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January 15, 2025

Dear Friends:

Lots to report here: An Investiture Success, the Court is working up its docket, and We're Off to the Supreme Court!

An Investiture Success! I had hoped to get this newsletter out a week ago on the Vonlane trip back from witnessing the Investiture of the 15th Court's three Justices; unfortunately, the demands of the pesky day job kept getting in the way, both on that return trip and until now. Both the Investiture and the Reception succeeded—the Investiture crowd filled the Chambers of the Texas House of Representatives and overflowed into the gallery, while the Reception at the State Bar Building packed the first floor reception area. All oaths were repeated, justices enrobed, good company and food enjoyed, and a good time was had by all.

The only opinion I've seen from the Court in the last couple of weeks involved an inmate lawsuit, which I won't discuss here, though those suits not infrequently involve constitutional issues. The lack of opinions is not a criticism: one has to gather and cook the ingredients before serving the dish; in that vein the Court continues to move through the process of getting opinions out, though understandably the work it does now won't result in a plethora of opinions for a while. The Court has set 8 cases for submission on oral argument that will occur over the next few weeks, with another ten cases set for submission on the briefs during that span. It has already heard argument on another 8 cases which still await its decision, as do another 17 cases which it submitted on the briefs.

We're Off to the Supreme Court! Well, not me, but thanks to my friend Jane Webre I know of a couple of cases that are, with potentially far-reaching consequences for the Fifteenth Court's jurisdiction, and the jurisdiction of all the intermediate appellate courts. I have previously mentioned *Devon Energy v. Oliver*

(No. 15-24-00115-CV), in which a party filed a notice of appeal in the Fifteenth Court, not because the Court has exclusive original jurisdiction of the appeal, but based on the proposition that the Court had statewide jurisdiction of all cases not expressly excluded from its jurisdiction. In response to a motion to transfer venue to the Thirteenth Court of Appeals (filed under TRAP 27a by the non-appelling party), two of the Fifteenth Court's three justices—Justices Farris and Fields—decided the Fifteenth Court had such jurisdiction over *Devon*, with Chief Justice Brister disagreeing. It turns out that the same thing also happened in another case which some parties had appealed to the 15th: *Kelley and PMK Group LLC v. Homminga and Chippewa Construction Co., LLC*, No. 15-24-00123-CV, in which the ensuing TRAP 27a motion asked that the case be transferred to either the First or Fourteenth Courts. Pursuant to TRAP 27a, the 15th Court asked the 13th Court (in *Devon*) and the 1st and 14th Courts (in *Kelley*) to file a letter explaining whether they agreed with the denial of the respective motions to transfer. The First Court of Appeals has responded that it agreed with the motion to deny transfer in *Kelley*, while the Fourteenth Court had previously responded that it disagreed with the decision to deny that transfer motion. The Thirteenth Court has also said that it disagreed with the denial of the transfer in *Devon*. In both cases, pursuant to TRAP 27a, the Fifteenth Court has forwarded to the Supreme Court the pertinent motions, objections, letters from the potential transferee courts, along with an explanation of the Fifteenth Court's decision, including Chief Justice Brister's dissent, and asked that the Supreme Court to consider the same. The Fifteenth Court's letter to the Supreme Court in *Kelley* was dated January 6, 2025, and its letter in *Devon* bore the date of January 13, 2025.

I cannot find anything about *Devon* or *Kelley* on the Supreme Court's website yet. I do see at least three more cases on the Fifteenth Court's website which, if I read the notices of appeal correctly, may also raise the same jurisdictional issue as *Devon* and *Kelley*, though none of them have moved as far along the path, or (for two of them) even really started down it: No. 15-24-00133-CV, *Insight Investments, LLC v. Stonebriar Commercial Finance LLC*; No. 15-24-00126-CV, *Baron Global Distributors v. Still American*; and No. 15-24-00128-CV, *Reeves v. Harbor American Central Inc.* (motion to transfer filed December 16, 2024).

All for now. Y'all stay safe and well and have a good week and weekend.

Best regards.

Yours,

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