

# SUPREME COURT

The Supreme Court of Texas is composed of the Chief Justice and eight associate justices. It is the highest state court for civil appeals and promulgates the rules of civil procedure for the courts of the state.

A record number of applications for writs of error were filed in the Supreme Court during 1976. Six hundred ninety-three applications were filed, compared to 668 in 1975 — an increase of 4 percent and 11 percent higher than the ten-year average of 624. In 1976, 111 new “regular causes” — primarily cases in which the Court hears oral argument and delivers an opinion — reached the docket, compared to 104 in 1975 and the ten-year average of 101. New civil mandamus matters decreased slightly from 91 to 86 but criminal mandamus matters increased 71 percent — from 101 to 171 in 1976.

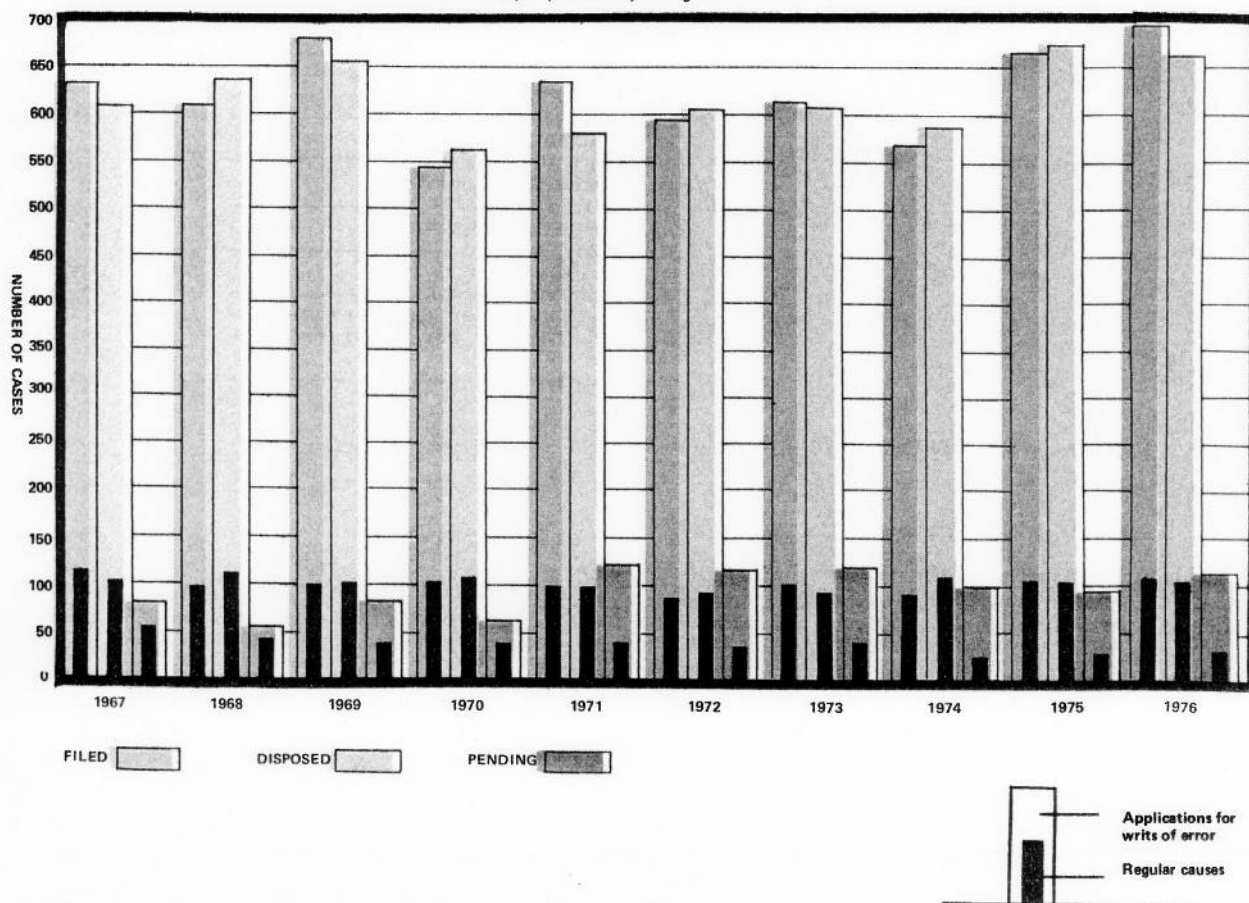
In 1976, the Supreme Court disposed of 78 percent of the regular causes docketed during 1976 or carried over from 1975, compared to 80 percent in 1975. Eighty-five percent of the applications for writs of error were disposed of during the year, the same as during 1975.

The Court delivered 107 deciding opinions in 1976 compared to 103 in 1975. A total of 115 opinions was written (including Rule 483 per curiam opinions), an average of 13 per justice.

The Supreme Court disposed of 667 applications for writs of error from decisions of the courts of civil appeals, compared to 672 in 1975, and an average of 74 per justice. Fourteen percent of the 667 applications were granted. Of the granted writs, the Court of Civil Appeals was reversed in 68 percent of the cases for an effective reversal rate of the courts of civil appeals of 7 percent.

Thirty regular causes were pending at the end of 1976 — 4 more than at the end of 1975, but 5 cases less than the ten-year average. The number of applications for writs of error remaining on the docket at the end of 1976 was 122 — 27 percent more than the number at the end of the 1975 and the ten-year average, both of which were 96 cases.

Figure 1. SUPREME COURT  
Cases filed, disposed and pending 1967 - 1976



# SUPREME COURT

## 1976 Statistics

### I. REGULAR CAUSES\*

On Docket Within the Year:

Carried over from 1975	(Pending under submission-----)	16
	(Pending set for submission-----)	10
By granted applications for writ of error-----		85
By granted motions for leave to file petitions for writs of mandamus-----		12
By direct appeals filed-----		5
By granted habeas corpus filed-----		2
By Rule 483 (Texas Rules of Civil Procedure)-----		7
	Total-----	137

Dispositions:

Judgment (or judgments) affirmed, or reformed or modified and affirmed-----		23
Judgment of Court of Civil Appeals reversed (or in part) and judgment of trial court affirmed-----		16
Judgments reversed (or in part) and cause remanded to trial court-----		19
Judgment of Court of Civil Appeals reversed (or in part) and cause remanded to that Court-----		5
Judgments reversed (or in part) and judgment rendered-----		8
Judgments of Court of Civil Appeals and District Court reversed (or set aside) and appeal dismissed-----		7
Causes dismissed as moot-----		11
Mandamus	(Writs granted-----)	6
	(Writs denied-----)	2
	(Writs dismissed-----)	4
Direct Appeal	(Judgment of trial court affirmed--)	1
	(Dismissed for want of jurisdiction-----)	1
Habeas Corpus	(Relator discharged-----)	3
	(Relator remanded-----)	1
	Sub Total-----	107
	Pending under submission-----	21
	Pending set for submission-----	9
	Total-----	137
Causes submitted in 1976-----		84

\*"Regular Causes" are reported in a separate category because they are the cases which pass through most, if not all, of the steps of the regular appellate decision-making process. "Regular Causes" are cases in which oral argument of counsel in open court is received (unless waived) and in which the court's decision is usually reported in a written opinion. Most are reviewed in conference by the Supreme Court, before oral argument and decision, upon application for writ of error, with three or more of the justices voting that the decision of the Court of Civil Appeals was erroneous and that the writ therefore should be granted. A similar procedure is followed regarding petitions for original mandamus and habeas corpus, which become "Regular Causes" only after review and vote in conference.

Cases other than "Regular Causes" include such actions as the court's rejection in conference of an application for writ of error or application to file a petition for original mandamus or habeas corpus. This category is obviously larger than that of "Regular Causes".

**Supreme Court**  
*1976 Statistics (Continued)*

II. CASES OTHER THAN REGULAR CAUSES  
APPLICATION FOR WRITS OF ERROR

On Docket Within the Year:

Carried over from 1975-----	96
Filed in 1976-----	<u>693</u>
Total-----	789

Dispositions:

Granted-----	92
Refused-----	7
Refused. No Reversible Error-----	497
Dismissed for want of jurisdiction-----	66
Joint motion of parties to dismiss-----	3
Dismissed by order of Court-----	<u>2</u>
Sub Total-----	667
Carried over to 1977-----	<u>122</u>
Total-----	789

MANDAMUS - CIVIL

On Docket:

Carried over from 1975-----	2
Filed in 1976-----	<u>86</u>
Total-----	88

Dispositions:

Granted-----	12
Overruled-----	<u>72</u>
Sub Total-----	84
Carried over to 1977-----	<u>4</u>
Total-----	88

MANDAMUS - CRIMINAL

On Docket:

Carried over from 1975-----	30
Filed in 1976-----	<u>171</u>
Total-----	201

Dispositions:

Dismissed as moot-----	147
Dismissed for want of prosecution-----	2
Dismissed for want of merit-----	1
Dismissed on motion of relator-----	1
Dismissed for want of jurisdiction-----	<u>1</u>
Sub Total-----	152
Carried over to 1977-----	<u>49</u>
Total-----	201

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*1976 Statistics (Continued)*

HABEAS CORPUS

<u>On Docket:</u>	
Filed in 1976-----	11
<u>Dispositions:</u>	
Granted-----	2
Denied-----	9
Total-----	11

M O T I O N S

Motions for Rehearing of Causes

<u>On Docket:</u>	
Carried over from 1975-----	9
Filed in 1976-----	47
Total-----	56
<u>Dispositions:</u>	
Overruled-----	54
Granted-----	1
Sub Total-----	55
Carried over to 1977-----	1
Total-----	56

Motions for Rehearing of Applications for Writs of Error

<u>On Docket:</u>	
Carried over from 1975-----	9
Filed in 1976-----	236
Total-----	245
<u>Dispositions:</u>	
Overruled-----	222
Granted-----	10
Sub Total-----	232
Carried over to 1977-----	13
Total-----	245

Motions for Rehearing of Motion for Leave to File Petitions  
for Writs of Mandamus

<u>On Docket:</u>	
Filed in 1976-----	15
<u>Dispositions:</u>	
Overruled-----	15
Miscellaneous motions passed on by the Court in 1976-----	36

Supreme Court  
1976 Statistics (Continued)

OPINIONS DELIVERED BY THE COURT IN 1976

Deciding Causes-----	107
Per Curiam on applications, motions, etc.-----	13
Concurring-----	10
Dissenting-----	<u>21</u>
Total-----	151

R E C A P I T U L A T I O N

Regular causes determined by Court in 1976-----	107
Applications for writs of error determined by Court in 1976-----	667
Motions for leave to file petitions for writ of mandamus involving civil cases determined by Court in 1976-----	84
Motions for leave to file petitions for writ of mandamus involving criminal cases determined by Court in 1976-----	171
Petitions for writs of habeas corpus determined by Court in 1976-----	<u>11</u>
Total number of cases passed on by Court in 1976-----	1,040
Motions for rehearing of causes determined by Court in 1976-----	55
Motions for rehearing of applications for writs of error determined by Court in 1976-----	232
Motions for rehearing of motions for leave to file petitions for writ of mandamus determined by Court in 1976-----	15
Miscellaneous motions passed on by Court in 1976-----	<u>36</u>
Total number of motions passed on by Court in 1976-----	338
Regular causes pending at close of December 31, 1976-----	30
Applications for writ of error pending at that time-----	122
Motions for rehearing of causes pending at that time-----	1
Motions for rehearing of applications pending at that time-----	13
Motions for leave to file petitions for writ of mandamus in civil cases pending at that time-----	4
Motions for leave to file petitions for writ of mandamus in criminal cases pending at that time-----	<u>49</u>
Total number of cases pending at close of December 31, 1976-----	219

Supreme Court  
1976 Statistics (Continued)

OPINIONS WRITTEN BY JUSTICES OF THE SUPREME COURT 1976					
Justices	Original Opinions Deciding Causes	Concurring Opinions	Dissenting Opinions	Per Curiam	Total Per Justice
Joe R. Greenhill Chief Justice	7	1	3		11
Zollie Steakley Associate Justice	9	1	2		12
Jack Pope Associate Justice	11	1	3		15
Thomas M. Reavley Associate Justice	10	3	6		19
Sears McGee Associate Justice	7	0	2		9
James C. Denton Associate Justice	8	0	1		9
Price Daniel Associate Justice	11	2	1		14
Sam Johnson Associate Justice	7	2	2		11
Ross E. Doughty Associate Justice	7	0	1		8
Per Curiam:					
Rule 483 T. R. C. P.	—	—	—	7	7
Total	77	10	21	7	115

Supreme Court  
1976 Statistics (Continued)

ACTION BY THE SUPREME COURT IN CASES FROM THE COURTS OF CIVIL APPEALS ON WRIT OF ERROR GRANTED 1976						
COURT AND LOCATION	COURT OF CIVIL APPEALS AFF.	C.C.A. REV. TRIAL COURT AFF.	REV. AND REM. TO C.C.A.	REV. & REM. TO TRIAL COURT	REV. AND REN.	TOTAL FOR COURT
FIRST AT HOUSTON	3			1		4
SECOND AT FORT WORTH	2		2		1	5
THIRD AT AUSTIN	1	5	1		1	8
FOURTH AT SAN ANTONIO	2		1			3
FIFTH AT DALLAS			1			1
SIXTH AT TEXARKANA	1			1		2
SEVENTH AT AMARILLO	2					2
EIGHTH AT EL PASO	2	1		1	1	5
NINTH AT BEAUMONT	2	2	1	4	1	10
TENTH AT WACO	2	1	1	3 $\frac{1}{2}$	$\frac{1}{2}$	8
ELEVENTH AT EASTLAND	1	2				3
TWELFTH AT TYLER	2	2		1	3	8
THIRTEENTH AT CORPUS CHRISTI	2	1		2	2	7
FOURTEENTH AT HOUSTON	$\frac{1}{2}$	1		2 $\frac{1}{2}$		4
TOTAL	22 $\frac{1}{2}$	15	7	16	9 $\frac{1}{2}$	70