

**DEPLAZA & O'CONNOR ATTORNEY SHEILA O'CONNOR**  
**SUCCESSFUL IN DEFENDING DIVORCE ON APPEAL**

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DALLAS – Attorney Sheila O'Connor emerged victorious on Tuesday, January 15, 2013 as the Fifth District Court of Appeals in Dallas upheld the trial court's judgment and the entry of the Final Decree of Divorce in a divorce suit spanning well over two years.

The case involved the husband and wife drafting and signing an Agreed Final Decree of Divorce in March, 2010. Over the course of several months, the parties discussed possible changes to the Decree but neither affirmatively revoked consent to the terms of the Decree. In May, 2011, wife and her attorney, Sheila O'Connor appeared before the trial court in Collin County for prove up of all terms of the parties' signed, written agreement. On that same day, husband filed his Original Answer and Counter-Petition to the divorce suit, neither of which contained terms or conditions that conflicted with the Decree. The trial court noted that an Answer and Counter-Petition had been filed and granted the divorce in its entirety. Husband appealed the trial court's judgment, arguing that the Final Decree was not "filed" within the meaning of Rule 11 before the trial court signed the Decree, and that his counter-petition and answer should have prompted the Judge to investigate whether he still agreed to the terms of the Decree.

In upholding the trial court's judgment, the Appellate Court found that the Decree was filed when Sheila O'Connor and wife presented the Decree to the Judge for signature and entry with the Court, and that such documents do not have to be file-stamped in order to satisfy the requirements of Rule 11:

*"We would be loath to hold that the rule includes a formalistic requirement that all such documents be file-stamped by the clerk prior to being used at a hearing, especially in a case like this where the primary purpose of the filing requirement – allowing the court to judge the document's import prior to rendering judgment – is fulfilled."*

The Appellate Court also found that husband's counter-petition and answer did not contradict the terms of the Final Decree and would therefore not prompt the court to inquire as to whether husband had revoked his consent to the terms of the Decree:

*"Rather than demonstrating a revocation of consent, the counter petition could be interpreted to request the judge honor the Final Decree subsequently presented by [wife]. The trial judge's failure to divine some sort of disagreement with the Final Decree from the documents she had before her does not constitute an abuse of discretion."*

We congratulate Sheila O'Connor on her successful defense of her case on appeal. Ms. O'Connor would like to further recognize the contributions of Associate, Taylor Toombs Imel, for her assistance in drafting the Brief for the Fifth District Court of Appeals in Dallas.