

# SUPREME COURT 1978

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 1978. Eight hundred sixty-nine applications were filed, compared to 766 in 1977 — an increase of 13 percent and 31 percent higher than the ten-year average of 664. In 1978, 110 new "regular causes" — primarily cases in which the Court hears oral argument and delivers an opinion — reached the docket, compared to 103 in 1977 and the ten-year average of 101. New civil mandamus matters jumped from 88 in 1977 to 123 in 1978 (40 percent increase) but criminal mandamus matters decreased from 153 to 34 in 1978.

In 1978, the Supreme Court disposed of 79 percent of the regular causes docketed during 1978 or carried over from 1977, one percent more than in 1977. Eighty-six percent of the applications for writs of error were disposed of during

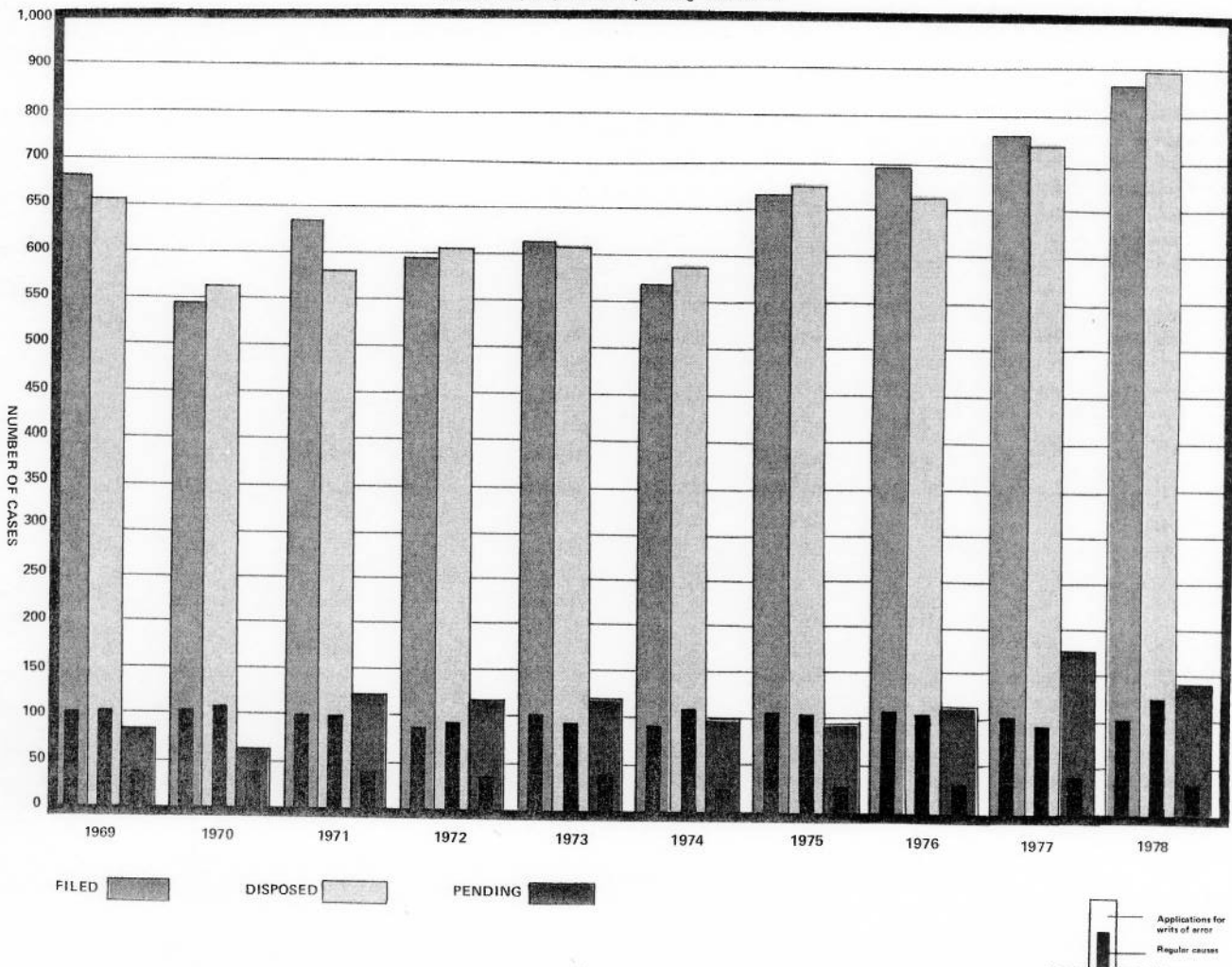
the year, compared to 81 percent during 1977.

The Court delivered 114 deciding opinions in 1978 compared to 84 in 1977 — an increase of 36 percent. A total of 176 opinions was written (including Rule 483 per curiam opinions), an average of 20 per justice, compared to 12 in 1977.

The Supreme Court disposed of 899 applications for writs of error from decisions of the courts of civil appeals, compared to 717 in 1977, and an average of 100 per justice. Eleven percent of the 899 applications were granted. Of the granted writs, the Court of Civil Appeals was reversed in 76 percent of the cases for an effective reversal rate of the courts of civil appeals of eight percent.

Thirty-two regular causes were pending at the end of 1978 — ten less than at the end of 1977, and one case less than the ten-year average. The number of applications for writs of error remaining on the docket at the end of 1978 was 141 — 18 percent less than the 171 at the end of 1977 but 24 percent more than the ten-year average of 114.

Figure 1. SUPREME COURT  
Cases filed, disposed and pending 1969-1978



# SUPREME COURT

## 1978 Statistics

### I. REGULAR CAUSES<sup>1</sup>

On Docket Within the Year:

Carried over from 1977	(Pending under submission .....	27
	(Pending set for submission .....	15
By granted applications for writ of error .....		68
By granted motions for leave to file petitions for writ of mandamus .....		15
By direct appeals filed .....		6
By granted habeas corpus filed .....		4
By Rule 483 (Texas Rules of Civil Procedure) .....		17
	<b>Total .....</b>	<b><u>152</u></b>

Dispositions:

Judgment (or judgments) affirmed, or reformed or modified and affirmed .....		19
Judgment of Court of Civil Appeals reversed (or in part) and judgment of trial court affirmed (or modified and affirmed) .....		31
Judgments reversed (or in part) and cause remanded to trial court .....		15
Judgments of courts below reversed in part, affirmed in part, and remanded in part .....		4
Judgment of Court of Civil Appeals reversed (or in part) and cause remanded to that court .....		15
Judgments reversed or in part and judgment rendered (or in part) .....		9
Causes dismissed as moot .....		5
Judgments of courts below reversed and appeal dismissed .....		2
Mandamus	(Writs granted .....	13
	(Writs dismissed .....	1
Direct Appeal	(Judgment of trial court affirmed .....	4
Habeas Corpus	(Relator discharged .....	2
	<b>Sub Total .....</b>	<b>120</b>
	(Pending under submission .....	23
	(Pending set for submission .....	9
	<b>Total .....</b>	<b><u>152</u></b>
Causes submitted in 1978 .....		91

<sup>1</sup>"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**  
**1978 Statistics (Continued)**

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

On Docket Within the Year:

Carried over from 1977 .....	171
Filed in 1978 .....	869
Total .....	<u>1,040</u>

Dispositions:

Granted .....	97
Refused .....	4
Refused. No Reversible Error .....	692
Dismissed for want of jurisdiction .....	83
Motions of parties to dismiss .....	12
Dismissed by order of the Court .....	6
Dismissed at petitioner's request .....	5
Sub Total .....	899
Carried over to 1979 .....	141
Total .....	<u>1,040</u>

MANDAMUS - CIVIL

On Docket:

Carried over from 1977 .....	2
Filed in 1978 .....	123
Total .....	<u>125</u>

Dispositions:

Granted .....	15
Overruled .....	101
Dismissed on relator's motion .....	3
Dismissed by order of the Court .....	1
Sub Total .....	120
Carried over to 1979 .....	5
Total .....	<u>125</u>

**Supreme Court**  
**1978 Statistics (Continued)**

MANDAMUS - CRIMINAL

On Docket:

Carried over from 1977 .....	43
Filed in 1978 .....	34
Total .....	77

Dispositions:

Dismissed as moot .....	65
Dismissed for want of prosecution .....	4
Dismissed for want of jurisdiction .....	1
Dismissed on motion of relator .....	2
Transferred to Court of Criminal Appeals .....	1
Sub Total .....	73
Carried over to 1979 .....	4
Total .....	77

HABEAS CORPUS

On Docket:

Filed in 1978 .....	14
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Dispositions:

Granted .....	5
Denied .....	7
Sub Total .....	12
Carried over to 1979 .....	2
Total .....	14

**Supreme Court**  
**1978 Statistics (Continued)**

WRIT OF PROHIBITION

On Docket:

Filed in 1978 ..... 3

Dispositions:

Overruled ..... 3

Total ..... 3

WRIT OF INJUNCTION

On Docket:

Filed in 1978 ..... 4

Dispositions:

Granted ..... 3

Denied ..... 1

Total ..... 4

M O T I O N S

Motions for Rehearing of Causes

On Docket:

Carried over from 1977 ..... 6

Filed in 1978 ..... 74

Total ..... 80

Dispositions:

Overruled ..... 74

Granted ..... 4

Sub Total ..... 78

Carried over to 1979 ..... 2

Total ..... 80

**Supreme Court**  
**1978 Statistics (Continued)**

Motions for Rehearing of Applications for Writs of Error

On Docket:

Carried over from 1978 .....	31
Filed in 1978 .....	<u>269</u>
Total .....	<u>300</u>

Dispositions:

Overruled .....	274
Granted .....	4
Sub Total .....	278
Carried over to 1979 .....	<u>22</u>
Total .....	<u>300</u>

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

On Docket:

Filed in 1978 .....	10
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Dispositions:

Granted .....	2
Overruled .....	8
Total .....	<u>10</u>

Miscellaneous motions passed on by the Court in 1978 (includes 21C, etc.) .....	83
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OPINIONS DELIVERED BY THE COURT IN 1978

Deciding Causes .....	114
Concurring .....	7
Dissenting .....	20
On motion for rehearing .....	12
Per Curiam on applications, motions, etc. ....	<u>23</u>
Total .....	<u>176</u>

**Supreme Court**  
**1978 Statistics** *(Continued)*

RECAPITULATION

Regular causes determined by the Court in 1978 .....	120
Applications for writ of error determined in 1978 .....	899
Motions for leave to file petitions for writ of mandamus involving civil cases determined in 1978 .....	120
Motions for leave to file petitions for writ of mandamus involving criminal cases determined in 1978 .....	73
Petitions for writs of habeas corpus determined in 1978 .....	12
Writs of prohibition and injunction determined in 1978 .....	7
Total number of cases passed on by the Court in 1978 .....	<u>1,231</u>
Motions for rehearing of causes determined by the Court in 1978 .....	78
Motions for rehearing of applications for writs of error determined in 1978 .....	278
Motions for rehearing of motions for leave to file petitions for writ of mandamus determined in 1978 .....	10
Miscellaneous motions passed on by Court in 1978 .....	83
Total number of motions passed on by the Court in 1978 .....	<u>449</u>
Regular causes pending at close of December 31, 1978 .....	32
Applications for writ of error pending 12/31/78 .....	141
Habeas Corpus pending 12/31/78 .....	2
Motions for rehearing of causes pending 12/31/78 .....	2
Motions for rehearing of applications pending 12/31/78 .....	22
Motions for leave to file petitions for writ of mandamus in civil cases pending 12/31/78 .....	5
Motions for leave to file petitions for writ of mandamus in criminal cases pending 12/31/78 .....	<u>4</u>
Total number of cases pending at close of term for 1978 .....	<u>208</u>

# SUPREME COURT

## 1978 Statistics (Continued)

### OPINIONS WRITTEN BY JUSTICES

Justices	Original Opinions Deciding Causes	Concurring Opinions	Dissenting Opinions	Per Curiam	On Motion for Rehearing	Total Per Justice
Joe R. Greenhill Chief Justice	10	2	2		1	15
Zollie Steakley Justice	10		3			13
Jack Pope Justice	13	2	3		1	19
Sears McGee Justice	9	1	2			12
James G. Denton Justice	11					11
Price Daniel Justice	12	2	2		4	20
Sam D. Johnson Justice	12		5		4	21
Charles W. Barrow Justice	13		1		1	15
<sup>1</sup> T. C. Chadick Justice	6		2		1	9
<sup>2</sup> Robert M. Campbell Justice	1					1
Rule 483, T.R.C.P.	17			17		17
Per Curiams on applications			23	23		23
TOTAL	114	7	20	40	12	176

<sup>1</sup>Left office effective November 30, 1978.

<sup>2</sup>Elected and assumed office effective December 1, 1978.



**SUPREME COURT**  
**1978 Statistics (Continued)**

ACTION BY THE SUPREME COURT IN CASES FROM THE COURTS OF CIVIL APPEALS ON WRITS OF ERROR GRANTED							
COURT AND LOCATION	COURT OF CIVIL APPEALS AFFIRMED	C.C.A. REVERSED, TRIAL COURT AFFIRMED	REVERSED AND REMANDED TO C.C.A.	REVERSED AND REMANDED TO TRIAL COURT	REVERSED AND RENDERED	OTHER	TOTAL FOR COURT
FIRST, HOUSTON	3	2		1			6
SECOND, FORT WORTH	2	2			1	2	7
THIRD, AUSTIN		10	1	1			12
FOURTH, SAN ANTONIO		2		1	2		5
FIFTH, DALLAS	3	1	1	1			6
SIXTH, TEXARKANA			1	1			2
SEVENTH, AMARILLO	2			2	1		5
EIGHTH, EL PASO			2	1	1	1	5
NINTH, BEAUMONT	4½	3	2	1½	1	1	13
TENTH, WACO	1	2	2	4	2		11
ELEVENTH, EASTLAND		2	1	2	1		6
TWELFTH, TYLER	1	3½		1½		1	7
THIRTEENTH, CORPUS CHRISTI		4	1	2			7
FOURTEENTH, HOUSTON	1½	1½	1				4
TOTAL	18	33	12	19	9	5	96