

## COURT OF APPEALS PANEL DISCUSSION – THE POLICIES AND PROCEDURES

The Panelists addressed the following issues in the side-by-side chart below:

1. **Briefing Extensions:** How does your Court handle the requests? Is the first request (a) invariably granted and/or (b) fully granted up to 30 days. Does the Court prefer or accept briefing agreements on complex cases or cases with cross appeals?
2. **Oral Argument:** Does the Court have a formula for granting oral argument such as “complex cases always argue.” Does the Court consider the Statement Regarding Oral Argument as a central factor. About what percentage of cases that request argument receive argument? Will the Court entertain requests to enlarge the time for oral argument. Does the Court ever alert the parties to issues of inquiry prior to argument (i.e. narrow the focus)?
3. **Panel Assignments:** How are your panels assigned and how long does that assignment attach.
4. **Performance Goals:** Does the Court formally or informally enforce internal performance goals on staff attorneys or Justices? What are those goals?
5. **Motion Practice:** How does the Court handle motions, procedurally? May one judge rule on a motion or must it be done by panel?
6. **Emergencies:** How does the Court handle matters claimed urgent? May a lawyer call the Court and alert the Clerk to a motion or an anticipated motion, for example, to stay a trial or impact an imminent change in child custody or for relief prior to incarceration?

7. **Expedited Appeals:** Does the Court have a formal or an informal system for expediting appeals that are given preference in law (i.e. interlocutory appeals or parental terminations)?
8. **Staffing:** How much staff does each Justice have? Are these permanent staff positions or briefing attorney or law clerk? How many central staff members does the Court have and are there specific tasks designated as central staff duties.
9. **Court Communications:** How (if at all) can attorneys communication with the Court? On paper only. On paper and (a) through the clerk only; (b) through the clerk and central staff; (c) through the clerk, central staff and chambers staff.
10. **Other:** Other notable policies?

The chart contains “pure gold” (similarities and differences between the Courts) for appellate practice across Texas’ appellate borders.

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29<sup>th</sup> Annual Conference on State and Federal Appeals session  
"The View from the Court of Appeals"