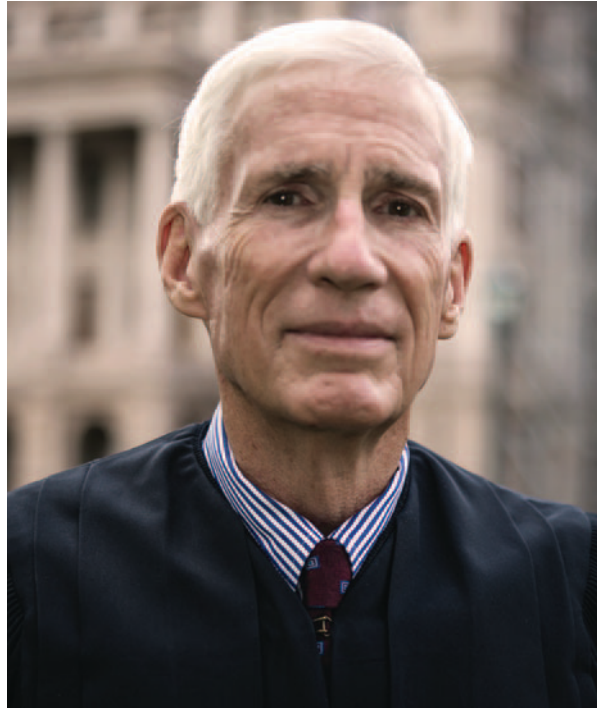


Hon. Scott Brister, Chief Justice

Texas 15th Court of Appeals



In framing a government . . . , the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

THE FEDERALIST No. 51 (James Madison)

The older the civilization, the longer the lawsuits.

Will Durant, *The Story of Civilization: Caesar and Christ*.

Without a civil justice system, contracts may be disregarded, torts inflicted without remedy, and government officials may choose to disregard the law. But as with any other branch, the difficulty in the civil justice system is ensuring that judges don't do too much or too little. It is an appellate judge's job to correct either form of abuse, but with 1,000 local trial judges disposing of over 400,000 cases each year, we cannot review every order for possible mistakes.

The Fifteenth Court of Appeals (on which I serve along with my colleagues Scott Field and April Farris) was the first new intermediate appellate court created in Texas since 1967. We were directed "to give special attention to those cases the Legislature has defined as critical to the State's interests," and we exercise statewide jurisdiction so that "all Texas voters have a

say in electing the justices who decide cases affecting the State's interests."¹ In the 18 months since our creation, those cases have primarily been suits by or against the State of Texas and its officers and agencies—such as whether the State can issue A-to-F school ratings (yes), whether the Attorney General without express rule-making authority from the Legislature can require DAs to submit annual reports (no), whether the State can require standby generating power to avoid threats to the power grid in extreme weather (yes), whether the State must pay counties to detain criminal defendants in jail when they are incompetent to stand trial but the state hospital system has no room (no), whether the Comptroller may decline to send state funds intended for "property-poor" school districts to a county that uniformly appraises local

properties too low (yes), and whether a city ordinance can restrict enforcement of state drug laws (no).

Handling civil litigation expeditiously often involves combined effort by both the courts and the Legislature. For example, when the Legislature in 1995 began requiring expert reports to support medical malpractice suits, the Texas Supreme Court still had to intervene 13 years later to order a trial court to dismiss a negligent hospital credentialing claim by 224 former patients who had no expert with expertise in hospital credentialing. The Legislature can supply tools to improve the civil justice system, but the voters must supply judges who will use them. I salute the Texas Civil Justice League for its long-standing work in both these fields. ★

¹ Kelley v. Homminga, 706 S.W.3d 829, 832–34 (Tex. 2025).