

SUPREME COURT OF TEXAS

In re Cook

356 S.W.3d 493 (Tex. 2011) · Decided December 16, 2011

SUMMARY

The Texas Supreme Court conditionally granted mandamus relief in a divorce action involving a trial court’s grant of a new trial after a jury verdict. The Court held that the successor trial judge abused his discretion by merely reaffirming the prior new-trial order without clearly identifying reasonably specific reasons for refusing to enter judgment on the jury verdict.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Texas
DECIDED	December 16, 2011
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Jeffrey Cook petitioned the Supreme Court of Texas for a writ of mandamus after the trial court granted Barbara Cook's motion for a new trial and, following the original judge's resignation, a successor judge merely reaffirmed the order without stating reasons.
STANDARD OF REVIEW	Mandamus is appropriate when a trial court abuses its discretion and the relator lacks an adequate remedy by appeal. The Supreme Court reviewed whether the successor judge's order complied with the requirement to clearly identify reasonably specific reasons for setting aside the jury verdict and granting a new trial.
PRECEDENTIAL VALUE	Published and precedential Texas Supreme Court opinion
PARTIES	Jeffrey Cook v. Barbara Cook

TOPICS

- writ of certiorari
- appellate procedure
- civil procedure
- family law
- remedies

PRACTICE AREAS

- civil procedure
- appellate procedure
- family law
- remedies

QUESTIONS PRESENTED

1. Whether the successor trial judge abused his discretion by reaffirming an order granting a new trial without specifying the reasons for setting aside the jury verdict.
2. Whether mandamus relief was available because the successor judge's failure to state sufficiently specific reasons left Jeffrey without an adequate remedy by appeal.

HOLDINGS

1. A successor trial judge who reaffirms a predecessor's order granting a new trial must provide the successor court's own clearly identified and reasonably specific reasons for refusing to enter judgment on the jury verdict. An order stating only that the predecessor's orders should remain unchanged is insufficient.
2. Mandamus relief should be conditionally granted because the successor judge abused his discretion by failing to state reasons for refusing to enter judgment on the jury verdict, and there was no adequate remedy by appeal.

KEY QUOTATIONS

“Reaffirming the former trial court’s order was tantamount to granting the motion for new trial. Consequently, the successor trial court must provide its own statement of the reasons for setting aside a jury verdict.” (at 496)

“We conditionally grant Jeffrey’s petition for writ of mandamus and direct the successor trial court to specify the reasons why it refused to enter” (at 496)

FACTUAL BACKGROUND

Barbara Cook sought to enforce an in-court agreement with Jeffrey Cook as a contract. The case proceeded to trial on whether Jeffrey lacked the mental capacity to enter the agreement, and the jury found in Jeffrey's favor. Barbara moved for a new trial on multiple grounds, and the successor trial judge later reaffirmed the original new-trial order without giving reasons.

PROCEDURAL HISTORY

The jury returned a verdict in Jeffrey Cook's favor in a divorce-related contract-enforcement dispute. The trial court granted Barbara Cook's motion for a new trial without specifying grounds, later amended the order to state that the new trial was granted on all grounds in the motion, and then a successor judge reaffirmed the order without independent reasons. The court of appeals denied Jeffrey's mandamus petition and rehearing request. The Supreme Court of Texas abated the proceeding to permit reconsideration by the successor judge, then lifted the abatement when the successor issued an order that still did not state reasons.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The successor trial court was directed to specify the reasons why it refused to enter judgment on the jury verdict and granted or reaffirmed the new-trial order. The writ would issue only if the trial court failed to comply.

CASES CITED

- In re Columbia Medical Center of Las Colinas, 290 S.W.3d 204 (Tex. 2009)
- In re Baylor Medical Center at Garland, 289 S.W.3d 859 (Tex. 2009) (Baylor II)
- In re Baylor Medical Center at Garland, 280 S.W.3d 227 (Tex. 2008) (Baylor I)
- State v. Olsen, 163 Tex. 449, 360 S.W.2d 402 (Tex. 1962)

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