

The Texas Lawbook

Free Speech, Due Process and Trial by Jury

A Statistical Review of the 2024–2025 SCOTX Term

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In the 2024–2025 term, the Texas Supreme Court heard argument in **63** cases and issued decisions in **62** of those cases, closely tracking the U.S. Supreme Court.

Those cases ranged from the typical cases the Texas Supreme Court hears each year — petitions for review arising from the state courts of appeals, a handful of certified questions from the U.S. Court of Appeals for the Fifth Circuit and a few mandamus petitions — to a few cases in less common procedural postures, like an appeal from the Board of Disciplinary Appeals and a direct appeal from a trial court.

One of the first questions clients often ask when seeking to reverse or defend a decision at the Texas Supreme Court is, “What are my odds?”

The answer: For the 2024–2025 term, the Court affirmed in **27.7 percent** and reversed in **72.3 percent** of the cases in which it heard argument and issued a decision.

We dive deeper into those numbers below, providing an overview of how many cases the Court heard from each Texas court of appeals, calculating the Court’s overall affirmance and reversal rates, and breaking down how each court of appeals fared.

Argument Numbers

All but three of the 15 courts of appeals in Texas had cases argued in front of the Court this term, with the most arising out of the Fifth Court of Appeals (Dallas) and the fewest (none) from the Ninth Court

of Appeals (Beaumont), the Eleventh Court of Appeals (Eastland) and the newly constituted Fifteenth Court of Appeals (limited statewide jurisdiction). Note, though, that the Fifteenth Court only began hearing cases in September 2024.

Below are the numbers for argued cases from each court of appeals:

- First Court of Appeals (Houston): 8 — with one dismissed before decision
- Second Court of Appeals (Fort Worth): 2
- Third Court of Appeals (Austin): 6
- Fourth Court of Appeals (San Antonio): 3
- Fifth Court of Appeals (Dallas): 12
- Sixth Court of Appeals (Texarkana): 1
- Seventh Court of Appeals (Amarillo): 2
- Eighth Court of Appeals (El Paso): 7
- Ninth Court of Appeals (Beaumont): 0
- Tenth Court of Appeals (Waco): 1
- Eleventh Court of Appeals (Eastland): 0
- Twelfth Court of Appeals (Tyler): 1
- Thirteenth Court of Appeals (Corpus Christi & Edinburg): 4
- Fourteenth Court of Appeals (Houston): 7
- Fifteenth Court (limited statewide jurisdiction): 0

The Court also heard argument in a direct appeal from the 205th District Court in El Paso County, an appeal from

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the Board of Disciplinary Appeals, a mandamus proceeding arising from the multidistrict litigation panel and a mandamus proceeding seeking relief from the comptroller. The Court also accepted and heard argument in five cases certified to it by the U.S. Court of Appeals for the Fifth Circuit.

Affirmance & Reversal Rates

Now, to the heart of the matter — the Court’s overall affirmance and reversal rates and its affirmance and reversal rates by court of appeals. Here’s how we broke it down.

Our calculations include only argued and decided cases funneling up from Texas state courts or other state entities — not certified questions from the Fifth Circuit, cases decided on the briefing and cases that were dismissed on mootness grounds or before the Court issued an opinion. Those parameters keep the statistics focused on cases that meaningfully contribute to the Court’s affirmance or reversal rates for an ordinary granted-and-argued petition.

Certified questions don’t fit well within that framework, because in those cases the Court doesn’t issue a judgment reversing or affirming any court; it simply answers questions of law. Similarly, we didn’t include *In re Carlson* because it was dismissed as moot (after oral argument and with a signed opinion) when the respondent reversed its position after argument.

That leaves a total of 56 cases for the 2024–2025 term. For scoring purposes, reversals include vacatur, along with grants of mandamus relief for cases in which a party first sought relief in the court of appeals.

We counted all cases with judgments that only reversed or affirmed in part as a tie, weighted with half a point each — and that includes cases in which the Court reversed on all issues presented for review, but the parties didn’t challenge other parts of the court of appeals’ judgment.

We measured affirmance or reversal

by the objective yardstick of the text of the Court’s judgment, not considerations such as whether the Court agreed with the court of appeals’ reasoning.

As mentioned above, the Court overall affirmed in 27.7 percent and reversed in 72.3 percent of the 56 cases in which it heard argument this term from a state court or other state entity and issued a decision. Affirmance and reversal rates in the state courts of appeals varied:

- First Court of Appeals:
 - Affirmed: 35.7 percent (2.5 out of 7)
 - Reversed: 64.3 percent (4.5 out of 7)
- Second Court of Appeals:
 - Affirmed: 25 percent (.5 out of 2)
 - Reversed: 75 percent (1.5 out of 2)
- Third Court of Appeals:
 - Affirmed: 8.3 percent (.5 out of 6)
 - Reversed: 91.7 percent (5.5 out of 6)
- Fourth Court of Appeals:
 - Affirmed: 0 percent (0 out of 3)
 - Reversed: 100 percent (3 out of 3)
- Fifth Court of Appeals:
 - Affirmed: 29.2 percent (3.5 out of 12)
 - Reversed: 70.8 percent (8.5 out of 12)
- Sixth Court of Appeals:
 - Affirmed: 0 percent (0 out of 1)
 - Reversed: 100 percent (1 out of 1)
- Seventh Court of Appeals:
 - Affirmed: 50 percent (1 out of 2)
 - Reversed: 50 percent (1 out of 2)
- Eighth Court of Appeals:
 - Affirmed: 35.7 percent (2.5 out of 7)
 - Reversed: 64.3 percent (4.5 out of 7)
- Tenth Court of Appeals:
 - Affirmed: 50 percent (.5 out of 1)
 - Reversed: 50 percent (.5 out of 1)

- Twelfth Court of Appeals:
 - Affirmed: 0 percent (0 out of 1)
 - Reversed: 100 percent (1 out of 1)
- Thirteenth Court of Appeals:
 - Affirmed: 75 percent (3 out of 4)
 - Reversed: 25 percent (1 out of 4)
- Fourteenth Court of Appeals:
 - Affirmed: 21.4 percent (1.5 out of 7)
 - Reversed: 78.6 percent (5.5 out of 7)

What It Means

The Court's overall affirmance rate of **27.7 percent** this term rose slightly compared to our review of the 2023–2024 term, in which we calculated the Court's affirmance rate at **25.4 percent**. But the rate remains in line with the historical pattern that the Court affirms roughly 30 percent of cases each term. So the odds continue to favor the petitioner once the Court agrees to hear argument.

Otherwise, the Thirteenth Court of Appeals (Corpus Christi & Edinburg) had the highest affirmance rate — **75 percent** — out of 4 cases. That's a turnaround from its **0 percent** affirmance rate on its only case up for review last year. The Fourth Court of Appeals (San Antonio) had the lowest affirmance rate — **0 percent** — out of three cases this year, compared to its top-scoring affirmance rate of **58.3 percent** out of six cases last year.

Other metrics of note include the affirmance rate in the Third Court of Appeals (Austin) **dropping** from **30.8 percent** out of 13 cases in the 2023–2024 term to **8.3 percent** out of six cases in the 2024–2025 term. That's in contrast to the affirmance rate in the Fifth Court of Appeals (Dallas) **rising** from **0 percent** out of eight cases in the 2023–2024 term to **29.2 percent** out of 12 argued cases in the 2024–2025 term.

To put a fine point on it — the affirmance rates in the courts of appeals continue to fluctuate across the years, but the conventional wisdom that it's better to be in the petitioner's shoes on a granted and argued case remains true.