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## Statistical Survey

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# The Work of the Louisiana Supreme Court for the 1948-1949 Term

This marks the twelfth consecutive year in which the Louisiana Law Review presents to the bench and bar the more important developments of the Louisiana jurisprudence as announced by the latest decisions of the supreme court. It is hoped that in publishing this yearly symposium and the biennial survey of the Louisiana legislation, this review discharges its self-imposed obligation of keeping the judiciary, the bar, and the student abreast of the changes in the interpretation and application of the laws.

The year 1949 also marks the year of retirement of Charles Austin O'Niell, who for thirty-five years served as one of Louisiana's most distinguished members of the supreme court. This renowned jurist, whose written opinions are ample evidence of his eminence as a scholar and a civilian, has more than earned the respect and esteem in which he is held by the judiciary and by members of the Louisiana bar. The Louisiana Law Review is proud to extend to the Chief Justice its heartiest congratulations.

## I. STATISTICAL SURVEY

*Carlos E. Lazarus\**

An examination of the daily docket of the Louisiana Supreme Court as it appeared in the Official Daily Court Record shows that 459 suits were filed in that court during its 1948-1949 term.<sup>1</sup> Of these cases 239 were appeals from lower courts, 120 were applications for writs of certiorari to review decisions of the appellate courts, 99 were applications for supervisory writs to the lower courts, and one was filed directly in the Supreme Court under the court's original jurisdiction.

On the other hand, the court disposed of 161 of the 219 applications for writs filed;<sup>2</sup> it handled 81 applications for rehearings of which 7 were granted and 74 were refused;<sup>3</sup> and it rendered 185

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1. This is an increase of 45 cases over the number filed during the 1947-1948 term. Cf. *The Work of the Louisiana Supreme Court for the 1947 - 1948 Term* (1949) 9 LOUISIANA LAW REVIEW 147.

2. See Table VIII.

3. See Table VII.

written opinions.<sup>4</sup> This amounts to 427 matters adjudicated during the term,<sup>5</sup> which accounts for fully 93 per cent of the total number of new cases filed.

As in previous years, the bulk of the litigation reached the court on appeals from the district and lower courts.<sup>6</sup> Of these, 77 (50.9 per cent) were affirmed; 30 (19.9 per cent) were reversed with or without directions; 17 (11.3 per cent) were reversed and dismissed and 27 (17.8 per cent) were otherwise disposed of.

It is interesting to note that of the 149 cases appealed from the district courts, 43 (28.8 per cent) arose in the Civil and Criminal District Courts for the Parish of Orleans; 20 (13 per cent) came from the parish of Caddo, and 6 (4 per cent) arose in each of the parishes of East Baton Rouge and Jefferson. On the other hand, of the 23 cases reaching the court on writs of review to the courts of appeal, 10 cases arose in the Second Circuit, 7 in the First Circuit and 6 originated in the Court of Appeal for the Parish of Orleans.<sup>7</sup>

The topical analysis in Table IV, which of necessity must be made more or less arbitrarily to facilitate treatment in the symposium, shows that as in previous years the bulk of litigation involved in the reported cases dealt with criminal matters (21 per cent) and cases dealing with procedural questions (16.2 per cent). 11.3 per cent of the cases presented questions dealing with the law of minors, tutorship, alimony and divorce (family law), and 7.5 per cent were cases dealing with succession matters.

**Table I**  
**Volume of Judicial Business**

Cases disposed of with written opinions .....	185*
Applications for writs filed .....	219
Applications for writs considered .....	161
Applications for rehearings disposed of .....	81
Rehearings with written opinions .....	8
Cases docketed (excluding writ applications) .....	240
Total matters docketed .....	459†
Total matters handled (excluding rehearings) .....	346
Grand total of matters handled (including rehearings) .....	427

\*This figure includes 8 cases in which opinions on rehearing were handed down. See Table X.

†This figure was obtained from the Official Daily Court Record of October 1, 1948 through September 30, 1949.

4. This figure includes only the number of cases published in the Southern Reporter from October 1, 1948 through September 30, 1949.

5. This is an average of 61 matters per member of the court. Cf. Table X in which the number of written opinions per member of the court is shown.

6. There were 149 appeals from district courts and 2 from the juvenile courts. See Table II.

7. See Table III.

**Table II**  
**Disposition of Litigation**

	On Appeal from District Courts	On Original Jurisdiction	On Appeal from Juvenile Courts	On Supervisory Writs to lower courts	On Writs of Review to courts of Appeal	Totals
Affirmed.....	77	..	..	1	7	85
Affirmed in part, reversed in part.....	3	..	..	..	1	4
Affirmed in part, reversed in part and remanded.....	1	..	..	..	..	1
Affirmed in part, reversed in part and judgment of lower court reinstated.....	..	..	..	..	1	1
Amended and affirmed.....	7	..	..	..	..	8
Amended and remanded.....	1	..	..	..	..	1
Dismissed.....	4	..	..	..	..	4
Motion to dismiss denied.....	3	..	..	..	..	3
Order granted.....	..	1	..	..	..	1
Remanded for further consideration.....	3	..	..	..	..	3
Remanded to court of appeal.....	..	..	..	..	1	1
Reversed and judgment of lower court reinstated.....	..	..	..	..	4	4
Reversed and remanded.....	18	..	..	2	..	20
Reversed and remanded to lower court.....	..	..	..	..	5	5
Reversed and rendered.....	9	..	1	..	1	11
Reversed in part, amended in part.....	1	..	..	..	..	1
Reversed in part, amended in part and remanded.....	1	..	..	..	..	1
Reversed and suit dismissed.....	16	..	1	..	2	24
Transferred to court of appeal.....	5	..	..	..	..	5
Writ denied.....	..	..	..	1	..	1
Writ made peremptory.....	..	..	..	1	..	1
<b>TOTALS.....</b>	<b>149</b>	<b>1</b>	<b>2</b>	<b>10</b>	<b>23</b>	<b>185</b>

Table III

## Disposition of Cases Reviewed on Writs of Certiorari

	<i>Orleans</i>	<i>First Circuit</i>	<i>Second Circuit</i>	<i>Totals</i>
Affirmed.....	4	1	2	7
Affirmed in part, reversed in part.....	..	..	1	1
Affirmed in part, reversed in part and judgment of lower court reinstated.....	..	..	1	1
Amended and affirmed.....	..	1	..	1
Remanded to court of appeal.....	1	..	..	1
Reversed and remanded to lower court.....	1	2	2	5
Reversed and judgment of lower court reinstated.....	..	..	4	4
Reversed and rendered.....	..	1	..	1
Reversed and suit dismissed.....	..	2	..	2
<b>TOTALS.....</b>	<b>6</b>	<b>7</b>	<b>10</b>	<b>23</b>

Table IV

## Topical Analysis of Reported Cases

Administrative law.....	1
Banks, banking and negotiable instruments.....	2
Community property.....	3
Constitutional law.....	7
Contracts and obligations.....	9
Corporations and partnership.....	3
Criminal law and procedure.....	39
Elections.....	2
Evidence.....	8
Family law (divorce, minors, tutorship, etc.).....	21
Insurance.....	5
Lease.....	2
Mineral rights.....	6
Municipal corporations.....	6
Practice and procedure.....	30
Prescription.....	2
Property.....	7
Sales.....	4
Successions and donations.....	13
Taxation.....	4
Torts and workmen's compensation.....	11
<b>TOTAL.....</b>	<b>185</b>

**Table V**  
**Jurisdictional Origin of Reported Cases**

Appeals from District Courts.....	149
Appeals from Juvenile Courts.....	2
Writs of Review to Courts of Appeal.....	23
Supervisory Writs to lower Courts.....	10
Original Jurisdiction.....	1
<b>TOTAL.....</b>	<b>185</b>

**Table VI**  
**Geographical Distribution of Appeals from District  
Courts in Reported Cases**

**A—By Parish**

Acadia.....	1
Ascension.....	2
Avoyelles.....	2
Beauregard.....	1
Bossier.....	3
Caddo.....	20
Cajcasieu.....	3
Caldwell.....	2
Claiborne.....	1
Concordia.....	2
DeSoto.....	3
East Baton Rouge.....	6
East Feliciana.....	1
Franklin.....	1
Grant.....	2
Jackson.....	1
Jefferson.....	6
Jefferson Davis.....	2
Lafourche.....	1
LaSalle.....	1
Lincoln.....	2
Livingston.....	2
Natchitoches.....	2
Ouachita.....	5
Rapides.....	5
Red River.....	1
Richland.....	2
Sabine.....	1
St. Bernard.....	3
St. Charles.....	1
St. Landry.....	4
St. Martin.....	1
St. Tammany.....	4
St. James.....	1
Tangipahoa.....	3
Terrebonne.....	2
Tensas.....	1
Union.....	2
Washington.....	1
Webster.....	1
Winn.....	1
Orleans Civil.....	32
Orleans Criminal.....	11
<b>TOTAL.....</b>	<b>149</b>

## TABLE VI—Continued

**B—By Judicial District**

First District (Caddo).....	20
Second District (Jackson, Claiborne, Bienville).....	2
Third District (Union, Lincoln).....	4
Fourth District (Ouachita, Morehouse).....	5
Fifth District (Richland, Franklin, West Carroll).....	3
Sixth District (East Carroll, Madison, Tensas).....	1
Seventh District (Catahoula, Concordia).....	2
Eighth District (Grant, Winn).....	3
Ninth District (Rapides).....	5
Tenth District (Natchitoches, Red River).....	3
Eleventh District (DeSoto, Vernon, Sabine).....	4
Twelfth District (Avoyelles).....	2
Fourteenth District (Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis).....	6
Fifteenth District (Acadia, Lafayette, Vermillion).....	1
Sixteenth District (Iberia, St. Martin, St. Mary).....	1
Seventeenth District (Lafourche, Terrebonne).....	3
Nineteenth District (East Baton Rouge).....	6
Twentieth District (East Feliciana).....	1
Twenty-first District (Livingston, St. Helena, Tangipahoa).....	5
Twentieth-second District (Washington, St. Tammany).....	5
Twenty-third District (Ascension, Assumption, St. James).....	3
Twenty-fourth District (Jefferson, St. John the Baptist, St. Charles).....	7
Twenty-fifth District (St. Bernard, Plaquemines).....	3
Twenty-sixth District (Bossier, Webster).....	4
Twenty-seventh District (St. Landry).....	4
Twenty-eighth District (Caldwell, LaSalle).....	3
Orleans Civil.....	32
Orleans Criminal.....	11
<b>TOTAL.....</b>	<b>149</b>

Table VII

**Disposition of Applications for Writs and Rehearings Filed**

	<i>Granted</i>	<i>Refused</i>	<i>Pending</i>	<i>Total</i>
Applications for rehearings.....	7	74	..	81
Applications for writs.....	18	143	58	219
<b>TOTALS.....</b>	<b>25</b>	<b>217</b>	<b>58</b>	<b>300</b>

**Table VIII**  
**Disposition of Applications for Writs Filed**

	<i>Granted</i>	<i>Refused</i>	<i>Pending</i>	<i>Total</i>
Supervisory writs.....	1	64	34	99
Writs of certiorari.....	17	79	24	120
<b>TOTALS.....</b>	<b>28</b>	<b>143</b>	<b>58</b>	<b>219</b>

**Table IX**  
**Dissents**

	<i>With Opinion</i>	<i>Without Opinion</i>	<i>Total</i>
O'Niell, C. J.....	5	4	9
Fournet.....	2	..	2
Hamiter.....	8	..	8
Hawthorne.....	7	1	8
McCaleb.....	5	1	6
Moise.....	1	..	1
Ponder.....	1	2	3
<b>TOTALS.....</b>	<b>29</b>	<b>8</b>	<b>37</b>

**Table X**  
**Disposition of Written Opinions of Reported Cases**

	<i>Original Opinion</i>	<i>On Rehearing</i>	<i>Total</i>
O'Niell, C. J.....	10	..	10
Fournet.....	32	2	34
Hamiter.....	28	..	28
Hawthorne.....	26	2	28
McCaleb.....	29	1	30
Moise.....	28	1	29
Ponder.....	30	2	32
Stitch, Justice ad-hoc.....	1	..	1
Per Curiam.....	1	..	1
<b>TOTALS.....</b>	<b>185</b>	<b>8</b>	<b>193</b>