

MEMO FROM: Judges Vince Sprinkle and Steve Wallace

Dear Attorney:

Attached hereto is an order signed by Tarrant County Court at Law Judges Steve Wallace and Vince Sprinkle setting forth appellate procedures and guidelines for ALR appeals. The order applies to all appeals, However, the time lines set for in the order are designed to allow the courts to finally determine appeals within the 90 day stay of suspension set forth in VCS Art. 6678b-1 Sec. 7(h). Your comments and suggestions would be appreciated.

If your appeal was filed before April 5, 1995, the deadline for filing the administrative record will be waived, and your deadlines for filing a statement of position or response, or brief or response will run from the filing of the record.

Thank you for your attention to this matter.

Sincerely,

/s/ Steve Wallace

/s/ Vincent G. Sprinkle

ORDER SETTING FORTH PROCEDURES AND GUIDELINES FOR ALR APPEALS

The appellate procedure under the new ALR, found in VCS Art. 6687b-1 Sec. 7(g) - (k) and (p), became effective January 1, 1995. It appears, from reading the Statute, especially VCS Art. 6687b-1, Sec. 7(h), that the Legislature intended for these appeals to be processed to a conclusion as expeditiously as possible. Therefore, the judges of the Tarrant County Courts at Law hearing ALR appeals have promulgated the procedures and guidelines set forth herein.

It is therefore ordered, as follows:

1. If you simply want an essential need license for your client, include the request in your petition for appeal and contact the court coordinator of the proper court for a hearing date and get a copy of your client's driving record from the District Attorney's office. There is then no need to request an administrative record. If you choose this option, please declare your intent to the clerk at the time of filing.
2. If you want to pursue an appeal, then file your petition, including a request for an essential need license, within the time required by law, and perfect service as required by law.
3. The State Office of Administrative Hearings has stated they will accept requests for administrative records before the petition for appeal is filed. You will have 45 days after the date that the administrative law judge's final determination is issued within which to file the administrative record. The State Office of Administrative Hearings has stated they will send a copy of the record directly to the court. However, it will be your responsibility to see that the record is timely filed. Please note the State Office of Administrative Hearings will require payment in advance.

YOU ARE HEREBY PUT ON NOTICE THAT FAILURE TO TIMELY FILE AN ADMINISTRATIVE RECORD SHALL RESULT IN THE APPEAL BEING IMMEDIATELY DISMISSED FOR WANT OF PROSECUTION. All requests for extensions of time must be filed before, and if possible, heard before the deadline expires.

4. If the appeal is filed by the driver, then the driver shall file a statement of position within ten days after the administrative record is filed. The statement of position should be a brief outline of reasons the appellant feels a reversal of the administrative law judge's decision is warranted, and should include recitation of any legal authorities upon which appellant relies. A copy of the statement of position should be served on counsel for

the State simultaneously with the filing. Counsel for the State shall then have ten days from filing of the appellant's statement of position within which to file a response.

YOU ARE HEREBY PUT ON NOTICE THAT FAILURE OF THE APPELLANT TO TIMELY FILE A STATEMENT OF POSITION SHALL RESULT IN THE APPEAL BEING IMMEDIATELY DISMISSED FOR WANT OF PROSECUTION. All requests for extension of time to file a statement of position shall be filed, and if possible, heard before the filing deadline.

5. If the appeal is filed by the State, the State shall file a brief within ten days after the administrative record is filed. The brief should outline the issues of law relied upon by the State. A copy of the brief should be served on the driver or his/her counsel simultaneously with the filing. The driver, or the driver's counsel, shall then have ten days from filing of appellant's brief within which to file a response.

YOU ARE HEREBY PUT ON NOTICE THAT FAILURE OF THE APPELLANT TO TIMELY FILE A BRIEF SHALL RESULT IN THE APPEAL BEING IMMEDIATELY DISMISSED FOR WANT OF PROSECUTION. All requests for extension of time to file a brief shall be filed, and if possible, heard before the filing deadline.

6. The Court may require supplemental briefing. If so, time lines for supplemental briefing will be set forth by the Court at the time of the request.

7. The Court may require oral argument. If so, such oral argument will be scheduled by the Court at the time of the request.

8. All other matters relating to an ALR appeal, including, but not limited to a motion to remand the appeal for taking more evidence under VCS Art. 6687b-1 Sec. 7(j), shall be considered on an ad hoc basis.

Signed April 5, 1995

/s/Vincent G. Sprinkle

/s/ Steve Wallace