

# SUPREME COURT

## Analysis of 1982 Activity

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

The number of applications for writs of error filed in the Supreme Court during 1982 decreased from 1981. A total of 765 applications were filed, compared to 876 in 1981--a decrease of 13 percent, but 2 percent higher than the ten-year average of 748.

In 1982, 119 new "regular causes"--primarily cases in which the Court hears oral argument and delivers an opinion--reached the docket, compared to 123 in 1981 and the ten-year average of 110. New civil mandamus matters increased from 96 in 1981 to 132 in 1982 (up 38 percent).

The Supreme Court disposed of 70 percent of the regular causes docketed during 1982 or carried over from 1981, the same percentage as in 1981. Eighty-one percent of the applications for writs of error were disposed of during the year, also

the same percentage as in the previous year.

The Court delivered 107 deciding opinions in 1982, the same number as in 1981. A total of 152 opinions were written (including Rule 433 per curiam opinions), an average of 17 per justice. The Supreme Court disposed of 777 applications for writs of error from decisions of the Courts of Appeals, compared to 860 in 1981, for an average of 88 per justice. Fifteen percent of the 777 applications were granted. Of the granted writs, the Courts of Appeals were reversed in 77 percent of the cases, for an effective reversal rate on applications for writs of error from the Courts of Appeals of 9 percent.

Fifty-one regular causes were pending at the end of 1982--2 more than at the end of 1981, and 12 cases more than the ten-year average. The number of applications for writs of error remaining on the docket at the end of 1982 was 184--7 percent less than the 196 at the end of 1981, and 23 percent more than the ten-year average of 150.

Figure 2.  
TOTAL WORKLOAD, SUPREME COURT  
1982

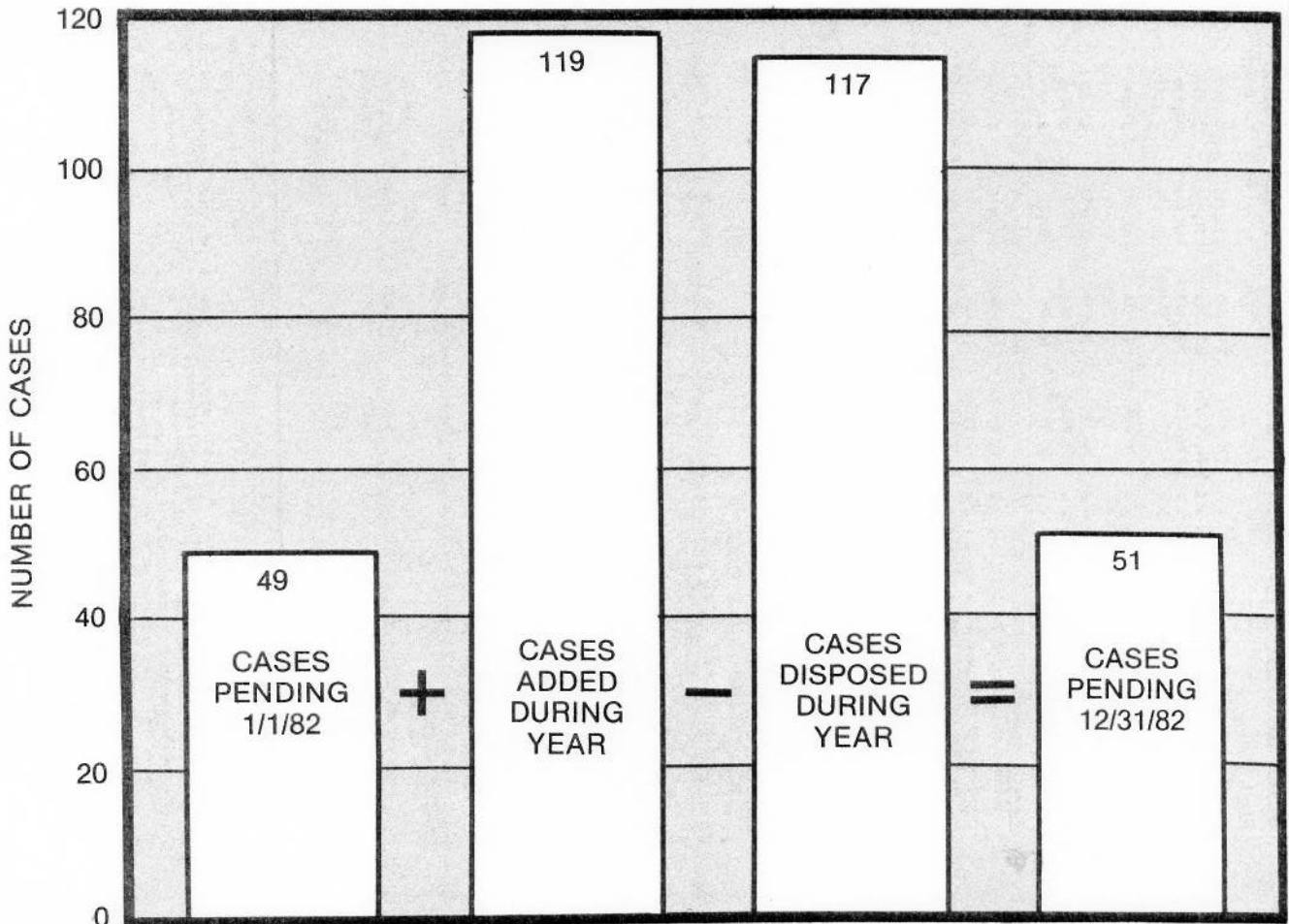
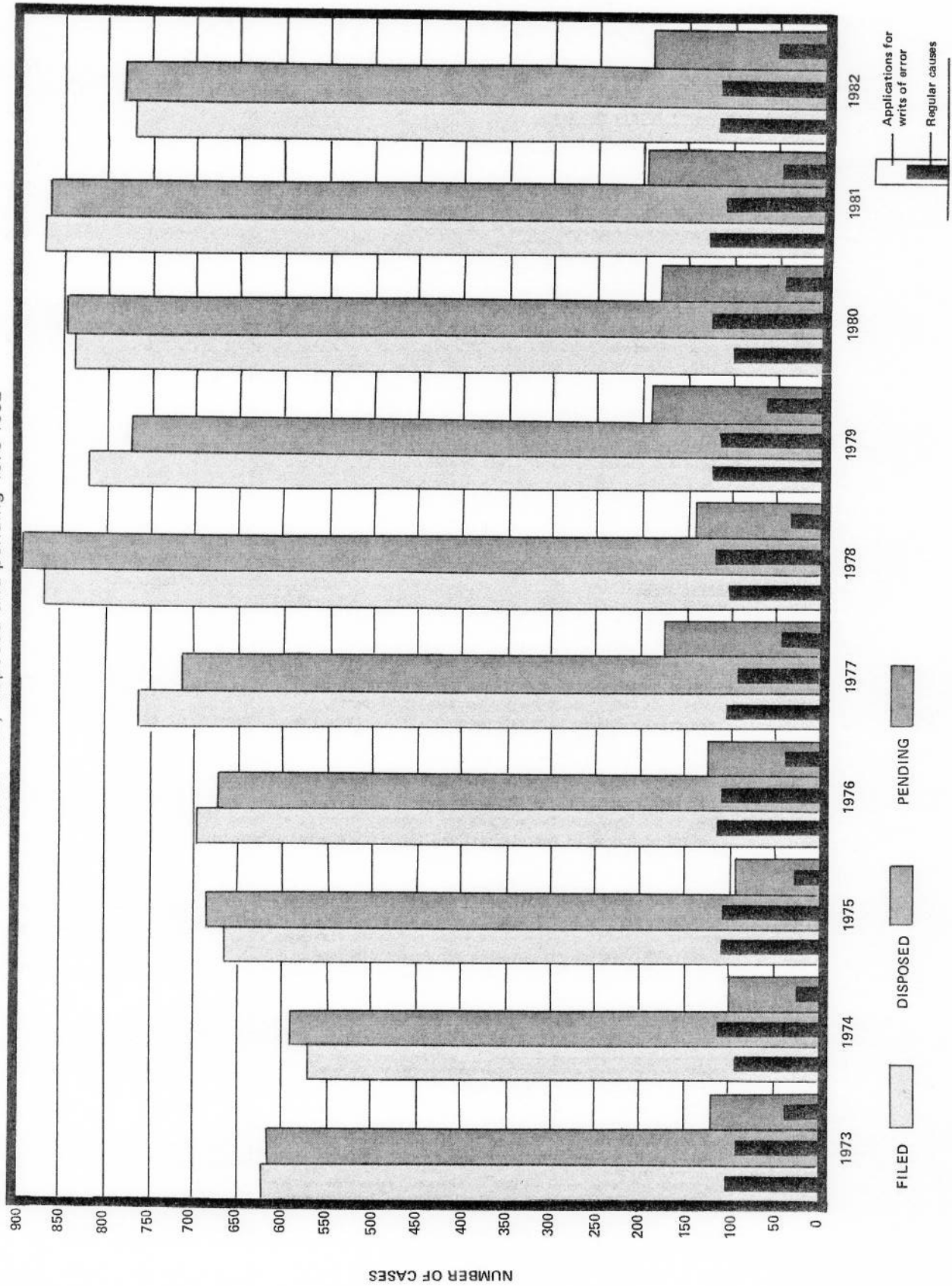


Figure 3.  
 SUPREME COURT  
 Cases filed, disposed and pending 1973-1982



# SUPREME COURT

## 1982 Statistics

### I. REGULAR CAUSES \*

#### A. On Docket Within the Year:

Carried over from 1981. . . . .(Pending under submission). . . . .	34
(Pending set for submission, in- cluding motions for rehearing) . . . . .	15
By granted applications for writ of error . . . . .	85
By granted motions for leave to file petitions for writ of mandamus. . . . .	12
By direct appeals filed . . . . .	3
By granted habeas corpus filed . . . . .	2
By certified question . . . . .	0
By review of Court of Appeals judgment under Rule 21C . . . . .	0
By Rule 483 (Texas Rules of Civil Procedure) . . . . .	16
Recommendations for suspension of Judge. . . . .	1
TOTAL ON DOCKET. . . . .	168

#### B. Dispositions:

Judgments affirmed, or reformed, or modified and affirmed . . . . .	18
Judgments of Courts of Appeals reversed (or in part) and judgment of trial court affirmed (or modified and affirmed) . . . . .	32
Judgments reversed (or in part) and rendered (or in part) . . . . .	11
Judgments of Courts of Appeals reversed (or in part) and cause remanded to trial court . . . . .	15
Judgments of Courts of Appeals reversed (or in part) and cause remanded to that court . . . . .	8
Judgments of Courts of Appeals reversed and rendered in part, remanded in part; and affirmed in part . . . . .	6
Judgments of lower courts reversed and remanded in part, affirmed in part. . .	2
Judgments of Courts of Appeals affirmed in part, reversed in part . . . . .	1
Cause of action severed; judgment of Court of Appeals affirmed in part, reversed and remanded in part. . . . .	1
Judgments of lower courts set aside and cause dismissed as moot. . . . .	1
Causes dismissed as moot . . . . .	2
Judgments of Courts of Appeals reversed and cause dismissed . . . . .	1
Judgments of lower courts reversed and appeal dismissed. . . . .	1
Judge reinstated . . . . .	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 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

## 1982 Statistics (Continued)

### I. REGULAR CAUSES (Cont'd)

#### B. Dispositions: (Cont'd)

Mandamus . . . . .	(Writs granted) . . . . .	9
	(Writs dismissed) . . . . .	2
	(Writs denied). . . . .	1
Direct Appeal. . . . .	(Judgment of trial court reversed). . . . .	1
	(Cause dismissed as moot) . . . . .	1
	(Cause dismissed on joint motion) . . . . .	1
Habeas Corpus. . . . .	(Relator discharged). . . . .	2
	Sub-Total . . . . .	117

#### C. Cases Carried Over to 1983:

Under submission (includes cases on motion for rehearing). . . . .	32	
Set for submission . . . . .	19	
	Sub-Total . . . . .	51

TOTAL ON DOCKET . . . . . 168

#### D. Causes Submitted in 1982:

Orally . . . . .	76	
On briefs. . . . .	27	
	TOTAL SUBMITTED . . . . .	103

### II. CASES OTHER THAN REGULAR CAUSES

#### A. APPLICATIONS FOR WRITS OF ERROR

##### 1. On Docket:

Carried over from 1981 . . . . .	196	
Filed in 1982 . . . . .	765	
	TOTAL . . . . .	961

##### 2. Dispositions:

Granted . . . . .	113	
Refused . . . . .	2	
Refused, no reversible error . . . . .	552	
Dismissed for want of jurisdiction . . . . .	97	
Dismissed by order of the Court. . . . .	6	
Dismissed at petitioner's request . . . . .	5	
Joint motion of parties to dismiss . . . . .	2	
	Sub-Total . . . . .	777
Carried over to 1983 . . . . .	184	
	TOTAL . . . . .	961

# SUPREME COURT

## 1982 Statistics (Continued)

### II. CASES OTHER THAN REGULAR CAUSES (Cont'd)

#### B. MANDAMUS - CIVIL

##### 1. On Docket:

Carried over from 1981 .....	7
Filed in 1982 .....	<u>132</u>
TOTAL .....	<u>139</u>

##### 2. Dispositions:

Granted .....	9
Overruled .....	120
Dismissed on relator's motion .....	1
Dismissed by order of the Court .....	<u>1</u>
Sub-Total .....	131
Carried over to 1983 .....	<u>8</u>
TOTAL .....	<u>139</u>

#### C. HABEAS CORPUS

##### 1. On Docket:

Carried over from 1981 .....	0
Filed in 1982 .....	<u>23</u>
TOTAL .....	<u>23</u>

##### 2. Dispositions:

Granted .....	2
Denied .....	17
Dismissed as moot .....	<u>2</u>
Sub Total .....	21
Carried over to 1983 .....	<u>2</u>
TOTAL .....	<u>23</u>

#### D. WRITS OF PROHIBITION

##### 1. On Docket:

Carried over from 1981 .....	0
Filed in 1982 .....	<u>2</u>
TOTAL .....	<u>2</u>

##### 2. Dispositions:

Overruled .....	<u>2</u>
TOTAL .....	<u>2</u>

# SUPREME COURT

## 1982 Statistics (Continued)

### 11. CASES OTHER THAN REGULAR CAUSES (Cont'd)

#### E. WRITS OF INJUNCTION

##### 1. On Docket:

Carried over from 1981 . . . . .	0	
Filed in 1982 (includes motions to stay) . . . . .	8	
TOTAL . . . . .	8	

##### 2. Dispositions:

Granted pendente lite . . . . .	2	
Overruled . . . . .	6	
TOTAL . . . . .	8	

#### F. MOTIONS

##### 1. Motions for Rehearing of Causes

##### a. On Docket:

Carried over from 1981 . . . . .	7	
Filed in 1982 . . . . .	83	
TOTAL . . . . .	90	

##### b. Dispositions:

Granted . . . . .	5	
Overruled . . . . .	75	
Sub Total . . . . .	80	
Carried over to 1983 . . . . .	10	
TOTAL . . . . .	90	

##### 2. Motions for Rehearing of Applications for Writs of Error

##### a. On Docket:

Carried over from 1981 . . . . .	26	
Filed in 1982 . . . . .	277	
TOTAL . . . . .	303	

##### b. Dispositions:

Granted . . . . .	8	
Overruled . . . . .	270	
Sub Total . . . . .	278	
Carried over to 1983 . . . . .	25	
TOTAL . . . . .	303	

# SUPREME COURT

## 1982 Statistics (Continued)

### II. CASES OTHER THAN REGULAR CAUSES (Cont'd)

#### F. MOTIONS (Cont'd)

##### 3. Motions for Rehearing of Motion for Leave to File Petitions for Writs of Mandamus

###### a. On Docket:

Carried over from 1981 . . . . .	0
Filed in 1982 . . . . .	19

TOTAL . . . . . 19

###### b. Dispositions:

Granted . . . . .	1
Overruled . . . . .	18

TOTAL . . . . . 19

##### 4. Motions for Rehearing on Habeas Corpus

###### a. On Docket:

Carried over from 1981 . . . . .	0
Filed in 1982 . . . . .	5

TOTAL . . . . . 5

###### b. Dispositions:

Granted . . . . .	1
Overruled . . . . .	4

TOTAL . . . . . 5

##### 5. Miscellaneous Motions

Passed on by the Court in 1982 (includes Rule 21c, motions to dismiss, etc.) . . . . .	<u>165</u>
-------------------------------------------------------------------------------------------	------------

### III. OPINIONS DELIVERED BY THE COURT IN 1982

Deciding causes (includes one opinion which disposes of two causes) . . . . .	107
Concurring . . . . .	6
Dissenting . . . . .	14
On motion for rehearing . . . . .	2
Per curiam on applications, motions, etc . . . . .	<u>23</u>

TOTAL . . . . . 152

# SUPREME COURT

## 1982 Statistics (Continued)

### RECAPITULATION

#### I. Cases Passed On During 1982

Regular causes determined by the Court . . . . .	117
Applications for writ of error determined. . . . .	777
Motions for leave to file petitions for writ of mandamus involving civil cases determined. . . . .	131
Petitions for writs of habeas corpus determined. . . . .	21
Writs of prohibition and injunction and stay motions determined. . . . .	<u>10</u>
TOTAL NUMBER OF CASES PASSED ON BY THE COURT IN 1982 . . . . .	<u>1,056</u>

#### II. Motions Passed On During 1982

Motions for rehearing of causes determined by the Court. . . . .	80
Motions for rehearing of applications for writs of error determined. . . . .	278
Motions for rehearing of motions for leave to file petitions for writ of mandamus determined . . . . .	19
Motions for rehearing of habeas corpus determined. . . . .	5
Miscellaneous motions passed on by the Court . . . . .	<u>165</u>
TOTAL NUMBER OF MOTIONS PASSED ON BY THE COURT IN 1982 . . . . .	<u>547</u>

#### III. Matters Pending December 31, 1982

Regular causes pending . . . . .	41
Applications for writ of error . . . . .	184
Motions for rehearing of causes . . . . .	10
Motions for rehearing of applications . . . . .	25
Motions for leave to file petitions for writ of mandamus . . . . .	<u>8</u>
TOTAL NUMBER OF CASES PENDING AT CLOSE OF TERM FOR 1982 . . . . .	<u>268</u>



# SUPREME COURT

## 1982 Statistics (Continued)

JUSTICES	OPINIONS WRITTEN BY JUSTICES OF THE SUPREME COURT						TOTAL
	DECIDING OPINIONS		Concurring Opinions	Dissenting Opinions	Per Curiam Opinions	On Motion For Rehearing	
	Majority Opinions	Rule 483 Per Curiams					
Jack Pope, <sup>1</sup> Chief Justice	11	0	1	0	3	0	15
Joe R. Greenhill, <sup>2</sup> Chief Justice	12	2	0	2	2	0	18
Sears McGee, Justice	9	0	2	1	1	1	14
James G. Denton, <sup>3</sup> Justice	2	1	0	1	2	0	6
Charles W. Barrow, Justice	9	3	0	4	3	1	20
Robert M. Campbell, Justice	11	3	1	0	4	0	19
Franklin Spears, Justice	6	2	1	1	2	0	12
C. L. Ray, Justice	8	4	0	2	4	0	18
James P. Wallace, Justice	11	4	0	2	1	0	18
Ruby Kless Sondock, <sup>4</sup> Justice	5	3	1	1	1	0	11
Ted Z. Robertson, <sup>5</sup> Justice	0	1	0	0	0	0	1
TOTAL	84	23	6	14	23	2	152

1. Justice Pope appointed Chief Justice by Governor Clements, effective 11-23-82, replacing Joe R. Greenhill, who resigned effective 10-25-82.
2. Chief Justice Greenhill resigned 10-25-82.
3. Justice Denton died 6-10-82.
4. Justice Sondock was appointed by Governor Clements on 6-25-82 to fill Justice Denton's position until 12-31-82.
5. Justice Robertson assumed office on 12-2-82 following his election to replace Jack Pope who did not seek reelection and on his early appointment to replace Jack Pope who was appointed Chief Justice upon the retirement of Joe R. Greenhill.

# SUPREME COURT

## 1982 Statistics (Continued)

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

COURT AND LOCATION	Court of Appeals Affirmed	Ct. App. Reversed, Trial Ct. Affirmed	Reversed, Remand to Court of Appeals	Reversed, Remand to Trial Court	Reversed and Rendered	Other	TOTAL FOR COURT
FIRST, Houston	0.5	5	0	0.5	2	0	8
SECOND, Fort Worth	1	1	0	3	4	0	9
THIRD, Austin	1	2	1	1	0	0	5
FOURTH, San Antonio	2	0.5	0	1	1.5	0	5
FIFTH, Dallas	3.5	3	1.5	2	0	0	10
SIXTH, Texarkana	0	3	0	0	0	0	3
SEVENTH, Amarillo	1	1	0	0	1	0	3
EIGHTH, El Paso	2	2	1	0	1	0	6
NINTH, Beaumont	2.5	3	0.5	0	1	0	7
TENTH, Waco	1.5	1.5	0	2	1	0	6
ELEVENTH, Eastland	1	2	2	1	0	0	6
TWELFTH, Tyler	1	0	2	0	2	0	5
THIRTEENTH, Corpus Christi	1.3	0.3	1	2	1.3	0	6
FOURTEENTH, Houston	2	2.5	0	2.5	1	0	8
	—	—	—	—	—	—	—
TOTAL	20.3	26.8	9	15	15.8	0	87

# SUPREME COURT

## 1982 Statistics (Continued)

### COUNTIES FROM WHICH CASES WERE APPEALED DURING 1982

<u>County</u>	<u>Cases</u>	<u>County</u>	<u>Cases</u>	<u>County</u>	<u>Cases</u>
Dallas	140	Chambers	2	Harrison	1
Harris	121	Coleman	2	Haskell	1
Tarrant	46	Collin	2	Hays	1
Travis	37	Cooke	2	Hood	1
Nueces	29	Dawson	2	Houston	1
Bexar	23	Ellis	2	Jones	1
Jefferson	20	Fort Bend	2	Kaufman	1
Hidalgo	12	Franklin	2	Kendall	1
El Paso	11	Hardin	2	Lamb	1
Lubbock	10	Hill	2	Lavaca	1
Galveston	9	Kleberg	2	Lee	1
Gregg	7	Milam	2	Leon	1
McLennan	7	Montague	2	Limestone	1
Randall	7	Parker	2	Live Oak	1
Brazoria	6	Pecos	2	Llano	1
Johnson	5	Potter	2	Lynn	1
Burleson	4	Refugio	2	Marion	1
Ector	4	San Patricio	2	Maverick	1
Gonzales	4	Throckmorton	2	Medina	1
Grayson	4	Tom Green	2	Navarro	1
Henderson	4	Victoria	2	Newton	1
Madison	4	Winkler	2	Nolan	1
Matagorda	4	Anderson	1	Palo Pinto	1
Nacogdoches	4	Austin	1	Polk	1
Midland	4	Bastrop	1	Rains	1
Orange	4	Bee	1	Reeves	1
Taylor	4	Bosque	1	Sherman	1
Rusk	4	Carson	1	Smith	1
San Jacinto	4	Cass	1	Terry	1
Cameron	3	Colorado	1	Trinity	1
Deaf Smith	3	Comal	1	Tyler	1
Denton	3	Delta	1	Uvalde	1
Eastland	3	Dimmit	1	Val Verde	1
Montgomery	3	Erath	1	Walker	1
Morris	3	Falls	1	Ward	1
Red River	3	Fannin	1	Wharton	1
Waller	3	Fayette	1	Williamson	1
Webb	3	Fisher	1	Wise	1
Wichita	3	Grimes	1	Wood	1
Brazos	2	Hansford	1		