

# COURTS OF APPEALS

## Analysis of Activity for the Year Ending August 31, 1991

There are 14 Courts of Appeals in Texas which, since September 1, 1981, have heard intermediate appeals in civil and criminal cases.

Courts of Appeals are located in Fort Worth, Austin, San Antonio, Dallas, Texarkana, Amarillo, El Paso, Beaumont, Waco, Eastland, Tyler, Corpus Christi, and Houston. Houston has two Courts of Appeals. Each court has jurisdiction over a geographical district.

The number of justices for each court ranges from 3 each in five courts to 13 in Dallas, which is the largest. There are 80 justices statewide.

### PENDING CASELOADS INCREASED AGAIN

For the fifth consecutive year, total pending caseloads of the 14 Courts of Appeals increased during the State fiscal year which ended August 31, 1991.

The pending caseload increased from 6,403 at the beginning of the fiscal year 1991 to 7,125 at the end of the fiscal year.

From calendar year 1974 through 1982, the total pending caseload of the Courts of Appeals grew larger each year as more cases than the courts were

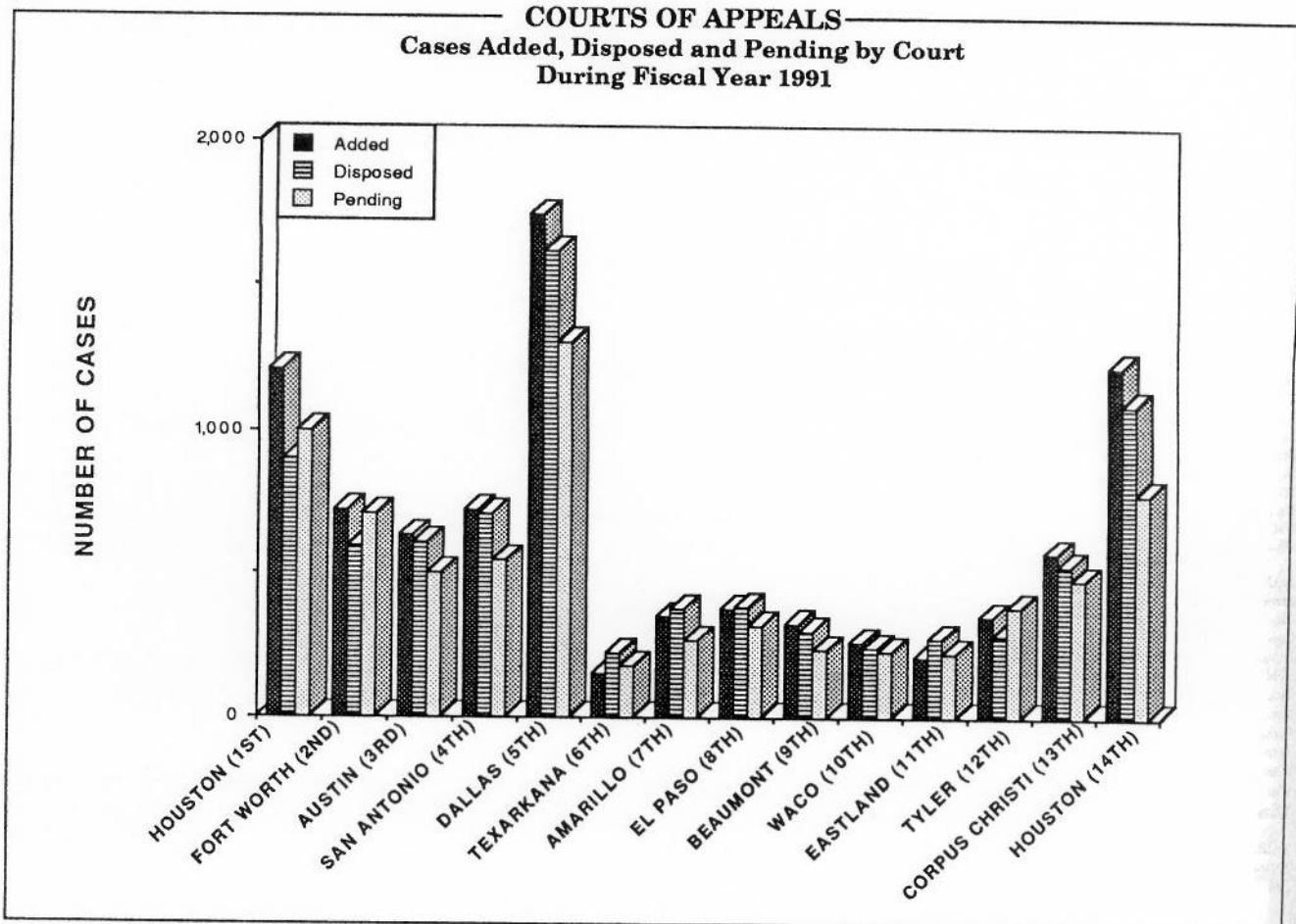
able to dispose of were added. On December 31, 1982, there were 6,816 total cases pending in the Courts of Appeals.

The trend was broken in calendar year 1983 when a surge in criminal dispositions reduced the total pending caseload by year's end. In fiscal year 1984, civil and criminal caseloads were reduced during the year.

In fiscal year 1985, the civil caseload was reduced and the criminal caseload increased slightly. In fiscal year 1986, pending civil and criminal caseloads were again reduced.

The Courts of Appeals had 3,857 criminal cases and 2,456 civil cases pending as of September 1, 1990. On August 31, 1991, 4,485 criminal cases and 2,640 civil cases were pending. The State average for pending cases at year's end was 89 per justice. This compares to the 1982 high of 86 pending cases per justice.

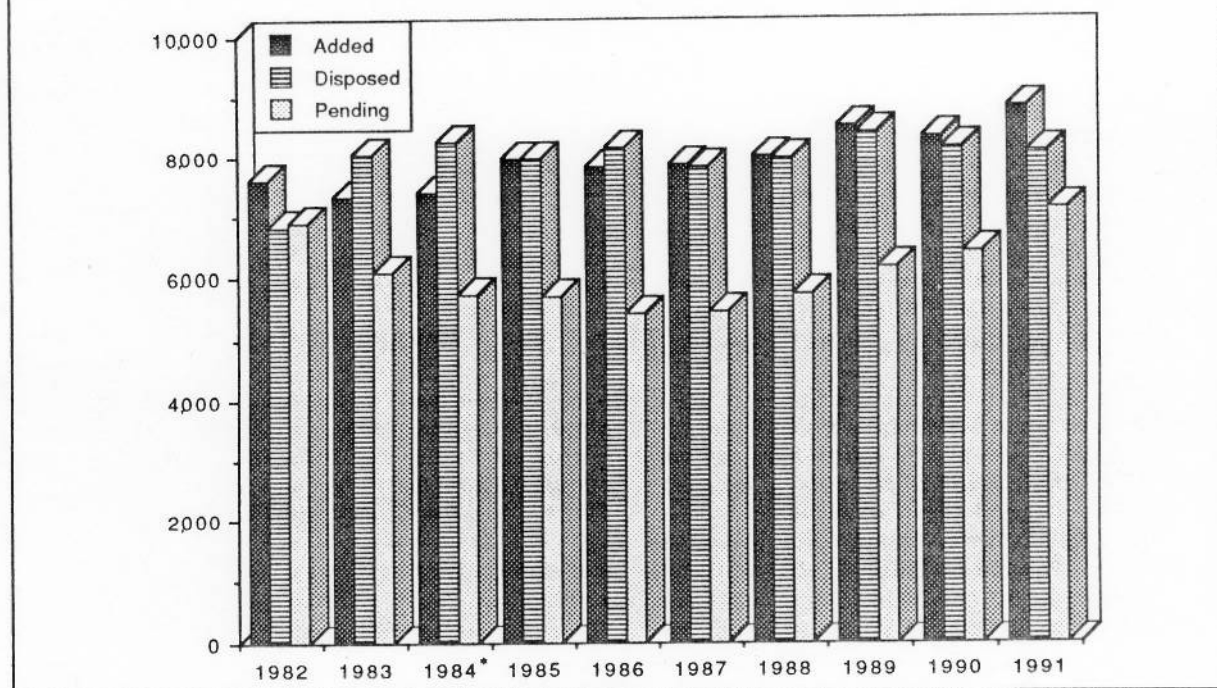
Of the 4,485 criminal cases pending in the Courts of Appeals at the end of fiscal year 1991, 48 percent had been on the docket less than 6 months, 34 percent from 6 to 12 months, and 18 percent more than 12 months.



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## COURTS OF APPEALS

Cases Added, Disposed and Pending, Calendar Year 1982 Through Fiscal Year 1991



\*1984 and after are based on state fiscal years; prior years are calendar years.

At the end of fiscal year 1991, 2,640 civil cases were pending on the dockets of the Courts of Appeals, 3.7 percent more than the 2,546 pending on September 1, 1990. Of those civil cases pending on August 31, 1991, 54 percent had been on the docket less than 6 months, 29 percent from 6 to 12 months, and 17 percent for more than 12 months.

The largest number of pending cases per justice (125) at the end of the fiscal year was in the Twelfth Court of Appeals in Tyler. The lowest number per justice (58) was in the Sixth Court of Appeals in Texarkana.

### NEW CASE FILINGS

A total of 8,563 new cases was filed in the Courts of Appeals during the fiscal year, which included 4,627 criminal cases and 3,936 civil cases. This was an increase of 6.2 percent from the 8,062 total new cases filed in fiscal year 1990. New criminal cases increased 13 percent from the 4,080 filed in fiscal year 1990 and civil cases decreased 1 percent from the 3,982 filed in fiscal year 1990.

Considering civil and criminal cases together, the Fourteenth Court of Appeals in Houston had the highest average number of new cases filed per justice (132) during fiscal year 1991. The other courts ranged down to 48 cases per justice filed in the Sixth Court of Appeals in Texarkana. State average filings were 107 per justice.

Approximately 28 percent of all new cases filed in a Court of Appeals in Texas in fiscal year 1991 were filed in one of the two Courts located in Houston.

Approximately 20 percent of all new cases filed in the State were filed in the Fifth Court of Appeals in Dallas.

### DISPOSITIONS

The Court disposed of 8,091 total cases during the year, an average of 101 dispositions (51 criminal and 50 civil) per justice.

The Fifth Court of Appeals in Dallas disposed of the largest total number of cases per justice (124) during fiscal year 1991. The lowest number per justice (72) was in the Sixth Court of Appeals in Texarkana. State average dispositions were 101 per justice.

### CRIMINAL DISPOSITIONS

Criminal dispositions increased 1 percent from 4,087 dispositions in fiscal year 1990 to 4,123 dispositions in fiscal year 1991.

The average lapse of time between the filing of a criminal case in a Court of Appeals and its disposition ranged from 6.9 months in the Sixth Court of Appeals in Texarkana to 13.8 months in the Tenth Court of Appeals in Waco. The average lapse of time for the 14 courts was 10.8 months.

The average lapse of time between submission of a criminal appeal and its disposition ranged from 0.8 of a month in the Fifth and Eighth Courts of Appeals in Dallas and El Paso to 3.2 months in the Second and Third Courts of Appeals in Fort Worth and Austin. The average lapse of time for the 14 courts was 2 months.

## CIVIL DISPOSITIONS

In fiscal year 1991, there were 3,968 civil dispositions by the Courts of Appeal, a decrease of 1.9 percent from the 4,047 civil dispositions in fiscal year 1990.

The average lapse of time between the filing of a civil case in a Court of Appeals and its disposition ranged from 5.9 months in the Fifth and Sixth Courts of Appeals in Dallas and Texarkana to 11.3 months in the Third Court of Appeals in Austin. The average lapse of time in the 14 courts for civil cases was 8.3 months.

The average lapse of time from the submission of a civil case to the court and its disposition ranged from 1 month in the Fifth Court of Appeals in Dallas to 5.3 months in the Second Court of Appeals in Fort Worth. The average lapse of time for the 14 courts was 2.9 months. A case is "submitted" when the court hears oral argument or when it is referred to the justices for formal consideration if no oral argument is heard.

## OPINIONS WRITTEN

In fiscal year 1991, the justices of the Courts of Appeals wrote 7,545 opinions, 0.5 percent more than the 7,511 written in 1990.

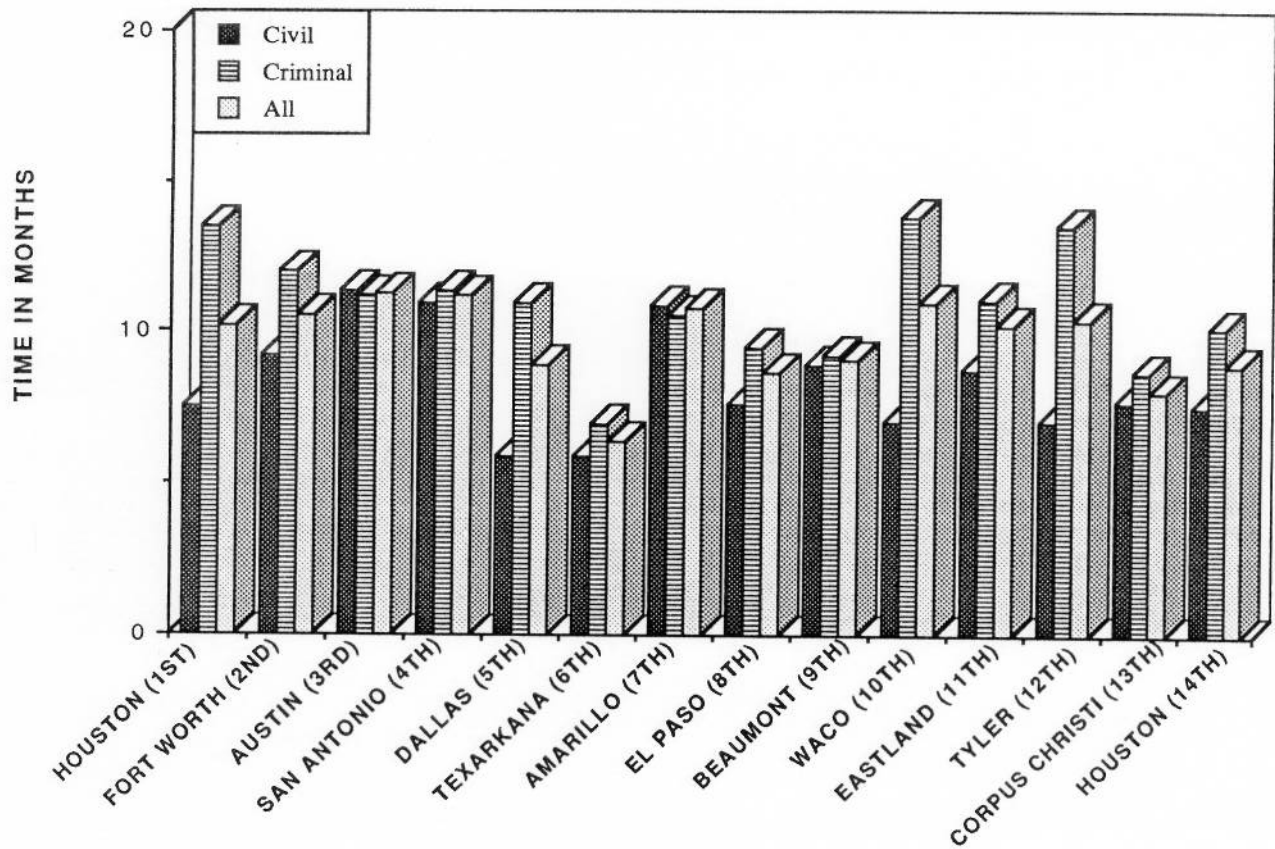
The Courts of Appeals reversed, at least in part, the decision of the trial court in 12.8 percent of the cases disposed of during fiscal year 1991, a 0.6 percent decrease from fiscal year 1990.

## CASES TRANSFERRED

While the 14 Courts of Appeals operate to a large extent as autonomous courts in specific geographic districts, some equalization of the dockets occurs by transfer of cases among the courts on order of the Supreme Court, pursuant to statutory authority. The Supreme Court transferred a total of 180 civil cases and 209 criminal cases among the courts in fiscal year 1991, compared with 27 civil cases and 130 criminal cases transferred in fiscal year 1990.

## COURTS OF APPEALS

Average Time Between Filing and Disposition of Cases During Fiscal Year 1991



**COURTS OF APPEALS**  
**Total of Reported Activity**  
**for the Year Ending August 31, 1991**

**CRIMINAL & CIVIL CASES**

	<u>TOTALS</u>	<u>AVERAGES PER JUSTICE<sup>1</sup></u>
<b>Cases Pending September 1, 1990</b> .....	6,403	80
<b>Cases Added During Year Ending August 31, 1991:</b>		
New Cases Filed .....	8,563	107
Other Cases Added .....	250	3
TOTAL CASES ADDED DURING YEAR .....	8,813	110
<b>Cases Disposed of During Year:</b>		
Cases affirmed .....	4,152	
Cases modified and/or reformed and affirmed .....	176	
Cases affirmed in part and in part reversed and remanded .....	97	
Cases affirmed in part and in part reversed and rendered .....	59	
Cases reversed and remanded .....	717	
Cases reversed and rendered .....	165	
Cases otherwise disposed .....	1,100	
Cases dismissed .....	1,579	
Case consolidations or voids .....	46	
TOTAL DISPOSITIONS DURING YEAR .....	8,091	101
<b>Cases Pending August 31, 1991:</b>		
Civil cases pending .....	2,640	33
Criminal cases pending .....	4,485	56
TOTAL CASES PENDING .....	7,125	89
<b>Opinions Written During Year:</b> .....	7,545	94

<sup>1</sup>Averages based on 80 justices

# COURTS OF APPEALS

## Activity for the Year Ending August 31, 1991

	Houston-1st 9 Justices			Fort Worth-2nd 7 Justices			Austin-3rd 6 Justices			San Antonio-4th 7 Justices		
	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total
Cases pending September 1, 1990 .....	342	513	855	240	342	582	262	238	500	275	261	536
New cases filed during year ending August 31, 1991 .....	578	603	1,181	306	403	709	267	350	617	388	308	696
Rehearings granted .....	17	6	23	7	0	7	4	0	4	13	4	17
Cases reinstated .....	0	0	0	1	7	8	4	0	4	3	3	6
Cases remanded from higher courts .....	3	1	4	0	0	0	2	6	8	0	3	3
Cases transferred in .....	3	1	4	0	0	0	0	0	0	0	0	0
Cases transferred out .....	<u>-59</u>	<u>-106</u>	<u>-165</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>-24</u>	<u>0</u>	<u>-24</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL CASES ON DOCKET .....</b>	<b>884</b>	<b>1,018</b>	<b>1,902</b>	<b>554</b>	<b>752</b>	<b>1,306</b>	<b>515</b>	<b>594</b>	<b>1,109</b>	<b>679</b>	<b>579</b>	<b>1,258</b>
Cases affirmed .....	109	295	404	131	204	335	110	206	316	139	203	342
Cases modified and/or reformed and affirmed .....	9	2	11	8	4	12	5	6	11	11	5	16
Cases affirmed in part and in part reversed and remanded .....	6	2	8	4	0	4	11	4	15	14	3	17
Cases affirmed in part and in part reversed and rendered .....	9	4	13	4	0	4	5	0	5	9	0	9
Cases reversed and remanded .....	56	33	89	19	18	37	27	20	47	51	20	71
Cases reversed and rendered .....	12	0	12	11	0	11	14	0	14	14	0	14
Cases otherwise disposed .....	120	10	130	45	9	54	25	8	33	119	15	134
Cases dismissed .....	176	44	220	80	56	136	82	84	166	69	38	107
Case consolidations or voids .....	<u>5</u>	<u>11</u>	<u>16</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>3</u>	<u>1</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL CASES DISPOSED .....</b>	<b>502</b>	<b>401</b>	<b>903</b>	<b>302</b>	<b>291</b>	<b>593</b>	<b>282</b>	<b>329</b>	<b>611</b>	<b>426</b>	<b>284</b>	<b>710</b>
Cases pending August 31, 1991:												
Pending up to 6 months .....	164	206	370	121	164	285	112	123	235	133	153	286
Pending from 6 to 12 months .....	130	237	367	71	184	255	83	109	192	76	85	161
Pending from 12 to 24 months .....	64	152	216	44	102	146	27	28	55	45	54	99
Pending over 24 months .....	<u>24</u>	<u>22</u>	<u>46</u>	<u>16</u>	<u>11</u>	<u>27</u>	<u>11</u>	<u>5</u>	<u>16</u>	<u>1</u>	<u>3</u>	<u>4</u>
<b>TOTAL CASES PENDING AUGUST 31, 1991 .....</b>	<b>382</b>	<b>617</b>	<b>999</b>	<b>252</b>	<b>461</b>	<b>713</b>	<b>233</b>	<b>265</b>	<b>498</b>	<b>253</b>	<b>295</b>	<b>548</b>
Avg. time between filing & disposition (months) .....	7.5	13.5	10.2	9.2	11.9	10.5	11.3	11.1	11.2	10.9	11.3	11.1
Avg. time between submission & disposition (months) .....	1.8	1.8	1.8	5.3	3.2	4.2	4.5	3.2	3.8	5.1	2.8	4.0

# COURTS OF APPEALS

## Activity for the Year Ending August 31, 1991

(Continued)

	Dallas-5th 13 Justices			Texarkana-6th 3 Justices			Amarillo-7th 4 Justices			El Paso-8th 4 Justices		
	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total
Cases pending September 1, 1990 .....	306	888	1,194	21	61	82	138	154	292	103	149	252
New cases filed during year ending August 31, 1991 .....	613	1,074	1,687	81	64	145	170	155	325	156	208	364
Rehearings granted .....	8	15	23	3	0	3	4	2	6	6	0	6
Cases reinstated .....	10	13	23	1	0	1	2	13	15	0	0	0
Cases remanded from higher courts .....	2	11	13	1	0	1	0	2	2	1	0	1
Cases transferred in .....	0	0	0	77	82	159	0	0	0	38	32	70
Cases transferred out .....	0	-25	-25	0	0	0	0	-1	-1	0	0	0
<b>TOTAL CASES ON DOCKET .....</b>	<b>939</b>	<b>1,976</b>	<b>2,915</b>	<b>184</b>	<b>207</b>	<b>391</b>	<b>314</b>	<b>325</b>	<b>639</b>	<b>304</b>	<b>389</b>	<b>693</b>
Cases affirmed .....	181	728	909	34	88	122	67	138	205	68	120	188
Cases modified and/or reformed and affirmed .....	29	20	49	9	2	11	1	0	1	3	8	11
Cases affirmed in part and in part reversed and remanded .....	11	0	11	0	0	0	3	0	3	5	0	5
Cases affirmed in part and in part reversed and rendered .....	2	0	2	1	0	1	6	0	6	3	0	3
Cases reversed and remanded .....	51	91	142	19	4	23	22	16	38	22	16	38
Cases reversed and rendered .....	26	10	36	3	3	6	2	5	7	8	7	15
Cases otherwise disposed .....	185	95	280	14	4	18	36	11	47	35	11	46
Cases dismissed .....	154	25	179	23	12	35	42	24	66	39	32	71
Case consolidations or voids .....	6	0	6	0	0	0	0	2	2	0	0	0
<b>TOTAL CASES DISPOSED .....</b>	<b>645</b>	<b>969</b>	<b>1,614</b>	<b>103</b>	<b>113</b>	<b>216</b>	<b>179</b>	<b>196</b>	<b>375</b>	<b>183</b>	<b>194</b>	<b>377</b>
Cases pending August 31, 1991:												
Pending up to 6 months .....	202	555	757	70	57	127	60	73	133	97	129	226
Pending from 6 to 12 months .....	77	354	431	9	29	38	43	32	75	21	57	78
Pending from 12 to 24 months .....	15	98	113	1	8	9	29	24	53	2	9	11
Pending over 24 months .....	0	0	0	1	0	1	3	0	3	1	0	1
<b>TOTAL CASES PENDING AUGUST 31, 1991 .....</b>	<b>294</b>	<b>1,007</b>	<b>1,301</b>	<b>81</b>	<b>94</b>	<b>175</b>	<b>135</b>	<b>129</b>	<b>264</b>	<b>121</b>	<b>195</b>	<b>316</b>
Avg. time between filing & disposition (months) .....	5.9	10.9	8.9	5.9	6.9	6.4	10.8	10.5	10.7	7.6	9.4	8.6
Avg. time between submission & disposition (months) .....	1.0	0.8	0.9	1.5	1.6	1.6	4.4	2.1	3.3	1.1	0.8	0.9

# COURTS OF APPEALS

## Activity for the Year Ending August 31, 1991

(Continued)

	Beaumont-9th 3 Justices			Waco-10th 3 Justices			Eastland-11th 3 Justices			Tyler-12th 3 Justices		
	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total
Cases pending September 1, 1990 .....	123	85	208	56	146	202	61	176	237	147	210	357
New cases filed during year ending												
August 31, 1991 .....	153	156	309	121	130	251	75	109	184	184	156	340
Rehearings granted .....	0	0	0	2	0	2	0	2	2	1	1	2
Cases reinstated .....	1	4	5	0	3	3	4	10	14	6	0	5
Cases remanded from higher courts .....	1	3	4	0	0	0	1	1	2	1	1	2
Cases transferred in .....	0	0	0	0	0	0	26	24	50	0	0	0
Cases transferred out .....	0	0	0	0	0	0	0	0	0	-26	-24	-50
<b>TOTAL CASES ON DOCKET .....</b>	<b>278</b>	<b>248</b>	<b>526</b>	<b>179</b>	<b>279</b>	<b>458</b>	<b>167</b>	<b>322</b>	<b>489</b>	<b>312</b>	<b>344</b>	<b>656</b>
Cases affirmed .....	62	73	135	35	95	130	34	112	146	33	88	121
Cases modified and/or reformed and affirmed .....	5	1	6	2	5	7	3	7	10	0	0	0
Cases affirmed in part and in part reversed and remanded .....	4	0	4	1	0	1	2	0	2	0	0	0
Cases affirmed in part and in part reversed and rendered .....	5	0	5	0	0	0	1	0	1	0	0	0
Cases reversed and remanded .....	17	8	25	14	12	26	8	11	19	11	11	22
Cases reversed and rendered .....	3	1	4	4	1	5	4	0	4	2	4	6
Cases otherwise disposed .....	37	11	48	18	1	19	11	16	27	28	5	33
Cases dismissed .....	48	19	67	27	21	48	28	30	58	20	27	97
Case consolidations or voids .....	0	2	2	0	0	0	0	1	1	0	0	0
<b>TOTAL CASES DISPOSED .....</b>	<b>181</b>	<b>115</b>	<b>296</b>	<b>101</b>	<b>135</b>	<b>236</b>	<b>91</b>	<b>177</b>	<b>268</b>	<b>144</b>	<b>135</b>	<b>279</b>
Cases pending August 31, 1991:												
Pending up to 6 months .....	53	59	112	49	66	115	39	60	99	51	52	103
Pending from 6 to 12 months .....	28	56	84	20	39	59	30	38	68	30	52	82
Pending from 12 to 24 months .....	9	17	26	8	29	37	7	47	54	68	87	155
Pending over 24 months .....	7	1	8	1	10	11	0	0	0	19	18	37
<b>TOTAL CASES PENDING AUGUST 31, 1991 ...</b>	<b>97</b>	<b>133</b>	<b>230</b>	<b>78</b>	<b>144</b>	<b>222</b>	<b>76</b>	<b>145</b>	<b>221</b>	<b>168</b>	<b>209</b>	<b>377</b>
Avg. time between filing & disposition (months) .....	8.9	9.2	9.0	7.0	13.8	10.9	8.7	11.0	10.2	7.0	13.5	10.3
Avg. time between submission & disposition (months) .....	2.5	2.5	2.5	2.2	2.2	2.2	5.2	2.4	3.3	1.7	2.1	1.9

# COURTS OF APPEALS

## Activity for the Year Ending August 31, 1991

(Continued)

	Corpus Christi-13th 6 Justices			Houston-14th 9 Justices			Grand Totals		
	Civil	Crim	Total	Civil	Crim	Total	Civil	Crim	Total
Cases pending September 1, 1990 .....	177	151	328	295	483	778	2,546	3,857	6,403
New cases filed during year ending August 31, 1991 .....	317	248	565	527	663	1,190	3,936	4,627	8,563
Rehearings granted .....	2	0	2	16	8	24	83	38	121
Cases reinstated .....	1	0	1	1	0	1	33	53	86
Cases remanded from higher courts .....	0	1	1	0	2	2	12	31	43
Cases transferred in .....	35	69	104	1	1	2	180	209	389
Cases transferred out .....	0	-1	-1	-72	-51	-123	-180	-209	-389
<b>TOTAL CASES ON DOCKET .....</b>	<b>532</b>	<b>468</b>	<b>1,000</b>	<b>768</b>	<b>1,106</b>	<b>1,874</b>	<b>6,609</b>	<b>8,607</b>	<b>15,216</b>
Cases affirmed .....	100	122	222	162	415	577	1,265	2,887	4,152
Cases modified and/or reformed and affirmed .....	10	1	11	9	11	20	104	72	176
Cases affirmed in part and in part reversed and remanded .....	8	1	9	17	1	18	86	11	97
Cases affirmed in part and in part reversed and rendered .....	8	0	8	2	0	2	55	4	59
Cases reversed and remanded .....	46	12	58	54	28	82	417	300	717
Cases reversed and rendered .....	10	0	10	10	11	21	123	42	165
Cases otherwise disposed .....	71	0	71	129	31	160	873	227	1,100
Cases dismissed .....	71	63	134	116	79	195	1,025	554	1,579
Case consolidations or voids .....	0	0	0	6	2	15	20	26	46
<b>TOTAL CASES DISPOSED .....</b>	<b>324</b>	<b>199</b>	<b>523</b>	<b>505</b>	<b>585</b>	<b>1,090</b>	<b>3,968</b>	<b>4,123</b>	<b>8,091</b>
Cases pending August 31, 1991:									
Pending up to 6 months .....	129	175	304	137	275	412	1,417	2,147	3,564
Pending from 6 to 12 months .....	66	76	142	93	176	269	777	1,524	2,301
Pending from 12 to 24 months .....	12	19	31	33	65	98	364	739	1,103
Pending over 24 months .....	0	0	0	0	5	5	84	75	159
<b>TOTAL CASES PENDING AUGUST 31, 1991 .....</b>	<b>207</b>	<b>270</b>	<b>477</b>	<b>263</b>	<b>521</b>	<b>784</b>	<b>2,640</b>	<b>4,485</b>	<b>7,125</b>
Avg. time between filing & disposition (months) .....	7.7	8.6	8.0	7.5	10.1	8.9	8.3	10.8	9.6
Avg. time between submission & disposition (months) .....	3.3	2.1	2.8	1.1	1.0	1.0	2.9	2.0	2.4



# COURTS OF APPEALS

## Opinions Written by Justices of the Courts of Appeals for the Year Ending August 31, 1991

COURT AND JUSTICES	Original Opinions On Merits	Concurring Opinions	Dissenting Opinions	Opinions Refusing Rehearing	*Opinions Granting Rehearing	Opinions Dismissing Appeal	Other Opinions	Per Curiam Opinions	TOTAL PER JUSTICE	TOTAL PER COURT
<b>FIRST, HOUSTON</b>										
*Alice Oliver Trevathan	8	0	0	0	0	0	0	6	14	
Sam Bass	88	0	7	0	0	0	0	50	145	
Lee Duggan, Jr.	58	0	1	0	2	0	0	28	89	
Murry B. Cohen	57	3	1	0	0	1	0	38	100	
D. Camille Dunn	58	1	0	0	0	1	0	48	108	
Margaret Garner Mirabal	49	2	5	0	0	1	0	37	94	
Jon N. Hughes	57	1	2	1	0	4	0	30	95	
Michol O'Connor	35	1	9	1	0	0	0	40	86	
*Davie L. Wilson	23	0	3	0	0	0	0	29	55	
*Frank G. Evans	30	1	1	1	1	0	0	27	61	
*James F. Warren	0	0	0	0	0	0	0	1	1	
**Assigned Judges	82	0	0	1	0	2	0	3	88	936
<b>SECOND, FORT WORTH</b>										
H. Tod Weaver	60	0	0	0	0	15	2	3	80	
Joe Spurlock, II	36	0	0	0	0	19	0	6	61	
John G. Hill	50	0	2	1	0	17	0	6	76	
David Farris	90	1	2	0	0	25	0	4	122	
Hal M. Lattimore	33	0	0	0	0	18	0	8	59	
Lawrence E. Meyers	80	0	3	0	0	22	0	4	109	
Sam Day	77	0	1	0	0	18	0	2	98	
**Assigned Judges	6	0	1	0	0	0	0	0	7	612
<b>THIRD, AUSTIN</b>										
Jimmy Carroll	36	0	0	0	0	0	0	52	88	
John Powers	32	2	0	1	0	0	0	52	87	
Marilyn Aboussle	28	0	0	2	0	0	0	52	82	
Woodie Jones	34	1	0	5	3	0	0	52	95	
*Mack Kidd	22	0	0	0	0	0	0	32	54	
*Bea Ann Smith	16	0	0	1	0	0	0	22	39	
*Bob Shannon	7	0	1	2	0	0	0	19	29	
*Robert A. (Bob) Gammage	5	0	0	0	0	0	0	20	25	
**Assigned Judges	32	0	1	0	0	0	0	0	33	532
<b>FOURTH, SAN ANTONIO</b>										
Blair Reeves	49	1	1	0	0	4	1	34	90	
Shirley M. Butts	61	2	10	0	0	2	7	5	87	
Alfonso Chapa	71	2	3	0	0	1	9	8	94	
David Peeples	51	3	8	0	0	0	7	16	85	
Fred Biery	60	2	1	0	0	1	7	5	76	
Ron Carr	53	0	0	0	0	2	4	4	63	
*Orlando L. Garcia	38	0	0	0	0	1	0	9	48	
*Carlos C. Cadena	0	0	0	0	0	0	1	11	12	
**Assigned Judges	56	0	0	0	0	0	1	2	59	614
<b>FIFTH, DALLAS</b>										
Craig T. Enoch	76	1	2	0	0	0	2	48	129	
Warren Whitham	54	4	0	2	0	1	2	28	91	
Annette Stewart	64	0	1	0	0	0	0	26	91	
Gordon Rowe	56	2	1	0	0	1	1	27	88	
James A. Baker	65	0	6	0	0	0	0	28	99	
Sue Lagarde	68	1	3	0	0	0	1	46	119	
Linda Thomas	65	3	0	0	0	0	0	22	90	
Ed Kinkeade	59	3	1	0	0	0	4	31	98	
John Ovard	55	3	1	0	1	2	0	23	85	
Joe Burnett	57	0	1	0	0	0	2	40	100	
John Whittington	59	0	2	0	0	1	1	24	87	
<sup>11</sup> Frances Maloney	34	0	1	1	0	0	0	12	48	
<sup>12</sup> Ron Chapman	10	0	0	0	0	0	0	7	17	
<sup>13</sup> Charles Ben Howell	31	0	1	0	0	0	0	1	33	
<sup>14</sup> Pat McClung	30	0	0	0	0	0	0	12	42	
**Assigned Judges	30	0	0	0	0	1	0	1	32	1,249
<b>SIXTH, TEXARKANA</b>										
William J. Cornelius	48	0	3	0	1	8	2	12	74	
Charles Bleil	59	4	1	0	0	11	2	4	81	
Ben Z. Grant	60	0	2	2	1	11	2	8	86	241
<b>SEVENTH, AMARILLO</b>										
Charles L. Reynolds	71	3	0	1	0	20	2	2	99	
Carlton B. Dodson	74	2	1	2	0	12	4	6	101	
John T. Boyd	72	0	0	5	0	15	3	1	96	
H. Bryan Poff, Jr.	68	1	1	5	0	15	4	0	94	390

# COURTS OF APPEALS

## Opinions Written by Justices of the Courts of Appeals for the Year Ending August 31, 1991 (Continued)

COURT AND JUSTICES	Original Opinions On Merits	Concurring Opinions	Dissenting Opinions	Opinions Refusing Rehearing	*Opinions Granting Rehearing	Opinions Dismissing Appeal	Other Opinions	Per Curiam Opinions	TOTAL PER JUSTICE	TOTAL PER COURT
<b>EIGHTH, EL PASO</b>										
Max N. Osborn	74	6	0	0	0	0	7	2	89	
Larry Fuller	65	1	2	0	0	2	0	3	73	
Jerry Woodard	67	1	1	0	0	2	3	5	79	
Ward L. Koehler	69	3	1	0	0	0	1	2	76	
**Assigned Judges	2	0	0	0	0	0	0	0	2	319
<b>NINTH, BEAUMONT</b>										
Ronald L. Walker	60	3	1	0	0	1	0	8	73	
Jack Brookshire	54	3	6	0	0	1	0	5	69	
Don Burgess	39	8	12	0	0	2	0	20	81	
**Assigned Judges	7	0	0	0	0	0	0	2	9	232
<b>TENTH, WACO</b>										
Bob L. Thomas	53	2	3	4	0	0	0	35	97	
<sup>18</sup> Bob Cummings	36	0	1	0	0	0	1	11	49	
<sup>19</sup> Bill Vance	41	1	1	2	0	0	2	24	71	
<sup>17</sup> Vic Hall	8	0	0	1	0	0	0	5	14	
<sup>18</sup> Terry R. Means	6	0	0	1	0	0	0	5	12	
**Assigned Judges	27	0	0	1	0	0	0	0	28	271
<b>ELEVENTH, EASTLAND</b>										
Austin McCloud	48	0	0	2	1	0	0	38	87	
Bob Dickenson	48	0	1	1	0	0	0	41	91	
William G. (Bud) Arnot, III	34	0	0	0	0	0	1	36	71	
**Assigned Judges	9	0	0	0	0	0	0	1	10	259
<b>TWELFTH, TYLER</b>										
Tom B. Ramey, Jr.	24	0	0	0	0	1	4	57	86	
Paul S. Colley	26	0	2	0	0	1	3	65	97	
Bill Bass	28	0	1	0	0	3	3	63	98	281
<b>THIRTEENTH, CORPUS CHRISTI</b>										
Paul W. Nye	52	1	1	3	0	1	0	24	82	
Noah Kennedy	50	0	1	3	0	2	0	25	81	
Robert J. Seerden	57	1	1	1	0	1	0	25	86	
J. Bonner Dorsey	61	0	3	0	0	2	0	25	91	
<sup>19</sup> Gilberto Hinojosa	29	0	0	0	0	1	1	17	48	
<sup>20</sup> Fortunato P. Benavides	46	0	0	1	0	0	0	13	60	
<sup>21</sup> William H. Keys	15	1	0	1	0	0	0	5	22	470
<b>FOURTEENTH, HOUSTON</b>										
J. Curtiss Brown	85	2	5	0	0	4	0	34	130	
Paul Pressler	73	0	1	0	0	3	0	38	115	
William E. Junell	78	0	0	0	0	4	0	39	121	
Paul C. Murphy	74	0	3	0	0	5	0	33	115	
Sam Robertson	80	0	2	0	0	2	0	36	120	
Ross A. Sears	73	5	13	0	0	4	0	37	132	
Bill Cannon	69	0	0	0	0	2	0	35	106	
Joe L. Draughn	64	3	1	0	0	3	0	31	102	
George T. Ellis	138	0	11	0	0	10	0	36	195	
**Assigned Judges	2	1	0	0	0	0	0	0	3	1,139
<b>TOTALS</b>	<b>4,762</b>	<b>100</b>	<b>164</b>	<b>55</b>	<b>10</b>	<b>309</b>	<b>97</b>	<b>2,052</b>	<b>7,545</b>	<b>7,545</b>

\*Ordinarily, these are comparable to original opinions on the merits.

\*\*Retired Appellate Justices assigned by the Chief Justice of the Supreme Court.

<sup>1</sup>Alice Olliver Trevathan was appointed effective May 5, 1991, to replace Frank Evans who retired January 31, 1991.

<sup>2</sup>Davie L. Wilson was elected effective January 1, 1991, to replace Michael Schneider who did not run for reelection.

<sup>3</sup>Frank G. Evans retired on January 31, 1991.

<sup>4</sup>James F. Warren died on August 13, 1990.

<sup>5</sup>Mack Kidd was elected effective January 1, 1991, to replace Jimmy Carroll who was elected Chief Justice.

<sup>6</sup>Bea Ann Smith was appointed effective March 1, 1991, to replace Bob Gammage who was elected to the Supreme Court.

<sup>7</sup>Bob Shannon retired on December 31, 1990.

<sup>8</sup>Bob Gammage was elected to the Supreme Court effective January 1, 1991.

<sup>9</sup>Orlando L. Garcia was elected effective January 1, 1991, to replace Blair Reeves who was elected Chief Justice.

<sup>10</sup>Carlos C. Cadena retired on December 31, 1990.

<sup>11</sup>Frances Maloney was elected effective January 1, 1991, to replace Charles Ben Howell who did not run for reelection.

<sup>12</sup>Ron Chapman was appointed effective April 10, 1991, to replace Pat McClung who resigned.

<sup>13</sup>Charles Ben Howell left office December 31, 1990.

<sup>14</sup>Pat McClung resigned effective April 10, 1991.

<sup>15</sup>Bob Cummings was elected and took office December 1, 1990, to replace Vic Hall who resigned November 30, 1990.

<sup>16</sup>Bill Vance was elected effective January 1, 1991, to replace Terry R. Means who was defeated in the election.

<sup>17</sup>Vic Hall resigned on November 30, 1990.

<sup>18</sup>Terry R. Means left office on December 31, 1990.

<sup>19</sup>Gilberto Hinojosa was elected effective January 1, 1991, to replace William H. Keys who was defeated in the election.

<sup>20</sup>Fortunato P. Benavides was appointed to the Court of Criminal Appeals April 5, 1991.

<sup>21</sup>William H. Keys left office on December 31, 1991.

# COURTS OF APPEALS

## Activity for the Year Ending August 31, 1991

### COUNTIES FROM WHICH CASES WERE APPEALED TO A COURT OF APPEALS DURING FISCAL YEAR 1991

<u>COUNTY</u>	<u>CIVIL</u>	<u>CRIMINAL</u>	<u>TOTAL</u>	<u>COUNTY</u>	<u>CIVIL</u>	<u>CRIMINAL</u>	<u>TOTAL</u>
Harris	840	1,142	1,982	Houston	16	1	17
Dallas	541	1,011	1,552	Kaufman	13	4	17
Bexar	263	201	464	Erath	3	13	16
Tarrant	208	221	429	Hopkins	6	10	16
Travis	199	123	322	Chambers	6	9	15
El Paso	68	129	197	Navarro	7	8	15
Nueces	112	82	194	Angelina	7	7	14
Denton	42	127	169	Bee	2	12	14
Smith	53	93	146	Cherokee	12	2	14
Cameron	68	50	118	Frio	4	10	14
Galveston	73	44	117	Calhoun	2	11	13
Jefferson	45	68	113	Hale	2	11	13
Hidalgo	64	42	106	Howard	7	6	13
Brazos	25	75	100	Scurry	2	11	13
Brazoria	54	36	90	Val Verde	6	7	13
Collin	36	51	87	Wharton	12	1	13
Potter	35	50	85	Atascosa	5	7	12
Bell	18	64	82	Bestrop	9	3	12
Hays	8	74	82	Kleberg	5	7	12
Lubbock	39	37	76	Wood	8	4	12
Walker	42	19	61	Aransas	5	6	11
Gregg	23	35	58	Burleson	9	2	11
McLennan	25	32	57	Grimes	5	6	11
Montgomery	19	38	57	Madison	4	7	11
Ector	22	29	51	Pecos	2	9	11
Taylor	26	25	51	Polk	3	8	11
Fort Bend	18	29	47	Robertson	5	6	11
Webb	32	15	47	Rockwall	4	7	11
Wichita	19	16	35	Waller	6	5	11
Midland	14	19	33	Reeves	5	5	10
Randall	16	17	33	Wilson	5	5	10
Williamson	14	19	33	Young	4	6	10
Grayson	14	16	30	Bosque	6	3	9
Palo Pinto	6	24	30	Freestone	1	8	9
Guadalupe	15	14	29	Jasper	7	2	9
Tom Green	11	17	28	Matagorda	8	1	9
Coryell	23	4	27	Wilbarger	2	7	9
Bowie	18	8	26	Burnet	5	3	8
Liberty	11	15	26	Hill	2	6	8
Nacogdoches	8	17	25	Jackson	3	5	8
Rusk	17	8	25	Maverick	8	0	8
Victoria	14	10	24	Upshur	8	0	8
Orange	10	13	23	Wise	5	3	8
Parker	13	10	23	Zavala	7	1	8
Hunt	8	14	22	Brown	4	3	7
Kerr	10	12	22	Ochiltree	6	1	7
Comal	7	14	21	Shelby	5	2	7
Lamar	6	15	21	Eastland	2	4	6
Hood	7	13	20	Fannin	3	3	6
Johnson	11	9	20	Jones	3	3	6
San Patricio	9	11	20	Kendall	3	3	6
Caldwell	5	14	19	Leon	4	2	6
Jim Wells	5	14	19	Limestone	1	5	6
Ellis	6	11	17	Medina	4	2	6
Harrison	13	4	17	Stephens	1	5	6
				Trinity	5	1	6

**COURTS OF APPEALS**  
**Activity for the Year Ending August 31, 1991**  
*(Continued)*

**COUNTIES FROM WHICH CASES WERE APPEALED TO A  
COURT OF APPEALS DURING FISCAL YEAR 1991**

<u>COUNTY</u>	<u>CIVIL</u>	<u>CRIMINAL</u>	<u>TOTAL</u>	<u>COUNTY</u>	<u>CIVIL</u>	<u>CRIMINAL</u>	<u>TOTAL</u>
Ward	4	2	6	Van Zandt	2	1	3
Washington	2	4	6	Willacy	1	2	3
Brooks	3	2	5	Bailey	2	0	2
Colorado	3	2	5	Camp	0	2	2
Comanche	3	2	5	Coleman	2	0	2
Delta	2	3	5	Crane	1	1	2
DeWitt	4	1	5	Crockett	1	1	2
Fayette	2	3	5	Dawson	2	0	2
Franklin	0	5	5	Edwards	0	2	2
Hamilton	1	4	5	Fisher	1	1	2
Hardin	4	1	5	Gray	1	1	2
Henderson	4	1	5	Hall	0	2	2
Hutchison	4	1	5	Hartley	1	1	2
Lee	4	1	5	Haskell	2	0	2
Llano	0	5	5	Hockley	0	2	2
Marion	2	3	5	Hudspeth	2	0	2
Milam	4	1	5	McCulloch	1	1	2
Moore	4	1	5	Morris	1	1	2
Panola	3	2	5	Nolan	2	0	2
Refugio	1	4	5	Parmer	2	0	2
Starr	5	0	5	Presidio	1	1	2
Sutton	1	4	5	Reagan	2	0	2
Archer	3	1	4	Runnels	1	1	2
Austin	3	1	4	Sabine	2	0	2
Bandera	0	4	4	San Jacinto	1	1	2
Baylor	2	2	4	San Saba	0	2	2
Cass	1	3	4	Shackelford	1	1	2
Cooke	1	3	4	Sherman	1	1	2
Deaf Smith	2	2	4	Stonewall	0	2	2
Falls	2	2	4	Terrell	0	2	2
Floyd	2	2	4	Terry	0	2	2
Gaines	3	1	4	Winkler	2	0	2
Jack	2	2	4	Zapata	2	0	2
Newton	2	2	4	Andrews	0	1	1
Red River	3	1	4	Brewster	0	1	1
Titus	1	3	4	Childress	1	0	1
Tyler	3	1	4	Collingsworth	1	0	1
Uvalde	3	1	4	Cottle	0	1	1
Wheeler	2	2	4	Dimmitt	1	0	1
Yoakum	0	4	4	Foard	1	0	1
Blanco	1	2	3	Gillespie	0	1	1
Carson	1	2	3	Irion	1	0	1
Cochran	1	2	3	Jeff Davis	1	0	1
Crosby	2	1	3	Jim Hogg	1	0	1
Dickens	0	3	3	Kinney	1	0	1
Duval	3	0	3	Knox	0	1	1
Goliad	0	3	3	La Salle	1	0	1
Gonzales	1	2	3	Lavaca	1	0	1
Karnes	1	2	3	Martin	1	0	1
Kimble	0	3	3	Menard	1	0	1
Lamb	1	2	3	Rains	0	1	1
Lampasas	0	3	3	San Augustine	0	1	1
Lipscomb	3	0	3	Schleicher	1	0	1
Lynn	3	0	3	Throckmorton	0	1	1
Montague	3	0	3	Upton	1	0	1
Somervell	1	2	3				