COURTS OF CIVIL APPEALS
1979 Statistics

The 14 courts of civil appeals exercise intermediate appellate jurisdiction in civil cases. Each court has geograpical 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 1979 increased 13 percent over 1978 and were 44 percent higher than the ten-year average. More new cases were filed in 1979 than in 1978 in all but the Austin and Texarkana courts. Of the courts with increased filings, the Amarillo Court experienced the largest percentage increase - 37 percent (40 cases) - and the Dallas Court the largest increase in actual number of filings - 116 cases. The Dallas Court continued to receive more new filings than any of the other courts - 474 compared to the average of 175 (Figure 4). The two courts at Houston, each of which have jurisdiction over the same geographical area, received a total of 550 new cases, 30 cases more than in 1978.

In 1979, the courts of civil appeals together disposed of 61 percent of the cases filed during the year or carried over from 1978, the same as during the previous year. The 3,299 dispositions were 42 percent higher than the ten-year average of 1,619 and 16 percent higher than 1978's 1,987 dispositions. The Dallas Court had the highest number of dispositions - 288 compared to the average for the 14 courts of 164.

In 1979, a total of 2,080 opinions were written by the courts of civil appeals, compared to 1,896 in 1978. The Dallas Court wrote the largest number of opinions - 229 - compared to the average per court of 149 (up from 135 in 1978).

The average number of written opinions per justice for all courts was 41, down from 45 in 1978.

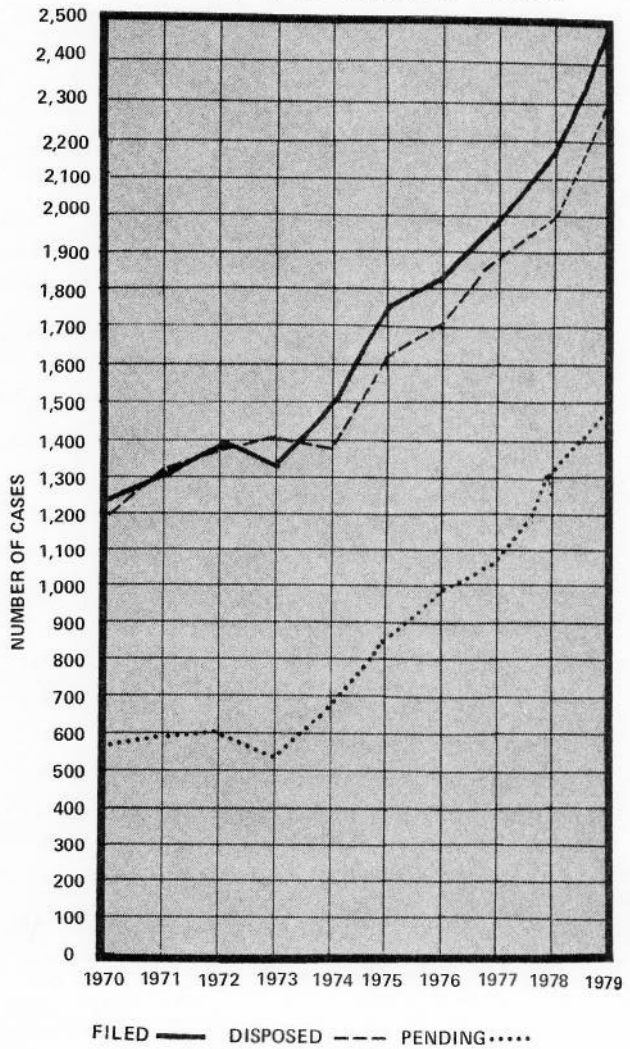
The courts of civil appeals reversed, at least in part, the decision of the trial court in 25 percent of the cases disposed, three percent less than during 1978.

At the end of 1979, 1,479 cases remained on the courts of civil appeals' dockets for subsequent disposition, a 13 percent increase over the previous year. The number of cases pending at the end of 1979 was 70 percent higher than the ten-year average of 865. Of the 1,479 cases pending December 31, 1979, 362 had been on the docket six to 12 months and 42 had been pending more than a year.

Two hundred four 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 58 at Eastland. The average number pending for all courts was 106, up from 93 at the end of 1978.

The average lapse of time between the filing of a case in a court of civil appeals and its disposition ranged from 4.3 months in the Dallas Court to 8.7 months in the Tyler Court. The average for all courts was 6.5 months, a half-month longer than during 1978. The average lapse of time from the submission of a case to the court and its

Figure 3. COURTS OF CIVIL APPEALS
Cases filed, disposed and pending 1970-1979



disposition ranged from one-half of a month in the Fourteenth Court at Houston to 4.2 months in the Texarkana Court. The average for all courts was 2.3 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 333 cases during 1979, compared to 407 transferred in 1978.

The Dallas Court received the most relief from these transfers; of the 333 cases transferred to other courts, 96 were transferred from the Dallas Court. The Eastland Court received the most transferred cases - 76.

The net result of these transfers for the year 1979 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 101 cases at Tyler to 378 in the Dallas Court, a range considerably narrower than the range of filings (56 at Eastland to 474 in Dallas).

Figure 4. COURTS OF CIVIL APPEALS
Cases filed, disposed and pending 1979

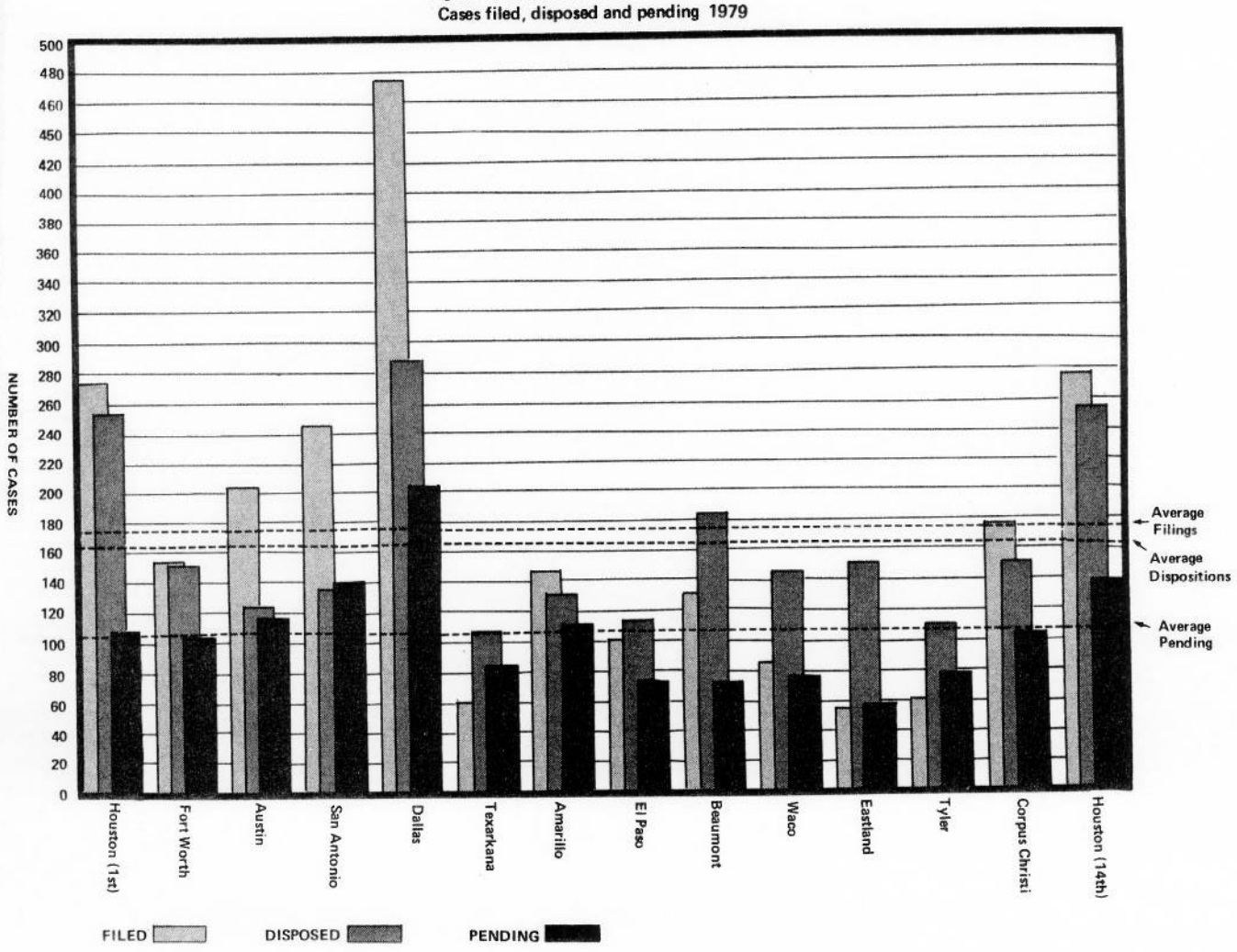
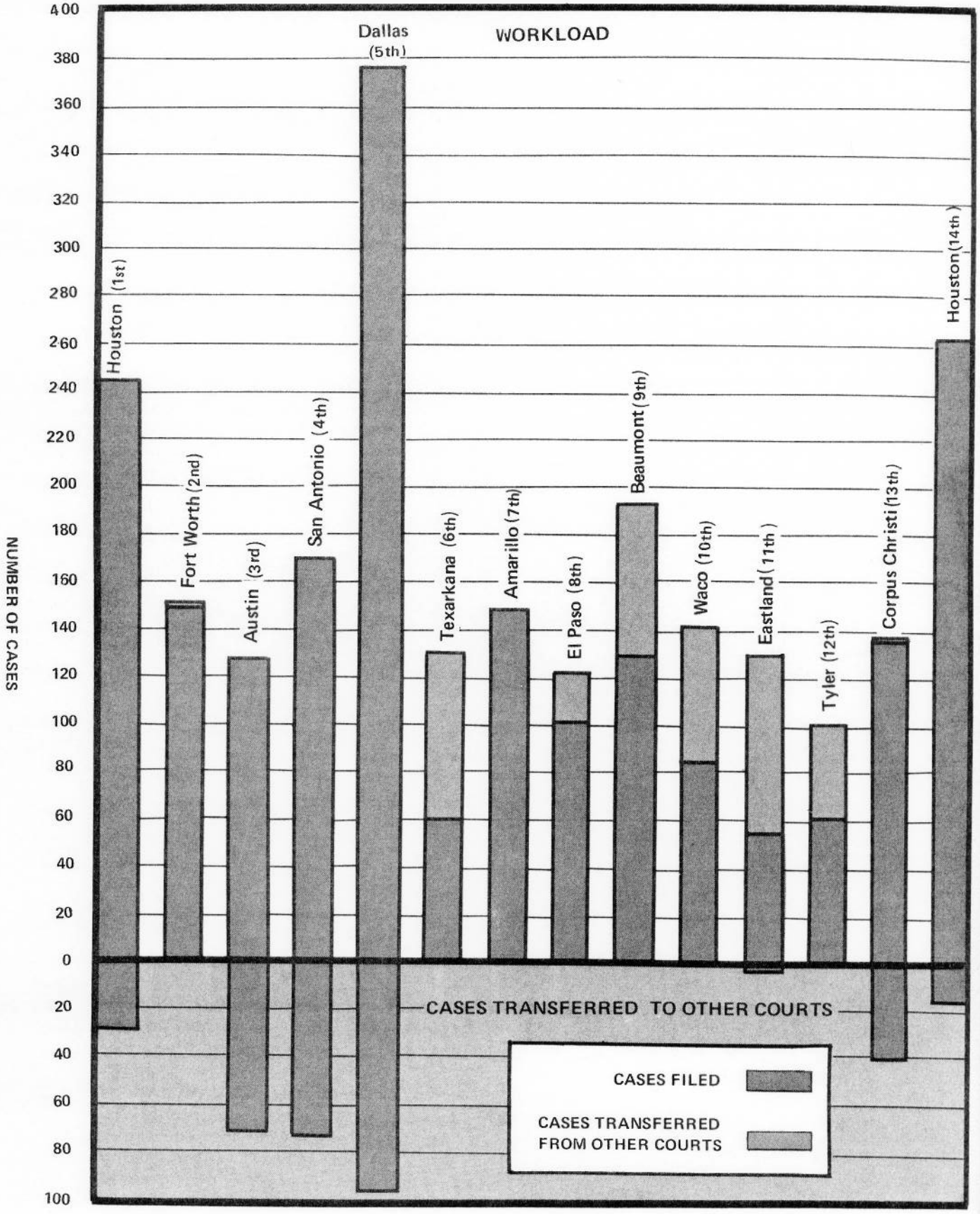


Figure 5. COURTS OF CIVIL APPEALS
Workloads and cases transferred 1979



COURTS OF CIVIL APPEALS

1979 Statistics *(Continued)*

	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, 1979	119	99	113	105	112	62	93	67	58	76	72	88	114	126	1,304
New cases filed	272	154	204[2]	245	474[4]	60	147	101	131	85[3]	56[1]	61[1]	177	278	2,445
Cases transferred in	1	1	0	0	0	69	0	20	65	60	76	40	1	0	333
Cases transferred out	30	0	76	75	96	0	0	0	0	0	1	0	40	15	333
Rehearings granted	5	1	0	2	2	1	2	0	4	0	5	0	4	3	29
Cases affirmed	112	79	58	49	109	52	53	55	84	56	62	46	73	85	973
Cases modified and/or reformed and affirmed	12	3	2	5	2	3	7	1	5	8	9	2	6	8	73
Cases affirmed in part and in part reversed and remanded	4	5	1	3	8	4	2	1	4	1	5	4	3	11	56
Cases affirmed in part and in part reversed and rendered	2	0	2	1	1	2	2	4	2	1	2	7	5	3	34
Cases reversed and remanded	32	15	18	22	48	13	24	16	24	32	23	10	19	46	342
Cases reversed and rendered	21	11	10	7	21	11	8	7	16	6	10	4	5	8	145
Cases dismissed:															
with written opinion	11	6	1	9	11	16	24	6	7	30	13	22	19	1	176
without written opinion	40	21	19	27	50	0	5	10	19	0	15	0	0	43	249
Cases otherwise disposed:															
with written opinion	12	7	4	4	19	6	5	9	16	10	9	13	21	22	157
without written opinion	7	5	9	11	19	0	1	5	8	0	2	2	0	26	95
Total cases disposed	253	152	124	137	288	107	131	114	185	144	150	110	151	253	2,299
Total cases decided:															
including dismissals with opinion	206	126	96	100	219	107	125	99	158	144	133	108	151	184	1,956
excluding dismissals with opinion	195	120	95	91	208	91	101	93	151	114	120	86	132	183	1,780
Cases pending December 31, 1979	114	103	117	140	204	85	111	74	73	77	58	79	105	139	1,479
pending up to 6 months	97	70	99	71	186	42	65	41	55	49	54	52	77	117	1,075
pending from 6 to 12 months	16	29	16	56	16	42	41	30	17	23	3	24	27	22	362
pending over 12 months	1	4	2	13	2	1	5	3	1	5	1	3	1	0	42
Average time between date of filing and disposition (months)	4.8	7.3	7.5	7.5	4.3	7.3	7.4	6.8	5.3	6.1	5.4	8.7	7.2	5.0	6.5
Average time between date of submission and disposition (months)	0.8	1.3	2.8	4.0	1.7	4.2	2.7	3.2	1.4	2.3	1.5	2.9	2.5	0.5	2.3

[1] Includes one case remanded from the Supreme Court.
[2] Includes one case reinstated.
[3] Includes one case severed and reinstated.
[4] Includes 2 cases remanded from the Supreme Court.

Courts of Civil Appeals

1979 Statistics *(Continued)*

OPINIONS WRITTEN BY JUSTICES OF THE COURTS OF CIVIL APPEALS

COURT AND JUSTICES	ORIGINAL OPINIONS OF THE COURT ON MERITS	CONCURRING OPINIONS	DISSENTING OPINIONS	OPINIONS REFUSING REHEARING	*OPINIONS GRANTING REHEARING	OPINIONS DISMISSING APPEAL	OTHER OPINIONS	TOTAL PER JUSTICE	TOTAL PER COURT
FIRST									
Tom F. Coleman	32	0	0	2	1	1	1	37	
Frank G. Evans	32	0	3	1	2	3	3	44	218
Phil Peden	32	0	0	0	0	2	0	34	
Henry E. Doyle	27	0	0	2	1	1	0	31	
James P. Wallace	33	1	0	2	0	2	0	38	
James F. Warren	31	0	0	0	0	2	1	34	
SECOND									
Frank A. Massey	40	1	1	1	1	2	2	48	
W. A. Hughes, Jr.	36	1	4	0	0	1	0	42	133
Joe Spurlock	34	1	1	1	0	1	0	38	
Per Curiam	3	0	0	0	0	1	1	5	
THIRD									
John C. Phillips	27	0	1	0	0	0	0	28	
Trueman O'Quinn	28	0	1	1	0	0	1	31	108
Bob Shannon	36	3	0	5	0	0	3	47	
Per Curiam	0	0	0	1	0	1	0	2	
FOURTH									
Carlos C. Cadena	18	1	0	0	0	1	1	21	
Fred V. Klingeman	24	0	0	0	2	2	0	28	108
Robert R. Murray	40	0	0	0	0	0	0	40	
Per Curiam	5	0	0	0	0	7	7	19	
FIFTH									
Clarence A. Guittard	38	0	1	2½	1½	1	10	54	
Ted M. Akin	32	0	2	0	0	0	4	38	
C. Spencer Carver, Jr.	27	0	1	1	0	1	0	30	
Joe Bailey Humphreys	28	0	0	2	0	1	1	32	229
Ted Z. Robertson	40	0	1	0	0	1	1	43	
Charles H. Storey	26	0	1	0	0	0	0	27	
Per Curiam	3	0	0	0	0	1	1	5	
SIXTH									
William J. Cornelius	30	0	0	1½	½	8	0	40	
C. L. Ray, Jr.	29	0	0	6	1	4	2	42	123
Bun L. Hutchinson	31	0	0	0	0	4	6	41	
SEVENTH									
[1]Mary Lou Robinson	10	0	0	1	2	0	0	13	
Charles Reynolds	37	0	1	2	0	6	0	46	136
Carlton B. Dodson	34	0	0	4	0	7	2	47	
[2]Richard N. Countiss	14	0	0	1	0	6	1	22	
Per Curiam	3	0	0	0	0	3	2	8	
EIGHTH									
S. F. Preslar	25	0	2	0	0	0	0	27	
Max N. Osborn	35	0	0	3	0	0	0	38	107
William E. Ward	27	1	0	0	0	1	1	30	
Per Curiam	2	0	0	0	0	9	1	12	
NINTH									
Martin Dies, Jr.	44	0	3	0	1	0	0	48	
Quentin Keith	54	1	2	0	2	0	1	60	161
Harold R. Clayton	41	0	0	0	0	1	0	42	
Per Curiam	5	0	0	0	0	6	0	11	
TENTH									
Frank G. McDonald	49	0	0	1	0	6	5	61	
Vic Hall	32	1	0	1	0	13	0	47	156
John A. James, Jr.	33	0	1	0	0	11	3	48	
ELEVENTH									
Austin O. McCloud	35	0	0	1	0	1	2	39	
Raleigh Brown	47	0	2	½	1½	3	2	56	148
Charles Robert Dickenson	35	0	0	4½	1½	5	0	46	
Per Curiam	0	0	0	0	1	2	4	7	
TWELFTH									
J. W. Summers	25	0	0	0	0	1	1	27	
James H. Moore	25	0	0	0	0	5	1	31	114
Connally McKay	30	0	0	0	0	1	4	35	
Per Curiam	3	0	0	0	0	15	3	21	
THIRTEENTH									
Paul W. Nye	43	0	1	2½	3½	0	0	50	
Gerald T. Bissett	39	0	0	2	0	0	0	41	159
Horace S. Young	36	0	0	0	0	0	0	36	
Per Curiam	10	0	0	0	0	19	3	32	
FOURTEENTH									
Curtiss Brown	37	0	0	0	0	0	1	38	
[3]George D. Cire	12	0	0	1	0	0	0	13	
Edward D. Coulson	41	0	0	0	0	0	0	41	
George E. Miller	25	0	0	1	0	1	0	27	180
H. Paul Pressler	24	0	0	0	0	0	0	24	
Felix Salazar, Jr.	20	0	0	1	2	0	0	23	
[4]William E. Junell	10	0	0	1	1	1	0	13	
Per Curiam	0	0	0	0	0	0	1	1	
TOTALS	1,704	11	29	56½	25½	171	83	2,080	2,080

*Ordinarily these are comparable to an original opinion on the merits.
[1]Resigned effective 5-1-79
[2]Appointed effective 6-8-79
[3]Resigned effective 5-31-79
[4]Appointed effective 6-21-79

COURTS OF CIVIL APPEALS

1979 Statistics *(Continued)*

CASES FILED										
COURT AND LOCATION	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
FIRST, HOUSTON	139	153	181	187	170	189	191	235	271	272 ---
SECOND, FORT WORTH	110	98	97	100	115	119	141	117	139	154 +10.8%
THIRD, AUSTIN	87	99	105	115	123	148	162	183	228	204 -10.5%
FOURTH, SAN ANTONIO	103	90	112	115	114	172	195	201	223	245 +9.9%
FIFTH, DALLAS	187	236	236	207	258	301	304	346	358	474 +32.4%
SIXTH, TEXARKANA	39	47	62	54	48	54	49	62	60	60 ---
SEVENTH, AMARILLO	101	102	100	98	99	113	120	117	107	147 +37.4%
EIGHTH, EL PASO	75	76	65	56	65	70	70	108	93	101 +8.6%
NINTH, BEAUMONT	48	67	94	78	79	80	82	81	97	131 +35.1%
TENTH, WACO	54	48	54	38	54	60	73	90	81	85 +4.9%
ELEVENTH, EASTLAND	60	54	47	23	62	54	53	48	51	56 +9.8%
TWELFTH, TYLER	54	52	53	40	47	60	63	41	59	61 +3.4%
THIRTEENTH, CORPUS CHRISTI	72	94	75	76	107	113	94	132	156	177 +13.5%
FOURTEENTH, HOUSTON	99	112	116	145	161	231	227	208	249	278 +11.6%
TOTALS	1,228	1,328	1,397	1,332	1,502	1,764	1,824	1,969	2,172	2,445 +12.6%

COURTS OF CIVIL APPEALS
1979 Statistics *(Continued)*

COUNTIES FROM WHICH CASES APPEALED

Dallas	431	Walker	7	Ellis	3	Waller	2
Harris	418	Duval	6	Fannin	3	Wharton	2
Travis	136	Eastland	6	Hockley	3	Wheeler	2
Bexar	128	Harrison	6	Hood	3	Willacy	2
Tarrant	98	Austin	5	Karnes	3	Wilson	2
Nueces	66	Cherokee	5	Kerr	3	Yoakum	2
Jefferson	51	Comal	5	Kimble	3	Young	2
El Paso	48	Cooke	5	Kleberg	3	Andrews	1
Lubbock	41	Coryell	5	Lamar	3	Aransas	1
Cameron	39	Freestone	5	Lavaca	3	Atascosa	1
Potter	38	Hale	5	Lee	3	Cass	1
Hidalgo	27	Henderson	5	Liberty	3	Clay	1
Bowie	22	Hutchinson	5	Limestone	3	Coke	1
Collin	22	Marion	5	Nolan	3	Cottle	1
Galveston	22	Nacogdoches	5	Parker	3	Crosby	1
McLennan	22	Polk	5	Red River	3	Culberson	1
Brazos	21	San Patricio	5	Robertson	3	Fayette	1
Wichita	20	Upshur	5	Sabine	3	Fisher	1
Ector	18	Anderson	4	San Augustine	3	Franklin	1
Webb	18	Brown	4	San Jacinto	3	Frio	1
Brazoria	17	Burnet	4	Starr	3	Gillespie	1
Gregg	15	Comanche	4	Williamson	3	Hardeman	1
Midland	15	Dimmit	4	Zapata	3	Hemphill	1
Zavala	15	Gray	4	Bailey	2	Hill	1
Fort Bend	14	Grimes	4	Calhoun	2	Hudspeth	1
Orange	14	Howard	4	Carson	2	Jackson	1
Taylor	14	Hunt	4	Coleman	2	Jones	1
Johnson	13	Kaufman	4	De Witt	2	Kent	1
Montgomery	12	Lamb	4	Dickens	2	King	1
Jim Wells	11	Leon	4	Floyd	2	Knox	1
Denton	10	Live Oak	4	Gaines	2	La Salle	1
Guadalupe	10	Maverick	4	Garza	2	Martin	1
Jasper	10	Medina	4	Gonzales	2	Mills	1
Angelina	9	Newton	4	Hall	2	Mitchell	1
Bastrop	9	Panola	4	Hansford	2	Montague	1
Grayson	9	Rusk	4	Houston	2	Motley	1
Matagorda	9	Stephens	4	Jim Hogg	2	Ochiltree	1
Smith	9	Van Zandt	4	Llano	2	Presidio	1
Bell	8	Wise	4	McCulloch	2	Real	1
Hays	8	Baylor	3	Navarro	2	Rockwall	1
Milam	8	Bosque	3	Palo Pinto	2	Sherman	1
Randall	8	Brooks	3	Pecos	2	Somervell	1
Uvalde	8	Castro	3	Reeves	2	Sutton	1
Val Verde	8	Childress	3	Runnels	2	Terry	1
Caldwell	7	Colorado	3	San Saba	2	Throckmorton	1
Hardin	7	Crockett	3	Scurry	2	Ward	1
Madison	7	Dallam	3	Shelby	2	Washington	1
Victoria	7	Donley	3	Tom Green	2	Winkler	1