

SUPREME COURT

Analysis of Activity for the Year Ending August 31, 1986

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.

The Court "passed on" (disposed of or otherwise acted upon) a total of 2,169 matters during fiscal 1986, an increase of 13 percent over the 1,920 matters passed on in fiscal 1985 and 28.8 percent more than the 10-year average of 1,684.

Regular Causes

The 139 regular causes added to the Court's docket were 21.9 percent less than the 178 regular causes added in fiscal 1985 but 13 percent more than the 10 year average of 123.

The 140 regular causes disposed of were 12.5 percent less than the 160 disposed of in fiscal 1985 but 15.7 percent more than the 10-year average of 121. One hundred thirteen of the regular causes disposed of during 1986 came to the Court on application for writ of error from one of the 14 Courts of Appeals. Of those 113 dispositions, the lower courts were reversed in whole or in part in 94 causes, or 83.2 percent. This compares to 76.6 percent reversals in fiscal 1985.

The 29 regular causes (not including motions for rehearing) left pending at the end of fiscal 1986 represented 16.7 percent of the total number of regular causes added during the year or carried over from the previous year. This is 13 causes fewer than the 10-year average of 42 pending causes. At the end of fiscal 1985, 34 regular causes had been pending in the Court.

Applications for Writs of Error

The 1,044 applications for writs of error filed during fiscal 1986 represented a 4.6 percent increase over the 998 applications filed in fiscal 1985, and was 20 percent more than the 10-year average of 867.

The 982 applications for writs of error disposed of during the year was 3.5 percent less than the 1,018 disposed of

during fiscal 1985, and a 15.9 percent increase over the 10-year average of 847. Of those 982 applications disposed of, 113 (or 11.5) percent were granted.

The 350 applications for writs of error left pending at the end of fiscal 1986 represented 26.3 percent of the total number of such applications filed during the year or carried over from the previous year. This is 131 more pending applications than the 10-year average of 219 pending applications. At the end of fiscal 1985, 288 applications for writs of error had been pending in the Court.

Other Writs and Motions

The 1,047 other writs and motions filed during fiscal 1986 were 39.4 percent more than the 751 filed during fiscal 1985. This is 331 more than the 10-year average of 716 other writs and motions filed.

The 1,047 other writs and motions disposed of during fiscal 1986 were 41.1 percent more than the 742 disposed during fiscal 1985. This is 332 more dispositions than the 10-year average of 715 dispositions.

The 102 other writs and motions left pending by the Court at the end of fiscal 1986 represented 8.9 percent 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 9.1 percent. At the end of fiscal 1985, 102 other writs and motions had been pending in the Court.

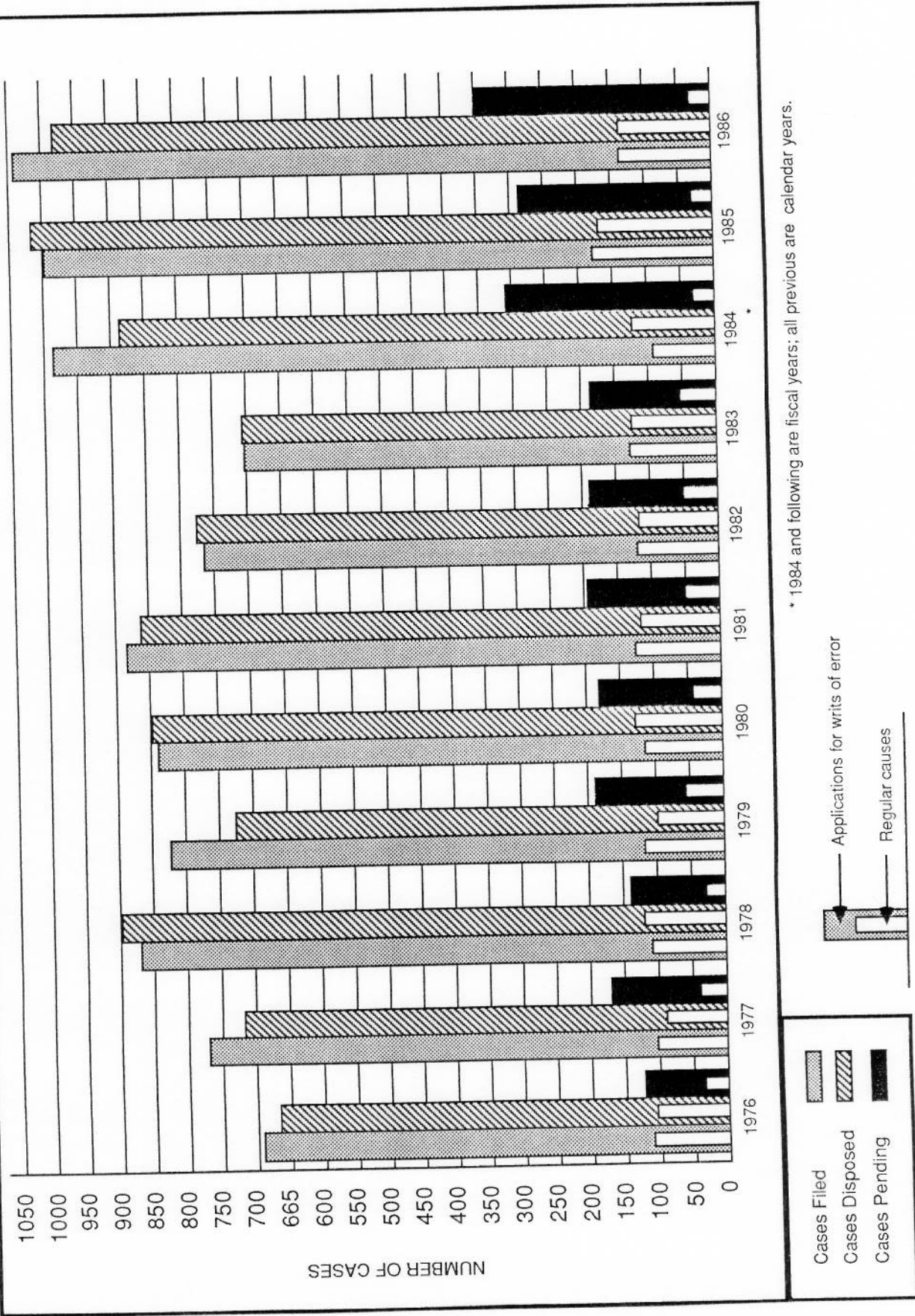
Opinions Written

During fiscal year 1986, the justices of the Supreme Court wrote 179 opinions (or an average of 19.9 opinions each), 17.5 percent less than the 217 opinions written in fiscal 1985 but 8.5 percent more than the 10-year average of 165. Of the opinions written in 1986, 131 (or 73.2 percent) were deciding opinions which disposed of causes.

During fiscal 1986, the Supreme Court heard oral argument of 93 causes and considered an additional 47 causes submitted on briefs.

Figure 2. SUPREME COURT

Cases filed, disposed and pending, calendar year 1976 through fiscal year 1986



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Activity for the Year Ending August 31, 1986

SUMMARY OF DOCKET ACTIVITY DURING THE YEAR ENDING AUGUST 31, 1986

A. Causes of Action Passed on During the Year Ending August 31, 1986:

Regular causes determined by the Court	140
Applications for writs of error determined.	982
Motions for leave to file petitions for writs of mandamus involving civil cases determined.	144
Petitions for writs of habeas corpus determined	31
Writs of prohibition and Injunction determined.	8
Petitions for review	0
TOTAL CAUSES PASSED ON BY THE COURT	1,305

B. Motions Passed on During the Year Ending August 31, 1986:

Motions for rehearing of causes determined by the Court	99
Motions for rehearing of applications for writs of error determined	376
Motions for rehearing of motions for leave to file petitions for writs of mandamus determined	31
Motions for rehearing of habeas corpus determined	2
Miscellaneous motions passed on by the Court	356
TOTAL MOTIONS PASSED ON BY THE COURT	864

GRAND TOTAL OF MATTERS PASSED ON BY THE COURT. 2,169

C. Matters Pending August 31, 1986:

Regular causes (not including motions for rehearing)	29
Applications for writs of error	350
Motions for rehearing of causes	21
Motions for rehearing of applications	63
Motions for leave to file petitions for writs of mandamus	17
Motions for rehearing of petitions for habeas corpus.	0
Motions for rehearing of motions for leave to file.	0
Motions for review (includes 21c)	1
TOTAL MATTERS PENDING AT CLOSE OF TERM FOR THE YEAR ENDING AUGUST 31, 1986.	481

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REGULAR CAUSES*

A. On Docket Within the Year Ending August 31, 1986:

Causes pending on Sept. 1, 1985	33	
(Pending under submission, including motions for rehearing)		
(Pending set for submission)		18
REGULAR CAUSES PENDING SEPTEMBER 1, 1985		51
By granted applications for writs of error		64
By granted motions for leave to file petitions for writs of mandamus		12
By direct appeals filed		2
By granted habeas corpus filed		8
By certified questions		1
By Rule 483 (Texas Rules of Civil Procedure)		47
Causes dismissed		5
REGULAR CAUSES ADDED		139
TOTAL REGULAR CAUSES ON DOCKET		190

B. Dispositions:

Judgments affirmed, or reformed, or modified and affirmed	11	
Judgments of Courts of Appeals reversed (or in part) and judgments of trial courts affirmed (or modified and affirmed)		21
Judgments reversed (or in part) and rendered (or in part)		19
Judgments of Courts of Appeals reversed (or in part) and causes remanded to trial courts		32
Judgments of Courts of Appeals reversed (or in part) and causes remanded to Courts of Appeals		16
Judgments of Courts of Appeals affirmed in part, reversed in part		4
Judgments of courts below reversed and Commission decision upheld		1
Certified question denied		1
Judgments below reversed and causes dismissed		1
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.

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REGULAR CAUSES (Cont'd)

B. Dispositions: (Cont'd)

Mandamus	(Writs granted)	15
	(Writs dismissed)	0
	(Writs denied)	3
Direct Appeals	(Judgments of trial courts affirmed)	2
	(Causes dismissed for want of jurisdiction)	1
Habeas Corpus	(Relators discharged)	5
	(Relators remanded)	3
SUB-TOTAL DISPOSITIONS		140

C. Causes Pending on August 31, 1986:

Pending, under submission (includes causes on motions for rehearing)	34	
Pending, set for submission	16	
PENDING AUGUST 31, 1986		50

D. Causes Submitted During Year Ending August 31, 1986:

Orally	93	
On briefs	47	
TOTAL CAUSES SUBMITTED		140

CASES OTHER THAN REGULAR CAUSES

A. APPLICATIONS FOR WRITS OF ERROR

1. On Docket:

Pending on September 1, 1985	288	
Filed During Year Ending August 31, 1986	1,044	
TOTAL APPLICATIONS ON DOCKET		1,332

2. Dispositions:

Granted	113	
Refused	3	
Refused, no reversible error	759	
Dismissed for want of jurisdiction	89	
Dismissed by order of the Court	5	
Dismissed on petitioners' requests	7	
Joint motions of parties to dismiss	6	
Dismissed as moot	0	
SUB-TOTAL DISPOSITIONS		982
Pending August 31, 1986		350

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CASES OTHER THAN REGULAR CAUSES (Cont'd)

B. MANDAMUS - CIVIL

1. On Docket:

Pending September 1, 1985	18	
Filed During Year Ending August 31, 1986	143	
TOTAL ON DOCKET		161

2. Dispositions:

Granted	15	
Overruled	128	
Dismissed on relators' motions	0	
Dismissed by order of the Court	1	
SUB-TOTAL DISPOSITIONS		144
Pending August 31, 1986		17

C. HABEAS CORPUS

1. On Docket:

Pending September 1, 1985	0	
Filed During Year Ending August 31, 1986	31	
TOTAL ON DOCKET		31

2. Dispositions:

Granted	8	
Denied	23	
Dismissed as moot	0	
SUB-TOTAL DISPOSITIONS		31
Pending August 31, 1986		0

D. WRITS OF PROHIBITION AND INJUNCTION

1. On Docket:

Pending September 1, 1985	0	
Filed During Year Ending August 31, 1986	8	
TOTAL ON DOCKET		8

2. Dispositions:

Granted	6	
Overruled	2	
SUB-TOTAL DISPOSITIONS		8
Pending August 31, 1986		0

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CASES OTHER THAN REGULAR CAUSES (Cont'd)

E. PETITIONS FOR REVIEW

1. On Docket:

Pending September 1, 1985	0	
Filed During Year Ending August 31, 1986	1	
TOTAL ON DOCKET		1

2. Dispositions:

Granted	0	
Overruled	0	
SUB-TOTAL DISPOSITIONS		0
Pending August 31, 1986		1

F. MOTIONS

1. Motions for Rehearing of Causes

a. On Docket:

Pending September 1, 1985	17	
Filed During Year Ending August 31, 1986	103	
TOTAL ON DOCKET		120

b. Dispositions:

Granted	19	
Overruled	80	
SUB-TOTAL DISPOSITIONS		99
Pending August 31, 1986		21

2. Motions for Rehearing of Applications for Writs of Error

a. On Docket:

Pending September 1, 1985	56	
Filed During Year Ending August 31, 1986	383	
TOTAL ON DOCKET		439

b. Dispositions:

Granted	3	
Overruled	373	
SUB-TOTAL DISPOSITIONS		376
Pending August 31, 1986		63

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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, 1985	10	
Filed During Year Ending August 31, 1986	21	
TOTAL ON DOCKET		31

b. Dispositions:

Granted	1	
Overruled	30	
SUB-TOTAL DISPOSITIONS		31
Pending August 31, 1986		0

4. Motions for Rehearing on Habeas Corpus

a. On Docket:

Pending September 1, 1985	1	
Filed During Year Ending August 31, 1986	1	
TOTAL ON DOCKET		2

b. Dispositions:

Granted	1	
Overruled	1	
SUB-TOTAL DISPOSITIONS		2
Pending August 31, 1986		0

5. Miscellaneous Motions

Passed on by the Court During Year Ending August 31, 1986 (Includes Rule 21c, motions to dismiss, etc.)	356	
Pending August 31, 1986	176	

OPINIONS DELIVERED BY THE COURT DURING YEAR ENDING AUGUST 31, 1986

Deciding causes	131	
Concurring	9	
Dissenting	21	
Concurring and dissenting	1	
On motions for rehearing	1	
Per curiam on applications, motions, etc	16	
TOTAL OPINIONS DELIVERED		179

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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						
JOHN L. HILL, JR. Chief Justice	10	6	0	0	0	0	2	18
SEARS MCGEE Justice	12	7	1	1	0	0	0	21
ROBERT M. CAMPBELL Justice	8	7	0	0	0	0	6	21
FRANKLIN S. SPEARS Justice	9	8	1	2	0	0	2	22
C. L. RAY Justice	8	2	2	1	0	1	2	16
JAMES P. WALLACE Justice	14	6	0	3	0	0	0	23
TED Z. ROBERTSON Justice	7	4	2	0	0	0	2	15
WILLIAM W. KILGARLIN Justice	8	4	1	6	0	0	2	21
RAUL A. GONZALEZ Justice	8	3	2	8	1	0	0	22
TOTAL	84	47	9	21	1	1	16	179

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(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	1	0	0	.5	2	.5	0	4
SECOND Fort Worth	2	0	4	2.5	1	1.5	2	13
THIRD Austin	3	0	6	3	0	3	1	16
FOURTH San Antonio	.5	0	0	1.5	4	1	0	7
FIFTH Dallas	.5	1	6	2.5	5	3	2	20
SIXTH Texarkana	2	1	1	1	1	0	1	7
SEVENTH Amarillo	0	0	1	0	0	3	0	4
EIGHTH El Paso	0	0	1	0	3	0	1	5
NINTH Beaumont	0	0	1	0	0	0	0	1
TENTH Waco	1.5	0	0	0	0	0	.5	2
ELEVENTH Eastland	1	0	1	2	1	0	0	5
TWELFTH Tyler	.5	0	1	1.5	0	1	1	5
THIRTEENTH Corpus Christi	1	1	1	2	5	2	0	12
FOURTEENTH Houston	2.5	0	1	2	3	0	1.5	10
TOTAL	15.5	3	24	18.5	25	15	10	111

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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>
Dallas	198	Bowie	5	Dallam	2	Gonzales	1
Harris	166	Brown	5	Duval	2	Fannin	1
Travis	90	Jim Wells	5	Edwards	2	Hamilton	1
Bexar	88	Van Zandt	5	Fayette	2	Hardeman	1
Tarrant	39	Victoria	5	Freestone	2	Hardin	1
Jefferson	38	Ector	4	Grimes	2	Haskell	1
Nueces	36	Erath	4	Jackson	2	Hill	1
El Paso	27	Fort Bend	4	Kerr	2	Hockley	1
Smith	17	Grayson	4	Leon	2	Hutchinson	1
Denton	13	Hood	4	Limestone	2	Jack	1
Gregg	13	Midland	4	Lipscomb	2	Jasper	1
Cameron	12	Panola	4	Moore	2	Johnson	1
Collin	12	Rusk	4	Navarro	2	Karnes	1
Liberty	12	San Patricio	4	Nolan	2	Kendall	1
Maverick	12	Webb	4	Ochiltree	2	Kimble	1
Potter	11	Wharton	4	Parker	2	Lamb	1
Brazoria	10	Bastrop	3	Polk	2	Lavaca	1
McLennan	10	Comal	3	Real	2	Lee	1
Galveston	8	Dimmit	3	Starr	2	Marion	1
Harrison	8	Foard	3	Sutton	2	Milam	1
Hidalgo	8	Hays	3	Tom Green	2	Montague	1
Lubbock	8	Houston	3	Walker	2	Newton	1
Angelina	7	Howard	3	Waller	2	Reeves	1
Brazos	7	Lamar	3	Zavala	2	Robertson	1
Cherokee	7	Montgomery	3	Atascosa	1	Rockwall	1
Hunt	7	Morris	3	Briscoe	1	San Augustine	1
Madison	7	Nacogdoches	3	Burleson	1	San Jacinto	1
Wichita	7	Randall	3	Camp	1	Shelby	1
Bell	6	Red River	3	Carson	1	Stephens	1
Eastland	6	Willacy	3	Cass	1	Swisher	1
Guadalupe	6	Wise	3	Colorado	1	Upshur	1
Henderson	6	Wood	3	Comanche	1	Washington	1
Kaufman	6	Andrews	2	Cooke	1	Young	1
Matagorda	6	Aransas	2	Coryell	1	Zapata	1
Taylor	6	Bee	2	Cottle	1		
Uvalde	6	Brooks	2	DeWitt	1		
Anderson	5	Caldwell	2	Garza	1		