

COURT OF APPEALS OF TEXAS, FIFTH DISTRICT AT DALLAS

In the Matter of T.P., a Child

No. 05-13-00468-CV · No. No. 05-13-00468-CV · Decided April 10, 2014

SUMMARY

The Texas Court of Appeals, Fifth District at Dallas ordered the court reporter to file the overdue reporter's record or provide written verification that it had not been requested. The order warned that failure to comply could result in the court reporter being prohibited from sitting until compliance.

CASE DETAILS

COURT	Court of Appeals of Texas, Fifth District at Dallas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Texas
DECIDED	April 10, 2014
DOCKET	No. 05-13-00468-CV
DISPOSITION	other
PROCEDURAL POSTURE	Interlocutory appellate order addressing an overdue reporter's record in a pending appeal.
PRECEDENTIAL VALUE	published

TOPICS

appellate procedure family law procedure civil procedure

PRACTICE AREAS

appellate procedure family law

QUESTIONS PRESENTED

1. Whether the court should compel the court reporter to file the overdue reporter's record or verify in writing that the record had not been requested.

KEY QUOTATIONS

"Accordingly, this Court ORDERS Court Reporter Pamela Sumler to file either (1) the reporter's record, or (2) written verification that the reporter's record has not been requested within TEN DAYS." (Order)

“We expressly CAUTION Pamela Sumler that failure to comply with this order may result in an order that she not sit as a court reporter until she complies.” (Order)

FACTUAL BACKGROUND

The reporter's record had not been filed in the appeal. The court of appeals had notified Court Reporter Pamela Sumler by postcards dated April 17, 2013, and January 21, 2014, that the record was overdue and had directed her to file it within thirty days. The court reporter had neither filed the record nor corresponded with the court regarding its status.

PROCEDURAL HISTORY

The matter was on appeal from the 305th Judicial District Court of Dallas County, Texas, trial court cause number JD-77361-X. After notifying the court reporter twice that the reporter's record was overdue and directing its filing within thirty days, the court of appeals issued this order requiring the reporter either to file the record or provide written verification that it had not been requested.

DISPOSITION

other

OPINION

PER CURIAM.

Order entered April 10, 2014 In The Court of Appeals Fifth District of Texas at Dallas No. 05-13-00468-CV IN THE MATTER OF T.P., A Child On Appeal from the 305th Judicial District Court Dallas County, Texas Trial Court Cause No. JD-77361-X ORDER The reporter=s record is overdue in this appeal. By postcards dated April 17, 2013 and January 21, 2014, we notified the Court Reporter that the reporter’s record was overdue.

We directed the Court Reporter to file the reporter’s record within thirty days. To date, the reporter’s record has not been filed and the Court Reporter has not corresponded with the Court regarding the status of the reporter’s record.

Accordingly, this Court ORDERS Court Reporter Pamela Sumler to file either (1) the reporter=s record, or (2) written verification that the reporter’s record has not been requested within TEN DAYS. We expressly CAUTION Pamela Sumler that failure to comply with this order may result in an order that she not sit as a court reporter until she complies.

We DIRECT the Clerk to send copies of this order, by electronic transmission, to the following persons: B1B Honorable Cheryl C. Lee-Shannon Presiding Judge 305th Judicial District Court Pamela Sumler Official Court Reporter 305th Judicial District Court /s/ CAROLYN WRIGHT CHIEF JUSTICE B2B

