



Three Pack Update:

TRAP Amendments,
the TCPA, and
Sufficiency Standards of Review

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

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Welcome!



Justice Erin A. Nowell
Fifth Court of Appeals



Amanda G. Taylor
Butler Snow LLP



Matthew S. Compton
Fourth Court of Appeals

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TRAP Amendments



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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.

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Texas Rule of Appellate Procedure 49.3

Considerations in Amending TRAP 49.3:

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

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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.

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