

IN THE SUPREME COURT OF TEXAS

=====
No. 00-0453
=====

IN RE THE CITY OF GEORGETOWN AND GEORGE RUSSELL, IN HIS OFFICIAL
CAPACITY AS ACTING CITY MANAGER AND OFFICER FOR PUBLIC INFORMATION,
RELATOR

=====
ON PETITION FOR WRIT OF MANDAMUS
=====

Argued on January 3, 2001

JUSTICE HECHT, concurring.

I join fully in the Court's opinion and add a few words only to emphasize that review of a trial court's decision under sections 552.324 and 552.325 of the Public Information Act¹ should ordinarily be by appeal, not by a petition to an appellate court for writ of mandamus.² The choice of vehicle is important because it may affect the standard of review, although the outcome in this case would be no different had review been pursued by appeal. Also, on appeal the court of appeals is obliged to explain its decision by written opinion, a requirement not imposed when it denies a petition for mandamus in an original proceeding.³ Here, because the trial court ordered disclosure of the report sought within a few hours after the hearing concluded and did not adjudicate the

¹ TEX. GOV'T CODE §§ 552.001 *et seq.*

² *See Love v. Wilcox*, 28 S.W.2d 515, 521 (Tex. 1930).

³ *Compare* TEX. R. APP. P. 47.1 and 52.8(d).

attorney fees claim, the City's petitions for mandamus relief in the court of appeals and this Court were proper.

Nathan L. Hecht
Justice

Opinion delivered: February 15, 2001