

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS AT HOUSTON

Pamela J. Hazelwood v. Keith L. Hazelwood

Hazelwood · No. 01-17-00147-CV · Decided November 14, 2017

SUMMARY

The First District Court of Appeals ordered the trial court to determine whether the exclusion of specified exhibits from the reporter's record constituted an inaccuracy under Texas Rule of Appellate Procedure 34.6(e)(2). The trial court was directed to hold a hearing, make findings, and, if necessary, order certified corrections and supplemental records to be filed.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas at Houston
WRITING FOR THE COURT	Michael Massengale
JURISDICTION	Texas
DECIDED	November 14, 2017
DOCKET	01-17-00147-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellant filed a motion asking the court of appeals to compel court reporters to supplement the appellate record with exhibits allegedly offered at trial-court hearings.
PRECEDENTIAL VALUE	Published
PARTIES	Pamela J. Hazelwood v. Keith L. Hazelwood

TOPICS

[appellate procedure](#) [civil procedure](#) [preservation of error](#)

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether the trial court must resolve a dispute concerning alleged inaccuracies or omissions in the reporter's records when the parties cannot agree on how to correct the records.

2. Whether the trial court must order certified corrections, including omitted exhibits, if it finds an inaccuracy that can be corrected.

HOLDINGS

1. When the parties cannot agree whether or how to correct the reporter's record, the trial court must, after notice and a hearing, settle the dispute.
2. If the trial court finds an inaccuracy in the reporter's record that may be corrected, it must order the court reporter to conform the record to what occurred in the trial court and file certified corrections in the appellate court.

KEY QUOTATIONS

“When the parties cannot agree on whether or how to correct the reporter’s record so that the exhibits are accurate, the trial court must—after notice and hearing—settle the dispute.”

“If the court finds any inaccuracy, it must order the court reporter to conform the reporter’s record to what occurred in the trial court, and to file certified corrections in the appellate court.”

FACTUAL BACKGROUND

Pamela J. Hazelwood alleged that exhibits offered during hearings on December 15, 2016, and February 9, 2017, were missing from the reporter's records. The parties apparently disputed whether the records were inaccurate and whether the omitted exhibits should be included. The court of appeals directed the trial court to resolve that dispute after notice and a hearing.

PROCEDURAL HISTORY

The appeal arose from proceedings in the 310th District Court of Harris County. Appellant asserted that the reporter's records omitted exhibits and that the court reporters had refused to supplement the records. The court of appeals ordered the trial court to conduct a hearing and resolve the alleged inaccuracies under Texas Rule of Appellate Procedure 34.6(e)(2).

DISPOSITION

other

REMAND INSTRUCTIONS

The trial court must hold a hearing within 30 days of November 14, 2017, determine whether the exclusion of the listed exhibits constitutes an inaccuracy in the reporter's records, enter an order containing its findings, and cause a supplemental clerk's record containing that order to be filed in the court of appeals within 14 days after the hearing. If the trial court finds correctable inaccuracies, it must order the court reporters to file certified corrections, including any exhibits, in the appellate court within 14 days after the hearing.

OPINION

Pamela J. Hazelwood v. Keith L. Hazelwood
PER CURIAM.
COURT OF APPEALS FOR THE
FIRST DISTRICT OF TEXAS AT HOUSTON
ORDER

Appellate case name: Pamela J. Hazelwood v. Keith L. Hazelwood Appellate case number: 01-17-00147-CV Trial court case number: 2015-49239 Trial court: 310th District Court of Harris County Appellant Pamela J. Hazelwood has filed a “Motion to Compel” in which she asks this court to order the court reporters to supplement the record with documents offered to the trial court in hearings on December 15, 2016 and February 9, 2017. According to appellant’s motion, the court reporters have refused to do so. There is an apparent dispute as to whether inaccuracies exist in the reporter’s record. When the parties cannot agree on whether or how to correct the reporter’s record so that the exhibits are accurate, the trial court must—after notice and hearing—settle the dispute. TEX. R. APP. P. 34.6(e)(2). If the court finds any inaccuracy, it must order the court reporter to conform the reporter’s record to what occurred in the trial court, and to file certified corrections in the appellate court. Accordingly, the trial court is ordered to determine whether the exclusion of the exhibits listed in the attached motion constitutes an inaccuracy in the reporter’s records. See *id.* The trial court shall hold a hearing within 30 days of the date of this order to resolve the dispute about alleged inaccuracies in the reporter’s record, enter an order containing the court’s findings, and cause a supplemental clerk’s record including the order to be filed in this court within 14 days after the hearing. If the trial court finds that there are inaccuracies in the reporter’s records that may be corrected, the trial court shall order the court reporters to file certified corrections to the reporter’s records, including any exhibits, in the appellate court within 14 days after the hearing. See *id.* It is so ORDERED. Judge’s signature: /s/ Michael Massengale Acting individually
Acting for the Court Date: November 14, 2017