

# Supreme Court of Texas

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Misc. Docket No. 25-9104

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## Final Approval of Amendments to Texas Rules of Appellate Procedure 9, 52, 53, 54, 55, 56, 57, 58, and 64

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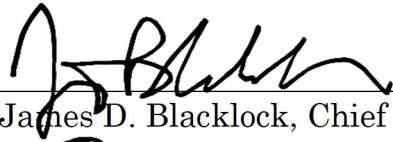
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### ORDERED that:

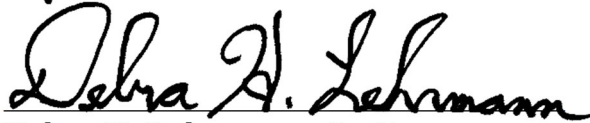
1. On October 24, 2025, in Misc. Dkt. No. 25-9092, the Court proposed amendments to Texas Rules of Appellate Procedure 9, 52, 53, 54, 55, 56, 57, 58, and 64 and invited public comment.
2. Following the comment period, the Court made revisions to the amendments. This order incorporates those revisions and contains the final version of the amendments, effective January 1, 2026.
3. The amendments in this order apply fully to a case in the Court if the petition for review, original proceeding, or certified question—or the first petition, in a case involving multiple petitions—is filed in the Court on or after January 1, 2026.
4. If a petition for review, original proceeding, or certified question is filed in the Court before January 1, 2026, then the former rules apply in all respects, unless otherwise ordered by the Court.
5. The summary document attached to this order is included for the convenience of the bar and public and is not a part of the rules.
6. The Clerk is directed to:
  - a. file a copy of this order with the Secretary of State;
  - b. send a copy of this order to the Governor, the Lieutenant Governor, and each elected member of the Legislature; and
  - c. submit a copy of this order for publication in the *Texas Register*.

7. The State Bar of Texas is directed to:
  - a. cause a copy of this order to be sent to each registered member of the State Bar of Texas by email; and
  - 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*.

Date: December 23, 2025.



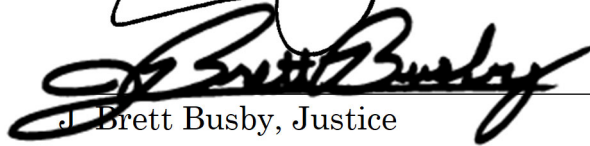
James D. Blacklock, Chief Justice



Debra H. Lehrmann, Justice



John P. Devine, Justice



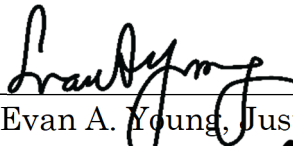
J. Brett Busby, Justice



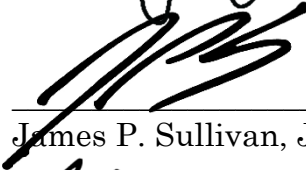
Jane N. Bland, Justice



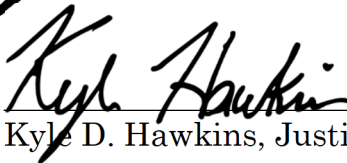
Rebeca A. Huddle, Justice



Evan A. Young, Justice



James P. Sullivan, Justice



Kyle D. Hawkins, Justice

## SECTION ONE. GENERAL PROVISIONS

### Rule 9. Documents Generally

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#### 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:

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(i) *Length.*

- (1) Contents Included and Excluded. In calculating the length of a document, every word and every part of the document, including headings, footnotes, and quotations, must be counted except the following: caption, identity of parties and counsel, statement regarding oral argument, table of contents, index of authorities, statement of the case, statement of issues presented, statement of jurisdiction, statement of procedural history, signature, proof of service, certification, certificate of compliance, and appendix.
- (2) Maximum Length. The documents listed below must not exceed the following limits:
  - (A) A brief and response in a direct appeal to the Court of Criminal Appeals in a case in which the death penalty has been assessed, and subsequent application for a writ of habeas corpus filed pursuant to Article 11.071, Code of Criminal Procedure: 37,500 words if computer-generated, and 125 pages if not.
  - (B) A brief and response in an appellate court (other than a brief under subparagraph (A)) and a petition and response in an original proceeding in the court of appeals: 15,000 words if computer-generated, and 50 pages if not. In a civil case in the court of appeals, the aggregate of all briefs filed by a party must not exceed 27,000 words if computer-generated, and 90 pages if not.

- (C) A reply brief in an appellate court and a reply to a response to a petition in an original proceeding in the court of appeals: 7,500 words if computer-generated, and 25 pages if not.
- (D) A petition and response in an original proceeding in the Supreme Court and a petition for review and response in the Supreme Court: 6,500 words if computer-generated, and 20 pages if not, inclusive of the introduction.
- ~~(DE)~~ A petition and response in an original proceeding in ~~the Supreme Court and~~ the Court of Criminal Appeals, except for petitions and responses in an original proceeding in a case in which the death penalty has been assessed, ~~a petition for review and response in the Supreme Court,~~ a petition for discretionary review in the Court of Criminal Appeals, and a motion for rehearing and response in an appellate court: 4,500 words if computer-generated, and 15 pages if not.
- (F) A reply to a response to a petition in an original proceeding in the Supreme Court and a reply to a response to a petition for review in the Supreme Court: 3,250 words if computer-generated, and 10 pages if not.
- (G) A motion and response to a motion in the Supreme Court, other than a motion for rehearing and response to a motion for rehearing: 2,500 words if computer-generated, and 10 pages if not.
- ~~(EH)~~ A ~~reply to a response to a petition for review in the Supreme Court,~~ a reply to a response to a petition in an original proceeding in ~~the Supreme Court and~~ the Court of Criminal Appeals, except a reply to a response in an original proceeding in a case in which the death penalty has been assessed, and a reply to a petition for discretionary review in the Court of Criminal Appeals: 2,400 words if computer-generated, and 8 pages if not.
- ~~(FI)~~ A petition and response in an original proceeding in the Court of Criminal Appeals in a case in which the death penalty has been assessed: 9,000 words if computer-generated, and 30 pages if not.

(GJ) A reply to a response to a petition in an original proceeding in the Court of Criminal Appeals in a case in which the death penalty has been assessed: 4,800 words if computer-generated, and 16 pages if not.

- (3) Certificate of Compliance. A computer-generated document that is subject to a word limit under this rule must include a certificate by counsel or an unrepresented party stating the number of words in the document. The person certifying may rely on the word count of the computer program used to prepare the document.
- (4) Extensions. A court may, on motion, permit a document that exceeds the prescribed limit.

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## SECTION TWO. APPEALS FROM TRIAL COURT JUDGMENTS AND ORDERS

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### Rule 28. Accelerated and Permissive Appeals in Civil Cases

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#### 28.3. Permissive appeals in Civil Cases

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- (g) *Length of Petition, Cross-Petition, Response, and Reply.* A petition, cross-petition, response, and reply must comply with the length limitations in Rule 9.4(i)(2)(~~DE~~)-and (~~EH~~).

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## SECTION THREE. ORIGINAL PROCEEDINGS IN THE SUPREME COURT AND THE COURT OF APPEALS

### Rule 52. Original Proceedings

#### 52.1. Commencement

An original appellate proceeding seeking extraordinary relief — such as a writ of habeas corpus, mandamus, prohibition, injunction, or quo warranto — is

commenced by filing a petition with the clerk of the appropriate appellate court. The petition must be captioned “*In re* [name of relator].”

## 52.2. Designation of Parties

The party seeking the relief is the relator. In original proceedings other than habeas corpus, the person against whom relief is sought — whether a judge, court, tribunal, officer, or other person — is the respondent. A person whose interest would be directly affected by the relief sought is a real party in interest and a party to the case.

## 52.3. Form and Contents of Petition

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

- (a) *If Filed in the Supreme Court.* If the petition is filed in the Supreme Court, the petition must contain an introduction summarizing the reasons the Court should grant relief and the legal arguments made in the body of the petition. The introduction must not exceed 1,000 words if computer-generated, and 4 pages if not. The introduction word count must be included within the overall word count and page limit certification.
- (ab) *Identity of Parties and Counsel.* The petition must give a complete list of all parties. The petition must also give a complete list of the names of all counsel appearing in the trial or appellate courts; their firm or office name at the time of the appearance; and, for counsel currently appearing, their mailing address, telephone number, and email address. If new counsel appears or if any counsel currently appearing changes firm or office affiliation during the pendency of the appeal, lead counsel for the party must notify the clerk by filing a supplemental disclosure.
- (bc) *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.
- (ed) *Index of Authorities.* The petition must include an index of authorities arranged alphabetically and indicating the pages of the petition where the authorities are cited.

| ~~(de)~~ *Statement of the Case.* The petition must contain a statement of the case that should seldom exceed one page and should not discuss the facts. The statement must contain the following:

- (1) a concise description of the nature of any underlying proceeding (e.g., a suit for damages, a contempt proceeding for failure to pay child support, or the certification of a candidate for inclusion on an election ballot);
- (2) if the respondent is a judge, the name of the judge, the designation of the court in which the judge was sitting, and the county in which the court is located; and if the respondent is an official other than a judge, the designation and location of the office held by the respondent;
- (3) a concise description of the respondent's action from which the relator seeks relief;
- (4) if the relator seeks a writ of habeas corpus, a statement describing how and where the relator is being deprived of liberty;
- (5) if the petition is filed in the Supreme Court after a petition requesting the same relief was filed in the court of appeals:
  - (A) the date the petition was filed in the court of appeals;
  - (B) the district of the court of appeals and the names of the justices who participated in the decision;
  - (C) the author of any opinion for the court of appeals and the author of any separate opinion;
  - (D) the citation of the court's opinion;
  - (E) the disposition of the case by the court of appeals, and the date of the court of appeals' order.

| ~~(ef)~~ *Statement of Jurisdiction.* The petition must state, without argument, the basis of the court's jurisdiction. If the Supreme Court and the court of appeals have concurrent jurisdiction, the petition must be presented first to the court of appeals unless there is a compelling reason not to do so. If the petition is filed in the Supreme Court without first being presented to the court of appeals, the petition must state the compelling reason why the petition was not first presented to the court of appeals.



- (~~f~~g) *Issues Presented.* The petition must state concisely all issues or points presented for relief. The statement of an issue or point will be treated as covering every subsidiary question that is fairly included. If the petition is filed in the Supreme Court, the petition must include appropriate citations to the record demonstrating that the issue was preserved for review.
- (~~g~~h) *Statement of Facts.* The petition must state concisely and without argument the facts pertinent to the issues or points presented. Every statement of fact in the petition must be supported by citation to competent evidence included in the appendix or record.
- (~~h~~i) *Argument.* The petition must contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the appendix or record.
- (~~i~~j) *Prayer.* The petition must contain a short conclusion that clearly states the nature of the relief sought.
- (~~j~~k) *Certification.* The person filing the petition must certify that he or she has reviewed the petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix or record.
- (~~k~~l) *Appendix.*
- (1) Necessary Contents. The appendix must be bookmarked to assist in locating each item and must contain a copy of the relevant materials, in the following order:
    - (A) any order or opinion of the court of appeals, if the petition is filed in the Supreme Court;
    - (B) a certified or sworn copy of ~~any~~the relevant trial court order ~~complained of~~, or any other document showing the matter complained of;
    - (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.

#### 52.4. Response

~~Any party may file a~~ response to the petition, ~~but it is not mandatory need not be filed unless ordered by the court.~~ The court must not grant relief — other than temporary relief — before a response has been filed or ~~requested~~ordered by the court. The response must conform to the requirements of 52.3, except that:

(a) if the response is filed in the Supreme Court, the introduction should summarize the reasons the Court should deny relief;

~~(a)~~ the list of parties and counsel is not required unless necessary to supplement or correct the list contained in the petition;

~~(b)~~ the response need not include a statement of the case, a statement of the issues presented, or a statement of the facts unless the responding party is dissatisfied with that portion of the petition;

~~(c)~~ a statement of jurisdiction should be omitted unless the petition fails to assert valid grounds for jurisdiction, in which case the reasons why the court lacks jurisdiction must be concisely stated;

~~(d)~~ the argument must be confined to the issues or points presented in the petition; and

~~(e)~~ the appendix to the response need not contain any item already contained in an appendix filed by the relator.

#### 52.5. Relator's Reply to Response

The relator may file a reply addressing any matter in the response. However, the court may consider and decide the case before a reply brief is filed.

## **52.6. Deleted**

## **52.7. Record**

- (a) *Filing by Relator Required.* Relator must file with the petition:
  - (1) a certified or sworn copy of every document that is material to the relator's claim for relief and that was filed in any underlying proceeding; and
  - (2) a properly authenticated transcript of any relevant testimony from any underlying proceeding, including any exhibits offered in evidence, or a statement that no testimony was adduced in connection with the matter complained.
- (b) *Supplementation Permitted.* After the record is filed, relator or any other party to the proceeding may file additional materials for inclusion in the record.
- (c) *Service of Record on All Parties.* Relator and any party who files materials for inclusion in the record must – at the same time – serve on each party:
  - (1) those materials not previously served on that party as part of the record in another original appellate proceeding in the same or another court; and
  - (2) an index listing the materials filed and describing them in sufficient detail to identify them.

## **52.8. Action on Petition**

- (a) *Relief Denied.* If the court determines from the petition and any response and reply that the relator is not entitled to the relief sought, the court must deny the petition. If the relator in a habeas corpus proceeding has been released on bond, the court must remand the relator to custody and issue an order of commitment. If the relator is not returned to custody, the court may declare the bond to be forfeited and render judgment against the surety.
- (b) *Interim Action.* If the court is of the tentative opinion that relator is entitled to the relief sought or that a serious question concerning the relief requires further consideration:

- (1) the court must ~~request~~order a response if one has not been filed;
  - (2) the Supreme Court may ~~request~~order full briefing under Rule 55;
  - (3) in a habeas corpus proceeding, the court may order that relator be discharged on execution and filing of a bond in an amount set by the court; and
  - (4) the court may set the case for oral argument.
- (c) *Relief Granted.* If the court determines that relator is entitled to relief, it must make an appropriate order. The court may grant relief without hearing oral argument.
  - (d) *Opinion.* When denying relief, the court may hand down an opinion but is not required to do so. When granting relief, the court must hand down an opinion as in any other case. Rule 47 is applicable to an order or opinion by a court of appeals except that the court of appeals may not order an unpublished opinion published after the Supreme Court or Court of Criminal Appeals has acted on any party's petition for extraordinary relief addressing the same issues.

## 52.9. Motion for Rehearing

Any party may file a motion for rehearing within 15 days after the final order is rendered. The motion must clearly state the points relied on for the rehearing. No response to a motion for rehearing need be filed unless the court so ~~requests~~orders. The court will not grant a motion for rehearing unless a response has been filed or ~~requested~~ordered.

## 52.10. Temporary Relief

- (a) *Motion for Temporary Relief; Certificate of Compliance.* The relator may file a motion to stay any underlying proceedings or for any other temporary relief pending the court's action on the petition. The relator must notify or make a diligent effort to notify all parties by expedited means (such as by telephone or fax) that a motion for temporary relief has been or will be filed and must certify to the court that the relator has complied with this paragraph before temporary relief will be granted.
- (b) *Grant of Temporary Relief.* The court — on motion of any party or on its own initiative — may without notice grant any just relief pending the court's action on the petition. As a condition of granting temporary relief,

the court may require a bond to protect the parties who will be affected by the relief. Unless vacated or modified, an order granting temporary relief is effective until the case is finally decided.

- (c) *Motion to Reconsider.* Any party may move the court at any time to reconsider a grant of temporary relief.

#### **52.11. Groundless Petition or Misleading Statement or Record**

On motion of any party or on its own initiative, the court may — after notice and a reasonable opportunity to respond — impose just sanctions on a party or attorney who is not acting in good faith as indicated by any of the following:

- (a) filing a petition that is clearly groundless;
- (b) bringing the petition solely for delay of an underlying proceeding;
- (c) grossly misstating or omitting an obviously important and material fact in the petition or response; or
- (d) filing an appendix or record that is clearly misleading because of the omission of obviously important and material evidence or documents.

#### **Notes and Comments**

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Comment to 2026 change: Rule 52 is amended to align the requirements more closely with Rule 53.

### **Rule 53. Petition for Review**

#### **53.1. Method of Review**

The Supreme Court may review a court of appeals' final judgment on a petition for review addressed to "The Supreme Court of Texas." A party who seeks to alter the court of appeals' judgment must file a petition for review. ~~The petition for review procedure replaces the writ of error procedure. Statutes pertaining to the writ of error in the Supreme Court apply equally to the 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:

- (a) *Introduction.* The petition must contain an introduction that identifies the most persuasive grounds for the Court to grant review, which will vary by case, but will often include reference to the substantive legal arguments made in the body of the petition. The introduction must not exceed 1,000 words if computer-generated, and 4 pages if not. The introduction word count must be included within the overall word count and page limit certification.
- (ab) *Identity of Parties and Counsel.* The petition must give a complete list of all parties to the trial court's final judgment. The petition must also give a complete list of the names of all counsel appearing in the trial or appellate courts; their firm or office name at the time of the appearance; and, for counsel currently appearing, their mailing address, telephone number, and email address. If new counsel appears or if any counsel currently appearing changes firm or office affiliation during the pendency of the appeal, lead counsel for the party must notify the clerk by filing a supplemental disclosure.
- (bc) *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.
- (ed) *Index of Authorities.* The petition must have an index of authorities arranged alphabetically and indicating the pages of the petition where the authorities are cited.
- (de) *Statement of the Case.* The petition must contain a statement of the case that should seldom exceed one page and should not discuss the facts. The statement must contain the following:
  - (1) a concise description of the nature of the case (e.g., whether it is a suit for damages, on a note, or in trespass to try title);
  - (2) the name of the judge who signed the order or judgment appealed from;
  - (3) the designation of the trial court and the county in which it is located;

- (4) the disposition of the case by the trial court;
- (5) the parties in the court of appeals;
- (6) the district of the court of appeals;
- (7) the names of the justices who participated in the decision in the court of appeals, the author of the opinion for the court, and the author of any separate opinion;
- (8) the citation for the court of appeals' opinion; and
- (9) the disposition of the case by the court of appeals, including the disposition of any motions for rehearing or en banc reconsideration, and whether any motions for rehearing or en banc reconsideration are pending in the court of appeals at the time the petition for review is filed.

(ef) *Statement of Jurisdiction.* The petition must state, without argument, the basis of the Court's jurisdiction.

(fg) *Issues Presented.* The petition must state concisely all issues or points presented for review and must include appropriate citations to the record demonstrating that the issue was preserved for review. The statement of an issue or point will be treated as covering every subsidiary question that is fairly included. If the matter complained of originated in the trial court, it should have been preserved for appellate review in the trial court and assigned as error in the court of appeals.

~~(g) *Introduction.* The petition must contain an introduction summarizing the reasons the Court should grant review.~~

(h) *Statement of Facts.* The petition must affirm that the court of appeals correctly stated the nature of the case, except in any particulars pointed out. The petition must state concisely and without argument the facts and procedural background pertinent to the issues or points presented. The statement must be supported by record references.

(i) *Summary of the Argument.* The petition must contain a succinct, clear, and accurate statement of the arguments made in the body of the petition. This summary must not merely repeat the issues or points presented for review.

- (j) *Argument.* The petition must contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the record. ~~The argument need not address every issue or point included in the statement of issues or points. Any issue or point not addressed may be addressed in the brief on the merits if one is requested by the Court.~~ The argument should explain the reasons why the Supreme Court should exercise jurisdiction to hear the case with specific reference to the factors listed in Rule 56.1(a) and why the petitioner should prevail. The petition need not quote at length from a matter included in the appendix; a reference to the appendix is sufficient. The Court will consider the court of appeals' opinion along with the petition, so statements in that opinion need not be repeated.
- (k) *Prayer.* The petition must contain a short conclusion that clearly states the nature of the relief sought.
- (l) *Appendix.*
- (1) Necessary Contents. The appendix must be bookmarked to assist in locating each item and, unless voluminous or impracticable, must contain a copy of relevant materials in the following order:
- (A) the opinion and judgment of the court of appeals;
- (B) the judgment or other appealable order of the trial court from which relief in the court of appeals was sought;
- (C) the jury charge and verdict, if any, or the trial court's findings of fact and conclusions of law, if any; 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.

### 53.3. Response to Petition for Review



~~Any other party to the appeal may file a~~ response to the petition for review; ~~but it is not mandatory need not be filed unless ordered by the Court. If no response is timely filed, or if a party files a waiver of response, the Court will consider the petition without a response.~~ A petition will not be granted before a response has been filed or ~~requested~~ordered by the Court. The response must conform to the requirements of 53.2, except that:

- (a) the introduction should identify the most persuasive grounds for the Court to deny review, which will vary by case, but will often focus on the substantive legal reasons that the respondent should prevail;
- ~~(ab)~~ the list of parties and counsel is not required unless necessary to supplement or correct the list contained in the petition;
- ~~(bc)~~ a statement of the case and a statement of the facts need not be made unless the respondent is dissatisfied with that portion of the petition;
- ~~(ed)~~ a statement of the issues presented need not be made unless:
  - (1) the respondent is dissatisfied with the statement made in the petition;
  - (2) the respondent is asserting independent grounds for affirmance of the court of appeals' judgment; or
  - (3) the respondent is asserting grounds that establish the respondent's right to a judgment that is less favorable to the respondent than the judgment rendered by the court of appeals but more favorable to the respondent than the judgment that might be awarded to the petitioner (e.g., a remand for a new trial rather than a rendition of judgment in favor of the petitioner);
- ~~(de)~~ a statement of jurisdiction should be omitted unless the petition fails to assert valid grounds for jurisdiction, in which case the reasons why the Supreme Court lacks jurisdiction must be concisely stated;
- ~~(e) — the introduction should summarize the reasons the Court should deny review;~~
- (f) the respondent's argument must be confined to the issues or points presented in the petition or asserted by the respondent in the respondent's statement of issues; and

- (g) the appendix to the response need not contain any item already contained in an appendix filed by the petitioner.

#### **53.4. Points Not Considered in Court of Appeals**

To obtain a remand to the court of appeals for consideration of issues or points briefed in that court but not decided by that court, or to request that the Supreme Court consider such issues or points, a party may raise those issues or points in the petition, the response, the reply, any brief, or a motion for rehearing.

#### **53.5. Petitioner's Reply to Response**

The petitioner may file a reply addressing any matter in the response. However, the Court may consider and decide the case before a reply brief is filed.

#### **53.6. Deleted**

#### **53.7. Time and Place of Filing**

- (a) *Petition.* Unless the Supreme Court orders an earlier filing deadline, the petition must be filed with the Supreme Court clerk within 45 days after the following:
  - (1) the date the court of appeals rendered judgment, if no motion for rehearing or en banc reconsideration is timely filed; or
  - (2) the date of the court of appeals' last ruling on all timely filed motions for rehearing or en banc reconsideration.
- (b) *Premature Filing.* A petition filed before the last ruling on all timely filed motions for rehearing and en banc reconsideration is treated as having been filed on the date of, but after, the last ruling on any such motion. If a party files a petition for review while a motion for rehearing or en banc reconsideration is pending in the court of appeals, the party must include that information in its petition for review.
- (c) *Petitions Filed by Other Parties.* If a party files a petition for review within the time specified in 53.7(a) — or within the time specified by the Supreme Court in an order granting an extension of time to file a petition — any other party required to file a petition may do so within 45 days after the last timely motion for rehearing or en banc reconsideration is overruled or within 30 days after any preceding petition is filed, whichever date is later.

- (d) *Response.* Any response must be filed with the Supreme Court clerk within 30 days after the ~~petition is filed~~response is ordered.
- (e) *Reply.* Any reply must be filed with the Supreme Court clerk within 15 days after the response is filed.
- (f) *Extension of Time.* The Supreme Court may extend the time to file a petition for review if a party files a motion complying with Rule 10.5(b) no later than 15 days after the last day for filing the petition. The Supreme Court may extend the time to file a response or reply if a party files a motion complying with Rule 10.5(b) either before or after the response or reply is due.
- (g) *Petition Filed in Court of Appeals.* If a petition is mistakenly filed in the court of appeals, the petition is deemed to have been filed the same day with the Supreme Court clerk, and the court of appeals clerk must immediately send the petition to the Supreme Court clerk.

### **53.8. Amendment**

On motion showing good cause, the Court may allow the petition, response, or reply to be amended on such reasonable terms as the Court may prescribe.

### **53.9. Court May Require Revision**

If a petition, response, or reply does not conform with these rules, the Supreme Court may require the document to be revised or may return the document to the party who filed it and consider the case without allowing the document to be revised.

## **Notes and Comments**

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Comment to 2026 change: Rule 53 is amended to eliminate the Court's practice of requesting merits briefs before granting a petition for review. Subdivision 53.2 is reorganized to place a greater emphasis on a petition for review's introduction. Subdivision 53.2 is amended to require the petition for review to address more robustly the merits of the appeal and error preservation and to eliminate the practice of "unbriefed" issues. Other clarifying changes are made.

## **Rule 54. Filing the Record**

### **54.1. Request for Record**

With or without granting the petition for review, the Supreme Court may request that the record from the court of appeals be filed with the clerk of the Supreme Court.

#### **54.2. Duty of Court of Appeals Clerk**

- (a) *Request for Record.* The court of appeals clerk must not send the record to the Supreme Court unless it is requested. Upon receiving the Supreme Court clerk's request for the record, the court of appeals clerk must promptly send to the Supreme Court clerk all of the following:
- (1) the original record;
  - (2) any motion filed in the court of appeals;
  - (3) copies of all orders of the court of appeals; and
  - (4) copies of all opinions and the judgment of the court of appeals.
- (b) *Nondocumentary Exhibits.* The clerk should not send any nondocumentary exhibits unless the Supreme Court specifically requests.

#### **54.3. Expenses**

The petitioner must pay to the court of appeals clerk a sum sufficient to pay the cost of ~~mailing or shipping~~sending the record to and from the Supreme Court clerk.

#### **54.4. Duty of Supreme Court Clerk**

Upon receiving the record, the Supreme Court clerk must file it and enter the filing on the docket. ~~The clerk may refuse the record if the charges for mailing or shipping have not been paid.~~

### **Notes and Comments**

Comment to 1997 change: This is former Rule 132. Subdivision 54.1 is new and provides for the Supreme Court to request the filing of the record. Other changes are made.

### **Rule 55. Brief on the Merits**

#### **55.1. ~~Request~~Order by Court**

A brief on the merits must not be filed unless ~~requested~~ordered by the Court. With or without granting the petition for review, the Court may ~~request~~order the parties to file briefs on the merits. In appropriate cases, the Court may realign parties and direct that parties file consolidated briefs.

## **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:

- (a) *Identity of Parties and Counsel.* The brief must give a complete list of all parties to the trial court's final judgment. The brief must also give a complete list of the names of all counsel appearing in the trial or appellate courts; their firm or office name at the time of the appearance; and, for counsel currently appearing, their mailing address, telephone number, and email address. If new counsel appears or if any counsel currently appearing changes firm or office affiliation during the pendency of the appeal, lead counsel for the party must notify the clerk by filing a supplemental disclosure.
- (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.
- (c) *Index of Authorities.* The brief must have an index of authorities arranged alphabetically and indicating the pages of the brief where the authorities are cited.
- (d) *Statement of the Case.* The brief must contain a statement of the case that should seldom exceed one page and should not discuss the facts. The statement must contain the following:
  - (1) a concise description of the nature of the case (e.g., whether it is a suit for damages, on a note, or in trespass to try title);
  - (2) the name of the judge who signed the order or judgment appealed from;
  - (3) the designation of the trial court and the county in which it is located;

- (4) the disposition of the case by the trial court;
- (5) the parties in the court of appeals;
- (6) the district of the court of appeals;
- (7) the names of the justices who participated in the decision in the court of appeals, the author of the opinion for the court, and the author of any separate opinion;
- (8) the citation for the court of appeals' opinion, if available, or a statement that the opinion was unpublished; and
- (9) the disposition of the case by the court of appeals.

~~(e) *Statement of Jurisdiction.* The brief must state, without argument, the basis of the Court's jurisdiction.~~

~~(f)~~ *Issues Presented.* The brief must state concisely all issues or points presented for review and must include appropriate citations to the record demonstrating that the issue was preserved for review. The statement of an issue or point will be treated as covering every subsidiary question that is fairly included. The phrasing of the issues or points need not be identical to the statement of issues or points in the petition for review, but the brief may not raise additional issues or points or change the substance of the issues or points presented in the petition.

~~(g)~~ *Statement of Facts.* The brief must affirm that the court of appeals correctly stated the nature of the case, except in any particulars pointed out. The brief must state concisely and without argument the facts and procedural background pertinent to the issues or points presented. The statement must be supported by record references.

~~(h)~~ *Summary of the Argument.* The brief must contain a succinct, clear, and accurate statement of the arguments made in the body of the brief. This summary must not merely repeat the issues or points presented for review.

~~(i)~~ *Argument.* The brief must contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the record.

- (j) *Prayer.* The brief must contain a short conclusion that clearly states the nature of the relief sought.

### 55.3. Respondent's Brief

If the petitioner files a brief on the merits, any other party to the appeal may file a brief in response, which must conform to 55.2, except that:

- (a) the list of parties and counsel is not required unless necessary to supplement or correct the list contained in the petitioner's brief;
- (b) a statement of the case and a statement of the facts need not be made unless the respondent is dissatisfied with that portion of the petitioner's brief; and
- (c) a statement of the issues presented need not be made unless:
  - (1) the respondent is dissatisfied with the statement made in the petitioner's brief;
  - (2) the respondent is asserting independent grounds for affirmance of the court of appeals' judgment; or
  - (3) the respondent is asserting grounds that establish the respondent's right to a judgment that is less favorable to the respondent than the judgment rendered by the court of appeals but more favorable to the respondent than the judgment that might be awarded to the petitioner (e.g., a remand for a new trial rather than a rendition of judgment in favor of the petitioner);
- ~~(d) a statement of jurisdiction should be omitted unless the petition fails to assert valid grounds for jurisdiction; and~~
- (ed) the respondent's argument must be confined to the issues or points presented in the petitioner's brief or asserted by the respondent in the respondent's statement of issues.

### 55.4. Petitioner's Brief in Reply

The petitioner may file a reply brief addressing any matter in the brief in response. However, the Court may consider and decide the case before a reply brief is filed.

### 55.5. Reliance on Prior Brief

As a brief on the merits or a brief in response, a party may file the brief that the party filed in the court of appeals.

#### **55.6. Deleted**

#### **55.7. Time and Place of Filing; Extension of Time**

Briefs must be filed with the Supreme Court clerk in accordance with the schedule stated in the clerk's notice that the Court has ~~requested~~ordered briefs on the merits. If no schedule is stated in the notice, petitioner must file a brief on the merits within 30 days after the date of the notice, respondent must file a brief in response within ~~20~~30 days after receiving petitioner's brief, and petitioner must file any reply brief within 15 days after receiving respondent's brief. On motion complying with Rule 10.5(b) either before or after the brief is due, the Supreme Court may extend the time to file a brief.

#### **55.8. Amendment**

On motion showing good cause, the Court may allow a party to amend a brief on such reasonable terms as the Court may prescribe.

#### **55.9. Court May Require Revision**

If a brief does not conform with these rules, the Supreme Court may require the brief to be revised or may return it to the party who filed it and consider the case without further briefing by that party.

### **Notes and Comments**

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Comment to 2026 change: Subdivisions 55.2 and 55.3 are amended to eliminate the requirement to include a statement of jurisdiction in a brief on the merits. Subdivision 55.7 is amended to give the respondent the same amount of time as the petitioner to file a brief. Other clarifying changes are made.

### **Rule 56. Orders on Petition for Review**

#### **56.1. Orders on Petition for Review**

- (a) *Considerations in Granting Review.* Whether to grant review is a matter of judicial discretion. Among the factors the Supreme Court considers in deciding whether to grant a petition for review are the following:



- (1) whether the justices of the court of appeals disagree on an important point of law;
  - (2) whether there is a conflict between the courts of appeals on an important point of law;
  - (3) whether a case involves the construction or validity of a statute;
  - (4) whether a case involves constitutional issues;
  - (5) whether the court of appeals appears to have committed an error of law of such importance to the state's jurisprudence that it should be corrected; and
  - (6) whether the court of appeals has decided an important question of state law that should be, but has not been, resolved by the Supreme Court.
- (b) *Petition Denied or Dismissed.* ~~When the petition has been on file in the Supreme Court for 30 days, t~~The Court may deny or dismiss the petition — whether or not a response has been filed — with one of the following notations:
- (1) “Denied.” If the Supreme Court is not satisfied that the opinion of the court of appeals has correctly declared the law in all respects, but determines that the petition presents no error that requires reversal or that is of such importance to the jurisprudence of the state as to require correction, the Court will deny the petition with the notation “Denied.”
  - (2) “Dismissed w.o.j.” If the Supreme Court lacks jurisdiction, the Court will dismiss the petition with the notation “Dismissed for Want of Jurisdiction.”
- (c) *Petition Refused.* If the Supreme Court determines — after a response has been filed or ~~requested~~ordered — that the court of appeals' judgment is correct and that the legal principles announced in the opinion are likewise correct, the Court will refuse the petition with the notation “Refused.” The court of appeals' opinion in the case has the same precedential value as an opinion of the Supreme Court.
- (d) *Improvident Grant.* If the Court has granted review but later decides that review should not have been granted, the Court may, without

opinion, set aside the order granting review and dismiss the petition or deny or refuse review as though review had never been granted.

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## **Rule 57. Direct Appeals to the Supreme Court**

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### **57.6. Determination of Direct Appeal**

(a) *Ruling on Merits.* If the Supreme Court determines that it has probable jurisdiction, the Court:

- (1) may ~~request~~order full briefing under Rule 55;
- (2) may set the case for submission under Rule 59; and
- (3) may render judgment or make an appropriate order under Rule 60.

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## **Rule 58. Certification of Questions of Law by United State Courts**

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### **58.4. Transmission of Record**

The certifying court should ~~not~~ send the Supreme Court of Texas the record in the pending case with the certification order. ~~The Supreme Court may later require the original or copies of all or part of the record before the certifying court to be filed with the Supreme Court clerk.~~

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## **Rule 64. Motion for Rehearing**

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### **64.3. Response and Decision**

No response to a motion for rehearing need be filed unless the Court so ~~requests~~orders. A motion will not be granted unless a response has been filed or ~~requested~~ordered by the Court. But in exceptional cases, if justice so requires, the

Court may deny the right to file a response and act on a motion any time after it is filed.

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# Supreme Court of Texas

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## Supreme Court Procedures Summary

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In Misc. Dkt. No. 25-9104, the Court amends the Texas Rules of Appellate Procedure to eliminate the Court’s practice of requesting merits briefs before granting a petition for review, effective January 1, 2026. The amendments apply to a case in the Court in which the petition—or the first petition for review, in a case involving multiple petitions—is filed on or after January 1, 2026. The purpose of this summary is to explain how the Court’s processes will change—and, in many cases, remain the same—to accomplish this objective. This summary is shared to document the Court’s ordinary practices for the benefit of the bar and public and is not intended to bind the Court. On occasion, strict adherence to these procedures may undermine rather than effectuate the underlying goal of effective judicial administration or may be impractical for other reasons.

### *Petition for Review*

- A petition for review remains the primary means to seek the Court’s review of the decision of a court of appeals. Before filing a petition for review, one should carefully review Texas Rule of Appellate Procedure 9, which establishes word and page limits, margins, font sizes, and other format requirements. One should also carefully review Texas Rule of Appellate Procedure 53, which sets out the necessary contents of and deadlines for filing a petition for review.
- In Rule 9.4(i), a 2,000-word increase to the word limit for a petition for review will allow the Court to decide whether to grant a petition for review based entirely on the petition-stage briefing.
- The word-limit increase is intended to accommodate the expanded focus of a petition for review. Rule 53.2 now requires a petition for review to address more robustly the merits of the appeal and error preservation. It also eliminates the practice of “unbriefed” issues to avoid the Court improvidently granting review.
- Rule 53.2 also reorganizes a petition for review’s contents to place a greater emphasis on the introduction. The goal of petitioner’s introduction section is to explain enough about the case, its importance, and the merits to illustrate its plausible inclusion within the Court’s merits docket. A well-framed introduction will motivate members of the Court to read beyond that section with care. Conversely, clear introductions help the Court more

readily understand when a petition for review should be denied. The introduction is limited to 1,000 words that must be counted within the petition's overall word count.

### *The Court's Initial Review*

- The Court Clerk and Court Administrator circulate the petition to the Court on the Tuesday following its filing. The Court Clerk and Court Administrator will no longer wait for the filing of a response or waiver or for the response deadline to pass before circulating a petition for review for the Court's initial review. This change in practice should help reduce the overall time from filing to disposition.
- Each Justice reviews the petition and casts an initial vote within four weeks of circulation. A Justice may vote to deny relief, to request a response, or to discuss the case at conference, among other options.
- A petition for review receiving no votes other than to deny by the initial vote deadline will be denied on the next orders list, which issues on Friday.
- If any Justice votes other than to deny, the case will be placed on the Court's agenda for discussion at the next conference, except that a petition receiving a vote for a response will either: (a) if no response is filed, be placed on the Court's conference agenda after the deadline for filing the response has passed; or (b) if a response is filed, be placed on the Court's conference agenda after the reply is received or the deadline for filing the reply has passed, whichever is earlier.
- A vote for a response triggers the Supreme Court Clerk to immediately convey the Court's order that a response be filed. The Clerk will no longer wait until the initial vote deadline to pass before issuing the order for a response. Again, this change in practice should help reduce the overall time from filing to disposition.

### *Response to Petition for Review*

- A party need not file a response to a petition for review unless ordered by the Court and ordinarily is not well-served by filing a response without such an order. The Court will not grant a petition without first ordering a response or receiving a response from a party voluntarily. This practice remains unchanged.
- The changes to the response practice in Rule 53.3 track the changes to Rule 53.2 regarding petitions for review. The word limit is increased by 2,000 words and the contents are rearranged to emphasize the introduction.
- Because the Court intends to grant review on petition-stage briefing, the responding party should be fully incentivized to flesh out jurisdictional or other problems at the outset.

### *Conference at Petition Stage*

- The Court's deliberative process remains unchanged.
- For each case on the conference agenda, the Court will act or defer the case for further development and consideration.
- A Justice may circulate a memo in a case at any time.
- The Court may request that Court staff prepare a "study memo" upon the vote of 3 Justices. Study memos are assigned by rotation to each chambers in seniority order.

### *Argued Cases*

- The Court may grant review, set the case for oral argument, and order briefing on the merits upon the vote of 4 Justices. It takes 5 votes to set an original proceeding requesting extraordinary relief for oral argument.
- The Court may set oral argument when it announces its decision to grant review, so it is important for attorneys to file any vacation notices as soon as possible.
- As reflected in Texas Rule of Appellate Procedure 55, a responding party now has the same amount of time to file merits briefing as the petitioner: 30 days. This change also makes briefing deadlines in the Court consistent with the deadlines in the courts of appeals.
- Before the Court hears oral argument, each case will be randomly assigned to a Justice as the presumptive author of the majority opinion, with the aim of evenly distributing cases among the Court.
- When feasible, the Court will leave sufficient time between the grant announcement and oral argument to allow each side 1 full extension if needed and to ensure that all briefing is completed at least 2 weeks in advance of oral argument.

### *Time Extensions*

- The Court intends to remain generous in granting motions for extensions of time to file a petition, a response to a petition, or a reply.
- However, because oral argument is closely tied to the merits briefing schedule, the Court's generosity in granting extensions of time to file merits briefs will be more limited. Because ordinarily merits briefs are no longer solicited in aid of the Court's decision to grant the petition, when they are ordered, counsel may expect that the Court will rule on the merits, which now may be the briefs' exclusive focus.
- The Court will not grant a request for a merits brief extension if the request would push the briefing deadline into the 2-week window before oral argument.

### *Per Curiam Opinions*

- The Court may dispose of a petition on the merits without hearing oral argument upon the vote of 6 Justices.
- The Court may issue a per curiam opinion without requesting merits briefing. In such cases, the Court may rely in part on the court of appeals briefs.
- The Court reserves the authority to order merits briefing before issuing a per curiam opinion.
- The need for flexibility in handling per curiam opinions is one of the reasons the Court has maintained the language in Rule 55.1 that allows the Court to order merits briefing before granting review.