

Supreme Court of Texas

Misc. Docket No. 25-9015

Preliminary Approval of Amendments to Texas Rule of Appellate Procedure 27a

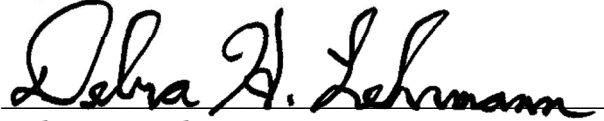
ORDERED that:

1. The Court invites public comments on proposed amendments to Texas Rule of Appellate Procedure 27a.
2. Comments regarding the amendments should be submitted in writing to rulescomments@txcourts.gov by July 1, 2025.
3. The Court will issue an order finalizing the amendments after the close of the comment period. The Court may change the amendments in response to public comments. The Court expects the amendments to take effect on August 1, 2025.
4. 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*.

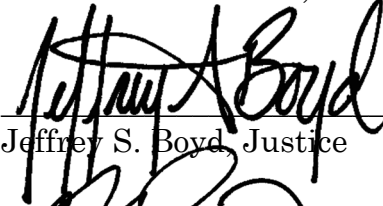
Dated: March 14, 2025.



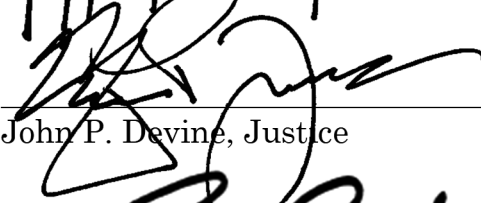
James D. Blacklock, Chief Justice



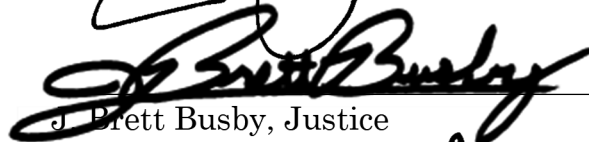
Debra H. Lehrmann, Justice



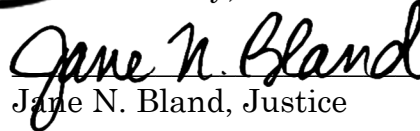
Jeffrey S. Boyd, Justice



John P. Devine, Justice



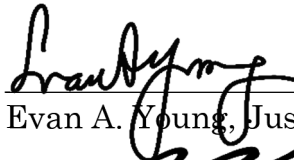
J. Brett Busby, Justice



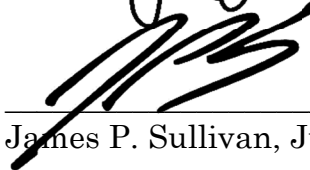
Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice



James P. Sullivan, Justice

TEXAS RULES OF APPELLATE PROCEDURE

Rule 27a. Transfers To and From the Fifteenth Court of Appeals

(a) *Definitions.*

- (1) “Regional court of appeals” means a court of appeals other than the Fifteenth Court of Appeals.
- (12) “Transferor court” means the court of appeals in which the appeal is pending.
- (23) “Transferee court” means the court of appeals to which a party requests or the transferor courts seeks to transfer the appeal.

(b) *Application.*

- (1) The transfer process in this rule applies to appeals:
 - (A) ~~improperly taken to the Fifteenth Court of Appeals that are not within the Fifteenth Court of Appeals’ exclusive intermediate appellate jurisdiction; or~~
 - (B) taken to a regional court of appeals and over which the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction.
- (2) This rule does not apply to appeals transferred by the Supreme Court for good cause, including for docket equalization purposes.

(c) *Transfer by a Court of Appeals.*

- (1) On a Party’s Motion.
 - (A) A party may file a motion to transfer an appeal. The motion should be filed within 30 days after the appeal is perfected but must be filed by the date the appellee’s brief is filed. The motion must be filed in the transferor court and may be supported by briefing. The movant must immediately notify the transferee court of the motion.
 - (B) A party may file an objection to the transfer. The objection must be filed within 10 days after the motion’s filing.

(BC) The transferor court must notify the parties and the transferee court of its decision on the motion. The transferor court ~~may~~must transfer the appeal if:

(i) ~~no party files an objection to the transfer within 10 days after the motion's filing or~~the deadline for filing an objection has passed;

(ii) either:

a. the transferor court is a regional court of appeals and it determines that ~~any filed objection lacks merit~~the appeal is within the Fifteenth Court of Appeals' exclusive intermediate appellate jurisdiction; or

b. the transferor court is the Fifteenth Court of Appeals and it determines the appeal is not within its exclusive intermediate appellate jurisdiction; and

(iii) the transferee court agrees to the transfer.

(CD) ~~If T~~If the transferee court disagrees with the transferor court's decision on the motion, the transferee court must file, within 20 days after receiving notice from the transferor court of its decision on the motion, a letter in the transferor court explaining whether it agrees with the transferor court's decision~~its disagreement.~~

(2) On Its Own Initiative.

(A) The transferor court must notify the parties and the transferee court of its intent to transfer on its own initiative.

(B) A party may file an objection to the transfer. The objection must be filed within 10 days after receiving notice from the transferor court of its intent to transfer.

(BC) The transferor court ~~may~~must transfer an appeal on its own initiative if:

(i) ~~no party files an objection to the transfer within 10 days after receiving notice from the transferor court of its intent to transfer or~~the deadline for filing an objection has passed;

(ii) either:

a. the transferor court is a regional court of appeals and it determines that any filed objection lacks meritthe appeal is within the Fifteenth Court of Appeals' exclusive intermediate appellate jurisdiction; or

b. the transferor court is the Fifteenth Court of Appeals and it determines the appeal is not within its exclusive intermediate appellate jurisdiction; and

(iii) the transferee court agrees to the transfer.

(~~CD~~) If Tthe transferee court disagrees with the transferor court's intent to transfer, the transferee court must, within 20 days after receiving notice from the transferor court of its intent to transfer, file a letter in the transferor court explaining whether it agrees with the transferits disagreement.

(3) Notice to Supreme Court and the Office of Court Administration. If the transferor court transfers an appeal under (1) or (2), the transferor court must notify the Supreme Court and the Office of Court Administration of the transfer.

(d) *Transfer by the Supreme Court.*

(1) If the transferor court and transferee court do not agree on whether the appeal should be transferred, then the transferor court must forward to the Supreme Court either:

(A) the party's motion to transfer, any briefing, the transferee court's letter under (c)(1)(~~CD~~), and a letter explaining the transferor court's decision on the motion; or

(B) a letter from the transferor court that explains its reasons for requesting transfer and that notes any party objections and the transferee court's letter under (c)(2)(~~CD~~).

(2) Unless exceptional circumstances require additional time, the documents in (1) must be submitted to the Supreme Court within 20 days after receipt of the transferee court's letter under (c)(1)(~~CD~~) or (c)(2)(~~CD~~).

- (3) After receipt of all relevant documents, the Supreme Court will consider and decide the motion or request by the transferor court to transfer.

Notes and Comments

Comment to 2024 change: Rule 27a is adopted to implement Texas Government Code Section 73.001. Paragraph (b)(1) limits the applicability of the transfer process in Rule 27a to the appeals described in Section 73.001(c). And paragraph (b)(2) makes clear that Rule 27a does not apply to “good cause” transfers under Section 73.001(a), which are handled under the Policies for Transfer of Cases Between Courts of Appeals adopted in Misc. Dkt. No. 06-9136.

Consistent with Section 1.15 of the Fifteenth Court of Appeals’ enabling legislation, Rule 27a only applies to appeals perfected on or after September 1, 2024. *See* Act of May 21, 2023, 88th Leg., R.S., ch. 459 (S.B. 1045). It does not apply to appeals pending in the courts of appeals that were filed between September 1, 2023, and August 31, 2024, and of which the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction under Texas Government Code Section 22.220(d). On September 1, 2024, those appeals should be transferred immediately to the Fifteenth Court of Appeals.

Comment to 2025 change: Rule 27a is amended to clarify the rule’s applicability and to relax some of the transferee court’s duties when it agrees with the transferor court’s decision on a motion to transfer or intent to transfer on its own initiative. Other clarifying changes have been made to the objection procedures. To accommodate these changes, some paragraphs have been rearranged and relettered or renumbered.