

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 10- 9044

**APPROVAL OF LOCAL RULE FOR THE COURT OF APPEALS FOR  
THE THIRD COURT OF APPEALS DISTRICT OF TEXAS**

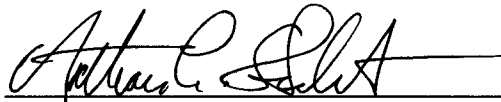
**ORDERED** that:

Pursuant to Texas Rule of Appellate Procedure 1.2, this Court approves the following local rule for the Court of Appeals for the Third Court of Appeals District of Texas. The local rule takes effect on April 19, 2010.

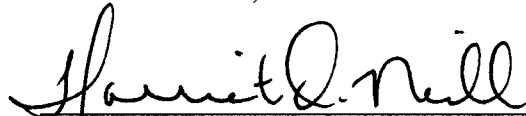
SIGNED this 9<sup>th</sup> day of March, 2010.



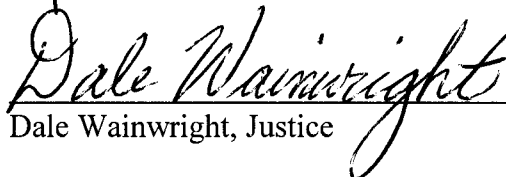
Wallace B. Jefferson, Chief Justice



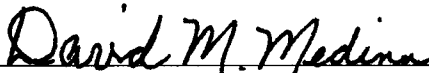
Nathan L. Hecht, Justice




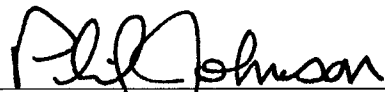
Harriet O'Neill, Justice

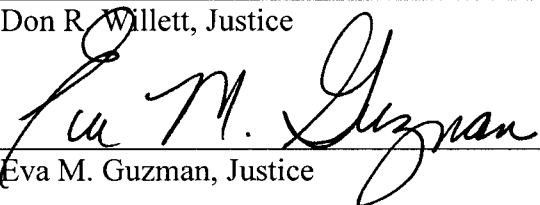


Dale Wainwright, Justice

  
David M. Medina, Justice

  
Paul W. Green, Justice

  
Phil Johnson, Justice

Don R. Willett, Justice  
  
Eva M. Guzman, Justice

**THE COURT OF APPEALS FOR THE THIRD COURT OF APPEALS DISTRICT OF TEXAS  
LOCAL RULE DIRECTING THE FORM OF THE APPELLATE RECORD IN CIVIL CASES**

Unless otherwise stated, all references to a rule herein are to the Texas Rules of Appellate Procedure.

**A. Clerk's Record**

1. The trial court clerk must prepare and file the clerk's record in accordance with Rules 34.5 and 35. Even if more than one notice of appeal or request for inclusion of items is filed, the clerk should prepare only one record in a case. To prepare the clerk's record, the trial court clerk must:
  - (a) gather the documents required by Rule 34.5(a) and those requested by a party under Rule 34.5(b);
  - (b) start each document on a new page;
  - (c) include the date of filing on each document;
  - (d) arrange the documents in ascending chronological order, by date of filing or occurrence;
  - (e) start the page numbering on the front cover of the first volume of the clerk's record and continue to consecutively number all pages — including the front and back covers, tables of contents, certification page, and separator pages, if any — until the final page of the clerk's record, without regard for the number of volumes in the clerk's record, and place each page number at the bottom of each page;
  - (f) prepare, label, and certify the clerk's record as required by this Rule;
  - (g) as far as practicable, include the date of signing by the judge on each order and judgment;
  - (h) if filing a paper record:
    - (1) bind the documents together in one or more volumes with a top bound, two-inch capacity, two-and-three-quarter-inch center-to-center removable fastener and no other binding materials, like wax, ribbon, glue, tape, etc.;
    - (2) include no more than 500 pages in each volume, or limit the thickness of each volume to a maximum of two inches;
    - (3) include only one-sided copies in the clerk's record;
    - (4) number the first volume "1" and each succeeding volume sequentially;
    - (5) if practicable, make a legible copy of the documents on opaque, white, 8½ X 11 inch paper; and
    - (6) place each sealed document in a securely sealed, manila envelope that is not bound with the other documents in the clerk's record;
  - (i) if filing an electronic record:
    - (1) if filing electronic documents created as scanned images, scan each image in black and white with a resolution of 300 dots per inch (dpi);
    - (2) create electronic bookmarks to mark the first page of each document in the clerk's record;
    - (3) limit the size of each computer file to 40 MB or less;

- (4) file each computer file in text-searchable Portable Document Format (PDF), compatible with the latest version of Adobe Reader;
  - (5) include the following elements in the computer file name, exemplified as JimHogg- DC-09-29-CLR-Vol001.pdf:
    - (i) county name without spaces between words;
    - (ii) a hyphen;
    - (iii) the trial-court cause number, preferably in the format the trial court uses for cause numbers;
    - (iv) a hyphen;
    - (v) “CLR-Vol”;
    - (vi) the volume number as three digits with leading zeroes if needed;
    - (vii) a period; and
    - (viii) “pdf”;
  - (6) if there are multiple volumes in a clerk’s record, use volume numbers pursuant to (i)(5)(vi) to identify the sequential order of the volumes (e.g., JimHogg-DC-09-29-CLR-Vol001.pdf, JimHogg-DC-09-29-CLR-Vol002.pdf, etc.);
  - (7) if filing a sealed document, include a hyphen, the number of the sealed document, and the term “Sealed” after the term “CLR” in the computer file name (e.g., JimHogg-DC-09-29-CLR-1Sealed.pdf, JimHogg-DC-09-29-CLR-2Sealed.pdf), and file each sealed document separately from the remainder of the clerk’s record;
  - (8) if filing a supplement to the clerk’s record, include a hyphen, the number of the supplement, the term “Supp.,” and another hyphen after the term “CLR” in the computer file name (e.g., JimHogg-DC-09-29-CLR-1Supp-Vol001.pdf, JimHogg-DC-09-29-CLR-2Supp-Vol001.pdf); and
  - (9) submit each computer file to the Texas Appeals Management and E-filing System web portal, using the guidelines on the Third Court of Appeals’ website.
2. The front cover of the first volume of the clerk’s record, whether filed in paper or electronic form, must include the following information and be in substantially the following form:

**CLERK’S RECORD**

VOLUME \_\_\_\_ of \_\_\_\_

Trial Court Cause No. \_\_\_\_\_

In the \_\_\_\_\_ (District or County) Court

of \_\_\_\_\_ County, Texas,

Honorable \_\_\_\_\_, Judge Presiding

\_\_\_\_\_, Plaintiff(s)

vs.

\_\_\_\_\_, Defendant(s)

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Appealed to the

(Supreme Court of Texas at Austin, Texas,  
or Court of Criminal Appeals of Texas at Austin, Texas,  
or Court of Appeals for the \_\_\_\_\_ District of Texas, at \_\_\_\_\_, Texas).

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Attorney for Appellant(s):

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone no. \_\_\_\_\_

Fax no. \_\_\_\_\_

E-mail address \_\_\_\_\_

SBOT no. \_\_\_\_\_

Attorney for: \_\_\_\_\_, Appellant(s)

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Name of clerk preparing the clerk's record: \_\_\_\_\_

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The front cover of the second and subsequent volumes of the clerk's record must include the same information and be in substantially the same form.

3. The clerk must prepare and include after the front cover of the clerk's record a detailed table of contents identifying each document in the entire record (including sealed documents), the date each document was filed, and, except for sealed documents, the page on which each document begins. The table of contents must be double spaced and conform to the order in which documents appear in the clerk's record, rather than in alphabetical order. If the clerk's record consists of multiple volumes, the table of contents must indicate the page on which each volume begins. If the clerk's record is filed in electronic form, the clerk must use bookmarks to link each document description in the table of contents, except descriptions of sealed documents, to the page on which each document begins.

4. The clerk's record must conclude with a certificate in substantially the following form:

The State of Texas            )  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, Clerk of the \_\_\_\_\_ Court of \_\_\_\_\_ County, Texas do hereby certify that the documents contained in this record to which this certification is attached are all of the documents

specified by Texas Rule of Appellate Procedure 34.5(a) and all other documents timely requested by a party to this proceeding under Texas Rule of Appellate Procedure 34.5(b).

GIVEN UNDER MY HAND AND SEAL at my office in \_\_\_\_\_, County, Texas this \_\_\_ day of \_\_\_\_\_.

signature of clerk \_\_\_\_\_  
name of clerk \_\_\_\_\_  
title \_\_\_\_\_

If the clerk's record is filed in electronic form, the clerk's login and password will serve as the clerk's signature on the certification page. The clerk must also include either a scanned image of the clerk's signature or "/s/" and the clerk's name typed in the space where the signature would otherwise appear.

5. A supplement to a clerk's record must be prepared in conformity with this Rule.
6. In the event of a material violation of this Rule in the preparation of the clerk's record, on motion of a party or on its own initiative, the appellate court may require the clerk to amend the clerk's record or to prepare a new clerk's record in proper form — and provide it to any party who has previously made a copy of the original, defective clerk's record — at the clerk's expense.

**B. Reporter's Record**

1. The court reporter or court recorder must prepare and file the reporter's record in accordance with Rules 34.6 and 35 and the Uniform Format Manual for Texas Court Reporters. Even if more than one notice of appeal or request for preparation of the record is filed, the reporter or recorder should prepare only one record in a case.
2. In the event of a material violation of this Rule in the preparation of a reporter's record, on motion of a party or on the court's own initiative, the appellate court may require the court reporter or court recorder to amend the reporter's record or to prepare a new reporter's record in proper form — and provide it to any party who has previously made a copy of the original, defective reporter's record — at the reporter's or recorder's expense. A court reporter who fails to comply with the requirements of the Uniform Format Manual for Texas Court Reporters is also subject to discipline by the Court Reporters Certification Board.