

Survey of the Texas Appellate Courts - Eleventh District Court of Appeals (Eastland)

The Basics

1. Court's Address: Physical Address: Eastland County Courthouse, 100 W. Main, Suite 300, Eastland, Texas 76448; Mailing Address: P.O. Box 271, Eastland, Texas 76448
2. Telephone number: Phone: (254) 629-2638, Fax: (254) 629-2191
3. Website address: <http://www.11thcoa.courts.state.tx.us>
4. Names of Justices: Jim R. Wright (C.J.), Terry McCall, and Rick Strange.
5. Chief Staff Attorney: Nancy Nutto Hughes
6. Chief Clerk: Sherry Williamson
7. Local Rules: Court does not have local rules. Variance from the Texas Rules of Appellate Procedure is discouraged.

The Ins and Outs

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
Motions	Original plus 2 copies.	Motions are decided by the court. The clerks do not handle any motions.	The disposition process is usually handled quicker if the motion is agreed. If the motion is contested, the court waits 10 days for a response. A first motion for extension of time is usually granted if reasonable. Any subsequent motions for extension of time are handled on a case-by-case basis.	Rulings on motions are handed down on Thursdays at 9:00a.m.
Briefs	Original plus 7 copies.	The appellant must file a brief within 30 days—20 days in an accelerated appeal—after the later of: (1) the date the clerk's record was filed; or (2) the date the reporter's record was filed. TRAP 38.6(a). The appellee's brief must be filed within 30 days—20 days in an accelerated appeal—after the date the appellant's brief was filed. If the appellant has not filed a brief as provided in TRAP 38.6(a), an appellee may file a brief within 30 days—20 days in an accelerated appeal—after the date the appellant's brief was due. TRAP 38.6(b). A reply brief, if any, must be filed within 20 days after the date the appellee's brief was filed. TRAP 38.6(c).	Court follows TRAP rules on briefs.	A petition or brief should have durable front and back covers, which shall not be plastic or black, red or dark blue. TRAP 9.4(f). Use of multiple fonts in the body of a brief is discouraged.

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
Oral Argument	Request oral argument on cover of the brief.	In civil cases, the court grants 20 minutes per side; rebuttal is 5 minutes. In criminal cases, the court grants 15 minutes per side, with 5 minutes for rebuttal. Court sometimes allots more time upon request.	Court usually grants oral argument if requested.	Judges meet before and after argument/submission. Clerks and staff attorneys sometimes participate in conferences, but do not usually prepare memos for the conferences.
Voting Opinions		The court does not have internal guidelines concerning the time in which an opinion is drafted.	There is no formal voting. Judges discuss cases. Author is assigned randomly prior to submission.	Court normally releases its opinions on Thursdays.
Motions for Rehearing	Original plus 2 copies.	Motions for rehearing are initially circulated to the author, who considers the motion and makes a recommendation. The court does not typically grant oral argument on a motion for rehearing.		
Original Proceedings	Original plus 7 copies.	Original proceedings are circulated when filed. Emergency relief will be granted when the justices agree it is necessary.	If motion requests emergency relief, it is circulated immediately and dealt with ASAP. If there is no motion for emergency relief, it is addressed as soon as possible.	

Technology

1. Court subscribes to both Westlaw and Lexis.
2. Court does not have a preference with respect to United States Supreme Court cites.
3. Court has not received briefs or records on CD-ROMs.
4. Court prefers that parties provide copies of out of state cases. See TRAP 38.1(j).
5. Court does not accept filing by fax or electronic filings.
6. Court does not distribute its orders electronically.
7. Court does not record oral arguments.

Appellate Mediation

1. Court does not have a program for appellate mediation, but the court is looking at procedures used by other intermediate courts to be applied on a case-by-case basis.

Fees

1. Appeal: \$125
2. Original Proceeding: \$75
3. Motions: \$10
4. Response to Motion: \$10
5. The court's web site has a current list of filing fees. See also Tex. Gov't Code §51.207(b) & (c).

Miscellaneous

1. If a Justice recuses himself/herself, or if the court is not fully staffed on a case, the court notifies the parties. TRAP 16 & 17.
2. There is no typical method for a party to file its brief after hours. In exceptional situations, arrangements can be made with the clerk's office.
3. The court does use visiting judges, as budget permits.
4. Approximately 80% of the court's decisions are memorandum opinions.