

# COURTS OF CIVIL APPEALS 1978

The 14 courts of civil appeals exercise intermediate appellate jurisdiction in civil cases. Each court has geographical jurisdiction in a supreme judicial district. Seven of the courts have three justices and three have six, for a total of 51 intermediate appellate justices in the State. (The First and Fourteenth Courts in Houston and the Fifth in Dallas were expanded from three to six justices effective December 1, 1978.)

Cases filed in all the courts of civil appeals during 1978 increased 10 percent over 1977 and were 39 percent higher than the ten-year average. More new cases were filed in 1978 than in 1977 in all but four courts. Of the courts with increased filings, the Tyler Court experienced the largest percentage increase — 44 percent (18 cases) — and the Austin Court the largest increase in actual number of filings — 45 cases. The Dallas Court continued to receive more new filings than any of the other courts — 358 compared to the average of 155 (Figure 5). The two courts at Houston, each of which have jurisdiction over the same geographical area, received a total of 520 new cases, 77 cases more than in 1977.

In 1978, the courts of civil appeals together disposed of 61 percent of the cases filed during the year or carried over from 1977, compared to 64 percent during the previous year. The 1,987 dispositions were 32 percent higher than the ten-year average of 1,506 and five percent higher than 1977's 1,898 dispositions. The First Court in Houston had the highest number of dispositions — 183 compared to the average for the 14 courts of 142.

In 1978, a total of 1,896 opinions were written by the courts of civil appeals, compared to 1,771 in 1977. The Beaumont Court wrote the largest number of opinions — 160 — compared to the average per court of 135 (up from 127 in 1977).

The average number of written opinions per justice for all courts was 45, up from 42 in 1977.

The courts of civil appeals reversed, at least in part, the decision of the trial court in 28 percent of the cases disposed, the same as in 1977.

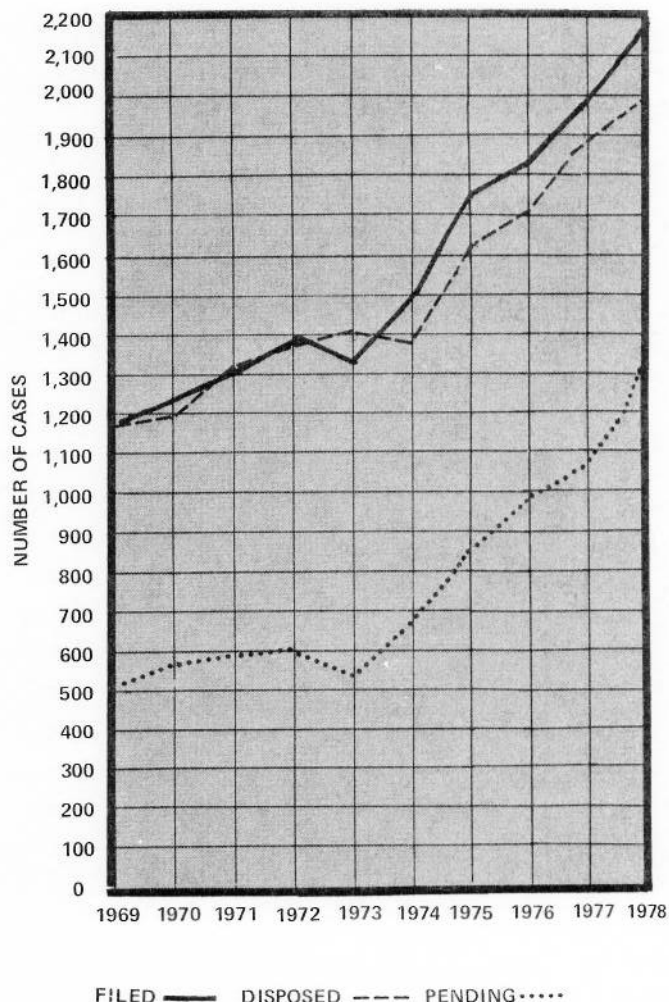
At the end of 1978, 1,304 cases remained on the courts of civil appeals dockets for subsequent disposition, a 21 percent increase over the previous year. The number of cases pending at the end of 1978 was 70 percent higher than the ten-year average of 767. Of the 1,304 cases pending December 31, 1978, 283 had been on the docket six to 12 months and 13 had been pending more than a year.

One hundred twenty-six cases were pending on the docket of the Fourteenth Court in Houston at the close of the year. The number for the other courts ranged down to 58 at Beaumont. The average number pending for all courts was 93, up from 73 at the end of 1977.

The average lapse of time between the filing of a case in a court of civil appeals and its disposition ranged from 4¼ months in the Dallas Court to 8¼ months in the El Paso Court. The average for all courts was 6 months, the same as during 1977. The average lapse of time from the submission of a case to the court and its disposition ranged from one-half of a month in the Houston (First) and Fort Worth Courts to 4¼ months in the Texarkana Court. The average for all courts was 1¾ months.

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.T.C.S. The Supreme Court transferred 407 cases during 1978, compared to 415 transferred in 1977.

**Figure 3. COURTS OF CIVIL APPEALS**  
Cases filed, disposed and pending 1969-1978



The Dallas Court received the most relief from these transfers; of the 407 cases transferred to other courts (disregarding transfers between the two Houston Courts), 192 were transferred from the Dallas Court. The Eastland Court received the most transferred cases — 102.

The net result of these transfers for the year 1978 is shown

in Figure 5. The workload of the courts after transfers were made is shown by the total bar above the center line. This workload ranged from 93 cases at El Paso to 223 in the Fourteenth Court in Houston, a range considerably narrower than the range of filings (51 at Eastland to 358 in Dallas).

Figure 4. COURTS OF CIVIL APPEALS  
Cases filed, disposed and pending 1978

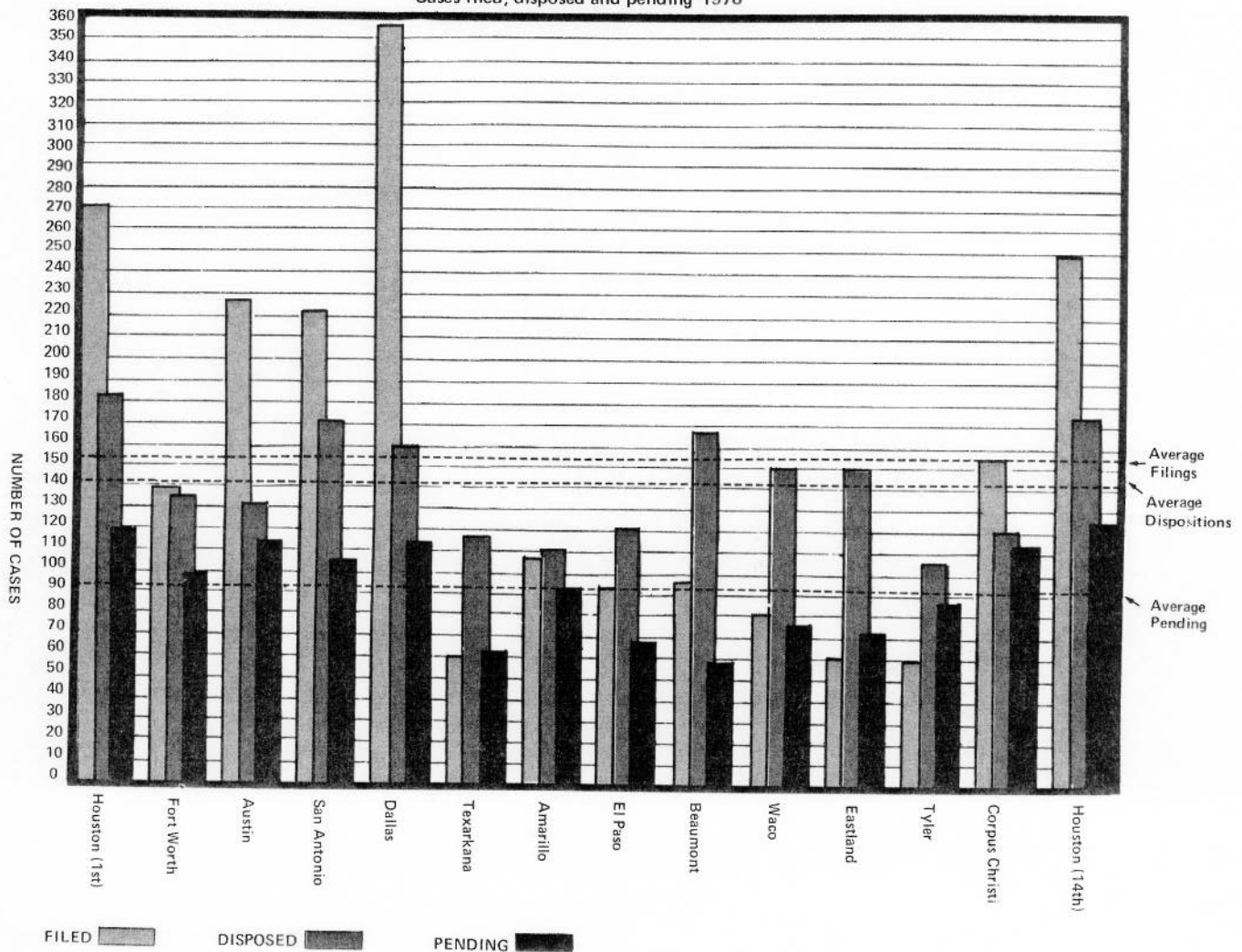
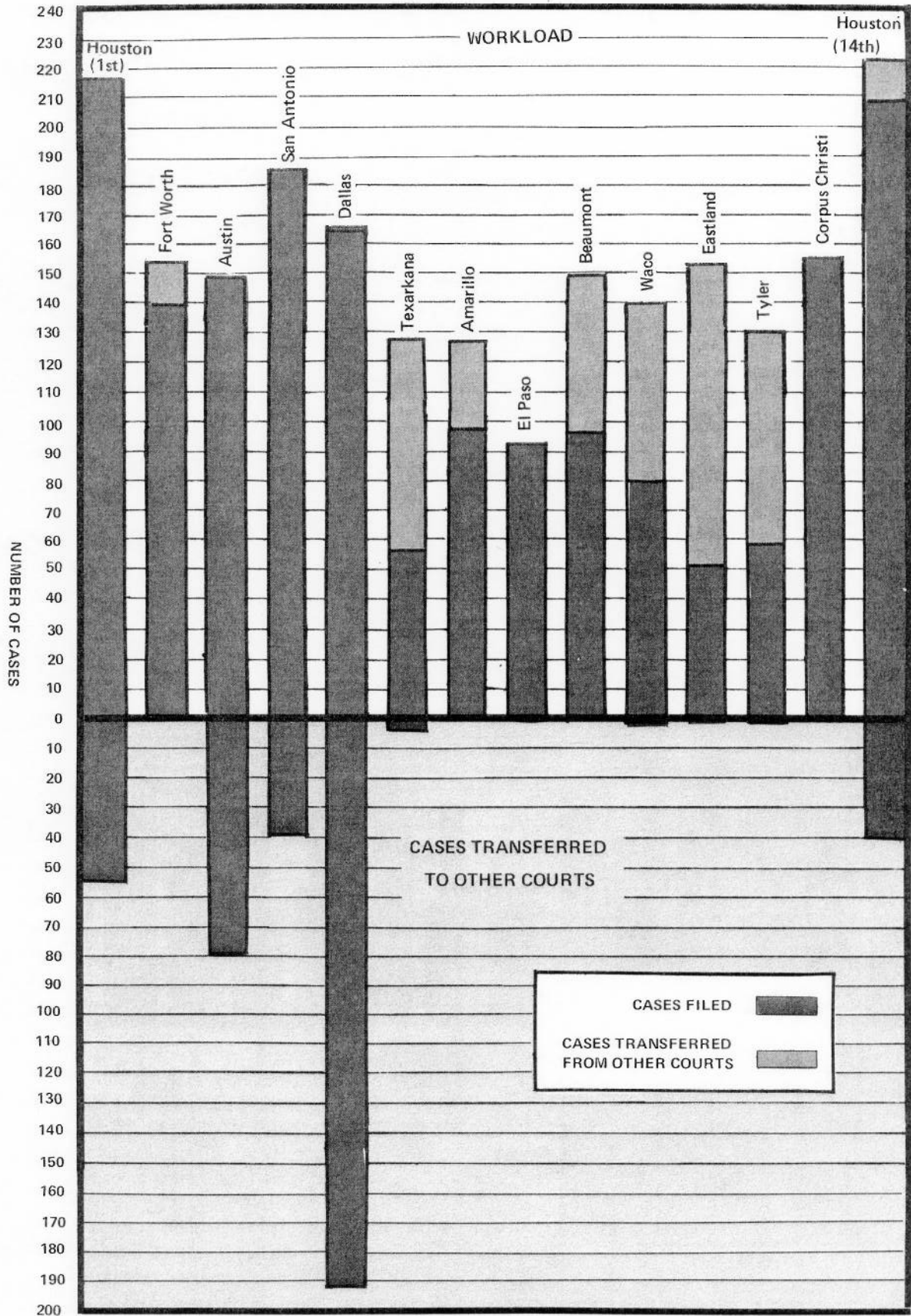


Figure 5. COURTS OF CIVIL APPEALS  
Workloads and cases transferred 1978



# COURTS OF CIVIL APPEALS

## 1978 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
Cases pending January 1, 1978	84	76	91	90	102	50	75	91	63	81	64	60	76	77	1,080
New cases filed	271	139	122	223	358	360	107	93	97	81	95	59	156	124	2,172
Cases transferred in	0	15	0	0	1	71	20	0	52	60	102	72	0	14	407
Cases transferred out	54	0	79	37	192	3	0	0	0	1	0	1	0	40	407
Rehearings granted	1	4	4	0	3	1	2	4	4	5	5	3	3	0	39
Cases affirmed	65	71	58	66	64	51	50	64	76	70	63	48	58	52	856
Cases modified and/or reformed and affirmed	2	3	1	3	3	5	5	1	5	12	4	4	2	3	53
Cases affirmed in part and in part reversed and remanded	3	3	0	4	3	2	0	3	3	3	3	3	3	1	34
Cases affirmed in part and in part reversed and rendered	0	3	3	1	0	0	1	3	4	1	0	2	2	2	22
Cases reversed and remanded	39	13	11	19	21	25	21	19	38	33	32	17	23	32	343
Cases reversed and rendered	10	11	24	9	15	9	11	6	6	0	17	8	16	7	149
Cases dismissed:															
with written opinion	8	3	5	12	1	13	10	7	5	22	5	14	8	4	117
without written opinion	40	19	12	21	38	0	9	6	11	0	9	0	0	25	190
Cases otherwise disposed:															
with written opinion	12	7	14	18	11	11	4	10	9	9	14	6	9	28	162
without written opinion	4	2	3	18	4	1	0	2	1	0	3	3	0	20	61
Total cases disposed	183	135	131	171	160	117	111	121	158	150	150	105	121	174	1,987
Total cases decided:															
including dismissals with opinion	139	114	116	132	118	116	102	113	146	150	138	102	121	129	1,736
excluding dismissals with opinion	131	111	111	120	117	103	92	106	141	128	133	88	113	125	1,619
Cases pending December 31, 1978	119	99	113	105	112	62	93	67	58	76	72	88	114	126	1,304
pending up to 6 months	112	63	90	83	95	42	62	51	38	70	67	57	74	105	1,009
pending from 6 to 12 months	5	35	21	22	17	20	31	15	20	3	5	29	39	21	283
pending over 12 months	2	1	2	0	0	0	0	1	0	3	1	2	1	0	13
Average time between date of filing and disposition (months)	4 1/2	6 3/4	6 1/2	6	4 1/4	7	7 1/4	8 1/4	5 1/4	5 1/2	5 1/2	6 1/4	7 1/2	4 3/4	6
Average time between date of submission and disposition (months)	1/2	1/2	2	3 1/4	1	4 1/4	1 1/2	3 1/2	3/4	2	1 3/4	1 1/4	2 1/2	3/4	1 3/4

<sup>1</sup>Includes one case remanded from the Supreme Court.

<sup>2</sup>Includes one case reinstated.

<sup>3</sup>Includes one case severed.

<sup>4</sup>Includes 2 cases remanded from the Supreme Court.

<sup>5</sup>Includes 3 cases remanded from the Supreme Court.

## Courts of Civil Appeals 1978 Statistics (Continued)

OPINIONS WRITTEN BY JUSTICES OF THE COURTS OF CIVIL APPEALS									
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	OTHER OPINIONS	TOTAL PER JUSTICE	TOTAL PER COURT
<b>FIRST</b>									
Tom F. Coleman	41	0	0	0	0	3	2	46)	141
Frank G. Evans	43	0	0	1	0	4	3	51)	
Phil Peden	38	0	0	1	1	2	1	43)	
Henry E. Doyle	1	0	0	0	0	0	0	1)	
<b>SECOND</b>									
Frank A. Massey	36	1	1	0	2	1	0	41)	125
W. A. Hughes, Jr.	32	0	0	0	2	1	1	36)	
Joe Spurlock	39	0	0	1	0	1	2	43)	
Per Curiam	0	0	0	0	0	0	5	5)	
<b>THIRD</b>									
John C. Phillips	31	0	2	0	1	0	0	34)	123
Trueman O'Quinn	35	0	1	0	0	0	0	36)	
Bob Shannon	36	1	1	2	3	1	1	45)	
Per Curiam	3	0	0	0	0	4	1	8)	
<b>FOURTH</b>									
Carlos C. Cadena	29	1	3	1	0	2	0	36)	147
Fred V. Klingeman	34	0	1	0	0	0	3	38)	
Robert R. Murray	54	0	0	0	0	0	1	55)	
Per Curiam	3	0	0	0	0	10	5	18)	
<b>FIFTH</b>									
Clarence A. Guittard	33	0	2	1	1	0	4	41)	133
Ted M. Akin	30	0	3	2	0	0	4	39)	
Ted Z. Robertson	43	0	0	2	1	1	4	51)	
Joe Bailey Humphreys	1	0	0	0	0	0	0	1)	
Per Curiam	0	0	0	0	0	0	1	1)	
<b>SIXTH</b>									
William J. Cornelius	32	0	1	3	0	3	0	39)	125
C. L. Ray, Jr.	28	2	1	2	0	3	0	36)	
Stephen Oden	28	0	0	0	0	5	0	33)	
Bun L. Hutchinson	14	0	0	0	1	2	0	17)	
<b>SEVENTH</b>									
Mary Lou Robinson	23	0	0	0	0	0	0	23)	109
Charles Reynolds	30	½	2½	1	2	0	0	36)	
Carlton B. Dodson	29	1	0	2	0	1	0	33)	
Per Curiam	7	0	0	0	0	9	1	17)	
<b>EIGHTH</b>									
S. F. Prestlar	33	1	4	1	0	2	0	41)	143
Max N. Osborn	35	4	1	6	3	1	0	50)	
William E. Ward	30	0	1	5	1	2	0	39)	
Per Curiam	4	0	0	0	0	2	7	13)	
<b>NINTH</b>									
Martin Dies, Jr.	44	0	1	0	1	0	0	46)	160
Quentin Keith	48	3½	7½	0	2	1	1	63)	
Harold R. Clayton	43	0	0	0	1	1	1	46)	
Per Curiam	1	0	0	0	0	3	1	5)	
<b>TENTH</b>									
Frank G. McDonald	44	0	0	0	1	8	0	53)	154
Vic Hall	37	3	0	0	3	7	0	50)	
John A. James, Jr.	42	0	1	0	1	7	0	51)	
<b>ELEVENTH</b>									
Austin O. McCloud	34	0	0	5	2	3	1	45)	158
Raleigh Brown	46	0	1	4	2	1	0	54)	
Esco Walter	15	0	0	1	1	0	0	17)	
Bryan Bradbury	16	0	0	1	0	0	1	18)	
Charles Robert Dickenson	14	0	0	3	0	0	0	17)	
Per Curiam	5	0	0	0	0	1	1	7)	
<b>TWELFTH</b>									
Otis T. Dunagan	25	0	0	1	0	0	0	26)	107
James H. Moore	31	0	2	0	1	0	0	34)	
Connally McKay	28	0	1	0	2	1	1	33)	
J. W. Summers	1	0	0	0	0	0	0	1)	
Per Curiam	0	0	0	0	0	13	0	13)	
<b>THIRTEENTH</b>									
Paul W. Nye	36	1	4	1	2	0	1	45)	137
Gerald T. Bissett	36	0	1	2	1	0	1	41)	
Horace S. Young	36	0	0	2	0	0	0	38)	
Per Curiam	2	0	0	0	0	8	3	13)	
<b>FOURTEENTH</b>									
Curtiss Brown	38	0	1	0	0	2	1	42)	134
Edward D. Coulson	39	0	0	2	0	0	1	42)	
George E. Cire	42	0	1	2	0	2	0	47)	
Per Curiam	3	0	0	0	0	0	0	3)	
<b>TOTALS</b>	<b>1,561</b>	<b>19</b>	<b>45</b>	<b>55</b>	<b>38</b>	<b>118</b>	<b>60</b>	<b>1,896</b>	<b>1,896</b>

\*Ordinarily these are comparable to an original opinion on the merits.  
<sup>1</sup>Appointed when Court was expanded to 6 justices effective 12-1-1978.  
<sup>2</sup>Resigned effective 10-1-1978.  
<sup>3</sup>Appointed effective 10-6-1978.  
<sup>4</sup>Retired effective 3-31-1978.  
<sup>5</sup>Appointed effective 4-1-1978 and resigned effective 8-31-1978.  
<sup>6</sup>Appointed effective 9-1-1978.  
<sup>7</sup>Retired effective 10-31-1978.  
<sup>8</sup>Appointed effective 11-1-1978.

**Courts of Civil Appeals**  
**1978 Statistics (Continued)**

CASES FILED										
COURT AND LOCATION	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978
FIRST AT HOUSTON	154	139	153	181	187	170	189	191	235	271
SECOND AT FORT WORTH	83	110	98	97	100	115	119	141	116	139
THIRD AT AUSTIN	74	87	99	105	115	123	148	162	182	228
FOURTH AT SAN ANTONIO	85	103	90	112	115	114	172	195	201	223
FIFTH AT DALLAS	175	187	236	236	207	258	301	304	346	358
SIXTH AT TEXARKANA	31	39	47	62	54	48	54	49	62	60
SEVENTH AT AMARILLO	117	101	102	100	98	99	113	120	116	107
EIGHTH AT EL PASO	73	75	76	65	56	65	70	70	108	93
NINTH AT BEAUMONT	61	48	67	94	78	79	80	82	81	97
TENTH AT WACO	54	54	48	54	38	54	60	73	89	81
ELEVENTH AT EASTLAND	46	60	54	47	23	62	54	53	48	51
TWELFTH AT TYLER	46	54	52	53	40	47	60	63	40	59
THIRTEENTH AT CORPUS CHRISTI	51	72	94	75	76	107	113	94	132	156
FOURTEENTH AT HOUSTON	103	99	112	116	145	161	231	227	208	249
TOTALS	1,153	1,228	1,328	1,397	1,332	1,502	1,764	1,824	1,969	2,172