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Foreword

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FOREWORD

*Deborah G. Hankinson**

THE *Annual Texas Survey*, which has been published by a law review at Southern Methodist University Dedman School of Law for well over three decades, continues to be an important legal resource. By January 1, 2003, the Supreme Court of Texas will have at least three and possibly six new justices. That change may lead to significant unpredictability in Texas law as the new justices bring different judicial philosophies and interests to our state's highest bench. The *Survey* will aid practitioners in hedging against this unpredictability when advising clients on whether to take the next step in appellate review and whether their case will be among the ten percent that the court decides to review each year.

As many practitioners before the court know, the key to opening the door to supreme court review is determining what the justices believe is "important to the jurisprudence" of the state. In 1987, the Texas Legislature provided the court with discretionary jurisdiction. Ten years later, the court amended the rules of appellate procedure to create the current petition-for-review system, which focuses on issues and emphasizes that whether to grant review is a matter of judicial discretion. Because this system focuses on issues, figuring out what areas of the law attract the justices' interest is essential. The *Survey* provides a snapshot of the court's decisions for any given year, enabling the bar to determine the areas of interest and better evaluate the likelihood of the court granting review on a particular case. The topics, cases, rules, and statutes included in this and future surveys will enable practitioners to hone in on issues that may spark the court's interest even as the makeup of the court evolves.

An additional source of change, of course, is the Texas Legislature, which meets every other year. This volume covers the legislature's 77th session. Knowing the latest developments in statutory law is another key to opening the door to supreme court review, especially because the legislature has become more active in traditional common-law areas. In accord with recent legislative activity, past *Surveys* have revealed a trend by the court in reviewing cases involving statutory construction. From arbitration to family law to workers' compensation, the court is called upon

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to interpret statutes that affect consumers, businesses, and government agencies. This *Survey* covers the latest statutory developments, highlighting the issues important to the state's policy makers, and consequently the issues likely to end up on the supreme court's doorstep.

Keeping up with changes in the law, being responsive to them, and perhaps even directing them are responsibilities legal professionals must share. As the law grows more complex, this *Survey* and those that follow will become an even more valuable tool.



Articles