

# SUPREME COURT

The Supreme Court of Texas is composed of the Chief Justice and eight associate justices. It is the highest state court for civil appeals and promulgates the rules of civil procedure for the courts of the state.

Although the number of applications for writs of error filed in the Supreme Court was the lowest since 1970, the general level of activity of the court has remained comparatively steady over the past ten years. In 1974, 96 new "regular causes"—primarily cases in which the court hears oral arguments and delivers an opinion—reached the docket, compared to 101 in 1973, and the ten year average of 100. Applications for writs or error decreased to 564 in 1974—8 per cent lower than 1973's 614 and the ten year average of 615. New civil mandamus matters increased from 42 to 72, criminal mandamus matters decreased from 150 to 112 and habeas corpus matters remained the same at 10 new matters.

In 1974, the Supreme Court disposed of 81 per cent of the regular causes docketed during 1974 or carried over from 1973, 10 per cent more than in 1973. Eighty-five per cent of the applications for writs of error were

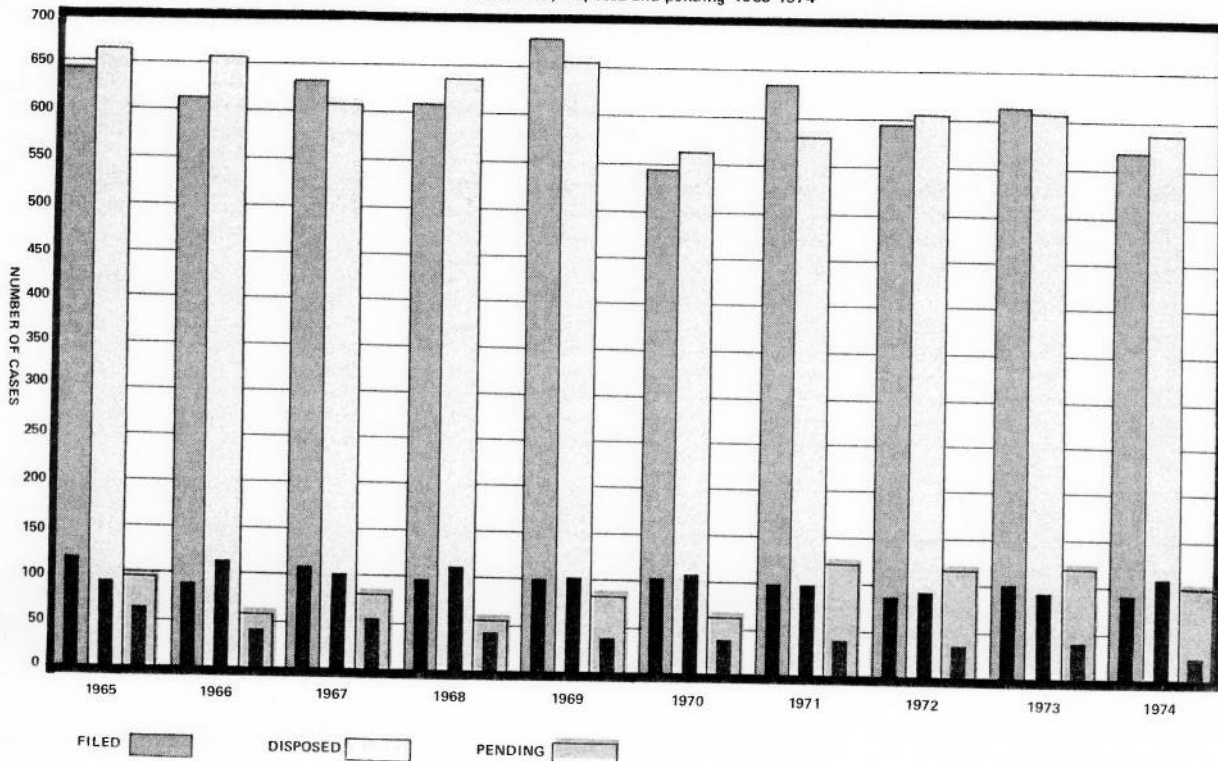
disposed of during the year, 1 per cent more than in 1973.

The court delivered 109 deciding opinions in 1974, compared with 94 in 1973. A total of 137 opinions was written (including Rule 483 per curiam opinions), an average of 15 per justice.

The Supreme Court disposed of 586 applications for writs of error from decisions of the Courts of Civil Appeals, compared to 611 in 1973. Fifteen per cent of these were granted. Of the granted writs, the Court of Civil Appeals was reversed in 77 per cent of the cases for an effective reversal rate of the Courts of Civil Appeals of 11 per cent.

Twenty-five regular causes were pending at the end of 1974—13 less than at the end of 1973. The average number of cases pending at the end of each year over the past ten years is 40. The number of applications for writs of error was also lower than in 1973: 100 were pending on December 31, 1974, compared with 122 the previous year. The number carried over to 1975 was 12 per cent higher than the ten-year average of 89.

Figure 1. SUPREME COURT  
Cases filed, disposed and pending 1965-1974



SUPREME COURT

I. REGULAR CAUSES<sup>1</sup>

On Docket Within the Year:

Carried over from 1973	(Pending under submission-----)	30	
	(Pending set for submission-----)	8	
By granted applications for writ of error-----		63	
By granted motions for leave to file petitions for writs of mandamus-----		12	
By direct appeals filed-----		5	
By certified question filed-----		1	
By granted habeas corpus filed-----		2	
By Rule 483 (Texas Rules of Civil Procedure)-----		13	
	Total-----	134	134

Dispositions:

Judgment (or judgments) affirmed, or reformed or modified and affirmed-----		18	
Judgment of Court of Civil Appeals reversed (or in part) and judgment of trial court affirmed-----		22	
Judgments reversed (or in part) and cause remanded to trial court-----		27	
Judgment of Court of Civil Appeals reversed (or in part) and cause remanded to that court-----		5	
Judgments reversed (or in part) and judgment rendered-----		12	
Judgment of Court of Civil Appeals reversed and appeal dismissed-----		4	
Mandamus	(Writs granted-----)	6	
	(Writs dismissed-----)	3	
	(Writs denied-----)	1	
Direct Appeal	(Judgment of trial court affirmed-----)	2	
	(Dismissed for want of jurisdiction---	2	
	(Dismissed on motion of appellants---	1	
Habeas Corpus	(Relator discharged-----)	3	
	(Relator remanded-----)	1	
Certified Question	(Cause dismissed-----)	1	
	(Answered in negative-----)	1	
	Sub Total-----	109	
	Pending under submission-----	23	
	Pending set for submission-----	2	
	Total-----	134	134
Causes submitted in 1974-----		70	

<sup>1</sup> "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 Civil 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.

Cases other than "Regular Causes" include such actions as the court's rejection 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".

II. CASES OTHER THAN REGULAR CAUSES  
APPLICATIONS FOR WRITS OF ERROR

On Docket Within the Year:

Carried over from 1973-----	122	
Filed in 1974-----	564	
Total-----	686	686

Dispositions:

Granted-----	85	
Refused-----	8	
Refused. No Reversible Error-----	453	
Dismissed for want of jurisdiction-----	31	
Joint motion of parties to dismiss-----	1	
Dismissed by order of Court-----	7	
Dismissed as moot-----	1	
Sub Total-----	586	586
Carried over to 1975-----	100	100
Total-----	686	686

Mandamus - Civil

On Docket:

Carried over from 1973-----	2	
Filed in 1974-----	72	
Total-----	74	74

Dispositions:

Granted-----	12	
Overruled-----	62	
Total-----	74	74

Mandamus - Criminal

On Docket:

Carried over from 1973-----	65	
Filed in 1974-----	112	
Total-----	177	177

Dispositions:

Dismissed as moot-----	140	
Dismissed for want of jurisdiction-----	4	
Dismissed for want of prosecution-----	3	
Sub Total-----	147	147
Carried over to 1975-----	30	30
Total-----	177	177

Habeas Corpus

On Docket:

Filed in 1974-----	10	10
--------------------	----	----

Dispositions:

Granted-----	2	
Denied-----	8	
Total-----	10	10

M O T I O N S

Motions for Rehearing of Causes

On Docket:

Carried over from 1973-----	9	
Filed in 1974-----	71	
Total-----	80	80

Dispositions:

Overruled-----	66	
Granted-----	7	
Sub Total-----	73	73
Carried over to 1975-----	7	7
Total-----	80	80

Motions for Rehearing of Applications for Writs of Error

On Docket:

Carried over from 1973-----	10	
Filed in 1974-----	214	
Total-----	224	224

Dispositions:

Overruled-----	199	
Granted-----	8	
Sub Total-----	207	207
Carried over to 1975-----	17	17
Total-----	224	224

Motions for Rehearing of Motion for Leave to File Petitions  
for Writs of Mandamus

On Docket:

Carried over from 1973-----	1	
Filed in 1974-----	13	
Total-----	14	14

Dispositions:

Overruled-----	14	14
Miscellaneous motions passed on by the Court in 1974-----	52	52

OPINIONS DELIVERED BY THE COURT IN 1974

Deciding causes-----	109
On motions for rehearing of causes overruled-----	2
Supplemental opinion on motion for rehearing-----	1
Per Curiam on applications, motions, etc.-----	25
Concurring-----	5
Dissenting-----	18
Total-----	160

R E C A P I T U L A T I O N

Regular causes determined by Court in 1974-----	109
Applications for writs of error determined by Court in 1974-----	586
Motions for leave to file petitions for writ of mandamus involving civil cases determined by Court in 1974-----	74
Motions for leave to file petitions for writ of mandamus involving criminal cases determined by Court in 1974-----	147
Petitions for writs of habeas corpus determined by Court in 1974-----	<u>10</u>
Total number of cases passed on by Court in 1974----	926
Motions for rehearing of causes determined by Court in 1974-----	73
Motions for rehearing of applications for writs of error determined by Court in 1974-----	207
Motions for rehearing of motions for leave to file petitions for writ of mandamus determined by Court in 1974-----	14
Miscellaneous motions passed on by Court in 1974-----	<u>52</u>
Total number of motions passed on by Court in 1974---	346
Regular causes pending at close of December 31, 1974-----	23
Applications for writ of error pending at that time-----	100
Motions for rehearing of causes pending at that time-----	7
Motions for rehearing of applications pending at that time-----	17
Motions for leave to file petitions for writ of mandamus in criminal cases pending at that time-----	<u>30</u>
Total number of cases pending at close of December 31, 1974-----	177

OPINIONS WRITTEN BY JUSTICES OF THE SUPREME COURT

1974

Justices	Original Opinions Deciding Causes	Opinions on Motions for Rehearing of Causes Overruled	Opinions			Total Per Justice
			Concurring	Dissenting	Per Curiam	
Joe R. Greenhill Chief Justice	10	0	0	0		10
Price Daniel Associate Justice	10	0	2	1		13
James G. Denton Associate Justice	12	0	0	1		13
Sam Johnson Associate Justice	7	0	1	4		12
Sears McGee Associate Justice	6	0	0	0		6
Jack Pope Associate Justice	13	0	0	1		14
Thomas M. Reavley Associate Justice	10	0	1	5		16
Zollie Steakley Associate Justice	8	0	0	2		10
Ruel C. Walker Associate Justice	10	3	1	4		18
Per Curiam:						
Rule 483 T. R. C. P.					14	
Other					11	
Total	86	3	5	18	25	137

ACTION BY THE SUPREME COURT IN CASES FROM THE  
COURTS OF CIVIL APPEALS  
ON WRIT OF ERROR GRANTED

COURT AND LOCATION	COURT OF CIVIL APPEALS AFF.	C.C.A. REV. TRIAL COURT AFF.	REV. AND REM. TO C.C.A.	REV. & REM. TO TRIAL COURT	REV. AND REN.	OTHER RE-VERSALS	TOTAL FOR COURT
FIRST at HOUSTON	1	0	0	3	0	0	4
SECOND at FORT WORTH	1	0	0	1	0	1	3
THIRD at AUSTIN	1	2	1	5	1	1	11
FOURTH at SAN ANTONIO	0	0	0	1	2	0	3
FIFTH at DALLAS	1	2	1	1	2	1	8
SIXTH at TEXARKANA	2	1	1	0	1	0	5
SEVENTH at AMARILLO	0	1	0	1	0	0	2
EIGHTH at EL PASO	2	1	0	0	0	1	4
NINTH at BEAUMONT	4	6	0	1	2	0	13
TENTH at WACO	1	2	0	2	1	0	6
ELEVENTH at EASTLAND	$\frac{1}{2}$	2	$1\frac{1}{2}$	1	1	0	6
TWELFTH at TYLER	1	2	0	1	1	0	5
THIRTEENTH at CORPUS CHRISTI	$1\frac{1}{2}$	1	0	0	$\frac{1}{2}$	0	3
FOURTEENTH at HOUSTON	3	0	2	3	0	1	9
TOTAL	19	20	$6\frac{1}{2}$	20	$11\frac{1}{2}$	5	82