

Survey of the Texas Appellate Courts - Fourteenth District Court of Appeals (Houston)

The Basics

1. Court's Address: 1307 San Jacinto, 11th Floor, Houston, Texas 77002
2. Telephone number: Phone: (713) 655-2800, Fax: (713) 650-8550
3. Website address: <http://www.14thcoa.courts.state.tx.us>
4. Justices: Adele Hedges (C.J.), Leslie Brock Yates, John S. Anderson, J. Harvey Hudson, Wanda McKee Fowler, Richard H. Edelman, Kem Thompson Frost, Charles W. Seymore, and Eva Guzman.
5. Chief Staff Attorney: Nina Reilly
6. Chief Clerk: Edward E. Wells, Jr.
7. Local Rules: Local Rules Governing Electronic Records and Documents, and Relating to Assignment of Related Cases to and Transfers of Related Cases Between the First and Fourteenth Courts of Appeals. The other internal operating procedures of the Court are confidential.
8. Counties in District: The 1st and 14th Courts have concurrent jurisdiction over cases from Harris and 9 other counties: Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Waller, and Washington. The trial court clerk randomly assigns each appeal, except that cases are assigned to the court that previously heard a related case.

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 ruled on by the panel to which the case is assigned. Cases are assigned to one of three panels when filed. On agreed motions, the certificate of conference can expedite the ruling on the motion. Motions will be held for 10 days unless certificate of conference shows the motion is unopposed, it is an emergency, or motion requests extensions to file a brief.	The court generally grants a first motion for extension of time for up to 30 days to file a brief. Further requests for extensions to file a brief will be considered on a case-by-case basis.	As a general rule, motion rulings and orders issue on Thursdays.
Briefs	Original plus 5 copies.		The Court follows the Texas Rules of Appellate Procedure.	

Case Assignment	Pursuant to the Court's Local Rules, when a notice of appeal is filed, it must contain a statement indicating whether a related appeal or original proceeding has been previously filed in either the First or Fourteenth Court of Appeals. The notice must provide the related case's caption and cause numbers.	Panels are reconstituted three times per year (at the first of April, August, and December) according to a random matrix. The Chief Justice always presides over A Panel. The most senior justice selected for each of the other panels will preside over that panel. A random draw several weeks before submission determines authorship of each case.	The justices and legal staff of each panel read briefs, review the records, and discuss the cases at pre-submission and post-submission conferences	En banc consideration is rare.
Oral Argument	A request for oral argument must be noted on the front cover of the party's brief. A party's failure to make this request 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. Late requests are not favored.	The Court grants 15 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 does not automatically grant oral argument. The justices and their staff review the briefs and determine whether to hear oral argument when setting cases for submission.	
Voting			The court's deliberative process is confidential.	Opinions and motions are circulated electronically for voting by the justices.

Opinions		<p>The Court has undisclosed internal guidelines with deadlines for drafting and circulating opinions. The authoring judge circulates an opinion only to the other members of the panel.</p>	<p>Except for emergency matters, the court issues opinions on Tuesdays and Thursdays.</p>	
Motions for Rehearing	<p>Original plus 2 copies. Motions for rehearing en banc require an original plus 11 copies.</p>	<p>Motions are circulated to the entire panel and voted on by the individual panel members. It is rare for court to grant a rehearing without being requested by the parties. When they do so, it is generally under the Tex. Rule of App. P. 50 permitting reconsideration and modification of criminal opinions 30 days after PDR is filed.</p>	<p>En banc consideration is not favored. The justices on the court carefully apply the standard in Rule 41.2(c), which limits en banc consideration to cases where extraordinary circumstances or a conflict exists. The justices on the original panel first consider the en banc motion. Their vote is reported to the rest of justices who then consider the motion. If any justice calls for a vote, the entire court votes on rehearing.</p>	
Original Proceedings	<p>When an original proceeding is filed, the court's local rules require that a notice must be filed indicating whether a related appeal or original proceeding has been previously filed in either the First or Fourteenth Court of Appeals. The notice must provide the related case's caption and cause numbers. Rule 9.3 require an original and 3 copies of all documents (except the record) in an original proceeding. The court prefers, however, to receive an original and 4 copies.</p>	<p>The First and Fourteenth Courts of Appeals have concurrent habeas and mandamus jurisdiction. Petitions are docketed in a single book and assigned on a rotating basis. If however, one court had a related matter, the proceeding will be assigned to the court that had the related matter. See Local Rules for the Fourteenth District Court of Appeals, Houston, Relating to Assignment of Cases Between the First and Fourteenth Courts of Appeals. Misc. Docket No. 06-9158 (Tex. Dec. 7, 2006).</p>	<p>The Court reviews requests for emergency relief immediately. The Court's staff reviews petitions when they are filed. All original proceedings are given expedited consideration.</p>	<p>The panel assigned an original proceeding will determine whether to hear oral argument based on the particular issues presented. The Court will grant mandamus relief without oral argument.</p>

Technology

1. The Court uses Westlaw primarily, and to some extent, Lexis. The Court has Supreme Court Reporters, but not U.S. Reporters. Providing parallel citations to the Supreme Court Reporter is helpful.
2. The Court has received briefs or records on CD-Rom and has found them helpful. The Court does not have the capability to accept electronic filings at this time, but e-filing procedures are being developed. The Court is in the process of promulgating procedures to implement electronic filing of the record as well.
3. The Court has access to the Law Library at South Texas College of Law, but appreciates it if the parties provide copies of out of state cases.
4. The Court accepts emergency motions by fax. The filing party must, however, file an original and 2 copies at the earliest opportunity (usually the next day), and indicate that the motion was previously faxed. As long as the filing fee is promptly paid, the motion will be deemed filed as of the date the fax is received. The Court does not accept fax filing of briefs.
5. The Court does not distribute its orders electronically at this time.
6. The Court does not record oral argument.

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 process is stayed 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 appellant should complete and file a docketing statement, including the mediation section, and appellees should complete and file a one-page mediation docketing statement, both within 15 days. The parties are informed that failure to comply will be deemed an affirmative response to mediation by the non-filing party. A case may be dismissed or sanctions imposed for failure to comply with the court's mediation orders.
4. The three central staff attorneys monitor the cases assigned to their panels, including mediation.
5. When a case is ordered to mediation, the parties are to agree on a mediator within 10 days of the order, or within 10 days of the overruling of an objection, if one is filed.
6. If the parties are unable to agree, they must each submit the names of two acceptable mediators, and the court will randomly select a mediator.

Fees

1. Appeal: \$125
2. Original Proceeding: \$75
3. Motions: \$10
4. Copying charges: \$.10 per page

Miscellaneous

1. The Court maintains a "drop box" in the lobby of the court of appeals building for after-hours filing as a courtesy to practitioners. Documents placed in the drop box between 5:00 and 6:00 p.m. are considered timely filed on that day.
2. The Court occasionally utilizes the services of visiting judges, including retired Senior Chief Justice Paul Murphy and Senior Justice Margaret Garner Mirabal.
3. The Court estimates that approximately 70% of its opinions are memorandum opinions.