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The Work of the Louisiana Supreme Court for the 1960-1961 Term

Statistical Survey

George W. Pugh* and Jean H. Pugh**

The 1960-1961 Supreme Court term was the first full term elapsing since the effective date of the recent revision of the jurisdiction of the state's appellate courts,¹ and reflects the salutary results envisioned.² As anticipated,³ there was a substantial increase in the number of writ applications (16% over the corresponding number for the preceding year), and a decrease in the number of cases disposed of with written opinions (36%), reflecting the fact that under the new system, the Supreme Court is able to select the cases most deserving of review by the state's highest court. Also, there was a decrease in the number of applications for rehearings disposed of (40%), which quite naturally accompanied the decrease in the number of cases disposed of with written opinions. The detailed figures are summarized in the following chart.

CHART 1
Volume of Judicial Business

	Number		Percent Change
	1959-60	1960-61	
Cases disposed of with written opinions.....	201	128	-36.32%
Applications for writs considered.....	271	314	+15.87%
Applications for rehearings disposed of.....	96	58	-39.58%
Grand total of matters handled.....	568	500	-11.97%

In view of the steady increase in Louisiana litigation (a 63% increase in number of civil cases filed in the district courts in

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1. LA. CONST. art. VII, §§ 10, 19, 20-24, 26, 28-30, 81, and 91, as amended on November 4, 1958, pursuant to La. Acts 1958, No. 561.

2. Tucker, Tate & McMahon, *Appellate Reorganization in Louisiana*, 19 LOUISIANA LAW REVIEW 287 (1959); Pugh & Pugh, *Statistical Survey, The Work of the Louisiana Supreme Court for the 1959-1960 Term*, 21 LOUISIANA LAW REVIEW 277 (1961), hereinafter cited as *Statistical Survey*.

3. *Statistical Survey*, 21 LOUISIANA LAW REVIEW 277, 278 (1961).

the seven-year period from 1955 through 1961),⁴ the great number of cases currently being disposed of by the courts of appeal (1120 during the 1960-1961 fiscal year),⁵ and the efficient and inexpensive procedures for making applications for writs, it is to be expected that the number of writ applications will show yet greater increase in the future.

The impact of the recent revision in decreasing the delays which, historically, have afflicted the administration of justice, is demonstrated by the fact that of the cases decided during the past term, a greater percentage was disposed of within six months of filing (36%) than in any of the prior eight years.⁶ Likewise, a greater percentage (74%) was disposed of within one year.

CHART 2
Percentage of reported cases disposed of within designated time periods

Supreme Court Term	Time elapsed between disposition of reported cases and date of filing in Supreme Court		
	6 months or less	1 year or less	1½ years or less
1952-1953	29.9	57.6	76.0
1953-1954	32.5	66.3	81.3
1954-1955	27.0	61.0	85.1
1955-1956	30.8	54.9	81.6
1956-1957	21.7	50.9	80.5
1957-1958	27.1	51.3	84.4
1958-1959	31.6	56.3	69.3
1959-1960	29.4	53.2	57.2
1960-1961	35.9	74.2	87.5

It is to be expected that statistical data for the current term will reflect yet further reduction in the time lag between filing and disposition, and it is hoped that this term at least a majority of the cases will be disposed of within six months of filing.

Over the years, the number of writ applications considered has constituted an increasing percentage of the total volume of the Supreme Court's judicial business. As anticipated,⁷ the recent revision accentuated the trend, shown by the following chart.

4. See 1960 and 1961 ANNUAL REPORTS OF THE JUDICIAL COUNCIL OF THE SUPREME COURT OF LOUISIANA.

5. See Newsletter, December 20, 1961, by C. Jerre Lloyd, Judicial Administrator, Judicial Council, Supreme Court of Louisiana.

6. Statistical data for the immediately preceding terms are not available.

7. *Statistical Survey*, 21 LOUISIANA LAW REVIEW 277, 278 (1961).

CHART 3
Volume of Judicial Business
(By categories as percentage of whole)

Supreme Court Term	1952-1953	1953-1954	1954-1955	1955-1956	1956-1957	1957-1958	1958-1959	1959-1960	1960-1961
Cases disposed of with written opinions	48.5	42.1	41.0	41.9	39.2	36.6	36.7	35.4	25.6
Applications for writs considered	36.9	36.7	38.4	36.1	42.2	45.7	46.9	47.7	62.8
Applications for rehearings disposed of	14.6	21.2	20.6	22.0	18.6	17.7	16.4	16.9	11.6
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

With respect to action of the Supreme Court on applications for writs to the courts of appeal, there was a sharp increase in the *number* granted (from 23 in 1959-1960 to 46 in 1960-1961), but the *percentage* of such writs granted surprisingly increased only slightly (from 17% to 18%). As a concomitant of the increased jurisdiction, both appellate and supervisory,⁸ of the courts of appeal, the number of applications for writs to courts other than courts of appeal considered by the Supreme Court decreased markedly (from 134 in 1959-1960 to 61 in 1960-1961).

CHART 4
Applications for Writs

Supreme Court Term	Courts other than Courts of Appeal			Courts of Appeal		
	Number considered	Number granted	Percent granted	Number considered	Number granted	Percent granted
1952-1953	98	13	13.3	118	30	25.4
1953-1954	115	30	26.1	96	19	19.8
1954-1955	117	22	18.8	147	33	22.4
1955-1956	96	22	22.9	161	26	16.1
1956-1957	111	21	18.9	177	33	18.6
1957-1958	100	20	20.0	148	28	18.9
1958-1959	113	25	22.1	182	40	22.0
1959-1960	134	21	15.7	137	23	16.8
1960-1961	61	10	16.4	253	46	18.2

Of the reported cases disposed of with written opinions during the 1960-1961 term, writs of certiorari or review to courts of appeal comprised 35.2% as compared with the previous high percentage of 14.4% in the term immediately preceding. Appeals from district courts, although still constituting the major category of jurisdictional origin of reported cases, decreased

8. Under the new system, the courts of appeal have supervisory jurisdiction over cases appealable to them, subject, of course, to the general supervisory jurisdiction of the Supreme Court. LA. CONST. art. VII, § 29, as amended Acts 1958, No. 561, adopted Nov. 4, 1958.

from 69.2% in 1959-1960 (the previous low percentage) to 54.7% in 1960-1961.

CHART 5
Jurisdictional Origin of Reported Cases
(by categories as percentage of whole)

Supreme Court Term	1952-1953	1953-1954	1954-1955	1955-1956	1956-1957	1957-1958	1958-1959	1959-1960	1960-1961
Appeals from district courts	84.4	80.9	77.7	79.6	79.8	74.4	75.7	69.2	54.7
Writs of certiorari or review to Courts of Appeal	10.4	8.1	7.8	12.4	7.5	9.8	9.1	14.4	35.2
Supervisory writs to lower courts	2.4	7.7	5.3	4.4	4.9	6.0	8.7	10.4	6.2
Other	2.8	3.3	9.2	3.6	7.8	10.0	6.5	6.0	3.9
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Total number of cases disposed of with written opinions	288	246	282	209	267	199	231	201	128

There was a sharp decrease in the percentage of applications for rehearing granted (from 13.5% to 8.6% of those considered), perhaps reflecting the increased study of the cases on original hearing made possible by the new system.

CHART 6
Applications for Rehearing

Supreme Court Term	Number disposed of	Number granted	Percent granted
1952-1953	87	6	6.9
1953-1954	124	9	7.3
1954-1955	142	13	9.2
1955-1956	157	16	10.2
1956-1957	127	14	11.0
1957-1958	96	16	16.7
1958-1959	103	8	7.8
1959-1960	96	13	13.5
1960-1961	58	5	8.6

The faculty symposium discussing the most important decisions rendered during the past term by the Supreme Court of Louisiana follows the statistical tables given below. It is hoped that the analysis will be of interest and assistance to members of the Bench and Bar.

TABLE I
VOLUME OF JUDICIAL BUSINESS

	Number	No. of increase or decrease over preceding year	Percent change over preceding year
Cases disposed of with written opinions.....	128	-73	-36.32
Applications for writs filed.....	381	+107	+39.05
Applications for writs considered.....	314	+43	+15.87
Applications for rehearings disposed of.....	58	-38	-39.58
Rehearings with written opinions.....	6	+1	+20.00
Cases filed (excluding writ applications).....	52	-202	-79.53
Total matters docketed.....	433	-95	-17.99
Total matters handled (excluding rehearings).....	442	-30	-6.36
Grand total of matters handled (including rehearings)	500	-68	-11.97

TABLE II
DISPOSITION OF REPORTED LITIGATION

	Appeals from District Courts	Writs of Certiorari or Review to Courts of Appeal	On Certificate from Courts of Appeal	Supervisory Writs to Lower Courts	Appeals from Municipal Courts	Appeals from Juvenile Courts	Totals
Affirmed	39	15		2		1	57
Amended and affirmed.....	5	4					9
Affirmed in part, Reversed in part, Rendered	2	5					7
Affirmed in part, Reversed in part, Remanded		1					1
Reversed and rendered in part, Remanded.....		1					1
Reversed and Rendered.....	4	13		3		1	21
Reversed and Remanded.....	12	6		2			20
Transferred to Court of Appeal	3						3
Proceedings dismissed on motion of Court.....	4				2		6
Miscellaneous	1 ¹		1 ²	1 ³			3
Totals	70	45	1	8	2	2	128

¹Rule to reinstate appeal denied.

²Supreme Court reviewed entire case under its constitutional power, and reversed and remanded the case to the district court.

³Judge of city court ordered to grant suspensive appeal.

TABLE III

DISPOSITION OF REPORTED CASES REVIEWED ON WRITS OF CERTIORARI OR REVIEW

	First Circuit		Second Circuit		Third Circuit ¹		Fourth Circuit ²		Totals
	Decided prior to July 1, 1960*	Decided after July 1, 1960*	Decided prior to July 1, 1960*	Decided after July 1, 1960*	Decided prior to July 1, 1960*	Decided after July 1, 1960*	Decided prior to July 1, 1960*	Decided after July 1, 1960*	
Affirmed	1		4	1		1	4	4	15
Amended and affirmed ..	1	1	1				1		4
Affirmed in part, reversed in part, rendered ..	3	1	1						5
Affirmed in part, reversed in part, remanded							1		1
Reversed and rendered in part, remanded			1						1
Reversed and rendered ..	1		7			1	3	1	13
Reversed and remanded ..	2		1	1		2			6
Totals	8	2	15	2	0	4	9	5	45

*Effective date of LA. CONST. art. VII, §§ 10, 19, 20-24, 26, 28-30, 36, 81, and 91, as amended on November 4, 1958, pursuant to La. Acts 1958, No. 561, providing for extensive appellate reorganization.

¹The Third Circuit was created by the constitutional amendment providing for appellate reorganization, effective July 1, 1960.

²The Fourth Circuit as presently constituted, was the Orleans Court of Appeals prior to the constitutional amendment providing for appellate reorganization, effective July 1, 1960.

TABLE IV

TOPICAL ANALYSIS OF REPORTED CASES

	Appeals from District Courts	Writs of Certiorari or Review to Courts of Appeal	Other Jurisdictional Origin	Totals
Administrative Law	12			12
Agency	1			1
Constitutional Law			1	1
Contracts and Obligations	1	1		2
Criminal Law and Procedure	32		9	41
Elections		1		1
Evidence	2			2
Expropriation	1	2		3

TABLE IV—(Continued)

Family Law	1			1
Insurance		2		2
Legislation	1	1		2
Local Government	4	1		5
Mineral Rights		4		4
Practice and Procedure	4	3	2	9
Prescription		2		2
Property	1	4		5
Religious Societies		1		1
Sales	1	1		2
Security Devices		1	1	2
Successions, Donations, and Community Property		1		1
State and Local Taxation	8			8
Torts	1	14		15
Workmen's Compensation		6		6
Total	70	45	13	128

TABLE V
JURISDICTIONAL ORIGIN OF REPORTED CASES

Appeals from District Courts.....	70
Writs of Certiorari or Review to Courts of Appeal.....	45
On Certificate from Courts of Appeal.....	1
Supervisory Writs to Lower Courts.....	8
Appeals from Municipal Courts.....	2
Appeals from Juvenile Courts.....	2
Total	128

TABLE VI
GEOGRAPHICAL ORIGIN OF APPEALS FROM DISTRICT COURTS IN REPORTED CASES

A — By Parish			
Allen	1	Rapides	4
Ascension	1	St. Bernard	4
Caddo	5	St. Charles	1
Catahoula	1	St. Landry	1
East Baton Rouge.....	32	Tangipahoa	2
Evangeline	2	Washington	2
Livingston	1	West Feliciana	1
Orleans — Civil	3	Winn	1
Orleans — Criminal	8	Total	70
B — By Judicial District			
First District (Caddo)	5		
Seventh District (Catahoula, Concordia)	1		
Eighth District (Grand, Winn)	1		
Ninth District (Rapides)	4		
Thirteenth District (Evangeline)	2		
Nineteenth District (East Baton Rouge)	32		
Twentieth District (East Feliciana, West Feliciana)	1		
Twenty-first District (Livingston, St. Helena, Tangipahoa)	3		
Twenty-second District (St. Tammany, Washington)	2		
Twenty-third District (Ascension, Assumption, St. James)	1		
Twenty-fifth District (Plaquemines, St. Bernard)	4		
Twenty-seventh District (St. Landry)	1		
Twenty-ninth District (St. Charles, St. John)	1		

TABLE VI—(Continued)

Thirty-first District (Jefferson Davis, Allen)	1
Orleans — Civil District	3
Orleans — Criminal District	8
Total	<u>70</u>

TABLE VII

DISPOSITION OF APPLICATIONS FOR WRITS AND REHEARINGS FILED DURING TERM

	Granted	Refused	Pending	Dis- missed	Not Con- sidered	Totals
Applications for Supervisory Writs to Courts other than Courts of Appeal.....	10	51	12			73
Applications for Supervisory Writs to Courts of Appeal	46	207	53	2		308
Total Writs	<u>56</u>	<u>258</u>	<u>65</u>	<u>2</u>		<u>381</u>
Applications for Rehearing.....	5	53		1	1	60
Totals	<u>61</u>	<u>311</u>	<u>65</u>	<u>3</u>	<u>1</u>	<u>441</u>

TABLE VIII

DISTRIBUTION OF WRITTEN OPINIONS OF REPORTED CASES

	Original Opinion	Concurring with Original Opinion	Opinion on Rehearing	On Application for Rehearing	Totals
Chief Justice Fournet	21	1	2		24
Assoc. Justice Hamiter	16	2	1		19
Assoc. Justice Hawthorne	18		1		19
Assoc. Justice McCaleb	14	6	2		22
Assoc. Justice Hamlin	25	1			26
Assoc. Justice Sanders	14	1			15
Assoc. Justice Summers	8				8
Assoc. Justice Simon	1				1
Assoc. Justice Turner	6				6
Assoc. Justice Viosca	3	1			4
Assoc. Justice ad hoc Gardiner	2				2
Per Curiam				2	2
Totals	<u>128</u>	<u>12</u>	<u>6</u>	<u>2</u>	<u>148</u>

TABLE IX
DISSENTS IN REPORTED CASES

	Dissenting from Original Opinion				Dissenting from Opinion on Re-hearing				Dissenting from Denial of Re-hearing		Totals
	With written reasons	In part, with written reasons	Without written reasons	In part, without written reasons	With written reasons	In part, with written reasons	Without written reasons	In part, without written reasons	With written reasons	Without written reasons	
Chief Justice											
Fournet	2	1	1						1		5
Assoc. Justice											
Hamiter	4		1		1	1					7
Assoc. Justice											
Hawthorne	1	1	1		1	1				1	6
Assoc. Justice											
McCaleb	3	1								1	5
Assoc. Justice											
Hamlin	4	1			2	1		1		2	11
Assoc. Justice											
Sanders	3		1								4
Assoc. Justice											
Simon											0
Assoc. Justice											
Summers								1			1
Assoc. Justice											
Turner											0
Assoc. Justice											
Viosca											0
Assoc. Justice											
ad hoc Gardiner											0
Totals	17	4	4	0	4	3	1	1	0	5	39

TABLE X
CASES REPORTED IN 1960-1961 WITH REFERENCE TO DATE FILED

Year Filed	Disposed of in 1960-1961 Term
1960-1961	42
1959-1960	60
1958-1959	16
1957-1958	6
1956-1957	1
1955-1956	2
1954-1955	1
Total	128

TABLE XI
 TIME ELAPSED BETWEEN DISPOSITION OF 1960-1961 REPORTED CASES
 AND DATE OF FILING IN SUPREME COURT

Time elapsed divided into periods of six months	Number of Cases	Percentage
6 months or less	46	35.94
6 months to one year	49	38.28
1 to 1½ years	17	13.28
1½ to 2 years	5	3.91
2 to 2½ years	5	3.91
2½ to 3 years	2	1.56
3 to 3½ years	0
3½ to 4 years	1	.78
4 to 4½ years	0
4½ to 5 years	1	.78
5 to 5½ years	1	.78
5½ to 6 years	1	.78
	128	100.00