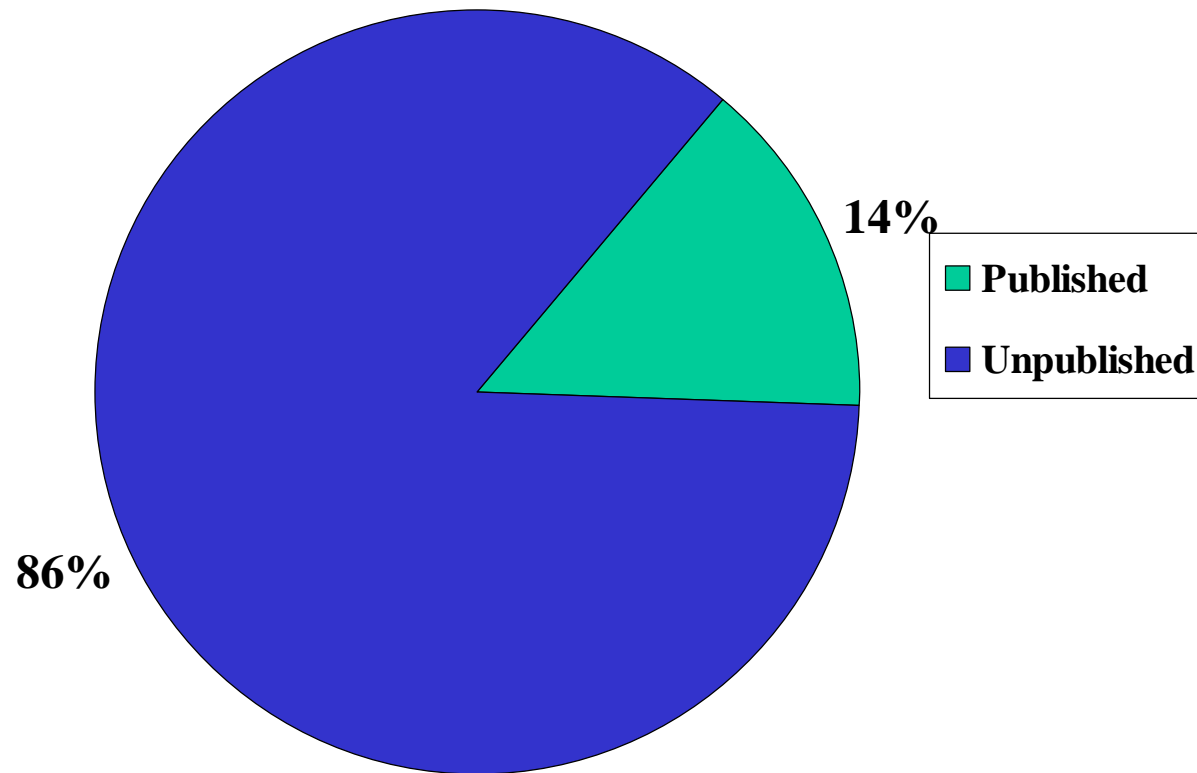


FIFTH CIRCUIT
Published Decisions – 2005
Strictly By the Numbers

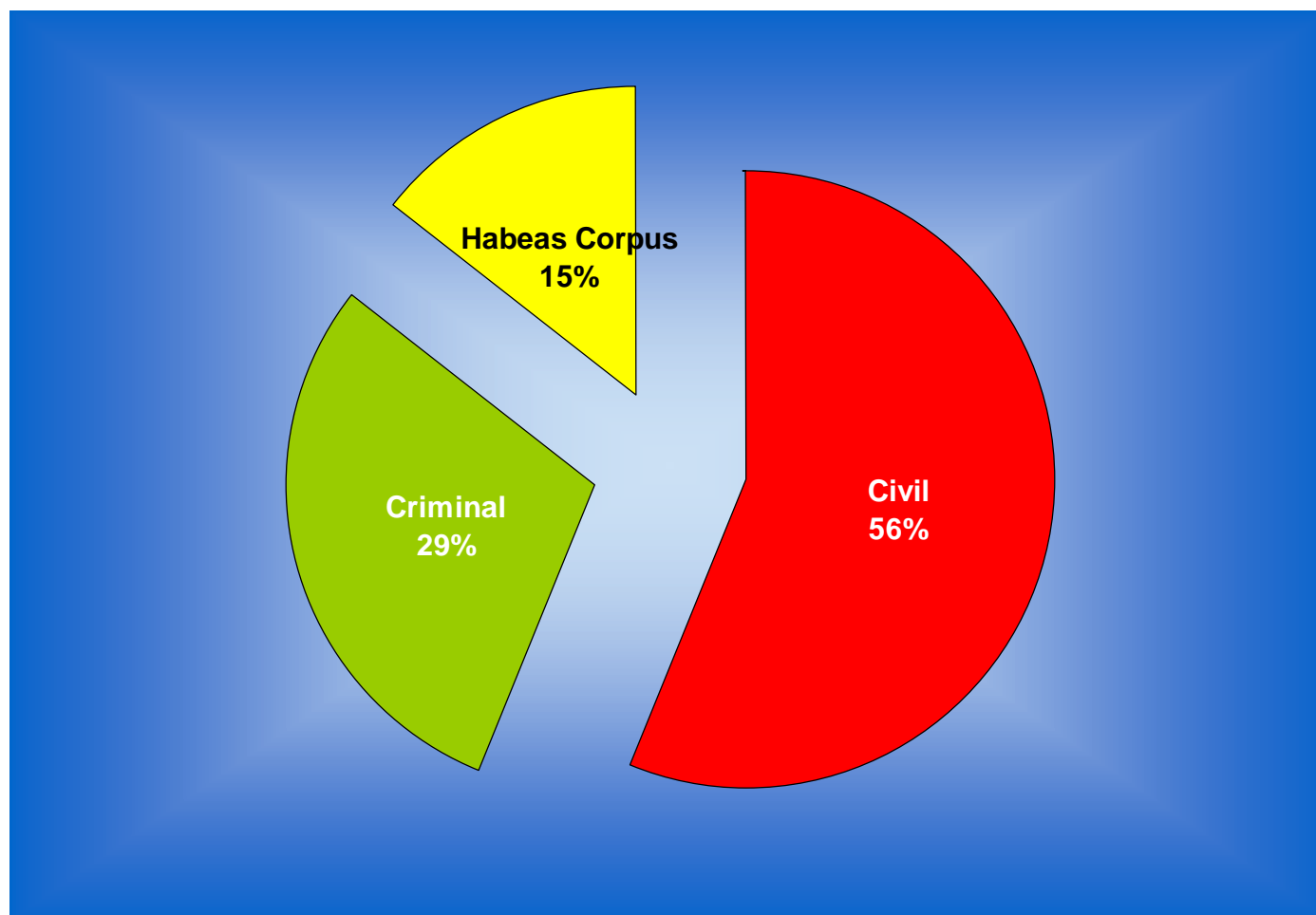
Gwen J. Samora
Vinson & Elkins LLP

2005 Fifth Circuit Decisions – Published/Unpublished



Fifth Circuit's Published Decisions

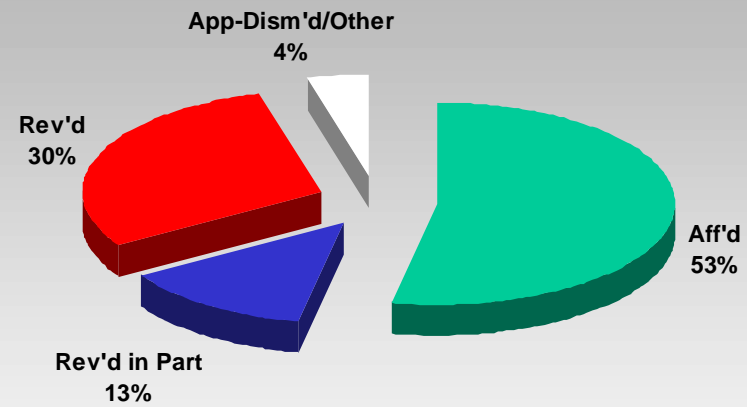
(412 Total Studied)



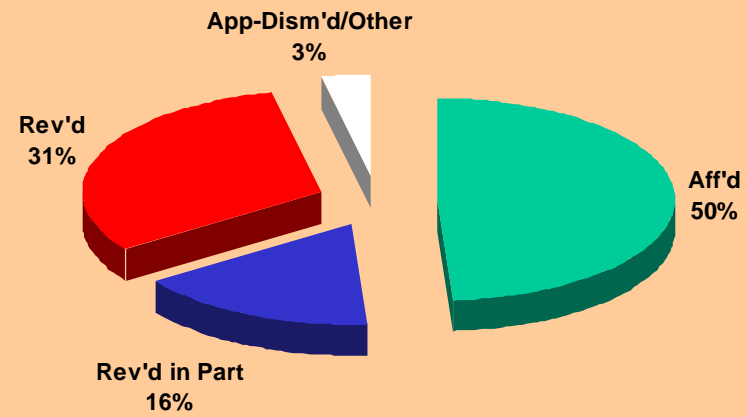
Methodology

- Looked at 5th Cir. published decisions in 2005
- Recorded a number of variables:
 - District court judge
 - General type of case (civil, criminal, habeas)
 - Specific type of case (5th Circuit case type)
 - Prevailing party in trial court
 - Result on appeal
 - 1=aff'd in entirety;
 - 2=mixed/aff'd in part, rev'd in part
 - 3=rev'd/vacate
 - Court of Appeals (panel and author)
 - Time of disposition
 - Date NOA filed
 - Date briefing complete
 - Date oral argument heard
 - Date of decision

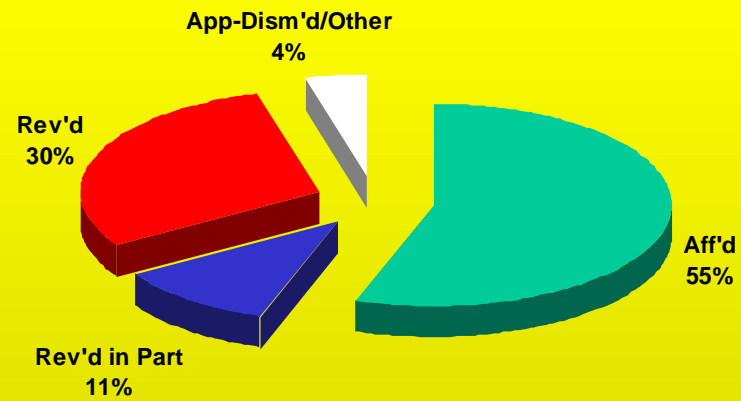
Disposition – All Cases



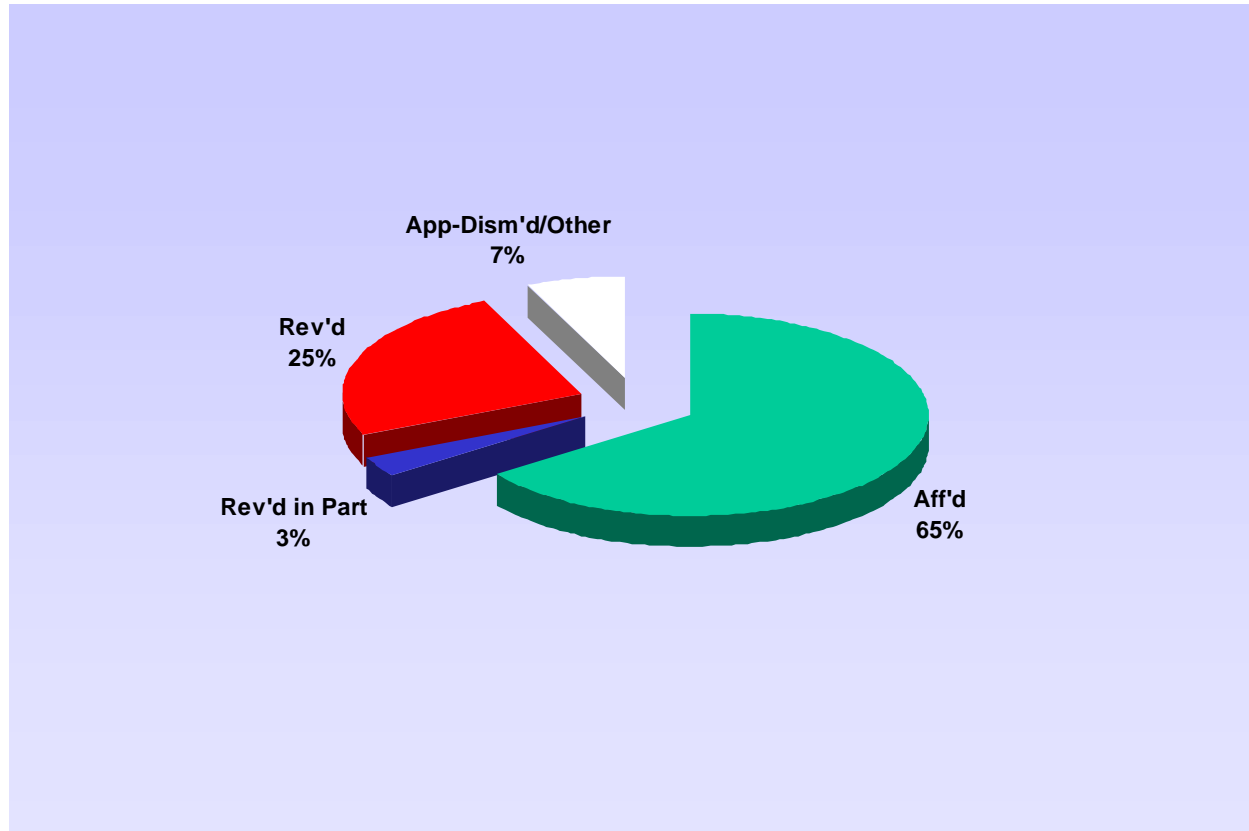
Disposition – Civil Cases



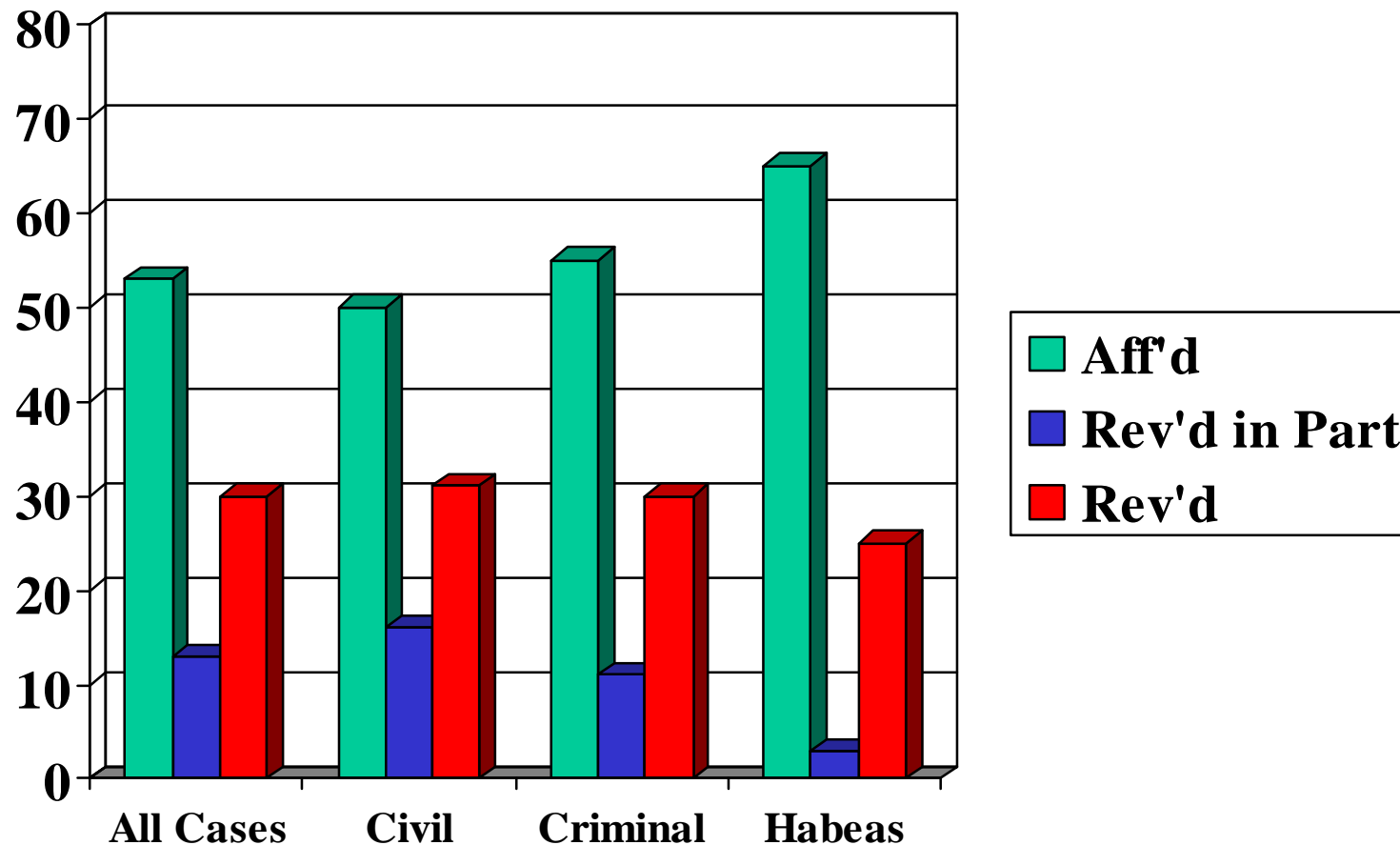
Disposition – Criminal Cases



Disposition – Habeas Cases



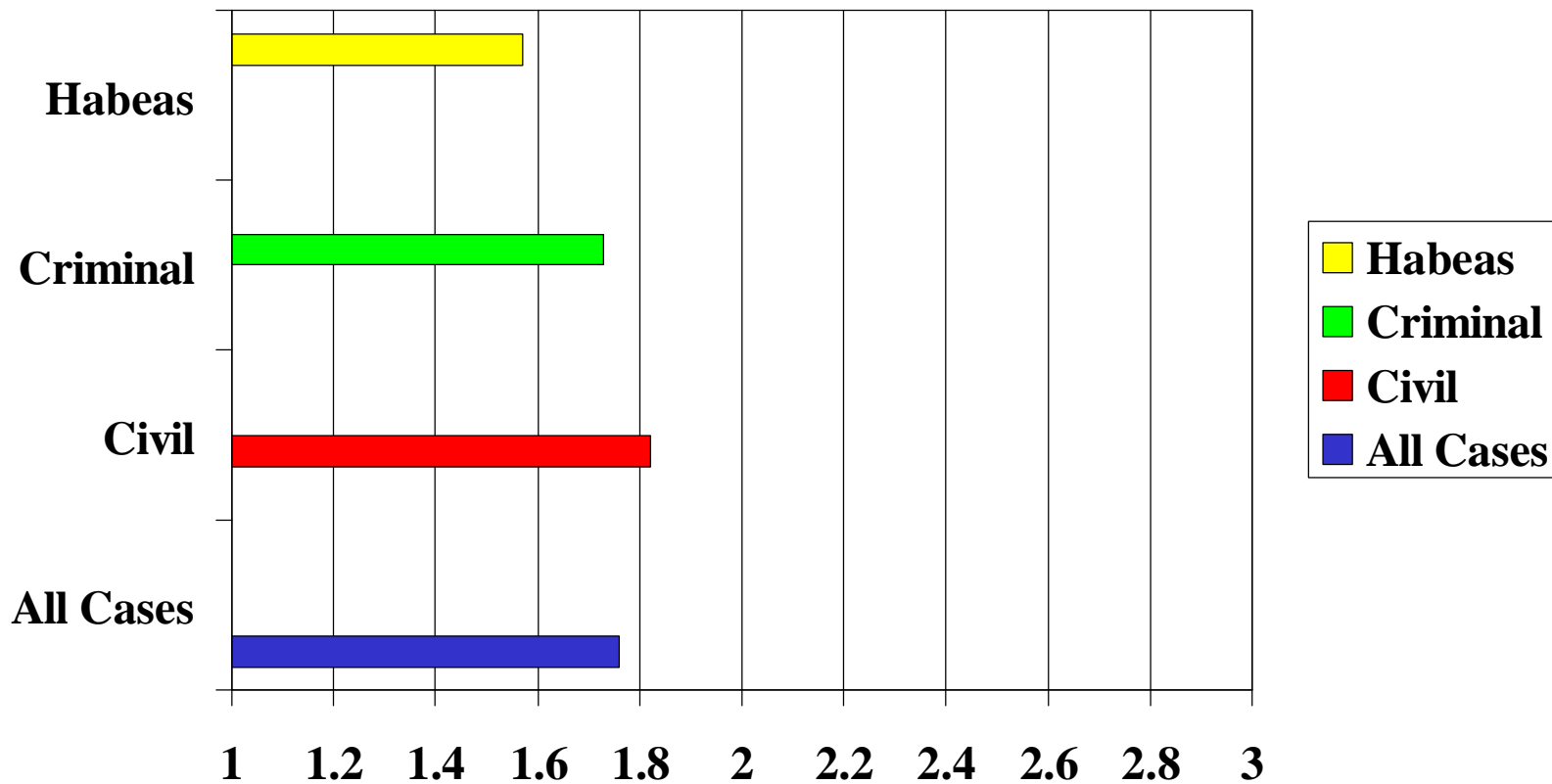
Disposition by General Type



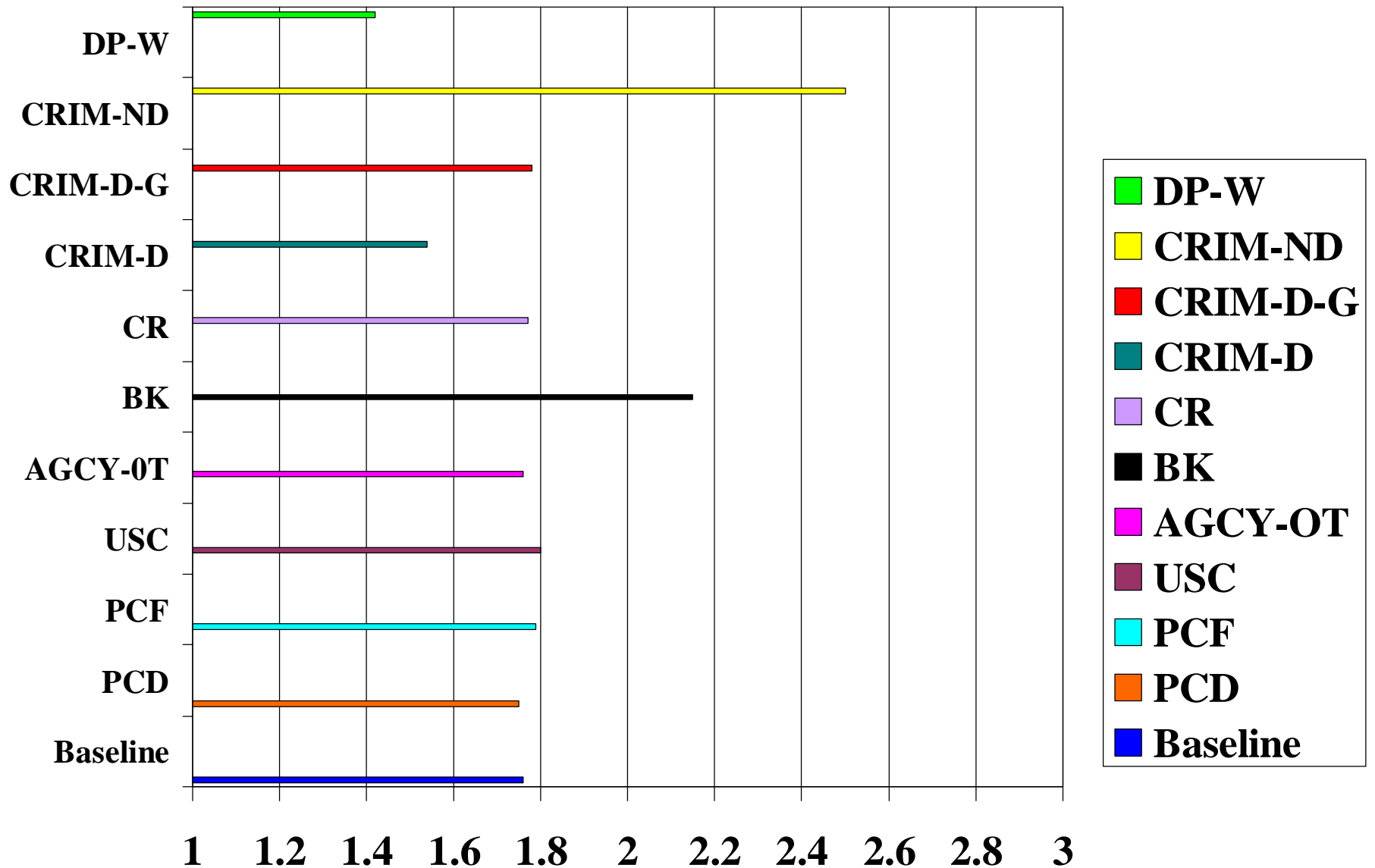
Reversal Rate – Scale of 1 to 3

- 1 = Affirmed entirely
- 2 = Aff'd in part; reversed/vacated in part
- 3 = Reversed/vacated entirely (nothing aff'd)

Reversal Rate – General Type



Reversal Rate – By Fifth Circuit Case Type



Reversal Rate – By District Court Judge

(Lowest to Highest)

District Judge	Reversal Rate
Godbey – N.D. Tex.	1.00
Hicks – W.D. La.	1.00
Lindsay – N.D. Tex	1.00
Tagle – S.D. Tex	1.00
Buchmeyer – N.D. Tex.	1.21
Rosenthal – S.D. Tex.	1.40
Cummings – N.D. Tex.	1.40
Robinson – N.D. Tex.	1.50
James – W.D. La.	1.50
Zainey – E.D. La.	1.60
Smith – W.D. Tex.	1.60

Reversal Rate – By District Court Judge

(Reversal Rates Continued...)

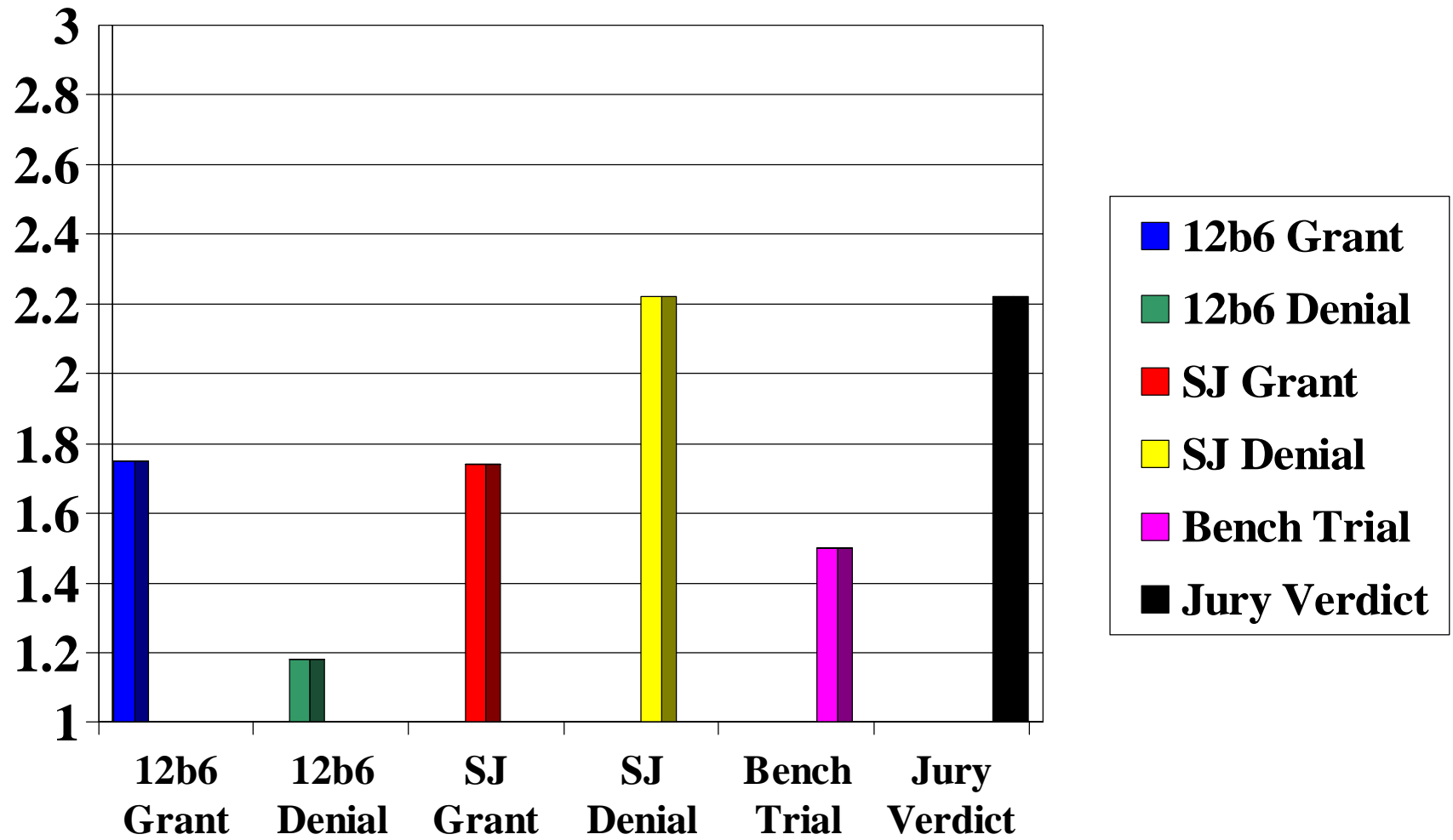
District Judge	Reversal Rate
Rainey – S.D. Tex	1.67
McBryde – N.D. Tex	1.67
Kinkeade – N.D. Tex	1.67
Harmon – S.D. Tex.	1.67
Junell – W.D. Tex.	1.75
Hoyt – S.D. Tex.	1.77
Hittner – S.D. Tex.	1.80
Solis – N.D. Tex.	1.80
Fallon – E.D. La.	1.80
Sparks – W.D. Tex.	1.82
Brady – M.D. La.	1.83
Hinojosa – S.D. Tex.	1.86

Reversal Rate – By District Court Judge

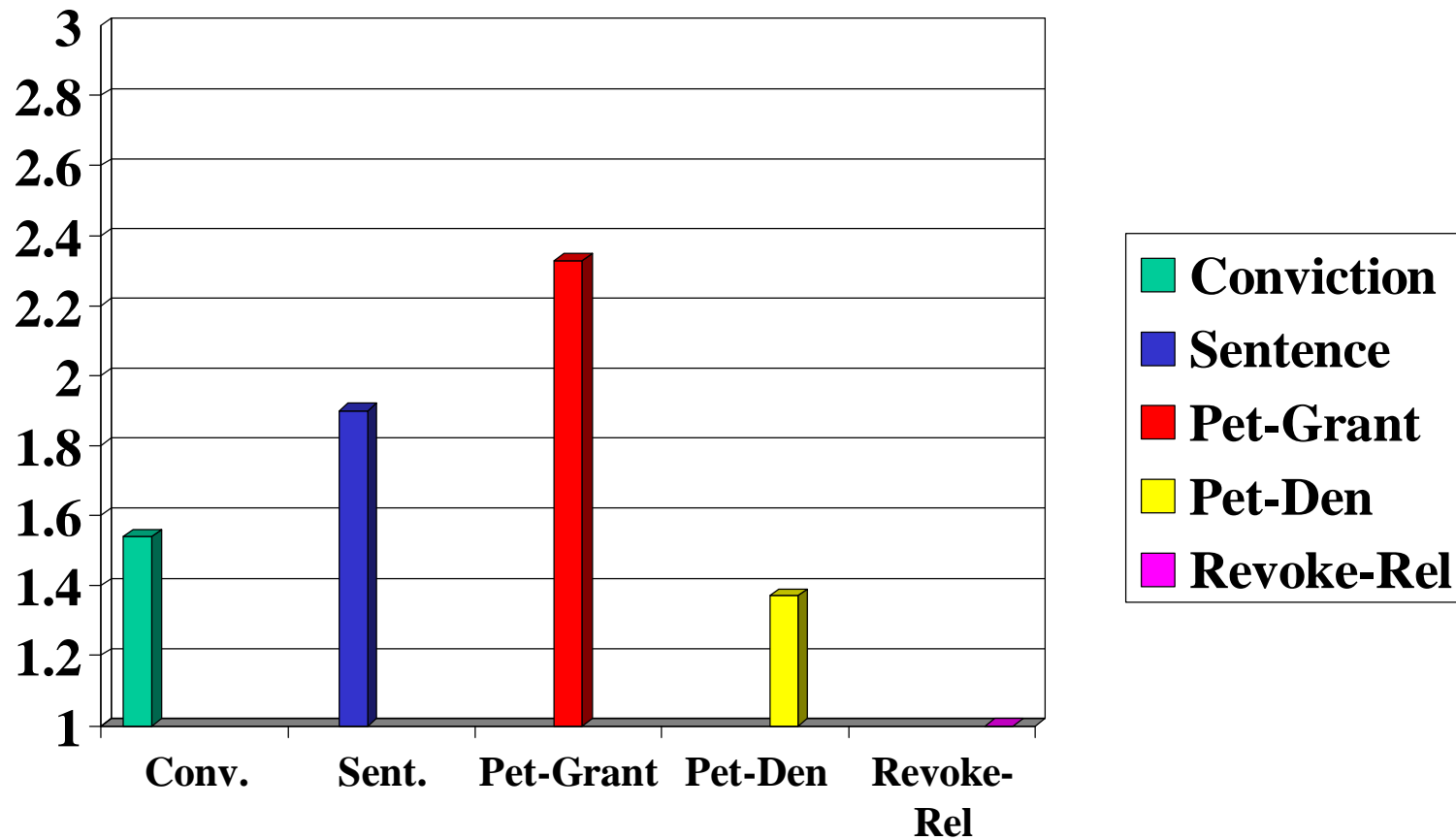
(Reversal Rates Continued . . .)

District Judge	Reversal Rate
Jack – S.D. Tex.	2.00
Hughes – S.D. Tex.	2.00
Gilmore – S.D. Tex.	2.00
Means – N.D. Tex.	2.22
Barbier – E.D. La.	2.33
Lee – S.D. Mis.	2.80

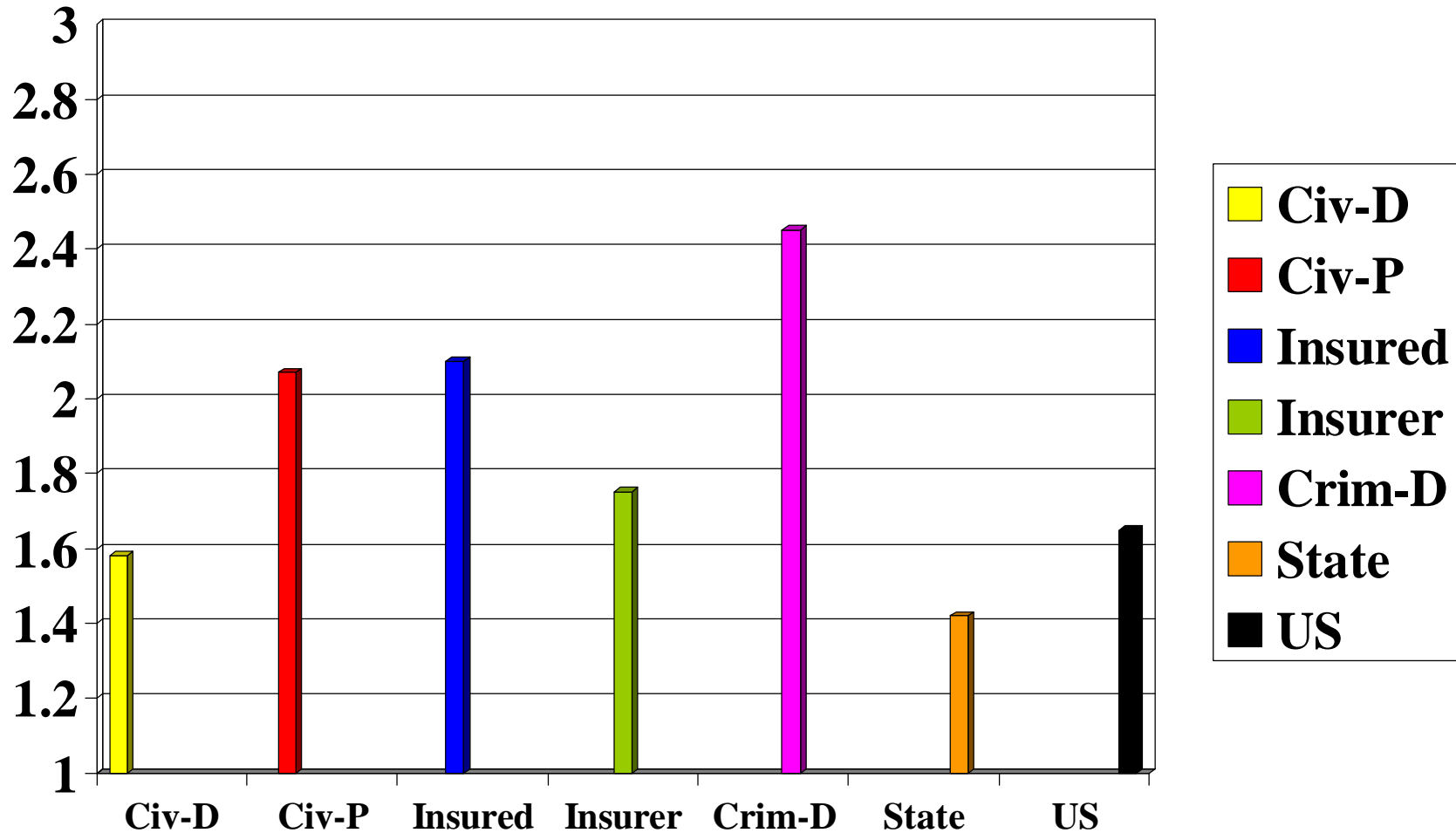
Reversal Rate by Judgment Type – Civ.



Reversal Rate by Judgment Type – Crim.



Reversal Rate by Prevailing Party



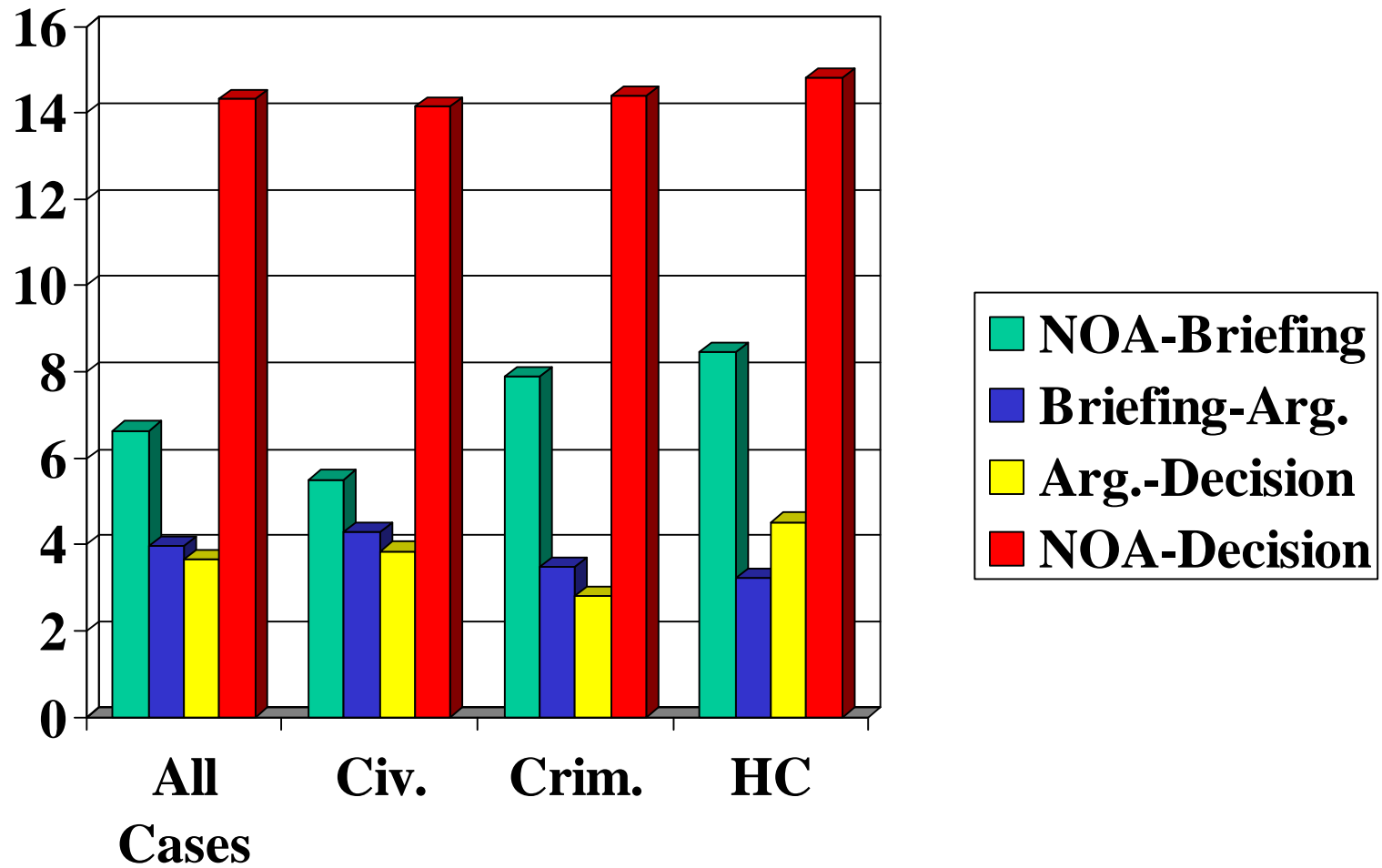
Published Opinions By Fifth Circuit Judge

5th Cir. Judge	Majority Decisions	Dissents/ Concurrences
Smith	36	1
King	30	2
Garza	30	7
Higginbotham	29	2
Clement	24	1
Stewart	23	4
Davis	21	3
Wiener	20	1

Published Opinions By Fifth Circuit Judge

5th Cir. Judge	Majority Decisions	Dissents/ Concurrences
DeMoss	19	8
Jones	18	8
Jolly	17	2
Garwood	16	0
Prado	16	0
Benavides	14	0
Barksdale	12	0
Dennis	8	3
Reavley	5	0
Owen	4	0

Timing of Decisions – Month Count



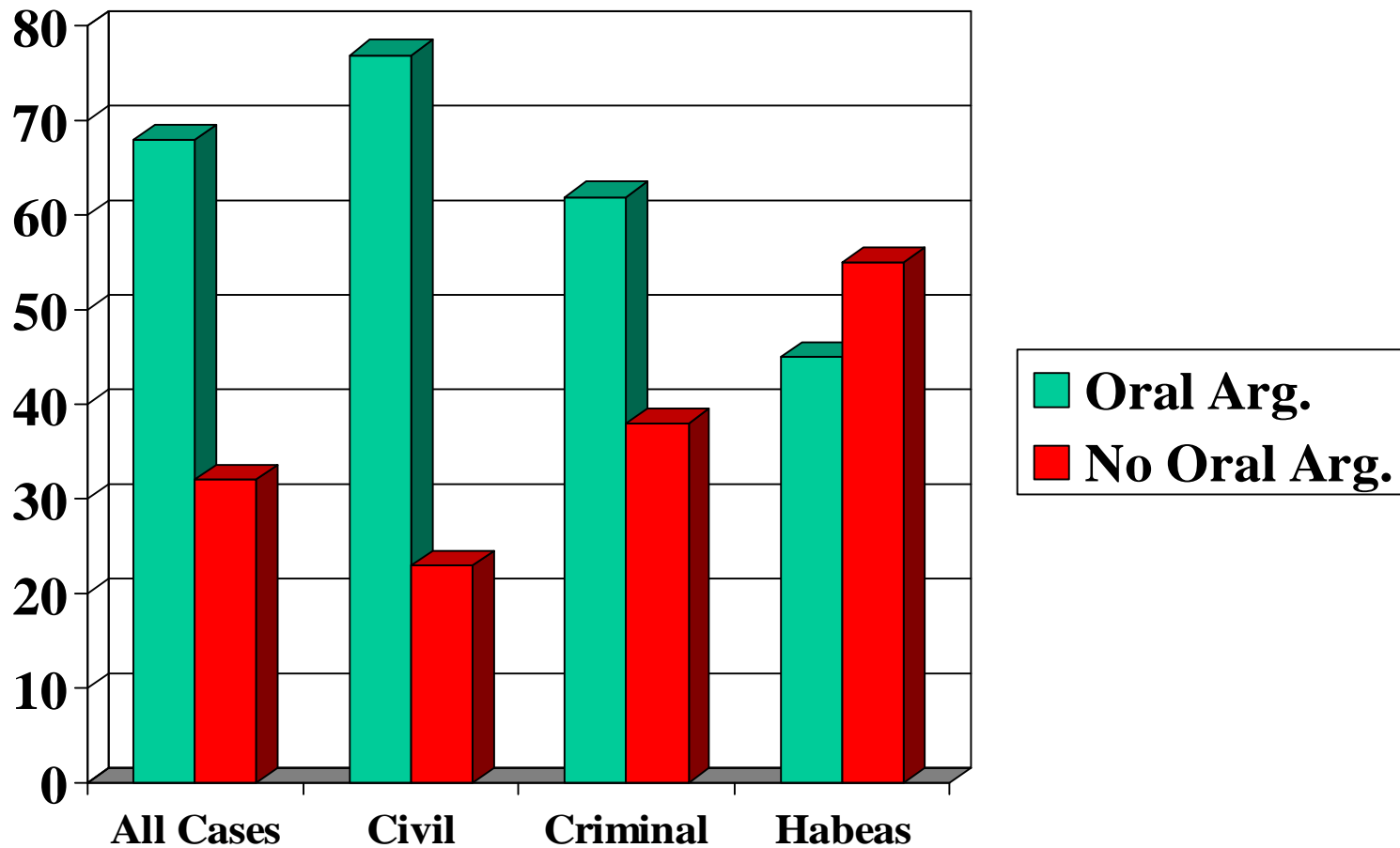
Timing of Decision – By Judge

5th Cir. Judge	Majority Decisions	Oral Argument to Decision
Smith	36	3.09 mos.
King	30	2.19 mos.
Garza	30	3.32 mos.
Higginbotham	29	3.56 mos.
Clement	24	3.11 mos.
Stewart	23	7.89 mos.
Davis	21	2.88 mos.
Wiener	20	3.22 mos.

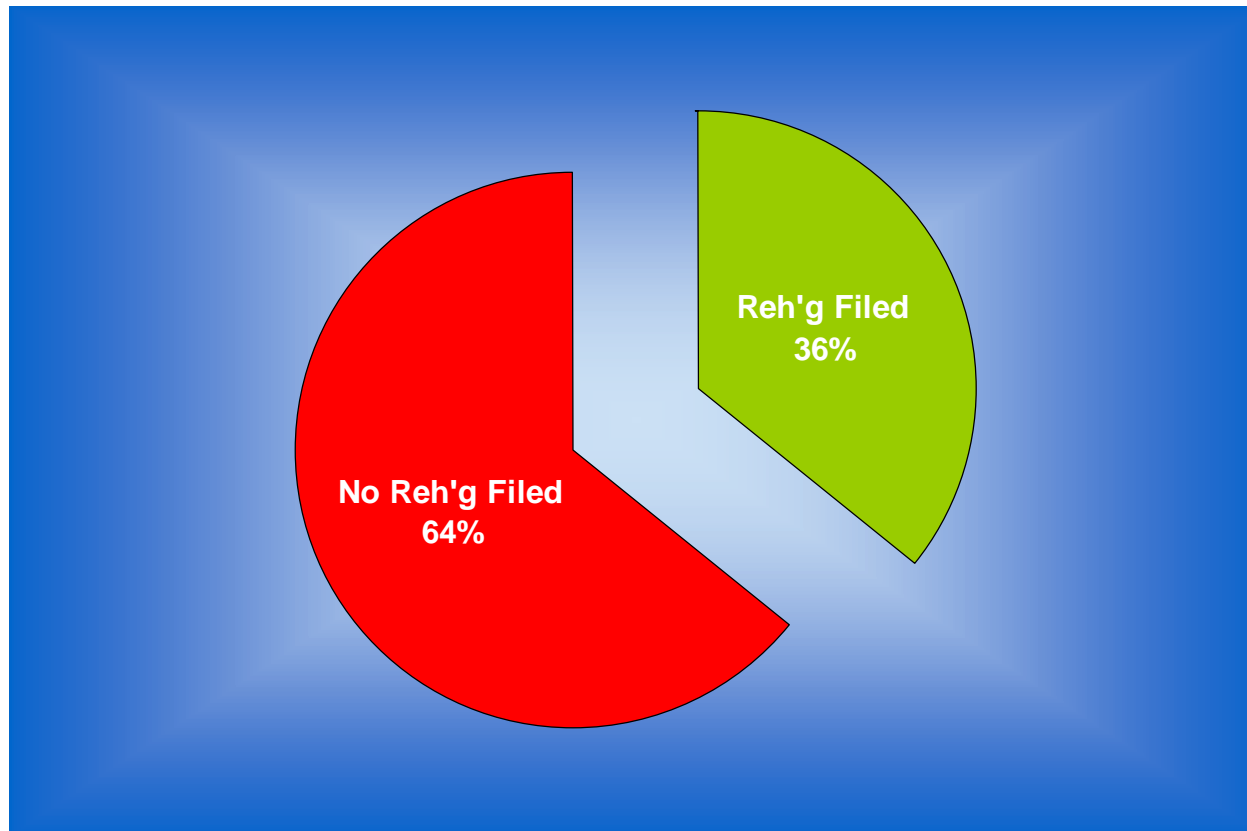
Timing of Decision – By Judge

5th Cir. Judge	Majority Decisions	Oral Argument to Decision
DeMoss	19	3.00 mos.
Jones	18	5.69 mos.
Jolly	17	3.51 mos.
Garwood	16	2.69 mos.
Prado	16	3.08 mos.
Benavides	14	1.71 mos.
Barksdale	12	3.27 mos.
Dennis	8	7.63 mos.
Reavley	5	0.75 mos.
Owen	4	2.33 mos.

Oral Argument – Frequency



Petition for Rehearing – Frequency of Filing



Petitions for Rehearing – Disposition

