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## [Extensions of Time in the Fifth Circuit](#)

Posted on May 4, 2009 by [D. Todd Smith](#)

Let's be honest. Most state-court appellate practitioners find the Fifth Circuit a little byzantine. But one thing the Fifth Circuit does right is allow the clerk's office to grant short unopposed briefing extensions—up to 15 days—over the telephone. The circuit court has even done away with the requirement that the requesting counsel send a confirmation letter to the clerk, with a copy to all parties.

Briefing extensions are pretty easy to come by in state appellate courts, but they're not just a phone call away. I can think of one or two other federal rules that the Texas Supreme Court ought to consider emulating when considering future rules changes. For example, why not adopt some variation of FRAP 28.1 to deal with cross-appeals?