

IN THE SUPREME COURT OF TEXAS

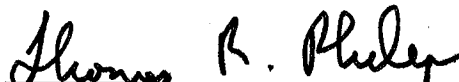
Misc. Docket No. 04- **9169**

**APPROVAL OF AMENDMENTS TO THE LOCAL RULES
FOR THE FIFTH DISTRICT COURT OF APPEALS**

ORDERED that:

Pursuant to Texas Rule of Civil Procedure 3, the following Amendments to the Local Rules for the Fifth District Court of Appeals are approved.


In Chambers, this 17 day of August, 2004.



Thomas R. Phillips, Chief Justice



Nathan L. Hecht, Justice



Priscilla R. Owen, Justice

Harriet O'Neill

Harriet O'Neill, Justice

Wallace B. Jefferson

Wallace B. Jefferson, Justice

Michael H. Schneider

Michael H. Schneider, Justice

Steven Wayne Smith

Steven Wayne Smith, Justice

J. Dale Wainwright

J. Dale Wainwright, Justice

Scott Brister

Scott Brister, Justice

Misc. Docket No. 04-9169

REQUESTED AMENDMENTS TO FIFTH DISTRICT (DALLAS)
COURT OF APPEALS LOCAL RULES

Amend local rule 4(b)

Current rule:

(b) In civil cases, the record may be checked out as provided by Texas Rule of Appellate Procedure 12.4. The record must be returned to the Clerk within fourteen (14) days.

Amend:

(b) In civil cases the record may be checked out as provided by Texas Rule of Appellate Procedure 12.4 except as amended by this rule or Court order.

(1) Anyone may check out the record for no more than fourteen (14) days if no party's brief is due and in compliance with the restrictions of Texas Rule of Appellate Procedure 12.4.

(2) If the time for any party to file a brief is running only the party whose brief is due may check out the record. If any party checks out the record before that party's brief is due, that party's brief will not be filed until the record is returned in proper condition.

(3) No one may check out the record once a case has been set for submission except by order of the Court.

Explanation of need:

(1) Since anyone can check out a record the rule needs a limitation allowing only a party whose brief is due to check out the record so it will be available to a party preparing a brief.

(2) The Court may grant an extension of time to file a brief so a party may want to keep the record for more than fourteen days. As an incentive to return the record timely and in good condition the brief will not be filed until the record is returned in good condition.

(3) The appellate rules allow check out until a case is "submitted," the day its is argued. The Court needs the record when it is preparing for submission thus checkout after setting for submission can hinder the Court's preparation for submission.

Add rule 10:

A party must file the original and six (6) copies of any brief submitted to the Court.

Explanation of need:

Andrew Weber
Clerk, Supreme Court of Texas
October 30, 2002
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The Court distributes one copy of every brief filed in a case to each justice on the panel and to one attorney for each justice on the panel. The rules of appellate procedure only require the filing of five copies of a brief. Thus, the Dallas clerk's office has to make an extra copy of every brief in every case before the Court. This local rule will eliminate the need for the clerk to make extra copies of every brief in every case.