

Caseload Trends in the Supreme Court

Analysis of Activity for Year Ended August 31, 2002

BACKGROUND

The Supreme Court of Texas is the highest state court for civil appeals and promulgates rules of administration and civil procedure for the courts of Texas. It is comprised of the Chief Justice and eight justices.

The caseload of the Supreme Court is directly affected by the structure and jurisdiction of Texas' appellate court system. The 14 Courts of Appeals handle most of the state's criminal and civil appeals from the district and county-level courts, and the Court of Criminal Appeals handles all criminal appeals beyond the Courts of Appeals.

The case activity of the Supreme Court can be broken down into three broad categories: determining whether to grant review of a Court of Appeals' final judgment (i.e., to grant or not grant a petition for review); disposition of regular causes (i.e., granted petitions for review, accepted petitions for writs of mandamus or habeas corpus, certified questions, accepted parental notification appeals, and direct appeals); and disposition of motions.

"Regular causes" involve cases in which four or more of the Supreme Court justices have decided in conference that a petition for review, petition for writ of mandamus or habeas corpus, or parental notification appeal should be reviewed. Regular causes also include direct appeals the Court has agreed to review and questions of law certified to it by a federal appellate court that the Court has agreed to answer. Most regular causes are set for oral argument in open court and are reported in written opinions. However, a petition may be granted and an unsigned opinion (*per curiam*) issued without oral argument if at least six members of the Court vote accordingly.

The Court does not have control over the number of petitions for review that are filed and must be considered. Much of the Court's time is spent determining which petitions for review will be granted. In deciding which petitions will be granted, the Court exercises some control over its caseload. In addition, the Court rules on hundreds of motions filed each year related to petitions and regular causes.

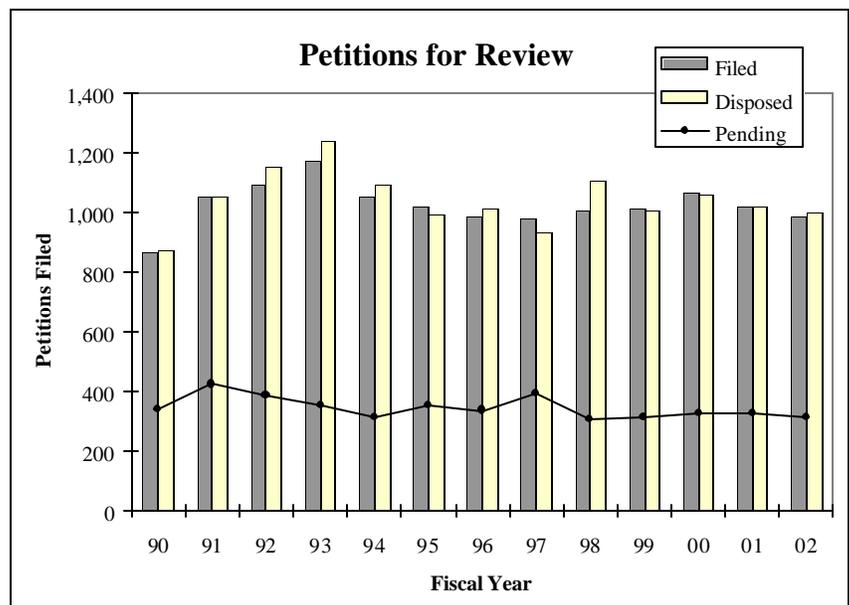
PETITIONS FOR REVIEW

- **The number of petitions for review dropped 3.1 percent from the previous fiscal year (from 1,018 in FY 2001 to 986 in FY 2002).** Despite this decrease, the Court's workload has remained relatively stable during the past thirteen fiscal years, with the number of petitions filed ranging from a low of 866 in FY 1990 to a high of 1,171 in FY 1993. The 986 petitions for review filed in FY 2002 fall in the middle of this range.

- **Corresponding to the reduction in petitions filed, the number of disposed petitions for review fell by 19 (from 1,020 in FY 2001 to 1,001 in FY 2002), or 1.9 percent. Of the 1,001 disposed petitions reviewed in FY 2002, 116 were granted and 828 were denied, accounting for 11.6 percent and 82.7 percent, respectively.** The remaining 57

petitions (5.7 percent) were dismissed, abated, struck, transferred, or withdrawn. Since FY 1990, an average of 11.8 percent of petitions have been granted and 82.1 percent denied, while the remaining 7.0 percent were disposed in another manner.

- **The number of petitions for review disposed (1,001) slightly exceeded the number of petitions added (986) in FY 2002.** The Court disposed of 1,001 petitions for review; this represents 1.5 percent more than were added to the docket during the year.



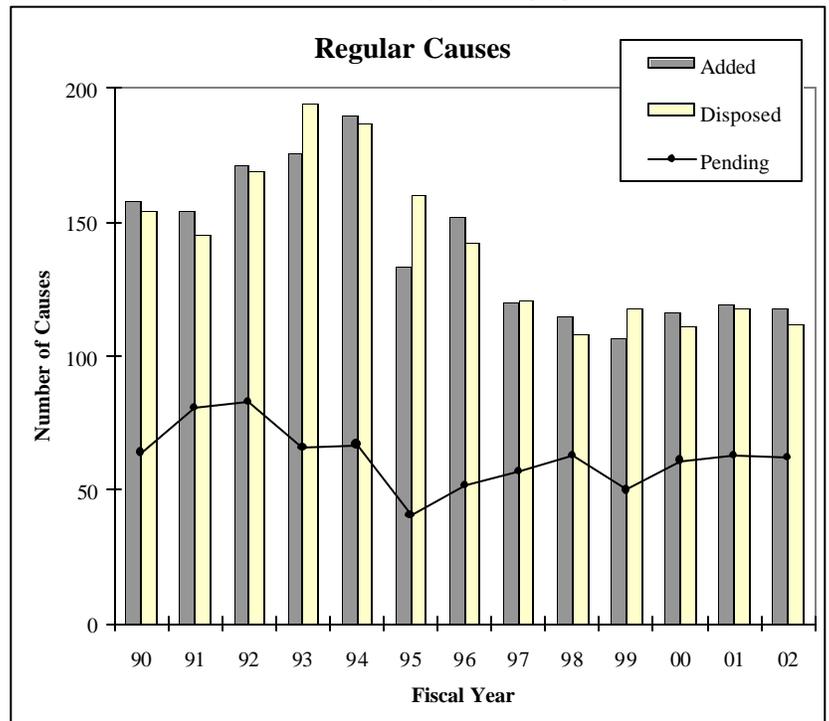
writs of habeas corpus, petitions for writs of prohibition and injunction, petitions to publish, parental notification appeals, or petitions for temporary injunctions.

REGULAR CAUSES

- **During the fiscal year, 118 causes were added to the Supreme Court docket.** Causes added to the docket steadily grew during fiscal years 1990 through 1994 then began to decline in FY 1995. Since this initial decline, causes added have remained at a lower, more consistent level over the last six fiscal years, ranging from 107 to 120 causes added per fiscal year.
- **The number of regular causes disposed (112 causes) in FY 2002 decreased slightly compared to the previous fiscal year (118 causes).** The disposition of causes has remained relatively constant over the last six fiscal years, ranging from a low of 108 to a high of 121. Sixty-two causes remained pending at the end of FY 2002, which is equal to the average number of pending causes for the last 13 years. The number of pending causes has varied little over the last six fiscal years, ranging from 57 to 63.
- **Supreme Court justices wrote 165 opinions, an average of 18.3 opinions per justice.** The number of opinions issued increased by 18.7 percent from the previous fiscal year (from 139 in FY 2001 to 165 in FY 2002). A rise in the number of majority opinions—18 more than the previous fiscal year (59)—accounted for most of this change. In addition, the number of *per curiam* opinions, concurring opinions, and dissenting opinions increased marginally. The number of concurring and dissenting opinions also changed marginally, falling from 7 in FY 2001 to 4 in FY 2002.

OTHER ACTIVITY

- **In FY 2002, the number of other petitions, direct appeals, and other matters added to the docket increased by 9.2 percent (from 283 to 309), while disposition of these cases increased by 10.1 percent (from 277 to 305) from the previous fiscal year.**
- **The number of motions added to the Court's docket increased by 8.3 percent from the previous fiscal year (from 1,642 in FY 2001 to 1,778 in FY 2002).** Disposition of motions also increased from 1,600 in FY 2001 to 1,812 in FY 2002—an increase of 13.3 percent.



Note: Regular causes include granted petitions for review, accepted petitions for writs of mandamus or habeas corpus, certified questions, accepted parental notification appeals, and direct appeals.