

# **PRO SE APPEALS GUIDE FOR TEXAS COURTS**



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# PRO SE APPEALS GUIDE FOR TEXAS COURTS

## NOTICE

The Texas Young Lawyers Association's (TYLA) *Pro Se Appeals Guide for Texas Courts* is designed to educate pro se litigants about appellate procedure and help them through the appellate process. **Do not** assume that all the requirements of an appeal are set out in this guide. This guide is only a general overview, and in no way stands in place of the *Texas Rules of Appellate Procedure* (TRAP).

The appellate process in Texas can be very complex. This guide is not intended to be a substitute for the advice and guidance of legal counsel. This guide is not intended to be comprehensive to address every possible type of appeal. This guide also does not purport to give any legal advice on how you, specifically, should handle your appeal. Please also check the copyright date and note that, because the law frequently changes, this guide may not have the most up-to-date information at the time you are reading it.

# INTRODUCTION

An appeal is a request for a higher court to review a lower court's decision. You may wish to file an appeal if you have lost your case in the trial court. You may also find yourself involved in an appeal if an opposing party seeks to overturn your victory in the trial court.

Appeals are complicated. Strict timelines and other issues can put you at risk of losing or waiving your appellate.

If you cannot afford an attorney, and you are not entitled to court-appointed counsel, then you may choose to handle the appeal yourself, that is, choose to proceed pro se. Generally, everyone has the right to represent themselves in a Texas court.

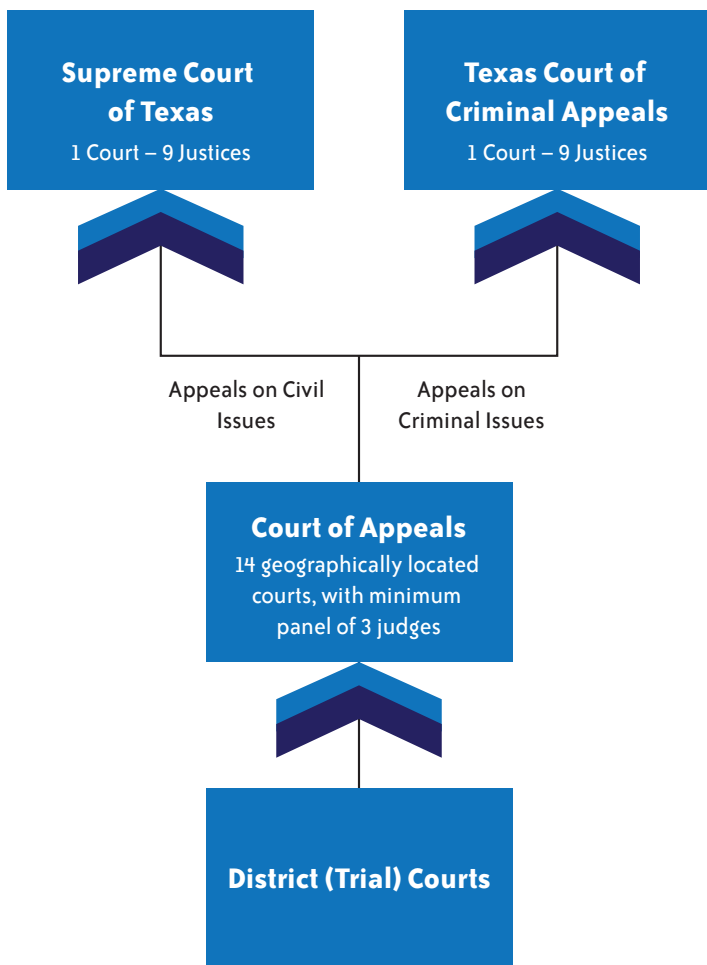
You should be aware, however, that you will be held to the same standards as licensed attorneys and are required to follow the *Texas Rules of Appellate Procedure* (TRAP). Representing yourself carries many risks. Failure to follow the rules can result in fines, sanctions, or the dismissal of the case. Review the rules here:

**[txcourts.gov/rules-forms/rules-standards/](https://txcourts.gov/rules-forms/rules-standards/).**

For a **glossary** of legal terms useful to understand in the appeal process, see the back of this guide.

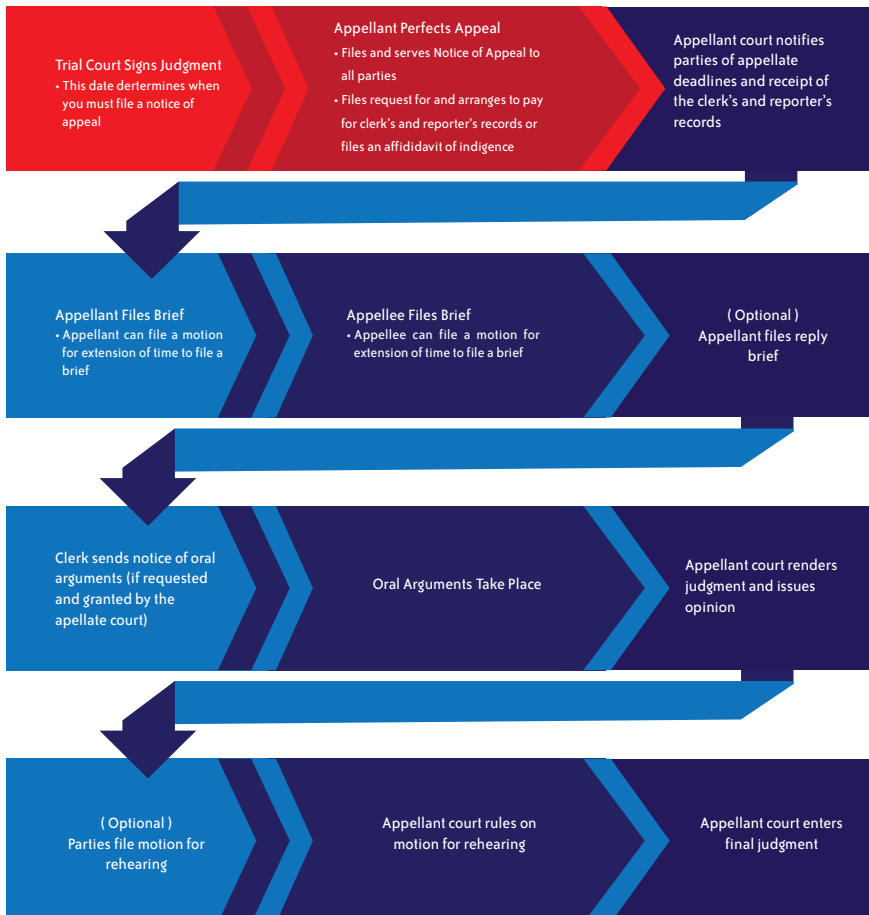
For an overview of the Texas court system, please visit TYLA's "How Texas Courts Work" website at **[howtexascourtswork.tyla.org](https://howtexascourtswork.tyla.org)**.

Texas has 14 courts of appeals that have jurisdiction over civil and criminal appeals based on their geographic region. Some appeals must be filed directly with the Supreme Court of Texas or the Texas Court of Criminal Appeals. If you are filing the appeal, make sure you file it in the appellate court having jurisdiction.



## GENERAL STEPS OF AN APPEAL

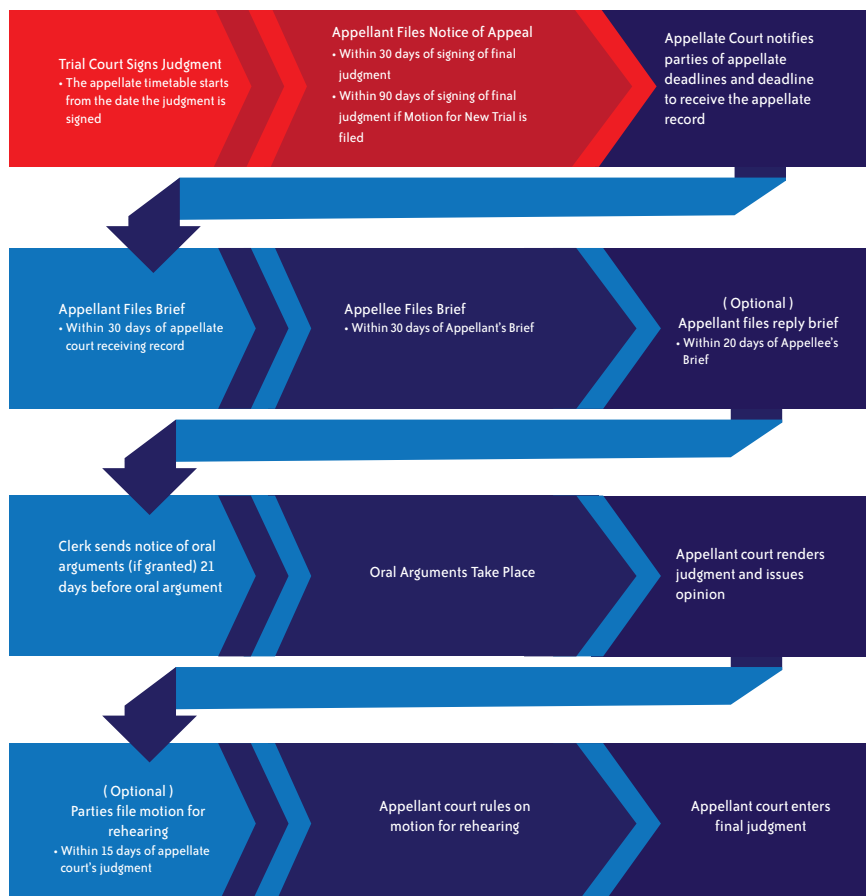
The non-comprehensive chart below depicts some of the common steps that a pro se litigant will go through during the process of an appeal. We advise you to review the chart and the TRAP to ensure you are following the rules. You are required to file certain documents with the trial court where your case originated, and others with the appellate court having jurisdiction over your appeal. In the diagram below, a red box is an action taken in or by the trial court and a blue box is action taken in or by the appellate court.



## GENERAL TIMELINE FOR APPEALS

The following chart, in combination with the chart on the previous page, gives the general timeline of submission of various parts of an appeal. This chart is a general timeline and will not apply to every appeal. Again, the process of appeal will take place in both the trial court and the appellate court conducting the appeal. As such, a red box is an action taken in or by the trial court; a blue box is action taken in or by the appellate court.

Please be aware that certain orders, if they are appealable, must be appealed within a certain timeline. In some cases, the appellate deadlines may be different. The following diagram shows the general timeline for appeals from final judgments.



## **INDIGENCE / INABILITY TO AFFORD PAYMENT OF COURT COSTS**

Sometimes a pro se litigant, after making a good faith effort, cannot afford to pay for the appellate filing fee, the appellate record, or for legal counsel on appeal. If a court finds you are unable to afford payment of court costs, you may not have to pay for certain costs associated with the appeal. Below, we answer common questions pro se litigants have about how indigence is determined.

### **When must I apply for indigent status?**

In a civil case, a party can establish indigence first in the trial court under TRCP 145,<sup>1</sup> and then notify the appellate court of this indigent status under TRAP 20.<sup>2</sup>

### **How do I establish indigent status?**

An indigent party may prove inability to afford payment of courts in various ways:

#### **1. By Affidavit or Sworn Statement**

- You may proceed without advance payment if (1) you file an affidavit of indigence in compliance with TRAP 20.1;<sup>3</sup> (2) your claim of indigence is not contested or if contested, the court finds for your claim of indigence; and (3) you file a timely notice of appeal.
- If you file an affidavit of indigence in conjunction with either a certificate from Interest of Lawyers Trust Accounts (ILTA) or Texas Access to Justice Foundation (TAJF), it becomes uncontestable.

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<sup>1</sup> TEX. R. CIV. P. 145.

<sup>2</sup> Tex. R. App. P. 20.

<sup>3</sup> Tex. R. App. P. 20.1.



## 2. By Certificate;

- You may proceed to trial without prepaying the associated costs if you have a certificate from ILTA or the TAJF stating that you were screened for eligibility to receive free legal services.

## 3. By Presumption of Indigence;

- If a parent is found indigent by the trial court during a suit in which termination of the parent-child relationship or managing conservatorship is requested, the parent retains this status throughout the suit.

### **What is in an affidavit of indigence?**

An affidavit of indigence is a sworn statement of inability to afford payment of court costs associated with a trial or appeal. If you want to file an affidavit of indigence, you must include your name and what amount in court costs you could pay. Indigent status is determined on your present ability to pay, not future ability. However, if a court later deems that after having received indigent status, you actually can pay, it may order you to pay as much as possible.

Additionally, the following information must be included in an affidavit of indigence:

- Nature and amount of all of your current income;
- Income of your spouse and whether or not it is available to you;
- Real (i.e., land or houses) and personal (i.e., cars, TVs, etc.) property you own;
- Cash you hold and amounts on deposit that you may withdraw;
- Other assets;
- Number and relationship to you of any dependents;

- Nature and amount of your debts;
- Nature and amount of your monthly expenses;
- Your ability to obtain a loan for court costs;
- Whether an attorney is providing free legal services to you without a contingent fee; and,
- Whether an attorney has agreed to pay or advance you court costs.

### **Can I appeal a finding that I am not indigent?**

If a trial court's order finds against your application for indigence, you can appeal the order by filing a motion challenging the order within 10 days of the date the order is signed or within 10 days of filing the notice of appeal, whichever is later.<sup>4</sup>

### **If I am found indigent by the court, what do I have to pay?**

If found indigent, the amount you have to pay depends on the indigent classification you are given. If the court finds no payment status, then the court fees and fee for the clerk's and reporter's record will be waived. However, if a court finds you are able to partially pay, it will give partial payment status. If you receive partial payment status, then you must pay the amount set by the court.

### **Can the court appoint legal counsel for me?**

The trial court can appoint legal counsel on appeal in misdemeanor criminal cases facing confinement and in all felony criminal cases. In a civil proceeding, the court can only appoint legal counsel in a suit filed by a government entity in which termination of the parent-child relationship or appointment of a conservator for a

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<sup>4</sup> See TEX. R. CIV. P. 145(g)

child is requested. In any other civil matter, a litigant will have to provide legal counsel or appear pro se.

### **How do I obtain court-appointed legal counsel?**

In a criminal case, if the trial court has found the defendant indigent for purposes of trial, the court will appoint legal counsel on appeal if requested and if the trial court finds the defendant indigent for purposes of appeal.

In civil proceeding, when dealing with one of situations listed above, the court will appoint counsel upon a finding of indigence.

## **NOTICE OF APPEAL**

A notice of appeal is a short statement filed with the trial court clerk stating that a party is dissatisfied with the trial court's judgment and wants to appeal the decision. **Failure to file a timely notice of appeal will lead to dismissal of the appeal.**

### **How long do I have to file a notice of appeal?**

You must file a notice of appeal in civil cases within 30 days after the trial court signs the judgment. However, you have:

- 90 days to file a notice of appeal if any party timely files:
  - A motion for new trial;
  - A motion to modify the judgment;
  - A motion to reinstate; or,
  - A request for findings of fact and conclusions of law.
- Only 20 days to file a notice of appeal in an accelerated appeal;
- 6 months to file a notice of appeal in a restricted appeal;
- Only 14 days to file a notice of cross-appeal after another notice of appeal is filed or within the appropriate time period if it meets the qualifications above.

## **What do I have to file in my notice of appeal?**

The notice of appeal must include, per TRAP 25.1(d), the following:

1. Identity of the trial court, style (who sued who), and the case's trial court number;
2. Date of the judgment or order being appealed from;
3. State that you desire to appeal the decision;
4. State the name of the Court of Appeals the case is being appealed to;
5. State the name of each party filing the notice; and
6. State whether the appellant is presumed indigent under TRAP 20.1.<sup>5</sup>

Additional requirements apply for accelerated and restricted appeals. We have provided an example notice of appeal at the end of this guide. See Appendix A for Sample Documents.

## **When I file a notice for appeal, do I have to file any other documents?**

You must serve the notice of appeal on all parties to the trial court's final judgment and include a certificate of service with the notice of appeal. In the certificate of service for the notice of appeal, state whether the court reporter has been served with a copy of the notice of appeal. You should file a docketing statement<sup>6</sup> and pay the clerk of the appellate court all required fees. If you are seeking indigent status, you must notify the appellate court if you are presumed indigent,<sup>7</sup> or

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<sup>5</sup> Tex. R. App. P. 20.1, 25.1(d).

<sup>6</sup> See Tex. R. App. P. 32.1 for more information on docketing statements.

<sup>7</sup> Tex. R. App. P. 20.1(a)(3)

must file an affidavit of indigence before or with the notice of appeal. When filing a notice of appeal, you should also state if the case is an accelerated appeal.

### **What is a docketing statement?**

A docketing statement is an administrative tool that allows the clerk of the court to quickly screen a case for procedural or jurisdictional defects. The Supreme Court of Texas has published a uniform docketing statement, which each Court of Appeals posts on its website. Each appellate court's website can be found by visiting the website: **txcourts.gov**.

### **What is a Certificate of Service?**

A certificate of service is a short statement, stating that you have served a document to the opposing parties. See the example below.

#### **SAMPLE CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on <date>, a copy of the foregoing Notice of Appeal was served on the following counsel for <Appellee's name/Appellant's name>:

Julie Jones  
The Jones Law Firm 123 Main Street  
Anytown, Texas 12345

As well as the court reporter(s)

Kathy Smith, CSR  
1 Courthouse Circle  
Barnes County, Texas

## **How many copies of a notice for appeal are required?**

You are only required to file one notice for appeal with the trial court. Most filings are now by e-file but vary by county. If you are unsure, contact the clerk of the county trial court where you are located.

## **Once I file my notice for appeal, what do I do?**

You should contact the trial court in order to obtain a copy of the clerk's record and, if necessary to the appeal, a copy of the reporter's record. Additionally, at this time you should begin your legal research and work on your appellate brief. We have provided an example of each of these requests at the end of this guide. See Appendix B and C for Sample Documents.

## **PREPARING A 'BRIEF'**

A brief is a written document that presents your legal and factual arguments. Parties write briefs to support the main points of error (complaints about a trial court's decision) on appeal. The following sections explain what a brief is and sets forth the sections you must include when filing a brief with the court.

Every appellate brief is different and there are no set examples or forms for briefs distributed by the Supreme Court of Texas or Texas Court of Criminal Appeals. Failure to properly prepare a brief for your appeal can result in a dismissal of your appeal (or a waiver of certain issues within your appeal) due to inadequate briefing.

Writing an appellate brief is not easy. The examples below should decrease the likelihood of waiver of issues or dismissal of the case, if you're the appellant. But do not substitute these examples of TRAP guidelines for the advice of a licensed attorney.

## Requirements of a Brief

According to TRAP 38.1, an appellant's brief must contain the following:

1. Identity of Parties and Counsel;
2. Table of Contents;
3. Index of Authorities;
4. Statement of the Case;
5. Any Statement Regarding Oral Argument;
6. Issues Presented;
7. Statement of Facts;
8. Summary of the Argument;
9. Argument;
10. Prayer (this is a legal term; a prayer is a short conclusion that clearly states the remedy a party seeks from the court); and
11. Appendix in Civil Cases.<sup>8</sup>

According to TRAP 38.2, an appellee's brief must contain the following:

1. Table of Contents;
2. Index of Authorities;
3. Any Statement Regarding Oral Argument;
4. Issues Presented;
5. Statement of Facts;

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<sup>8</sup> Tex. R. App. P. 38.1

6. Summary of the Argument;
7. Argument;
8. Prayer; and
9. Appendix in Civil Cases (but need not include anything that was already provided in the appellant's brief).<sup>9</sup>

All of the sections listed above must be included in a brief. It is important to remember that if any of these sections are left out, there is a possibility that a court will not consider your argument or issues presented.

This guide focuses on writing an appellant's brief because an appellee's brief includes all of the sections that are included in an appellant's brief. Each section that applies to both an appellee and appellant brief is noted below.

The examples below will use the hypothetical case of *Doe v. Smith*, where John Doe is appealing the factual sufficiency of the trial court's judgment in his trespass suit against Jane Smith.

See Appendix D for sample parts of an appellant brief.

## **PREPARING THE 'ARGUMENT' SECTION OF YOUR BRIEF**

A brief must contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the record. The argument section is where the substance of a brief comes from. In this section you will explain all of the issues that you are raising.

While this is an argument section, this does not mean you may write whatever you want. Any statement you make should relate back

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<sup>9</sup> Tex. R. App. P. 38.2



to some legal rule or authority, and complain about a legal error the trial court made.

For example, a criminal defendant appearing pro se on appeal should not simply write, “My sentence is not fair.” It is better to write, “The Texas Court of Criminal Appeals in *Thomas v. State* said that a trial court abuses its discretion by giving a sentence outside of the statutory range, and my sentence is outside of the statutory range. *Thomas v. State*, 999 S.W.4d 1025 (Tex. Crim. App. 1995).” This statement is supported by a legal authority and relates back to the legal error of the trial court.

Typically, an argument section should be broken down into paragraphs concisely explaining each issue presented. The argument can be structured by following the “IRAC” formula. IRAC stands for Issue, Rule, Application, and Conclusion.

### **Issue**

Start with a statement of the issue or point of error on appeal. This should set the tone of the argument and inform the reader of what the argument will encompass.

### **Rule**

A discussion of applicable rules follows the Issue section. In this discussion, you state the legal rules that govern the issues on appeal. You should support each rule stated with specific citations to cases, statutes, or other legal authority that relate to it. You should also research, understand, and state the standard of review used by the trial court in reviewing the issue before it (i.e., abuse of discretion, de novo, etc.).

### **Application**

Application is the next critical step. In the Application discussion, you explain how the legal rules apply to the facts of its particular case.

This section ties in any legal authority you have uncovered during legal research and explains how the research supports the argument asserted. You should also support statements in this section with specific citations to cases, statutes, or other legal authority.

## **Conclusion**

Finally, you should conclude by briefly restating why the trial court's decision was improper, and by asking the appellate court to take a particular action.

### **WHAT YOU NEED TO KNOW ABOUT THE 'APPELLATE RECORD'**

The "appellate record" consists of the clerk's record and the reporter's record. The clerk's record includes certain documents on file with the trial court clerk, and the reporter's record refers to the transcript prepared by the court reporter from the trial court proceedings.

Relevant portions of the clerk's and reporter's record will have already been received by the appellate court prior to the appellant's deadline to file a brief. If a relevant portion of either record is missing, the appellant should file a motion for an extension of time to file its brief if needed.

Here, the clerk's record would contain, among other items: Appellant's Original Petition, the Trial Court's Final Judgment, the Trial Court's Findings of Fact and Conclusions of Law, and the Notice of Appeal.

The reporter's record would contain a transcript of the trial proceedings and exhibits introduced at trial (such as the letter and video footage in the example case). You can abbreviate clerk's record as "CR" and reporter's record as "RR." Record citations and page numbers should be provided throughout the brief.

## WHEN AND HOW TO PREPARE A ‘MOTION’

A motion is a written statement requesting that a court make a specific ruling or order. There is a wide variety in the types of motions you can file with the appellate court, including motions for extensions of time to file a document, or motions requesting that the appellate court reconsider its decision.

As motions cover a wide range of subjects, there is no set form on what a motion will look like. However, this does not mean that there are not guidelines for what a motion must contain. *The Texas Rules of Appellate Procedure* (TRAP) have set out these guidelines in TRAP 10:

1. A motion must contain any document or item that is required by a rule governing the motion;
2. Explain why it is needed;
3. Set forth the relief that is sought;
4. Be served or filed with any brief, affidavit, or other paper filed in support of the motion; and
  - Generally, if you are filing a motion that does more than ask for an extension of time, you will file a supplemental brief to inform the court on the evidence and legal authority it has for ruling on the motion.
  - Any brief you file in support of a motion should include: issues presented by the motion, statement of facts, argument explaining why the appellate court should take the action requested, and prayer. (More information about each of these sections can be found above in the Preparing a Brief section.)
5. In civil cases, a motion must contain a statement that the filing party met with or reasonably attempted to meet with all other

parties about the merits of the motion and whether those parties object to the motion.<sup>10</sup>

Additionally, any party that is adverse to a motion may file a response to a motion at any time before the court rules on the motion or by any deadline set by the court.

The following list of motions are those that are most commonly filed with the court or have a TRAP rule associated with them.

- Motion for Extension of Time (TRAP 10.5)
  - These motions ask for an extension of time to file a document with the court. A motion for extension of time must state the following:
    - The deadline for filing the item in question;
    - The length of the extension sought;
    - The facts relied on to reasonably explain the need for an extension; and
    - The number of previous extensions granted regarding the item in question.
  - This list does not cover all motions for extension of time but following these guidelines should work for most motions for extension of time.<sup>11</sup>
- Motion to Dismiss the Appeal
  - An appellant can file a motion to dismiss the appeal if he no longer wishes to pursue the appeal.

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<sup>10</sup> Tex. R. App. P. 10.

<sup>11</sup> Tex. R. App. P. 10.5

- Motion to Postpone Argument<sup>12</sup>
  - A motion to postpone argument is one that asks for a later date for oral arguments. However, unless all parties agree or the cause is apparent to the court, you should support this motion with supporting evidence.
- Motion for Rehearing or En Banc Reconsideration
  - You file a motion for rehearing when you feel there are points of error in a court's opinion. No response from the court is required and the court is not required to rule in favor of a new hearing if the evidence does not support the need for one.

## HOW TO FILE A DOCUMENT

Filing a document with the court clerk is the only way the court is able to consider the document when making its decision. There are two main ways pro se litigants can file documents with the court. The first way is to file a document either in person or by mail. The second way is to file a document electronically (you will need access to a computer and the internet). The following two sections will explain what is required in both of these methods.

### Electronic Filing

While pro se litigants certainly have the option of filing a document in person, pro se litigants can also file documents electronically if it is more convenient or if the litigant must meet a deadline to file a document and the clerk's office is already closed. A court will consider any document timely filed by a litigant if it is filed electronically before midnight on the due date. This deadline gives a litigant an additional seven hours to file from the 5 p.m. deadline for documents filed in in person. Electronic filing also allows for faster

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<sup>12</sup> *Id.*

receipt and transmission of documents and ease of review by the appellate court.

When choosing to file a document online, you should first go to **[www.efiletexas.gov](http://www.efiletexas.gov)**. If e-filing, make sure that the browser being used is compatible with the website. If the website is not loading properly, a different browser might be needed.

## **Paper Filing**

The other option to file documents is to file a paper copy in person or through the mail. This method may be more familiar to some pro se litigants. To file in person, simply bring the appropriate document, copies, and filing fee to the clerk's office in the courthouse. However, filing in person does have some drawbacks including printing the document in the correct format and meeting a 5 p.m. submission time on the day of the deadline.

When filing the document in person, make sure that it complies with the following rules:

- Print only on one side of the page;
- The paper on which a document is printed should be 8.5 by 11 inches, and white;
- The document should have 1-inch margins;
- The text should be double-spaced;
- A document should be produced in size 14 of a normal font (i.e., Calibri, Cambria, Garamond, Times New Roman, etc.);
- A document should be bound to ensure that it will not lose its cover or fall apart;
  - A paper document should be stapled in the top left-hand corner or bound so it lies flat when open;

- A paper petition or brief should have a durable front and back cover which cannot be plastic or be red, black, or dark blue;
- The front cover of a document should contain the following:
  - Case style – *Plaintiff v. Defendant*, or *Appellant* or *Appellee*. The last name of each party would be substituted for each word respectively;
  - Case number;
  - Title of the document being filed;
  - Name of the party filing the document; and
  - The following for the lead party responsible for the filing:
    - Name;
    - Mailing address;
    - Telephone number;
    - Fax number (if any); and,
    - E-mail address.
- If a party requests oral argument, ensure that this request also appears on the front cover in the form “**ORAL ARGUMENT REQUESTED.**”

## FREQUENTLY ASKED QUESTIONS (FAQs)

These questions and answers cover a wide array of topics relating to the appeal process. These questions will cover the following: 1) filing with the court, 2) briefs to the court, 3) motions, 4) oral arguments, 5) appealing a Court of Appeals decision, and 6) miscellaneous issues. If this section or guide does not cover a question, consult the *Texas Rules of Appellate Procedure*, visit with an attorney, or visit the website of any Court of Appeals for more information.

## **FAQs – General**

### **Is there a fee for filing an appeal?**

There is a fee to file an appeal as well as several other documents with the court. To check the most recent fee schedule for various filings, please visit the [txcourts.gov](http://txcourts.gov) website and search for the Supreme Court of Texas “fee schedule.” The fee schedule will usually identify the costs for the following:

1. Appeal from a district or county court
2. Petition for permissive appeal
3. Original proceeding
4. Administering an oath with sealed certificate of oath
5. Certified copy including certificate and seal certification
6. Comparing and certifying copy of document
7. Motion for rehearing or for en banc reconsideration
8. Motion not otherwise listed
9. Exhibit tendered for oral argument

### **Where do I file a notice of appeal?**

You should file a notice of appeal with the clerk of the trial court where the trial took place.

### **How do I file documents with the appellate court?**

See the section on “How to File a Document.” You are encouraged to file all documents electronically, but this is not required. Go to **[www.eFileTexas.gov](http://www.eFileTexas.gov)** to start the process of electronically filing a document. If you do not wish to electronically file or do not have the means to do so, one of the following methods is appropriate: (1) delivering the document to the clerk of the court in which the document is to be filed, (2) delivering the document to a justice or



judge of the court who is **willing** to accept delivery, or (3) mailing the documents to the court with a post mark of the deadline to file. TRAP 9.2 has more information on all of these methods.<sup>13</sup>

Additionally, unless the court orders otherwise, an electronically filed document **must not contain** any of the following sensitive data:

- Social security number;
- Birth date;
- Home address;
- The name of any person who was a minor when the underlying suit was filed;
- Driver's license number;
- Passport number;
- Tax identification number or similar government-issued personal identification number; or,
- Bank account number, credit card number, or other financial account number.

You should replace all sensitive data with the letter "X" in place of each letter. If the document must contain un-redacted sensitive data you should either notify the clerk, for electronically filed documents, or write "**NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA,**" for non-electronic copies.<sup>14</sup>

### **When I submit a document for filing by mail, is it considered filed with the court when it is mailed?**

You can use either the United States Postal Service or a commercial delivery service (DHL, Fed Ex, UPS, etc.) to submit documents. A

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<sup>13</sup> Tex. R. App. P. 9.2.

<sup>14</sup> See Tex. R. App. P. 9.9 for more information

document that is mailed will be considered timely if it is received by the court within 10 days of the filing deadline. **However, the document must still be postmarked on or before the filing deadline.**<sup>15</sup>

### **How should documents be bound?**

One copy of anything filed with the court must be unbound and one-sided (on 8.5"x11" paper) and contain no hard covers, tabs, or any other item that would impede the scanning of the document. For all other copies, see Texas Rule of Appellate Procedure 9.4 for the format the documents should conform to.<sup>16</sup>

### **How do I calculate the time for filing documents with the Clerk's Office?**

Generally, the time for filing documents will begin the day after a trial court enters its final judgment, grants a motion, or takes any other action that can be appealed. Time is then computed from that day forward including Saturday and Sunday.

### **If my filing deadline falls on a Saturday, a Sunday, or a legal holiday, when should I file to make sure my document is considered timely?**

If the filing deadline falls on one of the above dates, the deadline for filing extends to the end of the next business day that the clerk's office is open.

### **What will happen if the document I want to file is submitted late?**

If you miss the deadline to file a notice of appeal, the appeal will likely be dismissed by the appellate court. If you miss the deadline to file an appellant's brief, unless you have filed a motion for extension of

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<sup>15</sup> Tex. R. App. P. 9.2.

<sup>16</sup> Tex. R. App. P. 9.4.

time before the filing deadline or other rules provide for an implied extension of time, the appellate court may dismiss the appeal. In other cases such as a failure to timely file an appellee's brief, the court may proceed with the appeal without the submission of the document. You will likely receive notices from the appellate court notifying you of missed deadlines and the opportunity to fix your mistake (if any is available).

## **FAQs – Briefs to the Court**

### **When must an appellant's brief be filed?**

Generally, an appellant should file their brief within 30 days after: (1) the date the clerk's record was filed, or (2) the date the reporter's record was filed, whichever of these two is later.<sup>17</sup> Different timelines apply to accelerated appeals.

### **When must an appellee's brief be filed?**

Generally, an appellee's brief must be filed within 30 days after the date the appellant's brief was filed.<sup>18</sup> Different timelines apply to accelerated appeals.

### **As an appellant, may I file a brief in response to the appellee's brief?**

This is allowed and called a reply brief. An appellant has 20 days after the appellee files their brief to file a reply brief.<sup>19</sup>

### **How many pages can a brief be?**

For any brief filed with the court, the brief should not be more than 15,000 words if computer-generated, and 50 pages if not.

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<sup>17</sup> Tex. R. App. P. 38.6(a).

<sup>18</sup> Tex. R. App. P. 38.6(b).

<sup>19</sup> Tex. R. App. P. 38.6(c).

Additionally, in a civil case, the total length of all briefs filed must not exceed 27,000 words if computer-generated, and 90 pages if not.<sup>20</sup>

### **Can I exceed the page limit?**

No, if the appellate court receives a nonconforming document, the court may strike the document or allow the nonconforming party to resubmit the document. If your case is extraordinary and cannot be adequately briefed within the page limits, you may file a motion with the appellate court requesting permission to file a brief that exceeds the page limit. You must inform the court how long the brief will be and must obtain a favorable ruling on the motion before filing a brief that exceeds page or word limitations.

### **What do I do if I need an extension of time to file my brief?**

A motion for extension of time must be submitted to the court; at that point, the court **may** decide to grant the extension.

### **How many copies of a brief must be filed?**

A party who does not electronically file a brief should file the original brief and three additional copies either in person or by mail.

### **What is the proper way to cite to the record, transcript, exhibits, statutes, and appellate court decisions?**

The following is a list of ways to cite to the record or other legal authority.

1. Single Volume Clerk's Record – (CR1)
2. Multi-Volume Clerk's Record – (2CR4)

---

<sup>20</sup> Tex. R. App. P. 9.4(i)

3. Single Volume Reporter's Record (transcript of proceeding)– (RR123)
4. Multi-Volume Reporter's Record – (2RR123)
5. Exhibit - (Ex. 1)
6. Texas Statutory Code – TEX. <SUBJECT> CODE ANN. § 1-23 (<year>)
7. Texas Appellate Court Decision – Plaintiff v. Defendant, 12 S.W.3d 345 (Tex. App.— <Appellate Court>, <year>)
8. Supreme Court of the United States Decision – Plaintiff v. Defendant, 12 U.S. 345 (<year>)
9. Texas Rules of Appellate Procedure – TEX. R. APP. P. 1
10. Texas Constitution – TEX. CONST. art. I, § 2

For any other questions on how to cite, visit [law.cornell.edu/citation/](http://law.cornell.edu/citation/).

## **FAQs – Motions**

**If I have a request relating to my appeal that I want the court to grant while the appeal is still pending, how do I make such a request?**

The proper way to make a request to the court is to put the request in the form of a motion. E.g., a motion for extension of time to file appellant's brief.

## **How many copies of motions are required?**

A party who does not electronically file a motion must file the original motion and one copy of any other motion (or three copies of a motion for rehearing) in person or by mail.

## **FAQs – Oral Arguments**

### **Am I entitled to argue my case before the Court of Appeals?**

Texas Rule of Appellate Procedure 39.1 states that any party who has filed a brief and who has timely requested oral argument may argue the case to the court unless the court determines it is unnecessary for any of the following reasons: (1) the appeal is frivolous, (2) the issue(s) have already been conclusively decided, or (3) oral arguments would not significantly aid the decision. To request an oral argument, you must note that request on the front cover of the brief.<sup>21</sup> The statement “**ORAL ARGUMENT REQUESTED**” is a generally accepted way to accomplish this task. Additionally, a statement regarding why oral argument should or should not be permitted must be added to the brief.

### **How will I receive notice of my case being set for oral argument?**

Each party will receive notice of a decision for or against oral arguments at least 21 days before oral arguments would take place.<sup>22</sup>

### **May I present new exhibits or testify about my case during oral argument?**

No, oral arguments are a time to discuss why the trial court erred in its opinion. The only information you can argue during oral arguments is information that was present in the record. This rule also applies for briefs; the only issues you may complain about in a brief are those that are contained in the record.<sup>23</sup>

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<sup>21</sup> Tex. R. App. P. 39.1, 39.7.

<sup>22</sup> Tex. R. App. P. 39.8.

<sup>23</sup> Tex. R. App. P. 39.2.

## **FAQs – Appealing a Court of Appeals Decision**

### **Can I appeal the decision of the Court of Appeals to the Supreme Court of Texas or Texas Court of Criminal Appeals?**

Yes, this can be done by filing a petition for review with the Supreme Court of Texas or the Texas Court of Criminal Appeals. However, the Supreme Court of Texas and Texas Court of Criminal Appeals have discretionary power to hear cases and are under no obligation to grant any of the petitions for review they receive.

### **What is a petition for review?**

A petition for review is a formal request for the Supreme Court of Texas or the Texas Court of Criminal Appeals to take up the case and review the decision of the appellate court. Unlike a notice of appeal, a petition for review makes a brief argument for why the case should be heard by the higher courts. A petition for review includes the following sections:

1. Identity of Parties and Counsel
2. Table of Contents
3. Index of Authorities
4. Statement of the Case
5. Statement of Jurisdiction
6. Issues Presented
7. Statement of Facts
8. Summary of the Argument
9. Argument
10. Prayer
11. Appendix

A detailed explanation of what needs to be found in each of these sections can be found in Texas Rule of Appellate Procedure 53.2.<sup>24</sup>

### **How long after the decision of the Court of Appeals do I have to file a petition for review?**

A petition must be filed within 30 days of: (1) the day the appellate court's judgment was rendered, or (2) the day of the last timely motion for rehearing.<sup>25</sup>

### **Can I file a writ of certiorari with the U.S. Supreme Court?**

It depends. A writ of certiorari generally must be filed with the clerk of the U.S. Supreme Court after entry of a final judgment by a state court of last resort. This means that the Supreme Court of Texas or Texas Court of Criminal Appeals may have to enter a final judgment before you can file a writ of certiorari with the U.S. Supreme Court. More information on appealing to the U.S. Supreme Court can be found at [www.supremecourt.gov](http://www.supremecourt.gov)

### **FAQs – Miscellaneous**

#### **Is it possible for me to speak directly to a judge or a member of his personal staff about my case?**

No. All parties and their counsel, including parties appearing pro se, are prohibited from all private communication with the judge or judge's staff. Any communication must be handled through the clerk's office.

#### **What information can the clerk's office give me?**

The court can provide the following information:

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<sup>24</sup> Tex. R. App. P. 53.2.

<sup>25</sup> Tex. R. App. P. 68.2.



1. The court can answer general questions about how the court works;
2. The court can give general guidance on court rules and procedures;
3. The court can provide any forms or instructions; or
4. Direct a party to a resource that has this information.

However, the court cannot provide any information that directly affects the substance of a case. This includes:

1. Whether to appeal a case;
2. What motions to file;
3. How a case will do in court; or
4. Any form of research.

### **Are there any forms for pro se litigants?**

Samples are attached to the end of this guide, though these are not forms and are merely intended as a sample to be illustrative of the descriptions provided herein. Another place you can look is *O'Connor's Texas Civil Appeal* or *O'Connor's Texas Criminal Code* for general forms that can assist you when preparing your case. Both of these books can be found in the legal libraries of universities or in the libraries of all the courts of appeals. Additionally, some forms can be found on the website of each Court of Appeals.

### **What are the clerk's offices business hours?**

Every clerk's office is open Monday to Friday from 8 a.m. to 5 p.m.

## **What are some common mistakes people make when filing?**

The list below contains common problems that have been found with pro se submissions to the court. This list is not exhaustive but should give you an idea of what to look out for when preparing or filing a document with the court.

- **Lack of legal argument/support**

When filing a brief or other document with the court it is important to support every argument with legal authority. It is not enough to simply state why you feel the lower court was wrong in its decision; you must support the argument with legal authority. For example, stating the trial court decision is unfair because it punishes you is not enough. Instead a proper legal argument would state the trial court decision is incorrect because it does not comply with X case, Y statute, or some other legal authority. Additionally, it is important to support all legal arguments with a citation to the source of the authority.

- **Failure to complain about a trial court's error**

In addition to making a legal argument, ensure that the error or problem being argued relates to an actual act or omission committed by the trial court. For example, a trial court error would be failure to give the correct jury charge or failure to admit the appropriate evidence. Note: Generally, appellate courts cannot address issues that were not brought to the attention of the trial court.

- **Failure to file all parts of a document**

When filing a document with the appellate court, it is essential that it contain all of the necessary parts required by the *Texas Rules of Appellate Procedure*. As previously stated, a pro se litigant is held to the same standards as practicing attorneys. Failure to comply with the rules set forth by the *Texas Rules of Appellate Procedure* is not an option.

If a required part is missing from a document, it can lead to a letter for resubmission.

- **Illegible handwriting**

There is no requirement that a document be typed in order to be filed with the court. However, a handwritten document must be legible. It is not the responsibility of the court to interpret an illegible document.

## Appendix A: Sample Notice of Appeal

*CAUSE NO. 15-00001*

JOHN DOE,	§§	IN THE DISTRICT COURT OF
Plaintiff,	§§	
vs.	§§	ANYTOWN COUNTY, TEXAS
JANE SMITH	§§	
Defendant.	§	425TH JUDICIAL DISTRICT

### *NOTICE OF APPEAL*

This Notice of Appeal is filed by John Doe, Appellant, a party to this proceeding who seeks to alter the trial court's <List Judgment or other Appealable Order>.

1. The trial court, cause number, and style of this case are shown in the caption above.
2. The <Appealable Order by Trial Court> was signed on <Date of Signature>.
3. John Does desires to appeal all portions of the judgment.
4. This appeal is being taken to the 15th Court of Appeals, in Anytown, Texas.
5. This notice of appeal is being filed by John Doe.

6. Respectfully submitted,  
John Doe  
456 Main Street  
Anytown, Texas 12345

By: <Signature>

\*Attach a certificate of service.

## **Appendix B: Request for Clerk's Record**

[APPELLANT] is appealing this case to the [\_\_\_\_\_] District Court of Appeals at [\_\_\_\_\_] and requests that the items listed below be included in the Clerk's Record. Please contact the undersigned to make payment arrangements.

Trial court's docket sheet

[Title of Pleading] [Date Pleading Filed in Trial Court]

[Repeat as to All Requested Pleadings]

Certified Bill of Costs

Respectfully submitted,

### **Certificate of Service**

## **Appendix C: Request for Reporter's Record**

[APPELLANT] is appealing this case to the [\_\_\_\_\_] District Court of Appeals at [\_\_\_\_\_] and requests a complete reporter's record of all trial proceedings including all testimony of witnesses, all discussion during trial between the judge and attorneys, all bench conferences, all exhibits, and all bills of exception.

The trial occurred on [\_\_\_\_\_].  
Please contact the undersigned to make payment arrangements.

Respectfully submitted,

### **Certificate of Service**

## Appendix D: Sample Brief

### Cover Page

A legal cover page presents all of the important procedural information relating to the case. A filed document should include a cover page as required by Texas Rule of Appellate Procedure 9.4.<sup>26</sup> Below is an example of what a cover page may look like.

**CAUSE NO. 06-14-00123-CV**

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IN THE  
FIFTEENTH COURT OF  
APPEALS AT ANYTOWN

---

Doe v. Smith

---

Original Proceeding from the 425th District Court,  
The Honorable Joe Johnson, Presiding

---

Appellant's Brief on the Merits

---

**ORAL ARGUMENT REQUESTED**

---

John Doe  
456 Main Street  
Anytown, Texas 12345  
Telephone: (123) 456-7890  
*Pro Se Appellant*

**Identity of Parties and Counsel (Appellant only. Appellee may file if appellant's list is incorrect.)**

---

<sup>26</sup> Tex. R. App. P. 9.4.

The identity of parties and counsel gives a complete list of all parties that were a part of the trial court's judgment. This section also gives the names and addresses of all trial and appellate counsel. The one exception to listing the names of parties in this section is when there is a minor involved in the case. Under that scenario, the minor should be given an alias; e.g., Jimmy Doe becomes J.D. Below is an example of the identity of parties and counsel section.

## **IDENTITY OF PARTIES AND COUNSEL**

Pursuant to Texas Rule of Appellate Procedure 38.1(a), appellant presents the following list of all parties and names and addresses of its counsel:

### **Appellant/Plaintiff:**

John Doe

### **Counsel:**

John Doe

456 Main Street

Anytown, Texas 12345

Telephone: (123) 456-7890

### **Respondent:**

The Honorable Joe Johnson

425th Judicial District Court

Anytown Courts Building

789 Main Street

Anytown, Texas 12345

### **Appellee/Defendant:**

Jane Smith

### **Counsel:**

Julie Jones

Texas State Bar No. 12345678

The Jones Law Firm

123 Main Street

Anytown, Texas 12345

Telephone: (123) 123-4567



# Table of Contents (Appellant and Appellee)

A brief must have a table of contents with references to pages of the brief. Additionally, the table of contents must indicate the subject matter of each issue or point.

## TABLE OF CONTENTS

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ARGUMENT .....	28
Did the trial court have factually sufficient evidence to rule for John Doe? .....	28
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# Index of Authorities (Appellant and Appellee)

In addition to a table of contents, a brief must contain an index of authorities. An index of authorities indicates what cases, statutes, or other authorities the brief has cited. This list should be arranged alphabetically. Below is an example table of authorities.

## INDEX OF AUTHORITIES

### Cases

<i>Brown v. Davis</i> , 123 S.W.2d 321 (Tex. 2002).....	21, 23, 26
<i>Miller v. Wilson</i> , 456 S.W.2d 654 (Tex. 2000).....	3

### Statutes

Tex. R. App. P. 38.1(a).....	17
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### **Statement of the Case (Appellant only. Appellee may include if dissatisfied with appellant’s statement. Should not exceed ½ page)**

A statement of the case is a brief statement of the procedural background of the case.

This tells the court what type of case it was, the course of the proceeding, and trial court’s judgment or ruling in the case. This section should not include the facts of the case.

## STATEMENT OF THE CASE

**Nature of the Case:** Appellant/Plaintiff John Doe brought a civil trespass cause of action against Appellee/Defendant Jane Smith arising out of damage his garden suffered during a trespass by Smith on January 1, 2014. (CR at 1). Appellant alleges Appellee consciously disregarded his “No Trespassing” signs and damaged his garden. (CR at 2).

**Respondent:** Honorable Jim Johnson, 425th Judicial District Court, Anytown County, Texas.

**Respondent's Action:** February 1, 2014, the trial court entered final judgment, a take nothing judgment in favor of appellee. (CR 150; Appx. Tab 1). The trial court also awarded appellee attorney's fees. (CR150).

**Statement Regarding Oral Arguments (Appellant and Appellee. Must not exceed one page.)**

A party may wish to waive oral argument on appeal. If the party wishes to present oral argument, a statement such as “**ORAL ARGUMENT REQUESTED**” should be added to the cover page of the brief. The party will then include a brief statement explaining why oral argument is appropriate and how the addition of oral arguments will aid the appellate court's decision process. An appellee may also include a statement of oral argument; this statement should state either the need for oral arguments or why there is no need for oral arguments. Appellate courts only allow oral argument in a small number of appeals — you must persuade the court that it would be useful in your case. A sample statement regarding oral arguments is below.

**STATEMENT REGARDING ORAL ARGUMENTS**

This case raises significant issues related to the factual sufficiency of the evidence presented in relation to the rule set forth in *Brown v. Davis*, 123 S.W.2d 321, 325 (Tex. 2002). The inclusion of oral arguments will significantly aid the decision of this court.

\*A proper statement regarding oral arguments will have more detail and legal support (cases, statutes, etc.) for each issue that the party deems necessary for oral arguments. See page 53 for more information on oral arguments.

**Issues Presented (Appellant only. Appellee may file if dissatisfied with appellant's issues presented or if the appellee wishes to cross-appeal a trial court's decision.)**

The brief must state all issues or points presented for review. See below for an example of an issues presented section.

**ISSUES PRESENTED**

1. Did the trial court err in excluding critical evidence presented at trial?
2. Is there factually sufficient evidence to support the judgment of the trial court?

\*There will be additional questions for each issue that a brief presents.

**Statement of Facts (Appellant only. Appellee may file if dissatisfied with appellant's statement.)**

The brief must state concisely, and **without argument**, the facts pertinent to the issues presented. You should support the facts with citations to the record. The appellate court will review the record citations to ensure accuracy of the facts presented in the statement of facts. An example of a statement of facts is below.

**STATEMENT OF FACTS**

On January 1, 2014, Jane Smith (Appellee) entered the property of John Doe (Appellant) without his permission and destroyed his prize-winning garden. (CR2). Before the incident, the Appellant received a letter from Appellee, stating that she was going to come over and destroy his garden for beating her in this year's gardening competition. (RR25). Appellant filed suit in the 425<sup>th</sup> District Court in Anytown County against Appellee claiming she had trespassed and maliciously destroyed his property. (CR1).

On February 1, 2014, the trial court heard the case without a jury. (RR1) During the hearing, Appellant presented both the letter by Appellee and video recording of Appellee trampling the garden. (RR34;Ex.3-4). The trial court excluded this critical evidence and entered a take-nothing judgment in favor of Appellee. (CR150;Appx.1).

Appellant has appealed to the Fifteenth Court of Appeals at Anytown asking that the Appellate Court overturn the trial court's judgment.

### **Summary of the Argument (Appellant and Appellee)**

The summary of the argument section is a brief, clear, and accurate statement of the arguments that you make in the rest of the brief. This section *briefly* explains what issues and arguments you will raise in the arguments section and should not merely repeat the argument section. See an example below.

### **SUMMARY OF THE ARGUMENT**

The trial judge erred in excluding and failing to consider critical evidence that was presented at trial. The exclusion of the evidence is contradictory to the rulings established by the Supreme Court of Texas in *Miller v. Wilson* and in *Brown v. Davis*. *Brown v. Davis*, 123 S.W.3d 321, 325 (Tex. 2002); *Miller v. Wilson*, 456 S.W.3d 654, 657 (Tex. 2000). Because the trial court should have considered the evidence, the trial court's decision is so contrary to the overwhelming weight of this evidence as to be clearly wrong and unjust. Thus, the trial court's judgment is not supported by factually sufficient evidence. For this reason, the case should be reversed and remanded to the trial court for further consideration.

\*In cases with several points of error, each issue will be discussed along with supporting legal authority.

**Argument (Appellant and Appellee. Must not exceed 15,000 words if typed or 50 pages if not.)**

The argument should meet the formatting requirements of the court and comply with the *Texas Rules of Appellate Procedure*. This example should not be utilized as legal argument.

**ARGUMENT**

**Did the trial court err in excluding critical evidence?**

This evidence presented at trial was (1) a letter sent by the Appellee that threatened to destroy Appellant's garden, and (2) a video recording of Appellee destroying the garden on January 1, 2014. At trial, the court excluded both exhibits.

The Supreme Court of Texas in *Brown v. Davis* held that a letter in a trespass case is admissible and is sufficient to prove the intent of another party. *Brown*, 123 S.W.2d at 323. In *Miller v. Wilson*, the Supreme Court of Texas found that a video recording was an appropriate method for ensuring the security of one's property and should be admissible as evidence. *Miller*, 456 S.W.2d at 659. Furthermore, the Supreme Court of Texas found in both cases that it was an abuse of discretion not to consider this evidence at trial if properly presented. *Brown*, 123 S.W.2d at 325; *Id.* at 661.

In the findings of fact and conclusions of law, the trial court clearly stated that it did not regard either the letter or the video recording as admissible evidence. Because the Supreme Court of Texas has stated a trial court must consider these two mediums, when properly presented to it, the trial court erred by disregarding these items.

The Supreme Court of Texas states that it is an abuse of discretion not to properly consider evidence at trial. Because the trial court did not consider the letter and video recording, it abused its discretion and adversely affected the Appellant.

**Is there factually sufficient evidence to support the judgment of the trial court?**

...

## Prayer (Appellant and Appellee)

A prayer is a short conclusion that clearly states the remedy a party seeks from the court. See the example below:

### PRAYER

Appellant, John Doe, respectfully, for the reasons stated above, asks the court to reverse the judgment of the trial court and remand the case for a new trial.

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that on <date>, a copy of the foregoing response was served on the following counsel for <Appellee's name/Appellant's name>:

Julie Jones  
The Jones Law Firm  
123 Main Street  
Anytown, Texas 12345

**Appendix (Civil cases only. Appellant and Appellee. Appellee need only include items that were not in appellant's appendix.)**

An appendix is a collection of documents that support the brief as well as various documents distributed by the lower court. The following items must be included in the appendix if they are available:

- The trial court's judgment or other appealable order from which the appeal is sought;
  - The jury charge and verdict, if any;
  - The trial court's findings of fact and conclusions of law, if any;
- and

- The text of any rule, regulation, ordinance, statute, constitutional provision, or other law (excluding the text of cases) on which the argument is based, and the text of any contract or other document that is central to the argument.

## **APPENDIX**

Tab 1: Final Judgment Order by the Trial Court

\*Order would be attached here.

Tab 2: Trial Court's Findings of Fact and Conclusions of Law

\*Findings of fact and conclusions of law would be attached here.



## Appendix E: Glossary of Terms

### **Affidavit**

A voluntary declaration of facts written down and sworn to by the declarant before an officer authorized to administer oaths, such as a notary public.

### **Appeal**

To seek review (from a lower court's decision) by a higher court.

### **Appellant**

The party that is seeking review of the trial court's decision by bringing the appeal.

### **Appellee**

The party that is adverse to the appellant who will argue that the trial court's judgment is proper.

### **Appendix**

Additional documents attached to the end of a brief or motion.

### **Argument**

The section of a brief that attempts to persuade the court. This section applies legal authority to the facts of the case to support the party's position.

### **Brief**

A statement containing legal arguments. On appeal, a document prepared as the basis for arguing the case, consisting of legal and factual arguments.

### **Caption**

The introductory part of a court document that states the names of the parties, the name of the court, the docket or file number, and a description of the document.

### **Case/Cause Name (aka the "style")**

The name assigned to a case. Generally in the form of *Plaintiff v. Defendant*. E.g., *Doe v. The State of Texas*.

### **Case/Cause Number**

The number assigned to a lawsuit when it is filed with the clerk of the court. Each case has a distinct number that distinguishes it from all other suits filed within the court's jurisdiction.

**Certificate of Service**

A section of a motion or pleading filed with the court in which the filing party certifies to the court that a copy has been mailed to or otherwise served on all parties in the lawsuit.

**Citation (Cite)**

A reference to a legal precedent or authority, such as a case, statute, or treatise, which either affirms or challenges a given position. Cites are generally found in the form, *Plaintiff v. Defendant*, 123 S.W.3d 456 (Tex. 2007).

**Counsel**

A lawyer participating in the management of a case in court.

**Civil Case**

A case brought between two citizens as opposed to being brought by a governmental entity.

**Docket**

A formal record in which a judge or court clerk briefly notes all the proceedings and filings in a court case.

**File**

To deliver a legal document to the court clerk or record custodian for placement into the official record.

**Filing Deadline**

The date a document must be received by the court.

**Findings of Fact and Conclusions of Law**

A trial judge's findings in a bench trial or findings entered by a judge in ruling on certain trial motions.

**Index of Authorities**

An alphabetical listing of the authorities (e.g., cases or statutes) cited in a brief.

**Indigent**

A party who could not pay even if they were to make a good faith effort.

**Judgment**

A court's final decision of the rights and obligations of the parties.

**Jurisdiction**

A court's power to decide a case or issue a decree.

**Legal Authority**

A legal source, such as a case, statute, or treatise that is cited in support of a position.

**Litigant**

A person engaged in a lawsuit.

**Motion**

A written or oral application requesting a court to make a specified ruling or order.

**Notice of Appeal**

A document filed with a court and served on other parties, stating an intention to appeal a trial court's judgment or order.

**Opinion**

A court's written statement explaining its decision in a given case.

**Oral Argument**

An advocate's spoken presentation before an appellate court supporting or opposing the legal relief at issue.

**Original (Original Document)**

A document with the original signature from which copies are made. Generally, the first document filed with the court.

**Petitioner**

The party petitioning the Supreme Court of Texas or the Court of Criminal Appeals of Texas for review.

**Pro bono**

Work involving uncompensated legal services performed especially for the public good.

**Pro se**

A Latin phrase meaning "for yourself." Any party that appears before the court without legal counsel.

**Procedural Background**

The history of events that took place to get the case to its current state.

**Record**

The official report of the proceedings in a case, including the filed papers, a verbatim (word for word) transcript of the trial or hearing, and tangible exhibits.

- *Clerk's Record*: Includes the written documents filed with and issued by the lower court.
- *Reporter's Record*: A verbatim transcript of the trial as well as any tangible exhibits that were presented at trial.

**Relief**

The remedy that a party is seeking from the court. For example, 15 more days to file a brief.

**Remedy**

The means of enforcing a right, or preventing or redressing a wrong.

**Scan Ready**

A document that is one sided, unbound, and un-tabbed that can be scanned easily.

**Sensitive Data**

Any data that gives away personal information that could possibly be used inappropriately. Examples include: passport number, social security number, bank account number, birth date, or the name of anyone who is a minor.

**Statement of the Case**

A statement of the nature of the case (e.g., whether it is a suit for damages or one involving a murder), the course of the proceedings, and the trial court's decision in the case. The statement of the case should be supported by and cite to the record.

**Statement of Facts**

A statement of the facts of a case that contains no legal or factual arguments. The statement of facts should be supported by and cite to the court record.

**(TRAP) Texas Rules of Appellate Procedure**

The guidelines and rules governing the appellate process.

**Waiver**

The voluntary abandonment — expressed or implied — of a legal right, argument, or advantage.

## Judicial Resources

For more information about how Texas courts work, please visit our “How Texas Courts Work” website at: **[howtexascourtswork.tyla.org](http://howtexascourtswork.tyla.org)**

There are many services dedicated to assisting people with finding legal services and legal advice. Below are just some of the organizations that can assist you and their contact information:

Lone Star Legal Aid  
**[www.lonestartlegal.org](http://www.lonestartlegal.org)**  
(800) 733-8394

State Bar of Texas  
**[texasbar.com](http://texasbar.com)**  
(800) 252-9690

Texas Advocacy Project (civil issues only)  
**[texasadvocacyproject.org](http://texasadvocacyproject.org)**

Family Violence (800) 374-4673

Family Law (800) 777-3247

Sexual Assault (888) 296-7233

Technical Advocacy (888) 325-7233

Texas Court Help  
**[texascourthelp.org](http://texascourthelp.org)**

Texas Law Help  
**[texaslawhelp.org](http://texaslawhelp.org)**

In addition to the above resources, some local libraries, courts, and online resources will have judicial resources you can go and visit. These include:

Google Scholar  
**[scholar.google.com](http://scholar.google.com)**

Library of Congress (Federal Legislation)  
**loc.gov**

Courts of Appeals  
**courts.state.tx.us**

Texas Courts Online  
**search.txcourts.gov**

Prepared as a public service by the  
Texas Young Lawyers Association  
and distributed by the State Bar of Texas

This pamphlet and other free legal resources  
can be found online at  
[texasbar.com/resources](http://texasbar.com/resources).



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via email at [pamphlets@texasbar.com](mailto:pamphlets@texasbar.com)  
or by calling  
(800) 204-2222



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