

THE GREENBOOK: TEXAS RULES OF FORM



Texas Rules of Form

The Greenbook

Fifteenth Edition

PUBLISHED BY THE
Texas Law Review



THURGOOD MARSHALL SCHOOL OF LAW LIBRARY
SPRING 2025

Who uses
**The
Greenbook?**

**PRACTICING
LAWYERS.**



WHY LEARN THE GREENBOOK?

- ❖ Hired for a clerkship in Texas?
- ❖ Practicing Law in Texas?

You need to know how to use this book because You **CANNOT** cite Texas cases adequately without it!!

Many states have style guides and/or rules. Look at BT2 in **The Bluebook** to see if your jurisdiction has a style guide. If it does, take the time to look it over.



WHAT THIS LECTURE COVERS:

Part One

- Texas Judicial System Structure
- Petition, Writ, & Subsequent History

Part Two

- Greenbook Organization
- Texas Citation Structure
- Court of Decision
- Typeface for Texas Case Citation

THE GREENBOOK PART 1

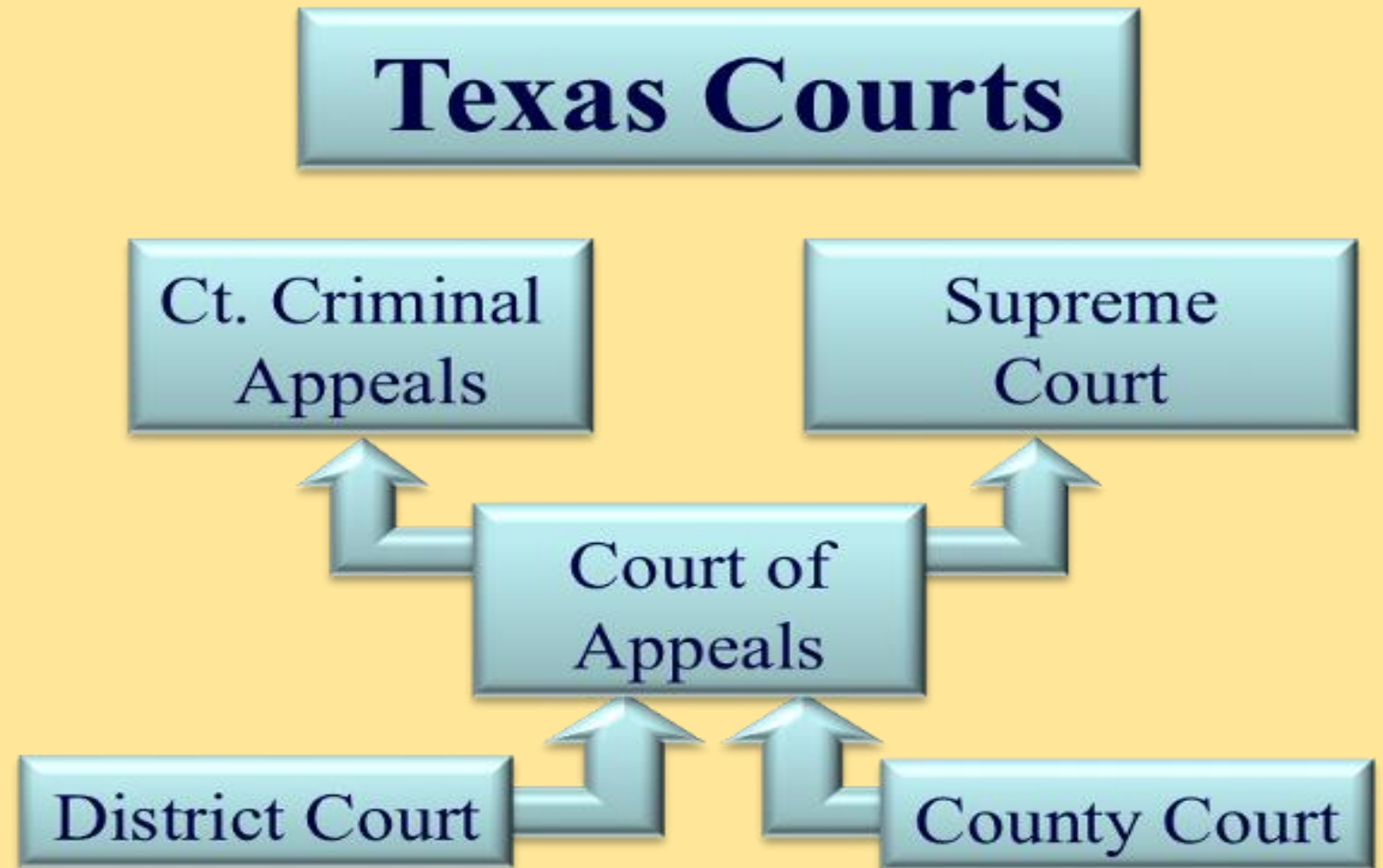
TEXAS COURT STRUCTURE & PETITION, WRIT, SUBSEQUENT HISTORY



Notice the 2
Supreme
Courts: 1 for
Civil Appeals
and 1 for
Criminal
Appeals



TEXAS COURT STRUCTURE



These slides will try to be precise in using the terms “petition history” and “subsequent history,” but know a lot of sources use them interchangeably.



PETITION, WRIT, & SUBSEQUENT HISTORY

- ❖ Currently, after a decision by **Texas Courts of Appeal**, parties can **petition** either Texas Supreme Court (Tex.) or Texas Court of Criminal Appeals (Tex. Crim. App.) for review of the decision – whether they do so and what the higher court does with it is what petition/writ history is all about.
- ❖ The Greenbook requires you to include information in your citation about these petitions or writ histories.



TEXAS COURT STRUCTURE

ADD SUBSEQUENT
HISTORY WHEN CASES
ARE APPEALED TO
SCOTUS

ADD PETITION OR
WRIT HISTORY!!!

SUPREME COURT
OF TEXAS

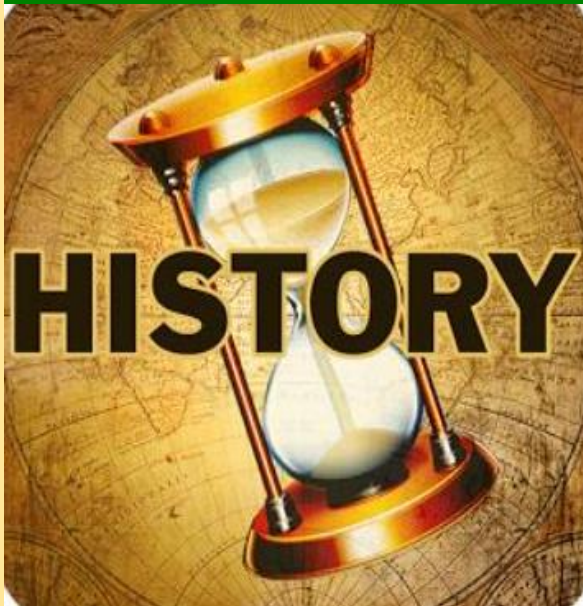
TEXAS COURT OF
CRIMINAL APPEALS

WRITS OR PETITIONS

TEXAS COURTS OF APPEAL

TRIAL
COURTS

Remember,
whether the
highest courts
hear an appeal
is completely
up to them.



PETITION & WRIT HISTORY

- Petition and Writ history is **only** used with cases from the **Texas Courts of Appeal**.
- You **always** include the petition or writ history **unless** it is superseded by subsequent history.
- Petition and writ history goes **inside** the first parenthetical, after the date (and a comma).
- Depending on the **date** of your case and the **court to which any appeal petition or writ would have been filed**, select the appropriate abbreviation from Appendixes D – F.

“Writ” is an old word in the law meaning a command from the sovereign or the courts.

Here it is short for “Writ of Error” and is used as the way to appeal.

...
WRIT OF HABEAS CORPUS

No Freeman shall be taken or imprisoned,
or be disseized of his Freehold,
or Liberties,
or free Customs,
or be outlawed,
or exiled,
or any other wise destroyed;
nor will We not pass upon him,
nor condemn him, but by lawful judgment
of his Peers, or by the Law of the land.

...
Case of: Civil Liberties vs Crime Against Liberty

THE SEVERAL OPINIONS DELIVERED;

PETITION v. WRIT HISTORY (cont.)

- ❖ For the Texas Courts of Appeals:
 - ❖ Before Sept 1, 1997: **writ history** – Greenbook Appendix E
 - ❖ Sept 1, 1997 to present: **petition history** – Greenbook Appendix D

Know the difference between:

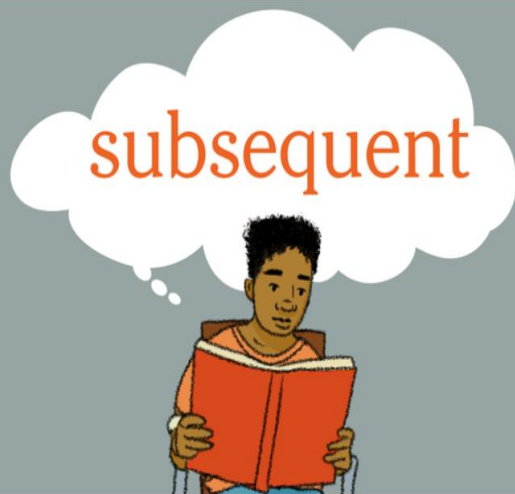
- ❖ no pet. h. (an appeal has not been filed, but still time) (45 days)
- ❖ no pet. (an appeal has not been filed, and time has expired – it’s too late to file)
- ❖ For appeals to the Court of Criminal Appeals: **petition history** only – Appendix F

Denials of certiorari by SCOTUS should be omitted for opinions over 2 years old.

See Texas Greenbook Rules: 2.2 & 3.2 & 4.6

WHAT IS SUBSEQUENT HISTORY?

- ❖ **Subsequent History** is a **decision** made about your case by another, usually higher, court (compared to the **request** for review that is the petition/writ history).
- ❖ In Texas, **Subsequent History** includes dispositions from the Supreme Court of the United States when appeals are made from
 - ❖ The Texas Supreme Court and
 - ❖ The Texas Court of Criminal Appeals
- ❖ The **Subsequent History** also includes the disposition of a case when the Texas Supreme Court or the Texas Court of Criminal Appeals decides to hear a Texas Court of Appeals Case.



THE GREENBOOK PART 2

CITING TEXAS CASES



TEXAS COURTHOUSES

ELLIS COUNTY, LEE COUNTY, HARRISON COUNTY, DALLAS COUNTY

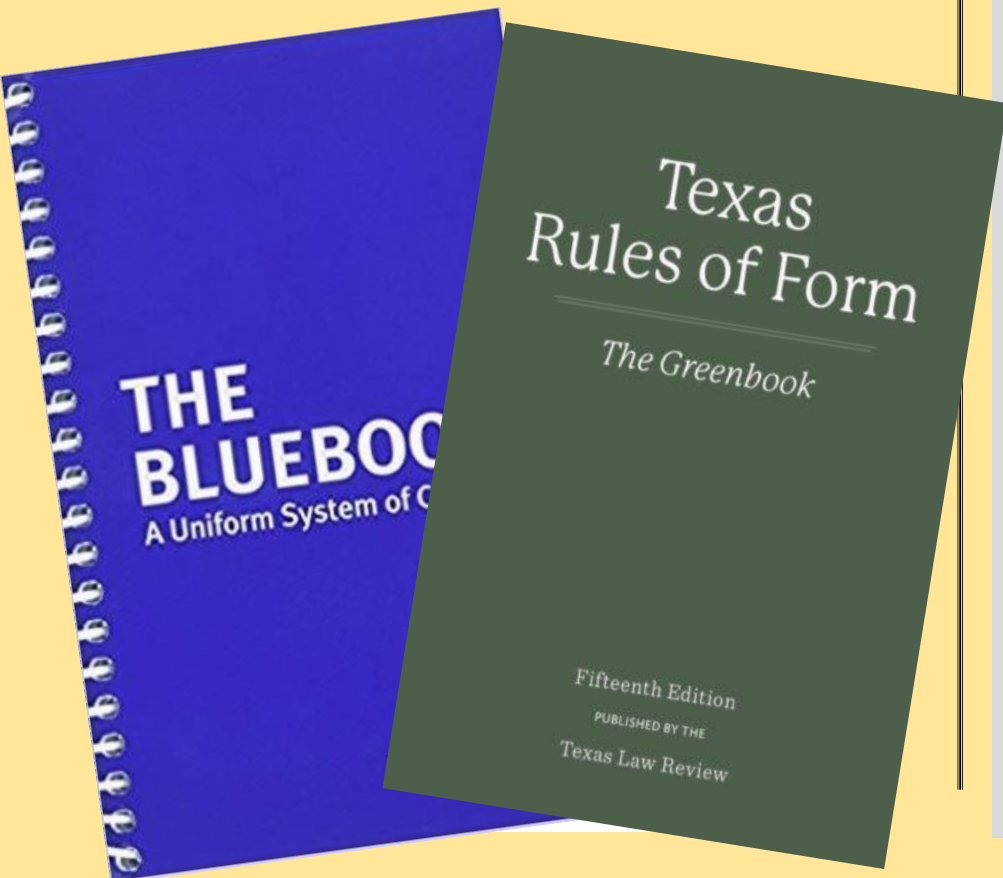
Use The
Greenbook
whenever
preparing
documents for
Texas State
Courts!



WHAT **IS** THE GREENBOOK?

- The **Official** Texas Rules of Citation;
- A **Supplement** to **The Bluebook**;
- Targeted at **practitioners** (no law review formats); and
- Written by **Texas Law Review** at UT Law School.

The Greenbook v. The Bluebook



And the Rules are.....

- Basic rules of form are found in *The Bluebook*.
- *The Greenbook* is a supplement to *The Bluebook* to address citation rules unique to Texas.
- If there is a conflict, *The Greenbook* preempts *The Bluebook* when citing to Texas authorities.

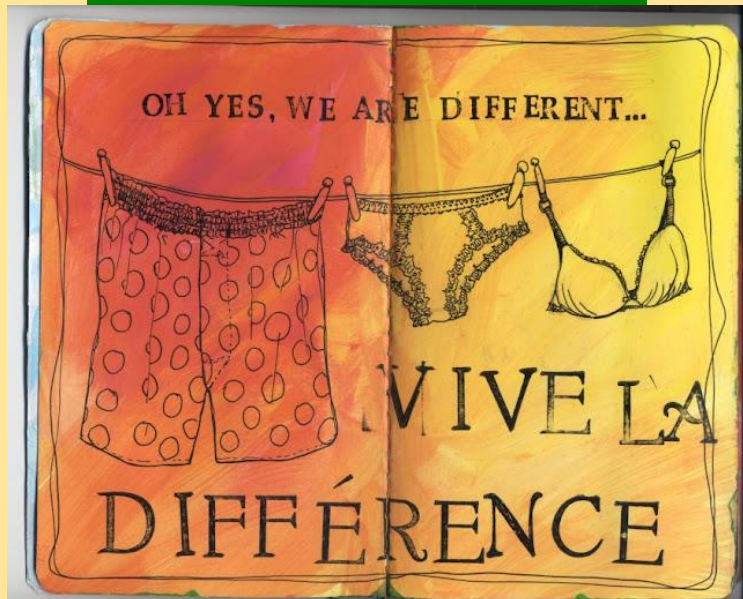
GREENBOOK CHANGES

from the 14th to the 15th ed.
(every 3-4 years a new edition is published)

A complete list of changes is found on page 1 of the Greenbook.

CHANGES:

- The Greenbook editors have included updated information on locating petition history information on Lexis/Westlaw. See Rule 4.6.
- Sections of the The Greenbook have been updated to reflect any changes contained in the latest edition of the Bluebook.
- Throughout the The Greenbook, citation examples have been updated and replaced.



The remaining chapters cover:

- Trial Courts
- Constitution
- Statutes
- Rules
- Adm. Materials
- Legislative Hist.
- Books



GREENBOOK ORGANIZATION

- Inside the front cover is a chapter by chapter synopsis of *The Greenbook* contents with citation examples (like *The Bluebook* inside front cover).

- Inside the back cover is a list of the writ and petition designations.

- **Chapter 1:** Typeface Conventions
- **Chapter 2:** Texas Supreme Court
- **Chapter 3:** Texas Court of Criminal Appeals
- **Chapter 4:** Courts of Appeals
- Appendices in the back

The biggest difference for citing Texas state cases and cases from other states comes from having to include petition or writ history in your parenthetical.



It's all in the details. Pay attention to format. Every detail is important.

BLUEBOOK CITATION STRUCTURE

KNOW THE CITATION STRUCTURE:

Case Name, **Volume #** **Abbreviation for Reporter** **First Page**, **Pinpoint Page**
(**Court/Jurisdiction** **Year of Decision**).

CASE CITATION EXAMPLE:

Sun v. Ray, **410** **S.W.2d** **113**, **116** (**Tenn. Ct. App.** **1993**).

Why isn't there writ or petition history in the second example?

Because there is subsequent history.

TEXAS CITATION STRUCTURE

Case Name, Volume # Abbreviation for Reporter Page Information
(**Court/Jurisdiction** Decision Year, **Petition or Writ History**),
Subsequent History.

CASE CITATION EXAMPLES:

Hix v. Robertson, 211 S.W.3d 423, 426 (**Tex. App.—Waco** 2006, **pet. denied**).

Dep't of Pub. Safety v. Chat, 681 S.W.2d 211, 214 (**Tex. App.—Houston [14th Dist.]** 1984), **rev'd**, 687 S.W.2d 727 (**Tex.** 1985).

KNOW YOUR DASHES

THE HYPHEN, EN DASH AND EM DASH

		for	eg
HYPHEN	—	short	intimately related concepts
EN DASH	—	med	concepts related by distance
EM DASH	—	long	Adding a new thought, like ()
			Love it — but then I always do

Em dash:

In Word, you make it by placing a -- between two words with no spaces. When you space after the second word, the -- should become —.

Abbreviating the Court of Decision

SUPREME COURT OF TEXAS
(Tex.)

TEXAS COURT OF CRIMINAL
APPEALS
(Tex. Crim. App.)

TEXAS COURTS OF APPEALS
(Tex. App.—Waco)

TRIAL COURTS

ADD AN EM-DASH & THE CITY



CITING THE TEXAS SUPREME COURT AND TEXAS COURT OF CRIMINAL APPEALS

<u>Date</u>		<u>Citation</u>
Before 1962	Texas Court of Criminal Appeals	See Rule 3.3 on page 13 and Appendix A on page 98.
	Texas Supreme Court	See Rule 2.3 on page 9 and Appendix A on page 98.
After 1962	Texas Court of Criminal Appeals	<i>Jones v. State</i> , 924 S.W.2d 711, 713 (Tex. Crim. App. 1996).
	Texas Supreme Court	<i>Wilson v. Stevens</i> , 249 S.W.2d 509, 512 (Tex. 1965).

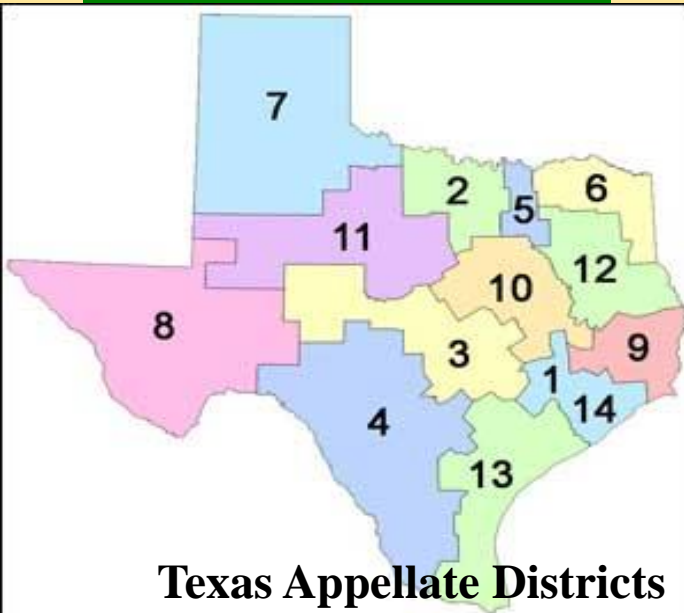


CITING THE TEXAS COURTS OF APPEALS



Fourteenth Court of Appeals

301 Fannin, Suite 245
Houston, Texas 77002



Texas Appellate Districts

<u>Date</u>	<u>Citation</u>
Cases before 1911	For cases from 1876 to 1892, see Appendix B. For cases 1892 to 1911, see Rule 4.2
1911 to Present	<i>Cooper v. Dep't of Human Res.</i> , 591 S.W.2d 807, 810 (Tex. App.—Austin 1958, writ ref'd n.r.e.).



The Bluebook T1.3 (Texas) & Greenbook Chapter 4

Don't forget to include the petition or writ history on all Texas Courts of Appeal cases.

For Cases
before 1911,
use Appendix
J to match
the judge's
name to the
district



TEXAS COURT OF APPEALS CITIES



1. Houston [1st Dist.]
2. Fort Worth
3. Austin
4. San Antonio
5. Dallas
6. Texarkana
7. Amarillo
8. El Paso
9. Beaumont
10. Waco
11. Eastland
12. Corpus Christi
13. Tyler
14. Houston [14th Dist.]

- Never abbreviate Fort Worth
- The First District used to sit in Galveston long ago and should be labeled "Galveston" for those old cases heard there.

Dispositions by
SCOTUS are
always included
in addition to writ
or petition history
unless it is denial
of certiorari for
cases more than
2 years old



CITING SUBSEQUENT HISTORY

- ❖ These are **decisions** made after the higher court accepts the petition or writ (or the **published** decision not to accept the petition or writ).
- ❖ Goes **outside** the parenthetical in *italics*. (Bluebook Rule 10.7)
- ❖ For Tex. App. Cases, provide dispositions by Texas Supreme Court or Texas Court of Criminal Appeals **instead** of writ or petition history. If they are the same year, omit the first date:

City of Houston v. Proler, 373 S.W.3d 748, 751 (Tex. App.—Houston [14th Dist.] 2012), *aff'd in part, rev'd in part*, *City of Houston v. Proler*, 437 S.W.3d 529 (Tex. 2014).

Lexis

Westlaw

ALERT:

HOW DO I FIND THE PETITION OR WRIT HISTORY?

Lexis lists Subsequent History on the main page of your case.

Westlaw doesn't list subsequent history on the main page. Click on the history section of the KeyCite tabs. Look at the graphical view - history is listed in the box.

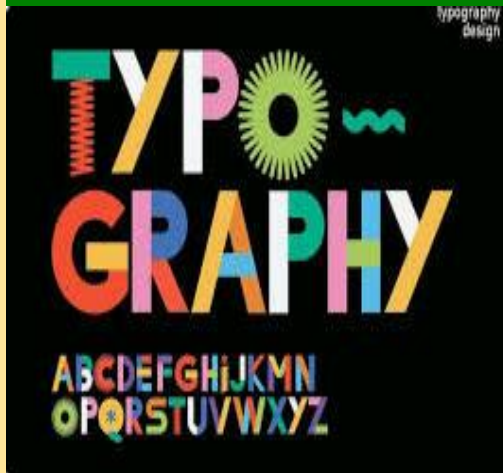
EX: Jones v. Beech Aircraft Corp., 955 S.W.2d 767, 769 (Tex. App.— San Antonio 1999, pet. dismissed w.o.j.).

The image displays two side-by-side screenshots of legal research interfaces, Lexis and Westlaw, illustrating how to find case history.

Lexis Screenshot (Left): The main page for **Jones v. Beech Aircraft Corp., 995 S.W.2d 767**. The "Subsequent History" section is circled in red, showing: "Petition for Review Dismissed For Want of Jurisdiction December 9, 1999. Petition for review dismissed for want of jurisdiction by, 12/09/1999. Mandamus filed, 01/28/2000. Appeal after remand at, Sub nomine at Jones v. Raytheon Aircraft Servs., Inc., 2003 Tex. App. LEXIS 6905 (Tex. App. San Antonio, Aug. 13, 2003)".

Westlaw Screenshot (Right): The main page for **Jones v. Beech Aircraft Corp.** The "KeyCite" tabs at the bottom are circled in red, with the "History (2)" tab selected. The "Direct History (2)" section is also circled in red, showing a list of subsequent cases, including **Jones v. Beech Aircraft Corp.** and **Jones v. Raytheon Aircraft Services, Inc.**

Note the example of a case with both petition history and SCOTUS subsequent history.



TYPEFACE FOR TEXAS CASE CITATIONS

- *Case names and procedural phrases are italicized* (just like in The Bluebook).
- Jurisdictional info, writ & petition history are Roman Typeface
- *Subsequent History is italicized*
- **EX:** *Hamilton v. Rivers*, 880 S.W.3d 239, 241 (Tex. App.—Waco 2021, pet. denied), *cert. denied*, 301 U.S. 920 (2022).

CHECKLIST FOR TEXAS COURTS OF APPEALS CASES

This checklist
is for your
reference
later!



- ☐ Is your case a Courts of Appeals case from Texas? If not, you don't need *Texas Rules of Form*, use *The Bluebook*.
- ☐ Have you identified the city in which the court is located, being sure to leave no spaces before or after the separating em dash?
 - ☐ If you have a Houston case, have you identified the district in brackets?
- ☐ Cases before 9/1/97 have Writ History. Cases after 9/1/97 have Petition History.
- ☐ Have you looked up the case in Shepard's or KeyCite?
 - ☐ If you did not find a notation, has the time expired for filing a request for review?
 - ☐ If yes, use the notation "no pet."
 - ☐ If no, use the notation "no pet. h."
 - ☐ If you found a history notation:
 - ☐ Make sure you use the appropriate abbreviation from Rule 4.4.1, 4.4.2, or 4.5?
 - ☐ Did you place the history notation italicized within the parenthetical?
 - ☐ If you found a citation to another case:
 - ☐ If it was an opinion explaining why the court granted or refused the request for review, have you used the appropriate abbreviation from Rule 4.4.1, 4.4.2, or 4.5?
 - ☐ If it was an opinion issued after the court granted review and heard the case, have you appropriately noted the subsequent history according to Rule 10.7 and T.8 of *The Bluebook*?
 - ☐ Did you place the history notation outside the court and date parenthetical and italicize it?

IMPORTANT GREENBOOK PAGES

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4.3.1 COURTS OF APPEALS

4.3 Cities

4.3.1 General Rules

A complete court of appeals citation must include a reference to the city in which the particular court sits. The cities in which the courts of appeals are located are (by district number):

- | | |
|--|-----------------------------|
| 1. Houston [1st Dist.]
(formerly Galveston) | 8. El Paso |
| 2. Fort Worth | 9. Beaumont |
| 3. Austin | 10. Waco |
| 4. San Antonio | 11. Eastland |
| 5. Dallas | 12. Tyler |
| 6. Texarkana | 13. Corpus Christi–Edinburg |
| 7. Amarillo | 14. Houston [14th Dist.] |

In the parenthetical of a court of appeals citation, the city is *never* abbreviated, contrary to *The Bluebook* Table T10.1. Note especially that “Fort Worth” is not abbreviated. Note as well that Corpus Christi–Edinburg is connected with an en dash, not a hyphen.

4.3.2 The Houston and Galveston Courts of Appeals — Special Rules

Citation to decisions of the Houston courts of appeals after the creation of the Fourteenth District in 1967 must include a bracketed reference to the district number. Citations to opinions from the old Galveston Court of Civil Appeals should include “Galveston” in the parenthetical:

Abella v. Knight Oil Tools, 945 S.W.2d 847, 849 (Tex. App. — Houston [1st Dist.] 1997, no writ).

Hoppes v. Williams, 213 S.W. 328, 329 (Tex. App. — Galveston 1919, no writ).

4.3.3 South Western Reporter — Cases Before 1912

Before 1912, the *South Western Reporter* did not provide the city (district) in which the particular court of civil appeals that decided the case was located. To determine the city for citation, consult **Appendix J** and match the last name of the judge with the appropriate city.

Civil Cases — Petition and Writ History

[4.3.3

4.4 Civil Cases — Petition and Writ History

Unless a subsequent history is cited per **Rule 4.6**, a complete court of appeals citation for civil cases *must* include a notation showing the Texas Supreme Court’s disposition of the particular case.

Petition History. For cases in which the petition was filed on or after September 1, 1997, use the petition history per **Rule 4.4.1**.

Writ History. For cases in which the writ was filed before September 1, 1997, use the writ history per **Rule 4.4.2**.

Petition/Writ History as Subsequent History. Where the Texas Supreme Court or the Court of Criminal Appeals publishes an opinion explaining its reasoning in acting on a petition for review, such a decision *must* be cited as subsequent history per **Rule 4.6.1(b)**.

► Practice Tip

Locating Petition & Writ History Information

West’s *Texas Subsequent History Table* was a cumulative list of the petition and writ history of every published Texas case. It was discontinued after October 2014. If your case predates October 2012 and you have access to the final edition or a law library carrying one, we suggest looking there. For more recent cases, check the commercial databases discussed below or review a court’s weekly orders on the Texas Judicial Branch’s website at www.txcourts.gov.

Petition status and history is often available electronically through LEXIS or Westlaw. On **Westlaw**, the subsequent history can be accessed by clicking on the “Full History” link for the case; on **WestlawNext**, under the “History” tab. (Note that Westlaw uses the phrase “review denied” instead of “petition for review denied.”) On **LEXIS**, this information is available at the top of the opinion next to “Subsequent History”; on **Lexis Advance**, click the “Shepardize®” button just below the open tabs.

IMPORTANT GREENBOOK PAGES

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<p>4.4.1] COURTS OF APPEALS</p> <p>Texas Courts Online provides information on petition and writ dispositions on its website, www.search.txcourts.gov. This information can be located by searching the case number for the relevant court.</p> <p>Recent filings of petition applications and recent petition dispositions can also be found in the advance sheets of the <i>Texas Supreme Court Journal</i>, but they are not cumulative.</p> <p>4.4.1 Petition History (On or After September 1, 1997)</p> <p>Use these forms of citation to describe the status of a petition for review:</p> <table><tbody><tr><td>1. no pet. h.</td><td>9. pet. struck</td></tr><tr><td>2. no pet.</td><td>10. pet. dism'd</td></tr><tr><td>3. pet. filed</td><td>11. pet. granted, judgm't</td></tr><tr><td>4. pet. dism'd by agr.</td><td>vacated w.r.m.</td></tr><tr><td>5. pet. withdrawn</td><td>12. pet. granted</td></tr><tr><td>6. pet. dism'd w.o.j.</td><td>13. pet. abated</td></tr><tr><td>7. pet. denied</td><td>14. pet. pending</td></tr><tr><td>8. pet. ref'd</td><td></td></tr></tbody></table> <p>For an explanation and table of the appropriate abbreviations (and relevant caveats) for notations on petition history see Appendix D.</p> <p>► Practice Tip</p> <p>When to use “no pet. h.” versus “no pet.”</p> <p>If no motion for rehearing is timely filed with the appeals court, parties have 45 days after the entry of judgment to file a petition with the Texas Supreme Court. If a motion for rehearing is timely filed, parties have 45 days after the appeals court's last ruling to file a petition with the Texas Supreme Court.</p> <p>The “no pet. h.” designation is used when the time for filing a petition for review with the Texas Supreme Court has not yet passed. The “no pet.” designation is used when the deadline for filing a petition for review has passed and none was filed.</p> <p>22</p>	1. no pet. h.	9. pet. struck	2. no pet.	10. pet. dism'd	3. pet. filed	11. pet. granted, judgm't	4. pet. dism'd by agr.	vacated w.r.m.	5. pet. withdrawn	12. pet. granted	6. pet. dism'd w.o.j.	13. pet. abated	7. pet. denied	14. pet. pending	8. pet. ref'd		<p>Criminal Cases — Petition History [4.4.2</p> <p>4.4.2 Writ History (Before September 1, 1997)</p> <p>Use the following forms of citation to describe the status of an application for writ of error:</p> <table><tbody><tr><td>1. no writ</td><td>7. writ ref'd n.r.e.</td></tr><tr><td>2. writ dism'd by agr.</td><td>8. writ denied</td></tr><tr><td>3. writ dism'd</td><td>9. writ ref'd</td></tr><tr><td>4. writ dism'd w.o.j.</td><td>10. writ granted w.r.m. cor.</td></tr><tr><td>5. writ dism'd judgm't</td><td>11. writ granted</td></tr><tr><td>6. writ ref'd w.o.m.</td><td></td></tr></tbody></table> <p>For an explanation and table of the appropriate abbreviations (and relevant caveats) for notations on writ history see Appendix E.</p> <p>4.5 Criminal Cases — Petition History</p> <p>Unless a subsequent history designation is appropriate under Rule 4.6, a complete citation for intermediate criminal cases <i>must</i> include the history of the petition for review indicating how the Texas Court of Criminal Appeals has disposed of the case cited.</p> <p>Petition History as Subsequent History. Where the Court of Criminal Appeals publishes an opinion explaining its reasons for dismissing a petition as improvidently granted or for otherwise refusing a petition for review, the opinion should be cited as subsequent history per Rule 4.6.1(b).</p> <p>► Practice Tip</p> <p>Locating Petition History Information</p> <p>West's <i>Texas Subsequent History Table</i> was a cumulative list of the petition and writ history of every published Texas case. It was discontinued after October 2014. If your case predates October 2012 and you have access to the final edition or a law library carrying one, we suggest looking there. For more recent cases, check the commercial databases discussed below or review a court's weekly orders on the Texas Judicial Branch's website at www.txcourts.gov.</p> <p>23</p>	1. no writ	7. writ ref'd n.r.e.	2. writ dism'd by agr.	8. writ denied	3. writ dism'd	9. writ ref'd	4. writ dism'd w.o.j.	10. writ granted w.r.m. cor.	5. writ dism'd judgm't	11. writ granted	6. writ ref'd w.o.m.	
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<p>4.4.2] COURTS OF APPEALS</p> <p>Petition status and history is often available electronically through LEXIS or Westlaw. On Westlaw, the subsequent history can be accessed by clicking on the “Full History” link for the case; on WestlawNext, under the “History” tab. (Note that Westlaw uses the phrase “review denied” instead of “petition for review denied.”) On LEXIS, this information is available at the top of the opinion next to “Subsequent History”; on Lexis Advance, click the “Shepardize®” button just below the open tabs.</p> <p>Texas Courts Online provides information on petition and writ dispositions on its website, www.search.txcourts.gov. This information can be located by searching the case number for the relevant court.</p> <p>Use the following designations:</p> <table><tbody><tr><td>1. no pet. h.</td><td>5. pet. ref’d, untimely filed</td></tr><tr><td>2. no pet.</td><td>6. pet. ref’d</td></tr><tr><td>3. pet. filed</td><td>7. pet. granted</td></tr><tr><td>4. pet. dismissed</td><td>8. rev. granted, without pet.</td></tr></tbody></table> <p>► Practice Tip</p> <p>When to use “no pet. h.” versus “no pet.”</p> <p>A criminal defendant generally has 30 days after the day judgment was entered by the court of appeals, or the day the last timely motion for rehearing was overruled, in which to petition the Texas Court of Criminal Appeals for review.</p> <p>The “no pet. h.” designation is used when the time for filing a petition for review with the Texas Court of Criminal Appeals has not yet passed. The “no pet.” designation is used when the deadline for filing a petition for review has passed and none was filed.</p> <p>For an explanation and table of the appropriate abbreviations (and relevant caveats) for notations on petition history for the Court of Criminal Appeals see Appendix F.</p> <p>24</p>	1. no pet. h.	5. pet. ref’d, untimely filed	2. no pet.	6. pet. ref’d	3. pet. filed	7. pet. granted	4. pet. dismissed	8. rev. granted, without pet.	<p>Subsequent History—State Courts [4.6.1]</p> <p>4.5.1 Writs of Habeas Corpus and Prohibition</p> <p>When citing a case in which an application for either a writ of habeas corpus or a writ of prohibition has been made, the citation will refer to the subsequent disposition only if the disposition is relevant to the proposition for which the case is cited. Cite the subsequent disposition according to Rule 4.6:</p> <p><i>Massoth v. State</i>, No. 14-03-00605-CR, 2004 WL 1381027, at *1 (Tex. App.—Houston [14th Dist.] June 22, 2004, pet. ref’d) (mem. op., not designated for publication), <i>habeas corpus granted in part sub nom. Ex parte Massoth</i>, No. AP-75215, 2005 WL 1774115, at *1 (Tex. Crim. App. July 27, 2005) (per curiam) (not designated for publication).</p> <p>4.6 Subsequent History</p> <p>4.6.1 Subsequent History—State Courts</p> <p>(a) General Rule. The subsequent history of a court of appeals case is given for any disposition by the Texas Supreme Court after granting a petition or writ, or by the Texas Court of Criminal Appeals after granting a petition (or after review on its own motion). See The Bluebook Rule 10.7 and Table T8 for a partial list of phrases used in describing subsequent histories.</p> <p>The year of the lower court’s decision should appear only if it differs from the year of the higher court’s decision:</p> <p><i>RepublicBank Dallas, N.A. v. Interkal, Inc.</i>, 677 S.W.2d 759, 762 (Tex. App.—Dallas 1984), <i>rev’d on other grounds</i>, 691 S.W.2d 605, 607 (Tex. 1985).</p> <p><i>Brinegar v. Porterfield</i>, 705 S.W.2d 236, 241 (Tex. App.—Texarkana), <i>aff’d</i>, 719 S.W.2d 558, 560 (Tex. 1986).</p> <p>(b) Petition/Writ History as Subsequent History. When either the Texas Supreme Court or Court of Criminal Appeals has given a reason for granting or refusing a request for review, include that information as subsequent history rather than designating it as petition or writ history.</p> <p>25</p>
1. no pet. h.	5. pet. ref’d, untimely filed								
2. no pet.	6. pet. ref’d								
3. pet. filed	7. pet. granted								
4. pet. dismissed	8. rev. granted, without pet.								

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4.6.2] COURTS OF APPEALS

The year of the lower court's decision ought to appear only if it differs from the year of the higher court's decision:

Cockerham v. State, 703 S.W.2d 334 (Tex. App.—Corpus Christi 1985), *pet. dism'd, improvidently granted*, 729 S.W.2d 742 (Tex. Crim. App. 1987).

Weaver v. Westchester Fire Ins. Co., 730 S.W.2d 834 (Tex. App.—Waco), *writ ref'd*, 739 S.W.2d 23 (Tex. 1987) (per curiam).

4.6.2 Subsequent History—Supreme Court of the United States

A disposition by the Supreme Court of the United States is given in addition to writ or petition history.

The year of the lower court's decision ought to appear only if it differs from the year of the higher court's decision:

In re Baby Girl S., 628 S.W.2d 261, 262 (Tex. App.—Eastland 1982, writ ref'd n.r.e.), *vacated sub nom. Kirkpatrick v. Christian Homes, Inc.*, 460 U.S. 1074, 1075 (1983).

4.6.3 Other Subsequent History

Omit the history of a case on remand, any denial of rehearing, and, in a case over two years old, any denial of certiorari, unless the subsequent history is relevant to the point for which the case is cited.

4.7 Interlocutory Orders

4.7.1 Basic Citation Form

A citation to a civil case in which the court of appeals publishes an opinion in support of an order follows Rule 4.1 or Rule 4.2, as appropriate, but must include the notation "order" within the parenthetical, immediately following the year:

Sheerin v. Exxon Corp., 923 S.W.2d 52 (Tex. App.—Houston [1st Dist.] 1995, order).

Subsequent Opinion on the Merits

[4.7.2

4.7.2 Subsequent Opinion on the Merits

If the court of appeals publishes an opinion on the merits after final judgment in the same case as the order cited, then the opinion on the merits **must be included** as subsequent history:

Coronado v. State, 996 S.W.2d 283, 285 (Tex. App.—Waco 1999, order) (per curiam), *disp. on merits*, 25 S.W.3d 806, 811 (Tex. App.—Waco 2000, *pet. ref'd*).

Burrhus v. M & S Mach. & Supply Co., 897 S.W.2d 871, 872 (Tex. App.—San Antonio 1995, order), *disp. on merits sub nom. Burrhus v. M&S Supply, Inc.*, 933 S.W.2d 635, 637 (Tex. App.—San Antonio 1996, writ denied).

For next
class, work
on the
citation
worksheet!



**ANY
QUESTIONS?**