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### General - Statistical Survey

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# The Work of the Louisiana Supreme Court for the 1953-1954 Term

## General

### STATISTICAL SURVEY

*Harold J. Brouillette\** and *Carlos E. Lazarus†*

Information obtained from the daily docket of the Louisiana Supreme Court as it appears in the *Daily Court Record* shows that 545 cases were docketed during the 1953-1954 term. This total consists of 308 appeals and 237 applications for writs. The latter figure can be broken down showing 119 applications for writs of certiorari or review to courts of appeal and 118 applications for supervisory writs to lower courts.

The court disposed of 246 cases with written opinions of which 199 were appeals from district courts.<sup>1</sup> Of these appeals, 108 were affirmed; 56 were reversed; 12 were transferred to courts of appeal and 23 were disposed of otherwise.<sup>2</sup>

The court reviewed 20 decisions from courts of appeal. Of this number 6 were affirmed, 11 were reversed (with or without directions) and 3 were affirmed in part and reversed in part. Eight of these cases were from the Orleans Court of Appeal, 5 from the first circuit and 7 from the second circuit.<sup>3</sup>

Tables VII and VIII below show the disposition of applications for rehearings and writs filed during the term. One hundred twenty-four applications for rehearing were filed and all were disposed of; 115 were refused and 9 were granted. Of 237 writs applied for, 162 were refused, 49 were granted and 26 were pend-

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1. Table V below shows the jurisdictional origin of the reported cases.

2. See Table II.

3. See Table III.

ing at the end of the term. Of the 26 pending writ applications, 25 were filed during the last 3 months of the term which is the court's vacation period. These 25 applications were disposed of within 5 days after the court reconvened on October 1, 1954.<sup>4</sup> These figures show a commendable effort on the part of the court to avoid an accumulation of docketed matters.

The seven regular members of the court wrote 239 original opinions and 9 opinions on rehearing for an average of 35 for each Justice.<sup>5</sup> There were 3 *per curiam* opinions and 4 opinions were written by Justice Frugé who sat for a short period in an *ad hoc* capacity. It is interesting to note that there were a total of 67 dissents during the term as compared with 26 during the 1952-1953 term.<sup>6</sup>

Tables XI and XII below show the length of time elapsing between the filing and the disposition of the 246 cases which were reported during the term. A comparison with a similar chart for the 1952-1953 term shows that the court's efforts to clear its docket and reduce the total time involved in the disposition of cases is beginning to bear fruit with a marked difference in the year 1953-1954 over the preceding year.<sup>7</sup> During the 1952-1953 term, 57 percent of the reported cases were disposed of within one year after being filed. The corresponding figure for this term is 67 per cent. A breakdown of this figure shows that 33 percent were disposed of within 6 months after filing and 34 percent between 6 months and one year after filing. It should be mentioned that many instances of cases remaining on the docket for long periods are traceable to counsels' requesting additional time from the court or failing to press for earlier disposition.

The publication of this statistical survey as a prelude to the consideration of the jurisprudence of each court term has been part of an effort to develop an awareness of the importance of the compilation of accurate information concerning the volume of judicial business. Louisiana has suffered through the years from

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4. The other application was not disposed of during the term because counsel had been granted a motion for additional time.

5. See Table IX.

6. See *The Work of the Louisiana Supreme Court for the 1952-1953 Term—Statistical Survey*, 14 LOUISIANA LAW REVIEW 63, 73 (1953).

7. *Id.* at 74.

a dearth of factual information concerning the work load of its courts. There is now indication that valuable statistical information will be collected for all three levels of courts in the Louisiana judicial system through the work of the newly created office of Judicial Administrator. This office was established in August of 1954 as a result of the leadership of Chief Justice Fournet who has manifested a keen interest in the work of the Judicial Council and its broad possibilities as an agency to promote the administration of justice. Accurate judicial statistics of the volume of judicial business in the district courts and in the appellate courts is indispensable to any intelligent re-examination of the jurisdiction of the courts and must precede any consideration of means to assist those courts that are overburdened in handling litigation with the necessary dispatch. A start has been made in the gathering of the preliminary data upon which the requisite studies may be based. It is to be hoped that means may be developed for the regular compilation and publication of the statistical summaries and the correlative studies of the Louisiana judicial system in order that the members of the judiciary, the legal profession and the legislature may have constantly available the data that will be essential to the formulation of sound policies for the further improvement of judicial organization and administration in Louisiana.

TABLE I

## VOLUME OF JUDICIAL BUSINESS

Cases disposed of with written opinions .....	246
Applications for writs filed .....	237 <sup>1</sup>
Application for writs considered .....	214 <sup>2</sup>
Applications for rehearings disposed of .....	124
Rehearings with written opinions .....	9
Cases docketed (excluding writ applications) .....	308
Total matters docketed .....	545
Total matters handled (excluding rehearings) .....	460
Grand total of matters handled (including rehearings) .....	584

<sup>1</sup> 119 of these applications were for certiorari or review to the courts of appeal and the remaining 118 were applications for supervisory writs to lower courts. See Tables VII and VIII *infra*.

<sup>2</sup> 162 applications for writs were refused, 49 were granted and 26 were pending at the close of the term. See Table VIII *infra*. The total number of writs considered included 3 applications which were pending at the close of the preceding term.

TABLE II  
DISPOSITION OF LITIGATION

	On Appeal from District Courts	Supervisory Writs to lower Courts	Writs of Review to Courts of Appeal	Appeal from Juvenile or Municipal Courts	Original Jurisdiction	Application for Instruction from Court of Appeal	Writs refused With Opinion	Totals
Affirmed .....	108		6	2				116
Affirmed in part, reversed in part .....	7		3					10
Affirmed in part, reversed in part, remanded .....	2							2
Amended and affirmed .....	12							12
Motion to dismiss denied .....	2							2
Reversed and remanded .....	16	2	3					21
Reversed and rendered .....	11		7					18
Reversed and suit dismissed .....	29		1	2				32
Transferred to court of appeal ...	12							12
Writs made peremptory .....		12						12
Writs recalled .....		5						5
Respondent disbarred .....					1			1
Appeals dismissed .....						1		1
Writs refused with opinion.....							2	2
<b>Totals .....</b>	<b>199</b>	<b>19</b>	<b>20</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>246</b>

TABLE III  
DISPOSITION OF REPORTED CASES REVIEWED ON WRITS OF CERTIORARI OR REVIEW

	Orleans	First Circuit	Second Circuit	Totals
Affirmed .....	2		4	6
Affirmed in part, reversed in part .....	1	1	1	3
Reversed and suit dismissed .....	1			1
Reversed and remanded .....	2	1		3
Reversed and rendered .....	2	3	2	7
<b>Totals .....</b>	<b>8</b>	<b>5</b>	<b>7</b>	<b>20</b>

TABLE IV  
TOPICAL ANALYSIS OF REPORTED CASES

Administrative law .....	7
Banks, banking and negotiable instruments .....	4
Community property .....	8
Constitutional law .....	1
Conflict of laws .....	2
Contracts and obligations .....	7
Corporations, associations and partnership .....	3

TABLE IV—Continued

Criminal law and procedure .....	43
Elections .....	4
Expropriation .....	3
Family law (marriage, adoption, separation, divorce, etc.) .....	15
Insurance .....	6
Labor law .....	3
Lease .....	4
Legal profession .....	4
Liens .....	3
Mineral rights .....	9
Municipal corporations .....	10
Partitions .....	1
Practice and procedure .....	37
Prescription .....	1
Property .....	15
Public officers .....	1
Sales .....	16
Schools .....	1
Successions, wills, and donations .....	20
Suretyship .....	2
Taxation .....	5
Tax sales .....	1
Torts and workmen's compensation .....	10
<b>Total .....</b>	<b>246</b>

TABLE V

## JURISDICTIONAL ORIGIN OF REPORTED CASES

Appeals from district courts .....	199
Writs of certiorari or review to courts of appeal .....	20
Supervisory writs to lower courts .....	19
Appeals from municipal courts or juvenile courts .....	4
Writs to lower courts refused with per curiam opinion .....	2
Original jurisdiction .....	1
Application for instructions from court of appeal .....	1
<b>Total .....</b>	<b>246</b>

TABLE VI

## GEOGRAPHICAL ORIGIN OF APPEALS FROM DISTRICT COURTS IN REPORTED CASES

<b>A—By Parish</b>	
Acadia .....	4
Allen .....	3
Ascension .....	1
Avoyelles .....	2

TABLE VI—Continued

Beauregard .....	1
Bossier .....	5
Caddo .....	13
Calcasieu .....	3
Cameron .....	1
Claiborne .....	5
Concordia .....	1
DeSoto .....	2
East Baton Rouge .....	21
East Feliciana .....	2
Evangeline .....	1
Grant .....	1
Iberia .....	1
Iberville .....	1
Jefferson .....	14
Lafayette .....	1
Lafourche .....	4
LaSalle .....	1
Lincoln .....	2
Natchitoches .....	1
Plaquemines .....	1
Rapides .....	6
Richland .....	1
Sabine .....	1
St. Bernard .....	2
St. Helena .....	1
St. Landry .....	2
St. Martin .....	1
St. Tammany .....	2
Tangipahoa .....	2
Terrebonne .....	2
Union .....	1
Vermillion .....	1
Vernon .....	2
Washington .....	3
Webster .....	1
West Baton Rouge .....	2
West Carroll .....	2
Orleans Civil .....	59
Orleans Criminal .....	16

Total .....

199

## B—By Judicial District

First District (Caddo) .....	13
Second District (Jackson, Claiborne, Bienville) .....	5
Third District (Lincoln, Union) .....	3
Fifth District (West Carroll, Richland, Franklin) .....	8
Seventh District (Catahoula, Concordia) .....	1

TABLE VI—Continued

Eighth District (Grant, Winn) .....	1
Ninth District (Rapides) .....	6
Tenth District (Natchitoches, Red River) .....	1
Eleventh District (DeSoto, Sabine) .....	3
Twelfth District (Avoyelles) .....	2
Thirteenth District (Evangeline) .....	1
Fourteenth District (Calcasieu, Cameron) .....	4
Fifteenth District (Acadia, Lafayette, Vermilion) .....	6
Sixteenth District (St. Mary, Iberia, St. Martin) .....	2
Seventeenth District (Terrebonne, Lafourche) .....	6
Eighteenth District (Iberville, West Baton Rouge, Pointe Coupee) .....	3
Nineteenth District (East Baton Rouge) .....	21
Twentieth District (East Feliciana, West Feliciana) .....	2
Twenty-first District (Tangipahoa, Livingston, St. Helena) .....	3
Twenty-second District (Washington, St. Tammany) .....	5
Twenty-third District (Assumption, Ascension, St. James) .....	1
Twenty-fourth District (Jefferson) .....	14
Twenty-fifth District (St. Bernard, Plaquemines) .....	3
Twenty-sixth District (Bossier, Webster) .....	6
Twenty-seventh District (St. Landry) .....	2
Twenty-eighth District (LaSalle, Caldwell) .....	1
Thirtieth District (Beauregard, Vernon) .....	3
Thirty-first District (Jefferson Davis, Allen) .....	3
Orleans Civil .....	59
Orleans Criminal .....	16
Total .....	199

TABLE VII

DISPOSITION OF APPLICATIONS FOR WRITS AND REHEARINGS FILED DURING TERM

	Granted	Refused	Pending	Total
Applications for rehearing .....	9	115		124
Applications for writs .....	49	162	261	237
Totals .....	58	277	26	361

1 Of the 26 writ applications pending at the end of the term, 25 were filed during the last three months of the term which is the court's vacation period. These 25 applications were disposed of within 5 days after the court reconvened on October 1, 1954. The other application was not disposed of because counsel had been granted a motion for additional time.

TABLE VIII

DISPOSITION OF APPLICATIONS FOR WRITS FILED DURING TERM

	Granted	Refused	Pending	Total
Supervisory writs to lower courts .....	30	85	3	118
Writs of certiorari or review to courts of appeal .....	19	77	23	119
Totals .....	49	162	26	237



TABLE IX

## DISPOSITION OF WRITTEN OPINIONS OF REPORTED CASES

	Original Opinion	On Re- hearing	Total
Chief Justice Fournet .....	32	1	33
Associate Justice Hamiter .....	34		34
Associate Justice Hawthorne .....	35	1	36
Associate Justice LeBlanc .....	32	2	34
Associate Justice McCaleb .....	36	2	38
Associate Justice Moise .....	29	2	31
Associate Justice Ponder .....	41	1	42
Associate Justice Frugé ( <i>Ad Hoc</i> ) .....	4		4
Per Curiam opinions .....	3		3
Totals .....	246	9	255

TABLE X

## DISSENTS

	With Opinion	Without Opinion	Total
Chief Justice Fournet .....	6		6
Associate Justice Hamiter .....	13		13
Associate Justice Hawthorne .....	15	1	16
Associate Justice LeBlanc .....	3	1	4
Associate Justice McCaleb .....	12		12
Associate Justice Moise .....	7	3	10
Associate Justice Ponder .....	3	3	6
Totals .....	59	8	67

TABLE XI

NUMBER OF 1953-54 REPORTED CASES WITH REFERENCE  
TO TERM DURING WHICH DOCKETED

Term of Filing	Disposed of in 1953-54 Term
1953-1954 .....	52
1952-1953 .....	140
1951-1952 .....	31
1950-1951 .....	9
1949-1950 .....	12
1948-1949 .....	—
1947-1948 .....	2
Total .....	246

TABLE XII  
TIME ELAPSED BETWEEN DISPOSITION OF 1953-1954 REPORTED CASES  
AND DATE OF FILING IN THE SUPREME COURT

Time elapsed divided into periods of six months	Number of cases	Percentage
6 months or less .....	80	32.52
6-12 months .....	83	33.74
12-18 months .....	37	15.04
18-24 months .....	19	7.72
24-30 months .....	8	3.25
30-36 months .....	4	1.62
36-42 months .....	6	2.44
42-48 months .....	6	2.44
48-54 months .....	1	.41
54-60 months .....	—	—
60-66 months .....	1	.41
66-72 months .....	1	.41
<b>Totals</b> .....	<b>246</b>	<b>100.00</b>

## THE LEGAL PROFESSION

*Paul M. Hebert\**

### *Disbarment*

In *Louisiana State Bar Association v. Theard*<sup>1</sup> the court entered an order disbaring the respondent attorney, thus disposing on the merits of proceedings considered on exceptions during the 1952-1953 term.<sup>2</sup> The respondent attorney had forged and sold a mortgage note in 1935. In 1936 interdiction proceedings were begun and he was actually under interdiction until 1948 when he resumed the practice of law. The principal defense urged on behalf of the respondent attorney was his mental illness at the time of his admitted misconduct. It was urged by the respondent that he could be guilty of no intentional wrong because of his mental incapacity. The court rejected these contentions stating:

“When a lawyer has committed peculations, forgeries and breaches of trust, he violates the oath he has taken to

\* Dean and Professor of Law, Louisiana State University.

1. 225 La. 98, 72 So.2d 310 (1954).

2. *Louisiana State Bar Ass'n v. Theard*, 222 La. 328, 62 So.2d 501 (1952), discussed in *The Work of the Louisiana Supreme Court for the 1952-1953 Term—The Legal Profession*, 14 LOUISIANA LAW REVIEW 74, 78-79 (1953).