#### SUPREME COURT

#### Analysis of Activity for the Year Ended August 31, 1993

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 3,441 matters during fiscal year 1993, an increase of 20.2 percent from the 2,863 matters passed on in fiscal year 1992.

#### REGULAR CAUSES

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.

The 176 regular causes added to the Court's docket during the year ended August 31, 1993, were 3.0 percent more than the 171 regular causes added in fiscal year 1992.

The 194 regular causes disposed of were 14.8 percent more than the 169 disposed of in fiscal year 1992 and 31.1 percent more than the 10-year average of 148. Of the regular causes disposed of during 1993, 135 came to the Court on applications for writs of error from the 14 Courts of Appeals. Of those 135 dispositions, the lower courts were reversed in whole or in part in 86 causes, or 63.7 percent. This compares to 76.3 percent reversals in fiscal year 1992.

The 66 regular causes (including motions for rehearing) left pending at the end of fiscal year 1993 represented 25.9 percent of the total number of regular causes added during the year or carried over from the previous year. This is four causes higher than the 10-year average of 62 pending causes. At the end of fiscal year 1992, 83 regular causes had been pending in the Court.

#### APPLICATIONS FOR WRITS OF ERROR

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.

The 1,171 applications for writs of error filed during fiscal year 1993 represented a 6.8 percent increase from the 1,096 applications filed in fiscal

year 1992, and was 16.9 percent higher than the 10-year average of 1,002.

The 1,243 applications for writs of error disposed of during the year were 7.7 percent more than the 1,154 disposed of during fiscal year 1992, and 24.2 percent higher than the 10-year average of 1,001. Of the 1,243 applications disposed of, 167 (or 13.4 percent) were granted.

The 354 applications for writs of error left pending at the end of fiscal year 1993 represented 22.2 percent of the total number of such applications filed during the year or carried over from the previous year. This is 15 more pending applications than the 10-year average of 339 pending applications. At the end of fiscal year 1992, 389 applications for writs of error had been pending in the Court.

#### OTHER WRITS AND MOTIONS

The 1,937 other writs and motions filed during fiscal year 1993 were 19.0 percent more than the 1,628 filed during fiscal year 1992. (This does not include miscellaneous motions such as motions for extension of time, etc., which are often not docketed as separate causes.) This is 62.1 percent more than the 10-year average of 1,195 other writs and motions filed.

The 2,004 other writs and motions disposed of during fiscal year 1993 were 30.1 percent more than the 1,540 disposed during fiscal year 1992. This is 819 more dispositions than the 10-year average of 1,185 dispositions.

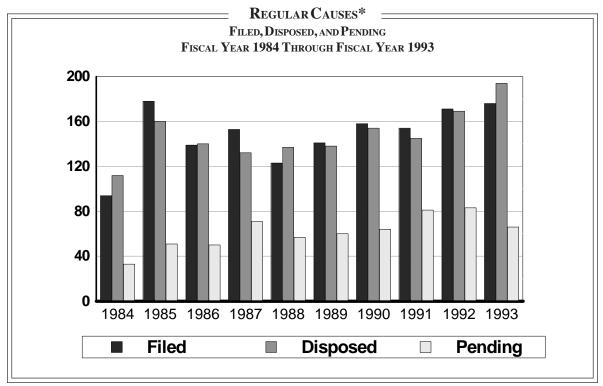
The 179 other writs and motions left pending by the Court at the end of fiscal year 1993 represented 3.3 percent of the total number of other writs and motions filed during the year. At the end of fiscal year 1992, 279 other writs and motions had been pending in the Court.

#### **OPINIONS WRITTEN**

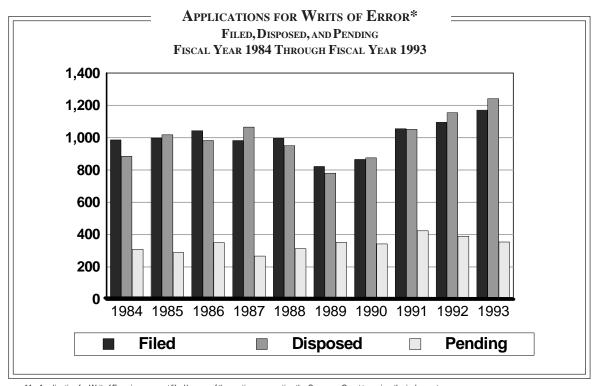
During fiscal year 1993, the justices of the Supreme Court wrote 295 opinions (or an average of 32.8 opinions each), 26.6 percent more than the 233 opinions written in fiscal year 1992 and 44.6 percent more than the 10-year average of 204. Of the opinions written in 1993, 145 (or 49.1 percent) were deciding opinions which disposed of causes.

During fiscal year 1993, the Supreme Court heard oral argument of 88 causes and considered an additional 57 causes submitted on briefs.

#### SUPREME 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.



<sup>\*</sup>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.

#### ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993

	SUMMARY OF DOCKET ACTIVITY		
A.	Causes of Action Passed on During the Year Ended August 31, 1993:		
	Regular causes determined by the Court194		
	Applications for writs of error determined		
	Motions for leave to file petitions for writs of mandamus		
	involving civil cases determined		
	Writs of prohibitions and injunction determined		
	Petitions for review		
	U.S. certified questions		
	Direct appeals 3		
	Petition to publish under Rule 90c, T.R.A.P		
	Petitions for temporary injunction		
	Miscellaneous procedures 2		
	TOTAL CAUSES PASSED ON BY THE COURT	1,790	
В.	Motions Passed on During the Year Ended August 31, 1993:	,	
	Motions for rehearing of causes determined by the Court		
	Motions for rehearing of applications for writs of error determined		
	Motions for rehearing of motions for leave to file petitions for writs of		
	mandamus determined		
	Motions for rehearing of habeas corpus determined		
	Motions for rehearing of direct appeals		
	Miscellaneous motions passed on by the Court		
C.	Appeals from the Board of Disciplinary Appeals 1		
	TOTAL MOTIONS AND APPEALS PASSED ON BY THE COURT	1,651	
	GRAND TOTAL OF MATTERS PASSED ON BY THE COURT		3,441
D.	Matters Pending August 31, 1993:		
	Regular causes (not including motions for rehearing)		
	Applications for writs of error		
	Mandamus		
	Petition to publish under Rule 90c, T.R.A.P		
	Motions for rehearing of causes		
	Motions for rehearing of applications		
	Motions for rehearing of motions for leave to file petitions for writs of mandamus		
	Miscellaneous motions		
	Disciplinary appeals		
	TOTAL MATTERS PENDING AUGUST 31, 1993		<u>599</u>

#### ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993

(CONT.)

#### REGULAR CAUSES\* A. On Docket Within the Year Ended August 31, 1993: Causes pending on September 1, 1992 ...... (Pending under submission, including motions for rehearing)..........57 (Pending set for submission)......26 (Pending not set for submission)...... 1 REGULAR CAUSES PENDING SEPTEMBER 1, 1992...... By granted motions for leave to file petitions for writs of mandamus......21 By certified questions \_\_\_\_\_\_2 REGULAR CAUSES ADDED ..... 176 TOTAL REGULAR CAUSES ON DOCKET ..... B. Dispositions: Judgment of Court of Appeals reversed, rendered and remanded to trial court ............... 1 Judgment of Court of Appeals affirmed and reversed ....... 1 Judgment of Court of Appeals reversed and rendered .......14 Judgment of Court of Appeals reversed and remanded to trial court .......28 Judgment of Court of Appeals affirmed, reversed and remanded.......7 Judgment of Court of Appeals affirmed and remanded to trial court/settlement ...... 1 Judgment of Court of Appeals reversed, remanded to court of appeals ......23 Judgment of Court of Appeals affirmed in part and remanded to trial court ...... 1 Judgment of Court of Appeals vacated and dismissed ...... 1 Judgment of Court of Appeals reversed in part and remanded to trial court ...... 1 Judgment of the courts below reversed and remanded to trial court/settlement ........... 1 Judgment of the courts below set aside, remanded to trial court for settlement ........... 4 \*"Regular Causes" are reported in a separate category because they are the cases which pass through most, if not all, of the steps

<sup>\*&</sup>quot;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 similiar 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.

#### ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993

	REGULAR CAUSES (CONT.)		
В.	Dispositions (cont.):		
	Judgment of the courts below are affirmed, reversed and remanded to trial court1Joint motion to dismiss granted6Order with instructions to trial court1Motion to dismiss granted1U. S. certified question (affirmative)1Denied - improvident grant18Conditional grant1Documents ordered produced1	3	
	Mandamus		
	Direct appeals (Trial court reversed, remanded to trial court		
	Habeas Corpus(Relators discharged)8		
	TOTAL DISPOSITIONS	194	
C.	Causes Pending on August 31, 1993:		
	Pending, under submission (includes causes on motions for rehearing)	1	66
D.	Causes Submitted During Year Ended August 31, 1993:		
	Orally		
	TOTAL CAUSES SUBMITTED		145
	CASES OTHER THAN REGULAR CAUSES		
A.	Applications for Writs of Error:		
	1. On Docket:  Pending on September 1, 1992*	2	
	TOTAL APPLICATIONS ON DOCKET	1,597	
_	* Reported August 31, 1992 as 389 due to two old cases which had not been converted to present accounting sys	stem.	

## ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993

		CASES OTHER THAN REGULAR CAUSES (CONT.)		
Α.	Аp	plications for Writs of Error (cont.)		
	2.	Dispositions:         167           Granted         3           Withdrawn         992           Dismissed         93           Dismissed for want of jurisdiction         37           Denied, improvident grant         10           Refused         1	1,243	
В.	Maı	Pending August 31, 1993ndamus - Civil:		<u>354</u>
	1.	On Docket: Pending September 1, 1992*	1 336	
	2.	Dispositions:Granted21Overruled265Dismissed as moot3Dismissed8Withdrawn2Dismissed for want of jurisduction1TOTAL DISPOSITIONSPending August 31, 1993	300	36
C.	Hak	peas Corpus:		
	1.	On Docket: Pending September 1, 1992	22	
	2.	Dispositions:         7           Granted         7           Denied         14           Dismissed/moot         1           TOTAL DISPOSITIONS	22	
		Pending August 31, 1993		0
_	* Re	eported August 31, 1992 as 87 due to clerical error.		

#### ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993

		CASES OTHER THAN REGULAR CAUSES (CONT.)		
D.	Wr	its of Prohibition and Injunction:		
	1.	On Docket:0Pending September 1, 19920Filed During Year Ended August 31, 19934		
		TOTAL ON DOCKET	4	
	2.	Dispositions: Overruled		
		TOTAL DISPOSITIONS	3	
		Pending August 31, 1993		1
E.	Pet	itions for Review:		
	1.	On Docket: Pending September 1, 1992	4	
	2.	Dispositions:		
		Denied		
		TOTAL DISPOSITIONS	4	
		Pending August 31, 1993		0
F.	Dir	ect Appeals:		
	1.	On Docket: Pending September 1, 1992		
		TOTAL ON DOCKET	3	
	2.	Dispositions:  Dismissed for want of jurisdiction		
		TOTAL DISPOSITIONS	3	
		Pending August 31, 1993		0
G.	U.S	Certified Questions:		
	1.	On Docket: Pending September 1, 1992		
		TOTAL ON DOCKET	2	
	2.	Dispositions: Accepted		
		TOTAL DISPOSITIONS	2	
		Pending August 31, 1993		0

#### ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993

	_	CASES OTHER THAN REGULAR CAUSES (CONT.)	
н.	Pet	titions for Certiorari:	
	1.	On Docket:Pending September 1, 1992	
		TOTAL ON DOCKET	2
	2.	Dispositions:  Overruled	
		TOTAL ON DISPOSITIONS	2
		Pending August 31, 1993	
<sub>I</sub> .	Pei	etition to Publish Under Rule 90c, T.R.A.P.:	
		On Docket:	
	••	Pending September 1, 1992	
		TOTAL ON DOCKET	17
	2.	Dispositions:  Denied	1
		TOTAL DISPOSITIONS	11
		Pending August 31, 1993	6
J.	Pet	tition for Temporary Injunctions	
	1.	On Docket: Pending September 1, 1992	
		TOTAL ON DOCKET	4
	2.	Dispositions: Dismissed	
		TOTAL DISPOSITIONS	4
		Pending August 31, 1993	0
K.	Dis	sciplinary Appeals	
	1.	On Docket: Pending September 1, 1992	
		TOTAL ON DOCKET	8
	2.	Dispositons: Affirmed	1
		TOTAL DISPOSITIONS	1
		Pending August 31, 1993	

#### ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993

Cases Other Than Regular Causes (cont.)		
L. Miscellaneous Procedures		
1. On Docket: Pending September 1, 1992		
TOTAL ON DOCKET	2	
2. Dispositions: Granted	1	
TOTAL DISPOSITIONS	2	
Pending August 31, 1993		0
M. Motions:		
1. Motions for Rehearing of Causes a. On Docket: Pending September 1, 1992	147	
b. Dispositions: Granted	109	
Pending August 31, 1993		38
2. Motions for Rehearing of Applications for Writs of Error a. On Docket:  Pending September 1, 1992	484	
b. Dispositions       17         Granted		
TOTAL DISPOSITIONS	438	
Pending August 31, 1993	=	46

#### $A {\tt CTIVITY} \, {\tt FOR} \, {\tt THE} \, Y {\tt EAR} \, E {\tt NDED} \, A {\tt UGUST} \, {\tt 31,1993}$

			CASES OTHER THAN REGULAR CAUSES (CONT.)		
М.	Мо	tions	s (cont.):		
	3.		tions for Rehearing of Motions for Leave to File Petitions Writs of Mandamus On Docket: Pending September 1, 1992		
			TOTAL ON DOCKET	51	
		b.	Dispositions:  Overruled	45	
			Pending August 31, 1993		6
	4.	Mot	tions for Rehearing on Habeas Corpus  On Docket:  Pending September 1, 1992		
			TOTAL ON DOCKET	4	
		b.	Dispositions:  Overruled	4	
			Pending August 31, 1993		0
	5.	Mot	tions for Rehearing on Petition for Review On Docket: Pending September 1, 1992		
			TOTAL ON DOCKET	1	
		b.	Dispositions: Overruled		
			TOTAL DISPOSITIONS	1	
			Pending August 31, 1993		0
	6.	Mot	tions for Rehearing on Direct Appeal On Docket: Pending September 1, 1992		
			TOTAL ON DOCKET	1	

#### ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993

(CONT.)

#### CASES OTHER THAN REGULAR CAUSES (CONT.) M. Motions (cont.) 6. Motions for Rehearing on Direct Appeal (cont.) b. Dispositions: TOTAL DISPOSITIONS ..... Pending August 31, 1993..... 7. Motions for Rehearing on Petitions to Publish Under Rule 90c, T.R.A.P. On Docket: Pending September 1, 1992......0 Filed During Year Ended August 31,1993 ......0 TOTAL ON DOCKET..... Dispositions: TOTAL DISPOSITIONS ..... Pending August 31, 1993..... 8. Miscellaneous Motions Passed on by the Court During Year Ended August 31, 1993 Pending August 31, 1993..... 39 OPINIONS DELIVERED BY THE COURT DURING YEAR **ENDED AUGUST 31, 1993** Dissenting 67 Other opinions 6 TOTAL OPINIONS DELIVERED..... 295

#### ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993

(CONT.)

## OPINIONS DELIVERED BY THE SUPREME COURT

SUPREME COURT										
JUSTICES	Majority	NG OPINIONS Per Curiams	Concurring Opinions	Dissenting Opinions	Concurring and Dissenting	Applica- tion denied with Per <u>Curiam</u>	for	Other Opinions	Total per <u>Justice</u>	
THOMAS R. PHILLI Chief Justice	PS 9	1	3	2	1	0	0	2	18	
RAUL A. GONZALEZ Justice	Z 10	3	13	8	2	1	0	0	37	
OSCAR H. MAUZY <sup>1</sup> Justice	3	2	1	7	0	2	0	0	15	
EUGENE A. COOK <sup>1</sup> Justice	4	1	1	0	1	4	0	0	11	
JACK HIGHTOWER Justice	10	6	1	2	0	2	0	0	21	
NATHAN L. HECHT Justice	14	11	4	14	3	1	0	1	48	
LLOYD DOGGETT Justice	10	5	5	21	4	2	1	1	49	
JOHN CORNYN Justice	17	9	3	3	0	2	1	1	36	
BOB GAMMAGE Justice	9	4	3	3	3	4	1	1	28	
CRAIG ENOCH <sup>2</sup> Justice	4	6	1	4	0	3	0	0	18	
ROSE SPECTOR <sup>2</sup> Justice	4	3	0	3	2	2	0	0	14	
TOTAL	9 4	51	35	67	16	23	3	6	295	

<sup>&</sup>lt;sup>1</sup>Left office December 31, 1992

<sup>&</sup>lt;sup>2</sup>Assumed office January 1, 1993

#### ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993

(CONT.)

# 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, and Rev'd part	Ct. App. Reversed, Trial Ct. Affirmed	Reversed, Remand to Court of Appeals	Reversed, Remand to Trial <u>Court</u>	Reversed and Rendered	<u>Other</u>	TOTAL FOR COURT
FIRST Houston	3	1	0	2	3	0	3	12
SECOND Fort Worth	1	0	0	5	4	2	4	16
THIRD Austin	4	0	0	2	5	1	1	13
FOURTH San Antonio	3	1	1	4	3	4	1	17
FIFTH Dallas	1	0	3	0	2	0	6	12
SIXTH Texarkana	1	0	0	2	1	0	5	9
SEVENTH Amarillo	0	0	1	1	3	0	1	6
EIGHTH EI Paso	1	0	3	1	0	0	0	5
NINTH Beaumont	1	0	0	0	1	2	2	6
TENTH Waco	0	2	0	2	4	1	0	9
ELEVENTH Eastland	0	0	0	1	1	0	2	4
TWELFTH Tyler		0	0	0	2	1	1	1 5
THIRTEENTH Corpus Christi	1	2	1	0	0	2	2	8
FOURTEENTH Houston	1	3	0	3	2	1	3	13
TOTAL	17	9	9	25	30	14	31	135

## ACTIVITY FOR THE YEAR ENDED AUGUST 31, 1993 (Cont.)

# APPLICATIONS FOR WRITS OF ERROR FILED IN THE SUPREME COURT (BY COUNTY)

NAME	NUMBER	NAME	NUMBER	NAME	NUMBER		UMBER
OF	OF DDI IOATIONS	OF	OF	OF	OF APPLICATIONS	OF	OF
COUNTY A	PPLICATIONS	COUNTY	APPLICATIONS	COUNTY	APPLICATIONS	COUNTY APPI	LICATIONS
Harris	233	Hood	4	Refugio	2	Lamar	1
Dallas	153	Nacogdoche	es 4	Roberts	2	Lee	1
Travis	107	San Patricio		Robertson	2	Leon	1
Bexar	72	Bailey	3	San Jacinto	0 2	Lipscomb	1
ll			0	Cablaiahan	2	Lunn	4
Tarrant	64	Bowie	3	Schleicher Shelby	2 2	Lynn Marion	1 1
Nueces	26	Burnet	3	Starr	2	Martin	1
Jefferson	23	Cherokee	3 3	Sutton	2	Maverick	1
Lubbock	18	Comal	3	Sutton	2	Maverick	
El Paso	17	Cooke	3	Victoria	2	McCulloch	1
Galveston	17	De Witt	3	Wheeler	2	McMullen	1
Hidalgo	17	Hartley	3	Wise	2	Montague	1
Webb	17	Howard	3	Andrews	1	Moore	1
McLennan	14	Johnson	3	Angelina	1	Newton	1
Potter	13	Orange	3	Atascosa	1	Nolan	1
Smith	13	Sabine	3	Austin	1	Palo Pinto	1
Anderson	10	Waller	3	Bandera	1	Parker	1
Collin	10	Wood	3	Bastrop	1	Parmer	1
Denton	10	Brooks	2	Baylor	i	Real	1
Rusk	10	Calhoun	2	Blanco	1	San Augustine	1
Brazos	8	Chambers	2	Brown	i	Titus	1
Brazos	O	Chamboro	-				
Grayson	8	Duval	2	Caldwell	1	Trinity	1
Brazoria	7	Ellis	2	Castro	1	Uvalde	1
Cameron	7	Erath	2	Clay	1	Val Verde	1
Montgomery	7	Freestone	2	Cochran	1	Van Zandt	1
Walker	7	Grimes	2	Coryell	1	Washington	1
Ector	6	Guadalupe	2	Donley	i	Wharton	1
Fort Bend	6	Hale	2	Eastland	1	Wilbarger	1
Kerr	6	Houston	2	Fannin	1	Willacy	1
I KCII	O	riouston	2			,	
Taylor	6	Hutchinson	2	Fayette	1	Williamson	1
Tom Green	6	Jasper	2	Fisher	1	Winkler	1
Wichita	6	Kaufman	2	Floyd	1	Young	1
Bell	5	Limestone	2	Garza	1		
Cross	E	Llano	2	Goliad	1		
Gregg	5 5	Matagorda	2	Gray	i		
Midland	5	Milam	2	Hill	1		
Navarro Randall	5 5	Ochiltree	2	Hunt	;		
Nanuan	5	Committee	4	T TOTAL	•		
Wilson	5	Panola	2	Jackson	1		
Falls	4	Polk	2	Kendall	1		
Frio	4	Red River	2	Kimble	1		
Gaines	4	Reeves	2	Kinney	1		