

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

In the Interest of A.B., et al., Children

In re A.B. · No. 05-14-01123-CV · Decided December 18, 2014

SUMMARY

The Dallas Court of Appeals orders the official court reporter to file the overdue reporter’s record in a parental-termination appeal within three days. The order cautions that failure to comply or communicate with the court may result in the reporter being prohibited from sitting until compliance.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Ada Brown
JURISDICTION	Texas
DECIDED	December 18, 2014
DOCKET	05-14-01123-CV
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order in a parental-termination appeal concerning an overdue reporter's record.
PRECEDENTIAL VALUE	published

TOPICS

- termination of parental rights
- parental rights
- appellate procedure
- family law procedure
- civil procedure

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. What enforcement action should the appellate court take when the reporter's record remains overdue and the official court reporter fails to comply with prior filing orders?

KEY QUOTATIONS

“Accordingly, we ORDER Pamela Sumler, Official Court Reporter for the 305th Judicial District Court, to file the reporter’s record within THREE DAYS.”

FACTUAL BACKGROUND

The reporter's record in the parental-termination appeal was overdue. The appellate court had ordered Official Court Reporter Pamela Sumler to file the record by November 3, 2014, and then extended the deadline to November 24, 2014. An electronic document submitted on November 24 was not filed because it lacked a master index, and the reporter did not respond to the court's notice directing correction within three days.

PROCEDURAL HISTORY

The appeal arose from the 305th Judicial District Court of Dallas County in trial court cause number 13-197-X-305th. The appellate court had previously ordered the official court reporter to file the overdue reporter's record by specified deadlines. After an attempted filing lacked a master index and the reporter failed to correct the filing or respond, the appellate court issued this enforcement order.

DISPOSITION

other

OPINION

PER CURIAM.

Order entered December 17, 2014 In The Court of Appeals Fifth District of Texas at Dallas No. 05-14-01123-CV IN THE INTEREST OF: A.B., ET AL., CHILDREN On Appeal from the 305th Judicial District Court Dallas County, Texas Trial Court Cause No. 13-197-X-305th ORDER The reporter's record in this parental termination case is overdue.

In October 2014, we ordered Pamela Sumler, the Official Court Reporter for the 305th Judicial District Court, to file the reporter's record no later than November 3, 2014. After that date passed and no reporter's record was filed, we ordered Ms. Sumler to file the record by November 24, 2014.

On that date, the court reporter attempted to file an electronic document, but the document was not filed because it did not include a master index. By postcard dated November 24, 2014, we notified Ms. Sumler of this omission and directed her to file a corrected electronic document within three days.

To date, Ms. Sumler has not responded. Accordingly, we ORDER Pamela Sumler, Official Court Reporter for the 305th Judicial District Court, to file the reporter's record within THREE DAYS. We expressly CAUTION Ms. Sumler that failure to comply with this order or correspond with the Court regarding the status of the reporter's record may result in an order that she not sit as a court reporter until she complies.

We DIRECT the Clerk of this Court to send a copy of this order, by electronic transmission, to the Honorable Cheryl Shannon, Presiding Judge of the 305th Judicial District Court; Pamela Sumler;

and all parties. /s/ ADA BROWN JUSTICE

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