

SUPREME COURT

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

A record number of applications for writs of error were filed in the Supreme Court during 1977. Seven hundred sixty-six applications were filed, compared to 693 in 1976—an increase of 11 percent and 20 percent higher than the ten-year average of 638. In 1977, 103 new “regular causes”—primarily cases in which the Court hears oral argument and delivers an opinion—reached the docket, compared to 111 in 1976 and the ten-year average of 100. New civil mandamus matters remained practically the same—86 in 1976 and 88 in 1977 but criminal mandamus matters decreased 11 percent—from 171 to 153 in 1977.

In 1977, the Supreme Court disposed of 78 percent of the regular causes docketed during 1977 or carried over from 1976, the same percentage as in 1976. Eighty-one percent of the applications for writs of error

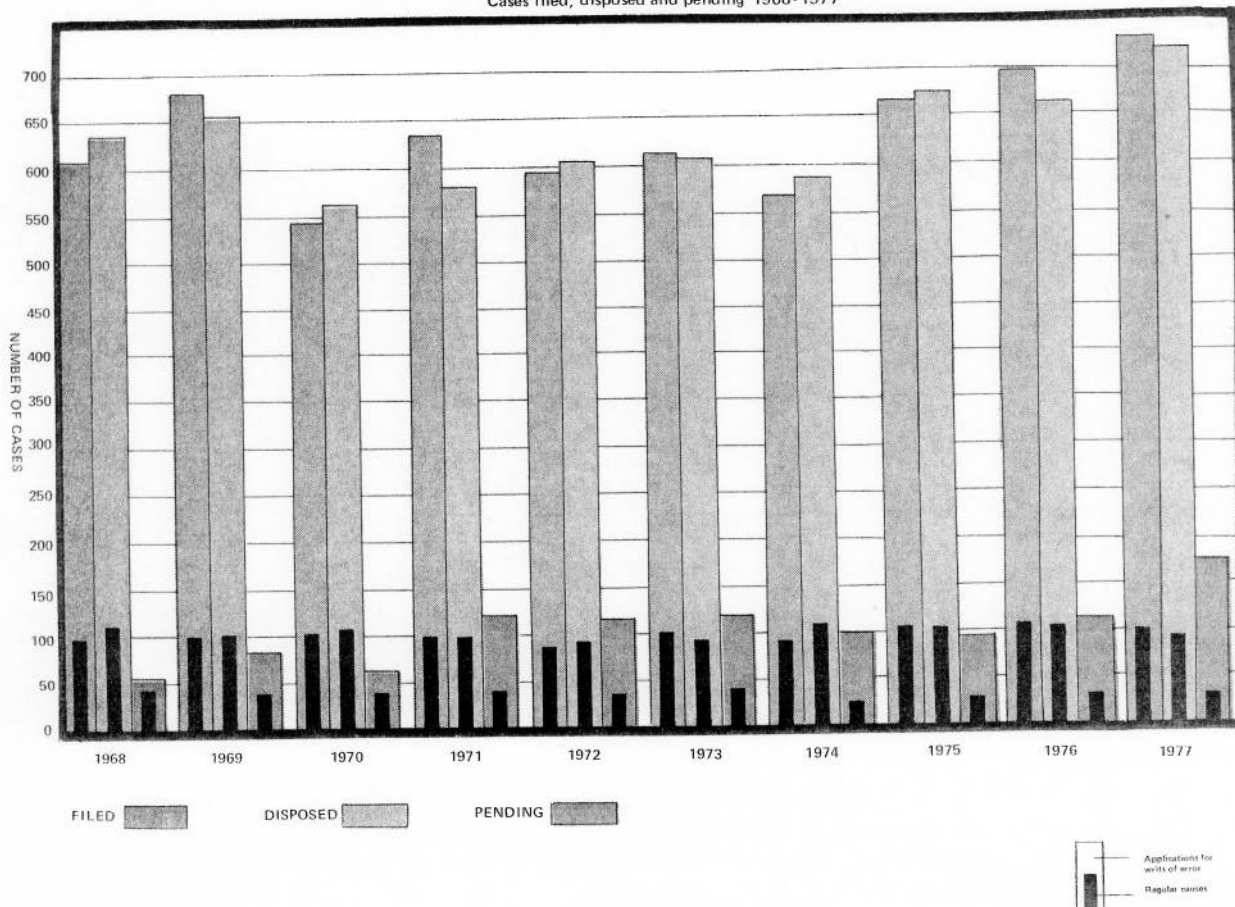
were disposed of during the year, compared to 85 percent during 1976.

The Court delivered 84 deciding opinions in 1977 compared to 107 in 1976. A total of 109 opinions was written (including Rule 483 per curiam opinions), an average of 12 per justice.

The Supreme Court disposed of 717 applications for writs of error from decisions of the courts of civil appeals, compared to 667 in 1976, and an average of 80 per justice. Fourteen percent of the 717 applications were granted. Of the granted writs, the Court of Civil Appeals was reversed in 66 percent of the cases for an effective reversal rate of the courts of civil appeals of 6 percent.

Forty-two regular causes were pending at the end of 1977—12 more than at the end of 1976, and 8 cases more than the ten-year average. The number of applications for writs of error remaining on the docket at the end of 1977 was 171—40 percent more than the 122 at the end of 1976 and 63 percent more than the ten-year average of 105.

Figure 1. SUPREME COURT
Cases filed, disposed and pending 1968-1977



SUPREME COURT 1977 Statistics

I. REGULAR CAUSES*

On Docket Within the Year:

Carried over from 1976	(Pending under submission-----)	21
	(Pending set for submission-----)	9
By granted applications for writ of error-----		70
By granted motions for leave to file petitions for writ of mandamus-----		16
By direct appeals filed-----		5
By granted habeas corpus filed-----		3
By Rule 483 (Texas Rules of Civil Procedure)-----		9
	Total-----	133

Dispositions:

Judgment (or judgments) affirmed, or reformed or modified and affirmed-----		21
Judgment of Court of Civil Appeals reversed (or in part) and judgment of trial court affirmed-----		22
Judgments reversed (or in part) and cause remanded to trial court-----		12
Judgments of Court of Civil Appeals reversed in part and affirmed in part and reversed portion remanded to trial court-----		3
Judgment of Court of Civil Appeals reversed (or in part) and cause remanded to that court-----		4
Judgments reversed or in part and judgment rendered (or in part)-----		4
Causes dismissed as moot-----		4
Mandamus	(Writs granted-----)	14
	(Writs denied-----)	0
	(Writs dismissed-----)	0
Direct Appeal	(Judgment of trial court affirmed--)	3
	(Judgment of trial court reversed--)	1
Habeas Corpus	(Judicial removal proceeding-----)	1
	(Relator discharged-----)	1
	(Dismissed as moot-----)	1
	Sub Total-----	91
	(Pending under submission-----)	27
	(Pending set for submission---	15
	Total-----	133
Causes submitted in 1977-----		85

*"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

1977 Statistics (Continued)

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

On Docket Within the Year:

Carried over from 1976-----	122
Filed in 1977-----	766
Total-----	888

Dispositions:

Granted-----	102
Refused-----	10
Refused. No Reversible Error-----	527
Dismissed for want of jurisdiction-----	67
Joint motion of parties to dismiss-----	3
Dismissed by order of Court-----	8
Sub Total-----	717
Carried over to 1978-----	171
Total-----	888

MANDAMUS - CIVIL

On Docket:

Carried over from 1976-----	4
Filed in 1977-----	88
Total-----	92

Dispositions:

Granted-----	16
Overruled-----	71
Dismissed on relator's motion-----	3
Sub Total-----	90
Carried over to 1978-----	2
Total-----	92

MANDAMUS - CRIMINAL

On Docket:

Carried over from 1976-----	49
Filed in 1977-----	153
Total-----	202

Dispositions:

Dismissed as moot-----	153
Dismissed for want of prosecution-----	5
Dismissed for want of merit-----	1
Sub Total-----	159
Carried over to 1978-----	43
Total-----	202

Supreme Court
1977 Statistics (Continued)

HABEAS CORPUS

<u>On Docket:</u>	
Filed in 1977-----	11
<u>Dispositions:</u>	
Granted-----	3
Denied-----	8
Total-----	11

WRIT OF PROHIBITION

<u>On Docket:</u>	
Filed in 1977-----	3
<u>Dispositions:</u>	
Overruled-----	3
Total-----	3

M O T I O N S

Motions for Rehearing of Causes

<u>On Docket:</u>	
Carried over from 1976-----	1
Filed in 1977-----	65
Total-----	66
<u>Dispositions:</u>	
Overruled-----	56
Granted-----	4
Sub Total-----	60
Carried over to 1978-----	6
Total-----	66

Motions for Rehearing of Applications for Writs of Error

<u>On Docket:</u>	
Carried over from 1976-----	13
Filed in 1977-----	271
Total-----	284
<u>Dispositions:</u>	
Overruled-----	248
Granted-----	5
Sub Total-----	253
Carried over to 1978-----	31
Total-----	284

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

<u>On Docket:</u>	
Filed in 1977-----	5

Supreme Court
1977 Statistics (Continued)

Dispositions:

Overruled-----	5
Total-----	5
Miscellaneous motions passed on by the Court in 1977-----	73

OPINIONS DELIVERED BY THE COURT IN 1977

Deciding Causes-----	84
Concurring-----	4
Dissenting-----	23
Per Curiam on applications, motions, etc-----	16
Total-----	127

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

Regular causes determined by Court in 1977-----	91
Applications for writs of error determined by Court in 1977-----	717
Motions for leave to file petitions for writ of mandamus involving civil cases determined by Court in 1977-----	90
Motions for leave to file petitions for writ of mandamus involving criminal cases determined by Court in 1977-----	159
Petitions for writs of habeas corpus determined by Court in 1977--	11
Writs of Prohibition determined by Court in 1977-----	3
Total number of cases passed on by Court in 1977-----	1,071
Motions for rehearing of causes determined by Court in 1977-----	60
Motions for rehearing of applications for writs of error determined by Court in 1977-----	253
Motions for rehearing of motions for leave to file petitions for writ of mandamus determined by Court in 1977-----	5
Miscellaneous motions passed on by Court in 1977-----	73
Total number of motions passed on by Court in 1977-----	393
Regular causes pending at close of December 31, 1977-----	42
Applications for writ of error pending at that time-----	171
Motions for rehearing of causes pending at that time-----	6
Motions for rehearing of applications pending at that time-----	31
Motions for leave to file petitions for writ of mandamus in civil cases pending at that time-----	2
Motions for leave to file petitions for writ of mandamus in criminal cases pending at that time-----	43
Total number of cases pending at close of December 31, 1977-----	295

Supreme Court 1977 Statistics (Continued)

OPINIONS WRITTEN BY JUSTICES OF THE SUPREME COURT 1977

Justices	Original Opinions Deciding Causes	Concurring Opinions	Dissenting Opinions	Per Curiam	Total Per Justice
Joe R. Greenhill Chief Justice	9	2	1		12
Zollie Steakley Associate Justice	9		2		11
Jack Pope Associate Justice	12		3		15
¹ Thomas M. Reavley Associate Justice	9	1	3		13
Sears McGee Associate Justice	5		3		8
James G. Denton Associate Justice	8		1		9
Price Daniel Associate Justice	8		1		9
Sam Johnson Associate Justice	8	1	7		16
² Charles W. Barrow Associate Justice	2				2
³ T. C. Chadick Associate Justice	2				2
⁴ Donald B. Yarbrough Associate Justice	1		2		3
Rule 483, T.R.C.P.	9				
TOTAL	84	4	23	9	109

¹Resigned October 4, 1977
²Began July 25, 1977
³Began October 5, 1977
⁴Began January 2, 1977 and Resigned July 24, 1977

Supreme Court

1977 Statistics (Continued)

ACTION BY THE SUPREME COURT IN CASES FROM THE COURTS OF CIVIL APPEALS ON WRIT OF ERROR GRANTED 1977						
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	1	1		2		4
SECOND AT FORT WORTH	1½	½			1	3
THIRD AT AUSTIN	3	1		2		6
FOURTH AT SAN ANTONIO						0
FIFTH AT DALLAS	1					1
SIXTH AT TEXARKANA	1	1				2
SEVENTH AT AMARILLO	1	2			1	4
EIGHTH AT EL PASO	1	3				4
NINTH AT BEAUMONT	5	1	1			7
TENTH AT WACO	4	3½		1½	2	11
ELEVENTH AT EASTLAND	1½	3		3½		8
TWELFTH AT TYLER		2	1	2	1	6
THIRTEENTH AT CORPUS CHRISTI	½	2	½	1		4
FOURTEENTH AT HOUSTON	2	3		1		6
TOTAL	22½	23	2½	13	5	66