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STAYTON (ROBERT W.) PAPERS, 1934-1950

Inventory

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& Christine Wiseman;
edited by Mike Widener

Date printed:

ROBERT W. STAYTON (1883-1963)

Biographical Sketch

Born in 1883 in Victoria, Texas, Robert W. Stayton, an accomplished lawyer and teacher, focused his career on civil procedural reform. Stayton was a faculty member at the University of Texas School of Law for more than 38 years. Prior to joining the Law School faculty in 1925, he practiced law privately, was appointed to the Board of Legal Examiners and the Commission of Appeals, and in 1925 was elected President of the State Bar Association.

"Judge" Stayton, as he was called by friends and colleagues, taught a wide range of subjects, but he emphasized procedural law, the area of expertise he is most remembered for today. From 1929-1946, Stayton was a member of the Texas Judicial Council, created to study the organization, rules, procedure and practices of the Texas civil judicial system.

In 1940 the legislature authorized the Supreme Court of Texas to revise the Rules of Civil Procedure. Following the model of the U.S. Supreme Court, the court appointed Stayton and twenty other members to the Supreme Court Advisory Committee on Rules of Civil Procedure to study the voluminous rules and recommend changes.

To draft rules of civil procedure for Texas courts of all sizes, committee chairman Angus Wynne divided the responsibilities among five subcommittees. There were two subcommittees on trial procedure, one on pre-trial procedure, the other on the actual trial with Stayton as chair. The remaining three subcommittees focused on appellate procedure, ancillary procedure and special proceedings.

On September 28, 1941, after eight months of intensive work, Wynne presented the revised rules to the Supreme Court. The document included 822 recommended rules and was called the greatest work of jurisprudence in the State. After the revised rules were adopted, Stayton remained on the committee for another twenty years and continued to work on amendments and revisions.

Formed to assist in interpretation of the new rules was the Subcommittee on Interpretation of Rules (of the Committee on the Improvement of the Administration of Justice of the State Bar) of which Stayton was chairman from January 1942 to October 1944. The subcommittee provided advisory opinions to assist lawyers in applying the new rules in practice. The opinions were summarized and published in *Texas Bar Journal*, from January 1942 to December 1944. Other committee members were William A. Vinson, Randolph L. Carter and Allan D. Montgomery.

Stayton's life long commitment to civil procedural reform was evidenced by prolific writings published in numerous books and legal journals. Later in life he was involved in several research projects in a effort to explore and understand all aspects of civil procedural reform. Stayton died in his sleep on November 15, 1963, at the age of 79.

ROBERT W. STAYTON PAPERS, 1934-1950

10.5 linear feet

Scope And Content Note

Minutes, proceedings, correspondence, reports, memoranda, printed material, creative works, and legal-style documentation (10.5 linear feet: 20 boxes and 11 three-ring binders) reflect the involvement and activities of Robert W. Stayton in the formulation, interpretation, and evaluation of the Texas Rules of Civil Procedure and in the study of the Texas civil judicial system, 1939-1950. Arranged in four series representing the Supreme Court Advisory Committee on Rules of Civil Procedure, the Subcommittee on the Interpretation of Rules (of the Committee on the Improvement of Justice of the State Bar of Texas), the Texas Civil Judicial Council, and Stayton Research Projects, the records illuminate Stayton's participation in the drafting, amendment, and subsequent interpretation of the 1941 Rules of Civil Procedure, and his study of administration, ethics, judicial holdings, and pendency of litigation in the Texas Civil Judicial System.

The records of the Supreme Court Advisory Committee (1939-49, 4.5 linear feet: 10.8 boxes) represent nearly half of the total records and thoroughly document the establishment, subdivision, and activities of the Committee related to the drafting and promotion of the new rules. While the bulk of the main committee's general records (2.7 linear feet: 6.5 boxes) consists of correspondence, reports, proceedings of institutes, and printed material, less well documented are the activities of its six subcommittees, which range from studies of existing procedural statutes to drafting procedural rules for trials and special proceedings.

Especially well documented, through the general and numbered correspondence and printed material of the Subcommittee on the Interpretation of Rules (1941-47, 3.33 linear feet: 8 boxes), is Stayton's participation in answering practicing attorneys' inquiries regarding the appropriate application of the new rules.

The material of the Stayton Research Projects, which comprises only about one-fifth of the total group (1934-1950, 2.58 linear feet: 1 box, 11 binders), primarily deals with one study conducted under the auspices of the University of Texas Bureau of Research in the Social Sciences, whose results were published in several articles in the *Texas Law Review*. Also included are statistics on litigation pendency and case studies. The primary study surveys the grounds and rationales of holdings

of the Texas Supreme Court from 1886 and those of Texas appellate courts from 1931, with access facilitated through a project explanations book.

The records of the Texas Judicial Council (1940-[1950], 0.20 linear feet), while dealing with ethics and judicial administration during the 1940s, provide only limited and sketchy coverage of these topics and Stayton's involvement.

ROBERT W. STAYTON PAPERS, 1934-1950
Inventory

Box/folder no.: Description:

**Supreme Court Advisory Committee on Rules of Civil
Procedure, 1939-1949 (4.5 linear ft.)**

I30/1	Rules Committee data, 1940
I31/1	Bar Association activities and Legal Institutes concerning the Texas Rules of Civil Procedure, 1940-1949; Supreme Court Committee on Civil Practice and Procedures, 1940-1949
I32/1	Supreme Court Advisory Committee material, 1941
I32/2	Final Rules as promulgated, undated
I32/3	Committee activities in securing approval of the Rules and against subsequent legislative encroachment in matters of a procedural nature, 1941-1945; Information secured from outside sources and inquiries from interested persons outside of Texas, 1939-1945
I34/1	Committee report on Texas Rules of Civil Procedure (Alexander's copy), 1940
I34/2	Committee report on Texas Rules of Civil Procedure (Wynne's copy), 1940
I34/3	Committee report on Texas Rules of Civil Procedure (Stayton's copy), 1940
I35/1	Miscellaneous material on work on Rules of Civil Procedure, 1940
I35/3	Newspaper clippings on Advisory Committee on Rules of Civil Procedure, 1940
I42/1	Supreme Court Advisory Committee - work of the main committee material, 1939-1940
I43/1	<u>Jury Submission under the new rules</u> , 1941
I43/2	<u>Lawyer's Institute Proceedings</u> , 1941
I43/3	<u>District Judges Institute</u> , 1941
I43/4	<u>New Rules for Civil Procedure</u> , 1941
I43/5	Rules Committee Changes, 1941
I43/6	<u>Texas Bar Journal</u> material pertaining to promulgation and official amendments of the rules, 1940-1945
M76/1	Suggestions, minutes, correspondence
M77/1	Correspondence, drafts and orders regarding amendments of rules, 1942-1943
M77/2	Correspondence, suggested changes and amendments to rules, 1944-1949
M78/3	"Bibliography on Rule Making Power of Supreme Court of Texas"
I30/2	Sub-Committee on Sub-Committees and Lists of Statutes: correspondence, Stayton report, proposed breakdown of [sub]-committees, 1940
I36/2	Sub-Committee on Sub-Committees and Lists of Statutes: Committee to survey procedural statutes and on subcommittees material, 1940
I31/3	[Sub] Committee on Trial Procedure (Pre-Trial): Reports to main committee, correspondence, suggested changes, 1940

Box/folder no.: File description:

I42/2 [Sub] Committee on Trial Procedure (Actual Trial):
 General material, 1939-1940
I31/2 [Sub] Committee on Trial Procedure (Actual Trial):
 Drafts of rules, correspondence, reports, 1940
M75 [Sub] Committee on Trial Procedure (Actual Trial):
 Suggestions, correspondence
M77/3 [Sub] Committee on Trial Procedure (Actual Trial):
 Report to main committee
I35/2 [Sub] Committee on Appellate Procedures: List of
 statutes, draft of reports, reports to main
 committee, and recommendations, 1940
I36/1 [Sub] Committee on Appellate Procedures: General
 material, 1940
I31/3 [Sub] Committee on Ancillary Proceedings and [Sub]
 Committee on Special Proceedings: Reports to main
 committee, correspondence, suggested changes, 1940

**Subcommittee on the Interpretation of Rules (of the
Committee on the Improvement of the Administration of
Justice, State Bar of Texas), 1941-1947 (3.33 linear ft.)**

M74/1 General correspondence, 11/20/41 to 3/2/42
M74/2 General correspondence, 3/3/42 to 5/6/42
M74/3 General correspondence, 5/7/42 to 7/14/42
M74/4 General correspondence, 7/15/42 to 10/10/42
M74/5 General correspondence, 10/12/42 to 1/21/43
M74/6 General correspondence, 1/22/43 to 4/14/43
M74/7 General correspondence, 4/20/43 to 9/16/43
M74/8 General correspondence, 9/17/43 to 2/2/44
M74/9 General correspondence, 2/3/44 to 4/13/44
M74/10 General correspondence, 4/22/44 to 9/1/44
M74/11 General correspondence [Vinson copy], 11/20/41 to
 3/17/42
M74/12 General correspondence [Vinson copy], 3/26/42 to 7/9/42
M74/13 General correspondence [Vinson copy], 7/15/42 to 7/28/42
M74/14 General correspondence [Vinson copy], 8/11/42 to 1/28/43
M74/15 General correspondence [Vinson copy], 2/23/43 to 5/25/43
M74/16 General correspondence [Vinson copy], 7/5/43 to 2/29/44
M74/17 General correspondence [Vinson copy], 3/1/44 to 8/2/44
M74/18 General correspondence [Vinson copy], 8/3/44 to 9/11/44
M74/19 General correspondence [Vinson copy], 9/12/44 to 11/15
 44
I33/1 Question [A], Rules 101 and 2, inquiry from Homa S.
 Hill, 1942
I33/2 Question [B], Rules 101 and 4, inquiry from John C.
 Marburger, 1941
I33/3 Question [C], Rules 169, 85, and 1, inquiry from Henry
 Taylor, 1941
I33/4 Question [D], Rules 169 and 170, inquiry from Perkins,
 1942
I33/5 Question [E], Rule 689, inquiry from Homa S. Hill, 1942
I33/6 Question [F], Article 2013, inquiry from Judge A. O.
 Newman, 1942
I33/7 Question [G], Rules 101 and 2, inquiry from G. B. King,
 1941
I33/8 Question [H], Article 3989, Rule 751, inquiry from L. C.
 Scarborough, 1942

Box/folder no.: File description:

I38/2 Question No. 37, Rules 94, 277, and 279, inquiry from E. M. Critz, 1942

I38/3 Question No. 38, Rules 101 and 110, inquiry from Enoch Fletcher

I38/4 Question No. 39, Rule 331, Article 2092, inquiry from David E. O'Fiel, 1942

I38/5 Question No. 40, Rules 749 and 751, inquiry from C. C. Jopling, 1942

I38/6 Question No. 41, Rules 409, 460, and 465, inquiry from H. L. Garrett, 1942

I38/7 Question N. 42, Presumption where statement of facts silent, anonymous, 1942

I38/8 Question No. 43, Articles 2008 and 4662, inquiry from Charles Murphy, 1942

I38/9 Question No. 44, Rule 169, inquiry form William Pannill, 1942

I38/10 Question No. 45, Rule 169 and Article 3716, inquiry from H. D. Stringer, 1942

I38/11 Question No. 46, Rule 372-k, inquiry from Norman M. West, 1942

I38/12 Question No. 47, Rules 167, 169, and 170, inquiry from Sam Holliday, 1942

I38/13 Question No. 48, Rules 86, 87, and 527, inquiry from O. H. Woodrow, 1942

I38/14 Question No. 49, Rules 86 and 87, inquiry from S. M. Adams, 1942

I38/15 Question No. 50, Rules 72, 73, 86, and 87, inquiry from E. L. Gilbert, 1942

I38/16 Question No. 51, Rule 699, inquiry from William Flournoy, 1942

I38/17 Question No. 52, Rule 329, inquiry from Jesse F. Holt, 1942

I38/18 Question No. 53, Rule 279, inquiry from C. S. Eidman, Jr., 1942

I39/1 Question No. 54, Rule 364, inquiry from E. M. Critz, 1942

I39/2 Question No. 55, Rule 481, inquiry from Dorsey B. Hardeman, 1942

I39/3 Question No. 56, Rules 370, 376, and 377, inquiry from G. D. Fairbanks, 1942

I39/4 Question No. 57, Article 4639a and Rules 2, 15, 101, and 819, inquiry from O. L. Parish, 1942

I39/5 Question No. 58, Article 2013 and Rule 87, inquiry from H. Grady Chandler, 1942

I39/6 Question No. 59, Rule 169, inquiry from Esir Tobolowsky, 1942

I39/7 Question No. 60, Rules 87 and 88, inquiry from Edward H. Moss, 1942

I39/8 Question No. 61, Rule 347, John C. Marburger, 1942

I39/9 Question No. 62, Rules 386 and 324, inquiry from H. L. Garrett, 1942

I39/10 Question No. 63, Rules 481 and 504, inquiry from W. T. Williams, 1942

I39/11 Question No. 64, Rule 330-j, inquiry from Harry B. Berry, 1942

I39/12 Question No. 65, Rules 237-239 and Article 1920, inquiry from H. M. Oster, 1942

Box/folder no.: File description:

I44/2 Question No. 126, Rule 117, inquiry from Jacobs and Mabry, 1944

I44/3 Question No. 127, Rule 775, inquiry from O. H. Woodrow, 1944

I44/4 Question No. 128, Rules 330-331, inquiry from Yale Hicks, 1944

I44/5 Question No. 129, Rules 186-215, inquiry from Thomas R. Cox, 1944

I44/6 Question No. 130, Rule 169, inquiry from Ocie Speer, 1944

I44/7 Question No. 131, Rules 431 and 437, inquiry from Robert W. Stayton, 1944

I44/8 Question No. 132, Rule 301, inquiry from Thomas R. Cox, 1944

I44/9 Question No. 133, Rule 114, inquiry from E. T. Yates, 1944

I44/10 Question No. 134, Rule 187, inquiry from Sam Holliday, 1944

I44/11 Question No. 135, Rules 51 and 97, inquiry from Hon. Overton L. Parish, 1944

I44/12 Question No. 136, Rules 101, 106, and 107, inquiry from B. W. King, 1944

I44/13 Question No. 137, Rules 162 and 237, inquiry from Ben Lee Chote, 1945

I44/14 Question No. 138, Rule 752, inquiry from Pierce E. Holmes, 1945

I44/15 Question No. 139, Rule 164-A, inquiry from Murray G. Smyth, 1945

I44/16 Question No. 140, Rules 114-116, inquiry from E. H. Swaim, 1945

I44/17 Question No. 141, Rule 681, inquiry from J. V. Vandenberg, Jr., 1945

I44/18 Question No. 142, Rule 277, inquiry from O. H. Woodrow, 1945

I44/19 Question No. 143, Rule 745, inquiry from Tom Nash, 1945

I44/20 Question No. 144, Rule 114, inquiry from C. G. Dibrell, 1945

I44/21 Question No. 146, Rule 753, inquiry from Jeff D. Stinson, 1946

I44/22 Question No. 147, Rules 114-117, inquiry from Berry B. Cobb, 1946

I44/23 Question No. 148, Rule 330, inquiry from O. B. Garcia, 1946

I44/24 Question Nos. 149 and 150, Rules 109 and 742, inquiry from S. E. Fish, 1946

I44/25 Question No. 151, Rule 167, inquiry from Howard Barker, 1946

I44/26 Question No. [152?], Rule 537, inquiry from E. D. Slough, 1946

I44/27 Question No. [153?], Rules 320 and 330, inquiry from [O. H. Woodrow?], 1946

I44/28 Question No. [154?], Rules 381, 385, and 386, inquiry from [Ralph W. Richardson?], 1946

I44/29 Question No. [155?], Rules 63 and 70, inquiry from [Helen M. Viglini?], 1947

I44/30 Question No. [156?], Rule 4 and Article 4632, inquiry from [H. R. Allison?], 1947

Box/folder no.: File description:

I44/31 Question No. [157?], Article 4116, inquiry from J. D. Pickett, 1947
I44/32 Question No. [158?] and 159[?], Rule 109, inquiry from Lon D. Herbert, 1947
I44/33 Question No. [160?], Rules 143, 72, and 5, inquiry from Harry B. Berry, 1947
I44/34 Question No. [161?], Rule 266, inquiry from Homer Darley, 1947
I44/35 Question No. [162?], Rules 63 and 166, inquiry from William M. Cramer, 1947

Texas Civil Judicial Council, 1940-1950 (0.20 linear ft.)

M76/2 Correspondence, telegrams, reports, 1940-1950

Stayton Research Projects, 1934-[1950] (2.58 linear ft.)

M78/1 Project explanations book (annotated), 1934
M78/2 Project explanations book (annotated), (copy 2), 1934
M79 Holding summary, 1886
M80 Holding summary A-E Book 1, 1931
M81 Holding summary F-I Book 2, 1931
M82 Holding summary J-O Book 3, 1931
M84 "Step" Book, 1886
M85 "Step" Book, 1931
M86 "Ground" Book, 1886
M87 "Ground" Book, 1931
M88 Statistics related to pendency in Texas civil litigation, [1950]
M89 Case studies