

# SUPREME COURT

## Analysis of Activity for the Year Ending August 31, 1985

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

By any measure of workload, the Supreme Court had its busiest year of record during state fiscal year 1985 which ended August 31, 1985. It wrote more opinions, added more regular causes, applications for writs of error and other writs and motions to its dockets, and disposed of more matters than during any previous 12-month period.

The Court "passed on" (disposed of or otherwise acted upon) a total of 1,920 matters during fiscal 1985, an increase of 18.1% over the 1,626 matters passed on in fiscal 1984 and 19.8% more than the 10-year average of 1,602.

### Regular Causes

The 178 regular causes added to the Court's docket were 89.4% more than the 94 regular causes added in fiscal 1984 and 48.3% more than the 10-year average of 120.

The 160 regular causes disposed of were 42.9% more than the 112 disposed of in fiscal 1984 and 35.6% more than the 10-year average of 118. One hundred forty-one of the regular causes disposed of during 1985 came to the Court on application for writ of error from one of the 14 Courts of Appeals. Of those 141 dispositions, the lower courts were reversed in whole or in part in 108 or 76.6%. This compares to 75.7% reversals in fiscal 1984.

The 51 regular causes left pending at the end of fiscal 1985 represented 24.2% of the total number of regular causes added during the year or carried over from the previous year. This is lower than the 10-year average of 27.2%. At the end of fiscal 1984, 33 regular causes had been pending in the Court.

### Applications for Writs of Error

The 998 applications for writs of error filed during fiscal 1985 represented a 1.1% increase over the 987 applications filed in fiscal 1984,

and was 20% more than the 10-year average of 832.

The 1,018 applications for writs of error disposed of during the year was 15% more than the 885 disposed of during fiscal 1984, and a 24.9% increase over the 10-year average of 815. Of those 1,018 applications disposed of, 141 or 13.9% were granted.

The 288 applications for writs of error left pending at the end of fiscal 1985 represented 22.1% of the total number of such applications filed during the year or carried over from the previous year. This compares to a 10-year average of 19.1%. At the end of fiscal 1984, 308 applications for writs of error had been pending in the Court.

### Other Writs and Motions

The 751 other writs and motions filed during fiscal 1985 were 16.8% more than the 643 filed during fiscal 1984, and 11.8% more than the 10-year average of 672.

The 742 other writs and motions disposed of during fiscal 1985 were 18% more than the 629 disposed during fiscal 1984, and 10.7% more than the 10-year average of 670.

The 104 other writs and motions left pending by the Court at the end of fiscal 1985 represented 12.3% of the total number of other writs and motions filed during the year or carried over from the previous year. This compares to a 10-year average of 8.5%. At the end of fiscal 1984, 95 other writs and motions had been pending in the Court.

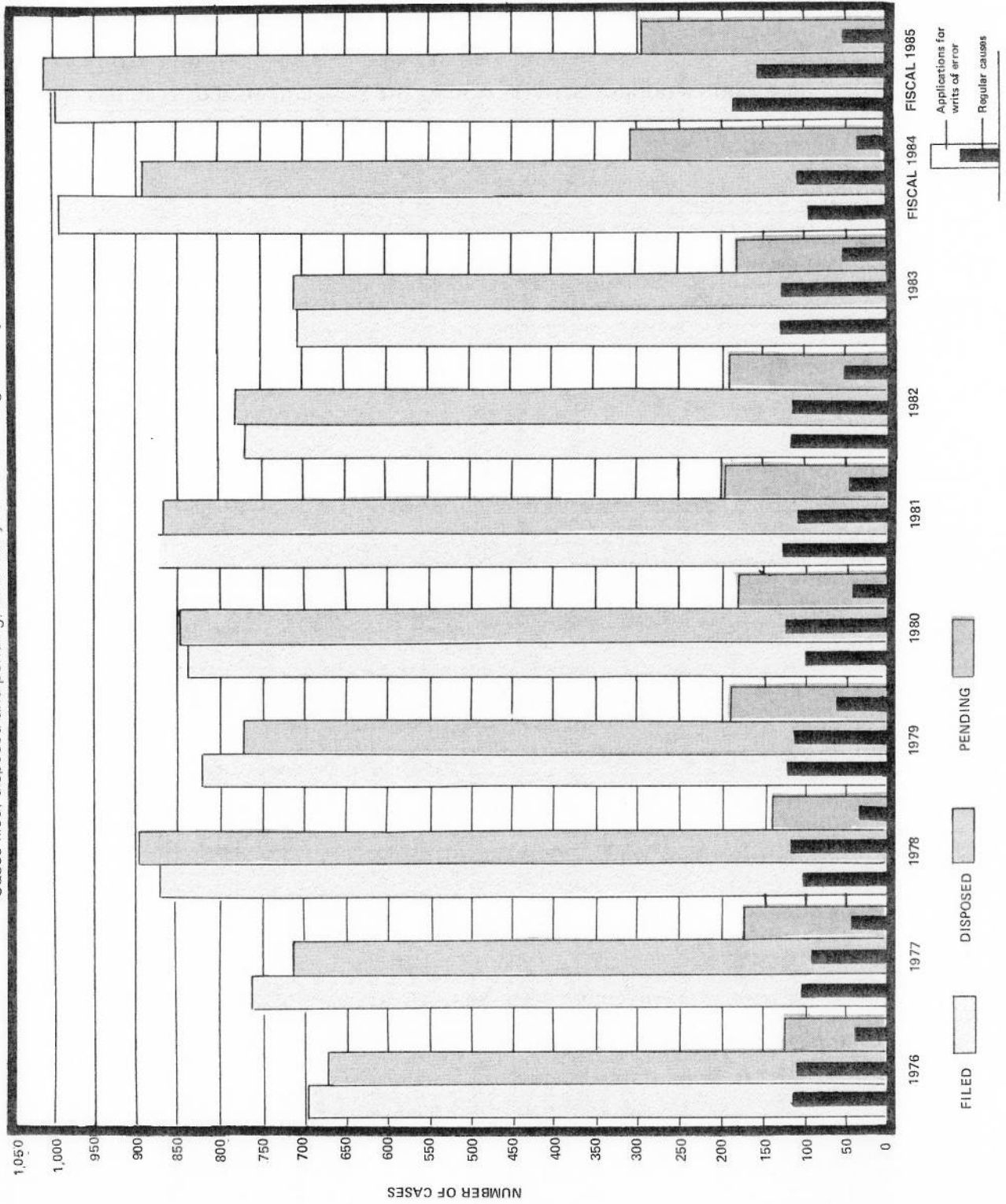
### Opinions Written

During fiscal year 1985, the justices of the Supreme Court wrote 217 opinions (or an average of 24.1 opinions each), 40.9% more than the 154 opinions written in fiscal 1984 and 34% more than the 10-year average of 162. Of the opinions written in 1985, 153 (or 70.5%) were deciding opinions which disposed of causes.

During fiscal 1985, the Supreme Court heard oral argument of 103 causes and considered an additional 48 causes submitted on briefs.



Figure 2.  
 SUPREME COURT  
 Cases filed, disposed and pending, calendar year 1976 through fiscal year 1985



# SUPREME COURT

## Activity for the Year Ending August 31, 1985

### SUMMARY OF DOCKET ACTIVITY DURING THE YEAR ENDING AUGUST 31, 1985

A. Causes of Action Passed on During the Year Ending August 31, 1985:

Regular causes determined by the Court . . . . .	160
Applications for writs of error determined. . . . .	1,018
Motions for leave to file petitions for writs of mandamus involving civil cases determined. . . . .	131
Petitions for writs of habeas corpus determined . . . . .	22
Writs of prohibition and injunction determined. . . . .	13
Petitions for review . . . . .	<u>2</u>
 TOTAL CAUSES PASSED ON BY THE COURT . . . . .	 1,346

B. Motions Passed on During the Year Ending August 31, 1985:

Motions for rehearing of causes determined by the Court . . . . .	120
Motions for rehearing of applications for writs of error determined . . . . .	313
Motions for rehearing of motions for leave to file petitions for writs of mandamus determined . . . . .	17
Motions for rehearing of habeas corpus determined . . . . .	4
Miscellaneous motions passed on by the Court . . . . .	<u>120</u>
 TOTAL MOTIONS PASSED ON BY THE COURT . . . . .	 <u>574</u>

GRAND TOTAL OF MATTERS PASSED ON BY THE COURT. . . . . 1,920

C. Matters Pending August 31, 1985:

Regular causes (not including motions for rehearing) . . . . .	51
Applications for writs of error . . . . .	288
Motions for rehearing of causes . . . . .	17
Motions for rehearing of applications . . . . .	56
Motions for leave to file petitions for writs of mandamus . . . . .	18
Motions for rehearing of petitions for habeas corpus. . . . .	1
Motions for rehearing of motions for leave to file. . . . .	10
Motions for review (includes 21c) . . . . .	<u>2</u>
 TOTAL MATTERS PENDING AT CLOSE OF TERM FOR THE YEAR ENDING AUGUST 31, 1985. . . . .	 <u>443</u>

# SUPREME COURT

## Activity for the Year Ending August 31, 1985 (Continued)

### REGULAR CAUSES \*

#### I. REGULAR CAUSES \*

##### A. On Docket Within the Year Ending August 31, 1985:

Causes pending on Sept. 1, 1984 . . . . .(Pending under submission, including motions for rehearing)	17
(Pending set for submission) . . . . .	<u>16</u>
SUB-TOTAL CAUSES PENDING SEPTEMBER 1, 1984 . . . . .	33
By granted applications for writs of error . . . . .	104
By granted motions for leave to file petitions for writs of mandamus . . . . .	17
By direct appeals filed . . . . .	1
By granted habeas corpus filed . . . . .	3
By certified questions . . . . .	1
By Rule 483 (Texas Rules of Civil Procedure) . . . . .	47
Causes dismissed . . . . .	<u>5</u>
SUB-TOTAL CAUSES ADDED . . . . .	<u>178</u>
TOTAL CAUSES ON DOCKET . . . . .	<u>211</u>

##### B. Dispositions:

Judgments affirmed, or reformed, or modified and affirmed . . . . .	28
Judgments of Courts of Appeals reversed (or in part) and judgments of trial courts affirmed (or modified and affirmed) . . . . .	38
Judgments reversed (or in part) and rendered (or in part) . . . . .	8
Judgments of Courts of Appeals reversed (or in part) and causes remanded to trial courts . . . . .	36
Judgments of Courts of Appeals reversed (or in part) and causes remanded to Courts of Appeals . . . . .	10
Judgments of Courts of Appeals affirmed in part, reversed in part . . . . .	6
Judgments of courts below reversed and causes remanded to a Commission . . . . .	2
Causes severed; judgments reversed in part . . . . .	2
Certified question dismissed . . . . .	1
Judgments below reversed and causes dismissed . . . . .	5
Causes dismissed on joint motions . . . . .	5

\* "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 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**  
**Activity for the Year Ending August 31, 1985 (Continued)**

**REGULAR CAUSES (Cont'd)**

B. Dispositions: (Cont'd)

Mandamus . . . . .	(Writs granted) . . . . .	13
	(Writs dismissed) . . . . .	0
	(Writs denied) . . . . .	2
Direct Appeals . . . . .	(Judgments of trial courts affirmed) . . . . .	0
	(Judgments of trial courts reversed and causes remanded) . . . . .	1
Habeas Corpus . . . . .	(Relators discharged) . . . . .	<u>2</u>
SUB-TOTAL DISPOSITIONS . . . . .		160

C. Causes Pending on August 31, 1985:

Pending, under submission (includes causes on motions for rehearing) . . . . .	33	
Pending, set for submission . . . . .	<u>18</u>	
SUB-TOTAL CAUSES PENDING AUGUST 31, 1985 . . . . .		<u>51</u>

TOTAL CAUSES ON DOCKET . . . . . 211

D. Causes Submitted During Year Ending August 31, 1985:

Orally . . . . .	103	
On briefs . . . . .	<u>48</u>	
TOTAL CAUSES SUBMITTED . . . . .		151

CASES OTHER THAN REGULAR CAUSES

A. APPLICATIONS FOR WRITS OF ERROR

1. On Docket:

Pending on September 1, 1984 . . . . .	308
Filed During Year Ending August 31, 1985 . . . . .	<u>998</u>

TOTAL APPLICATIONS ON DOCKET . . . . . 1,306

2. Dispositions:

Granted . . . . .	141	
Refused . . . . .	5	
Refused, no reversible error . . . . .	744	
Dismissed for want of jurisdiction . . . . .	103	
Dismissed by order of the Court . . . . .	18	
Dismissed on petitioners' requests . . . . .	1	
Joint motions of parties to dismiss . . . . .	6	
Dismissed as moot . . . . .	<u>0</u>	
SUB-TOTAL DISPOSITIONS . . . . .		1,018

Pending August 31, 1985 . . . . . 288

TOTAL APPLICATIONS ON DOCKET . . . . . 1,306

# SUPREME COURT

## Activity for the Year Ending August 31, 1985 (Continued)

### CASES OTHER THAN REGULAR CAUSES (Cont'd)

B. MANDAMUS - CIVIL

1. On Docket:

Pending September 1, 1984. . . . .	14
Filed During Year Ending August 31, 1985 . . . . .	<u>135</u>

TOTAL ON DOCKET . . . . . 149

2. Dispositions:

Granted . . . . .	17
Overruled . . . . .	113
Dismissed on relators' motions . . . . .	0
Dismissed by order of the Court . . . . .	<u>1</u>

SUB-TOTAL DISPOSITIONS . . . . . 131

Pending August 31, 1985. . . . . 18

TOTAL ON DOCKET. . . . . 149

C. HABEAS CORPUS

1. On Docket:

Pending September 1, 1984. . . . .	0
Filed During Year Ending August 31, 1985 . . . . .	<u>22</u>

TOTAL ON DOCKET. . . . . 22

2. Dispositions:

Granted . . . . .	6
Denied . . . . .	16
Dismissed as moot. . . . .	<u>0</u>

SUB-TOTAL DISPOSITIONS . . . . . 22

Pending August 31, 1985. . . . . 0

TOTAL ON DOCKET. . . . . 22

D. WRITS OF PROHIBITION AND INJUNCTION

1. On Docket:

Pending September 1, 1984. . . . .	2
Filed During Year Ending August 31, 1985 . . . . .	<u>11</u>

TOTAL ON DOCKET. . . . . 13

2. Dispositions:

Granted. . . . .	7
Overruled. . . . .	<u>6</u>

SUB-TOTAL DISPOSITIONS . . . . . 13

Pending August 31, 1985. . . . . 0

TOTAL ON DOCKET. . . . . 13

# SUPREME COURT

## Activity for the Year Ending August 31, 1985 (Continued)

### CASES OTHER THAN REGULAR CAUSES (Cont'd)

#### E. PETITIONS FOR REVIEW

##### 1. On Docket:

Pending September 1, 1984 . . . . .	0	
Filed During Year Ending August 31, 1985 . . . . .	2	
TOTAL ON DOCKET . . . . .		2

##### 2. Dispositions:

Granted . . . . .	0	
Overruled . . . . .	2	
SUB-TOTAL DISPOSITIONS . . . . .		2
Pending August 31, 1985 . . . . .		0
TOTAL ON DOCKET. . . . .		<u>2</u>

#### F. MOTIONS

##### 1. Motions for Rehearing of Causes

##### a. On Docket:

Pending September 1, 1984 . . . . .	9	
Filed During Year Ending August 31, 1985 . . . . .	128	
TOTAL ON DOCKET . . . . .		<u>137</u>

##### b. Dispositions:

Granted . . . . .	20	
Overruled . . . . .	100	
SUB-TOTAL DISPOSITIONS. . . . .		120
Pending August 31, 1985 . . . . .		17
TOTAL ON DOCKET . . . . .		<u>137</u>

##### 2. Motions for Rehearing of Applications for Writs of Error

##### a. On Docket:

Pending September 1, 1984 . . . . .	68	
Filed During Year Ending August 31, 1985 . . . . .	301	
TOTAL ON DOCKET . . . . .		<u>369</u>

##### b. Dispositions:

Granted . . . . .	10	
Overruled . . . . .	303	
SUB-TOTAL DISPOSITIONS. . . . .		313
Pending August 31, 1985 . . . . .		56
TOTAL ON DOCKET . . . . .		<u>369</u>

# SUPREME COURT

## Activity for the Year Ending August 31, 1985 (Continued)

### CASES OTHER THAN REGULAR CAUSES (Cont'd)

F. MOTIONS (Cont'd)

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

a. On Docket:

Pending September 1, 1984 . . . . .	1	
Filed During Year Ending August 31, 1985 . . . . .	26	
TOTAL ON DOCKET. . . . .		27

b. Dispositions:

Granted . . . . .	1	
Overruled . . . . .	16	
SUB-TOTAL DISPOSITIONS . . . . .		17
Pending August 31, 1985 . . . . .		10
TOTAL ON DOCKET. . . . .		27

4. Motions for Rehearing on Habeas Corpus

a. On Docket:

Pending September 1, 1984 . . . . .	1	
Filed During Year Ending August 31, 1985 . . . . .	4	
TOTAL ON DOCKET. . . . .		5

b. Dispositions:

Granted . . . . .	1	
Overruled. . . . .	3	
SUB-TOTAL DISPOSITIONS . . . . .		4
Pending August 31, 1985 . . . . .		1
TOTAL ON DOCKET. . . . .		5

5. Miscellaneous Motions

Passed on by the Court During Year Ending August 31, 1985 (includes Rule 21c, motions to dismiss, etc.) . . . . .		120
Pending August 31, 1985 . . . . .		2

### OPINIONS DELIVERED BY THE COURT DURING YEAR ENDING AUGUST 31, 1985

Deciding causes . . . . .		153
Concurring . . . . .		18
Dissenting . . . . .		30
Concurring and dissenting . . . . .		4
On motions for rehearing . . . . .		6
Per curiam on applications, motions, etc . . . . .		6
TOTAL OPINIONS DELIVERED . . . . .		217



# SUPREME COURT

## Activity for the Year Ending August 31, 1985 (Continued)

OPINIONS WRITTEN BY JUSTICES OF THE SUPREME COURT

JUSTICES	DECIDING OPINIONS		Concurring Opinions	Dissenting Opinions	Concurring and Dissenting	On Motion for Rehearing	Per Curiam Opinions	TOTAL OPINIONS
	Majority Opinions	Rule 483 Per Curiams						
<sup>1</sup> JACK POPE Chief Justice	2	2	0	1	0	1	0	6
<sup>2</sup> JOHN L. HILL, JR. Chief Justice	8	5	0	4	0	1	0	18
SEARS MCGEE Justice	10	7	0	3	0	1	0	21
ROBERT M. CAMPBELL Justice	9	7	1	0	0	1	0	18
FRANKLIN S. SPEARS Justice	13	6	3	1	1	0	2	26
C. L. RAY Justice	12	5	2	4	0	0	0	23
JAMES P. WALLACE Justice	13	3	1	4	0	0	1	22
TED Z. ROBERTSON Justice	14	6	5	1	1	0	0	27
WILLIAM W. KILGARLIN Justice	15	4	5	4	1	1	3	33
<sup>3</sup> RAUL A. GONZALEZ Justice	10	2	1	8	1	1	0	23
TOTAL	106	47	18	30	4	6	6	217

1. Chief Justice Pope retired 12-31-84.
2. Chief Justice Hill elected and mounted the bench 1-5-85.
3. Justice Gonzalez appointed 10-8-84 to replace Justice Charles W. Barrow who resigned 9-30-84.

# SUPREME COURT

## Activity for the Year Ending August 31, 1985 (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. Aff'd part, Rev'd part	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	2	0	3	0	3	0	1	9
SECOND Fort Worth	1	4	2	0	2	0	2	11
THIRD Austin	2	2	2	1	0	1	3	11
FOURTH San Antonio	4	0	6	1.5	8	0.5	0	20
FIFTH Dallas	3	4	9	2	3	1	3	25
SIXTH Texarkana	2	0	1	0	1	0	0	4
SEVENTH Amarillo	0	0	1	1	2	0	0	4
EIGHTH El Paso	3	0	2	0	1	0	2	8
NINTH Beaumont	3	1	2	0	0	0	2	8
TENTH Waco	1	0	0	0	1	0	1	3
ELEVENTH Eastland	1	0	1	0	0	0	2	4
TWELFTH Tyler	0	1	1	0	0	2	0	4
THIRTEENTH Corpus Christi	3	0	3	2	8*	1	1	18
FOURTEENTH Houston	1	4	2	1	4	1	1	14
TOTAL	26	16	35	8.5	33	6.5	18	143

\* Two of these were granted on joint motion of the parties.

# SUPREME COURT

## Activity for the Year Ending August 31, 1985 (Continued)

ACTION BY SUPREME COURT ON APPLICATIONS FOR WRITS OF ERROR, BY COUNTY

<u>County</u>	<u>Cases</u>	<u>County</u>	<u>Cases</u>	<u>County</u>	<u>Cases</u>	<u>County</u>	<u>Cases</u>
Harris	180	McLennan	4	Starr	2	Kleberg	1
Dallas	163	Navarro	4	Taylor	2	Lamb	1
Travis	94	Walker	4	Tyler	2	Lavaca	1
Tarrant	55	Bee	3	Wharton	2	Leon	1
Bexar	36	Burleson	3	Anderson	1	Live Oak	1
Nueces	31	Burnet	3	Andrews	1	Martin	1
El Paso	21	Fannin	3	Aransas	1	Maverick	1
Jefferson	17	Fisher	3	Bandera	1	McMullen	1
Galveston	14	Grayson	3	Bell	1	Medina	1
Hidalgo	14	Harrison	3	Blanco	1	Ochiltree	1
Gregg	13	Lee	3	Brown	1	Parmer	1
Cameron	12	Llano	3	Callahan	1	Randall	1
Brazoria	11	Morris	3	Cherokee	1	Reagan	1
Lubbock	11	Parker	3	Childress	1	Peeves	1
Jim Wells	9	Smith	3	Collingsworth	1	Rusk	1
Midland	8	Tom Green	3	Corvell	1	Sabine	1
Orange	8	Uvalde	3	Crosby	1	Shelby	1
Webb	8	Angelina	2	Dallam	1	Somervell	1
Brazos	7	Baylor	2	Dawson	1	Stonewall	1
Collin	7	Comanche	2	DeWitt	1	Sutton	1
Victoria	7	Crockett	2	Dickens	1	Terry	1
Bowie	6	Duval	2	Fort Bend	1	Trinity	1
Comal	6	Eastland	2	Freestone	1	Upshur	1
Erath	6	Hale	2	Garza	1	Upton	1
Fayette	6	Hays	2	Gillespie	1	Van Zandt	1
Mataquorda	6	Hood	2	Gonzales	1	Waller	1
Potter	6	Hutchinson	2	Hamilton	1	Ward	1
Val Verde	6	Kaufman	2	Hansford	1	Willacy	1
Wichita	6	Kerr	2	Henderson	1	Williamson	1
Ector	5	Lamar	2	Hopkins	1	Wise	1
Milam	5	Lampasas	2	Hunt	1	Young	1
Caldwell	4	Montgomery	2	Jack	1	Zapata	1
Denton	4	Palo Pinto	2	Johnson	1	Zavala	1
Hardin	4	Panola	2	Jones	1		
Hockley	4	San Patricio	2	Kendall	1		