

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 increased 18 per cent over 1974, the general level of activity of the Court has remained comparatively steady over the past ten years. In 1975, 104 new "regular causes"—primarily cases in which the court hears oral argument and delivers an opinion—reached the docket, compared to 96 in 1974, and the ten-year average of 98. Applications for writs of error increased from 564 in 1974 to 668 in 1975—8 per cent higher than the ten-year average of 616. New civil mandamus matters increased from 72 to 91, criminal mandamus matters decreased from 112 to 101 and habeas corpus matters decreased from 10 to 9.

In 1975, the Supreme Court disposed of 80 per cent of the regular causes docketed during 1975 or carried over from 1974, compared to 81 per cent in 1974. Eighty-five per cent of the applications for writs of error

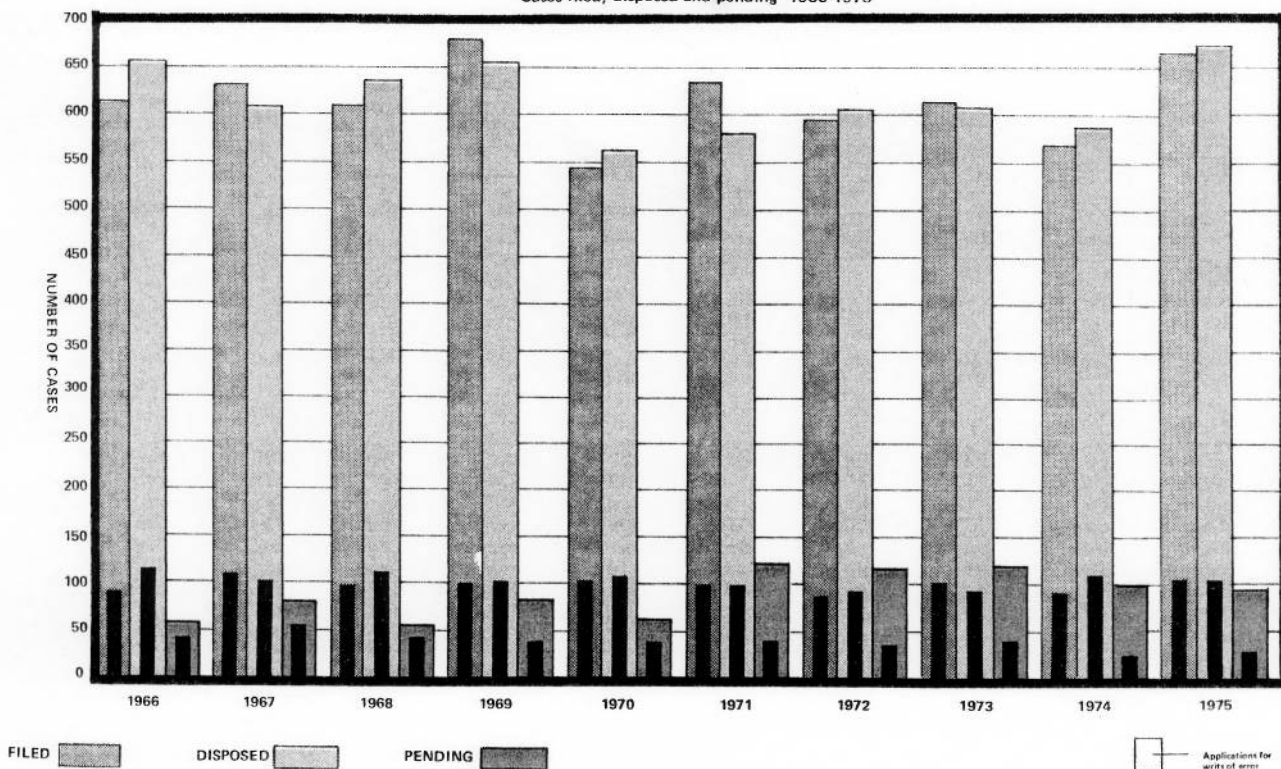
were disposed of during the year, the same as during 1974.

The Court delivered 103 deciding opinions in 1975 compared to 109 in 1974. A total of 112 opinions was written (including Rule 483 per curiam opinions), an average of 12 per justice.

The Supreme Court disposed of 672 applications for writs of error from decisions of the Courts of Civil Appeals, compared to 586 in 1974—an increase of 15 per cent. Thirteen per cent of these writs were granted. Of the granted writs, the Court of Civil Appeals was reversed in 78 per cent of the cases for an effective reversal rate of the Courts of Civil Appeals of 10 per cent.

Twenty-six regular causes were pending at the end of 1975—one more than at the end of 1974 but 10 cases less than the ten-year average. The number of applications for writs of error remaining on the docket at the end of 1975 was 96—4 less than at the end of 1974 but 6 more than the ten-year average of 90.

Figure 1. SUPREME COURT
Cases filed, disposed and pending 1966-1975



SUPREME COURT

I. REGULAR CAUSES¹

On Docket Within the Year:

| | | | |
|---|-----------------------------------|-----|-----|
| Carried over from 1974 | (Pending under submission-----) | 23 | |
| | (Pending set for submission-----) | 2 | |
| By granted applications for writ of error----- | | 64 | |
| By granted motions for leave to file petitions for writs of mandamus----- | | 16 | |
| By direct appeals filed----- | | 6 | |
| By granted habeas corpus filed----- | | 4 | |
| By Rule 483 (Texas Rules of Civil Procedure)----- | | 14 | |
| | Total----- | 129 | 129 |

Dispositions:

| | | | |
|--|---|-----|-----|
| Judgment (or judgments) affirmed, or reformed or modified and affirmed---- | | 16 | |
| Judgment of Court of Civil Appeals reversed (or in part) and judgment of trial court affirmed----- | | 11 | |
| Judgments reversed (or in part) and cause remanded to trial court----- | | 28 | |
| Judgment of Court of Civil Appeals reversed (or in part) and cause remanded to that Court----- | | 7 | |
| Judgments reversed (or in part) and judgment rendered----- | | 10 | |
| Judgments of Court of Civil Appeals and District Court reversed (or set aside) and appeal dismissed----- | | 6 | |
| | (Writs granted-----) | 11 | |
| Mandamus | (Writs denied-----) | 3 | |
| | (Writs dismissed-----) | 2 | |
| | (Judgment of trial court affirmed-----) | 1 | |
| Direct Appeal | (Dismissed for want of jurisdiction-----) | 4 | |
| | (Judgment of trial court reversed and judgment rendered-----) | 1 | |
| Habeas Corpus | (Relator discharged-----) | 1 | |
| | (Relator remanded-----) | 2 | |
| | Sub Total----- | 103 | |
| | Pending under submission---- | 16 | |
| | Pending set for submission-- | 10 | |
| | Total----- | 129 | 129 |

Causes submitted in 1975----- 79

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 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".

Supreme Court—Continued

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

On Docket Within the Year:

| | | |
|-----------------------------|-------|-----|
| Carried over from 1974----- | 100 | |
| Filed in 1975----- | 668 | |
| | <hr/> | |
| Total----- | 768 | 768 |

Dispositions:

| | | |
|---|-------|-----|
| Granted----- | 89 | |
| Refused----- | 12 | |
| Refused. No Reversible Error----- | 499 | |
| Dismissed for want of jurisdiction----- | 58 | |
| Joint motion of parties to dismiss----- | 2 | |
| Dismissed by order of Court----- | 12 | |
| | <hr/> | |
| Sub Total----- | 672 | 672 |
| Carried over to 1976----- | 96 | 96 |
| | <hr/> | |
| Total----- | 768 | 768 |

MANDAMUS - CIVIL

On Docket:

| | | |
|--------------------|----|----|
| Filed in 1975----- | 91 | 91 |
|--------------------|----|----|

Dispositions:

| | | |
|--|-------|----|
| Granted----- | 16 | |
| Overruled----- | 68 | |
| Agreed motion of the parties to dismiss----- | 2 | |
| Relator's motion to dismiss----- | 3 | |
| | <hr/> | |
| Sub Total----- | 89 | 89 |
| Carried over to 1976----- | 2 | 2 |
| | <hr/> | |
| Total----- | 91 | 91 |

MANDAMUS - CRIMINAL

On Docket:

| | | |
|-----------------------------|-------|-----|
| Carried over from 1974----- | 30 | |
| Filed in 1975----- | 101 | |
| | <hr/> | |
| Total----- | 131 | 131 |

Dispositions:

| | | |
|--|-------|-----|
| Dismissed as moot----- | 94 | |
| Dismissed for want of prosecution----- | 4 | |
| Dismissed for want of merit----- | 2 | |
| Dismissed on motion of relator----- | 1 | |
| | <hr/> | |
| Sub Total----- | 101 | 101 |
| Carried over to 1976----- | 30 | 30 |
| | <hr/> | |
| Total----- | 131 | 131 |

Supreme Court—Continued

HABEAS CORPUS

On Docket:

| | | |
|--------------------|---|---|
| Filed in 1975----- | 9 | 9 |
|--------------------|---|---|

Dispositions:

| | | |
|--------------|---|---|
| Granted----- | 4 | |
| Denied----- | 5 | |
| Total----- | 9 | 9 |

M O T I O N S

Motions for Rehearing of Causes

On Docket:

| | | |
|-----------------------------|----|----|
| Carried over from 1974----- | 7 | |
| Filed in 1975----- | 73 | |
| Total----- | 80 | 80 |

Dispositions:

| | | |
|---------------------------|----|----|
| Overruled----- | 68 | |
| Granted----- | 3 | |
| Sub Total----- | 71 | 71 |
| Carried over to 1976----- | 9 | 9 |
| Total----- | 80 | 80 |

Motions for Rehearing of Applications for Writs of Error

On Docket:

| | | |
|-----------------------------|-----|-----|
| Carried over from 1974----- | 17 | |
| Filed in 1975----- | 249 | |
| Total----- | 266 | 266 |

Dispositions:

| | | |
|---------------------------|-----|-----|
| Overruled----- | 254 | |
| Granted----- | 3 | |
| Sub Total----- | 257 | 257 |
| Carried over to 1976----- | 9 | 9 |
| Total----- | 266 | 266 |

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

On Docket:

| | | |
|--------------------|---|---|
| Filed in 1975----- | 5 | 5 |
|--------------------|---|---|

Dispositions:

| | | |
|---|----|----|
| Overruled----- | 5 | 5 |
| Miscellaneous motions passed on by Court in 1975----- | 37 | 37 |

Supreme Court—Continued

OPINIONS DELIVERED BY THE COURT IN 1975

| | |
|--|-----|
| Deciding causes----- | 103 |
| Per Curiam on applications, motions, etc.----- | 18 |
| Concurring----- | 5 |
| Dissenting----- | 23 |
| Total----- | 149 |

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

| | |
|---|-----|
| Regular causes determined by Court in 1975----- | 103 |
| Applications for writs of error determined by Court in 1975----- | 672 |
| Motions for leave to file petitions for writ of mandamus involving civil cases determined by Court in 1975----- | 89 |
| Motions for leave to file petitions for writ of mandamus involving criminal cases determined by Court in 1975----- | 101 |
| Petitions for writs of habeas corpus determined by Court in 1975----- | 9 |
| Total number of cases passed on by Court in 1975----- | 974 |
| Motions for rehearing of causes determined by Court in 1975----- | 71 |
| Motions for rehearing of applications for writs of error determined by Court in 1975 | 257 |
| Motions for rehearing of motions for leave to file petitions for writ of mandamus determined by Court in 1975----- | 5 |
| Miscellaneous motions passed on by Court in 1975----- | 37 |
| Total number of motions passed on by Court in 1975----- | 370 |
| Regular causes pending at close of December 31, 1975----- | 16 |
| Applications for writ of error pending at that time----- | 96 |
| Motions for rehearing of causes pending at that time----- | 9 |
| Motions for rehearing of applications pending at that time----- | 9 |
| Motions for leave to file petitions for writ of mandamus in civil cases pending at that time----- | 2 |
| Motions for leave to file petitions for writ of mandamus in criminal cases pending at that time----- | 30 |
| Total number of cases pending at close of December 31, 1975----- | 162 |

Supreme Court—Continued

| OPINIONS WRITTEN BY JUSTICES OF THE SUPREME COURT | | | | | | |
|---|--|------------------------|------------------------|---------------|-------------------------|--|
| 1975 | | | | | | |
| Justices | Original Opinions Deciding Causes | Concurring Opinions | Dissenting Opinions | Per Curiam | Total Per Justice | |
| Joe R. Greenhill Chief Justice | 9 | 0 | 1 | | 10 | |
| Price Daniel Associate Justice | 7 | 1 | 3 | | 11 | |
| James G. Denton Associate Justice | 9 | 0 | 1 | | 10 | |
| *Ross E. Doughty Associate Justice | 2 | 0 | 0 | | 2 | |
| Sam Johnson Associate Justice | 9 | 0 | 5 | | 14 | |
| Sears McGee Associate Justice | 2 | 0 | 2 | | 4 | |
| Jack Pope Associate Justice | 7 | 0 | 3 | | 10 | |
| Thomas M. Reavley Associate Justice | 11 | 2 | 3 | | 16 | |
| Zollie Steakley Associate Justice | 8 | 0 | 4 | | 12 | |
| #Ruel C. Walker Associate Justice | 10 | 2 | 1 | | 13 | |
| Per Curiam: | | | | | | |
| Rule 483 T. R. C. P. | | | | 10 | | |
| Total | 74 | 5 | 23 | 10 | 112 | |

*Took office 10/1/75

#Retired 9/30/75

Supreme Court—Continued

ACTION BY THE SUPREME COURT IN CASES FROM THE
COURTS OF CIVIL APPEALS
ON WRIT OF ERROR GRANTED 1975

| 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 | 3 | 0 | 1 | 3 | 0 | 0 | 7 |
| SECOND AT FORT WORTH | 1 | 1 | 0 | 5 | 0 | 2 | 9 |
| THIRD AT AUSTIN | 1 | 2 | 0 | 4 | 1 | 0 | 8 |
| FOURTH AT SAN ANTONIO | 1½ | 0 | 0 | 2½ | 0 | 0 | 4 |
| FIFTH AT DALLAS | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| SIXTH AT TEXARKANA | ½ | 0 | 2 | 1 | ½ | 0 | 4 |
| SEVENTH AT AMARILLO | 0 | 0 | 0 | 1 | 1 | 0 | 2 |
| EIGHTH AT EL PASO | 0 | 0 | 0 | 3 | 0 | 2 | 5 |
| NINTH AT BEAUMONT | 1 | 0 | 0 | 1 | 0 | 0 | 2 |
| TENTH AT WACO | 0 | 2 | 0 | 2 | 1 | 1 | 6 |
| ELEVENTH AT EASTLAND | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| TWELFTH AT TYLER | 1 | 1 | 1 | 1 | 0 | 1 | 5 |
| THIRTEENTH AT CORPUS CHRISTI | 3½ | 0 | 1 | 0 | 1½ | 0 | 6 |
| FOURTEENTH AT HOUSTON | 2 | 5 | 1 | 2 | 1 | 0 | 11 |
| TOTAL | 15½ | 11 | 7 | 25½ | 6 | 6 | 71 |