STATE BAR OF TEXAS
COMMITTEE ON COURT RULES

REQUEST FOR NEW RULE OR CHANGE OF EXISTING RULE
TEXAS RULES OF CIVIL PROCEDURE

I. Exact wording of existing Rule:

Rule 330. RULES OF PRACTICE & PROCEDURE IN CERTAIN DISTRICT COURTS

(a) **Appealed cases.** In cases appealed to said district courts from inferior courts, the appeal, including transcript, shall be filed in the district court within thirty (30) days after the rendition of the judgment or order appealed from, and the appellee shall enter his appearance on the docket or answer to said appeal on or before ten o'clock a.m. of the Monday next after the expiration of twenty (20) days from the date the appeal is filed in the district court.

II. Proposed Rule:

Rule 330. RULES OF PRACTICE & PROCEDURE IN CERTAIN DISTRICT COURTS

(a) **Appealed cases.** In cases appealed to said district courts from inferior courts, the appeal, including transcript, shall be filed in the district court ~~within~~ **not later than** ~~thirty (30) days~~ **the thirtieth (30th) day** after the ~~**rendition of**~~ **date** the judgment or order appealed from **is signed**, and the appellee shall enter his appearance on the docket or answer to said appeal ~~**on or before**~~ **not later than** ten o'clock a.m. ~~**of**~~ **on** the Monday ~~**next after**~~ **following** the expiration of twenty (20) days from the date the appeal is filed in the district court.

III. Brief statement of reasons for requested changes and advantages to be served by them:

The proposed change is intended to promote greater clarity and consistency in the expression of time, time periods and deadlines by (1) referring to the "date" or "day" on which an event occurs, as opposed to "time" which may be construed to mean a time of day, (2) describing a time period in a way that makes the first and last days clear, and (3) leaving no doubt about which is the last day on which action may be taken, in accordance with §7.28 of the Texas Legislative Counsel Drafting Manual. The proposed change also clarifies that the time period to file the transcript begins when the inferior court signs its judgment.

Respectfully submitted,

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