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## Statistical Survey

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# The Work of the Louisiana Supreme Court for the 1945-1946 Term

This symposium, covering the work of the Louisiana Supreme Court from October 1945 through September 1946, continues the series of surveys which have presented each year a review of Louisiana jurisprudence as developed by decisions of the highest appellate court of the state during the last judicial term.

## I. STATISTICAL SURVEY

*Margaret Taylor Lane\**

This statistical survey marks the ninth term for which the work of the Louisiana Supreme Court has been analyzed to determine the volume of business handled by the court and the number of new matters docketed during the term.

The volume of business handled by the court has decreased continuously since the 1941-1942 term. The grand total of matters handled was 564 in 1941-1942, 489 in 1942-1943, 394 in 1943-1944, and 385 in 1944-1945, as compared with 354 for the 1945-1946 term. The most significant difference, however, is between the total number of matters handled in 1937-1938, the year of the first survey, and the number handled in 1945-1946. There is a decrease from 622 matters handled in 1937-1938 to 354 matters in 1945-1946—a 44 per cent drop.

Since the 1941-1942 term the total of matters docketed has also shown a decrease each term. This trend continued in the 1945-1946 term when 318 matters were docketed as compared with 349 in the preceding year.

It should be noted that the ratio between matters docketed and matters handled (excluding rehearing applications) is fairly high. In 1945-1946 the total number of cases handled (excluding rehearing applications) was 275 or 86 per cent of the number docketed. This compares with 449 or 94.9 per cent in 1941-1942, 361 or 83.3 per cent in 1942-1943, 292 or 80.4 per cent in 1943-1944, and 279 or 79.9 per cent in 1944-1945.

The court rendered written opinions in 204 cases during the 1945-1946 term. This is an increase of 29 over the previous term

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\* Law Librarian, Louisiana State University.

and marks the first time since 1942-1943 that more than 200 opinions have been written.

During the 1945-1946 term, a total of 130 applications for supervisory writs to the lower courts and writs of certiorari to the courts of appeal were filed (See Table VIII). This is a decrease from 151 applications in the 1944-1945 term.

In addition to the written opinions rendered by the court and the applications for writs considered, the court acted upon 81 applications for rehearings (See Table VII). Of the total matters handled by the court during the term, 23 per cent were applications for rehearings. Of the 81 applications for rehearings only 4, or 5 per cent, were granted. This percentage is the same as that for 1944-1945, when 6 rehearings were granted out of 106 applications.

An examination of the jurisdictional origin of the 204 cases decided by the court shows that 167 cases or 81 per cent were appeals from the district and city courts; 22 or 11 per cent were applications for writs of certiorari from the courts of appeal; 14 or 7 per cent were applications for supervisory writs from the district and juvenile courts, and 1 case was on original jurisdiction (See Table V).

The appeals from the district courts were distributed geographically as follows: 47, or 28 per cent from Orleans Parish (including civil and criminal courts); 17, or 10 per cent, from Caddo Parish; 16, or 9 per cent, from East Baton Rouge Parish, with the remaining 51 per cent coming from 39 of the other parishes (See Table VI).

The analysis of the written opinions of the court by subject matter reveals that 40 or 19 per cent of the cases involved criminal law and procedure; 15 or 7 per cent, mineral rights; 11 or 5 per cent, sales; 10 or 5 per cent, divorce and separation; 25 or 12 per cent, practice and procedure, and the remaining 106 or 52 per cent dealt with other subjects as indicated in Table IV. The classification of the opinions is highly arbitrary in that some opinions deal with more than one subject. As a general rule, opinions have been classified according to a substantive law field rather than under the subject, practice and procedure.

Of the 204 written opinions rendered by the court during the 1945-1946 term, 20 or less than 10 per cent were accompanied by dissents (See Table IX). There were 23 dissenting opinions and 13 dissents without opinion in these 20 cases.

An average of 29 opinions was written by each member of the court during the term. Of the total matters considered by the court, including rehearing applications, each member of the court handled an average of 50 matters.

TABLE I  
VOLUME OF JUDICIAL BUSINESS (1945-1946)

Cases disposed of with written opinions.....	204
*Applications for writs filed during 1945-1946 term .....	130
†Applications for writs considered .....	69
Applications for writs pending .....	67
Applications for rehearings disposed of .....	81
Cases docketed during 1945-1946 term (excluding writ applications)....	188
‡Total matters docketed during 1945-1946 term.....	318
Total cases handled by the court (excluding rehearing applications)....	275
Grand total of matters handled by the court (including rehearing applications) .....	354

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

†This figure includes 6 applications filed prior to the 1945-1946 term and acted upon by the court during the 1945-1946 term. Of the 130 applications for writs filed during the 1945-1946 term, 63 were actually considered during that term.

‡This figure includes 188 appeals from district courts, 59 supervisory writs to lower courts, 71 writs of certiorari to courts of appeal—a total of 318 matters.

TABLE II  
DISPOSITION OF LITIGATION (1945-1946)

	On Appeal from District Courts	On Appeal from Juvenile or City Courts	On Certiorari or Review from Appellate Courts	On Supervisory Writs to District Courts	On Supervisory Writs to Juvenile Courts	On Original Jurisdiction	TOTAL
Affirmed .....	97	..	10	..	..	..	107
Affirmed in part and amended in part	1	..	..	..	..	..	1
Affirmed in part and reversed in part	5	..	..	..	..	..	5
Affirmed in part, reversed in part and remanded .....	1	..	..	..	..	..	1
Amended and affirmed .....	9	..	..	..	..	..	9
Amended and judgment of lower court reinstated .....	..	..	1	..	..	..	1
Amended in part, affirmed in part and dismissed in part .....	2	..	..	..	..	..	2
Amended in part, reversed in part and remanded .....	1	..	..	..	..	..	1
Annulled and dismissed .....	2	..	..	..	1	..	3
Annulled, dismissed in part and rendered .....	1	..	..	..	..	..	1
Annulled and new trial granted .....	1	..	..	..	..	..	1
Annulled and quashed .....	..	..	..	1	..	..	1
Annulled and remanded .....	9	..	1	2	..	..	12
Annulled and rendered .....	6	..	3	1	..	..	10
Annulled in part .....	1	..	..	..	..	..	1
Annulled in part, affirmed in part...	1	..	..	..	..	..	1
Annulled in part, affirmed in part and remanded .....	1	..	..	1	..	..	2
Annulled in part, reversed in part and remanded .....	1	..	..	..	..	..	1
Dismissed in part and annulled in part .....	1	..	..	..	..	..	1

TABLE II (CONTINUED)  
DISPOSITION OF LITIGATION (1945-1946)

	On Appeal from District Courts	On Appeal from Juvenile or City Courts	On Certiorari or Review from Appellate Courts	On Supervisory Writs to District Courts	On Supervisory Writs to Juvenile Courts	On Original Jurisdiction	TOTAL
Exception of no cause of action maintained .....	1	..	..	..	..	..	1
Exception overruled .....	..	..	..	..	..	1	1
Motions to dismiss appeal refused ...	5	..	..	..	..	..	5
Proceedings dismissed .....	2	..	..	..	..	..	2
Recast and remanded .....	1	..	..	..	..	..	1
Remanded on motion .....	1	..	..	..	..	..	1
Rendered in part and remanded.....	1	..	..	..	..	..	1
Reversed and dismissed .....	1	1	..	..	..	..	2
Reversed and judgment of lower court amended .....	..	..	1	..	..	..	1
Reversed and judgment of lower court reinstated .....	..	..	4	1	..	..	5
Reversed and remanded .....	9	..	2	1	..	..	12
Reversed and rendered .....	3	..	..	..	..	..	3
Rule to show cause discharged .....	..	..	..	1	..	..	1
Rule to show cause made absolute....	..	..	..	1	1	..	2
Transferred to court of appeal .....	2	..	..	1	..	..	3
Writs made peremptory and case remanded .....	..	..	..	1	..	..	1
Writs made peremptory in part and recalled in part .....	..	..	..	1	..	..	1
<b>TOTALS</b> .....	<b>166</b>	<b>1</b>	<b>22</b>	<b>12</b>	<b>2</b>	<b>1</b>	<b>204</b>

TABLE III

DISPOSITION OF CASES REVIEWED ON WRITS OF CERTIORARI  
FROM COURTS OF APPEAL (1945-1946)

	Parish of Orleans	First Circuit	Second Circuit	TOTAL
Affirmed .....	4	3	3	10
Amended and judgment of lower court reinstated .....	1	..	..	1
Annulled and remanded .....	..	1	..	1
Annulled and rendered .....	1	1	1	3
Reversed and judgment of lower court amended .....	..	1	..	1
Reversed and judgment of lower court reinstated ..	1	..	3	4
Reversed and remanded .....	..	1	1	2
<b>TOTALS</b> .....	<b>7</b>	<b>7</b>	<b>8</b>	<b>22</b>

TABLE IV  
TOPICAL ANALYSIS OF DECISIONS (1945-1946)

Administrative Law .....	2
Agency .....	2
Attorneys .....	1
Community Property .....	7
Conflict of Laws .....	1
Constitutional Law .....	1
Contempt of Court .....	1
Conventional Obligations .....	9
Corporations .....	3
Criminal Law and Procedure .....	40
Divorce and Separation .....	10
Elections .....	1
Expropriation .....	2
Insurance .....	2
Mineral Rights .....	15
Minors, Tutorship .....	8
Municipal Corporations .....	6
Partnership .....	3
Practice and Procedure .....	25
Prescription .....	2
Property .....	8
Sales .....	11
Schools and School Districts.....	4
Security Devices .....	5
Successions and Donations .....	10
Taxation .....	9
Torts and Workmen's Compensation .....	16
<b>TOTAL</b> .....	<b>204</b>

TABLE V  
JURISDICTIONAL ORIGIN OF CASES (1945-1946)

Appeal from city court .....	1
Appeals from district courts .....	166
On certiorari or writs of review from courts of appeal .....	22
On supervisory writs to district courts .....	12
Original jurisdiction of supreme court.....	1
<b>TOTAL</b> .....	<b>204</b>

TABLE VI  
GEOGRAPHICAL DISTRIBUTION OF APPEALS FROM  
DISTRICT COURTS (1945-1946)

<i>A—By Parish</i>			
Parish	No. of Cases	Parish	No. of Cases
Acadia .....	1	Ouachita .....	1
Ascension .....	1	Plaquemines .....	3
Assumption .....	2	Rapides .....	6
Avoyelles .....	3	Red River .....	2
Beauregard .....	1	Sabine .....	2
Bienville .....	2	St. Bernard .....	1
Caddo .....	17	St. Charles .....	1
Calcasieu .....	9	St. John the Baptist.....	3
Cameron .....	1	St. Landry .....	2
Catahoula .....	1	St. Martin .....	1
Claiborne .....	2	St. Mary .....	4
DeSoto .....	2	St. Tammany .....	2
East Baton Rouge .....	16	Tangipahoa .....	7
Evangeline .....	2	Tensas .....	2
Grant .....	2	Terrebonne .....	1
Iberia .....	1	Union .....	1
Jefferson .....	3	Vernon .....	3
Lafourche .....	2	Washington .....	1
LaSalle .....	1	Webster .....	3
Lincoln .....	1	Winn .....	1
Natchitoches .....	2		
Orleans Civil .....	36	TOTAL .....	166
Orleans Criminal .....	11		

<i>B—By Judicial District</i>		No. of Cases
First District (Caddo) .....		17
Second District (Claiborne, Jackson, Bienville) .....		4
Third District (Lincoln, Union) .....		2
Fourth District (Ouachita, Morehouse) .....		1
Sixth District (East Carroll, Madison, Tensas) .....		2
Seventh District (Catahoula, Concordia) .....		1
Eighth District (Grant, Winn) .....		3
Ninth District (Rapides) .....		6
Tenth District (Natchitoches, Red River) .....		4
Eleventh District (DeSoto, Vernon, Sabine) .....		7
Twelfth District (Avoyelles) .....		3
Thirteenth District (Evangeline) .....		2
Fourteenth District (Calcasieu, Jefferson Davis, Allen, Beauregard, Cameron) .....		11
Fifteenth District (Acadia, Lafayette, Vermillion) .....		1
Sixteenth District (St. Mary, Iberia, St. Martin) .....		6
Seventeenth District (Terrebonne, Lafourche) .....		3
Nineteenth District (East Baton Rouge) .....		16
Twenty-first District (Tangipahoa, Livingston, St. Helena) .....		7
Twenty-second District (Washington, St. Tammany) .....		3
Twenty-third District (Assumption, Ascension, St. James) .....		3
Twenty-fourth District (Jefferson, St. John the Baptist, St. Charles)....		7
Twenty-fifth District (St. Bernard, Plaquemines) .....		4
Twenty-sixth District (Bossier, Webster) .....		3
Twenty-seventh District (St. Landry) .....		2
Twenty-eighth District (LaSalle, Caldwell) .....		1
TOTAL .....		119
Orleans Civil District .....		36
Orleans Criminal District .....		11
TOTAL .....		166

TABLE VII

DISPOSITION OF APPLICATIONS FOR WRITS  
AND REHEARINGS (1945-1946)

	Granted	Refused	TOTAL
Applications for rehearings .....	4	76	80*
Applications for writs .....	12	51	63†
<b>TOTALS</b> .....	<b>16</b>	<b>127</b>	<b>143</b>

\*Not included one application for rehearing granted in part and refused in part.

†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 6 applications for writs considered by the court but filed during the previous term.

TABLE VIII

## DISPOSITION OF APPLICATIONS FOR WRITS (1945-1946)

	Granted	Refused	Pending	TOTAL
Supervisory writs to lower courts .....	2	11	46	59
Writs of certiorari to courts of appeal.....	10	40	21	71
<b>TOTALS</b> .....	<b>12</b>	<b>51</b>	<b>67</b>	<b>130</b>

TABLE IX

## DISSENTS\* (1945-1946)

	With Opinion	Without Opinion	TOTAL
O'Niell, C. J. ....	6	2	8
Fournet, J. ....	8	1	9
Hamiter, J. ....	4	3	7
Hawthorne, J. ....	1	1	2
Higgins, J. ....	2	..	2
Ponder, J. ....	1	3	4
Rogers, J. ....	1	3	4
<b>TOTALS</b> .....	<b>23</b>	<b>13</b>	<b>36</b>

\*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—20.