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The Work of the Louisiana Supreme Court for the 1955-1956 Term

Statistical Survey

*Paul M. Hebert** and *Nina Nichols Pugh***

The statistical survey presented in the succeeding pages covers the period from October 1955 to October 1956. The various tables are designed to give information on the total volume of judicial business, the disposition of the cases considered, the geographical and jurisdictional origin of reported cases, the disposition of applications for writs and rehearings, and indication of time elapsing between the docketing of appeals and their final disposition.

For the third successive year there has been an increase in the number of cases disposed of with written opinions. For the 1955-1956 term, this increase was 8.32% over the immediately preceding term. (Table I) Tables VIII and IX indicate the number of opinions rendered by each individual Justice and how the additional burden of opinion writing was allocated among the members of the court. Table IX discloses a considerable increase in the number of dissenting opinions with a total of 81 as compared with 66 in the preceding term. A similar increase is noted in the number of written opinions on rehearing, there being 16 as compared with 7 in the preceding term.

The rate of increase in the total volume of judicial business, however, was lower than in previous years. A grand total of 713 matters including rehearings was handled as compared with 677 in 1954-55, yet the total percentage increase was only 5% and there was a decrease in the number of writ applications handled. (See Table I) Cases docketed during 1955-56 approximately equalled the cases disposed of with written opinions during the term. This would indicate that even the special efforts being made by the court to cut down its backlog of cases and to shorten the time elapsing between the docketing of a case and final disposition¹ may have reached the maximum accomplishment that

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1. Under Rule IX, § 3, REVISED RULES OF SUPREME COURT OF LOUISIANA (1951), motions may be filed to place a case on the preference docket and the cases

can be expected through such measures without sacrificing that degree of deliberation required in the judicial process. Consideration will undoubtedly have to be given to a re-allocation of jurisdiction among the appellate courts if a permanent solution to the problem of keeping abreast of the volume of judicial business is to be provided. This matter was adverted to in a previous survey.²

In this connection, Table XI is of interest. Of the reported cases decided in 1955-56, 81% had been filed with the court less than eighteen months at the time of final disposition, 54% of the cases were adjudicated in less than twelve months, and 30% in less than six months. It would be desirable if jurisdictional concepts could be so recast as to make possible the final disposition of a considerably larger percentage of cases within a period of not more than one year from the date of docketing and further increasing the percentage of cases disposed of within six months of filing. A logical augmentation to the considerable strides already made by the court in devising procedures and policies to dispatch its judicial business properly would seem to be a comprehensive reconsideration of the entire matter of the Supreme Court's jurisdiction.

The goal of such efforts does not lie in a mere achievement of a better statistical picture of the court's work. Improvement in the administration of justice by eliminating unreasonable delay must be accomplished without sacrifice to the deliberative process involved in reaching final disposition. Lightening the judicial burden should make it possible for the court to have more adequate opportunity to devote added time and attention to the study and disposition of the individual cases, including the more complex legal matters coming before it. Such objectives are in keeping with the heavy responsibilities entrusted to the court. The legal profession of Louisiana should join in the realization of these objectives. The Judicial Council is on record as authorizing a study of possible changes in the judiciary article of our present Constitution. Such a study should point the way toward better judicial administration through a thorough consideration of desirable changes in the jurisdiction of the Supreme Court. This step is a logical outgrowth of the developments of the past few years including the efforts of the Judicial Council in working for

that have been before the court for longer periods of time are evidently those in which the attorneys did not press for earlier disposition.

2. See 16 LOUISIANA LAW REVIEW 211 (1956).

improvements in the administration of justice in Louisiana at every level of the state's judicial system.

TABLE I
VOLUME OF JUDICIAL BUSINESS

		No. of increase over preceding year	Percentage
Cases disposed of with written opinions.....	299	25	8.32
Applications for writs filed.....	260	-13	5.00
Applications for writs considered.....	257	-7	(decrease) 2.72
Applications for rehearings disposed of.....	157	15	(decrease) 9.55
Rehearings with written opinions.....	16	9	56.25
Cases docketed (excluding writ applications).....	295	-39	13.22
Total matters docketed.....	555	-52	(decrease) 9.36
Total matters handled (excluding rehearings).....	556	21	(decrease) 3.77
Grand total of matters handled (including rehearings)..	713	36	5.04

TABLE II
DISPOSITION OF LITIGATION

	Appeals from District Courts	Writs of Certiorari or Review to Courts of Appeal	Supervisory Writs to Lower Courts	Appeal from Juvenile Courts	Appeals from Municipal Courts	Transferred from Courts of Appeal	Appeals from Administrative Tribunals	Totals
Affirmed	113	1	1		1		3	119
Affirmed in part, Reversed in part.....	5							5
Affirmed in part, Reversed in part, Remanded.....	2							2
Amended and Affirmed.....	15	4						19
Recast	1							1
Affirmed in part, Amended, and Remanded	2							2
Amended in part, Reversed and Rendered in part.....	1							1
Motion to Dismiss denied.....	2							2
Reversed and Remanded.....	31	9				2		42
Reversed and Rendered.....	14	15					2	31
Reversed and Suit Dismissed....	15	2	3	1				21
Amended and Affirmed in part, Reversed in part.....	1							1
Transferred to Court of Appeal..	12					1		13
Transferred to Court of Appeal on a Condition.....	5							5
Application to Remand Denied...	1							1
Writs Made Peremptory.....		1	2					3
Writs Recalled	1	2	1					4
Writs Made Peremptory and Suit Dismissed			3					3

TABLE II — *Continued*

Writs Made Peremptory with Directions		1	1					2
Remanded with Directions	1	2						3
Writs Made Peremptory; Judgment Reversed; Suit Remanded with Directions			2					2
Appeal Dismissed and Suit Remanded	1							1
Appeal Dismissed	13					1		14
Suspensive Appeal Dismissed; Devolutive Appeal Maintained ..	2							2
Totals	238	37	13	1	1	4	5	299

TABLE III

DISPOSITION OF REPORTED CASES REVIEWED ON WRITS OF CERTIORARI OR REVIEW

	Orleans	First Circuit	Second Circuit	Totals
Affirmed		1		1
Amended and Affirmed	3		1	4
Reversed and Remanded	5	1	4	10
Reversed and Rendered	2	5	8	15
Reversed and Suit Dismissed	1			1
Transferred to Court of Appeal		1		1
Writs Made Peremptory			1	1
Writs Made Peremptory with Directions ..		1		1
Remanded with Directions		1	1	2
Appeals Dismissed		1		1
Totals	11	11	15	37

TABLE IV

TOPICAL ANALYSIS OF REPORTED CASES

Administrative Law	1
Admiralty	1
Banks, Banking, and Negotiable Instruments	2
Community Property	5
Constitutional Law	5
Contracts and Obligations	8
Corporations, Associations, and Partnerships	3
Criminal Law and Procedure	55
Elections	2
Evidence	6
Expropriation	10
Family Law (marriage, adoption, separation, divorce, etc.)	18
Insurance	3
Interdiction	2
Labor Law	4
Lease	4
Legal Profession	1
Legislation	2
Liens	4
Mineral Rights	15
Municipal Corporations	4
Practice and Procedure	60

TABLE IV — *Continued*

Prescription	4
Property	5
Public Officers	6
Public Lands	1
Sales	15
Schools and School Districts.....	2
Successions, Wills, and Donations.....	13
Security Devices (suretyship, mortgages, chattel mortgages, pledge).....	6
Taxation	6
Tax Sales	1
Torts	14
Workmen's Compensation	11
Total	299

TABLE V

JURISDICTIONAL ORIGIN OF REPORTED CASES

Appeals from District Courts.....	238
Writs of certiorari or review to Courts of Appeal.....	37
Supervisory Writs to Lower Courts.....	13
Appeals from Juvenile Courts.....	1
Appeals from Municipal Courts.....	1
Transferred from Courts of Appeal.....	4
Appeals from Administrative Tribunals.....	5
Total	299

TABLE VI

GEOGRAPHICAL ORIGIN OF APPEALS FROM DISTRICT COURTS IN REPORTED CASES

A — By Parish

Acadia	1
Assumption	1
Avoyelles	5
Beauregard	1
Bienville	1
Bossier	4
Caddo	13
Calcasieu	7
Cameron	1
Claiborne	4
DeSoto	1
East Baton Rouge	28
East Feliciana	1
Evangeline	2
Grant	1
Iberia	6

TABLE VI — *Continued*

Iberville	2
Jefferson	6
Jefferson Davis	1
Lafayette	6
Lafourche	3
LaSalle	1
Lincoln	5
Livingston	1
Morehouse	1
Natchitoches	4
Orleans — Civil Court	68
Orleans — Criminal Court	20
Ouachita	6
Plaquemines	1
Rapides	8
Red River	1
St. Charles	1
St. Helena	1
St. James	2
St. Landry	1
St. Martin	2
St. Mary	3
St. Tammany	1
Tangipahoa	3
Tensas	1
Terrebonne	1
Union	3
Vermilion	2
Washington	2
Webster	2
West Baton Rouge	1
West Feliciana	1
Total	238

B — By Judicial District

First District (Caddo)	13
Second District (Bienville, Claiborne, Jackson)	5
Third District (Lincoln, Union)	8
Fourth District (Morehouse, Ouachita)	7
Sixth District (East Carroll, Madison, Tensas)	1
Eighth District (Grant, Winn)	1
Ninth District (Rapides)	8
Tenth District (Natchitoches, Red River)	5
Eleventh District (DeSoto, Sabine)	1
Twelfth District (Avoyelles)	5
Thirteenth District (Evangeline)	2
Fourteenth District (Cameron, Calcasieu)	8

TABLE VI—Continued

Fifteenth District (Acadia, Lafayette, Vermilion)	8
Sixteenth District (Iberia, St. Martin, St. Mary)	10
Seventeenth District (Lafourche, Terrebonne)	4
Eighteenth District (Iberville, Pointe Coupee, West Baton Rouge)	4
Nineteenth District (East Baton Rouge)	28
Twentieth District (East Feliciana, West Feliciana)	2
Twenty-first District (Livingston, St. Helena, Tangipahoa)	5
Twenty-second District (St. Tammany, Washington)	3
Twenty-third District (Ascension, Assumption, St. James)	3
Twenty-fourth District (Jefferson, St. John)	7
Twenty-fifth District (Plaquemines, St. Bernard)	1
Twenty-sixth District (Bossier, Webster)	6
Twenty-seventh District (St. Landry)	1
Twenty-eighth District (Caldwell, LaSalle)	1
Twenty-ninth District (St. Charles)	1
Thirtieth District (Beauregard, Vernon)	1
Thirty-first District (Jefferson Davis, Allen)	1
Orleans—Civil District	68
Orleans—Criminal District	20
Total	238

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	22	74	0	0	2	98
Applications for Supervisory Writs to Courts of Appeal	26	135	0	0	1	162
Total Writs	48	209	0	0	3	260
Applications for Rehearing	16	141	0	0	2	159
Totals	64	350	0	0	5	419

TABLE VIII

DISPOSITION OF WRITTEN OPINIONS OF REPORTED CASES

	Original Opinion	On Rehearing	Concurring with Original Opinion	Concurring with Opinion on Rehearing	Refusal to Grant Rehearing	Order to Remand	Second Rehearing	On Application For Rehearing	On Motion to Correct Decree	Total
Chief Justice Fournet	44	2	1			1				48
Associate Justice Hamiter	44	3	4	1						52
Associate Justice Hawthorne	38		2				3			43

TABLE VIII — Continued

Associate Justice McCaleb.....	41	2	12							55
Associate Justice Moise	36									36
Associate Justice Ponder.....	42	2	1	1						36
Associate Justice Simon.....	47	1	1							49
Per Curiam		2				2		5		9
Associate Justice Viosca (<i>ad hoc</i>).....	6	1								7
Associate Justice Watkins (<i>ad hoc</i>).....	1									1
Associate Justice Dupont (<i>ad hoc</i>).....				1						1
Per Curiam									1	1
Totals	299	13	22	2	2	1	3	5	1	349

TABLE IX

DISSENTS

	To Original Opinion		To Rehearing		To Refusal To Grant Re-hearing		To Opinion On Second Re-hearing		Totals		
	Dissenting With Written Reasons	Dissenting in Part With Written Reasons	Dissenting Without Written Reasons	Dissenting in Part Without Written Reasons	Dissenting With Written Reasons	Dissenting in Part With Written Reasons	Dissenting Without Written Reasons	Dissenting With Written Reasons			
Chief Justice Fournet...	1				1				2		
Assoc. Justice Hamiter..	6	3	5		2		2	1	1	20	
Assoc. Justice Hawthorne	11	1	1	1	1		2	1		18	
Assoc. Justice McCaleb..	14	5			1		1	3	1	25	
Assoc. Justice Moise...	1				3		1			5	
Assoc. Justice Ponder...							3			3	
Assoc. Justice Simon...		1	4	1					1	7	
Totals	33	10	10	1	4	5	3	6	5	3	80

TABLE X

CASES REPORTED IN 1955-1956 WITH REFERENCE TO DATE DOCKETED

Year Filed	Disposed of in 1955-56 Term
1955-1956	32
1954-1955	167

TABLE X — *Continued*

1953-1954	77
1952-1953	12
1951-1952	1
1950-1951	3
1949-1950	4
1948-1949	1
1947-1948	2
Total	299

TABLE XI

TIME ELAPSED BETWEEN DISPOSITION OF 1955-1956 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	92	30.77
6-12 months	72	24.08
12-18 months	80	26.76
18-24 months	30	10.03
24-30 months	8	2.68
30-36 months	4	1.34
36-42 months	2	0.67
42-48 months	2	0.67
48-54 months	2	0.67
54-60 months	0	0.00
60-66 months	1	0.33
66-72 months	3	1.00
72-78 months	0	0.00
78-84 months	2	0.67
84-90 months	1	0.33
Totals	299	100.00