

# Rutter, Breaux in The Houston Lawyer on Appellate Practice Legislative Update

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PRACTICES Appellate

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The most significant legislation from this session affecting appellate practice is a change to the jurisdiction of the Supreme Court of Texas. Other legislation ends the practice of counter-superseding non-monetary judgments against government entities and requires both of the State's highest courts to post video recordings of oral arguments.

## Supreme Court of Texas Jurisdiction

Effective September 1, 2017, House Bill 1761 changed the jurisdiction of the Supreme Court of Texas (to be codified as amendments to Tex. Gov't Code §§ 22.001, 22.007, and 22.225).

On one hand, the new law restricts the Court's jurisdiction. Previously, jurisdiction could be based on any one of multiple grounds, including a conflict among the courts of appeals, a dissent below, or the construction or validity of a statute. The new law removes all these grounds except one: "a question of law that is important to the jurisprudence of the state." Thus, the Court may still have jurisdiction over cases that fell under the former jurisdictional grounds, but only if they involve a legal question that is important to the jurisprudence of the state.

On the other hand, the new law also expands the Court's jurisdiction. The expressed intent of its sponsor in the House was to expand the Court's jurisdiction to review interlocutory orders, and the new law removes all statutory limitations on that jurisdiction. For example, appeals from interlocutory orders granting or denying temporary injunctions and orders appointing receivers or trustees may now be taken from the courts of appeals to the Supreme Court of Texas. The new law also removes prohibitions on the Court's review of certain types of cases, including contested local elections and cases in which a county court would have had jurisdiction. Even though the Court is no longer barred from reviewing these entire categories of cases, it still may exercise jurisdiction over a specific case only if it presents an issue that is "important to the jurisprudence" of Texas. ...

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