



Appeals+ The Right Addition to Your Trial Team

## [What Is Required to Perfect Appeal?](#)

Posted on October 14, 2008 by [D. Todd Smith](#)

This is the third installment of my series entitled "[20 Questions About Texas Appellate Practice.](#)" The question answered here is: "What is required to perfect appeal?" Visit the original post (linked above) for the list of questions updated with links to their respective answers.

In Texas, an appeal is perfected by filing a notice of appeal. Timely filing is jurisdictional, but jurisdiction attaches so long as the appellant files an instrument representing a bona fide attempt to appeal. No bond is required.

The notice of appeal must be in writing and filed with the trial court clerk. A copy should be sent to the appellate clerk along with the docketing fee. An original notice mistakenly filed with appellate clerk is deemed to have been filed that day with the trial court clerk. The appellant must serve the notice on all parties to the trial court's judgment or appealable order.

The notice must contain: (1) the identity of the trial court and style and cause number of the case; (2) the date of the order being appealed; (3) a statement that the party filing the notice desires to appeal; (4) the identity of the court to which the appeal is taken; and (5) the name of each party filing the notice. In accelerated appeals, the notice must also state that the appeal is accelerated.

Any party who wants to alter the trial court's judgment must file its own notice of appeal. But an appellee need not file its own notice of appeal to request an equal or lesser judgment based on an independent ground of recovery or defense or to assail the jury's findings when the trial court granted judgment notwithstanding the verdict.

In appeals from jury trials, a notice of appeal must be filed within 30 days after the judgment was signed unless a party filed certain kinds of post-judgment motions (usually a motion for new trial, to disregard jury findings, or for JNOV) within that same period. If the proper post-judgment motion has been filed, or in some circumstances, if a request for findings of fact and conclusions of law was made within 20 days, the notice of appeal will be due 90 days after the judgment was signed.

For an interlocutory appeal, the appellant must file its notice within 20 days after the order was signed. Post-judgment motions/requests do not extend this date.

A premature notice of appeal is deemed filed immediately after the trial court signs the judgment or order being appealed. If the order at issue is interlocutory, the notice is deemed filed immediately after the ruling is made final and appealable.

The court of appeals may grant the appellant an extension of time to file its notice of appeal under certain circumstances.