

SUPREME COURT

Analysis of Activity for the Year Ending August 31, 1987

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 2,543 matters during fiscal 1987, an increase of 17 percent over the 2,169 matters passed on in fiscal 1986.

Regular Causes

The 153 regular causes added to the Court's docket were 9 percent more than the 139 regular causes added in fiscal 1986.

The 132 regular causes disposed of were 6 percent less than the 140 disposed of in fiscal 1986 but 6 percent more than the 10-year average of 121. One hundred eighteen of the regular causes disposed of during 1987 came to the Court on application for writ of error from one of the 14 Courts of Appeals. Of those 118 dispositions, the lower courts were reversed in whole or in part in 93 causes, or 79 percent. This compares to 83 percent reversals in fiscal 1986.

The 46 regular causes (not including motions for rehearing) left pending at the end of fiscal 1987 represented 23 percent of the total number of regular causes added during the year or carried over from the previous year. This is 2 causes higher than the 10-year average of 44 pending causes. At the end of fiscal 1986, 29 regular causes had been pending in the Court.

Applications for Writs of Error

The 983 applications for writs of error filed during fiscal 1987 represented a 6 percent decrease over the 1,044 applications filed in fiscal 1986, but was 11 percent more than the 10-year average of 889.

The 1,066 applications for writs of error disposed of during the year was 9 percent more than the 982 disposed of during fiscal 1986, but 21 percent higher than the 10-year average of 882. Of those 1,066 applications disposed of, 159 (or 15

percent) were granted.

The 267 applications for writs of error left pending at the end of fiscal 1987 represented 20 percent of the total number of such applications filed during the year or carried over from the previous year. This is 39 more pending applications than the 10-year average of 228 pending applications. At the end of fiscal 1986, 350 applications for writs of error had been pending in the Court.

Other Writs and Motions

The 734 other writs and motions filed during fiscal 1987 were 6 percent more than the 691 filed during fiscal 1986. (This does not include miscellaneous motions such as motions for extension of time, etc., which are often not docketed as separate causes.) This is 47 more than the 10-year average of 687 other writs and motions filed.

The 733 other writs and motions disposed of during fiscal 1987 were 6 percent more than the 691 disposed during fiscal 1986. This is 45 more dispositions than the 10-year average of 688 dispositions.

The 104 other writs and motions left pending by the Court at the end of fiscal 1987 represented 12 percent of the total number of other writs and motions filed during the year or carried over from the previous year. At the end of fiscal 1986, 104 other writs and motions had been pending in the Court.

Opinions Written

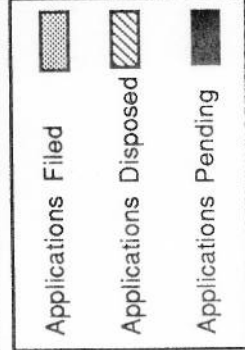
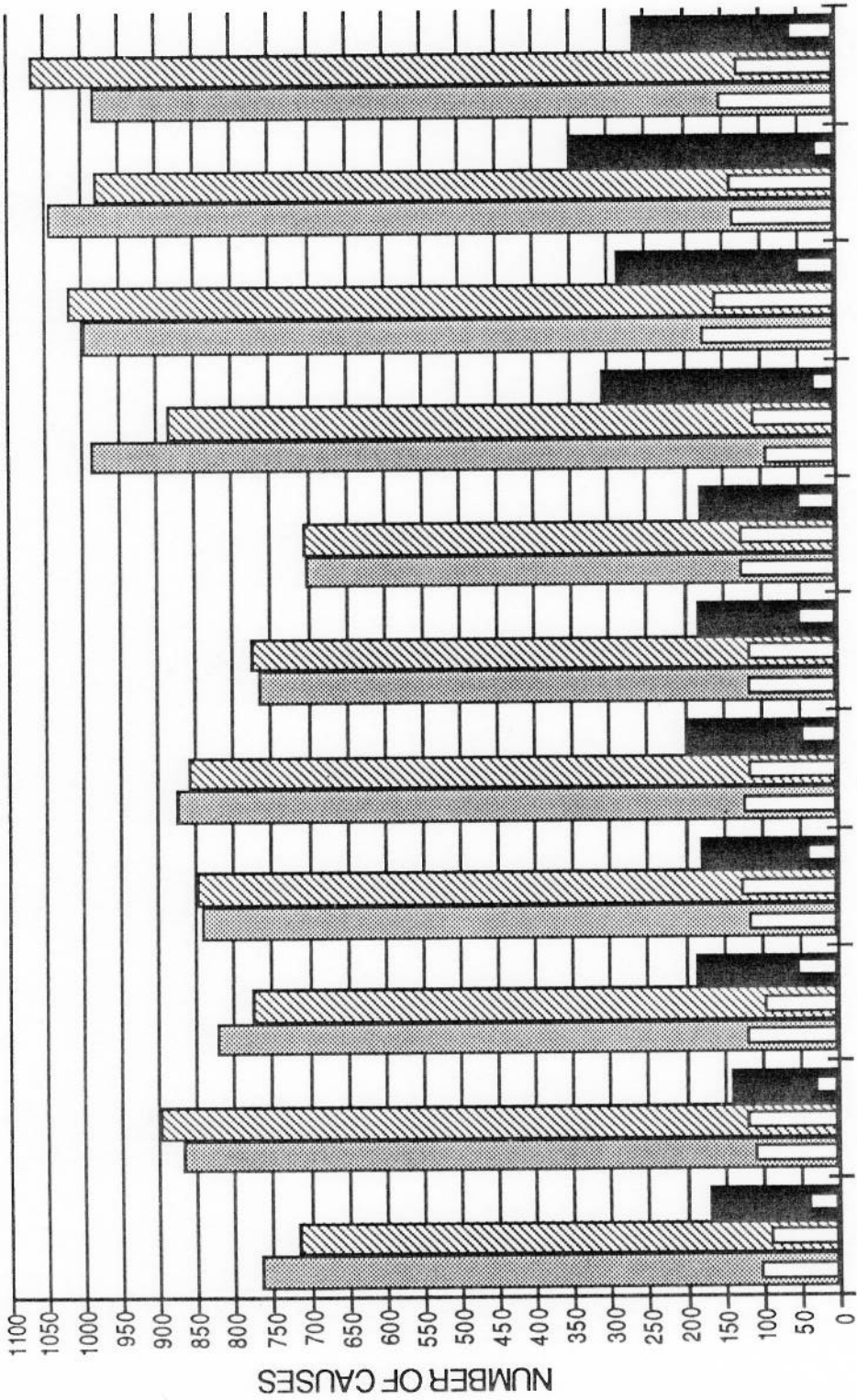
During fiscal year 1987, the justices of the Supreme Court wrote 190 opinions (or an average of 21 opinions each), 6 percent more than the 179 opinions written in fiscal 1986 and 11 percent more than the 10-year average of 171. Of the opinions written in 1986, 125 (or 66 percent) were deciding opinions which disposed of causes.

During fiscal 1987, the Supreme Court heard oral argument of 113 causes and considered an additional 39 causes submitted on briefs.

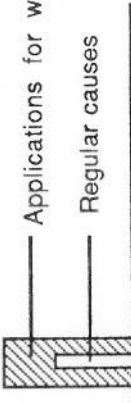
Figure 2.

SUPREME COURT

Causes filed, disposed and pending, calendar year 1977 through fiscal year 1987.



* 1984 and following are fiscal year; all previous are calendar years.



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Activity for the Year Ending August 31, 1987

SUMMARY OF DOCKET ACTIVITY DURING THE YEAR ENDING AUGUST 31, 1987

A. Causes of Action Passed on During the Year Ending August 31, 1987:

Regular causes determined by the Court	132
Applications for writs of error determined.	1,066
Motions for leave to file petitions for writs of mandamus involving civil cases determined.	144
Petitions for writs of habeas corpus determined	30
Writs of prohibition and injunction determined.	19
Petitions for review	<u>3</u>
 TOTAL CAUSES PASSED ON BY THE COURT	 <u>1,394</u>

B. Motions Passed on During the Year Ending August 31, 1987:

Motions for rehearing of causes determined by the Court	120
Motions for rehearing of applications for writs of error determined	393
Motions for rehearing of motions for leave to file petitions for writs of mandamus determined	21
Motions for rehearing of habeas corpus determined	3
Miscellaneous motions passed on by the Court	<u>612</u>
 TOTAL MOTIONS PASSED ON BY THE COURT	 <u>1,149</u>

GRAND TOTAL OF MATTERS PASSED ON BY THE COURT. 2,543

C. Matters Pending August 31, 1987:

Regular causes (not including motions for rehearing)	46
Applications for writs of error	267
Motions for rehearing of causes	25
Motions for rehearing of applications	59
Motions for leave to file petitions for writs of mandamus	14
Motions for rehearing of petitions for habeas corpus.	0
Motions for rehearing of motions for leave to file.	4
Motions for review (includes 21c)	<u>1</u>
 TOTAL MATTERS PENDING AUGUST 31, 1987	 <u>416</u>

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Activity for the Year Ending August 31, 1987
(Continued)

REGULAR CAUSES*

A. On Docket Within the Year Ending August 31, 1987:

Causes pending on Sept. 1, 1986 (Pending under submission, including motions for rehearing)	34	
(Pending set for submission)		16
REGULAR CAUSES PENDING SEPTEMBER 1, 1986		50
By granted applications for writs of error		102
By granted motions for leave to file petitions for writs of mandamus		9
By direct appeals filed		3
By granted habeas corpus filed		2
By certified question		0
By Rule 133(b) (Texas Rules of Appellate Procedure)		33
Causes dismissed		4
REGULAR CAUSES ADDED		153
TOTAL REGULAR CAUSES ON DOCKET		203

B. Dispositions:

Judgments affirmed, or reformed, or modified and affirmed	21	
Judgments of Courts of Appeals reversed (or in part) and judgments of trial courts affirmed (or modified and affirmed)		20
Judgments reversed (or in part) and rendered (or in part)		23
Judgments of Courts of Appeals reversed (or in part) and causes remanded to trial courts		21
Judgments of Courts of Appeals reversed (or in part) and causes remanded to Courts of Appeals		21
Judgments of Courts of Appeals affirmed in part, reversed in part		6
Certified question denied		0
Judgments below reversed and causes dismissed		2
Causes dismissed on joint motions		4

* "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" includes 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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(Continued)

REGULAR CAUSES (Cont'd)

B. Dispositions: (Cont'd)

Mandamus	(Writs granted)	7
	(Writs dismissed)	0
	(Writs denied)	2
Direct Appeals	(Judgment of trial courts reversed) . . .	1
	(Causes dismissed for want of jurisdiction)	1
	(Causes dismissed as moot)	1
Habeas Corpus	(Relators discharged)	2
	(Relators remanded)	0
TOTAL DISPOSITIONS		<u>132</u>

C. Causes Pending on August 31, 1987:

Pending, under submission (includes causes on motions for rehearing)	50	
Pending, set for submission	<u>21</u>	
PENDING AUGUST 31, 1987		<u>71</u>

D. Causes Submitted During Year Ending August 31, 1987:

Orally	143	
On briefs	<u>39</u>	
TOTAL CAUSES SUBMITTED		<u>142</u>

CASES OTHER THAN REGULAR CAUSES

A. APPLICATIONS FOR WRITS OF ERROR

1. On Docket:

Pending on September 1, 1986	350	
Filed During Year Ending August 31, 1987	<u>983</u>	
TOTAL APPLICATIONS ON DOCKET		<u>1,333</u>

2. Dispositions:

Granted	159	
Refused	6	
Refused, no reversible error	799	
Dismissed for want of jurisdiction	73	
Dismissed by order of the Court	18	
Dismissed on petitioners' requests	9	
Joint motions of parties to dismiss	2	
Dismissed as moot	<u>0</u>	
TOTAL DISPOSITIONS		<u>1,066</u>
Pending August 31, 1987		<u>267</u>

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(Continued)

CASES OTHER THAN REGULAR CAUSES (Cont'd)

R. MANDAMUS - CIVIL

1. On Docket:

Pending September 1, 1986	17
Filed During Year Ending August 31, 1987	<u>141</u>
TOTAL ON DOCKET	<u>158</u>

2. Dispositions:

Granted	10
Overruled	129
Dismissed on relators' motions	2
Dismissed by order of the Court	1
Transferred	<u>2</u>
TOTAL DISPOSITIONS.	<u>144</u>
Pending August 31, 1987	<u>14</u>

C. HABEAS CORPUS

1. On Docket:

Pending September 1, 1986	0
Filed During Year Ending August 31, 1987	<u>30</u>
TOTAL ON DOCKET	<u>30</u>

2. Dispositions:

Granted	6
Denied	23
Dismissed as moot	<u>0</u>
SUB-TOTAL DISPOSITIONS	<u>29</u>
Pending August 31, 1987	<u>1</u>

D. WRITS OF PROHIBITION AND INJUNCTION

1. On Docket:

Pending September 1, 1986	0
Filed During Year Ending August 31, 1987	<u>19</u>
TOTAL ON DOCKET	<u>19</u>

2. Dispositions:

Granted	3
Overruled	<u>16</u>
TOTAL DISPOSITIONS.	<u>19</u>
Pending August 31, 1987	<u>0</u>

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Activity for the Year Ending August 31, 1987
(Continued)

CASES OTHER THAN REGULAR CAUSES (Cont'd)

E. PETITIONS FOR REVIEW

1. On Docket:

Pending September 1, 1986	1	
Filed During Year Ending August 31, 1987	3	
TOTAL ON DOCKET		4

2. Dispositions:

Granted	1	
Overruled	2	
TOTAL DISPOSITIONS		3
Pending August 31, 1987		1

F. MOTIONS

1. Motions for Rehearing of Causes

a. On Docket:

Pending September 1, 1986	21	
Filed During Year Ending August 31, 1987	124	
TOTAL ON DOCKET		145

b. Dispositions:

Granted	28	
Overruled	92	
TOTAL DISPOSITIONS		120
Pending August 31, 1987		25

2. Motions for Rehearing of Applications for Writs of Error

a. On Docket:

Pending September 1, 1986	63	
Filed During Year Ending August 31, 1987	389	
TOTAL ON DOCKET		452

b. Dispositions:

Granted	5	
Overruled	386	
Dismissed	2	
TOTAL DISPOSITIONS		393
Pending August 31, 1987		59

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Activity for the Year Ending August 31, 1987
(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, 1986	0	
Filed During Year Ending August 31, 1987	25	
TOTAL ON DOCKET		25

b. Dispositions:

Granted	0	
Overruled	21	
TOTAL DISPOSITIONS.		21

Pending August 31, 1987 4

4. Motions for Rehearing on Habeas Corpus

a. On Docket:

Pending September 1, 1986	0	
Filed During Year Ending August 31, 1987	3	
TOTAL ON DOCKET		3

b. Dispositions:

Granted	0	
Overruled	3	
TOTAL DISPOSITIONS.		3

Pending August 31, 1987 0

5. Miscellaneous Motions

Passed on by the Court During Year Ending August 31, 1987 (Includes Rule 130(d), motions to dismiss, etc.)		612
Pending August 31, 1987		14

OPINIONS DELIVERED BY THE COURT DURING YEAR ENDING AUGUST 31, 1987

Deciding causes	125	
Concurring	20	
Dissenting	23	
Concurring and dissenting	11	
On motions for rehearing	2	
Per curiam on applications, motions, etc	9	
TOTAL OPINIONS DELIVERED		190

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(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 133(b) Per Curiam						
JOHN L. HILL, JR. Chief Justice	5	4	0	6	0	0	0	15
¹ SEARS MCGEE Justice	1	0	0	0	0	0	0	1
ROBERT M. CAMPBELL Justice	7	4	2	1	1	1	1	17
FRANKLIN S. SPEARS Justice	14	3	4	1	2	0	4	28
C. L. RAY Justice	9	5	1	3	0	0	1	19
JAMES P. WALLACE Justice	14	1	0	1	1	0	0	17
TED Z. ROBERTSON Justice	16	3	1	4	0	0	0	24
WILLIAM W. KILGARLIN Justice	14	6	2	2	1	0	3	28
RAUL A. GONZALEZ Justice	8	2	6	3	4	0	0	23
² OSCAR H. MAUZY Justice	5	4	4	2	2	1	0	18
TOTAL	93	32	20	23	11	2	9	190

1. Left office 1-3-87
2. Took office 1-3-87

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(Continued)

ACTION DURING THE YEAR 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	4.5	0	2	1.5	2.5	5	1.5	17
SECOND Fort Worth	2	0	3	2	2	1	0	10
THIRD Austin	3.5	0	0	5	1	.5	0	10
FOURTH San Antonio	.5	0	5	1	4	1.5	1	13
FIFTH Dallas	0	0	1	1.5	2	2.5	4	11
SIXTH Texarkana	2.5	1	0	1	1	1.5	0	7
SEVENTH Amarillo	0	0	2	1	0	0	0	3
EIGHTH El Paso	2	0	0	0	1	1	0	4
NINTH Beaumont	1.5	1	4	1	1	2.5	0	11
TENTH Waco	.5	0	0	1	0	.5	0	2
ELEVENTH Eastland	2	0	1	0	1	0	1	5
TWELFTH Tyler	.5	0	0	2	0	.5	2	5
THIRTEENTH Corpus Christi	3	1	1	2	4.5	2.5	1	15
FOURTEENTH Houston	4.5	0	2.5	2.5	.5	4	1	15
TOTAL	27	3	21.5	21.5	20.5	23	11.5	128

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Activity for the Year Ending August 31, 1987
(Continued)

APPLICATIONS FOR WRITS OF ERROR FILED IN THE SUPREME COURT, 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	190	Medina	5	Wichita	3	Gillespie	1
Dallas	139	Montgomery	5	Zavala	3	Gonzales	1
Bexar	98	Potter	5	Calhoun	2	Grimes	1
Travis	76	Bailey	4	Dawson	2	Hays	1
Tarrant	50	Bowie	4	Gray	2	Hockley	1
El Paso	37	Duval	4	Grayson	2	Houston	1
Nueces	30	Eastland	4	Hale	2	Howard	1
Jefferson	28	Freestone	4	Hardeman	2	Jim Wells	1
Lubbock	18	Jasper	4	Hood	2	Kelberg	1
Ector	17	Montague	4	Hudspeth	2	Lamar	1
Cameron	16	Nacogdoches	4	Jackson	2	Lamb	1
Taylor	15	San Patricio	4	Kendall	2	Lee	1
Fort Bend	14	Anderson	3	Lampasas	2	Limestone	1
Denton	12	Austin	3	Live Oak	2	McMullen	1
Galveston	12	Brazos	3	Maverick	2	Milam	1
Matagorda	11	Burleson	3	Palo Pinto	2	Mitchell	1
Smith	11	Caldwell	3	Presidio	2	Parmer	1
Bee	9	Castro	3	Real	2	Robertson	1
Midland	9	Colorado	3	Red River	2	Rockwall	1
Orange	9	Falls	3	Sabine	2	San Augustine	1
Brazoria	8	Henderson	3	Upshur	2	San Saba	1
Gregg	7	Hidalgo	3	Bastrop	1	Shelby	1
Hardin	7	Hill	3	Brown	1	Stephens	1
Polk	7	Kerr	3	Burnet	1	Titus	1
Uvalde	7	Leon	3	Carson	1	Tom Green	1
Andrews	6	Liberty	3	Cass	1	Tyler	1
Collin	6	Navarro	3	Chambers	1	Walker	1
Harrison	6	Nolan	3	Cherokee	1	Ward	1
Hunt	6	Panola	3	Comanche	1	Washington	1
Kaufman	6	Refugio	3	Crockett	1	Wharton	1
Rusk	6	Val Verde	3	Dimmit	1	Williamson	1
Hutchinson	5	Van Zandt	3	Ellis	1	Winkler	1
Johnson	5	Victoria	3	Erath	1	Zapata	1
McLennan	5	Webb	3	Floyd	1		