

Louisiana Law Review

Volume 16 | Number 2

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1954-1955 Term
February 1956*

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Repository Citation

Paul M. Hebert and Nina Nichols Pugh, *Statistical Survey*, 16 La. L. Rev. (1956)
Available at: <https://digitalcommons.law.lsu.edu/lalrev/vol16/iss2/2>

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The Work of the Louisiana Supreme Court for the 1954-1955 Term

Statistical Survey

Paul M. Hebert and Nina Nichols Pugh†*

This year's statistical survey includes the judicial business handled by the Supreme Court from October 4, 1954, through October 2, 1955. Table I discloses a notable increase (approximately 16%) in the total volume of matters handled over the preceding 1953-1954 term, which represents a significant enlargement of all categories of judicial matters considered, except rehearings.

The court disposed of 282 cases with written opinions, reflecting an increment of almost 15% over the 246 opinions written during the previous term, and resulting in a proportionate increase in the number of opinions written by each member of the court. The manner in which this work was distributed among the individual justices is shown in Table VIII.

The special efforts made by the members of the court in recent years to keep fully abreast of the docket are well known to the legal profession. Nevertheless the expanded volume of business in large manner tends to affect the gains that have been made up to now even at the expense of overworking the individual justices. The increase in cases docketed during 1954-55 (Table I) is easily the equivalent of the full work load of an additional justice, making it apparent that some relief either in the form of jurisdictional changes or added personnel will have to be considered as possible measures to solve the problems resulting from the increase in litigation.

Table XI reveals that of the total number of reported cases in 1954-55, 85% had been filed with the court less than 18 months at the time of final decision. Sixty percent of the cases disposed

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of with written opinions were adjudicated in less than 12 months after docketing, and 26% had been docketed less than 6 months. It may be assumed from the survey, therefore, that in the instances in which counsel press for disposition of their cases, a final decision may be had within an average time of one year from the date of filing.

The Judicial Council and the Office of the Judicial Administrator, now in the second successful year of its operation, have made marked progress in the study of the volume and disposition of judicial business in the lower courts. Transfer of judges for temporary periods has been successfully utilized as the means of clearing the dockets of congestion in certain jurisdictions. Further gains can be expected as the work in judicial statistics moves into additional areas of application and usefulness.

It may be added that work on the new Supreme Court Building is progressing according to schedule. The construction of the new facilities for the court will be conducive to greater efficiency and will meet a need long recognized by Louisiana's legal profession. The leadership of the Bar Association in its advocacy of this project will be lasting in its effect on the administration of justice in Louisiana.

TABLE I
VOLUME OF JUDICIAL BUSINESS

		No. of in- crease over preceding year	Per- cent- age
Cases disposed of with written opinions*	282	36	14.63
Applications for writs filed	273	36	15.18
Applications for writs considered	264	50	23.36
Applications for rehearings disposed of	142	18	14.51
Rehearings with written opinions	7	-2	22.22
			decrease
Cases docketed (excluding writ applications)	334	26	8.44
Total matters docketed	607	62	11.37
Total matters handled (excluding rehearings)	535	75	16.30
Grand total of matters handled (including rehearings)	677	93	15.92

*8 of these cases actually were disposed of in the 1953-54 term of court; 1 on December 11, 1953, 6 on July 2, 1954, and 1 on May 31, 1954. Since they were not reported until the 1954-55 term, however, they were included in the present survey.

TABLE II
DISPOSITION OF LITIGATION

	On Appeal from District Courts	Supervisory Writs to Lower Courts	Writs of Review or Certiorari to Courts of Appeal	Appeals from Juvenile or Municipal Courts	On Certificate from Courts of Appeal	Appeals from Administrative Tribunals	Transferred from Courts of Appeal	Totals
Affirmed	124	4	4	4	1	5	4	146
Affirmed in part, Reversed in part	6		4					10
Affirmed in part, Reversed in part, Remanded	2						1	3
Amended and Affirmed	11	1	1					13
Motion to Dismiss Denied	6						1	7
Reversed and Remanded	21	2	5	1		1		30
Reversed and Rendered	8	1	5			3		17
Reversed and Suit Dismissed ...	10	3	2	1			1	17
Transferred to Court of Appeal ..	12						1	13
Writs Made Peremptory		1						1
Writs Recalled		2	1					3
Remanded with Directions	1						1	2
Appeals Dismissed	15			1				16
Suspensive Appeal Granted	2	1						3
Devolutive Appeal Granted	1							1
Totals	219	15	22	7	1	9	9	282

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

	Orleans	First Circuit	Second Circuit	Totals
Affirmed		4		4
Amended and Affirmed	1			1
Affirmed in part, Reversed in part	2		2	4
Reversed and Suit Dismissed			2	2
Reversed and Remanded	1	4		5
Reversed and Rendered	1	2	2	5
Writs Recalled			1	1
Totals	5	10	7	22

TABLE IV
TOPICAL ANALYSIS OF REPORTED CASES

Administrative law	4
Bankruptcy	1
Banks, banking, and negotiable instruments	2
Constitutional law	8
Conflict of laws	1
Contracts and obligations	13
Corporations, associations, and partnerships	2
Criminal law and procedure	54
Elections	4
Evidence	3

TABLE IV — *Continued*

Expropriation	6
Family law (marriage, adoption, separation, divorce)	20
Insurance	6
Labor law	3
Lease	4
Mineral rights	8
Municipal corporations	6
Partitions	4
Practice and procedure	63
Prescription	4
Property	2
Public officers	7
Sales	18
Schools	1
Successions, wills, and donations	14
Taxation	2
Tax sales	2
Torts and workmen's compensation	20
Total	282

TABLE V

JURISDICTIONAL ORIGIN OF REPORTED CASES

Appeals from District Courts	219
Writs of certiorari or review to Courts of Appeal	22
Supervisory Writs to Lower Courts	15
Appeals from Juvenile or Municipal Courts	7
On Certificate from Courts of Appeal	1
Appeals from Administrative Tribunals	9
Transferred from Courts of Appeal	9
Total	282

TABLE VI

GEOGRAPHICAL ORIGIN OF APPEALS FROM DISTRICT COURTS IN REPORTED CASES

A — By Parish

Acadia	1
Allen	1
Ascension	7
Avoyelles	2
Beauregard	3
Bienville	2
Bossier	2
Caddo	21
Calcasieu	4
Cameron	2
Claiborne	1
Concordia	1
East Baton Rouge	23
East Feliciana	1
Evangeline	1
Franklin	1
Iberia	1

TABLE VI — Continued

Iberville	1
Jackson	1
Jefferson	6
Jefferson Davis	1
Lafayette	2
Lafourche	4
Lincoln	3
Livingston	1
Ouachita	9
Plaquemines	4
Pointe Coupee	2
Rapides	8
Red River	2
Sabine	1
St. Bernard	3
St. Charles	1
St. Helena	2
St. Landry	2
St. Martin	1
St. Tammany	5
Tangipahoa	2
Terrebonne	1
Vernon	4
Washington	3
Webster	1
West Baton Rouge	1
West Carroll	1
West Feliciana	1
Orleans Civil	57
Orleans Criminal	15
Total	219

B — By Judicial District

First District (Caddo)	21
Second District (Jackson, Claiborne, Bienville)	4
Third District (Lincoln, Union)	3
Fourth District (Ouachita)	9
Fifth District (West Carroll, Richland, Franklin)	2
Seventh District (Concordia)	1
Ninth District (Rapides)	8
Tenth District (Natchitoches, Red River)	2
Eleventh District (De Soto, Sabine)	1
Twelfth District (Avoyelles)	2
Thirteenth District (Evangeline)	1
Fourteenth District (Calcasieu, Cameron)	6
Fifteenth District (Acadia, Lafayette, Vermilion)	3
Sixteenth District (St. Mary, Iberia, St. Martin)	2
Seventeenth District (Terrebonne, Lafourche)	5
Eighteenth District (Iberville, West Baton Rouge, Pointe Coupee)	4
Nineteenth District (East Baton Rouge)	23
Twentieth District (East Feliciana, West Feliciana)	2
Twenty-first District (Tangipahoa, Livingston, St. Helena)	5
Twenty-second District (Washington, St. Tammany)	8
Twenty-third District (Assumption, Ascension, St. James)	7
Twenty-fourth District (Jefferson)	6
Twenty-fifth District (St. Bernard, Plaquemines)	7
Twenty-sixth District (Bossier, Webster)	3

TABLE VI — Continued

Twenty-seventh District (St. Landry)	2
Twenty-ninth District (St. Charles)	1
Thirtieth District (Beauregard, Vernon)	7
Thirty-first District (Jefferson Davis, Allen)	2
Orleans Civil	57
Orleans Criminal	15
Total	219

TABLE VII

DISPOSITION OF APPLICATIONS FOR WRITS AND REHEARINGS FILED DURING TERM

	Granted	Refused	Pending	With- drawn	Not Con- sidered	Totals
Applications for Supervisory Writs to Lower Courts ..	22	95	5	1	7	130
Applications for Writs of Certiorari or Review to Courts of Appeal	33	114	27*	1	1	176
Total Writs	55	209	32	2	8	306
Applications for Rehearings	13	129	20**	3	—	165
Totals	68	338	52	5	8	471

*25 of the 27 pending applications were disposed of on October 4, 1955, the opening day of the new term. The other two cases were not filed until September 30, 1955.

**19 of the 20 pending applications were disposed of on October 4, 1955, the opening day of the new term.

TABLE VIII

DISPOSITION OF WRITTEN OPINIONS OF REPORTED CASES

	Original Opinion	On Re- Hearing	Total
Chief Justice Fournet	43	2	45
Associate Justice Hamiter	35	1	36
Associate Justice Hawthorne	40	—	40
Associate Justice LeBlanc	14	—	14
Associate Justice McCaleb	43	1	44
Associate Justice Moise	45	—	45
Associate Justice Ponder	40	1	41
Associate Justice Simon	20	2	22
Associate Justice Viosca (<i>ad hoc</i>)	1	—	1
Per Curiam Opinions	1	—	1
Totals	282	7	289

TABLE IX
DISSENTS

	To Original Opinion		To Rehearing		To Refusal to Grant Rehearing		To Granting of Rehearing		Total
	With Opinion	Without Opinion	With Opinion	Without Opinion	With Opinion	Without Opinion	With Opinion	Without Opinion	
Chief Justice Fournet.....									
Associate Justice Hamiter..	14	3	2		1	2			22
Associate Justice Hawthorne	10	3	3		3	2			21
Associate Justice LeBlanc..									
Associate Justice McCaleb..	7		2		2	1			12
Associate Justice Moise....	4		2				1		7
Associate Justice Ponder...	2	1							3
Associate Justice Simon....		1							1
Totals	37	8	9		6	5	1		66

TABLE X
NUMBER OF 1954-1955 REPORTED CASES WITH REFERENCE TO TERM DURING WHICH DOCKETED

Term of Filing	Disposed of in 1954-55 Term
1954-1955	49
1953-1954	174
1952-1953	35
1951-1952	11
1950-1951	4
1949-1950	5
1948-1949	4
Total	282

TABLE XI
TIME ELAPSED BETWEEN DISPOSITION OF 1954-1955 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	76	26.95
6-12 months	96	34.04
12-18 months	68	24.11
18-24 months	16	5.67
24-30 months	5	1.78
30-36 months	5	1.78
36-42 months	5	1.78
42-48 months	3	1.06
48-54 months	1	.35
54-60 months	2	.71
60-66 months	1	.35
66-72 months	2	.71
72-78 months	2	.71
Totals	282	100.00