

Survey of the Texas Appellate Courts - Third District Court of Appeals (Austin)

Basic Information

1. Court's Address: P.O. Box 12547, Austin, TX 78711-2547
2. Telephone numbers: (512) 463-1733
3. Website address: www.3rdcoa.courts.state.tx.us
4. Names of Justices: W. Kenneth Law (C.J.), Jan Patterson, David Puryear, Bob Pemberton, Alan Waldrop, and Diane Henson
5. Chief Staff Attorney: Patrick Shannon
6. Chief Clerk: Diane O'Neal
7. Local Rules: The Court does not have formal local rules. See "Practice Before the Court of Appeals for the Third District of Texas" on the Court's website.

The Ins and Outs

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
Motions	Motions in original proceedings - original plus 3 copies; Motions for rehearing en banc - original plus 6 copies; other motions original plus 2 copies	Motions filed before submission of the appeal are assigned to a justice who acts daily on the motions that are ready to be determined. Motions filed after submission of the appeal are assigned to that panel and are acted on at the Court's weekly Monday afternoon motion conference.	Agreed motions will be acted on as soon as practicable; contested motions may be held and referred to the panel. First motions for extension of time to file a brief are routinely granted, up to ninety days; (the Clerk's office handles first and second motions for extension of time) second motions for extension of time to file a brief are routinely granted, up to ninety days.	
Briefs	Original plus 7 copies (same for appendices)		The appellee's brief may be filed without leave of the Court at any time. A supplemental or reply brief may be filed without leave of the Court if the brief is tendered before the cause is submitted unless the brief raises additional issues or points for the first time or it would cause the combined arguments to exceed the page limits for briefs. A supplemental or reply brief tendered after submission must be accompanied by a motion for leave to file unless it is tendered within twenty-five days after the appellee's brief was filed.	

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
Case Assignment			The Clerk assigns cases to panels on a rotating basis. The Court sits in two panels. The Chief Justice always sits on the morning panel; the senior Justice always sits on the afternoon panel. The other four Justices rotate between the two panels. Panels change every six months, in February and September.	
Oral Argument		The Court prefers that oral argument be requested in the manner prescribed by the appellate rules.	The Court does not automatically honor requests for oral argument. The Court has no express criteria for determining whether to allow oral argument. In general, the Court limits oral argument to cases involving complex facts or raising new or difficult issues. As a general rule, parties are allocated twenty minutes.	
Voting			The Justices confer immediately after oral argument. The Justices reach a tentative consensus regarding each case at the post-argument conference. A final decision is not made until the draft opinion circulates. The Justices generally do not confer regarding unargued cases until the draft opinion circulates.	
Opinions		Clerks and staff attorneys participate in conferences. Occasionally, a Justice will request a pre-submission memorandum. The notice of submission includes the names of the Justices on the panel.	Cases are assigned to individual Justices by the Clerk on a rotation basis. Draft opinions are circulated to the entire Court. If the final opinion differs significantly from the original circulated draft, it also will be circulated to the entire Court. The Court releases its opinions daily.	
Motions for Rehearing	Original plus 3 copies	Notices for rehearing and motions for rehearing en banc go to the entire Court. In both cases the author makes a report and recommendation.		

Original Proceedings	Original plus 4 copies	Requests for emergency relief are given immediate consideration. Three votes are required to grant emergency relief. Original proceedings are given prompt, but not necessarily immediate attention.	Original proceedings are assigned to individual justices on a rotating basis. That Justice chooses two other Justices to serve on the panel for that proceeding. There is no designated original proceeding panel. The Court will set an original proceeding for oral argument according to the same general criteria applied to other cases.	
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Technology

1. The Court uses Lexis.
2. With respect to the United States Supreme Court cites, use U.S. and/or L.Ed.
3. The court has not received briefs and/or records on CD-Rom.
4. The Court does not accept fax filing.
5. The Court does not accept electronic filings.
6. The Court makes its orders available electronically.
7. The Court does not record oral arguments.

Appellate Mediation

1. The Court does not have a mediation referral program.

Fees

1. Appeal: \$125
2. Original Proceeding: \$75
3. Motions: \$10
4. Response to Motions: \$10
5. Are there any other fees? Exhibits tendered for oral argument: \$25. Administering oath: \$5. Photocopying: .10¢ per page.

Miscellaneous

1. Filing outside office hours should be arranged in advance with the Clerk.
2. The Court regularly uses Judge John F. Onion, Jr. as a visiting judge.
3. A summary of the Court's operating procedures is available at the Court's web site: "Practice Before the Court of Appeals for the Third District of Texas."
4. The Court estimates that approximately 80% of its decisions are memorandum opinions.