9. Certified Copies: \$1.00 per page for the first five pages (\$5.00 minimum) and one dollar per page for each additional page.
- 10. Records are electronic and may be checked out for ten (10) days without charge on civil cases by the attorneys of record.