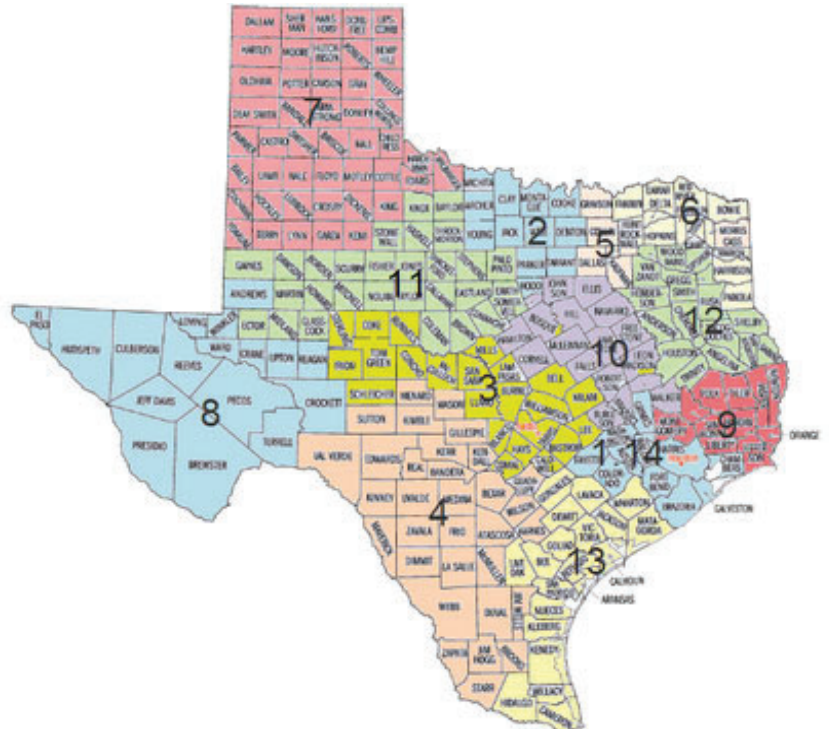


A Texas Appellate Judge's View of Employment Law Cases

Amanda L. Reichel
Justice, Fifth District Court of Appeals
600 Commerce Street, 2nd floor
Dallas, Texas 75202
amanda.reichel@5th.txcourts.gov



Overview of our intermediate courts of appeal:

- 14 courts of appeal
- No discretionary review – consider all appeals
- Jurisdiction over civil, criminal, and family appeals from our state and county district courts
- Elected through partisan elections

Employment cases as percentage of docket (approximate)

1st & 14th (Houston): 10-15% (based on Dallas figure)

2nd (Fort Worth): 1-5%

3rd (Austin): 5-10%

4th (San Antonio): <5%

5th (Dallas): 10-15%

6th (Texarkana): 1%

7th (Amarillo): <1%

8th (El Paso) 15%

9th (Beaumont) 5-10%

10th (Waco): 1%

11th (Eastland): 1%

12th (Tyler): <1%

13th (Corpus Christi): 5-10%

Takeaway:

- Justices on these courts don't see a lot of employment law
- ... and many of these cases are non-competes / non-disclosure cases, not "traditional" employment law.
- So, err on the side of more information rather than less – don't assume we know anything.

2018 elections changed the partisan makeup of the 1st, 3rd, 5th, and 14th COA:

- <https://www.texastribune.org/2018/11/08/texas-courts-appeals-2018-midterms-beto-orourke/>
- <https://www.law360.com/articles/1100293/newly-blue-texas-appeals-courts-could-benefit-plaintiffs>
- <https://www.dallasnews.com/news/2018/11/11/conservative-texas-appellate-court-flips-blue-overnight-after-19-years-without-a-democrat-on-the-bench/>
- <https://www.statesman.com/news/20181106/democrats-sweep-3rd-court-of-appeals-races>

1st Court of Appeals (Houston)

Place	Pre-2018 Election	Jan. 2019-current
1	Sherry Radack	Sherry Radack (R) (Chief Justice)
2	Jane Bland (R)	Gordon Goodman (D)
3	Russell Lloyd (R)	Russell Lloyd (R)
4	Evelyn Keyes (R)	Evelyn Keyes (R)
5	Laura Higley (R) (Ret.)	open
6	Harvey Brown (R)	Sarah Beth Landau (D)
7	Terry Jennings (D)	Julie Countiss (D)
8	Michael Massengale (R)	Richard Hightower (D)
9	Jennifer Caughey (R)	Peter Kelly (D)

Also available as part of the eCourse

[Litigation Strategies and Employment Law](#)

First appeared as part of the conference materials for the
2020 Litigation Strategies and Employment Law session
"Appellate Judge's View of Employment Law Cases"