

# COURTS OF CIVIL APPEALS

The Courts of Civil Appeals reversed, at least in part, the decision of the trial court in 27 per cent of the cases disposed.

At the end of 1974, 673 cases remained on the Courts of Civil Appeals dockets for disposition in a later year, a 24 per cent increase over the previous year. The number of cases pending at the end of 1974 was 13 per cent higher than the ten-year average. Of the 673 cases pending December 31, 1974, 104 had been on the docket six to twelve months and 5 had been pending more than a year.

Sixty-eight cases were pending on the docket of the Fourteenth Court in Houston at the close of the year. The number for the other courts ranged down to 23 at Tyler. The average number pending for all courts was 48, up from 35 at the end of 1973.

The average lapse between the filing of a case in a Court of Civil Appeals and its disposition ranged from 2.5 months in the Waco Court to 6.2 months in the Austin Court. The average for all courts was 4.8 months, a few days longer than the average in 1973. The average disposition time was shorter than in 1973 in nine of the courts.

While the 14 Courts of Civil Appeals operate to a large extent as autonomous courts in specific geographic areas, some highly desirable aspects of unification are achieved by periodic transfers of cases among the courts by order of the Supreme Court pursuant to Article 1738, V.A.T.S. The Supreme Court transferred 60 per cent more cases in 1974 than in 1973.

The Dallas Court received the most attention from these transfers: of the 218 cases transferred to other courts (disregarding transfers between the two Houston Courts), 162 were transferred from the Dallas Court. The Waco Court received the most transferred cases—64.

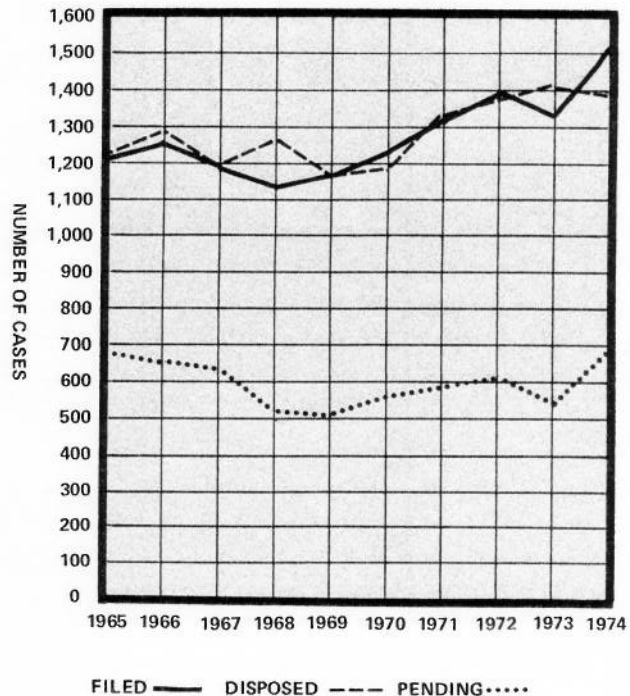
The net result of these transfers for the years 1970-1974 is shown in Figure 4. The workload of the courts after the transfers were made is shown by the total bar above the center line. This workload ranged from 305 cases at Texarkana to 810 in the First Court at Houston, a range considerably narrower than the range of filings (246 at Eastland and Tyler to 1,124 at Dallas) over the same five years. The average workload for all courts during this period was 483 cases.

The 14 Courts of Civil Appeals exercise intermediate appellate jurisdiction in civil cases. Each court has geographic jurisdiction in a Supreme Judicial District.

Each of the courts has three justices, for a total of 42 intermediate appellate justices in the state.

Cases filed in all the Courts of Civil Appeals during 1974 increased 13 per cent over 1973 and were 18 per cent higher than the ten-year average. New cases filed in three of the courts in 1974 (Houston First, San Antonio and Texarkana) were less than the number filed in 1973. Of the eleven courts with increased filings, the Eastland Court experienced the largest percentage increase—170 per cent (39 cases)—and the Dallas Court the largest increase in actual number of filings—51. The Dallas Court continued to receive more new filings than any of the other courts—258 compared with the average of 107. (Figure 5) The two courts in Houston, each of which have jurisdiction over the same geographic area, received a total of 331 new cases, one less than in 1973.

Figure 3. COURTS OF CIVIL APPEALS  
Cases filed, disposed and pending 1965-1974



In 1974, all the Courts of Civil Appeals disposed of 68 per cent of the cases filed during the year or carried over from 1973, a decrease of 5 per cent. The 1,383 dispositions were 8 per cent higher than the ten-year

average of 1,282. The First and Fourteenth Courts in Houston had the highest number of dispositions, 164 and 165 respectively, compared with the average for the 14 courts of 100. Seven of the courts increased the number of dispositions in 1974 over the number disposed of in 1973.

In 1974, a total of 1,315 opinions were written by

the Courts of Civil Appeals, compared to 1,313 in 1973. The First Court at Houston wrote the largest number of opinions, 141, compared with the average per court of 94.

The average number of written opinions per judge for all Courts of Civil Appeals was 31, the same as in 1973.

Figure 4. COURTS OF CIVIL APPEALS  
Workloads and cases transferred 1969-1974

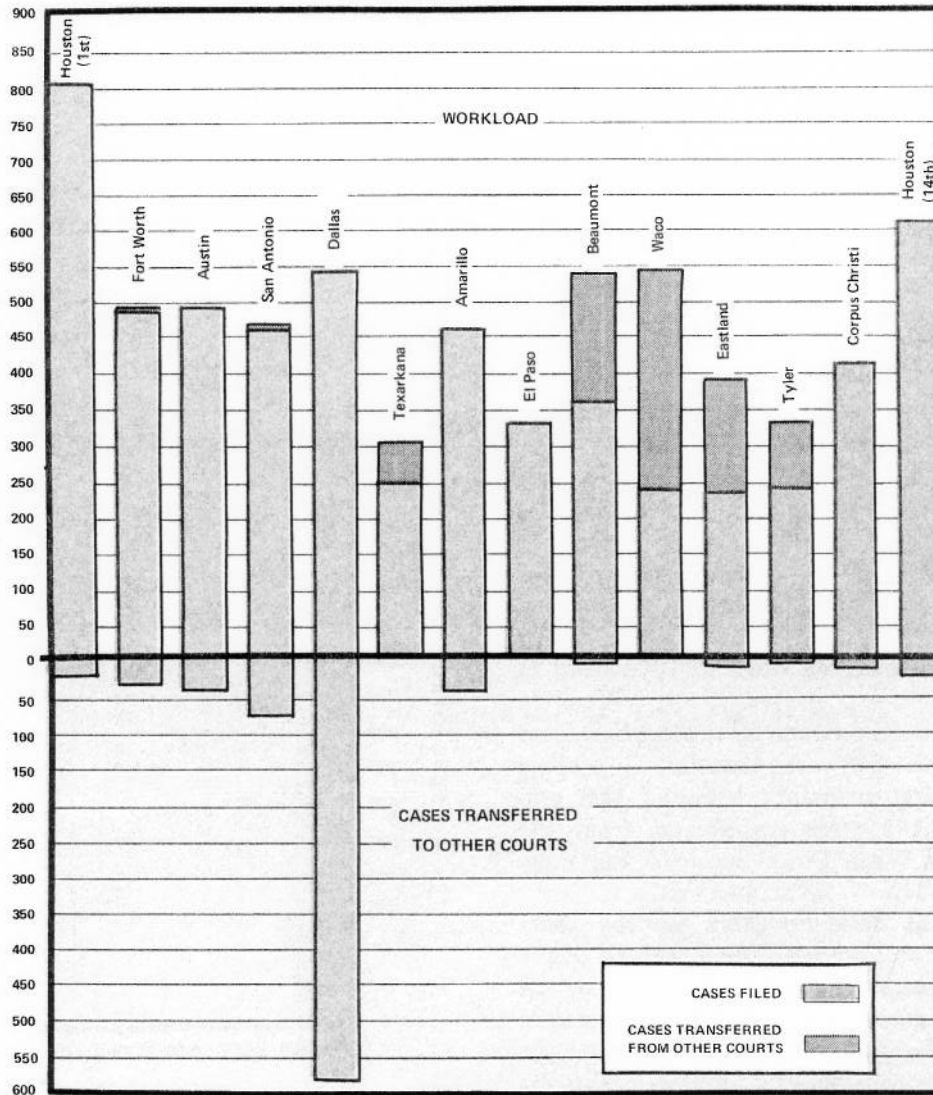


Figure 5. THE FOURTEEN COURTS OF CIVIL APPEALS  
Cases filed, disposed and pending 1974

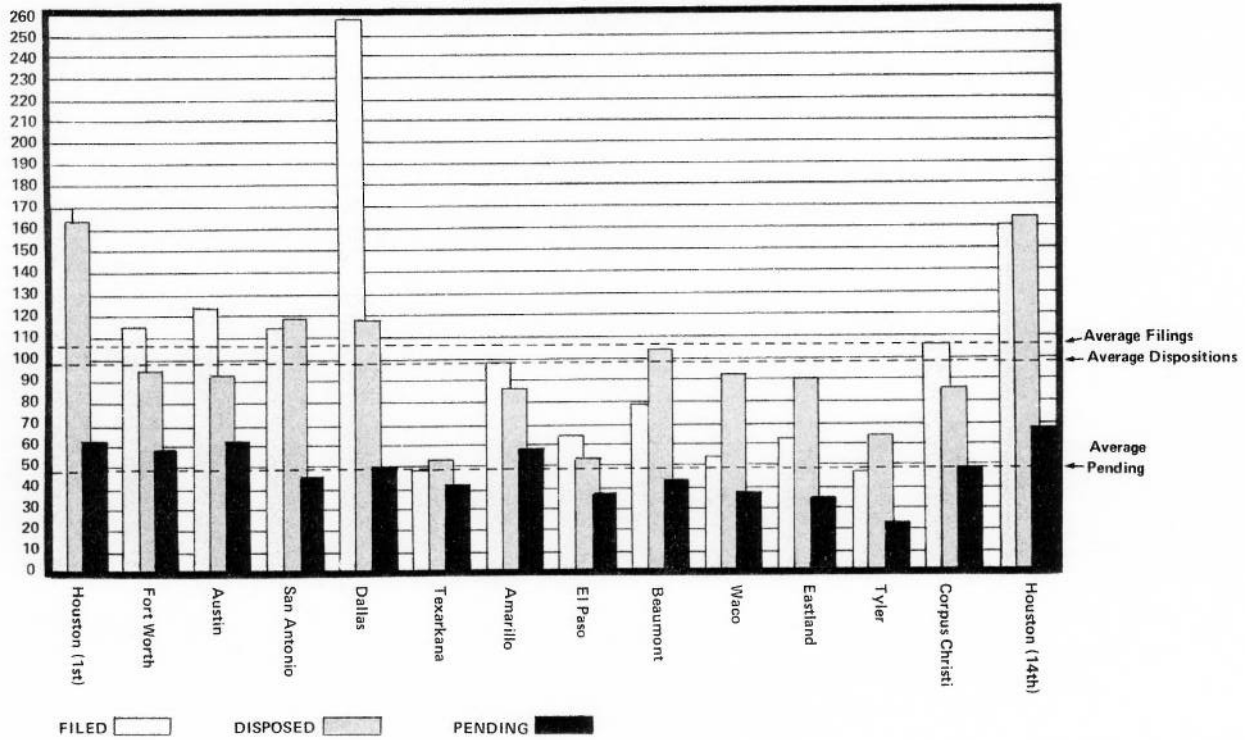
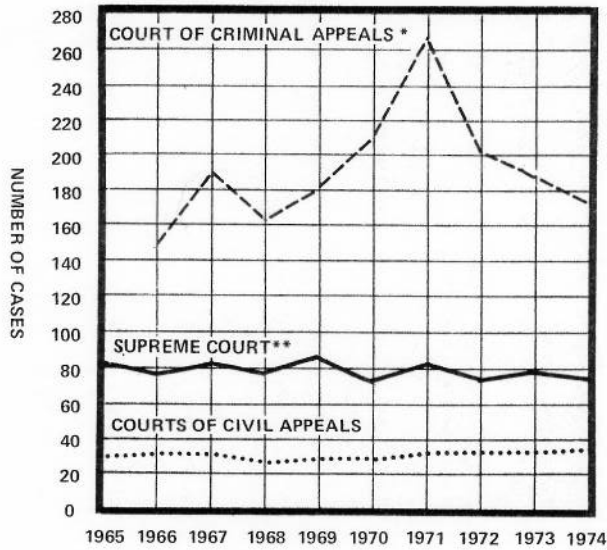


Figure 6. APPELLATE COURTS  
Average number of cases filed per justice 1965-1974



\*Computations include addition of 2 Commissioners in 1972 and 4 in 1973.

\*\*"Regular Causes" and Applications for Writs of Error.

COURTS OF CIVIL APPEALS

1974

	First at Houston	Second at Fort Worth	Third at Austin	Fourth at San Antonio	Fifth at Dallas	Sixth at Texarkana	Seventh at Amarillo	Eighth at El Paso	Ninth at Beaumont	Tenth at Waco	Eleventh at Eastland	Twelfth at Tyler	Thirteenth at Corpus Christi	Fourteenth at Houston	Total for all courts
1. Cases pending January 1	57	50	64	49	70	22	45	25	18	12	8	28	28	66	542
2. New cases filed	170	115	123	114	258	*48	99	65	*79	54	62	47	107	#161	1,502
3. Cases transferred from other courts	3	0	0	0	0	25	0	0	0	0	54	10	0	7	213
4. Cases transferred to other courts	7	10	35	10	162	0	0	0	0	0	1	0	0	3	228
5. Rehearings granted	3	0	2	2	2	0	0	1	0	0	3	2	0	2	17
6. Cases affirmed	77	55	42	46	57	20	35	29	50	47	42	36	50	82	668
7. Cases reformed and/or modified and affirmed	4	1	3	9	1	7	3	6	4	3	4	0	1	9	55
8. Cases affirmed in part and in part reversed and rendered	4	1	3	2	1	0	2	0	2	4	1	1	4	4	29
9. Cases affirmed in part and in part reversed and remanded	6	3	4	0	4	0	5	0	1	0	0	0	1	8	32
10. Cases reversed and remanded	26	8	17	22	18	9	13	6	17	12	20	9	14	12	203
11. Cases reversed and rendered in part and in part reversed and remanded	1	0	1	0	1	0	0	0	0	0	0	0	0	0	3
12. Cases reversed and/or remanded on motion	0	0	1	1	0	1	0	0	0	0	0	0	0	1	4
13. Cases reversed and rendered	6	11	8	6	8	3	14	3	9	4	11	8	2	10	103
14. Cases dismissed:															
(a) with written opinion	7	4	0	8	2	9	1	1	8	16	4	3	12	2	77
(b) without written opinion	21	12	11	10	16	0	9	4	7	0	4	1	0	18	113
15. Cases otherwise disposed:															
(a) with written opinion	9	1	2	2	8	4	4	4	5	6	4	6	3	6	64
(b) without written opinion	3	0	0	3	2	0	0	0	1	0	0	0	0	13	22
16. Total cases disposed	164	96	92	119	118	53	86	53	104	92	90	64	87	165	1,383
17. Total cases decided:															
(a) including dismissals with written opinions	140	84	81	96	100	53	77	49	96	92	86	63	87	134	1,238
(b) excluding dismissals with written opinions	133	80	81	83	98	44	76	48	88	76	82	60	75	132	1,156
18. Cases pending December 31	62	59	62	46	50	42	58	38	43	38	36	23	48	68	673
On docket: (a) up to 6 months	54	46	44	40	45	33	42	29	42	34	35	20	43	57	564
(b) from 6 to 12 months	8	13	17	6	5	9	16	9	0	4	1	2	5	9	104
(c) over 12 months	0	0	1	0	0	0	0	0	1	0	0	1	0	2	5
Average time between date of filing and disposition (months)	4.3	5.6	6.2	4.7	4.2	4.5	5.7	6.0	3.5	2.5	3.2	5.0	5.0	4.0	4.8

\*Includes one case remanded from Supreme Court  
 #Includes two cases remanded from Supreme Court

OPINIONS WRITTEN BY JUSTICES OF THE COURTS OF CIVIL APPEALS

1974

COURT AND JUSTICES	ORIGINAL OPINIONS OF THE COURT ON MERITS	CON- CURRING OPINIONS	DIS- SENTING OPINIONS	OPINIONS REFUSING REHEARING	OPINIONS GRANTING REHEARING	OPINIONS DIS- MISSING APPEAL	PER CURIAM	TOTAL PER JUSTICE	TOTAL FOR COURT
							0		
FIRST									
P. Peden	42	0	0	0	0	3		45)	141
T. Coleman	44	0	1	0	0	1		46)	
F. Evans	47	0	2	0	0	1		50)	
							3		
SECOND									
F. Massey	29	1	2	0	0	0		32)	89
H. Brewster	25	0	0	0	0	1		26)	
J. Langdon	26	0	0	0	0	2		28)	
							1		
THIRD									
J. Phillips	25	0	2	0	0	0		27)	87
T. O'Quinn	25	1	0	0	0	0		26)	
B. Shannon	28	1	2	2	0	0		33)	
							11		
FOURTH									
C. Barrow	39	0	0	0	0	0		39)	93
C. Cadena	23	2	2	0	0	0		27)	
F. Klingeman	25	0	2	0	0	0		27)	
							0		
FIFTH									
C. Williams	32	2	0	2	0	1		37)	115
H. Bateman	30	0	0	2	1	0		33)	
C. Guttard	34	0	3	6	1	1		45)	
							2		
SIXTH									
T. Chadick	15	0	1	0	0	3		19)	56
B. Cornelius	17	1	0	0	0	3		21)	
C. Ray	11	0	0	0	0	3		14)	
							5		
SEVENTH									
J. Ellis	23	0	0	1	0	0		24)	80
C. Reynolds	31	1	0	1	0	0		33)	
M. Robinson	18	0	0	0	0	0		18)	
							1		
EIGHTH									
S. Preslar	13	0	1	0	0	1		15)	52
M. Osborn	19	2	0	0	0	0		21)	
W. Ward	15	0	0	0	0	0		15)	
							8		
NINTH									
M. Dies	29	1	0	1	0	0		31)	104
Q. Keith	23	6	4	0	0	3		36)	
H. Stephenson	31	2	2	1	0	1		37)	
							0		
TENTH									
F. McDonald	36	0	0	0	0	6		42)	92
V. Hall	20	0	0	0	0	5		25)	
J. James	20	0	0	0	0	5		25)	
							4		
ELEVENTH									
A. McCloud	26	0	0	0	0	0		26)	93
R. Brown	29	0	2	1	0	3		35)	
E. Walter	26	0	1	0	0	1		28)	
							4		
TWELFTH									
O. Dunagan	21	0	1	0	0	1		23)	66
C. McKay	19	0	0	0	0	0		19)	
J. Moore	18	0	2	0	0	0		20)	
							18		
THIRTEENTH									
P. Nye	29	0	3	3	3	1		34)	110
G. Bissett	31	0	0	1	0	0		32)	
H. Young	26	0	0	0	0	0		26)	
							3		
FOURTEENTH									
B. Tunks	45	0	2	0	1	0		48)	137
C. Brown	44	0	0	0	1	1		46)	
E. Coulson	39	1	0	0	0	0		40)	

NOTE: Some Justices of the Courts of Civil Appeals have written opinions for the Court of Criminal Appeals.

COURTS OF CIVIL APPEALS

CASES FILED

COURT AND LOCATION	1965 ****	1966 ****	1967 ****	1968 ****	1969 ****	1970 ****	1971 ****	1972 ****	1973 ****	1974 ****
FIRST AT HOUSTON	229	263	228	161	154	139	153	181	187	170
SECOND AT FORT WORTH	90	88	107	94	83	110	98	97	100	115
THIRD AT AUSTIN	96	75	83	70	74	87	99	105	115	123
FOURTH AT SAN ANTONIO	96	89	102	91	85	103	90	112	115	114
FIFTH AT DALLAS	171	196	172	177	175	187	236	236	207	258
SIXTH AT TEXARKANA	41	46	38	43	31	39	47	62	54	48
SEVENTH AT AMARILLO	113	118	110	94	117	101	102	100	98	99
EIGHTH AT EL PASO	72	77	65	65	73	75	76	65	56	65
NINTH AT BEAUMONT	61	59	68	67	61	48	67	94	78	79
TENTH AT WACO	64	52	37	51	54	54	48	54	38	54
ELEVENTH AT EASTLAND	38	41	34	33	46	60	54	47	23	62
TWELFTH AT TYLER	54	61	58	41	46	54	52	53	40	47
THIRTEENTH AT CORPUS CHRISTI	76	92	91	86	51	72	94	75	76	107
FOURTEENTH AT HOUSTON			*6	60	103	99	112	116	145	161
TOTALS	1,201	1,257	1,199	1,133	1,153	1,228	1,328	1,397	1,332	1,502

\*Created effective 9-1-1967