

Survey of the Texas Appellate Courts - Twelfth District Court of Appeals (Tyler)

The Basics

1. Court's Address: Court of Appeals, 12th District, 1517 W. Front Street, Suite 354, Tyler, TX 75702
2. Telephone number: 903.593.8471, 903.593.2193 (fax)
3. Website address: www.12thcoa.courts.state.tx.us
4. Names of Justices: James T. Worthen (C.J.), Sam Griffith, and Brian Hoyle
5. Chief Staff Attorney: Margaret L. Hussey
6. Clerk of the Court: Cathy Lusk
7. Local Rules: The court does not have local rules.

The Ins and Outs

PROCEDURE	WHAT AND HOW TO FILE	HOW HANDLED	COURT'S PARTICULAR PRACTICES	SPECIAL NOTES
Motions	Original plus 1 copy.	Non-routine motions are decided by the full court. First motions for extension of time are routinely granted. Additional requests should seek no more than 30-day increments. Second motions are generally granted; subsequent motions are considered on the merits.	The court generally respects the parties' agreements, but does not automatically grant agreed motions. Motions are held for 10 days before consideration to allow time for a response, unless the rules allow for earlier consideration.	Motions are generally considered on Tuesdays.
Briefs	Original plus 4 copies of both briefs and appendices. Deadlines follow the TRAPs.			
Case Assignment				
Oral Argument	Request argument on brief cover.	Court allows a total of 20 minutes per side; which includes the appellant's rebuttal. The appellant is asked to allot time for rebuttal when making an appearance. Court does not allow more time. Judges prepare independently for argument and case conferences.	The court does not automatically grant requests for argument. Argument is granted if it will assist the court in reaching a decision.	If the court grants argument, both sides will have the opportunity to appear and present argument, even if only one party requested it.

Voting			<p>The court meets informally every morning, but case conferences are held after argument. Voting generally occurs after argument. Staff attorneys are assigned to cases, not judges, and the staff attorney for a particular case will attend the conference for that case. In cases without oral argument, the court decides on a case-by-case basis how and when voting occurs.</p>	
Opinions		<p>Authors are assigned based on a random draw when the case is docketed for argument or submitted without argument. Court does not have internal guidelines concerning deadlines for drafting and circulating opinions.</p>	<p>Court releases opinions on Wednesdays and the last business day of each month.</p>	
Motions for Rehearing	Original plus 3 copies.	<p>Motions for rehearing are initially circulated to author, who makes a recommendation to the court. The court has not recently granted rehearing w/o request under TRAP 50, but will do so in an appropriate case.</p>		
Original Proceedings	Original plus 5 copies.	<p>If the court requests a response, it generally sets the deadline in 10-15 days.</p>	<p>The Clerk's office distributes original proceedings to all three justices and to the chief staff attorney. Requests for emergency relief are reviewed immediately. Original proceedings generally are given priority. Generally, two votes are required to grant emergency relief.</p>	<p>Original proceedings are set for oral argument if it will assist the court to decide the issues.</p>

Technology

1. Court has both Westlaw and Lexis.
2. With respect to United States Supreme Court cites, cite all three reporters.
3. The court has received a very small number of briefs/records on CD-Rom. Hard copies are required of any and all documents to be filed.
4. The court prefers that parties provide copies of out of state cases.
5. The court does not accept fax filing.
6. The court does not accept electronic filings.

7. The court does not distribute orders electronically.
8. The court records oral argument.

Appellate Mediation

1. The court has a program for appellate mediation, but is selective in referring cases to mediation. Only a small percentage of cases is referred. The court considers the parties' preferences, the mediation history of the case, the amount in controversy, the probable outcome, and whether settlement appears possible. If the parties have mediated in the lower court, the court of appeals generally will not require a second mediation.
2. Parties must confer with the mediator within 7 days of an order referring the case to mediation and schedule mediation no later than 6 weeks after the order.
3. The chief staff attorney oversees the mediation program.
4. If someone needs to contact the court about mediation, they must go through the clerk.
5. The court encourages parties to select their own mediator and will honor those requests. The court will tentatively appoint a mediator whose appointment will become final unless parties agree on another mediator within 7 days. The court makes appointments from a list of approved mediators and attempts to match the case with the mediator best-qualified to handle it. Any mediator who has completed a qualified training program can complete an application for inclusion on the court's list of approved mediators.

Fees

1. Appeal: \$125
2. Original Proceeding: \$75
3. Motions: \$10
4. Response to Motion: \$10
5. Exhibits tendered for oral argument: \$25
6. A full listing of fees can be found at www.12thcoa.courts.state.tx.us.

Miscellaneous

1. There is no special provision for after-hours filing.
2. The court infrequently uses as visiting judges the former, retired Chief Justice Tom Ramey or former, retired Justice Bill Bass.
3. A high percentage of the court's opinions are memorandum opinions, especially in criminal cases.