

SUPREME COURT

1979

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 associates justices.

The number of applications for writs of error filed in the Supreme Court during 1979 declined slightly from the 1978 record number. Eight hundred twenty-two applications were filed, compared to 869 in 1978--a decrease of 5 percent, but 21 percent higher than the ten-year average of 678. In 1979, 120 new "regular causes" - primarily cases in which the Court hears oral argument and delivers an opinion - reached the docket, compared to 110 in 1978 and the ten-year average of 103. New civil mandamus matters increased from 123 in 1978 to 137 in 1979 (11 percent increase) but criminal mandamus matters decreased from 34 to seven in 1979.

In 1979, the Supreme Court disposed of 64 percent of the regular causes docketed during 1979 or carried over from 1978, compared to 79 percent in 1978. Eighty-one percent of the applications for

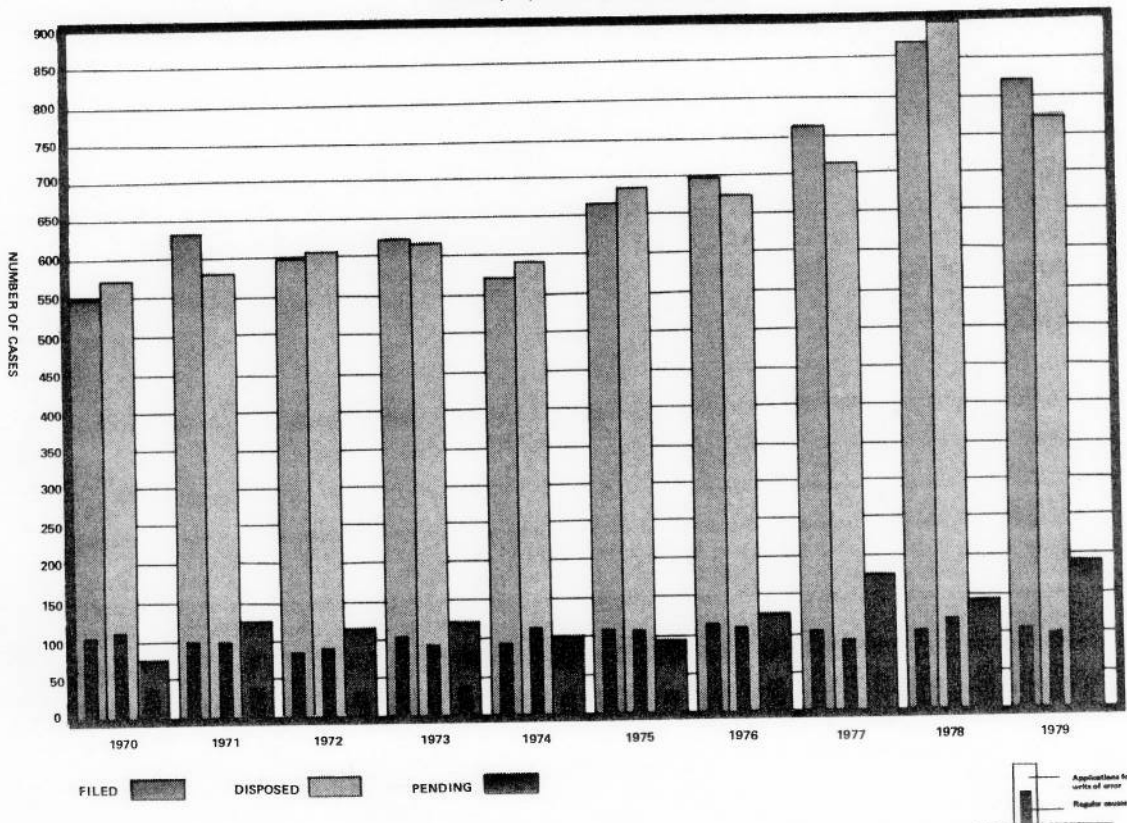
writs of error were disposed of during the year, compared to 86 percent during 1978.

The Court delivered 93 deciding opinions in 1979 compared to 114 in 1978 - a decrease of 18 percent. A total of 135 opinion was written (including Rule 483 per curiam opinions), an average of 15 per justice, compared to 20 in 1978.

The Supreme Court disposed of 776 applications for writs of error from decisions of the courts of civil appeals, compared to 899 in 1978, and an average of 86 per justice. Seventeen percent of the 776 applications were granted. Of the granted writs, the Court of Civil Appeals was reversed in 78 percent of the cases for an effective reversal rate of the courts of civil appeals of 13 percent.

Fifty-five regular causes were pending at the end of 1979 - 23 more than at the end of 1978, and 20 cases more than the ten-year average. The number of applications for writs of error remaining on the docket at the end of the 1979 was 187 - 33 percent more than the 141 at the end of 1978 and 50 percent more than the ten-year average of 125.

Figure 1. SUPREME COURT
Cases filed, disposed and pending 1970-1979



SUPREME COURT 1979 Statistics

I. REGULAR CAUSES *

On Docket Within the Year:

Carried over from 1978	(Pending under submission)	23
	(Pending set for submission)	9
By granted applications for writ of error		85
By granted motions for leave to file petitions for writ of mandamus.		8
By direct appeals filed		8
By granted habeas corpus filed		4
By judicial suspension proceeding filed		1
By Rule 483 (Texas Rules of Civil Procedure)		16
Total		152

Dispositions:

Judgment (or judgments) affirmed, or reformed or modified and affirmed	16
Judgment of Court of Civil Appeals reversed and modified to order general remand	1
Judgments of Court of Civil Appeals affirmed in part and reversed and remanded in part	6
Judgment of Court of Civil Appeals reversed (or in part) and judgment of trial court affirmed (or modified and affirmed).	24
Judgments reversed (or in part) and cause remanded to trial court	13
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)	11
Judgments of courts below reversed and appeal dismissed	2
Judgments of courts below reformed and affirmed in part and remanded in part	1

* "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."

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1979 Statistics (Continued)

REGULAR CAUSES (Con't)

Mandamus	(Writs granted)	6
	(Writs dismissed)	1
	(Writs denied)	1
Direct Appeal	(Judgment of trial court affirmed.)	3
	(Dismissed as moot)	1
	(Judgment of trial court reversed and remanded)	2
Habeas Corpus	(Relator discharged)	2
	(Relator remanded)	2
Judicial Suspension dismissed on relator's request		<u>1</u>
	Sub Total	97
	(Pending under submission)	33
	(Pending set for submission)	<u>22</u>
	Total	<u><u>152</u></u>
Causes submitted in 1979		110

OPINIONS DELIVERED BY THE COURT IN 1979

Deciding Causes	93
Concurring	4
Dissenting	16
On motion for rehearing	2
Per Curiam on applications, motions, etc	<u>20</u>
Total	<u><u>135</u></u>

Supreme Court
1979 Statistics (Continued)

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

On Docket Within the Year:

Carried over from 1978	141
Filed in 1979	<u>822</u>
Total	<u>963</u>

Dispositions:

Granted	134
Refused	4
Refused. No Reversible Error	540
Dismissed for want of jurisdiction	87
Dismissed by order of the Court.	5
Dismissed at petitioner's request	5
Joint motion of parties to dismiss	<u>1</u>
Sub-Total	776
Carried over to 1980	<u>187</u>
Total	<u>963</u>

MANDAMUS - CIVIL

On Docket:

Carried over from 1978	5
Filed in 1979	<u>137</u>
Total	<u>142</u>

Dispositions:

Granted	8
Overruled	124
Dismissed on relator's motion	1
Dismissed by order of the Court	<u>1</u>
Sub-Total	134
Carried over to 1980	<u>8</u>
Total	<u>142</u>

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1979 Statistics (Continued)

MANDAMUS - CRIMINAL

On Docket:

Carried over from 1978	4	
Filed in 1979	7	—
Total	11	=

Dispositions:

Dismissed as moot	8	
Dismissed for want of merit	1	—
Sub Total	9	—
Carried over to 1980	2	—
Total	11	=

HABEAS CORPUS

On Docket:

Carried over from 1978	2	
Filed in 1979	14	—
Total	16	=

Dispositions:

Granted	4	
Denied	12	—
Sub Total	16	—
Carried over to 1980	0	—
Total	16	=

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1979 Statistics (Continued)

WRIT OF PROHIBITION

On Docket:

Filed in 1979 3

Dispositions:

Overruled 2

Carried over to 1980 1

Total 3

WRIT OF INJUNCTION

On Docket:

Filed in 1979 6

Dispositions:

Granted 0

Denied 6

Total 6

MOTIONS

Motions for Rehearing of Causes

On Docket:

Carried over from 1978 2

Filed in 1979 98

Total 100

Dispositions:

Overruled 89

Granted 3

Sub Total 92

Carried over to 1980 8

Total 100

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Motions for Rehearing of Applications for Writs of Error

On Docket:

Carried over from 1978	22
Filed in 1979	<u>241</u>
Total	<u>263</u>

Dispositions:

Overruled	224
Granted	<u>6</u>
Sub Total	230
Carried over to 1980	<u>33</u>
Total	<u>263</u>

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

On Docket:

Filed in 1979	18
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Dispositions:

Granted	2
Overruled	15
Dismissed	<u>1</u>
Total	<u>18</u>

Miscellaneous motions passed on by the Court in 1979 (includes Rule 21c, motions to dismiss, etc.)	166
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Supreme Court
1979 Statistics (Continued)

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

Regular causes determined by the Court in 1979	97
Applications for writ of error determined in 1979	776
Motions for leave to file petitions for writ of mandamus involving civil cases determined in 1979	134
Motions for leave to file petitions for writ of mandamus involving criminal cases determined in 1979	9
Petitions for writs of habeas corpus determined in 1979	16
Writs of prohibition and injunction determined in 1979	8
TOTAL number of cases passed on by the Court in 1979	<u>1,040</u>
Motions for rehearing of causes determined by the Court in 1979	92
Motions for rehearing of applications for writs of error determined in 1979	230
Motions for rehearing of motions for leave to file petitions for writ of mandamus determined in 1979	18
Miscellaneous motions passed on by the Court in 1979	166
TOTAL number of motions passed on by the Court in 1979	<u>506</u>
Regular causes pending at close of December 31, 1979	55
Applications for writ of error pending 12/31/79	187
Habeas Corpus pending	0
Motions for rehearing of causes pending 12/31/79	8
Motions for rehearing of applications pending 12/31/79	33
Motions for leave to file petitions for writ of mandamus in civil cases pending 12/31/79	8
Motions for leave to file petitions for writ of mandamus in criminal cases pending 12/31/79	<u>2</u>
TOTAL number of cases pending at close of term for 1979	<u>283</u>

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1979 Statistics (Continued)

OPINIONS WRITTEN BY JUSTICES OF THE SUPREME COURT						
Justices	Original Opinions Deciding Causes	Concurring Opinions	Dissenting Opinions	Per Curiam	On Motion For Rehearing	Total Per Justice
Joe R. Greenhill Chief Justice	9		2		1	12
Zollie Steakley Justice	7		2			9
Jack Pope Justice	10	1	2			13
Sears McGee Justice	9	1	2		1	13
James G. Denton Justice	6		2			8
* Sam D. Johnson Justice	8	1	1			10
Charles W. Barrow Justice	14		2			16
Robert M. Campbell Justice	6	1	1			8
Franklin Spears Justice	8		2			10
Rule 483, T.R.C.P.	16					16
Per Curiam on applications	—	—	—	20	—	20
TOTAL	93	4	16	20	2	135

* Resigned October 16, 1979

SUPREME COURT
1979 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	1	2		2	1		6
SECOND, FORT WORTH	2					1	3
THIRD, AUSTIN	3	4			2		9
FOURTH, SAN ANTONIO		1			2		3
FIFTH, DALLAS			2	2			4
SIXTH, TEXARKANA	2	1/2		1	1/2		4
SEVENTH, AMARILLO		2			1		3
EIGHTH, EL PASO	2	1/2		2 1/2			5
NINTH, BEAUMONT	1 1/2	4 1/2	1	3	1	3	14
TENTH, WACO	2	1 1/2		3	1 1/2	3	11
ELEVENTH, EASTLAND		2			1		3
TWELFTH, TYLER	1	1	1		1		4
THIRTEENTH, CORPUS CHRISTI		1		1			2
FOURTEENTH, HOUSTON	1	4				1	6
TOTAL	15 1/2	24	4	14 1/2	11	8	77

SUPREME COURT
1979 Statistics (Continued)

COUNTIES FROM WHICH CASES APPEALED

Harris	179	Burnet	3	San Saba	2	Hood	1
Dallas	151	Fayette	3	Starr	2	Jim Hogg	1
Travis	85	Henderson	3	Sutton	2	Jim Wells	1
Bexar	51	Jack	3	Tyler	2	Johnson	1
Tarrant	35	Lamar	3	Upshur	2	Karnes	1
Nueces	27	Limestone	3	Uvalde	2	Kimble	1
El Paso	22	Stephens	3	Victoria	2	King	1
Jefferson	16	Anderson	2	Williamson	2	Lamb	1
Lubbock	13	Austin	2	Wise	2	Leon	1
Cameron	11	Bee	2	Young	2	Lipscomb	1
Galveston	11	Brooks	2	Aransas	1	Madison	1
McLennan	11	Caldwell	2	Bandera	1	Martin	1
Brazoria	9	Comal	2	Bastrop	1	Maverick	1
Webb	9	Comanche	2	Baylor	1	McCulloch	1
Brazos	8	Ellis	2	Briscoe	1	McMullen	1
Ector	8	Freestone	2	Brown	1	Milam	1
Grayson	8	Gonzales	2	Calhoun	1	Mills	1
Potter	8	Guadalupe	2	Callahan	1	Mitchell	1
Wichita	8	Harrison	2	Chambers	1	Navarro	1
Midland	7	Howard	2	Childress	1	Nolan	1
Bell	6	Hunt	2	Coleman	1	Parker	1
Hidalgo	6	Jasper	2	Colorado	1	Parmer	1
Montgomery	6	Kaufman	2	Coryell	1	Pecos	1
Bowie	5	Kerr	2	Crockett	1	Polk	1
Fort Bend	5	Kleberg	2	Crosby	1	Rains	1
Gregg	5	Lavaca	2	Dimmit	1	Robertson	1
Smith	5	Lee	2	Donley	1	Rusk	1
Taylor	5	Liberty	2	Duval	1	San Jacinto	1
Val Verde	5	Llano	2	Erath	1	San Patricio	1
Angelina	4	Medina	2	Fisher	1	Scurry	1
Collin	4	Moore	2	Franklin	1	Stonewall	1
Denton	4	Nacogdoches	2	Gaines	1	Throckmorton	1
Marion	4	Newton	2	Grimes	1	Tom Green	1
Matagorda	4	Palo Pinto	2	Hansford	1	Walker	1
Orange	4	Randall	2	Hardin	1	Wheeler	1
Ward	4	Red River	2	Hartley	1	Willacy	1
Zavala	4	Runnels	2	Hill	1	Wilson	1
				Hockley	1	Winkler	1