

Kent Rutter, Natasha Breaux Garner Widespread Media Interest in Study on Reversal Rates in Texas Courts

September 24, 2019 Kent Rutter, Natasha Breaux

PRACTICES Appellate

Haynes Boone Partner [Kent Rutter](#) and Associate [Natasha Breaux](#) have received widespread media attention for a comprehensive study they conducted about reversal rates in Texas courts of appeals.

Their “Reasons for Reversal” study looks at all non-criminal decisions issued by all 14 Texas courts of appeals from September 2018 to August 2019. Various publications – including [Bloomberg Law](#), [Houston Chronicle](#), [Law360](#), [SE Record](#), [Texas Lawbook](#), and [Texas Lawyer](#) – reported on the findings.

Here are excerpts from a *Texas Lawyer* article, titled “Texas Plaintiffs Benefit from Democratic Judicial Sweep, New Study Shows.”

Many Texas judges say the ‘R’ or ‘D’ after their names do not impact their rulings on the bench. But a new study shows that when Democrats swept appellate benches in the Lone Star State’s major metro areas, there was a huge impact on civil rulings—which helped plaintiffs.

The study comes just as the state is launching a new commission to study nonpartisan methods of judicial selection in Texas. However, similar pushes in the past to put partisanship aside in judicial elections have failed.

“We were surprised by how dramatic the difference was in consumer cases after the new Democratic judges took the bench,” said Haynes Boone Partner Kent Rutter, who conducted the study with Haynes Boone Associate Natasha Breaux. “The 2018 elections brought the Houston, Dallas and Austin courts in line with the trend we are seeing statewide: The courts of appeal are showing much greater deference to jury verdicts, and plaintiffs naturally benefit from that trend.”

Many appeals come up from trial court cases in which plaintiffs won a judgment, he explained, which means that appellate rulings that uphold jury verdicts often benefit those plaintiffs.

“I think the study does show that political affiliation does make a difference,” Rutter said.

Read the [full report](#) or see a [presentation](#).

Here are other excerpts:

Houston Chronicle:

“Litigants in civil disputes that end up in the Texas courts of appeals have been treated much more evenly in 2019 than they were in 2018, according to a study issued Monday by the Haynes Boone law firm,” the reported in an article titled “Study: Texas appellate courts getting fairer to plaintiffs.”

Bloomberg Law Big Law Business:

Texas courts of appeals were more likely to uphold jury verdicts and decisions by trial judges in the 12-month period through August 2019 than they were in a comparable period eight years ago. That's according to two Haynes Boone lawyers' recent study that examines non-criminal decisions issued by all 14 Texas court of appeals from September 2018 to August 2019.

Findings of the study will be detailed in "Reasons for Reversal in the Texas Courts of Appeals," which will be published this Spring by *The Houston Law Review*.