

Navigating Supersedeas in Texas and Federal Courts

CHARLIE FRAZIER
MARISA CRUZ HURD

ALEXANDER DUBOSE & JEFFERSON LLP



1

Not with These Types of Bonds!



2

Major Distinctions?

- Timing of bond and notice of appeal
- Discretionary stays
- Procedure for obtaining bond approval
- Required amount of bond
- Superseding for less than required amount
- Actions by the court of appeals
- Recovery of bond premiums as costs

3

When to Supersede Texas

Judgment subject to *execution*:

- 30 days after jmt signed, or
- 30 days after MNT overruled

TRCP 627.

4

When to Supersede Federal

Automatic 30-day stay - **FRCP 62(a)**

Exceptions:

- *Injunctions*
- *Receivership actions*
- *Patent-accounting actions*

Court has discretion to stay in these instances

After 30 days, jmt subject to execution

5

Need to File Notice of Appeal Before Superseding?

Texas – No

- But cannot supersede a judgment that is not going to be appealed
- If ultimately no timely notice of appeal judgment cannot be superseded

Federal – No (as of 2018)

- **FRCP 62(b)** – “At any time after judgment is entered, a party may obtain a stay by providing a bond or other security.”

6

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 \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Navigating Supersedeas in Texas and Federal Courts

Also available as part of the eCourse

[Navigating Supersedeas in Texas and Federal Courts](#)

First appeared as part of the conference materials for the
33rd Annual Conference on State and Federal Appeals session
"Navigating Supersedeas in Texas and Federal Courts"