

Writ of Mandamus Research Guide

Overview

This research guide includes information and resources on writ of mandamus. This writ is “issued by a court to compel performance of a particular act by a lower court or a governmental officer or body, usually to correct a prior action or failure to act.” (*Black’s Law Dictionary*, 11th ed.) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov/

Texas Rules of Appellate Procedure (TRAP)
<https://www.txcourts.gov/rules-forms/rules-standards/>

- Rule 24.4 Appellate Review
- Rule 52.1 Commencement
- Rule 72.1 Leave to File

Texas Rules of Civil Procedure (TRCP)
<https://www.txcourts.gov/rules-forms/rules-standards/>

- Rule 173.7 Review (a) Right of Appeal
- Rule 694 No Mandamus Without Notice

Texas Government Code

- §22.221 Writ Power
<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.22.htm>
- §802.003 Writ of Mandamus
<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.802.htm#802.003>

Secondary Resources in Print

Texas Criminal Lawyer’s Handbook KFT 1775.D36

- Vol. 1, Ch. 13 §13.42 Mandamus to Compel Discovery

Texas Criminal Practice Guide KFT 1775 .T49

- Vol. 4, Ch. 90B Extraordinary Writs

Texas Litigation Guide KFT 1730 .T4

- Vol. 10, Ch. 152 §152.03(1)(a) Mandamus

Texas Probate, Estate and Trust Administration KFT 1344 .T465

- Vol. 4, Ch. 83 §83.0 2(3) Change of Venue

O’Connor’s Texas Family Law Handbook KFT 1294 .A291 O26

- Ch. 4-B, §4.6 Appellate review

Texas Family Law Practice and Procedure KFT 1294 .F35

- Vol. 3, Task G5 Seeking writ of mandamus

Texas Family Law Practice Manual KFT 1294 .T4S7

- Vol. 1, Ch. 5 §5.10 Mandamus as remedy
- Vol. 2, Ch. 27 Mandamus

Texas Practice Guide: Civil Appeals KFT 1280 .T4931

- Vol. 2, Ch. 16 §16.142 Petition for writ of mandamus
- Vol. 2, Ch. 16 §16.6 Types of writs available; uses-Mandamus

Texas Civil Practice KFT 1730 .M3

- Vol. 3, Ch 12 §12.66(D) Mandamus

Texas Forms: Pleading and Practice KFT 1730 .A65 T482

- Vol. 8A, Ch. 165 Mandamus

Texas Transaction Guide KFT 1268 .K45

- Vol. 18, Ch. 81A §81A.46(3)(b) Writ of Mandamus

Texas Torts and Remedies KFT 1395 .T49

- Vol. 6, Ch. 109 §109.19 Review of Discovery Orders

Texas Practice: Civil Trial and Appellate Procedure KFT 1738 .W52

- Vol. 2, Ch. 9 §9-8 Motion for Judgment; Mandamus to Compel Trial Judge to Render, Cause Entry of, and Enforce Judgment
- Vol. 3, Ch. 24 §24-5. Mandamus Practice

CLE Materials

Advanced Family Law Course KFT 1294 .S83

- 2020 Vol. 3, Ch. 69 I Fought the Law: Mandamus for the Trial Lawyer
- 2003 Vol. 2, Ch. 47.2 Strategic Use of Mandamus and Accelerated Appeals

Advanced Civil Trial Course KFT 1738 .A2S73

- 2021 Ch. 2 Mandamus
- 2020 Ch. 26 Mandamus
- 2019 Vol. 1, Ch. 10 Mandamus for the Trial Lawyer

Advanced Evidence and Discovery Course KFT 1740 .A75S7

- 2022 Ch. 4 Mandamus and Sanctions
- 2017 Ch. 18 Mandamus
- 2015 Ch. 14 Mandamus with a Spotlight on Discovery and Motion for New Trial Orders
- 2012 Ch. 11 Mandamus

Advanced Civil Appellate Practice Course KFT 1755 .A75S7

- 2021 Ch. 4 Mandamus
- 2018 Ch. 25 Permissive Interlocutory Appeal and Mandamus: Picking Your Procedural Path Prudently
- 2014 Ch. 22 Mandamus Update

Advanced Trial Strategies (PDF only)

- 2022 Ch. 2.2 Strategic Use of Mandamus Proceedings

Civil Appellate Practice 101 (PDF only)

- 2023 Ch. 2 Mandamus 101: Understanding the If, When, and How of Original Proceedings in Texas Appellate Courts

Marriage Dissolution Institute KFT 1300 .M372

- 2014 Ch. 23 Remand, Mandamus, and Habeas Corpus

Online Resources

From the prosecutor's toolshed, the writ of mandamus (TDCAA)

<https://www.tdcaa.com/journal/from-the-prosecutors-tool-shed-the-writ-of-mandamus/>

A Family Law Practice: Mandamus (blog)

<https://www.ondafamilylaw.com/appellate-lawyer-texas/mandamus-mandamus/#:~:text=A%20writ%20of%20mandamus%20is,no%20adequate%20remedy%20at%20law.>

Writ of Mandamus in Texas (blog)

<https://www.mylawteam.com/writ-mandamus-texas/>

The Original Writ of Mandamus in the Supreme Court of Texas (St. Mary's University)

<https://commons.stmarytx.edu/cgi/viewcontent.cgi?article=1147&context=thestmaryslawjournal>

What is the deadline for filing a mandamus petition? (blog)

<https://www.butlersnow.com/2020/11/whats-the-expiration-date-on-that-mandamus/>

"To Mandamus or Not?" is Often the Question (ABA)

<https://cilacademy.org/2021/01/25/to-mandamus-or-not-is-often-the-question/>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up

- <https://www.tarrantbar.org/>
Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

**Tarrant County Bar Association Lawyer Referral
Service:** 817-336-4101 (\$20 for the first 30 minutes)



