



The Supreme Court of Texas

CHIEF JUSTICE
WALLACE B. JEFFERSON

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JUSTICES
NATHAN L. HECHT
DALE WAINWRIGHT
DAVID M. MEDINA
PAUL W. GREEN
PHIL JOHNSON
DON R. WILLETT
EVA M. GUZMAN
DEBRA H. LEHRMANN

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December 16, 2011

The Honorable Rick Perry
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Legislative Budget Board
P.O. Box 12666
Capitol Station
Austin, Texas 78711

RE: Supreme Court Annual Report, Fiscal Year 2011

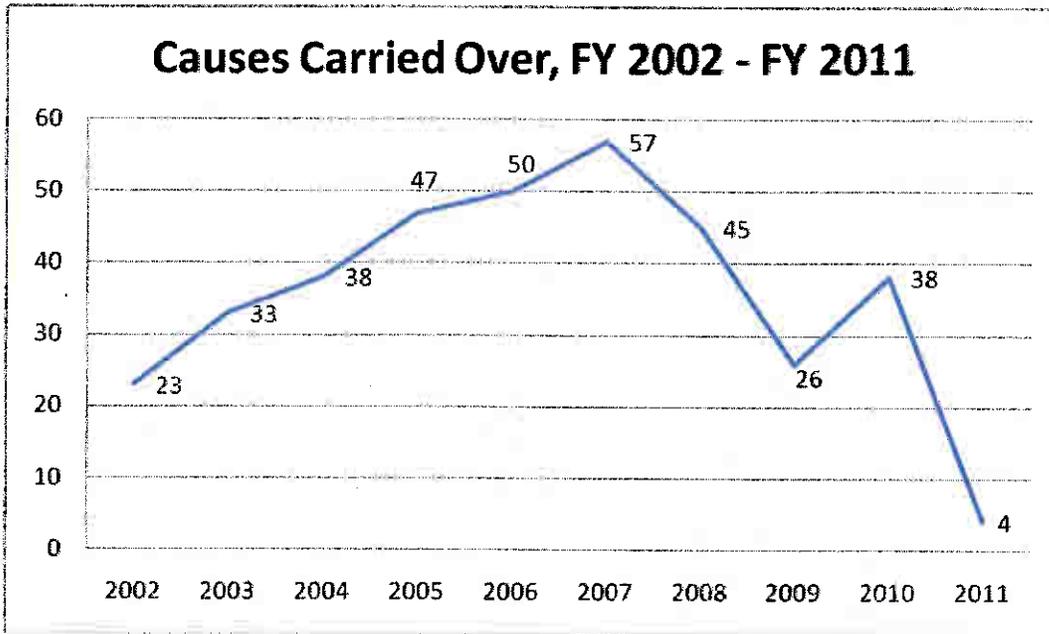
Dear Governor Perry and Members of the Legislative Budget Board:

As part of its General Appropriations Act, the 81st Legislature asked the Chief Justice to present an annual report to the Governor and the Legislative Budget Board discussing the Court's performance and addressing Justices' adherence to the Court's internal operating procedures. This, the first of such reports, presents data from fiscal year 2011.

The Court enjoyed a productive year, issuing 162 total opinions. One hundred twelve were deciding opinions, including seventy-four majority opinions and thirty-eight per curiam opinions. The Court's output reflects a thirty-seven percent increase over last year's total of 118 opinions. It is the fifth time in the last ten fiscal years that the Court has issued over 160 opinions, and the fourth time during that same period that the Court has issued more than seventy majority opinions. By comparison, the Supreme Court of the United States issued seventy-five majority opinions last term.

Because of the increase in opinions issued, the Court carried over a record low four causes at the end of the fiscal year. This means that only four cases argued were still pending on August 31, 2011. This figure is the lowest since the Court began keeping this statistic more than twenty years ago. The carryover reached as high as fifty-seven at the end of fiscal year 2007.

Just last year, thirty-eight argued cases remained on the docket at the end of the fiscal year. The following chart displays the Court’s carryover at the end of the last ten fiscal years.



To ensure the efficient resolution of cases, the Court has established internal benchmarks for the circulation of majority and per curiam opinions, separate writings, and for a Justice to complete review of another Justice’s opinion. These benchmarks necessarily yield to the greater goal to produce thorough and accurate declarations of the law. This is the first year the Court has tracked each Justice’s compliance with these aspirational guidelines. Some cases, because they are complex or because the record is extensive, require more time than is allotted. Factors that may delay resolution of a case include the complexity of the legal issues involved, the number of separate writings affiliated with the opinion, whether similar legal issues will be decided in another case pending before the Court, recusals, resignations, and retirements, and the parties’ requests for extensions and abatelements.

Despite these factors, the Court’s Justices successfully met nearly all internal targets. Of the hundreds of items at issue, the Court’s Justices collectively missed only seventeen benchmarks, and no Justice individually missed more than five. The Justices missed twelve by fewer than thirty days. The following chart lists the number of missed internal benchmarks by each Justice and the average days late per missed benchmark.

Justice	Number of Missed Internal Benchmarks in FY 2011	Average Days Late Per Missed Benchmark
Chief Justice Wallace B. Jefferson	2	85
Justice Nathan L. Hecht	5	15
Justice Dale Wainwright	1	11
Justice David M. Medina	5	80
Justice Paul W. Green	2	16
Justice Phil Johnson	1	64
Justice Don R. Willett	0	n/a
Justice Eva M. Guzman	1	44
Justice Debra H. Lehrmann	0	n/a

The preceding data is fairly evaluated only as compared with overall productivity. In fiscal year 2011, the missed benchmarks *did not hinder the Court's or any Justice's output*. Of the seventeen benchmarks missed, only two items remained outstanding at the end of the fiscal year. And of the thirty-nine cases argued last year, only one was still pending at fiscal year-end. The following chart reflects majority opinions, per curiam opinions, concurrences and dissents for the prior fiscal year.

Opinions by Justice, FY 2011				
Justice	Majority Opinions	Per Curiam Opinions	Other Opinions	Total Opinions
Chief Justice Wallace B. Jefferson	10	1	8	19
Justice Nathan L. Hecht	15	12	5	32
Justice Dale Wainwright	10	6	6	22
Justice David M. Medina	8	4	3	15
Justice Paul W. Green	4	1	2	7
Justice Phil Johnson	13	6	7	26
Justice Don R. Willett	5	3	11	19
Justice Eva M. Guzman	6	2	3	11
Justice Debra H. Lehrmann	3	3	5	11

Evaluation of a Justice's performance must also take into account more than a single year's production. While a Justice may have authored a relatively low number of opinions in a given year, he or she may have written prolifically in prior years, leaving few assigned cases for a subsequent fiscal year. Authorship of opinions in prior fiscal years is tabulated by the Office of Court Administration – <http://www.courts.state.tx.us/pubs/AR2011/toc.htm>. The following chart, for example, displays opinions issued in fiscal year 2010.

Opinions by Justice, FY 2010				
Justice	Majority Opinions	Per Curiam Opinions	Other Opinions	Total Opinions
Chief Justice Wallace B. Jefferson	8	6	4	18
Justice Nathan L. Hecht	3	2	1	6
Justice Harriet O'Neill	5	6	2	13
Justice Dale Wainwright	2	5	5	12
Justice David M. Medina	6	2	1	9
Justice Paul W. Green	12	11	1	24
Justice Phil Johnson	6	3	6	15
Justice Don R. Willett	8	3	4	15
Justice Eva M. Guzman	3	2	1	6

Above and beyond the Court's caseload, the Justices all undertake administrative responsibilities. These additional duties include serving as liaisons for Court boards, task forces, commissions, and committees; participating in the rule drafting and approval process; and speaking at continuing legal education programs across Texas.

Justice Nathan Hecht led efforts to secure funding for the next biennium to provide low-income Texans basic civil legal services through the Texas Access to Justice Foundation and guided the Court's rule-making efforts. Justice Wainwright served as the Court's liaison to a variety of entities involved in the attorney-discipline process in Texas, including the Board of Disciplinary Appeals, the Commission for Lawyer Discipline, the Unauthorized Practice of Law Committee, and the Professional Ethics Committee. Justice Medina worked with the Court Records Preservation Task Force as it completed a lengthy and important report on the state of historic court records throughout Texas. Justice Paul Green assisted the Judicial Committee on Information Technology on statewide e-filing issues, meeting regularly with the Committee and public officials throughout the state. Justice Phil Johnson spearheaded the Court's efforts to amend the Texas Disciplinary Rules of Professional Conduct. Justice Don Willett worked with the Grievance Oversight Committee and the Texas Center for the Judiciary. Justice Guzman chaired the Permanent Judicial Commission for Children, Youth and Families. And Justice Debra Lehrmann worked with the Court Reporters Certification Board and chaired the American Bar Association's Family Law Section. Each of the Justices assisted the Legislature last Session to advocate for resources the judicial branch requires to administer justice fairly and impartially. These are just a few examples of the Justices' exemplary work outside the Courtroom.

The Court achieved its goal of disposing of cases timely, but not prematurely. I am immensely proud of the Court's work and look forward to another successful year in 2012.

Sincerely,



Wallace B. Jefferson
Chief Justice

cc: Hon. David Dewhurst
Hon. Joe Straus
Hon. Steve Ogden
Hon. Jim Pitts
Hon. Robert Duncan
Hon. Harvey Hilderbran
Hon. Juan Hinojosa
Hon. Dan Branch
Hon. Judith Zaffirini
Hon. Sylvester Turner