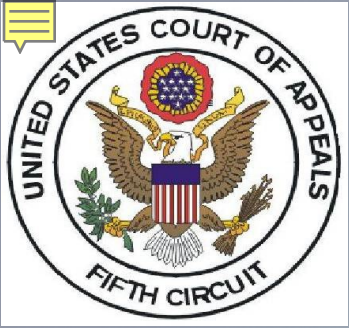




# Practicing Before the Fifth Circuit Court of Appeals: A Conversation and Q&A with Clerk of Court Lyle Cayce

Appellate Section Webinar  
April 25, 2025  
Moderated by Steve Hayes



## Topics

- Court overview
- Accessing case-related information
- Key resources for attorneys (including our “Attorney Toolbox”)
- Practice Tips – Errors to avoid
- Court procedures, statistics, and opinion trivia

# THE FIFTH CIRCUIT

## NINE DISTRICTS IN THREE STATES

### (28 USC §41)

#### 3 Louisiana Districts:

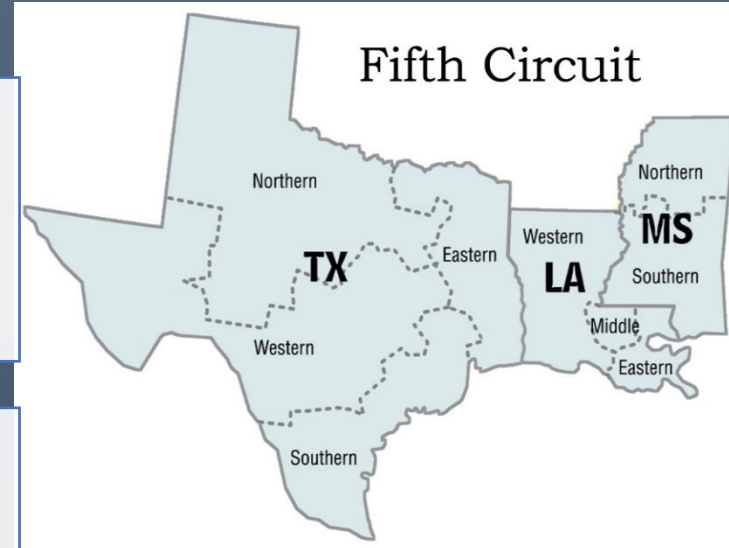
- Eastern District, New Orleans
  - Chief Judge Nannette Jolivette Brown - Clerk Carol L. Michel
- Middle District, Baton Rouge
  - Chief Judge Shelly D. Dick - Clerk Mike L. McConnell
- Western District, Shreveport
  - Chief Judge Terry A. Doughty - Clerk Daniel J. McCoy

#### 2 Mississippi Districts:

- Northern District, Oxford
  - Chief Judge Debra M. Brown - Clerk David Crews
- Southern District, Jackson
  - Chief Judge Halil S. Ozerden- Clerk Arthur Johnston, III

#### 4 Texas Districts:

- Eastern District, Beaumont
  - Chief Judge Rodney Gilstrap - Clerk David O'Toole
- Northern District, Dallas
  - Chief Judge David C. Godbey - Clerk Karen Mitchell
- Southern District, Houston
  - Chief Judge Randy Crane - Clerk Nathan Ochsner
- Western District, San Antonio
  - Chief Judge Alia Moses - Clerk Philip Devlin



Court sits in New Orleans and Fort Worth and elsewhere as required (28 USC §48)



# The court has 17 Active and 8 Senior\* Judges, in the locations noted.

Houston: Chief Judge  
Elrod and Judges  
King\*, Jones, and  
Smith

Austin: Judges  
Richman, Willett,  
Oldham and  
Higginbotham\*

Dallas: Judges  
Haynes, Ho, and  
Ramirez

Jackson: Judges  
Jolly\*, Barksdale\*,  
Southwick, Graves,  
and Wilson

Shreveport: Judge  
Stewart

New Orleans: Judges  
Davis\*, Wiener\*,  
Dennis\*, Clement\*,  
Higginson, Engelhardt  
and Douglas

Baton Rouge: Judge  
Duncan




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## UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT


Honorable Jennifer W. Elrod, Chief Judge


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#### [Public Access to Oral Arguments](#)

Links to upcoming hearings are contained in the document listed below. Live audio links are active only during arguments and are paused between cases or during any technical issues. For those unable to listen live, we continue to post audio recordings after the proceeding, on the oral argument recordings page: [Oral Argument Recordings](#).


[February 3 - 6 Oral Argument Links](#)

#### [Press Release - New Chief Judge](#)

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Court and Special Hearing Calendars

Live Streams for Today

Number ↑	Style		Nature	Time	Venue
23-10735	USA v. Tammy Walden Thomas, Appellant.	<a href="#">Listen</a>	Criminal (DCRIM)	9:00 AM	West Courtroom
23-20354	USA v. Sha Kendrick Smith, Appellant.	<a href="#">Listen</a>	Criminal (DCRIM)	9:00 AM	En Banc Courtroom
23-20448	Petrobras America, Appellant-Appellee v. Samsung Heavy Industries Company.	<a href="#">Listen</a>	RICO (Fed Q)	9:00 AM	En Banc Courtroom
23-30424	Michael Holmes v. Corbett Reddoch, Et Al., Appellants.	<a href="#">Listen</a>	Other Civil Rights	9:00 AM	East Courtroom
23-30444	USA v. Terrell Moore, Appellant.	<a href="#">Listen</a>	Criminal (DCRIM)	9:00 AM	West Courtroom
23-50720	Rainbow Energy Marketing Corporation, Appellant v. DC Transco.	<a href="#">Listen</a>	Other Contract Actions (Dvsty)	1:00 PM	En Banc Courtroom
23-50928	Crystal Clear Special Utility District v. HK Baugh Ranch, Appellant.	<a href="#">Listen</a>	Agricultural Acts (Fed Q)	9:00 AM	West Courtroom
24-10084	Elio Cerkezi, Et Al., Appellants v. City of Arlington, Et Al.	<a href="#">Listen</a>	Other Civil Rights	9:00 AM	En Banc Courtroom
24-20007	Banco Mercantil De Norte, S.A., Et Al. v. Juan Jose Paramo, Appellant.	<a href="#">Listen</a>	Other Statutory Actions (FedQ)	9:00 AM	East Courtroom
24-40248	M.D., Et Al. v. Greg Abbott, Et Al., Appellants.	<a href="#">Listen</a>	Other Civil Rights	4:30 PM	En Banc Courtroom

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ABOUT THE COURT	ATTORNEY INFORMATION	CASE INFO & E-FILING	ORAL ARGUMENT INFORMATION	RULES & PROCEDURES	FORMS, FEES & GUIDES	OTHER LINKS
Court and Special Hearing Calendars						
Pending Hearings by Case						
Number ↑	Style	Date	Nature	Time	Venue	
19-70022	Rodney Reed, Appellant v. Bryan Goertz, Et Al. (30 MINUTES PER SIDE)	9/23/2024	Habeas Corpus - Death Penalty	10:30 AM	West Courtroom	
23-10661	Michael Ray Senn, Appellant v. Bobby Lumpkin.	9/3/2024	Habeas Corpus	1:00 PM	East Courtroom	
23-10735	USA v. Tammy Walden Thomas, Appellant.	8/5/2024	Criminal (DCRIM)	9:00 AM	West Courtroom	
23-10773	J.T., Appellant v. Uplift Education.	9/5/2024	Civil Rights	9:00 AM	West Courtroom	
23-10904	Munck Wilson Mandala, Appellant v. Mark Jordan, Et Al.	8/6/2024	RICO (Fed Q)	9:00 AM	En Banc Courtroom	
23-10911	Highland Capital Management, L.P. v. NexPoint Asset Management, L.P., Et Al., Appellants	8/6/2024	Bankruptcy	9:00 AM	East Courtroom	
23-11023	Steve Biggers, Appellant v. Ron Massingill.	9/5/2024	Other Civil Rights	9:00 AM	East Courtroom	
23-11065	Southwest Airlines Pilots Association, Appellant v. Southwest Airlines Company.	8/6/2024	Railway Labor Act (Fed Q)	9:00 AM	East Courtroom	
23-11084	Nathaniel King, Appellant v. DFW International Airport Board.	8/8/2024	Americans w/Disab Act-Empl	9:00 AM	East Courtroom	
23-11120	Placid Oil, Appellant v. Avalon Farms.	9/5/2024	Bankruptcy	9:00 AM	En Banc Courtroom	
23-11132	USA v. Ruel M. Hamilton, Appellant.	8/7/2024	Criminal (NCRIM)	9:00 AM	East Courtroom	
23-11208	Suzann Ruff, Appellant v. Destination Development Partners, Et Al.	9/4/2024	Bankruptcy	9:00 AM	East Courtroom	
23-11247	Fonda Wicks, Appellant v. Metropolitan Life Insurance Company.	8/6/2024	Employee Retirement (Fed Q)	9:00 AM	West Courtroom	
23-20140	Scott Sullivan, Et Al. v. Stewart Feldman, Et Al., Appellants. (30 MINUTES PER SIDE)	8/7/2024	Recovery/Enforcement (Dvsty)	9:00 AM	En Banc Courtroom	
23-20188	Michel Keck, Appellant-Appellee; Mathew Kidman Higbee, Et Al. v. Mix Creative Learning Center, Et Al.	8/6/2024	Copyright (Fed Q)	9:00 AM	En Banc Courtroom	
23-20354	USA v. Sha Kendrick Smith, Appellant.	8/5/2024	Criminal (DCRIM)	9:00 AM	En Banc Courtroom	
23-20435	Feanyichi E. Uvukansi, Appellant v. Bobby Lumpkin.	9/3/2024	Habeas Corpus	1:00 PM	West Courtroom	
23-20448	Petrobras America, Appellant-Appellee v. Samsung Heavy Industries Company.	8/5/2024	RICO (Fed Q)	9:00 AM	En Banc Courtroom	
23-20502	Kimaletha Wynn, Et Al., Appellants; Vincent Leday, Et Al., Appellants v. Harris County, Texas, Et Al.	8/7/2024	Other Civil Rights	9:00 AM	West Courtroom	
23-20513	USA v. Arturo Garza, Jr., Appellant.	9/4/2024	Criminal (DCRIM)	9:00 AM	East Courtroom	
23-20516	Great Lakes Dredge & Dock Company, Appellant v. Chris Magnus, Et Al.; American Petroleum Institute.	9/3/2024	Other Statutes	1:00 PM	East Courtroom	
23-20533	Zyla Life Sciences, Appellant-Appellee v. Wells Pharma of	8/5/2024	Other personal prop	9:00 AM	East Courtroom	



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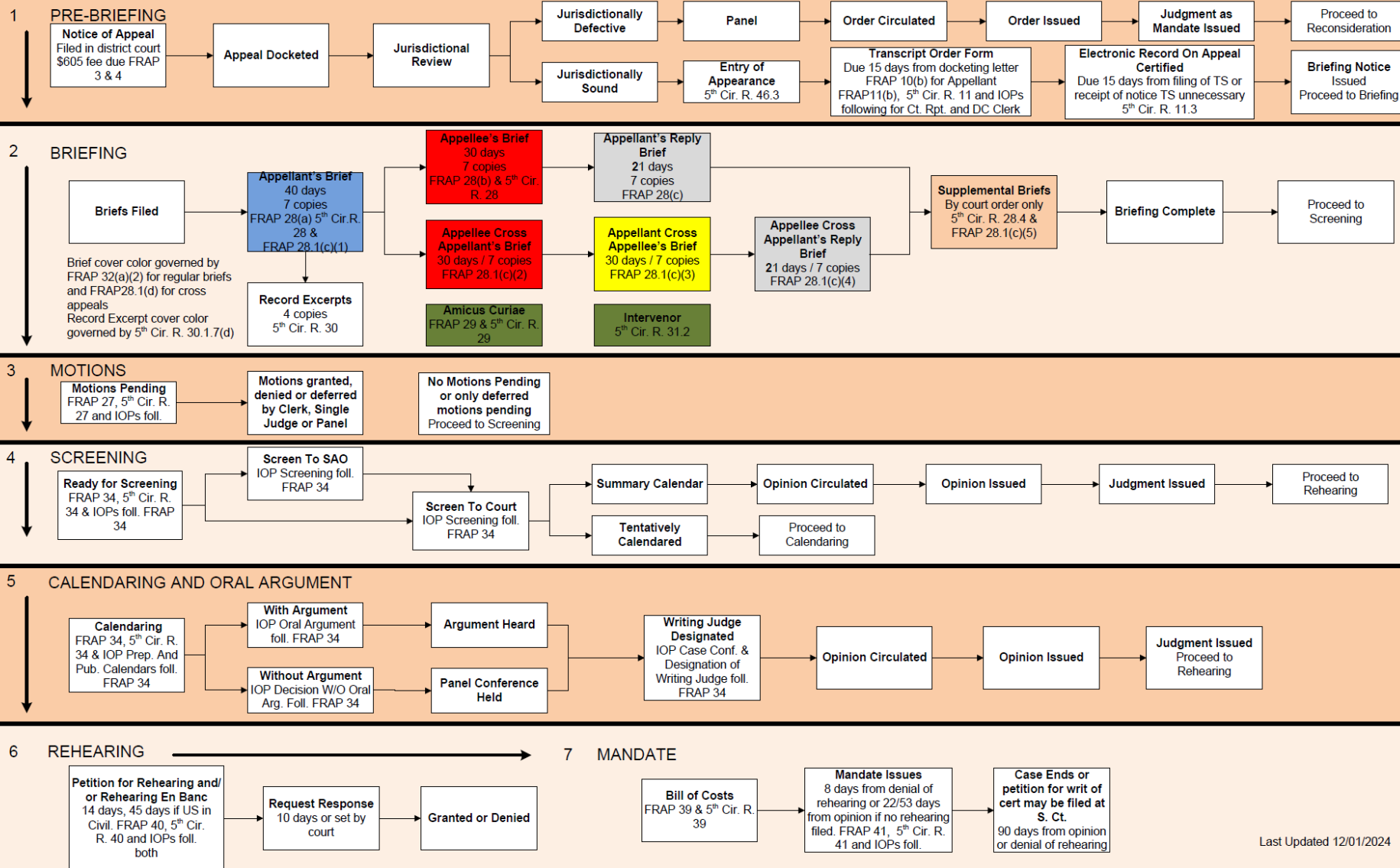


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- ▶ Website: [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov) (Access to OA livestreams, calendars, opinions, and so much more!)
- ▶ [Practitioner Guide](#) (please review!)
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- ▶ Help Desk: 877.232-1038 or [Webmaster@ca5.uscourts.gov](mailto:Webmaster@ca5.uscourts.gov)
- ▶ ATTORNEY TOOLBOX!

# THE LIFE OF AN APPEAL IN THE FIFTH CIRCUIT COURT OF APPEALS\*

\* Does not encompass Mandamus, Original Proceedings or Petitions for Review



Last Updated 12/01/2024

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Case Administration Manager: Peter Connors 310-7685		All Clerk's Office Numbers are 504 Area Code
<b>NORTHERN AND WESTERN TEXAS</b> 10001-19999                      50001-59999 <b>Group Main No. 310-7806</b>	<b>SOUTHERN AND EASTERN TEXAS</b> 20001-29999                      40001-49999 <b>Group Main No. 310-7807</b>	<b>LOUISIANA, MISSISSIPPI, &amp; AGENCY</b> 30001-39999                      60001-69999 <b>Group Main No. 310-7808</b>
<u>CASE MANAGER</u>	<u>CASE ADMINISTRATOR TEAM LEADER</u>	<u>CASE MANAGER</u>
Christina Gardner (CAG) 310-7684	Angelique Tardie (ABT) 310-7715	Shea Pertuit VanVoorhis (SEP) 310-7666
<b>Case Management Nos. Ending in 0:</b> are routed as identified below based on the second to last number.  <b>Nos. Ending in 1, &amp; 2:</b> Casey Sullivan (CAS): 310-7642  <b>Nos. Ending in 3, &amp; 4 and Death Penalty:</b> Mary Frances Yeager (MFY): 310-7686  <b>Nos. Ending in 5, &amp; 6:</b> Lisa Ferrara (LEF): 310-7675  <b>No. ending in 7, &amp; 8:</b> Melissa Courseault (MBC): 310-7701  <b>No. ending in 9:</b> Jasmine Forman (JF): 310-7649  <u><b>Generalist Work Only:</b></u> Eyonka Falls (EMF): 310-7670 Rebecca Jeanfreau (RLJ): 310-7645 <b>Nos Ending in Even#s:</b> Renee McDonough (RSM): 310-7673 <b>Nos Ending in Odd#s:</b> Routed to Case Management Clerks	<b>Nos. Ending in 0:</b> Melissa Mattingly (MRM): 310-7719  <b>Nos. Ending in 1:</b> Rebecca Andry (RCA): 310-7638  <b>Nos. Ending in 2:</b> Amanda Duroncelet (AMD): 310-7636  <b>Nos. Ending in 3:</b> Christy Combel (CMC): 310-7651  <b>Nos. Ending in 4, &amp; 5:</b> Rebecca Leto (RLL): 310-7703  <b>Nos. Ending in 6, &amp; 7:</b> Dantrell Johnson (DLJ): 310-7689  <b>Nos. Ending in 8, &amp; 9:</b> Roeshawn Johnson (RAJ): 310-7998  <u><b>Generalist Work Only:</b></u> Sean Hannan (SRH): 310-7702 Shatyra Rasheed (SMR): 310-7646 Shani Hudson (STH): 310-7707  <b>Record Clerk:</b> Dawn LeBlanc (DDL): 310-7717	<b>Nos. Ending in 0:</b> Melissa Mattingly (MRM): 310-7719  <b>Nos. Ending in 1:</b> Rebecca Andry (RCA): 310-7638  <b>Nos. Ending in 2:</b> Amanda Duroncelet (AMD): 310-7636  <b>Nos. Ending in 3:</b> Christy Combel (CMC): 310-7651  <b>Nos. Ending in 4, &amp; 5:</b> Rebecca Leto (RLL): 310-7703  <b>Nos. Ending in 6, &amp; 7:</b> Dantrell Johnson (DLJ): 310-7689  <b>Nos. Ending in 8, &amp; 9:</b> Roeshawn Johnson (RAJ): 310-7998  <u><b>Generalist Work Only:</b></u> Sean Hannan (SRH): 310-7702 Shatyra Rasheed (SMR): 310-7646 Shani Hudson (STH): 310-7707  <b>Record Clerk:</b> Dawn LeBlanc (DDL): 310-7717
<b>DEATH PENALTY 70000</b> Mary Frances Yeager (MFY): 310-7686; 1 <sup>st</sup> Backup: Casey Sullivan (CAS) 310-7642; 2 <sup>nd</sup> Backup: Dantrell Johnson (DLJ): 310-7689		
ALL TEAMS/ALL CASE NUMBERS		
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Case ▾	Title	Item Due ⇅	Party Type/Name	Date Due ⇅	File Event
25-50685	USA v. Bayona-Montes	A/Pet's Brief Due	Appellant <u>Bayona-Montes</u>	05/17/2025	<a href="#">Appellant/Petitioner Brief Filed</a> <a href="#">Anders Brief Filed</a> <a href="#">Rule 28i letter filed adopting brief</a>


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Case Number	Title	Type	Date accepted
<a href="#">24-50950</a>	USA v. Gamboa-Herrera	Original	Jan 31, 2025, 8:34:13 AM
<a href="#">24-50952</a>	USA v. Mena Bonilla	Original	Feb 10, 2025, 10:17:37 AM
<a href="#">24-50963</a>	USA v. Smith	Original	Jan 7, 2025, 8:12:52 AM
<a href="#">24-50969</a>	USA v. Martinez-Fajardo	Original	Feb 4, 2025, 11:03:53 AM
<a href="#">24-50970</a>	USA v. Roberson	Original	Jan 13, 2025, 4:17:01 PM
<a href="#">24-50974</a>	USA v. Currier	Original	Feb 14, 2025, 11:27:08 AM
<a href="#">24-50981</a>	USA v. Williams	Original	Feb 21, 2025, 11:16:54 AM
<a href="#">24-51009</a>	USA v. Soria	Original	Feb 7, 2025, 3:42:46 PM
<a href="#">24-51016</a>	USA v. Aguilar-Martinez	Original	Feb 17, 2025, 8:11:49 AM
<a href="#">24-51029</a>	USA v. Vonallman	Original	Feb 3, 2025, 12:32:05 PM
<a href="#">24-51032</a>	USA v. Roberts	Original	Mar 6, 2025, 7:55:32 AM
<a href="#">25-50002</a>	USA v. Macias-Lopez	Original	Feb 19, 2025, 3:39:55 PM
<a href="#">25-50011</a>	USA v. Menchaca-Segura	Original	Feb 11, 2025, 8:43:16 AM
<a href="#">25-50018</a>	USA v. Lozano	Original	Feb 18, 2025, 10:10:38 AM
<a href="#">25-50023</a>	USA v. Rodriguez-Salas	Original	Feb 13, 2025, 11:13:49 AM

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**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (McAllen)  
CRIMINAL DOCKET FOR CASE #: 7:22-cr-01627-1  
Internal Use Only**

Case title: USA v. Luna-Soto

Magistrate judge case number: 7:22-mj-01796

Date Filed: 10/05/2022

Date Terminated: 01/17/2024

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Assigned to: Judge Micaela Alvarez

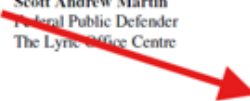
Defendant (1)

Andro Sergio Luna-Soto  
TERMINATED: 01/17/2024

represented by **Juan Jose Becerra**  
Federal Public Defender  
1701 W Hwy 83  
Ste 405  
McAllen, TX 78501  
956-630-2995  
Fax: 956-631-8647  
Email: Juan\_J\_Becerra@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or Community  
Defender Appointment*

**Marjorie A Meyers**  
Federal Public Defender  
Southern District of Texas  
440 Louisiana  
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Suite 1350  
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713-718-4600  
Fax: 713-718-4610  
Email: Margy\_Meyers@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
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**Scott Andrew Martin**  
Federal Public Defender  
The Lyric Office Centre

 25-50023.1

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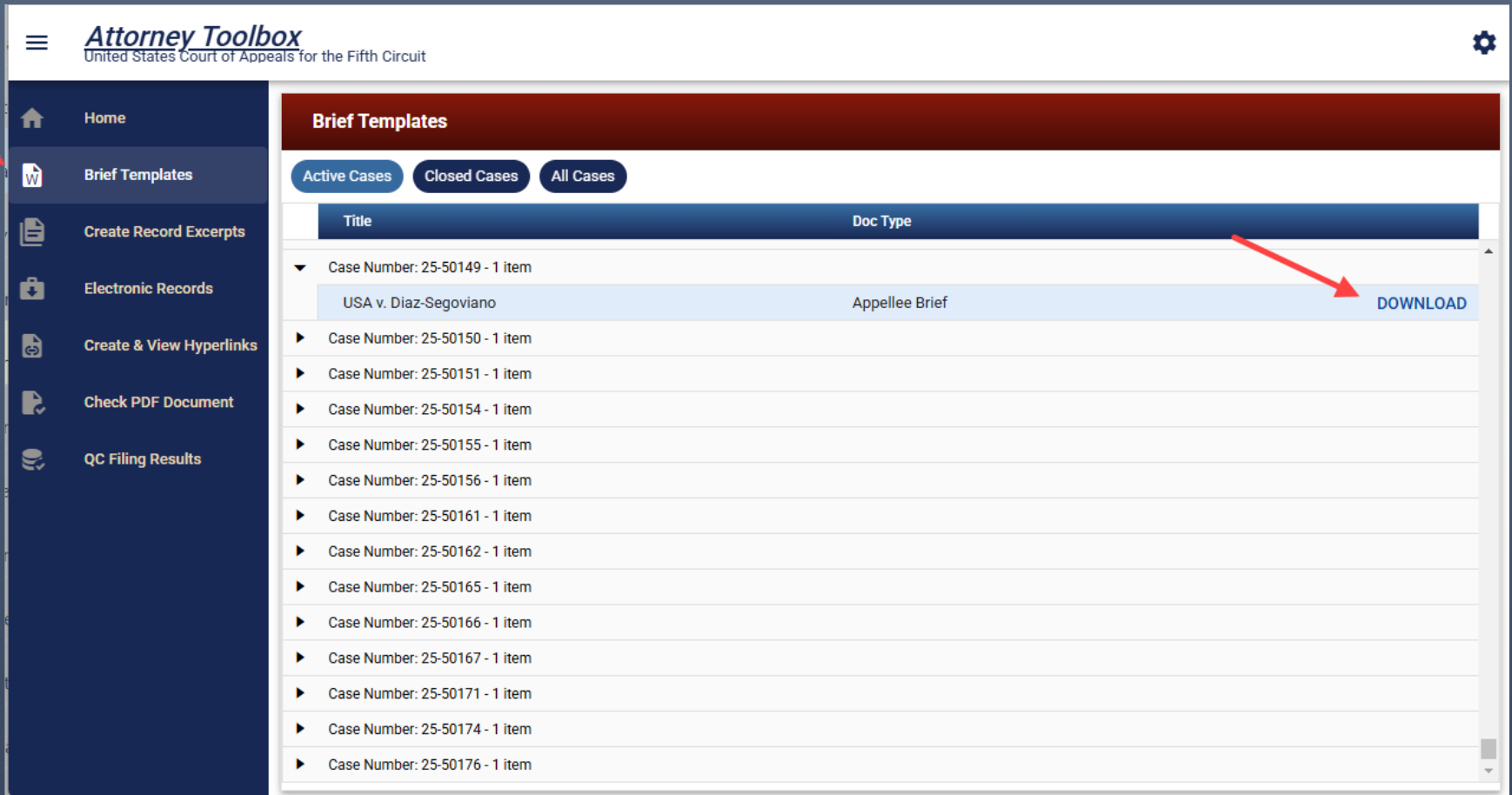


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STATEMENT OF THE CASE

SUMMARY OF THE ARGUMENT

ARGUMENT

CONCLUSION

CERTIFICATE OF SERVICE

CERTIFICATE OF COMPLIANCE

No. 25-50149

IN THE

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

United States of America,

Plaintiff - Appellee

v.

Juan Martin Diaz-Segoviano,

Defendant - Appellant

On Appeal

United States District Court for

4:24-CR-

BRIEF OF APPELLEE UNIT

SUE

JURISDICTIONAL STATEMENT

Type here a Jurisdictional Statement as required by FED. R. APP. P. 28(a)(4)(A) through (D)

STATEMENT OF THE ISSUES

Type here a Statement of Issues presented for review as required by FED. R. APP. P. 28(a)(5).

STATEMENT OF THE CASE

Type here a Statement of the Case as required by FED. R. APP. P. 28(a)(6).

CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of 5<sup>th</sup> CIR Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

<b>Appellees:</b>	<b>Counsel for Appellees:</b>
United States of America	Carmen Mitchell of U.S. Attorney's Office Houston, TX

<b>Appellants:</b>	<b>Counsel for Appellants:</b>
Sixto Gonzalez	Marjorie Meyers of Federal Public Defender's Office Houston, TX
Sixto Gonzalez	Scott Martin of Federal Public Defender's Office Houston, TX
Sixto Gonzalez	Evan Howze of Federal Public Defender's Office Houston, TX

<b>Other Interested Parties:</b>	<b>Counsel for Interested Parties:</b>
Type Here	Type Here

S/Scott Andrew Martin  
Attorney of record for Type Here

A Certificate of Interested Persons is required by 5<sup>th</sup> CIR. R. 28.2.1.

iii

OF THE ARGUMENT

nt as required by FED. R. APP. P. 28(a)(7).

ARGUMENT

2

CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limit of FED. R. APP. P. 32(a)(7)(B) because, excluding the parts of the document exempted by FED. R. APP. P. 32(f) and 5<sup>th</sup> CIR. R. 32.1: this document contains *[state the number of]* words.

2. This document complies with the typeface requirements of FED. R. APP. P. 32(a)(5), and 5<sup>th</sup> CIR. R. 32.1 and the type-style requirements of FED. R. APP. P. 32(a)(6) because:  
  
this document has been prepared in a proportionally spaced typeface using *[state name and version of word-processing program]* in *[state font size and name of type style]*.

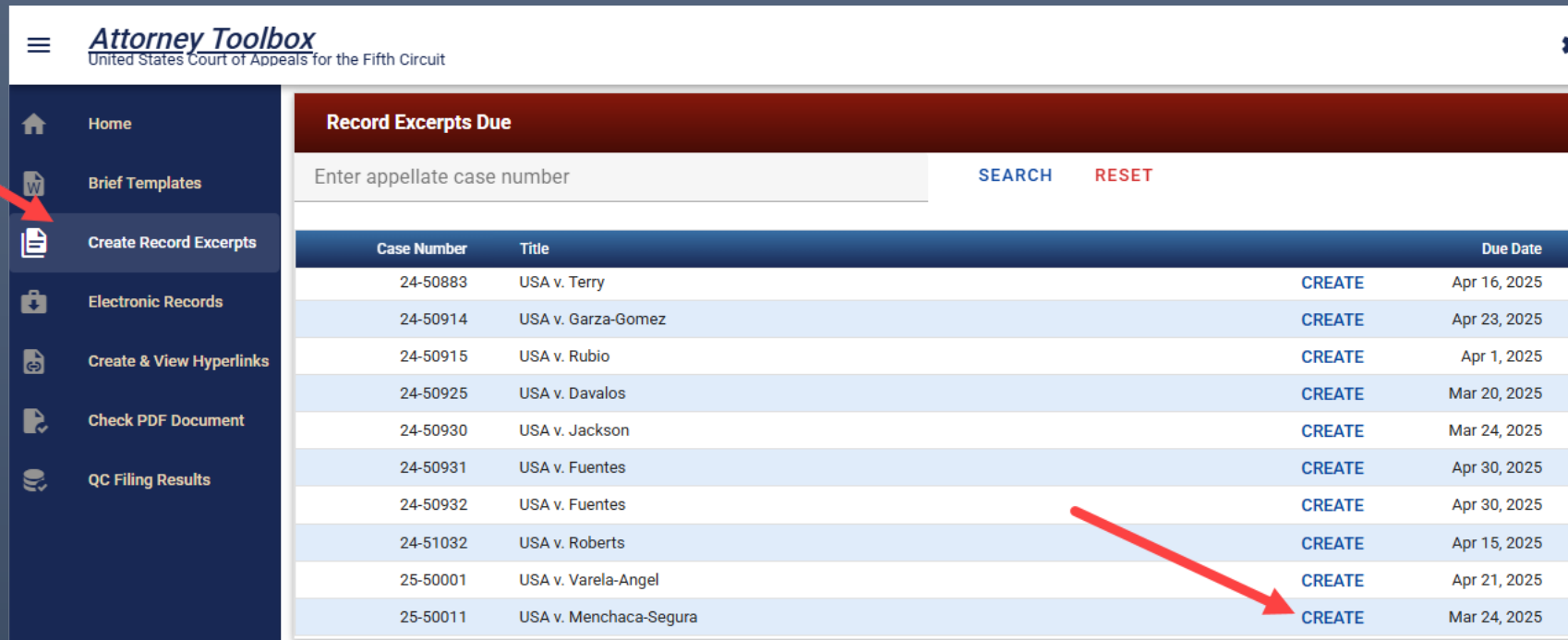
S/Scott Andrew Martin

A certificate of compliance if required by FED. R. APP. P. 32(g)(1), and 5<sup>th</sup> CIR. R. 32.3, and FED. R. APP. P. 28(a)(10).

5

21

# CREATE RECORD EXCERPTS REQUIRED BY LOCAL RULE 30



**Attorney Toolbox**  
United States Court of Appeals for the Fifth Circuit

Home  
Brief Templates  
**Create Record Excerpts**  
Electronic Records  
Create & View Hyperlinks  
Check PDF Document  
QC Filing Results

**Record Excerpts Due**

Enter appellate case number [SEARCH](#) [RESET](#)

Case Number	Title		Due Date
24-50883	USA v. Terry	<a href="#">CREATE</a>	Apr 16, 2025
24-50914	USA v. Garza-Gomez	<a href="#">CREATE</a>	Apr 23, 2025
24-50915	USA v. Rubio	<a href="#">CREATE</a>	Apr 1, 2025
24-50925	USA v. Davalos	<a href="#">CREATE</a>	Mar 20, 2025
24-50930	USA v. Jackson	<a href="#">CREATE</a>	Mar 24, 2025
24-50931	USA v. Fuentes	<a href="#">CREATE</a>	Apr 30, 2025
24-50932	USA v. Fuentes	<a href="#">CREATE</a>	Apr 30, 2025
24-51032	USA v. Roberts	<a href="#">CREATE</a>	Apr 15, 2025
25-50001	USA v. Varela-Angel	<a href="#">CREATE</a>	Apr 21, 2025
25-50011	USA v. Menchaca-Segura	<a href="#">CREATE</a>	Mar 24, 2025

SELECT THE APPEAL REQUIRING  
RECORD EXCERPTS

1. Verify Pre-Selected Documents.

2. Add Optional Content.

3. Finalize and Download.

**Attorney Toolbox**  
United States Court of Appeals for the Fifth Circuit

**Create Record Excerpts for 25-50011**

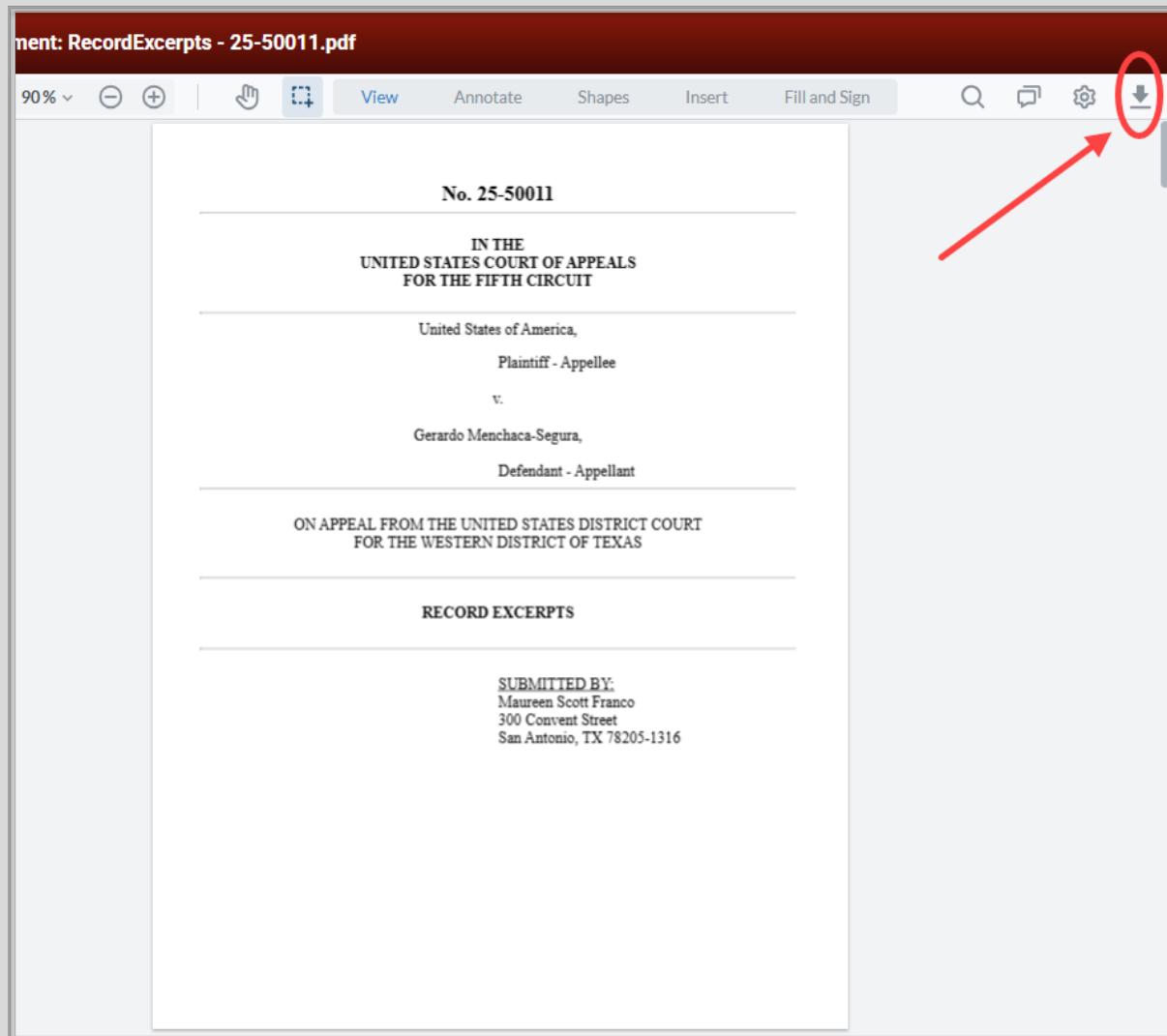
**DISPLAY INSTRUCTIONS**

1 Verify Required Documents    2 Select Optional Documents    3 Finalize and Download

Document	Doc.	Pages	Selected	Action
Category: Docket Sheet - 2 items				
DOCKET SHEET - 2:20-CR-890-1	-	233 - 244	<input checked="" type="checkbox"/>	REMOVE
DOCKET SHEET - 2:20-CR-890-1	-	1 - 10	<input checked="" type="checkbox"/>	REMOVE
Category: Indictment - 1 item				
INDICTMENT	1	245	<input checked="" type="checkbox"/>	REMOVE
Category: Judgment/Order/Opinion - 17 items				
PROPOSED ORDER	3	13	<input checked="" type="checkbox"/>	REMOVE
PROPOSED ORDER	4	16	<input type="checkbox"/>	ADD
ORDER ON MOTION FOR ISSUANCE OF	5	17	<input type="checkbox"/>	ADD
ORDER ON MOTION TO SEAL	6	18	<input type="checkbox"/>	ADD
ORDER ON MOTION TO UNSEAL CASE	9	21	<input type="checkbox"/>	ADD
ORDER APPOINTING PUBLIC DEFENSE	10	22	<input type="checkbox"/>	ADD
BRADY ORDER	11	23	<input type="checkbox"/>	ADD
SCHEDULING ORDER/WAIVER	13	24 - 27	<input type="checkbox"/>	ADD

PREVIOUS    NEXT

When review  
is complete,  
download  
and save for  
filing.



**No. 25-50011**

---

**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

---

United States of America,

Plaintiff - Appellee

v.

Gerardo Menchaca-Segura,

Defendant - Appellant

---

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

---

**RECORD EXCERPTS**

---

SUBMITTED BY:

Maureen Scott Franco  
300 Convent Street  
San Antonio, TX 78205-1316

The PDF  
complies with  
Local Rules.



PDF includes all  
required sections,  
such as the Table of  
Contents

#### Table of Contents

Document	Record Citation	Tab
Docket Sheet - 2:20-CR-890-1	ROA.233-244	Tab 1
Docket Sheet - 2:20-CR-890-1	ROA.1-10	Tab 2
Notice of Appeal - Judgment and Sentence	ROA.103-104	Tab 3
Clerk's Notice of Filing of an Appeal	ROA.105	Tab 4
notice of appeal	ROA.106-107	Tab 5
Indictment	ROA.245	Tab 6
Proposed Order	ROA.13	Tab 7

**TAB 1**

PDF even inserts a numbered Tab page between sections (required if you are later instructed to submit Paper excerpts).

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

UNITED STATES OF AMERICA )

v. )

Gerardo Menchaca-Segura )

EP-24-CR-02159-DB

**NOTICE OF APPEAL**

Comes now, GERARDO MENCHACA-SEGURA, by and through his undersigned attorney, and hereby gives notice of appeal to the United States Court of Appeals for the Fifth Circuit from the Judgment in the Criminal Case and the Sentence entered on December 19, 2024.

Respectfully submitted,


MAUREEN SCOTT FRANCO  
Federal Public Defender

/S/

REGINALDO TREJO JR.  
Supervisory Assistant Federal Public  
Defender  
Western District of Texas  
Richard C. White Federal Building  
700 E. San Antonio Street, Suite D-401  
El Paso, Texas 79901

*Attorney for Defendant*

Excerpts include the  
Proper EROA  
Pagination



25-50011.45

### **Certificate of Service**

I certify that on March 11, 2025, the foregoing document was served, via the Court's CM/ECF Document Filing System, upon all counsel of record.

S/Maureen Scott Franco

Maureen Scott Franco

Program  
includes a  
Certificate of  
Service with the  
date you provide.

# QUALITY CONTROL (QC) SCAN To AVOID REJECTED FILINGS

A QC program scans briefs at filing to ensure compliance with FRAP and Local Rules. Toolbox permits you to use the same program to scan a draft brief **before** filing.

Each scan generates a pop-up message showing “Critical” and “Minor” errors. We do not reject a pleading for Minor errors.

**Attorneys can file the brief without correcting errors, but:**

When the scan finds critical errors, we probably will later reject it and require the attorney to file a corrected copy.

A deputy clerk reviews the QC results and decides whether the brief should be rejected. There is no automatic rejection.



# HOW TO PERFORM A QC CHECK BEFORE FILING

**Attorney Toolbox**  
United States Court of Appeals for the Fifth Circuit

Home  
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Electronic Records  
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**Check PDF Document**

**Upload PDF to Check for Compliance With Rules**

Select the document type to test for compliance with rules.

Appellants Brief Appellees Brief Reply Brief

Enter the case number for testing or leave blank for the system to automatically retrieve it from the document.


Enter appellate case number  
25-40036 RESET

Upload the PDF you wish to process by either pressing the Browse button below or dragging it from your computer into the box captioned "Or drop files here."

BROWSE... Or drop files here

The QC scan results are displayed in a pop-up message.

If the issue is on a particular page, we provide a blue hyperlink so attorneys can easily see possible issue.



United States Court of Appeals for the Fifth Circuit

- Home
- Brief Templates
- Create Record Excerpts
- Electronic Records
- Create & View Hyperlinks
- Check PDF Document

### Deficiency Check Results

A computer program scanning this brief for compliance with FRAP and local rule requirements has identified critical issues that might require rejection of the brief. Those issues are listed below, with any minor deficiency we found. Briefs will not be rejected for minor errors.

You are not required to correct the brief before filing. If you decide to docket without correction, simply click [Done] in the lower right corner of this page.

However, to avoid possible rejection and having to file a corrected document later, please consider addressing the critical deficiencies and uploading a corrected brief now.

Three-day extension. If you are filing on the deadline and need additional time to make corrections, we will give you an automatic three working day extension, unless your case has a special briefing requirement. To determine if this extension is available in your case, click on the 'File Extension' button displayed at the bottom of the screen and docket the extension. If the automatic extension is not available, you will be returned to docketing.

Note: The program may mistakenly report a deficiency when none exists, such as when it does not find a close or identical match for required contents or sections, or when graphics, text or characters confuse the engine. Please help us improve this program by letting us know if the program incorrectly identifies a deficiency in your brief by emailing us at [Margaret\\_Dufour@ca5.uscourts.gov](mailto:Margaret_Dufour@ca5.uscourts.gov).

**1. Critical deficiencies found that normally result in rejected brief:**

- The **Appeal Number** on the title page is incorrect. The correct case number is 25-40036. See FED. R. APP. P. 32(a)(2)(A). [\(Show Details\)](#)
- The brief exceeds the word count limitation and/or the page limitations. See FED. R. APP. P. 32(a)(7). You must reduce the size of the brief or electronically file a motion for leave to exceed the word count limitation and/or the page limitations.
- The program is unable to determine if the **Certificate of Compliance** complies with FED. R. APP. P. 32(g). The certificate must state the number of words or the number of lines of monospaced type that are included in the argument. If either of these are included, please disregard this notice.
- Record References: Every assertion in briefs regarding matters in the record must be supported by a reference to the page number of the record, using the record citation form as directed by the Clerk of Court. This pleading cites to pages that do not exist in the record or the citations do not match the required format. The proper format for citations to a single record appeal is "ROA.page number. (For example, ROA.123.) For multi record appeals, the format is ROA.case number.page number. (For example ROA.18-20668.123.) Note the hyphen is required when you cite the case number. Finally, "id" is not permitted when citing to the record on appeal. See FED. R. APP. P. 28(a)(8)(A) and 5<sup>th</sup> CIR. R. 28.2.2. See [Form 1](#).

The record citations must be in the correct form or the brief will be rejected.

- PDF page 2: contains an invalid citation, roa.182-184; 188. [\(Show Details\)](#)

**2. Minor deficiencies we call to your attention:**

- There may be a problem with the signature following the Certificate of Service required by FED. R. APP. P. 25(d)(1)(B). The signature is either missing or does not match the name of the attorney whose credentials were used for log-in. The filing attorney's name should be typed on the line where the attorney would normally sign, preceded by an "s". An image of the signature is not allowed. Based upon a comparison of the log-in credentials and information in court records, the expected signature is: s/Demetrius Tarver.

Clicking on “**Show Details**” displays the error, in the pleading.

Here, the critical error was an incorrect case number.

The correct number was 25-40036.

In the  
United States Court of Appeals  
for the Fifth Circuit

---

No. 25-40035

---

UNITED STATES OF AMERICA,  
*Plaintiff - Appellee,*

v.

DEMARIO D. HENDERSON,  
*Defendant - Appellant*

---

Appeal from the United States District Court  
For the Western District of Louisiana  
USDC No. 5:24-CR-19-1

---

ORIGINAL BRIEF FOR THE APPELLANT  
DEMARIO D. HENDERSON

The scan found two other critical errors but did not include hyperlinks because the nature of the errors could not be explained by a link to a particular page.

- The brief exceeds the word count limitation and/or the page limitations. See FED. R. APP. P. 32(a)(7)). You must reduce the size of the brief or electronically file a motion for leave to exceed the word count limitation and/or the page limitations.
- The program is unable to determine if the **Certificate of Compliance** complies with FED. R. APP. P. 32(g). The certificate must state the number of words or the number of lines of monospaced type that are included in the argument. If either of these are included, please disregard this notice.

The last critical error involved an incorrect ROA cite -- using a semicolon instead of a comma.

The format requires a comma between consecutive and non-consecutive pages cited.

This error seems trivial, it would prevent our hyperlink program from accurately linking to the cited page.

### STATEMENT OF THE CASE

The appellant Demario D. Henderson was charged below with one count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). ROA.8. This case arose when Henderson stole a firearm from a convenience store clerk on July 22, 2023. ROA.167. At the time Henderson possessed the stolen firearm, he had numerous prior felony convictions for aggravated criminal damage to property, possession of a firearm by a convicted felon, possession or introduction of contraband into a penal institution, and resisting a police officer with force or violence. ROA.182-184; 188.



The minor deficiency identifies a possible error with the signature on the Certificate of Service.

**2. Minor deficiencies we call to your attention:**

- There may be a problem with the signature following the Certificate of Service required by FED. R. APP. P. 25(d)(1)(B). The signature is either missing or does not match the name of the attorney whose credentials were used for log-in. The filing attorney's name should be typed on the line where the attorney would normally sign, preceded by an "s/". An image of the signature is not allowed. Based upon a comparison of the log-in credentials and information in court records, the expected signature is: s/Demetrius Tarver.

# ABOUT THE QC RESULTS...

If you are filing on the last day, we offer a three-day automatic extension to encourage corrections.  
(Note: This is not available for expedited appeals.)

We regularly contact attorneys who had trouble filing documents and ask for feedback on how to improve the QC program or process.




# WE NOW LET YOU CREATE AND USE HYPERLINKS IN BRIEFS


Select “Create and View Hyperlinks” from the Toolbox menu.



Identify your search engine for legal authority hyperlinks. Westlaw, Lexis, and several free engines are supported.



“Drag and drop” a PDF copy of a brief (your own draft brief or the PDF copy of the opponent’s brief from PACER) into the Toolbox.



The program creates the hyperlinks in the document, and you can immediately view the links, or save the document to your computer.

The hyperlink program is the same one used by judges and court staff.

# SELECT A SEARCH ENGINE, THEN “DRAG AND DROP” A PDF COPY OF A PLEADING INTO THE TOOLBOX.

The screenshot displays the Attorney Toolbox interface for the United States Court of Appeals for the Fifth Circuit. The left sidebar contains navigation links: Home, Brief Templates, Create Record Excerpts, Electronic Records, Create & View Hyperlinks, and Check PDF Document. The main content area is titled "Upload PDF to Check ROA Citations" and instructs users to select a search engine (Westlaw Next, Lexis, Google Scholar, Bing, Yahoo, or None) and upload a PDF file. A "BROWSE..." button and a "Or drop files here" instruction are present. A red arrow points from the "Or drop files here" text to a Windows File Explorer window. The File Explorer window shows the "Downloads" folder with a file named "25-40036.pdf" (147 KB) dated 3/7/2025 3:06 PM. A red box highlights the PDF icon in the File Explorer window, and a red arrow points from this box to the "PDF" icon in the Attorney Toolbox interface.

**Attorney Toolbox**  
United States Court of Appeals for the Fifth Circuit

**Upload PDF to Check ROA Citations**

Select your desired search engine. Please note that for Westlaw and Lexis you must have an account, the system does not authenticate for you.

Westlaw Next Lexis Google Scholar Bing Yahoo **None**

Upload the PDF you wish to process by either pressing the Browse button below or dragging it from your computer into the box captioned "Or drop files here."

BROWSE... Or drop files here

PDF

+ Copy

File Home Share View

Navigation pane Preview pane Details pane

Extra large icons Large icons Medium icons Small icons List Content Tiles Layout

Group by Add columns Size all columns to fit Sort by Current view

This PC > Downloads

Name	Date modified	Type	Size
Last month (1)			
25-40036.pdf	3/7/2025 3:06 PM	Adobe Acr...	147 KB

# ROA Hyperlinks display that page of the record

The image displays two side-by-side screenshots of a legal document viewer interface, illustrating how ROA (Record of Actions) hyperlinks function to navigate between pages of a record.

**Left Window (Preview):** The title bar reads "View Document: 25-40036\_preview.pdf". The document content shows the heading "ARGUMENT" followed by section "II. FORECLOSED - 18 U.S.C. § 922(g)(1) facially violates the Second Amendment because firearm possession is protected by the plain text of the Amendment, and the government cannot show a historical tradition of categorically disarming felons". Subsection "A. Standard of review" begins with "Henderson challenged the constitutionality of § 922(g)(1) below." A red box highlights the text "ROA.14. Although Henderson pled guilty, the guilty plea was conditional, and the government agreed in the plea agreement that:".

**Right Window (Full Document):** The title bar reads "ROA: 25-40036.14". The document content shows the heading "DEFENDANT'S MOTION TO DISMISS COUNT 1 OF THE INDICTMENT AND INCORPORATED MEMORANDUM IN SUPPORT". The text continues with "NOW INTO COURT comes the defendant, DEMARIO D. HENDERSON, through undersigned counsel, who respectfully moves this Court to dismiss the Indictment under Fed. R. Crim. P. 12(b)(1), 12(b)(2) and 12(b)(3)(B)(v).". Subsection "I. The Basis of the Motion." begins with "Count 1 of the indictment charges the defendant with being a felon in possession of a firearm on July 22, 2023. The defendant brings this motion to raise two separate grounds for dismissing the indictment in this case. His first claim is grounded in the plain text of the Second Amendment. It asserts that the statutory prohibition set forth in § 922(g)(1) violates the Second Amendment's guarantee-of 'the right of the people to keep and bear Arms.'". The text continues with "The defendant's second claim is grounded in Congress' lack of power to criminalize conduct relating to the possession of firearms which have already traveled in interstate commerce, but are no longer doing so. It asserts that § 922(g)(1)'s prohibition against felons possessing firearms is not supported by any enumerated power granted to Congress in the Constitution and".

A blue arrow points from the red box in the left window to the red label "25-40036.14" in the right window, indicating the link between the ROA hyperlink and the specific page of the record.



# HYPERLINKS CAVEATS

An attorney can view hyperlinks while logged in to CM/ECF or save the document for later viewing.

ROA hyperlinks only work while an attorney is logged in to CM/ECF, because the links point to a copy of the EROA on our internal server.

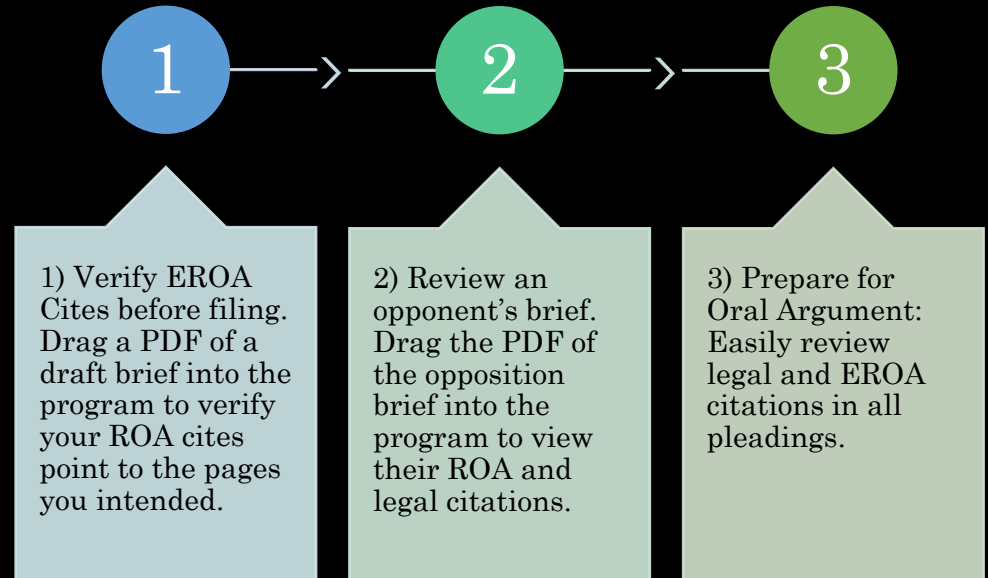
Hyperlinks to legal authority work even when if the attorney is not logged into CM/ECF.

If an attorney selects a paid subscription legal research engine (either Westlaw or Lexis) then the attorney will be prompted to log-in to that service to access hyperlinks to legal authority.

We are willing to support legal research engines provided by state bar associations if sufficient interest is expressed.

# BEST PRACTICES:

## USING HYPERLINKS





# **PRACTICE TIPS: How to AVOID COMMON MISTAKES!**

Use the correct relief when filing a document. (Searchable list on court ECF Page).

Use our exact caption.

File a Transcript Order Form (it is required to be filed in both District Court and our court even if you don't need transcripts).

Cite to the record following Local Rule 28.2.2 format (ROA.123). Cites are required.

Don't wait until the last minute to ask for extension. Provide justification for the extension and indicate whether the opposing counsel objects.

When requesting more than a 30-day extension, comply with local rule 31.4.3 (show more than ordinary good cause, demonstrate diligence and substantial need and explain IN DETAIL what special circumstances exist).

Avoid asking for extension for a reply or a rehearing petition. Rule 31.4.4 greatly disfavors extensions for reply briefs and Rule 35.4 says extensions for rehearing are only for "the most compelling reasons."

## **PRACTICE TIPS:**

## **AVOID THESE OTHER COMMON MISTAKES!**

Don't wait till the last minute to verify active status in court bar and file an appearance form.

Don't refile a document incorrectly filed. Please call us first.

Protect sealed matters. Use the Event "ECF Motion and/or Document Filed Under Temporary Seal."

Do remember to comply with 5th Cir. R. 27.3 when filing emergency motions. (Must be filed before 2:00 p.m. and requires certification that the facts supporting emergency consideration of the motion are true and complete.)

File record excerpts as a separate event, not with a brief.

# A MOST IMPORTANT TIP: DON'T FORGET TO RENEW BAR MEMBERSHIP

FINAL NOTICE: 5TH CIRCUIT BAR MEMBERSHIP RENEWAL DUE



CA05db\_BarRenewals

Mon 3/10/2025 3:06 PM

You are receiving this notice because your membership is expiring. The fee to renew is \$50.00. Please be advised that failure to renew by the end of this month will invalidate your membership and require you to reapply for admission to the bar. The fee for readmission is \$249.00. If you are an attorney with a US Government agency, you are still required to renew your membership, however, you are exempt from the \$50.00 renewal fee.

Please visit us at <http://www.ca5.uscourts.gov/attorneys/membership/renewal-2> for additional information on renewing your membership with the 5th Circuit Bar.

**Please note: you must renew through our website at the address above. Some attorneys renew membership in the Bar Association of the Fifth Federal Circuit, a private organization, and mistakenly think they have renewed their court bar membership.**

**Keep your email address up to date! If you miss the notice, you may have to reapply and pay an admission fee, not a renewal fee. (\$249.00 vs. \$50.00)**

**Attorneys often discover membership expired only while trying to file a document near a deadline!**

# THINGS YOU NEED TO KNOW: HOW LONG DOES AN APPEAL TAKE?


From Notice of Appeal to Filing of Last Brief is  
4.9 Months



From Submission to screening panel or from  
OA Hearing to Final Disposition is 1.7 Months



From Notice of Appeal to Final disposition is  
8.1 months



The median time from Notice of Appeal to  
final disposition in oral argument cases is 12.2  
Months.



# OTHER IMPORTANT THINGS TO KNOW: HOW DOES THE COURT CREATE PANELS AND ASSIGN CASES FOR DECISION?

The court uses a computer program to create administrative, screening, and OA panels each year.

The program randomly assign judges to panels and tries to avoid duplicating panel compositions for the same or the past few years.

When active judges are unavailable to serve on panels, the Chief Judge can approve other judges sitting by designation. (Normally 2-3 visiting judges each year).

Every case assignment to the court's panels (Administrative, Screening, or Oral Argument) is random.

A computer program randomly assigns cases to OA panels, subject to two exceptions. First, the program ensures that each panel serving in a given month receives approximately the same number of criminal and civil appeals; and second, that no case is assigned to a recused judge.

Screening and administrative panel assignments follow a rotation pattern established before the court year begins. Strictly following this rotation for assignment ensures both equitable work distribution and random assignment.



INQUIRING MINDS WANT TO KNOW:

# DOES THE COMPOSITION OF A PANEL MATTER AS MUCH AS MANY BELIEVE?



What is the impact of randomly assigning matters to randomly created panels?



Panels decide an overwhelming percentage of appeals unanimously, based upon precedent and the factual record.



Conclusion: facts and precedent matter more than composition of a panel.

# PANEL CONCURRENCES AND DISSENTS

## 5<sup>th</sup> CIRCUIT OPINION CONCURRENCE AND DISSENT RATES THREE JUDGE PANELS FOR 2024

Calendar Year ending December 31, 2024

Number of Panel Opinions	2275		% of Panel Opinions
Number of Panel Opinions without Dissent	2177		<b>96.0%</b>
Number of Panel Opinions with Separate Dissents or Concurrences	98		<b>4.3%</b>
Panel Opinions with a Dissenting Opinion		39	<b>2.0%</b>
Panel Opinions with Concurring and Dissenting in part Opinions		21	<b>0.9%</b>

# Other Things You Need to Know: What is an Appellant's Chance of Reversal?



For the court year ending June 30, 2024, the court reversed 7.1% of appeals, down from 7.4% during 2023. This was the fourth lowest reversal rate for all appellate courts.

2.0% of criminal appeals  
15.2% of non-prisoner "U.S. Civil Cases"  
17.2% of other civil cases

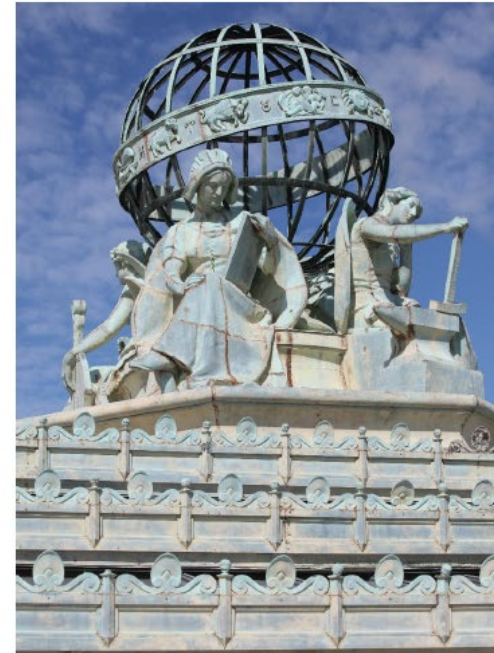


Detailed statistical information can be found in the Clerk's Annual Statistical Report on the Court's internet site, under the "About the Court" tab, in the "Court Statistics" section. The 2024 report will be available in September.

# CLERK'S ANNUAL REPORT

► [https://www.ca5.uscourts.gov/docs/default-source/default-document-library/clerk's-annual-report-july-2023-to-june-2024.pdf?sfvrsn=f70cc92d\\_2](https://www.ca5.uscourts.gov/docs/default-source/default-document-library/clerk's-annual-report-july-2023-to-june-2024.pdf?sfvrsn=f70cc92d_2)

JUDICIAL  
WORKLOAD  
STATISTICS



*UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT*

CLERK'S ANNUAL REPORT  
JULY 2023 - JUNE 2024

# SOME INTERESTING FACTS ABOUT THE COURT'S WORKLOAD

We were the second busiest appellate court in two categories. For total new appeals filed, we were second only to the 9<sup>th</sup> Cir. For filings adjusted for complexity, our active judges each handled 660 filings – second only to the 11<sup>th</sup> Cir where judges handled 678 adjusted filings.

We issued 2,509 written opinions last year. Each active judge wrote approximately 109 opinions.

The court's workload included a significant number of emergency and expedited appeals. We handled 133 such appeals in 2024, compared to only 88 the previous year.

Amicus filings significantly added to the workload. We received 383 amicus briefs in 2023, and 380 in 2024.





# JANUARY 1, 2024, TO DECEMBER 31, 2024

	Cases Commenced	Procedural Terminations	Total Merits Terminations	Merits Terminations After Oral Hearing	Merits Terminations on Briefs	% Placed on the Oral Argument Calendar	% Reversed
Criminal	2,147	508	1,486	200	1,117	13.4	3.0
U.S. Prisoner Petitions	289	135	133	8	105	6.0	1.8
Other U.S. Civil	225	78	151	68	55	45.0	22.0
Private Prisoner Petitions	728	421	310	35	230	11.3	4.9
Other Private Civil	1,146	541	753	393	191	52.2	15.6
Bankruptcy	44	8	56	27	14	48.2	22.0
Administrative Agency	365	143	195	55	110	28.2	12.1
Original Proceedings*	391	146	239	0	234	0.0	0.0
Miscellaneous	33	3	30	0	27	0.0	0.0
TOTAL**	5,368	1,983	3,353	786	2,083	23.4	7.7
Louisiana	782	402	534	177	175	33.1%	8.4%
Texas	3,523	1,197	2,210	532	1,063	24.1%	6.2%
Mississippi	307	95	175	53	59	30.3%	5.7%
Northern Mississippi	63	27	45	18	19	40.0%	4.4%
Southern Mississippi	244	68	130	35	40	26.9%	6.1%
	Total Number of Published Opinions	Total Number of Unpublished Opinions	Number of Petitions for Panel Rehearing	Number of Panel Rehearings Granted	Number of Petitions for Rehearing En Banc	Number of Petitions for Rehearing En Banc Granted	
Fifth Circuit**	436	1,854	168	6	199	7	

\*Including successive habeas corpus and pro se mandamus petitions.

\*\*The breakdowns by state will not equal the totals provided as agency appeals are excluded from state totals.

# MANDATE HOLDS AND EN BANC POLLS

During court year 2023-2024, Judges held the mandate in 63 cases.

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graph TD; A[During court year 2023-2024, Judges held the mandate in 63 cases.] --> B[A poll was requested in 20 appeals.]; B --> C[The court voted to grant en banc 6 times and denied en banc in 14 appeals.]; C --> D[Orders denying en banc after a poll list the votes of individual judges.];
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A poll was requested in 20 appeals.

The court voted to grant en banc 6 times and denied en banc in 14 appeals.

Orders denying en banc after a poll list the votes of individual judges.

# OPINION TRIVIA

What was the longest recent en banc opinion?

--Env't Tex. Citizen Lobby, Inc. v. ExxonMobil Corp., 123 F.4th 309 (5th Cir. 2024) (170 pages with 2 concurrences and 3 dissents)

What was the longest panel opinion?

--Texas v. United States, 126 F.4th 392 (5th Cir. 2025) (38 pages with no concurrences or dissents)

## MORE OPINION TRIVIA

### HOW OFTEN DO PANELS WITHDRAW AND REISSUE OPINIONS? AND WHEN THEY DID SO, HAD A JUDGE HELD THE MANDATE?

During calendar year 2024, panels withdrew and reissued 26 modified opinions.

In 13 of those instances, a judge on the court had held the mandate.

In the first three months of calendar year 2025, panels withdrew and reissued 5 opinions.

But a judge had held the mandate in only one of those appeals.

# OPINION TRIVIA: HOW OFTEN DOES THE COURT CERTIFY QUESTIONS TO A STATE COURT?

When the court faces unresolved issues of state law, it can make an “Erie guess” or certify the question to the state supreme court, giving states the opportunity to interpret the state law.

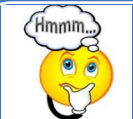
During the past four years, the Fifth Circuit certified 33 questions to state supreme courts – consistent with our historical averages.

We certified more questions to Texas (22), than Louisiana (9), or Mississippi (2).

# DID THE PARTIES IDENTIFY CASES WORTHY OF CERTIFICATION?

In 29 appeals, one or both parties asked the court to certify a question to a state supreme court. The court certified in only 6 of those appeals. (20.69% success rate.)

The court sua sponte certified questions in 27 other appeals, where neither party requested certification. (0% success rate?)



What prevented parties from correctly identifying when issues warranted certification?



# SOME ADDITIONAL OBSERVATIONS REGARDING CERTIFIED QUESTIONS

A state supreme court decides, in its discretion, whether to accept certified questions.

Texas and Mississippi accepted all certifications, but Louisiana accepted only 6 of the 9 questions certified to that court.

In 3 appeals where the court sua sponte certified, the parties settled the case before the state court responded. (Perhaps the parties didn't want to see what the state court would do.)

# FIFTH CIRCUIT MEDIATION PROGRAM

Cases considered: most counseled civil cases. Exceptions – Social Security, immigration, cases involving constitutional challenges to statutes or regulations.

Timing: we contact attorneys soon after the notice of appeal is filed and offer settlement assistance before briefing. Occasionally, attorneys want to await briefing before discussing settlement, but in those cases, mediators seek to resolve the appeal before assignment to a panel.

Methods: an initial telephone conference with attorneys. This can be followed either with further telephone diplomacy, or live mediation (either in-person or by Zoom).

Occasionally, a panel will refer a matter to us before or after argument. These typically are close cases where the panel thinks both sides have clear risk. However, sometimes the panel just thinks it would be beneficial for both sides to settle.

Settlement rate: historically, 30 to 35 percent of cases where we mediate.

# COURT'S PRO BONO PROGRAM

Court Mediation and Judicial Support Office maintains a list of attorneys willing to accept pro bono appointments. We encourage members of the bar to offer services.

Panels normally request counsel at either screening or oral argument, although a pro se may make an earlier request.

A pro bono coordinator contacts counsel on the list and determines who is available and submits recommendations for appointment. We average 2 to 5 such requests per year.

# CLOSING THOUGHTS

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- Clerk staff take pride in our reputation as an attorney friendly court.
- We developed innovative processes and tools to help attorneys comply with procedural and technical pleading requirements, to help attorneys focus on the substantive legal issues in appeals.
- Our goal is to make an attorney's experience litigating in our court easier and less stressful, and to provide Platinum Service.
- Help us achieve that goal by giving feedback on all aspects of our operations.

