

Texas Supreme Court

2012-2013 Term

A StatPack about voting patterns and timelines
based on data from the *Supreme Court of Texas Blog*

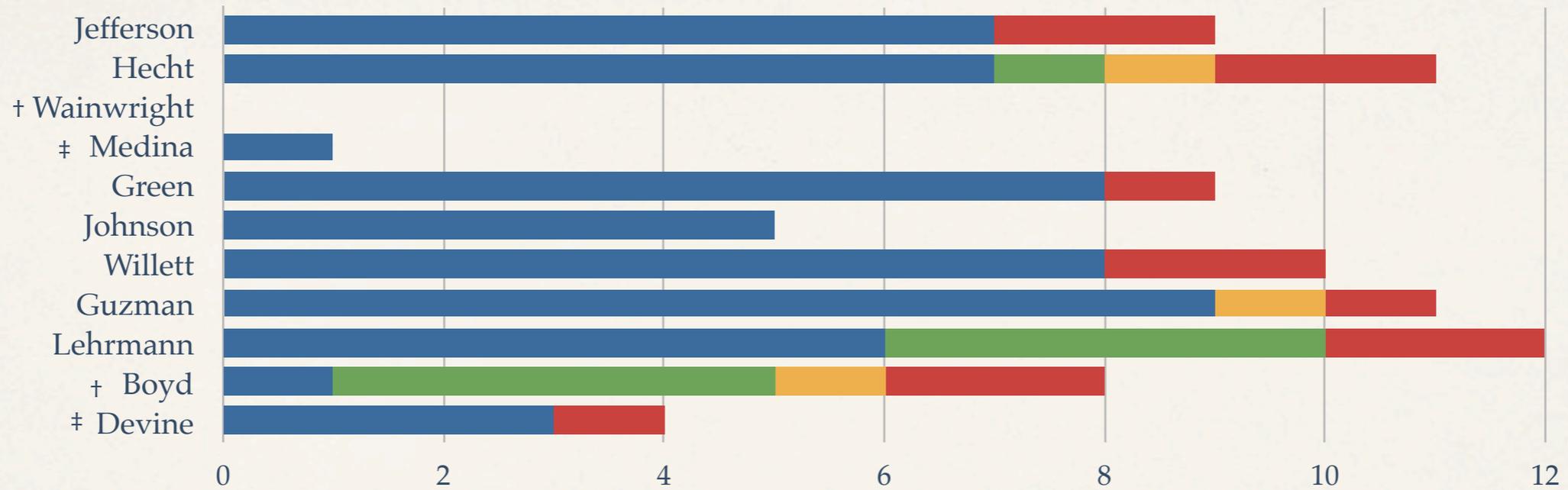
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Opinion Counts

■ Majority ■ Concur
■ Concur and Dissent ■ Dissent



Justice	Majority	Per Curiam	Concurring	Dissenting	Concurring & Dissenting	Other
Jefferson	7	?	0	2	0	0
Hecht[†]	7	?	1	2	1	0
Wainwright[‡]	0	?	0	0	0	0
Medina	1	?	0	0	0	0
Green	8	?	0	1	0	0
Johnson	5	?	0	0	1	0
Willett	8	?	0	2	0	0
Guzman	9	?	0	1	1	0
Lehrmann[†]	6	?	4	2	0	0
Boyd[‡]	1	?	4	2	1	0
Devine	3	?	0	1	0	0
Totals	55	30	9	13	4	0

[†] Justice Boyd joined in December 2012, taking the place of Justice Wainwright.

[‡] Justice Devine joined in January 2013, taking the place of Justice Medina.

Opinion Counts



Justice Boyd wrote the most separate opinions (7), followed closely by Justice Lehrmann (6).



Justice Guzman wrote the most signed majority opinions (9), followed by Justice Green (8) and Justice Willett (8).

The majority of dissenting and concurring opinions in the 2013 Term were issued in just the last two weeks of August.

Close Calls

Most deeply divided cases in 2012-2013

Four cases had a bare five-Justice majority:

11-0686 TEXAS ADJUTANT GENERAL'S OFFICE v. MICHELE NGAKOUE



Opinion of the Court



Dissenting

11-0228 BYRON D. NEELY, INDIVIDUALLY AND BYRON D. NEELY, M.D., P.A. v. NANCI WILSON, CBS STATIONS GROUP OF TEXAS, L.P., D/B/A KEYE-TV AND VIACOM, INC.



Opinion of the Court



Dissenting

11-0265 THE EPISCOPAL DIOCESE OF FORT WORTH, ET AL. v. THE EPISCOPAL CHURCH, ET AL.



Opinion of the Court



Dissenting

11-0778 THE CITY OF HOUSTON, TEXAS v. ROGER BATES, MICHAEL L. SPRATT AND DOUGLAS SPRINGER



Opinion of the Court



Concurring
and
Dissenting



Concurring
and
Dissenting

* Only five Justices joined the judgment in full.

One case could only garner a four-Justice plurality:

11-0441 IN RE MICHAEL N. BLAIR



Opinion of the Court

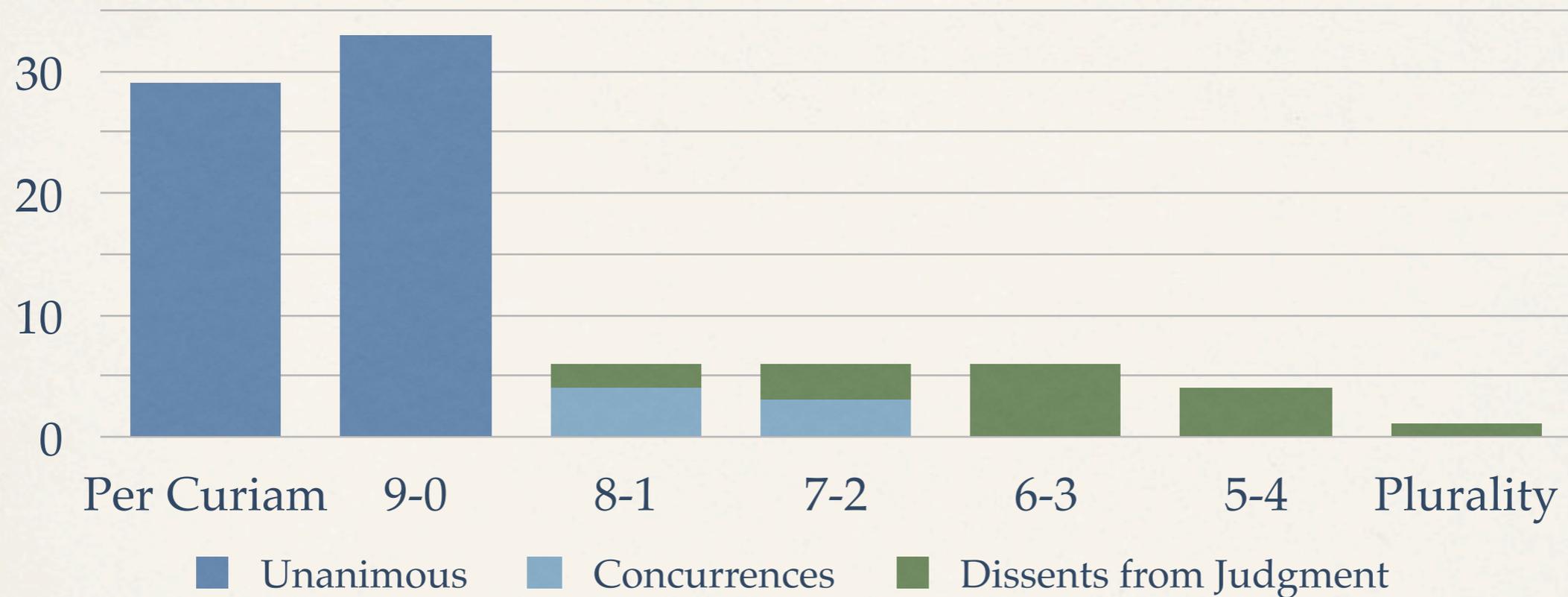


Dissenting



Concurring

Distribution of Vote Counts



Cases in which fewer than 9 justices participate are classified as unanimous if they are unanimous, as 8-1 or 7-2 if they have one or two separate votes, and as 5-4 if they are 5-3.

This count of per curiams does not include one “supplemental” opinion issued by the Court.

The *Medlen v. Strickland* case is counted as 7-2 concurrence here. Although no separate opinions were issued, two Justices did not join the opinion in full.

Vote Patterns

Opinions Issued in 2012-2013

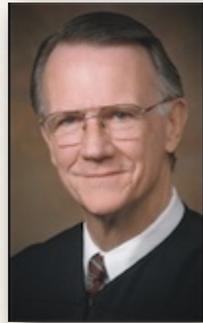
How often did each pair of Justices agree about the judgment, in those cases that drew at least one dissent?

	Hecht	Jefferson	Green	Johnson	Willett	Guzman	Lehrmann	Boyd	Devine	Wainwright	Medina
Hecht		71.4	71.4	42.9	35.7	46.2	35.7	38.5	50.0	--	50.0
Jefferson	71.4		75.0	56.2	31.2	40.0	43.8	26.7	35.7	--	50.0
Green	71.4	75.0		68.8	50.0	66.7	37.5	53.3	64.3	--	50.0
Johnson	42.9	56.2	68.8		62.5	73.3	25.0	60.0	57.1	--	50.0
Willett	35.7	31.2	50.0	62.5		53.3	50.0	80.0	71.4	--	--
Guzman	46.2	40.0	66.7	73.3	53.3		33.3	71.4	69.2	--	100.0
Lehrmann	35.7	43.8	37.5	25.0	50.0	33.3		60.0	35.7	--	50.0
Boyd	38.5	26.7	53.3	60.0	80.0	71.4	60.0		57.1	--	--
Devine	50.0	35.7	64.3	57.1	71.4	69.2	35.7	57.1		--	--
Wainwright	--	--	--	--	--	--	--	--	--		--
Medina	50.0	50.0	50.0	50.0	--	100.0	50.0	--	--	--	

Vote Patterns

Opinions Issued in 2012-2013

In cases with a divided judgment, these pairs of Justices agreed on the result the least often:



25%: Johnson - Lehrmann



26.7%: Boyd - Jefferson

And these pairs agreed on the result the most often:



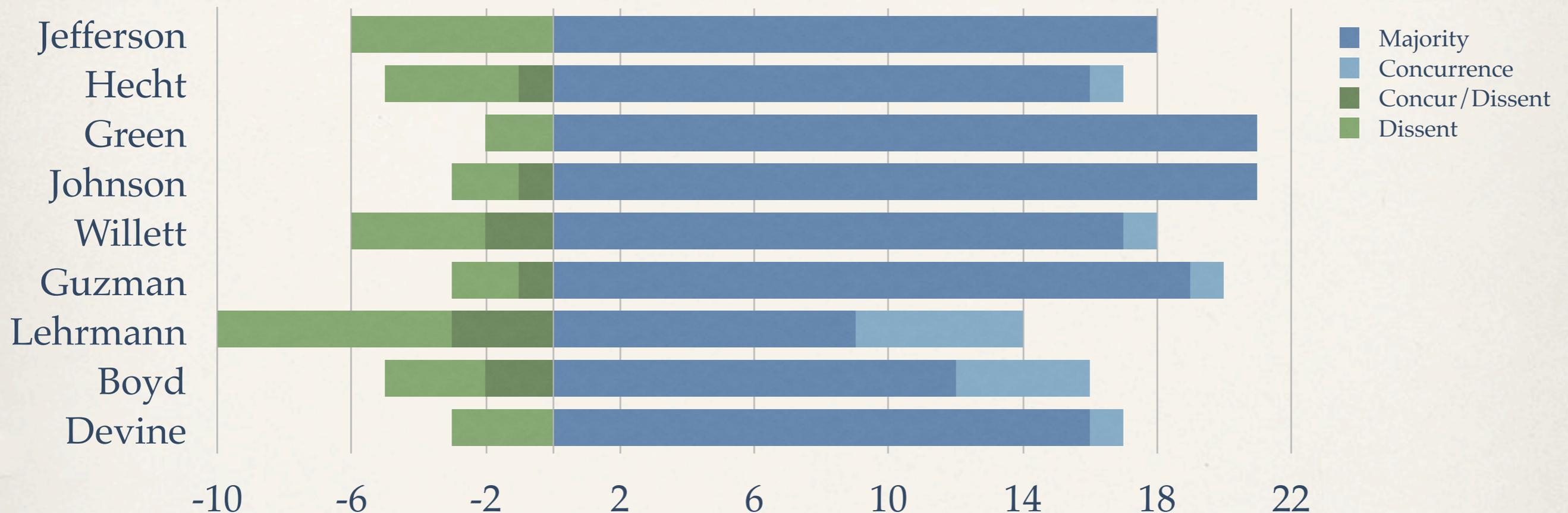
80%: Boyd - Willett



75%: Green - Jefferson

Who Joins Separate Opinions?

In cases with at least one separate opinion, 2012-2013



Every Justice joined at least two dissents. Justice Lehrmann joined dissenting opinions most often, followed by Chief Justice Jefferson and Justice Willett.

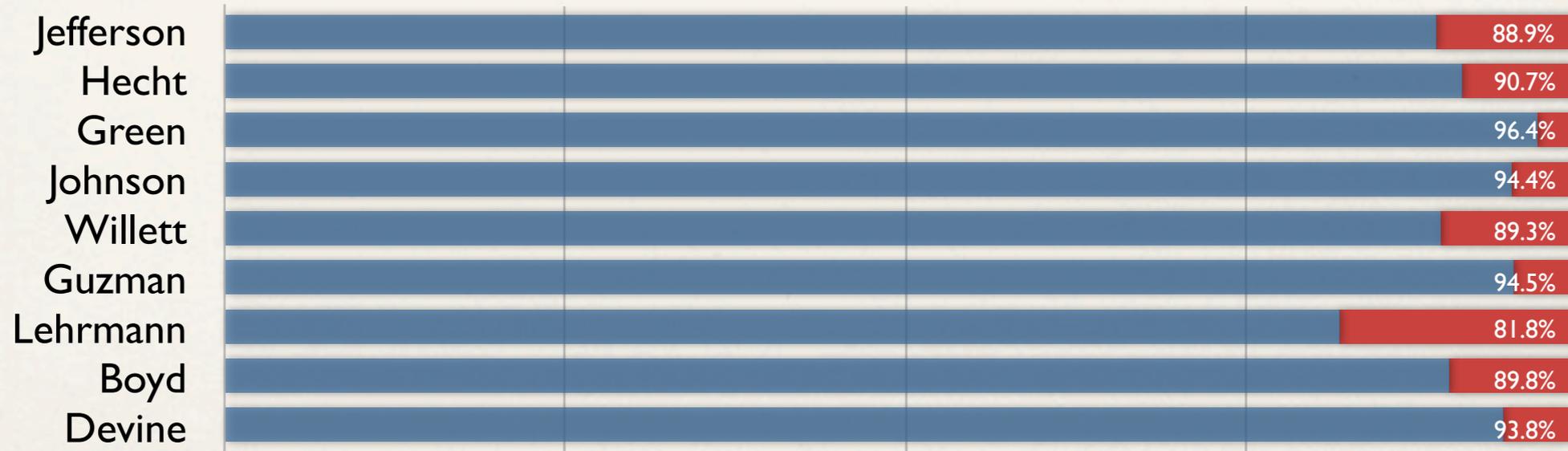
Chief Justice Jefferson, Justice Green, and Justice Johnson did not join any separate concurring opinions.

Who Votes With the Judgment?

Just in divided cases, 2012-2013



In all signed opinions, 2012-2013



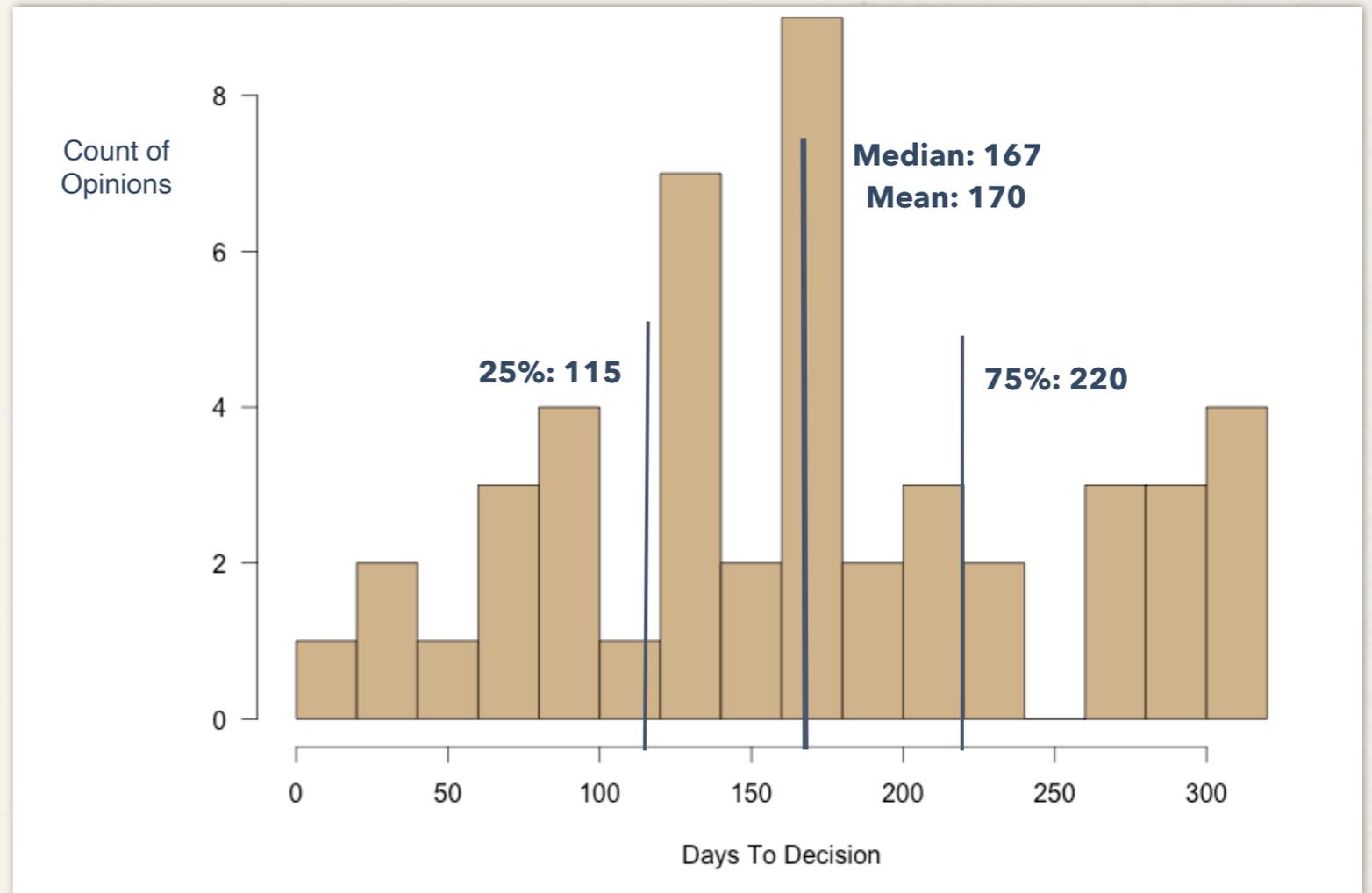
■ With Judgment ■ Against Judgment

Time To Decide

How long have decisions taken for cases argued this term?

At least this term, the distribution is fairly even, although there are sharp peaks roughly near the the Court's internal deadlines for unanimous and for split opinions.

The cluster above 270 days were argued last fall with opinions released this summer.



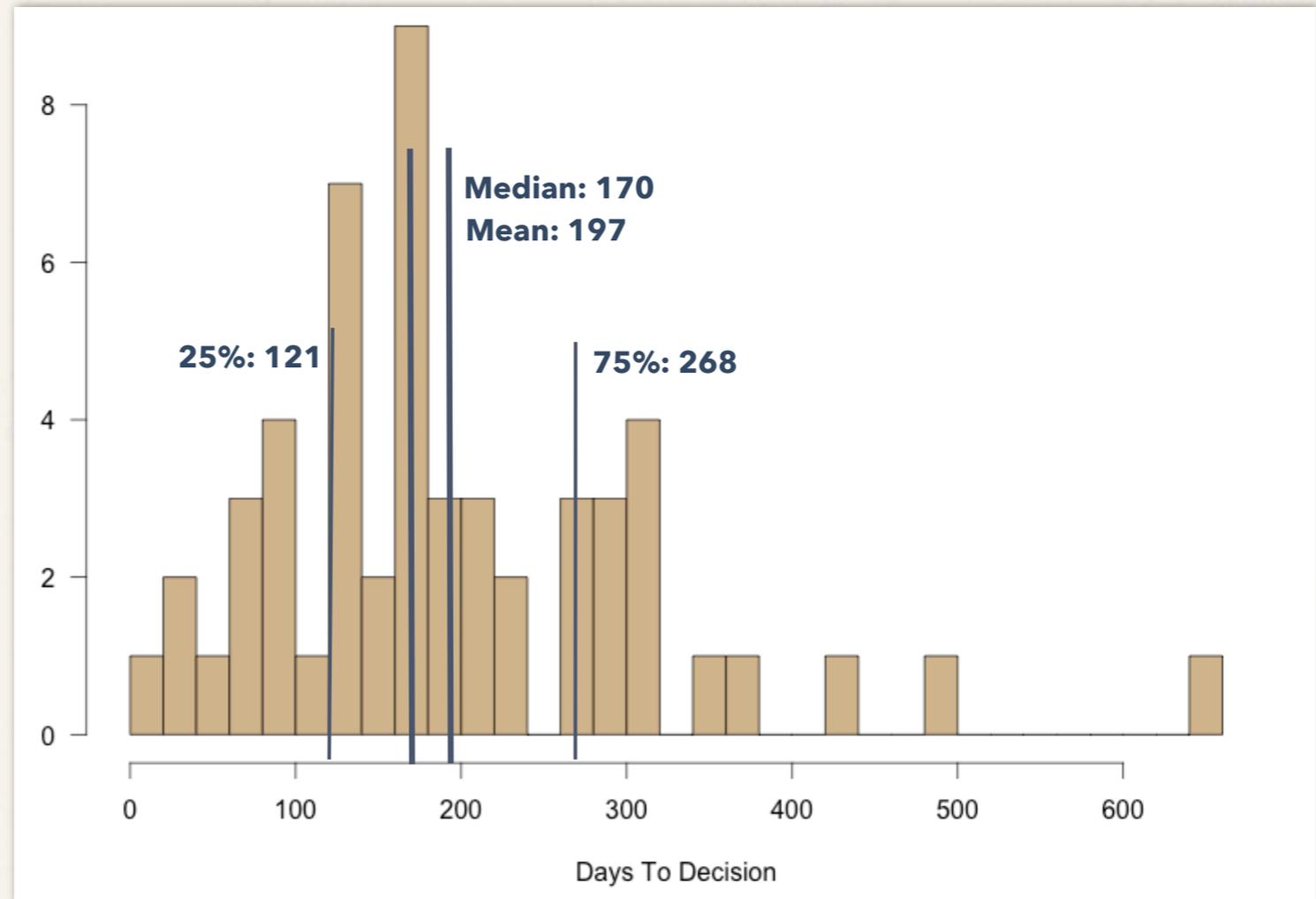
Note: This includes only cases argued this term. Some other cases have not yet been decided.

Time To Decide

Including carryover cases, how old were opinions issued this term?

This chart adds in the decisions that were carried over from previous terms.

The mean is higher, and the 75% quartile line is much higher. The outlier cases also make the “average” median diverge from the “average” mean.



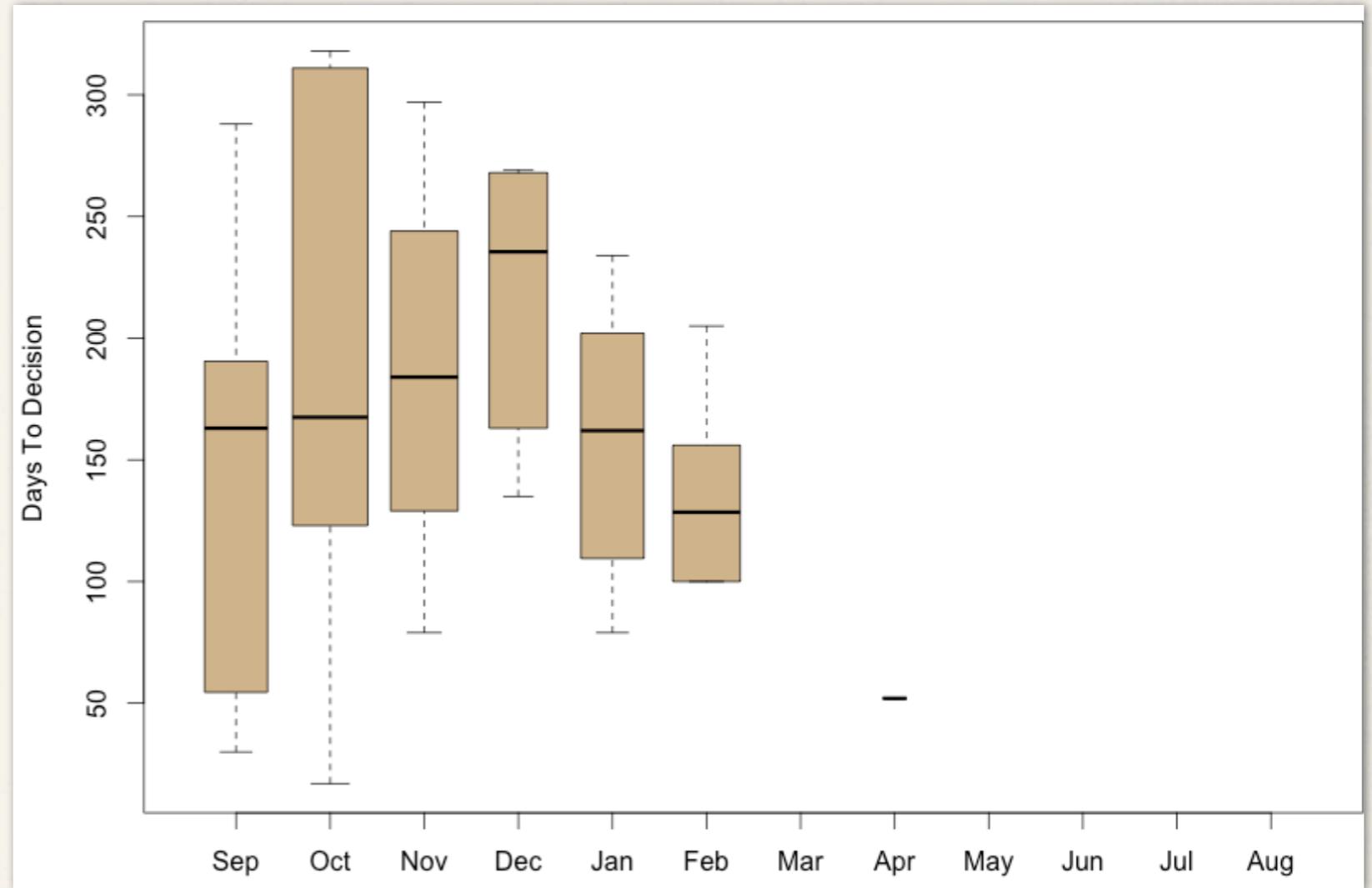
Note: This includes all cases decided this term.

Time To Decide

Looking forward from the argument date

The median time (the dark line) is fairly consistent across argument dates.

Cases argued early in the term sometimes linger until the end, so the range is large. For cases argued later in the term, there is less variability.



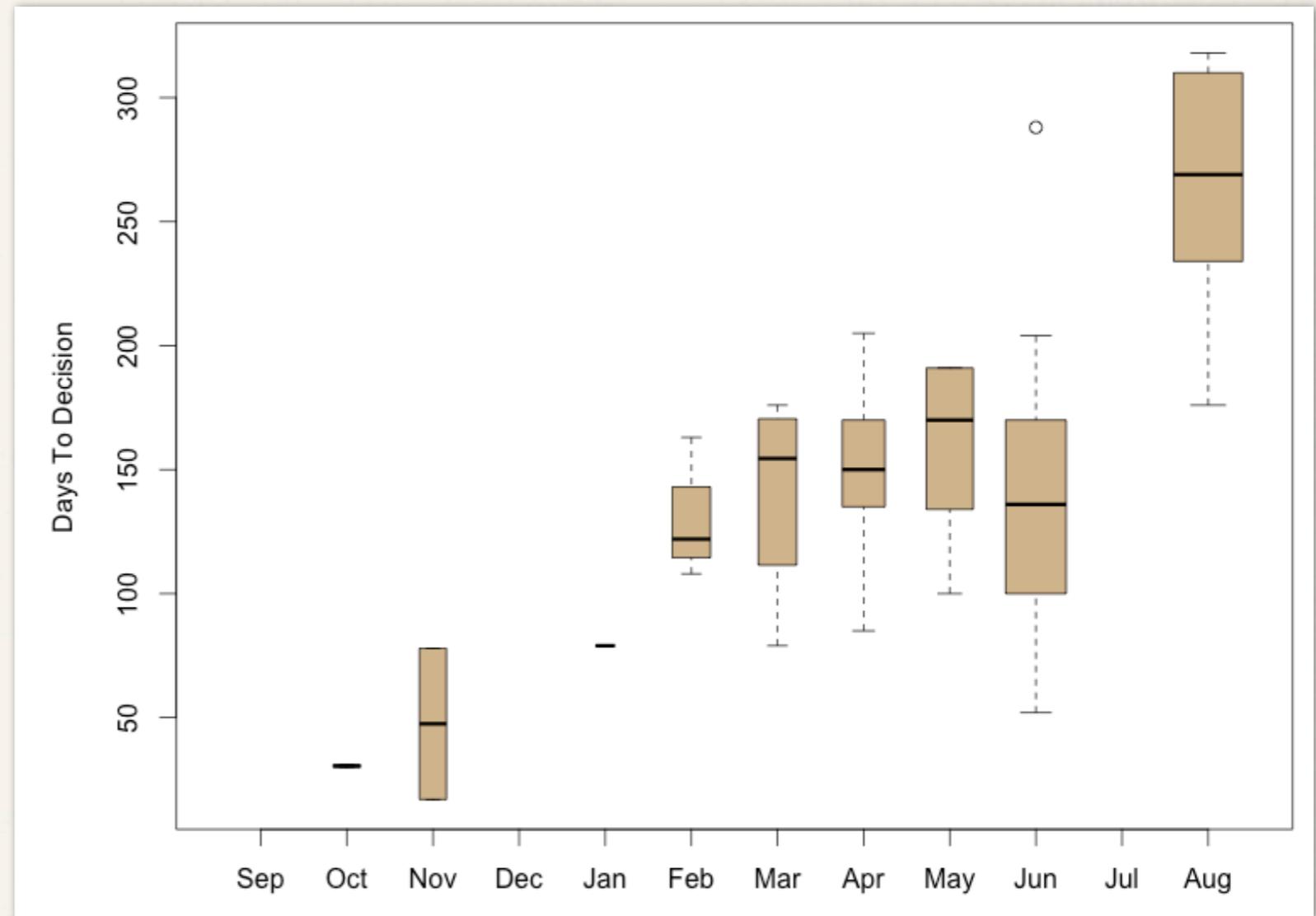
Note: This includes only cases argued this term. Some other cases have not yet been decided.

Time To Decide

Looking back from when the decision was issued

The thickness of the bars in the chart varies with the number of opinions issued each month.

Comparing this slide with the one before shows that, once arguments end, the pace of opinions picks up with bursts in June and August.



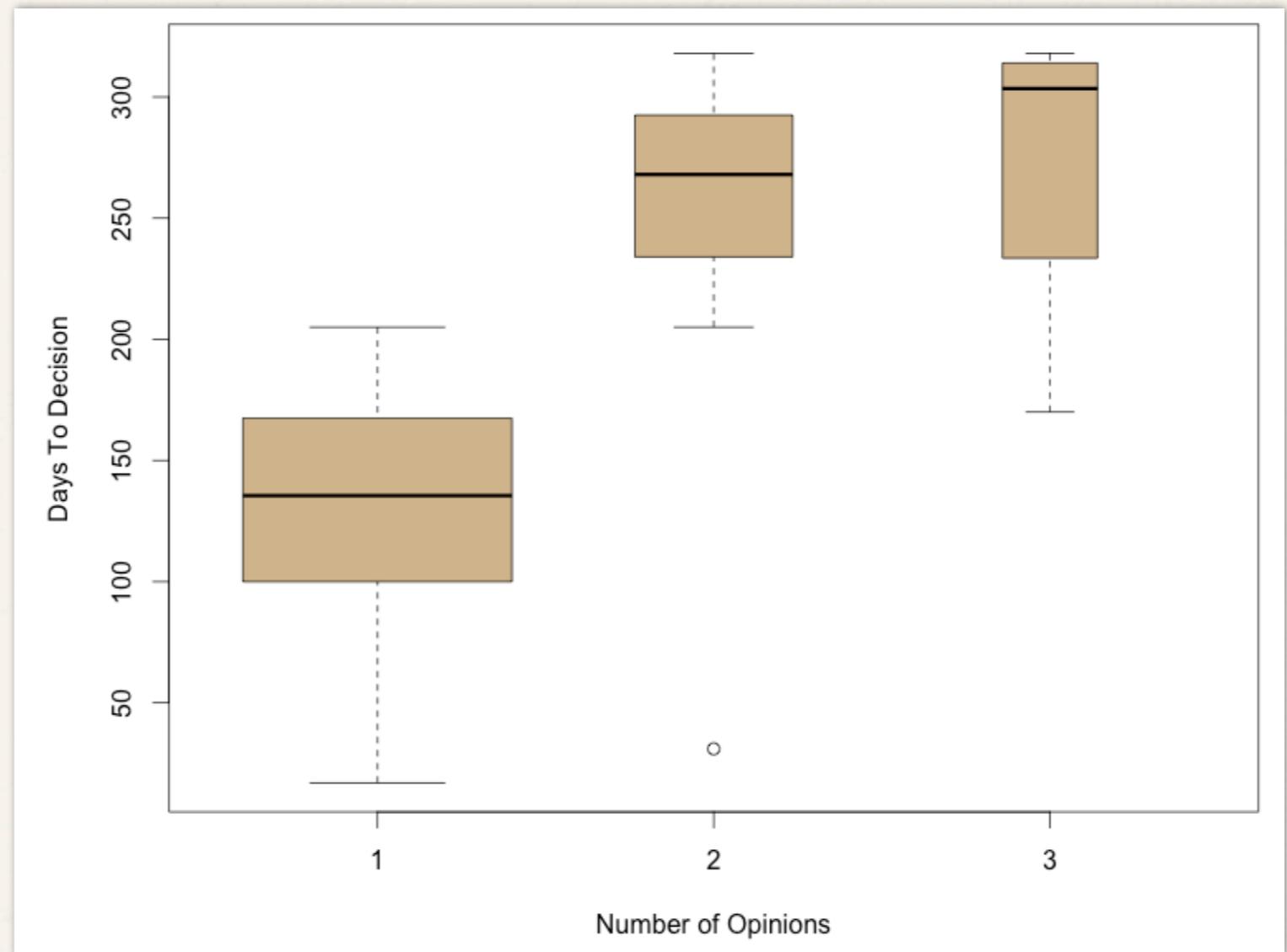
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Time To Decide

Separate opinions as a factor in timeliness

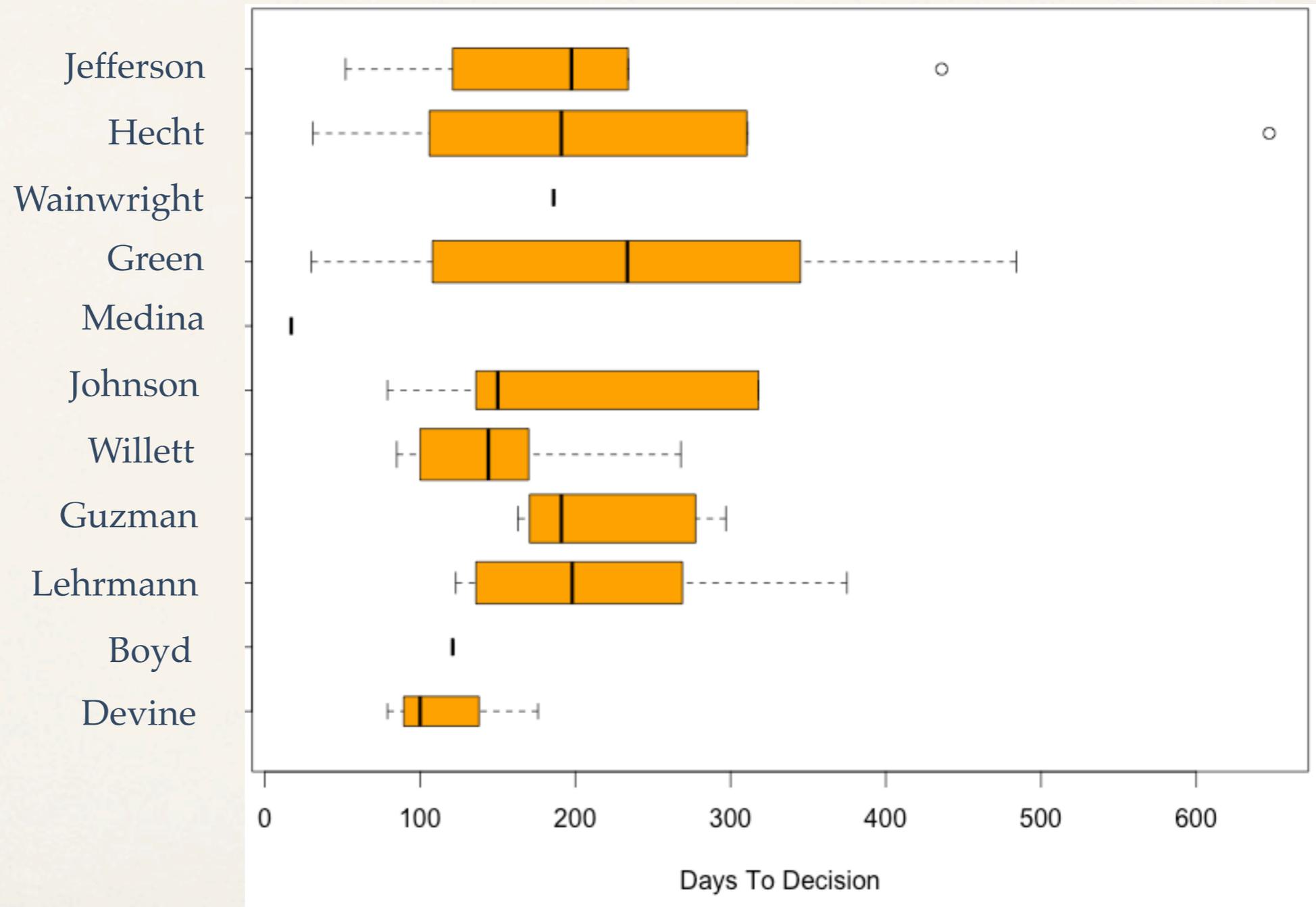
As you would expect, unanimous opinions were generally issued more quickly than those with at least one separate opinion.

The Court's internal timelines provide extra time for Justices who write separately.



Time To Decide

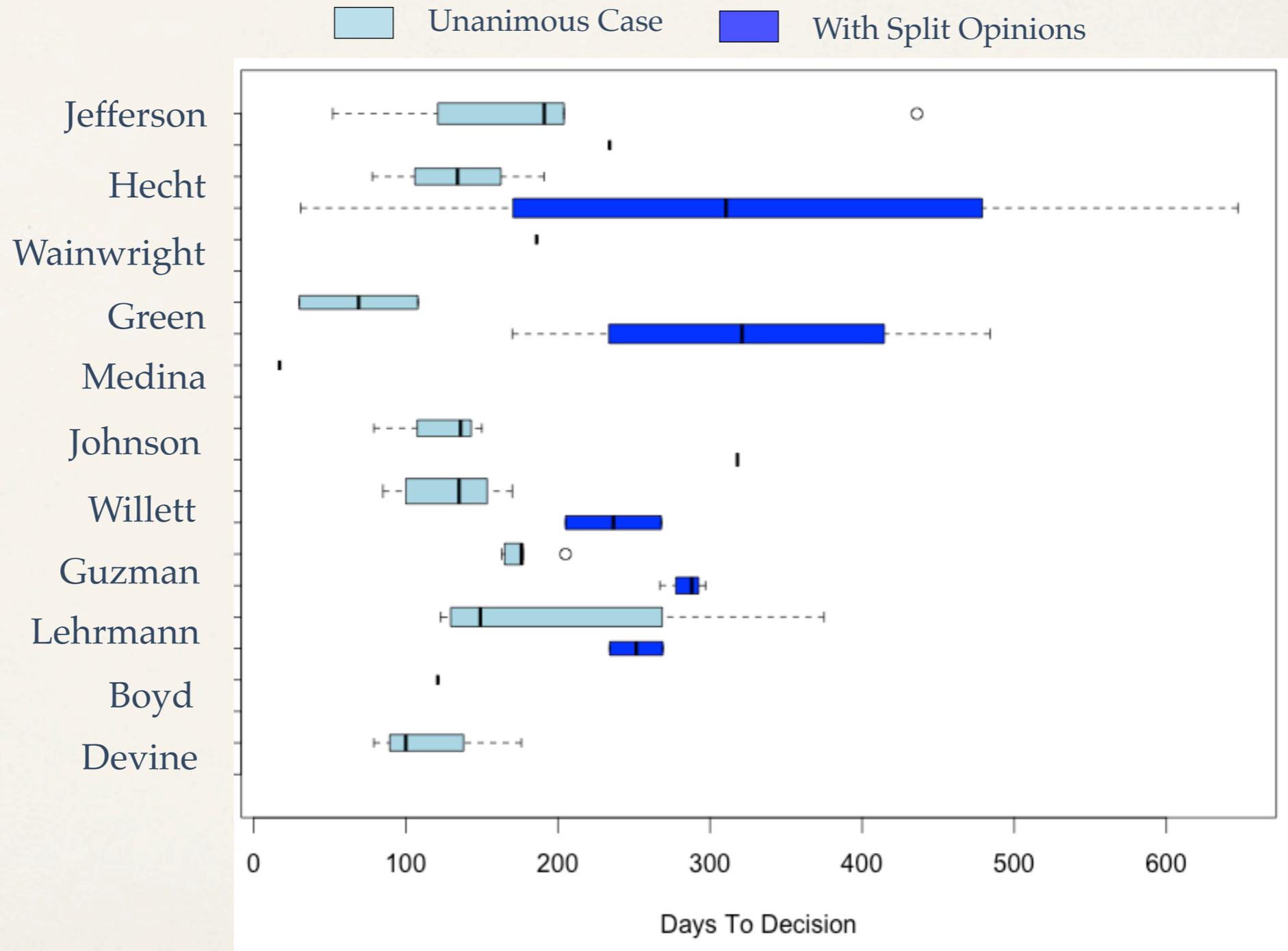
Days to decision, by lead author



* Includes decisions issued in the term, including causes carried over.

Time To Decide

How much of that is affected by split opinions?



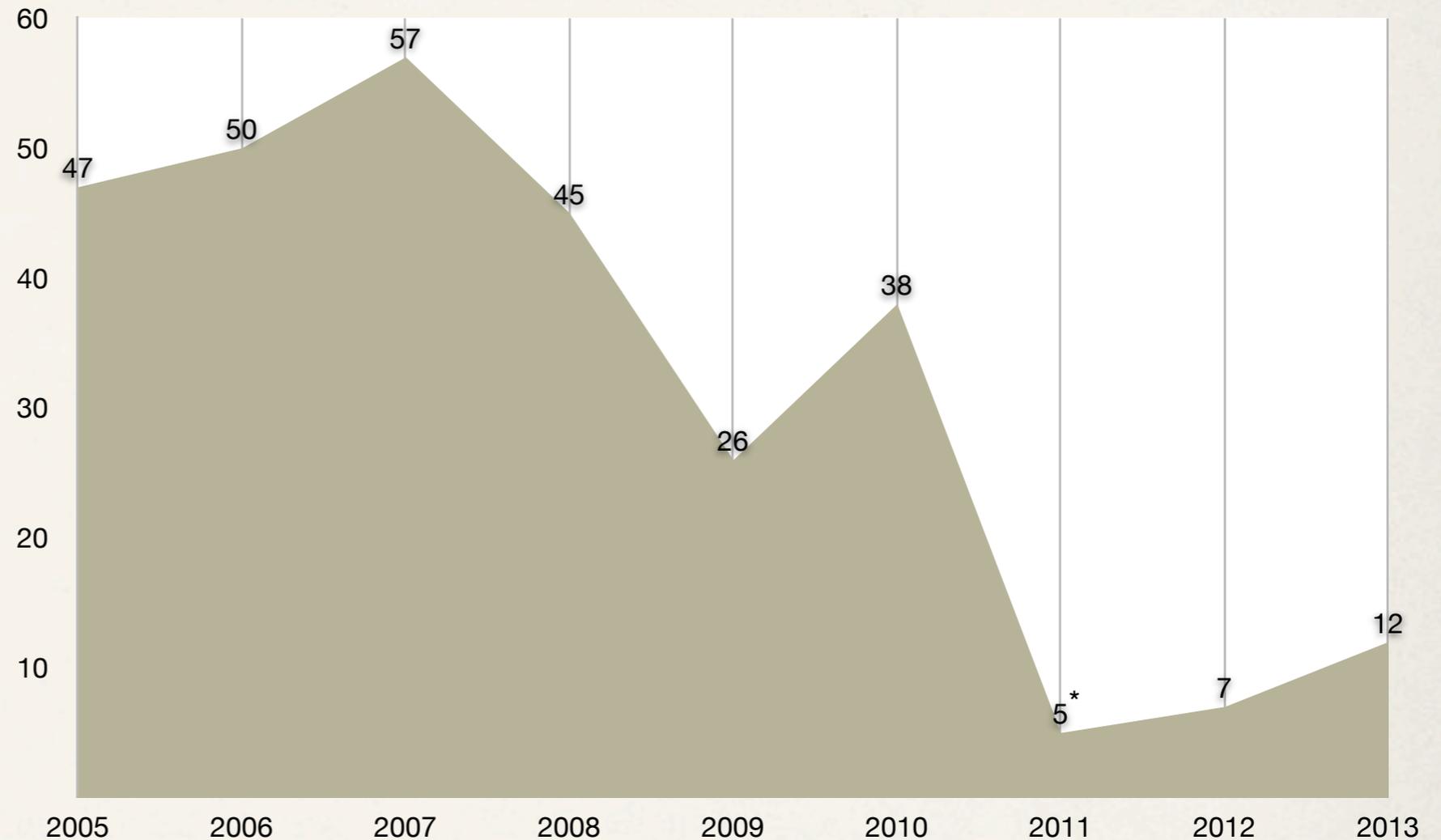
* Includes decisions issued in the term, including causes carried over.

Number of Cases Carried Over

2005 - 2013 Terms

Causes that have been argued but not yet decided are “carried over” to the next term.

The overall number remains below historical levels, although it has ticked up slightly this year compared to historic lows in 2011 and 2012.



* The Court's official count for 2011 is that only 4 causes were carried over. My count includes *Bison Building Materials v. Aldridge*, No. 06-1084, which was abated on August 31, 2011 but reinstated to the docket the following week.