

SUPREME COURT

Analysis of 1981 Activity

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 justices.

The number of applications for writs of error filed in the Supreme Court during 1981 increased slightly from 1980. A total of 876 applications were filed, compared to 842 in 1980 -- an increase of 4 percent, but 20 percent higher than the ten-year average of 731.

Regular Cause Filings Increase

In 1981, 123 new "regular causes" -- primarily cases in which the Court hears oral argument and delivers an opinion -- reached the docket, compared to 116 in 1980 and the ten-year average of 107. New civil mandamus matters decreased from 130 in 1980 to 96 in 1981 (down 26 percent).

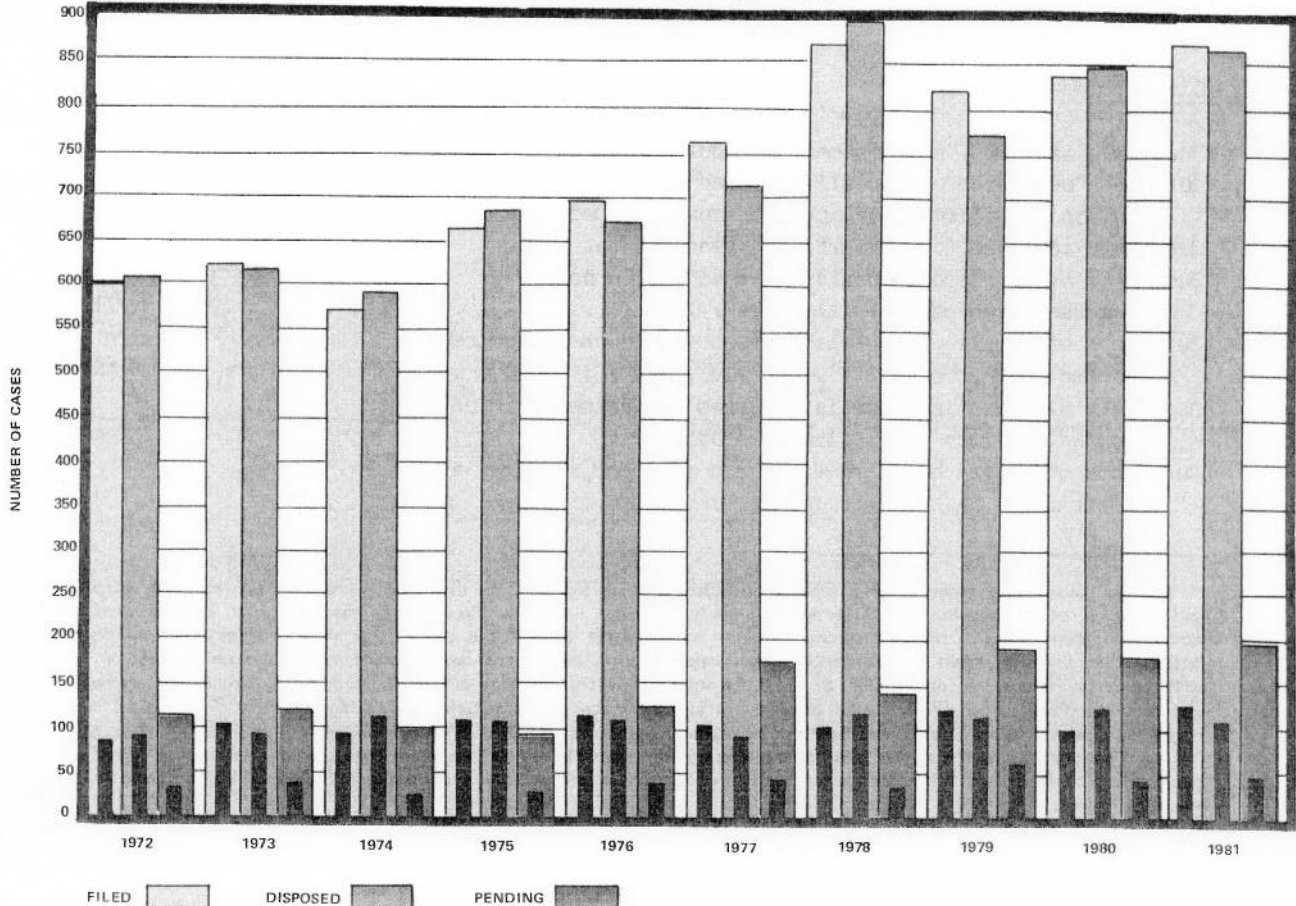
In 1981, the Supreme Court disposed of 70 percent of the regular causes docketed during 1981 or carried over from 1980, compared to 75 percent in

1980. Eighty-one percent of the applications for writs of error were disposed of during the year, compared to 83 percent during 1979.

The Court delivered 107 deciding opinions in 1981 compared to 123 in 1980 -- a decrease of 13 percent. A total of 149 opinions were written (including Rule 483 per curiam opinions), an average of 17 per justice, compared to 20 in 1980. The Supreme Court disposed of 860 applications for writs of error from decisions of the courts of appeals, compared to 849 in 1980, for an average of 96 per justice. Ten percent of the 860 applications were granted. Of the granted writs, the courts of appeals were reversed in 88 percent of the cases, for an effective reversal rate of the courts of appeals of 9 percent.

Forty-nine regular causes were pending at the end of 1981 -- 7 more than at the end of 1980, and 12 cases more than the ten-year average. The number of applications for writs of error remaining on the docket at the end of 1981 was 196 -- 9 percent more than the 180 at the end of 1980, and 30 percent more than the ten-year average of 151.

Figure 1. SUPREME COURT
Cases filed, disposed and pending 1972-1981



SUPREME COURT

1981 Statistics

I. REGULAR CAUSES *

On Docket Within the Year:

Carried over from 1980.(Pending under submission).	28
(Pending set for submission, in- cluding motions for rehearing)	14
By granted applications for writ of error	83
By granted motions for leave to file petitions for writ of mandamus.	10
By direct appeals filed	3
By granted habeas corpus filed	3
By certified question	1
By review of Court of Civil Appeals judgment under Rule 21C	1
By Rule 483 (Texas Rules of Civil Procedure)	21
Recommendations for suspension of Judge.	1
TOTAL ON DOCKET.	165

Dispositions:

Judgments affirmed, or reformed, or modified and affirmed	17
Judgments of Courts of Appeals reversed (or in part) and judgment of trial court affirmed (or modified and affirmed)	24
Judgments reversed (or in part) and rendered (or in part)	8
Judgments of Courts of Appeals reversed (or in part) and cause remanded to trial court	21
Judgments of Courts of Appeals reversed (or in part) and cause remanded to that court	15
Judgments of Courts of Appeals reversed and rendered in part, remanded in part; and affirmed in part	4
Judgments of courts below reversed and remanded in part, affirmed in part	2

* "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
1981 Statistics (Continued)

II. CASES OTHER THAN REGULAR CAUSES (Cont'd)

A. APPLICATIONS FOR WRITS OF ERROR (Cont'd)

Dispositions:

Granted		86
Refused		4
Refused, No Reversible Error		626
Dismissed for want of jurisdiction		113
Dismissed by order of the Court.		15
Dismissed at petitioner's request		15
Joint motion of parties to dismiss		<u>1</u>
	Sub-Total	860
Carried over to 1982		<u>196</u>
	TOTAL	<u>1,056</u>

B. MANDAMUS - CIVIL

On Docket:

Carried over from 1980		10
Filed in 1981		<u>96</u>
	TOTAL	<u>106</u>

Dispositions:

Granted		7
Overruled		89
Dismissed on relator's motion		2
Dismissed by order of the Court		<u>1</u>
	Sub-Total	99
Carried over to 1982		<u>7</u>
	TOTAL	<u>106</u>

C. HABEAS CORPUS

On Docket:

Carried over from 1980		0
Filed in 1981		<u>17</u>
	TOTAL	<u>17</u>

SUPREME COURT
1981 Statistics (Continued)

II. CASES OTHER THAN REGULAR CAUSES (Cont'd)

C. HABEAS CORPUS (Cont'd)

Dispositions:

Granted	6	
Denied	11	
		Sub Total 17
Carried over to 1982	0	
		TOTAL <u>17</u>

D. WRITS OF PROHIBITION

On Docket:

Carried over from 1980	0	
Filed in 1981	2	
		TOTAL <u>2</u>

Dispositions:

Overruled	2	
		TOTAL <u>2</u>

E. WRITS OF INJUNCTION

On Docket:

Filed in 1981	6	
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Dispositions:

Granted pendente lite	4	
Overruled	2	
		TOTAL <u>6</u>

SUPREME COURT
1981 Statistics (Continued)

II. CASES OTHER THAN REGULAR CAUSES (Cont'd)

F. MOTIONS

1. Motions for Rehearing of Causes

On Docket:

Carried over from 1980	11	
Filed in 1981	85	
TOTAL		<u>96</u>

Dispositions:

Granted	2	
Overruled	87	
Sub Total		89
Carried over to 1982	7	
TOTAL		<u>96</u>

2. Motions for Rehearing of Applications for Writs of Error

On Docket:

Carried over from 1980	38	
Filed in 1981	296	
TOTAL		<u>307</u>

Dispositions:

Granted	3	
Overruled	277	
Dismissed	1	
Sub Total		281
Carried over to 1982	26	
TOTAL		<u>307</u>

SUPREME COURT
1981 Statistics (Continued)

II. CASES OTHER THAN REGULAR CAUSES (Cont'd)

F. MOTIONS (Cont'd)

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

On Docket:

Carried over from 1980		3
Filed in 1981		11
	TOTAL	<u>14</u>

Dispositions:

Granted		0
Overruled		13
Dismissed as moot		<u>1</u>
	Sub Total	14
Carried over to 1982		<u>0</u>
	TOTAL	<u>14</u>

4. Motions for Rehearing on Habeas Corpus

On Docket:

Filed in 1981		<u>2</u>
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Dispositions:

Granted		0
Overruled		<u>2</u>
	TOTAL	<u>2</u>

5. Miscellaneous Motions

Passed on by the Court in 1981 (includes Rule 21c, motions to dismiss, etc.)		<u>162</u>
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SUPREME COURT
1981 Statistics (Continued)

III. OPINIONS DELIVERED BY THE COURT IN 1981

Deciding Causes (includes one opinion which disposes of two causes)	107
Concurring	3
Dissenting	12
On motion for rehearing	4
Per Curiam on applications, motions, etc	<u>23</u>
TOTAL	<u>149</u>

RECAPITULATION

Cases Passed On During 1981

Regular causes determined by the Court in 1981	116
Applications for writ of error determined in 1981	860
Motions for leave to file petitions for writ of mandamus involving civil cases determined in 1981	99
Petitions for writs of habeas corpus determined in 1981	17
Writs of prohibition and injunction determined in 1981	8
TOTAL NUMBER OF CASES PASSED ON BY THE COURT IN 1981	<u>1,100</u>

Motions Passed On During 1981

Motions for rehearing of causes determined by the Court in 1981	89
Motions for rehearing of applications for writs of error determined in 1981	281
Motions for rehearing of motions for leave to file petitions for writ of mandamus determined in 1981	14
Motions for rehearing of habeas corpus determined in 1981	2
Miscellaneous motions passed on by the Court in 1981	162
TOTAL NUMBER OF MOTIONS PASSED ON BY THE COURT IN 1981	<u>548</u>

Matters Pending December 31, 1981

Regular causes pending	49
Applications for writ of error	196
Motions for rehearing of causes	7
Motions for rehearing of applications	26
Motions for leave to file petitions for writ of mandamus	<u>7</u>
TOTAL NUMBER OF MATTERS PENDING DECEMBER 31, 1981	<u>285</u>

SUPREME COURT

1981 Statistics (Continued)

OPINIONS WRITTEN BY JUSTICES OF THE SUPREME COURT										
JUSTICE	DECIDING OPINIONS			Concurring Opinions	Dissenting Opinions	Per Curiam Opinions	On Motion For Rehearing	TOTAL		
	Majority Opinions	Rule 483 Per Curiam								
Joe R. Greenhill, Chief Justice	7	3	1	1	1	2	0	14		
Jack Pope, Justice	10	3	0	0	0	2	1	16		
Sears McGee, Justice	8	0	0	1	1	1	1	11		
James G. Denton, Justice	8	0	0	2	4	0	0	14		
Charles W. Barrow, Justice	11	7	0	2	5	0	0	25		
Robert M. Campbell, Justice	10	3	1	1	4	0	0	19		
Franklin Spears, Justice	9	4	0	3	3	0	0	19		
C. L. Ray, Justice	9	1	1	1	2	1	1	15		
* James P. Wallace, Justice	11	3	0	1	0	0	1	16		
TOTAL	83	24	3	12	23	4		149		

* Assumed office 1-2-81 following election, replacing Zollie Steakley, who did not seek re-election

SUPREME COURT
1981 Statistics (Continued)

ACTION BY THE SUPREME COURT IN CASES FROM COURTS OF APPEALS ON WRITS OF ERROR GRANTED							
COURT AND LOCATION	Court of Appeals Affirmed	Ct. App. Reversed, Trial Ct. Affirmed	Reversed, Remand to Court of Appeals	Reversed, Remand to Trial Court	Reversed and Rendered	Other	TOTAL FOR COURT
FIRST, Houston	1.5	1	1	0	1.5	0	5
SECOND, Fort Worth	4.5	4	2	0	2.5	0	13
THIRD, Austin	1.5	1	4	3.5	1	0	11
FOURTH, San Antonio	0	0	0	1	0	1	2
FIFTH, Dallas	1	3	2	2	0	0	8
SIXTH, Texarkana	2	0	0	0	1	0	3
SEVENTH, Amarillo	0	0	3	0	0	0	3
EIGHTH, El Paso	1	2	0	3	0	0	6
NINTH, Beaumont	2	2.5	0	2.5	2	0	9
TENTH, Waco	3.5	2	0	1	1.5	0	8
ELEVENTH, Eastland	5	4	1	1.5	1.5	0	13
TWELFTH, Tyler	0.5	1.5	1.5	1	1.5	1	7
THIRTEENTH, Corpus Christi	1	1	0	2	1	0	5
FOURTEENTH, Houston	0	2	2	2	0	0	6
TOTAL	23.5	24	16.5	19.5	13.5	2	99

SUPREME COURT 1981 Statistics (Continued)

COUNTIES FROM WHICH CASES APPEALED

Harris	134	Culberson	4	Hill	2	Gray	1
Dallas	103	Limestone	4	Jim Wells	2	Hansford	1
Travis	76	Rusk	4	Jones	2	Hardeman	1
Tarrant	55	San Patricio	4	Lavaca	2	Harrison	1
Bexar	48	Victoria	4	Madison	2	Hays	1
Nueces	40	Dickens	3	Medina	2	Hood	1
Jefferson	16	Eastland	3	Morris	2	Houston	1
Lubbock	14	Grimes	3	Nacogdoches	2	Hunt	1
McLennan	14	Hardin	3	Newton	2	Jack	1
El Paso	13	Henderson	3	Runnels	2	Jim Hogg	1
Midland	11	Jasper	3	Stonewall	2	Johnson	1
Brazoria	10	Lamb	3	Tyler	2	Kaufman	1
Cameron	10	Matagorda	3	Val Verde	2	King	1
Galveston	10	Panola	3	Young	2	Kinney	1
Hidalgo	10	Pecos	3	Aransas	1	Liberty	1
Bowie	9	Randall	3	Archer	1	Maverick	1
Denton	9	Robertson	3	Atascosa	1	Menard	1
Wichita	9	Stephens	3	Bailey	1	Milam	1
Potter	8	Waller	3	Bandera	1	Moore	1
Angelina	7	Wise	3	Bosque	1	Navarro	1
Webb	7	Anderson	2	Burnet	1	Ochiltree	1
Brazos	6	Austin	2	Childress	1	Polk	1
Brown	6	Bastrop	2	Coke	1	Red River	1
Fort Bend	6	Cherokee	2	Colorado	1	Refugio	1
Gregg	6	Coleman	2	Crockett	1	San Augustine	1
Live Oak	6	Comal	2	Coryell	1	San Jacinto	1
Marion	6	Cooke	2	Dallam	1	Tom Green	1
Montgomery	6	Dawson	2	Deaf Smith	1	Upshur	1
Parker	6	Dimmit	2	Delta	1	Upton	1
Ector	5	Ellis	2	DeWitt	1	Van Zandt	1
Orange	5	Edwards	2	Fannin	1	Ward	1
Taylor	5	Erath	2	Fayette	1	Winkler	1
Bee	4	Grayson	2	Freestone	1	Williamson	1
Bell	4	Guadalupe	2	Glasscock	1	Wood	1
Collin	4	Hamilton	2	Goliad	1	Zavala	1