### Analysis of Activity for the Year Ending August 31, 1992

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

The Court "passed on" (disposed of or otherwise acted upon) a total of 2,863 matters during fiscal year 1992, an increase of 7.7 percent from the 2,658 matters passed on in fiscal year 1991.

### REGULAR CAUSES

The 171 regular causes added to the Court's docket were 11.0 percent more than the 154 regular causes added in fiscal year 1991.

The 169 regular causes disposed of were 16.6 percent more than the 145 disposed of in fiscal year 1991 and 19.9 percent more than the 10-year average of 141. Of the regular causes disposed of during 1992, 118 came to the Court on applications for writs of error from the 14 Courts of Appeals. Of those 118 dispositions, the lower courts were reversed in whole or in part in 90 causes, or 76.3 percent. This compares to 70.1 percent reversals in fiscal year 1991.

The 83 regular causes (including motions for rehearing) left pending at the end of fiscal year 1992 represented 32.9 percent of the total number of regular causes added during the year or carried over from the previous year. This is 23 causes higher than the 10-year average of 60 pending causes. At the end of fiscal year 1991, 81 regular causes had been pending in the Court.

#### APPLICATIONS FOR WRITS OF ERROR

The 1,096 applications for writs of error filed during fiscal year 1992 represented a 3.9 percent increase from the 1,055 applications filed in fiscal year 1991, and was 14.7 percent higher than the 10-year average of 955.

The 1,154 applications for writs of error disposed of during the year were 9.8 percent more than the 1,051 disposed of during fiscal year 1991, and 21.9 percent higher than the 10-year average of 947. Of the 1,154 applications disposed of, 145 (or 12.6 percent) were granted.

The 389 applications for writs of error left pending at the end of fiscal year 1992 represented 25.2 percent of the total number of such applications filed during the year or carried over from the previous year. This is 70 more pending applications than the 10-year average of 319 pending applications. At the end of fiscal year 1991, 425 applications for writs of error had been pending in the Court.

#### OTHER WRITS AND MOTIONS

The 1,628 other writs and motions filed during fiscal year 1992 were 8.4 percent more than the 1,502 filed during fiscal year 1991. (This does not include miscellaneous motions such as motions for extension of time, etc., which are often not docketed as separate causes.) This is 52.4 percent more than the 10-year average of 1,068 other writs and motions filed.

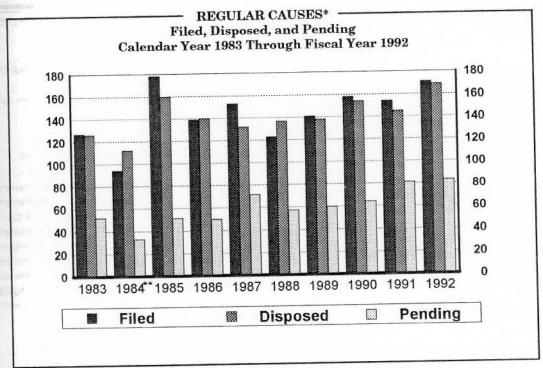
The 1,540 other writs and motions disposed of during fiscal year 1992 were 5.3 percent more than the 1,462 disposed during fiscal year 1991. This is 489 more dispositions than the 10-year average of 1,051 dispositions.

The 279 other writs and motions left pending by the Court at the end of fiscal year 1992 represented 18 percent of the total number of other writs and motions filed during the year. At the end of fiscal year 1991, 158 other writs and motions had been pending in the Court.

#### **OPINIONS WRITTEN**

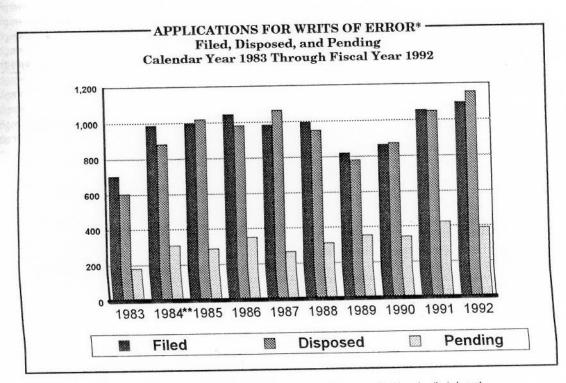
During fiscal year 1992, the justices of the Supreme Court wrote 233 opinions (or an average of 25.9 opinions each), 10.4 percent more than the 211 opinions written in fiscal year 1991 and 21.4 percent more than the 10-year average of 192. Of the opinions written in 1992, 127 (or 54.5 percent) were deciding opinions which disposed of causes.

During fiscal year 1992, the Supreme Court heard oral argument of 89 causes and considered an additional 56 causes submitted on briefs.



\*Regular Causes are regular appeals or original actions pending before the court. Normally, they reach this status when a Writ of Error is granted in the cause. Petitions for Original Mandamus and Habeas Corpus, which are not disposed of upon initial review, and in which the petition is granted, may also become regular causes.

<sup>\*\*1984</sup> and following are fiscal years; all previous are calendar years.



<sup>\*</sup>An Application for Writ of Error is a request filed by one of the parties, requesting the Supreme Court to review the judgment of a Court of Appeals. If four or more of the nine justices concur the writ is granted and the cause is scheduled for argument before the court.

<sup>\*\*1984</sup> and following are fiscal years; all previous are calendar years.

## Activity for the Year Ending August 31, 1992

### SUMMARY OF DOCKET ACTIVITY

Α.	Causes of Action Passed on During the Year Ending August 31, 1992:			
	the state of the s	169		
	Regular causes determined by the Court	1,154		
	Applications for writs of error determined			
	Motions for leave to file petitions for writs of mandamus involving civil cases determined	290		
	Petitions for writs of habeas corpus determined	15		
	Writs of prohibitions and injunction determined	8		
	U.S. Certified Questions	1		
	Direct Appeals	14		
	Petitions for review	3		
	Petitions for review	17		
			1,671	
	TOTAL CAUSES PASSED ON BY THE COURT		1,071	
	Motions Passed on During the Year Ending August 31, 1992:			
	Motions for rehearing of causes determined by the Court	82		
	Motions for rehearing of applications for writs of error determined	352		
	Motions for rehearing of motions for leave to file petitions for writs of			
	mandamus determined	46		
	Motions for rehearing of habeas corpus determined	1		
	Motions for rehearing of habeas corpus acteriments.  Motions for rehearing of petition for review	0		
	Motions for rehearing of direct appeals	2		
	Motions for rehearing of petitions to publish under 90c	0		
	Miscellaneous motions passed on by the Court	709		
	TOTAL MOTIONS PASSED ON BY THE COURT		1,192	
	GRAND TOTAL OF MATTERS PASSED ON BY THE COURT			2,8
Э.	Matters Pending August 31, 1992:	0.0		
	Regular causes (not including motions for rehearing)	83		
	Applications for write of error	000		
	M d	01		
	Habasa Carpus	0		
	ILS Cortified Questions			
	Mations for roboaring of causes			
	Motions for rehearing of applications	65		
	Motions for rehearing of motions for leave to file petitions for writs of mandamus			
	for writs of mandamus  Motions for rehearing of motions for habeas corpus	1		
	Motions for rehearing of motions for nadeas corpus	1		
	Motions for rehearing of petition for review	4		
	Petition to publish under Hule 90c, 1.R.A.P	72		
		1		
	0.00±0000 (0.00±000 € - 10±000000 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		-	
	TOTAL MATTERS PENDING AUGUST 31, 1992			-

## Activity for the Year Ending August 31, 1992 (Continued)

### REGULAR CAUSES\* A. On Docket Within the Year Ending August 31, 1992: Causes pending on September 1, 1991 ...... (Pending under submission, including motions for rehearing) ...... 50 (Pending set for submission) ...... 31 REGULAR CAUSES PENDING SEPTEMBER 1, 1991 ..... By granted habeas corpus filed ...... 6 \_\_\_\_\_1 By other action REGULAR CAUSES ADDED..... 171 TOTAL REGULAR CAUSES ON DOCKET..... 252 B. Dispositions: Judgment of Court of Appeals is reversed, rendered and remanded to trial court ...... 1 Judgment of Court of Appeals is affirmed, reversed and remanded ...... 5 Judgment of Court of Appeals is vacated and remanded court of appeals...... 2 Writ of prohibition granted ...... 1

<sup>\*\*</sup>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 four 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 similiar procedure is followed regarding petitions for original mandamus and habeas corpus, which become "Regular Causes" only after review and vote in conference of an application for writ of error or application to file a petition for original mandamus or habeas corpus.

		RI	EGULAR CAUSES (Cont.)			
В.	Disp	ositions (Cont'd):				
	Opin	ion negative		1		
	Opin	ion modified, affirmative		1		1
	Judg	ment vacated and remanded		2		
	Opin	ion vacated, distilissed				
	Man	damus	(Writs granted)	1		
			(Writs conditionally granted)(Writs denied)			
			(Writs overruled/improvident grant)			
			(Writs withdrawn)	З		
			(Writs dismissed)	3		
	D:		(Trial court reversed, remanded to			
	Dire	ct Appeals	trial court	5		
			(Dismissed/moot)	1		
	11.1	0	(Relators discharged)	4		1
	нас	eas Corpus	(Denied, improvident grant)	1		
					160	1
		TOTAL DISPOSITIONS				
c.	Cau	ses Pending on August 31, 1992:				
	Per	dina, under submission (includes ca	uses on motions for rehearing)	57		
	Per	iding, set for submission		26		
		PENDING AUGUST 31, 1992:				<del>83</del>
D.	Cat	uses Submitted During Year Endin	g August 31, 1992:			
	Ora	lly		89		
	On	briefs		36		
		TOTAL CAUSES SUBMITTED				145
		CASES OTH	IER THAN REGULAR CAUSES			
	Δn	olications for Writs of Error:				
1						
	1.	On Docket:		405		
		Pending on September 1, 1991	1, 1992	096		
		Reinstated	1, 1002	22		
			OCKET		1,543	
	2					
	2.	Dispositions:		145		
		Withdrawn		3		
		Writ denied		923		
						-
		Dismissed for want of jurisdiction.		38		

CASES OTHER THAN REGULAR (	CAUSES (Cont a)		
2. Dispositions (Cont'd)			
Denied, improvident grant	11		
TOTAL DISPOSITIONS	<u>-</u>	,154	
Pending August 31, 1992		=	389
. Mandamus - Civil:			
1. On Docket: Pending September 1, 1991	38		
Pending September 1, 1991	333		
Pending September 1, 1991 Filed During Year Ending August 31, 1992	6		
Reinstated			
		377	
TOTAL ON DOCKET		0,,	
2. Dispositions:	26		
2. Dispositions: Granted	239		
2			
Overruled, improvident grant	2		
Dismissed for want of jurisduction  Denied			
		290	
TOTAL DISPOSITIONS			
Pending August 31, 1992			
C. Habeas Corpus:			
1. On Docket:	3		
1 1001	10		
	<u></u>		
		23	
TOTAL ON DOCKET		23	
2. Dispositions:	6		
	6		
Denied, improvident grant Dismissed	1		
TOTAL DISPOSITIONS		15	_
Pending August 31, 1992			
D. Writs of Prohibition and Injunction:			
1. On Docket:			
1 1 1001			
Pending September 1, 1991 Filed During Year Ending August 31, 1992	<u></u> .8		
TOTAL ON DOCKET		8	8
TEAT AT LINE BY II. A F. I.			

	CASES OTHER THAN REGULAR CAUSES (Cont'd)	
2.	Dispositions:	
	Dispositions:         6           Overruled         1           Denied         1	
	Denied1 Granted1	
	TOTAL DISPOSITIONS	8
	Pending August 31, 1992	
E. Pet	titions for Review:	
1	On Docket:	
1		
	Pending September 1, 1991	
	TOTAL ON DOCKET	3
2.	Dispositions: 2 Denied	
	Denied	
	TOTAL DISPOSITIONS	3
	Pending August 31, 1992	0
		=====
F. U.	S. Certified Questions:	
1.	On Docket:	
	Ponding September 1, 1991	
	Filed During Year Ending August 31, 19922	
	TOTAL ON DOCKET	2
2.	Dispositions:	
	Accepted1	
	TOTAL DISPOSITIONS	1
	Pending August 31, 1992	1
G. D	irect Appeals:	
1 ,	. On Docket:	
1	Panding September 1 1991	
1	Filed During Year Ending August 31, 199213	
	TOTAL ON DOCKET	15
1		
1 2	. Dispositions: 6 Jurisdiction noted	
	Dismissed for want of jurisdiction	
	Granted	
	Declined1	
	TOTAL DISPOSITIONS	14
	Pending August 31, 1992	
	Pending August 31, 1992	

Petitio	n to Publish Under Rule 90c, T.R.A.P.:	
1. 0	Docket:	
Pe Fi	n Docket: ending September 1, 1991	
	TOTAL ON DOCKET	21
0 D		
D	ranted1	
	TOTAL DISPOSITIONS	17
	Pending August 31, 1992	
. Motic		
. 700000000		
	lotions for Rehearing of Causes On Docket:	
а	_ " 0 1 1001	
	Filed During Year Ending August 31, 199292	
	TOTAL ON DOCKET	114
ŧ	o. Dispositions:	
	Overruled	
	TOTAL DISPOSITIONS	82
	Pending August 31, 1992	=
2.	Motions for Rehearing of Applications for Writs of Error	
	Pending September 1, 1991	
	Filed During Year Ending August 31, 1992371	
	TOTAL ON DOCKET	417
	b. Dispositions	
	m	
	Dismissed as moot1	352
	TOTAL DISPOSITIONS	
	Pending August 31, 1992	
	renand August of, 1002	-

Mo	tions	(Con't.):		
3.	Motio	ons for Rehearing of Motions for Leave to File Petitions		
	A. M. C. C. C.	rits of Mandamus		
	a.	On Docket:	7	
		Pending September 1, 1991		
		Flled During Year Ending August 31, 1992	40	
		TOTAL ON DOCKET		53
	b.	Dispositions:		
		Overruled	44	
		Dismissed as moot		
		Granted	<u></u>	
		TOTAL DISPOSITIONS		46
		Pending August 31, 1992	***************************************	=
4.	Moti	ons for Rehearing on Habeas Corpus		
	a.	On Docket:		
		Pending September 1, 1991	0	
		Filed During Year Ending August 31, 1992	2	
		TOTAL ON DOCKET		2
	b.	Dispositions:		
		Overruled	1	
		TOTAL DISPOSITIONS		1
		Pending August 31, 1992	***************************************	:
5.	Mot	ions for Rehearing on Petition for Review		
	a.	On Docket:	0	
		Pending September 1, 1991	1	
		TOTAL OF DOCKET	******	1
	b.	Dispositions:		
		Overruled	0	
		Granted	0	
		TOTAL DISPOSITIONS		0

CASES OTHER THAN REGULAR CAUSES (Cont'd)		
6. Motions for Rehearing on Direct Appeal a. On Docket: Pending September 1, 1991		
TOTAL ON DOCKET	2	
b. Dispositions: 2 Overruled	0	
TOTAL DISPOSITIONS	2	
Pending August 31, 1992	=	
7. Motions for Rehearing on Petitions to Publish Under Rule 90c, T.R.A.P. a. On Docket:		
a. On Docket:  Pending September 1, 1991		
TOTAL ON DOCKET	0	
b. Dispositions: 0	•	
TOTAL DISPOSITIONS	0	
Pending August 31, 1992	=	
8. Miscellaneous Motions		
Passed on by the Court During Year Ending August 31, 1992 (includes Rule 130(d), motions to dismiss, etc.)	709	
Pending August 31, 1992	72	
OPINIONS DELIVERED BY THE COURT DURING YE ENDING AUGUST 31, 1992	EAR	
Deciding Opinions	127	
Deciding Opinions	57	
Dissenting	7	
Concurring and dissenting	9	
On motion for rehearing		
TOTAL OPINIONS DELIVERED		23

## Activity for the Year Ending August 31, 1992 (Continued)

## OPINIONS DELIVERED BY THE SUPREME COURT

	DECIDIN	NG OPINIONS				Applica- tion denied	On Motion		Total
JUSTICES	Majority Opinions	Rule 133(b) Per Curiams	Concurring Opinions	Dissenting Opinions	and Dissenting	with Per <u>Curiam</u>	for Rehearing	Other Opinions	per Justice
THOMAS R. PHILLIP: Chief Justice	S 6	2	2	3	0	1	0	0	14
RAUL A. GONZALEZ Justice	9	5	4	9	1	0	0	0	28
OSCAR H. MAUZY Justice	6	11	3	11	1	1	0	0	33
EUGENE A. COOK Justice	13	10	2	5	0	0	1	1	32
JACK HIGHTOWER Justice	7	7	0	1	0	0	0	1	16
NATHAN L. HECHT Justice	9	7	4	6	1	2	0	1	30
LLOYD DOGGETT Justice	3	3	5	10	2	4	0	1	28
JOHN CORNYN Justice	11	2	5	6	1	1	0	0	26
BOB GAMMAGE Justice	. 7	9	1	6	1	0	0	2	28
TOTALS	71	56	26	57	7	9	1	6	233

Activity for the Year Ending August 31, 1992 (Continued)

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

OURT ND OCATION	Court of Appeals Affirmed	Ct. App. Aff'd part, and Rev'd part	Ct. App. Reversed, Trial Ct. Affirmed	Reversed, Remand to Court of Appeals	Reversed, Remand to Trial <u>Court</u>	Reversed and Rendered	Other	TOTAL FOR COURT
IRST Houston	5	0	0	4	4	2	0	15
ECOND Fort Worth	0	1	0	1	2	0	1	5
HIRD Austin	1	1	1	0	1	0	1	5
OURTH San Antonio	1	0	2	11	5	0	0	19
FIFTH Dallas	2	0	3	5	4	4	2	20
SIXTH Texarkana	0	0	1	1	1	0	2	5
SEVENTH Amarillo	0	1	0	0	4	0	1	6
EIGHTH EI Paso	1	1	1	0	1	2	1	7
NINTH Beaumont	1	0	1	0	1	1	2	6
TENTH Waco	0	0	0	0	1	0	0	1
ELEVENTH Eastland	0	0	3	0	0	0	0	3
TWELFTH Tyler	2	1	0	0	0	0	0	3
THIRTEENTH Corpus Christi	2	1	2	0	1	3	3	12
FOURTEENTH Houston	0	0	1	1	6	1	2	11
TOTAL	— 15	6	15	23	31	13	15	118

Activity for the Year Ending August 31, 1992 (Continued)

### APPLICATIONS FOR WRITS OF ERROR FILED IN THE SUPREME COURT (By County)

Name of County	Number of Applications	Name of County	Number of Applications	Name of County	Number of Applications	Name of County	Number of Applications
Harris	237	Williamson	6	Austin	2	Burnet	1
Dallas	118	Angelina	5	Bandera	2	Callahan	1
Bexar	76	Collin	5	Burleson	2	Childress	1
Tarrant	66	Comanche	5	Caldwell	2	Collingsworth	1
Travis	62	Ellis	5	Cherokee	2	Crane	1
Nueces	32	Guadalupe	5	Comal	2	Deaf Smith	1
Jefferson	21	Hopkins	5	Coryell	2	Erath	1
El Paso	20	Johnson	5	Grimes	2	Gaines	1
Hidalgo	18	Polk	5	Hale	2	Hays	1
Galveston	17	Reeves	5	Hunt	2	Henderson	1
Denton	16	Tom Green	5	Jasper	2	Hill	1
Cameron	15	Wichita	5	Jim Wells	2	Irion	1
Lubbock	13	Colorado	4	Kendall	2	Jackson	1
Brazos	11	Grayson	4	Kerr	2	Kaufman	1
Ector	10	Houston	4	Kleberg	2	Lee	1
Rusk	10	Howard	4	Live Oak	2	Lipscomb	1
Walker	10	Jack	4	Matagorda	2	Lynn	1
Harrison	9	Lamar	4	Medina	2	Madison	1
Midland	9	Liberty	4	Nacogdoches	2	Milam	1
Montgomery	9	Chambers	3	Ochiltree	2	Newton	1
Taylor	9	Cooke	3	Parker	2	Palo Pinto	1
Val Verde	9	Fannin	3	Stonewall	2	Pecos	1
Brazoria	8	Fort Bend	3	Tyler	2	Randall	1
Smith	8	Hardin	3	Victoria	2	Refugio	1
Anderson	7	Hood	3	Waller	2	Robertson	1
Bowie	7	Hutchinson	3	Wood	2	Stephens	1
Gregg	7	Navarro	3	Zapata	2	Titus	1
McLennan	7	Orange	3	Atascosa	1	Van Zandt	1
Potter	7	Red River	3	Bastrop	1	Ward	1
Bell	6	San Patricio	3	Bosque	1	Wheeler	1
Duval	6	Starr	3	Brooks	1	Wise	1
Webb	6	Young	3	Brown	1	Yoakum	1