

# Supreme Court of Texas

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Misc. Docket No. 25-9048

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## Final Approval of Amendments to Texas Rule of Appellate Procedure 27a

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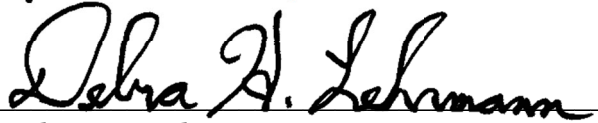
### **ORDERED** that:

1. On March 14, 2025, in Misc. Dkt. No. 25-9015, the Court preliminarily approved amendments to Texas Rule of Appellate Procedure 27a and invited public comment.
2. Following the comment period, the Court made revisions to the amendments. This Order incorporates the revisions and contains the final version of the amendments, effective August 1, 2025. The amendments are shown in redline and clean form.
3. The Clerk is directed to:
  - a. file a copy of this Order with the Secretary of State;
  - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this Order to the Governor, the Lieutenant Governor, and each elected member of the Legislature; and
  - d. submit a copy of this Order for publication in the *Texas Register*.

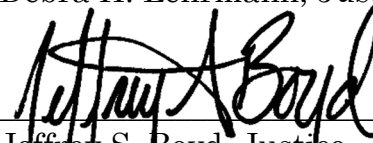
Dated: July 31, 2025.




James D. Blacklock, Chief Justice



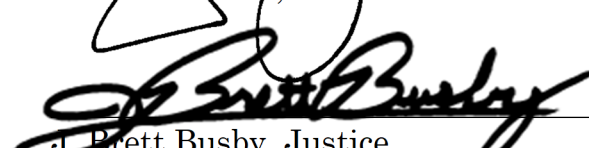
Debra H. Lehrmann, Justice



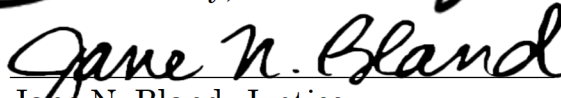
Jeffrey S. Boyd, Justice



John P. Devine, Justice



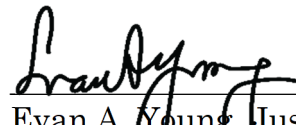
J. Brett Busby, Justice



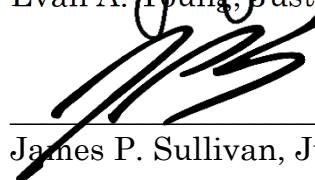
Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice



James P. Sullivan, Justice

## TEXAS RULES OF APPELLATE PROCEDURE

### Rule 27a. Transfers To and From the Fifteenth Court of Appeals (Redline)

(a) *Definitions.*

(1) “Regional court of appeals” means a court of appeals other than the Fifteenth Court of Appeals.

(12) “Transferor court” means the court of appeals in which the appeal is pending.

(23) “Transferee court” means the court of appeals to which a party requests or the transferor court~~s~~ seeks to transfer the appeal.

(b) *Application.*

(1) The transfer process in this rule applies to appeals:

(A) ~~improperly~~ taken to the Fifteenth Court of Appeals that are not within the Fifteenth Court of Appeals’ exclusive intermediate appellate jurisdiction; or

(B) taken to a regional court of appeals and over which the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction.

(2) This rule does not apply to appeals transferred by the Supreme Court for good cause, including for docket equalization purposes.

(c) *Transfer by a Court of Appeals.*

(1) Standard. The transferor court must transfer the appeal if:

(A) the deadline for filing an objection has passed;

(B) either:

(i) the transferor court is a regional court of appeals and it determines that the appeal is within the Fifteenth Court of Appeals’ exclusive intermediate jurisdiction; or

(ii) the transferor court is the Fifteenth Court of Appeals and it determines the appeal is not within its exclusive

intermediate appellate jurisdiction; and

(C) the transferee court agrees to the transfer.

(2) Transfer Initiation. A transfer may be initiated by a party's motion or by the transferor court.

(13) ~~On a Party's Motion.~~ Motion or Notice and Opportunity to Respond.

(A) A party may file a motion to transfer an appeal. The motion should be filed within 30 days after the appeal is perfected but must be filed by the date the appellee's brief is filed. The motion must be filed in the transferor court and explain why the Fifteenth Court of Appeals does or does not have exclusive intermediate appellate jurisdiction. The motion may be supported by briefing. The movant must immediately notify the transferee court of the motion.

(B) If the transferor court initiates a transfer, the transferor court must notify the parties and the transferee court.

(C) A party may file a response to the potential transfer. The response must be filed within 10 days after the motion's filing or after receiving the transferor court's notice. The response must explain why the Fifteenth Court of Appeals does or does not have exclusive intermediate appellate jurisdiction.

~~(B) The transferor court must notify the parties and the transferee court of its decision on the motion. The transferor court may transfer the appeal if:~~

~~(i) no party files an objection to the transfer within 10 days after the motion's filing or the transferor court determines that any filed objection lacks merit; and~~

~~(ii) the transferee court agrees to the transfer.~~

~~(C) The transferee court must file, within 20 days after receiving notice from the transferor court of its decision on the motion, a letter in the transferor court explaining whether it agrees with the transferor court's decision.~~

~~(2) On Its Own Initiative.~~

~~(A) The transferor court must notify the parties and the transferee court of its intent to transfer on its own initiative.~~

~~(B) The transferor court may transfer an appeal on its own initiative if:~~

~~(i) no party files an objection to the transfer within 10 days after receiving notice from the transferor court of its intent to transfer or the transferor court determines that any filed objection lacks merit; and~~

~~(ii) the transferee court agrees to the transfer.~~

(4) Preliminary Decision. After the deadline for filing a response has passed, the transferor court must notify the parties and the transferee court of its preliminary decision.

(5) (C) Transferee Court Disagreement. If the transferee court disagrees with the transferor court's preliminary decision, the transferee court must, within 20 days after receiving notice from the transferor court of its intent to transfer preliminary decision, file a letter in the transferor court explaining whether it agrees with the transferor's disagreement. The transferee court may file a letter agreeing with the preliminary decision.

(36) Transfer Notice to Supreme Court and the Office of Court Administration. If the transferor court and transferee court agree on whether the appeal should be transferred, the transferor court must finalize its decision and notify the parties. If the transferor court transfers an appeal under (1) or (2), the transferor court must notify the Supreme Court and the Office of Court Administration of the transfer.

(d) *Transfer by the Supreme Court.*

(1) Submission Contents. If the transferor court and transferee court do not agree on whether the appeal should be transferred, then the transferor court must forward to the Supreme Court either:

(A) the party's motion to transfer, any briefing, the transferee court's letter ~~under (e)(1)(C)~~, and a letter explaining the transferor court's decision on the motion; or

(B) a letter from the transferor court that explains its reasons for requesting transfer and that notes any party objections and the transferee court's letter ~~under (e)(2)(C)~~.

(2) Submission Deadline. Unless exceptional circumstances require additional time, the documents in (1) must be submitted to the Supreme Court within 20 days after receipt of the transferee court's letter ~~under (e)(1)(C) or (e)(2)(C)~~.

(3) Supreme Court Decision. After receipt of all relevant documents, the Supreme Court will consider and decide the motion or request by the transferor court to transfer.

### Notes and Comments

Comment to 2024 change: Rule 27a is adopted to implement Texas Government Code Section 73.001. Paragraph (b)(1) limits the applicability of the transfer process in Rule 27a to the appeals described in Section 73.001(c). And paragraph (b)(2) makes clear that Rule 27a does not apply to “good cause” transfers under Section 73.001(a), which are handled under the Policies for Transfer of Cases Between Courts of Appeals adopted in Misc. Dkt. No. 06-9136.

Consistent with Section 1.15 of the Fifteenth Court of Appeals’ enabling legislation, Rule 27a only applies to appeals perfected on or after September 1, 2024. *See* Act of May 21, 2023, 88th Leg., R.S., ch. 459 (S.B. 1045). It does not apply to appeals pending in the courts of appeals that were filed between September 1, 2023, and August 31, 2024, and of which the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction under Texas Government Code Section 22.220(d). On September 1, 2024, those appeals should be transferred immediately to the Fifteenth Court of Appeals.

Comment to 2025 change: Rule 27a is amended to clarify the rule’s applicability and objection procedures. To accommodate these changes, some paragraphs have been rearranged and relettered or renumbered.

### Rule 27a. Transfers To and From the Fifteenth Court of Appeals (Clean)

(a) *Definitions.*

(1) “Regional court of appeals” means a court of appeals other than the Fifteenth Court of Appeals.

(2) “Transferor court” means the court of appeals in which the appeal is pending.

- (3) “Transferee court” means the court of appeals to which a party requests or the transferor court seeks to transfer the appeal.

(b) *Application.*

- (1) The transfer process in this rule applies to appeals:
  - (C) taken to the Fifteenth Court of Appeals that are not within the Fifteenth Court of Appeals’ exclusive intermediate appellate jurisdiction; or
  - (D) taken to a regional court of appeals and over which the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction.
- (2) This rule does not apply to appeals transferred by the Supreme Court for good cause, including for docket equalization purposes.

(c) *Transfer by a Court of Appeals.*

- (1) Standard. The transferor court must transfer the appeal if:
  - (A) the deadline for filing an objection has passed;
  - (B) either:
    - (i) the transferor court is a regional court of appeals and it determines that the appeal is within the Fifteenth Court of Appeals’ exclusive intermediate jurisdiction; or
    - (ii) the transferor court is the Fifteenth Court of Appeals and it determines the appeal is not within its exclusive intermediate appellate jurisdiction; and
  - (C) the transferee court agrees to the transfer.
- (2) Transfer Initiation. A transfer may be initiated by a party’s motion or by the transferor court.
- (3) Motion or Notice and Opportunity to Respond.
  - (A) A party may file a motion to transfer an appeal. The motion should be filed within 30 days after the appeal is perfected but

must be filed by the date the appellee's brief is filed. The motion must be filed in the transferor court and explain why the Fifteenth Court of Appeals does or does not have exclusive intermediate appellate jurisdiction. The motion may be supported by briefing. The movant must immediately notify the transferee court of the motion.

- (B) If the transferor court initiates a transfer, the transferor court must notify the parties and the transferee court.
  - (C) A party may file a response to the potential transfer. The response must be filed within 10 days after the motion's filing or after receiving the transferor court's notice. The response must explain why the Fifteenth Court of Appeals does or does not have exclusive intermediate appellate jurisdiction.
- (4) Preliminary Decision. After the deadline for filing a response has passed, the transferor court must notify the parties and the transferee court of its preliminary decision.
  - (5) Transferee Court Disagreement. If the transferee court disagrees with the transferor court's preliminary decision, the transferee court must, within 20 days after receiving notice from the transferor court of its preliminary decision, file a letter in the transferor court explaining its disagreement. The transferee court may file a letter agreeing with the preliminary decision.
  - (6) Transfer Notice. If the transferor court and transferee court agree on whether the appeal should be transferred, the transferor court must finalize its decision and notify the parties. If the transferor court transfers an appeal under (1), the transferor court must notify the Supreme Court and the Office of Court Administration of the transfer.
- (d) *Transfer by the Supreme Court.*
- (1) Submission Contents. If the transferor court and transferee court do not agree on whether the appeal should be transferred, then the transferor court must forward to the Supreme Court either:
    - (A) the party's motion to transfer, any briefing, the transferee court's letter, and a letter explaining the transferor court's decision on the motion; or



- (B) a letter from the transferor court that explains its reasons for requesting transfer and that notes any party objections and the transferee court's letter.
- (2) **Submission Deadline.** Unless exceptional circumstances require additional time, the documents in (1) must be submitted to the Supreme Court within 20 days after receipt of the transferee court's letter.
- (3) **Supreme Court Decision.** After receipt of all relevant documents, the Supreme Court will consider and decide the motion or request by the transferor court to transfer.

### **Notes and Comments**

Comment to 2024 change: Rule 27a is adopted to implement Texas Government Code Section 73.001. Paragraph (b)(1) limits the applicability of the transfer process in Rule 27a to the appeals described in Section 73.001(c). And paragraph (b)(2) makes clear that Rule 27a does not apply to "good cause" transfers under Section 73.001(a), which are handled under the Policies for Transfer of Cases Between Courts of Appeals adopted in Misc. Dkt. No. 06-9136.

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