

FOURTEENTH COURT OF APPEALS OF TEXAS

In the Interest of M.S.D., Child

No. 14-12-00801-CV · No. No. 14-12-00801-CV · Decided September 17, 2012

SUMMARY

The Fourteenth Court of Appeals ordered the official court reporter to file the reporter's record in an appeal concerning M.S.D. by October 1, 2012. The order noted the court's authority and the joint responsibility of the trial and appellate courts to ensure the timely filing of the appellate record.

CASE DETAILS

COURT	Fourteenth Court of Appeals of Texas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Texas
DECIDED	September 17, 2012
DOCKET	No. 14-12-00801-CV
DISPOSITION	other
PROCEDURAL POSTURE	Interlocutory appellate order concerning the late filing of the reporter's record.
PRECEDENTIAL VALUE	Published
PARTIES	M.S.D., Child

TOPICS

[appellate procedure](#) [family law procedure](#) [civil procedure](#)

PRACTICE AREAS

[Appellate procedure](#) [Family law](#)

QUESTIONS PRESENTED

1. Whether the request for additional time to file the reporter's record should be granted.
2. What deadline and enforcement mechanism should govern the late filing of the reporter's record.

HOLDINGS

1. The court granted the request in part and denied it in part, ordering the official court reporter to file the reporter's record by October 1, 2012.
2. The trial and appellate courts are jointly responsible for ensuring that the appellate record is timely filed, and the appellate court may direct the trial court to conduct a hearing concerning the reason for a failure to file the record.

KEY QUOTATIONS

“The trial and appellate courts are jointly responsible for ensuring that the appellate record is timely filed.”

FACTUAL BACKGROUND

The reporter's record in the appeal was due on September 10, 2012, but had not been filed. On September 11, the appellate court ordered the court reporters to file the record by September 24, 2012. Because the record still would not be filed within the prescribed period, the court ordered the official court reporter to file it by October 1, 2012, and warned that no further extension would be entertained absent exceptional circumstances.

PROCEDURAL HISTORY

M.S.D. appealed from the 387th District Court of Fort Bend County, Texas, in trial court cause number 11-DCV-191748. The reporter's record was due September 10, 2012. After the court ordered the court reporters to file the record by September 24, 2012, the record remained unfiled, prompting the court to grant in part and deny in part a request for additional time and issue a further filing deadline.

DISPOSITION

other

OPINION

PER CURIAM.

Order filed, September 17, 2012. In The Fourteenth Court of Appeals _____ NO. 14-12-00801-CV _____ IN THE INTEREST OF M.S.D., CHILD, Appellant On Appeal from the 387th District Court Fort Bend County, Texas Trial Court Cause No. 11-DCV-191748 ORDER The reporter's record in this case was due September 10, 2012, 2012. See Tex. R. App. P. 35.1.

On September 11, 2012, this court ordered the court reporters to file the record on or before September 24, 2012. To date, the record has not been filed with the court. Because the reporter's record will not be filed within the time prescribed in the first order, the court GRANTED IN PART AND DENIED IN PART your request and issues the following order.

We order Winona Williams, the official court reporter, to file the record in this appeal on or before October 1, 2012. No further extension will be entertained absent exceptional circumstances. The trial and appellate courts are jointly responsible for ensuring that the appellate record is timely

filed. See Tex. R. App. P. 35.3(c). If Winona Williams does not timely file the record as ordered, the Court may issue an order directing the trial court to conduct a hearing to determine the reason for the failure to file the record.

PER CURIAM