

# Court of Appeals of Virginia Statistical Review 2018

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

Source: Virginia State of the Judiciary Report 1985, 1986, 2018; Court of Appeals' STARS, 2019

**Introduction** Since the inception of the Court of Appeals (CAV) in 1985, case filings have increased from 1,641 to 2,020 in 2018, an increase of 23.1%. The highest recorded number of cases filed in the CAV (3,499) was in 2001. Between 2014 and 2018, there was a decrease of 14.0% of total cases filed. Petitions refused and cases disposed collectively have tripled since 1985 from 689 to 1,964. This caseload statistical review focuses on the caseload trends and types of case filings between 2014 and 2018 in the CAV.

Display 1

## Court of Appeals Cases Filed, Petitions Refused, and Cases Disposed 2014-2018

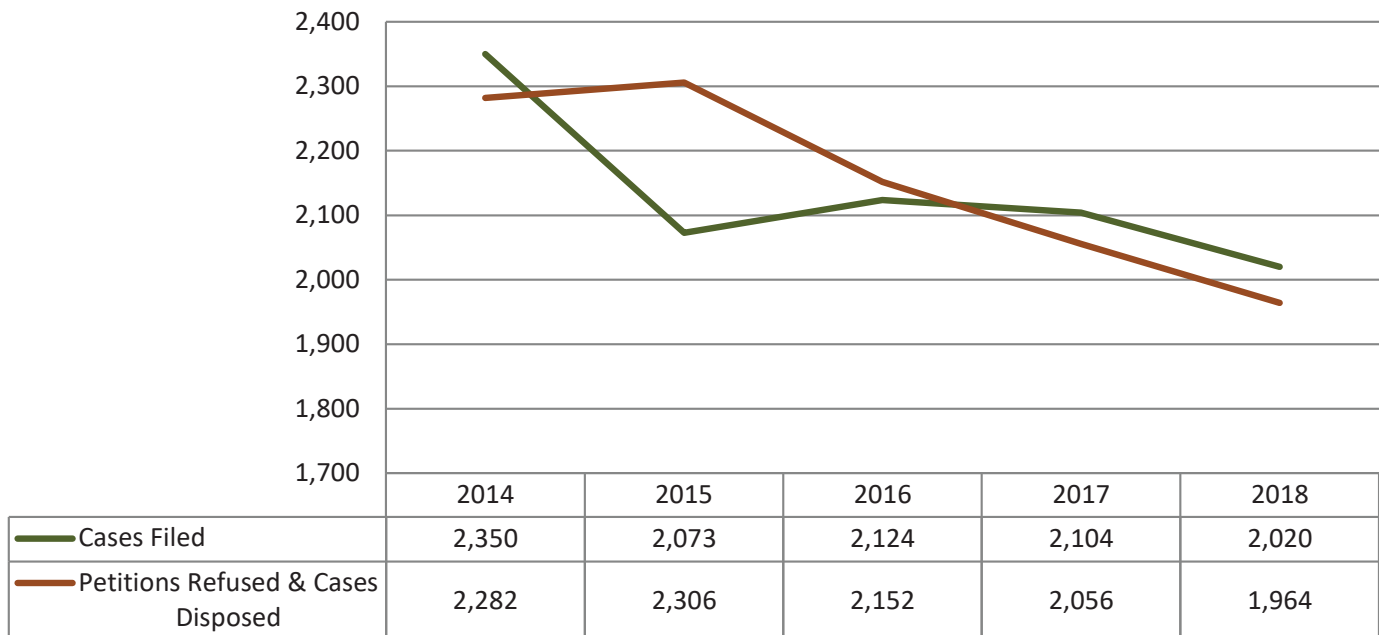


Table 1  
**Court of Appeals Statistical History 2014-2018**

Cases Filed	2014	%Change	2015	%Change	2016	%Change	2017	%Change	2018	%Change	%Change 2014-2018
Criminal Petitions*	1,747	-3.3%	1,512	-13.5%	1,555	2.8%	1,538	-1.1%	1,510	-1.8%	-13.6%
Domestic Relations	242	-3.6%	236	-2.5%	250	5.9%	235	-6.0%	221	-6.0%	-8.7%
Workers' Compensation Commission	145	-26.0%	101	-30.3%	90	-10.9%	92	2.2%	109	18.5%	-24.8%
Administrative Agency	23	-30.3%	17	-26.1%	19	11.8%	20	5.3%	20	0.0%	-13.0%
Original Jurisdiction	31	-26.2%	27	-12.9%	36	33.3%	40	11.1%	25	-37.5%	-19.4%
No Jurisdiction **	124	6.0%	132	6.5%	135	2.3%	163	20.7%	124	-23.9%	0.0%
Other ***	38	46.2%	48	26.3%	39	-18.8%	16	-59.0%	11	-31.3%	-71.1%
<b>Total</b>	<b>2,350</b>	<b>-4.9%</b>	<b>2,073</b>	<b>-11.8%</b>	<b>2,124</b>	<b>2.5%</b>	<b>2,104</b>	<b>-0.9%</b>	<b>2,020</b>	<b>-4.0%</b>	<b>-14.0%</b>
<b>Final Dispositions</b>											
Non-Criminal	630	1.1%	539	-14.4%	569	5.6%	529	-7.0%	538	1.7%	-14.6%
Criminal	1,652	-7.1%	1,767	7.0%	1,583	-10.4%	1,527	-3.5%	1,426	-6.6%	-13.7%
<b>Total</b>	<b>2,282</b>	<b>-5.0%</b>	<b>2,306</b>	<b>1.1%</b>	<b>2,152</b>	<b>-6.7%</b>	<b>2,056</b>	<b>-4.5%</b>	<b>1,964</b>	<b>-4.5%</b>	<b>-13.9%</b>
<b>Disposition of Appeals</b>											
Published Opinions	76	-2.6%	88	15.8%	66	-25.0%	64	-3.0%	61	-4.7%	-19.7%
Unpublished Opinions	327	9.0%	295	-9.8%	288	-2.4%	273	-5.2%	290	6.2%	-11.3%
Orders	382	2.1%	316	-17.3%	368	16.5%	339	-7.9%	348	2.7%	-8.9%
<b>Total</b>	<b>785</b>	<b>4.4%</b>	<b>699</b>	<b>-11.0%</b>	<b>722</b>	<b>3.3%</b>	<b>676</b>	<b>-6.4%</b>	<b>699</b>	<b>3.4%</b>	<b>-11.0%</b>
<b>Cases Appealed to the Supreme Court of Virginia</b>											
<b>Criminal Petitions</b>	<b>881</b>	<b>-7.8%</b>	<b>1,058</b>	<b>20.1%</b>	<b>851</b>	<b>-19.6%</b>	<b>865</b>	<b>1.6%</b>	<b>929</b>	<b>7.4%</b>	<b>5.4%</b>
Filed	1,754	-3.0%	1,517	-13.5%	1,555	2.5%	1,538	-1.1%	1,510	-1.8%	-13.9%
Granted	157	-12.8%	189	20.4%	192	1.6%	200	4.2%	150	-25.0%	-4.5%
Refused/Dismissed/Other	1,454	-8.3%	1,548	6.5%	1,346	-13.0%	1,326	-1.5%	1,214	-8.4%	-16.5%
Percent Granted	9.7		10.9		12.5		13.0		9.9		
<b>Pre-Trial Petitions Filed by Commonwealth</b>											
Filed	20	53.8%	28	40.0%	15	-46.4%	19	26.7%	17	-10.5%	-15.0%
Granted	8	33.3%	15	87.5%	7	-53.3%	6	-14.3%	12	100.0%	50.0%
Refused/Dismissed/Other	5	-58.3%	9	80.0%	9	0.0%	10	11.1%	8	-20.0%	60.0%
<b>Original Jurisdiction</b>											
Filed											
Habeas Corpus	4	-33.3%	3	-25.0%	4	33.3%	5	25.0%	5	0.0%	25.0%
Mandamus/Prohibition	10	11.1%	8	-20.0%	11	37.5%	6	-45.5%	5	-16.7%	-50.0%
Actual Innocence	17	-37.0%	16	-5.9%	21	31.3%	29	38.1%	15	-48.3%	-11.8%
<b>Total</b>	<b>31</b>	<b>-26.2%</b>	<b>27</b>	<b>-12.9%</b>	<b>36</b>	<b>33.3%</b>	<b>40</b>	<b>11.1%</b>	<b>25</b>	<b>-37.5%</b>	<b>-19.4%</b>
Disposed											
Habeas Corpus	6	0.0%	3	-50.0%	4	33.3%	4	0.0%	6	50.0%	0.0%
Mandamus/Prohibition	3	-70.0%	13	333.3%	9	-30.8%	11	22.2%	3	-72.7%	0.0%
Actual Innocence	20	-23.1%	16	-20.0%	20	25.0%	27	35.0%	17	-37.0%	-15.0%
<b>Total</b>	<b>29</b>	<b>-31.0%</b>	<b>32</b>	<b>10.3%</b>	<b>33</b>	<b>3.1%</b>	<b>42</b>	<b>27.3%</b>	<b>26</b>	<b>-38.1%</b>	<b>-10.3%</b>
<b>Appeals of Right</b>											
Filed											
Domestic Relations	242	-3.6%	236	-2.5%	250	5.9%	235	-6.0%	221	-6.0%	-8.7%
Workers' Compensation Commission	145	-26.0%	101	-30.3%	90	-10.9%	92	2.2%	109	18.5%	-24.8%
Administrative Agency	23	-30.3%	17	-26.1%	19	11.8%	20	5.3%	20	0.0%	-13.0%
No Jurisdiction**	124	6.0%	132	6.5%	135	2.3%	163	20.7%	124	-23.9%	0.0%
Other ****	11	0.0%	15	36.4%	24	60.0%	16	-33.3%	9	-43.8%	-18.2%
<b>Total</b>	<b>545</b>	<b>-10.4%</b>	<b>501</b>	<b>-8.1%</b>	<b>518</b>	<b>3.4%</b>	<b>526</b>	<b>1.5%</b>	<b>483</b>	<b>-8.2%</b>	<b>-11.4%</b>
<b>Total Cases Filed</b>	<b>2,350</b>	<b>-4.9%</b>	<b>2,073</b>	<b>-11.8%</b>	<b>2,124</b>	<b>2.5%</b>	<b>2,104</b>	<b>2.5%</b>	<b>2,020</b>	<b>-4.0%</b>	<b>-14.0%</b>
<b>Total Petitions Refused and Cases Disposed</b>	<b>2,282</b>	<b>-5.0%</b>	<b>2,306</b>	<b>1.1%</b>	<b>2,152</b>	<b>-6.7%</b>	<b>2,056</b>	<b>-6.7%</b>	<b>1,964</b>	<b>-4.5%</b>	<b>-13.9%</b>

\*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 2018, the CAV recorded 2,020 case filings, 84 less than the 2,104 in 2017 and 330 less than the 2,350 in 2014. Between 2017 and 2018, 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 contempt. Final dispositions totaled 1,964 in 2018, 92 less than the year before and 318 less than 2014. Of the final dispositions, 72.6% were criminal cases. Since 2014, criminal dispositions have decreased 6.6%, while non-criminal dispositions increased 1.7%. During the five years, filings have decreased 14.0% and final dispositions have decreased 13.9%.

Table 2

## Court of Appeals Case Filings 2014-2018

Cases Filed	2014	%Change	2015	%Change	2016	%Change	2017	%Change	2018	%Change	%Change 2014-2018
Criminal Petitions*	1,747	-3.3%	1,512	-13.5%	1,555	2.8%	1,538	-1.1%	1,510	-1.8%	-13.6%
Domestic Relations	242	-3.6%	236	-2.5%	250	5.9%	235	-6.0%	221	-6.0%	-8.7%
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Administrative Agency	23	-30.3%	17	-26.1%	19	11.8%	20	5.3%	20	0.0%	-13.0%
Original Jurisdiction	31	-26.2%	27	-12.9%	36	33.3%	40	11.1%	25	-37.5%	-19.4%
No Jurisdiction **	124	6.0%	132	6.5%	135	2.3%	163	20.7%	124	-23.9%	0.0%
Other ***	38	46.2%	48	26.3%	39	-18.8%	16	-59.0%	11	-31.3%	-71.1%
<b>Total</b>	<b>2,350</b>	<b>-4.9%</b>	<b>2,073</b>	<b>-11.8%</b>	<b>2,124</b>	<b>2.5%</b>	<b>2,104</b>	<b>-0.9%</b>	<b>2,020</b>	<b>-4.0%</b>	<b>-14.0%</b>

\*Does not include contempt.

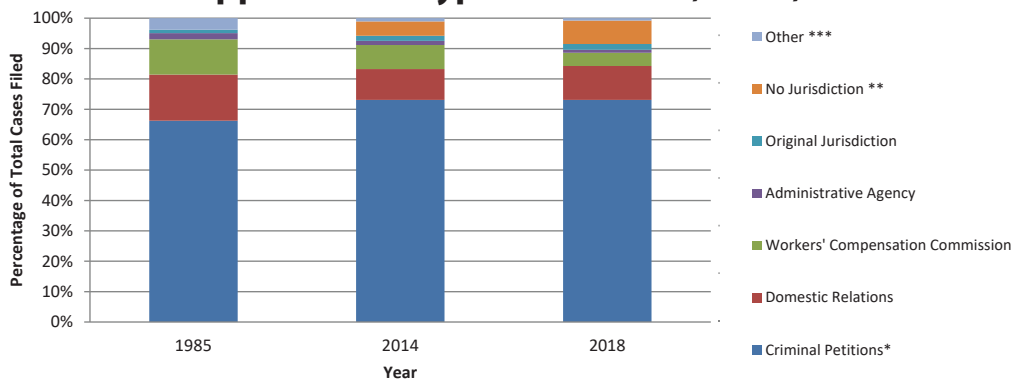
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\*\*\* Includes concealed weapons applications, appeals by the Commonwealth before the end of trials and contempt.

**Case Filings Mix** Between 2014 and 2018, the majority of the cases filed in the CAV consisted of criminal petitions, domestic relations, and Workers' Compensation Commission cases. In 2018, Worker's Compensation Commission cases increased by 17 cases filed or 18.5% since last year and decreased 36 cases filed or 24.8% since 2014. The percentage of criminal petitions in 2014 was 74.3%, which remained around the same in 2018 (74.8%). The combined percentage of domestic relations and Workers' Compensation Commission cases filed were at the same levels--16.5% of filings in 2014 and 16.3% in 2018.

Display 2

### Court of Appeals Case Types Filed 1985, 2014, 2018



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

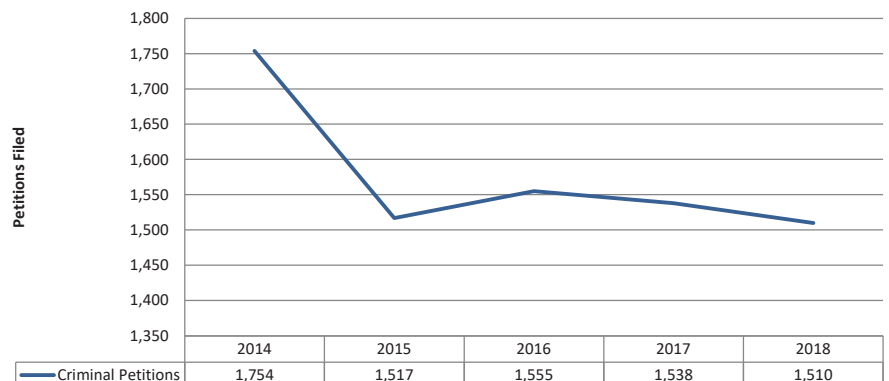
Table 3

### Criminal Petitions 2014-2018

Criminal Petitions	2014	%Change	2015	%Change	2016	%Change	2017	%Change	2018	%Change	%Change 2014-2018
Filed	1,754	-3.0%	1,517	-13.5%	1,555	2.5%	1,538	-1.1%	1,510	-1.8%	-13.9%
Granted	157	-12.8%	189	20.4%	192	1.6%	200	4.2%	150	-25.0%	-4.5%
Refused/Dismissed/Other	1,454	-8.3%	1,548	6.5%	1,346	-13.0%	1,326	-1.5%	1,214	-8.4%	-16.5%
Percent Granted	9.7		10.9		12.5		13.0		9.9		

Display 3

### Court of Appeals Criminal Petitions 2014-2018



**Criminal Petitions** Of the cases filed, criminal petitions including contempt constituted the majority of the filings, 75.3% in 2018. That same year, criminal petitions fell 1.8%; additionally, granted criminal petitions decreased 25.0%, decreasing from 200 in 2017 to 150 in 2018.

Table 4

## Original Jurisdiction Cases 2014-2018

Original Jurisdiction	2014	%Change	2015	%Change	2016	%Change	2017	%Change	2018	%Change	%Change 2014-2018
Filed											
Habeas Corpus	4	-33.3%	3	-25.0%	4	33.3%	5	25.0%	5	0.0%	25.0%
Mandamus/Prohibition	10	11.1%	8	-20.0%	11	37.5%	6	-45.5%	5	-16.7%	-50.0%
Actual Innocence	17	-37.0%	16	-5.9%	21	31.3%	29	38.1%	15	-48.3%	-11.8%
<b>Total</b>	<b>31</b>	<b>-26.2%</b>	<b>27</b>	<b>-12.9%</b>	<b>36</b>	<b>33.3%</b>	<b>40</b>	<b>11.1%</b>	<b>25</b>	<b>-37.5%</b>	<b>-19.4%</b>

**Original Jurisdiction** In 2018, the total original jurisdiction cases filed was 25 which is 15 or 37.5% less than 2017, and six or 19.4% less than 2014. Between 2017 and 2018, the number of mandamus/prohibition and actual innocence original jurisdiction case types decreased.

Table 5

## Appeals of Right 2014-2018

Appeals of Right	2014	%Change	2015	%Change	2016	%Change	2017	%Change	2018	%Change	%Change 2014-2018
Filed											
Domestic Relations	242	-3.6%	236	-2.5%	250	5.9%	235	-6.0%	221	-6.0%	-8.7%
Workers' Compensation Commission	145	-26.0%	101	-30.3%	90	-10.9%	92	2.2%	109	18.5%	-24.8%
Administrative Agency	23	-30.3%	17	-26.1%	19	11.8%	20	5.3%	20	0.0%	-13.0%
No Jurisdiction**	124	6.0%	132	6.5%	135	2.3%	163	20.7%	124	-23.9%	0.0%
Other ****	11	0.0%	15	36.4%	24	60.0%	16	-33.3%	9	-43.8%	-18.2%
<b>Total</b>	<b>545</b>	<b>-10.4%</b>	<b>501</b>	<b>-8.1%</b>	<b>518</b>	<b>3.4%</b>	<b>526</b>	<b>1.5%</b>	<b>483</b>	<b>-8.2%</b>	<b>-11.4%</b>

\*\*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 and civil contempt.

**Appeals of Right** In 1985, there were 538 appeals of right and in 2018, there were 483, a decrease of 10.2%. In 2018, there was an increase of 8.2% from 2017 and a decrease of 11.4% from 2014 for total appeals of right filings. While Workers' Compensation Commission cases had continued to experience decreases between 2014 and 2016, there was a 18.5% increase since last year. The "other" category that includes concealed weapons applications and civil contempt cases decreased in 2018 by 18.2%.

Table 6

## Disposition of Appeals 1986, 2014-2018

Disposition of Appeals	1986	Per Judge Average	2014	Per Judge Average	2015	Per Judge Average	2016	Per Judge Average	2017	Per Judge Average	2018	Per Judge Average	% Above/ Below 1986 Average
	Opinions	328	33	403	34	383	37	354	35	337	31	351	32
Published Opinions			76	7	88	7	66	8	64	6	61	6	
Unpublished Opinions			327	27	295	30	288	27	273	25	290	26	
Orders	386	39	382	34	316	35	368	29	339	31	348	32	-18.0%
<b>Total</b>	<b>714</b>	<b>71</b>	<b>785</b>	<b>71</b>	<b>699</b>	<b>64</b>	<b>722</b>	<b>66</b>	<b>676</b>	<b>61</b>	<b>699</b>	<b>64</b>	<b>-11.0%</b>

**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 2018 with 11 judges, the average disposition per judge (64) was below the 1986 average. There was an average of 32 opinions per judge and 32 orders per judge in 2018 with the total disposition of appeals being constituted of half opinions and half orders.