

Correcting a Clerical Error in Texas : General Steps to follow

Step 1 - Is the Judgment Final?

Find out if the court order is Final. A judgment is final when the court's order resolves all the claims (issues in dispute) for all involved parties. There is only one final judgment in a lawsuit.

Step 2 - Does the court still have the ability to change the orders?

Figure out if the court still has power to change their orders. A court loses "plenary power" when it no longer has the authority to change its own orders. A court has plenary power over its judgment until the order is final. And a judgment is final when the court's order resolves all the claims (issues in dispute) for all involved parties. There is only one final judgment in a lawsuit.

Step 3 - Review

Find the mistake in your order.

Step 4 - Evaluate

Evaluate the mistake. Is it a clerical error or a judicial error?

A **clerical error** is a simple mistake like a typographical error. However, that is not always the case. Appeals courts have determined that a "clerical error" occurs when the written document is different from what the judge ordered in court.

Some examples of clerical errors:

- Incorrect dates
- Differences between the judgment signed and the judgment the court intended to sign.
- Mathematical errors

What is a judicial error?

Ask yourself whether the judge had to apply legal or judicial reasoning when making their decision in court. If they did, and you believe there is a mistake about the outcome, or the law, talk to an appellate (appeals) attorney. **A**

motion for judgment nunc pro tunc is not intended to correct a judicial error. [Click here for information on appealing a judgment.](#)
[\(https://texaslawhelp.org/article/appealing-judgment-texas\)](https://texaslawhelp.org/article/appealing-judgment-texas) [1]

Step 5 - Read

Read the [Texas Rules of Civil Procedure, specifically rule 306a\(6\).](#)
[\(https://texaslawhelp.org/toolkit/i-want-change-my-childs-name\)](https://texaslawhelp.org/toolkit/i-want-change-my-childs-name) [2]

Step 6 - Contact

Contact the other party in your matter as soon as possible, and ask if they'll agree to the motion.

Step 7: Fill out the Motion

Draft (write) or fill in the blanks in your motion.

Step 8: Corrected Order

Draft a corrected judgment/order.

Step 9: Fill out Order

Draft or fill out an order granting the motion for judgment nunc pro tunc.

Step 10: File

File everything:

- the motion,
- the corrected judgment/order
- the order granting the motion for judgment nunc pro tunc

Step 11: Send

Send copies of everything to the other party or their attorney

Step 12: Set Hearing

Set hearing (if the other party does not agree to the motion) by talking to the court coordinator.
[Click here to chat.](#)

Step 13: Go to Court

Go to your hearing and ask the judge to enter a motion for judgment nunc pro tunc.

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Links

- [1] <https://texaslawhelp.org/article/appealing-judgment-texas>
- [2] <https://texaslawhelp.org/toolkit/i-want-change-my-childs-name>

[Click here to chat.](#)

Corregir un error de oficina en Texas: pasos generales a seguir

Paso 1 - ¿Es el Juicio Final?

Averigüe si la orden judicial es Final. Una sentencia es definitiva cuando la orden del tribunal resuelve todas las reclamaciones (cuestiones en disputa) para todas las partes involucradas. Sólo hay un juicio final en una demanda.

Paso 2 - ¿El tribunal todavía tiene la capacidad de cambiar las órdenes?

Averiguar si el tribunal aún tiene poder para cambiar sus órdenes. Un tribunal pierde "poder pleno" cuando ya no tiene autoridad para cambiar sus propias órdenes. Un tribunal tiene pleno poder sobre su sentencia hasta que la orden sea definitiva. Y una sentencia es definitiva cuando la orden del tribunal resuelve todas las reclamaciones (cuestiones en disputa) para todas las partes involucradas. Sólo hay un juicio final en una demanda.

Paso 3 - Revisión

Encuentra el error en su pedido.

Paso 4 - Evaluar

Evaluar el error. ¿Es un error administrativo o un error judicial?

Un error clerical es un simple error como un error tipográfico. Sin embargo, no siempre es así. Apelaciones tribunales han determinado que un “error administrativo” se produce cuando el documento escrito es diferente de lo que el juez ordenó el tribunal.

Algunos ejemplos de errores clericales:

- Fechas incorrectas
- Diferencias entre la sentencia firmada y la sentencia que el tribunal pretendía firmar.
- Errores matemáticos

¿Qué es un error judicial?

Pregúntese si el juez tenía que aplicar un razonamiento legal o judicial al tomar su decisión en el tribunal. Si lo hicieron, y usted cree que hay un error

sobre el resultado, o la ley, hable con un abogado de apelaciones (apelaciones). Una moción de juicio nunc pro tunc no pretende corregir un error judicial. Haga clic aquí para obtener información sobre cómo apelar una sentencia.

Paso 5 - Leer

Lea las Reglas de Texas de Procedimiento Civil, específicamente la regla 306a (6). (<http://www.txcourts.gov/media/1435952/trcp-all-updated-with-amendments-effective-912016.pdf>) [1]

Paso 6 - Contacto

Póngase en contacto con la otra parte en su asunto tan pronto como sea posible, y pregunte si estarán de acuerdo con la moción.

Paso 7: Rellene el movimiento

Haz un borrador (escribe) o rellena los espacios en blanco de tu moción.

Paso 8: Orden corregido

Redactar un fallo / orden corregido.

Paso 9: Llene la orden

Redactar o completar una orden concediendo la moción de juicio nunc pro tunc.

Paso 10: Archivo

Archivo todo:

- el movimiento,
- El fallo / orden corregido
- La orden de otorgamiento de la moción de sentencia nunc pro tunc

Paso 11: Enviar

[Click here to chat.](#)

Envíe copias de todo a la otra parte o su abogado

Paso 12: Establecer audiencia

Establecer audiencia (si la otra parte no está de acuerdo con la moción) hablando con el coordinador de la corte.

Paso 13: Ir a la corte

Vaya a su audiencia y pida al juez que entre una moción de juicio nunc pro tunc.

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Links

[1] <http://www.txcourts.gov/media/1435952/trcp-all-updated-with-amendments-effective-912016.pdf>

[Click here to chat.](#)

Print court information exactly as it appears on your final order.

(Check and complete one.)

IN THE MATTER OF THE MARRIAGE OF

Petitioner (*Print first, middle and last name of person who filed for divorce.*)

and

Respondent (*Print first, middle and last name of other spouse.*)

or

IN THE INTEREST OF

County, Texas

Cause No:

In the *(check one)*:

(court number)

District Court County Court of:

Agreed Motion for Judgment to Correct Clerical Mistake (Nunc Pro Tunc)

Petitioner and Respondent, _____,
(Print Petitioner and Respondent's names.)

bring this motion for Judgment to Correct Clerical Mistake (Nunc Pro Tunc) because:

1. A final judgment was signed in this case on _____.
month day year

 2. The signed judgment is incorrect because:

We ask the Court grant the Motion for Judgment to Correct Clerical Mistake (Nunc Pro Tunc).

Petitioner:

Respondent:

(Signature)

(Signature)

(Printed name.)

(Printed name.)

Print court information exactly as it appears on your final order.

(Check and complete one.)

IN THE MATTER OF THE MARRIAGE OF

Petitioner (*Print first, middle and last name of person who filed for divorce.*)

and

Respondent (*Print first, middle and last name of other spouse.*)

or

IN THE INTEREST OF

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Cause No:

Figure 1. The effect of the number of nodes on the performance.

In the *(check one)*:

District Court County Court of:
(court number)

County, Texas

Motion for Judgment to Correct Clerical Mistake (Nunc Pro Tunc)

My name is _____

(Print your first, middle and last name.)

(Check one.)

I am the: Petitioner Respondent in this case.

I bring this motion for Judgment to Correct Clerical Mistake (Nunc Pro Tunc) because:

1. A final judgment was signed in this case on _____.
month _____ day _____ year _____
 2. The signed judgment is incorrect because:

I ask that the Court grant the Motion for Judgment to Correct Clerical Mistake (Nunc Pro Tunc.)

(Sign your name.)

(Print your name.)

Notice of Hearing

The above motion is set for hearing on _____
at _____:_____ month day year
time a.m. p.m.

in the Travis County Civil Courthouse at 1000 Guadalupe, Austin, Texas 78701.

SIGNED on _____.

Judge or Clerk

Certificate of Service

I certify that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on:

month day year

(Sign your name.)

(Print your name.)

Print court information exactly as it appears on your final order.

(Check and complete one.)

IN THE MATTER OF THE MARRIAGE OF

Petitioner (*Print first, middle and last name of person who filed for divorce.*)

and

Respondent (*Print first, middle and last name of other spouse.*)

or

IN THE INTEREST OF

§
§
§
§
§ Cause No:

§ In the (*check one*):

§ _____ District Court County Court of:
§ (court number)

_____ County, Texas

Order on Motion for Judgment to Correct Clerical Mistake (Nunc Pro Tunc)

On this day, the Court considered the Movant's Motion for Judgment to Correct Clerical Mistake (Nunc Pro Tunc).

IT IS ORDERED that a Judgment to Correct Clerical Mistake (Nunc Pro Tunc) be entered as it appears in the attached and corrected final order, entitled:

(Print title of attached order.)

SIGNED on _____.

JUDGE PRESIDING

Petitioner's signature

Respondent's signature