

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 14 - 9089

**APPOINTMENTS TO THE
TEXAS ACCESS TO JUSTICE COMMISSION**

The Supreme Court of Texas hereby reappoints the following members to the Texas Access to Justice Commission for a term of three years to expire May 31, 2017:

Carlos E. Cárdenas
El Paso, Texas

Kay Caballero
Lubbock, Texas

SIGNED this 28th day of April, 2014.



Nathan L. Hecht, Chief Justice



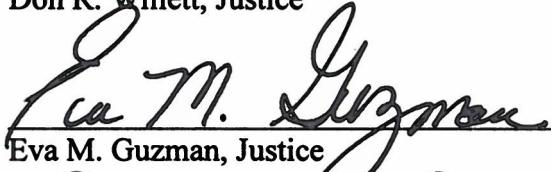
Paul W. Green, Justice



Phil Johnson, Justice



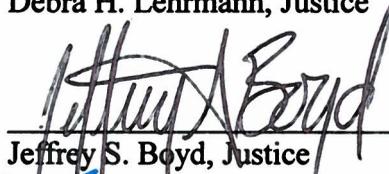
Don R. Willett, Justice



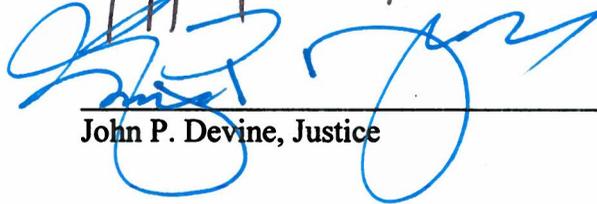
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 14-9090

APPROVAL OF AMENDED LOCAL RULES FOR THE COURT OF APPEALS FOR THE SECOND COURT OF APPEALS DISTRICT

ORDERED that:

Pursuant to Texas Rule of Appellate Procedure 1.2, this Court approves the following amended local rules for the Second Court of Appeals. The procedures prescribed by these local rules apply in lieu of those prescribed by the Texas Rules of Appellate Procedure to the extent there are differences between the procedures; otherwise, the Rules of Appellate Procedure continue to apply with full force and effect.

Dated: April 28, 2014.



Nathan L. Hecht, Chief Justice



Paul W. Green, Justice



Phil Johnson, Justice



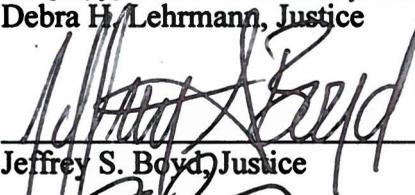
Don R. Willett, Justice



Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice

RULE 1. BRIEFS

All briefs, in both civil and criminal cases, must conform to Rules 9 and 38 of the Texas Rules of Appellate Procedure. All briefs must also meet the following requirements, unless the court, upon motion, permits an exception to the rules:

A. Cover. The front cover of the brief must (1) be addressed to the Court of Appeals for the Second District of Texas and (2) identify the presiding judge and the trial court from which the appeal is taken, for example, "Appeal from the [number] District Court, [name] County, Texas, the Hon. [name] presiding."

B. Number of Copies. If a brief is not electronically filed, the original and four copies of every brief and any separately-bound appendix must be filed with the clerk.

C. Motions for Leave to File Briefs. The appellant's opening brief, the appellee's opening brief, and the appellant's reply brief may be filed without leave of court, if timely. After the appellant's reply brief has been timely filed, any later brief merely replying to the last brief filed will be filed without a motion, if tendered at least seven days prior to the date of the scheduled oral argument or submission date. All other briefs,

including amended briefs, supplemental briefs, post-submission briefs, and letter briefs must be accompanied by a motion for leave to file, unless the brief is requested by the court.

D. Letter Briefs. Letter briefs must be addressed to the clerk and refer to the style and number of the case. They must be double-spaced, except for the address to the clerk.

E. Filing Dates. The court will set filing dates for appellant's and appellee's opening briefs when the record is filed and notify the parties of the filing dates. Motions to extend the filing dates for briefs will not be granted except upon a reasonable explanation of the need for an extension.

F. Recording or Exhibit. Whenever a party raises an issue in a brief that requires the court to view a video or audio recording or physical exhibit, the party must file in this court a motion to supplement the appellate record with the recording or exhibit when the party files its brief if the party did not designate the exhibit to be included in the reporter's record.

RULE 2. ORIGINAL PROCEEDINGS

Original proceedings are governed by Rule 52 of the Texas Rules of Appellate Procedure and this rule.

A. Number of Copies. If a petition is not electronically filed, the original and four copies of every petition and any separately bound record or appendix must be filed with the clerk.

B. Notice. If the court is of the tentative opinion that relator is entitled to relief or that a serious question concerning the relief requires further consideration, the clerk will send the parties notice stating (1) the date the real party in interest's response must be filed, if one has not been filed, (2) the date the relator's reply to the response must be filed, if permitted by the court, (3) whether the court will allow argument or will submit the case without oral argument, (4) if oral argument is permitted, the date and the time allotted for argument, and (5) the names of the members of the panel to which the case will be argued or submitted, subject to change by the court.

RULE 3. MOTIONS

All motions must comply with Rules 9 and 10 of the Texas Rules of Appellate Procedure and this rule.

A. Number of Copies. If a motion is not electronically filed, the original and one copy of every motion must be filed with the clerk.

B. Signatures and Certificates. In both civil and criminal cases, all motions must contain an original signature, a certificate of service, and, except motions for rehearing, a certificate of conference stating substantially one of the following:

(1) A conference was held on [date] with the opposing party on the merits of this motion, and the opposing party [does][does not] oppose the motion.

(2) A conference was not held with the opposing party because [explanation].

C. Motions for Extension of Time in Criminal Cases. In addition to complying with Rule 10 of the Texas Rules of Appellate Procedure, all motions for extension of time in criminal cases must state whether the defendant is incarcerated.

D. Motions for Rehearing and En Banc Reconsideration. A motion for rehearing and a motion for en banc reconsideration must include a copy of the opinion and judgment of the court of appeals.

RULE 4. ORAL ARGUMENT

Oral argument is governed by Rule 39 of the Texas Rules of Appellate Procedure and this rule.

A. Request. Oral argument should not be requested unless the party requesting argument intends to appear on the date set for submission. Conditional requests for argument (e.g., "Appellant requests oral argument only if oral argument is requested by appellee.") are acceptable.

B. Time Allowed. Unless additional time is granted by the presiding justice of the panel to which the case is assigned, oral argument will be limited to fifteen (15)

minutes for the appellant's opening argument, fifteen (15) minutes for the appellee's argument, and five (5) minutes for the appellant's rebuttal. Requests for additional time must be made by motion filed at least ten (10) days prior to the scheduled submission date.

C. **Continuance.** After a case has been set for argument, oral argument may be continued only by an order of the court for good cause. It may not be continued by agreement of the parties.

D. **Waiver.** A party who desires to waive an oral argument that has been previously requested or scheduled must notify the clerk and all opposing parties at least seven days prior to the scheduled submission date.

RULE 5. FAX FILING OF DOCUMENTS

A. **By the Court.** Except as specifically required by the Texas Rules of Appellate Procedure, any notices issued by the clerk of the court or any orders issued by the court may be made by fax, at the discretion of the court. Fax notification will be made to the fax number provided by the attorney of record for each party to the appeal.

B. By the Parties.

(1) Permissible Fax Filings. A party may fax file a document only if the party is not required to electronically file the document. The clerk will accept for fax filing any document that is a total of ten transmitted pages or less, excluding the cover sheet. Documents may be faxed to the court (fax number: 817-884-1932) both during and after normal working hours, but documents received after 4:45 p.m. will be considered filed the next day the court is open to the public.

(2) Cover Sheet. A cover sheet must accompany all documents transmitted by fax and must clearly identify: 1) the name, address, telephone number, fax number, and email address, if any, of the sender; 2) the name of the party the sender represents; 3) the document being transmitted; 4) the cause number; 5) the number of pages being transmitted; 6) and the name of the clerk or deputy clerk, if any, to whose attention the document is directed.

(3) Receipt of Transmission. The quality of the original must be clear and dark enough to be transmitted legibly by fax. The clerk will be responsible for events that

disrupt, impair, or render impossible the receipt of documents transmitted by fax. The sender is obligated to ensure that documents transmitted by fax have been received legibly and completely by the clerk. Although the clerk's office will verify by telephone that a document has been received legibly and completely, it will not initiate the telephone call. If a document transmitted by fax is not complete or is otherwise illegible, the clerk will nonetheless file it and bring it to the attention of the court. However, the incompleteness or illegibility of a document may be grounds for striking or denying a motion.

(4) **Service on Parties.** The party transmitting a document by fax must serve a copy of the document on all parties to the appeal by fax or other expedited means.

(5) **Fees.** The sender must deposit any applicable fees in the U.S. mail on the day the fax is transmitted. Failure of the clerk to receive the fees within seven days after the day the fax is filed may result in the striking of the filing transmitted by fax.

(6) **Signature on Original.** The sender must maintain the original of any document transmitted by fax, with the original signature affixed, as required by section

51.806 of the Texas Government Code

RULE 6. WITHDRAWAL OF RECORD ON APPEAL

In addition to the conditions in Rule 12.4 of the Texas Rules of Appellate Procedure, the clerk may permit a paper-filed record or other paper-filed item to be taken from the clerk's office on the following conditions:

A. Civil Cases. In civil cases, attorneys may check out a paper-filed record from the clerk at any time up to three days before the date on which the case is scheduled to be submitted to the court. After that time, attorneys may not check out the court of appeals's record except on the leave of the court. An attorney who checks out the record must return it promptly to the clerk on demand. Pro se parties may inspect a paper-filed record only on the premises of this court. Parties may request one CD copy of an electronically filed record at any time.

B. Criminal Cases. In criminal cases, the court will not allow the record to be checked out. Records must be checked out through the district clerk's office or county clerk's office in the county from which the appeal arose.

RULE 7. PROTECTION OF PARTIES' IDENTITIES IN FILED DOCUMENTS

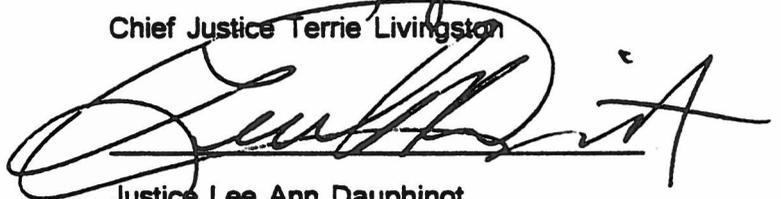
In parental termination and child protection cases, as defined in Rule 28.4(a) of the Texas Rules of Appellate Procedure, and juvenile court cases, in all documents submitted to the court other than a docketing statement—including all appendix items submitted with a brief, petition, or motion—a party must use an alias, as defined in Rule 9.8(a) of the Texas Rules of Appellate Procedure, to identify not only a minor, but also a minor's parent, family member, foster parent, and any other person necessary to protect a minor's identity and must redact all such documents accordingly. Additionally, in other appeals or original proceedings in which the court determines that a child's or other person's identity should be protected, the Clerk's office may request that the parties use aliases in their documents filed with the court.

ORDER ADOPTING LOCAL RULES

These local rules for the Second District Court of Appeals are adopted
subject to the approval of the Supreme Court of Texas and the Texas Court of
Criminal Appeals.



Chief Justice Terrie Livingston



Justice Lee Ann Dauphinot



Justice Anne Gardner



Justice Sue Walker



Justice Bob McCoy



Justice Bill Meier



Justice Lee Gabriel

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 14- 9091

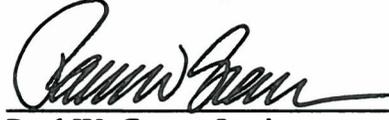
**APPROVAL OF AMENDED LOCAL RULE 2.7 OF THE WICHITA COUNTY LOCAL
RULES OF PRACTICE OF THE DISTRICT, CONSTITUTIONAL, AND STATUTORY
COUNTY COURTS**

ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court approves the following amendments to Local Rule 2.7 of the Wichita County Local Rules of Practice of the District, Constitutional, and Statutory County Courts.

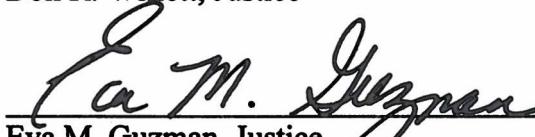
Dated: April 28, 2014.

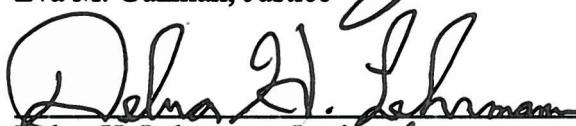

Nathan L. Hecht, Chief Justice


Paul W. Green, Justice


Phil Johnson, Justice


Don R. Willett, Justice


Eva M. Guzman, Justice


Debra H. Lehrmann, Justice


Jeffrey S. Boyd, Justice


John P. Devine, Justice


Jeffrey V. Brown, Justice

Local Rule 2.7 of the Wichita County Local Rules of Practice of the District, Constitutional, and Statutory County Courts is amended to read as follows:

RULE 2.7. ORDERS AND DECREES

a. Reduction to Writing; Submission to Counsel and Court

Within twenty (20) calendar days after rendition, announcement of the Court's ruling or announcement of settlement by counsel, all final judgments and decrees shall be reduced to writing by counsel designated by the Court and forwarded to the Court and opposing counsel for approval as to form.

Within ten (10) calendar days after receipt by opposing counsel, opposing counsel shall deliver the order to the Court for signature, or deliver to the Court and all counsel specific written objections to the form of the proposed order. The Court will determine the written objections and either sign and enter the proposed order or inform counsel for the parties of the changes that need to be made to the proposed order.

Temporary orders shall be reduced to writing within ten (10) calendar days, and within five (5) calendar days after receipt by opposing counsel, shall be forwarded to the Court in the same fashion.

Agreed orders of any kind shall be approved by all counsel as to form and content. All other orders shall be approved as to form.

The foregoing time limits may be expanded upon written motion for good cause shown.

b. Continuance or Dismissal if Written Order Not Furnished

Upon failure to furnish the Court with a temporary order, final judgment, or decree, within the applicable time period, the Court may continue the case or place the case on the Court's dismissal docket, at the Court's discretion.

**ORDER ADOPTING AMENDMENT TO
RULE 2.7
WICHITA COUNTY
LOCAL RULES OF PRACTICE
OF THE
DISTRICT, CONSTITUTIONAL AND
STATUTORY COUNTY COURTS,**

IT IS ORDERED by the District Judges, County Court at Law Judges, and County Judge of Wichita County, Texas, pursuant to Rule 3a, Texas Rules of Civil Procedure and Articles 28.01 and 33.08 of the Texas Code of Criminal Procedure, that:

1. the following Amendment to Rule 2.7 of Local Rules of Practice of the Courts of Wichita County, Texas is adopted and shall become effective thirty (30) days after the date of this order, and upon approval of the Presiding Judge of the Eighth Administrative Region and the Supreme Court of Texas;
2. the Clerks of these Courts shall, upon approval of this Amendment by the Supreme Court of Texas, record the same together with a copy of this Order and the Order of the Supreme Court of Texas, approving the same, in the minutes of these Courts;
3. the Clerks of these Courts shall, upon request, make available, to each lawyer practicing in Wichita County, Texas, a copy of this Amendment, together with a copy of this Order;
4. this Amendment shall be construed and interpreted in addition to, and in conformity with, and not as superseding the Constitution and Laws of the State of Texas and rules of the Supreme Court of Texas or the Court of Criminal Appeals. This Amendment shall not be construed to prohibit the Courts of Wichita County from making orders, settings or procedures, which, in the Courts' discretion, may further the orderly administration of justice; and,
5. should this Amendment not be approved by the Supreme Court of Texas, or should this Amendment, be held invalid for any reason, such failure to approve or such invalidity shall not affect the validity of any other Local Rule of Practice of Wichita County, Texas or part thereof, all of which have been separately considered and adopted.

SIGNED the 13 day of February, 2013.



ROBERT P. BROTHERTON
30th District Court



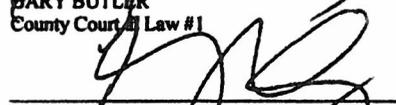
W. BERNARD FUDGE
78th District Court



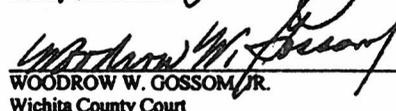
MARK T. PRICE
89th District Court



GARY BUTLER
County Court at Law #1

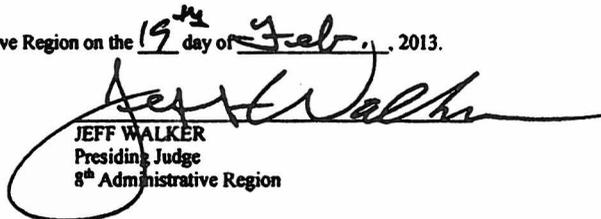


GREG KING
County Court at Law #2



WOODROW W. GOSSOM, JR.
Wichita County Court

APPROVED by the Presiding Judge of the Eighth Administrative Region on the 19th day of Feb., 2013.



JEFF WALKER
Presiding Judge
8th Administrative Region

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 14-9092

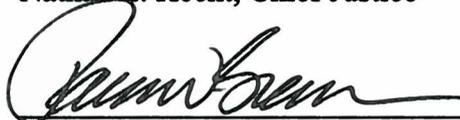
**APPROVAL OF AMENDED RULE 3.5 OF THE RULES OF THE CIVIL TRIAL
DIVISION OF THE HARRIS COUNTY DISTRICT COURTS AND AMENDED RULE
9.1 OF THE HARRIS COUNTY DISTRICT JUDGES RULES OF ADMINISTRATION**

ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court approves amended rule 3.5 of the Rules of the Civil Trial Division of the Harris County District Courts and amended rule 9.1 of the Harris County District Judges Rules of Administration.

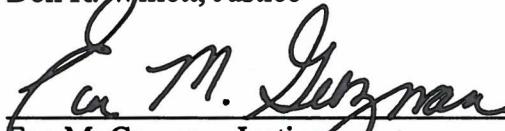
Dated: April 21, 2014.


Nathan L. Hecht, Chief Justice


Paul W. Green, Justice

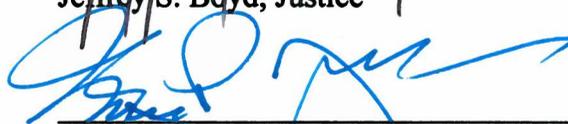

Phil Johnson, Justice


Don R. Willett, Justice


Eva M. Guzman, Justice


Debra H. Lehrmann, Justice


Jeffrey S. Boyd, Justice


John P. Devine, Justice


Jeffrey V. Brown, Justice

Rule 3.5, Rules of the Civil Trial Division, Harris County District Courts, is amended to read as follows:

3.5 ANCILLARY DOCKET.

3.5.1 *Ancillary Docket.* The ancillary docket consists of the following:

- a) Applications for temporary restraining orders;
- b) Motions to dissolve or modify temporary restraining orders;
- c) Motions to modify the bond for a temporary restraining order;
- d) Motions to authorize emergency medical treatment;
- e) Requests before any suit has been filed to appoint umpires or arbitrators;
- f) The following matters, when brought under Chapter 81 of the Texas Health & Safety Code:
 - i. Motions for orders of protective custody;
 - ii. Motions for orders of temporary protective custody;
 - iii. Motions for orders for temporary detention pending a hearing on a motion to modify an order for outpatient treatment;
 - iv. Appointment of attorneys for persons subject to protective custody or detention orders; and
 - v. Probable cause hearings.

3.5.2 *Ancillary Judge.* The Ancillary Judge is responsible for hearing all matters on the ancillary docket. Each judge will serve as Ancillary Judge for one-half of a calendar month according to a schedule adopted by the judges of the Civil Trial Division. The Ancillary Judge will be available at the courthouse on business days during regular business hours, and will provide the county switchboard with the means to locate the Ancillary Judge at all other times.

If not available to serve at any time during the term, the Ancillary Judge will designate, in writing, another judge to serve ad interim, and will notify the Administrative Judge of the Civil Trial Division, the ancillary clerk, and the county switchboard of that designation.

In the absence or unavailability of the Ancillary Judge or designee under the rule, matters requiring judicial attention will be presented to the Administrative Judge of the Civil Trial Division for ruling or assignment to another judge for ruling.

3.5.3 *Authority to Grant Ancillary Relief.* No judge other than the Ancillary Judge may grant ancillary relief without a written order from the Ancillary Judge or Administrative Judge of the Civil Trial Division. However, either the Presiding Judge or the Ancillary Judge may grant an extension of a temporary restraining order. In requests for ancillary relief, the Ancillary Judge shall hear the matters as “Judge Presiding” for the court in which the case is pending.

Rule 9.1, Harris County District Judges Rules of Administration, is amended to read as follows:

9.1 In General.

- 9.1.1 Each district judge in Harris County is a member of the Board of Judges.**
- 9.1.2 The Board of Judges must elect an Administrative Judge of Harris County.**
- 9.1.3 The courts of Harris County have been divided into the civil, criminal, family, and juvenile trial divisions by statutory preferences and board policy. Each trial division will elect its own Administrative Judge pursuant to its own division rules. The following 24 courts constitute the civil division: 11th, 55th, 61st, 80th, 113th, 125th, 127th, 129th, 133rd, 151st, 152nd, 157th, 164th, 165th, 189th, 190th, 215th, 234th, 269th, 270th, 281st, 295th, 333rd, 334th. The following 22 courts constitute the criminal division: 174th, 176th, 177th, 178th, 179th, 180th, 182nd, 183rd, 184th, 185th, 208th, 209th, 228th, 230th, 232nd, 248th, 262nd, 263rd, 337th, 338th, 339th, 351st. The following 10 courts constitute the family division: 245th, 246th, 247th, 257th, 280th, 308th, 309th, 310th, 311th, 312th. The following 3 courts constitute the juvenile division: 313th, 314th, 315th.**
- 9.1.4 The Administrative Judge of Harris County and the Administrative Judge of each trial division compromise the Executive Committee.**