

Court of Appeals of Virginia Statistical Review

2017

Judicial Planning Department
Office of the Executive Secretary
Supreme Court of Virginia

Source: Virginia State of the Judiciary Report 1985, 1986, 2017; Court of Appeals' STARS, 2018

Introduction Since the inception of the Court of Appeals (CAV) in 1985, case filings have increased from 1,641 to 2,104 in 2017, an increase of 28.2%. The highest recorded number of cases filed in the CAV (3,499) was in 2001. Between 2013 and 2017, there was a decrease of 14.9% of total cases filed. Petitions refused and cases disposed collectively have tripled since 1985 from 689 to 2,053. This caseload statistical review focuses on the caseload trends and types of case filings between 2013 and 2017 in the CAV.

Display 1

Court of Appeals Cases Filed, Petitions Refused, and Cases Disposed 2013-2017

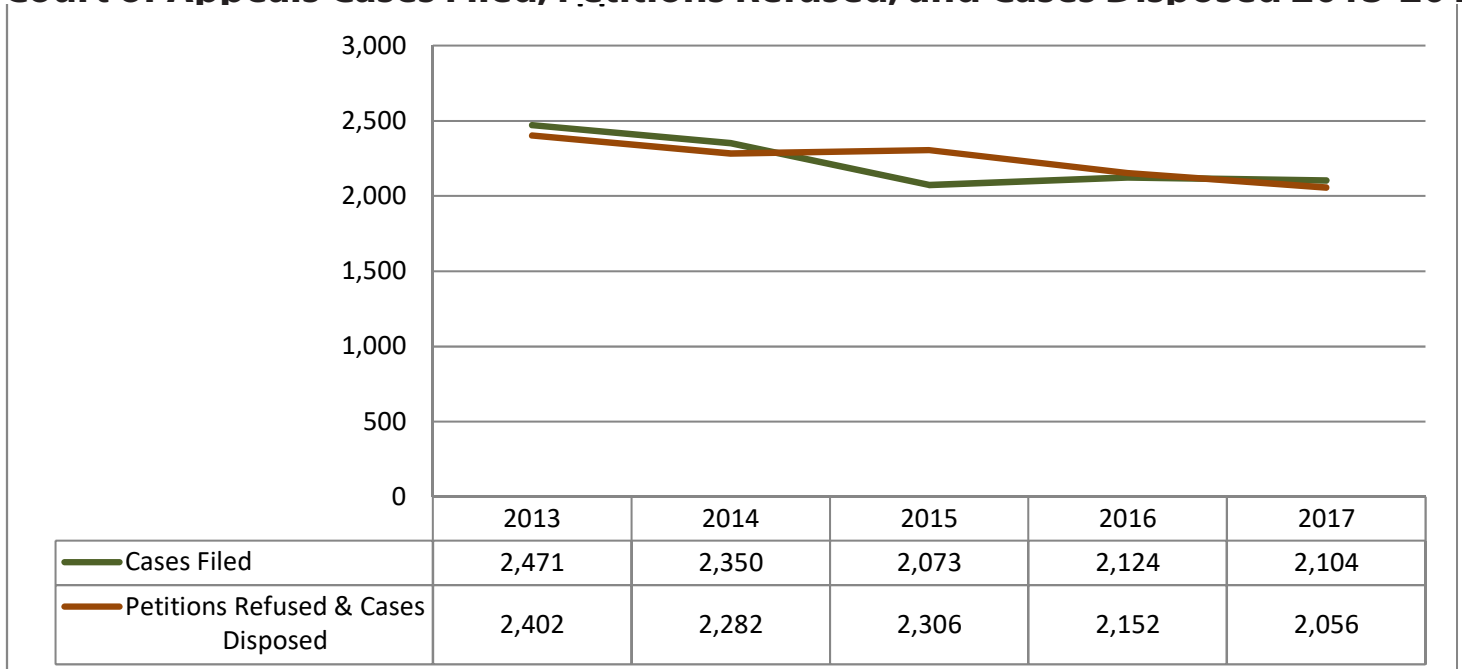


Table 1
Court of Appeals Statistical History 2013-2017

Cases Filed	2013	%Change	2014	%Change	2015	%Change	2016	%Change	2017	%Change	%Change 2013-2017
Criminal Petitions*	1,806	3.1%	1,747	-3.3%	1,512	-13.5%	1,555	2.8%	1,538	-1.1%	-14.8%
Domestic Relations	251	-6.3%	242	-3.6%	236	-2.5%	250	5.9%	235	-6.0%	-6.4%
Workers' Compensation Commission	196	60.7%	145	-26.0%	101	-30.3%	90	-10.9%	92	2.2%	-53.1%
Administrative Agency	33	0.0%	23	-30.3%	17	-26.1%	19	11.8%	20	5.3%	-39.4%
Original Jurisdiction	42	7.7%	31	-26.2%	27	-12.9%	36	33.3%	40	11.1%	-4.8%
No Jurisdiction **	117	3.5%	124	6.0%	132	6.5%	135	2.3%	163	20.7%	39.3%
Other ***	26	-13.3%	38	46.2%	48	26.3%	39	-18.8%	16	-59.0%	-38.5%
Total	2,471	4.9%	2,350	-4.9%	2,073	-11.8%	2,124	2.5%	2,104	-0.9%	-14.9%
Final Dispositions											
Non-Criminal	623	2.8%	630	1.1%	539	-14.4%	569	5.6%	529	-7.0%	-15.1%
Criminal	1,779	-4.8%	1,652	-7.1%	1,767	7.0%	1,583	-10.4%	1,527	-3.5%	-14.2%
Total	2,402	-2.9%	2,282	-5.0%	2,306	1.1%	2,152	-6.7%	2,056	-4.5%	-14.4%
Disposition of Appeals											
Published Opinions	78	-35.5%	76	-2.6%	88	15.8%	66	-25.0%	64	-3.0%	-17.9%
Unpublished Opinions	300	5.6%	327	9.0%	295	-9.8%	288	-2.4%	273	-5.2%	-9.0%
Orders	374	1.4%	382	2.1%	316	-17.3%	368	16.5%	339	-7.9%	-9.4%
Total	752	-2.8%	785	4.4%	699	-11.0%	722	3.3%	676	-6.4%	-10.1%
Cases Appealed to the Supreme Court of Virginia											
	956	-12.5%	881	-7.8%	1,058	20.1%	851	-19.6%	865	1.6%	-9.5%
Criminal Petitions											
Filed	1,808	3.1%	1,754	-3.0%	1,517	-13.5%	1,555	2.5%	1,538	-1.1%	-14.9%
Granted	180	-14.3%	157	-12.8%	189	20.4%	192	1.6%	200	4.2%	11.1%
Refused/Dismissed/Other	1,585	-5.0%	1,454	-8.3%	1,548	6.5%	1,346	-13.0%	1,326	-1.5%	-16.3%
Percent Granted	10.2		9.7		10.9		12.5		13.0		
Pre-Trial Petitions Filed by Commonwealth											
Filed	13	-45.8%	20	53.8%	28	40.0%	15	-46.4%	19	26.7%	46.2%
Granted	6	-50.0%	8	33.3%	15	87.5%	7	-53.3%	4	-42.9%	-33.3%
Refused/Dismissed/Other	12	20.0%	5	-58.3%	9	80.0%	9	0.0%	3	-66.7%	-75.0%
Original Jurisdiction											
Filed											
Habeas Corpus	6	0.0%	4	-33.3%	3	-25.0%	4	33.3%	5	25.0%	-16.7%
Mandamus/Prohibition	9	0.0%	10	11.1%	8	-20.0%	11	37.5%	6	-45.5%	-33.3%
Actual Innocence	27	12.5%	17	-37.0%	16	-5.9%	21	31.3%	29	38.1%	7.4%
Total	42	7.7%	31	-26.2%	27	-12.9%	36	33.3%	40	11.1%	-4.8%
Disposed											
Habeas Corpus	6	50.0%	6	0.0%	3	-50.0%	4	33.3%	4	0.0%	-33.3%
Mandamus/Prohibition	10	25.0%	3	-70.0%	13	333.3%	9	-30.8%	11	22.2%	10.0%
Actual Innocence	26	23.8%	20	-23.1%	16	-20.0%	20	25.0%	27	35.0%	3.8%
Total	42	27.3%	29	-31.0%	32	10.3%	33	3.1%	42	27.3%	0.0%
Appeals of Right											
Filed											
Domestic Relations	251	-6.3%	242	-3.6%	236	-2.5%	250	5.9%	235	-6.0%	-6.4%
Workers' Compensation Commission	196	60.7%	145	-26.0%	101	-30.3%	90	-10.9%	92	2.2%	-53.1%
Administrative Agency	33	0.0%	23	-30.3%	17	-26.1%	19	11.8%	20	5.3%	-39.4%
No Jurisdiction**	117	3.5%	124	6.0%	132	6.5%	135	2.3%	163	20.7%	39.3%
Other ****	11	175.0%	11	0.0%	15	36.4%	24	60.0%	16	-33.3%	45.5%
Total	608	12.6%	545	-10.4%	501	-8.1%	518	3.4%	526	1.5%	-13.5%
Total Cases Filed	2,471	4.9%	2,350	-4.9%	2,073	-11.8%	2,124	2.5%	2,104	-0.9%	-14.9%
Total Petitions Refused and Cases Disposed	2,402	-2.9%	2,282	-5.0%	2,306	1.1%	2,152	-6.7%	2,056	-4.5%	-14.4%

*Does not include contempt.

**These are cases over which the Court of Appeals does not have jurisdiction and which are candidates for transfer to the Supreme Court of Virginia, pursuant to Code § 8.01-677.1. Prior to 1995, these cases were counted under the "Administrative Agency" category.

*** Includes concealed weapons applications, appeals by the Commonwealth before the end of trials, and contempt.

****Includes concealed weapons applications and civil contempt.

Cases Filed and Disposed The table above (Table 1) shows an overview of the case filings for the CAV for the past five calendar years. In 2017, the CAV recorded 2,104 case filings, 20 less than the 2,124 in 2016 and 33 more than the 2,071 in 2013. Between 2016 and 2017, the decrease in cases filed was driven by decreases in criminal petitions and domestic relations case filings, as well as concealed weapons applications, appeals by the Commonwealth before the end of trials and civil contempt. Final dispositions totaled 2,056 in 2017, 96 less than the year before and 346 less than 2013. Of the final dispositions, 74.3% were criminal cases. Since 2013, criminal dispositions have decreased 14.2%, while non-criminal dispositions decreased 15.1%. During the five years, filings have decreased 14.9% and final dispositions have decreased 14.4%.

Table 2

Court of Appeals Case Filings 2013-2017

Cases Filed	2013	%Change	2014	%Change	2015	%Change	2016	%Change	2017	%Change	%Change 2013-2017
Criminal Petitions*	1,806	3.1%	1,747	-3.3%	1,512	-13.5%	1,555	2.8%	1,538	-1.1%	-14.8%
Domestic Relations	251	-6.3%	242	-3.6%	236	-2.5%	250	5.9%	235	-6.0%	-6.4%
Workers' Compensation Commission	196	60.7%	145	-26.0%	101	-30.3%	90	-10.9%	92	2.2%	-53.1%
Administrative Agency	33	0.0%	23	-30.3%	17	-26.1%	19	11.8%	20	5.3%	-39.4%
Original Jurisdiction	42	7.7%	31	-26.2%	27	-12.9%	36	33.3%	40	11.1%	-4.8%
No Jurisdiction **	117	3.5%	124	6.0%	132	6.5%	135	2.3%	163	20.7%	39.3%
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Total	2,471	4.9%	2,350	-4.9%	2,073	-11.8%	2,124	2.5%	2,104	-0.9%	-14.9%

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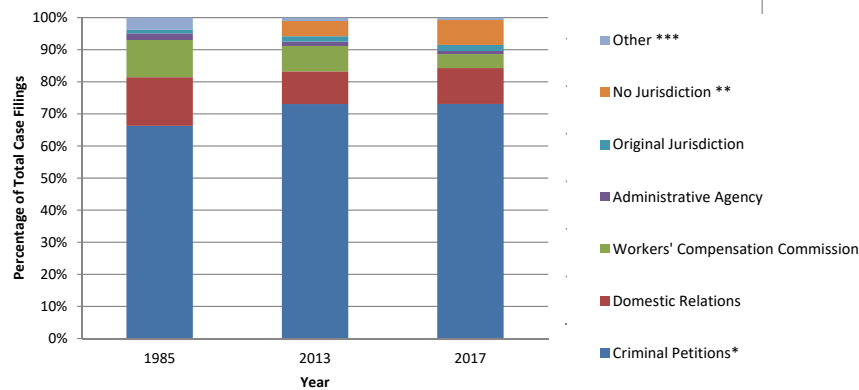
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*** Includes concealed weapons applications, appeals by the Commonwealth before the end of trials and contempt.

Case Filings Mix Between 2013 and 2017, the majority of the cases filed in the CAV consisted of criminal petitions, domestic relations, and Workers' Compensation Commission cases. In 2017, Worker's Compensation Commission cases increased by two cases filed or 2.2% since last year and decreased 104 cases filed or 53.1% since 2013. The percentage of criminal petitions in 2013 was 72.9%, which fell slightly to 72.4% in 2017. The combined percentage of domestic relations and Workers' Compensation Commission cases filed decreased from 18.1% of filings in 2013 to 15.5% in 2017.

Display 2

Court of Appeals Case Types Filed 1985, 2013, 2017



Note: For 1985, "Other" includes case types that have since been recategorized. In 1985, the case type Industrial Commission was entered for Workers' Compensation Commission.

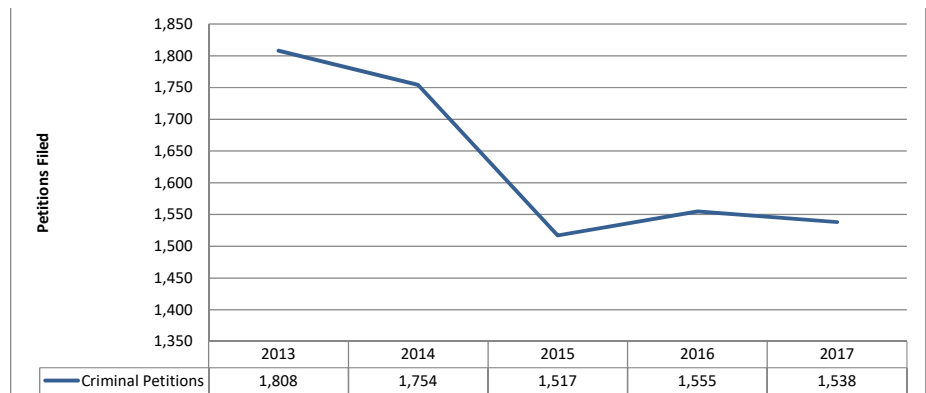
Table 3

Criminal Petitions 2013-2017

Criminal Petitions	2013	%Change	2014	%Change	2015	%Change	2016	%Change	2017	%Change	%Change 2013-2017
Filed	1,808	3.1%	1,754	-3.0%	1,517	-13.5%	1,555	2.5%	1,538	-1.1%	-14.9%
Granted	180	-14.3%	157	-12.8%	189	20.4%	192	1.6%	200	4.2%	11.1%
Refused/Dismissed/Other	1,585	-5.0%	1,454	-8.3%	1,548	6.5%	1,346	-13.0%	1,326	-1.5%	-16.3%
Percent Granted	10.2		9.7		10.9		12.5		13		

Display 3

Court of Appeals Criminal Petitions 2012-2016



Criminal Petitions Of the cases filed, criminal petitions including contempt constituted the majority of the filings, 73.1% in 2017. That same year, criminal petitions fell 1.1%; conversely, granted criminal petitions increased 4.2%, increasing from 192 in 2016 to 200 in 2017.

Table 4

Original Jurisdiction Cases 2013-2017

Original Jurisdiction	2013	%Change	2014	%Change	2015	%Change	2016	%Change	2017	%Change	%Change 2013-2017
Filed											
Habeas Corpus	6	0.0%	4	-33.3%	3	-25.0%	4	33.3%	5	25.0%	-16.7%
Mandamus/Prohibition	9	0.0%	10	11.1%	8	-20.0%	11	37.5%	6	-45.5%	-33.3%
Actual Innocence	27	12.5%	17	-37.0%	16	-5.9%	21	31.3%	29	38.1%	7.4%
Total	42	7.7%	31	-26.2%	27	-12.9%	36	33.3%	40	11.1%	-4.8%

Original Jurisdiction In 2017, the total original jurisdiction cases filed was 40 which is four or 11.1% more than 2016, and two or 4.8% less than 2013. Between 2016 and 2017, the number of habeas corpus and actual innocence original jurisdiction case types increased.

Table 5

Appeals of Right 2013-2017

Appeals of Right	2013	%Change	2014	%Change	2015	%Change	2016	%Change	2017	%Change	%Change 2013-2017
Filed											
Domestic Relations	251	-6.3%	242	-3.6%	236	-2.5%	250	5.9%	235	-6.0%	-6.4%
Workers' Compensation Commission	196	60.7%	145	-26.0%	101	-30.3%	90	-10.9%	92	2.2%	-53.1%
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**** Includes concealed weapons applications and civil contempt.

Appeals of Right In 1985, there were 538 appeals of right and in 2015, there were 501, a decrease of 6.9%. In 2017, there was an increase of 1.5% from 2016 and a decrease 13.5% from 2013 for total appeals of right filings. While Workers' Compensation Commission cases had continued to experience decreases between 2013 and 2016, there was a 2.2% increase since last year. The "other" category that includes concealed weapons applications and civil contempt cases decreased in 2017 by 33.3%.

Table 6

Disposition of Appeals 1986, 2013-2017

Disposition of Appeals	1986	Per Judge Average	2013	Per Judge Average	2014	Per Judge Average	2015	Per Judge Average	2016	Per Judge Average	2017	Per Judge Average	% Above/ Below 1986 Average
	Opinions	328	33	378	34	403	37	383	35	354	32	337	31
Published Opinions			78	7	76	7	88	8	66	6	64	6	
Unpublished Opinions			300	27	327	30	295	27	288	26	273	25	
Orders	386	39	374	34	382	35	316	29	368	33	339	31	-20.2%
Total	714	71	752	70	785	68	699	71	722	64	676	61	-13.9%

Disposition of Appeals In 1986, the first year detailed disposition data was provided in the State of the Judiciary Report, there were 328 cases involving appeals of right or granted criminal appeals decided by opinion and 386 cases decided by order. Each of the 10 judges averaged 33 opinions and 39 orders, an average of 71 dispositions per judge. In 2017 with 11 judges, the average disposition per judge (61) was below the 1986 average. There was an average of 31 opinions per judge and 31 orders per judge in 2017 with the total disposition of appeals being constituted of approximately half opinions and half orders.