

COURTS OF APPEALS

Analysis of 1981 Activity

Prior to September 1, 1981, the 14 courts of appeals exercised intermediate appellate jurisdiction in civil cases only. On September 1, the courts also began hearing intermediate appeals in criminal cases pursuant to a constitutional amendment adopted in 1980 and implementing legislation enacted in 1981. Pursuant to this legislation, 24 justices were added to the 51 the courts had prior to September 1, for a total of 75 for the last four months of 1981. (Three additional justices will join the courts on September 1, 1982, and one on January 1, 1983.) Six of the courts have three justices each. The sizes of the others range up to the 12 justices on the Dallas Court. Each court has geographical jurisdiction in a supreme judicial district.

Civil cases filed in all of the courts of appeals during 1981 increased 8.0 percent over 1980 and were 45.5 percent higher than the ten-year average. More new civil cases were filed in 1981 than in 1980 in all but the Texarkana, Beaumont, Eastland, and Tyler courts. Of the courts with increased civil filings, the First Court, in Houston, experienced the largest percentage increase--20.9 percent (51 cases) and the Dallas Court had the largest increase in actual number of civil filings--58 cases. The Dallas Court continued to receive more new civil filings than any other court--497 compared to the average of 202 per court. The two courts in Houston, each of which have jurisdiction of the same geographical area, received a total of 637 new civil cases, 71 cases (12.5 percent) more than in 1980.

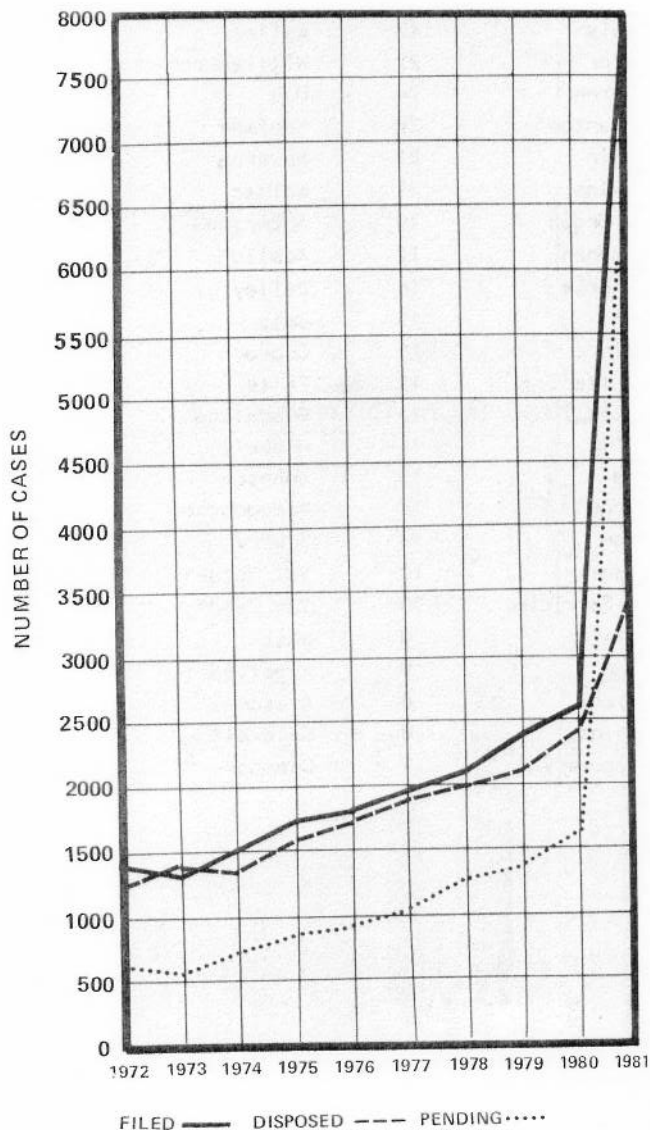
Criminal Cases Increase Docket Activity

Senate Bill 265 of the 67th Legislature, which implemented the constitutional amendment conferring jurisdiction of criminal cases on the courts of appeals, directed the Court of Criminal Appeals to transfer to the courts of appeals on which new judgeships were created up to 75 cases per new justice. Accordingly, on September 1, 1981, 1,637 cases were transferred to eight courts of appeals. In addition, from September 1 through December 31, 3,321 criminal appeals from the trial courts in the respective supreme judicial districts were filed in the courts of appeals. These criminal case filings for the last four months of 1981 were

higher than the number filed in the Court of Criminal Appeals for any previous calendar year. Total new cases reaching the dockets of the courts of appeals during 1981 (filed from the trial courts or transferred from the Court of Criminal Appeals) were 7,788, 297 percent more than the 2,621 civil cases filed in 1980. S.B. 265 increased the number of justices on these courts by 47 percent.

In 1981, the courts of appeals disposed of 3,407 cases, 38.6 percent more than the 2,457

Figure 3. COURTS OF APPEALS
Cases filed, disposed and pending 1972-1981



disposed of in 1980. A total of 3,016 opinions were written by the courts of appeals in 1981, 39.0 percent more than the 2,170 written in 1980. The courts of appeals reversed, at least in part, the decision of the trial court in 18.9 percent of the cases disposed of, compared to 23.5 percent in 1980.

Pending Civil Cases Rise

At the end of 1981, 1,954 civil cases were pending on the dockets of the courts of appeals, 16.8 percent more than the 1,672 pending on December 31, 1980. Of those civil cases pending December 31, 1981, 66.4 percent had been on the docket less than 6 months, 26.4 percent from 6 to 12 months and 7.1 percent more than 12 months.

The average lapse of time between the filing of a civil case in a court of appeals and its disposition ranged from 4.5 months in the Eastland

Court to 9.3 months in the Tyler Court. The average for all courts was 6.9 months, slightly longer than the 6.4 months during 1980. A case is considered "submitted" to a court when the court hears oral argument, or when the case is referred to the justices for formal consideration when no oral argument is heard. The average lapse of time from the submission of a case to the court and its disposition ranged from one-half of a month in the Fort Worth Court to 5.2 months in the Texarkana Court. The average for all courts was 2.2 months, as compared with 1.6 months in 1980.

While the 14 courts of appeals operate to a large extent as autonomous courts in specific geographical areas, some equalization of the dockets occurs by transfer of cases among the courts by order of the Supreme Court pursuant to Article 1738, V.T.C.S. The Supreme Court transferred 371 civil cases and 434 criminal cases in 1981, compared with 241 civil cases transferred in 1980.

Figure 4. COURTS OF APPEALS
Cases filed, disposed and pending 1981

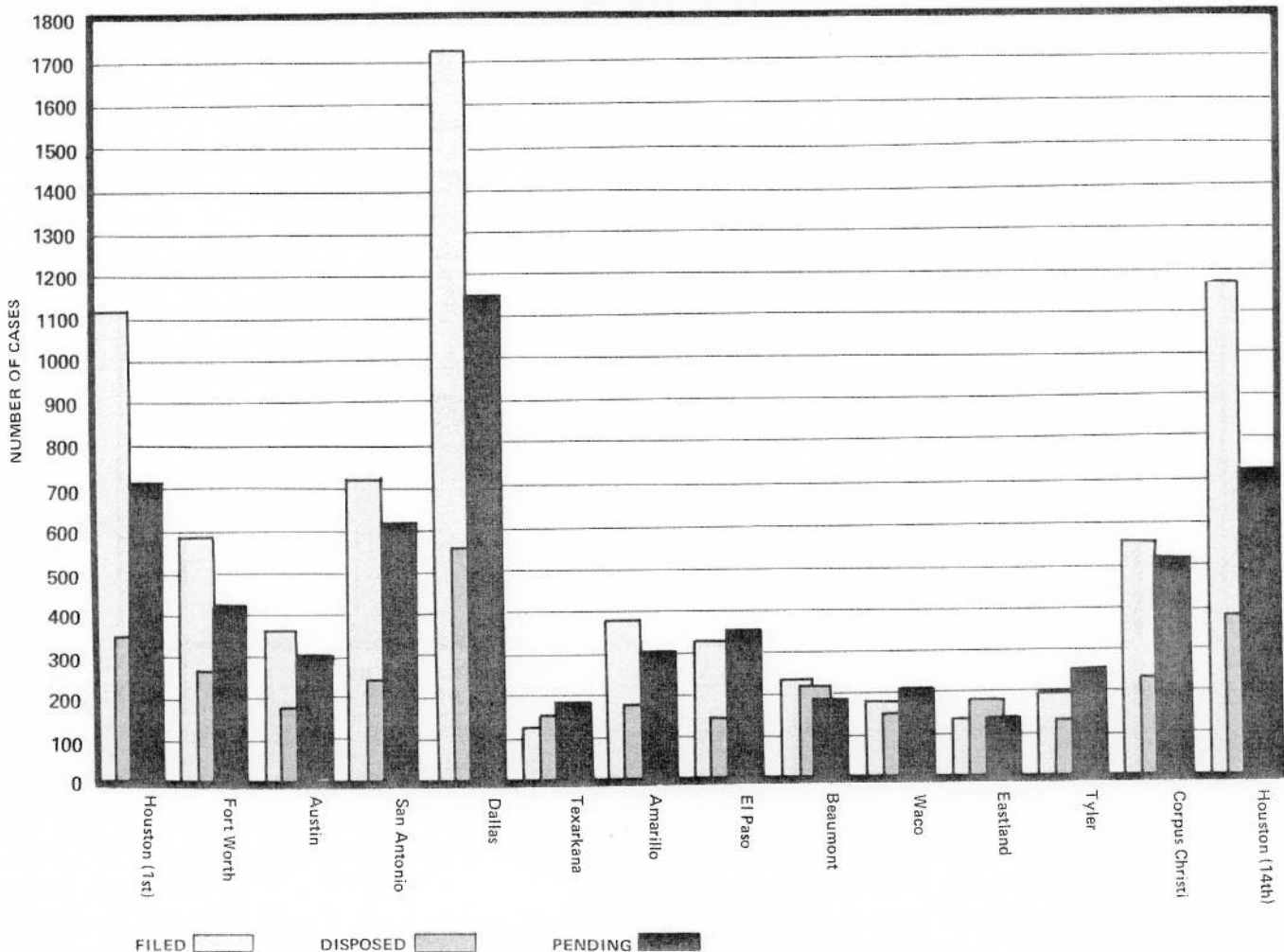
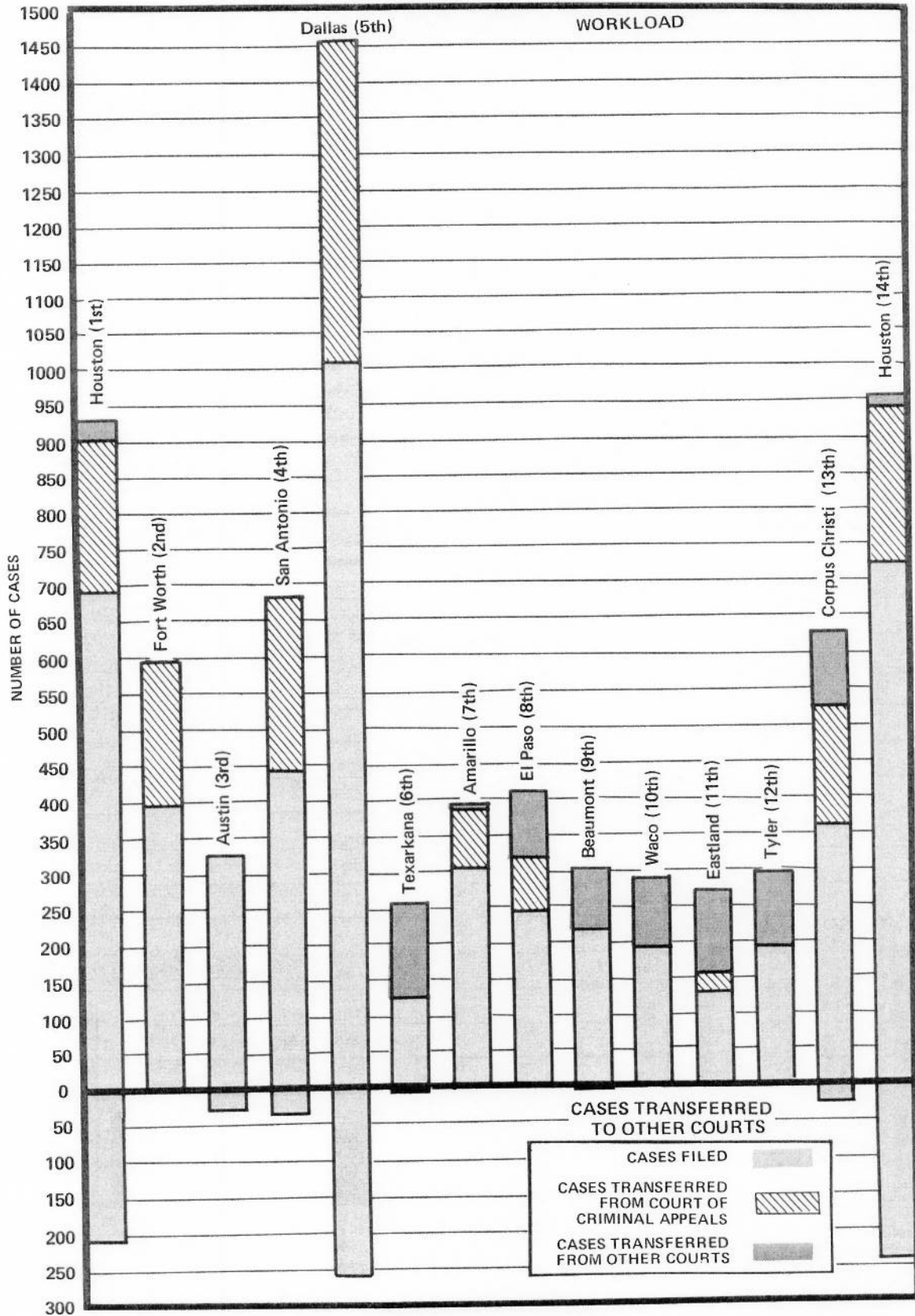


Figure 5. COURTS OF APPEALS
Workloads and cases transferred 1981



COURTS OF APPEALS

1981 Statistics

	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH	10TH	11TH	12TH	13TH	14TH	TOTAL
Cases pending January 1, 1981	130	111	147	178	256	88	90	83	79	90	54	81	131	154	1,672
New cases filed	887	398	363	486	1,262	133	305	247	221	184	137	191	386	951	6,151
Cases transferred from Court of Criminal Appeals	225	191		234	450		75	75					162	225	1,637
SUBTOTAL NEW CASES	1,112	589	363	720	1,712	133	380	322	221	184	137	191	548	1,176	7,788
Cases transferred in	26					125	5	90	100	96	130	107	105	21	805
Cases transferred out	-206					-2			-1				-25	-246	-805
Rehearings granted	3	5	3	1	10	4			2	3	3	3	3	1	41
Cases reinstated or remanded	1	3	5	2	4		3		1		1	3	3	3	26
TOTAL CASES ON DOCKET	1,066	708	488	861	1,727	348	478	495	402	373	325	385	762	1,109	9,527
Cases affirmed	159	161	73	76	277	92	90	63	102	87	105	62	116	177	1,640
Cases modified and/or reformed and affirmed	13	7	1	3	10	3	3	3	5	3	6	2	3	9	68
Cases affirmed in part and in part reversed and remanded	13	1	3	1	8	1	3	3	2	3	1	4	12	55	55
Cases affirmed in part and in part reversed and remanded	3	3	2	8	8	3	2	4	4	5	5	2	7	3	46
Cases reversed and remanded	42	30	12	23	75	26	22	21	33	17	19	16	20	54	410
Cases reversed and remanded	13	8	12	3	21	8	10	5	15	6	9	6	10	8	134
Cases dismissed:															
With written opinion	15	13	16	15	6	23	37	15	4	35	5	21	68	12	285
Without written opinion	49	47	40	65	114			17	32		16			46	426
Cases otherwise disposed:															
With written opinion	23	10	13	21	14	8	7	8	10	15	15	11	6	39	200
Without written opinion	12 ^a	7 ^b	4 ^b	35 ^c	46 ^a			15	7	15	1 ^a			16	143
TOTAL CASES DISPOSED	342	287	176	242	579	164	174	151	214	166	181	121	234	376	3,407
Cases decided:															
Including dismissals with opinion	281	233	132	142	419	164	174	119	175	166	164	121	234	314	2,838
Excluding dismissals with opinion	266	220	116	127	413	141	137	104	171	131	159	100	166	302	2,553
Civil cases pending December 31, 1981:															
Pending up to 6 months	131	103	217	272	281	72	118	123	81	85	46	111	160	154	1,954
Pending from 6 to 12 months	100	81	106	131	183	54	75	87	71	66	44	58	102	141	1,299
Pending over 12 months	17	22	85	88	96	18	39	27	7	12	2	42	51	10	516
Criminal cases pending December 31, 1981:															
Pending up to 6 months	14	0	26	53	2	0	4	9	3	7	0	11	7	3	139
Civil cases pending December 31, 1981:															
Pending up to 6 months	593	318	95	347	867	112	186	221	107	122	98	153	368	579	4,166
Pending from 6 to 12 months	724	421	312	619	1,148	184	304	344	188	207	144	264	528	733	6,120
TOTAL CASES PENDING DECEMBER 31, 1981															
Civil cases	4.9	7.1	7.1	5.8	6.5	8.6	8.5	7.2	6.2	6.8	4.5	9.3	7.2	6.4	6.9
Average time between date of filing and disposition (months)	1.6	0.5	3.1	2.7	1.9	5.2	3.5	4.0	1.3	1.5	0.8	2.4	1.9	1.0	2.2
Average time between date of submission and disposition (months)	2.6	1.6	1.9	2.0	2.0	1.7	1.6	1.8	1.7	1.4	1.6	1.3	1.9	2.1	1.8
Criminal cases	1.1	0.2	0.4	0.9	0.6	0.3	0.5	0.5	0.1	0.1	0.1	0.0	0.0	0.0	0.3
Average time between date of filing and disposition (months)															
Average time between date of submission and disposition (months)															

a. Includes one case consolidated with another b. Includes three cases consolidated with others c. Includes seven cases consolidated with others

COURTS OF APPEALS

1981 Statistics (Continued)

OPINIONS WRITTEN BY JUSTICES OF THE COURTS OF APPEALS

COURT AND JUSTICES	Original Opinions On Merits	Concurring Opinions	Dismissing Opinions	Opinions Refusing Rehearing	*Opinions Granting Rehearing	Opinions Dismissing Appeal	Other Opinions	Per Curiam Opinions	TOTAL PER JUSTICE	TOTAL PER COURT
FIRST, HOUSTON										
1 Tom F. Coleman	29	1	0	1	1	0	0	0	32	
2 Frank G. Evans	50	0	0	1	0	0	0	8	60	
3 Sam Bass	14	0	1	0	0	0	0	5	20	
Henry E. Doyle	22	0	0	1	0	2	0	1	26	
3 Lee Duggan, Jr.	9	0	0	0	0	0	0	1	10	
4 Arthur D. Dyess	1	0	0	0	0	0	0	4	5	
5 Phil Peden	29	0	1	1	0	0	0	3	34	
6 Frank C. Price	1	0	0	0	0	0	0	0	1	
Jack Smith	41	0	0	1	1	1	0	3	47	
3 Allen Stillely	10	0	0	0	0	0	0	1	11	
James F. Warren	39	0	0	0	1	0	1	4	45	291
SECOND, FORT WORTH										
Frank A. Massey	42	1	1	0	1	0	0	11	56	
3 Richard Lee Brown	22	0	1	0	0	1	0	7	31	
3 Dixon W. Holgren	17	0	0	0	0	0	0	17	17	
W. A. Hughes, Jr.	47	0	0	2	2	0	1	8	60	
3 Walter E. Jordan	22	0	0	0	0	0	0	6	28	
Joe Spurlink	40	0	2	0	1	0	0	0	43	235
THIRD, AUSTIN										
John C. Phillips	27	2	5	1	3	0	0	15	53	
John Powers	29	0	0	1	0	1	0	15	46	
Bob Shannon	30	1	0	2	0	0	0	17	50	149
FOURTH, SAN ANTONIO										
Carlos C. Cadena	22	0	2	0	0	4	4	15	47	
3 James D. Baskin	9	1	1	0	0	0	0	0	11	
3 Shirley W. Butts	15	0	3	0	0	0	1	0	19	
3 Antonio G. Cantu	11	0	2	0	0	0	0	0	13	
3 John E. Clark	9	0	0	0	0	0	0	1	10	
Rudy Esquivel	26	0	0	0	0	0	0	0	26	
Fred V. Klingeman	27	0	1	0	1	0	0	1	30	156
FIFTH, DALLAS										
Clarence A. Guttard	37	0	1	0	4	1	1	0	44	
Ted M. Aklin	56	0	4	0	0	1	1	0	62	
3 James Allen	21	0	0	0	0	0	2	0	23	
Spencer Carver	32	0	2	1	1	0	0	0	36	
3 Joe Fish	22	0	0	0	0	0	0	0	22	
3 Patrick C. Quillot	22	0	0	0	0	1	0	0	23	
Ten Z. Robertson	51	1	1	0	0	1	0	1	55	
3 Jon Sparling	16	0	1	0	0	0	0	0	17	
Bill J. Stephens	47	1	2	2	1	1	0	0	54	
Charles H. Storey	50	0	0	2	3	0	2	0	57	
3 John C. Vance	15	1	0	0	0	0	1	0	17	
3 George Whitman	21	1	1	0	0	0	0	0	23	433

<u>SIXTH, TEXARKANA</u>												
36	2	0	1	1	2	1	3	52				
60	1	3	0	3	5	0	4	74				174
37	0	1	0	0	7	1	0	46				
<u>SEVENTH, MARSHALL</u>												
42	0	0	4	0	12	3	7	68				
19	0	0	1	0	5	0	3	24				
43	1	0	5	0	9	1	3	62				213
34	0	0	6	0	10	1	4	55				
<u>EIGHTH, EL PASO</u>												
26	0	1	0	0	0	0	5	32				
36	0	1	3	0	0	0	7	47				
5	0	0	0	0	0	0	0	5				
25	0	1	0	0	2	0	10	34				122
<u>NINTH, BEADWANT</u>												
48	0	1	0	0	1	0	5	55				
38	0	1	0	1	0	0	2	42				
50	4	1	1	1	2	1	26	86				143
<u>TENTH, WACO</u>												
57	0	0	4	1	10	0	0	72				
42	3	0	3	1	14	1	0	64				
29	0	0	1	1	11	2	0	44				140
<u>ELEVENTH, EASTLAND</u>												
45	0	0	1	0	1	0	3	50				
62	0	2	3	2	0	1	1	71				
45	0	1	8	1	2	0	3	60				181
<u>TWELFTH, TYLER</u>												
30	0	0	0	0	8	0	3	41				
30	0	0	0	0	4	0	3	37				
35	0	0	1	3	3	0	3	45				123
<u>THIRTEENTH, CORPUS CHRISTI</u>												
43	2	4	0	2	2	0	20	73				
35	0	1	1	4	0	0	19	61				
16	0	0	2	1	1	1	1	21				
17	0	0	0	1	1	1	1	20				
11	0	0	1	0	4	0	1	17				
37	0	0	2	0	5	0	18	62				254
<u>FOURTEENTH, HOUSTON</u>												
37	0	0	0	1	0	2	4	44				
27	0	0	1	0	0	0	1	29				
6	0	0	0	0	0	0	3	9				
47	0	0	1	0	1	2	3	54				
36	0	0	0	0	0	1	5	42				
12	1	0	0	0	0	0	3	16				
42	0	1	0	0	1	2	4	50				
36	0	0	0	0	0	3	5	41				
9	0	0	0	0	0	0	5	14				
15	0	1	0	0	1	0	5	22				
0	0	0	1	0	0	0	0	1				322
<u>TOTALS</u>												
2,330	24	52	67	39	148	38	318	3,016				3,016

* Monthly these are comparable to an original opinion on the merits.
 ** Former Chief Justice Turks was assigned to this particular case by Supreme Court Chief Justice Joe Greenhill.
 1 Retired effective 9/22/81
 2 Appointed Chief Justice effective 9/22/81
 3 Appointed effective 9/1/81
 4 Appointed effective 10/29/81
 5 Retired effective 10/20/81
 6 Appointed effective 11/16/81
 7 Retired effective 10/31/81
 8 Appointed effective 11/1/81

COURTS OF APPEALS

1981 Statistics (Continued)

COURT AND LOCATION	CASES FILED														1981			TOTAL
	1972	1973	1974	1975	1976	1977	1978	1979	1980	CIVIL		CRIMINAL		Trans From Ct Crim App				
										New Cases Filed*	Change %	New Cases Filed*	Change %					
1st, HOUSTON	181	187	170	189	191	235	271	272	244	295	+20.9%	592	+13.2%	225	1,112			
2nd, FORT WORTH	97	100	115	119	141	117	139	154	193	212	+9.8%	186	+14.4%	191	589			
3rd, AUSTIN	105	115	123	148	162	183	228	204	235	240	+2.1%	123	+13.2%	--	363			
4th, SAN ANTONIO	112	115	114	172	195	201	223	245	284	325	+14.4%	161	+13.2%	234	720			
5th, DALLAS	236	207	258	301	304	346	358	474	439	497	+13.2%	765	+13.2%	450	1,712			
6th, TEXARKANA	62	54	48	54	49	62	60	60	71	66	-7.0%	67	-7.0%	--	133			
7th, AMARILLO	100	98	99	113	120	117	107	147	122	138	+13.1%	167	+13.1%	75	380			
8th, EL PASO	65	56	65	70	70	108	93	101	134	148	+10.5%	99	+10.5%	75	322			
9th, BEAUMONT	94	78	79	80	82	81	97	131	126	122	-3.2%	99	-3.2%	--	221			
10th, WACO	54	38	54	60	73	90	81	85	90	103	+14.4%	81	+14.4%	--	184			
11th, EASTLAND	47	23	62	54	53	48	51	56	79	66	-16.5%	71	-16.5%	--	137			
12th, TYLER	53	40	47	60	63	41	59	61	86	79	-8.1%	112	-8.1%	--	191			
13th, CORPUS CHRISTI	75	76	107	113	94	132	156	177	196	197	+0.5%	189	+0.5%	162	548			
14th, HOUSTON	116	145	161	231	227	208	249	278	322	342	+6.2%	609	+6.2%	225	1,176			
TOTALS	1,397	1,332	1,502	1,764	1,824	1,969	2,172	2,445	2,621	2,830	+8.0%	3,321	+8.0%	1,637	7,788			

COURTS OF APPEALS 1981 Statistics (Continued)

COUNTIES FROM WHICH CIVIL CASES APPEALED

Harris	476	San Augustine	7	Callahan	3	Tyler	2
Dallas	448	Walker	7	Coleman	3	Uvalde	2
Bexar	184	Waller	7	Colorado	3	Washington	2
Travis	153	Burleson	6	Gaines	3	Wilson	2
Tarrant	141	Caldwell	6	Houston	3	Young	2
El Paso	89	Comal	6	Howard	3	Andrews	1
Nueces	84	Eastland	6	Hutchinson	3	Brewster	1
Jefferson	50	Falls	6	Kaufman	3	Burnet	1
Lubbock	45	Henderson	6	Kimble	3	Castro	1
Galveston	36	Hopkins	6	Lee	3	Childress	1
Webb	36	Jasper	6	Live Oak	3	Clay	1
Midland	33	Tom Green	6	Panola	3	Concho	1
Brazoria	32	Bastrop	5	Refugio	3	Cottle	1
Cameron	31	Brooks	5	Van Zandt	3	Crane	1
Hidalgo	27	Cooke	5	Wharton	3	Crockett	1
McLennan	27	Deaf Smith	5	Winkler	3	Erath	1
Bell	24	Franklin	5	Wise	3	Fisher	1
Brazos	21	Hays	5	Yoakum	3	Foard	1
Denton	20	Hunt	5	Archer	2	Goliad	1
Wichita	19	McMullen	5	Atascosa	2	Hamilton	1
Bowie	18	Medina	5	Bailey	2	Hardeman	1
Potter	18	Nolan	5	Bandera	2	Hartley	1
Taylor	18	Palo Pinto	5	Bosque	2	Haskell	1
Collin	17	Parker	5	Calhoun	2	Hood	1
Fort Bend	17	Val Verde	5	Cochran	2	Hudspeth	1
Orange	17	Wood	5	Comanche	2	Jack	1
Ector	16	Cass	4	Dawson	2	Kendall	1
Jim Wells	16	Chambers	4	Delta	2	King	1
Grayson	15	Cherokee	4	Dimmit	2	Lavaca	1
Johnson	13	Collingsworth	4	Freestone	2	Lynn	1
Kerr	13	Coryell	4	Grimes	2	Mitchell	1
Randall	13	Fannin	4	Hall	2	Motley	1
Gregg	12	Fayette	4	Hansford	2	Newton	1
Montgomery	11	Frio	4	Jackson	2	Oldham	1
Smith	11	Gray	4	Jim Hogg	2	Real	1
Ellis	10	Hardin	4	Jones	2	Reeves	1
Hale	10	Hill	4	Kinney	2	Rockwall	1
Maverick	10	Kleberg	4	Lamb	2	San Saba	1
San Patricio	9	Leon	4	Liberty	2	Schleicher	1
Victoria	9	Montague	4	Limestone	2	Scurry	1
Angelina	8	Pecos	4	Llano	2	Shackelford	1
Duval	8	Polk	4	Marion	2	Sherman	1
Matagorda	8	Red River	4	Moore	2	Stephens	1
Rusk	8	San Jacinto	4	Navarro	2	Swisher	1
Gonzales	7	Throckmorton	4	Ochiltree	2	Titus	1
Guadalupe	7	Upshur	4	Parmer	2	Trinity	1
Harrison	7	Williamson	4	Robertson	2	Ward	1
Madison	7	Anderson	3	Sabine	2	Wheeler	1
Milam	7	Austin	3	Shelby	2	Zapata	1
Morris	7	Bee	3	Starr	2	Zavala	1
Nacogdoches	7	Brown	3	Terry	2		

COURTS OF APPEALS 1981 Statistics (Continued)

COUNTIES FROM WHICH CRIMINAL CASES APPEALED

Harris	1065	Hopkins	8	Deaf Smith	3	Ward	2
Dallas	715	Shelby	8	Erath	3	Wise	2
Tarrant	138	Bowie	7	Gray	3	Andrews	1
Bexar	113	Montgomery	7	Hutchinson	3	Aransas	1
Nueces	64	Navarro	7	Karnes	3	Brooks	1
Jefferson	61	Nolan	7	Lampasas	3	Camp	1
Potter	60	Randall	7	Liberty	3	Coleman	1
El Paso	56	Williamson	7	Live Oak	3	Comal	1
Galveston	54	Atascosa	6	Matagorda	3	Culberson	1
Travis	50	Kleberg	6	Milam	3	Donley	1
Callahan	43	Rusk	6	Mitchell	3	Fayette	1
Lubbock	43	Terry	6	Ochiltree	3	Franklin	1
Gregg	42	Van Zandt	6	Polk	3	Frio	1
Bell	38	Webb	6	Walker	3	Gonzales	1
McLennan	35	Wood	6	Anderson	2	Hansford	1
Taylor	32	Brown	5	Angelina	2	Hartley	1
Brazoria	31	Eastland	5	Bandera	2	Haskell	1
Collin	26	Fannin	5	Brewster	2	Hood	1
Fort Bend	26	Henderson	5	Crane	2	Howard	1
Brazos	25	Houston	5	Duval	2	Hudspeth	1
Nacogdoches	24	Hunt	5	Falls	2	Jack	1
Midland	22	Jackson	5	Fisher	2	Jasper	1
Smith	22	Jim Wells	5	Grimes	2	Johnson	1
Wichita	21	Kerr	5	Guadalupe	2	Kinney	1
Hidalgo	20	Wilson	5	Harrison	2	Leon	1
Grayson	18	Calhoun	4	Kaufman	2	Marion	1
Orange	18	Cass	4	McCulloch	2	Red River	1
Hale	16	Cooke	4	Madison	2	Reeves	1
Lamar	13	Coryell	4	Maverick	2	Robertson	1
San Patricio	13	Dallam	4	Montague	2	Runnels	1
Denton	12	Hill	4	Moore	2	Stonewall	1
Freestone	12	Hockley	4	Morris	2	Titus	1
Tom Green	12	Limestone	4	Panola	2	Trinity	1
Victoria	12	Upshur	4	Pecos	2	Tyler	1
Parker	11	Val Verde	4	San Jacinto	2	Wilbarger	1
Willacy	10	Austin	3	Scurry	2	Zapata	1
Palo Pinto	9	Bastrop	3	Starr	2		
Ector	8	Bee	3	Waller	2		