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Texas Supreme Court Unanimously Upholds Constitutionality Of Fifteenth Court Of Appeals

Client Alert | August 23, 2024

***In re Dallas County*, No. 24-0426** – Decided August 23, 2024 **Today, the Texas Supreme Court rejected a challenge to the constitutionality of the new Fifteenth Court of Appeals, which has exclusive, statewide jurisdiction over appeals involving the State and from the State's new Business Court.**

> *"Given the text, as well as our constitutional history and tradition, we cannot conclude that the legislature exceeded its authority in enacting S.B. 1045 and creating the Fifteenth Court."*

Justice Young, writing for the Court

Background:

In 2023, the Texas Legislature passed S.B. 1045, which created the Fifteenth Court of Appeals—a new intermediate appellate court with exclusive, statewide jurisdiction over appeals (1) involving the State, and (2) from Texas's newly created Business Court. In March 2023, Dallas County and its sheriff sued the Texas Health and Human Services Commission over the agency's alleged failure to transfer inmates adjudicated incompetent to stand trial to state hospitals. The State appealed the denial of its plea to the jurisdiction to the Third Court of Appeals. Seeking to block the transfer of the State's appeal to the Fifteenth Court, Dallas County filed a writ of injunction in the Texas Supreme Court, arguing that the Legislature's creation of the new court violated several provisions of the Texas Constitution.

Issue:

Did the Legislature exceed its constitutional authority in enacting S.B. 1045 and creating an intermediate appellate court with exclusive, statewide jurisdiction over appeals involving the State and from the Business Court?

Court's Holdings:

No. The Legislature's creation of a specialized court of appeals with exclusive, statewide jurisdiction was entirely consistent with the Texas Constitution's text and history.

What It Means:

- The Fifteenth Court—composed of Chief Justice Scott Brister and Justices Scott Field and April Farris—will open for business as planned in September.
- Initially, the court's docket will comprise appeals of cases brought by or against the State. Under Texas Rule of Appellate Procedure 27a, all such appeals filed after September 1, 2023 will be automatically transferred to the Fifteenth Court on August 30.

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- The Fifteenth Court will also have exclusive jurisdiction over appeals from the newly created Business Court, which will begin hearing cases September 1.

Gibson Dunn lawyers Brad Hubbard, Kathryn Cherry, John Adams, Elizabeth A. Kiernan, Stephen Hammer, Jessica Lee, Zachary Carstens, and Jaime Barrios submitted an amicus brief on behalf of the Texas Business Law Foundation in support of Real Parties in Interest: *In re Dallas County*

The Court's opinion is available here. Gibson Dunn's lawyers are available to assist in addressing any questions you may have regarding developments at the Texas Supreme Court. Please feel free to contact the following practice group leaders:

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