

# Permissive Appeals in the Wake of *Sabre Travel*

Richard B. Phillips, Jr.

37<sup>th</sup> Annual Conference on State and Federal Appeals  
June 16-17, 2022

Holland & Knight

Copyright © 2022 Holland & Knight LLP. All Rights Reserved

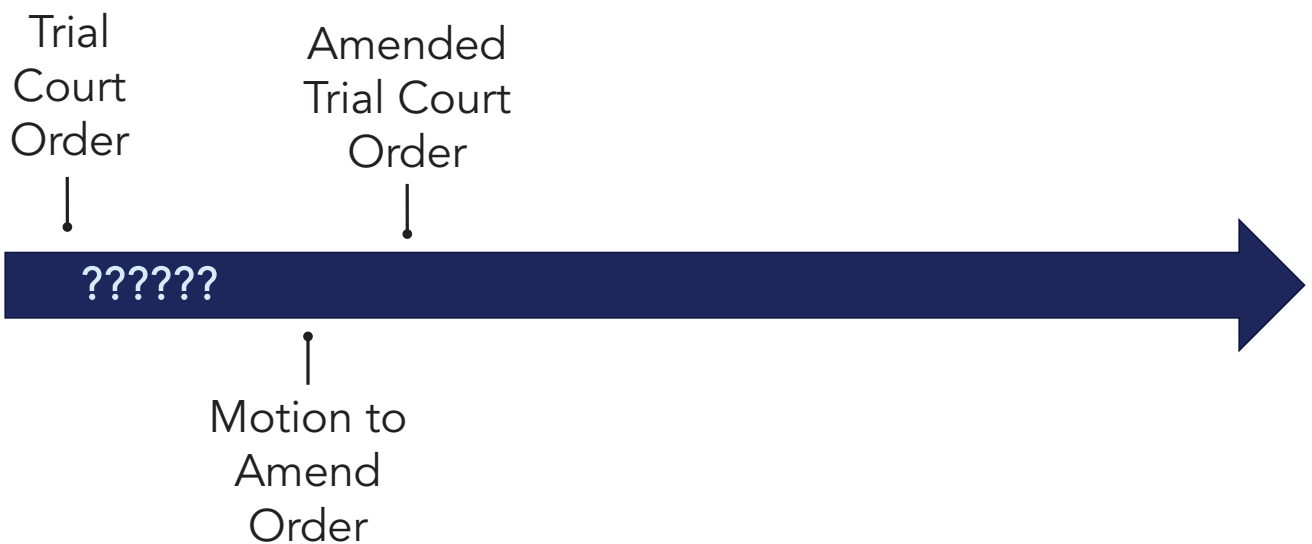
## CRPC 51.014(d)

Allows the trial court to grant permission to seek to appeal an order that involves a controlling question of law as to which there is a substantial ground for difference of opinion if an immediate appeal from the order may materially advance the ultimate termination of the litigation.

## Procedure

- CPRC 51.014(f)
- TRAP 28.3
- TRCP 168

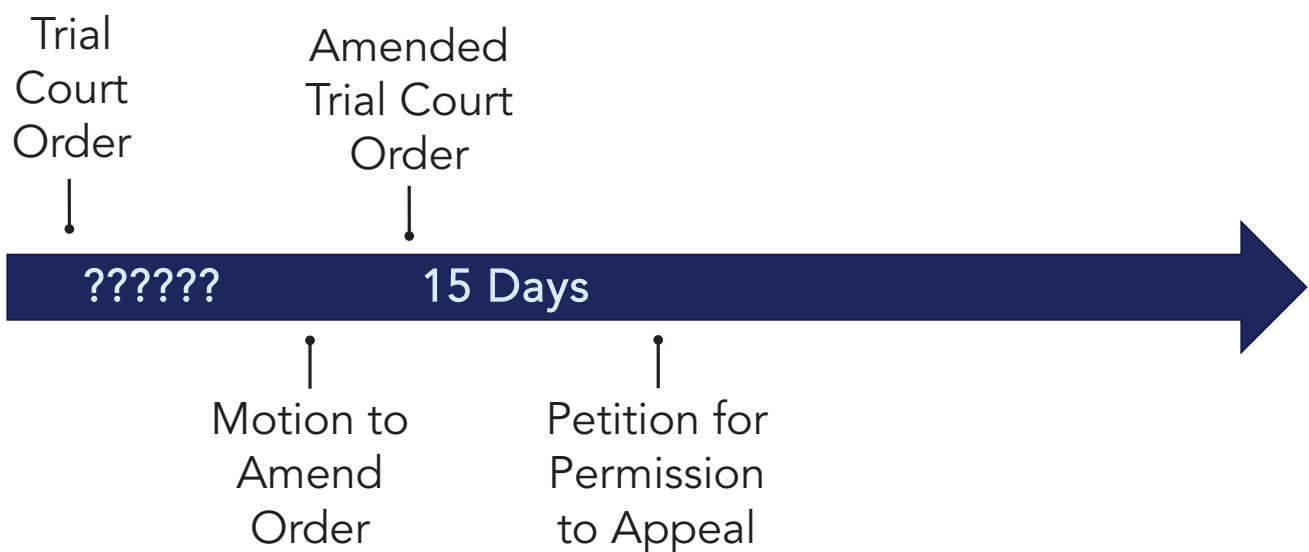
## Procedure



## Trial Court's Permission

- Must be in order being appealed
- Must identify the controlling legal question as to which there is a substantial basis for difference of opinion
- Must substantively rule on the controlling issue of law
- Must state why an immediate appeal may materially advance the termination of the litigation

## Procedure



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Permissive Appeals in the Wake of Sabre Travel

Also available as part of the eCourse

[2022 eConference on State and Federal Appeals](#)

First appeared as part of the conference materials for the  
32<sup>nd</sup> Annual Conference on State and Federal Appeals session  
"Permissive Appeals in the Wake of *Sabre Travel*"