

# SUPREME COURT

## Analysis of Activity for the Year Ending August 31, 1984

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

The number of applications for writs of error filed in the Supreme Court during the state fiscal year ending August 31, 1984 increased substantially from calendar year 1983. A total of 987 applications were filed, compared to 703 in 1983--an increase of 40 percent, and 24 percent more than the ten-year average of 799.

In state fiscal year 1984, 94 new "regular causes"--primarily cases in which the Court hears oral argument and delivers an opinion--reached the docket, compared to 127 in calendar year 1983 and the ten-year average of 113. New civil mandamus matters decreased from 142 in 1983 to 113 in fiscal 1984.

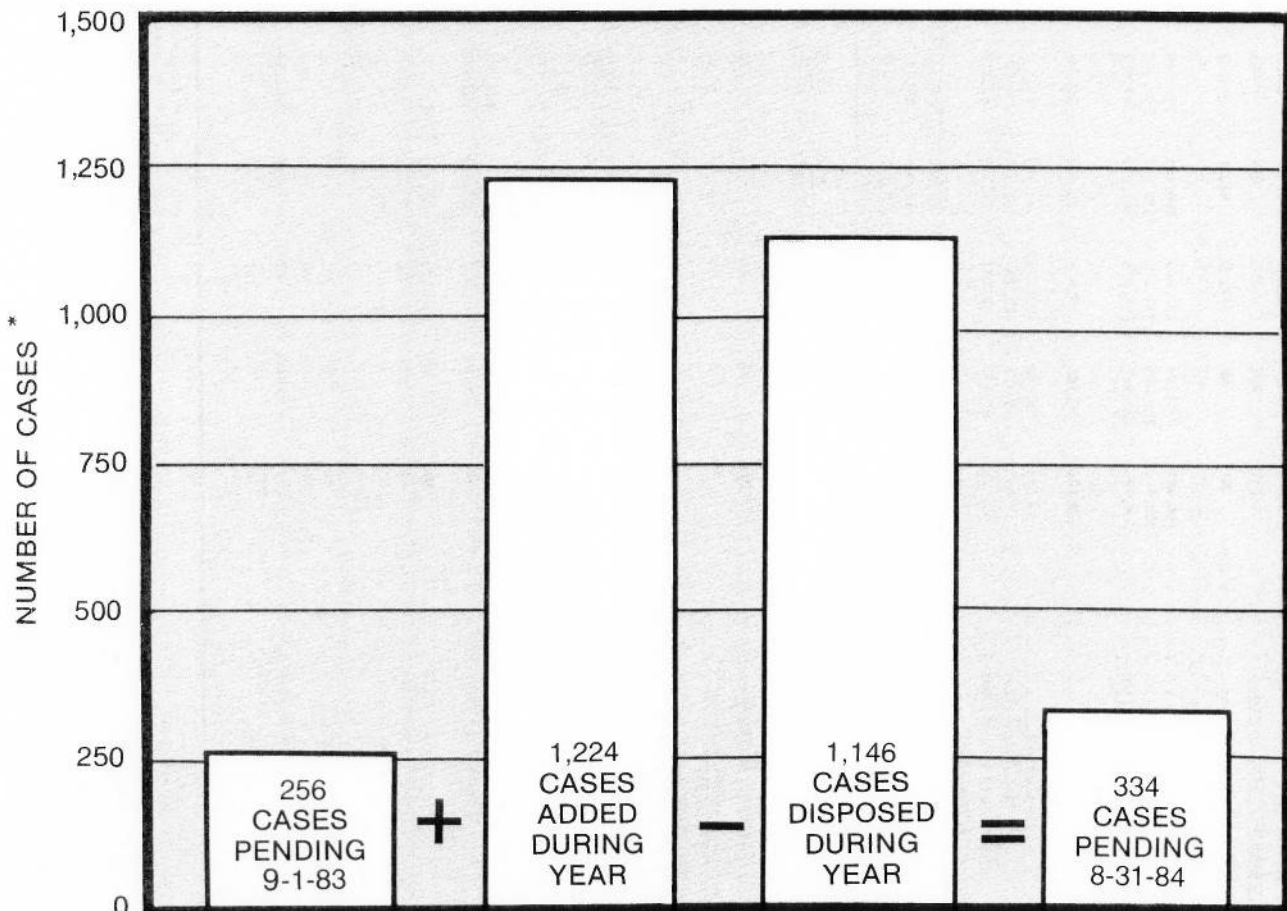
The Supreme Court disposed of 77 percent of the regular causes docketed during fiscal 1984 or carried over from 1983, compared to 71 percent in 1983. Seventy-four percent of the applications for writs of error were disposed of during the

year, 5 percent less than during 1983.

The Court delivered 106 deciding opinions in the year ending August 31, 1984, 18 percent less than the 125 opinions in 1983. A total of 154 opinions were written (including Rule 483 per curiam opinions), an average of 17 per justice. The Supreme Court disposed of 885 applications for writs of error from decisions of the Courts of Appeals, compared to 705 in 1983, for an average of 98 per justice. Ten percent of the 885 applications were granted. Of the granted writs, the Courts of Appeals were reversed in 61 percent of the cases, for an effective reversal rate on applications for writs of error from the Courts of Appeals of 7 percent.

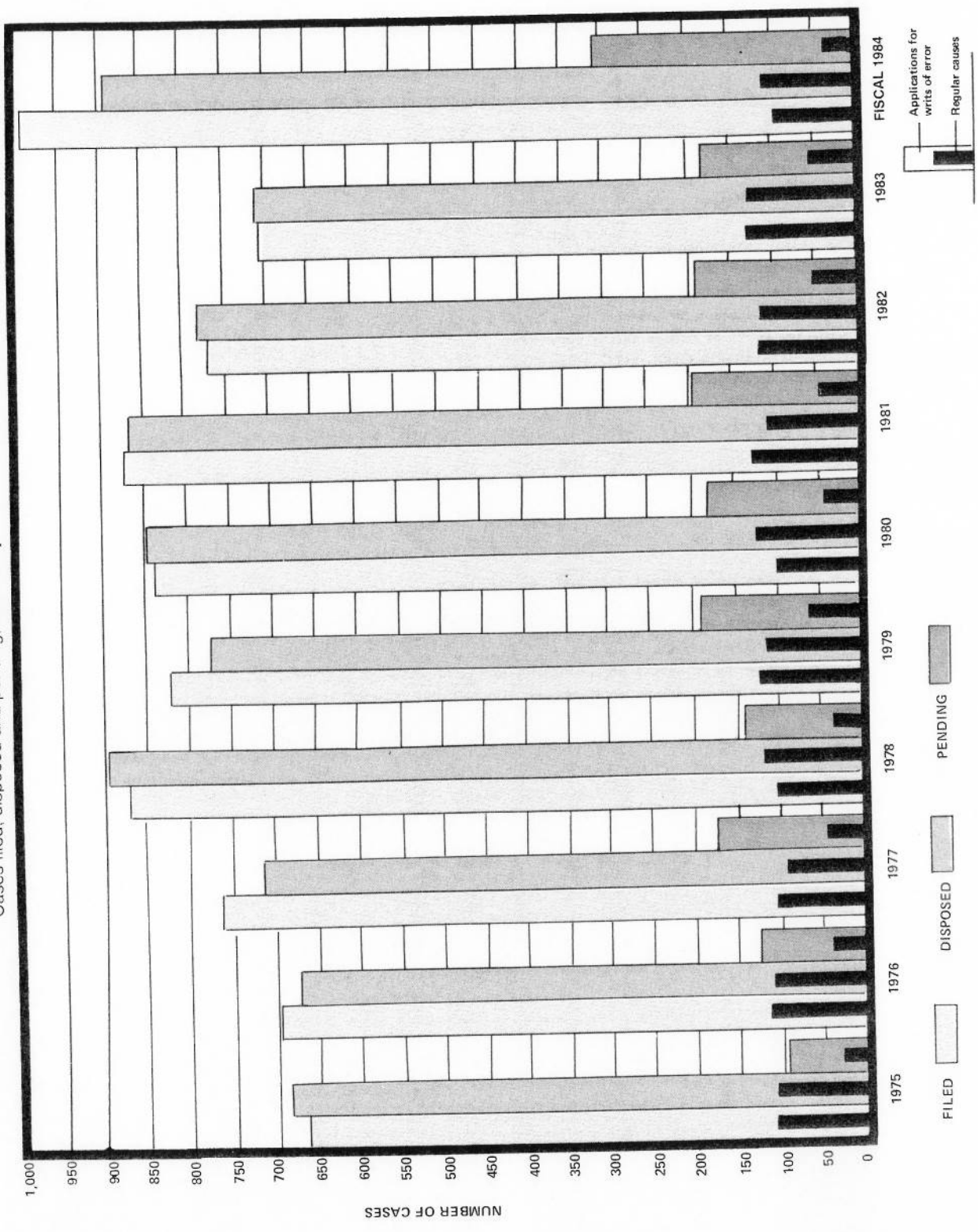
Thirty-three regular causes were pending on August 31, 1984--19 less than at the end of 1983, and 8 cases less than the ten-year average. The number of applications for writs of error remaining on the docket on August 31, 1984 was 308--69 percent more than the 182 at the end of 1983, and 74 percent more than the ten-year average of 177.

Figure 2.  
TOTAL WORKLOAD, SUPREME COURT \*  
Year Ending August 31, 1984



\*Does not include motions for rehearing or miscellaneous motions

Figure 3.  
 SUPREME COURT  
 Cases filed, disposed and pending, calendar year 1975 through fiscal year 1984



# SUPREME COURT

## Statistics for the Year Ending August 31, 1984

### SUMMARY OF DOCKET ACTIVITY DURING THE YEAR ENDING AUGUST 31, 1984

A. Causes of Action Passed on During the Year Ending August 31, 1984:

Regular causes determined by the Court . . . . .	112	
Applications for writs of error determined. . . . .	885	
Motions for leave to file petitions for writs of mandamus		
involving civil cases determined. . . . .	120	
Petitions for writs of habeas corpus determined . . . . .	16	
writs of prohibition and injunction determined. . . . .	11	
Motions for production determined . . . . .	<u>2</u>	
 TOTAL CAUSES PASSED ON BY THE COURT . . . . .		 1,146

B. Motions Passed on During the Year Ending August 31, 1984:

Motions for rehearing of causes determined by the Court . . . . .	72	
Motions for rehearing of applications for writs of error determined . . . . .	254	
Motions for rehearing of motions for leave to file petitions for writs of		
mandamus determined . . . . .	8	
Motions for rehearing of habeas corpus determined . . . . .	0	
Miscellaneous motions passed on by the Court . . . . .	<u>146</u>	
 TOTAL MOTIONS PASSED ON BY THE COURT . . . . .		 <u>480</u>

GRAND TOTAL OF MATTERS PASSED ON BY THE COURT. . . . . 1,626

C. Matters Pending August 31, 1984:

Regular causes (not including motions for rehearing) . . . . .	24	
Applications for writs of error . . . . .	308	
Motions for rehearing of causes . . . . .	9	
Motions for rehearing of applications . . . . .	68	
Motions for leave to file petitions for writs of mandamus . . . . .	14	
Motions for rehearing of petitions for habeas corpus. . . . .	1	
Motions for rehearing of motions for leave to file. . . . .	1	
Writs of prohibition . . . . .	<u>2</u>	
 TOTAL MATTERS PENDING AT CLOSE OF TERM FOR THE YEAR ENDING AUGUST 31, 1984. . . . .		 <u><u>427</u></u>

# SUPREME COURT

## Statistics for the Year Ending August 31, 1984 (Continued)

### REGULAR CAUSES \*

#### A. On Docket Within the Year Ending August 31, 1984:

Causes pending on Sept. 1, 1983 . . . . .	(Pending under submission, including motions for rehearing) . . .	40
	(Pending set for submission) . . .	<u>11</u>
SUB-TOTAL CAUSES PENDING SEPTEMBER 1, 1983 . . . . .		51
By granted applications for writs of error . . . . .		69
By granted motions for leave to file petitions for writs of mandamus . . . . .		7
By direct appeals filed . . . . .		0
By granted habeas corpus filed . . . . .		2
By certified questions . . . . .		0
By review of Court of Appeals judgments under Rule 21C . . . . .		0
By Rule 483 (Texas Rules of Civil Procedure) . . . . .		15
Causes dismissed . . . . .		<u>1</u>
SUB-TOTAL CAUSES ADDED . . . . .		<u>94</u>
TOTAL CAUSES ON DOCKET . . . . .		<u>145</u>

#### B. Dispositions:

Judgments affirmed, or reformed, or modified and affirmed . . . . .		20
Judgments of Courts of Appeals reversed (or in part) and judgments of trial courts affirmed (or modified and affirmed) . . . . .		24
Judgments reversed (or in part) and rendered (or in part) . . . . .		15
Judgments of Courts of Appeals reversed (or in part) and causes remanded to trial courts . . . . .		17
Judgments of Courts of Appeals reversed (or in part) and causes remanded to Courts of Appeals . . . . .		7
Judgments of Courts of Appeals reversed in part, rendered in part, and affirmed in part . . . . .		1
Judgments of Courts below reversed and remanded in part, affirmed in part. . . . .		7
Judgments of Courts of Appeals affirmed in part, reversed in part . . . . .		3
Judgments of courts below reversed and causes remanded to Railroad Commission . . . . .		1
Judgments of Courts of Appeals reversed and rendered in part, reversed and remanded in part. . . . .		3
Appeals dismissed for want of jurisdiction . . . . .		1
Judgments below dismissed and causes dismissed . . . . .		1
Causes dismissed on joint motions . . . . .		1
Causes dismissed as moot, remanded to trial court . . . . .		2

\* "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 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

## Statistics for the Year Ending August 31, 1984 (Continued)

### REGULAR CAUSES (Cont'd)

B. Dispositions: (Cont'd)

Mandamus . . . . .	(Writs granted) . . . . .	6
	(Writs dismissed) . . . . .	0
	(Writs denied) . . . . .	1
Direct Appeals . . . . .	(Judgments of trial courts affirmed) . . . . .	0
	(Judgments of trial courts reversed and causes remanded) . . . . .	0
Habeas Corpus . . . . .	(Relators discharged) . . . . .	<u>2</u>
SUB-TOTAL DISPOSITIONS . . . . .		112

C. Causes Pending on August 31, 1984:

Pending, under submission (includes causes on motions for rehearing) . . . . .		17
Pending, set for submission . . . . .		<u>16</u>
SUB-TOTAL CAUSES PENDING AUGUST 31, 1984 . . . . .		<u>33</u>
TOTAL CAUSES ON DOCKET . . . . .		<u>145</u>

D. Causes Submitted During Year Ending August 31, 1984:

Orally . . . . .		80
On briefs . . . . .		<u>15</u>
TOTAL CAUSES SUBMITTED . . . . .		95

### CASES OTHER THAN REGULAR CAUSES

A. APPLICATIONS FOR WRITS OF ERROR

1. On Docket:

Pending on September 1, 1983 . . . . .		206
Filed During Year Ending August 31, 1984 . . . . .		<u>987</u>
TOTAL APPLICATIONS ON DOCKET . . . . .		<u>1,193</u>

2. Dispositions:

Granted . . . . .		87
Refused . . . . .		8
Refused, no reversible error . . . . .		595
Dismissed for want of jurisdiction . . . . .		172
Dismissed by order of the Court . . . . .		10
Dismissed on petitioners' requests . . . . .		7
Joint motions of parties to dismiss . . . . .		5
Dismissed as moot . . . . .		<u>1</u>
SUB-TOTAL DISPOSITIONS . . . . .		885
Pending August 31, 1984 . . . . .		<u>308</u>

TOTAL APPLICATIONS ON DOCKET . . . . . 1,193

# SUPREME COURT

## Statistics for the Year Ending August 31, 1984 (Continued)

### CASES OTHER THAN REGULAR CAUSES (Cont'd)

B. MANDAMUS - CIVIL

1. On Docket:

Pending September 1, 1983. . . . .	21	
Filed During Year Ending August 31, 1984 . . . . .	113	

TOTAL ON DOCKET . . . . . 134

2. Dispositions:

Granted . . . . .	11	
Overruled . . . . .	107	
Dismissed on relators' motions . . . . .	2	
Dismissed by order of the Court . . . . .	0	

SUB-TOTAL DISPOSITIONS . . . . . 120

Pending August 31, 1984. . . . . 14

TOTAL ON DOCKET. . . . . 134

C. HABEAS CORPUS

1. On Docket:

Pending September 1, 1983. . . . .	0	
Filed During Year Ending August 31, 1984 . . . . .	16	

TOTAL ON DOCKET. . . . . 16

2. Dispositions:

Granted . . . . .	3	
Denied . . . . .	13	
Dismissed as moot. . . . .	0	

SUB-TOTAL DISPOSITIONS . . . . . 16

Pending August 31, 1984. . . . . 0

TOTAL ON DOCKET. . . . . 16

D. WRITS OF PROHIBITION AND INJUNCTION

1. On Docket:

Pending September 1, 1983. . . . .	0	
Filed During Year Ending August 31, 1984 . . . . .	13	

TOTAL ON DOCKET. . . . . 13

2. Dispositions:

Granted. . . . .	3	
Overruled. . . . .	8	

SUB-TOTAL DISPOSITIONS . . . . . 11

Pending August 31, 1984. . . . . 2

TOTAL ON DOCKET. . . . . 13

# SUPREME COURT

## Statistics for the Year Ending August 31, 1984 (Continued)

### CASES OTHER THAN REGULAR CAUSES (Cont'd)

#### E. PETITIONS FOR REVIEW

##### 1. On Docket:

Pending September 1, 1983 . . . . .	1	
Filed During Year Ending August 31, 1984 . . . . .	1	
TOTAL ON DOCKET . . . . .		2

##### 2. Dispositions:

Granted . . . . .	1	
Overruled . . . . .	1	
SUB-TOTAL DISPOSITIONS . . . . .		2
Pending August 31, 1984 . . . . .		0
TOTAL ON DOCKET . . . . .		<u>2</u>

#### F. MOTIONS

##### 1. Motions for Rehearing of Causes

##### a. On Docket:

Pending September 1, 1983 . . . . .	23	
Filed During Year Ending August 31, 1984 . . . . .	58	
TOTAL ON DOCKET . . . . .		<u>81</u>

##### b. Dispositions:

Granted . . . . .	7	
Overruled . . . . .	65	
SUB-TOTAL DISPOSITIONS . . . . .		72
Pending August 31, 1984 . . . . .		9
TOTAL ON DOCKET . . . . .		<u>81</u>

##### 2. Motions for Rehearing of Applications for Writs of Error

##### a. On Docket:

Pending September 1, 1983 . . . . .	36	
Filed During Year Ending August 31, 1984 . . . . .	286	
TOTAL ON DOCKET . . . . .		<u>322</u>

##### b. Dispositions:

Granted . . . . .	9	
Overruled . . . . .	245	
SUB-TOTAL DISPOSITIONS . . . . .		254
Pending August 31, 1984 . . . . .		68
TOTAL ON DOCKET . . . . .		<u>322</u>

# SUPREME COURT

## Statistics for the Year Ending August 31, 1984 (Continued)

### CASES OTHER THAN REGULAR CAUSES (Cont'd)

F. MOTIONS (Cont'd)

3. Motions for Rehearing of Motions for Leave to File Petitions for Writs of Mandamus

a. On Docket:

Pending September 1, 1983 . . . . .	0	
Filed During Year Ending August 31, 1984 . . . . .	9	
TOTAL ON DOCKET . . . . .		9

b. Dispositions:

Granted . . . . .	0	
Overruled . . . . .	8	
SUB-TOTAL DISPOSITIONS . . . . .		8
Pending August 31, 1984 . . . . .		1
TOTAL ON DOCKET . . . . .		9

4. Motions for Rehearing on Habeas Corpus

a. On Docket:

Pending September 1, 1983 . . . . .	0	
Filed During Year Ending August 31, 1984 . . . . .	1	
TOTAL ON DOCKET . . . . .		1

b. Dispositions:

Granted . . . . .	0	
Overruled . . . . .	0	
SUB-TOTAL DISPOSITIONS . . . . .		0
Pending August 31, 1984 . . . . .		1
TOTAL ON DOCKET . . . . .		1

5. Miscellaneous Motions

Passed on by the Court During Year Ending August 31, 1984 (includes Rule 21c, motions to dismiss, etc.) . . . . .		146
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### OPINIONS DELIVERED BY THE COURT DURING YEAR ENDING AUGUST 31, 1984

Deciding causes . . . . .	106	
Concurring . . . . .	11	
Dissenting . . . . .	24	
Concurring and dissenting . . . . .	2	
On motions for rehearing . . . . .	3	
Per curiam on applications, motions, etc . . . . .	8	
TOTAL OPINIONS DELIVERED . . . . .		154



# SUPREME COURT

## Statistics for the Year Ending August 31, 1984 (Continued)

OPINIONS WRITTEN BY JUSTICES OF THE SUPREME COURT

JUSTICES	DECIDING OPINIONS		Concurring Opinions	Dissenting Opinions	Concurring and Dissenting	Per Curiam Opinions	On Motion For Rehearing	TOTAL
	Majority Opinions	Rule 483 Per Curiams						
JACK POPE Chief Justice	9	1	0	0	1	1	0	12
SEARS MCGEE Justice	8	1	0	4	0	0	0	13
CHARLES W. BARROW Justice	12	3	0	2	0	0	1	18
ROBERT M. CAMPBELL Justice	14	1	0	0	0	2	0	17
FRANKLIN S. SPEARS Justice	10	0	4	4	0	2	1	21
C. L. RAY Justice	6	2	1	3	0	0	0	12
JAMES P. WALLACE Justice	16	3	0	2	0	0	0	21
TED Z. ROBERTSON Justice	6	1	6	6	0	1	1	21
WILLIAM W. KILGARLIN Justice	10	3	0	3	1	2	0	19
TOTAL	91	15	11	24	2	8	3	154

# SUPREME COURT

## Statistics for the Year Ending August 31, 1984 (Continued)

ACTION BY THE SUPREME COURT IN CASES FROM COURTS OF APPEALS ON WRITS OF ERROR GRANTED

COURT AND LOCATION	Court of Appeals Affirmed	Ct. App. Reversed, Trial Ct. Affirmed	Reversed, Remand to Court of Appeals	Reversed, Remand to Trial Court	Reversed and Rendered	Other	TOTAL FOR COURT
FIRST Houston	0.5	0	2	3	.5	1	7
SECOND Fort Worth	2	2.5	1	2.5	2	2	12
THIRD Austin	0	2	0	0	2	1	5
FOURTH San Antonio	2.5	3	.5	1.5	0	3.5	11
FIFTH Dallas	2.5	0	1	1	1	.5	6
SIXTH Texarkana	1	0	0	0	0	0	1
SEVENTH Amarillo	2	0	0	0	1	1	4
EIGHTH El Paso	0	3	0	3	0	2	8
NINTH Beaumont	2.5	2	0	0	1.5	1	7
TENTH Waco	.5	0	0	1	1	.5	3
ELEVENTH Eastland	1	1	0	1	1	0	4
TWELFTH Tyler	1	2	1	0	0	2	6
THIRTEENTH Corpus Christi	4	4	.5	1	3	1.5	14
FOURTEENTH Houston	2	3	1	3.5	3	2.5	15
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TOTAL	21.5	22.5	7.0	17.5	16.0	18.5	103.0

# SUPREME COURT

## Statistics for the Year Ending August 31, 1984 (Continued)

COUNTIES FROM WHICH CASES WERE APPEALED DURING THE YEAR ENDING AUGUST 31, 1984

<u>County</u>	<u>Cases</u>	<u>County</u>	<u>Cases</u>	<u>County</u>	<u>Cases</u>	<u>County</u>	<u>Cases</u>
Harris	151	Brown	3	Nacogdoches	2	Hunt	1
Dallas	88	Burnet	3	Palo Pinto	2	Hutchinson	1
Bexar	49	Comal	3	Rusk	2	Kendall	1
Travis	49	Duval	3	San Patricio	2	Kimble	1
Nueces	34	Hardin	3	Smith	2	Kleberg	1
Tarrant	34	Harrison	3	Tom Green	2	Lavaca	1
Jefferson	13	Hays	3	Walker	2	Liberty	1
Hidalgo	12	Jim Wells	3	Ward	2	Marion	1
El Paso	11	Kaufman	3	Washington	2	Martin	1
Gregg	9	Kerr	3	Young	2	Midland	1
McLennan	9	Maverick	3	Zapata	2	Montague	1
Webb	9	Shelby	3	Anderson	1	Montgomery	1
Brazoria	8	Burleson	2	Aransas	1	Morris	1
Galveston	8	Caldwell	2	Archer	1	Nolan	1
Lubbock	8	Calhoun	2	Atascosa	1	Orange	1
Taylor	6	Coryell	2	Bandera	1	Pecos	1
Cameron	5	Dimmit	2	Bastrop	1	Polk	1
Denton	5	Falls	2	Bell	1	Randall	1
Victoria	5	Fayette	2	Brewster	1	Red River	1
Bowie	4	Fort Bend	2	Chambers	1	Sabine	1
Brazos	4	Freestone	2	Cherokee	1	San Jacinto	1
Collin	4	Gray	2	Colorado	1	San Saba	1
Erath	4	Grayson	2	Comanche	1	Scurry	1
Johnson	4	Grimes	2	Cooke	1	Stonewall	1
Lee	4	Guadalupe	2	Fisher	1	Throckmorton	1
Matagorda	4	Henderson	2	Gaines	1	Uvalde	1
Navarro	4	Hockley	2	Garza	1	Val Verde	1
Parker	4	Houston	2	Gillespie	1	Waller	1
Potter	4	Jack	2	Hall	1	Willacy	1
Wichita	4	Knox	2	Haskell	1	Wise	1
Williamson	4	Lamar	2	Hopkins	1	Zavala	1
Bee	3	Medina	2	Howard	1		
						TOTAL	714