

COURTS OF CIVIL APPEALS

1980

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.)

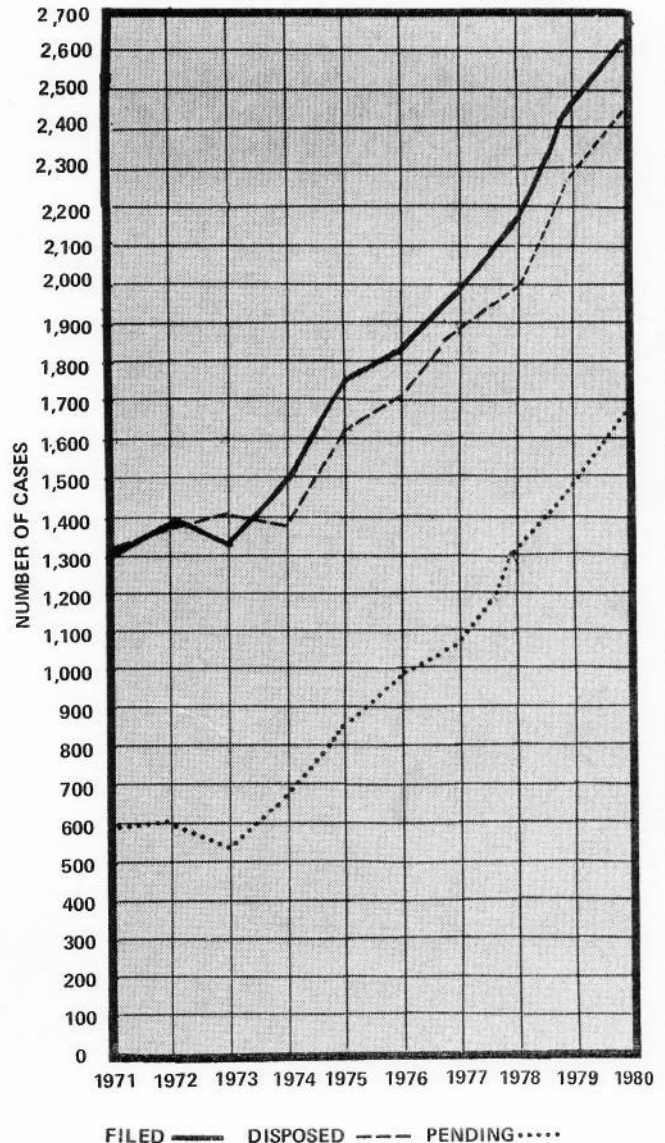
Cases filed in all the courts of civil appeals during 1980 increased 7.2 percent over 1979 and were 33.7 percent higher than the ten-year average. More new cases were filed in 1980 than in 1979 in all but the First in Houston, Dallas, Amarillo and Beaumont courts. Of the courts with increased filings, the Eastland Court experienced the largest percentage increase - 41.1 percent (23 cases) - and the Fourteenth 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 - 439 compared to the average of 187 (Figure 4). The two courts at Houston, each of which have jurisdiction over the same geographical area, received a total of 566 new cases, 16 cases more than in 1979. In 1980, the courts of civil appeals together disposed of 59.9 percent of the cases filed during the year or carried over from 1979, down from 61 percent of the previous year. The 2,457 dispositions were 34.3 percent higher than the ten-year average of 1,830 and 6.9 percent higher than 1979's 2,299 dispositions. The Dallas Court had the highest number of dispositions - 370 compared to the average for the 14 courts of 176.

In 1980, a total of 2,170 opinions were written by the courts of civil appeals, compared to 2,080 in 1979. The Dallas Court wrote the largest number of opinions - 258 - compared to the average per court of 155 (up from 149 in 1979).

The average number of written opinions per justice for all courts was 42.5 up from 41.0 in 1979. The courts of civil appeals reversed, at least in part, the decision of the trial court in 23.5 percent of the cases disposed, two percent less than during 1979. At the end of 1980, 1,672 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 1980 was 69.9 percent higher than the ten-year average of 984. Of the

1,672 cases pending December 31, 1980, 548 had been on the docket six to 12 months and 54 had been pending more than a year. Two hundred fifty six 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 54 at Eastland. The average number pending for all courts was 119, up from 106 at the end of 1979. The average lapse of time between the filing of a case in a court of civil appeals and its disposition ranged from 4.4 months in the San Antonio Court to 9.1 months in

Figure 3. COURTS OF CIVIL APPEALS
Cases filed, disposed and pending 1971-1980



(NOTE: in addition the two Houston Courts transferred 32 cases between themselves as allowed by Article 1817a, V.T.C.S.)

The San Antonio Court received the most relief from these transfers; of the 241 cases transferred to other courts, 75 were transferred from the San Antonio Court. The Eastland Court received the most transferred cases - 92.

The net result of these transfers for the year 1980 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 91 cases at Texarkana to 418 in the Dallas Court, a range somewhat narrower than the range of filings (71 at Texarkana to 439 in Dallas).

the Texarkana and Amarillo Courts. The average for all courts was 6.4 months, slightly less than during 1979. 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 Fort Worth and Houston(14th)Courts to 4.7 in the Texarkana Court. The average for all courts was 1.6 months. While the 14 courts of civil appeals operate to a large extent as autonomous courts in specific geographical areas, some equalization of the dockets occurs 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 241 cases during 1980, compared to 333 transferred in 1979.

Figure 4. COURTS OF CIVIL APPEALS
Cases filed, disposed and pending 1980

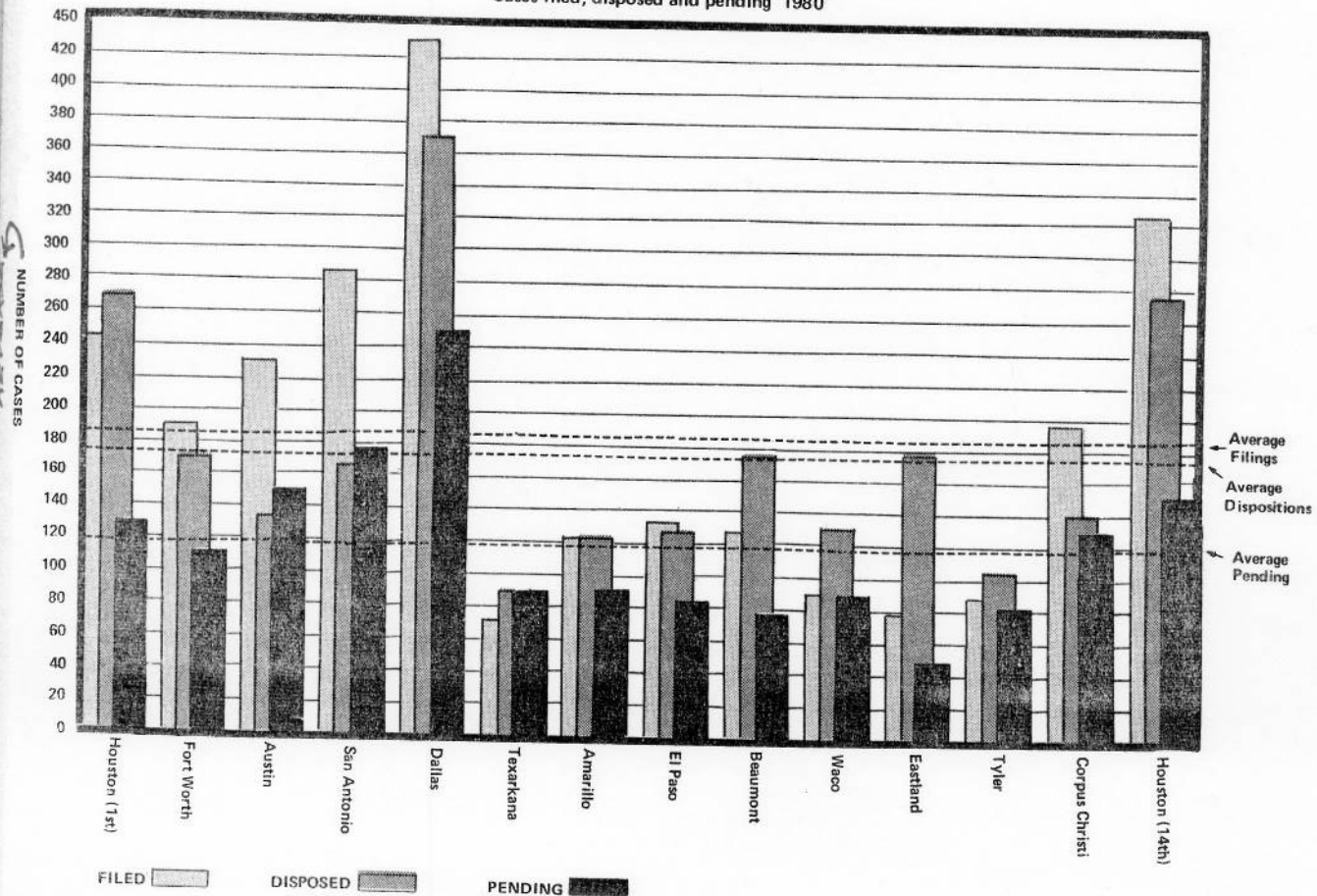
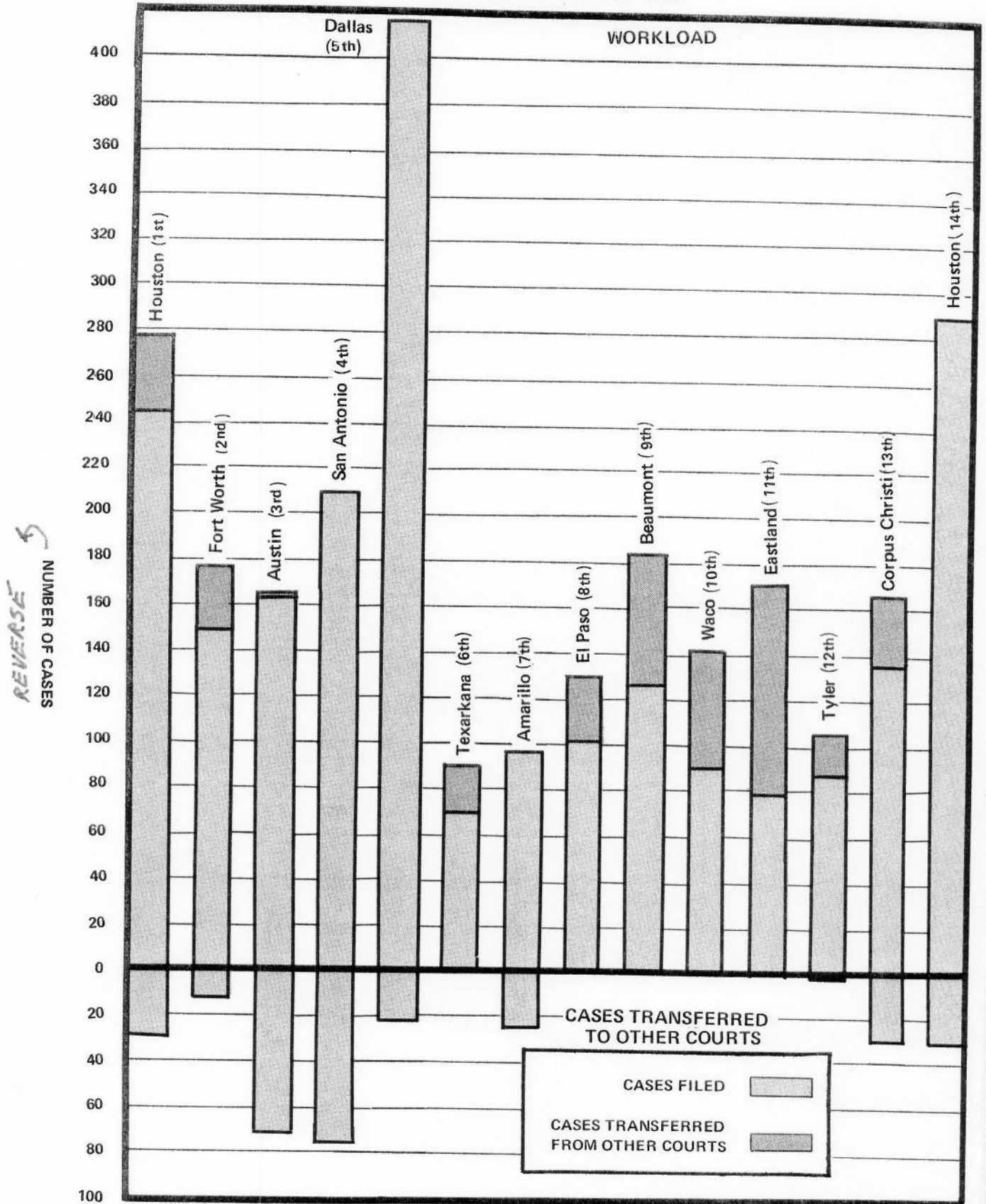


Figure 5. COURTS OF CIVIL APPEALS
Workloads and cases transferred 1980



COURTS OF CIVIL APPEALS 1980 Statistics

REVERSE

	FIRST AT HOUSTON	SECOND AT FORT WORTH	THIRD AT AUSTIN	FOURTH AT SAN ANTONIO	FIFTH AT DALLAS	SIXTH AT TEXARKANA	SEVENTH AT MARILLO	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, 1980	114	103	117	140	204	85	111	74	73	77	58	79	105	139	1,479
New cases filed	244	193	235	284	439	71	122	134	126	90	79	86	196	322	2,621
Cases transferred in	32	0	1	0	0	20	0	0	57	51	92	20	0	0	273
Cases transferred out	0	16	72	75	21	0	25	0	0	0	0	1	31	32	273
Rehearings granted	9	1	1	0	4	0	4	1	0	1	3	3	1	1	29
Cases affirmed	111	79	49	44	116	41	65	46	83	62	85	50	79	103	1,013
Cases modified and/or reformed and affirmed	18	7	2	1	10	3	7	2	10	6	9	3	4	10	92
Cases affirmed in part and in part reversed and remanded	8	1	5	5	11	1	0	2	3	4	4	1	1	10	56
Cases affirmed in part and in part reversed and remanded	2	0	2	1	5	0	3	4	6	0	2	1	3	9	38
Cases reversed and remanded	34	25	11	25	47	13	17	21	23	19	25	16	17	32	325
Cases reversed and remanded	14	8	12	5	25	3	8	9	18	7	17	9	8	15	158
Cases dismissed:															
with written opinion	16	7	9	13	5	21	12	10	7	17	6	16	18	13	170
without written opinion	51	30	28	37	89	1	0	9	10	0	15	0	0	33	303
Cases otherwise disposed:															
with written opinion	13	9	13	15	21	5	10	14	9	14	10	10	10	25	178
without written opinion	2	4	4	25	41	0	0	9	8	0	5	0	0	26	124
Total cases disposed	269	170	135	171	370	88	122	126	177	129	178	106	140	276	2,457
Total cases decided:															
Including dismissals with opinion	216	136	103	110	240	88	122	108	159	129	158	106	140	217	2,032
excluding dismissals with opinion	200	129	92	98	235	67	110	98	152	111	152	90	122	204	1,860
Cases pending December 31, 1980	130	111	147	178	256	88	90	83	79	90	54	81	131	154	1,672
pending up to 6 months	113	84	97	106	167	28	54	44	41	59	52	36	81	108	1,070
pending from 6 to 12 months	13	27	46	66	88	47	36	31	36	27	2	37	49	43	549
pending over 12 months	4	0	4	6	1	13	0	8	2	4	0	8	1	3	54
Average time between date of filing and disposition (months)	4.8	7.2	6.1	4.4	4.7	9.1	9.1	6.7	5.3	6.9	5.1	7.8	7.8	5.2	6.4
Average time between date of submission and disposition (months)	0.8	0.5	1.2	1.5	0.8	4.7	2.0	2.7	0.8	1.7	1.0	2.1	2.2	0.5	1.6

1 Includes 2 cases reversed and remanded from Supreme Court.
 2 Includes one case consolidated.
 3 Includes one case reversed and remanded from Supreme Court.
 4 Includes one case reinstated.
 5 Includes 2 cases returned by Supreme Court.
 6 Includes one case remanded by Supreme Court.
 7 Includes 2 cases consolidated.

COURTS OF CIVIL APPEALS

1980 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
FIRST									
Tom Coleman	35	0	0	2	1	3	2	43)	
Frank G. Evans	31	1	0	2	1	5	1	41)	218
Phil Peden	35	0	1	0	1	4	1	42)	
Henry E. Doyle	25	0	0	2	0	2	1	30)	
James P. Wallace	29	0	0	0	0	1	0	30)	
James F. Warren	29	0	0	2	1	0	0	32)	
SECOND									
Frank A. Massey	41	3	3	0	0	1	0	48)	
W. A. Hughes, Jr.	40	0	0	0	0	1	0	41)	154
Joe Spurlock	41	0	0	1	1	1	1	46)	
Per Curiam	3	0	0	0	0	3	13	19)	
THIRD									
John C. Phillips	17	0	2	1	0	0	0	20)	
¹ Truman O'Quinn	3	0	0	0	0	0	0	3)	105
Bob Shannon	42	0	1	2	0	2	0	47)	
² Robert O. Smith	22	2	0	1	0	1	0	26)	
Per Curiam	1	0	0	1	0	6	1	9)	
FOURTH									
Carlos C. Cadena	30	1	7	0	0	1	1	40)	
Fred V. Klingeman	29	0	1	0	0	1	0	31)	117
Robert R. Murray	28	0	2	0	0	1	0	31)	
Per Curiam	5	0	0	0	0	10	0	15)	
FIFTH									
Clarence A. Guittard	40	1	0	3	1	2	3	50)	
Ted M. Akin	34	0	5	2	0	0	1	42)	
C. Spencer Carver, Jr.	30	0	0	2	0	1	0	33)	258
³ Joe Bailey Humphreys	29	0	1	1	1	0	0	32)	
Ted Z. Robertson	46	1	0	1	0	0	3	51)	
Charles H. Storey	40	1	1	1	1	1	0	45)	
⁴ Bill Stephens	1	0	0	0	0	0	0	1)	
Per Curiam	3	0	0	0	0	1	0	4)	
SIXTH									
William J. Cornelius	27	0	0	3	0	11	0	41)	
C. L. Ray, Jr.	20	0	0	3	0	0	0	27)	93
Bun L. Hutchinson	19	0	0	0	0	6	0	25)	
SEVENTH									
Charles Reynolds	36	0	0	3	3	5	1	48)	
Carlton B. Dodson	39	0	2	0	0	3	1	48)	140
Richard N. Countiss	31	0	0	2	1	4	0	38)	
Per Curiam	0	0	0	0	0	0	6	6)	
EIGHTH									
S. F. Preslar	32	0	2	0	0	0	1	35)	
Max N. Osborn	34	0	4	1	1	3	0	43)	118
William E. Ward	21	1	1	0	0	0	0	23)	
Per Curiam	9	0	0	0	0	8	0	17)	
NINTH									
Martin Dies, Jr.	41	0	1	0	0	0	1	43)	
Quentin Keith	66	3	7	0	0	3	1	80)	175
Harold R. Clayton	38	3	0	1	0	0	0	42)	
Per Curiam	5	0	0	0	0	4	1	10)	
TENTH									
Frank G. McDonald	39	0	0	0	0	4	0	43)	
Vic Hall	37	2	0	2	0	7	2	50)	137
John A. James, Jr.	35	0	0	0	1	6	2	44)	
ELEVENTH									
Austin O. McCloud	44	0	0	1	1	3	1	50)	
Raleigh Brown	56	0	0	1	0	1	2	60)	169
Charles Robert Dickenson	49	0	3	2	0	2	0	56)	
Per Curiam	3	0	0	0	0	0	0	3)	
TWELFTH									
J. W. Summers	23	0	0	1	0	2	0	26)	
James H. Moore	30	0	0	0	1	2	1	34)	110
Connally McKay	26	0	1	1	2	2	1	33)	
Per Curiam	6	0	0	0	0	10	1	17)	
THIRTEENTH									
Paul W. Nye	37	0	0	3	1	0	0	41)	
Gerald T. Bissett	38	1	1	3	0	0	1	44)	153
Horace S. Young	36	0	0	3	0	0	0	39)	
Per Curiam	10	0	0	0	0	18	1	29)	
FOURTEENTH									
Curtiss Brown	39	0	0	0	0	1	2	42)	
Edward D. Coulson	29	0	0	1	0	2	0	32)	223
George E. Miller	34	0	1	0	1	0	0	38)	
H. Paul Pressler	38	0	1	1	0	6	2	48)	
Felix Salazar, Jr.	19	0	0	1	0	0	1	21)	
William E. Junell	34	0	0	2	0	1	0	37)	
Per Curiam	2	0	0	0	0	3	0	5)	
TOTALS	1,791	20	48	62	20	172	57	2,170	2,170

* Ordinarily these are comparable to an original opinion on the merits.

¹Retired effective 1-31-80

²Appointed effective 2-1-80

³Left the bench effective 11-21-80

⁴Took office effective 11-25-80

COURTS OF CIVIL APPEALS

1980 Statistics (Continued)

COURT AND LOCATION	CASES FILED									
	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
FIRST, HOUSTON	153	181	187	170	189	191	235	271	272	244 -10.3%
SECOND, FORT WORTH	98	97	100	115	119	141	117	139	154	193 +25.3%
THIRD, AUSTIN	99	105	115	123	148	162	183	228	204	235 +15.2%
FOURTH, SAN ANTONIO	90	112	115	114	172	195	201	223	245	284 +15.9%
FIFTH, DALLAS	236	236	207	258	301	304	346	358	474	439 -7.4%
SIXTH, TEXARKANA	47	62	54	48	54	49	62	60	60	71 +18.3%
SEVENTH, AMARILLO	102	100	98	99	113	120	117	107	147	122 -17.0%
EIGHTH, EL PASO	76	65	56	65	70	70	108	93	101	134 +32.7%
NINTH, BEAUMONT	67	94	78	79	80	82	81	97	131	126 -3.8%
TENTH, WACO	48	54	38	54	60	73	90	81	85	90 +5.9%
ELEVENTH, EASTLAND	54	47	23	62	54	53	48	51	56	79 +41.1%
TWELFTH, TYLER	52	53	40	47	60	63	41	59	61	86 +41.0%
THIRTEENTH, CORPUS CHRISTI	94	75	76	107	113	94	132	156	177	196 +10.7%
FOURTEENTH, HOUSTON	112	116	145	161	231	227	208	249	278	322 +15.8%
TOTALS	1,328	1,397	1,332	1,502	1,764	1,824	1,969	2,172	2,445	2,621 +7.2%

COURTS OF CIVIL APPEALS

1980 Statistics (Continued)

COUNTIES FROM WHICH CASES APPEALED

Harris	424	Panola	7	Duval	3	Shelby	2
Dallas	402	Rusk	7	Edwards	3	Stonewall	2
Bexar	179	Brown	6	Fannin	3	Upshur	2
Travis	167	Deaf Smith	6	Fayette	3	Upton	2
Tarrant	123	Dimmit	6	Frio	3	Uvalde	2
Nueces	84	Ellis	6	Gray	3	Wharton	2
El Paso	61	Freestone	6	Guadalupe	3	Wood	2
Jefferson	36	Gonzales	6	Hale	3	Zapata	2
Brazoria	31	Kerr	6	Hansford	3	Zavala	2
Lubbock	31	Limestone	6	Hutchinson	3	Bosque	1
Galveston	29	Matagorda	6	Kaufman	3	Caldwell	1
Cameron	28	Nacogdoches	6	Kendall	3	Calhoun	1
Potter	28	Van Zandt	6	Lamar	3	Callahan	1
McLennan	27	Williamson	6	Newton	3	Childress	1
Gregg	26	Bastrop	5	Ochiltree	3	Clay	1
Webb	25	Bee	5	Refugio	3	Comanche	1
Taylor	23	Cooke	5	Starr	3	Cottle	1
Hidalgo	22	Dallam	5	Terry	3	Dawson	1
Bell	20	Houston	5	Winkler	3	Delta	1
Midland	20	Liberty	5	Wise	3	DeWitt	1
Denton	17	Maverick	5	Archer	2	Dickens	1
Wichita	17	San Jacinto	5	Atascosa	2	Fisher	1
Ector	16	Val Verde	5	Bandera	2	Floyd	1
Fort Bend	15	Aransas	4	Burnet	2	Glasscock	1
Harrison	15	Austin	4	Cass	2	Goliad	1
Henderson	15	Brooks	4	Castro	2	Hardeman	1
Bowie	14	Chambers	4	Colorado	2	Hartley	1
Collin	13	Cherokee	4	Coryell	2	Haskell	1
Grayson	13	Comal	4	Crosby	2	Hopkins	1
Montgomery	13	Culberson	4	Grimes	2	Jackson	1
Orange	13	Hill	4	Hamilton	2	Jeff Davis	1
Brazos	12	Hunt	4	Hays	2	Jim Hogg	1
Jim Wells	12	Jack	4	Hockley	2	Kinney	1
Jasper	11	Kleberg	4	Hood	2	Knox	1
Randall	11	Madison	4	Hudspeth	2	LaSalle	1
Angelina	10	Medina	4	Jones	2	Leon	1
Johnson	10	Milam	4	Lamb	2	Martin	1
Victoria	10	Moore	4	Lavaca	2	Menard	1
Smith	9	Parker	4	Lee	2	Morris	1
Anderson	8	Robertson	4	Lynn	2	Reeves	1
Eastland	8	Stephens	4	McCulloch	2	Sabine	1
Hardin	8	Tom Green	4	Mason	2	San Saba	1
Llano	8	Tyler	4	Montague	2	Schleicher	1
Navarro	8	Walker	4	Palo Pinto	2	Somervell	1
San Patricio	8	Waller	4	Parmer	2	Throckmorton	1
Erath	7	Ward	4	Pecos	2	Trinity	1
Howard	7	Young	4	Polk	2	Wilbarger	1
Live Oak	7	Burleson	3	Red River	2	Willacy	1
Marion	7	Coleman	3	Rockwall	2	Wilson	1
Nolan	7	Crockett	3	Runnels	2		