

Information for People Without Lawyers

Fifth District Court of Appeals (Dallas)

for cases from Dallas, Collin, Grayson, Hunt, Rockwall, and Kaufman Counties

George L. Allen, Sr. Courts Bldg., 600 Commerce Street, 2nd Floor, Dallas, Texas 75202
(214) 712-3400

What Does a Court of Appeals Do?

A Court of Appeals reviews what happened in the trial court. We can't consider anything that wasn't presented to the trial judge, so we can usually only look at what's in the court reporter's transcripts and in the documents filed with the court's clerk. The person appealing the case is responsible for requesting and paying for these records.

- More information about our Court is available at www.txcourts.gov/5thcoa/
- Parties (everyone who will file paperwork in the case) without lawyers must follow the same rules as lawyers. We follow the Texas Rules of Appellate Procedure, which can be found at txcourts.gov/rules-forms/rules-standards/
- Our Court's local rules can be found at www.txcourts.gov/5thcoa/practice-before-the-court/

Case Documents & Filing with the Court

- To file documents electronically in your case, visit www.eFileTexas.gov
- Parties without lawyers can also file case documents in person at the Court during normal business hours.
- Parties without lawyers can choose to receive court notices electronically or by mail. Anyone can register for electronic notices by signing up for Case Mail on the Court's website: casemail.txcourts.gov
- Most case documents are posted to the Court's website, except clerk's records, reporter's records, and sealed documents. You can search for your case at search.txcourts.gov. Once you search your case, you can also click the "Add to CaseMail" link at the top to register for electronic notices.

Fees

- The Court Clerk charges fees established by Court order or state law. A list of the Court's fees is available at: www.txcourts.gov/5thcoa/practice-before-the-court/
- If you can't afford the Court's fees, you can fill out a Statement of Inability to Afford Payment of Court Costs or an Appeal Bond and bring it to the Court during business hours. The form is available at: www.txcourts.gov/5thcoa/practice-before-the-court/forms/
- If you can't afford the fees for the Clerk's Record or Reporter's Record, you'll also need to file the Statement of Inability to Afford Payment of Court Costs form with the trial court.
- Fees for electronic filing are determined by third-party vendors. See www.eFileTexas.gov for additional information.

Your Case File May Contain:

- **Docketing Statement** – the person filing the appeal must file a docketing statement. The form is available at www.txcourts.gov/5thcoa/practice-before-the-court/forms/
- **Briefs** – each party should write and file a brief with the court. The brief is the document where you tell the Court of Appeals what you're asking for. In this document, you describe the facts and tell us about the laws and cases that should be used to decide your case. See "Your Brief" section below.
- **Reporter's Record** – this is the court reporter's transcripts of what happened in the courtroom during hearings and trials in the case. The person appealing the case is responsible for contacting the court reporter to request and pay for the Reporter's Record. Once our Court receives the Reporter's Record, you can get a copy of it by coming to the Court during business hours. If there are hearings from your case that were not included in the Reporter's Record, you can contact the trial court reporter to find out how to request and pay for the transcripts from those hearings.
- **Clerk's Record** – this contains the documents that were filed with the trial court in your case. The person appealing the case is responsible for contacting the trial court clerk to request and pay for the Clerk's Record. Once our Court receives the Clerk's Record, you can get a copy of it by coming to the Court during business hours. If there are documents that were filed in your case that are not included in the Clerk's Record, you can request that the trial court's clerk add missing documents.
- **Copies** – Parties without lawyers can get copies of case documents by coming to the Court during business hours. You can get one copy free and must pay for additional copies. Inmates can request a copy of the record be mailed by filing a motion or sending a letter to the Court.

Your Brief

The rules require that your brief must contain all of the following sections. If you file a brief that does not have all of this information, it may be rejected and the appeal may even be dismissed.

1. **Identity of Parties and Attorneys.** You must list all parties from the trial court. If anyone in the case has a lawyer, the brief must also list the names of all attorneys, their firm, and their mailing address, telephone number, and email address.
2. **Table of Contents.** The table of contents must indicate each issue or point, and what page it is on.
3. **Index of Authorities.** This is a list of all the cases and laws your brief mentions, and what page each one is on.
4. **Statement of the Case.** You must give a brief introduction stating what kind of case it is, what proceedings happened in the trial court, and the outcome of the case. Each time you refer to something that happened in the trial court, you must point out which page of the clerk's record has the matching document. The Statement of the Case should be less than a half page and should not discuss the facts.
5. **Issues Presented.** Identify the reasons for the appeal in one sentence for each issue.

6. **Statement of Facts.** Tell us the facts that relate to the reasons you're appealing. For each fact, you must identify the page of the clerk's record or reporter's record that shows it.
7. **Summary of the Argument.** Briefly introduce the arguments that you're going to make in the rest of your brief.
8. **Arguments.** For each issue you're appealing, your brief must have a section that clearly states: your point, the cases and laws that apply to the issue, and page numbers in the clerk's record and reporter's record that show what happened.
9. **Prayer.** This is a short conclusion that tells the Court of Appeals what you want it to do.
10. **Appendix.** If any of these documents exist, you must include a copy: the order being appealed, the jury charge and verdict, and the trial court's findings of fact and conclusions of law. If your brief mentions a rule, constitutional provision, or other law, you must include a copy. You may also include any other item relevant to your appeal.
11. **Certificate of Service.** **You must provide a copy to the other parties or their attorneys of everything you send to our Court.** Your brief must include a statement that you provided a copy to the other side, the name and address of each person, the date you sent them a copy, and how you sent it (email, mail, etc.).

Do Not Include Sensitive Data

Your brief must not contain any of the following information or it will be rejected. You may redact, or black out, the sensitive information:

- Driver's license number, passport number, social security number, tax identification number or similar government-issued personal identification number
- Bank account number, credit card number, or other financial account number
- The name, birth date, or home address of anyone who was a minor child when the case was filed. You can use a child's initials if you need to talk about a minor child.

Decisions

After the Court of Appeals receives the Clerk's Record, the Reporter's Record, and everyone's briefs, then a panel of 3 justices will consider your case. It can take months to research and write the opinion that decides your case. If you want an update, you can always search for your case on the Court's website, or you can contact the Court.

Questions

If you need information about your case, you can call the Clerk's office at (214) 712-3400. The clerks are not lawyers, and they are not allowed to give you legal advice.

Additional resources may be available at:

- www.txcourts.gov/programs-services/legal-aid/
- texaslawhelp.org/search/google?keys=appeal