

# SUPREME COURT

## Analysis of Activity for the Year Ending August 31, 1988

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 2,731 matters during fiscal 1988, an increase of 7.4 percent over the 2,543 matters passed on in fiscal 1987.

### Regular Causes

The 123 regular causes added to the Court's docket were 2 percent less than the 153 regular causes added in fiscal 1987.

The 137 regular causes disposed of were 3.8 percent more than the 132 disposed of in fiscal 1987 but 7.8 percent more than the 10-year average of 127. Ninety-six of the regular causes disposed of during 1988 came to the Court on application for writ of error from one of the 14 Courts of Appeals. Of those 96 dispositions, the lower courts were reversed in whole or in part in 82 causes, or 85 percent. This compares to 79 percent reversals in fiscal 1987.

The 57 regular causes (including motions for rehearing) left pending at the end of fiscal 1988 represented 46 percent of the total number of regular causes added during the year or carried over from the previous year. This is 6 causes higher than the 10-year average of 51 pending causes. At the end of fiscal 1987, 71 regular causes had been pending in the Court.

### Applications for Writs of Error

The 997 applications for writs of error filed during fiscal 1988 represented a 1.4 percent increase over the 983 applications filed in fiscal 1987, but was 10.5 percent more than the 10-year average of 902.

The 951 applications for writs of error disposed of during the year was 10.8 percent less than the 1,066 disposed of during fiscal 1987, but 7.2 percent higher than the 10-year average of 887. Of those 951 applications disposed of, 110 (or 11.6 percent) were granted.

The 313 applications for writs of error left pending at the end of fiscal 1988 represented 24.8 percent of the total number of such applications filed during the year or carried over from the previous year. This is 67 more pending applications than the 10-year average of 246 pending applications. At the end of fiscal 1987, 267 applications for writs of error had been pending in the Court.

### Other Writs and Motions

The 769 other writs and motions filed during fiscal 1988 were 4.8 percent more than the 734 filed during fiscal 1987. (This does not include miscellaneous motions such as motions for extension of time, etc., which are often not docketed as separate causes.) This is 66 more than the 10-year average of 703 other writs and motions filed.

The 748 other writs and motions disposed of during fiscal 1988 were 2 percent more than the 733 disposed during fiscal 1987. This is 51 more dispositions than the 10-year average of 697 dispositions.

The 125 other writs and motions left pending by the Court at the end of fiscal 1988 represented 14.3 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 1987, 104 other writs and motions had been pending in the Court.

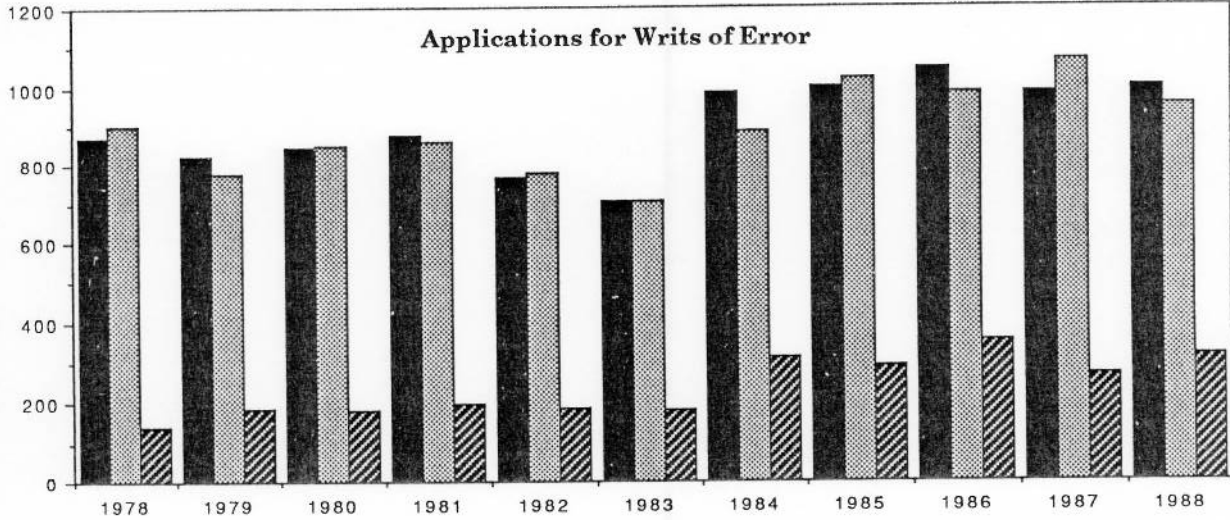
### Opinions Written

During fiscal year 1988, the justices of the Supreme Court wrote 203 opinions (or an average of 23 opinions each), 6.8 percent more than the 190 opinions written in fiscal 1987 and 17.3 percent more than the 10-year average of 173. Of the opinions written in 1988, 118 (or 58 percent) were deciding opinions which disposed of causes.

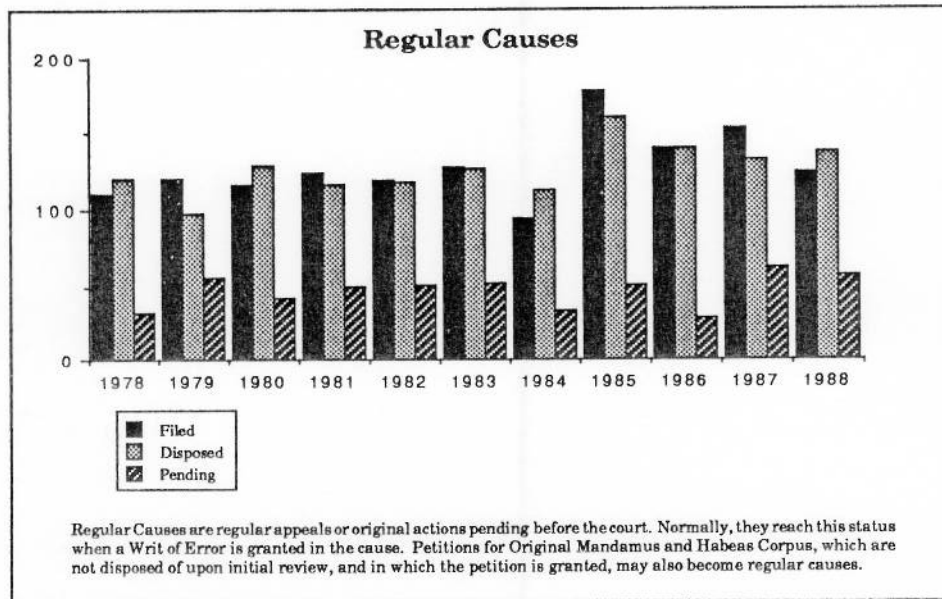
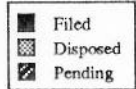
During fiscal 1988, the Supreme Court heard oral argument of 79 causes and considered an additional 33 causes submitted on briefs.

## SUPREME COURT

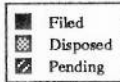
Causes filed, disposed and pending, calendar year 1978 through fiscal year 1988



An Application for Writ of Error is a request filed by one of the parties, requesting the Supreme Court to review the judgment of a Court of Appeals. If three or more of the nine justices concur the writ is granted and the cause is scheduled for argument before the court.



Regular Causes are regular appeals or original actions pending before the court. Normally, they reach this status when a Writ of Error is granted in the cause. Petitions for Original Mandamus and Habeas Corpus, which are not disposed of upon initial review, and in which the petition is granted, may also become regular causes.



# SUPREME COURT

## Activity for the Year Ending August 31, 1988

### SUMMARY OF DOCKET ACTIVITY DURING THE YEAR ENDING AUGUST 31, 1988

**A. Causes of Action Passed on During the Year Ending August 31, 1988:**

Regular causes determined by the Court .....	137
Applications for writs of error determined .....	951
Motions for leave to file petitions for writs of mandamus involving civil cases determined .....	169
Petitions for writs of habeas corpus determined .....	16
Writs of prohibitions and injunction determined .....	30
Petitions for review .....	<u>1</u>

TOTAL CAUSES PASSED ON BY THE COURT ..... 1,304

**B. Motions Passed on During the Year Ending August 31, 1988:**

Motions for rehearing of causes determined by the Court .....	126
Motions for rehearing of applications for writs of error determined .....	379
Motions for rehearing of motions for leave to file petitions for writs of mandamus determined .....	26
Motions for rehearing of habeas corpus determined .....	1
Miscellaneous motions passed on by the Court .....	<u>895</u>

TOTAL MOTIONS PASSED ON BY THE COURT ..... 1,427

GRAND TOTAL OF MATTERS PASSED ON BY THE COURT ..... 2,731

**C. Matters Pending August 31, 1988:**

Regular causes (not including motions for rehearing) .....	32
Applications for writs of error .....	313
Habeas Corpus .....	2
Writs of Prohibition .....	4
Motions for rehearing of causes .....	25
Motions for rehearing of applications .....	48
Motions for leave to file petitions for writs of mandamus .....	39
Motions for rehearing of petitions for habeas corpus .....	0
Motions for rehearing of motions for leave to file .....	<u>7</u>

TOTAL MATTERS PENDING AUGUST 31, 1988 ..... 470

# SUPREME COURT

## Activity for the Year Ending August 31, 1988

(Continued)

### REGULAR CAUSES\*

**A. On Docket Within the Year Ending August 31, 1988:**

Causes pending on September 1, 1987 .....	(Pending under submission, .....	50
	including motions for rehearing)	
	(Pending set for submission) .....	21
REGULAR CAUSES PENDING SEPTEMBER 1, 1987 .....		71
By granted applications for writs of error .....		62
By granted motions for leave to file petitions for writs of mandamus .....		19
By direct appeals filed .....		3
By granted habeas corpus filed .....		5
By certified questions .....		1
By Rule 133(b) (Texas Rules of Appellate Procedure) .....		23
Causes dismissed .....		10
REGULAR CAUSES ADDED .....		123
TOTAL REGULAR CAUSES ON DOCKET .....		194

**B. Dispositions:**

Judgments affirmed, or reformed, or modified and affirmed .....		18
Judgments of Courts of Appeals reversed (or in part) and judgments of		
trial courts affirmed (or modified and affirmed) .....		24
Judgments reversed (or in part) and rendered (or in part) .....		14
Judgments of Courts of Appeals reversed (or in part)		
and causes remanded to trial courts .....		20
Judgments of Courts of Appeals reversed (or in part) and causes		
remanded to Courts of Appeals .....		6
Judgments of Courts of Appeals affirmed in part, reversed in part .....		15
Certified question answered .....		1
Judgments below reversed and causes dismissed .....		2
Causes dismissed on joint motions .....		10

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\*"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 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, 1988**  
(Continued)

**REGULAR CAUSES (Cont'd)**

**B. Dispositions (Cont'd):**

Mandamus.....	(Writs granted).....	17
	(Writs dismissed).....	1
	(Writs denied).....	1
Direct Appeals.....	(Judgment of trial courts reversed).....	0
	(Causes dismissed for want of jurisdiction).....	3
	(Causes dismissed as moot).....	0
Habeas Corpus.....	(Relators discharged).....	5
	(Relators remanded).....	0
TOTAL DISPOSITIONS.....		<u>137</u>

**C. Causes Pending on August 31, 1988:**

Pending, under submission (includes causes on motions for rehearing).....	47
Pending, set for submission.....	<u>10</u>
PENDING AUGUST 31, 1988:.....	<u>57</u>

**D. Causes Submitted During Year Ending August 31, 1988:**

Orally.....	79
On briefs.....	<u>33</u>
TOTAL CAUSES SUBMITTED.....	<u>112</u>

**CASES OTHER THAN REGULAR CAUSES**

**A. Applications for Writs of Error:**

**1. On Docket:**

Pending on September 1, 1987.....	267
Filed During Year Ending August 31, 1988.....	<u>997</u>
TOTAL APPLICATIONS ON DOCKET.....	<u>1,264</u>

**2. Dispositions:**

Granted.....	110
Refused.....	9
Refused, no reversible error.....	282
Writ denied.....	462
Dismissed for want of jurisdiction.....	48
Dismissed by order of the court.....	18
Dismissed on petitioners' requests.....	5
Joint motions of parties to dismiss.....	16
Transferred.....	<u>1</u>
TOTAL DISPOSITIONS.....	<u>951</u>
Pending August 31, 1988.....	<u>313</u>

**SUPREME COURT**  
**Activity for the Year Ending August 31, 1988**  
(Continued)

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

**B. Mandamus - Civil:**

**1. On Docket:**

Pending September 1, 1987 .....14  
Filed During Year Ending August 31, 1988 .....194

TOTAL ON DOCKET ..... 208

**2. Dispositions:**

Granted .....17  
Overruled .....148  
Dismissed on relators' motion .....2  
Dismissed by order of the Court .....1  
Dismissed for want of jurisdiction .....1

TOTAL DISPOSITIONS ..... 169

Pending August 31, 1988 ..... 39

**C. Habeas Corpus:**

**1. On Docket:**

Pending September 1, 1987 .....1  
Filed During Year Ending August 31, 1988 .....17

TOTAL ON DOCKET ..... 18

**2. Dispositions:**

Granted .....5  
Denied .....10  
Transferred .....1

TOTAL DISPOSITIONS ..... 16

Pending August 31, 1988 ..... 2

**D. Writs of Prohibition and Injunction:**

**1. On Docket:**

Pending September 1, 1987 .....0  
Filed During Year Ending August 31, 1988 .....34

TOTAL ON DOCKET ..... 34

**2. Dispositions:**

Granted .....13  
Overruled .....17

TOTAL DISPOSITIONS ..... 30

Pending August 31, 1988 ..... 4

**SUPREME COURT**  
**Activity for the Year Ending August 31, 1988**  
(Continued)

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

**E. Petitions for Review:**

**1. On Docket:**

Pending September 1, 1987 .....	1	
Filed During Year Ending August 31, 1988 .....	0	
<b>TOTAL ON DOCKET</b> .....		<u>1</u>

**2. Dispositions:**

Granted .....	0	
Overruled .....	1	
<b>TOTAL DISPOSITIONS</b> .....		<u>1</u>
Pending August 31, 1988 .....		<u>0</u>

**F. Motions:**

**1. Motions for Rehearing of Causes**

**a. On Docket:**

Pending September 1, 1987 .....	25	
Filed During Year Ending August 31, 1988 .....	126	
<b>TOTAL ON DOCKET</b> .....		<u>151</u>

**b. Dispositions:**

Granted .....	21	
Overruled .....	104	
Withdrawn .....	1	
<b>TOTAL DISPOSITIONS</b> .....		<u>126</u>
Pending August 31, 1988 .....		<u>25</u>

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

**a. On Docket:**

Pending September 1, 1987 .....	59	
Filed During Year Ending August 31, 1988 .....	368	
<b>TOTAL ON DOCKET</b> .....		<u>427</u>

**b. Dispositions:**

Granted .....	7	
Overruled .....	372	
<b>TOTAL DISPOSITIONS</b> .....		<u>379</u>
Pending August 31, 1988 .....		<u>48</u>

**SUPREME COURT**  
**Activity for the Year Ending August 31, 1988**  
(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, 1987 .....4  
Filed During Year Ending August 31, 1988 .....29

TOTAL ON DOCKET ..... 33

**b. Dispositions:**

Granted .....2  
Overruled .....24

TOTAL DISPOSITIONS ..... 26

Pending August 31, 1988 ..... 7

**4. Motions for Rehearing on Habeas Corpus**

**a. On Docket:**

Pending September 1, 1987 .....0  
Filed During Year Ending August 31, 1988 .....1

TOTAL ON DOCKET ..... 1

**b. Dispositions:**

Granted .....0  
Overruled .....1

TOTAL DISPOSITIONS ..... 1

Pending August 31, 1988 ..... 0

**5. Miscellaneous Motions**

Passed on by the Court During Year Ending August 31, 1988  
(includes Rule 130(d), motions to dismiss, etc.) ..... 895  
Pending August 31, 1988 ..... 22

**OPINIONS DELIVERED BY THE COURT DURING YEAR  
ENDING AUGUST 31, 1988**

Deciding causes ..... 118  
Concurring ..... 24  
Dissenting ..... 45  
Concurring and dissenting ..... 7  
Per curiam on applications, motions, etc. .... 9

TOTAL OPINIONS DELIVERED ..... 203



**SUPREME COURT**  
**Activity for the Year Ending August 31, 1988**  
(Continued)

**OPINIONS WRITTEN BY JUSTICES OF THE SUPREME COURT**

<u>JUSTICES</u>	<u>DECIDING OPINIONS</u>		<u>Concurring Opinions</u>	<u>Dissenting Opinions</u>	<u>Concurring and Dissenting</u>	<u>PerCuriam Opinions</u>	<u>TOTAL OPINIONS</u>
	<u>Majority Opinions</u>	<u>Rule 133(b) Per Curiams</u>					
JOHN L. HILL, JR. <sup>1</sup> Chief Justice	4	0	0	0	0	0	4
THOMAS R. PHILLIPS <sup>2</sup> Chief Justice	4	1	3	11	0	2	21
ROBERT M. CAMPBELL <sup>3</sup> Justice	4	0	1	0	1	0	6
FRANKLIN S. SPEARS Justice	16	3	0	2	1	1	23
C. L. RAY Justice	12	4	3	1	0	2	22
JAMES P. WALLACE Justice	12	4	1	6	0	2	25
TED Z. ROBERTSON Justice	7	2	0	7	1	0	17
WILLIAM W. KILGARLIN Justice	12	7	7	2	0	2	30
RAUL A. GONZALEZ Justice	10	2	5	9	2	0	28
OSCAR H. MAUZY Justice	10	2	2	4	1	0	19
BARBARA G. CULVER <sup>4</sup> Justice	<u>2</u>	<u>0</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>0</u>	<u>8</u>
TOTAL	93	25	24	45	7	9	203

<sup>1</sup>Left office 1-1-88.

<sup>2</sup>Took office 1-4-88.

<sup>3</sup>Left office 2-1-88.

<sup>4</sup>Took office 2-1-88.

**SUPREME COURT**  
**Activity for the Year Ending August 31, 1988**  
(Continued)

**ACTION DURING THE YEAR BY THE SUPREME COURT  
IN CASES FROM COURTS OF APPEALS ON WRITS OF  
ERROR GRANTED**

<u>COURT AND LOCATION</u>	<u>Court of Appeals Affirmed</u>	<u>Ct.App. Aff'd part, Rev'd part</u>	<u>Ct. App. Reversed, Trial Ct. Affirmed</u>	<u>Reversed, Remand to Court of Appeals</u>	<u>Reversed, Remand to Trial Court</u>	<u>Reversed and Rendered</u>	<u>Other</u>	<u>TOTAL FOR COURT</u>
FIRST Houston	2	1	0	0	3	2	1	9
SECOND Fort Worth	2	.5	3	1	.5	0	0	7
THIRD Austin	0	1	.5	1.5	0	2	1	6
FOURTH San Antonio	4	1	0	0	2	0	0	7
FIFTH Dallas	1	1	5	6	3	1	0	17
SIXTH Texarkana	0	.5	1	1.5	0	2	0	5
SEVENTH Amarillo	0	0	0	1	0	1	0	2
EIGHTH El Paso	1	0	3	1	0	2	0	7
NINTH Beaumont	1	1	3	0	1	2	0	8
TENTH Waco	1	2	3	0	1	2	0	9
ELEVENTH Eastland	0	0	1	0	0	0	0	1
TWELFTH Tyler	0	0	2	0	0	2	0	4
THIRTEENTH Corpus Christi	1	0	1	1	.5	.5	1	5
FOURTEENTH Houston	<u>1</u>	<u>1</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>0</u>	<u>1</u>	<u>9</u>
TOTAL	14	9	24.5	15	13	16.5	4	96

**SUPREME COURT**  
**Activity for the Year Ending August 31, 1988**  
(Continued)

**APPLICATIONS FOR WRITS OF ERROR FILED IN THE  
SUPREME COURT, BY COUNTY**

COUNTY	CASES	COUNTY	CASES	COUNTY	CASES	COUNTY	CASES
Dallas	175	DeWitt	4	Freestone	2	Gaines	1
Harris	165	Denton	4	Gillespie	2	Garza	1
Travis	77	Erath	4	Gregg	2	Gray	1
Tarrant	66	Kendall	4	Guadalupe	2	Grimes	1
Bexar	61	Reagan	4	Henderson	2	Harrison	1
El Paso	47	Robertson	4	Hockley	2	Hays	1
Nueces	43	Rockwall	4	Houston	2	Hood	1
Smith	22	San Jacinto	4	Jasper	2	Hopkins	1
Potter	19	Wichita	4	Johnson	2	Howard	1
Cameron	17	Bowie	3	Kaufman	2	Hutchinson	1
Jefferson	17	Brown	3	Lamar	2	Irion	1
Midland	17	Gonzales	3	Leon	2	Jim Wells	1
Hunt	16	Grayson	3	Marion	2	Karnes	1
Hardin	14	Lee	3	Mason	2	Kerr	1
Galveston	13	Liberty	3	Nacogdoches	2	Kinney	1
McLennan	13	Limestone	3	Newton	2	Kleberg	1
Lubbock	12	Live Oak	3	Polk	2	Lamb	1
Webb	11	Maverick	3	Randall	2	Matagorda	1
Hidalgo	9	Milam	3	San Augustine	2	Medina	1
Rusk	9	Moore	3	San Patricio	2	Mills	1
Brazoria	8	Nolan	3	Scurry	2	Ochiltree	1
Collin	8	Orange	3	Starr	2	Palo Pinto	1
Ector	8	Panola	3	Tyler	2	Red River	1
Fayette	8	Shelby	3	Austin	1	Reeves	1
Victoria	8	Taylor	3	Burleson	1	Sutton	1
Williamson	8	Wharton	3	Caldwell	1	Upshur	1
Montgomery	7	Bell	2	Camp	1	Uvalde	1
Bee	6	Blanco	2	Chambers	1	Val Verde	1
Duval	6	Bosque	2	Childress	1	Willacy	1
Fort Bend	6	Brazos	2	Clay	1	Wilson	1
Parker	6	Brooks	2	Cochran	1	Wise	1
Cooke	5	Calhoun	2	Coleman	1	Wood	1
Morris	5	Cherokee	2	Comal	1	Young	1
Titus	5	Comanche	2	Cottle	1		
Anderson	4	Deaf Smith	2	Donley	1		
Callahan	4	Fisher	2	Edwards	1		