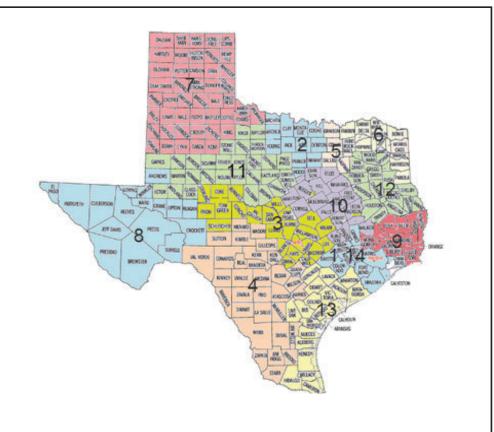
# A Texas Appellate Judge's View of Employment Law Cases

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#### 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)

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1st & 14th (Houston): 10-15% (based on Dallas figure)
2<sup>nd</sup> (Fort Worth):
                          1-5%
3<sup>rd</sup> (Austin):
                          5-10%
4<sup>th</sup> (San Antonio): <5%
5<sup>th</sup> (Dallas):
                          10-15%
6<sup>th</sup> (Texarkana):
                          1%
7<sup>th</sup> (Amarillo):
                          <1%
8<sup>th</sup> (El Paso)
                          15%
9<sup>th</sup> (Beaumont)
                          5-10%
10th (Waco):
                          1%
11<sup>th</sup> (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 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, and 14<sup>th</sup> COA:

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

#### 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 <u>Litigation Strategies and Employment Law</u>

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