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The New Fifteenth Court of Appeals

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* The views expressed are those of the presenter, do not constitute legal advice, and are not official opinions of the Office of the Attorney General of Texas.

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Today's Presentation

I. Statutory Changes

- What changes were made?
- What does it mean for administrative law practitioners?

II. Recent Texas Supreme Court Consideration of Constitutionality

- *In re Dallas County*, No. 24-0426, 2024 WL 3908122 (Tex. Aug. 23, 2024).



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First, a Look Back ...

- 14 courts in Texas sitting in 13 regions with intermediate appellate jurisdiction in both civil and criminal cases
- Each court has jurisdiction in a specific geographic region
- The number of justices on each court is set by statute
- Travis County District Courts have long had jurisdiction over disputes of certain State issues, regardless of geographic location (i.e. suits for judicial review, etc.)
 - ❖ Those were appealed to the Third Court of Appeals

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Then came the 88th Legislative Session



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Senate Bill 1045

- “Relating to the creation of the Fifteenth Court of Appeals with jurisdiction over certain civil cases, the compensation of the justices of that court, and the jurisdiction of the court of appeals in this state.”
- Legislature determined some cases of statewide jurisdiction should not be determined by judges elected by a portion of the State’s population
- First new court of appeals since 1967
- Exercise intermediate appellate jurisdiction over categories of cases from all 254 counties



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Fifteenth Court of Appeals – Fast Facts

- Effective September 1, 2024
- Court’s geographic jurisdiction will overlap with all existing courts of appeal
- Court is divested of criminal court jurisdiction
- Three Justices have been appointed by the Governor
 - ❖ Chief Justice Scott Brister (Place 1)
 - ❖ Justice Scott Field (Place 2)
 - ❖ Justice April Farris (Place 3)
- Court has statewide intermediate appellate jurisdiction over matters arising out of or related to civil appeals against the State, Boards, Commission, Department, Office or Agency in the Executive Branch
- Also has exclusive jurisdiction over Business Court appeals for cases valued over \$10 million
- No docket equalization transfers



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Mechanics of SB 1045

- Tex. Gov’t Code § 22.201
 - ❖ Creates new Fifteenth Court of Appeals
 - ❖ Includes all counties in the State
- Tex. Gov’t Code § 22.2151
 - ❖ Court located in Austin
 - ❖ The Court may “transact its business in any county in the district as the court determines is necessary and convenient”
- Tex. Gov’t Code § 22.2152
 - ❖ The Court must submit a report to the Legislature about the number and type of cases



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