

# SUPREME COURT 1980

The Supreme Court of Texas is the highest State court for civil appeals and promulgates the rules of civil procedure for the courts of the State. It is composed of the Chief Justice and eight justices.

The number of applications for writs of error filed in the Supreme Court during 1980 increased slightly from 1979. Eight hundred forty-nine applications were filed, compared to 822 in 1979--an increase of 3.3 percent, but 23 percent higher than the ten-year average of 691. In 1980, 116 new "regular causes" - primarily cases in which the Court hears oral argument and delivers an opinion - reached the docket, compared to 120 in 1979 and the ten-year average of 104. New civil mandamus matters decreased from 137 in 1979 to 130 in 1980 (5 percent decrease) and criminal mandamus matters decreased from 7 to zero in 1980.

In 1980, the Supreme Court disposed of 75 percent of the regular causes docketed during 1980 or carried over from 1979, compared to 64 percent in 1979. Eighty-three percent of the applications for

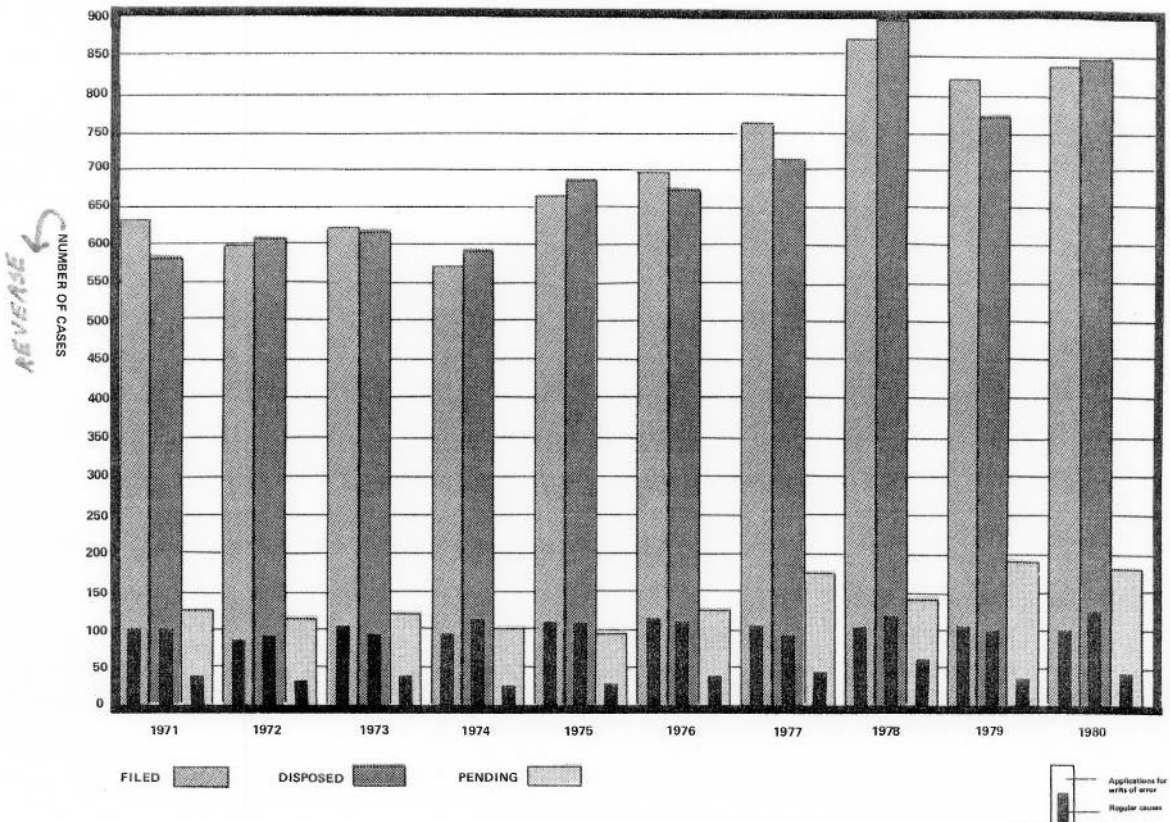
writs of error were disposed of during the year, compared to 81 percent during 1979.

The Court delivered 123 deciding opinions in 1980 compared to 93 in 1979 - an increase of 32 percent. A total of 182 opinions were written (including Rule 483 per curiam opinions), an average of 20 per justice, compared to 15 in 1979.

The Supreme Court disposed of 849 applications for writs of error from decisions of the courts of civil appeals, compared to 776 in 1979, and an average of 94 per justice. Twelve percent of the 849 applications were granted. Of the granted writs, the Court of Civil Appeals was reversed in 81 percent of the cases for an effective reversal rate of the courts of civil appeals of 9 percent.

Thirty-one regular causes were pending at the end of 1980 - 24 less than at the end of 1979, and 4 cases less than the ten-year average. The number of applications for writs of error remaining on the docket at the end of 1980 was 180 - 4 percent less than the 187 at the end of 1979 and 37 percent more than the ten-year average of 131.

Figure 1. SUPREME COURT  
Cases filed, disposed and pending 1971-1980



# SUPREME COURT

## 1980 Statistics

### I. REGULAR CAUSES \*

On Docket Within the Year:

Carried over from 1979	(Pending under submission . . . . .)	33
	(Pending set for submission . . . . .)	22
By granted applications for writ of error . . . . .		81
By granted motions for leave to file petitions for writ of mandamus. . . . .		10
By direct appeals filed . . . . .		4
By granted habeas corpus filed . . . . .		5
By certified question . . . . .		1
By review of Court of Civil Appeals judgment under Rule 21C . . . . .		2
By Rule 483 (Texas Rules of Civil Procedure) . . . . .		<u>13</u>
Total . . . . .		<u><u>171</u></u>

Dispositions:

Judgment (or judgments) affirmed, or reformed or modified and affirmed . . . .	25
Judgment of Court of Civil Appeals reversed (or in part) and judgment of trial court affirmed (or modified and affirmed) . . . . .	28
Judgments (or judgment) reversed (or in part) and rendered (or in part) . . . .	14
Judgments (or judgment of Court of Civil Appeals) reversed (or in part) and cause remanded to trial court . . . . .	16
Judgment of Court of Civil Appeals reversed (or in part) and cause remanded to that court . . . . .	15
Judgment of Court of Civil Appeals reversed and rendered in part; remanded in part; and affirmed in part . . . . .	3
Judgments of courts below reversed and rendered in part; reversed and remanded in part . . . . .	1
Judgment of Court of Civil Appeals reversed and dismissed . . . . .	1
Judgments of courts below reversed and remanded in part; affirmed in part . . . . .	1

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\* "Regular Causes" are reported in a separate category because they are the cases which pass through most, if not all, of the steps of the regular appellate decision-making process. "Regular Causes" are cases in which oral argument of counsel in open court is received (unless waived) and in which the court's decision is usually reported in a written opinion. Most are reviewed in conference by the Supreme Court, before oral argument and decision, upon application 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 therefore should be granted. A similar procedure is followed regarding petitions for original mandamus and habeas corpus, which become "Regular Causes" only after review and vote in conference. Cases other than "Regular Causes" include such actions as the court's rejection in conference of an application for writ of error or application to file a petition for original mandamus or habeas corpus. This category is obviously larger than that of "Regular Causes."

# SUPREME COURT

## 1980 Statistics (Continued)

### REGULAR CAUSES (Con't)

Dispositions: (Con't)

Judgments of courts below reversed in part, rendered in part and affirmed in part . . . . .	1
Judgment of Court of Civil Appeals reversed and temporary injunction set aside . . . . .	1
Judgment of Court of Civil Appeals affirmed in part; reversed in part . . . . .	1
Appeal dismissed for want of jurisdiction . . . . .	1
Causes dismissed as moot . . . . .	2
Review of Court of Civil Appeals judgment under Rule 21C, Texas Rules of Civil Procedure . . . . .	2
Certified question - disposition declined . . . . .	1
Mandamus (Writs granted . . . . .)	9
(Writs dismissed . . . . .)	1
Direct Appeal (Dismissed . . . . .)	1
(Judgment of trial court reversed . . . . .)	1
Habeas Corpus (Relator discharged . . . . .)	<u>4</u>
Sub Total . . . . .	129
(Pending under submission) . . . . .	28
(Pending set for submission) . . . . .	<u>14</u>
Total . . . . .	<u><u>171</u></u>
Causes submitted in 1980 . . . . .	97

### OPINIONS DELIVERED BY THE COURT IN 1980

Deciding Causes (includes one opinion which disposes of two causes) . . . . .	123
Concurring . . . . .	9
Dissenting . . . . .	22
On motion for rehearing . . . . .	8
Per Curiam on applications, motions, etc . . . . .	<u>20</u>
Total . . . . .	<u><u>182</u></u>

**SUPREME COURT**  
**1980 Statistics (Continued)**

II. CASES OTHER THAN REGULAR CAUSES

APPLICATIONS FOR WRITS OF ERROR

On Docket Within the Year:

Carried over from 1979 . . . . .	187
Filed in 1980 . . . . .	<u>842</u>
Total . . . . .	<u><u>1029</u></u>

Dispositions:

Granted . . . . .	99
Refused . . . . .	3
Refused. No Reversible Error . . . . .	661
Dismissed for want of jurisdiction . . . . .	69
Dismissed by order of the Court. . . . .	7
Dismissed at petitioner's request . . . . .	7
Joint motion of parties to dismiss . . . . .	<u>3</u>
Sub-Total . . . . .	849
Carried over to 1981 . . . . .	<u>180</u>
Total . . . . .	<u><u>1029</u></u>

MANDAMUS - CIVIL

On Docket:

Carried over from 1979 . . . . .	8
Filed in 1980 . . . . .	<u>130</u>
Total . . . . .	<u><u>138</u></u>

Dispositions:

Granted . . . . .	8
Overruled . . . . .	113
Dismissed on relator's motion . . . . .	3
Dismissed by order of the Court . . . . .	<u>4</u>
Sub-Total . . . . .	128
Carried over to 1981 . . . . .	<u>10</u>
Total . . . . .	<u><u>138</u></u>

**SUPREME COURT**  
**1980 Statistics (Continued)**

MANDAMUS - CRIMINAL

On Docket:

Carried over from 1979 . . . . .	2	
Filed in 1980 . . . . .	0	0
Total . . . . .	2	<u>2</u>

Dispositions:

Transferred . . . . .	2	
Sub Total . . . . .	2	2
Carried over to 1981 . . . . .	0	0
Total . . . . .	2	<u>2</u>

HABEAS CORPUS

On Docket:

Carried over from 1979 . . . . .	0	
Filed in 1980 . . . . .	17	17
Total . . . . .	17	<u>17</u>

Dispositions:

Granted . . . . .	6	
Denied . . . . .	11	11
Sub Total . . . . .	17	17
Carried over to 1981 . . . . .	0	0
Total . . . . .	17	<u>17</u>

**SUPREME COURT**  
**1980 Statistics (Continued)**

WRIT OF PROHIBITION

On Docket:

Carried over from 1979 . . . . .	1	
Filed in 1980 . . . . .	2	
Total . . . . .		3

Dispositions:

Overruled . . . . .	3	
Total . . . . .		3

WRIT OF INJUNCTION

On Docket:

Filed in 1980 . . . . .		3
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Dispositions:

Granted . . . . .	0	
Overruled . . . . .	3	
Total . . . . .		3

MOTIONS

Motions for Rehearing of Causes

On Docket:

Carried over from 1979 . . . . .	8	
Filed in 1980 . . . . .	94	
Total . . . . .		102

Dispositions:

Overruled . . . . .	86	
Granted . . . . .	5	
Sub Total . . . . .		91
Carried over to 1981 . . . . .	11	
Total . . . . .		102



**SUPREME COURT**  
**1980 Statistics (Continued)**

Motions for Rehearing of Applications for Writs of Error

On Docket:

Carried over from 1979 . . . . .	33	
Filed in 1980 . . . . .	319	
Total . . . . .	352	

Dispositions:

Overruled . . . . .	308	
Granted . . . . .	6	
Sub Total . . . . .	314	
Carried over to 1981 . . . . .	38	
Total . . . . .	352	

Motions for Rehearing of Motion for Leave to File Petitions for Writs of Mandamus

On Docket:

Filed in 1980 . . . . .	14	
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Dispositions:

Granted . . . . .	1	
Overruled . . . . .	9	
Dismissed . . . . .	1	
Sub Total . . . . .	11	
Carried over to 1981 . . . . .	3	
Total . . . . .	14	

**SUPREME COURT**  
**1980 Statistics (Continued)**

Motions for Rehearing on Habeas Corpus

On Docket:

Filed in 1980 . . . . . 2

Dispositions:

Granted . . . . . 1

Overruled . . . . . 1

Total . . . . . 2

Miscellaneous motions passed on by the Court in 1980  
(includes Rule 21c, motions to dismiss, etc.) . . . . . 131



**SUPREME COURT**  
**1980 Statistics (Continued)**

R E C A P I T U L A T I O N

Regular causes determined by the Court in 1980 . . . . .	129
Applications for writ of error determined in 1980 . . . . .	849
Motions for leave to file petitions for writ of mandamus involving civil cases determined in 1980 . . . . .	128
Motions for leave to file petitions for writ of mandamus involving criminal cases determined in 1980 . . . . .	2
Petitions for writs of habeas corpus determined in 1980 . . . . .	17
Writs of prohibition and injunction determined in 1980 . . . . .	6
TOTAL number of cases passed on by the Court in 1980 . . . . .	<u>1,131</u>
Motions for rehearing of causes determined by the Court in 1980 . . . . .	91
Motions for rehearing of applications for writs of error determined in 1980 . . . . .	314
Motions for rehearing of motions for leave to file petitions for writ of mandamus determined in 1980 . . . . .	11
Motions for rehearing of habeas corpus determined in 1980 . . . . .	2
Miscellaneous motions passed on by the Court in 1980 . . . . .	131
TOTAL number of motions passed on by the Court in 1980 . . . . .	<u>549</u>
Regular causes pending at close of December 31, 1980 . . . . .	31
Applications for writ of error pending 12/31/80 . . . . .	180
Habeas Corpus pending . . . . .	0
Motions for rehearing of causes pending 12/31/80 . . . . .	11
Motions for rehearing of applications pending 12/31/80 . . . . .	38
Motions for leave to file petitions for writ of mandamus in civil cases pending 12/31/80 . . . . .	<u>3</u>
TOTAL number of cases pending at close of term for 1980 . . . . .	<u>263</u>

**SUPREME COURT  
1980 Statistics (Continued)**

OPINIONS WRITTEN BY JUSTICES OF THE SUPREME COURT						
Justices	Original Opinions Deciding Causes	Concurring Opinions	Dissenting Opinions	Per Curiam	On Motion For Rehearing	Total Per Justice
Joe R. Greenhill Chief Justice	13		4		1	18
Zollie Steakley Justice	13		3		3	19
Jack Pope Justice	16	1	4			21
Sears McGee Justice	9		2			11
James G. Denton Justice	13	1	1		1	16
* Will Garwood Justice	4	3	1			8
Charles W. Barrow Justice	16		2		2	20
Robert M. Campbell Justice	12	2	2		1	17
Franklin Spears Justice	14	2	3			19
Rule 483, T.R.C.P.	13					13
Per Curiam on applications	—	—	—	20	—	20
TOTAL	123	9	22	20	8	182

\* Left the bench November 24, 1980.

## SUPREME COURT 1980 Statistics (Continued)

ACTION BY THE SUPREME COURT IN CASES FROM THE COURTS OF CIVIL APPEALS ON WRITS OF ERROR GRANTED							
COURT AND LOCATION	COURT OF CIVIL APPEALS AFFIRMED	C.C.A. REVERSED, TRIAL COURT AFFIRMED	REVERSED AND REMANDED TO C.C.A.	REVERSED AND REMANDED TO TRIAL COURT	REVERSED		TOTAL FOR COURT
					AND RENDERED	OTHER	
FIRST, HOUSTON	2 1/2	2	1 1/2		1		7
SECOND, FORT WORTH	3	2	1	1	4		11
THIRD, AUSTIN		3	2		1		6
FOURTH, SAN ANTONIO	2	2	1	1		1	7
FIFTH, DALLAS	1/2	8	1	1 1/2	2		13
SIXTH, TEXARKANA	2	1	3	1			7
SEVENTH, AMARILLO			1	2			3
EIGHTH, EL PASO	1		1	1			3
NINTH, BEAUMONT	2	2	3	4			11
TENTH, WACO	2	2			2	1	7
ELEVENTH, EASTLAND	3 1/2	3 1/2		2 1/2	1/2		10
TWELFTH, TYLER	1	2	3		1		7
THIRTEENTH, CORPUS CHRISTI	3 1/2			1 1/2	1		6
FOURTEENTH, HOUSTON	3 1/2	2	2	2	1 1/2	1	12
TOTAL	26 1/2	29 1/2	19 1/2	17 1/2	14	3	110

## SUPREME COURT 1980 Statistics (Continued)

### COUNTIES FROM WHICH CASES APPEALED

Harris	154	Burnet	3	Kerr	2	Hall	1
Dallas	128	Caldwell	3	Lavaca	2	Hansford	1
Travis	48	Collin	3	Leon	2	Harrison	1
Bexar	47	Eastland	3	Live Oak	2	Hemphill	1
Tarrant	38	Fort Bend	3	Madison	2	Henderson	1
Nueces	31	Grimes	3	Montgomery	2	Howard	1
Jefferson	20	Guadalupe	3	Navarro	2	Jeff Davis	1
Wichita	15	Hays	3	Newton	2	Karnes	1
El Paso	12	Hood	3	Polk	2	Kimble	1
Lubbock	12	Houston	3	Rusk	2	Kleberg	1
Cameron	10	Hutchinson	3	San Jacinto	2	Lamar	1
Galveston	10	Jasper	3	San Saba	2	Lamb	1
Brazoria	9	Matagorda	3	Smith	2	Lee	1
Johnson	8	Nacogdoches	3	Tom Green	2	Marion	1
Potter	8	Orange	3	Waller	2	Martin	1
Hidalgo	7	San Patricio	3	Wharton	2	Mason	1
Angelina	6	Val Verde	3	Wise	2	Maverick	1
Brazos	6	Victoria	3	Andrews	1	Milam	1
McLennan	6	Walker	3	Aransas	1	Nolan	1
Ector	5	Zapata	3	Bosque	1	Ochiltree	1
Gregg	5	Zavala	3	Calhoun	1	Pecos	1
Jim Wells	5	Austin	2	Childress	1	Randall	1
Webb	5	Brooks	2	Colorado	1	Red River	1
Denton	4	Coleman	2	Comanche	1	Rockwall	1
Hardin	4	Comal	2	Cottle	1	Starr	1
Midland	4	Coryell	2	Crockett	1	Stephens	1
Taylor	4	Duval	2	Donley	1	Swisher	1
Uvalde	4	Ellis	2	Erath	1	Washington	1
Anderson	3	Grayson	2	Frio	1	Wheeler	1
Bastrop	3	Hudspeth	2	Gillespie	1	Willacy	1
Bell	3	Jack	2	Gonzales	1	Wilson	1
Bowie	3	Kaufman	2	Hale	1	Young	1