

Caseload Trends in the Supreme Court

OVERVIEW

The work of the Supreme Court of Texas is shaped by the structure of Texas' judicial system, by jurisdiction conferred by the constitution and statute, and by rules of civil and appellate procedure.¹ The Supreme Court is the chief rulemaking and administrative body of the judicial branch.² This means that the Supreme Court, while processing its own caseload, must provide leadership to the state judiciary via its rulemaking and other administrative responsibilities.

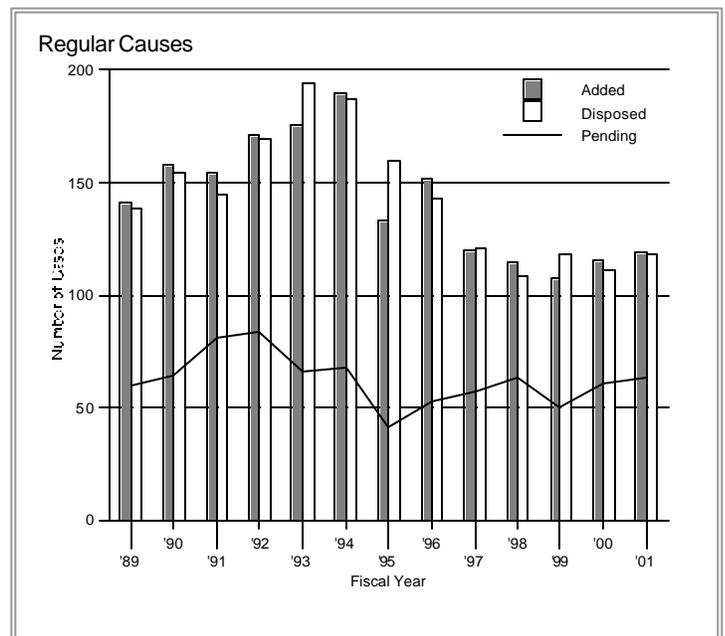
As the head of the judicial branch, the Supreme Court presides over Texas' complex, multi-layered judicial system. The Texas constitution vests judicial power in "one Supreme Court, in one Court of Criminal Appeals, in Courts of Appeals, in District Courts, in County Courts, in Commissioners Courts, in Courts of Justices of the Peace, and in such other courts as may be provided by law."³ These different courts are largely defined by their respective jurisdictions: trial or appellate, criminal, civil, or probate, etc. The complexity resulting from numerous types of courts is compounded by the large number of courts and the variations in jurisdictions within each type of court largely based on local needs.

The caseload of the Supreme Court is directly affected by the structure and jurisdiction of Texas' appellate court system (see Court Structure of Texas, page 8). While the fourteen Courts of Appeal handle most of the state's mandatory appeals (also known as appeals of right), including all mandatory civil appeals, the Court of Criminal Appeals handles all criminal appeals beyond the Courts of Appeals. Because of this system, the Supreme Court's caseload is almost entirely discretionary.⁴ Thus, the Supreme Court has some control of its regular caseload (cases fully heard on the merits); however, it does not control the number of petitions for review that must be considered.

Supreme Court determinations break down into three broad categories: decisions to grant review, disposition of regular causes, and motions. Because the caseload before the Supreme Court is entirely discretionary, much of the Court's time is spent determining which cases will be fully heard (decisions to grant review). Regular causes are those which are fully heard on the merits on the briefs alone, in oral argument, or both. Motions are the matters passed on by the Court in the course of processing a petition for review or a regular cause.

REGULAR CAUSES

- The number of regular causes added to the docket in FY 2001 continues a five-year stabilization trend.** In four of the last five years, the number of regular causes added to the docket was remarkably stable, ranging from 115 to 120 cases. This stabilization period is the first since the early 1980s when the number of cases added remained very close to recent levels. The recent stabilization period follows thirteen years of volatility, beginning in FY 1984 when 94 cases were added (a twenty-year low). During that time, a six-year period of steady growth ended in FY 1994 when 190 cases were added to the docket. That was followed by an abrupt three-year decline, ending in the current stabilization period.
- The number of regular causes disposed in FY 2001 kept up with the number of filings.** Dispositions totaled 118 in FY 2001, resulting in 63 pending cases at the end of the year. This is just above the ten-year average of 60.3



¹ The Supreme Court of Texas consists of one chief justice and eight associate justices who are elected in general elections to staggered six-year terms (TX Const. Art. 5 §2).

² TX Const. Art. 5 §31.

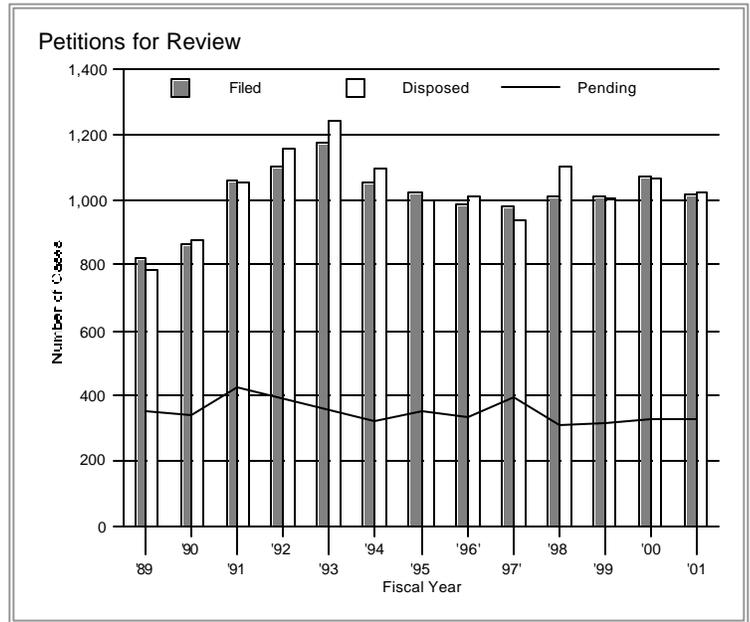
³ TX Const. Art. 5 § 1.

⁴ The appellate jurisdiction of the Supreme Court is final and extends to all cases except criminal appeals and as otherwise provided in this Constitution or by law (TX Const. Art. 5 § 3).

pending cases at year-end. Dispositions and pending cases have also stabilized over the last five years, ranging from 108 to 121 and from 50 to 63, respectively, for that period.

PETITIONS FOR REVIEW

- The number of petitions for review added to the docket in FY 2001 continues an eight-year stabilization period.** The 1,018 petitions for review added to the docket in FY 2001 was 4.8 percent less than the peak in FY 2000. Despite this drop, the Court is still in a relatively stable period in which the number of cases added has ranged from a low of 983 in 1997 to a high of 1,069 in FY 2000. The 1,018 petitions for review added this year falls roughly in the middle of that range. This recent trend follows three years of relatively high counts, which peaked in FY 1993 when 1,171 petitions were added. Before that period, the number of petitions for review added to the docket remained well below 900.
- For the third consecutive year, the number of dispositions on petitions for review roughly matched the number added in FY 2001.** In FY 2001, the number of petitions for review disposed decreased by 4.0 percent. That resulted in the disposition of 1,020 petitions for review, while just 1,018 petitions were added to the docket. That left 329 cases pending at the end of FY 2001, which was an increase from the 307 left pending at the end of FY 1998 (about a 7 percent increase for the three-year period). This is a sharp contrast to the volatility in the number of cases pending experienced through the early 1990s.
- Of the 1,020 petitions reviewed in FY 2001, 111 were granted and 823 were denied, accounting for 11 percent and 81 percent, respectively.** The remaining 86 petitions (8 percent) were dismissed, abated, struck, or withdrawn. During the past ten years, 12 percent of petitions were granted and 81 percent were denied, while the other 7 percent were disposed otherwise. These results are remarkably similar from year to year. This is probably a result of the wide discretion that the Supreme Court has in determining which cases it will hear fully.



OTHER ACTIVITY

- 1,642 motions were filed or made before the Supreme Court in FY 2001.** Motions for rehearings accounted for 283 of these cases (17 percent), while the balance came from miscellaneous motions passed on by the Court.
- In FY 2001, the justices of the Supreme Court wrote 139 opinions (an average of 15.4 opinions per justice).** This was 41 fewer than were written in FY 2000 (about 23 percent less) and is down from the FY 1998 peak when 222 opinions were written (about 38 percent less). The drop in total opinions written largely results from the drop in non-majority opinions written. While there were only three fewer majority opinions in FY 2001 compared to FY 2000, there were 19 fewer dissenting opinions and 13 fewer concurring opinions. Also, the number of per curiam opinions written in FY 2001 dropped to just 16 from the 29 written in FY 2000.