

**DISMISS and Opinion Filed December 27, 2018**



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

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**No. 05-18-00883-CV**

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**MARTHA BAILEY, Appellant  
V.  
ROBERT HASS AND CANDICE HAAS, Appellees**

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**On Appeal from the 192nd Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-17-03564**

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**MEMORANDUM OPINION**

Before Justices Francis, Evans, and Schenck  
Opinion by Justice Evans

Before the Court are appellees' December 18, 2018 "Motion[s] to Dismiss Appeal and Motion[s] to Strike Appellant's Revised Amended Brief" based on appellant's failure to file a compliant brief. Appellant appeals the trial court's order granting appellees' no evidence and traditional motion for summary judgment in this workers' compensation retaliation suit. On September 13, 2018, appellant filed a brief. By letter dated September 28, 2018, we informed appellant the brief she filed failed to comply with the requirements of Texas Rule of Appellate Procedure 38.1. *See* TEX. R. APP. P. 38.1. Specifically, the brief was deficient in that (1) it did not contain a concise statement of the case, course of proceedings, or the trial court's disposition of the case; (2) it did not concisely state all issues presented for review; (3) it did not contain a statement of facts with references to the record; (4) it did not contain a succinct, clear, and accurate

summary of the arguments made in the body of the brief; and (5) the argument did not contain appropriate citations to the record. *See id.* 38.1(d), (f), (g), (h), and (i). We provided appellant an opportunity to file an amended brief that complied with the requirements of appellate rule 38.1 within ten days and cautioned her that failure to comply might result in dismissal of the appeal without further notice. *See id.* 38.8(a)(1); 42.3 (b), (c). By order dated October 23, 2018, we granted appellant an extension to December 6, 2018. Appellant has since filed several briefs, none of which correct the noted deficiencies. We limit our review to appellant’s latest amended brief, filed December 13, 2018.

Although individuals have the right to represent themselves pro se in civil litigation, they are held to the same rules of appellate procedure that licensed attorneys are required to follow. *See Bolling v. Farmers Branch Indep. Sch. Dist.*, 315, S.W.3d 893, 895 (Tex. App.—Dallas 2010, no pet.). Appellate court judges are not responsible for “identifying possible trial court error” or for reviewing the record to find favorable facts that may support a party’s position. *Id.* Importantly, under rule 38.1(f), the court “must be able to discern what question[s] of law [it] will be answering.” *Id.* at 896. A brief fails if it does not articulate the issues to be answered by the court. *Id.* If a brief articulates the issues to be decided by the court, “then rule 38.1(i) calls for the brief to guide [the court] through the appellant’s argument with clear and understandable statements of the contentions being made.” *Id.* Under rule 38.1(i), appellant’s argument must make direct references to facts in the record and applicable legal authority. *Id.* A brief fails under rule 38.1(i) if the court must speculate or guess if references to facts or legal authority “are not made or are inaccurate, misstated, or misleading.” *Id.*

In her brief, appellant complains of events stemming from an injury she sustained from an alleged dog bite while working as a housekeeper. Appellant does not include any citations to the record to support her allegations, nor does she include any citations to any legal authority. Rather,

appellant's brief consists of two pages of her argument and forty-two pages of miscellaneous documents. Consisting of no articulated legal issues and no citations to the record or to legal authority, the brief is incomplete, leaving us to speculate or guess as to the contentions being made and whether they are meritorious. Because appellant has not provided the Court with existing legal authority that can be applied to the facts of the case, her brief fails. *See Bolling*, 315 S.W.3d at 896.

Appellant has failed to comply with the briefing requirements of our appellate rules after being given an opportunity to do so. Accordingly, we grant appellees' motions to the extent we dismiss the appeal. *See Bolling*, 315 S.W.3d at 896. We deny appellees' motions to strike appellant's amended brief.

/David Evans/  
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DAVID EVANS  
JUSTICE

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

**JUDGMENT**

MARTHA BAILEY, Appellant

No. 05-18-00883-CV      V.

ROBERT HASS AND CANDICE HAAS,  
Appellees

On Appeal from the 192nd Judicial District  
Court, Dallas County, Texas

Trial Court Cause No. DC-17-03564.

Opinion delivered by Justice Evans.

Justices Francis and Schenck participating.

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

Judgment entered December 27, 2018.