

SUPREME COURT

Analysis of Activity for the Year Ending August 31, 1991

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 2,658 matters during fiscal year 1991, a decrease of 3 percent from the 2,742 matters passed on in fiscal year 1990.

REGULAR CAUSES

The 154 regular causes added to the Court's docket were 2.5 percent less than the 158 regular causes added in fiscal year 1990.

The 145 regular causes disposed of were 5.8 percent less than the 154 disposed of in fiscal year 1990 and 6.6 percent more than the 10-year average of 136. Of the regular causes disposed of during 1991, 107 came to the Court on applications for writs of error from the 14 Courts of Appeals. Of those 107 dispositions, the lower courts were reversed in whole or in part in 75 causes, or 70 percent. This compares to 82 percent reversals in fiscal year 1990.

The 81 regular causes (including motions for rehearing) left pending at the end of fiscal year 1991 represented 36 percent of the total number of regular causes added during the year or carried over from the previous year. This is 24 causes higher than the 10-year average of 57 pending causes. At the end of fiscal year 1990, 64 regular causes had been pending in the Court.

APPLICATIONS FOR WRITS OF ERROR

The 1,055 applications for writs of error filed during fiscal year 1991 represented a 21.8 percent increase from the 866 applications filed in fiscal year 1990, and was 14.4 percent higher than the 10-year average of 922.

The 1,051 applications for writs of error disposed of during the year were 19.2 percent more than the 876 disposed of during fiscal year 1990, and 15.6 percent higher than the 10-year average of 909.

Of the 1,051 applications disposed of, 130 (or 12.4 percent) were granted.

The 424 applications for writs of error left pending at the end of fiscal year 1991 represented 29 percent of the total number of such applications filed during the year or carried over from the previous year. This is 123 more pending applications than the 10-year average of 301 pending applications. At the end of fiscal year 1990, 343 applications for writs of error had been pending in the Court.

OTHER WRITS AND MOTIONS

The 1,502 other writs and motions filed during fiscal year 1991 were 92.5 percent more than the 780 filed during fiscal year 1990. (This does not include miscellaneous motions such as motions for extension of time, etc., which are often not docketed as separate causes.) This is 53.7 percent more than the 10-year average of 977 other writs and motions filed.

The 1,462 other writs and motions disposed of during fiscal year 1991 were 88.6 percent more than the 775 disposed of during fiscal year 1990. This is 588 more dispositions than the 10-year average of 874 dispositions.

The 158 other writs and motions left pending by the Court at the end of fiscal year 1991 represented 9.8 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 1990, 118 other writs and motions had been pending in the Court.

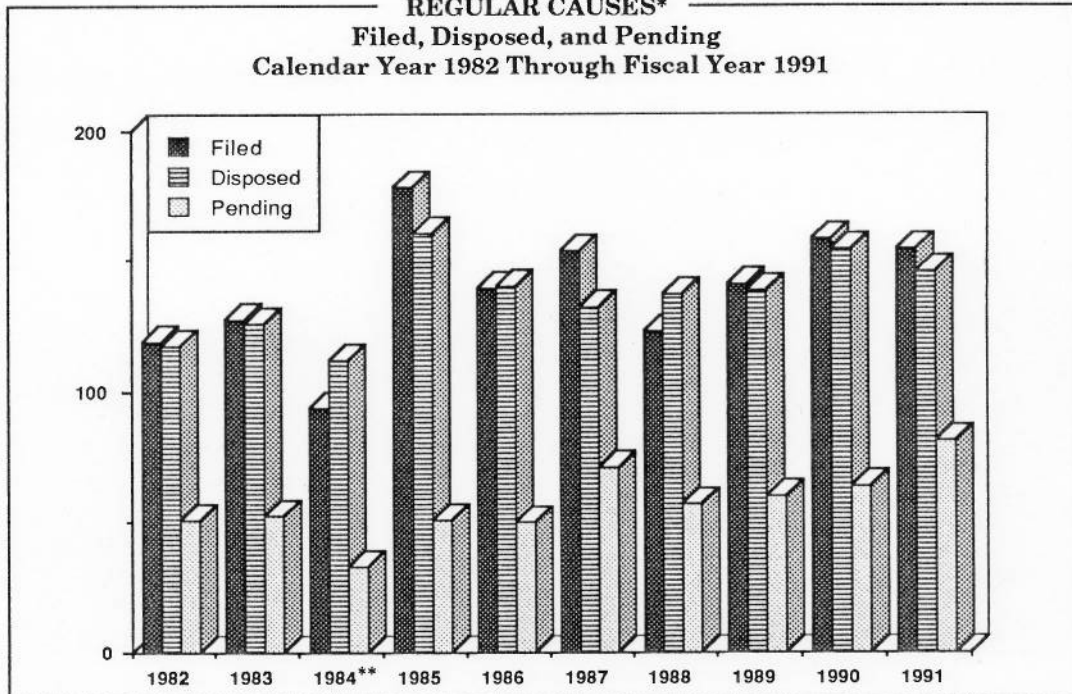
OPINIONS WRITTEN

During fiscal year 1991, the justices of the Supreme Court wrote 211 opinions (or an average of 23 opinions each), 12.8 percent more than the 187 opinions written in fiscal year 1990 and 14.7 percent more than the 10-year average of 184. Of the opinions written in 1991, 119 (or 56 percent) were deciding opinions which disposed of causes.

During fiscal year 1991, the Supreme Court heard oral argument of 71 causes and considered an additional 38 causes submitted on briefs.

SUPREME COURT

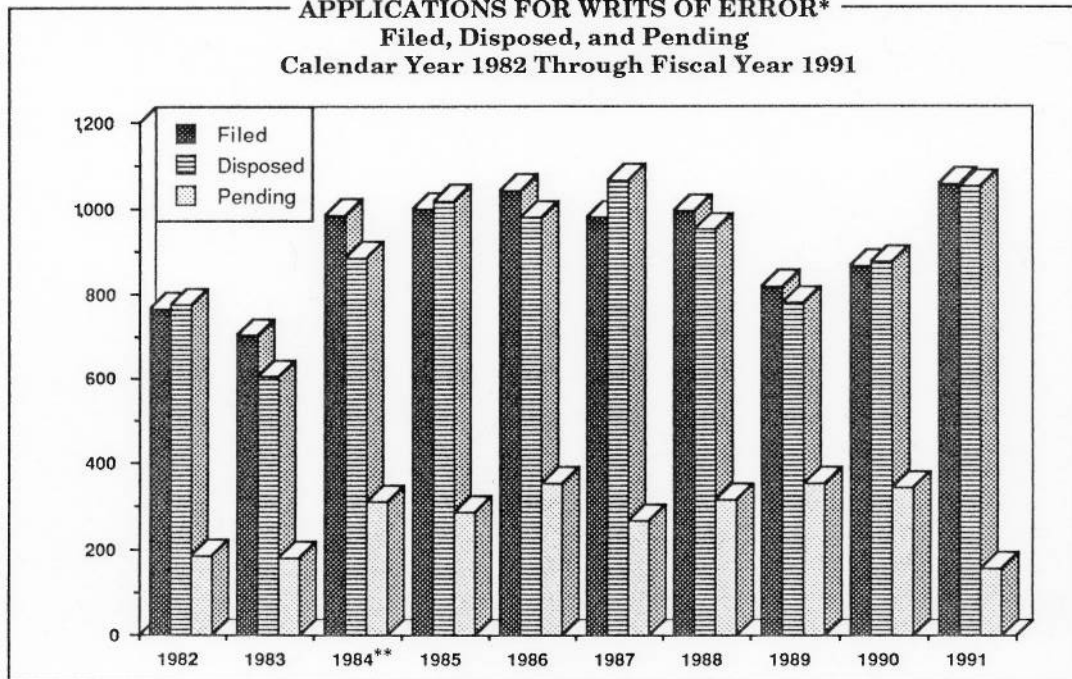
REGULAR CAUSES*
Filed, Disposed, and Pending
Calendar Year 1982 Through Fiscal Year 1991



*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.

**1984 and following are fiscal years; all previous are calendar years.

APPLICATIONS FOR WRITS OF ERROR*
Filed, Disposed, and Pending
Calendar Year 1982 Through Fiscal Year 1991



*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.

**1984 and following are fiscal years; all previous are calendar years.

SUPREME COURT

Activity for the Year Ending August 31, 1991

SUMMARY OF DOCKET ACTIVITY

A. Causes of Action Passed on During the Year Ending August 31, 1991:

Regular causes determined by the Court	145
Applications for writs of error determined	1,051
Motions for leave to file petitions for writs of mandamus involving civil cases determined	221
Petitions for writs of habeas corpus determined	17
Writs of prohibitions and injunction determined	6
U.S. Certified Questions	2
Direct Appeals	3
Petitions for review.....	4
Petition to publish under Rule 90c, T.R.A.P	7
	7
TOTAL CAUSES PASSED ON BY THE COURT	1,456

B. Motions Passed on During the Year Ending August 31, 1991:

Motions for rehearing of causes determined by the Court	83
Motions for rehearing of applications for writs of error determined	318
Motions for rehearing of motions for leave to file petitions for writs of mandamus determined	32
Motions for rehearing of habeas corpus determined	3
Miscellaneous motions passed on by the Court.....	761
Motions for rehearing of petition for review	2
Motions for rehearing of direct appeals.....	1
Motions for rehearing of petitions to publish under 90c	2
	2
TOTAL MOTIONS PASSED ON BY THE COURT	1,202

GRAND TOTAL OF MATTERS PASSED ON BY THE COURT 2,658

C. Matters Pending August 31, 1991:

Regular causes (not including motions for rehearing)	81
Applications for writs of error.....	424
Habeas Corpus	3
Motions for rehearing of causes	22
Motions for rehearing of applications	46
Motions for leave to file petitions for writs of mandamus	37
Motions for rehearing of motions for leave to file petitions for writs of mandamus	8
Petition to publish under Rule 90c, T.R.A.P	1
Miscellaneous motions	39
Direct appeals	2
	2
TOTAL MATTERS PENDING AUGUST 31, 1991	663

SUPREME COURT

Activity for the Year Ending August 31, 1991

(Continued)

REGULAR CAUSES*

A. On Docket Within the Year Ending August 31, 1991:

Causes pending on September 1, 1990	(Pending under submission, including motions for rehearing)	44
	(Pending set for submission).....	<u>16</u>
REGULAR CAUSES PENDING SEPTEMBER 1, 1990		72
By granted applications for writs of error		111
By granted motions for leave to file petitions for writs of mandamus		27
By direct appeals filed		2
By granted habeas corpus filed		3
By certified questions		1
By granted rehearing		7
By causes reconsidered		<u>3</u>
REGULAR CAUSES ADDED		<u>154</u>
TOTAL REGULAR CAUSES ON DOCKET		<u><u>226</u></u>

B. Dispositions:

Judgment of Court of Appeals is affirmed, reversed and rendered	6
Judgment of Court of Appeals is reversed, rendered and remanded	1
Judgment of Court of Appeals is affirmed	14
Judgment of Court of Appeals is reversed and rendered	10
Judgment of Court of Appeals is reversed and remanded	12
Judgment of Court of Appeals is affirmed, reversed and remanded	7
Judgment of Court of Appeals is affirmed and reversed	2
Judgment of Court of Appeals is modified and affirmed	2
Judgment of Court of Appeals is reversed and dismissed	2
Judgment of Court of Appeals is vacated and remanded	1
Judgment of Court of Appeals is modified	1
Judgment of Court of Appeals is conditionally granted	1
Judgment of Court of Appeals is reversed, remanded to trial court	18
Judgment of Court of Appeals is reversed, trial court affirmed	15
Judgment of the courts are reversed and remanded to trial court	1
Judgment of the courts are reversed and rendered	1
Joint motion granted	3
Order withdrawn	1
Order withdrawn and denied as improvidently granted	7
Removed to Federal Court	1
Motion for rehearing granted in part	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 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.

SUPREME COURT
Activity for the Year Ending August 31, 1991
(Continued)

REGULAR CAUSES (Cont.)

B. Dispositions (Cont'd):

Mandamus.....	(Writs granted).....	1	
	(Writs conditionally granted).....	15	
	(Writs denied).....	2	
	(Writs overruled/improvident grant)	10	
Direct Appeals.....	(Judgment vacated, cause dismissed)	1	
	(Conditionally granted).....	1	
Habeas Corpus.....	(Relators discharged).....	5	
	(Relators remanded).....	1	
	(Denied, improvident grant).....	1	
	(Order withdrawn).....	1	
TOTAL DISPOSITIONS			<u>145</u>

C. Causes Pending on August 31, 1991:

Pending, under submission (includes causes on motions for rehearing)	50	
Pending, set for submission	31	
PENDING AUGUST 31, 1991:		<u>81</u>

D. Causes Submitted During Year Ending August 31, 1991:

Orally.....	71	
On briefs	38	
TOTAL CAUSES SUBMITTED		<u>109</u>

CASES OTHER THAN REGULAR CAUSES

A. Applications for Writs of Error:

1. On Docket:

Pending on September 1, 1990	391	
Filed During Year Ending August 31, 1991	1,055	
Reinstated	29	
TOTAL APPLICATIONS ON DOCKET		1,475

2. Dispositions:

Granted	130	
Refused	2	
Withdrawn	2	
Writ denied	848	
Dismissed	31	
Dismissed for want of jurisdiction.....	29	
Denied, improvident grant	11	
TOTAL DISPOSITIONS		<u>1,051</u>

Pending August 31, 1991		<u>424</u>
-------------------------------	--	------------

SUPREME COURT
Activity for the Year Ending August 31, 1991
(Continued)

CASES OTHER THAN REGULAR CAUSES (Cont'd)

B. Mandamus - Civil:

1. On Docket:

Pending September 1, 1990	46
Filed During Year Ending August 31, 1991	202
Reinstated	<u>10</u>

TOTAL ON DOCKET 258

2. Dispositions:

Granted	30
Overruled	177
Dismissed as moot	1
Dismissed	3
Withdrawn	2
Overruled, improvident grant	<u>8</u>

TOTAL DISPOSITIONS 221

Pending August 31, 1991 37

C. Habeas Corpus:

1. On Docket:

Pending September 1, 1990	2
Filed During Year Ending August 31, 1991	15
Reinstated	<u>3</u>

TOTAL ON DOCKET 20

2. Dispositions:

Granted	4
Denied	11
Denied, improvident grant	<u>2</u>

TOTAL DISPOSITIONS 17

Pending August 31, 1991 3

D. Writs of Prohibition and Injunction:

1. On Docket:

Pending September 1, 1990	0
Filed During Year Ending August 31, 1991	<u>6</u>

TOTAL ON DOCKET 6

2. Dispositions:

Withdrawn	2
Overruled	2
Transferred	1
Dismissed as moot	<u>1</u>

TOTAL DISPOSITIONS 6

Pending August 31, 1991 0

SUPREME COURT
Activity for the Year Ending August 31, 1991
(Continued)

CASES OTHER THAN REGULAR CAUSES (Cont'd)

E. Petitions for Review:

1. On Docket:

Pending September 1, 19901
 Filed During Year Ending August 31, 19913

TOTAL ON DOCKET 4

2. Dispositions:

Denied3
 Dismissed1

TOTAL DISPOSITIONS 4

Pending August 31, 1991 0

F. U.S. Certified Questions:

1. On Docket:

Pending September 1, 19900
 Filed During Year Ending August 31, 19912

TOTAL ON DOCKET 2

2. Dispositions:

Declined1
 Accepted1

TOTAL DISPOSITIONS 2

Pending August 31, 1991 0

G. Direct Appeals:

1. On Docket:

Pending September 1, 19901
 Filed During Year Ending August 31, 19914

TOTAL ON DOCKET 5

2. Dispositions:

Jurisdiction noted2
 Dismissed as moot1

TOTAL DISPOSITIONS 3

Pending August 31, 1991 2

SUPREME COURT
Activity for the Year Ending August 31, 1991
(Continued)

CASES OTHER THAN REGULAR CAUSES (Cont'd)

H. Petition to Publish Under Rule 90c, T.R.A.P.:

1. On Docket:		
Pending September 1, 1990	0	
Filed During Year Ending August 31, 1991	<u>8</u>	
TOTAL ON DOCKET		8
2. Dispositions:		
Denied	5	
Granted	<u>2</u>	
TOTAL DISPOSITIONS		<u>7</u>
Pending August 31, 1991		<u><u>1</u></u>

I. Motions:

1. Motions for Rehearing of Causes

a. On Docket:		
Pending September 1, 1990	22	
Filed During Year Ending August 31, 1991	<u>83</u>	
TOTAL ON DOCKET		105
b. Dispositions:		
Granted	11	
Overruled	<u>72</u>	
TOTAL DISPOSITIONS		<u>83</u>
Pending August 31, 1991		<u><u>22</u></u>

2. Motions for Rehearing of Applications for Writs of Error

a. On Docket:		
Pending September 1, 1990	36	
Filed During Year Ending August 31, 1991	<u>328</u>	
TOTAL OF DOCKET		364
b. Dispositions		
Granted	8	
Overruled	306	
Returned	1	
Dismissed as moot	<u>3</u>	
TOTAL DISPOSITIONS		<u>318</u>
Pending August 31, 1991		<u><u>46</u></u>

SUPREME COURT
Activity for the Year Ending August 31, 1991
(Continued)

CASES OTHER THAN REGULAR CAUSES (Cont'd)

I. Motions (Con't.):

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

a. On Docket:

Pending September 1, 19905
Filed During Year Ending August 31, 199135

TOTAL ON DOCKET 40

b. Dispositions:

Overruled32

TOTAL DISPOSITIONS 32

Pending August 31, 1991 8

4. Motions for Rehearing on Habeas Corpus

a. On Docket:

Pending September 1, 19900
Filed During Year Ending August 31, 19913

TOTAL ON DOCKET 3

b. Dispositions:

Overruled3

TOTAL DISPOSITIONS 3

Pending August 31, 1991 0

5. Motions for Rehearing on Petition for Review

a. On Docket:

Pending September 1, 19900
Filed During Year Ending August 31, 19912

TOTAL OF DOCKET 2

b. Dispositions:

Overruled2

TOTAL DISPOSITIONS 2

Pending August 31, 1991 0

SUPREME COURT
Activity for the Year Ending August 31, 1991
(Continued)

CASES OTHER THAN REGULAR CAUSES (Cont'd)

6. Motions for Rehearing on Direct Appeal

a. On Docket:

Pending September 1, 19900
 Filed During Year Ending August 31, 19911

TOTAL ON DOCKET 1

b. Dispositions:

Overruled1

TOTAL DISPOSITIONS 1

Pending August 31, 1991 0

7. Motions for Rehearing on Petitions to Publish Under Rule 90c, T.R.A.P.

a. On Docket:

Pending September 1, 19900
 Filed During Year Ending August 31, 19912

TOTAL ON DOCKET 2

b. Dispositions:

Overruled2

TOTAL DISPOSITIONS 2

Pending August 31, 1991 0

8. Miscellaneous Motions

Passed on by the Court During Year Ending August 31, 1991
 (includes Rule 130(d), motions to dismiss, etc.) 761

Pending August 31, 1991 39

**OPINIONS DELIVERED BY THE COURT DURING YEAR
 ENDING AUGUST 31, 1991**

Deciding Opinions119
 Concurring26
 Dissenting34
 Concurring and dissenting7
 Per curiam on applications, motions, etc.25

TOTAL OPINIONS DELIVERED 211

SUPREME COURT
Activity for the Year Ending August 31, 1991
(Continued)

**OPINIONS DELIVERED BY THE
SUPREME COURT**

<u>JUSTICES</u>	<u>DECIDING OPINIONS</u>		<u>Concurring Opinions</u>	<u>Dissenting Opinions</u>	<u>Concurring and Dissenting</u>	<u>Applica- tion denied with Per Curiam</u>	<u>On Motion for Rehearing</u>	<u>Other Opinions</u>	<u>Total per Justice</u>
	<u>Majority Opinions</u>	<u>Rule 133(b) Per Curiams</u>							
THOMAS R. PHILLIPS Chief Justice	6	1	0	3	0	0	5	0	15
RAUL A. GONZALEZ Justice	12	1	8	9	2	1	1	0	34
OSCAR H. MAUZY Justice	8	8	6	7	2	0	1	0	32
EUGENE A. COOK Justice	10	6	3	1	0	0	2	0	22
JACK HIGHTOWER Justice	9	2	0	1	0	4	0	0	16
NATHAN L. HECHT Justice	12	2	2	5	1	2	0	1	25
LLOYD DOGGETT Justice	8	4	6	5	2	3	0	0	28
JOHN CORNYN Justice	4	5	0	1	0	1	0	0	11
BOB GAMMAGE Justice	3	3	1	0	0	0	0	0	7
*C. L. RAY Justice	7	5	0	2	0	1	3	0	18
*FRANKLIN S. SPEARS Justice	3	0	0	0	0	0	0	0	3
	—	—	—	—	—	—	—	—	—
TOTALS	82	37	26	34	7	12	12	1	211

*Left Office December 31, 1990.

SUPREME COURT
Activity for the Year Ending August 31, 1991
(Continued)

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

<u>COURT AND LOCATION</u>	<u>Court of Appeals Affirmed</u>	<u>Ct. App. Aff'd part, and Rev'd part</u>	<u>Ct. App. Reversed, Trial Ct. Affirmed</u>	<u>Reversed, Remand to Court of Appeals</u>	<u>Reversed, Remand to Trial Court</u>	<u>Reversed and Rendered</u>	<u>Other</u>	<u>TOTAL FOR COURT</u>
FIRST Houston	2	1	1	2	3	2	1	12
SECOND Fort Worth	1	1	0	1	1	1	3	8
THIRD Austin	1	1	3	2	3	1	0	11
FOURTH San Antonio	0	0	2	1	1	0	1	5
FIFTH Dallas	3	3	2	1	1	0	2	12
SIXTH Texarkana	2	0	1	1	0	2	0	6
SEVENTH Amarillo	1	0	0	0	0	0	0	1
EIGHTH El Paso	1	2	1	0	1	0	0	5
NINTH Beaumont	0	0	2	1	3	1	1	8
TENTH Waco	0	0	0	0	0	0	1	1
ELEVENTH Eastland	0	0	0	0	0	0	0	0
TWELFTH Tyler	1	0	0	2	0	0	1	4
THIRTEENTH Corpus Christi	3	3	1	0	2	0	0	9
FOURTEENTH Houston	1	2	1	0	2	3	6	15
TOTAL	16	13	14	11	17	10	16	97

SUPREME COURT
Activity for the Year Ending August 31, 1991
(Continued)

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

<u>Name of County</u>	<u>Number of Applications</u>	<u>Name of County</u>	<u>Number of Applications</u>	<u>Name of County</u>	<u>Number of Applications</u>	<u>Name of County</u>	<u>Number of Applications</u>
Harris	222	Burnet	4	San Jacinto	2	Lavaca	1
Dallas	120	Lubbock	4	Scurry	2	Lee	1
Travis	76	Medina	4	Swisher	2	Lipscomb	1
Bexar	71	Midland	4	Tom Green	2	Madison	1
Tarrant	58	Newton	4	Willacy	2	Montague	1
Nueces	43	Orange	4	Wise	2	Moore	1
El Paso	32	Reeves	4	Wood	2	Nacogdoches	1
Jefferson	29	Wharton	4	Zavala	2	Navarro	1
Cameron	22	Anderson	3	Aransas	1	Nolan	1
Galveston	18	Brown	3	Bee	1	Palo Pinto	1
Denton	16	Cooke	3	Chambers	1	Parker	1
Hidalgo	12	Fort Bend	3	Comanche	1	Randall	1
Potter	12	Goliad	3	Crockett	1	Real	1
Collin	11	Jasper	3	Duval	1	Robertson	1
Liberty	9	Jim Wells	3	Eastland	1	Rusk	1
Smith	9	Johnson	3	Ellis	1	Shelby	1
Walker	9	Live Oak	3	Falls	1	Sherman	1
Grayson	8	Matagorda	3	Fayette	1	Somervell	1
Victoria	7	Rockwall	3	Gillespie	1	Stephens	1
Wichita	7	Williamson	3	Guadalupe	1	Trinity	1
Angelina	6	Atascosa	2	Hamilton	1	Tyler	1
Bowie	6	Bosque	2	Hardeman	1	Upshur	1
Hardin	6	Caldwell	2	Harrison	1	Upton	1
Maverick	6	Calhoun	2	Hartley	1	Val Verde	1
McLennan	6	Crosby	2	Hemphill	1	Waller	1
Montgomery	6	Erath	2	Hill	1	Ward	1
Brazoria	5	Gaines	2	Hockley	1	Young	1
Brazos	5	Gregg	2	Hood	1	Zapata	1
Ector	5	Kendall	2	Hopkins	1		
Hays	5	Kerr	2	Houston	1		
Kaufman	5	Kleberg	2	Howard	1		
Taylor	5	Lamar	2	Hunt	1		
Webb	5	Leon	2	Hutchinson	1		
Bastrop	4	Milam	2	Jackson	1		
Bell	4	Polk	2	Jones	1		
Brooks	4	San Augustine	2	Knox	1		