

Court of Criminal Appeals of Texas

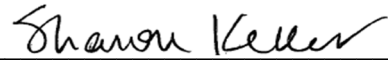
Misc. Docket No. 24-006

Final Approval of Amendments to Texas Rule of Appellate Procedure 39.8

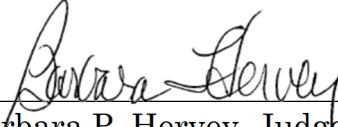
ORDERED that:

1. On February 6, 2024, in Misc. Dkt. No. 24-9005, the Supreme Court of Texas preliminarily approved new Texas Rule of Appellate Procedure 27a and amendments to Texas Rules of Appellate Procedure related to the Fifteenth Court of Appeals, including amendments to Texas Rule of Appellate Procedure 39.8, and invited public comment.
2. Following the comment period, the Supreme Court of Texas revised the rules. This Order incorporates the revisions and contains the final version of the new and amended rules, and this Court adopts the revisions to Texas Rule of Appellate Procedure 39.8 (shown in redline). These rules are effective September 1, 2024.
3. 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*.

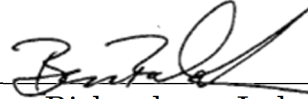
Dated: September 10, 2024.



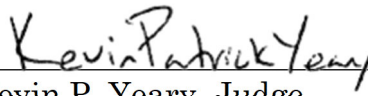
Sharon Keller, Presiding Judge



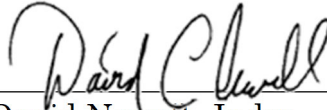
Barbara P. Hervey, Judge



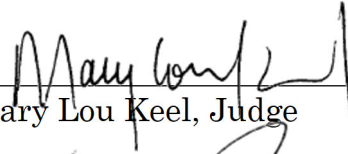
Bert Richardson, Judge



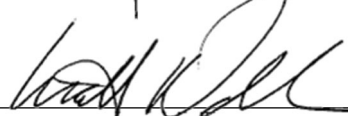
Kevin P. Yeary, Judge



David Newell, Judge



Mary Lou Keel, Judge



Scott Walker, Judge



Michelle Slaughter, Judge



Jesse F. McClure, Judge

Rule 39. Oral Argument; Decision Without Argument

39.8. Clerk's Notice

The clerk must send to the parties—at least 21 days before the date the case is set for argument or submission without argument—a notice telling the parties:

- (a) whether the court will allow oral argument or will submit the case without argument;
- (b) the date of argument or submission without argument;
- (c) if argument is allowed, ~~the time allotted for argument; and:~~
 - (1) the time allotted for argument; and
 - (2) the location of the argument or instructions for joining the argument electronically, the court's designated contact information, and instructions for submitting exhibits; and
- (d) the names of the members of the panel to which the case will be argued or submitted, subject to change by the court.

A party's failure to receive the notice does not prevent a case's argument or submission on the scheduled date. Once issued, the court may amend the notice at any time before the case is set for argument or submission. The 21-day requirement does not apply to amended notices.

Notes and Comments

Comment to 2024 change: Rule 39.8 is amended to clarify requirements for notices and to clarify the court's ability to amend notices.