

# Caseload Trends in the Supreme Court

## Analysis of Activity for Year Ended August 31, 2003

### 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.

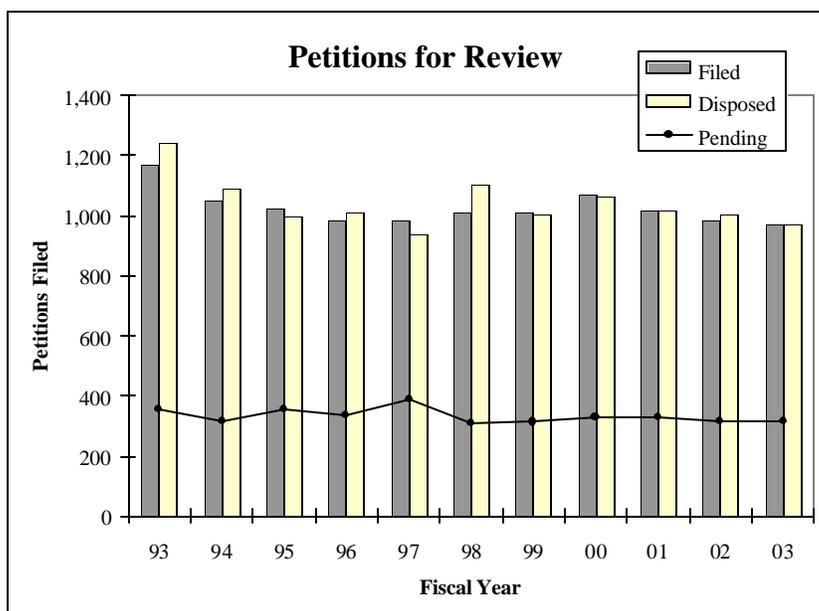
The case activity of the Supreme Court can be broken down into three broad categories: determining whether to grant review of a Court of Appeals' final judgment (i.e., to grant or not grant a petition for review); disposition of regular causes (i.e., granted petitions for review, accepted petitions for 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 filed has dropped slightly in each of the past four fiscal years, from 1,069 in FY 2000 to 968 in FY 2003.** The 968 petitions filed in FY 2003 represent the lowest number of petitions for review filed since FY 1990, when 866 petitions were filed. The 968 petitions filed in FY 2003 also fell slightly below the five-year (FY 1999 to FY 2003) and ten-year (FY 1994 to FY 2003) averages, which were identical at 1,011 filings per year, indicating the long-term trend for petitions for review filed has been relatively stable overall.
- **Dispositions of petitions for review have also decreased in each of the past four fiscal years, from 1,063 in FY 2000 to 973 in FY 2003.** Again, the 973 petitions for review disposed in FY 2003 fell below the five-year (FY 1999 to FY 2003) average of 1,013 petitions disposed per year and the ten-year (FY 1994 to FY 2003) average of 1,020 petitions disposed per year. However, the long-term trend of petitions for review disposed has been stable.



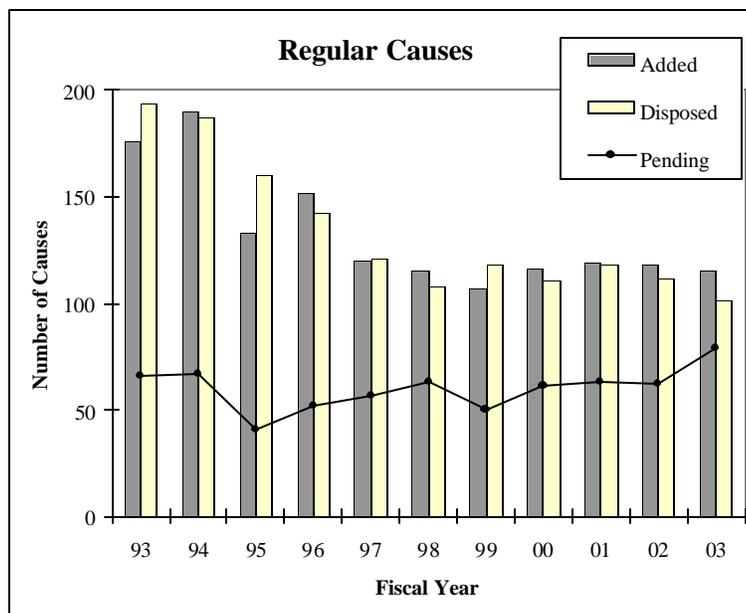
**Note:** Petitions for review do not include petitions for writs of mandamus, petitions for writs of habeas corpus, petitions for writs of prohibition and injunction, petitions to publish, parental notification appeals, or petitions for temporary injunctions.

- **The number of pending petitions for review has remained stable since FY 1998.** In FY 2003, the number of petitions for review

pending at the end of the year was 317, which was very close to the five-year (FY 1999 to FY 2003) average of 320 petitions pending per year. Over the past ten fiscal years (FY 1994 to FY 2003), the number of pending petitions for review ranged from a high of 392 petitions in FY 1997 to a low of 307 petitions in FY 1998, and averaged 331 petitions per year. The number of pending petitions for review was more stable in the most recent six-year period (FY 1998 to FY 2003) than it had been during the previous five fiscal years (FY 1993 to FY 1997).

## REGULAR CAUSES

- The number of regular causes added has remained relatively constant since FY 1997, ranging from a low of 107 causes in FY 1999 to a high of 120 causes in FY 1997.** The number of regular causes added in FY 2003 was identical to the average for the five fiscal years immediately preceding FY 2003 (FY 1998 to FY 2002), i.e., 115 causes added per year. This stable trend contrasts with the decreasing trend of the prior five fiscal years (FY 1993 to FY 1997), which had a significantly higher overall average of 154 causes added per year.



**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.

- In FY 2003, the Supreme Court disposed of 101 regular causes, eleven fewer than were disposed the previous fiscal year. The number of regular causes disposed in FY 2003 was the lowest number of dispositions in the last ten fiscal years.** However, the 101 regular causes disposed in FY 2003 was part of a six-year (FY 1998 to FY 2003) trend of stable disposition rates, with an average of 113 cases disposed per year. This is in contrast to the downward trend over the prior five fiscal years (FY 1993 to FY 1997), which had an average of 161 regular causes disposed per year. This average (161 causes) was significantly higher than the average number of regular causes disposed per year (113 causes) during the most recent six fiscal years (FY 1998 to FY 2003).
- The number of regular causes pending at the end of FY 2003 was significantly higher than the number pending at the end of the previous fiscal year.** In FY 2002, there were 62 causes pending at the end of the fiscal year, while 79 causes remained pending at the end of FY 2003, a 27.4 percent increase. The 62 causes pending at the end of FY 2003 were also slightly higher than the ten-year (FY 1994 to FY 2003) average of 60 causes pending per year. The increase in the number of regular causes pending at the end of the year was congruent with the decrease in the number disposed in FY 2003.
- In FY 2003, the average number of days from filing to disposition for regular causes was 231 days, while the average number of days from filing to release of an opinion for regular causes was 621 days. For submission to release of an opinion on a regular cause, the average was 266 days.** For cases other than regular causes, the average number of days from filing to disposition in FY 2003 was 123 days, while the average number of days from filing to the granting or denying of an application, petition, or motion was 79 days.

## OPINIONS WRITTEN

- During FY 2003, the justices of the Supreme Court wrote 128 opinions, an average of 14.2 opinions per justice.** The number of opinions issued declined 22.8 percent from the previous fiscal year when the justices wrote 165 opinions. The five-year (FY 1999 to FY 2003) average number of opinions issued per year was 155.4. Of the 128 opinions written in FY 2003, 46.9 percent were majority opinions, 22.7 percent were per curiam, 7.8 percent were concurring, 18.8 percent were dissenting, 0.8 percent were concurring and dissenting, and 3.1 percent were other opinions.

## MOTIONS

- During FY 2003, the Supreme Court disposed of 1,795 motions, 45 more than the 1,750 motions filed in the same fiscal year.**