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1946-1947 Term*

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Statistical Survey

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The Work of The Louisiana Supreme Court For The 1946-1947 Term

This symposium, presented for the tenth time in the Louisiana Law Review, reviews the activities of the Supreme Court of Louisiana during the judicial term just completed and discussed the decisions of the court in their relationship to the jurisprudence of the state.

I. STATISTICAL SURVEY

*Margaret Taylor Lane**

The statistical survey for the 1946-47 term covers the period from October 1, 1946 through September 30, 1947 during which a total of 396 new matters were docketed. Of these 228, or 58 percent, were appeals from lower courts, and 168, or 42 percent, were applications for supervisory writs to the lower courts or applications for writs of certiorari to the courts of appeal. The number of new matters docketed during this term represents a 20 percent increase over the number of new matters docketed during the 1945-46 term.

The volume of business handled by the court during the term includes 146 written opinions rendered, 150 applications for writs considered, and 81 applications for rehearings disposed of—a total of 377 matters. This total corresponds closely to that for the three previous years: 394 in 1943-44, 385 in 1944-45 and 354 in 1945-46; but represents a definite decrease from the volume of business reported for the first year this survey was prepared: 622 matters in 1937-38.

Of the 146 cases in which the court rendered written opinions, 120, or 82 percent, were appeals from the lower courts, and 26, or 18 percent, were applications for writs. Analysis of the court's action in these cases reveals that in 73, or exactly 50 percent, the judgment of the lower court was affirmed. In 49 of the cases, or 34 percent, the judgment of the lower court was reversed, and in 24, or 16 percent, the judgment of the lower court was modified or otherwise disposed of (see Table II).

The geographical breakdown of the 114 appeals from the district courts (see Table VI), indicates that 31, or 28 percent, were from

*Law Librarian, Louisiana State University.

Orleans Parish; 14, or 12 percent, were from Caddo Parish; and 10, or 8 percent, were from East Baton Rouge Parish; with the remaining 52 percent from 37 other parishes. From 24 parishes there were no appeals.

The topical analysis of decisions is an arbitrary classification of the written decisions of the court by subject. Because each case is classified under only one subject only the principal subject matter of the case is brought out. As in previous years, a relatively large number of cases involved criminal law and procedure and civil practice and procedure. In addition to these subjects, the following subject fields each contributed 3 percent or more of the cases; community property, insurance, mineral rights, property, successions and donations, and torts and workmen's compensation (see Table IV).

The court considered 81 applications for rehearing during the term, of which only 9, or 11 percent, were granted (see Table VII). The actual number of rehearings applied for is, except for the 1945-46 term when the court also considered 81 applications, the lowest number of applications for rehearings in any of the terms since 1937-38, the beginning of these surveys. The percentage of rehearings granted is the highest since 1937-38.

Of the 168 applications for writs filed during the term, 3 were dismissed by joint motion; 39, or 23 percent, were granted; and 95, or 56 percent, were refused. On September 30, 1947 there were 31 applications for writs still pending. All of the pending applications were applied for in June 1947 or later, and all but two of these applications were disposed of by the court by October 16, 1947. Of the 68 applications for supervisory writs to the lower courts, 21, or 30 percent, were granted, as compared with 18, or 18 percent, of the 100 applications for writs of certiorari to the courts of appeal granted (see Table VIII).¹

Of the 146 cases in which written opinions were handed down, an average of 21 opinions was written by each member of the court. Of the total volume of business handled by the court each member handled an average of 53 matters. Dissents were expressed in 24, or 16 percent of the cases. There were 31 dissenting opinions and 8 dissents without opinion in these 24 cases (see Table IX).

1. The cooperation of the clerk of the supreme court and his staff in checking these figures is sincerely appreciated.

TABLE I
VOLUME OF JUDICIAL BUSINESS (1946-1947)

Cases disposed of with written opinions.....	146
*Applications for writs filed during 1946-1947 term.....	168
†Applications for writs considered.....	150
Applications for writs pending.....	31
Applications for rehearings disposed of.....	81
Cases docketed during 1946-1947 term (excluding writ applications).....	228
‡Total matters docketed during 1946-1947 term.....	396
Total cases handled by the court (excluding rehearing applications).....	296
Grand total of matters handled by the court (including rehearing applications)	377

*This figure includes application for supervisory writs to the lower courts as well as application for writs of certiorari to the courts of appeal. See Table VIII.

†This figure includes 16 applications filed prior to the 1946-1947 term and acted upon by the court during the 1946-1947 term. Of the 168 applications for writs filed during the 1946-1947 term, 3 were dismissed by joint motion before the court had passed on them, and 134 were actually considered during the term.

‡This figure includes 220 appeals from district courts, 68 supervisory writs to lower courts, 100 writs of certiorari to courts of appeal, 3 appeals from juvenile courts, 2 appeals from mayor's courts, 2 appeals from recorder's courts, 1 appeal from city courts—a total of 396 matters.

TABLE II
DISPOSITION OF LITIGATION (1946-1947)

	On Appeal from District Courts	On Certiorari or Review from Appellate Courts	On Supervisory Writs to District Courts	On Appeal from Juvenile Courts	TOTAL
Affirmed	66	3	2	2	73
Affirmed in part and reversed in part..	4	..	..	1	5
Amended and affirmed.....	5	..	..	..	5
Appeal dismissed.....	4	..	..	..	4
Motion to dismiss appeal denied.....	2	..	..	..	2
Motion to dismiss appeal granted in part and denied in part.....	1	..	..	..	1
Reversed and judgment of lower court affirmed .....	..	1	..	..	1
Reversed and proceedings dismissed.....	8	..	6	2	16
Reversed and remanded.....	13	3	2	1	19
Reversed and rendered.....	9	3	1	..	13
Transferred to court of appeal.....	2	..	..	..	2
Writs made peremptory.....	..	..	3	..	3
Writs recalled .....	..	..	1	..	1
Writs refused (with per curiam).....	..	..	1	..	1
TOTALS.....	114	10	16	6	146

TABLE III
DISPOSITION OF CASES REVIEWED ON WRITS OF CERTIORARI FROM COURTS OF APPEAL (1946-1947)

	Parish of Orleans	First Circuit	Second Circuit	TOTAL
Affirmed	1	1	1	3
Reversed and judgment of lower court affirmed	1	..	..	1
Reversed and remanded.....	..	3	..	3
Reversed and rendered.....	2	..	1	3
TOTALS.....	4	4	2	10

TABLE IV
TOPICAL ANALYSIS OF DECISIONS (1946-1947)

Allimony	4
Attorneys	1
Banks and Banking.....	1
Carriers	1
Community Property	6
Conflicts	1
Constitutional Law	1
Conventional Obligations	2
Corporations	2
Courts	2
Criminal Law and Procedure.....	28
Divorce and Separation.....	4
Evidence	4
Family Law	4
Insurance	6
Lease	8
Mandate	1
Mineral Rights	5
Minors	3
Municipal Corporations	3
Partition	1
Pledge	1
Practice and Procedure.....	31
Prescription	1
Property	5
Public Lands	2
Sales	3
Schools and School Districts.....	1
Statutes and Legislation.....	3
Successions and Donations.....	9
Taxation	1
Torts and Workmen's Compensation.....	7
Trade Name	1
TOTAL.....	146

TABLE V
JURISDICTIONAL ORIGIN OF CASES (1946-1947)

Appeals from district courts.....	114
On certiorari or writs of review from courts of appeal.....	10
On supervisory writs to district courts.....	16
Appeals from juvenile courts.....	6
TOTAL.....	146

TABLE VI
GEOGRAPHICAL DISTRIBUTION OF APPEALS FROM
DISTRICT COURTS (1946-1947)

A—By Parish

Parish	No. of Cases	Parish	Cases No. of
Acadia	1	Caldwell	1
Beauregard	1	Cameron	1
Bienville	1	Concordia	2
Bossier	3	DeSoto	2
Caddo	14	East Baton Rouge.....	10
Calcasieu	2	Evangeline	8

Parish	No. of Cases	Parish	No. of Cases
Iberia	2	St. Bernard	1
Iberville	1	St. James	1
Jackson	1	St. John the Baptist	2
Jefferson	5	St. Landry	1
Jefferson Davis	1	St. Martin	1
Lincoln	1	St. Tammany	1
Natchitoches	1	Tangipahoa	1
Orleans Civil	28	Tensas	2
Orleans Criminal	8	Terrebonne	1
Ouachita	3	Union	1
Plaquemines	1	Vermilion	1
Rapides	3	Vernon	2
Red River	1	Washington	1
Richland	2	Webster	2
Sabine	2		
		TOTAL.....	114

B—By Judicial District

	No. of Cases
First District (Caddo).....	14
Second District (Claiborne, Jackson, Bienville).....	2
Third District (Lincoln, Union).....	2
Fourth District (Ouachita, Morehouse).....	3
Fifth District (West Carroll, Richland, Franklin).....	2
Sixth District (East Carroll, Madison, Tensas).....	2
Seventh District (Catahoula, Concordia).....	2
Ninth District (Rapides).....	3
Tenth District (Natchitoches, Red River).....	2
Eleventh District (DeSoto, Vernon, Sabine).....	6
Thirteenth District (Evangeline).....	3
Fourteenth District (Calcasieu, Jefferson Davis, Allen, Beauregard, Cameron)	5
Fifteenth District (Acadia, Lafayette, Vermilion).....	2
Sixteenth District (St. Mary, Iberia, St. Martin).....	3
Seventeenth District (Terrebonne, Lafourche).....	1
Eighteenth District (Iberville, West Baton Rouge, Point Coupee).....	1
Nineteenth District (East Baton Rouge).....	10
Twenty-first District (Tangipahoa, Livingston, St. Helena).....	1
Twenty-second District (Washington, St. Tammany).....	2
Twenty-third District (Assumption, Ascension, St. James).....	1
Twenty-fourth District (Jefferson, St. John the Baptist, St. Charles).....	7
Twenty-fifth District (St. Bernard, Plaquemines).....	2
Twenty-sixth District (Bossier, Webster).....	5
Twenty-seventh District (St. Landry).....	1
Twenty-eighth District (LaSalle, Caldwell).....	1
TOTAL.....	83
Orleans Civil District.....	28
Orleans Criminal District.....	8
TOTAL.....	114

TABLE VII
DISPOSITION OF APPLICATIONS FOR WRITS
AND REHEARINGS (1946-1947)

	Granted	Refused	TOTAL
Applications for rehearings.....	9	72	81
Application for writs.....	39	95	134*
TOTALS.....	48	167	215

*This figure includes applications for supervisory writs to lower courts as well as applications for writs to the courts of appeal. See Table VIII. This figure does not include 16 applications for writs considered by the court but filed during the previous term.

TABLE VIII
DISPOSITION OF APPLICATIONS FOR WRITS (1946-1947)

	Granted	Refused	Pending	TOTAL
Supervisory writs to lower courts.....	21	42	5	68
Writs of certiorari to courts of appeal...	18	53	26	97*
TOTALS.....	39	95	31	165

*This figure does not include 3 applications for writs which were dismissed by joint motion before the court had passed on the applications.

TABLE IX
DISSENTS* (1946-1947)

	With Opinion	Without Opinion	TOTAL
McNiel, C. J.....	8	3	11
Fournet, J.....	..	1	1
Hamiter, J.....	7	..	7
Hawthorne, J.....	6	1	7
Kennon, J.....	..	1	1
McCaleb, J.....	1	1	2
Ponder, J.....	..	1	1
Rogers, J.....	1	..	1
TOTALS.....	23	8	31

*In cases wherein rehearings have been granted, the dissents here tabulated are those from the opinion on rehearing. Dissents from the original opinions therein have not been included, since in such cases the final opinion of the court is that rendered on the rehearing. Total number of cases in which dissents were expressed—24.