How to Locate a Writ or Petition History and Create a GREENBOOK Citation for Civil Appellate Cases in Texas

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I. What is a Writ or Petition History and Why Does it Matter

The petition (and, before 1997, the writ) history of a case identifies the action (or inaction) taken by the Texas Supreme Court on a particular Court of Appeals’ opinion. Moreover, and unique to civil cases in Texas, the petition history of a particular case can indicate the weight of authority that a particular appellate opinion has. In this way, an appellate decision that the Texas Supreme Court has determined is correct—both in terms of its result and application of the law (petition refused)—has more weight than an appellate decision that simply presents no error requiring reversal (petition denied). In fact, when the Texas Supreme Court refuses to hear a Texas civil Court of Appeals’ petition, “[t]he court of appeals’ opinion in the case has the same precedential value as an opinion of the Supreme Court.” In other words, the writ or petition history of a civil case not only shows how the appeal was handled but also, in some instances, signals the weight of the appellate opinion.

II. How to a Find Writ or Petition History

Westlaw’s case history tab is one of the online tools you can use to locate a Texas case’s writ or petition history. Below are step-by-step instructions for locating subsequent case histories using Westlaw. In addition to Westlaw, you can use Lexis Advance’s Shepard’s report to find a case’s subsequent history or even find the information on the Texas Judicial

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2 The Texas Court of Criminal Appeals' (the highest criminal court in Texas) decision on a petition “do[es] not indicate the [Texas Court of Criminal Appeal’s] approval or disapproval of the lower court decision and do not have any precedential effect.” Andrew T. Solomon, The Texas Supreme Court’s Petition System: A System in Need of Reexamination, 53 S. TEX. L. REV. 698 (2012).
4 Soloman, supra note 2.
Branch's website (www.txcourts.gov) by reviewing the weekly orders from the Texas Supreme Court (available from 1997–present).

**Step 1:** Type the citation for the case for which you need the writ or petition history into the search box.

**Step 2:** Make sure Westlaw is set to search only Texas state cases.

**Step 3:** Once you pull up the correct case, click on the "history" tab of the Westlaw toolbar.
Step 4: Select the case citation for which you want to review the writ or petition history.

Step 5: Review the subsequent history relevant to the case citation for which you are searching.
**Step 6:** Identify the relevant writ or petition history by comparing the Westlaw history with the writ or petition history chart in the GREENBOOK or with the chart below:

**NOTATIONS ON PETITIONS FOR REVIEW / CAUSES IN THE TEXAS SUPREME COURT**

<table>
<thead>
<tr>
<th>Notation on Petitions (Abbreviations)</th>
<th>Role Defining Notation</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petition granted, (pet. granted)</td>
<td>Tex. App. R. 68.1(e)</td>
<td>The Supreme Court denies the petition for review.</td>
</tr>
<tr>
<td>Petition denied, (pet. denied)</td>
<td>Tex. App. R. 68.1(f)</td>
<td>The Supreme Court grants the petition for review.</td>
</tr>
<tr>
<td>Petition dismissed, want of jurisdiction</td>
<td>Tex. App. R. 68.1(k)</td>
<td>The Supreme Court grants the petition for review.</td>
</tr>
<tr>
<td>Petition denied, want of jurisdiction</td>
<td>Tex. App. R. 68.1(n)</td>
<td>The Supreme Court grants the petition for review.</td>
</tr>
<tr>
<td>Petition denied, want of jurisdiction</td>
<td>Tex. App. R. 68.1(o)</td>
<td>The Supreme Court grants the petition for review.</td>
</tr>
<tr>
<td>Petition denied, want of jurisdiction</td>
<td>Tex. App. R. 68.1(p)</td>
<td>The Supreme Court grants the petition for review.</td>
</tr>
<tr>
<td>Petition denied, want of jurisdiction</td>
<td>Tex. App. R. 68.1(q)</td>
<td>The Supreme Court grants the petition for review.</td>
</tr>
</tbody>
</table>


**Step 7:** Capture the writ or petition history you need for your citation.

**Petition for review denied = pet. denied**

**Small v. McMaster**

352 S.W.3d 280 | Oct 20, 2011

Tex.App.-Hous. (14 Dist.)

rehearing overruled Nov 16, 2011

review denied Feb 17, 2012

rehearing of petition for review denied Mar 30, 2012
Step 8: Double check your work by following these sub-steps:

Step 8A: Type the citation for the case for which you need the writ or petition history into the search box.

Step 8B: Once you pull up the correct case, click on the “citing references” tab of the Westlaw toolbar. Clicking on this tab will open up a list of all cases that cite to the case for which you originally searched.
**Step 8E**: Compare the writ or petition history recorded in the citation in the selected case with the writ or petition history you identified.

The petition history you identified = pet. denied

The petition history recorded in the selected case = pet. denied

others that they were married. See Tex. Fam.Code § 2.401(a)(2) (Vernon 2006) - Small v. McMaster, 352 S.W.3d 280, 282 (Tex.App.—Houston [14th Dist.] 2011, pet. denied). The existence of an informal marriage is a fact question, and the party seeking to establish existence of the marriage bears the burden of proving the three elements by a preponderance of the evidence. Small, 352 S.W.3d at 282-83. An informal marriage doe

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**III. How to Generate a Cite with a Writ/Petition History**