



# Three Pack Update:

TRAP Amendments,  
the TCPA, and  
Sufficiency Standards of Review

UT Conference on State and Federal Appeals,  
June 10-11, 2021

1

## Welcome!



**Justice Erin A. Nowell**  
Fifth Court of Appeals



**Amanda G. Taylor**  
Butler Snow LLP



**Matthew S. Compton**  
Fourth Court of Appeals

2

# TRAP Amendments



3

## Texas Rule of Appellate Procedure 49.3

TRAP 49.3 originally read:

A motion for rehearing may be granted by a majority of the justices who participated in the decision of the case. Otherwise, it must be denied. If rehearing is granted, the court or panel may dispose of the case with or without rebriefing and oral argument.

4

# Texas Rule of Appellate Procedure 49.3

## Considerations in Amending TRAP 49.3:

- Giving weight to original panel opinion
- Method of selecting substitute justices

5

# Texas Rule of Appellate Procedure 49.3

TRAP 49.3, as amended, reads:

A motion for rehearing may be granted by a majority of the justices who participated in the decision of the case. *Unless two justices who participated in the decision of the case agree on the disposition of the motion for rehearing, the chief justice of the court of appeals must assign a justice to replace any justice who participated in the panel decision but cannot participate in deciding the motion for rehearing.* If rehearing is granted, the court or panel may dispose of the case with or without rebriefing and oral argument.

6

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