

SUPREME COURT

Analysis of Activity for the Year Ending August 31, 1989

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

The Court "passed on" (disposed of or otherwise acted upon) a total of 2,563 matters during fiscal year 1989, a decrease of 6.2 percent from the 2,731 matters passed on in fiscal year 1988.

Regular Causes

The 141 regular causes added to the Court's docket were 14.6 percent more than the 123 regular causes added in fiscal year 1988.

The 138 regular causes disposed of were 0.7 percent more than the 137 disposed of in fiscal year 1988 but 5.3 percent more than the 10-year average of 131. Eighty-seven of the regular causes disposed of during 1989 came to the Court on applications for writs of error from the 14 Courts of Appeals. Of those 87 dispositions, the lower courts were reversed in whole or in part in 77 causes, or 89 percent. This compares to 85 percent reversals in fiscal year 1988.

The 60 regular causes (including motions for rehearing) left pending at the end of fiscal year 1989 represented 30 percent of the total number of regular causes added during the year or carried over from the previous year. This is 10 causes higher than the 10-year average of 52 pending causes. At the end of fiscal year 1988, 57 regular causes had been pending in the Court.

Applications for Writs of Error

The 821 applications for writs of error filed during fiscal year 1989 represented a 17.7 percent decrease from the 997 applications filed in fiscal year 1988, and was 8.9 percent less than the 10-year average of 902.

The 781 applications for writs of error disposed of during the year was 17.8 percent less than the 951 disposed of during fiscal year 1988, and 12 percent lower than the 10-year average of 887. Of

those 781 applications disposed of, 76 (or 9.7 percent) were granted.

The 353 applications for writs of error left pending at the end of fiscal year 1989 represented 31 percent of the total number of such applications filed during the year or carried over from the previous year. This is 91 more pending applications than the 10-year average of 262 pending applications. At the end of fiscal year 1988, 313 applications for writs of error had been pending in the Court.

Other Writs and Motions

The 651 other writs and motions filed during fiscal year 1989 were 15 percent less than the 769 filed during fiscal year 1988. (This does not include miscellaneous motions such as motions for extension of time, etc., which are often not docketed as separate causes.) This is 9 less than the 10-year average of 660 other writs and motions filed.

The 661 other writs and motions disposed of during fiscal year 1989 were 11.6 percent less than the 748 disposed during fiscal year 1988. This is 7 more dispositions than the 10-year average of 654 dispositions.

The 113 other writs and motions left pending by the Court at the end of fiscal year 1989 represented 14.6 percent of the total number of other writs and motions filed during the year or carried over from the previous year. At the end of fiscal year 1988, 125 other writs and motions had been pending in the Court.

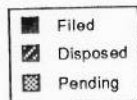
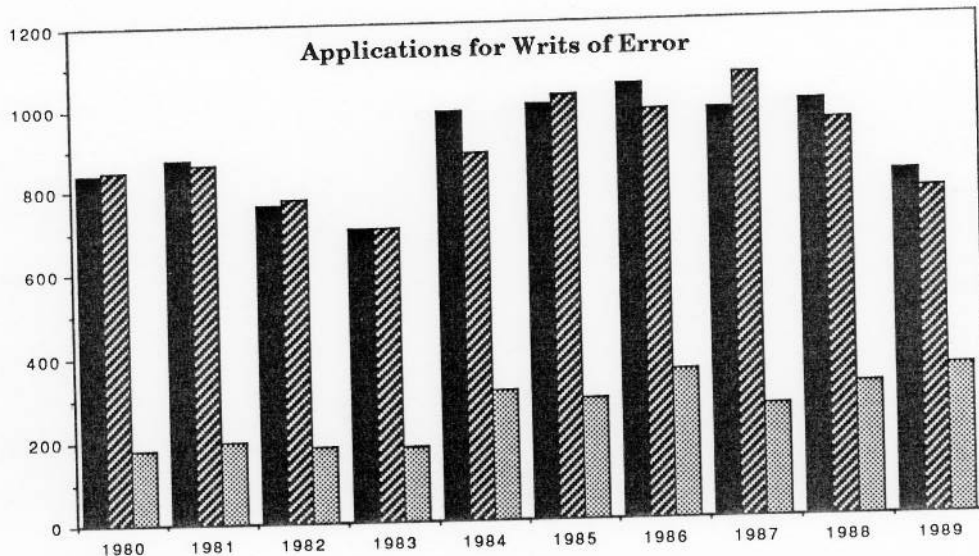
Opinions Written

During fiscal year 1989, the justices of the Supreme Court wrote 174 opinions (or an average of 19 opinions each), 14 percent less than the 203 opinions written in fiscal year 1988 and 1.7 percent less than the 10-year average of 177. Of the opinions written in 1989, 110 (or 63 percent) were deciding opinions which disposed of causes.

During fiscal year 1989, the Supreme Court heard oral argument of 89 causes and considered an additional 27 causes submitted on briefs.

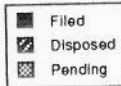
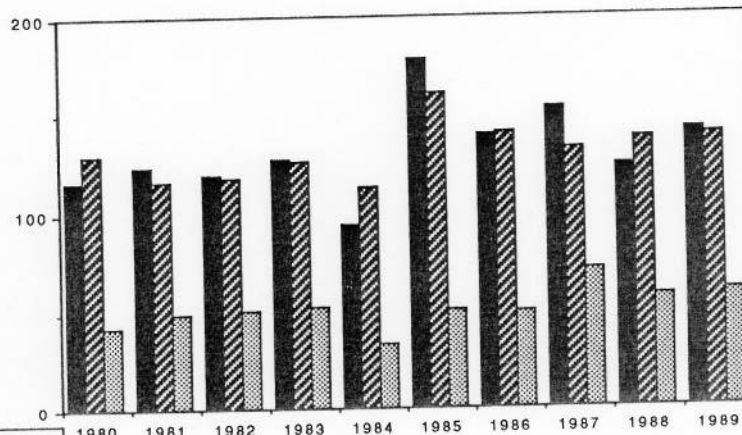
SUPREME COURT

Causes filed, disposed and pending, calendar year 1980 through fiscal year 1989



An Application for Writ of Error is a request filed by one of the parties, requesting the Supreme Court to review the judgment of a Court of Appeals. If four or more of the nine justices concur the writ is granted and the cause is scheduled for argument before the court.

Regular Causes



Regular Causes are regular appeals or original actions pending before the court. Normally, they reach this status when a Writ of Error is granted in the cause. Petitions for Original Mandamus and Habeas Corpus, which are not disposed of upon initial review, and in which the petition is granted, may also become regular causes.

SUPREME COURT

Activity for the Year Ending August 31, 1989

SUMMARY OF DOCKET ACTIVITY DURING THE YEAR ENDING AUGUST 31, 1989

A. Causes of Action Passed on During the Year Ending August 31, 1989:

Regular causes determined by the Court	138
Applications for writs of error determined	781
Motions for leave to file petitions for writs of mandamus involving civil cases determined	264
Petitions for writs of habeas corpus determined	28
Writs of prohibitions and injunction determined	22
Petitions for review	<u>1</u>
TOTAL CAUSES PASSED ON BY THE COURT	<u>1,234</u>

B. Motions Passed on During the Year Ending August 31, 1989:

Motions for rehearing of causes determined by the Court	62
Motions for rehearing of applications for writs of error determined	257
Motions for rehearing of motions for leave to file petitions for writs of mandamus determined	27
Motions for rehearing of habeas corpus determined	2
Miscellaneous motions passed on by the Court	<u>981</u>
TOTAL MOTIONS PASSED ON BY THE COURT	<u>1,329</u>

GRAND TOTAL OF MATTERS PASSED ON BY THE COURT 2,563

C. Matters Pending August 31, 1989:

Regular causes (not including motions for rehearing)	29
Applications for writs of error	353
Habeas Corpus	0
Writs of Prohibition	2
Motions for rehearing of causes	31
Motions for rehearing of applications	48
Motions for leave to file petitions for writs of mandamus	32
Motions for rehearing of petitions for habeas corpus	0
Motions for rehearing of motions for leave to file	<u>0</u>
TOTAL MATTERS PENDING AUGUST 31, 1989	<u>495</u>

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(Continued)

REGULAR CAUSES*

A. On Docket Within the Year Ending August 31, 1989:

Causes pending on September 1, 1988	(Pending under submission,.....	47
	including motions for rehearing)	
	(Pending set for submission).....	<u>10</u>
REGULAR CAUSES PENDING SEPTEMBER 1, 1988		<u>57</u>
By granted applications for writs of error.....		76
By granted motions for leave to file petitions for writs of mandamus		31
By direct appeals filed		3
By granted habeas corpus filed		8
By certified questions		1
By Rule 133(b) (Texas Rules of Appellate Procedure)		21
Causes dismissed		<u>1</u>
REGULAR CAUSES ADDED		<u>141</u>
TOTAL REGULAR CAUSES ON DOCKET		<u>198</u>

B. Dispositions:

Judgment of Court of Appeals is affirmed, or reformed (or in part) and affirmed (or in part), or modified (or in part) and affirmed (or in part)		13
Judgment of Court of Appeals affirmed in part and modified in part, or affirmed in part and reversed in part and remanded to trial court		4
Judgment of Court of Appeals is affirmed (or modified) in part and reversed (or in part) and remanded to trial court		2
Judgment of Court of Appeals affirmed in part and reversed and rendered in part and remanded in part		1
Judgment of Court of Appeals (or judgments below) reversed and remanded or rendered		31
Judgment of Court of Appeals (or judgements below) reversed and remanded to trial court (or district court)		24
Judgment of Court of Appeals reversed and trial court (or district court) affirmed		10
Judgment of Court of Appeals reversed and trial court affirmed in part and remanded in part		1
Judgment of Court of Appeals reversed and that of the commissioner is affirmed		1
Judgments below are set aside and judgment rendered		1
Judgment of trial court is affirmed and remanded		1
Judgments dismissed as moot		2

**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 four 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 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.

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(Continued)

REGULAR CAUSES (Cont'd)

B. Dispositions (Cont'd):

Mandamus.....	(Writs granted).....	27
	(Writs dismissed).....	7
	(Writs denied).....	4
Direct Appeals.....	(Judgment of trial courts reversed).....	0
	(Causes dismissed for want of jurisdiction).....	1
	(Causes dismissed as moot).....	0
Habeas Corpus.....	(Relators discharged).....	7
	(Relators remanded).....	1
TOTAL DISPOSITIONS.....		<u>138</u>

C. Causes Pending on August 31, 1989:

Pending, under submission (includes causes on motions for rehearing).....	44
Pending, set for submission.....	<u>16</u>
PENDING AUGUST 31, 1989:.....	<u>60</u>

D. Causes Submitted During Year Ending August 31, 1989:

Orally.....	89
On briefs.....	<u>27</u>
TOTAL CAUSES SUBMITTED.....	<u>116</u>

CASES OTHER THAN REGULAR CAUSES

A. Applications for Writs of Error:

1. On Docket:

Pending on September 1, 1988.....	313
Filed During Year Ending August 31, 1989.....	<u>821</u>
TOTAL APPLICATIONS ON DOCKET.....	<u>1,134</u>

2. Dispositions:

Granted.....	76
Refused.....	1
Withdrawn.....	4
Writ denied.....	654
Dismissed for want of jurisdiction.....	23
Struck.....	1
Dismissed on petitioners' requests.....	9
Joint motions of parties to dismiss.....	4
Dismissed as moot.....	6
Removed.....	<u>3</u>
TOTAL DISPOSITIONS.....	<u>781</u>

Pending August 31, 1989.....	<u>353</u>
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(Continued)

CASES OTHER THAN REGULAR CAUSES (Cont'd)

B. Mandamus - Civil:

1. On Docket:

Pending September 1, 198839
 Filed During Year Ending August 31, 1989.....257

TOTAL ON DOCKET 296

2. Dispositions:

Granted31
 Overruled225
 Dismissed as moot7
 Transferred.....1

TOTAL DISPOSITIONS 264

Pending August 31, 1989 32

C. Habeas Corpus:

1. On Docket:

Pending September 1, 19882
 Filed During Year Ending August 31, 1989.....26

TOTAL ON DOCKET 28

2. Dispositions:

Granted8
 Denied19
 Dismissed as moot1

TOTAL DISPOSITIONS 28

Pending August 31, 1989 0

D. Writs of Prohibition and Injunction:

1. On Docket:

Pending September 1, 19884
 Filed During Year Ending August 31, 1989.....20

TOTAL ON DOCKET 24

2. Dispositions:

Granted1
 Overruled21

TOTAL DISPOSITIONS 22

Pending August 31, 1989 2

SUPREME COURT
Activity for the Year Ending August 31, 1989
(Continued)

CASES OTHER THAN REGULAR CAUSES (Cont'd)

E. Petitions for Review:

1. On Docket:	
Pending September 1, 1988	0
Filed During Year Ending August 31, 1989	<u>1</u>
TOTAL ON DOCKET	<u>1</u>
2. Dispositions:	
Granted	0
Overruled	<u>1</u>
TOTAL DISPOSITIONS	1
Pending August 31, 1989	<u>0</u>

F. Motions:

1. Motions for Rehearing of Causes	
a. On Docket:	
Pending September 1, 1988	25
Filed During Year Ending August 31, 1989	<u>68</u>
TOTAL ON DOCKET	<u>93</u>
b. Dispositions:	
Granted	2
Overruled	60
Withdrawn	<u>0</u>
TOTAL DISPOSITIONS	62
Pending August 31, 1989	<u>31</u>
2. Motions for Rehearing of Applications for Writs of Error	
a. On Docket:	
Pending September 1, 1988	48
Filed During Year Ending August 31, 1989	<u>257</u>
TOTAL ON DOCKET	<u>305</u>
b. Dispositions:	
Granted	8
Overruled	247
Dismissed on joint motion	1
Withdrawn	<u>1</u>
TOTAL DISPOSITIONS	<u>257</u>
Pending August 31, 1989	<u>48</u>

SUPREME COURT
Activity for the Year Ending August 31, 1989
(Continued)

CASES OTHER THAN REGULAR CAUSES (Cont'd)

F. Motions (Cont'd):

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

a. On Docket:

Pending September 1, 19887
Filed During Year Ending August 31, 198920

TOTAL ON DOCKET 27

b. Dispositions:

Granted0
Overruled27

TOTAL DISPOSITIONS 27

Pending August 31, 1989 0

4. Motions for Rehearing on Habeas Corpus

a. On Docket:

Pending September 1, 19880
Filed During Year Ending August 31, 19892

TOTAL ON DOCKET 2

b. Dispositions:

Granted0
Overruled2

TOTAL DISPOSITIONS 2

Pending August 31, 1989 0

5. Miscellaneous Motions

Passed on by the Court During Year Ending August 31, 1989
(includes Rule 130(d), motions to dismiss, etc.) 981
Pending August 31, 1989 24

**OPINIONS DELIVERED BY THE COURT DURING YEAR
ENDING AUGUST 31, 1989**

Deciding causes 110
Concurring 14
Dissenting 33
Concurring and dissenting 10
Per curiam on applications, motions, etc. 7

TOTAL OPINIONS DELIVERED 174

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(Continued)

JUSTICES	DECIDING OPINIONS			Concurring and Dissenting	Concurring and Dissenting	Application denied with Per Curiam	On Motion for Rehearing	Other Opinions	Total per Judge
	Majority Opinions	Rule 133(b) Per Curiams	Concurring Opinions						
THOMAS R. PHILLIPS Chief Justice	8	6	2	2	0	1	0	0	19
THOMAS W. LUCE ¹ Chief Justice	0	0	1	0	0	0	0	0	1
FRANKLIN S. SPEARS Justice	11	11	0	2	1	0	0	1	26
C. L. RAY Justice	10	4	2	5	0	0	1	0	22
RAUL A. GONZALEZ Justice	8	2	2	10	2	0	1	0	25
OSCAR H. MAUZY Justice	8	1	2	6	4	0	1	1	23
EUGENE A. COOK ² Justice	8	4	2	1	0	0	0	0	15
JACK HIGHTOWER ³ Justice	2	7	0	0	1	0	0	0	10
NATHAN L. HECHT ⁴ Justice	0	1	1	2	0	0	0	0	4
LLOYD DOGGETT ⁴ Justice	6	2	0	0	0	1	0	0	9
TED Z. ROBERTSON ⁵ Justice	2	2	0	1	1	0	0	0	6
WILLIAM W. KILGARLIN ⁵ Justice	2	0	2	2	1	0	0	0	7
BARBARA G. CULVER ⁶ Justice	3	2	0	2	0	0	0	0	7
TOTALS	68	42	14	33	10	2	3	2	174

¹Special limited appointment to hear one case.
²Took office 9/2/88.
³Took office 12/7/88.

⁴Took office 1/1/89.
⁵Took office 12/31/88.
⁶Took office 12/6/88.

SUPREME COURT

Activity for the Year Ending August 31, 1989

(Continued)

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

COURT AND LOCATION	Court of Appeals Affirmed	Ct.App. Aff'd part, Rev'd part	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	2	0	0	3	3	4	1	13
SECOND Fort Worth	2	0	0	2	1	1	0	6
THIRD Austin	0	0	1	1	3	0	2	7
FOURTH San Antonio	0	0	0	1	0	1	1	3
FIFTH Dallas	2	1	0	7	0	0	2	12
SIXTH Texarkana	0	1	0	1	0	1	0	3
SEVENTH Amarillo	0	1	0	2	4	0	0	7
EIGHTH El Paso	1	0	0	0	1	1	0	3
NINTH Beaumont	0	0	3	0	4	1	2	10
TENTH Waco	1	0	0	0	0	0	0	1
ELEVENTH Eastland	2	0	1	0	1	0	0	4
TWELFTH Tyler	0	0	0	1	0	0	0	1
THIRTEENTH Corpus Christi	0	1	1	3	2	0	0	7
FOURTEENTH Houston	<u>0</u>	<u>1</u>	<u>4</u>	<u>1</u>	<u>3</u>	<u>0</u>	<u>1</u>	<u>10</u>
TOTAL	10	5	10	22	22	9	9	87

SUPREME COURT
Activity for the Year Ending August 31, 1989
(Continued)

**APPLICATIONS FOR WRITS OF ERROR FILED IN THE
SUPREME COURT, BY COUNTY**

County	Causes	County	Causes	County	Causes	County	Causes
Dallas	204	Lavaca	5	Austin	2	Eastland	1
Harris	196	Live Oak	5	Bailey	2	Falls	1
Travis	73	Victoria	5	Ellis	2	Fisher	1
Nueces	62	Bell	4	Franklin	2	Frio	1
Tarrant	61	Brazoria	4	Gaines	2	Garza	1
Bexar	55	Calhoun	4	Gonzales	2	Goliad	1
Jefferson	34	Cherokee	4	Gray	2	Guadalupe	1
El Paso	26	Kaufman	4	Hardin	2	Hamilton	1
Cameron	20	Morris	4	Hockley	2	Harrison	1
Midland	17	Reagan	4	Jasper	2	Henderson	1
Smith	17	Reeves	4	Kendall	2	Hill	1
Ector	15	Robertson	4	Lee	2	Hood	1
Collin	12	Taylor	4	Lipscomb	2	Hunt	1
McLennan	10	Tom Green	4	Matagorda	2	Karnes	1
Lubbock	9	Tyler	4	Palo Pinto	2	Liberty	1
Upshur	9	Wharton	4	San Patricio	2	Limestone	1
Bee	8	Wichita	4	Val Verde	2	Marion	1
Fort Bend	8	Williamson	4	Zapata	2	McCulloch	1
Galveston	8	Andrews	3	Anderson	1	Medina	1
Hidalgo	8	Caldwell	3	Bosque	1	Mitchell	1
Potter	8	Duval	3	Brown	1	Red River	1
Bastrop	7	Gregg	3	Burleson	1	Schleicher	1
Hays	7	Hopkins	3	Carson	1	Starr	1
Nolan	7	Jim Wells	3	Chambers	1	Throckmorton	1
Orange	7	Maverick	3	Collingsworth	1	Titus	1
Bowie	6	Montgomery	3	Comal	1	Trinity	1
Brazos	6	Moore	3	Comanche	1	Van Zandt	1
Denton	6	Ochiltree	3	Concho	1	Washington	1
Erath	6	Polk	3	Cooke	1	Wise	1
Leon	6	Randall	3	Coryell	1	Wood	1
Webb	6	Uvalde	3	Cottle	1	Young	1
Angelina	5	Willacy	3	Crosby	1		
Hudspeth	5	Aransas	2	DeWitt	1		