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The Kentucky Court of Appeals 1960-1961

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The Kentucky Court of Appeals 1960-61

Statistical Analysis of the 503 Opinions Issued by the
Kentucky Court of Appeals

June 24, 1960—June 24, 1961*

OPINIONS OF INDIVIDUAL JUSTICES

	Majority Opinions	Concurring Opinions	Dissenting Opinions**
Bird, C. J.	41	0	6
Moremen, J.	36	0	4
Stewart, J.	39	0	8
Montgomery, J.	28	0	14
Milliken, J.	25	0	3
Williams, J.	22	1	6
Palmore, J.	63	1	9
Stanley, Comm.	44	0	0
Clay, Comm.	51	0	0
Cullen, Comm.	48	0	0
Waddill, Comm.	28	0	0
<i>Per Curiam</i>	78	0	0
	503	2	50

* All statistics herein were compiled by an actual study of the opinions beginning with those dated June 24, 1960 and ending with the last opinion published prior to the court's adjournment in August 1961. Any discrepancies between said statistics and those reflected in the official records of the Administrative Office of the Courts, Frankfort, Ky., are due to differences in the respective periods of reference.

** Figures include dissenting opinions as well as those dissents in which the respective justices merely concurred without opinion.

ORIGIN OF CASES DECIDED BY THE COURT

	Affirmed	Reversed	Other Disposition
First Judicial District (7 Cases)	4	3	0
Second Judicial District (10 Cases)	9	1	0
Third Judicial District (12 Cases)	11	1	0
Fourth Judicial District (7 Cases)	3	1	3 ¹
Fifth Judicial District (2 Cases)	1	0	1 ²
Sixth Judicial District (9 Cases)	7	2	0
Seventh Judicial District (1 Case)	1	0	0
Eighth Judicial District (11 Cases)	11	0	0
Ninth Judicial District (7 Cases)	5	1	1 ³
Tenth Judicial District (4 Cases)	3	1	0
Eleventh Judicial District (8 Cases)	2	6	0
Twelfth Judicial District (5 Cases)	3	2	0
Thirteenth Judicial District (13 Cases)	11	2	0
Fourteenth Judicial District (24 Cases)	12	10	2 ⁴
Fifteenth Judicial District (6 Cases)	4	2	0
Sixteenth Judicial District (9 Cases)	6	2	1 ⁵
Seventeenth Judicial District (9 Cases)	5	4	0
Eighteenth Judicial District (2 Cases)	2	0	0
Nineteenth Judicial District (4 Cases)	2	1	1 ⁶
Twentieth Judicial District (6 Cases)	3	3	0
Twenty-First Judicial District (1 Case)	1	0	0
Twenty-Second Judicial District (16 Cases) ..	8	8	0
Twenty-Third Judicial District (5 Cases)	3	1	1 ⁷
Twenty-Fourth Judicial District (8 Cases)	4	3	1 ⁸
Twenty-Fifth Judicial District (13 Cases)	7	5	1 ⁹

¹ Includes one case which was affirmed on direct appeal and reversed on the defendant's cross-appeal, and two cases which were affirmed in part and reversed in part.

² Includes one case which was affirmed in part and reversed in part.

³ Includes one case which was affirmed in part and reversed in part.

⁴ Includes two cases which were affirmed in part and reversed in part.

⁵ Includes one case which was affirmed in part and reversed in part.

⁶ Includes one case which was affirmed on direct appeal and reversed on defendant's cross-appeal.

⁷ Includes one case which was affirmed in part and reversed in part.

⁸ Includes one case which was affirmed in part and reversed in part.

⁹ Includes one case in which the law was certified.

ORIGIN OF CASES DECIDED BY THE COURT—Continued

	Affirmed	Reversed	Other Disposition
Twenty-Sixth Judicial District (9 Cases)	5	4	0
Twenty-Seventh Judicial District (13 Cases)..	4	9	0
Twenty-Eighth Judicial District (15 Cases)....	4	11	0
Twenty-Ninth Judicial District (3 Cases)	2	1	0
Thirtieth Judicial District (78 Cases)	60	14	4 ¹⁰
Thirty-First Judicial District (18 Cases)	9	7	2 ¹¹
Thirty-Second Judicial District (14 Cases) ...	8	5	1 ¹²
Thirty-Third Judicial District (21 Cases)	9	10	2 ¹³
Thirty-Fourth Judicial District (3 Cases)	1	2	0
Thirty-Fifth Judicial District (26 Cases)	18	7	1 ¹⁴
Thirty-Sixth Judicial District (16 Cases)	9	6	1 ¹⁵
Thirty-Seventh Judicial District (6 Cases) ...	2	2	2 ¹⁶
Thirty-Eighth Judicial District (2 Cases)	1	1	0
Thirty-Ninth Judicial District (9 Cases)	5	2	2 ¹⁷
Fortieth Judicial District (6 Cases)	2	3	1 ¹⁸
Forty-First Judicial District (8 Cases)	5	3	0
Forty-Second Judicial District (7 Cases)	6	1	0
Forty-Third Judicial District (9 Cases)	5	3	1 ¹⁹
Forty-Fourth Judicial District (12 Cases)	8	4	0
Forty-Fifth Judicial District (4 Cases)	3	1	0
Forty-Sixth Judicial District (2 Cases)	1	0	1 ²⁰
Forty-Seventh Judicial District (9 Cases)	5	4	0
Origin in Court of Appeals (15 Cases)			

¹⁰ Includes one case in which the law was certified, and three cases which were affirmed in part and reversed in part.

¹¹ Includes two cases which were affirmed in part and reversed in part.

¹² Includes one case which was reversed on direct appeal and affirmed on the plaintiff's cross-appeal.

¹³ Includes one case which was reversed as to one defendant and affirmed as to his co-defendant, and one case which was affirmed in part and reversed in part.

¹⁴ Includes one case which was affirmed in part and reversed in part.

¹⁵ Includes one case which was affirmed in part and reversed in part.

¹⁶ Includes two cases which were affirmed in part and reversed in part.

¹⁷ Includes one case which was affirmed in part and reversed in part.

¹⁸ Includes one case which was affirmed in part and reversed in part.

¹⁹ Includes one case which was affirmed in part and reversed in part.

²⁰ Includes one case which was affirmed in part and reversed in part.

FINAL DISPOSITION OF CASES†

Subject Matter of Decisions	Total Cases	Cases Appealed by Plaintiff		Cases Appealed by Defendant		Cases Appealed by Both Parties	
		Affirmed	Reversed	Affirmed	Reversed	Affirmed	Reversed
Adoption	2	0	1	1	0	0	0
Agency	3	1	1	1	0	0	0
Attorney-Client	3	1	1	0	1	0	0
Civil Procedure	24	7	5	1	11	0	0
Commercial Law							
Conditional Sales ..	2	0	1	0	1	0	0
Negotiable Instruments	1	0	0	1	0	0	0
Sales	5	3	1	0	1	0	0
Constitutional Law ..	9	5	0	1	0	1	2
Contracts	11	4	1	1	5	0	0
Corporations							
Municipal	9	4	0	2	3	0	0
Public	1	0	0	0	1	0	0
Counties	3	1	1	0	1	0	0
Criminal Law	49	2 ²¹	0	26	21	0	0
Criminal Procedure..	15	0	0	12	3	0	0
Domestic Relations ..	28	9	4	8	5	2	0
Elections	7	1	2	2	1	1	0
Evidence	3	2	0	0	1	0	0
Future Interests	2	2	0	0	0	0	0
Highways	3	0	0	1	0	0	2
Insurance							
Fire	5	3	0	0	2	0	0
Hospital	1	0	0	0	1	0	0
Life	6	1	0	0	4	1	0
Labor	4	2	1	1	0	0	0
Property							
Adverse Possession	6	3	2	1	0	0	0
Conveyances	4	0	0	2	2	0	0
Deeds	12	3	4	4	1	0	0
Easements	4	0	0	2	1	1	0
Eminent Domain ..	16	8	6	0	1	0	1
Mines and Minerals	16	7	4	1	2	1	1
Quiet Title	1	0	1	0	0	0	0

† All cases which were affirmed in part and reversed in part are reflected as reversals under the appropriate heading showing by whom the appeal was effected.

²¹ Includes two opinions in which certified questions were answered.

FINAL DISPOSITION OF CASES—Continued

Subject Matter of Decisions	Total Cases	Cases Appealed by Plaintiff		Cases Appealed by Defendant		Cases Appealed by Both Parties	
		Affirmed	Reversed	Affirmed	Reversed	Affirmed	Reversed
Zoning	5	3	1	0	1	0	0
Other	2	2	0	0	0	0	0
Religious Societies ..	1	1	0	0	0	0	0
Rules of the Court of Appeals	2	0	1	0	1	0	0
Schools and School Districts	5	1	2	0	1	1	0
Social Security and Public Welfare..	3	1	1	1	0	0	0
State Agencies	3	1	1	1	0	0	0
Taxation	6	1	2	0	3	0	0
Tort							
Conversion	1	0	1	0	0	0	0
Damages	2	0	0	0	2	0	0
False Arrest	1	0	1	0	0	0	0
Negligence							
Automobile	55	25	6	8	14 ²²	1	1
Malpractice	3	1	1	0	1	0	0
Municipal							
Corporation ..	4	2	0	0	2	0	0
Occupiers	11	7	1	3	0	0	0
Railroads	3	1	0	2	0	0	0
Utilities	5	2	0	0	3	0	0
Nuisance	3	2	0	0	1	0	0
Other	1	0	0	1	0	0	0
Trusts	2	2	0	0	0	0	0
Waters and Water Courses	4	1	0	2	1	0	0
Wills	7	1	3	2	1	0	0
Workmen's							
Compensation ..	25	8	4	8	5	0	0
	<u>409²³</u>	<u>131</u>	<u>61</u>	<u>96</u>	<u>105</u>	<u>9</u>	<u>7</u>

Jackson W. White

²² Includes one case which was affirmed as to one defendant and reversed as to his co-defendant.

²³ Excludes ninety-three opinions:

(1) Seventy-eight per curiam opinions.

(2) Fifteen cases originated in the Court of Appeals.

One case originating in the Court of Appeals was disposed of by a *per curiam* opinion which explains the apparent discrepancy between the total number of cases shown in the chart on page 86 and the total reflected here.

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