

First Court of Appeals Local Rule

RULE 1. Assignment of Related Cases to and Transfers of Related Cases between the First and Fourteenth Courts of Appeals.

Rule 1.1. Definitions.

- (a) "Underlying case" means a trial court case number that is filed in one of the counties that comprise the jurisdiction of the First and Fourteenth Courts of Appeals and is subsequently the subject of either an appeal or original proceeding in the First or Fourteenth Court of Appeals.
- (b) "Related" means arising from the same underlying case or a case that has been remanded by either the First or Fourteenth Court of Appeals and includes cases severed from the main case.
- (c) "Previously filed" means that a case has been opened at either the First or Fourteenth Court of Appeals and that an appellate case number has been assigned to the underlying case.

Rule 1.2. Assignment of Original Proceedings to either the First or Fourteenth Court of Appeals.

- (a) Except as noted below, assignment of original proceedings must be alternated between the First and Fourteenth Courts of Appeals.
- (b) During the first six months of a calendar year, relators must first present any original proceeding to the clerk of the First Court of Appeals. During the last six months of a calendar year, relators must first present any original proceeding to the clerk of the Fourteenth Court of Appeals. Hereinafter, the "intake clerk" means the clerk receiving the original proceeding.
- (c) The intake clerk must log in each original proceeding sequentially, assigning original proceedings between the First and Fourteenth Courts of Appeals on an alternating basis.
- (d) If a related appeal or original proceeding has been previously filed in one of the courts, the intake clerk must assign the original proceeding in the manner provided for in Rule 1.3(a)-(b) below.

Rule 1.3. Notice of and Assignment of Related Cases in Original Proceedings.

- (a) At the time an original proceeding is filed in either the First or Fourteenth Court of Appeals, the relator must file a notice indicating whether any related appeal or original proceeding has been previously filed in either the First or Fourteenth Court of Appeals. The notice must include the caption, trial court case number, and appellate court case number of the related appeal or original proceeding.
- (b) If any related appeal or original proceeding has been previously filed in or assigned to either the First or Fourteenth Court of Appeals, the clerk of the appellate court receiving the original proceeding must assign it to the court of appeals in which the related appeal or original proceeding was previously filed.
- (c) If related appeals or original proceedings have been filed in both the First and Fourteenth Courts of Appeals, the clerk of the appellate court receiving the original proceeding must assign it to the court of appeals in which the most recent related appeal or original proceeding was previously filed or assigned.

Rule 1.4. Notice of and Assignment of Related Cases in Appeals.

- (a) At the time the notice of appeal is filed in the trial court, the notice of appeal must contain a statement indicating whether a related appeal or original proceeding has been previously filed in either the First or Fourteenth Court of Appeals and must include the caption, trial court case number, and appellate court case number of the related appeal or original proceeding.
- (b) If a related appeal or original proceeding has been previously filed in or assigned to either the First or Fourteenth Court of Appeals, the trial court clerk must assign the appeal to the court of appeals in which the related appeal or original proceeding was previously filed, pursuant to TEX. GOV'T CODE ANN. § 22.202(h) (Vernon 2004), which provides for companion cases to be assigned to the same court of appeals
- (c) If related appeals or original proceedings have been previously filed in both the First and Fourteenth Courts of Appeals, the trial court clerk must assign the appeal to the court of appeals in which the most recent related appeal or original proceeding was previously filed or assigned, pursuant to TEX. GOV'T CODE ANN. § 22.202(h) (Vernon 2004), which provides for companion cases to be assigned to the same court of appeals.

Rule 1.5. Transfers of Related Cases Between the First and Fourteenth Courts of Appeals.

- (a) The First or Fourteenth Court of Appeals may, either sua sponte or on motion of a party, transfer an appeal or an original proceeding to the other Houston court of appeals when a related appeal or original proceeding has been previously filed.
- (b) The transferring court must forward the case file, together with a transfer order, to the clerk of the transferee court. The clerk of the transferee court must docket the transferred appeal or original proceeding and must assign it a new appellate case number pursuant to TEX. R. APP. P. 12.1 and 12.2.

Rule 1.6. Assignment of Permissive Appeals to either the First or Fourteenth Court of Appeals.

- (a) Except as noted below, assignment of permissive appeals must be alternated between the First and Fourteenth Courts of Appeals.
- (b) During the first six months of a calendar year appellants must first present any petition for permission to appeal to the clerk of the First Court of Appeals. During the last six months of a calendar year, appellants must first present any petition for permission to appeal to the clerk of the Fourteenth Court of Appeals. Hereinafter, the "intake clerk" means the clerk receiving the petition for permission to appeal.
- (c) The intake clerk must log in each petition for permission to appeal sequentially, assigning petitions between the First and Fourteenth Courts of Appeals on an alternating basis.
- (d) At the time a petition for permission to appeal is filed, it must contain a statement indicating whether a related appeal or original proceeding has been previously filed in or assigned to either the First or Fourteenth Court of Appeals. If a related appeal or original proceeding has been previously filed in one of the courts, the intake clerk must assign the petition for permission to the court of appeals in which the related appeal or original proceeding was previously filed.