COURTS OF CIVIL APPEALS

The 14 courts of civil appeals exercise intermediate appellate jurisdiction in civil cases. Each court has geographical jurisdiction in a supreme judicial district. Each of the courts has three justices, for a total of 42 intermediate appellate justices in the state.

Cases filed in all the courts of civil appeals during 1976 increased 3 percent over 1975 and were 32 percent higher than the ten-year average. More new cases were filed in 1976 than in 1975 in all but five courts. Of the courts with increased filings, the Waco Court experienced the largest percentage increase — 22 percent (13 cases) — and the San Antonio Court the largest increase in actual number of filings — 23 cases. The Dallas Court continued to receive more new filings than any of the other courts-304, compared to the average of 130. (Figure 5). The two courts at Houston, each of which have jurisdiction over the same geographical area, received a total of 418 new cases, two cases less than in 1975.

In 1976, the courts of civil appeals together disposed of 64 percent of the cases filed during the year or carried over from 1975, a decrease of two percent. The 1,717 dispositions were 26 percent higher than the ten-year average of 1,364 and seven percent higher than 1975's 1,608 dispositions. The First Court at Houston had the highest number of dispositions — 174 — compared to the average for the 14 courts of 123. All but five of the courts disposed of more cases in 1976 than in 1975.

In 1976, a total of 1,562 opinions were written by the courts of civil appeals, compared to 1,484 in 1975. The Waco Court wrote the largest number of opinions — 162 — compared to the average per court of 112 (up from 106 in 1975).

The average number of written opinions per justice for all courts was 37, up from 35 in 1975.

The courts of civil appeals reversed, at least in part, the decision of the trial court in 28 percent of the cases disposed, compared to 25 percent in 1975.

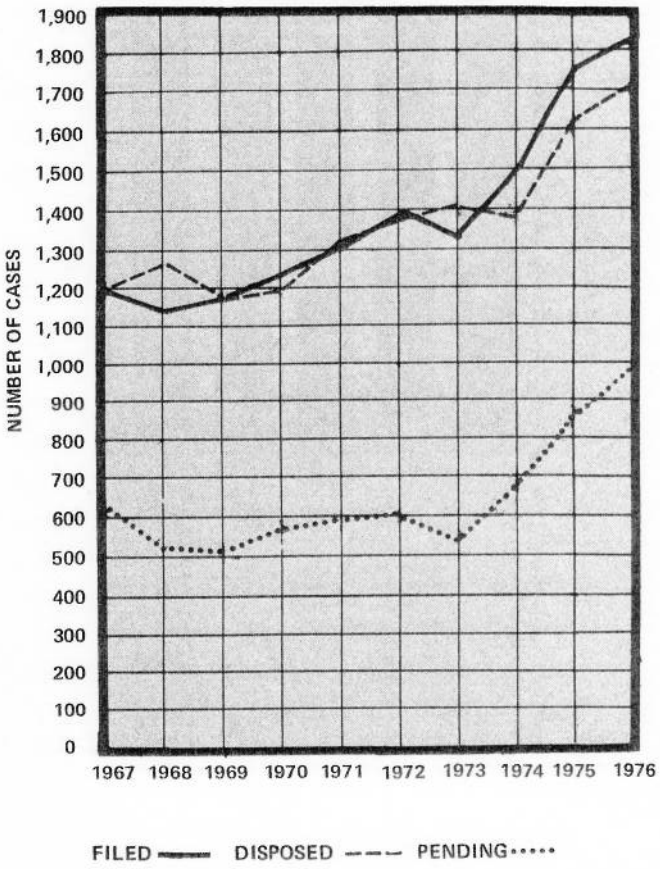
At the end of 1976, 978 cases remained on the courts of civil appeals dockets for subsequent disposition, a 15 percent increase over the previous year. The number of cases pending at the end of 1976 was 52 percent higher than the ten-year average of 645. Of the 978 cases pending December 31, 1976, 179 had been on the docket six to 12 months and 17 had been pending more than a year.

One hundred two cases were pending on the docket of the Fort Worth Court at the close of the year, and 96 in the Tyler Court. The number for the other courts ranged down to 43 at Waco and 44 at Texarkana. The average number pending for all courts was 70, up from 61 at the end of 1975.

The average lapse of time between the filing of a case in a court of civil appeals and its disposition ranged from 3.75 months in the Dallas Court to seven months in the Fort Worth and El Paso courts. The average for all courts was 5.5 months, up from 4.9 months in 1975.

While the 14 courts of civil appeals operate to a large extent as autonomous courts in specific geographical areas, some desirable aspects of unification are achieved by monthly transfers of cases among the courts by order of the Supreme Court pursuant to Article 1738, V.A.T.S. The Supreme Court transferred 351 cases during 1976, 35 percent more than the 260 transferred in 1975.

Figure 3. COURTS OF CIVIL APPEALS
Cases filed, disposed and pending 1967 - 1976



The Dallas Court received the most relief from these transfers: of the 351 cases transferred to other courts (disregarding transfers between the two Houston courts), 147 were transferred from the Dallas Court. The Eastland and Waco Courts received the most transferred cases — 80 and 75, respectively.

The net result of these transfers for the years 1972-1976 is shown in Figure 4. The workload of the courts after transfers were made is shown by the total bar above the center line. This workload ranged from 347 cases at El Paso to 849 in the First Court at Houston, a range considerably narrower than the range of filings during the same five years (239 at Eastland to 1,306 at Dallas). The average workload for all courts during the five-year period was 557 cases.

Figure 4. COURTS OF CIVIL APPEALS
Workloads and cases transferred 1972 - 1976

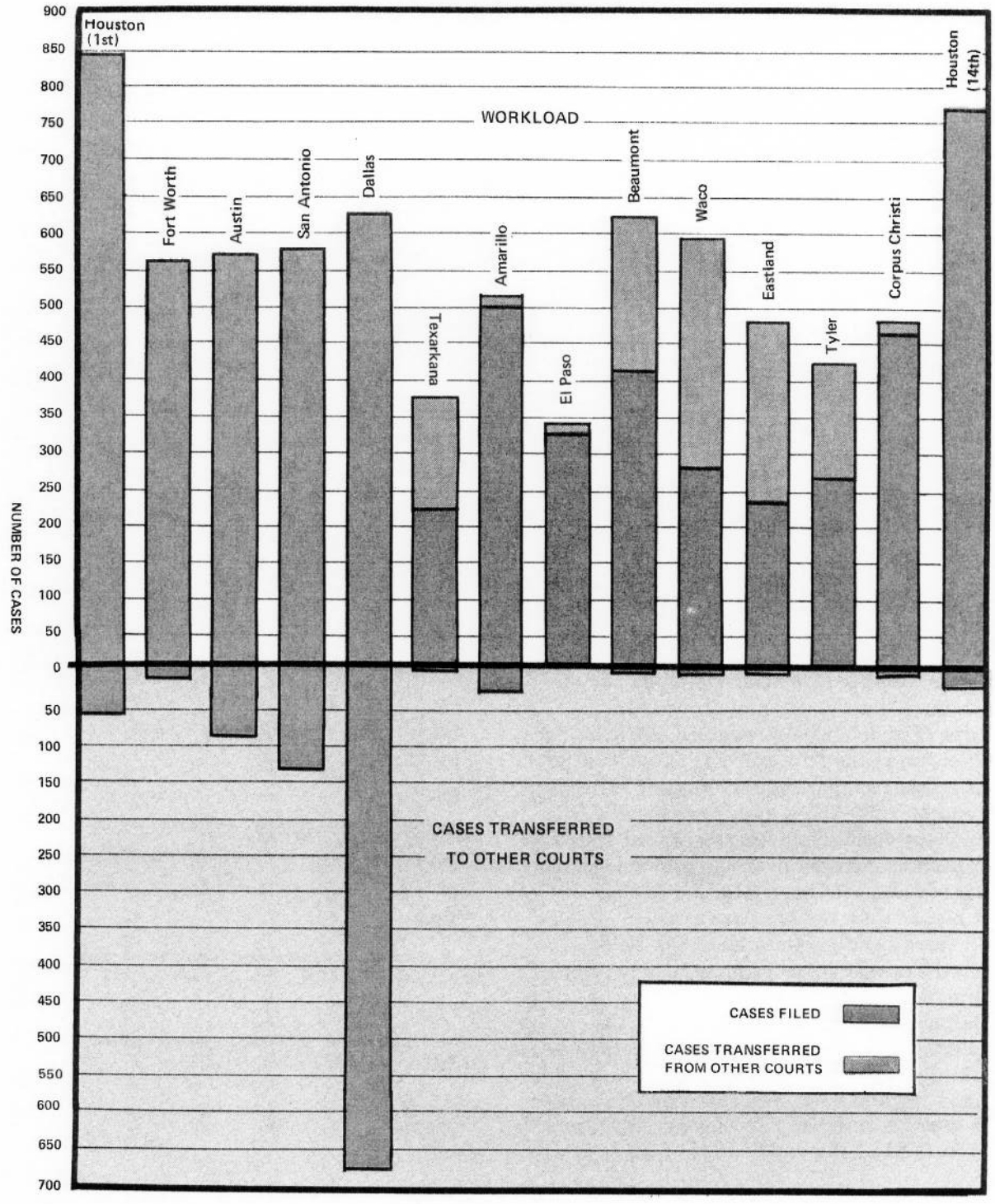
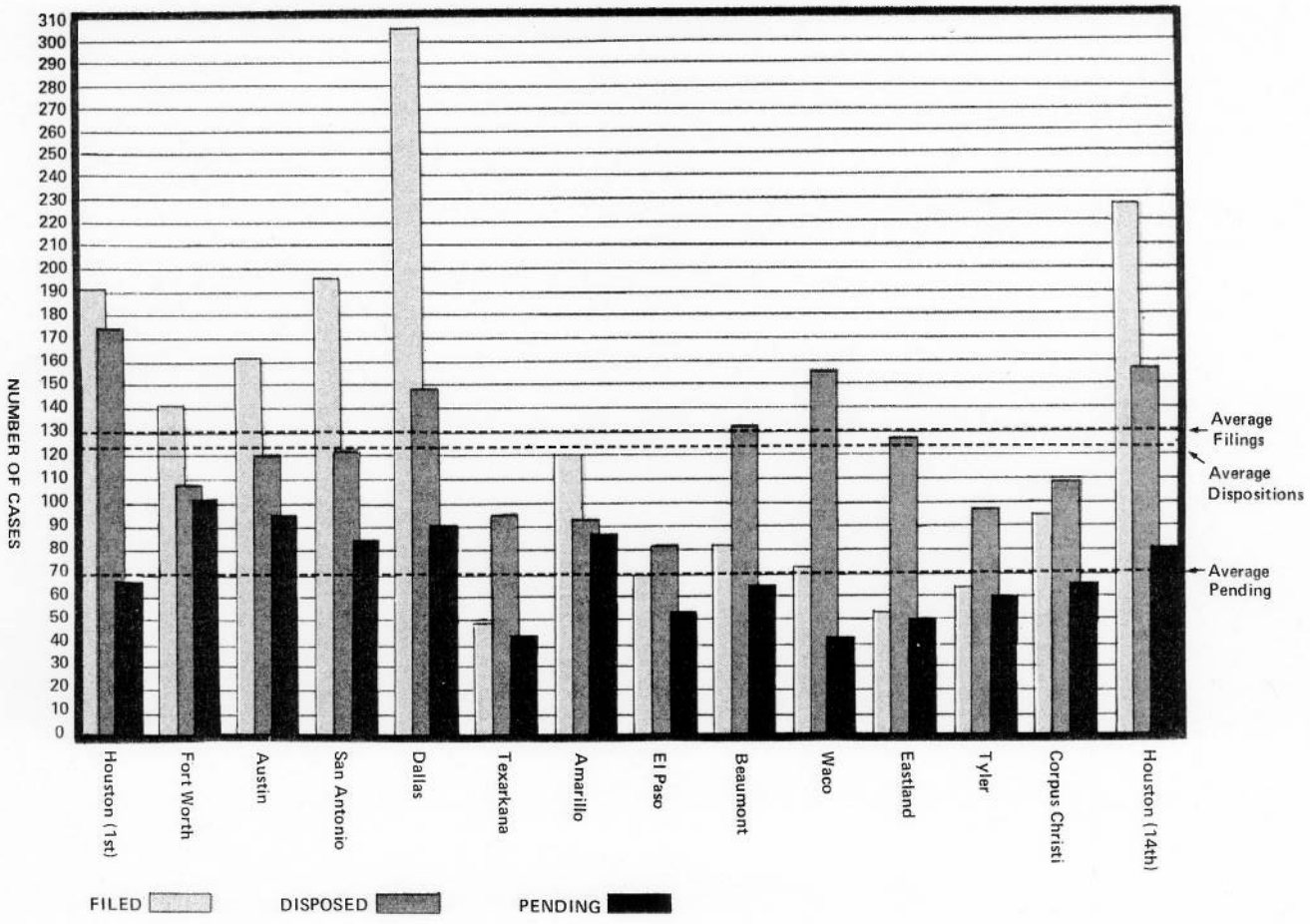


Figure 5. COURTS OF CIVIL APPEALS
Cases filed, disposed and pending 1976



COURTS OF CIVIL APPEALS
1976 Statistics

	FIRST AT HOUSTON	SECOND AT FORT WORTH	THIRD AT AUSTIN	FOURTH AT SAN ANTONIO	FIFTH AT DALLAS	SIXTH AT TEXARKANA	SEVENTH AT AMARILLO	EIGHTH AT EL PASO	NINTH AT BEAUMONT	TENTH AT WACO	ELEVENTH AT EASTLAND	TWELFTH AT TYLER	THIRTEENTH AT CORPUS CHRISTI	FOURTEENTH AT HOUSTON	TOTALS
1. Cases pending January 1	72	70	60	85	82	46	58	42	46	48	42	44	66	86	847
2. New cases filed	191	141	162	195	304	49	120	70	82	73	53	63	94	227	1824
3 Cases transferred in	2	0	0	0	0	42	15	21	69	75	80	49	0	0	353
4. Cases transferred out	29	1	10	76	147	0	15	0	0	0	0	0	0	75	353
5. Rehearings granted	5	0	4	2	0	2	0	0	1	3	2	1	4	0	24
6. Cases affirmed	62	51	51	43	49	43	46	37	68	83	62	48	55	53	751
7. Cases modified and/or reformed and affirmed	7	5	0	4	0	3	5	0	3	7	0	2	2	3	41
8. Cases affirmed in part and in part reversed and remanded	5	1	4	2	4	3	2	1	2	1	5	1	3	7	41
9. Cases affirmed in part and in part reversed and rendered	4	1	0	0	0	0	3	6	1	5	5	5	5	3	38
10. Cases reversed and remanded	25	15	24	25	27	19	9	9	22	21	18	9	10	24	257
11. Cases reversed and rendered	12	10	13	9	9	11	6	7	5	13	11	11	8	14	139
12. Cases dismissed:															
(a) with written opinion	0	1	6	17	4	11	7	3	10	17	7	14	14	5	116
(b) without written opinion	35	13	11	11	31	0	11	9	12	3	11	0	0	14	161
13. Cases otherwise disposed:															
(a) with written opinion	18	10	7	10	17	5	3	9	7	6	5	8	12	15	132
(b) without written opinion	6	1	4	0	7	0	0	0	2	0	3	0	0	19	42
14. Total cases disposed of	174	108	120	121	148	95	92	81	132	156	127	97	109	157	1717
15. Total cases decided:															
(a) including dismissals with opinion	133	94	105	110	110	95	81	72	118	153	113	96	109	124	1513
(b) excluding dismissals with opinion	133	93	90	93	106	84	74	69	108	136	106	83	95	119	1389
16. Cases pending December 31	67	102	96	85	91	44	86	52	66	43	50	60	55	81	978
On docket:															
(a) pending up to 6 months	62	77	79	75	84	28	62	32	58	39	38	43	38	67	782
(b) pending from 6 to 12 months	0	24	16	10	5	16	24	16	7	4	12	16	15	14	179
(c) pending over 12 months	5	1	1	0	2	0	0	4	1	0	0	1	2	0	17
Average time between dates of filing and disposition (months)	4	7	5½	6¼	3¾	6¾	6¼	7	4	4	4½	5¼	6½	4¼	5½

Courts of Civil Appeals

1976 Statistics (Continued)

OPINIONS WRITTEN BY JUSTICES OF THE COURTS OF CIVIL APPEALS

1976

COURT AND JUSTICES	ORIGINAL OPINIONS OF THE COURT ON MERITS	CONCURRING OPINIONS	DISSENTING OPINIONS	OPINIONS REFUSING REHEARING	OPINIONS GRANTING REHEARING	OPINIONS DISMISSING APPEAL	PER CURIUM	TOTAL PER JUSTICE	TOTAL PER COURT
FIRST									
Tom F. Coleman	41				3			44)	130
Frank G. Evans	41		1		2			44)	
Phil Peden	40				1			41)	
							1	1)	
SECOND									
Frank A. Massey	30							30)	92
H. J. Brewster	26							26)	
Joe Spurlock	30							30)	
							6	6)	
THIRD									
John C. Phillips	26		1		1			28)	106
Trueman O'Quinn	27	1			2			30)	
Bob Shannon	41	2			1			44)	
							4	4)	
FOURTH									
Charles W. Barrow	35							35)	112
Carlos C. Cadena	30	2	1		2			35)	
Fred V. Klingeman	21				1	1		23)	
							19	19)	
FIFTH									
Claude Williams	38					2		40)	107
Ted M. Akin	34					1		35)	
Clarence A. Guittard	29		1	1		1		32)	
SIXTH									
T. C. Chadick	29			2	1	7		39)	98
Bill Cornelius	25			1		2		28)	
C. L. Ray, Jr.	27				1	2		30)	
							1	1)	
SEVENTH									
James Ellis	15		1	2		2		20)	88
Charles Reynolds	34			2		2		38)	
Mary Lou Robinson	24	1		1				26)	
							4	4)	
EIGHTH									
S. F. Preslar	19	½	1 ½			1		22)	77
Max N. Osborn	30					1		31)	
William E. Ward	19	1	1			1		22)	
							2	2)	
NINTH									
Martin Dies, Jr.	37		3			1		41)	128
Quentin Keith	48	2	3			1		54)	
H. E. Stephenson	18	1			1			20)	
							13	13)	
TENTH									
Frank G. McDonald	62	1			2	6		71)	162
Vic Hall	37	3	1		1	5		47)	
John A. James, Jr.	35		3			6		44)	
ELEVENTH									
Austin O. McCloud	33			2	1	2		38)	116
Raleigh Brown	35		1	1				37)	
Esco Walter	27			2	2	4		35)	
							6	6)	
TWELFTH									
Otis A. Dunagan	29		1	2	1	1		34)	100
James H. Moore	26		1					27)	
Connally McKay	26					2		28)	
							11	11)	
THIRTEENTH									
Paul W. Nye	32		3	1	1			37)	114
Gerald T. Bissett	30			1	2			33)	
Horace S. Young	29							29)	
							15	15)	
FOURTEENTH									
Curtiss Brown	37			1	1	2		41)	132
George E. Cire	43		2	1 ½	1 ½	2		50)	
Edward D. Coulson	40					1		41)	
Totals	1335	14 ½	25 ½	20 ½	28 ½	56	82	1562	1562

Courts of Civil Appeals
1976 Statistics (Continued)

COURTS OF CIVIL APPEALS CASES FILED										
COURT AND LOCATION	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976
FIRST AT HOUSTON	228	161	154	139	153	181	187	170	189	191
SECOND AT FORT WORTH	107	94	83	110	98	97	100	115	119	141
THIRD AT AUSTIN	83	70	74	87	99	105	115	123	148	162
FOURTH AT SAN ANTONIO	102	91	85	103	90	112	115	114	172	195
FIFTH AT DALLAS	172	177	175	187	236	236	207	258	301	304
SIXTH AT TEXARKANA	38	43	31	39	47	62	54	48	54	49
SEVENTH AT AMARILLO	110	94	117	101	102	100	98	99	113	120
EIGHTH AT EL PASO	65	65	73	75	76	65	56	65	70	70
NINTH AT BEAUMONT	68	67	61	48	67	94	78	79	80	82
TENTH AT WACO	37	51	54	54	48	54	38	54	60	73
ELEVENTH AT EASTLAND	34	33	46	60	54	47	23	62	54	53
TWELFTH AT TYLER	58	41	46	54	52	53	40	47	60	63
THIRTEENTH AT CORPUS CHRISTI	91	86	51	72	94	75	76	107	113	94
FOURTEENTH AT HOUSTON	*6	60	103	99	112	116	145	161	231	227
TOTALS	1,199	1,133	1,153	1,228	1,328	1,397	1,332	1,502	1,764	1,824

*Created effective 9-1-1967