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## **Pulling Back the Curtain (a Bit)**

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**SUPREME COURT OF TEXAS  
INTERNAL OPERATING PROCEDURES**

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# **SUPREME COURT OF TEXAS INTERNAL OPERATING PROCEDURES**

## **I. INTRODUCTION**

The purpose of this paper is to provide an in-depth examination of the internal operating procedures of the Supreme Court of Texas. Like most continuing legal education articles, this article relies heavily on other articles written on this same topic in previous years. Much of this article is taken verbatim from these previous articles, but the article is updated with new information about the Court's website, procedures, electronic briefs and applicable rules. The author is indebted to the staff members of the Supreme Court of Texas and appellate practitioners who contributed to these previous articles and who provided their insights and comments for this article. In particular, the author wishes to thank Doug Alexander and Andrew Weber, for their contributions to this article and past articles on this same subject.

This article is intended to assist attorneys and others who wish to understand how the Supreme Court of Texas operates. Much of the information contained in this article can be found by carefully reading the Texas Rules of Appellate Procedure—particularly Rules 52 through 65, which govern proceedings in the Supreme Court of Texas. One should also be thoroughly familiar with Texas Rule of Appellate Procedure 9 which sets forth important rules regarding signing, filing, form, and service of documents in all Texas appellate courts. For information regarding the filing of motions, be sure to read Texas Rule of Appellate Procedure 10, especially if you are filing a motion for extension of time as the rule requires particular information for these motions. *See* TEX. R. APP. P. 10.5(b). Finally, the Rules of Appellate Procedure now require all attorneys to file documents electronically. You should read the Court's order amending the Rules of Appellate Procedure before filing any document with the Court.<sup>1</sup> *See* Appendix A.

Of course the rules and decisions of the courts trump the author's statements and opinions and you must ultimately be guided by the rules and the decisions of the courts.

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<sup>1</sup> Misc. Docket No. 13-9165, Order Adopting Texas Rule of Civil Procedure 21c and Amendments to Texas Rules of Civil Procedure 4, 21, 21a, 45, 57, and 502; Texas Rules of Appellate Procedure 6,9, and 48; and the Supreme Court Order Directing the Form of the Appellate Record..

## **II. SEEKING HELP AND GETTING INFORMATION**

### **A. The Clerk's Office**

The Supreme Court of Texas provides several different resources for persons seeking help in understanding the Court's procedures. For example, the Court employs other attorneys besides the Clerk, such as the Staff Attorney for Public Information and the Rules Attorney, who may be able to answer any questions you might have about the Court's procedures.

But Texas Rule of Appellate Procedure 9.6 provides that parties and counsel may communicate with the appellate court about a case only through the Clerk. If you are a party or counsel to a case, you should not contact anyone at the Court besides the Clerk's Office about your case.

The Clerk's Office can be reached at (512) 463-1312. If you need immediate relief from a lower court order and intend to file a motion for stay, you should contact the Clerk's Office as soon as possible after the need for relief arises. The Court does not accept filings by facsimile, but if you call the Clerk's Office you will be instructed on the Court's procedures in the event that immediate relief is needed.

### **B. The Court's Website**

With the assistance of the Office of Court Administration ("OCA"), the Supreme Court of Texas strives to provide a helpful and user-friendly website. The Clerk and his staff dedicate a great deal of time to suggesting and implementing changes to the Court's website. The address of the Court's website is <http://www.txcourts.gov/supreme/>

#### **1. Frequently Asked Questions**

The Court's website answers many frequently asked questions regarding the amount of filing fees, the Court's mailing address, and other basic questions. Please check the frequently asked questions page for the answer to your questions before calling the Clerk's Office. A link to the frequently asked questions page (FAQ) can be found on the Court's home page on the left-hand side of the page in the Supreme Court Home section of the page.<sup>2</sup>

If you are an attorney, please educate and inform your staff about this resource. All of our clerks' offices spend a great deal of time answering telephone calls about basic information that can be found on the courts' websites. Please help our clerks' offices run more efficiently by training your staff to use the available internet resources.

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<sup>2</sup> <http://www.txcourts.gov/supreme/frequently-asked-questions/>

## 2. The Clerk's Page

The Clerk of the Supreme Court of Texas maintains a separate web page.<sup>34</sup> One can find a link to this page on the left-hand side of the Court's home page—under Supreme Court Home>About the Court>Clerk's Office. The Clerk's page provides information about electronic filing, mailing addresses, filing fees, and the telephone number for the Clerk's Office.

The Clerk of the Supreme Court also serves as the Clerk of the Multidistrict Litigation Panel ("MDL Panel"). The Clerk maintains a web page devoted exclusively to the MDL panel and a link to that web page can be found on the Clerk's home page.<sup>5</sup>

## 3. Electronic Briefs

Perhaps the most useful page to both novices and experienced appellate practitioners alike is the [electronic briefs page](#).<sup>6</sup> In 2002, the Court began asking parties to submit electronic copies of the petition, response, reply, and all briefs in electronic format for posting on the Court's website when the Court requested briefs on the merits. On February 15, 2010, the Court issued an order requiring electronic courtesy copies of all petitions, responses, replies, briefs on the merits, motions for rehearing, and amicus letters to be e-mailed to the Clerk the same day that the paper version is filed. This new order also imposed redaction requirements because all of these documents are posted on the Court's website. The Court promulgated rules permitting electronic filing of all documents effective March 15, 2011. And electronic filing became mandatory for attorneys on September 12, 2011. Through the Texas Appeals Management and E-Filing System (TAMES), the Court now provides access to almost all of the documents filed with the Court.

If you have questions about the proper format for appellate briefs, this is a good place to find examples. The electronic briefs page is also a good place to keep track of the issues that the Court is reviewing.

## 4. Casemail

Once a number is assigned to a petition or other initial filing, one should register to receive case mail from the Court. And lead counsel is now required to register for Casemail. The Court's automated information system will send registrants e-mails regarding any filings or other activity, including

calendar settings, on the Court's docket sheet for that matter. Of course, counsel should not rely exclusively on this service and should always double-check any due dates and calendar those dates independently of this system. The system can also provide notices of new opinions.

The Court's website contains information on registering to receive [Casemail](#) (see the Casemail links on the left-hand side). Once registered with a user name and password, counsel may sign up to receive opinion notices in any appellate court in Texas, and counsel may elect to receive an e-mail notice for all events and calendars in any case in those courts. Though one may view a list of all watched cases from one webpage, and may delete any watched case from that page, one must initially go to a particular case in order to elect to receive Casemail on that case.

## 5. The Court Calendar

The Court provides a detailed [calendar](#) on its website listing the dates that the Court will discuss cases in conference and hear oral arguments.<sup>7</sup> The calendar allows you to click on events to view more detailed information. You can also download events to your Microsoft Outlook calendar or Apple iCal calendar.

The Clerk maintains the online calendar and adds new events as appropriate. An RSS feed is available for the calendar.

Mastering the Court's internal operating procedures will allow you to use the Court's calendar to predict when to expect the Court to take action in your case, or other cases that you are watching. Using what you know about the Court's calendar and the internal operating procedures can also help provide insight into whether the Court is interested in your case.

## 6. The Rules Page

Free copies of the Rules of Appellate Procedure, the Rules of Civil Procedure, the Rules of Evidence, and many other rules and standards are available on the [rules page](#).<sup>8</sup>

## 7. Oral Argument Video and Audio Recordings

On March 12, 2007, the Supreme Court of Texas and St. Mary's University School of Law began broadcasting oral arguments live over the internet. The State Bar of Texas assumed responsibility for webcasting oral arguments in September, 2012. All of these oral argument videos are available on a web page maintained by the State Bar of Texas for the

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<sup>3</sup>

<sup>4</sup> <http://www.txcourts.gov/supreme/about-the-court/clerks-office.aspx>

<sup>5</sup> <http://www.txcourts.gov/courts/overview/about-texas-courts/multi-district-litigation-panel.aspx>

<sup>6</sup> <http://www.search.txcourts.gov/ebriefs.aspx?coa=cossup>

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<sup>7</sup> <http://www.txcourts.gov/supreme/court-calendar.aspx>

<sup>8</sup> <http://www.txcourts.gov/rules-forms/rules-standards.aspx>

Also available as part of the eCourse

[2017 eConference on State and Federal Appeals](#)

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27<sup>th</sup> Annual Conference on State and Federal Appeals session  
"Pulling Back the Curtain (a Bit)"