

Ryan Pitts in Houston Bar Association's Appellate Lawyer: 'The Timing of Record Supplements on Appeal'

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PRACTICES Appellate

[Ryan Pitts](#), an associate in Haynes Boone's Appellate Practice, authored an article in *Appellate Lawyer*. Read an excerpt below.

The record provides the raw material of an appeal; it is the closed universe in which appellate practitioners work. The Texas courts of appeal, after all, do not consider matters outside the record on appeal. That's old hat. The record is important, critically so. And, so, we are all well-acquainted with the appellate record's preparation. The clerk and reporter—by rule and request—assemble the papers and transcripts, combine them, file them, number them, and so on. Their contents turn on rule and the parties' designations. You know all that. But what about supplementing the record, say, with relevant but missing materials, after an appeal has progressed from its early administrative stages and into the merits? Can a party do that in Texas appellate courts?

Yes, indeed, one can. But supplements face more searching scrutiny the later they come in an appeal, especially after submission and decision. This article explores how and when an appellate practitioner may supplement the record. It also touches on the proper contents of a supplement but without trudging deeply into that briar patch. (Because that's its own article.)

Excerpted from *Appellate Lawyer*. To read the full article, click [here](#).