

The header features a blue rectangular area on the left containing the text "GIBSON DUNN" in white, uppercase letters. To the right of this area is a photograph of the Texas State Capitol building, showing its iconic dome and classical columns. Two flags are visible: the United States flag and the Texas state flag.

GIBSON DUNN

Appellate and Constitutional Law Update

August 24, 2026

Texas Supreme Court Statistics: 2025–2026 Term

Texas Supreme Court Round-Up – August 24, 2026

The Texas Supreme Court has issued all decisions for cases argued during the 2025–2026 term. Below we provide an overview of how many cases the Court heard, along with how each court of appeals fared.

In the 2025–2026 term, the Texas Supreme Court heard argument in **64** cases and issued decisions in **all** of them—on par with the number of argued cases before the U.S. Supreme Court this term.

Most of those cases consisted of petitions for review arising from the state courts of appeals, along with a few mandamus petitions and one 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 2025–2026 term, the Court affirmed in **24.2%** and reversed in **75.8%** of the cases in which it heard argument and issued a decision.

Below, we take a closer look at those numbers, tracking how many cases the Court heard from each Texas court of appeals, calculating the Court's overall affirmance and reversal rates, and examining the success of each court of appeals before the Court.

Argument Numbers:

All but one of the 15 courts of appeals in Texas had cases argued before the Court this term. The Fifth Court of Appeals (Dallas) retained its first-place ranking from last term for most cases before the Court, although it shared that distinction this term with the Third Court of Appeals (Austin). By contrast, the Sixth Court of Appeals (Texarkana) had no cases before the Court this term.

Below is the count of argued cases from each court of appeals:

- First Court of Appeals (Houston): 4
- Second Court of Appeals (Fort Worth): 5
- Third Court of Appeals (Austin): 11
- Fourth Court of Appeals (San Antonio): 8
- Fifth Court of Appeals (Dallas): 11
- Sixth Court of Appeals (Texarkana): 0
- Seventh Court of Appeals (Amarillo): 2
- Eighth Court of Appeals (El Paso): 3
- Ninth Court of Appeals (Beaumont): 1
- Tenth Court of Appeals (Waco): 1
- Eleventh Court of Appeals (Eastland): 1
- Twelfth Court of Appeals (Tyler): 1
- Thirteenth Court of Appeals (Corpus Christi–Edinburg): 9
- Fourteenth Court of Appeals (Houston): 5
- Fifteenth Court of Appeals (limited statewide jurisdiction): 1

The Court also heard argument in a direct appeal from the 261st District Court in Travis County, reversing that court. Unlike last term, the Court did not hear argument in any cases certified to it by the U.S. Court of Appeals for the Fifth Circuit.

Affirmance & Reversal Rates:

We next turn to the Court's overall affirmance and reversal rates, as well as the results by court of appeals, using the same methodology as [last term](#).

We limited the dataset to argued and decided cases arising from Texas state courts, excluding those resolved on the briefing alone. That parameter keeps the statistics centered on cases that genuinely inform a litigant's odds once the Court agrees to hear argument.

That leaves 64 cases for the 2025–2026 term. For scoring purposes, reversals include both vacatur and grants of mandamus relief in cases where a party initially sought relief in the court of appeals. Affirmances include denials of mandamus relief in cases where a party initially sought relief in the court of appeals. Cases whose judgments were reversed or affirmed only in part were scored as ties, each side receiving half a point—this includes cases in which the Court reversed on every issue presented for review, but the parties left other portions of the court of appeals' judgments unchallenged. And, although a few cases this term were consolidated for argument and opinion, we counted each one individually in our calculations—to better capture the odds of success for an individual petition once granted.

With that framework in place, the Court overall affirmed in **24.2%** of cases and reversed in **75.8%**. Those rates varied across the individual courts of appeals:

- First Court of Appeals:
 - Affirmed: 0% (0 out of 4)
 - Reversed: 100% (4 out of 4)
- Second Court of Appeals:
 - Affirmed: 10% (0.5 out of 5)
 - Reversed: 90% (4.5 out of 5)
- Third Court of Appeals:
 - Affirmed: 40.9% (4.5 out of 11)
 - Reversed: 59.1% (6.5 out of 11)
- Fourth Court of Appeals:
 - Affirmed: 31.3% (2.5 out of 8)
 - Reversed: 68.7% (5.5 out of 8)
- Fifth Court of Appeals:
 - Affirmed: 31.8% (3.5 out of 11)
 - Reversed: 68.2% (7.5 out of 11)

- Seventh Court of Appeals:
 - Affirmed: 25% (0.5 out of 2)
 - Reversed: 75% (1.5 out of 2)
- Eighth Court of Appeals:
 - Affirmed: 0% (0 out of 3)
 - Reversed: 100% (3 out of 3)
- Ninth Court of Appeals:
 - Affirmed: 0% (0 out of 1)
 - Reversed: 100% (1 out of 1)
- Tenth Court of Appeals:
 - Affirmed: 0% (0 out of 1)
 - Reversed: 100% (1 out of 1)
- Eleventh Court of Appeals:
 - Affirmed: 0% (0 out of 1)
 - Reversed: 100% (1 out of 1)
- Twelfth Court of Appeals:
 - Affirmed: 0% (0 out of 1)
 - Reversed: 100% (1 out of 1)
- Thirteenth Court of Appeals:
 - Affirmed: 16.7% (1.5 out of 9)
 - Reversed: 83.3% (7.5 out of 9)
- Fourteenth Court of Appeals:
 - Affirmed: 40% (2 out of 5)
 - Reversed: 60% (3 out of 5)
- Fifteenth Court of Appeals:
 - Affirmed: 50% (0.5 out of 1)
 - Reversed: 50% (0.5 out of 1)

What It Means:

- The Court's overall affirmance rate fell to **24.2%** this term, down 3.5 percentage points from **27.7%** last term. That's consistent with the Court's historical pattern of reversing substantially more often than it affirms and reinforces the conventional wisdom that the odds favor the petitioner once the Court agrees to hear argument.
- The Fifteenth Court of Appeals, which has limited statewide jurisdiction and began hearing cases only in September 2024, had its first case reviewed by the Court this term. The result was mixed: The Court agreed that the Fifteenth Court of Appeals lacked jurisdiction over the premature appeal but concluded that it could have taken steps to secure appellate jurisdiction rather than simply dismissing the case. The Court then treated the State's petition for review as a petition for writ of mandamus and granted relief.
- Even so, that mixed decision was enough to put the Fifteenth Court of Appeals atop the affirmance rankings, with a **50%** affirmance rate. The Third and Fourteenth Courts of Appeals also posted relatively strong results, with affirmance rates of about **40%** across multiple cases. At the other end of the spectrum, the Eighth Court of Appeals (El Paso) was affirmed in **0%** of its three cases this term, down sharply from its **35.7%** affirmance rate across seven cases last term.
- Other noteworthy shifts include the steep decline of the affirmance rate for the Thirteenth Court of Appeals (Corpus Christi–Edinburg)—falling from last term's highest affirmance rate of **75%** across four cases to **16.7%** across nine argued cases this term. Moving in the opposite direction, the Third Court of Appeals (Austin) rose from a low **8.3%** affirmance rate across six cases last term to **40.9%** across 11 cases this term. The Fifth Court of Appeals (Dallas), meanwhile, held steady despite carrying one of the Court's heaviest argued dockets across the last two terms, with a **29.2%** affirmance rate last term and **31.8%** this term.
- Court watchers should keep an eye on the upcoming term—the first under the Court's new merits regime. In January 2026, the Court changed its rules to grant review and set cases for argument based on the petition, rather than waiting for full merits briefing before deciding whether to hear the case. Whether that change will affect the Court's affirmance and reversal rates is something we will be watching closely. For more information on the Court's new rules, see Gibson Dunn's past alert [here](#).

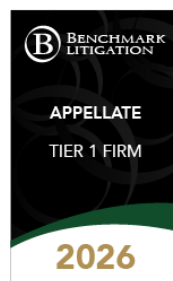
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Gibson Dunn's lawyers are available to assist in addressing any questions you may have regarding developments at the Texas Supreme Court. Please feel free to contact the following practice group leaders:

Appellate and Constitutional Law

Thomas H. Dupree Jr.
+1 202.955.8547
tdupree@gibsondunn.com

Allyson N. Ho
+1 214.698.3233
aho@gibsondunn.com

Julian W. Poon
+1 213.229.7758
jpoon@gibsondunn.com

Jeffrey B. Wall
+1 202.955.8533
jwall@gibsondunn.com

Brad G. Hubbard
+1 214.698.3326
bhubbard@gibsondunn.com

Related Practice: Texas General Litigation

Trey Cox
+1 214.698.3256
tcox@gibsondunn.com

Collin Cox
+1 346.718.6604
ccox@gibsondunn.com

Gregg Costa
+1 346.718.6649
gcosta@gibsondunn.com

This alert was prepared by Texas of counsel Ben Wilson and Texas associates Elizabeth Kiernan, Stephen Hammer, and Arjun Ogale.

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