# SUPREME COURT DOCKET ACTIVITY: FY 1998 - 2002

| | 1998 | 1999 | 2000 | 2001 | 2002 |
|---|---|---|---|---|---|
| **Causes/Cases Added** | | | | | |
| Regular Causes [1] | 115 | 107 | 116 | 119 | 118 |
| Other Than Regular Causes | 1,363 | 1,325 | 1,391 | 1,296 | 1,288 |
| *Disciplinary Appeals* | 13 | 9 | 7 | 5 | 7 |
| Motions | 1,518 | 1,592 | 1,720 | 1,642 | 1,778 |
| **Dispositions** | | | | | |
| Regular Causes | 108 | 118 | 111 | 118 | 112 |
| Other Than Regular Causes | 1,473 | 1,326 | 1,397 | 1,287 | 1,302 |
| *Disciplinary Appeals* | 8 | 14 | 5 | 10 | 4 |
| Motions | 1,615 | 1,606 | 1,672 | 1,600 | 1,812 |
| **Pending at the End of the FY** | | | | | |
| Regular Causes | 63 | 50 | 61 | 63 | 62 |
| Other Than Regular Causes | 359 | 364 | 370 | 380 | 371 |
| *Disciplinary Appeals* | 9 | 4 | 6 | 1 | 4 |
| Motions | 58 | 44 | 104 | 147 | 126 |

NOTE: Data for prior fiscal years are from the respective *Annual Reports of the Texas Judicial System*.

[1] "Regular causes" involve cases in which four or more of the Supreme Court justices have decided in conference that a petition for review, petition for writ of mandamus or habeas corpus, or parental notification appeal should be reviewed. Regular causes also include direct appeals the Court has agreed to review and questions of law certified to it by a federal appellate court that the Court has agreed to answer.

# SUPREME COURT DETAILED DOCKET ACTIVITY: FY 2002

| | *Pending: 9/1/2001*[2] | *Causes Added* | *Total on Docket* | *Dispositions* | *Pending: 8/31/2002* |
|---|---|---|---|---|---|
| **REGULAR CAUSES** | | | | | |
| Granted Petitions for Review | | 103 | | 97 | |
| Accepted Petitions for Writs of Mandamus | | 9 | | 9 | |
| Parental Notification Appeals | | 1 | | 1 | |
| Direct Appeals | | 4 | | 4 | |
| Reinstated Petition for Writ of Habeas Corpus | | 1 | | 1 | |
| **Total for Regular Causes** | **56** | **118** | **174** | **112** | **62** |
| **OTHER THAN REGULAR CAUSES** | | | | | |
| Petitions for Review | 329 | 986 | 1,315 | 1,001 | 314 |
| Mandamus | 53 | 269 | 322 | 269 | 53 |
| Habeas Corpus | 1 | 16 | 17 | 17 | 0 |
| Writs of Prohibition & Injunction | 0 | 4 | 4 | 3 | 1 |
| Direct Appeals | 0 | 10 | 10 | 8 | 2 |
| Certified Questions | 0 | 0 | 0 | 0 | 0 |
| Petitions for Certiorari | 0 | 0 | 0 | 0 | 0 |
| Petitions to Publish Under Rule 90c/47.3 | 2 | 1 | 3 | 2 | 1 |
| Petitions for Temporary Injunctions | 0 | 0 | 0 | 0 | 0 |
| Parental Notification Appeals | 0 | 2 | 2 | 2 | 0 |
| Emergency Stays | 0 | 0 | 0 | 0 | 0 |
| Appeals from Board of Disciplinary Appeals | 1 | 7 | 8 | 4 | 4 |
| **Total for Other than Regular Causes** | **386** | **1,295** | **1,681** | **1,306** | **375** |
| **MOTIONS** | | | | | |
| Rehearing of: Causes | 12 | 50 | 62 | 54 | 8 |
| Rehearing of: Petitions for Review | 10 | 242 | 252 | 230 | 22 |
| Rehearing of: Mandamus: Civil | 4 | 36 | 40 | 40 | 0 |
| Rehearing of: Habeas Corpus | 0 | 1 | 1 | 1 | 0 |
| Rehearing of: Writs of Prohibition & Injunction | 0 | 0 | 0 | 0 | 0 |
| Rehearing of: Direct Appeal | 0 | 2 | 2 | 2 | 0 |
| Rehearing of: Certified Questions | 0 | 0 | 0 | 0 | 0 |
| Rehearing of: Petitions to Publish Under Rule 90c/47.3 | 0 | 0 | 0 | 0 | 0 |
| Miscellaneous Motions | 134 | 1,447 | 1,581 | 1,485 | 96 |
| **Total for Motions** | **160** | **1,778** | **1,938** | **1,812** | **126** |
| **TOTAL FOR ALL** | **602** | **3,191** | **3,793** | **3,230** | **563** |

[2] Cases pending at the beginning of the fiscal year (September 1) may not equal cases pending at the end of the previous fiscal year (August 31) due to docket adjustments.

## FINAL DISPOSITION OF REGULAR CAUSES: FY 2002

| **Granted Petitions for Review** | # |
|---|---|
| Affirmed | 20 |
| Affirmed in part, reversed in part & remanded to trial court | 2 |
| Affirmed in part, reversed in part & judgment rendered | 6 |
| Reversed | 4 |
| Reversed & rendered | 21 |
| Reversed & remanded to court of appeals | 10 |
| Reversed, rendered in part, remanded to trial court | 1 |
| Reversed, rendered & remanded to court of appeals | 1 |
| Reversed in part | 1 |
| Reversed in part & remanded to trial court | 3 |
| Reversed & dismissed | 2 |
| Reversed, trial court affirmed | 1 |
| Reversed & dismissed without jurisdiction | 1 |
| Reversed & remanded to trial court | 12 |
| Vacated & remanded to court of appeals | 1 |
| Modified & remanded to trial court | 1 |
| Improvident grant – denied | 2 |
| Improvident grant – dismissed w/o jurisdiction | 1 |
| Dismissed | 3 |
| Withdrawn | 1 |
| Granted – case settled by agreement of the parties | 2 |
| Granted in part – case settled by agreement of the parties | 1 |
| TOTAL: Granted Petitions for Review | **97** |

| **Accepted Petitions for Writs of Mandamus** | # |
|---|---|
| Granted | 1 |
| Conditionally granted | 6 |
| Denied | 1 |
| Dismissed | 1 |
| TOTAL: Writs of Mandamus | **9** |

| **Parental Notification Appeals** | # |
|---|---|
| Reversed & rendered | **1** |

| **Direct Appeals** | # |
|---|---|
| Trial court reversed | 2 |
| Vacated & remanded to trial court | 1 |
| Reversed & remanded to trial court | 1 |
| TOTAL: Direct Appeals | **4** |

| **Habeas Corpus** | # |
|---|---|
| Denied | **1** |

**TOTAL DISPOSITIONS: 112**

## DISPOSITION OF OTHER THAN REGULAR CAUSES: FY 2002

| | ***Initial Review Granted / Accepted*** | ***Review Refused/ Denied*** | ***Dismissed*** | ***Dismissed w/o Jurisdiction*** | ***Abated*** | ***Struck*** | ***Trans-ferred*** | ***With-drawn*** | ***Total*** |
|---|---|---|---|---|---|---|---|---|---|
| Petitions for Review | 116 | 828 | 16 | 21 | 4 | 12 | 1 | 3 | **1,001** |
| Petitions for Writs of Mandamus: Civil | 20 | 202 | 22 | 6 | 3 | 6 | 9 | 1 | **269** |
| Petitions for Writs of Habeas Corpus | 0 | 10 | 6 | 1 | 0 | 0 | 0 | 0 | **17** |
| Petitions for Writs of Prohibition & Injunction | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | **3** |
| Direct Appeals | 2 | 0 | 0 | 6 | 0 | 0 | 0 | 0 | **8** |
| Certified Questions | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Petitions for Certiorari | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Petitions for Temporary Injunctions | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Petitions to Publish Under Rule 90c/47.3 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| Parental Notification Appeals | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| Emergency Stay | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Appeals from Board of Disciplinary Appeals | 2* | 0 | 2 | 0 | 0 | 0 | 0 | 0 | **4** |
| **TOTAL FOR ALL** | **142** | **1,042** | **48** | **35** | **7** | **18** | **10** | **4** | **1,306** |

NOTE: * Affirmed

## DISPOSITION OF MOTIONS: FY 2002

| | | *Denied* | *Granted* | *Dismissed* | *Dismissed WOJ* | *Returned* | *Struck* | *Withdrawn* | *Total* |
|---|---|---|---|---|---|---|---|---|---|
| Rehearing of | Causes | 47 | 2 | 0 | 0 | 4 | 0 | 1 | **54** |
| | Petition for Review | 218 | 9 | 2 | 0 | 0 | 1 | 0 | **230** |
| | Petition for Writ of Mandamus | 37 | 1 | 1 | 1 | 0 | 0 | 0 | **40** |
| | Habeas Corpus | 1 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| | Writs of Prohibition & Injunction | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| | Rehearing on Direct Appeal | 2 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| | Petitions to Publish Under Rule 90c/47.3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Miscellaneous Motions Passed on by Court | | 199 | 1,225 | 56 | 0 | 0 | 5 | 0 | **1,485** |
| **TOTAL FOR ALL MOTIONS** | | **504** | **1,237** | **59** | **1** | **4** | **6** | **1** | **1,812** |

## OPINIONS DELIVERED BY THE SUPREME COURT: FY 2002

| | |
|---|---|
| Deciding Opinions* | 107 |
| Concurring | 25 |
| Dissenting | 29 |
| Concurring and Dissenting | 4 |
| On Motion for Rehearing | 0 |
| Other Opinions | 0 |
| **TOTAL OPINIONS DELIVERED** | **165** |

* Includes majority and per curiam opinions.

## OPINIONS OF THE SUPREME COURT: FY 2002

| *Justices* | *Majority Opinions* | *Per Curiam Opinions* | *Concurring Opinions* | *Dissenting Opinions* | *Concurring and Dissenting* | *Total* |
|---|---|---|---|---|---|---|
| Chief Justice Thomas R. Phillips | 4 | 1 | 4 | 2 | 1 | 12 |
| Justice Nathan D. Hecht | 7 | 12 | 7 | 6 | 0 | 32 |
| Justice Craig T. Enoch | 13 | 3 | 3 | 3 | 2 | 24 |
| Justice Priscilla R. Owen | 3 | 0 | 3 | 2 | 0 | 8 |
| Justice James A. Baker | 16 | 6 | 2 | 9 | 0 | 33 |
| Justice Deborah G. Hankinson | 9 | 2 | 0 | 3 | 1 | 15 |
| Justice Harriet O' Neill | 11 | 3 | 0 | 2 | 0 | 16 |
| Justice Wallace B. Jefferson | 5 | 2 | 3 | 1 | 0 | 11 |
| Justice Xavier Rodriguez | 9 | 1 | 2 | 1 | 0 | 13 |
| Justice Scott A. Brister (appointed) | 0 | 0 | 1 | 0 | 0 | 1 |
| **TOTAL** | **77** | **30** | **25** | **29** | **4** | **165** |

# ACTION BY THE SUPREME COURT IN GRANTED PETITIONS FOR REVIEW BY COURT OF APPEALS: FY 2002

| | 1ST | 2ND | 3RD | 4TH | 5TH | 6TH | 7TH | 8TH | 9TH | 10TH | 11TH | 12TH | 13TH | 14TH | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **OPINIONS ISSUED** | | | | | | | | | | | | | | | |
| **Court of Appeals ruling is:** | | | | | | | | | | | | | | | |
| Affirmed | 4 | 0 | 7 | 3 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 2 | 1 | **20** |
| Affirmed in part, reversed in part & remanded to the trial court | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| Affirmed in part, reversed in part & judgment rendered | 1 | 0 | 0 | 2 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **6** |
| Reversed | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | **4** |
| Reversed & rendered | 2 | 2 | 2 | 2 | 0 | 0 | 1 | 2 | 2 | 4 | 0 | 0 | 2 | 2 | **21** |
| Reversed & remanded to Court of Appeals | 0 | 1 | 0 | 0 | 1 | 1 | 0 | 2 | 0 | 0 | 0 | 3 | 1 | 1 | **10** |
| Reversed, rendered in part & remanded to trial court | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| Reversed, rendered & remanded to Court of Appeals | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| Reversed in part | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| Reversed in part & remanded to trial court | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **3** |
| Reversed & case is dismissed | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | **2** |
| Reversed & trial court is ruling affirmed | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| Reversed & case is dismissed without jurisdiction | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| Reversed & remanded to trial court | 1 | 1 | 4 | 3 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | **12** |
| Vacated & case is remanded to Court of Appeals | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| Modified & remanded to Court of Appeals | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| Dismissed | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **2** |
| Withdrawn | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | **1** |
| **PETITIONS FOR REVIEW DISPOSED** | | | | | | | | | | | | | | | |
| Granted – case settled by agreement of the parties | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 1 | **3** |
| Writ improvidently granted & is denied | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | **2** |
| Writ improvidently granted & is dismissed without jurisdiction | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| Dismissed | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **1** |
| **TOTAL** | **13** | **7** | **19** | **11** | **5** | **4** | **5** | **5** | **4** | **5** | **3** | **3** | **7** | **6** | **97** |

## PETITIONS FOR REVIEW FILED BY COUNTY: FY 2002

| *County* | *Number* | *County* | *Number* | *County* | *Number* | *County* | *Number* |
|---|---|---|---|---|---|---|---|
| Harris | 185 | Williamson | 4 | Frio | 2 | Hardeman | 1 |
| Dallas | 159 | Bastrop | 3 | Goliad | 2 | Harrison | 1 |
| Travis | 69 | Bee | 3 | Gonzales | 2 | Hill | 1 |
| Tarrant | 64 | Calhoun | 3 | Guadalupe | 2 | Hockley | 1 |
| Bexar | 60 | Chambers | 3 | Henderson | 2 | Hutchinson | 1 |
| El Paso | 31 | Ector | 3 | Hopkins | 2 | Kendall | 1 |
| Nueces | 23 | Ellis | 3 | Houston | 2 | Kerr | 1 |
| Hidalgo | 20 | Erath | 3 | Leon | 2 | Kleberg | 1 |
| Jefferson | 20 | Hays | 3 | Liberty | 2 | Knox | 1 |
| Cameron | 16 | Hunt | 3 | Maverick | 2 | Llano | 1 |
| McLennan | 13 | Jasper | 3 | Panola | 2 | Madison | 1 |
| Collin | 12 | Limestone | 3 | Randall | 2 | Matagorda | 1 |
| Denton | 12 | Midland | 3 | Rusk | 2 | McCulloch | 1 |
| Galveston | 12 | Nacogdoches | 3 | Stephens | 2 | Medina | 1 |
| Brazoria | 10 | Scurry | 3 | Tyler | 2 | Navarro | 1 |
| Fort Bend | 8 | Shelby | 3 | Webb | 2 | Nolan | 1 |
| Gregg | 8 | Tom Green | 3 | Wharton | 2 | Parker | 1 |
| Montgomery | 8 | Angelina | 2 | Wood | 2 | Pecos | 1 |
| Potter | 8 | Austin | 2 | Aransas | 1 | Rockwall | 1 |
| Smith | 8 | Bell | 2 | Atascosa | 1 | Sabine | 1 |
| Grayson | 7 | Borden | 2 | Bandera | 1 | San Patricio | 1 |
| Anderson | 6 | Bowie | 2 | Bosque | 1 | San Saba | 1 |
| Lubbock | 6 | Brazos | 2 | Burleson | 1 | Starr | 1 |
| Colorado | 5 | Brown | 2 | Clay | 1 | Terry | 1 |
| Orange | 5 | Burnet | 2 | Comal | 1 | Titus | 1 |
| Victoria | 5 | Caldwell | 2 | Comanche | 1 | Upshur | 1 |
| Wichita | 5 | Coryell | 2 | Cooke | 1 | Van Zandt | 1 |
| Dawson | 4 | De Witt | 2 | Crockett | 1 | Wheeler | 1 |
| Hood | 4 | Duval | 2 | Crosby | 1 | Wilbarger | 1 |
| Johnson | 4 | Eastland | 2 | Gaines | 1 | Wise | 1 |
| Polk | 4 | Fannin | 2 | Gillespie | 1 | Young | 1 |
| Taylor | 4 | Fayette | 2 | Grimes | 1 | Zavala | 1 |
| Walker | 4 | Freestone | 2 | Hansford | 1 | | |

**GRAND TOTAL = 976**

## PETITIONS FOR REVIEW FILED BY COURT OF APPEALS: FY 2002

| *Court of Appeals* | *Filed* | *Court of Appeals* | *Filed* |
|---|---|---|---|
| 1st Houston | 88 | 8th El Paso | 50 |
| 2nd Fort Worth | 89 | 9th Beaumont | 36 |
| 3rd Austin | 95 | 10th Waco | 41 |
| 4th San Antonio | 81 | 11th Eastland | 44 |
| 5th Dallas | 152 | 12th Tyler | 34 |
| 6th Texarkana | 38 | 13th Corpus Christi | 91 |
| 7th Amarillo | 31 | 14th Houston | 106 |

**TOTAL = 976**