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# The Work of the Louisiana Supreme Court for the 1956-1957 Term

## Statistical Survey

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

With this issue, the Louisiana Law Review publishes its twentieth annual survey of the work of the Supreme Court of Louisiana. It is hoped that the Symposium will provide a broad and meaningful picture of the year's decisions, and that as a result of the study, the reader will be better able to evaluate decisions which represent significant developments in the growth and evolution of the law.

Statistical data concerning the work of the court is included as a part of the Symposium. The importance of judicial statistics to the administration of justice is becoming increasingly recognized, and meaningful statistical data concerning the work of the Supreme Court has an especially timely significance in view of the current efforts to secure much needed revision of appellate jurisdiction.<sup>1</sup> The old saying "one swallow maketh not summer" is particularly pertinent in the evaluation of statistical information, and it is helpful, therefore, that statistical studies concerning the work of the Supreme Court have been published consecutively for the past four years<sup>2</sup> as a part of the Symposium survey of the work of the court.

During the 1956-1957 term, 267 cases were disposed of with written opinions.<sup>3</sup> During the five-year period 1952-1957, this

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1. For a very interesting breakdown as to the average judicial work load per judge, see Hood, *Report on the Revision of Appellate Jurisdiction*, 5 LA. B.J. 125 (1957).

2. See *The Work of the Louisiana Supreme Court for the 1952-1953 Term*, 14 LOUISIANA LAW REVIEW 62 (1953); *The Work of the Louisiana Supreme Court for the 1953-1954 Term*, 15 LOUISIANA LAW REVIEW 255 (1955); *The Work of the Louisiana Supreme Court for the 1954-1955 Term*, 16 LOUISIANA LAW REVIEW 211 (1956); *The Work of the Louisiana Supreme Court for the 1955-1956 Term*, 17 LOUISIANA LAW REVIEW 294 (1957). The Review has published a statistical survey of the work of the Supreme Court for each of the past nineteen terms, with the exception of 1949-1950, 1950-1951, and 1951-1952. The surveys for the war years 1941-1944 are included in the symposium for the 1944-1945 term.

3. This category consists of cases reported in the Southern Reporter, up to and including those appearing in the November 28, 1957 Advance Sheet, the latest

figure has varied from 246 to 299. In the 1952-1953 term, 288 cases were disposed of with written opinions; in 1953-1954, 246; 1954-1955, 282; 1955-1956, 299; and 1956-1957, 267. This year's total represents a decrease of 10.7% from the number decided during the previous term, but the number of cases decided still appears to be far in excess of a healthy norm.<sup>4</sup> Of course, the work of the court includes much more than simply writing opinions in reported cases. When one adds to the number of reported decisions (267), the number of applications for writs considered (288), and the number of applications for rehearings disposed of (127), we see that a total of 682 such matters were handled by the court, a decrease of 4.35% from the preceding year.

During the 1956-1957 term, 271 cases were docketed in the Supreme Court, excluding writ applications, and 296 writ applications were filed. When these two figures are taken together, it will be seen that a total of 567 matters were docketed. The number of cases docketed exclusive of writ applications represents a decrease of 24, or 8.14% from that for the prior year, but the number of writ applications filed represents an increase of 36, or 13.85% over the prior year.

Despite the continued efforts on the part of the court to relieve docket congestion, the statistical study shows that during the past four years the percentage of cases decided within one year of filing has steadily *decreased*. During the 1953-1954 term, 66.26% were disposed of within a year; in 1954-1955, 60.99%; 1955-1956, 54.85%; and 1956-1957, 50.93%.<sup>5</sup> It seems obvious that if the unwholesome congestion of the docket of the Supreme Court is to be dissipated, and if the court is to have sufficient time available for adequate consideration of the grave matters which come to it for decision, it is absolutely essential that there be a revision of the Supreme Court's appellate jurisdiction. What plan is adopted is not nearly as significant as the clear necessity that relief be afforded. It is to be hoped that the plan finally evolved by the Judicial Council after its intensive study will receive the overwhelming and enthusiastic support of the bench and bar.

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available at the printing deadline of this issue of the Review. It is possible that there are a few cases which were decided during the 1956-1957 term, but were not reported as of November 28, 1957, and hence are not included in this survey.

4. See note 1 *supra*.

5. In 1952-1953, 57.63% of the cases disposed of during the term were decided within a year of filing. Information is not readily available as to whether this figure represented an increase or decrease over the prior year.

TABLE I  
VOLUME OF JUDICIAL BUSINESS

	Number	No. of in- crease or decrease over preceding year	Per- cent change over pre- ceding year
Cases <sup>1</sup> disposed of with written opinions.....	267	-32	-10.70
Applications for writs filed .....	296	+36	+13.85
Applications for writs considered.....	288	+31	+12.06
Applications for rehearings disposed of.....	127	-30	-19.11
Rehearings <sup>2</sup> with written opinions.....	12	-4	-25.00
Cases docketed (excluding writ applications).....	271	-24	-8.14
Total matters docketed.....	567	+12	+2.16
Total matters handled (excluding rehearings).....	555	-1	-.18
Grand total of matters handled (including rehearings)	682	-31	-4.35

1. See fn. 3, p. 1 supra.
2. Ibid.

TABLE II  
DISPOSITION OF REPORTED LITIGATION

	Appeals from District Courts	Writs of Certiorari or Review to Courts of Appeal	Supervisory Writs to Lower Courts	Appeals from Juvenile Courts	Appeals from Municipal Courts	Appeals from Family Court	Transferred from Courts of Appeal	Appeals from Administrative Tribunals	Original Jurisdiction	Totals
Affirmed .....	101	3	1	4	1	1		2		113
Amended and Affirmed	16									16
Amended in part, Reversed in part, Rendered .....	14					1				15
Affirmed in part, Reversed in part, Remanded .....		2								2
Reversed and Rendered	23	10	5		2		2	1		43
Reversed and Remanded .....	23	4	6			1				34
Transferred to Court of Appeal .....	21						4			25
Motion to transfer to Court of Appeal denied .....	1									1
Motion to dismiss appeal granted .....	7					1				8
Motion to dismiss appeal denied .....	4									4
Miscellaneous .....	3 <sup>1</sup>	1 <sup>2</sup>	1 <sup>3</sup>						1 <sup>4</sup>	6
Totals .....	213	20	13	4	3	4	6	3	1	267

1. These three cases were disposed of as follows: affirmed in part, remanded; motion to remand denied; exception of no right of action filed in Supreme Court sustained.

TABLE II—Continued

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2. Order granting writ of certiorari set aside, and writ denied.
  3. Rule to show cause discharged and writs denied.
  4. Ruling rendered relative to admissibility of evidence in pending disbarment case.

TABLE III

## DISPOSITION OF REPORTED CASES REVIEWED ON WRITS OF CERTIORARI OR REVIEW

	Orleans	First Circuit	Second Circuit	Totals
Affirmed .....	1	1	1	3
Affirmed in part, Reversed in Part, Remanded .....	1	1		2
Reversed and Rendered.....	6	1	3	10
Reversed and Remanded.....		4		4
Miscellaneous .....			1 <sup>1</sup>	1
Totals .....	8	7	5	20

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1. Order granting writ of certiorari set aside, and writ denied.

TABLE IV

## TOPICAL ANALYSIS OF REPORTED CASES

Administrative Law .....	11
Banks, Banking, and Negotiable Instruments.....	1
Constitutional Law .....	3
Contracts and Obligations.....	15
Corporations .....	2
Criminal Law and Procedure.....	41
Elections .....	5
Expropriation .....	11
Family Law .....	26
Insurance .....	5
Lease .....	5
Legal Profession .....	1
Legislation .....	1
Liens .....	1
Mineral Rights .....	11
Municipal Corporations .....	5
Partnership .....	1
Practice and Procedure .....	55
Prescription .....	3
Property .....	7
Sales .....	9
Security Devices .....	1
Successions .....	21
Suretyship .....	2
Taxation .....	7
Torts .....	16
Workmen's Compensation .....	1
Total .....	267

TABLE V  
JURISDICTIONAL ORIGIN OF REPORTED CASES

Appeals from District Courts.....	213
Writs of Certiorari or Review to Courts of Appeal.....	20
Supervisory Writs to Lower Courts.....	13
Appeals from Juvenile Courts.....	4
Appeals from Municipal Courts.....	3
Appeals from Family Courts.....	4
Transferred from Courts of Appeal.....	6
Appeals from Administrative Tribunals.....	3
Original Jurisdiction.....	1
<b>Total.....</b>	<b>267</b>

TABLE VI

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

## A — By Parish

Acadia.....	2	Ouachita.....	10
Allen.....	2	Plaquemines.....	2
Ascension.....	1	Pointe Coupee.....	1
Avoyelles.....	4	Rapides.....	6
Beauregard.....	1	Richland.....	1
Bossier.....	3	Red River.....	1
Caddo.....	11	Sabine.....	1
Calcasieu.....	2	St. Bernard.....	2
Cameron.....	1	St. Charles.....	1
Claiborne.....	1	St. Helena.....	1
East Carroll.....	3	St. Landry.....	1
East Baton Rouge.....	33	St. Martin.....	1
East Feliciana.....	3	St. Tammany.....	3
Franklin.....	1	Tangipahoa.....	2
Grant.....	1	Tensas.....	1
Jefferson.....	10	Union.....	2
Jefferson Davis.....	2	Vermilion.....	2
Lafayette.....	1	Vernon.....	1
Lafourche.....	3	Webster.....	2
LaSalle.....	2	West Baton Rouge.....	1
Lincoln.....	1	West Feliciana.....	4
Madison.....	2	Winn.....	2
Natchitoches.....	2		
Orleans — Civil.....	60	<b>Total.....</b>	<b>213</b>
Orleans — Criminal.....	13		

## B — By Judicial District

First District (Caddo).....	11
Second District (Bienville, Claiborne, Jackson).....	1
Third District (Lincoln, Union).....	3
Fourth District (Morehouse, Ouachita).....	10
Fifth District (Franklin, Richland, West Carroll).....	2
Sixth District (East Carroll, Madison, Tensas).....	6
Eighth District (Grant, Winn).....	3
Ninth District (Rapides).....	6
Tenth District (Natchitoches, Red River).....	3
Eleventh District (DeSoto, Sabine).....	1
Twelfth District (Avoyelles).....	4
Fourteenth District (Cameron, Calcasieu).....	3
Fifteenth District (Acadia, Lafayette, Vermilion).....	5
Sixteenth District (Iberia, St. Martin, St. Mary).....	1
Seventeenth District (Lafourche, Terrebonne).....	3

TABLE VI—Continued

Eighteenth District (Iberville, Pointe Coupee, West Baton Rouge).....	2
Nineteenth District (East Baton Rouge).....	33
Twentieth District (East Feliciana, West Feliciana).....	7
Twenty-first District (Livingston, St. Helena, Tangipahoa).....	3
Twenty-second District (St. Tammany, Washington).....	3
Twenty-third District (Ascension, Assumption, St. James).....	1
Twenty-fourth District (Jefferson, St. John).....	10
Twenty-fifth District (Plaquemines, St. Bernard).....	4
Twenty-sixth District (Bossier, Webster).....	5
Twenty-seventh District (St. Landry).....	1
Twenty-eighth District (Caldwell, LaSalle).....	2
Twenty-ninth District (St. Charles).....	1
Thirtieth District (Beauregard, Vernon).....	2
Thirty-first District (Jefferson Davis, Allen).....	4
Orleans—Civil District .....	60
Orleans—Criminal District .....	13
Total .....	213

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 Courts Other than Courts of Appeal.....	21	90 <sup>1</sup>	0	0	2	113
Applications for Supervisory Writs to Courts of Appeal.....	33	144	6	0	0	183
Total Writs.....	54	234	6	0	2	296
Applications for Rehearings.....	14	113	1	3	0	131
Totals .....	68	347	7	3	2	427

1. Includes four applications for writs to the Civil Service Commission.

TABLE VIII

## DISPOSITION OF WRITTEN OPINIONS OF REPORTED CASES

	Original Opinion	Concurring with Original Opinion	Opinion on Rehearing	Concurring with Opinion on Rehearing	Opinion on Second Rehearing	On Application for Rehearing	Total
Chief Justice Fournet.....	34	1	3		1		39
Assoc. Justice Hamiter.....	36	1	2	1			40
Assoc. Justice Hawthorne.....	37	2	1				40
Assoc. Justice McCaleb.....	42	10	1				53
Assoc. Justice Moise.....	18						18
Assoc. Justice Ponder.....	38		1				39
Assoc. Justice Simon.....	39		2		1		42
Assoc. Justice Hamlin ( <i>ad hoc.</i> ).....	22						22
Assoc. Justice Guidry ( <i>ad hoc.</i> ).....	1						1
Per Curiam .....						9	9
Totals .....	267	14	10	1	2	9	303

TABLE IX  
DISSENTS IN REPORTED CASES

	Dissenting from Original Opinion		Dissenting from Opinion on First Rehearing		Dissenting from Opinion on Second Rehearing		Dissenting from Denial of Rehearing		Signifying Refusal to Subscribe to Per Curiam Opinion		Totals	
	With written reasons	In part, with written reasons	Without written reasons	In part, without written reasons	With written reasons	Without written reasons	With written reasons	Without written reasons	With written reasons	Without written reasons		
Chief Justice Fournet.....	4										7	
Assoc. Justice Hamiter.....	6	3	2		1	1	1	1	1	1	18	
Assoc. Justice Hawthorne.....	7				1	1			1	1	12	
Assoc. Justice McCaleb.....	9	2			1		1		2		15	
Assoc. Justice Moise.....											0	
Assoc. Justice Ponder.....			5				1				7	
Assoc. Justice Simon.....	3		2	1	1			1			9	
Assoc. Justice Martinez ( <i>ad hoc</i> ).....	1										1	
Assoc. Justice Viosca ( <i>ad hoc</i> ).....		1									1	
Assoc. Justice Hamlin ( <i>ad hoc</i> ).....		1									1	
Totals .....	30	9	9	1	5	2	1	6	0	2	4	71



TABLE X  
 CASES REPORTED IN 1956-1957 WITH REFERENCE TO DATE DOCKETED

Year Filed	Disposed of in 1956-1957 Term
1956-1957 .....	45
1955-1956 .....	160
1954-1955 .....	38
1953-1954 .....	12
1952-1953 .....	7
1951-1952 .....	3
1950-1951 .....	2
<b>Total .....</b>	<b>267</b>

TABLE XI  
 TIME ELAPSED BETWEEN DISPOSITION OF 1956-1957 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 .....	58	21.72
6 months to one year .....	78	29.21
1 to 1½ years .....	79	29.59
1½ to 2 years .....	20	7.49
2 to 2½ years .....	11	4.12
2½ to 3 years .....	6	2.25
3 to 3½ years .....	4	1.50
3½ to 4 years .....	2	.75
4 to 4½ years .....	3	1.12
4½ to 5 years .....	4	1.50
5 to 5½ years .....	..	...
5½ to 6 years .....	2	.75
<b>Totals .....</b>	<b>267</b>	<b>100.00</b>