

SUPREME COURT

Analysis of Activity for the Year Ending August 31, 1990

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 2,742 matters during fiscal year 1990, an increase of 7 percent from the 2,563 matters passed on in fiscal year 1989.

REGULAR CAUSES

The 158 regular causes added to the Court's docket were 12 percent more than the 141 regular causes added in fiscal year 1989.

The 154 regular causes disposed of were 11.5 percent more than the 138 disposed of in fiscal year 1989 and 17.6 percent more than the 10-year average of 131. Of the regular causes disposed of during 1990, 116 came to the Court on applications for writs of error from the 14 Courts of Appeals. Of those 116 dispositions, the lower courts were reversed in whole or in part in 95 causes, or 82 percent. This compares to 89 percent reversals in fiscal year 1989.

The 64 regular causes (including motions for rehearing) left pending at the end of fiscal year 1990 represented 29 percent of the total number of regular causes added during the year or carried over from the previous year. This is 12 causes higher than the 10-year average of 52 pending causes. At the end of fiscal year 1989, 60 regular causes had been pending in the Court.

APPLICATIONS FOR WRITS OF ERROR

The 866 applications for writs of error filed during fiscal year 1990 represented a 5.5 percent increase from the 821 applications filed in fiscal year 1989, but was 4 percent less than the 10-year average of 902.

The 876 applications for writs of error disposed of during the year was 12.2 percent more than the 781 disposed of during fiscal year 1989, but 1.2 percent lower than the 10-year average of 887. Of

the 876 applications disposed of, 84 (or 9.6 percent) were granted.

The 343 applications for writs of error left pending at the end of fiscal year 1990 represented 28 percent of the total number of such applications filed during the year or carried over from the previous year. This is 81 more pending applications than the 10-year average of 262 pending applications. At the end of fiscal year 1989, 353 applications for writs of error had been pending in the Court.

OTHER WRITS AND MOTIONS

The 780 other writs and motions filed during fiscal year 1990 were 19.8 percent more than the 651 filed during fiscal year 1989. (This does not include miscellaneous motions such as motions for extension of time, etc., which are often not docketed as separate causes.) This is 18.2 more than the 10-year average of 660 other writs and motions filed.

The 775 other writs and motions disposed of during fiscal year 1990 were 17.2 percent more than the 661 disposed during fiscal year 1989. This is 121 more dispositions than the 10-year average of 654 dispositions.

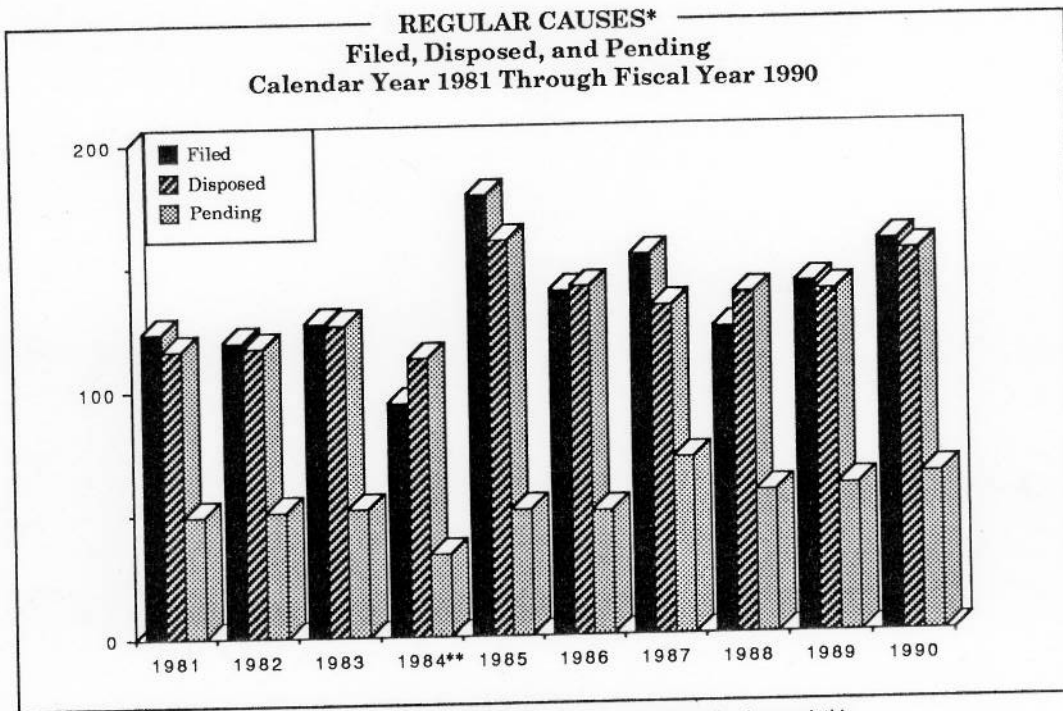
The 118 other writs and motions left pending by the Court at the end of fiscal year 1990 represented 13.7 percent of the total number of other writs and motions filed during the year or carried over from the previous year. At the end of fiscal year 1989, 113 other writs and motions had been pending in the Court.

OPINIONS WRITTEN

During fiscal year 1990, the justices of the Supreme Court wrote 187 opinions (or an average of 21 opinions each), 7.5 percent more than the 174 opinions written in fiscal year 1989 and 5.6 percent more than the 10-year average of 177. Of the opinions written in 1990, 102 (or 55 percent) were deciding opinions which disposed of causes.

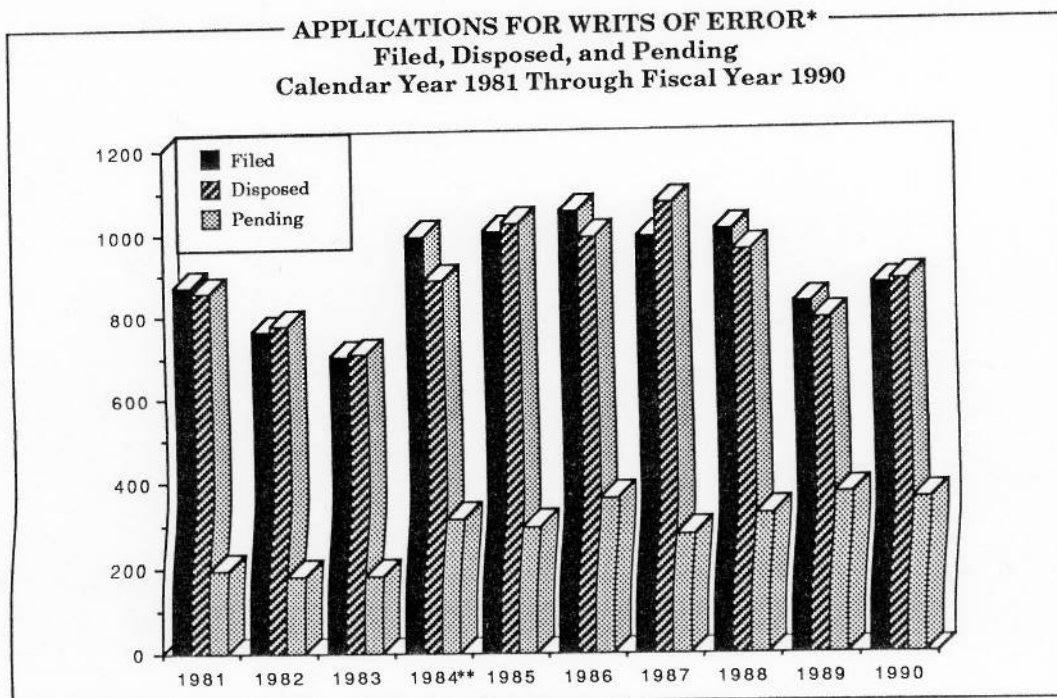
During fiscal year 1990, the Supreme Court heard oral argument of 102 causes and considered an additional 35 causes submitted on briefs.

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*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.

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



*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 four or more of the nine justices concur the writ is granted and the cause is scheduled for argument before the court.

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

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Activity for the Year Ending August 31, 1990

SUMMARY OF DOCKET ACTIVITY

A. Causes of Action Passed on During the Year Ending August 31, 1990:

Regular causes determined by the Court	154
Applications for writs of error determined	876
Motions for leave to file petitions for writs of mandamus involving civil cases determined	247
Petitions for writs of habeas corpus determined	33
Writs of prohibitions and injunction determined	8
U.S. Certified Questions	3
Direct Appeals	5
Writs of Certiorari	1
Petitions for review	<u>2</u>
TOTAL CAUSES PASSED ON BY THE COURT	1,329

B. Motions Passed on During the Year Ending August 31, 1990:

Motions for rehearing of causes determined by the Court	102
Motions for rehearing of applications for writs of error determined	334
Motions for rehearing of motions for leave to file petitions for writs of mandamus determined	43
Motions for rehearing of habeas corpus determined	6
Miscellaneous motions passed on by the Court	<u>928</u>
TOTAL MOTIONS PASSED ON BY THE COURT	<u>1,413</u>

GRAND TOTAL OF MATTERS PASSED ON BY THE COURT 2,742

C. Matters Pending August 31, 1990:

Regular causes (not including motions for rehearing)	64
Applications for writs of error	343
Habeas Corpus	2
Writs of Prohibition	2
Motions for rehearing of causes	42
Motions for rehearing of applications	26
Motions for leave to file petitions for writs of mandamus	43
Motions for rehearing of petitions for habeas corpus	0
Motions for rehearing of motions for leave to file petition for writ of mandamus	3
Petitions for review	<u>0</u>
TOTAL MATTERS PENDING AUGUST 31, 1990	<u><u>525</u></u>

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Activity for the Year Ending August 31, 1990

(Continued)

REGULAR CAUSES*

A. On Docket Within the Year Ending August 31, 1990:

Causes pending on September 1, 1989	(Pending under submission, including motions for rehearing)	44
	(Pending set for submission)	<u>16</u>
REGULAR CAUSES PENDING SEPTEMBER 1, 1989		60
By granted applications for writs of error		84
By granted motions for leave to file petitions for writs of mandamus		27
By direct appeals filed		3
By granted habeas corpus filed		8
By certified questions		3
By Rule 133(b) (Texas Rules of Appellate Procedure)		30
Causes dismissed		2
Interlocutory appeals		<u>1</u>
REGULAR CAUSES ADDED		<u>158</u>
TOTAL REGULAR CAUSES ON DOCKET		218

B. Dispositions:

Judgment of Court of Appeals is affirmed	9
Judgment of Court of Appeals is reformed (or in part), or modified (or in part) and affirmed (or in part)	6
Judgment of Court of Appeals is affirmed in part and modified in part, or affirmed in part and reversed in part and remanded to trial court	4
Judgment of Court of Appeals is affirmed (or modified) in part and reversed (or in part) and remanded to trial court	1
Judgment of Court of Appeals is affirmed in part and reversed and rendered in part and remanded in part	3
Judgment of Court of Appeals (or judgments below) reversed and remanded or rendered	36
Judgment of Court of Appeals (or judgments below) reversed and remanded to trial court (or district court)	19
Judgment of Court of Appeals reversed and trial court (or district court) affirmed, or modified	23
Judgment of Court of Appeals reversed and trial court affirmed in part and remanded in part, or reversed, or reinstated	3
Judgment of Court of Appeals reversed and that of the commissioner is affirmed, or rendered	1
Judgments below are set aside or vacated and judgment rendered, or remanded to trial court	2
Judgment of trial court is affirmed (or in part), or reversed and remanded (or in part)	5
Judgments dismissed as moot	2
Judgments of the Court of Appeals is set aside	1
Judgments of the court below is set aside and remanded to trial court	1

*"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 four 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.

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REGULAR CAUSES (Cont'd)

B. Dispositions (Cont'd):

Mandamus.....	(Writs granted).....	21
	(Writs dismissed).....	2
	(Writs denied).....	4
Direct Appeals.....	(Judgment of trial courts reversed).....	1
	(Causes dismissed for want of jurisdiction).....	1
	(Causes dismissed as moot).....	1
Habeas Corpus.....	(Relators discharged).....	6
	(Relators remanded).....	1
	(Dismissed due to settlement).....	1
TOTAL DISPOSITIONS		<u>154</u>

C. Causes Pending on August 31, 1990:

Pending, under submission (includes causes on motions for rehearing).....	49
Pending, set for submission.....	<u>15</u>
PENDING AUGUST 31, 1990:	<u><u>64</u></u>

D. Causes Submitted During Year Ending August 31, 1990:

Orally.....	102
On briefs.....	<u>35</u>
TOTAL CAUSES SUBMITTED	<u><u>137</u></u>

CASES OTHER THAN REGULAR CAUSES

A. Applications for Writs of Error:

1. On Docket:

Pending on September 1, 1989.....	353
Filed During Year Ending August 31, 1990.....	<u>866</u>
TOTAL APPLICATIONS ON DOCKET	1,219

2. Dispositions:

Granted.....	84
Refused.....	2
Withdrawn.....	1
Writ denied.....	742
Dismissed for want of jurisdiction.....	28
Dismissed on petitioners' requests.....	7
Joint motions of parties to dismiss.....	4
Dismissed as moot.....	3
Stayed.....	<u>5</u>
TOTAL DISPOSITIONS	<u>876</u>

Pending August 31, 1990	<u><u>343</u></u>
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(Continued)

CASES OTHER THAN REGULAR CAUSES (Cont'd)

B. Mandamus - Civil:

1. On Docket:

Pending September 1, 1989	32	
Filed During Year Ending August 31, 1990.....	<u>258</u>	
TOTAL ON DOCKET		290

2. Dispositions:

Granted	27	
Overruled	211	
Transferred	1	
Dismissed	3	
Motion to withdraw	<u>5</u>	
TOTAL DISPOSITIONS		<u>247</u>

Pending August 31, 1990		<u>43</u>
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C. Habeas Corpus:

1. On Docket:

Pending September 1, 1989	0	
Filed During Year Ending August 31, 1990.....	<u>35</u>	
TOTAL ON DOCKET		35

2. Dispositions:

Granted	18	
Denied	14	
Dismissed as moot	<u>1</u>	
TOTAL DISPOSITIONS		<u>33</u>

Pending August 31, 1990		<u>2</u>
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D. Writs of Prohibition and Injunction:

1. On Docket:

Pending September 1, 1989	2	
Filed During Year Ending August 31, 1990.....	<u>8</u>	
TOTAL ON DOCKET		10

2. Dispositions:

Granted	1	
Overruled	<u>7</u>	
TOTAL DISPOSITIONS		<u>8</u>

Pending August 31, 1990		<u>2</u>
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Activity for the Year Ending August 31, 1990
(Continued)

CASES OTHER THAN REGULAR CAUSES (Cont'd)

E. Petitions for Review:

1. On Docket:

Pending September 1, 1989	0	
Filed During Year Ending August 31, 1990	2	
	2	
TOTAL ON DOCKET		2

2. Dispositions:

Granted	1	
Overruled	1	
	2	
TOTAL DISPOSITIONS		2

Pending August 31, 1990		0
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F. Motions:

1. Motions for Rehearing of Causes

a. On Docket:

Pending September 1, 1989	31	
Filed During Year Ending August 31, 1990	113	
	144	
TOTAL ON DOCKET		144

b. Dispositions:

Granted	19	
Overruled	83	
	102	
TOTAL DISPOSITIONS		102

Pending August 31, 1990		42
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2. Motions for Rehearing of Applications for Writs of Error

a. On Docket:

Pending September 1, 1989	48	
Filed During Year Ending August 31, 1990	312	
	360	
TOTAL ON DOCKET		360

b. Dispositions:

Granted	13	
Overruled	318	
Dismissed on joint motion	1	
Withdrawn	2	
	334	
TOTAL DISPOSITIONS		334

Pending August 31, 1990		26
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(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, 19890
Filed During Year Ending August 31, 199046

TOTAL ON DOCKET 46

b. Dispositions:

Granted1
Overruled42

TOTAL DISPOSITIONS 43

Pending August 31, 1990 3

4. Motions for Rehearing on Habeas Corpus

a. On Docket:

Pending September 1, 19890
Filed During Year Ending August 31, 19906

TOTAL ON DOCKET 6

b. Dispositions:

Granted4
Overruled2

TOTAL DISPOSITIONS 6

Pending August 31, 1990 0

5. Miscellaneous Motions

Passed on by the Court During Year Ending August 31, 1990
(includes Rule 130(d), motions to dismiss, etc.) 928
Pending August 31, 1990 30

**OPINIONS DELIVERED BY THE COURT DURING YEAR
ENDING AUGUST 31, 1990**

Deciding causes 66
Concurring 16
Dissenting 35
Concurring and dissenting 6
Per curiam on applications, motions, etc. 52
On motions for rehearing 5
Other 7

TOTAL OPINIONS DELIVERED 187

SUPREME COURT
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**OPINIONS DELIVERED BY THE
SUPREME COURT**

<u>JUSTICES</u>	<u>DECIDING OPINIONS</u>			<u>Dissenting Opinions</u>	<u>Concurring and Dissenting</u>	<u>Applica- tion denied with Per Curiam</u>	<u>On Motion for Rehearing</u>	<u>Other Opinions</u>	<u>Total per Justice</u>
	<u>Majority Opinions</u>	<u>Rule 133(b) Per Curiams</u>	<u>Concurring Opinions</u>						
THOMAS R. PHILLIPS Chief Justice	8	3	0	2	0	1	1	1	16
FRANKLIN S. SPEARS Justice	10	4	3	4	0	1	0	0	22
C. L. RAY Justice	10	3	0	1	1	3	2	2	22
RAUL A. GONZALEZ Justice	4	4	1	8	1	1	0	0	19
OSCAR H. MAUZY Justice	7	3	4	5	4	1	0	0	24
EUGENE A. COOK Justice	5	3	1	6	0	0	0	0	15
JACK HIGHTOWER Justice	8	3	1	0	0	2	1	4	19
NATHAN L. HECHT Justice	3	8	4	7	0	5	1	0	28
LLOYD DOGGETT Justice	11	5	2	2	0	2	0	0	22
TOTALS	66	36	16	35	6	16	5	7	187

SUPREME COURT
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(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, and 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	3	0	0	0	4	0	0	7
SECOND Fort Worth	2	0	1	3	2	2	1	11
THIRD Austin	1	0	2	3	0	0	5	11
FOURTH San Antonio	0	0	0	0	0	2	2	4
FIFTH Dallas	1	2	1	6	2	1	4	17
SIXTH Texarkana	1	0	0	0	1	0	1	3
SEVENTH Amarillo	1	0	1	0	0	0	5	7
EIGHTH El Paso	0	0	0	0	2	0	1	3
NINTH Beaumont	0	0	3	3	1	0	0	7
TENTH Waco	0	0	0	0	0	0	1	1
ELEVENTH Eastland	0	0	1	2	0	1	1	5
TWELFTH Tyler	0	0	0	0	0	0	0	0
THIRTEENTH Corpus Christi	0	0	0	0	1	0	1	2
FOURTEENTH Houston	0	0	2	0	1	0	3	6
TOTAL	9	2	11	17	14	6	25	84

SUPREME COURT
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(Continued)

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

<u>Name of County</u>	<u>Number of Applications</u>	<u>Name of County</u>	<u>Number of Applications</u>	<u>Name of County</u>	<u>Number of Applications</u>	<u>Name of County</u>	<u>Number of Applications</u>
Harris	180	Walker	5	Freestone	2	DeWitt	1
Dallas	161	Wise	5	Guadalupe	2	Fisher	1
Travis	75	Bee	4	Hale	2	Frio	1
Tarrant	57	Denton	4	Howard	2	Gaines	1
Bexar	56	Hunt	4	Karnes	2	Gillespie	1
El Paso	28	Johnson	4	Leon	2	Hamilton	1
Nueces	25	Kendall	4	Limestone	2	Hardin	1
Galveston	14	Kerr	4	Marion	2	Hartley	1
Brazos	10	Medina	4	Navarro	2	Hays	1
Cameron	10	Orange	4	Newton	2	Hopkins	1
Jefferson	10	Parker	4	Nolan	2	Houston	1
Collin	9	Potter	4	Palo Pinto	2	Jack	1
Ector	9	Starr	4	Polk	2	Jim Hogg	1
Hidalgo	9	Wichita	4	Randall	2	Kent	1
Montgomery	9	Anderson	3	Reeves	2	Kleberg	1
Webb	9	Aransas	3	Rockwall	2	Lamar	1
Brazoria	8	Bell	3	Tom Green	2	Lavaca	1
Fort Bend	7	Henderson	3	Uvalde	2	Lee	1
Liberty	7	Hood	3	Ward	2	Lynn	1
McLennan	7	Jim Wells	3	Williamson	2	McMullen	1
Smith	7	Matagorda	3	Zapata	2	Martin	1
Taylor	7	Nacogdoches	3	Angelina	1	Morris	1
Calhoun	6	Waller	3	Atascosa	1	Panola	1
Lubbock	6	Wharton	3	Bandera	1	Parmer	1
Rusk	6	Wheeler	3	Blanco	1	Refugio	1
Victoria	6	Wood	3	Caldwell	1	Robertson	1
Bastrop	5	Chambers	2	Callahan	1	San Augustine	1
Bowie	5	Comal	2	Castro	1	San Patricio	1
Grayson	5	Comanche	2	Colorado	1	Sherman	1
Gregg	5	Cooke	2	Concho	1	Sutton	1
Harrison	5	Coryell	2	Crockett	1	Tyler	1
Live Oak	5	Crane	2	Dawson	1	Upshur	1
Midland	5	Ellis	2	Deaf Smith	1		