

COURTS OF CIVIL APPEALS

1968

|  | First<br>at<br>Houston | Second<br>at<br>Fort Worth | Third<br>at<br>Austin | Fourth<br>at<br>San Antonio | Fifth<br>at<br>Dallas | Sixth<br>at<br>Texarkana | Seventh<br>at<br>Amarillo | Eighth<br>at<br>El Paso | Ninth<br>at<br>Beaumont | Tenth<br>at<br>Waco | Eleventh<br>at<br>Eastland | Twelfth<br>at<br>Tyler | Thirteenth<br>at<br>Corpus Christi | Fourteenth<br>at<br>Houston | Total for<br>All Courts |
|--|------------------------|----------------------------|-----------------------|-----------------------------|-----------------------|--------------------------|---------------------------|-------------------------|-------------------------|---------------------|----------------------------|------------------------|------------------------------------|-----------------------------|-------------------------|
| 1. Cases pending Jan. 1  | 52                     | 52                         | 50                    | 45                          | 57                    | 22                       | 44                        | 47                      | 48                      | 15                  | 38                         | 69                     | 57                                 | 57                          | 647                     |
| 2. Cases filed in 1968<br>(excluding cases transferred from other courts)  | *161                   | 94                         | 70                    | 91                          | 177                   | 43                       | 94                        | 65                      | 67                      | 51                  | 33                         | 41                     | 86                                 | 60                          | 1133                    |
| 3. Cases transferred from other courts   | 11                     | 0                          | 3                     | 1                           | 0                     | 20                       | 0                         | 0                       | 0                       | 51                  | 20                         | 0                      | 0                                  | 63                          | 169                     |
| 4. Cases transferred to other courts   | 63                     | 0                          | 0                     | 0                           | 70                    | 0                        | 0                         | 0                       | 0                       | 0                   | 0                          | 0                      | 23                                 | 11                          | 167                     |
| 5. Cases affirmed in toto  | 51                     | 72                         | 44                    | 36                          | 44                    | 36                       | 54                        | 38                      | 45                      | 57                  | 50                         | 43                     | 35                                 | 73                          | 678                     |
| 6. Cases reversed and remanded in toto   | 27                     | 8                          | 11                    | 20                          | 16                    | 8                        | 18                        | 5                       | 5                       | 16                  | 8                          | 17                     | 11                                 | 26                          | 196                     |
| 7. Cases reversed and in part remanded   | 4                      | 3                          | 0                     | 1                           | 6                     | 0                        | 0                         | 1                       | 0                       | 1                   | 0                          | 1                      | 1                                  | 1                           | 19                      |
| 8. Cases reversed and finally adjudicated (rev. & ren., reformed or mod. & aff., or rev. & ren. with instructions) | 14                     | 10                         | 18                    | 10                          | 11                    | 6                        | 13                        | 5                       | 12                      | 5                   | 8                          | 13                     | 8                                  | 15                          | 148                     |
| 9. Cases dismissed without written opinion   | 13                     | 4                          | 10                    | 8                           | 19                    | 0                        | 7                         | 12                      | 10                      | 0                   | 9                          | 14                     | 2                                  | 7                           | 115                     |
| 10. Cases otherwise disposed (including dismissals with written opinion)   | 12                     | 7                          | 3                     | 9                           | 2                     | 8                        | 3                         | 8                       | 5                       | 24                  | 5                          | 1                      | 13                                 | 10                          | 110                     |
| 11. Total cases disposed   | 121                    | 104                        | 86                    | 84                          | 98                    | 58                       | 95                        | 69                      | 77                      | 103                 | 80                         | 89                     | 70                                 | 132                         | 1266                    |
| 12. Total cases decided (including dismissals with written opinion)  | 108                    | 100                        | 76                    | 76                          | 79                    | 58                       | 88                        | 57                      | 67                      | 103                 | 71                         | 75                     | 68                                 | 125                         | 1151                    |
| 13. Cases pending Dec. 31  | 40                     | 42                         | 37                    | 53                          | 60                    | 27                       | 43                        | 43                      | 38                      | 14                  | 11                         | 21                     | 58                                 | 37                          | 516                     |
| 14. On docket over 6 months  | 1                      | 0                          | 4                     | 12                          | 1                     | 6                        | 1                         | 1                       | 16                      | 1                   | 0                          | 7                      | 7                                  | 3                           | 98                      |
| On docket over 12 months   | 1                      | 0                          | 0                     | 1                           | 2                     | 0                        | 1                         | 11                      | 0                       | 0                   | 0                          | 1                      | 5                                  | 1                           | 23                      |
| On docket over 18 months   | 0                      | 0                          | 0                     | 0                           | 0                     | 0                        | 0                         | 0                       | 0                       | 0                   | 0                          | 0                      | 3                                  | 0                           | 3                       |

\*Includes 2 cases remanded by Supreme Court

ACTION BY THE SUPREME COURT IN CASES FROM THE  
COURTS OF CIVIL APPEALS IN WHICH  
WRIT OF ERROR HAS BEEN GRANTED  
Year, 1968

| COURT<br>AND<br>JUSTICES | REV.<br>AND<br>REM. | C.C.A.<br>REV.,<br>TRIAL<br>COURT<br>AFF. | REV. IN<br>PART<br>AND<br>AFF. IN<br>PART | REV.<br>AND<br>REN. | COURT<br>OF<br>CIVIL<br>APPEALS<br>AFF. | TOTAL<br>PER<br>JUSTICE | TOTAL<br>FOR<br>COURT |
|--------------------------|---------------------|---|---|---------------------|---|-------------------------|-----------------------|
| <b>FIRST</b>             |                     |   |   |                     |   |                         |                       |
| S. Bell-----             |                     | 2   |   |                     |   | 2 --)                   |                       |
| T. Coleman-----          |                     |   | 1   | 1                   |   | 2 --)                   | 5                     |
| E. Werlein-----          |                     |   |   | 1                   |   | 1 --)                   |                       |
| <b>SECOND</b>            |                     |   |   |                     |   |                         |                       |
| F. Massey-----           | 1                   |   |   |                     | 1                                       | 2 --)                   |                       |
| T. Renfro-----           |                     |   |   | 1                   |   | 1 --)                   | 7                     |
| J. Langdon-----          | 2                   | 1   |   |                     | 1                                       | 4 --)                   |                       |
| <b>THIRD</b>             |                     |   |   |                     |   |                         |                       |
| J. Phillips-----         | 2                   |   |   |                     |   | 2 --)                   |                       |
| R. Hughes-----           | 1                   | 1   | 1   | 1                   |   | 4 --)                   | 13                    |
| T. O'Quinn-----          | 1                   | 1   | 1   | 2                   | 2                                       | 7 --)                   |                       |
| <b>FOURTH</b>            |                     |   |   |                     |   |                         |                       |
| W. Murray-----           |                     |   |   |                     | 1                                       | 1 --)                   |                       |
| C. Barrow-----           | 1                   | 1   |   |                     |   | 2 --)                   | 7                     |
| C. Cadena-----           |                     |   |   |                     |   | 0 --)                   |                       |
| T. Klingeman-----        | 2                   | 1   |   | 1                   |   | 4 --)                   |                       |
| <b>FIFTH</b>             |                     |   |   |                     |   |                         |                       |
| D. Dixon-----            | 1                   |   |   |                     | 1                                       | 2 --)                   |                       |
| H. Bateman-----          |                     | 1   |   | 1                   | 1                                       | 3 --)                   | 6                     |
| C. Williams-----         |                     |   | 1   |                     |   | 1 --)                   |                       |
| <b>SIXTH</b>             |                     |   |   |                     |   |                         |                       |
| T. Chadick-----          | 1                   |   | 1   |                     |   | 2 --)                   |                       |
| M. Davis-----            | 1                   | 1   |   |                     |   | 2 --)                   | 6                     |
| W. Fanning-----          |                     |   |   |                     | 2                                       | 2 --)                   |                       |

| COURT<br>AND<br>JUSTICES | REV.<br>AND<br>REM. | C.C.A.<br>REV.,<br>TRIAL<br>COURT<br>AFF. | REV. IN<br>PART<br>AND<br>AFF. IN<br>PART | REV.<br>AND<br>REN. | COURT<br>OF<br>CIVIL<br>APPEALS<br>AFF. | TOTAL<br>PER<br>JUSTICE | TOTAL<br>FOR<br>COURT |
|--------------------------|---------------------|---|---|---------------------|---|-------------------------|-----------------------|
| <u>SEVENTH</u>           |                     |   |   |                     |   |                         |                       |
| J. Denton-----           | 2                   |   |   |                     | 3                                       | 5 --)                   |                       |
| A. Chapman-----          | 4                   |   |   |                     | 1                                       | 5 --)                   | 15                    |
| E. Northcutt-----        | 2                   | 2   |   |                     | 1                                       | 5 --)                   |                       |
| <u>EIGHTH</u>            |                     |   |   |                     |   |                         |                       |
| A. Fraser-----           |                     |   | 2   |                     |   | 2 --)                   |                       |
| W. Clayton-----          | 4                   | 1   |   | 1                   |   | 6 --)                   | 10                    |
| S. Preslar-----          |                     | 2   |   |                     |   | 2 --)                   |                       |
| <u>NINTH</u>             |                     |   |   |                     |   |                         |                       |
| L. Hightower-----        |                     |   |   | 1                   |   | 1 --)                   |                       |
| J. Parker-----           | 1                   |   |   | 3                   |   | 4 --)                   | 7                     |
| H. Stephenson-----       | 1                   |   |   |                     | 1                                       | 2 --)                   |                       |
| <u>TENTH</u>             |                     |   |   |                     |   |                         |                       |
| F. McDonald-----         | 1                   | 2   | 1   |                     |   | 4 --)                   |                       |
| J. Tirey-----            |                     |   |   |                     | 1                                       | 1 --)                   | 10                    |
| F. Wilson-----           | 2                   | 1   |   |                     | 2                                       | 5 --)                   |                       |
| <u>ELEVENTH</u>          |                     |   |   |                     |   |                         |                       |
| C. Grissom-----          | 1                   | 1   |   | 1                   | 2                                       | 5 --)                   |                       |
| C. Collings-----         | 1                   | 1   |   |                     |   | 2 --)                   | 8                     |
| E. Walter-----           |                     |   |   |                     | 1                                       | 1 --)                   |                       |
| <u>TWELFTH</u>           |                     |   |   |                     |   |                         |                       |
| O. Dunagan-----          |                     | 1   |   |                     |   | 1 --)                   |                       |
| J. Moore-----            | 1                   |   |   |                     |   | 1 --)                   | 5                     |
| G. Sellers-----          | 2                   |   |   | 1                   |   | 3 --)                   |                       |
| <u>THIRTEENTH</u>        |                     |   |   |                     |   |                         |                       |
| H. Green-----            |                     | 1   |   |                     |   | 1 --)                   |                       |
| P. Nye-----              |                     |   |   |                     |   | 0 --)                   | 3                     |
| T. Sharpe-----           | 2                   |   |   |                     |   | 2 --)                   |                       |

| COURT                   | REV. | C.C.A. | REV. IN | REV. | COURT   | TOTAL   | TOTAL |
|-------------------------|------|--------|---------|------|---------|---------|-------|
| AND                     | AND  | REV.,  | PART    | AND  | OF      | PER     | FOR   |
| JUSTICES                | REM. | TRIAL  | AFF. IN | REN. | CIVIL   | JUSTICE | COURT |
|                         |      | COURT  | PART    |      | APPEALS |         |       |
|                         |      | AFF.   |         |      | AFF.    |         |       |
| FOURTEENTH              |      |        |         |      |         |         |       |
| B. Tunks-----           |      | 1      | -----   |      |         | 1 --)   |       |
| J. Barron-----          | 1    | 1      | -----   |      |         | 2 --)   | 3     |
| S. Johnson-----         |      |        | -----   |      |         | 0 --)   |       |
| Total for<br>all Courts | 38   | 23     | 8       | 15   | 21      | 105     | 105   |

OPINIONS<sup>1</sup> WRITTEN BY JUSTICES OF THE COURTS OF CIVIL APPEALS

1968

| Court<br>and<br>Justices | (a)<br>Original<br>Opinions<br>of the<br>Court on<br>Merits <sup>2</sup> | (b)<br>Con-<br>curring<br>Opinions | (c)<br>Dis-<br>senting<br>Opinions | (d)<br>Opinions<br>Refusing<br>Rehearing <sup>3</sup> | (e)<br>Opinions<br>Granting<br>Rehearing <sup>4</sup> | (f)<br>Opinions<br>Dis-<br>missing<br>Appeal | (g)<br>Per<br>Curiam | (h)<br>Total<br>Per<br>Justice | (i)<br>Total<br>for<br>Court |
|--------------------------|--|------------------------------------|------------------------------------|---|---|--|----------------------|--------------------------------|------------------------------|
| <b>FIRST</b>             |  |                                    |                                    |   |   |  |                      |                                |                              |
| S. Bell                  | 20   | 0                                  | 0                                  | 1   | 1   | 1  | 0                    | 23                             | 109                          |
| T. Coleman               | 40   | 0                                  | 1                                  | 0   | 3   | 0  |                      | 44                             |                              |
| P. Peden                 | 38   | 1                                  | 1                                  | 0   | 1   | 1  |                      | 42                             |                              |
| <b>SECOND</b>            |  |                                    |                                    |   |   |  |                      |                                |                              |
| F. Massey                | 36   | 0                                  | 1                                  | 0   | 1   | 0  | 0                    | 38                             | 107                          |
| J. Langdon               | 18   | 0                                  | 0                                  | 0   | 0   | 0  |                      | 18                             |                              |
| T. Renfro                | 43   | 0                                  | 1                                  | 0   | 1   | 6  |                      | 51                             |                              |
| <b>THIRD</b>             |  |                                    |                                    |   |   |  |                      |                                |                              |
| J. Phillips              | 21   | 0                                  | 0                                  | 0   | 0   | 5  | 1                    | 26                             | 79                           |
| R. Hughes                | 26   | 1                                  | 2                                  | 0   | 1   | 0  |                      | 30                             |                              |
| T. O'Quinn               | 22   | 0                                  | 0                                  | 0   | 0   | 0  |                      | 22                             |                              |
| <b>FOURTH</b>            |  |                                    |                                    |   |   |  |                      |                                |                              |
| C. Barrow                | 34   | 0                                  | 0                                  | 0   | 1   | 1  | 10                   | 36                             | 81                           |
| C. Cadena                | 8  | 1                                  | 3                                  | 0   | 0   | 1  |                      | 13                             |                              |
| F. Klingeman             | 22   | 0                                  | 0                                  | 0   | 0   | 0  |                      | 22                             |                              |
| <b>FIFTH</b>             |  |                                    |                                    |   |   |  |                      |                                |                              |
| D. Dixon                 | 26   | 0                                  | 0                                  | 0   | 1   | 0  | 3                    | 27                             | 77                           |
| H. Bateman               | 21   | 0                                  | 0                                  | 0   | 0   | 0  |                      | 21                             |                              |
| C. Williams              | 26   | 0                                  | 0                                  | 0   | 0   | 0  |                      | 26                             |                              |
| <b>SIXTH</b>             |  |                                    |                                    |   |   |  |                      |                                |                              |
| T. Chadick               | 16   | 0                                  | 0                                  | 1   | 0   | 4  | 1                    | 21                             | 57                           |
| M. Davis                 | 16   | 0                                  | 0                                  | 0   | 0   | 0  |                      | 16                             |                              |
| W. Fanning               | 16   | 0                                  | 0                                  | 0   | 0   | 3  |                      | 19                             |                              |
| <b>SEVENTH</b>           |  |                                    |                                    |   |   |  |                      |                                |                              |
| J. Denton                | 28   | 0                                  | 2                                  | 0   | 1   | 0  | 1                    | 31                             | 90                           |
| A. Chapman               | 28   | 1                                  | 0                                  | 0   | 2   | 0  |                      | 31                             |                              |
| E. Northcutt             | 26   | 0                                  | 1                                  | 0   | 0   | 0  |                      | 27                             |                              |
| <b>EIGHTH</b>            |  |                                    |                                    |   |   |  |                      |                                |                              |
| A. Fraser                | 17   | 0                                  | 0                                  | 0   | 0   | 2  | 0                    | 19                             | 61                           |
| W. Clayton               | 13   | 0                                  | 0                                  | 0   | 1   | 1  |                      | 15                             |                              |
| S. Preslar               | 21   | 0                                  | 0                                  | 0   | 1   | 5  |                      | 27                             |                              |
| <b>NINTH</b>             |  |                                    |                                    |   |   |  |                      |                                |                              |
| * L. Hightower           | 3  | 0                                  | 0                                  | 0   | 0   | 1  | 1                    | 4                              | 69                           |
| J. Parker                | 32   | 0                                  | 0                                  | 0   | 0   | 0  |                      | 32                             |                              |
| H. Stephenson            | 29   | 1                                  | 0                                  | 0   | 0   | 2  |                      | 32                             |                              |
| <b>TENTH</b>             |  |                                    |                                    |   |   |  |                      |                                |                              |
| F. McDonald              | 39   | 0                                  | 1                                  | 0   | 0   | 5  | 1                    | 45                             | 107                          |
| J. Tirey                 | 13   | 0                                  | 0                                  | 0   | 0   | 1  |                      | 14                             |                              |
| F. Wilson                | 34   | 1                                  | 0                                  | 0   | 0   | 12   |                      | 47                             |                              |

\* Retired 4-1968

| Court and Justices | (a)<br>Original Opinions of the Court on Merits <sup>2</sup> | (b)<br>Concurring Opinions | (c)<br>Dis-senting Opinions | (d)<br>Opinions Refusing Rehearing <sup>3</sup> | (e)<br>Opinions Granting Rehearing <sup>4</sup> | (f)<br>Opinions Dis-missing Appeal | (g)<br>Per Curiam | (h)<br>Total Per Justice | (i)<br>Total for Court |
|--------------------|--|----------------------------|-----------------------------|---|---|------------------------------------|-------------------|--------------------------|------------------------|
| <b>ELEVENTH</b>    |  |                            |                             |   |   |                                    |                   |                          |                        |
| C. Grissom         | 22   | 0                          | 1                           | 1   | 1   | 2                                  | 2                 | )                        |                        |
| C. Collings        | 22   | 0                          | 0                           | 1   | 0   | 0                                  |                   | 27 )                     |                        |
| E. Walter          | 16   | 0                          | 1                           | 0   | 0   | 2                                  |                   | 23 )                     | 69                     |
| <b>TWELFTH</b>     |  |                            |                             |   |   |                                    |                   |                          |                        |
| O. Dunagan         | 25   | 0                          | 0                           | 0   | 0   | 2                                  | 11                | )                        |                        |
| J. Moore           | 23   | 0                          | 1                           | 0   | 0   | 3                                  |                   | 27 )                     |                        |
| G. Sellers         | 24   | 0                          | 0                           | 0   | 1   | 1                                  |                   | 26 )                     | 90                     |
| <b>THIRTEENTH</b>  |  |                            |                             |   |   |                                    |                   |                          |                        |
| H. Green           | 20   | 4                          | 0                           | 0   | 0   | 5                                  | 2                 | )                        |                        |
| P. Nye             | 18   | 2                          | 1                           | 2   | 0   | 4                                  |                   | 29 )                     |                        |
| T. Sharpe          | 16   | 10                         | 3                           | 0   | 0   | 3                                  |                   | 27 )                     | 90                     |
| <b>FOURTEENTH</b>  |  |                            |                             |   |   |                                    |                   |                          |                        |
| B. Tunks           | 42   | 0                          | 2                           | 1   | 0   | 1                                  | 4                 | )                        |                        |
| J. Barron          | 39   | 0                          | 2                           | 0   | 0   | 0                                  |                   | 46 )                     |                        |
| S. Johnson         | 39   | 2                          | 1                           | 0   | 1   | 2                                  |                   | 41 )                     | 136                    |
|                    |  |                            |                             |   |   |                                    |                   | 45 )                     |                        |

- <sup>1</sup> For the reason explained in the Cautionary Statement at p.33 above, the mere number of opinions attributable to particular courts or judges for a single year may not be significant in estimating judicial output
- <sup>2</sup> Generally, over a sufficient period of time, such as two years or more, these, together with those in column (e), reliably indicate the output of the Court or Judge in question
- <sup>3</sup> Ordinarily these involve substantially less work than an original opinion of the Court, but occasionally the contrary is true
- <sup>4</sup> Ordinarily these are comparable to an original opinion of the Court