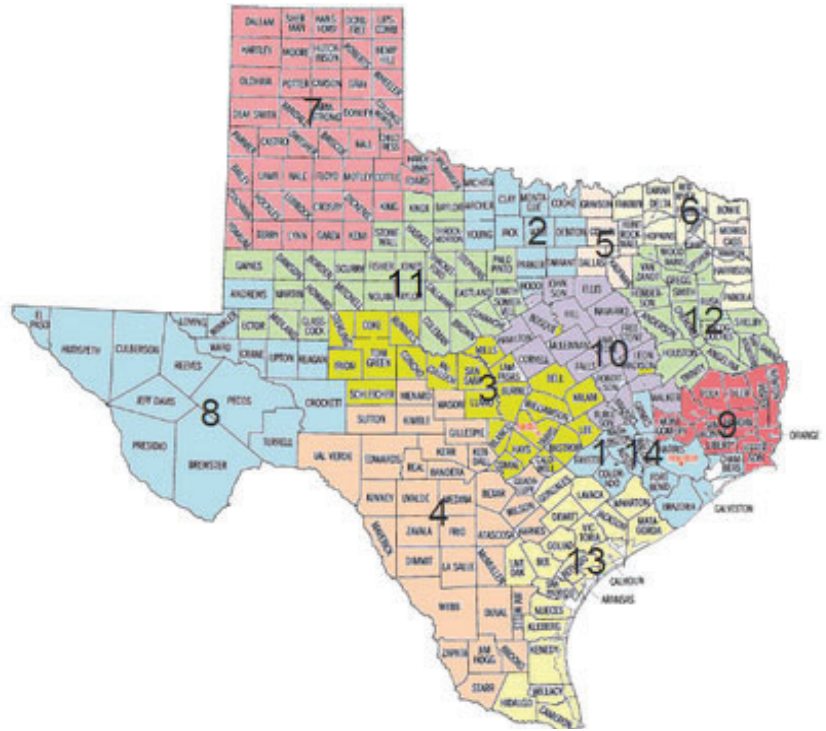


# A Texas Appellate Judge's View of Employment Law Cases

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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)

1<sup>st</sup> & 14<sup>th</sup> (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%

10<sup>th</sup> (Waco): 1%

11<sup>th</sup> (Eastland): 1%

12<sup>th</sup> (Tyler): <1%

13<sup>th</sup> (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:

- <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

[2020 eConference on State and Federal Appeals](#)

First appeared as part of the conference materials for the  
30<sup>th</sup> Annual Conference on State and Federal Appeals session  
"Appellate Judge's View of Employment Law Cases"