

Supreme Court of Texas

Misc. Docket No. 24-9043

Preliminary Approval of Amendments to Texas Rules of Appellate Procedure 9, 38, 52, 53, 55, and 68

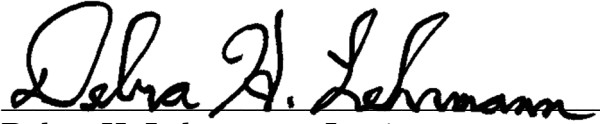
ORDERED that:

1. The Court invites public comments on proposed amendments to Texas Rules of Appellate Procedure 9, 38, 52, 53, 55, and 68. The proposed amendments are demonstrated in redline form.
2. Comments regarding the proposed amendments should be submitted in writing to rulescomments@txcourts.gov by November 1, 2024.
3. The Court will issue an order finalizing the amendments after the close of the comment period. The Court may change the amendments in response to public comments. The Court expects the amendments to take effect on December 1, 2024.
4. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

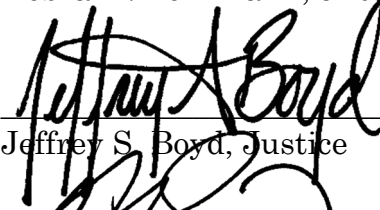
Dated: July 16, 2024.



Nathan L. Hecht, Chief Justice



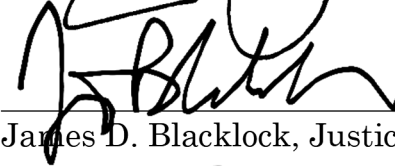
Debra H. Lehrmann, Justice



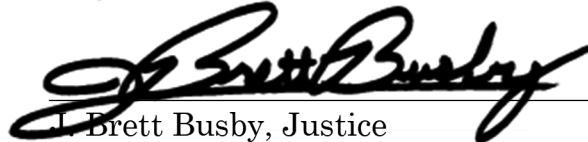
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



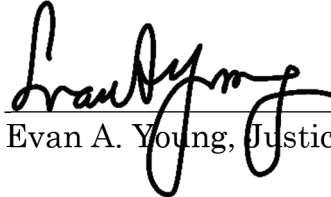
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF APPELLATE PROCEDURE

Rule 9. Documents Generally

9.4. Form

Except for the record, a document filed with an appellate court, including a paper copy of an electronically filed document, must — unless the court accepts another form in the interest of justice — be in the following form:

- (h) *Appendix and Original Proceeding Record.* A paper appendix may be bound either with the document to which it is related or separately. If separately bound, the appendix must comply with paragraph (f). A paper record in an original proceeding or a paper appendix must be tabbed and indexed. An electronically filed record in an original proceeding or an electronically filed appendix that includes more than one item must contain bookmarks to assist in locating each item.

- (j) *Electronically Filed Documents.* An electronically filed document must:
- (1) be in text-searchable portable document format (PDF);
 - (2) be directly converted to PDF rather than scanned, if possible;
 - (3) not be locked;
 - (4) be combined with any appendix into one computer file, unless that file would exceed the size limit prescribed by the electronic filing manager; ~~and~~
 - (5) be bookmarked to assist in locating each item; and
 - ~~(56)~~ otherwise comply with the Technology Standards set by the Judicial Committee on Information Technology and approved by the Supreme Court.

Rule 38. Requisites of Briefs

38.1. Appellant's Brief

The appellant's brief must, under appropriate headings and in the order here indicated, contain the following:

- (b) *Table of Contents.* The brief must have a table of contents with references to the pages of the brief and be bookmarked to assist in locating each item. The table of contents must indicate the subject matter of each issue or point, or group of issues or points.

- (k) *Appendix in Civil Cases.*

- (1) *Necessary Contents.* The appendix must be bookmarked to assist in locating each item and, ~~Unless~~ unless voluminous or impracticable, ~~the appendix~~ must contain a copy of:

- (A) the trial court's judgment or other appealable order from which relief is sought;
- (B) the jury charge and verdict, if any, or the trial court's findings of fact and conclusions of law, if any; and
- (C) the text of any rule, regulation, ordinance, statute, constitutional provision, or other law (excluding case law) on which the argument is based, and the text of any contract or other document that is central to the argument.

- (2) *Optional Contents.* The appendix may contain any other item pertinent to the issues or points presented for review, including copies or excerpts of relevant court opinions, laws, documents on which the suit was based, pleadings, excerpts from the reporter's record, and similar material. Items should not be included in the appendix to attempt to avoid the page limits for the brief.

Rule 52. Original Proceedings

52.3. Form and Contents of Petition

The petition must, under appropriate headings and in the order here indicated, contain the following:

- (b) *Table of Contents.* The petition must include a table of contents with references to the pages of the petition and be bookmarked to assist in locating each item. The table of contents must indicate the subject matter of each issue or point, or group of issues or points.

- (k) *Appendix.*

- (1) **Necessary Contents.** The appendix must be bookmarked to assist in locating each item and must contain:
- (A) any order or opinion of the court of appeals, if the petition is filed in the Supreme Court;
 - (AB) a certified or sworn copy of any order complained of, or any other document showing the matter complained of;
 - ~~(B) any order or opinion of the court of appeals, if the petition is filed in the Supreme Court;~~
 - (C) unless voluminous or impracticable, the text of any rule, regulation, ordinance, statute, constitutional provision, or other law (excluding case law) on which the argument is based; and
 - (D) if a writ of habeas corpus is sought, proof that the relator is being restrained.
- (2) **Optional Contents.** The appendix may contain any other item pertinent to the issues or points presented for review, including copies or excerpts of relevant court opinions, statutes, constitutional provisions, documents on which the suit was based,

pleadings, and similar material. Items should not be included in the appendix to attempt to avoid the page limits for the petition. The appendix should not contain any evidence or other item that is not necessary for a decision.

Rule 53. Petition for Review

53.2. Contents of Petition

The petition for review must, under appropriate headings and in the order here indicated, contain the following items:

- (b) *Table of Contents.* The petition must have a table of contents with references to the pages of the petition and must be bookmarked to assist in locating each item. The table of contents must indicate the subject matter of each issue or point, or group of issues or points.

(l) *Appendix.*

- (1) *Necessary Contents.* The appendix must be bookmarked to assist in locating each item and, ~~Unless~~ voluminous or impracticable, ~~the appendix~~ must contain a copy of:

(A) the opinion and judgment of the court of appeals;

(AB) the judgment or other appealable order of the trial court from which relief in the court of appeals was sought;

(BC) the jury charge and verdict, if any, or the trial court's findings of fact and conclusions of law, if any; and

~~(C) the opinion and judgment of the court of appeals; and~~

(D) the text of any rule, regulation, ordinance, statute, constitutional provision, or other law on which the

argument is based (excluding case law), and the text of any contract or other document that is central to the argument.

- (2) **Optional Contents.** The appendix may contain any other item pertinent to the issues or points presented for review, including copies or excerpts of relevant court opinions, statutes, constitutional provisions, documents on which the suit was based, pleadings, and similar material. Items should not be included in the appendix to attempt to avoid the page limits for the petition.

Rule 55. Brief on the Merits

55.2. Petitioner's Brief on the Merits

The petitioner's brief on the merits must be confined to the issues or points stated in the petition for review and must, under appropriate headings and in the order here indicated, contain the following items:

- (b) *Table of Contents.* The brief must have a table of contents with references to the pages of the brief and be bookmarked to assist in locating each item. The table of contents must indicate the subject matter of each issue or point, or group of issues or points.

Rule 68. Discretionary Review With Petition

68.4. Contents of Petition

A petition for discretionary review must be as brief as possible. It must be addressed to the "Court of Criminal Appeals of Texas" and must state the name of the party or parties applying for review. The petition must contain the following items:

- (b) *Table of Contents.* The petition must include a table of contents with references to the pages of the petition and be bookmarked to assist in locating each item. The table of contents must indicate the subject matter of each ground or question presented for review.
