

MAY IT PLEASE THE COURT:

**HOW THE APPELLATE COURTS AND JUDGES OPERATE
AND STATISTICS RELEVANT TO EVALUATING YOUR
INSURED'S POTENTIAL APPEAL**

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I. APPEALS TO THE FOURTEEN TEXAS INTERMEDIATE COURTS OF APPEALS

A. Jurisdiction & General Information

1. Jurisdiction

The 14 courts of appeals of Texas have intermediate appellate jurisdiction in both civil and criminal cases appealed from district or county courts located within their respective districts. This means that after trial, the first court to which a party may appeal their case is the court of appeal in their geographical region. Each Court of Appeals' website states the counties from which it has the power to consider appeals.¹ There is one court of appeals located in Fort Worth, Austin, San Antonio, Dallas, Texarkana, Amarillo, El Paso, Beaumont, Waco, Eastland, and Tyler. Additionally, two courts are located in Houston and one court maintains two locations—one in Corpus Christi and one in Edinburg.

2. General Information

Each Court is presided over by a chief justice and has at least two other justices. Appeals in the courts of appeals are usually heard by a panel of 3 justices, unless in a particular case an en banc hearing is ordered in which instance all the justices of that Court hear and consider the case. The specific number of justices on each Court is set by statute and ranges from 3 to 13 judges in each court of appeals. Presently the courts of appeals have 80 justices. However, the Legislature may increase that number if the workload of a court requires additional judges.

B. Perfecting the Appeal

1. The Notice of Appeal

An appeal is perfected when the party seeking to alter the trial court's judgment files a

written notice of appeal with the trial court clerk. TEX. R. APP. P. 25.1(a). This notice must be filed within **30 days** after the judgment is signed, or within 90 days after the judgment is signed if any party timely files a motion for new trial, a motion to modify the judgment, a motion to reinstate a case dismissed for want of prosecution, or a timely request for findings of fact and conclusions of law. TEX. R. APP. P. 26.1. A copy of the notice of appeal must also be filed with the appellate court clerk. TEX. R. APP. P. 25.1(e). In addition, the notice of appeal must be served on all parties in the trial court. *Id.*

Special perfection requirements and timetables apply to accelerated and restricted appeals. In an accelerated appeal, the notice of appeal must be filed within **20 days** after the judgment or order is signed, rather than 30 days. TEX. R. APP. P. 26.1(b). In a restricted appeal, the notice of appeal must be filed within six months after the judgment or order is signed. TEX. R. APP. P. 26.1 (c).

Despite these rules, a court of appeals may not dismiss an appeal when an appellant files a defective notice of appeal, or even the wrong instrument required to perfect appeal, without giving the appellant an opportunity to correct the error. *Grand Prairie Sch. Dist. v. Southern Parts*, 813 S.W.2d 499, 500 (Tex. 1991).

2. Record

Prior to or at the time the appeal is "perfected" by the notice of appeal, the appellant must also make a written request to the official court reporter to prepare the reporter's record, designating the testimony and exhibits to be included TEX. R. APP. P. 34.6(b). In an ordinary appeal, the record must be filed within **60 days** from the date the judgment is signed. TEX. R. APP. P. 35.1. In an accelerated appeal or an appeal in which the notice of appeal has been extended to 90 days, the record must be filed within 120 days after the judgment is signed. TEX. R. APP. P. 35.1(a). If the record is not received within the specified time, the appellate clerk must send notice to the parties and the responsible official stating that the record is late

¹ Links to each Court of Appeal's website are available at <http://www.courts.state.tx.us/courts/coa.asp> (last visited September 17, 2008).

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and requesting that it be filed within 30 days. TEX. R. APP. P. 37.3(a).

C. Briefing Deadlines and Rules

1. Deadlines

Appellant's brief must be filed with the clerk of the court of appeals within **30 days** after the record is filed. (The later of the date the clerk or reporters record was filed). Appellee's brief must be filed **30 days** after the Appellant's brief is filed. The reply brief may be filed within **20 days** after Appellee's brief. TEX. R. APP. P. 38.6. Accelerated appeals have an expedited briefing schedule.

2. Electronic Briefs

As a matter of convenience, some courts of appeals request parties submit electronic copies of briefs as a courtesy to the Court. However, submission of a brief in electronic format (eBrief) is not yet considered a filing in this Court and is not considered in determining whether a brief is timely filed under the Rules of Appellate Procedure. All eBriefs submitted must have been previously filed in compliance with the Texas Rules of Appellate Procedure.

3. Contents of Brief

a. **Appellant's Initial Brief**

The appellant's brief must, under appropriate headings and in the order here indicated, contain the following: identity of parties and counsel; table of contents; index of authorities; statement of the case; any statement regarding oral argument, issues presented; statement of the facts; summary of the argument; argument; prayer and appendix. TEX. R. APP. P. 38.1. While the identity of parties and counsel, table of contents, index of authorities, issues presented, and prayer are self-explanatory, many of the other sections of the brief may be unfamiliar.

(1) **Statement of the Case**

The statement of the case must state concisely the nature of the case (e.g., whether it

is a suit for damages, on a note, or involving a murder prosecution), the course of proceedings, and the trial court's disposition of the case. TEX. R. APP. P. 38.1(d). The statement should be supported by record references, should seldom exceed one-half page, and should not discuss the facts. *Id.*

(2) **Any Statement Regarding Oral Argument.**

Under new appellate rules effective September 1, 2008, a party requesting oral argument may include a statement explaining why oral argument should or should not be permitted. TEX. R. APP. P. 38.1. Any such statement must not exceed one page and should address how the court's decisional process would, or would not, be aided by oral argument. TEX. R. APP. P. 38.1. Therefore, a party wishing to fully inform the court of the reasons oral argument should be granted, should include a statement regarding oral argument in their brief.

(3) **Statement of Facts**

The statement of facts must concisely state the facts pertinent to the issues or points presented. However, the statement of facts must not contain any arguments. TEX. R. APP. P. 38.1(f). Further, each sentence within the statement must be supported by record references. *Id.*

(4) **Argument**

The argument section must contain a clear and concise argument for the relief requested with appropriate citations to authorities and to the record. TEX. R. APP. P. 38.1(h). The best arguments should be placed earlier in the brief and the argument should be divided by subheadings.

(5) **Appendix in civil cases**

The necessary contents of an appendix, if practical, are:

- (A) the trial court's judgment or other appealable order from which relief is sought;

(B) the jury charge and verdict, if any, or the trial court's findings of fact and conclusions of law, if any; and

(C) the text of any rule, regulation, ordinance, statute, constitutional provision, or other law (excluding case law) on which the argument is based, and the text of any contract or other document that is central to the argument.

TEX. R. APP. P. 38.1(j).

b. Appellee's Response Brief

Appellee's brief must contain the same elements required in Appellant's brief, except that it does not need to list the parties and counsel; include a statement of the case, statement of the issues presented or statement of facts; or attach an appendix. TEX. R. APP. P. 38.2. However, the appellee may include any of these items to correct or supplement the appellant's brief. *Id.* Further, when practicable, the appellee's brief should respond to the appellant's issues or points in the order the appellant presented those issues or points.

c. Appellant's Reply Brief

The appellant may file a reply brief addressing any matter in the appellee's brief. However, the appellate court may consider and decide the case before a reply brief is filed.

4. Length of Briefs

Appellant's and Appellee's brief must be no longer than 50 pages, exclusive of the identity of the parties and counsel, any statement regarding oral argument, the table of contents, the index of authorities, the statement of the case, the issues presented, the signature, the proof of service, and the appendix. TEX. R. APP. 38.4. A reply brief must be no longer than 25 pages excluding the items listed above. *Id.* In a civil case, the aggregate number of pages of all briefs filed by a party is limited to 90 pages excluding the items previously listed. *Id.*

However, all of these page limits may be extended by motion.

D. Oral Argument

The purpose of oral argument is to emphasize and clarify the written arguments in the brief and to answer the appellate court's questions relating to the record and authorities referenced in the briefs. TEX. R. APP. P. 39.2.

The court will grant oral argument unless the court finds the appeal is frivolous, the dispositive issue or issues have been authoritatively decided, the facts and legal arguments are adequately presented in the briefs and record; or the decisional process would not be significantly aided by oral argument. TEX. R. APP. 39.1. The appellate clerk must send the parties notice telling the parties whether the court will allow oral argument and if so, the notice must include the time allotted for argument and the names of the members of panel before which the case will be argued. TEX. R. APP. P. 39.9.

E. Written Opinions

The court may designate an opinion a "Opinion" or as a "Memorandum Opinion." TEX. R. APP. P. 47.2(a). If the issues presented in the case are based up well-established law, then the court should designate its opinion as a Memorandum Opinion. However, the court may not designate an opinion as a Memorandum Opinion if it contains a new rule of law, a constitutional issue, a criticism of the law, or a resolution of a conflict in the law.

Further, not all opinions issued prior to January 1, 2003 are published. Cases that were not designated for publication have no precedential value, but they may be cited with the notation, "(not designated for publication)."

In deciding the merits, the court may: affirm, modify and affirm as modified, reverse and render judgment, or reverse and remand for further proceedings. TEX. R. APP. P. 43.2. Once it has been determined that error is not harmless and reversal is required, the appellate court must render the judgment that the trial court should have rendered unless remand is necessary for

further proceedings or the interests of justice requires a remand for another trial. TEX. R. APP. P. 43.3.

F. Rehearing

A motion for rehearing is not required but, if a party wishes, a motion for rehearing may be filed within **15 days** after the court of appeal's judgment is rendered. TEX. R. APP. P. 49.1; 49.9. This motion for rehearing must clearly state the points relied on for the rehearing and may not be longer than 15 pages. TEX. R. APP. P. 49.1; 49.10.

After a motion for rehearing is decided, a further motion for rehearing may be filed within **15 days** of the court's action if the court modifies its judgment, vacates its judgment and renders a new judgment in its place, or issues a different opinion. TEX. R. APP. P.49.5.

A party may also file a motion for en banc reconsideration with or without filing a motion for rehearing within **15 days** after the court of appeals' judgment or order, or within 15 days after the court of appeals' denial of the party's motion for rehearing. TEX. R. APP. P. 49.7. Further, while the court has plenary jurisdiction, a majority of the en banc court may order an en banc reconsideration of the panel's decision, without a motion. *Id.*

II. A STATISTICAL ANALYSIS OF THE COURTS OF APPEALS

A. Introduction

While certainly not the most enthralling topic in the issues related to appellate law, the statistics provided by Texas courts can be very useful. By reviewing the statistics, one can determine whether a court of appeals is more or less likely to affirm or reverse a decision, the potential duration of their appeal from filing until final disposition, and the average time a court takes after submission of their case to reach final disposition. Using these factors can

assist in analyzing the potential costs and risks of taking an appeal.²

B. County Statistics

Not surprisingly, the counties with the largest population bases produce the most appeals. The county with the highest amount of appeals was Harris County, home to Houston and the First and Fourteenth Courts of Appeals. Dallas County and Tarrant County, the two most populated counties in the Dallas-Fort Worth Metroplex and in the jurisdiction of the Fifth and Second Courts of Appeals respectively, combine to account for almost one-fifth of all of the appeals filed in the fiscal year 2007. Bexar County (San Antonio) and Travis County (Austin) also produced a significant portion of the appeals in 2007.

Generally, most counties produced a roughly equivalent number of criminal and civil appeals. There are certain counties that produce a significantly larger percentage of civil cases, such as El Paso County (59%), Travis County (66%), and Hidalgo County (70%). There are also several counties that produce a significantly higher amount of criminal appeals, such as Jefferson County (68%), Nueces County (60%), and Smith County (77%).

C. Total Cases for Courts of Appeals in 2007

In 2007, there were 11,317 total cases added to the state's appellate dockets. Of these cases, 5,318 were civil appeals. The Fifth Court of Appeals added the most civil cases, with a total of 854 new civil cases. However, if the totals from the First and Fourteenth Courts of Appeals in Houston are combined, the total count of new cases filed in Houston in 2007 was 1,287. The court of appeals with the fewest cases added was Texarkana with 138.

The courts of appeals combined to dispose of 5,286 of the cases from their docket, a 99.4% clearance rate. The Waco Court of Appeals had the highest clearance rate, clearing 123.3% of the cases from its docket. The El Paso Court of Appeals had the lowest clearance rate at 80.9%.

² These statistical tables may be found at the end of this paper.

The Dallas Court of Appeals cleared 93.3% of its docket while the Fort Worth Court of Appeals cleared 99.2%.

D. Affirmance Rates by the Courts of Appeals³

Of the 5,286 cases disposed of by the courts of appeals, 1,459 affirmed the decision of the lower court, for an affirmance rate of 27.6%. However, of the total cases disposed, 3,164 were classified as dismissed or otherwise disposed.⁴ Thus, the appellate courts affirmed 1,459 out of 2,122 cases not dismissed or otherwise disposed in 2007, giving them an overall affirmance rate of 68.9%.

The court of appeals with the highest affirmance rate was the Eastland Court of Appeals at 76%. The Corpus Christi Court of Appeals had the lowest rate at 59%. The Dallas Court of Appeals affirmed at a rate of 65%, and the Fort Worth Court of Appeals affirmed decisions at the second-highest rate at 75%.

E. Reversal Rates by the Courts of Appeals⁵

The courts of appeals in Texas reversed a total of 532 cases in 2007. This represented 10% of the total cases the courts of appeals disposed in 2007 and 25% of the 2,122 cases that were not dismissed or otherwise disposed. The highest reversal rate was the Corpus Christi Court of Appeals with a reversal rate of 33%. This statistic is hardly surprising given that it also has the lowest rate of affirmance. The lowest rate of reversal is the Fort Worth Court of Appeals, at 16%.

³ The statistics provided in this section include cases classified as affirmed or cases modified and/or reformed and affirmed. Cases that are affirmed in part and reversed in part are not included.

⁴ Cases are usually dismissed for failure to comply with appellate rules and deadlines. Cases classified as “otherwise disposed” include decisions regarding mandamus or other original proceedings in the courts of appeals.

⁵ The statistics provided in this section include cases classified as reversed and remanded or reversed and rendered.

Looking at these statistics and comparing them to the rates of affirmance can help determine whether pursuing an appeal is the best option. The statistics indicate that courts of appeals will affirm a trial court's decision nearly 70% of the time. However, depending on where your appeal will be filed, that number could change. For instance, there is a 16% better chance of being affirmed in the Fort Worth Court of Appeals as you do in the Corpus Christi Court of Appeals. Along the same lines, there is a 17% greater chance of being reversed in the Corpus Christi Court of Appeals than in the Fort Worth Court of Appeals. Depending on which way the issue below was decided, these statistics may help in determining the potential risks and costs of pursuing such an appeal.

F. The Timelines for Appeals

1. Cases Pending

Another important factor to weigh when considering an appeal is the length of time an appeal might take from filing to final disposition. One such indicator is the length of time cases are pending before the appellate courts.

As of August 31, 2007, there were a total of 3,457 cases pending in the courts of appeals. Of those cases, 51.3% were pending for six months or less. That means almost half of the cases pending before the courts of appeals had been pending for longer than six months. Additionally, 18.5% of the cases pending had been pending for a year or more. Approximately 3.5% of the pending cases had been pending before the courts of appeals for more than two years.

Over 81% of the Texarkana Court of Appeals' pending cases have been pending fewer than 6 months, giving it the most efficient disposition rate in Texas. The highest rate of appeals pending longer than two years is the Austin Court of Appeals, with 15.6% of its appeals falling into that category.

2. Disposition of Appeals

Another factor to consider is the average disposition time from the date of filing to final disposition. The overall average rate for all courts

of appeals is 8.1 months from filing to disposition. As noted, the district with the fastest rate is the Texarkana Court of Appeals, with an average disposition time of 5.5 months. The Houston First Court of Appeals has the longest disposition time, taking an average of 11 months to dispose of its cases.

Courts also keep statistics on the time it takes between submission and final disposition. This time period begins when the court hears oral argument on the briefing or denies oral argument and reviews the case as submitted on the briefing alone. The average length of submission to disposition across all of the courts of appeals is 2.1 months. The courts with the quickest time from submission to disposition are, again, the Texarkana Court of Appeals at 0.8 months, with the San Antonio Court of Appeals a close second (0.9 months). The court with the longest average disposition time is Corpus Christi at 4.7 months.

G. Opinion Writing by the Courts of Appeals

The statistics on opinions provided by the Texas courts website do not provide a breakdown between civil and criminal opinions. The courts of appeals wrote 10,921 opinions in the fiscal year 2007. About 53% of these opinions were designated by the courts as “published” opinions, which probably means they were full opinions as opposed to shorter memorandum opinions.

Of those 10,921 opinions, only 219 were dissenting opinions. Interestingly, 71 of the dissents, or slightly less than one-third, were authored by Chief Justice Thomas W. Gray in the Waco Court of Appeals. Chief Justice Gray was also the most prolific author in all the courts of appeals, writing 245 opinions during the 2007 fiscal year. The Dallas Court of Appeals produced the most original opinions on the merits, with a total of 914. The El Paso Court of Appeals produced the fewest original opinions on the merits, with 224.

H. Conclusion

Using the statistics obtained from the courts of appeals may be beneficial when considering how to approach a potential appeal. By reviewing these statistics, a party can obtain a better idea of the potential chances for success of an appeal and the length of time the appeal may take to reach final disposition. These parameters may be used to supplement information needed to weigh the potential risks and costs of appealing or defending against a trial court's decision.

III. APPEALS TO THE TEXAS SUPREME COURT

A. Jurisdiction & General Information

1. Justices of the Supreme Court

The Supreme Court of Texas is the court of last resort for all civil matters in Texas.⁶ The Court consists of the Chief Justice and eight Justices. Those Justices are as follows:

Chief Justice Wallace B. Jefferson

Justice Nathan L. Hecht

Justice Harriet O'Neill

Justice Dale Wainwright

Justice Scott A. Brister

Justice David Medina

⁶ The Texas Court of Criminal Appeals is the court of last resort over criminal appeals in Texas. For more information on that court, please see <http://www.cca.courts.state.tx.us/> (last visited September 15, 2008). In addition to resolving civil appeals, the supreme court also has administrative control over the State Bar of Texas, it is the sole authority for licensing Texas attorneys and appoints members of the Board of Law Examiners which administers the Texas bar examination, and it promulgates the Texas Rules of Civil Procedure, Texas Rules of Appellate Procedure, Texas Rules of Evidence, and other rules and standards. See TEX. GOV'T CODE §§ 81.011, 82.00, 82.004.

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Justice Paul W. Green

Justice Phil Johnson

Justice Don R. Willett

The Justices are elected to staggered six-year terms in state-wide elections. When a vacancy arises the Governor may appoint a Justice, subject to Senate confirmation, to serve out the remainder of an unexpired term until the next general election. All members of the Court must be at least 35 years of age, a citizen of Texas, licensed to practice law in Texas, and must have practiced law (or have been a lawyer and a judge of a court of record together) for at least ten years.⁷

Chief Justice Jefferson, Justice Wainwright, and Justice Johnson are each running for re-election in the November 2008 election.⁸

2. Jurisdiction of the Supreme Court

a. **Jurisdiction Over Questions of Law in Six General Categories of Cases – Section 22.001 of the Texas Government Code**

The supreme court's jurisdiction is clearly defined in section 22.001 of the Texas Government Code. See TEX. GOV'T CODE § 22.001. The supreme court has appellate jurisdiction over all civil matters involving questions of law arising in the following six general categories of cases when they have been brought to the court of appeals from appealable judgments of the trial courts:

(1) a case in which the justices of a court of appeals disagree on a question of law material to the decision;

(2) a case which one of the court of appeals holds differently from a prior decision of another court of appeals or of the supreme court on a

question of law material to a decision of the case;

(3) a case involving the construction or validity of a statute necessary to a determination of the case;

(4) a case involving state revenue;

(5) a case in which the railroad commission is a party; and

(6) any other case in which it appears that an error of law has been committed by the court of appeals, and that error is of such importance to the jurisprudence of the state that, in the opinion of the supreme court, it requires correction, but excluding those cases in which the jurisdiction of the court of appeals is made final by statute.

TEX. GOV'T CODE § 22.001(a); see also TEX. R. APP. P. 56.1.⁹

(1) ***Conflicts Jurisdiction Explained***

Section 22.001(e) further explains what is referred to as the supreme court's conflicts jurisdiction as follows:

(e) For purpose of Subsection (a)(2), one court holds differently from another when there is inconsistency in their respective decisions that should be clarified to remove unnecessary uncertainty in the law and unfairness to litigants.

TEX. GOV'T CODE § 22.001(a).

b. **Jurisdiction Over Certain Interlocutory Appeals -- Section 22.225(d) of the Texas Government Code**

Section 22.225(d) of the Texas Government Code further provides that a petition for review to the Texas Supreme Court is allowed for an appeal from an interlocutory order described by Section 51.014(a)(3), (6), or (11) of the Texas Civil Practice & Remedies Code. See TEX. GOV'T

⁷ See TEX. CONST., ART. 5, Sec. 2.

⁸ Biographies of each Justice, including the ending dates of each Justice's term, are available at <http://www.supreme.courts.state.tx.us/court/justices.asp> (last visited September 15, 2008).

⁹ The Texas Rules of Appellate Procedure are available online at the Texas Supreme Court's website at: <http://www.supreme.courts.state.tx.us/rules/traphome.asp> (last visited September 15, 2008).

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CODE § 22.225(d). The pertinent portions of Section 51.014(a) provide that a person may appeal from an interlocutory order of a district court, county court at law, or county court that:

(3) certifies or refuses to certify a class in a suit brought under Rule 42 of the Texas Rules of Civil Procedure [*i.e.*, class actions];

(6) denies a motion for summary judgment that is based in whole or in part upon a claim against or defense by a member of the electronic or print media, acting in such capacity, or a person whose communication appears in or is published by the electronic or print media, arising under the free speech or free press clause of the First Amendment to the United States Constitution, or Article I, Section 8, of the Texas Constitution, or Chapter 73; [or]

(11) denies a motion to dismiss filed under Section 90.007

See TEX. CIV. PRAC. & REM. CODE § 51.014(a)(3), (6), and (11).

B. Perfecting Appeals to the Texas Supreme Court

1. Petition for Review

A party who seeks to alter the court of appeals’ judgment must file a petition for review addressed to “The Supreme Court of Texas.” TEX. R. APP. P. 53.1. The losing party in the court of appeals is not required to file a motion for rehearing in that court before filing a petition for review in the Texas Supreme Court. In other words, a motion for rehearing in the court of appeals is not a prerequisite to filing a petition for review nor is it required to preserve error. See TEX. R. APP. P. 49.9. However, as set forth below, whether a motion for rehearing is filed affects the deadline for filing a petition for review.¹⁰

¹⁰ Further, a party may not file a motion for rehearing in the court of appeals after that party has filed a petition for review in the supreme court unless the court of appeals modifies its opinion or judgment after the petition for review is filed. TEX. R. APP. P.

a. Filing Deadlines

(1) *Petition for Review*

The petition for review must be filed with the supreme court clerk within **45 days** after the following:

(1) the date the court of appeals rendered judgment, if no motion for rehearing is timely filed; or

(2) the date of the court of appeals’ last ruling on all timely filed motions for rehearing.

TEX. R. APP. P. 53.7.

(2) *Response to Petition for Review*

Any response to a petition for review must be filed with the supreme court clerk within **30 days** after the petition is filed. TEX. R. APP. P. 53.7(d). However, a response to a petition for review is not mandatory. If no response is timely filed, or if a response waiver is filed, the supreme court will consider the petition without a response. TEX. R. APP. P. 53.3.¹¹

(3) *Reply to Petition for Review*

Any reply to a petition for review must be filed with the supreme court clerk within **15 days** after the response is filed. TEX. R. APP. P. 53.7(e).

53.7(b). Also, the filing of a petition for review by one party does not preclude another party from filing a motion for rehearing or the court of appeals from ruling on the motion. *Id.* But, if a motion for rehearing is timely filed after a petition for review is filed, the petitioner must notify the supreme court clerk of the filing of the motion, and must notify the clerk when the last timely filed motion is overruled by the court or appeals. *Id.* A petition for review fled before the last ruling on all timely filed motions for rehearing is treated as having been filed on the date of, but after, the last ruling on any such motion. *Id.*

¹¹ While a response to the petition is not required, a petition will not be granted before a response has been filed or requested by the Court. TEX. R. APP. P. 53.3.

b. Extensions of Time

The supreme court may extend the time to file a petition for review if a party files a motion for extension of time complying with Rule 10.5(b) of the Texas Rules of Appellate Procedure no later than **15 days** after the last day for filing the petition. *See* TEX. R. APP. P. 53.7(f). Likewise, the supreme court may extend the time to file a response or reply to a petition for review if a party files a motion for extension of time complying with Rule 10.5(b) either before or after the response or reply is due. *See id.*¹²

c. Purpose and Contents of Petition

(1) Purpose

Similar to the petition for writ of certiorari filed in the United States Supreme Court, the petition for review to the Texas Supreme Court is step one is a two-step briefing process. The petition is limited to 15 pages of briefing wherein the petitioner explains why the supreme court has jurisdiction over the legal issues presented in that appeal, outlines and summarizes the legal issues for the court, and seeks to succinctly persuade the court to grant the petition to consider those issues. Review by the supreme court is not a matter of right, but a judicial discretion. And, the supreme court simply cannot address every legal issue presented to it for review. Generally, the supreme court is granting review in only about 14% of all cases filed. Hence, the petition for review seeks to entice the court to grant the petition and consider the issues. Thus the arguments presented in the petition generally are more broad and succinct than the arguments presented in the briefing on the merits (*i.e.*, limited to 50 pages), if later requested by the court. If one judge is interested in the issue(s), the supreme court will request a response. Thereafter, if interested, the court could request full briefing on the merits, as discussed below.

¹² If a petition for review is mistakenly filed in the court of appeals, it is deemed filed the same day with the supreme court clerk and the court of appeals clerk must immediately send the petition to the supreme court clerk. *See* TEX. R. APP. P. 53.7(g).

The court generally grants review in about 35-45% of the cases in which full briefing is requested.

(2) Contents of Petition for Review

Rule 53.2 of the Texas Rules of Appellate Procedure sets forth the specific, mandatory requirements for a petition for review. *See generally* TEX. R. APP. P. 53.2. The petition must be no longer than **15 pages**, exclusive of pages containing the identity of parties and counsel, the table of contents, the index of authorities, the statement of the case, the statement of jurisdiction, the issues presented, the signature, the proof of service, and the appendix. *See* TEX. R. APP. P. 53.6.¹³

(a) Identity of Parties and Counsel

The petition must give a complete list of all parties to the trial court's final judgment, and the names and addresses of all trial and appellate counsel. TEX. R. APP. P. 53.2(a).

(b) Table of Contents

The petition must have a table of contents with references to the pages of the petition. The table of contents must indicate the subject matter of each issue or point, or group of issues or points. TEX. R. APP. P. 53.2(b).

(c) Index of Authorities

The petition must have an index of authorities arranged alphabetically and indicating the pages of the petition where the authorities are cited. TEX. R. APP. P. 53.2(c).

(d) Statement of the Case

The petition must contain a statement of the case that should seldom exceed one page and should not discuss the facts. The statement must contain the following:

(1) a concise description of the nature of the case (e.g., whether it is a suit for damages, on a note, or in trespass to try title);

(2) the name of the judge who signed the order or judgment appealed from;

¹³ The Court may, on motion, permit a longer petition, response, or reply. TEX. R. APP. P. 53.6.

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(3) the designation of the trial court and the county in which it is located;

(4) the disposition of the case by the trial court;

(5) the parties in the court of appeals;

(6) the district of the court of appeals;

(7) the names of the justices who participated in the decision in the court of appeals, the author of the opinion for the court, and the author of any separate opinion;

(8) the citation for the court of appeals' opinion, if available, or a statement that the opinion was unpublished; and

(9) the disposition of the case by the court of appeals.

TEX. R. APP. P. 53.2(d).

(e) State of Jurisdiction

The petition must state, without argument, the basis of the Court's jurisdiction. TEX. R. APP. P. 53.2(e).

(f) Issues Presented

The petition must state concisely all issues or points presented for review. The statement of an issue or point will be treated as covering every subsidiary question that is fairly included. If the matter complained of originated in the trial court, it should have been preserved for appellate review in the trial court and assigned as error in the court of appeals. TEX. R. APP. P. 53.2(f).

(g) Statement of Facts

The petition must affirm that the court of appeals correctly stated the nature of the case, except in any particulars pointed out. The petition must state concisely and without argument the facts and procedural background pertinent to the issues or points presented. The statement must be supported by record references. See TEX. R. APP. P. 53.2(g).

(h) Summary of the Argument

The petition must contain a succinct, clear, and accurate statement of the arguments made in the body of the petition. This summary must not merely repeat the issues or points presented for review. TEX. R. APP. P. 53.2(h).

(i) Argument

The petition must contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the record. The argument need not address every issue or point included in the statement of issues or points. Any issue or point not addressed may be addressed in the brief on the merits if one is requested by the Court. The argument should state the reasons why the supreme court should exercise jurisdiction to hear the case with specific reference to the factors listed in Rule 56.1(a). The petition need not quote at length from a matter included in the appendix; a reference to the appendix is sufficient. The Court will consider the court of appeals' opinion along with the petition, so statements in that opinion need not be repeated. TEX. R. APP. P. 53.2(i).

(j) Prayer

The petition must contain a short conclusion that clearly states the nature of the relief sought. TEX. R. APP. P. 53.2(j).

(k) Appendix

1) Necessary Contents

Unless voluminous or impracticable, the appendix must contain a copy of:

(A) the judgment or other appealable order of the trial court from which relief in the court of appeals was sought;

(B) the jury charge and verdict, if any, or the trial court's findings of fact and conclusions of law, if any;

(C) the opinion and judgment of the court of appeals; and

(D) the text of any rule, regulation, ordinance, statute, constitutional provision, or other law on which the argument is based

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(excluding case law), and the text of any contract or other document that is central to the argument.

TEX. R. APP. P. 53.2(k)(1).

2) **Optional Contents**

The appendix may contain any other item pertinent to the issues or points presented for review, including copies or excerpts of relevant court opinions, statutes, constitutional provisions, documents on which the suit was based, pleadings, and similar material. Items should not be included in the appendix to attempt to avoid the page limits for the petition. TEX. R. APP. P. 53.2(k)(2).

(3) ***Contents of Response to Petition for Review***

If filed or requested, a response to the petition for review must conform to the requirements of Rule 53.2, set forth above, except that:

(a) the list of parties and counsel is not required unless necessary to supplement or correct the list contained in the petition;

(b) a statement of the case and a statement of the facts need not be made unless the respondent is dissatisfied with that portion of the petition;

(c) a statement of the issues presented need not be made unless:

(1) the respondent is dissatisfied with the statement made in the petition;

(2) the respondent is asserting independent grounds for affirmance of the court of appeals’ judgment; or

(3) the respondent is asserting grounds that establish the respondent’s right to a judgment that is less favorable to the respondent than the judgment rendered by the court of appeals but more favorable to the respondent than the judgment that might be awarded to

the petitioner (e.g., a remand for a new trial rather than a rendition of judgment in favor of the petitioner);

(d) a statement of jurisdiction should be omitted unless the petition fails to assert valid grounds for jurisdiction, in which case the reasons why the supreme court lacks jurisdiction must be concisely stated;

(e) the respondent’s argument must be confined to the issues or points presented in the petition or asserted by the respondent in the respondent’s statement of issues; and

(f) the appendix to the response need not contain any item already contained in an appendix filed by the petitioner.

TEX. R. APP. P. 53.3.

Like the petition, any response must be no longer than **15 pages**, exclusive of pages containing the identity of parties and counsel, the table of contents, the index of authorities, the statement of the case, the statement of jurisdiction, the issues presented, the signature, the proof of service, and the appendix. TEX. R. APP. P. 53.6.

(4) ***Contents of Reply to Petition for Review***

The petitioner may file a reply addressing any matter in the response. However, the Court may consider and decide the case before a reply brief is filed. TEX. R. APP. P. 53.5. A reply may be no longer than **8 pages**, exclusive of the items stated above. TEX. R. APP. P. 53.6.

C. Briefing on the Merits, If Requested

A brief on the merits must not be filed unless requested by the Court. TEX. R. APP. P. 55.1. With or without granting the petition for review, the Court may request the parties to file briefs on the merits. *Id.* In appropriate cases, the Court may realign parties and direct that parties file consolidated briefs. *Id.*

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1. Filing Deadlines

Briefs must be filed with the supreme court clerk **in accordance with the schedule stated in the clerk's notice** that the Court has requested briefs on the merits. TEX. R. APP. P. 55.7. If no schedule is stated in the notice, petitioner must file a brief on the merits within **30 days** after the date of the notice, respondent must file a brief in response within **20 days** after receiving petitioner's brief, and petitioner must file any reply brief within **15 days** after receiving respondent's brief. *Id.*

2. Extensions of Time

On motion for extension of time complying with Rule 10.5(b) either before or after the brief is due, the supreme court may extend the time to file a brief. TEX. R. APP. P. 55.7.

3. Purpose and Contents

a. **Purpose**

If requested, the petitioner's brief on the merits presents the merits of the issues presented for review. Accordingly, the petitioner's brief on the merits must be confined to the issues or points stated in the petition for review. TEX. R. APP. P. 55.2. As a brief on the merits or a brief in response, a party may file the brief that the party filed in the court of appeals. TEX. R. APP. P. 55.5.

b. **Contents of Petitioner's Brief on the Merits**

Rule 55.2 of the Texas Rules of Appellate Procedure sets forth the specific, mandatory requirements for petitioner's brief on the merits. *See generally* TEX. R. APP. P. 55.2. Petitioner's brief on the merits must not exceed **50 pages**, exclusive of pages containing the identity of parties and counsel, the table of contents, the index of authorities, the statement of the case, the statement of jurisdiction, the issues presented the signature, and the proof of service. *See* TEX. R. APP. P. 55.6.¹⁴ Petitioner's brief on the merits

must, under appropriate headings and in the order here indicated, contain the following items:

(1) ***Identity of parties and counsel***

The brief must give a complete list of all parties to the trial court's final judgment, and the names and addresses of all trial and appellate counsel. TEX. R. APP. P. 55.2(a).

(2) ***Table of Contents***

The brief must have a table of contents with references to the pages of the brief. The table of contents must indicate the subject matter of each issue or point, or group of issues or points. TEX. R. APP. P. 55.2(b).

(3) ***Index of Authorities***

The brief must have an index of authorities arranged alphabetically and indicating the pages of the brief where the authorities are cited. TEX. R. APP. P. 55.2(c).

(4) ***Statement of the Case***

The brief must contain a statement of the case that should seldom exceed one page and should not discuss the facts. TEX. R. APP. P. 55.2(d). The statement must contain the following:

(a) a concise description of the nature of the case (e.g., whether it is a suit for damages, on a note, or in trespass to try title);

(b) the name of the judge who signed the order or judgment appealed from;

(c) the designation of the trial court and the county in which it is located;

(d) the disposition of the case by the trial court;

(e) the parties in the court of appeals;

(f) the district of the court of appeals;

(g) the names of the justices who participated in the decision in the court of appeals, the author

¹⁴ The Court may, on motion, permit a longer brief on the merits. TEX. R. APP. P. 55.6.

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of the opinion for the court, and the author of any separate opinion;

(h) the citation for the court of appeals' opinion, if available, or a statement that the opinion was unpublished; and

(i) the disposition of the case by the court of appeals.

TEX. R. APP. P. 55.2(d)(1)-(9).

(5) Statement of Jurisdiction

The brief must state, without argument, the basis of the Court's jurisdiction. TEX. R. APP. P. 55.2(e).

(6) Issues Presented

The brief must state concisely all issues or points presented for review. TEX. R. APP. P. 55.2(f). The statement of an issue or point will be treated as covering every subsidiary question that is fairly included. *Id.* The phrasing of the issues or points need not be identical to the statement of issues or points in the petition for review, but the brief may not raise additional issues or points or change the substance of the issues or points presented in the petition. *Id.*

(7) Statement of Facts

The brief must affirm that the court of appeals correctly stated the nature of the case, except in any particulars pointed out. TEX. R. APP. P. 55.2(g). The brief must state concisely and without argument the facts and procedural background pertinent to the issues or points presented. *Id.* The statement must be supported by record references. *Id.*

(8) Summary of the Argument

The brief must contain a succinct, clear, and accurate statement of the arguments made in the body of the brief. TEX. R. APP. P. 55.2(h). This summary must not merely repeat the issues or points presented for review. *Id.*

(9) Argument

The brief must contain a clear and concise argument for the contentions made, with appropriate citations to authorities and to the record. TEX. R. APP. P. 55.2(i).

(10) Prayer

The brief must contain a short conclusion that clearly states the nature of the relief sought. TEX. R. APP. P. 55.2(j).

c. Contents of Respondent's Brief on the Merits

If the petitioner files a brief on the merits, any other party to the appeal may file a brief in response, which must conform to the requirements set forth in Rule 55.2, except that:

(a) the list of parties and counsel is not required unless necessary to supplement or correct the list contained in the petitioner's brief;

(b) a statement of the case and a statement of the facts need not be made unless the respondent is dissatisfied with that portion of the petitioner's brief; and

(c) a statement of the issues presented need not be made unless:

(1) the respondent is dissatisfied with the statement made in the petitioner's brief;

(2) the respondent is asserting independent grounds for affirmance of the court of appeals' judgment; or

(3) the respondent is asserting grounds that establish the respondent's right to a judgment that is less favorable to the respondent than the judgment rendered by the court of appeals but more favorable to the respondent than the judgment that might be awarded to the petitioner (e.g., a remand for a new trial rather than a rendition of judgment in favor of the petitioner);

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(d) a statement of jurisdiction should be omitted unless the petition fails to assert valid grounds for jurisdiction; and

(e) the respondent's argument must be confined to the issues or points presented in the petitioner's brief or asserted by the respondent in the respondent's statement of issues.

TEX. R. APP. P. 55.3.

Like petitioner's brief on the merits, respondent's brief on the merits must not exceed **50 pages**, exclusive of pages containing the identity of parties and counsel, the table of contents, the index of authorities, the statement of the case, the statement of jurisdiction, the issues presented the signature, and the proof of service. TEX. R. APP. P. 55.6.

d. Contents of Petitioner's Reply Brief on the Merits

The petitioner may file a reply brief on the merits addressing any matter in the brief in response. TEX. R. APP. P. 55.4. However, the Court may consider and decide the case before a reply brief is filed. *Id.* A reply may be no longer than **25 pages**, exclusive of the items stated above. TEX. R. APP. P. 55.6.

D. Submission and Oral Argument

1. Submission Without Oral Argument

If at least six members of the Court so vote, a petition for review may be granted and an opinion handed down without oral argument. TEX. R. APP. P. 59.1.

2. Submission With Oral Argument

If the supreme court decides that oral argument would aid the Court, the Court will set the case for argument. The clerk will notify all parties of the submission date. TEX. R. APP. P. 59.2. The supreme court typically hears oral argument three consecutive days a month, 3 cases each day, September through April.

3. Purpose of Oral Argument

Oral argument should emphasize and clarify the written arguments in the briefs. Counsel should not merely read from a prepared text. Importantly, counsel should assume that all Justices have read the briefs before oral argument and should be prepared to respond to the Justices' questions. TEX. R. APP. P. 59.3.¹⁵

4. Webcasts of Oral Arguments

St. Mary's University School of Law and the Supreme Court of Texas now maintain a website to provide the public with access to live webcasts of the Court's oral arguments from Austin, Texas. That website is available at: <http://www.stmarytx.edu/law/webcasts> (last visited September 15, 2008). The arguments may also be viewed at a later time through the law school's archives.¹⁶

5. Audio Recording of Oral Arguments

Additionally, the Supreme Court of Texas also posts audio recordings of oral arguments to allow ready access to the arguments by the public and lawyers across the state. The recordings are usually posted within a few hours of the oral argument. Copies of MP3 audio file recordings of past oral arguments from 1989 – present are available at: <http://www.supreme.courts.state.tx.us/oralarguments/audio.asp> (last visited September 15, 2008).

E. Written Opinions

The supreme court will hand down a written opinion in all cases in which it renders a judgment. TEX. R. APP. P. 63. The clerk will send a copy of the opinion and judgment to the court of appeals clerk, the trial court clerk, the regional administrative judge, and all parties to the appeal. *Id.*

¹⁵ Unlike oral argument in the courts of appeals, oral argument in the Supreme Court is heard by all nine justices.

¹⁶ These webcasts include oral argument heard March 20, 2007 to the present. See <http://stmarytxlaw.mediasite.com/stmarytx/Catalog/front.aspx> (last visited September 15, 2008).

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The length of time between submission and oral argument and the date the supreme court issues its written opinion varies (*i.e.*, based on the complexity of the issues) and is difficult to predict. The court has issued opinions as quickly as several months after oral argument or as long as four years later.

F. Motion for Rehearing

The losing party in the Supreme Court may file a motion for rehearing. *See generally* TEX. R. APP. P. 64. However, the court usually denies such motions, so they should be reversed for the rare case where such motion is truly warranted.

1. Purpose

The motion for rehearing asks the Supreme Court either to hear a case in which it denied or dismissed a petition for review or to reconsider an opinion it issued.

2. Time for Filing

A motion for rehearing may be filed with the Supreme Court clerk within **15 days** from the date when the Court renders judgment or makes an order disposing of a petition for review. TEX. R. APP. P. 64.1. In exceptional cases, if justice requires, the Court may shorten the time within which the motion may be filed or even deny the right to file it altogether. *Id.*

3. Contents

The motion must specify the points relied on for the rehearing. TEX. R. APP. P. 64.2.

4. Response and Decision

No response to a motion for rehearing need be filed unless the Court so requests. TEX. R. APP. P. 64.3. A motion will not be granted unless a response has been filed or requested by the Court. *Id.* But in exceptional cases, if justice so requires, the Court may deny the right to file a response and act on a motion any time after it is filed. *Id.*

5. Second Motion

The Court will not consider a second motion for rehearing. TEX. R. APP. P. 64.4.

6. Extensions of Time

The Court may extend the time to file a motion for rehearing in the Supreme Court, if a motion complying with Rule 10.5(b) is filed with the Court no later than 15 days after the last date for filing a motion for rehearing. TEX. R. APP. P. 64.5.

7. Length of Motion and Response

A motion or response must be no longer than **15 pages**. TEX. R. APP. P. 64.6.

8. Ruling on Motion for Rehearing

a. **Court Overrules Motion with No Opinion**

If the Court believes the case should not be reheard, the motion for rehearing will be overruled. If the court does not overrule the motion by written order within **180 days** of the date it was filed, the motion will be denied by operation of law. TEX. CONST. art. 5, § 31(d).

b. **Court Grants Rehearing**

If the Court believes the case should be reheard, the Court will grant the motion and resubmit the case. The Court must grant the motion within **180 days** of the date it was filed, or it will be denied by operation of law. TEX. CONST. art. 5, § 31(d). If the Court grants the motion, the parties need not rebrief or reargue the case.

c. **Court Overrules Motion with Opinion**

If the Court believes the case should not be reheard, but wishes to modify or limit an opinion, the Court will overrule the motion and issue an amended or supplemental opinion. The opinion must be issued within **180 days** of the date the motion was filed. TEX. CONST. art. 5, § 31(d).

d. **No Second Motion**

The Supreme Court does not permit the submission of a second motion for rehearing.

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TEX. R. APP. P. 64.4. However, when the court grants the first motion for rehearing and changes its judgment and opinion or overrules the first motion, but issues a substituted opinion, the court will allow the movant to file a second motion. *See State Dept. of Highways & Pub. Transp. v. Payne*, 838 S.W.2d 235, 246 & n.1 (Tex. 1992) (Gonzalez, J., dissenting) (second motion for rehearing).

Counties From Which Cases Were Appealed to a Court of Appeals During Fiscal Year 2007

County	Civil	Criminal	Total	County	Civil	Criminal	Total
Anderson	30	24	54	Eastland	2	13	15
Andrews	2	6	8	Ector	19	19	38
Angelina	7	21	28	El Paso	106	74	180
Aransas	3	15	18	Ellis	13	19	32
Archer	3	0	3	Erath	3	3	6
Atascosa	3	13	16	Falls	1	5	6
Austin	8	0	8	Fannin	4	14	18
Bailey	1	2	3	Fayette	0	1	1
Bandera	5	10	15	Fisher	1	1	2
Bastrop	12	6	18	Floyd	0	2	2
Baylor	1	1	2	Fort Bend	54	66	120
Bee	22	19	41	Franklin	2	1	3
Bell	31	78	109	Freestone	11	5	16
Bexar	360	314	674	Frio	4	2	6
Blanco	1	0	1	Gaines	4	4	8
Bosque	2	1	3	Galveston	68	52	120
Bowie	18	10	28	Gillespie	5	2	7
Brazoria	60	38	98	Goliad	1	1	2
Brazos	25	41	66	Gonzales	2	1	3
Brewster	3	2	5	Gray	5	5	10
Brooks	0	1	1	Grayson	51	20	71
Brown	7	20	27	Gregg	13	67	80
Burleson	1	7	8	Grimes	5	1	6
Burnet	12	11	23	Guadalupe	16	7	23
Caldwell	4	8	12	Hale	2	27	29
Calhoun	7	1	8	Hamilton	1	1	2
Callahan	1	1	2	Hardin	5	6	11
Cameron	62	47	109	Harris	925	808	1,733
Camp	2	1	3	Harrison	9	13	22
Carson	3	0	3	Hartley	1	0	1
Cass	5	8	13	Haskell	0	4	4
Castro	1	1	2	Hays	15	13	28
Chambers	6	12	18	Hemphill	0	2	2
Cherokee	24	7	31	Henderson	20	21	41
Clay	2	2	4	Hidalgo	106	45	151
Cochran	0	1	1	Hill	4	10	14
Coke	0	5	5	Hockley	0	4	4
Coleman	1	0	1	Hood	16	26	42
Collin	164	115	279	Hopkins	9	10	19
Collingsworth	2	0	2	Houston	10	5	15
Colorado	4	3	7	Howard	3	1	4
Comal	28	15	43	Hunt	12	22	34
Comanche	1	1	2	Hutchinson	2	0	2
Concho	2	0	2	Jack	2	1	3
Cooke	7	10	17	Jackson	1	4	5
Coryell	4	15	19	Jasper	10	4	14
Crane	1	1	2	Jefferson	124	266	390
Crockett	2	1	3	Jim Hogg	2	0	2
Crosby	0	2	2	Jim Wells	8	12	20
Dallam	2	2	4	Johnson	20	27	47
Dallas	671	700	1,371	Jones	5	7	12
Dawson	2	3	5	Karnes	4	1	5
De Witt	4	3	7	Kaufman	18	16	34
Deaf Smith	5	4	9	Kendall	18	3	21
Delta	1	0	1	Kenedy	1	1	2
Denton	91	72	163	Kent	0	1	1
Dimmit	1	0	1	Kerr	9	21	30
Donley	1	0	1	Kimble	1	1	2
Duval	6	0	6	King	0	1	1

Counties From Which Cases Were Appealed to a Court of Appeals During Fiscal Year 2007

County	Civil	Criminal	Total	County	Civil	Criminal	Total
Kinney	1	0	1	Robertson	4	2	6
Kleberg	7	5	12	Rockwall	8	11	19
Knox	3	0	3	Runnels	4	3	7
La Salle	6	1	7	Rusk	18	3	21
Lamar	9	23	32	Sabine	6	1	7
Lamb	0	1	1	San Augustine	2	0	2
Lampasas	2	8	10	San Jacinto	6	9	15
Lavaca	1	2	3	San Patricio	9	18	27
Lee	6	0	6	San Saba	1	2	3
Leon	7	8	15	Schleicher	1	1	2
Liberty	16	7	23	Scurry	2	5	7
Limestone	5	6	11	Shackelford	1	0	1
Lipscomb	0	1	1	Shelby	3	3	6
Live Oak	3	4	7	Smith	46	157	203
Llano	1	12	13	Somervell	2	1	3
Loving	3	0	3	Starr	8	7	15
Lubbock	42	67	109	Stephens	3	1	4
Lynn	1	3	4	Stonewall	2	3	5
Madison	3	3	6	Sutton	0	2	2
Marion	1	3	4	Swisher	0	2	2
Matagorda	7	7	14	Tarrant	286	372	658
Maverick	7	0	7	Taylor	11	32	43
McCulloch	4	0	4	Terry	6	5	11
McLennan	37	62	99	Titus	3	2	5
McMullen	1	0	1	Tom Green	7	14	21
Medina	6	5	11	Travis	294	150	444
Midland	18	30	48	Trinity	0	3	3
Milam	1	5	6	Tyler	10	0	10
Mills	3	0	3	Upshur	4	6	10
Mitchell	0	1	1	Upton	1	0	1
Montague	2	3	5	Uvalde	2	0	2
Montgomery	96	90	186	Val Verde	6	11	17
Moore	3	3	6	Van Zandt	8	7	15
Morris	2	2	4	Victoria	17	18	35
Nacogdoches	5	18	23	Walker	30	13	43
Navarro	5	10	15	Waller	6	1	7
Newton	3	2	5	Ward	3	1	4
Nueces	77	116	193	Washington	8	9	17
Ochiltree	0	1	1	Webb	47	8	55
Orange	10	34	44	Wharton	6	3	9
Palo Pinto	10	6	16	Wheeler	2	13	15
Panola	6	0	6	Wichita	43	31	74
Parker	19	11	30	Wilbarger	6	3	9
Parmer	4	2	6	Willacy	9	10	19
Pecos	3	2	5	Williamson	35	42	77
Poik	16	19	35	Wilson	4	6	10
Potter	28	69	97	Winkler	1	3	4
Presidio	0	1	1	Wise	6	2	8
Rains	1	5	6	Wood	10	16	26
Randall	6	41	47	Yoakum	1	1	2
Red River	4	6	10	Young	5	6	11
Reeves	1	1	2	Zapata	5	0	5
Refugio	1	1	2	Zavala	1	0	1
Roberts	1	0	1				
Totals					5,000	5,176	10,176

Note: 147 cases were not associated with a county because they were either original proceedings or the county was not identified when the case was filed.

Activity for the Fiscal Year Ended August 31, 2007

	1st-Houston 9 Justices			2nd-Fort Worth 7 Justices			3rd-Austin 6 Justices			4th-San Antonio 7 Justices		
	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total
Cases Pending September 1, 2006	485	518	1,003	250	389	639	343	282	625	278	245	523
New cases filed	588	546	1,134	465	484	949	441	342	783	514	412	926
Rehearings granted	25	5	30	2	0	2	21	7	28	5	0	5
Cases reinstated	16	102	118	35	43	78	30	42	72	16	7	23
Cases remanded from higher courts	2	3	5	0	7	7	1	4	5	1	4	5
Cases transferred in	8	1	9	0	0	0	0	0	0	0	0	0
Cases transferred out	(17)	(12)	(29)	(21)	(53)	(74)	(38)	(38)	(76)	(25)	(19)	(44)
Total Cases Added	622	645	1,267	481	481	962	455	357	812	511	404	915
Total Cases On Docket	1,107	1,163	2,270	731	870	1,601	798	639	1,437	789	649	1,438
Dispositions:												
Cases affirmed	168	323	491	134	298	432	122	219	341	149	179	328
Cases modified and/or reformed and affirmed	9	4	13	6	10	16	1	11	12	2	2	4
Cases affirmed in part and in part reversed and remanded	21	2	23	12	2	14	8	1	9	10	1	11
Cases affirmed in part and in part reversed and rendered	1	0	1	5	1	6	2	0	2	8	0	8
Cases reversed and remanded	42	18	60	21	18	39	19	11	30	48	9	57
Cases reversed and rendered	26	5	31	9	1	10	17	2	19	25	2	27
Cases otherwise disposed	125	162	287	121	51	172	113	41	154	141	10	151
Cases dismissed	212	171	383	168	92	260	116	106	222	162	184	346
Case consolidations or voids	4	3	7	1	0	1	3	1	4	0	0	0
Total Cases Disposed	608	688	1,296	477	473	950	401	392	793	545	387	932
Cases Pending August 31, 2007	499	475	974	254	397	651	397	247	644	244	262	506
Percentage pending up to 6 months	50.3%	50.3%	50.3%	58.7%	56.7%	57.5%	37.0%	49.4%	41.8%	62.3%	53.1%	57.5%
Percentage pending from 6 to 12 months	26.3%	32.6%	29.4%	28.3%	32.7%	31.0%	25.4%	27.1%	26.1%	28.3%	34.4%	31.4%
Percentage pending from 12 to 24 months	21.2%	17.1%	19.2%	12.2%	9.8%	10.8%	21.9%	19.0%	20.8%	9.4%	12.6%	11.1%
Percentage pending over 24 months	2.2%	0.0%	1.1%	0.8%	0.8%	0.8%	15.6%	4.5%	11.3%	0.0%	0.0%	0.0%
Average time between filing and disposition (in months)	11.0	9.8	10.4	6.3	9.9	8.1	8.4	9.1	8.7	6.2	7.4	6.7
Average percent of cases filed but not yet disposed for more than 24 months	3.80%	0.25%	2.09%	0.9%	0.4%	0.6%	9.25%	2.58%	6.48%	0.00%	0.61%	0.15%
Average time between submission and disposition (in months)	1.9	1.1	1.5	1.8	1.9	1.9	3.6	2.9	3.2	0.9	0.7	0.8
Average percent of cases under submission for more than 12 months	7.32%	0.68%	4.25%	5.19%	0.16%	2.85%	34.50%	15.10%	28.34%	0.28%	0.00%	0.17%
Clearance Rate	97.8%	106.7%	102.3%	99.2%	98.3%	98.8%	88.1%	109.8%	97.7%	106.7%	95.8%	101.9%

Activity for the Fiscal Year Ended August 31, 2007

	5th-Dallas 13 Justices			6th-Texarkana 3 Justices			7th-Amartillo 4 Justices			8th-El Paso 3 Justices		
	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total
Cases Pending September 1, 2006	457	646	1,103	60	196	256	143	258	401	118	181	299
New cases filed	829	900	1,729	120	182	302	158	266	424	147	102	249
Rehearings granted	7	6	13	1	0	1	10	1	11	3	0	3
Cases reinstated	30	367	397	2	11	13	8	58	66	2	5	7
Cases remanded from higher courts	0	1	1	0	2	2	0	1	1	2	7	9
Cases transferred in	1	0	1	15	30	45	49	54	103	35	69	104
Cases transferred out	(13)	(39)	(52)	0	0	0	(1)	0	(1)	(1)	(1)	(2)
Total Cases Added	854	1,235	2,089	138	225	363	224	380	604	188	182	370
Total Cases On Docket	1,311	1,881	3,192	198	421	619	367	638	1,005	306	363	669
Dispositions:												
Cases affirmed	171	592	763	44	195	239	63	207	270	37	117	154
Cases modified and/or reformed and affirmed	0	0	0	2	12	14	6	8	14	0	12	12
Cases affirmed in part and in part reversed and remanded	11	2	13	2	0	2	5	0	5	2	0	2
Cases affirmed in part and in part reversed and rendered	7	0	7	0	0	0	3	0	3	2	0	2
Cases reversed and remanded	49	19	68	10	19	29	16	7	23	5	3	8
Cases reversed and rendered	15	1	16	6	3	9	7	0	7	6	1	7
Cases otherwise disposed	149	372	521	10	14	24	35	64	99	29	10	39
Cases dismissed	386	149	535	65	25	90	80	68	148	71	27	98
Case consolidations or voids	9	6	15	0	0	0	8	0	8	0	0	0
Total Cases Disposed	797	1,141	1,938	139	268	407	223	354	577	152	170	322
Cases Pending August 31, 2007	513	740	1,253	59	153	212	144	284	428	154	193	347
Percentage pending up to 6 months	55.0%	71.2%	64.6%	81.4%	64.7%	69.3%	57.6%	58.8%	58.4%	51.3%	56.0%	53.9%
Percentage pending from 6 to 12 months	30.6%	23.8%	26.6%	15.3%	28.8%	25.0%	17.4%	21.8%	20.3%	24.7%	19.2%	21.6%
Percentage pending from 12 to 24 months	12.9%	5.0%	8.2%	3.4%	6.5%	5.7%	24.3%	19.0%	20.8%	24.0%	23.8%	23.9%
Percentage pending over 24 months	1.6%	0.0%	0.6%	0.0%	0.0%	0.0%	0.7%	0.4%	0.5%	0.0%	1.0%	0.6%
Average time between filing and disposition (in months)	7.5	6.7	7.0	5.5	9.1	7.9	7.6	8.1	7.9	8.7	14.2	11.7
Average percent of cases filed but not yet disposed for more than 24 months	1.07%	0.08%	0.51%	0.00%	0.00%	0.00%	0.48%	0.06%	0.20%	0.63%	0.76%	0.68%
Average time between submission and disposition (in months)	1.2	1.3	1.2	0.8	1.2	1.0	1.8	1.2	1.4	2.3	2.3	2.3
Average percent of cases under submission for more than 12 months	4.41%	1.54%	3.35%	0.00%	0.00%	0.00%	0.25%	0.00%	0.15%	0.98%	0.00%	0.45%
Clearance Rate	93.3%	92.4%	92.8%	100.7%	119.1%	112.1%	99.6%	93.2%	95.5%	80.9%	93.4%	87.0%

Activity for the Fiscal Year Ended August 31, 2007

	9th-Beaumont 4 Justices			10th-Waco 3 Justices			11th-Eastland 3 Justices			12th-Tyler 3 Justices		
	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total
Cases Pending September 1, 2006	163	208	371	154	173	327	141	186	327	91	156	247
New cases filed	263	361	624	171	227	398	118	181	299	176	260	436
Rehearings granted	0	0	0	1	1	2	0	0	0	3	2	5
Cases reinstated	1	0	1	26	31	57	15	12	27	1	0	1
Cases remanded from higher courts	3	3	6	1	22	23	0	1	1	2	1	3
Cases transferred in	0	0	0	1	11	12	23	56	79	0	0	0
Cases transferred out	(33)	(73)	(106)	(7)	(11)	(18)	0	0	0	(15)	(29)	(44)
Total Cases Added	234	291	525	193	281	474	156	250	406	167	234	401
Total Cases On Docket	397	499	896	347	454	801	297	436	733	258	390	648
Dispositions:												
Cases affirmed	88	171	259	84	154	238	63	142	205	47	143	190
Cases modified and/or reformed and affirmed	8	8	16	0	0	0	2	5	7	0	2	2
Cases affirmed in part and in part reversed and remanded	6	3	9	3	1	4	2	1	3	1	0	1
Cases affirmed in part and in part reversed and rendered	2	0	2	1	1	2	0	0	0	2	0	2
Cases reversed and remanded	16	8	24	22	3	25	11	9	20	9	5	14
Cases reversed and rendered	14	2	16	9	1	10	8	0	8	10	1	11
Cases otherwise disposed	70	1	71	39	38	77	32	30	62	27	23	50
Cases dismissed	71	139	210	80	80	160	48	39	87	75	59	134
Case consolidations or voids	0	0	0	0	0	0	2	4	6	1	0	1
Total Cases Disposed	275	332	607	238	278	516	168	230	398	172	233	405
Cases Pending August 31, 2007	122	167	289	109	176	285	129	206	335	86	157	243
Percentage pending up to 6 months	50.0%	53.9%	52.2%	49.5%	54.0%	52.3%	38.8%	53.4%	47.8%	60.5%	59.9%	60.1%
Percentage pending from 6 to 12 months	35.2%	28.7%	31.5%	35.8%	37.5%	36.8%	27.1%	21.8%	23.9%	24.4%	31.2%	28.8%
Percentage pending from 12 to 24 months	13.1%	16.8%	15.2%	12.8%	8.5%	10.2%	32.6%	23.8%	27.2%	15.1%	8.9%	11.1%
Percentage pending over 24 months	1.6%	0.6%	1.0%	1.8%	0.0%	0.7%	1.6%	1.0%	1.2%	0.0%	0.0%	0.0%
Average time between filing and disposition (in months)	7.4	8.0	7.7	9.4	8.5	8.9	9.9	10.8	10.4	5.8	8.2	7.2
Average percent of cases filed but not yet disposed for more than 24 months	1.00%	0.70%	0.81%	2.08%	0.38%	1.07%	0.13%	0.41%	0.29%	0.00%	0.00%	0.00%
Average time between submission and disposition (in months)	3.2	2.0	2.5	1.7	1.5	1.6	2.0	1.3	1.6	2.4	1.2	1.6
Average percent of cases under submission for more than 12 months	1.00%	0.00%	0.50%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Clearance Rate	117.5%	114.1%	115.6%	123.3%	98.9%	108.9%	107.7%	92.0%	98.0%	103.0%	99.6%	101.0%

Activity for the Fiscal Year Ended August 31, 2007

	13th-Corpus Christi 6 Justices			14th-Houston 9 Justices			Grand Totals		
	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total
Cases Pending September 1, 2006	331	265	596	412	442	854	3,426	4,145	7,571
New cases filed	346	321	667	604	455	1,059	4,940	5,039	9,979
Rehearings granted	5	1	6	11	3	14	94	26	120
Cases reinstated	38	94	132	48	101	149	268	873	1,141
Cases remanded from higher courts	3	6	9	4	2	6	19	64	83
Cases transferred in	39	50	89	10	5	15	181	276	457
Cases transferred out	(1)	(1)	(2)	(12)	(3)	(15)	(184)	(279)	(463)
Total Cases Added	430	471	901	665	563	1,228	5,318	5,999	11,317
Total Cases On Docket	761	736	1,497	1,077	1,005	2,082	8,744	10,144	18,888
Dispositions:									
Cases affirmed	98	177	275	145	380	525	1,413	3,297	4,710
Cases modified and/or reformed and affirmed	6	6	12	4	6	10	46	86	132
Cases affirmed in part and in part reversed and remanded	10	0	10	20	0	20	113	13	126
Cases affirmed in part and in part reversed and rendered	4	1	5	5	0	5	42	3	45
Cases reversed and remanded	42	9	51	34	16	50	344	154	498
Cases reversed and rendered	16	3	19	20	1	21	188	23	211
Cases otherwise disposed	98	114	212	193	102	295	1,182	1,032	2,214
Cases dismissed	151	122	273	243	115	358	1,928	1,376	3,304
Case consolidations or voids	0	0	0	2	2	4	30	16	46
Total Cases Disposed	425	432	857	666	622	1,288	5,286	6,000	11,286
Cases Pending August 31, 2007	336	304	640	411	383	794	3,457	4,144	7,601
Percentage pending up to 6 months	44.6%	62.2%	53.0%	52.6%	55.9%	54.2%	51.3%	58.3%	55.2%
Percentage pending from 6 to 12 months	22.3%	22.0%	22.2%	26.0%	34.5%	30.1%	26.7%	28.2%	27.5%
Percentage pending from 12 to 24 months	26.2%	12.2%	19.5%	19.2%	8.9%	14.2%	18.5%	12.6%	15.3%
Percentage pending over 24 months	6.8%	3.6%	5.3%	2.2%	0.8%	1.5%	3.5%	0.8%	2.1%
Average time between filing and disposition (in months)	9.9	9.8	9.8	8.0	9.5	8.7	8.1	8.8	8.5
Average percent of cases filed but not yet disposed for more than 24 months	5.59%	4.64%	5.16%	2.15%	0.83%	1.48%	2.28%	0.80%	1.54%
Average time between submission and disposition (in months)	4.7	1.8	3.1	2.2	2.0	2.1	2.1	1.5	1.8
Average percent of cases under submission for more than 12 months	10.74%	4.57%	8.89%	4.55%	0.41%	2.64%	6.15%	1.74%	4.33%
Clearance Rate	98.8%	91.7%	95.1%	100.2%	110.5%	104.9%	99.4%	100.0%	99.7%

Opinions Written by Justices of the Courts of Appeals For the Year Ended August 31, 2007

	Original Opinions On Merits	Concurring Opinions	Dissenting Opinions	Opinions Refusing Rehearing	Opinions Granting Rehearing	Opinions Dismissing Appeal	Other Opinions	Per Curiam Opinions	Total
First, Houston									
<i>Regular Justices</i>									
Chief Justice Sherry Radack	69	1	0	0	0	0	0	50	120
Justice Tim Taft	67	1	2	0	0	0	0	63	133
Justice Sam Nuchia	61	0	1	0	0	0	0	54	116
Justice Terry Jennings	85	12	10	0	0	0	0	57	164
Justice Evelyn V. Keyes	75	10	23	0	0	0	0	49	157
Justice Elisa R. Alcalá	73	2	5	0	0	0	0	52	132
Justice George C. Hanks, Jr.	78	2	0	0	0	0	0	62	142
Justice Laura Carter Higley	76	0	0	0	0	0	0	53	129
Justice Jane Bland	75	1	1	0	0	0	0	58	135
<i>Visiting Justices</i>									
Justice Davie Wilson	5	0	0	0	0	0	0	0	5
Justice Frank C. Price	1	0	0	0	0	0	0	0	1
TOTAL	665	29	42	0	0	0	0	498	1,234
								<i>Published</i>	773
								<i>Not Published</i>	461
Second, Fort Worth									
<i>Regular Justices</i>									
Chief Justice John Cayce	18	0	3	0	0	3	0	106	130
Justice Terrie Livingston	62	3	2	0	0	0	0	74	141
Justice Lee Ann Dauphinot	34	2	10	0	0	1	0	93	140
Justice Dixon W. Holman	41	0	0	0	0	1	0	76	118
Justice Anne Gardner	54	1	0	0	0	4	0	70	129
Justice Sue Walker	66	1	2	0	0	5	0	53	127
Justice Bob McCoy	46	1	0	0	0	0	0	78	125
<i>Visiting Justices</i>									
Justice William H. Brigham	1	0	0	0	0	0	0	3	4
TOTAL	322	8	17	0	0	14	0	553	914
								<i>Published</i>	511
								<i>Not Published</i>	403
Third, Austin									
<i>Regular Justices</i>									
Chief Justice Ken Law	85	0	0	0	1	31	3	21	141
Justice Bea Ann Smith ¹	25	0	0	0	1	7	2	1	36
Justice Jan Patterson	112	6	12	0	3	33	5	16	187
Justice David E. Puryear	95	3	2	0	8	33	4	34	179
Justice Bob Pemberton	110	2	1	0	2	46	4	22	187
Justice Alan Waldrop	90	1	0	0	1	45	17	10	164
Justice Diane Henson ²	35	0	1	0	0	16	1	2	55
<i>Visiting Justices</i>									
Justice John E. Onion, Jr.	7	0	0	0	0	0	0	0	7
Justice Bea Ann Smith	0	0	1	0	0	0	0	0	1
TOTAL	559	12	17	0	16	211	36	106	957
								<i>Published</i>	516
								<i>Not Published</i>	441

¹ Bea Ann Smith's term ended December 31, 2006.

² Diane Henson was elected Justice effective January 1, 2007 to replace Bea Ann Smith, who did not seek reelection.

Opinions Written by Justices of the Courts of Appeals For the Year Ended August 31, 2007

	Original Opinions On Merits	Concurring Opinions	Dissenting Opinions	Opinions Refusing Rehearing	Opinions Granting Rehearing	Opinions Dismissing Appeal	Other Opinions	Per Curiam Opinions	Total
Fourth, San Antonio									
<i>Regular Justices</i>									
Chief Justice Alma L. Lopez	74	1	2	0	0	0	0	67	144
Justice Catherine M. Stone	76	1	4	0	0	1	4	70	156
Justice Sarah B. Duncan ¹	26	1	4	0	0	0	1	19	51
Justice Karen Angelini	58	0	0	0	0	0	6	64	128
Justice Sandee Bryan Marion	63	1	0	0	0	1	0	76	141
Justice Phylis J. Speedlin	69	1	0	0	0	1	3	62	136
Justice Rebecca Simmons	58	1	5	0	0	2	2	62	130
Justice Steven C. Hilbig ²	26	2	2	0	0	0	0	46	76
TOTAL	450	8	17	0	0	5	16	466	962
								<i>Published</i>	600
								<i>Not Published</i>	362
Fifth, Dallas									
<i>Regular Justices</i>									
Chief Justice Linda Thomas	6	0	0	0	0	32	0	113	151
Justice Joseph B. Morris	74	0	0	0	0	2	0	39	115
Justice Mark Whittington	69	0	0	0	0	8	0	31	108
Justice Carolyn Wright	74	0	0	0	0	14	0	27	115
Justice James A. Moseley	58	0	1	0	0	7	0	27	93
Justice David L. Bridges	73	0	0	0	0	12	0	48	133
Justice Michael J. O'Neill	69	0	1	1	0	9	0	27	107
Justice Kerry P. FitzGerald	54	0	0	0	0	11	0	35	100
Justice Martin E. Richter	79	0	0	0	0	7	0	35	121
Justice Molly Francis	85	0	0	0	0	6	0	36	127
Justice Douglas S. Lang	77	0	0	0	0	13	0	32	122
Justice Elizabeth Lang Miers	55	0	0	0	0	5	0	27	87
Justice Ames L. Mazzant	66	0	0	0	0	11	0	29	106
<i>Visiting Justices</i>									
Justice Sue Lagarde	54	0	0	0	0	0	0	0	54
Justice Frances Maloney	21	0	0	0	0	0	0	0	21
Justice Bea Ann Smith	7	0	0	0	0	0	0	0	7
TOTAL	914	0	2	1	0	137	0	506	1,567
								<i>Published</i>	800
								<i>Not Published</i>	767
Sixth, Texarkana									
<i>Regular Justices</i>									
Chief Justice Josh R. Morriss III	95	0	0	1	1	31	0	0	128
Justice Donald R. Ross ³	25	0	0	0	0	11	0	0	36
Justice Jack Carter	101	3	1	1	1	27	0	0	134
Justice Bailey C. Moseley ⁴	75	0	0	0	0	21	0	0	96
<i>Visiting Justices</i>									
Justice William J. Cornelius	8	0	0	0	0	0	0	0	8
TOTAL	304	3	1	2	2	90	0	0	402
								<i>Published</i>	193
								<i>Not Published</i>	209

¹ Sarah B. Duncan's term ended December 31, 2006.

² Steven C. Hilbig was elected Justice effective January 1, 2007 to replace Sarah B. Duncan, who did not seek reelection.

³ Donald R. Ross' term ended December 31, 2006.

⁴ Bailey C. Moseley was elected Justice effective January 1, 2007 to replace Donald R. Ross, who did not seek reelection.

Opinions Written by Justices of the Courts of Appeals For the Year Ended August 31, 2007

	Original Opinions On Merits	Concurring Opinions	Dissenting Opinions	Opinions Refusing Rehearing	Opinions Granting Rehearing	Opinions Dismissing Appeal	Other Opinions	Per Curiam Opinions	Total
Seventh, Amarillo									
<i>Regular Justices</i>									
Chief Justice Brian Quinn	125	1	1	0	0	26	1	39	193
Justice James T. Campbell	79	3	3	0	1	26	0	36	148
Justice Mackey K. Hancock	83	1	0	1	0	31	2	23	141
Justice Patrick A. Pirtle ⁷	50	0	0	0	0	32	1	25	108
<i>Visiting Justices</i>									
Justice Don H. Reavis ⁸	8	1	0	1	0	7	0	0	17
Justice John T. Boyd	7	0	0	0	0	0	0	0	7
TOTAL	352	6	4	2	1	122	4	123	614
								<i>Published</i>	108
								<i>Not Published</i>	506
Eighth, El Paso									
<i>Regular Justices</i>									
Chief Justice David W. Chew	77	0	0	0	0	30	2	0	109
Justice Ann Crawford McClure	76	0	0	0	0	45	2	0	123
Justice Kenneth R. Carr	71	0	1	0	0	23	1	0	96
TOTAL	224	0	1	0	0	98	5	0	328
								<i>Published</i>	162
								<i>Not Published</i>	166
Ninth, Beaumont									
<i>Regular Justices</i>									
Chief Justice Steve McKeithen	75	0	0	0	0	56	0	19	150
Justice David B. Gaulmey	91	7	12	0	0	45	0	18	173
Justice Charles Kreger	81	0	0	0	0	51	0	20	152
Justice Hollis Horton	89	1	2	0	0	48	0	16	156
<i>Visiting Justices</i>									
Justice Don Burgess	1	0	0	0	0	0	0	0	1
TOTAL	337	8	14	0	0	200	0	73	632
								<i>Published</i>	313
								<i>Not Published</i>	319
Tenth, Waco									
<i>Regular Justices</i>									
Chief Justice Thomas W. Gray	80	27	71	0	0	61	0	6	245
Justice William R. Vance	101	2	3	0	1	5	0	32	144
Justice Felipe Reyna	123	1	1	1	0	3	0	72	201
TOTAL	304	30	75	1	1	69	0	110	590
								<i>Published</i>	388
								<i>Not Published</i>	202
Eleventh, Eastland									
<i>Regular Justices</i>									
Chief Justice Jim R. Wright	52	0	1	0	0	1	0	49	103
Justice Terry McCall	61	0	0	0	0	2	0	43	106
Justice Rick Strange	48	0	1	1	0	1	0	48	99
<i>Visiting Justices</i>									
Justice Austin McCloud	11	0	0	0	0	0	0	4	15
Justice John Hill	3	0	1	0	0	0	0	25	29
TOTAL	175	0	3	1	0	4	0	169	352
								<i>Published</i>	79
								<i>Not Published</i>	273

⁷ Patrick A. Pirtle was appointed Justice effective November 1, 2006 to replace Don Reavis, who retired.

⁸ Don Reavis retired effective September 30, 2006.

Opinions Written by Justices of the Courts of Appeals For the Year Ended August 31, 2007

	Original Opinions On Merits	Concurring Opinions	Dissenting Opinions	Opinions Refusing Rehearing	Opinions Granting Rehearing	Opinions Dismissing Appeal	Other Opinions	Per Curiam Opinions	Total
Twelfth, Tyler									
<i>Regular Justices</i>									
Chief Justice Jim Worthen	86	0	0	2	0	0	1	48	137
Justice Sam G. Griffith	74	0	1	3	0	2	0	57	137
Justice Brian Hoyle	62	0	1	1	0	13	0	56	133
<i>Visiting Justices</i>									
Justice James W. Bass, Jr.	15	0	0	0	0	1	1	2	19
TOTAL	237	0	2	6	0	16	2	163	426
								<i>Published</i>	198
								<i>Not Published</i>	228
Thirteenth, Corpus Christi									
<i>Regular Justices</i>									
Chief Justice Rogelio Valdez	79	0	1	0	0	3	0	59	142
Justice Federico G. Hinojosa ⁹	5	0	0	0	0	1	1	14	21
Justice Linda Reyna Yanez	71	4	7	0	0	1	0	56	139
Justice Nelda V. Rodriguez	62	0	0	0	0	1	0	63	126
Justice Errinda Castillo ¹⁰	12	0	0	0	0	1	2	16	31
Justice Don Contreras Garza	71	0	0	0	0	2	0	62	135
Justice Gina M. Benavides ¹¹	25	1	0	0	0	3	0	32	61
Justice Rose Vela ¹²	25	2	2	0	0	6	0	36	71
<i>Visiting Justices</i>									
Justice Maurice Amidei	0	0	1	0	0	0	0	0	1
Justice Charles E. Bard	7	0	0	0	0	0	0	0	7
Justice Don Wittig	14	0	0	0	0	1	0	0	15
TOTAL	371	7	11	0	0	19	3	338	749
								<i>Published</i>	421
								<i>Not Published</i>	328
Fourteenth, Houston									
<i>Regular Justices</i>									
Chief Justice Adele Hedges	64	1	0	0	0	2	3	71	141
Justice Leslie Brock Yates	56	3	1	0	0	0	4	53	117
Justice John S. Anderson	64	0	0	0	0	3	4	57	128
Justice J. Harvey Hudson	66	0	1	0	0	1	2	64	134
Justice Wanda McKee Fowler	62	0	0	0	0	1	7	52	122
Justice Richard H. Edelman	48	3	5	0	0	3	8	52	119
Justice Kim Thompson Frost	73	8	5	0	0	1	4	56	147
Justice Charles W. Seymore	71	4	0	0	0	1	5	57	138
Justice Iva M. Guzman	65	3	1	0	0	1	5	62	137
<i>Visiting Justices</i>									
Justice Maurice Amidei	3	0	0	0	0	0	0	0	3
Justice Margaret Garner Mirabal	6	0	0	0	0	0	1	0	7
Justice Frank C. Price	1	0	0	0	0	0	0	0	1
TOTAL	579	22	13	0	0	13	43	524	1,194
								<i>Published</i>	709
								<i>Not Published</i>	485
OVERALL TOTALS	5,793	133	219	13	20	998	109	3,629	10,921
								<i>Published</i>	5,771
								<i>Not Published</i>	5,150

⁹ Federico G. Hinojosa was defeated for reelection.

¹⁰ Errinda Castillo was defeated for reelection.

¹¹ Gina M. Benavides was elected Justice effective January 1, 2007 to Errinda Castillo.

¹² Rose Vela was elected Justice effective January 1, 2007 to replace Federico G. Hinojosa.