

SUPREME COURT
Statistics-- 1970

I. REGULAR CAUSES¹
On Docket Within the Year

Carried over from 1969	(Pending under submission-----)	26
	(Pending set for submission-----)	13
By granted applications for writs of error-----		88
By granted motions for leave to file petitions for writs of mandamus-----		11
By granted petitions for writs of habeas corpus-----		1
By direct appeal filed-----		1
By certified question filed-----		1
	Total-----	141 141

Dispositions

(a) Upon Writ of Error to Courts of Civil Appeals:		
Judgment (or judgments) affirmed, or reformed or modified and affirmed-----		21
Judgment of Court of Civil Appeals reversed (or in part) and judgment of trial court affirmed (or modified and affirmed)-----		28
Judgment reversed (or in part) and cause remanded to trial court-----		23
Judgment of Court of Civil Appeals reversed-----		5
Judgment reversed (or in part) and judgment rendered-----		12
Judgments of Court of Civil Appeals and trial court set aside and cause dismissed for mootness--		2

¹Cases in which oral argument of counsel in open court is had (unless waived) and in which the Court's decision is almost invariably reflected in a written opinion. The bulk of these "Regular Causes" (as evidenced by the eight items under subtitle (a) above) consists of those, in which, prior to the oral argument and decision, the case is reviewed in conference by the Supreme Court upon applications for writ of error, with three or more of the Justices voting that the decision of the Court of Civil Appeals was erroneous and that the writ should accordingly be granted. A somewhat similar procedure is followed regarding petitions for original mandamus and habeas corpus, which only become "Regular Causes" following review and vote in conference. The foregoing should be kept in mind in reading the statistics of "Regular Causes" and those concerning other cases or proceedings had or disposed of by the Court. In the latter class fall actions such as the Court's rejection in conference of a particular application for writ of error or application to file a petition for original mandamus or habeas corpus; and this class is obviously far larger than that of "Regular Causes". The reasons for this disparity--whether the excellence of the Courts of Civil Appeals, the intransigence of litigants or something else--are not reached by current statistics.

Judgments of Court of Civil Appeals and trial court set aside and cause dismissed with prejudice-----	1	
Joint motion of parties to dismiss granted-----	1	
(b) Original Mandamus		
Writs granted-----	4	
Writs dismissed-----	5	
(c) Habeas Corpus:		
Relators' motion to dismiss granted-----	2	
Relator discharged-----	1	
(d) Direct Appeal:		
Judgment of trial court reversed and cause remanded to trial court-----	1	
	Sub Total-----	106
Pending under submission-----	23	
Pending set for submission-----	12	
	Total-----	141
		141
Causes submitted in 1970-----	95	

II. CASES OTHER THAN REGULAR CAUSES

APPLICATIONS FOR WRITS OF ERROR

On Docket Within the Year

Carried over from 1969-----	80	
Filed in 1970-----	548	
	Total-----	628
		628

Dispositions

Granted-----	97	
Refused-----	12	
Refused. No reversible error-----	402	
Dismissed for want of jurisdiction-----	44	
Dismissed under Rule 483, Texas Rules of Civil Procedure-----	2	
Dismissed on motion of petitioner-----	5	
Dismissed on Order of court-----	1	
	Sub Total-----	563
		563
Carried over to 1971-----	65	65
	Total-----	628
		628

MANDAMUS-CIVIL

On Docket Within the Year

Carried over from 1969-----	1	
Filed in 1970-----	52	
	Total-----	53
		53

MANDAMUS-CRIMINAL

On Docket Within the Year

Carried over from 1969-----	54	
Filed in 1970-----	226	
Total-----	280	280

Dispositions

Dismissed at moot-----	209	
Prematurely filed-----	1	
Dismissed on motion of relator-----	1	
Denied-----	4	
Sub Total-----	215	215
Carried over to 1971-----	65	65
Total-----	280	280

HABEAS CORPUS

On Docket Within the Year

Filed in 1970-----	4
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Dispositions

Granted-----	1	
Denied-----	3	
Total-----	4	4

III. MOTIONS

FOR REHEARING OF REGULAR CAUSES

On Docket Within the Year

Carried over from 1969-----	4	
Filed in 1970-----	78	
Total-----	82	82

Dispositions

Overruled-----	74	
Granted-----	5	
Sub Total-----	79	
Carried over to 1971-----	3	
Total-----	82	82

FOR REHEARING OF APPLICATIONS
FOR WRITS OF ERROR

On Docket Within the Year

Carried over from 1969-----	23	
Filed in 1970-----	216	
Total-----	239	239

Dispositions

Granted-----	5	
Overruled-----	212	
	Sub Total-----	217
Carried over to 1971-----	22	
	Total-----	239 239

FOR REHEARING OF MOTION
FOR LEAVE TO FILE PETITIONS FOR
WRITS OF MANDAMUS

On Docket Within the Year

Filed in 1970-----	6	
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Dispositions

Overruled-----	6	6
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MISCELLANEOUS MOTIONS

Passed upon by Court in 1970-----	47	47
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IV. OPINIONS DELIVERED IN 1970

Deciding Causes-----	106	
On motions for rehearing of causes overruled-----	3	
Per Curiam on applications, motions, etc.-----	16	
Concurring-----	4	
Dissenting-----	28	
	Total-----	157 157

RECAPITULATION

Cases determined:

Regular causes-----	106	
Applications for writs of error-----	563	
Motions for leave to file petitions for writs of mandamus involving civil cases determined by Court in 1970-----	53	
Motions for leave to file petitions for writs of mandamus involving criminal cases-----	215	
Petitions for writs of habeas corpus-----	4	
	Total-----	941

Motions passed on:

Rehearing of causes-----	79	
Rehearing of applications for writs of error-----	217	
Rehearing of motions for leave to file petitions for writs of mandamus-----	6	
Miscellaneous-----	4	
	Total-----	349

Carried over to 1971:

Regular causes-----	23	
Applications for writs of error-----	65	
Motions for rehearing of causes-----	3	
Motions for rehearing of applications for writs of error-----	22	
	Total---	<u>113</u>

OPINIONS WRITTEN BY JUSTICES OF THE SUPREME COURT 1

1970

Justices	(a) Original Opinions Deciding Causes	(b) Opinions on Motions for Rehearing of Causes Overruled	(c) Concurring Opinions	(d) Dissenting Opinions	(e) Per Curiam	(f) Total Per Justice
Robert W. Calvert, Chief Justice	13					13
Joe R. Greenhill, Associate Justice	12		1	2		15
Robert W. Hamilton, Associate Justice	10			3		13
Sears McGee, Associate Justice	6	1	1	3		11
Jack Pope, Associate Justice	11	2		5		18
Thomas M. Reavley, Associate Justice	11			3		14
Clyde E. Smith, Associate Justice	11		1	4		16
Zollie Steakley, Associate Justice	7			2		9
Ruel C. Walker, Associate Justice	13		1	4		18
Per Curiam, Rule 483 T.R.C.P.					16	16
Total	94	3	4	26	16	143

1. The comments in the four footnotes on p. 45 (Courts of Civil Appeals) are largely applicable to all appellate courts.

ACTION BY THE SUPREME COURT IN CASES FROM THE
COURTS OF CIVIL APPEALS
ON WRIT OF ERROR GRANTED
1970

COURT AND LOCATION	COURT OF CIVIL APPEALS AFF.	C.C.A. REV., TRIAL COURT AFF.	REV. AND REM. TO C.C.A.	REV. & REM. TO TRIAL COURT	REV. AND REN.	OTHER RE- VERSALS	TOTAL FOR COURT
FIRST at Houston	1	1	0	3	0	0	5
SECOND at Fort Worth	2	0	1	1	1	0	5
THIRD at Austin	3	8	1	3	1	2	18
FOURTH at San Antonio	0	2	0	0	0	1	3
FIFTH at Dallas	1	3	0	2	1	0	7
SIXTH at Texarkana	2	2	1	0	2	0	7
SEVENTH at Amarillo	0	2	1	3	0	0	6

EIGHT at El Paso	4	1	0	1	0	0	0	0	6
NINTH at Beaumont	2	3	0	1	0	0	0	0	6
TENTH at Waco	1	2	1	3	1	3	0	0	8
ELEVENTH at Eastland	2	0	0	3	1	3	0	0	6
TWELFTH at Tyler	0	2	0	2	0	0	0	0	4
THIRTEENTH at Corpus Christi	1	0	0	1	1	1	0	0	3
FOURTEENTH at Houston	1	1	0	1	1	1	0	0	4
Total for all Courts	20	27	5	24	9	24	3	3	88