

# COURTS OF CIVIL APPEALS

The 14 courts of civil appeals exercise intermediate appellate jurisdiction in civil cases. Each court has geographical jurisdiction in a supreme judicial district. Each of the courts has three justices, for a total of 42 intermediate appellate justices in the state.

Cases filed in all the courts of civil appeals during 1977 increased 8 percent over 1976 and were 35 percent higher than the ten-year average. More new cases were filed in 1977 than in 1976 in all but six courts. Of the courts with increased filings, the El Paso court experienced the largest percentage increase — 54 percent (38 cases) — and the First Court in Houston the largest increase in actual number of filings — 44 cases. The Dallas Court continued to receive more new filings than any of the other courts — 346, compared to the average of 141 (Figure 5). The two courts at Houston, each of which have jurisdiction over the same geographical area, received a total of 443 new cases, 25 cases more than in 1976.

In 1977, the courts of civil appeals together disposed of 64 percent of the cases filed during the year or carried over from 1976, the same as the previous year. The 1,898 dispositions were 32 percent higher than the ten-year average of 1,434 and eleven percent higher than 1976's 1,717 dispositions. The Dallas Court had the highest number of dispositions — 181 — compared to the average for the 14 courts of 136. All but two of the courts disposed of more cases in 1977 than in 1976.

In 1977, a total of 1,771 opinions were written by the courts of civil appeals, compared to 1,562 in 1976. The Beaumont Court wrote the largest number of opinions — 163 — compared to the average per court of 127 (up from 112 in 1976).

The average number of written opinions per justice for all courts was 42, up from 37 in 1976.

The courts of civil appeals reversed, at least in part, the decision of the trial court in 27 percent of the cases disposed, compared to 28 percent in 1976.

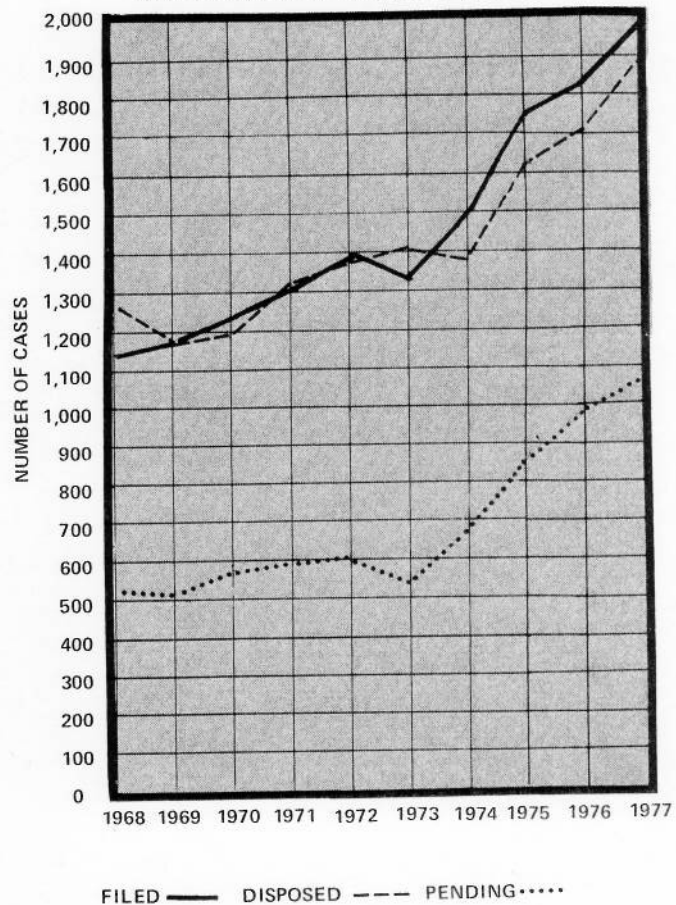
At the end of 1977, 1,080 cases remained on the courts of civil appeals dockets for subsequent disposition, a 10 percent increase over the previous year. The number of cases pending at the end of 1977 was 57 percent higher than the ten-year average of 689. Of the 1,080 cases pending December 31, 1977, 194 had been on the docket six to 12 months and 9 had been pending more than a year.

One hundred two cases were pending on the docket of the Dallas Court at the close of the year. The number for the other courts ranged down to 50 at Texarkana. The average number pending for all courts was 77, up from 70 at the end of 1976.

The average lapse of time between the filing of a case in a court of civil appeals and its disposition ranged from 4 1/4 months in the Dallas and Waco Courts to 8 1/4 months in the Amarillo Court. The average for all courts was 6 months, up from 5 1/2 months in 1976.

While the 14 courts of civil appeals operate to a large extent as autonomous courts in specific geographical areas, some desirable aspects of unification are achieved by transfer of cases among the courts by order of the Supreme Court pursuant to Article 1738, V.A.T.S. The Supreme Court transferred 415 cases during 1977, 18 percent more than 351 transferred in 1976.

Figure 3. COURTS OF CIVIL APPEALS  
Cases filed, disposed and pending 1968-1977

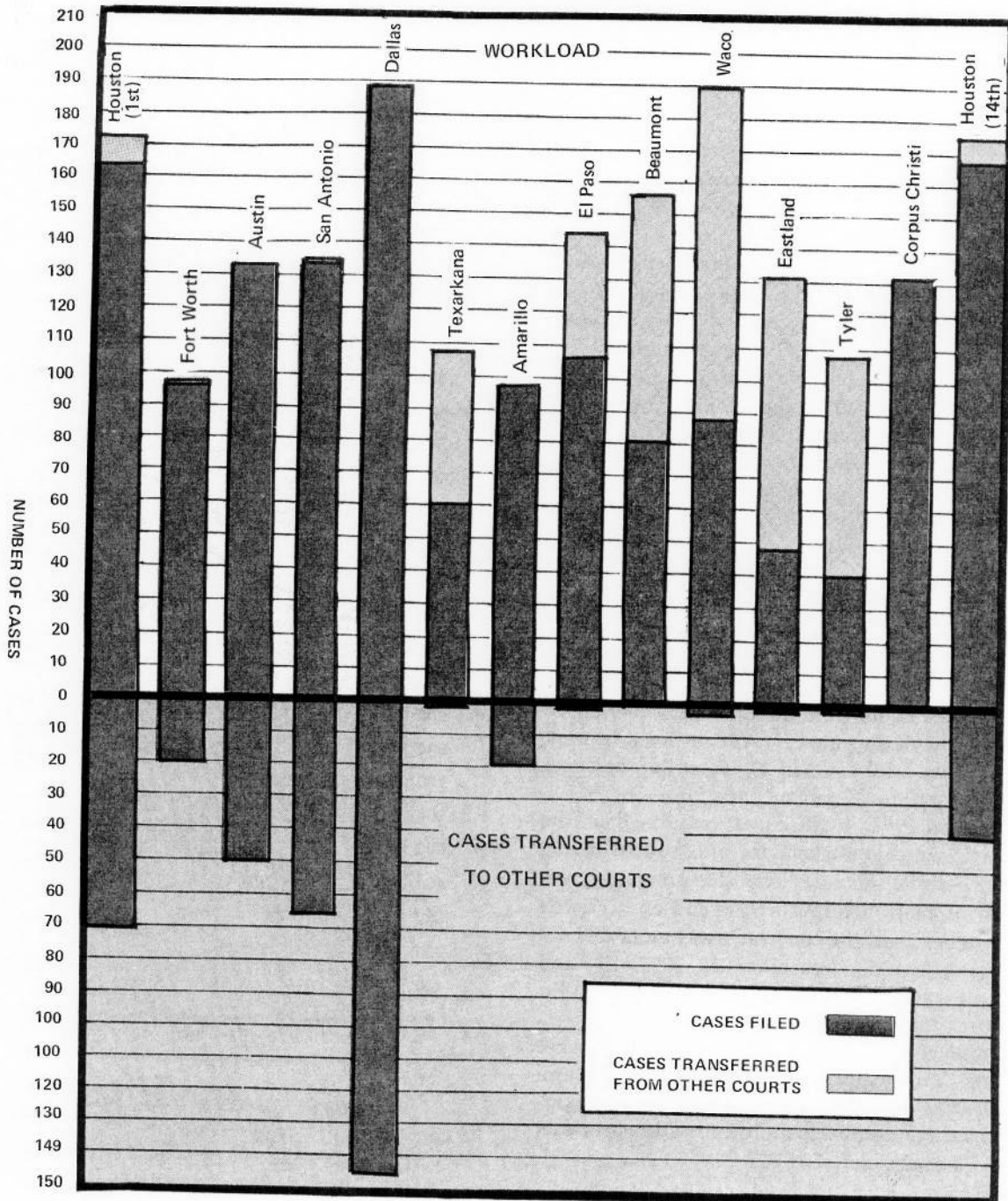


The Dallas Court received the most relief from these transfers: of the 415 cases transferred to other courts (disregarding transfers between the two Houston Courts), 157 were transferred from the Dallas Court. The Eastland and Waco Courts received the most transferred cases — 85 and 101, respectively.

The net result of these transfers for the year 1977

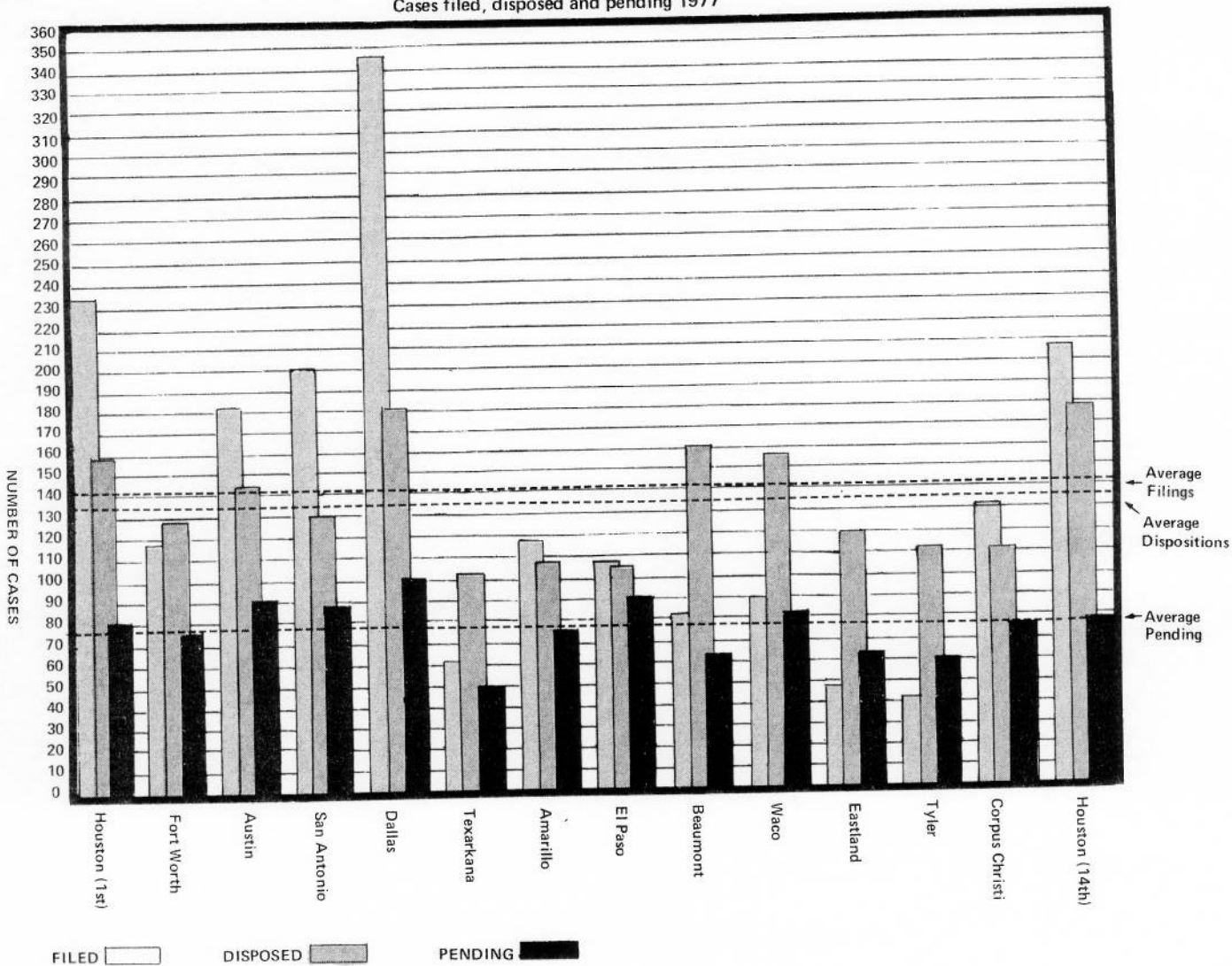
is shown in Figure 4. The workload of the courts after transfers were made is shown by the total bar above the center line. This workload ranged from 97 cases at Amarillo and 98 at Fort Worth to 189 in Dallas and Waco, a range considerably narrower than the range of filings (41 at Tyler to 346 at Dallas).

Figure 4. COURTS OF CIVIL APPEALS  
Workloads and cases transferred 1977



NUMBER OF CASES

Figure 5. COURTS OF CIVIL APPEALS  
Cases filed, disposed and pending 1977



# COURTS OF CIVIL APPEALS

## 1977 Statistics

	FIRST AT HOUSTON	SECOND AT FORT WORTH	THIRD AT AUSTIN	FOURTH AT SAN ANTONIO	FIFTH AT DALLAS	SIXTH AT TEXARKANA	SEVENTH AT AMARILLO	EIGHTH AT EL PASO	NINTH AT BEAUMONT	TENTH AT WACO	ELEVENTH AT EASTLAND	TWELFTH AT TYLER	THIRTEENTH AT CORPUS CHRISTI	FOURTEENTH AT HOUSTON	TOTALS
1. Cases pending January 1	67	102	96	85	91	44	86	52	66	43	50	60	55	81	978
2. New cases filed	235	*117	#183	201	346	62	*117	108	81	*90	48	*41	132	208	1969
3. Cases transferred in	9	1	0	1	0	47	0	37	75	101	85	68	0	7	431
4. Cases transferred out	71	20	50	67	157	1	20	1	0	2	1	1	0	40	431
5. Rehearings granted	3	5	5	0	3	0	0	1	2	5	2	4	1	0	31
6. Cases affirmed	69	61	68	47	56	47	53	48	78	80	53	65	58	80	863
7. Cases modified and/or reformed and affirmed	2	3	4	5	6	4	5	2	2	6	2	1	4	5	51
8. Cases affirmed in part and in part reversed and remanded	2	5	2	3	6	1	1	2	2	1	1	2	3	4	35
9. Cases affirmed in part and in part reversed and rendered	1	5	1	0	3	0	1	3	2	2	5	1	5	7	36
10. Cases reversed and remanded	29	18	20	22	33	14	15	11	29	37	26	14	17	20	305
11. Cases reversed and rendered	8	10	10	10	12	9	12	7	18	5	12	9	7	9	138
12. Cases dismissed:															
(a) with written opinion	4	2	7	16	6	13	8	7	9	14	8	17	8	1	125
(b) without written opinion	18	15	16	19	30	2	11	12	13	0	10	0	0	20	166
13. Cases otherwise disposed:															
(a) with written opinion	19	9	6	4	20	12	2	10	6	6	3	3	9	17	126
(b) without written opinion	7	1	9	4	9	0	0	4	2	0	0	0	1	16	53
14. Total cases disposed of	159	129	133	130	181	102	108	106	161	156	120	112	112	179	1898
15. Total cases decided:															
(a) including dismissals with opinion	134	113	118	107	142	100	97	90	146	156	110	112	111	143	1679
(b) excluding dismissals with opinion	130	111	111	91	136	87	89	83	137	137	102	95	103	142	1554
16. Cases pending December 31	84	76	91	90	102	50	75	91	63	81	64	60	76	77	1080
On docket:															
(a) pending up to 6 months	79	53	72	67	99	35	53	61	53	75	55	52	50	73	877
(b) pending from 6 to 12 months	1	23	19	22	3	14	22	27	10	6	9	8	26	4	194
(c) pending over 12 months	4	0	0	1	0	1	0	3	0	0	0	0	0	0	9
Average time between dates of filing and disposition (months)	4½	7½	6	6	4½	7	8½	6½	4½	4½	5½	7	7½	6½	6

\*Includes 1 case remanded from the Supreme Court

# Courts of Civil Appeals

## 1977 Statistics (Continued)

OPINIONS WRITTEN BY JUSTICES OF THE COURTS OF CIVIL APPEALS

1977

COURT AND JUSTICES	ORIGINAL OPINIONS OF THE COURT ON MERITS	CON- CURRING OPINIONS	DIS- SENTING OPINIONS	OPINIONS REFUSING REHEARING	OPINIONS GRANTING REHEARING	OPINIONS DISMISSING APPEAL	PER CURIAM	TOTAL PER JUSTICE	TOTAL PER COURT
<b>FIRST</b>									
Tom F. Coleman	42			1		1		44)	
Frank G. Evans	39					1		40)	134
Phil Peden	42	1	2		1	2		48)	
							2	2)	
<b>SECOND</b>									
Frank A. Massey	36	1	1		2			40)	
W. A. Hughes, Jr.	33							33)	112
Joe Spurlock	31				3			34)	
							5	5)	
<b>THIRD</b>									
John C. Phillips	28		1					29)	
Truceman O'Quinn	34							34)	121
Bob Shannon	42	1	1		5	5		54)	
							4	4)	
<b>FOURTH</b>									
<sup>1</sup> Charles W. Barrow	28	2	1			1		32)	
Carlos C. Cadena	19	4	6					29)	
Fred V. Klingeman	28					2		30)	120
<sup>2</sup> Robert R. Murray	13		1			1		15)	
							14	14)	
<b>FIFTH</b>									
Clarence A. Guttard	43	1	2	7		2		55)	
Ted M. Akin	42	1	5	3	4	1		56)	161
Ted Z. Robertson	42		2	2		2		48)	
							2	2)	
<b>SIXTH</b>									
<sup>3</sup> T. C. Chadick	20					3		23)	
Bill Cornelius	31			2	1	5		39)	106
C. L. Ray, Jr.	29		1	2		5		37)	
<sup>4</sup> Stephen Oden	7							7)	
<b>SEVENTH</b>									
<sup>5</sup> James Ellis	23			2				25)	
Mary Lou Robinson	27		1					28)	
Charles Reynolds	29	3	1	1		1		35)	105
<sup>6</sup> Carlton B. Dodson	6							6)	
							11	11)	
<b>EIGHTH</b>									
S. F. Preslar	26		4			1		31)	
Max N. Osborn	32	1				2		36)	99
William E. Ward	24	2						26)	
							6	6)	
<b>NINTH</b>									
Martin Dies, Jr.	35	1	4			1		42)	
Quentin Keith	56	3½	3½		1	1		65)	
<sup>7</sup> H. E. Stephenson	23	2	4					29)	163
<sup>8</sup> Harold R. Clayton	17							17)	
							10	10)	
<b>TENTH</b>									
Frank G. McDonald	48				2	8		58)	
Vic Hall	50	1	1		3	3		58)	160
John A. James, Jr.	34		2			8		44)	
<b>ELEVENTH</b>									
Austin O. McCloud	30					2		32)	
Raleigh Brown	38			1	1	6		46)	117
Esco Walter	35		2		1	1		39)	
<b>TWELFTH</b>									
Olis T. Dunagan	33			1	2			36)	
James H. Moore	28				1	2		31)	114
Connally McKay	29			1				30)	
							17	17)	
<b>THIRTEENTH</b>									
Paul W. Nye	31		1	1	1			34)	
Gerald T. Bissett	35			1				36)	115
Horace S. Young	34							34)	
							11	11)	
<b>FOURTEENTH</b>									
Curtiss Brown	53		1			1		55)	
Edward D. Coulson	45			½	1½			47)	144
George E. Cire	41							41)	
							1	1)	
<b>TOTALS</b>	<b>1491</b>	<b>24½</b>	<b>47½</b>	<b>25½</b>	<b>31½</b>	<b>68</b>	<b>83</b>	<b>1771</b>	<b>1771</b>

<sup>1</sup>Appointed to Supreme Court effective 7-15-77  
<sup>2</sup>Appointed effective 9-1-77  
<sup>3</sup>Appointed to Supreme Court effective 10-6-77  
<sup>4</sup>Appointed effective 10-6-77  
<sup>5</sup>Retired effective 8-31-77  
<sup>6</sup>Appointed effective 9-1-77  
<sup>7</sup>Retired effective 8-31-77  
<sup>8</sup>Appointed effective 9-1-77

**Courts of Civil Appeals**  
**1977 Statistics**  
*(Continued)*

CASES FILED										
COURT AND LOCATION	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977
FIRST AT HOUSTON	161	154	139	153	181	187	170	189	191	235
SECOND AT FORT WORTH	94	83	110	98	97	100	115	119	141	116
THIRD AT AUSTIN	70	74	87	99	105	115	123	148	162	182
FOURTH AT SAN ANTONIO	91	85	103	90	112	115	114	172	195	201
FIFTH AT DALLAS	177	175	187	236	236	207	258	301	304	346
SIXTH AT TEXARKANA	43	31	39	47	62	54	48	54	49	62
SEVENTH AT AMARILLO	94	117	101	102	100	98	99	113	120	116
EIGHTH AT EL PASO	65	73	75	76	65	56	65	70	70	108
NINTH AT BEAUMONT	67	61	48	67	94	78	79	80	82	81
TENTH AT WACO	51	54	54	48	54	38	54	60	73	89
ELEVENTH AT EASTLAND	33	46	60	54	47	23	62	54	53	48
TWELFTH AT TYLER	41	46	54	52	53	40	47	60	63	40
THIRTEENTH AT CORPUS CHRISTI	86	51	72	94	75	76	107	113	94	132
FOURTEENTH AT HOUSTON	60	103	99	112	116	145	161	231	227	208
TOTALS	1,133	1,153	1,228	1,328	1,397	1,332	1,502	1,764	1,824	1,969