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General: Statistical Survey

Paul M. Hebert

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Unfortunately, one of the great needs in Louisiana is for a more comprehensive, accurate and regular collection of judicial statistics from our courts at all levels. It is to be hoped that such an enterprise will be undertaken in connection with the work of a well-organized judicial council. Such data are indispensable to the thorough consideration of the manner in which justice is administered under the law. They would be of interest and value to students of the judicial process. Information as to the volume of work performed in the courts at all levels would also be of invaluable assistance in any intelligent approach to the problems of judicial reorganization, reassignment of personnel of lower courts or redistribution of judicial work which are inevitably considered from time to time. Should a constitutional convention be called in Louisiana, a statistical analysis of the work loads of the entire judicial structure would be an important consideration in planning the geographical distribution of courts and in re-defining the jurisdiction of courts of first instance and appellate courts. Consideration of the appellate jurisdiction of the courts of appeal and the Supreme Court would be aided if a comprehensive analysis on jurisdictional grounds of the flow of judicial business were available.

The statistical survey of the work of the Supreme Court as it appears in these pages can be viewed only as an indication of lines that might be pursued in the further organization of meaningful data covering the work of our courts. It is hoped that the start toward the collection of judicial statistics, herein reflected, will serve as a stimulus to broaden the scope of inquiry into such matters, looking toward the time when more complete information will be regularly compiled and interpreted under the leadership of an adequately staffed judicial council.

General

STATISTICAL SURVEY

*Paul M. Hebert**

During the 1952-1953 term of court, 493 new suits were docketed in the Louisiana Supreme Court according to information obtained from the daily docket of the court as it appears

* Dean and Professor of Law, Louisiana State University Law School.

in the *Daily Court Record*. Of these cases, 287 were appeals from lower courts, 98 were applications for supervisory writs to lower courts, 108 were applications for writs of certiorari to review decisions of the intermediate appellate courts.² The court was able, during the term, to dispose of a total of 219 writ applications.³ This disposition of applications for writs cleared the docket of all applications filed during the term with the exception of 3 applications that were still pending as of October 15, 1953, and, in addition, cleared the docket of 16 previously pending applications. The court rendered a total of 288 opinions, and handled 87 applications for rehearings of which 6 were granted in whole or in part and 81 were refused.⁴ It is interesting to note that of the 219 writ applications disposed of, only 43 were granted. Approximately three-fourths of the writs granted were to review decisions of the intermediate courts of appeal.⁵ The total number of matters handled during the term (excluding rehearing) was 507, which is in excess of the 493 new matters docketed during the term. In over-all volume, therefore, these statistics indicate the effort of the court to keep current to the extent of avoiding the accumulation of matters in excess of the number filed. This policy should eventually be successful in gradual reduction of the total case backlog and should ultimately reduce the time elapsing between the docketing of a new case and its final disposition.⁶ The work that is involved in disposing of the year's total of 507 adjudicated matters, if an even distribution between the seven justices of the court is approximated, would amount to an average of 72 matters per member. This is a highly creditable performance in volume of cases.

Of the 288 cases disposed of in written opinions,⁷ the bulk of the litigation reached the Supreme Court on appeal from the district and lower courts.⁸ Of the 249 appeals in this latter category, 126 (51 per cent) were affirmed; 62 (25 per cent) were reversed with or without directions; 30 (12 per cent) were trans-

2. See Table I.

3. See Table VIII.

4. See Table VII.

5. See data in Table VIII.

6. See discussion of Tables XI and XII, *infra* p. 66.

7. This figure includes only the cases published in the *Southern Reporter* from October 1, 1952, through October 8, 1953.

8. There were 243 appeals from district courts and 6 from juvenile or municipal courts. See Table II. See Table V for Jurisdictional Origin of Reported Cases.

ferred to the courts of appeal; and 70 (29 per cent) were otherwise disposed of.⁹ The relatively high number of cases transferred to the courts of appeal is accounted for in large part by the court's adherence to the policy of requiring affirmative showing in the record that the amount in controversy exceeds \$2,000.¹⁰ As is to be expected from the very nature of the selected discretionary review that is involved, the number of reversals on writs granted to review court of appeal decisions is higher than the affirmances. Thus, of 30 cases disposed of on writs of review,¹¹ the courts of appeal were affirmed in 12 cases while in the remaining 18 cases there were reversals or modifications of the disposition of the cases.¹²

With regard to the subject matter of written opinions rendered, the exercise of the appellate function in the review of criminal cases continues to occupy a considerable part of the court's time. Of the 288 cases disposed of with opinions, 43 (14 per cent) involved questions of criminal law, criminal procedure or questions of evidence in connection therewith.¹³ A large number of cases (62) turned in their final disposition upon points of civil practice or procedure. This is accounted for by the fact that the 30 cases transferred to the courts of appeal are included in this category. Matters pertaining to law of the family, including marriage, divorce, separation, parent and child, adoption, et cetera, together with review of succession matters, including wills, account for 47 (15 per cent) of the 288 reported cases. The topical analysis of reported cases¹⁴ is necessarily arbitrary in its classification and is only a rough approximation of the legal subject matter with which the reported cases deal.

Of the 243 cases appealed to the Supreme Court from the district courts, the largest number, 74 (30 per cent) arose in the Civil and Criminal District Courts for the Parish of Orleans; 27 (11 per cent) came from the Parish of Caddo and 24 (10 per cent) arose in East Baton Rouge.¹⁵ Of the 30 cases reaching the court on writs of review to the courts of appeal, 9 arose in

9. See Table II.

10. *Duplantis v. Locascio*, 223 La. 11, 64 So. 2d 624 (1953) and cases therein cited.

11. See Table II.

12. See Tables II and III.

13. See Table IV.

14. *Ibid.*

15. See Table VI-A.

the First Circuit, 13 in the Second Circuit, and 8 originated in the Court of Appeal for the Parish of Orleans.¹⁶

Twenty-five dissenting opinions were written. Table IX gives the distribution of these dissents among the members of the court. As shown in Table X, each court member wrote an average of 42 opinions, taking into account the ten opinions rendered on rehearing (exclusive of the dissents).

Tables XI and XII are designed to present data on the time elapsing between the disposition of the 288 reported cases disposed of during the 1952-1953 term and the time of the filing in the Supreme Court.¹⁷ Though the court, in total volume of business handled during 1952-1953, disposed of more judicial matters than the total filed during the term there still exists a considerable time lag between the docketing of a case in the Supreme Court and final disposition. It cannot be said, however, that the court is responsible as, under the Rules,¹⁸ motions may be filed to place a case on the preference docket and the cases that have been before the court for longer periods of time are evidently those in which the attorneys did not press for earlier disposition. These tables, in the percentage and number of cases of recent filing that were disposed of, illustrate a desire and effort on the part of the court to keep the docket more current. Of the 288 reported cases of the 1952-1953 term, 48 were actually docketed during the current term, while 156 were filed during the 1951-1952 term and 50 during the 1950-1951 term.¹⁹ Thus 254 cases, or fully 88.19 per cent of the matters disposed of with written opinions, were cases which had been filed within the three previous years. Of the 288 cases disposed of in 1952-1953 204 were filed in 1952-1953 and 1951-1952, which is further indication of the higher percentage of disposition from the more recently filed cases. The fact, however, that 156 of the 288 cases were filed during 1951-1952 confirms the general impression that an average time of from 10 to 12 months is normally requisite to having a case disposed of.

Table XII shows that the time elapsed between the filing

16. See Table III.

17. The writer is indebted to Carlos E. Lazarus, Coordinator of Research, Louisiana State Law Institute, for his assistance in the preparation of Tables XI and XII.

18. Rule IX, § 3, Revised Rules of Supreme Court of Louisiana (1951). Further, a special assignment for argument may be obtained from the Supreme Court in the cases mentioned in Rule IX, § 4.

19. See Table XI.

of the record in the court and the time of final disposition, which has been taken to be the date of denial of a rehearing if a rehearing has been applied for, or the date of the original opinion or opinion on rehearing if a rehearing was granted. For the purposes of this table, any period less than a full month has been dropped. Although for convenience the time elapsed between filing²⁰ and final disposition has been computed in periods of 6 months, it is worthy of note that of the 86 cases which were decided within the 6-month period, 2 were disposed of within 30 days, 14 within 60 days, 22 within 3 months, 12 within 4 months, and 15 within 5 months after the filing of the record. To be noted also is the fact that fully 84.03 per cent of the cases decided within the period were 2 years or less old, while 57.63 per cent had been docketed within the preceding 12-month period.

While it is difficult to draw conclusions from the 288 cases of a single term, there is evidence of progress in clearing out the backlog of older cases; and the fact that better than 1 out of 4 of the 288 cases has been with the court for 6 months or less is a most encouraging indication that the average time required for disposition of cases by the Supreme Court will probably show a decrease in the immediately ensuing years as the work of the court continues at its present volume. The record on writs of certiorari and review disposed of illustrates a constantly current situation in disposing of judicial business and reflects a practice in judicial administration which, in time, will find itself reflected in the cases disposed of in written opinions.

20. "Time of filing" when motions for extension of time to complete the record have been granted has been computed as of the date of actual filing of the record in the court pursuant to extension granted.

TABLE I
VOLUME OF JUDICIAL BUSINESS

Cases disposed of with written opinions	288
Applications for writs filed.....	2061
Applications for writs considered	219 ²
Applications for rehearings disposed of	87
Rehearings with written opinions	7
Cases docketed (excluding writ applications)	287
Total matters docketed	493 ³
Total matters handled (excluding rehearings)	507
Grand total of matters handled (including rehearings)	594

¹ 108 of these applications were for certiorari or writs of review to the Courts of Appeal and the balance were applications for supervisory writs to lower courts. See Tables VII and VIII.

² 173 applications for writs were refused; 43 were granted and 3 are pending. See Table VIII supra. The total number of writs considered included 16 applications from those pending at the close of the preceding term.

³ This figure was obtained from The Official Daily Court Record covering matters docketed from October 1, 1952, through September 30, 1953.

TABLE II
DISPOSITION OF LITIGATION

	On Appeal from District Courts	On Original Jurisdiction	On Appeal from Juvenile or Municipal Courts	On Supervisory Writs to Lower Courts	On Writs of Review to Courts of Appeal	Totals
Affirmed	123		3	2	12	140
Affirmed in part, reversed in part	2					2
Affirmed in part, reversed in part and remanded	3				1	4
Amended and affirmed.....	6				1	7
Appeals dismissed	10					10
Motion to dismiss denied.....	6					6
Motion to transfer to court of appeals denied	1					1
Order entered				1		1
Reversed and remanded to courts of appeal.....					5	5
Reversed and judgment of lower court reinstated					6	6
Reversed and remanded	36					36
Reversed and remanded to lower court					2	2
Reversed and rendered	18		3		2	23
Reversed and suit dismissed ..	8			1		9
Transferred to courts of appeal	30					30
Writs recalled and remanded..				1		1

TABLE II—Continued

	On Appeal from District Court	On Original Jurisdiction	On Appeal from Juvenile or Municipal Courts	On Supervisory Writs to Lower Courts	On Writs of Review to Courts of Appeal	Totals
Writ recalled and suit dismissed				1		1
Writs made peremptory				1	1	2
Respondent disbarred		1				1
Exceptions overruled		1				1
Totals	243	2	6	7	30	288

TABLE III
DISPOSITION OF CASES REVIEWED ON WRITS OF CERTIORARI

	Orleans	First Circuit	Second Circuit	Totals
Affirmed	4	2	6	12
Affirmed in part, reversed in part and remanded			1	1
Amended and affirmed			1	1
Reversed and remanded to court of appeal	3	2		5
Reversed and remanded to lower court		1	1	2
Reversed and judgment of lower court reinstated	1	4	1	6
Reversed and rendered			2	2
Writ made peremptory			1	1
Totals	8	9	13	30

TABLE IV
TOPICAL ANALYSIS OF REPORTED CASES

Administrative law	2
Agency	2
Attorney fees	1
Banks, banking and negotiable instruments.....	3
Bankruptcy	1
Carriers	1
Community property	1
Contempts	1
Contracts and obligations	10
Corporations, associations and partnership	7
Criminal law and procedure	43
Disbarment	2
Elections	2

TABLE IV—*Continued*

Expropriation	6
Family law (marriage, adoption, separation, divorce, parent and child, etc.)	26
Insurance	10
Lease	4
Liens	2
Mineral rights	14
Mortgages	3
Municipal corporations	6
Partitions	1
Practice and procedure	62
Prescription	1
Property	2
Public officers	5
Sales	11
Schools	4
Successions, wills and donations.....	21
Suretyship	15
Taxation	1
Tax Sales	2
Torts and workmen's compensation	16
Total	288

TABLE V
JURISDICTIONAL ORIGIN OF REPORTED CASES

Appeals from District Courts	243
Appeals from Juvenile Courts or Municipal Courts.....	6
Writs of Review to Courts of Appeal.....	30
Supervisory Writs to lower courts	7
Original Jurisdiction	2
Total	288

TABLE VI
GEOGRAPHICAL ORIGIN OF APPEALS FROM DISTRICT COURTS IN REPORTED CASES

A—By Parish	
Acadia	4
Ascension	1
Avoyelles	4
Beauregard	1
Bienville	1
Bossier	6
Caddo	24
Calcasieu	8
Catahoula	1
Claiborne	3
DeSoto	1

TABLE VI—Continued

East Baton Rouge	27
Evangeline	2
East Carroll	1
Iberville	1
Jackson	1
Jefferson	9
Jefferson Davis	1
Lafayette	5
Lincoln	3
Livingston	2
Natchitoches	2
Ouachita	6
Plaquemines	1
Pointe Coupee	1
Rapides	5
Red River	2
Richland	3
Sabine	3
St. Bernard	2
St. Charles	1
St. Landry	2
St. Martin	5
St. Mary	2
St. Tammany	2
Tangipahoa	6
Terrebonne	5
Tensas	1
Union	4
Vermilion	2
Vernon	1
Washington	2
Webster	5
Orleans Civil	53
Orleans Criminal	21
Total	243
B—By Judicial District	
First District (Caddo)	24
Second District (Jackson, Claiborne, Bienville)	5
Third District (Union, Lincoln)	7
Fourth District (Ouachita, Morehouse)	6
Fifth District (Richland, Franklin, West Carroll)	3
Sixth District (East Carroll, Madison, Tensas)	2
Seventh District (Catahoula, Concordia)	1
Ninth District (Rapides)	5
Tenth District (Natchitoches, Red River)	4
Eleventh District (DeSoto, Vernon, ¹ Sabine)	5
Twelfth District (Avoyelles)	4
Thirteenth District (Evangeline)	2

TABLE VI—Continued

Fourteenth District (Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis) ²	10
Fifteenth District (Acadia, Lafayette, Vermillion)	11
Sixteenth District (Iberia, St. Martin, St. Mary)	7
Seventeenth District (Lafourche, Terrebonne)	5
Eighteenth District (Iberville, West Baton Rouge, Pointe Coupee)	2
Nineteenth District (East Baton Rouge)	27
Twenty-first District (Livingston, St. Helena, Tangipahoa)	8
Twenty-second District (Washington, St. Tammany)	4
Twenty-third District (Ascension, Assumption, St. James)	1
Twenty-fourth District (Jefferson, St. John the Baptist, St. Charles) ³	9
Twenty-fifth District (St. Bernard, Plaquemines)	3
Twenty-sixth District (Bossier, Webster)	11
Twenty-seventh District (St. Landry)	2
Twenty-ninth District (St. Charles and St. John the Baptist)	1
Orleans Civil	53
Orleans Criminal	21
Total	243

¹ Vernon Parish is now in the Thirtieth District. Dart's La. Const., 1953 Supp., Art. VII, § 31, p. 158.

² Calcasieu and Cameron now constitute the Fourteenth Judicial District; the Parishes of Jefferson Davis and Allen now constitute the Thirty-first Judicial District; Beauregard and Vernon constitute the Thirtieth Judicial District. Dart's La. Const., 1953 Supp., Art. VII, § 31, p. 158.

³ The Parish of Jefferson now constitutes the Twenty-fourth Judicial District; St. John the Baptist and St. Charles now constitute the Twenty-ninth District. Dart's La. Const., 1953 Supp., Art. VII, § 31, p. 158.

TABLE VII
DISPOSITION OF APPLICATIONS FOR WRITS AND REHEARINGS FILED

	Granted	Refused	Pending	Total
Application for rehearings	6	81		87
Application for writs	43	173	3	219
Totals	49	254	3	306

TABLE VIII
DISPOSITION OF APPLICATIONS FOR WRITS FILED

	Granted	Refused	Pending	Total
Supervisory writs	13 ¹	85 ²		98
Writs of certiorari	30	88	3	121
Totals	43	173	3	219

¹ Includes two cases in which rule to show cause issued by the court.

² Includes one application withdrawn.

TABLE IX
DISSENTS

	With Opinion	Without Opinion	Total
Chief Justice Fournet	1		1
Associate Justice Hamiter	5	1	6
Associate Justice Hawthorne	7		7
Associate Justice LeBlanc	5		5
Associate Justice McCaleb	4		4
Associate Justice Moise	3		3
Totals	25	1	26

TABLE X
DISPOSITION OF WRITTEN OPINIONS OF REPORTED CASES

	Original Opinion	On Re- hearing	Total
Chief Justice Fournet	41	1	42
Associate Justice Hamiter	43	1	44
Associate Justice Hawthorne	40	1	41
Associate Justice LeBlanc	41	2	43
Associate Justice McCaleb	37	1	38
Associate Justice Moise	51	1	52
Associate Justice Ponder	35	3	38
Totals	288	10	298

TABLE XI
NUMBER OF 1952-1953 REPORTED CASES WITH REFERENCE TO
TERM DURING WHICH DOCKETED

Term of filing	Disposed in the 1952-53 term
1952-1953	48
1951-1952	156
1950-1951	50
1949-1950	8
1948-1949	11
1947-1948	5
1946-1947	4
1945-1946	—
1944-1945	2
1943-1944	3
1924-1925	1*
Total	288

* Perkins v. Buchler, No. 27,484 of the Docket of the Supreme Court, 223 La. 179, 65 So. 2d 130 (1953).

TABLE XII
TIME ELAPSED BETWEEN DISPOSITION OF 1952-1953 REPORTED CASES
AND DATE OF FILING IN THE SUPREME COURT

Time elapsed divided into periods of 6 months	Number of cases	Percentage
6 months or less	86	29.86
12 months but more than 6 months	80	27.77
18 months but more than 12 months	53	18.40
24 months but more than 18 months	23	8.00
30 months but more than 24 months	12	4.13
36 months but more than 30 months	6	2.08
42 months but more than 36 months	5	1.74
48 months but more than 42 months	7	2.43
54 months but more than 48 months	3	1.04
60 months but more than 54 months	2	.70
66 months but more than 60 months	1	.35
72 months but more than 66 months	2	.70
78 months but more than 72 months	2	.70
84 months but more than 78 months
90 months but more than 84 months	1	.35
96 months but more than 90 months	1	.35
102 months but more than 96 months	1	.35
108 months but more than 102 months	1	.35
114 months but more than 108 months
120 months but more than 114 months	1	.35
338 months	1	.35
Totals	288	100.00

THE LEGAL PROFESSION

*Paul M. Hebert**

DISBARMENT PROCEEDINGS

Important decisions by the Supreme Court in two disbarment proceedings of widespread interest were rendered during the 1952-53 term. In *Louisiana State Bar Association v. Cawthorn*,¹ the respondent attorney had been convicted in the United States District Court for the Eastern District of Louisiana under an indictment charging him with conspiracy to corruptly influence, obstruct and impede the due administration of justice in a crim-

* Dean and Professor of Law, Louisiana State University.

1. 67 So. 2d 165 (La. 1953). The significance of the case is discussed in Schillin, Highlights of the Recent Cawthorn Decision, 1 La. Bar J. 28-30 (1953).