

Survey of the Texas Appellate Courts - Thirteenth District Court of Appeals (Corpus Christi)

Basic Information

1. Court's Address: Corpus Christi Address: Nueces County Courthouse, 901 Leopard, 10th Floor, Corpus Christi, TX 78401; Edinburg Address: Administration Building, 100 E. Cano, 5th Floor, Edinburg, TX 78539
2. Telephone numbers: Corpus Christi: Phone: (361) 888-0416, Fax: (361) 888-0794; Edinburg: Phone: (956) 318-2405, Fax: (956) 318-2403
3. Website address: <http://www.13thcoa.courts.state.tx.us>
4. Names of Justices: Rogelio Valdez (C.J.), Linda Reyna Yanez, Nelda V. Rodriguez, Dori Contreras Garza, Gina M. Benavides, and Rose Vela.
5. Chief Staff Attorney: Cecile Fay Gsanger
6. Chief Clerk: Cathy Wilborn
7. Local Rules: The court had local rules (which are still on the court's internet site), but the court has voted to suspend them. The court operates only under the TRAP. They court has internal operating procedures, but they are not publicly available.

The Ins and Outs

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
Motion	Original plus 2 copies	Motions are decided by a panel of 3 judges. Clerks never handle motions. First motions for extension of time is usually granted; length of time varies. Second motion – depends on nature of case and length of first extension; Subsequent motion – It all keys off the first motion; by the time it gets to the third motion, you need to be on your knees.	A justice takes charge of the motions for the month. The panel that determines the motions is the panel on which the judge is currently serving. The panels on which judges serve change quarterly. The process remains the same regardless whether the motion is opposed or agreed. The court doesn't always grant agreed motions. Instead, goes through same process of obtaining a recommendation and vote. The motions justice makes recommendation.	Thursday is the regular hand-down day for motions, and decisions. They can alter that and do if unusual time constraints or it is the end of the fiscal year (Aug. 31).
Briefs	Original plus 5 copies; 30 days on appellant's and appellee's brief; 20 days on reply.		Court follows TRAP rules on briefs.	Court prefers no black, red or dark covers. It helps to pick a color and stick with it for the first brief and succeeding briefs.

Case Assignment		Cases are assigned randomly. There is no location preference between Corpus and Edinburg. Four judges are out of Edinburg and 2 out of Corpus; but assignment to panels is completely random. The court is statutorily obligated to set certain cases in the location where filed.	Panels are assigned every quarter by random assignment. Court discusses cases both before and after argument. Cases are discussed informally before oral argument and the panel meets again after. The authoring judge decides case and vote isn't taken until opinion is circulated.	The court takes summer recess in June and July. Business goes on during that time and they occasionally hear oral argument in emergency and original proceedings, but court doesn't have the usual 4 days per month of oral argument. Court never sits <i>en banc</i> at the outset of a case.
Oral Argument	Request oral argument on brief cover, usually lower left corner, but it doesn't matter. If party needs more time, it should file motion to modify; only rarely will parties be given more time at announcements.	Court grants 20 minutes per side; rebuttal comes out of the 20 minutes. Court can allot more time or less time than usual amount. Clerks and staff attorneys sometimes attend conferences and sometimes prepare memos for the conferences.	Court usually grants oral argument if requested except in rare circumstances. Author is usually assigned when the case is set for submission. The case is first set for a panel and then the author is randomly assigned out of the panel. Parties find out who is on their panel on their submission notice.	Court grants additional time usually in consolidated cases, cases with multiple parties, or in multiple appeals generated from the same underlying proceeding.
Voting			Voting occurs after an opinion has been circulated – regardless whether there has been oral argument.	
Opinions		Court has internal guidelines concerning deadlines for drafting and circulating opinions, but they are not disclosed to the public.	Court releases its opinions on Thursdays.	

Motions for Rehearing	Original plus 2 copies	Motions for rehearing (and en banc) are initially circulated to author; author makes recommendation; then it is circulated to other members of the panel. The court has sometimes granted motion for rehearing w/o request under TRAP 50.	Court generally does not have reargument when it considers cases en banc.
Original Proceedings	Original plus 3 copies	Assigned on a rotating basis to a judge. It goes to that judge's panel. Rotates on each orig. proceeding. Granting relief requires 2 out of 3 votes on the panel.	There is no specific criteria for setting proceeding for oral argument. Court will sometimes grant mandamus without having oral argument, but always requests a response before doing so.

Technology

1. Court subscribes to both Westlaw and Lexis. Court members typically use Lexis because they have unlimited usage; thus, it is better to cite to Lexis.
2. Court prefers that parties follow bluebook with respect to United States Supreme Court cites.
3. Court has received briefs or records on CD-Rom's and has found them helpful in cases involving a voluminous record.
4. Court does not prefer that parties provide copies of out of state cases, but would like copies of legislative history or other unusual citations. Don't include copies of things like the rules unless they are key to your arguments.
5. Court accepts non-voluminous routine motions by fax during or after normal working hours. Originals and required fees must follow by mail. Faxes to the court must be sent to opposing counsel by fax as governed by rules of appellate procedure.
6. Court does not accept electronic filings.
7. The only form of electronic distribution is the case mail system available on the web.
8. Court records oral argument and the parties can get a copy, but the parties have to come in and copy the tapes themselves.

Appellate Mediation

1. Court has a program for appellate mediation.
2. Parties have to complete ADR section of docketing statement.
3. The following cases are the types that are mediated: (1) cases in which both parties agree to mediate; (2) money judgments up to \$20,000 exclusive of costs and interest; (3) family law cases excluding custody disputes, termination of parental rights, and juvenile cases; (4) forfeiture of property cases; (5) there may be occasions when a panel will order post-briefing mediation.
4. The court has a mediation committee made up of a justice, clerk and chief staff attorney.
5. If someone needs to contact the court about mediation, they must go through the clerk.
6. The Court prefers that parties select their own mediator.
7. If the parties can't agree on a mediator, the court will select one for them.

Fees

1. Appeal: \$125
2. Original Proceeding: \$75
3. Motions: \$10
4. Response to Motion: None

Miscellaneous

1. If court is split 3/3, they will request assignment of a 7th judge.
2. If a party needs to file its brief after hours, arrangements can be made with the clerk.
3. The court still uses visiting judges, but very infrequently now.
4. Approximately 70% of the court's decisions are memorandum opinions.