

DISMISS and Opinion Filed December 21, 2016



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-16-00752-CV

IN THE INTEREST OF S.A.W., A CHILD

**On Appeal from the 303rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. DF-11-15911**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Lang-Miers, and Justice Stoddart
Opinion by Chief Justice Wright

Appellant appeals from the May 25, 2016 order dismissing her motion to disqualify counsel for appellee. In her docketing statement, appellant questioned whether the trial court's order was appealable because of the pending motion to enforce the divorce decree. She subsequently filed a motion asking this Court to abate the appeal to allow the trial court to rule on a pending motion to sever that awaited a hearing. She did not provide a date for the hearing. We denied the motion. After the clerk's record was filed and the Court reviewed it, we instructed the parties to file letter briefs addressing this Court's jurisdiction.

Generally, this Court has jurisdiction only over appeals from final judgments and certain interlocutory orders as permitted by statute. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). A final judgment is one that disposes of all pending parties and claims. *See id.* An interlocutory order denying a motion to disqualify counsel is reviewable only on appeal from

a final judgment. *See Nat'l W. Life Ins. Co. v. Walters*, 663 S.W.2d 125, 126 (Tex. App.—Austin 1983, no writ).

In her jurisdictional brief, appellant argues, without citing any authority, that the May 25th order is appealable as it resolved a discrete issue separate from the claims pending in the enforcement action. The appealed order resolves appellant's motion to disqualify counsel. Such an order is not reviewable by interlocutory appeal. *See Nat'l W. Life Ins.*, 663 S.W.2d at 126.

Because an order denying a motion for disqualification of counsel is not reviewable until final judgment and the claims in the motion for enforcement of the divorce decree remain pending, this Court lacks jurisdiction over the appeal of the May 25th interlocutory order. *See Nat'l W. Life Ins.*, 663 S.W.2d at 126; *Lehmann*, 39 S.W.3d at 195. Accordingly, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a).

/Carolyn Wright/
CAROLYN WRIGHT
CHIEF JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

IN THE INTEREST OF S.A.W., A CHILD

No. 05-16-00752-CV

On Appeal from the 303rd Judicial District
Court, Dallas County, Texas
Trial Court Cause No. DF-11-15911.
Opinion delivered by Chief Justice Wright.
Justices Lang-Miers and Stoddart
participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED**.

It is **ORDERED** that appellee Peggy Pasquini recover her costs of this appeal from appellant Sarah Pollan White.

Judgment entered December 21, 2016.