

# SUPREME COURT OF VIRGINIA

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December 30, 2024

The Honorable Scott A. Surovell  
Chair, Courts of Justice Committee  
Senate of Virginia  
P.O. Box 289  
Mount Vernon, VA 22121

The Honorable Patrick A. Hope  
Chair, Courts of Justice Committee  
Virginia House of Delegates  
P.O. Box 3148  
Arlington, VA 22203

Re: Chapter 489, Enactment Clause 5 Report

Dear Chairs Surovell, and Hope:

Chapter 489, Enactment Clause 5, of the Virginia Acts of Assembly (Special Session I, 2021) requires the Office of the Executive Secretary of the Supreme Court of Virginia to report to the House and Senate Committees for Courts of Justice on the expanded workload of the Court of Appeals of Virginia each year for three years, with the first report to be made by January 1, 2023. Please find attached the third report from the Court of Appeals detailing the Court of Appeals' complete case filing and processing data for 2023, and the first nine months of data collected in 2024.

If you have any questions, please do not hesitate to contact me.

With best wishes, I am

Very truly yours,



Karl R. Hade

KRH:awp

Attachment

cc: The Honorable Mark D. Obenshain  
The Honorable Ryan T. McDougle  
The Honorable R. Creigh Deeds  
The Honorable Richard H. Stuart  
The Honorable William M. Stanley, Jr.  
The Honorable Jennifer B. Boysko  
The Honorable Mark J. Peake  
The Honorable Lamont Bagby  
The Honorable Emily M. Jordan  
The Honorable Lashrecse D. Aird  
The Honorable Suhas Subramanyam  
The Honorable Jennifer D. Carroll Foy  
The Honorable Russet Perry  
The Honorable Saddam Azlan Salim  
The Honorable Marcus B. Simon  
The Honorable Vivian E. Watts  
The Honorable Richard C. Sullivan Jr.  
The Honorable Karrie K. Delaney  
The Honorable Michelle Lopes Maldonado  
The Honorable Phil M. Hernandez  
The Honorable Rae Cousins  
The Honorable Atoosa R. Reaser  
The Honorable Joshua E. Thomas  
The Honorable Katrina Callsen  
The Honorable Karen Keys-Gamarra  
The Honorable Terry G. Kilgore  
The Honorable James A. Leftwich  
The Honorable Jason S. Ballard  
The Honorable Wren M. Williams

Chapter 489, Enactment Clause 5 Report  
December 30, 2024  
Page Three

The Honorable Amanda E. Batten  
The Honorable A.C. Cordoza  
The Honorable Jonathan Arnold  
The Honorable Will Davis  
The Honorable Chris Obenshain  
The Honorable Mark L. Earley, Jr.  
Division of Legislative Automated Systems



2024

**Report to the Senate and House  
Committees for Courts of Justice**

**Expanded Workload of the Court  
of Appeals of Virginia**





**THE COURT OF APPEALS  
OF VIRGINIA  
2024**



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## EXECUTIVE SUMMARY:

This third annual report details the Court of Appeals of Virginia's case filing and processing data for 2023, and the first nine months of data collected in 2024. Key points regarding the Court's workload and processes include:

- The Court anticipates approximately 2,150 new case filings for 2024, which exceeds pre-pandemic levels, but it is lower than the case intake for 2023. The slight reduction in total appeals appears partly attributable to a 2023 amendment to Virginia Code § 17.1-406, which returned civil claims that collaterally attack criminal convictions to the Supreme Court's appellate jurisdiction.
- The Court continues to receive more motions than it did before its jurisdiction expanded in 2022. In 2024, the Court will receive over 4,000 motions, much higher than the 1,300 motions it received annually before expanded jurisdiction. The Clerk's Office, Chief Staff Attorney's Office and Judicial Chambers undertake a significant amount of work to review, decide, and issue rulings on these motions.
- The Court has identified and continues to monitor three main factors that contribute to the increased case life of the Court's cases: (1) increased pro se litigation; (2) increased motions practice; and (3) increased complexity of legal issues, particularly in civil litigation, which leads to more complex and sometimes fractured opinions.
- New positions that were funded for the Chief Staff Attorney's Office and Clerk's Office have been staffed to address the volume of civil cases, motions practice, and efficient release of opinions. By enhancing processes and adding personnel, the Court is able to better serve litigants and the Commonwealth as a whole. While the Court has not yet met all of its efficiency goals, it has made notable progress toward those goals, with a current case clearance rate of 92%. Further, cases that may be decided without oral argument pursuant to Code § 17.1-403 are being resolved more efficiently, thus freeing up space for other cases to reach oral argument in a shorter timeframe. The Court continues to assess the intake and processing of cases to identify further efficiencies and improvements.
- The legacy case management system hinders the Court's ability to work efficiently and accurately track case information from an appeal's beginning to end. In conjunction with the Supreme Court of Virginia, the Court has begun exploring technological improvements that will allow for integrated electronic filing, increased public access, and enhance the Court's ability to better serve the litigants and provide the General Assembly with more accurate data.



# Report to the Senate and House Committees for Courts of Justice on the Expanded Workload of the Court of Appeals of Virginia for 2024

## I. Introduction:

The Court of Appeals delivers this report to the Virginia General Assembly’s Senate and House Committees for Courts of Justice pursuant to Enactment Clause 5 of the 2021 Va. Acts, Sp. Sess. I, c. 489. This third annual report provides a final overview for 2023 and analyzes the data available for the first nine months of 2024. This report also provides an updated explanation of the Court’s current organization and case processing procedures.<sup>1</sup>



### **The 2024 Court of Appeals of Virginia**

**From Back Left: Judge Kimberley S. White; Judge Lisa M. Lorish; Judge Vernida R. Chaney; Judge Doris Henderson Causey; Judge Frank K. Friedman; Judge Stuart A. Raphael; Judge Dominique A. Callins; Judge Steven C. Frucci.**

**From Front Left: Judge Junius P. Fulton III; Judge Mary B. Malveaux; Judge Mary Grace O’Brien; Judge Randolph A. Beales; Chief Judge Marla Graff Decker; Judge Glen A. Huff; Judge Richard Y. AtLee, Jr.; Judge Clifford L. Athey, Jr.; Judge Daniel E. Ortiz.**

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<sup>1</sup> Producing this report has involved the efforts of several offices and departments. The Court’s sincerest appreciation goes to Clerk of Court John Vollino, Chief Staff Attorney Alice Armstrong, and their hard-working teams. Special recognition also goes to Director Meredith Farrar-Owens of the Virginia Criminal Sentencing Commission and her staff for assistance in analyzing data from the Court’s case management system. Finally, the Court is grateful for the efforts of Robert Blosser, Administrative Staff Attorney, for tracking data, identifying trends, and compiling this report.





**The retirement dinner of The Honorable Robert J. Humphreys in January 2024, celebrating over twenty-three years on the appellate bench. Judge Humphreys continues to serve the Commonwealth as a Senior Judge on the Court of Appeals.**



**Photos from the reception after Judge Glen A. Huff's final panel, November 2024, in Norfolk.**



**Photos from the Employee Recognition Ceremony that took place in the John D. Butzner, Jr. En Banc Court Room at the United States Court of Appeals for the Fourth Circuit Courthouse in January 2024.**



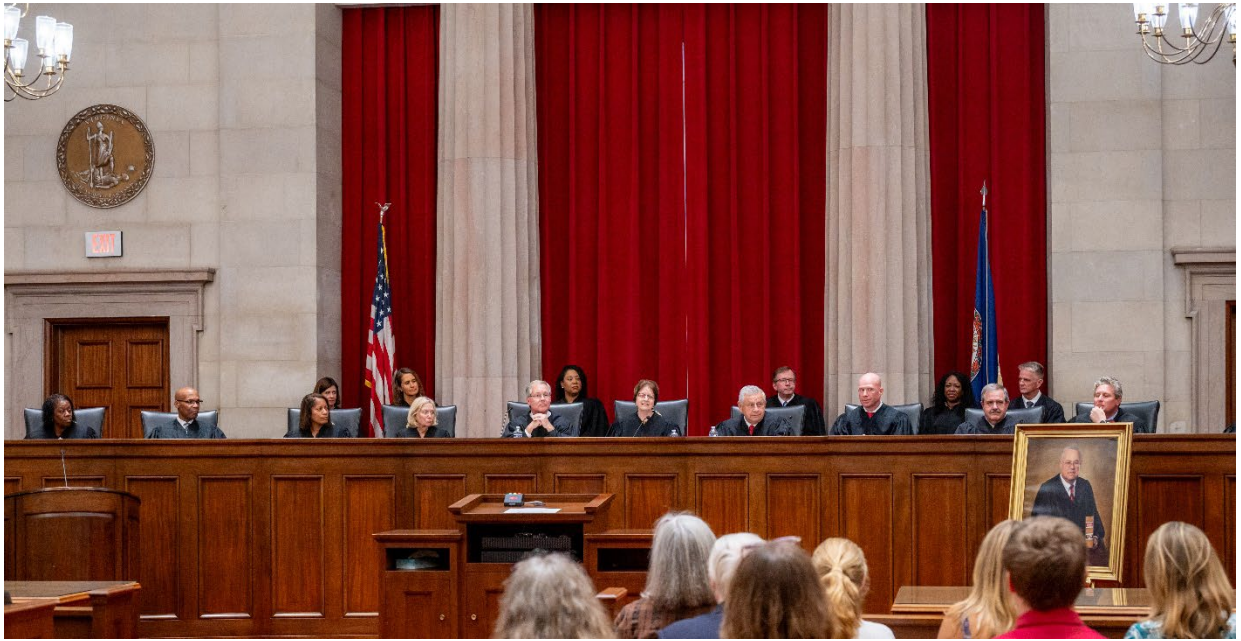
## **In Memoriam – The Honorable James W. Haley, Jr. (1942 – 2024)**

This year the Court of Appeals lost one of its treasured members. The Honorable James W. Haley, Jr., served on the Court of Appeals of Virginia since 2005. Judge Haley retired from active status in 2012 but continued serving as a Senior Judge with the Court until his passing on June 8, 2024.



Above are photos from the March 2024 Northern Panel in Fredericksburg, Virginia, which was Senior Judge Haley's final panel.

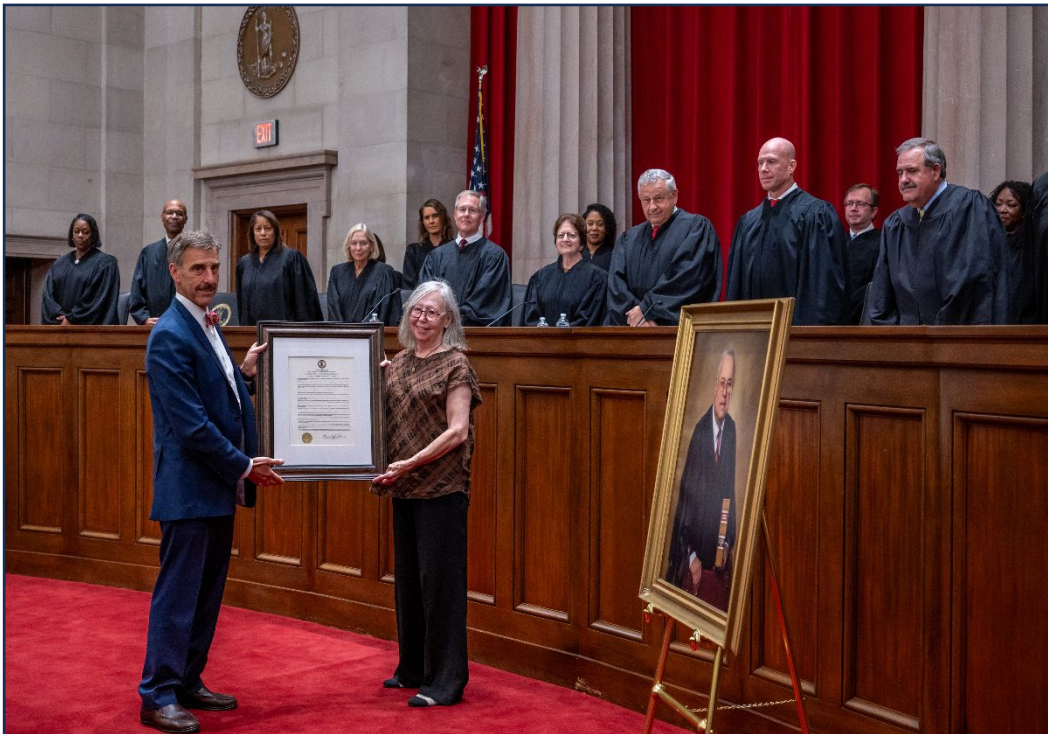
On the next page clockwise from the top: The Full Court sits in Special Session at the Supreme Court of Virginia to honor Judge James W. Haley Jr.; Chief Judge Marla Graff Decker opens the Special Session; Judge Glen A. Huff reads the resolution honoring Judge Haley. Judge Haley's Portrait and the Court's Resolution remembering Judge Haley are placed to be viewed in the courtroom.







**Clockwise from Top Left: Judge Randolph A. Beales speaks about his time with Judge James W. Haley, Jr.; Justice Stephen R. McCullough talks about his friend and colleague; The Court stands in appreciation as Ann Haley accepts the Resolution filed with the Court’s records in recognition and honor of Judge Haley; Chief Justice, Associate Justices of the Supreme Court of Virginia, and Senior Judges of the Court of Appeals attend the Special Session in honor of their colleague and friend.**



## **II. Court Jurisdiction:**

The Court of Appeals of Virginia hears appeals as a matter of right from any final:

- judgment, order, or decree of a circuit court;
- order of conviction in criminal or traffic matters;
- decision of the Virginia Workers' Compensation Commission;
- decision of a circuit court on appeal from an administrative agency decision;
- decision of a circuit court on an application for a concealed weapons permit;
- order of a circuit court involving involuntary treatment of prisoners; and
- order for declaratory or injunctive relief addressing whether a person's free exercise of religion has been burdened by the Commonwealth or local government.

The Court may grant petitions for appeal from:

- certain preliminary rulings in felony cases when requested by the Commonwealth;
- certain interlocutory orders when certified by the circuit court; and
- any order of consolidation or joinder in a case brought under the Multiple Claimant Litigation Act.

The Court has original jurisdiction to:

- consider petitions for a writ of actual innocence based on nonbiological evidence;
- consider petitions for a writ of mandamus, writ of prohibition, or, in limited instances, a writ of habeas corpus; and
- exercise contempt power.

### III. Court Structure:

#### **A. Court Leadership**

##### Chief Judge:

- Marla Graff Decker, Henrico County

##### Judges:

- Randolph A. Beales, Mecklenburg County & Henrico County
- Glen A. Huff, City of Virginia Beach (Retiring December 31, 2024)
- Mary Grace O'Brien, Prince William County
- Richard Y. AtLee, Jr., York County
- Mary Bennett Malveaux, Henrico County
- Clifford L. Athey, Jr., Town of Front Royal
- Junius P. Fulton, III, City of Norfolk
- Daniel E. Ortiz, Fairfax County
- Doris Henderson Causey, Henrico County
- Frank K. Friedman, City of Roanoke
- Vernida R. Chaney, City of Alexandria
- Stuart A. Raphael, Arlington County
- Lisa M. Lorish, City of Charlottesville
- Dominique A. Callins, Warren County
- Kimberley Slayton White, Halifax County
- Steven C. Frucci, City of Virginia Beach

##### Judge Elect:

- David Bernhard, Fairfax County (Term Begins January 1, 2025)

##### Senior Judges:

- Rosemarie Annunziata, Fairfax County
- Jean Harrison Clements, Town of Leesburg
- William G. Petty, City of Lynchburg
- Robert J. Humphreys, City of Virginia Beach

##### Retired Judge:

- Robert P. Frank, City of Newport News

##### Clerk of Court:

- A. John Vollino

##### Chief Staff Attorney:

- Alice T. Armstrong

##### Reporters of Decisions:

- Professor Ronald J. Bacigal, Criminal Opinions
- Professor James Y. Stern, Civil Opinions
- Professor Adam M. Gershowitz, Criminal Opinions (Part-Time)
- Professor Henry L. Chambers, Jr., Civil Opinions (Term Begins January 1, 2025) (Part-Time)



## B. Court Operations: The Clerk’s Office and Chief Staff Attorney’s Office

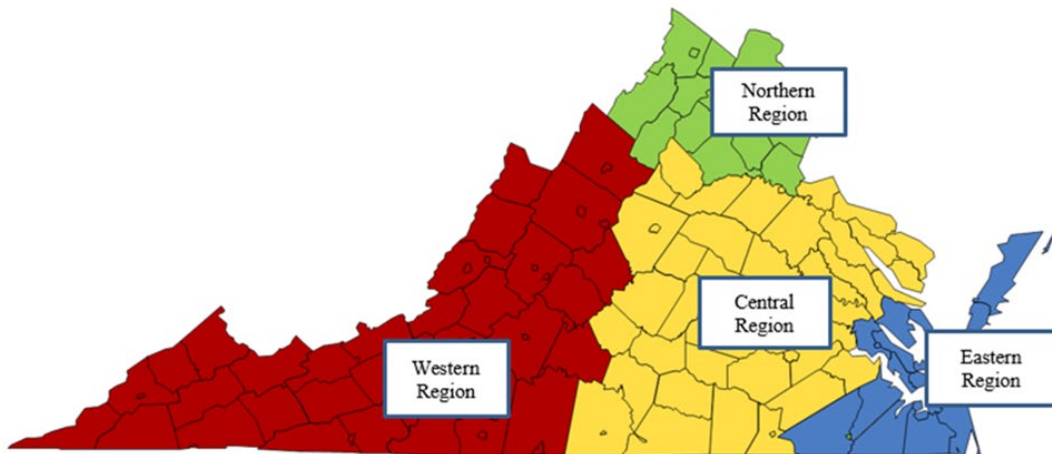
The Court of Appeals of Virginia currently employs 142 full-time staff, including seventeen judges. Since July 2021, the Chief Staff Attorney’s Office has added nineteen new full-time positions and the Clerk’s Office has added twenty-two new full-time positions.

The Court continues to evaluate its staffing needs considering its expanded workload and the complexity of the cases. With a wide variety of civil cases and criminal cases being heard as appeals of right, the appeals before this Court now involve more nuanced issues.

The Court is also evaluating potential upgrades to its legacy case management system to improve public access to case information and streamline internal processes. Greater automation will make the Court more accessible to litigants across the Commonwealth, increase public confidence in the judicial system by ensuring that the public has meaningful access to the Court’s records and decisions, and promote internal efficiencies. “The scope of the open-courts doctrine presupposes that people in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.” *Daily Press, LLC v. Commonwealth*, 301 Va. 384, 396-97 (2022). An automated and fully integrated case management system that provides enhanced access to the public is critical in the information age.

### Court of Appeals Case flow overview:





This is a map of the Court's Regions. Generally, the Court divides cases and hears arguments based on where the crime or dispute originated.

### *1. Clerk's Office Key Functions and Organization*

Led by John Vollino, the Clerk's Office restructured in 2024 to streamline operations and promote more efficient workflows. After the General Assembly approved eight new positions for the Clerk's Office beginning July 1, 2024, the Court began hiring for these vacancies. Notably, a Senior Deputy Clerk now manages and directs the workflow of the Case and Records Administration Team.

The Court also hired a Court Technologist to support the current and future information technology needs of the Court. Beginning January of 2025, the Technologist will work in the Clerk's Office while evaluating technological requirements for the development of a new case management system and suggesting and developing technological improvements for the Court. The structure of the Clerk's Office is as follows:

- The **Case and Records Administration Team** manages filings and records for the Court. When any pleading or brief is filed through the Virginia Appellate Courts Electronic System (VACES), this team downloads the filing, reviews it for compliance, and uploads it to the Court's internal case management system. This team similarly manages paper filings and mail. It also reviews briefs and petitions for rule compliance, directs litigants to refile non-compliant pleadings, and ensures that documents are ready for Court review. The records professionals coordinate with the lower tribunals to collect the case record after an appeal is initiated and notifies litigants when a record or record addendum is received. When the Court receives an electronic record through VACES, this team must download each component of the record, and upload it to the existing case management system. Additionally, this team compiles the documents into a secure, cloud-based storage system to provide parties a link to the record. This Case and Records Administration Team also prepares and sends records to the Supreme Court of Virginia and federal courts.

- The **Motions Team** handles preliminary motions related to the record, briefing, and bonds. The Motions Team also reviews and routes procedural, substantive, and dispositive motions to the Chief Staff Attorney's Office for preliminary review or directly to a panel for review and consideration. Additionally, the Motions Team reviews and processes procedurally defaulted cases. It also evaluates appeals that present unusual procedural issues to determine the proper route for resolution.
- The **Dockets Team** assigns cases to panels for oral argument. Once a case is fully briefed and released by the Chief Staff Attorney's Office after its review and recommendation, the Dockets Team assigns it to the next available panel in the region where the case originated. The Dockets Team manages the scheduling and logistics for argument panels held throughout the Commonwealth. In doing so, this team sends scheduling notices to the parties, manages continuance requests, coordinates virtual arguments for the Court, and maintains oral argument recordings.
- The **Dispositions & Actual Innocence Team** proofreads the Court's opinions and orders and, in consultation with the Court, makes any necessary corrections to those decisions before releasing them to the parties and the public. This team also drafts and issues mandates for each of the Court's opinions. Further, this team reaches out and obtains records from the circuit courts related to the petitions for actual innocence and appoints counsel as directed by the Court when appropriate for pro se petitioners who are seeking review of their convictions. Additionally, the team reviews and issues interlocutory and dispositional orders regarding actual innocence filings.
- The **Court Operations Team** supports the Court and its employees with a wide range of issues, from leasing office space and event planning, to troubleshooting technology glitches and improving the functionality of our case management system. This team is also responsible for health and safety protocols, supplies, and logistical matters. The team works closely with the Chief Judge, the Judicial Chambers, Staff Attorney's Office, and Office of the Executive Secretary.

**Clerk's Office of the Court of Appeals of Virginia**

**A. John Vollino, Clerk of Court**  
 1 Executive Assistant to the Clerk  
 1 Clerk's Assistant

**Dockets**  
 1 Senior Deputy Clerk  
 4 Deputy Clerks

**Motions**  
 1 Chief Deputy Clerk  
 1 Motions Specialist  
 2 Deputy Clerks  
 1 Clerk's Assistant

**Court Operations**  
 1 Managing Deputy Clerk  
 1 Technologist  
 1 Logistics Coordinator  
 1 Clerk's Assistant

**Case and Records Administration**  
 1 Senior Deputy Clerk  
 4 Deputy Clerks  
 2 Senior Clerk's Assistants  
 6 Clerk's Assistants  
 1 Receptionist  
 1 Part-Time Clerk's Assistant

**Dispositions & Actual Innocence**  
 1 Senior Deputy Clerk  
 2 Opinions Specialists  
 5 Deputy Clerks  
 1 Senior Clerk's Assistant  
 1 Clerk's Assistant

<b>Total Staffing:</b>		
1 Clerk of Court	2 Opinions Specialists	3 Senior Clerk's Assistants
1 Chief Deputy Clerk	1 Motions Specialist	10 Clerk's Assistants
1 Managing Deputy Clerk	1 Logistics Coordinator	1 Receptionist
3 Senior Deputy Clerks	1 Technologist	1 Part-Time Clerk's Assistant
15 Deputy Clerks*	1 Executive Assistant to the Clerk	

**\*Note: The Virginia Code requires a designation of "deputy clerk" for employees to process Court documents and to sign and issue orders on behalf of the Court.**

## ***2. Chief Staff Attorney's Office Key Functions and Organization***

The Office of the Chief Staff Attorney (CSA) conducts preliminary reviews of motions, appeals, and original jurisdiction petitions. The staff attorneys check for compliance with all procedural rules, confirm the Court's jurisdiction, conduct legal research, and provide the Court with an initial analysis of the legal and procedural issues presented in each filing. The CSA also provides staff support to the Court's Senior Judges, including assistance with researching and drafting opinions because the Senior Judges do not have their own law clerks.

Although each staff attorney is expected to work on any case assigned, the CSA currently is organized into teams with primary focus areas to maximize efficiency through specialization. The CSA has made several internal promotions in 2024, which fosters career development and staff retention. The CSA has been working diligently to recruit attorneys to fill the additional positions funded in the 2024 Appropriation Act and created a second Civil Team to address caseloads. Currently, there are six teams within the CSA: the Actual Innocence/Original Jurisdiction Team, Civil Teams A and B, Criminal Teams A and B, and the Senior Judge/Utility Team. Each team is led by a Senior Staff Attorney who reports to the Chief Staff Attorney. The CSA also has two specialized Senior Staff Attorneys. One Senior Staff Attorney addresses motions and works closely with the Clerk's Office team. The other Senior Staff Attorney handles special projects, provides backup to other senior staff, fills gaps in chambers staff, and provides staff support to new judges when they join the Court.

## Chief Staff Attorney's Office of the Court of Appeals of Virginia

### Alice T. Armstrong, Chief Staff Attorney

1 Deputy Chief Staff Attorney  
1 Administrative Assistant  
1 Administrative Staff Attorney  
1 Senior Paralegal  
1 Paralegals  
1 Part-Time Staff Attorney

#### Civil Team A

1 Senior Staff Attorney  
4 Staff Attorneys

#### Civil Team B

1 Senior Staff Attorney  
4 Staff Attorneys

#### Criminal Team A

1 Senior Staff Attorney  
3 Staff Attorneys

#### Criminal Team B

1 Senior Staff Attorney  
3 Staff Attorneys

#### Senior Judge/Utility Team

1 Senior Staff Attorney  
3 Law Clerks to Senior Judges

#### Actual Innocence & Original Jurisdiction Team

1 Senior Staff Attorney  
2 Staff Attorneys

#### Motions and Procedural Review

1 Senior Staff Attorney

#### Special Projects

1 Senior Staff Attorney

#### Total Staffing:

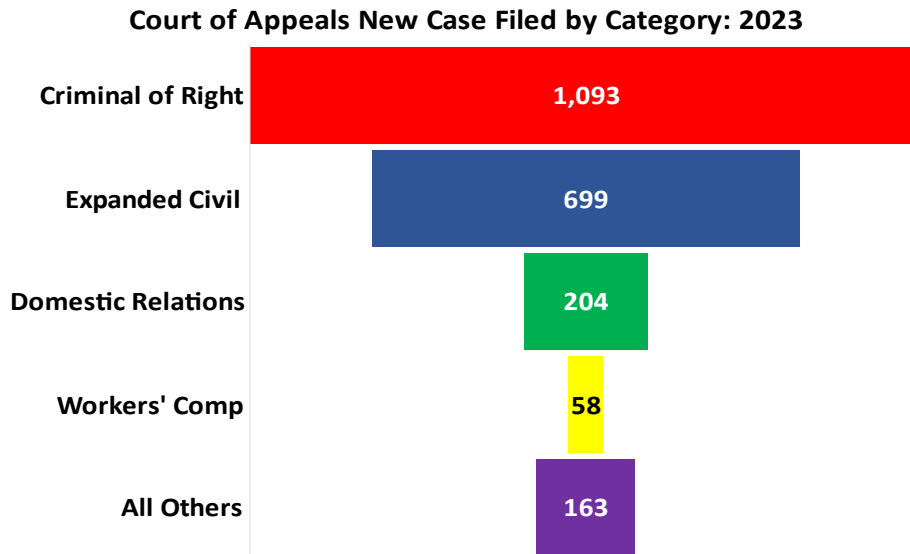
1 Chief Staff Attorney  
8 Senior Staff Attorneys  
3 Law Clerks to Sr. Judges  
1 Administrative Assistant  
1 Paralegal

1 Deputy Chief Staff Attorney  
16 Staff Attorneys  
1 Administrative Staff Attorney  
1 Senior Paralegal  
1 Part-Time Staff Attorney

#### **IV. Expanded Jurisdiction: Final 2023 Data Summary**

The Court of Appeals’ second annual report, *2023 Report to the House Committee for Courts of Justice and the Senate Committee on the Judiciary: Expanded Workload of the Court of Appeals of Virginia*, detailed the trends observed in the first nine months of 2023. Before analyzing the 2024 data for this third annual report, this section completes the review of the 2023 data.

In 2023, the Court received 2,217 new cases (appeals and petitions), an increase over the previous year. Criminal appeals continued to lag compared to pre-pandemic numbers. Yet, the number of new criminal cases did increase compared to the first year of expanded jurisdiction with 1,093 criminal appeals filed with the Court. Expanded jurisdiction civil appeals also increased from the 2022 total, with 699 new appeals, representing a 25% increase in initiated civil cases compared to the first year of expanded civil jurisdiction. New cases in these two categories accounted for over 80% of the total new cases in 2023 (1,792 of 2,217 total cases).

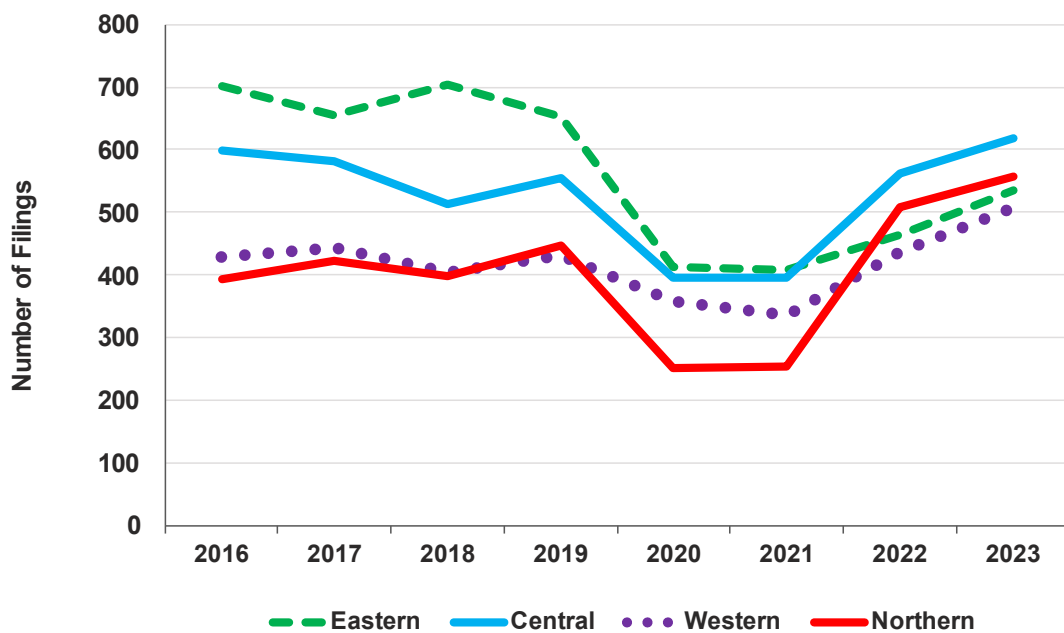


\* “All Others” includes but is not limited to: Original Jurisdiction cases, Administrative Agency appeals, Commonwealth Pre-trial Appeals, Concealed Weapons Cases, Interlocutory- Certifications, and Sexually Violent Predator Civil Commitment Appeals.

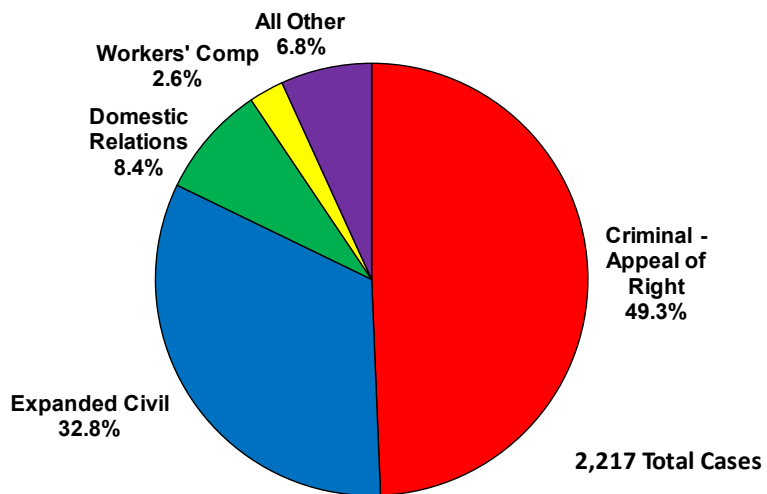
In 2023, the Central, Western, and Northern Regions surpassed pre-pandemic case initiation levels. The Eastern Region saw lower intake levels than in the years preceding the pandemic, but still experienced an overall increase in 2023 compared to 2022. As discussed later, those numbers have continued to rise toward the pre-pandemic levels.

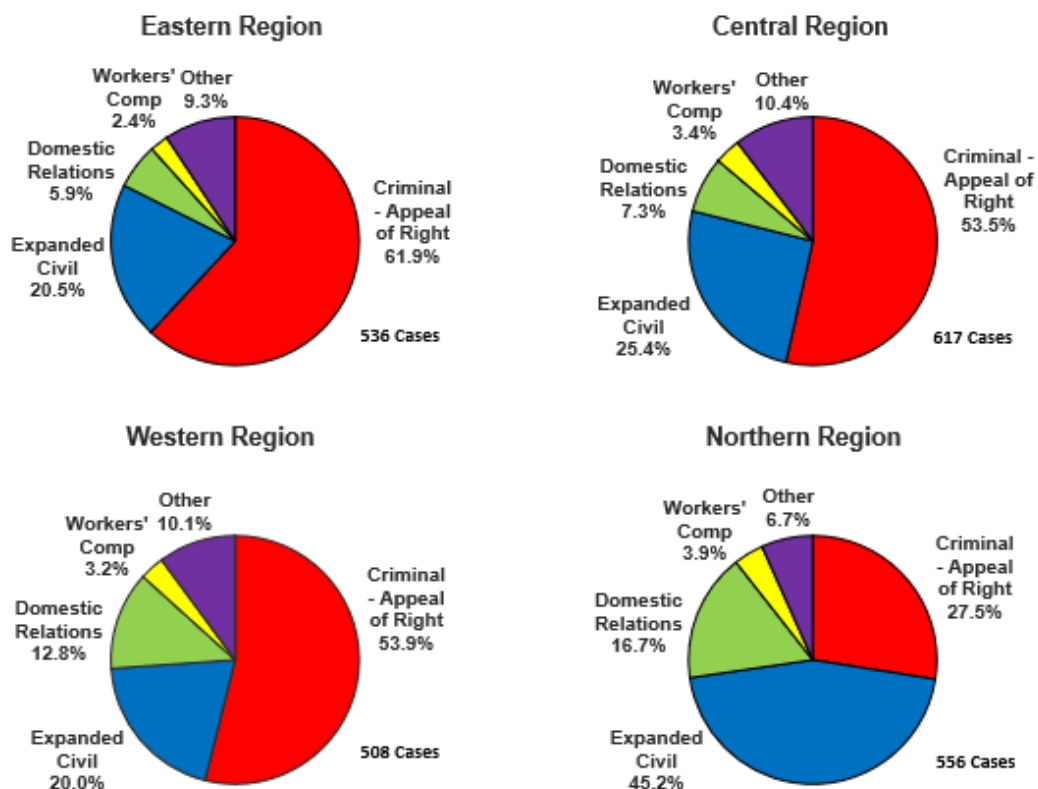


**Court of Appeals Filings, Jan 2016 – Dec 2023  
by Region**



**Court of Appeals New Cases Filed, 2023  
by Case Category  
STATEWIDE**





In addition to the case intake increase in 2023, the Court received a total of 4,337 motions (roughly 360 per month). Motions increased significantly from the 3,092 total during the first year of the expanded jurisdiction (roughly 259 per month), and more than double the 2,110 motions the Court received in 2019 (roughly 175 per month). The Court’s expanded civil caseload has added to the increased motions practice, but criminal appeals continue to generate a significant number of motions.

**Motions Filed by Associated Case Type 2019, 2022, and 2023**

Year	Criminal*	Expanded Civil	Domestic Relations	All Other Categories	Total
2023	2,170	1,165	591	411	4,337
2022	1,885	553	344	310	3,092
2019	1,323	NA	497	290	2,110

\* "Criminal" totals in 2022 and 2023, include motions in both "Criminal Appeals" initiated before 2022, and "Criminal of Right" cases initiated after January 1, 2022.

The increase in case and motions intake last year necessarily resulted in more work for the Court. So it was encouraging that with these increases the Court’s clearance rate<sup>2</sup> still improved. After an initial drop in the clearance rate at the onset of expanded jurisdiction to

<sup>2</sup> The clearance rate is the number of appeals that the Court has finalized during the year compared to the number of cases that have been initiated during the same year. The clearance rate indicates whether the Court’s case inventory has expanded during the year.

roughly 68% in 2022, the Court achieved an 82% clearance rate for 2023. The Court took two important steps to realize this improvement.

First, the Court docketed more cases for argument in 2023 by increasing the total number of argument panels from 44 in 2022 to 48 in 2023. The 48 argument panels were assigned 873 cases, compared to 689 cases assigned to argument panels in 2022 and 276 in 2019 (before expanded jurisdiction).

Second, beginning in March 2023, the Court began expedited assignment of cases that had clear procedural bars, were wholly without merit, or presented only issues that have been authoritatively decided without the appellant challenging the existing precedent. This change also allowed other appeals to reach oral argument panels more quickly by freeing up docket space. Between March 2023 and December 2023, the Chief Staff Attorney’s Office identified 218 cases that met the requirements of Code § 17.1-403, for proceeding without oral argument. After panels reviewed those cases, the three judges unanimously determined that 212 of 218 cases identified met the criteria for resolving the case without oral argument. Thus, three-judge panels ultimately reviewed and decided more cases, improving the Court’s clearance rate. Notably, the Court achieved a 100% clearance rate in the fourth quarter of 2023.

Month	Filings Received	Dispositions Released	Clearance Rate	Quarterly Clearance Rate
Jan-23	184	137	74.5%	
Feb-23	178	135	75.8%	
Mar-23	196	130	66.3%	72.0%
Apr-23	158	133	84.2%	
May-23	215	143	66.5%	
Jun-23	196	160	81.6%	76.6%
Jul-23	171	131	76.6%	
Aug-23	201	160	79.6%	
Sep-23	178	147	82.6%	79.6%
Oct-23	194	190	97.9%	
Nov-23	169	176	104.1%	
Dec-23	177	174	98.3%	100.0%
Total 2023	2217	1816	81.9%	

In 2023, the Court released 818 opinions. The Court affirmed the decision of the lower tribunal in 733 cases (89.6%). The Court affirmed the lower tribunal in part in 25 additional cases (3.1%). The Court reversed the lower tribunal’s decision in 60 cases (7.3%).

The Court published 103 of its opinions in 2023.<sup>3</sup> In its published decisions, the Court affirmed the lower tribunal in 73 cases (70.9%). The Court affirmed the lower tribunal in part in 10 additional cases (9.7%). The Court reversed or vacated the lower tribunal in 20 cases (19.4%).

<sup>3</sup> “Published” cases generally are those that set legal precedent and establish, modify, or clarify a rule of law; call attention to existing or overlooked areas of law; or involve a legal or factual issue of unique interest or substantial public importance.

In addition, the Court finalized 942 appeals through orders in 2023. A significant portion of those reasoned orders finalized cases that were identified as cases that satisfied Code § 17.1-403.<sup>4</sup>

## 2019 v. 2023 Opinions

### Published Opinions

Year	Total	Aff'd	Aff'd %	Rev.	Rev. Part
2023	103	73	70.9%	20	10
2019	77	63	81.8%	10	4

### Unpublished Opinions

Year	Total	Aff'd	Aff'd %	Rev.	Rev. Part
2023	715	660	92.3%	40	15
2019	223	191	85.7%	27	5

### Totals from 2019 and 2023

Year	Total	Aff'd	Aff'd %	Rev.	Rev. Part
2023	818	733	89.6%	60	25
2019	300	254	84.6%	37	9

In sum, 2023 helps clarify the trends that will have a broader impact on the Court. Total caseload grew but importantly the expanded civil caseload stabilized giving a better picture of the expected case volume going forward. One key take-away is that the increased motions practice appears to be a fixed, rather than transitional, change. After considering the 2022 data, the Court adopted new case processing procedures that immediately improved efficiency, by expediting review of cases that could be decided without oral argument under Code § 17.1-403. That change improved the Court's case clearance rate from under 70% in 2022 to 82% in 2023. The Court continues to evaluate opportunities to improve its procedures resulting in a more efficient and user-friendly Court for judges, staff, and other stakeholders.

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<sup>4</sup> The remaining 56 dispositions (bringing the total to 1,816 finalized cases) were decisions to deny or dismiss petitions for appeal.

## V. Expanded Jurisdiction: Year to Date 2024 Data Analysis<sup>5</sup>

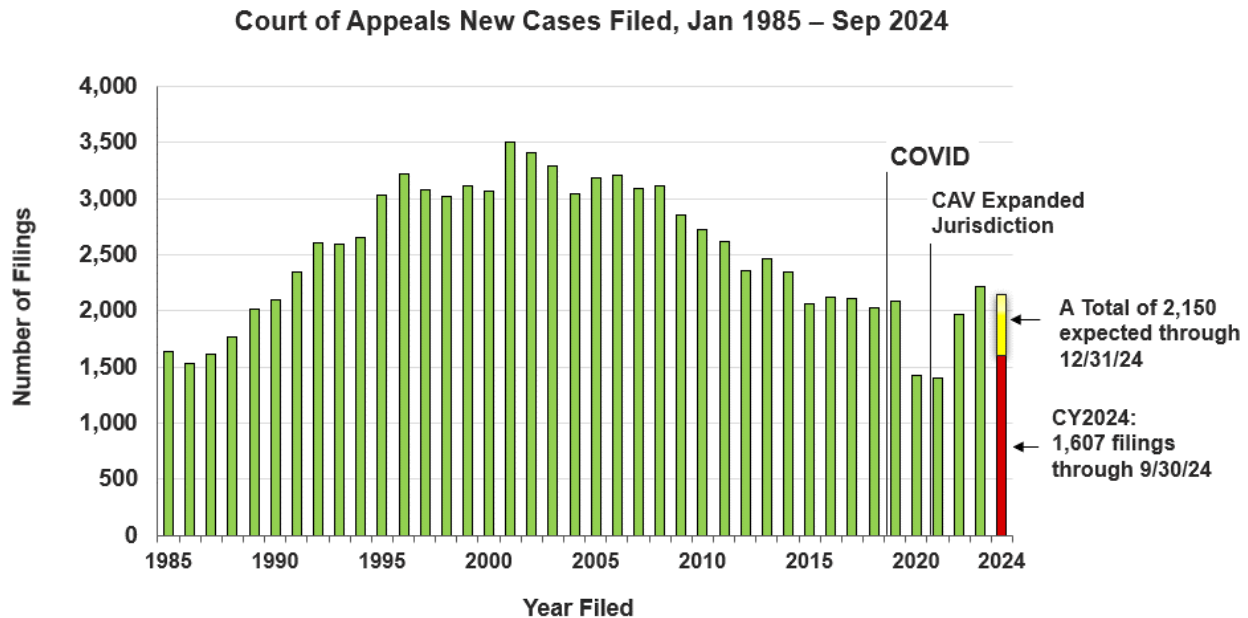
### A. Introduction

Although the absolute number of cases appealed has slightly exceeded the caseload in the years immediately preceding the pandemic, the qualitative workload has increased significantly. Complex civil cases, along with their often-numerous case-related filings, and complex criminal cases involving new law have created a sizeable increase in time spent per case for staff and judges.

### B. Data from Case Life Stages

#### 1. Intake of new cases in 2024

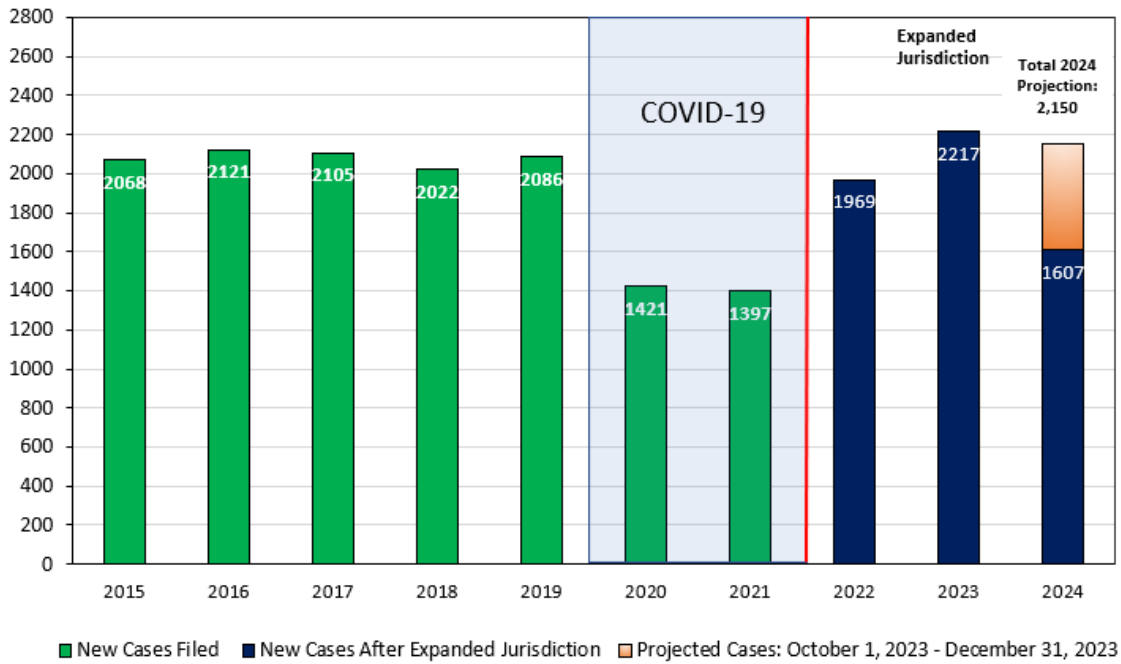
In the first nine months of 2024, the Court has received 1,607 new cases, a decrease of 70 cases from the same period in 2023. The current monthly average suggests that the total number of new cases filed in 2024 will exceed pre-pandemic filings with about 2,150 new cases. In the five years preceding 2020, the Court averaged just over 2,080 new cases per year. The decrease in overall intake between 2023 and 2024, is partly attributable to an amendment to Code §17.1-406, effective July 1, 2023, which returned civil claims that collaterally attack criminal convictions to the Supreme Court's jurisdiction.



Note: The reported filings for 1985-2023 reflect the years' complete data

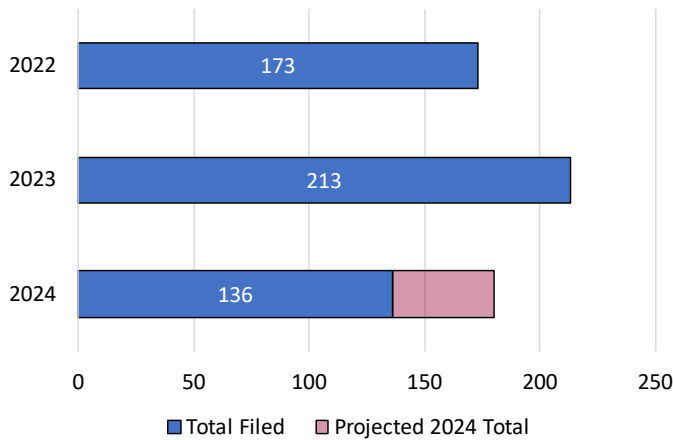
<sup>5</sup> Unless otherwise specified, all case data reported for 2024 reflects the period from January 1, through September 30, 2024.

### Court of Appeals New Cases Filed Jan. 1, 2015 – Sept. 30, 2024



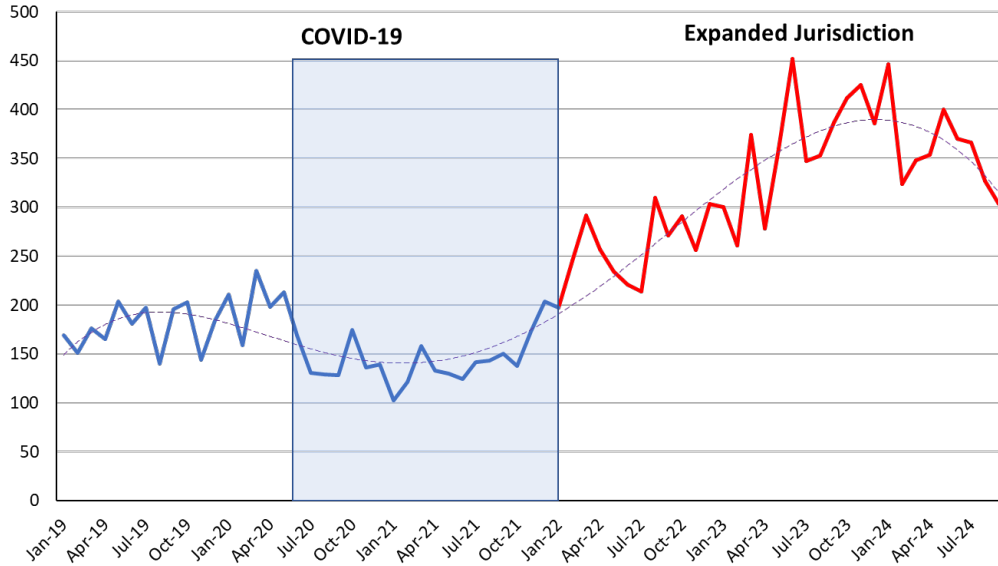
In addition to the 1,607 new cases to date, the Court routinely considers many pre-case matters that are not assigned a case record number. These matters include, but are not limited to, pre-trial bond appeals and motions for delayed appeals. The total number of pre-case matters is difficult to track as many eventually ripen into a case, which then is assigned a record number. The limited information that the Court’s legacy case management system collects indicates that the Court received 136 pre-case matters between January 1, 2024, and September 30, 2024. Based on monthly averages we project that a total of 180 pre-case matters will be filed in 2024. That number is consistent with the 2022 total, and slightly down from last year’s total of 213.

### Total Pre-Case Matters Filed by Year

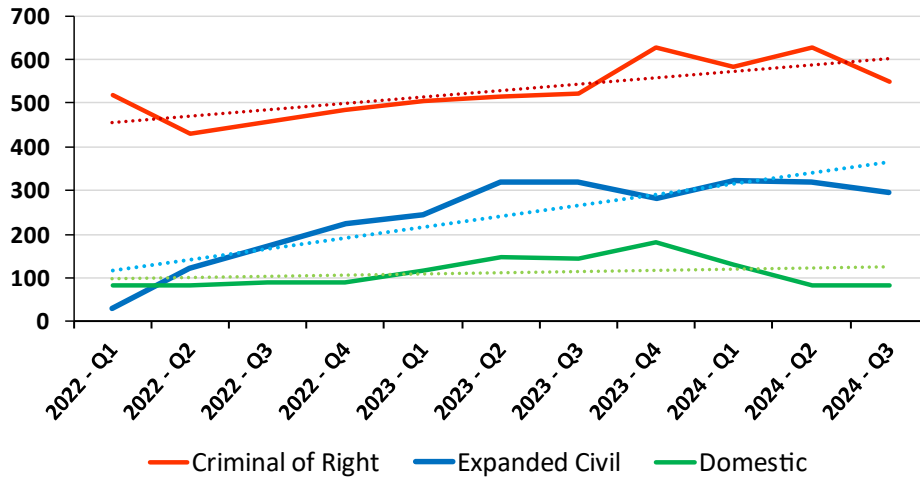


## 2. Motions in 2024

The Court has received 3,237 motions, about 360 per month, in 2024. Nevertheless, the most recent monthly motion filings have fallen below the 2023 yearly average. While it is too soon to draw conclusions about this recent dip in motions filings, the yearly trend suggests a potential plateau in the monthly average. As a result, the Court expects to receive approximately 4,250 motions in 2024, slightly lower than the 4,337 motions received in 2023.



**Quarterly Motions by Case Category  
Jan. 2022 – Sept. 30, 2024  
(Top Three Categories)**





The total number of motions filed in criminal appeals remained relatively stable between 2016 and 2019, averaging 1,336.5 motions per year. Thus, the average was fewer than one motion filed per case in those years. In contrast, criminal cases are currently generating an average of more than two motions per case.

Year	Criminal Cases Filed	Total Criminal Motions	Average Motions/Case
2016	1530	1294	0.85 /case
2017	1501	1396	0.93 /case
2018	1470	1333	0.91 /case
2019	1493	1323	0.89 /case
2022	959	1890	<b>1.97</b> /case
2023	1093	2170	<b>1.98</b> /case
2024 (YTD)	849	1760	<b>2.07</b> /case

The increase in criminal motions has occurred despite a substantial drop in the number of *Anders* cases<sup>6</sup> filed in criminal matters since expanded jurisdiction began. Criminal appeals of right have generated a significant increase in motions for extension of time. Although most criminal motions are not complex and, thus are not difficult for the Clerk’s Office to process, they still require staff time and extend the case life of the Court’s inventory of criminal cases.

The number of motions filed in the Court’s expanded civil cases increased quickly from the launch of expanded jurisdiction. While the numbers have plateaued in 2024, motions filed in civil cases account for a significant portion of the Court’s motions practice (about 30%).

As with criminal cases, many of the motions filed in civil cases are motions for extension of time. The most notable trend with these civil filings is the growth in volume of substantive motions such as motions to “Dismiss the Case” and many “Miscellaneous”<sup>7</sup> motions. Notably “Dismiss the Case” motions were not among the top five most frequently filed motions before the Court’s expanded jurisdiction but have occupied a position in the top five each year since 2022.

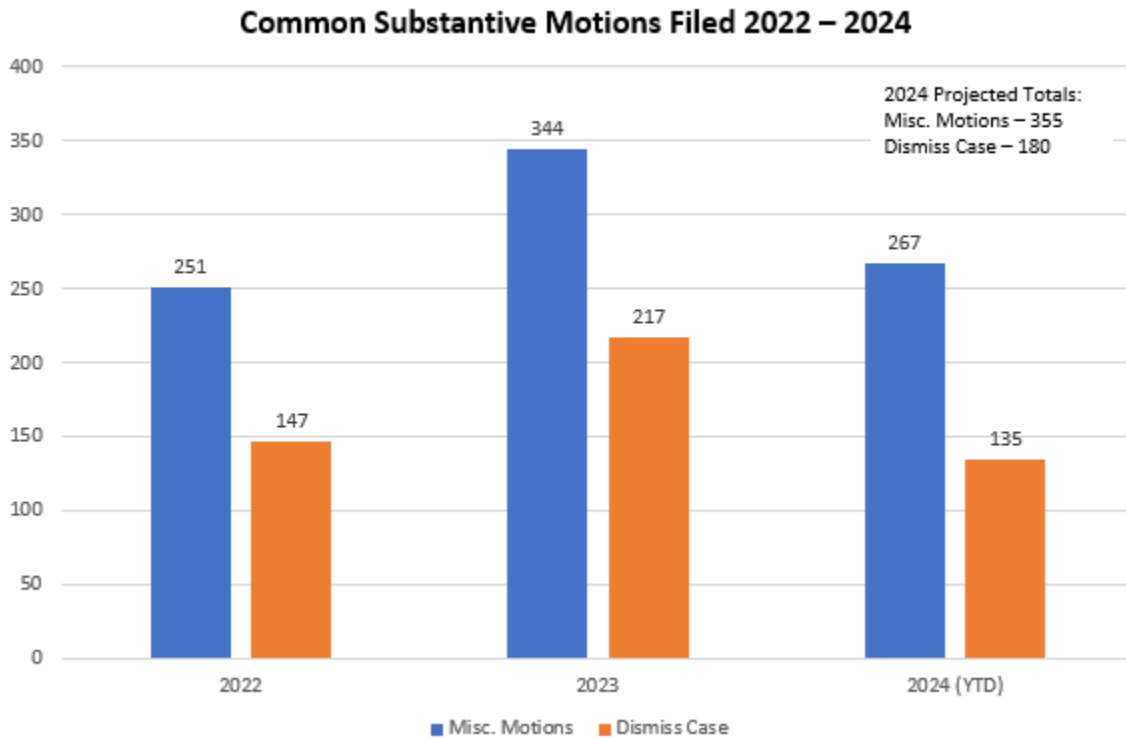
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<sup>6</sup> In *Anders v. California*, 386 U.S. 738 (1967), the Supreme Court of the United States announced the procedure attorneys and reviewing courts must follow when an attorney concludes that the client’s criminal appeal is frivolous. The attorney must file a brief explaining any arguably meritorious issues, along with a motion for an extension of time for the client to raise any issues, and a motion to withdraw from the representation. The Court of Appeals grants the *Anders* motion for an extension of time for the appellant to file a supplemental brief when the *Anders* appeal is filed; the number reflected above includes the special extension of time for a client to independently raise issues with the Court.

<sup>7</sup> “Miscellaneous” motions and motions requesting a “writ of certiorari” usually concern problems with the record on appeal, which often require remands to the lower tribunals to resolve. Such remands also increase the case life of an appeal.

**Top 5 Most Frequent Motion Types in 2024 (Through September)**

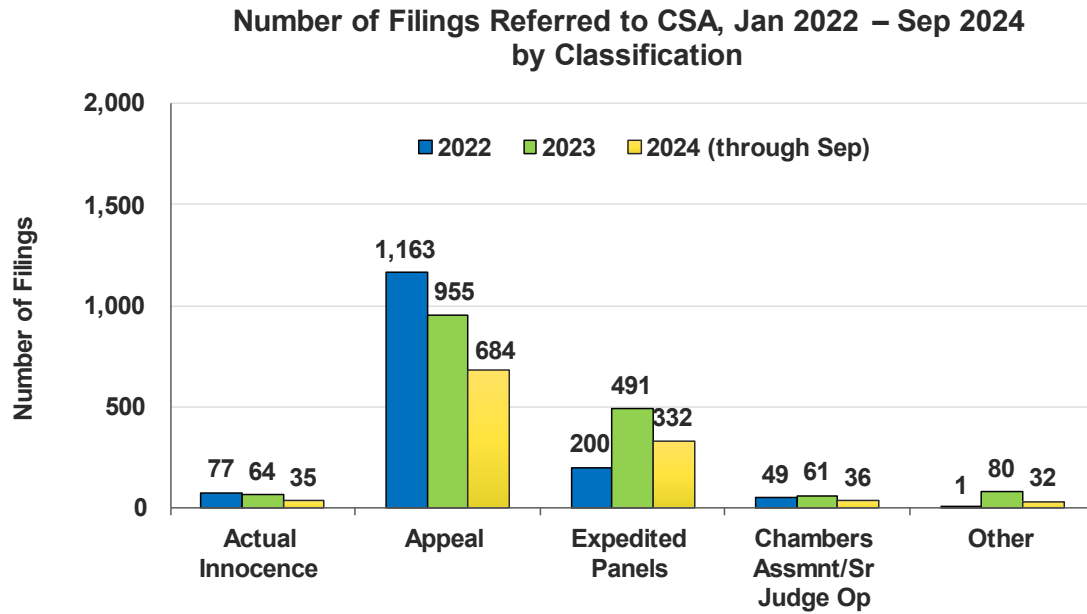
Motion Type	Number
<b>Extension of Time</b>	<b>1,580</b>
<b>Miscellaneous</b>	<b>267</b>
<b>Withdraw/Settle Preliminary Review Case</b>	<b>145</b>
<b>Withdraw as Counsel</b>	<b>144</b>
<b>Dismiss Case</b>	<b>135</b>



Regardless of case type, the growth in the number of substantive motions is noteworthy because of the work that these motions generate. A panel of judges must consider these motions before a case may proceed, so these motions are not quickly resolved or ruled on as a matter of routine. The additional substantive motion filings also add significant work for the Clerk’s Office, Chief Staff Attorney’s Office, and Judicial Chambers. Furthermore, these motions increase total case processing times because they divert cases out of the normal track while they are being considered.

### 3. Chief Staff Attorney’s Office Case Processing

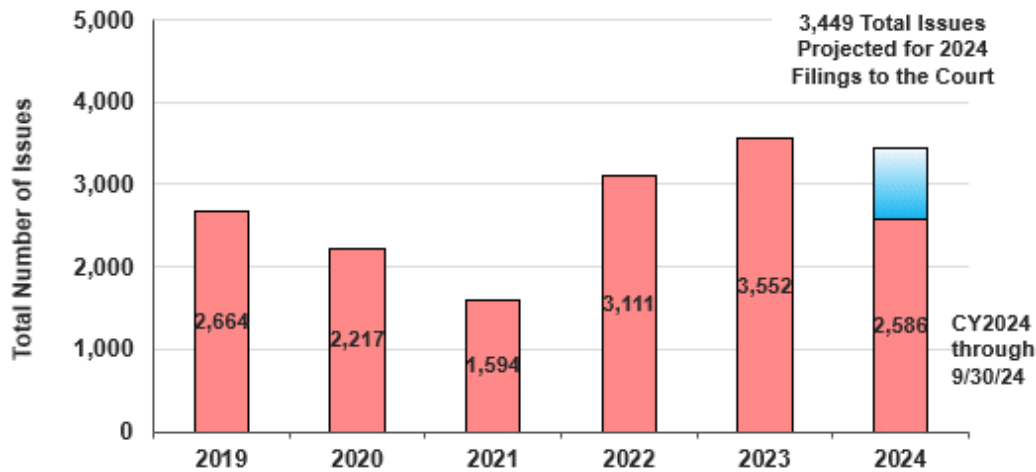
The Chief Staff Attorney’s (CSA) Office evaluates the cases as they ripen on the Court’s docket. The CSA review includes checking for compliance with the Rules of Court, evaluating jurisdictional and procedural matters, and providing an initial analysis of the case for the Court. The Court’s case management system cannot capture the full extent of the CSA’s work; however, the office’s internal records, along with a review of work the case management system does track, shows that the staff attorneys received 1,134 assignments<sup>8</sup> between January 2024 and September 2024 (during the 2023 calendar year, CSA attorneys received 1,651 assignments). At the current rate the Court expects that a total of 1,510 assignments will be made through the end of the year.



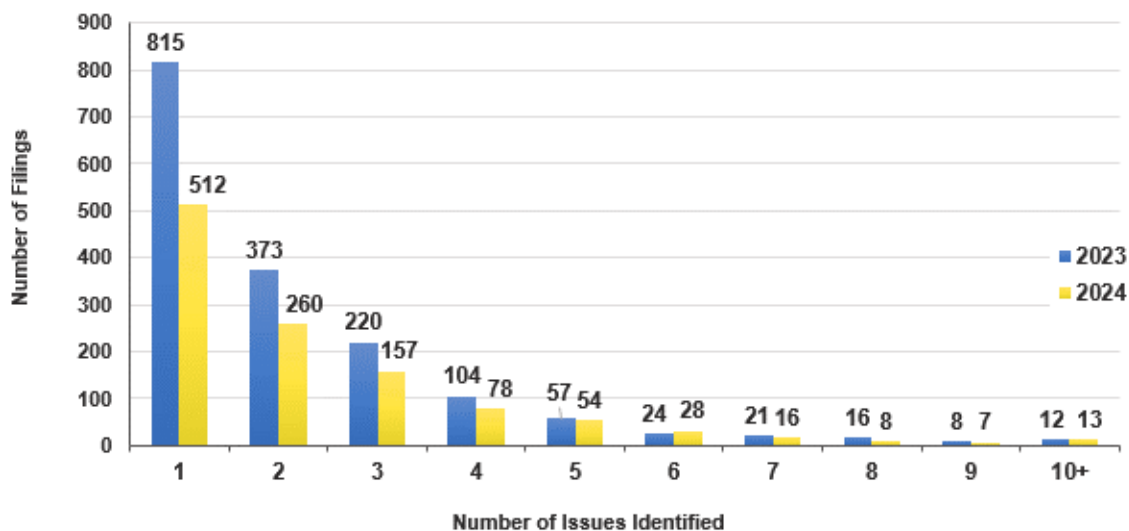
The number of assignments dropped minimally this year, so the number of issues presented within those individual case assignments also decreased slightly. Internal records indicate that 3,111 issues were raised in appeals in 2022. In 2023, there were 3,552 issues raised in filings the CSA reviewed. To date in 2024, there have been 2,637 issues raised in assignments. Forecasting to the end of the year, the Court expects approximately 3,516 issues to be presented through the filings sent to CSA, an approximately 1% reduction in the number of total assignments from the filings CSA reviewed in 2023.

<sup>8</sup> In addition to reviewing briefs and petitions (including original jurisdiction filings) as they ripen on the docket, CSA also reviews and researches substantive motions, assists Senior Judges with their opinions, and assists with other ancillary matters that are not tracked separately in the Court’s case management system. “Assignments” includes all the matters CSA reviews for the Court.

**Total Number of Issues Presented in Filings 2019-2024 (through 9/30/2024)**



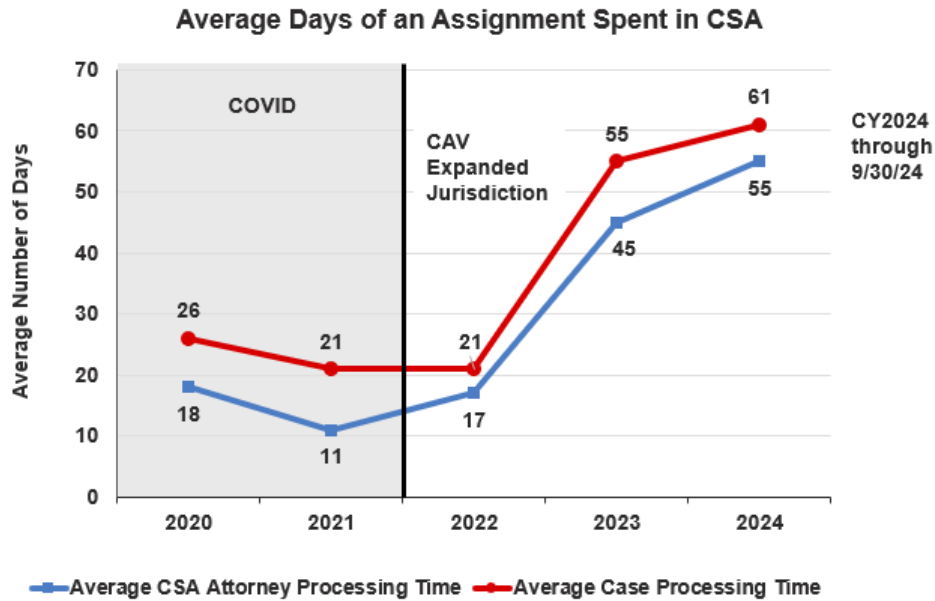
**Number of Filings Referred to CSA, 2023-2024 (through 9/30/2024) by Number of Issues Identified**



Despite the modest drop in the number of assignments to CSA attorneys, the filings received have not become any less complex. Filings that must be reviewed and analyzed include substantive motions that the Court must address before a case can be advanced to an argument panel. CSA attorneys also work for the Court’s Senior Judges, new judges who do not have law clerks, and occasionally for a Judicial Chambers that may have a significant temporary staff vacancy. The CSA’s work for standing panels has also increased significantly since 2023, when the Court directed more procedural matters to expedited panels.

The general increase in filings and the number and complexity of issues raised on appeal since the expanded jurisdiction has extended the average time that filings spend in CSA. Given the increases, especially in complex civil and criminal cases, it is unsurprising that the average number of days to generate high-quality work has continued to increase since 2022. The Court is

confident that the additional staff resources authorized in this year’s budget will improve case processing times.



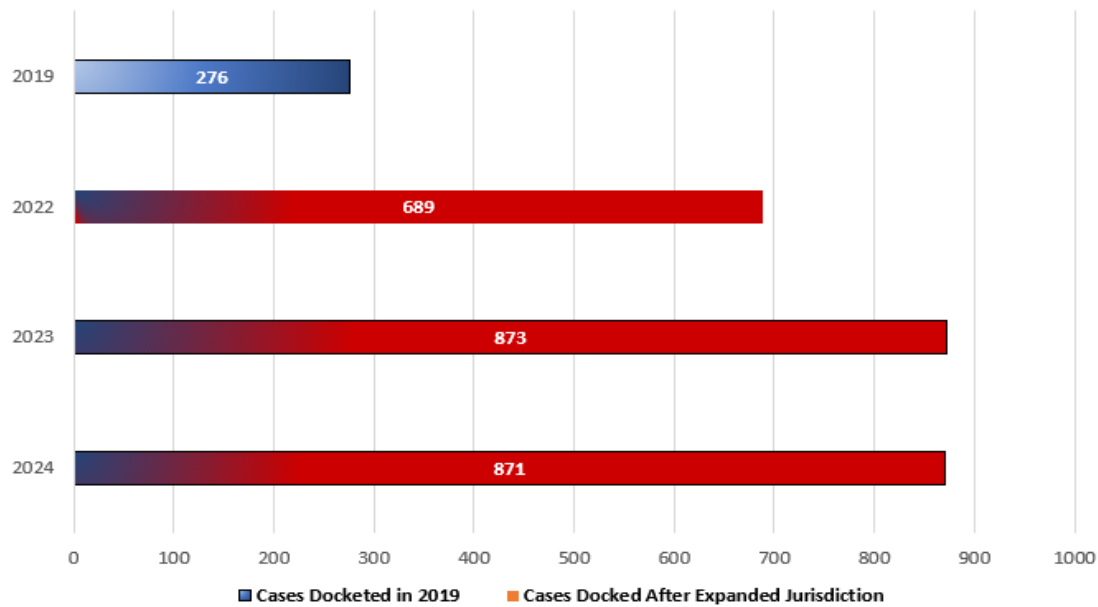
**Note:** Small differences in the total processing time and the “CSA Attorney Processing Time” reflect the variance in the time an assignment was delivered to the office versus the time it was assigned to a team member working on the case.

#### 4. Case Docketing to Panels

The Court scheduled 48 argument panels for 2024. All panels have been filled. Anticipating that each panel would consider 18 cases, the Court planned for 864 cases to be argued in 2024. The Court exceeded this target with 871 cases being assigned to the 48 regional argument panels. Overall, the panels were slightly over 100% capacity because of consolidated and companion cases.

2024 Total Panel Assignments by Region				
Region	Panels	Total Panel Openings	Total Cases Docketed	% of Panel Filled
Eastern	12	216	219	101.3%
Central	12	214	216	100.9%
Western	12	216	218	100.9%
Northern	12	208	218	104.8%
<b>All</b>	<b>48</b>	<b>854</b>	<b>871</b>	<b>101.9%</b>

### Cases Assigned to Argument Panel 2019, and 2022-2024



The Court also sat en banc in Richmond four times in 2024 and heard seven cases before the full court. The higher number of en banc cases is unique in the Court’s recent history. Since the beginning of expanded jurisdiction in 2022, the Court has granted 22 petitions for rehearing en banc, an average of 8 per year. In comparison, prior to the expansion of jurisdiction, the Court granted a total of 4 petitions over the previous three-year period.



**The Court sitting for its July 2024 En Banc Session in the General Assembly Building in Richmond, Virginia. The Court arranged to have oral argument in this building while the United States Court of Appeals for the Fourth Circuit Courthouse underwent renovations.**

## 5. *Regional Argument Panels*

As noted, the Court scheduled a total of 48 argument panels in 2024. The Court fully resumed in-person arguments for panels in 2022 after conducting most arguments by video during the COVID-19 pandemic but has retained the use of video arguments in certain circumstances (primarily for hearings involving incarcerated litigants, expedited matters, and when a party's motion for a continuance for argument is granted).

In 2024, the Court held argument panels in the following locations:

### Eastern Region (Region 1)

- City of Norfolk
- City of Hampton
- City of Williamsburg

### Central Region (Region 2)

- City of Richmond

### Western Region (Region 3)

- Rockbridge County (Lexington)
- Roanoke County (Salem)
- Montgomery County (Christiansburg)

### Northern Region (Region 4)

- City of Alexandria
- Fairfax County
- City of Fredericksburg
- City of Winchester

The Court continues to rotate panel locations within the respective regions and is thankful to the circuit court and other hosts for accommodating the argument panels.

### Photos From Court Panels in 2024



**The Judges of the November 2024 Eastern Panel held in Norfolk: Judge Daniel E. Ortiz, Judge Glen A. Huff, and Judge Stuart A. Raphael. This was the last panel with Judge Huff before his retirement effective December 31, 2024.**





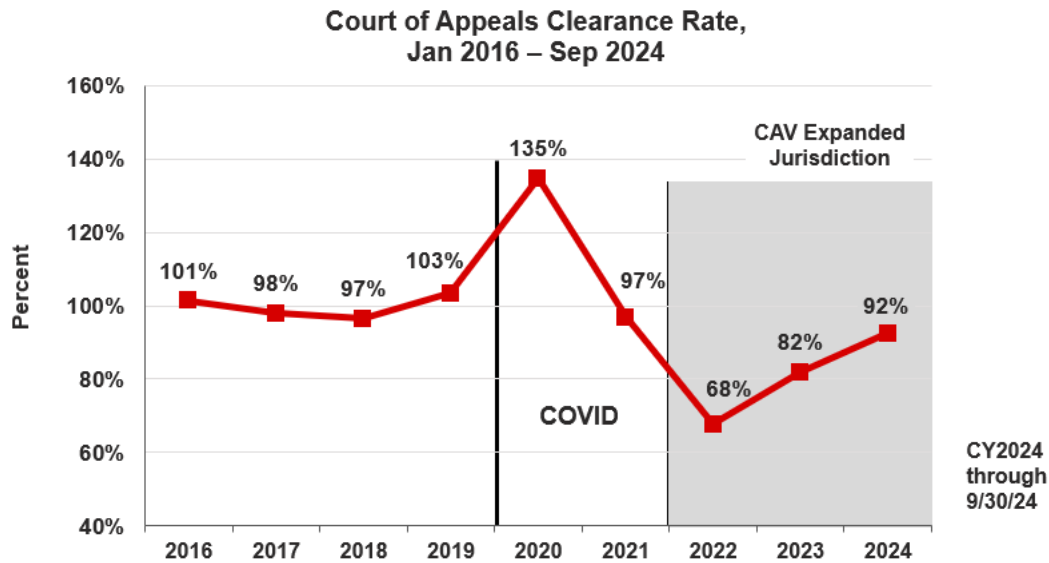
**The November 2024 Northern Panel of Judge Randolph A. Beales, Judge Clifford L. Athey, Jr., and Judge Dominique A. Callins, held in Arlington at George Mason University Antonin Scalia Law School. Pictured with law clerks and Dean Ken Randall (center).**



**The appellate roundtable event at Hampton University, featuring (from left) Chief Justice S. Bernard Goodwyn; Senior Justice William C. Mimms; Justice Cleo E. Powell; Chief Judge Marla Graff Decker; Judge Vernida R. Chaney; Judge Dominique A. Callins; and Judge Doris Henderson Causey. The judges held this event for students after the historic August 2024 Eastern Panel in Hampton at Hampton University, which was the Court's first argument panel held at a Historically Black College and University. That panel consisted of Judge Doris Henderson Causey presiding, Judge Vernida R. Chaney, and Judge Dominique A. Callins.**

## 6. Release of Opinions and Orders

A case disposition is the final resolution of the case in this Court, which may be by opinion or order. The Court strives to release opinions and case-dispositive orders as expeditiously as possible. To this end the Court closely monitors the clearance rate to determine whether cases are remaining in the inventory of appeals. Individual cases are also monitored to ensure that none get lost in the system. Generally, the Court endeavors to release as many opinions and case dispositive orders over the year as are filed in that year. A high clearance rate indicates that a court's processes are moving cases along as efficiently as possible. Many variables impact a case's time pending before the Court.



In 2024, the Court improved its clearance rate and continues to increase the average number of dispositions released per month (165 finalized dispositions per month compared to 151 finalized dispositions per month in 2023). This increased output has helped push the Court's clearance rate to 92%.

### 2024 Month by Month Final Dispositions

Month	Filings Received	Dispositions Released	Clearance Rate	Quarterly Clearance Rate
Jan-24	186	162	87.1%	93.1%
Feb-24	171	186	108.8%	
Mar-24	192	163	84.9%	
Apr-24	165	184	111.5%	90.1%
May-24	190	174	91.6%	
Jun-24	169	114	67.5%	
Jul-24	179	204	114.0%	94.9%
Aug-24	193	150	77.7%	
Sep-24	162	148	91.4%	
<b>Total CY 2024</b>	<b>1607</b>	<b>1485</b>	<b>92.4%</b>	

**Number of Dispositions Pre-Covid (2017-19)  
Compared to Expanded Jurisdiction (2022-24)**

Year In Review	Total Dispositions	Monthly Average
2017	2,059	171.6
2018	1,958	163.2
2019	2,159	179.9
Expanded Jurisdiction		
2022	1,334	111.3
2023	1,816	151.3
Jan - Sep 2024	1,485	165.0

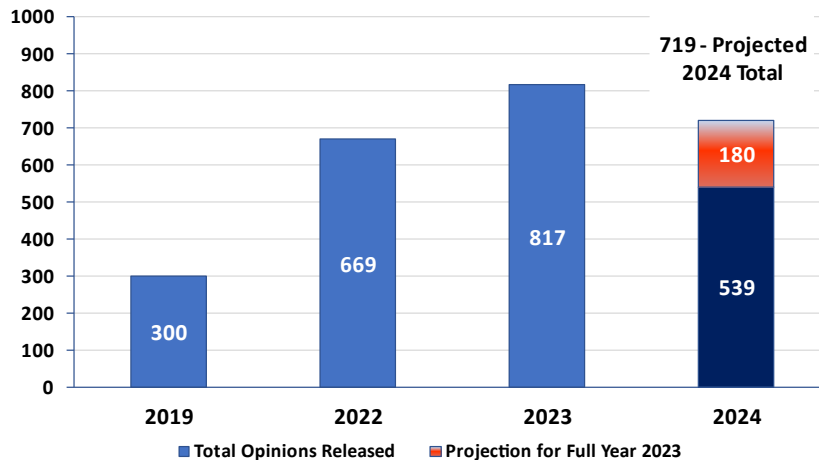
Note: Most dispositions before expanded jurisdiction were substantive orders denying criminal petitions for appeal.

Total dispositions have increased in 2024. The number of opinions, however, are decreasing as the Court has favored orders to address appeals that meet the Code § 17.1-403 criteria for resolving a case without oral argument. To date in 2024, the Court has released 539 opinions. Based on the monthly average, the Court expects to release 720 opinions this year.

Published Opinions 2024				
Case Type	Total Cases	Aff'd	Aff'd in Part	Reversed
Expanded Civil	49	31	3	15
Criminal	34	29	1	4
Domestic	6	3	3	0
Workers Comp	4	3	0	1
Int-Certification	4	0	1	3
Agency	1	1	0	0
All	98	67	8	23

Note: The dispositions on this chart are categorized as “Affirmed,” “Affirmed in Part,” and “Reversed.” See the appendix for a more detailed itemization of dispositions.

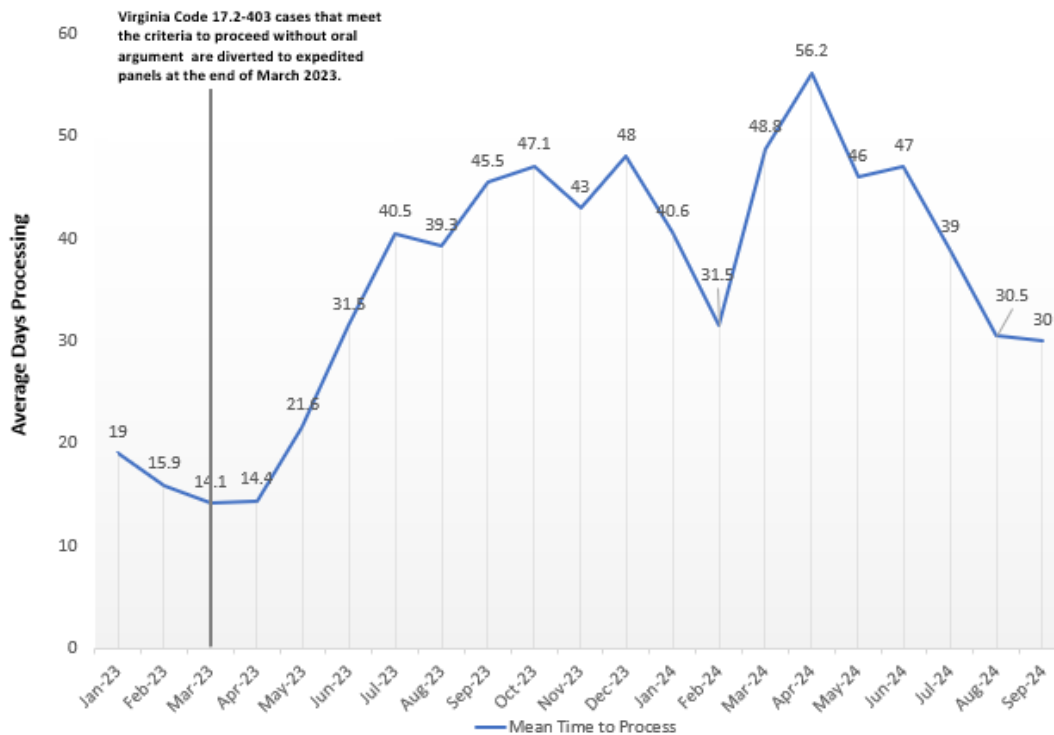
**Dispositions Performance: Released Opinions**



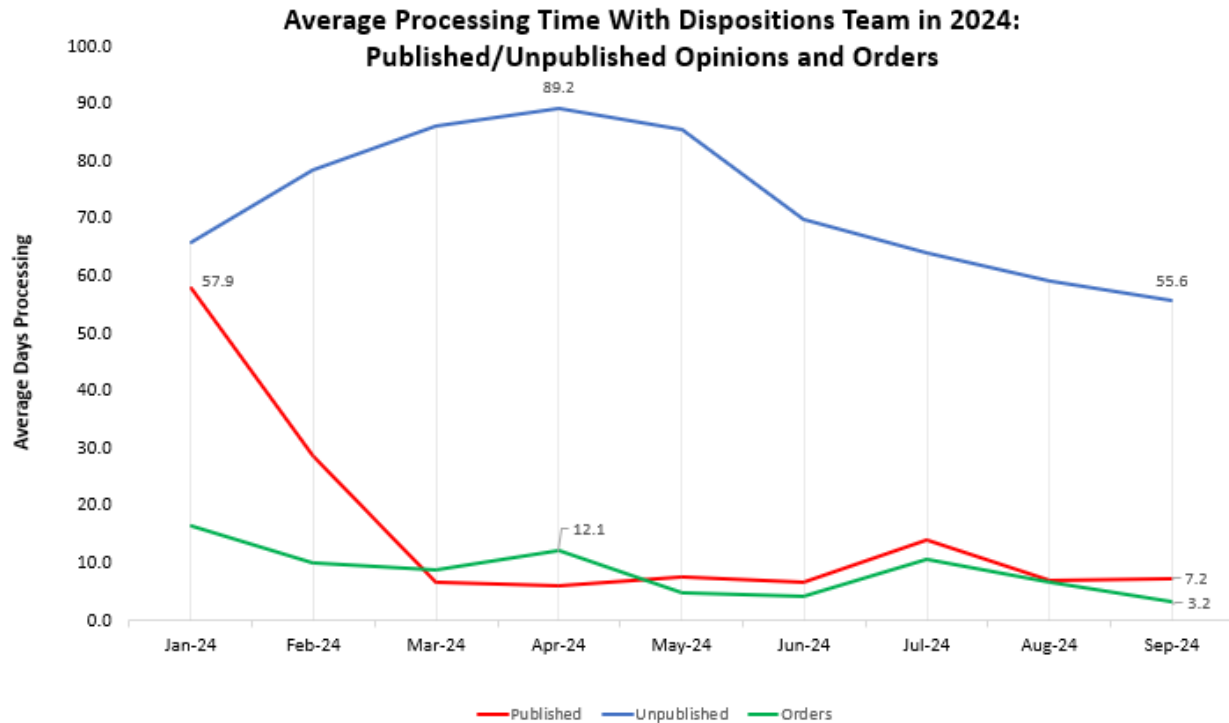
In addition to opinions, the Court has finalized 906 appeals through orders.<sup>9</sup> This is a significant increase from the same time period last year when a total of 592 appeals were finalized by order (ultimately 942 appeals were finalized in an order throughout 2023). At the current pace, the Court projects to finalize about 1,200 cases through orders throughout 2024.

As with other metrics, the bare numbers do not tell the whole story. The Court has been tasked with resolving many complex civil issues, often presenting matters of first impression (particularly in expanded civil appeals where the case law is not fully developed) or voluminous records (or both). The Court also faces complex criminal cases often involving new laws. As a result, the Court has generated longer and more complex opinions. Longer opinions mean the Dispositions Team requires additional time to prepare these decisions for release to the parties and public. The Dispositions Team must also prepare a summary of each opinion before release, as Code § 17.1-413 requires, and draft and issue the final mandate for each opinion (the mandate is an order summarizing the Court’s opinion to notify the lower tribunal of the Court’s decision).

### Overall Average Processing Time for Opinions and Orders in 2023 - 2024



<sup>9</sup> The remaining 45 dispositions were decisions on petitions to the Court.



An area of focus for the Clerk’s Office has been reducing the time it takes to release published opinions. At the beginning of 2024 it took more than 50 days, on average, to review and release a published opinion. The Dispositions Team has now prioritized the review and release of published opinions, so they are being released in about seven days after the the authoring judge files the decision with the Clerk’s Office. While the Court continues to work to lower the average time for the release of all decisions, the marked improvement in the release of published opinions is an extremely positive development toward reducing the time it takes for litigants to reach a conclusion to their appeal. Building on that improvement, the Dispositions Team has also reduced the review time for unpublished opinions in the last six months. To that end, in the Fall of 2024, the Clerk’s Office hired a second Opinions Specialist as authorized by 2024 appropriations. This Specialist will directly impact the time it takes for opinions to be released. Additionally, the Team has remained efficient in releasing dispositional orders, despite the growing number of cases.

***7. Appeals of Decisions to the Supreme Court of Virginia***

Between January 1, 2024, and September 30, 2024, parties filed 591 notices of appeal to the Supreme Court of Virginia. The number of notices of appeal to the Supreme Court is on pace to reach approximately 800 in 2024, an increase from 2023. Of the appeals through September, the Supreme Court has granted 36 petitions compared to 23 granted petitions for all of 2023.

Year	Total SCV Notices of Appeal (SCV NOA)	SCV NOA in Criminal Cases	SCV NOA in Expanded Civil Cases	SCV Petitions Granted
2024 YTD	591	393	121	36
2023	633	430	116	23
2022	451	355	13	7
2019	949	881	-	31
2018	876	793	-	32
2017	899	835	-	25

Through September 30, 2024, the Supreme Court has decided 28 cases that were appealed from this Court. The Court affirmed this Court in 12 cases and affirmed in part in 4 more cases. The Supreme Court reversed this Court in the remaining 12 cases. The affirmance rate of the decided cases is lower than 50% in 2024, and has continued a trend of lower affirmance rates starting in 2021 with expanded jurisdiction (Note: one recent anomalous year prior to expanded jurisdiction, 2019, with a 50% affirmance rate).

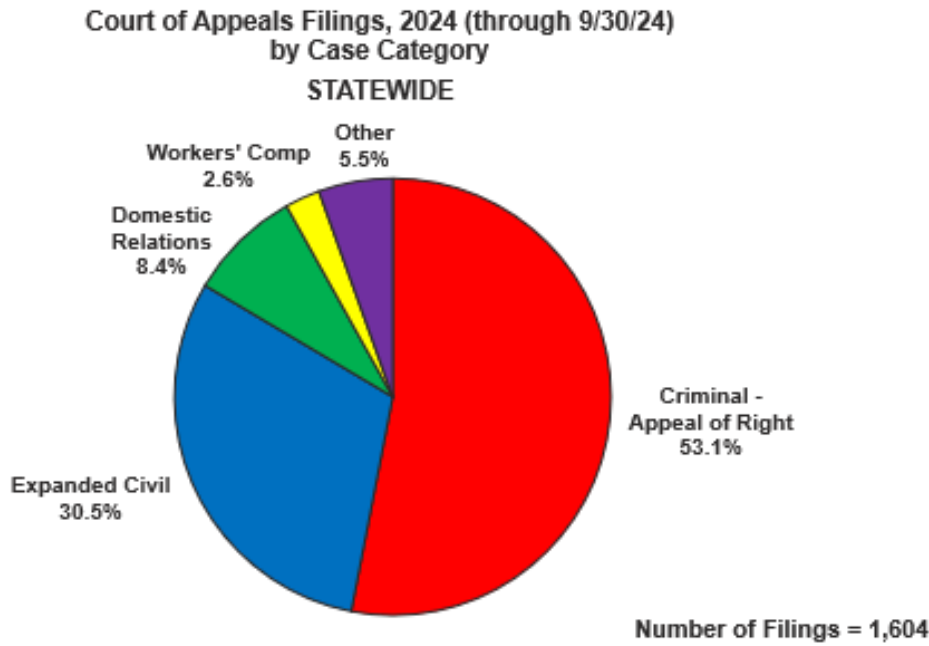
Year	Granted CAV Cases Resolved	Total Affirmances (Full Affirmance)	Affirmance Rate
2024 YTD	28	12	42.9%
2023	11	6	54.5%
2022	15	8	53.3%
2021	32	23	71.9%
2020	39	34	87.2%
2019	40	20	50%
2018	27	19	70.4%
2017	31	20	64.5%

Note: Numbers reported reflect Appellate Case Management System (ACMS) report data.

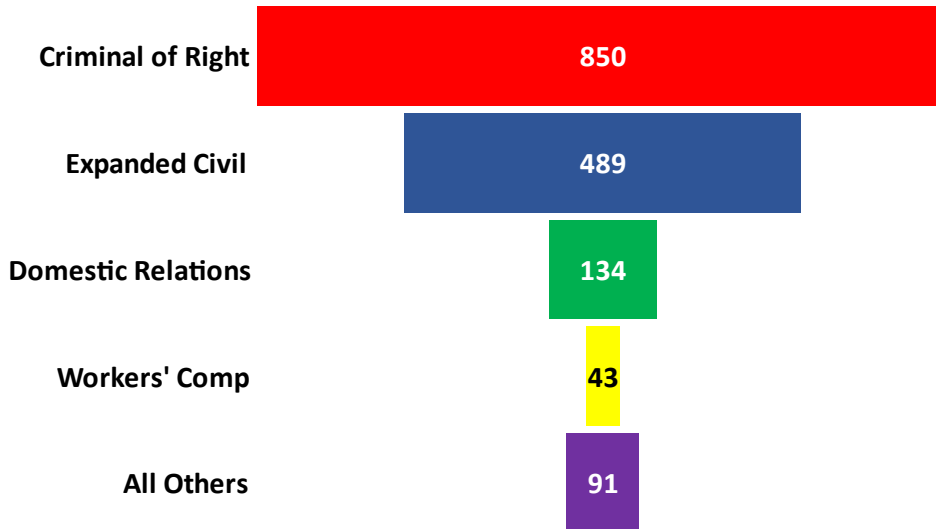
### C. Data from Case Numbers

#### 1. New Case Filings – Total

There have been 1,607 cases filed through September 30, 2024. Criminal cases comprised more than half of new case filings; however, expanded-jurisdiction civil cases came in an overwhelming second.

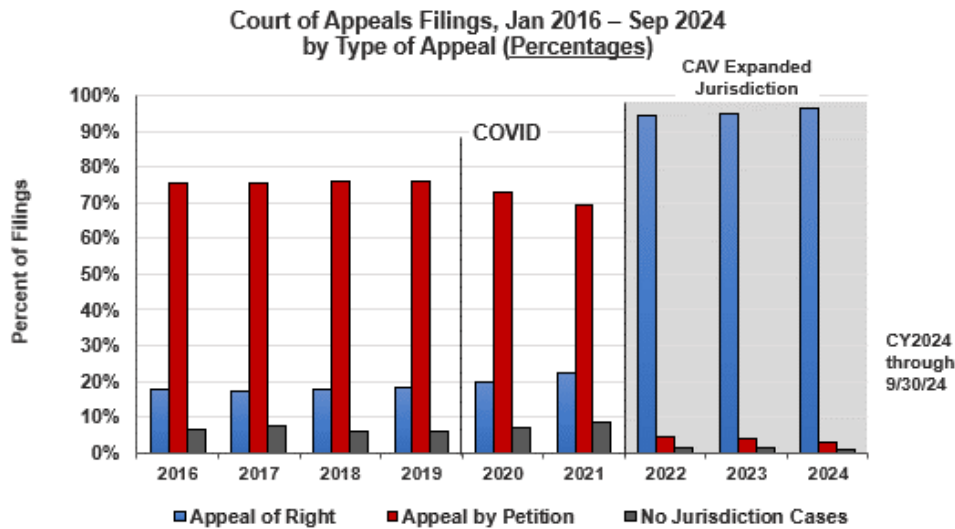
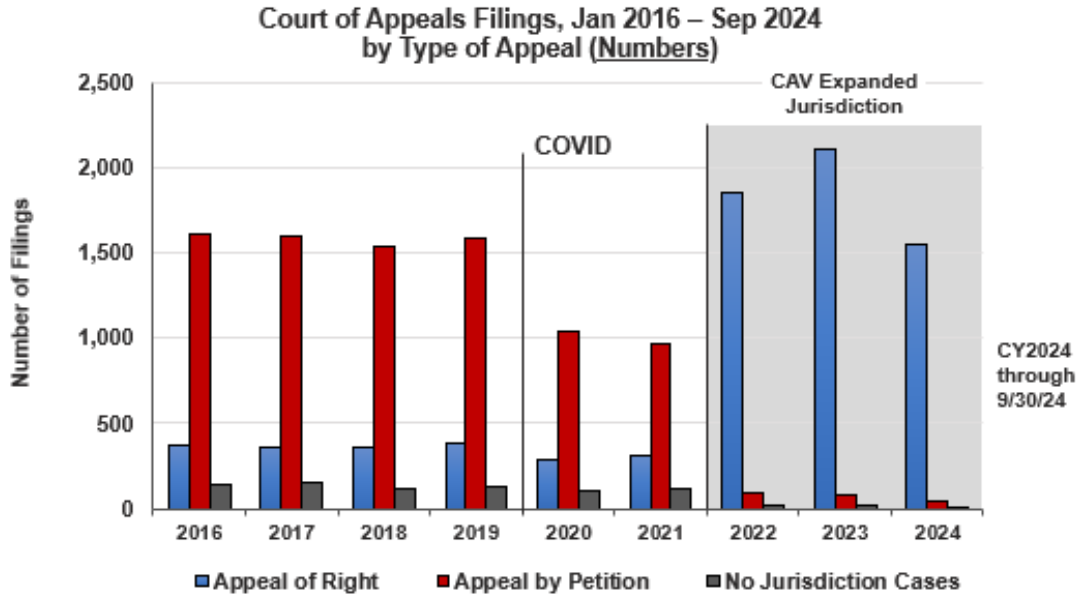


**Court of Appeals New Case Filed by Category; January 1, 2024  
to September 30, 2024**





If the filing rate remains steady through the end of 2024, the Court is on target to receive approximately 2,150 total filings in 2024, a slight drop from 2023, but outpacing the five-year pre-pandemic average.<sup>10</sup> The Court expects that over 95% of these filings will be “Appeal of Right” cases, or around 2,050 appeals of right.



Over 95% of appeals are now “Appeals of Right.” In comparison, fewer than 20% of appeals were “Appeals of Right” in 2016 – 2019.

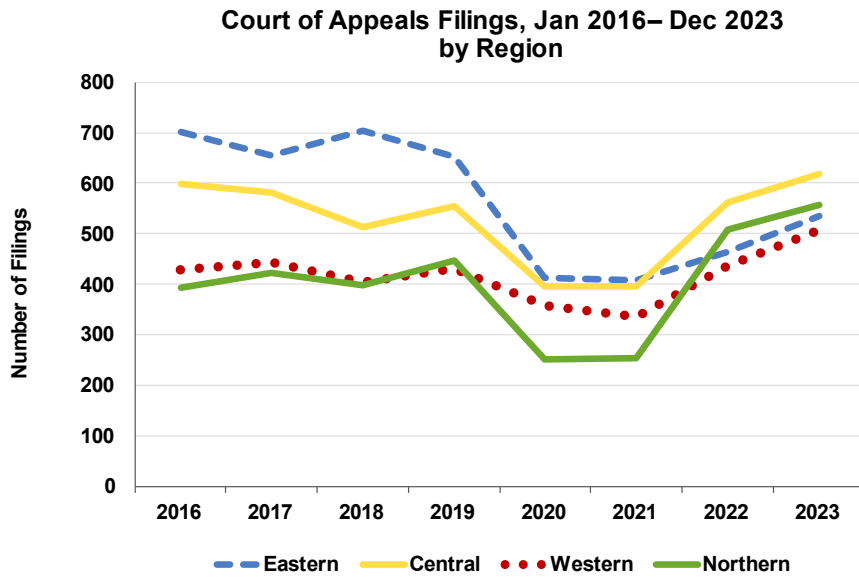
## 2. New Case Filings – Regional Numbers

Regional filings by case type in 2024 continue to provide useful trends for projecting and scheduling cases in the future. Criminal filings consistently comprise more than half of the total filings for the Eastern, Central and Western Regions. In contrast, civil cases, especially

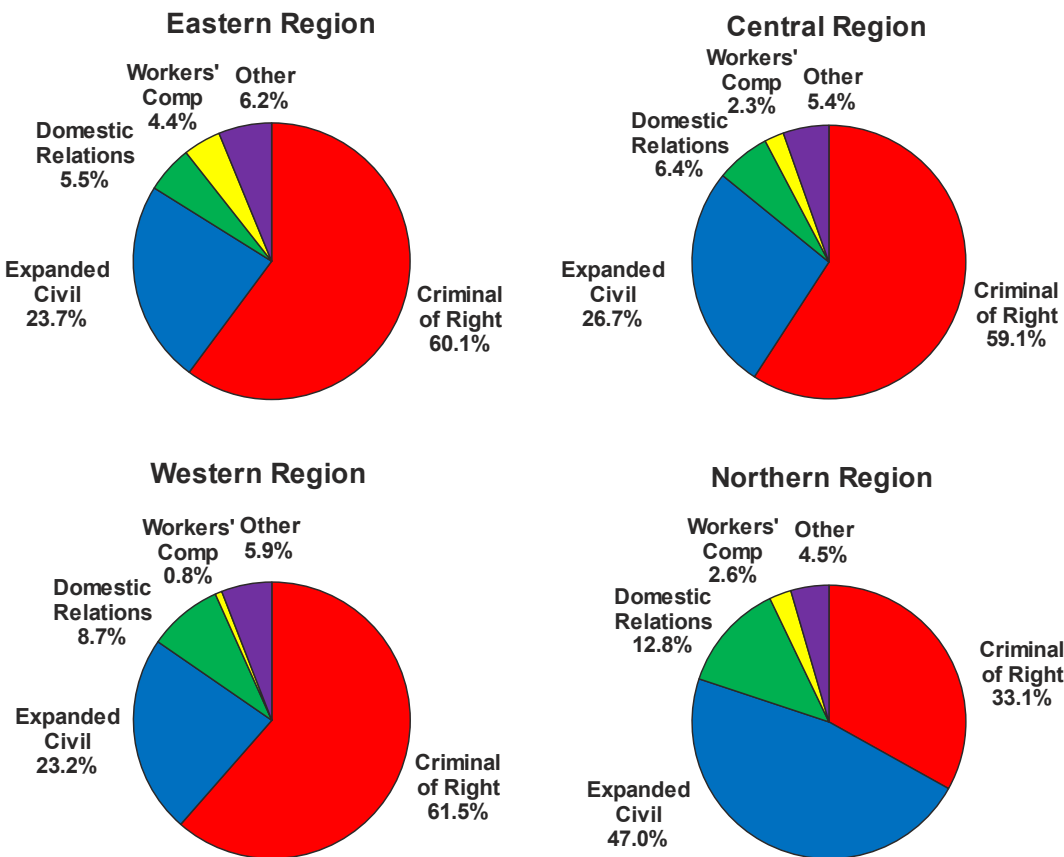
<sup>10</sup> From 2015 through 2019 the average intake of new appeals was 2,080.4 per year.



expanded civil and domestic relations appeals, comprise over 60% of the case filings in the Northern Region. In fact, more than 40% of the total expanded civil case filings come from the Northern Region (199 of 489 new expanded civil case filings).

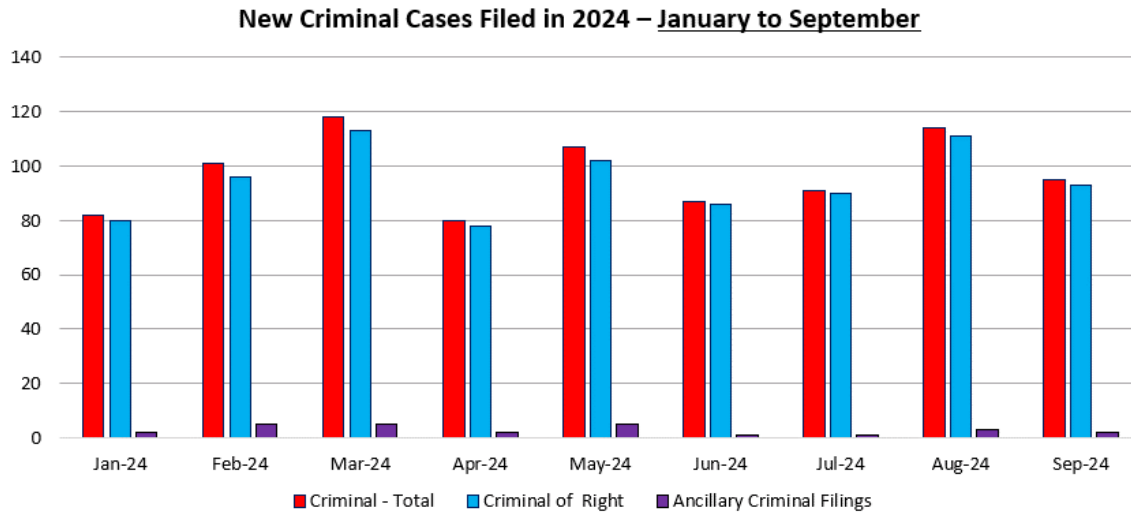


### CASE TYPES BY REGION - 2024



### 3. *New Case Filings – Criminal*

As of September 30, 2024, 850 criminal appeals of right have been filed. The average number of monthly criminal appeals remains lower than pre-pandemic levels of criminal petitions for appeal. The Court received an average of 95 new criminal cases per month, which is an increase from 2023. The 95-case monthly average thus far represents another increase in the number of the case filings from a low in 2021 of 73 new criminal cases per month during the pandemic. Since expanded jurisdiction the monthly average for criminal appeals of right has increased year to year, from 80 in 2022, 90 in 2023, and 95 cases a month this year. Historically the Court received a monthly average of 120 criminal petitions for appeal, but it remains unclear whether the monthly filing average will continue to rise to match pre-pandemic levels. Still, current filing trends suggest that the average number of new criminal appeals will continue to rise, but perhaps more slowly than originally expected.

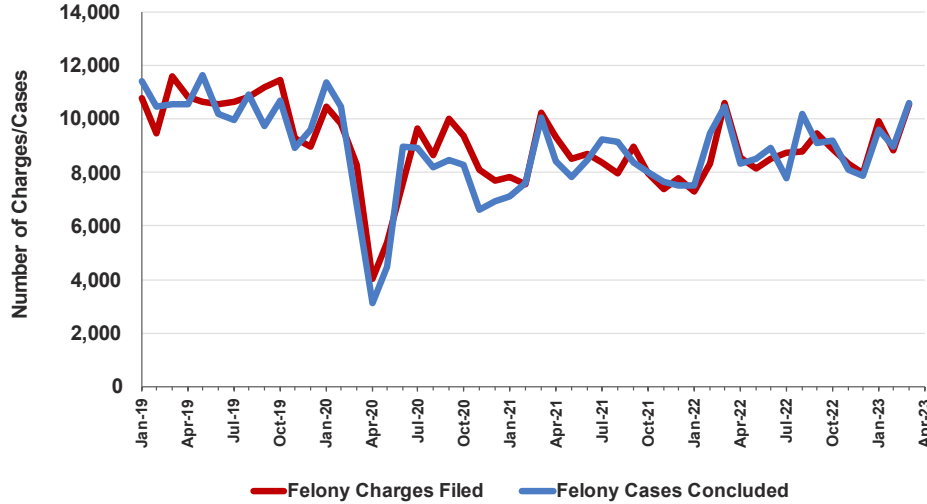


**Source: Court of Appeals of Virginia Appellate Case Management System (ACMS)**

**Note: “Ancillary Criminal Filings” include, but are not limited to, Commonwealth’s appeals and bond appeals (see glossary section for details).**

Data from the circuit courts support the conclusion that criminal appeals are on the rise. Felony charges filed and dispositions have increased slightly in the circuit courts in the past eighteen months. If the overall trends manifest at the appellate level, the Court is likely to receive approximately 100 to 105 criminal appeals of right cases on average per month in the next two-years. Accordingly, the Court expects to receive around 1,150 criminal appeals of right for 2024 and 1,200 to 1,260 criminal appeals of right in 2025.

Felony Charges Filed and Cases Concluded in Circuit Courts



**Note: Virginia Criminal Sentencing Commission chart reflects data from the Supreme Court of Virginia’s Circuit Case Management System (CCMS) for the Circuit Courts analyzed by the Court Performance and Statistical Services Division of the Department of Judicial Services, Office of the Executive Secretary, Supreme Court of Virginia.**

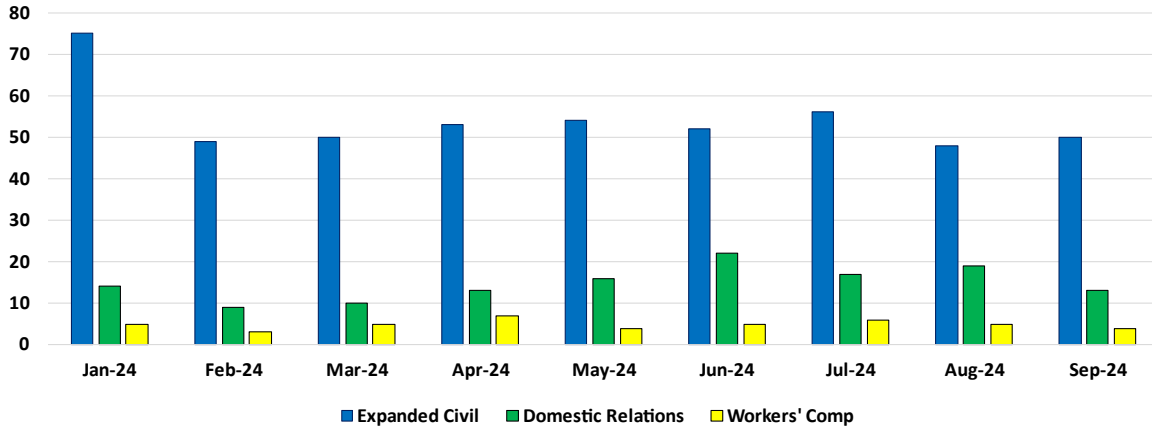
#### 4. *New Case Filings – Civil*

As of September 30, 2024, 489 expanded-jurisdiction civil cases and 134 domestic relations appeals have been filed with the Court accounting for more than 90% of all civil filings before the Court. Expanded jurisdiction civil appeals have boosted the Court’s civil caseload despite a decline in other civil cases that historically fell within the Court’s previously limited jurisdiction (primarily administrative agency, domestic relations, workers’ compensation).

After a predictably sharp rise in 2022 in the wake of the Court’s expanded jurisdiction, new civil appeals seem to have plateaued this year. Whereas there was a monthly average of 57.9 expanded jurisdiction civil appeals in 2023, the monthly average to date has been 54.1 expanded jurisdiction civil appeals. As noted, the dip is not entirely unexpected given the amendment to Code 17.1-406 that restored the Supreme Court’s appellate jurisdiction over civil suits that collaterally attack criminal convictions.

In other categories of civil filings, the Court has observed a small decline in new domestic relations cases, with intake numbers below pre-pandemic averages. Workers’ Compensation and Administrative Agency appeals have remained steady but do not comprise a significant portion of the Court’s overall caseload.

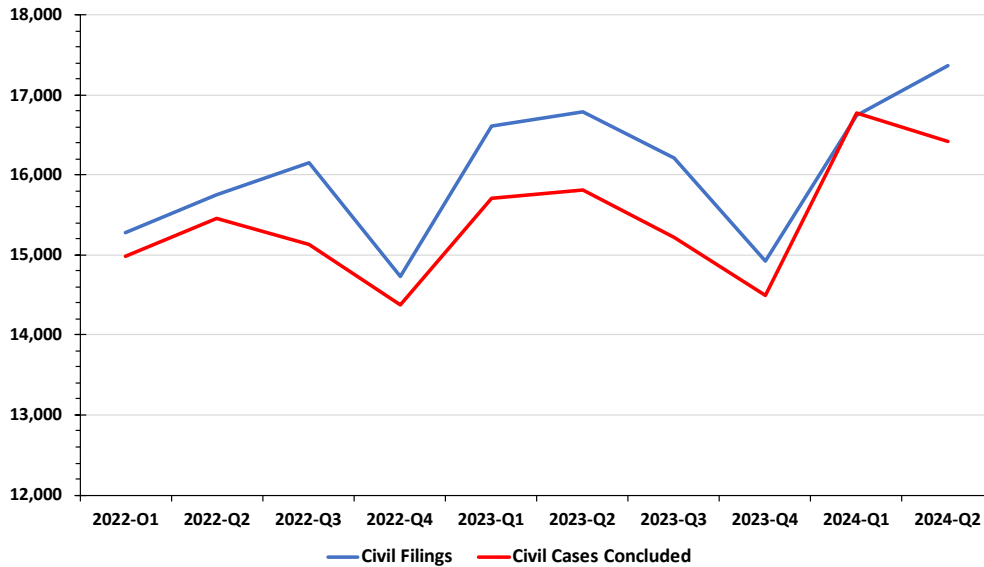
**Top 3 Civil Case Categories: New Filings January to September 2024**



Source: Court of Appeals of Virginia Appellate Case Management System (ACMS)

Judicial system reports for 2023 and 2024 indicate that circuit courts have experienced a modest uptick in civil case filings over the preceding eighteen months. This year, through June, both civil filings and dispositions in circuit courts are trending approximately 2 to 3% above 2023 numbers. The trend does not foretell an incoming wave of civil appeals but suggests that the Court can expect a gradual increase in the number of expanded-jurisdiction civil appeals in the next year. Accordingly, the Court expects the overall increase in new civil appeals to continue.

**Civil Cases Filed and Concluded In Virginia Circuit Courts  
January 2022 – June 2024 By Quarter**



**Note:** Numbers in this graph reflect data collected by the Office of the Executive Secretary (OES) for “Circuit Court Caseload Reports” and do not include case numbers for Fairfax County (as an additional note, the City of Alexandria was converted to OES’s CCMS system on August 31, 2024). The numbers also do not include concealed weapons permit applications. The OES reports note that numbers on their reports are updated as totals are refreshed and adjusted.

## 5. Longer Case Life of Appeals Reaching a Panel Argument

Appeals of right comprise most of the Court’s docket. Before expanded jurisdiction most of the Court’s cases were criminal petitions for appeal, which typically took less time to resolve. The shift to appeals of right in most cases has increased the life of the appeals the Court reviews and decides. The Court has also identified three other significant contributors to the increase in case life: pro se filings, motions, and concurring/dissenting opinions.<sup>11</sup>

This year, the Court has continued to grapple with increased case life for appeals resolved after oral argument. A comparative look between the first nine months of 2024 and 2023 shows that the average times to resolve appeals that have been before a regional argument panel have all risen. As will be discussed, given changes made to case processing in 2023, the increased case life averages are not unexpected and are offset by the greater volume of cases disposed of without oral argument because they meet the statutory criteria for disposition in that manner. Those appeals are moving through the case life process very efficiently.

<b>Significant Case Life Processing Time: Cases Assigned to Regional Panels 2023 and 2024 (Median in Days)</b>			
<b>Year Concluded</b>	<b>Criminal of Right</b>	<b>Expanded Civil</b>	<b>Domestic Relations</b>
2023	395 Days	371 Days	376 Days
2024	412 Days	433 Days	409 Days

Although it is important to monitor this increase, context is equally important. In 2019, the median time to complete a *granted* petition for appeal in a criminal case was 426 days, compared to 412 days median time in 2024. Appellants whose appeals were granted in a criminal case prior to expanded jurisdiction waited longer for a resolution.

To the contrary, civil litigants before the expansion proceeded to oral argument far more expeditiously. In 2019, the Court resolved 212 domestic relations cases in a median case processing time of 153 days. The Court resolved 99 workers’ compensation cases in 2019 in a similar time frame. In 2024, for cases in which the Court heard oral argument, it took 433 days to resolve an expanded jurisdiction civil case and nearly 400 days to resolve domestic and workers’ compensations cases.

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<sup>11</sup> The three identified contributing factors to the extended case-life of appeals are discussed more in depth in the report. Still, the Court acknowledges that there are other factors that have contributed to the increased average case-life including time that is spent on review of assignments in the Chief Staff Attorney’s Office, the time cases are spending in certain Judicial Chambers, and time spent reviewing and formatting opinions, especially unpublished opinions, in the Clerk’s Office. The Court is optimistic that the additional staffing effective July 1, 2024 will address some of the internal delays.

The Court continues to adjust internal processes, monitor case-life, study trends, and work to improve the system.

**Court of Appeals Completed Criminal Cases  
(Pre-Expanded Jurisdiction)  
Median Case Processing Time (in Days)**

<b>Year Concluded</b>	<b>Criminal Petitions Resolved at One-Judge Level</b>	<b>Criminal Petitions Resolved at Three-Judge Level</b>	<b>Criminal Petitions Resolved by Merit Panel</b>
<b>2019</b>	<b>225 days</b>	<b>277 days</b>	<b>426 days</b>
	<b>509 cases</b>	<b>981 cases</b>	<b>167 cases</b>

**2024 Court of Appeals Cases Assigned to Regional Panels  
Cases Completed as of September 30  
Overall Case Processing Time (in Days)**

<b>Case Type</b>	<b>Mean</b>	<b>Median</b>	<b>Number of Cases</b>
<b>Criminal by Right</b>	<b>410</b>	<b>412</b>	<b>277</b>
<b>Other Criminal Filings</b>	<b>181</b>	<b>174</b>	<b>6</b>
<b>Civil by Right</b>	<b>433</b>	<b>433</b>	<b>90</b>
<b>Other Civil</b>	<b>341</b>	<b>366</b>	<b>6</b>
<b>Domestic Relations</b>	<b>392</b>	<b>409</b>	<b>32</b>
<b>Workers' Comp</b>	<b>388</b>	<b>403</b>	<b>15</b>
<b>Administrative Agency</b>	<b>419</b>	<b>469</b>	<b>3</b>

In 2023, the Court made changes to its internal procedures to address the increase in case processing time. About 200 cases were identified in both 2023 and 2024, as appeals in which an appellant failed to preserve the issues presented or cases in which oral argument may be dispensed with under the strict parameters of Virginia Code § 17.1-403. These cases were moved to expedited panels where they were reviewed and a substantive disposition was reached by the assigned panel. On average these cases were resolved in under 300 days. In 2023, the average time for these cases to go from notice of appeal to disposition was 253 days. In 2024, the average has modestly increased to 277 days. This time frame is similar to the average case life of denied criminal petitions prior to expanded jurisdiction in 2019. This processing change has resulted in the Court achieving a 92% clearance rate.

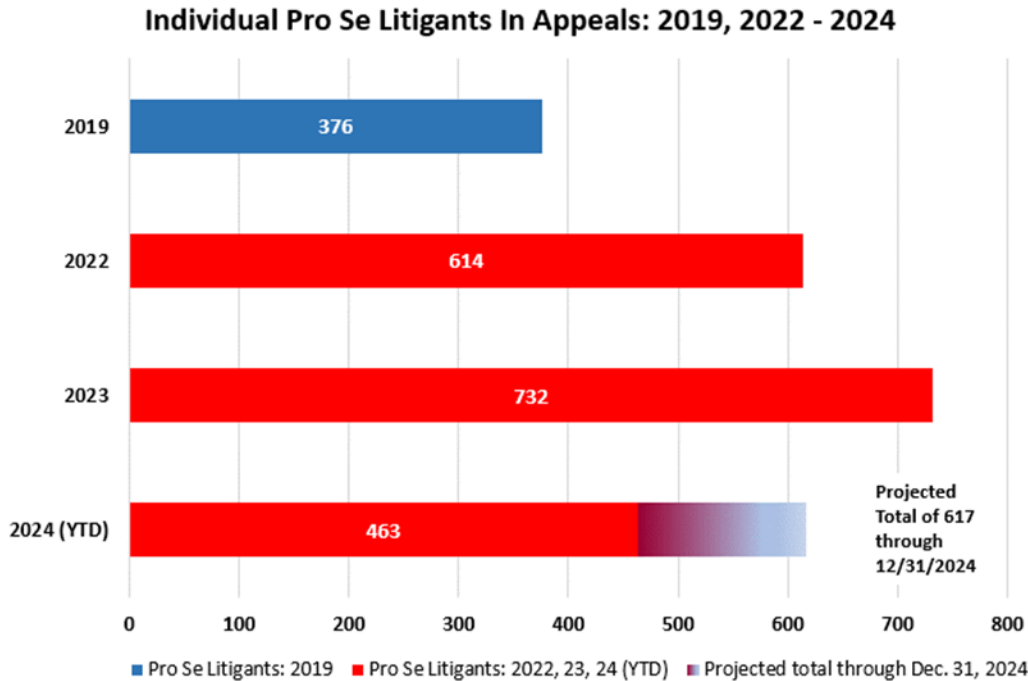
**Court of Appeals Case Processing Time (Median in Days)  
for Cases with No Oral Panel**

Year	Number of Cases	Notice of Appeal Received to Record Received	Overall Case Processing Time
Disposed in 2023	186	63 days	253 days
Disposed in 2024	179	64 days	277 days

As noted, an improvement in overall case management is found in increased case clearance and *overall* efficiency moving cases through the appeals process. The effect of expedited panels has opened over 200 oral argument spaces on the regional panels for cases that did not meet the criteria contained in Code §17.1-403. Still, the placement of 200 cases with more complex and novel issues into these regional argument panels is one factor that contributes to a longer case life for those appeals.

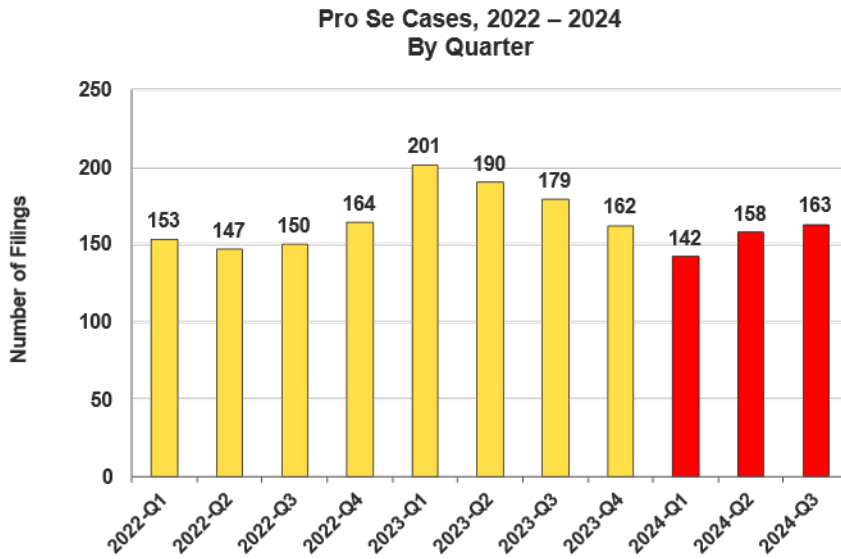
**a) High numbers of pro se filings**

The number of pro se (self-represented) litigants has remained high in 2024, although there was a modest drop in the number of pro se litigants this year. The Court attributes that drop partly to the 2023 amendment to Code § 17.1-406, which returned appellate jurisdiction over collateral attacks on criminal convictions to the Supreme Court of Virginia. Almost every appeal in that category was filed by a pro se litigant.

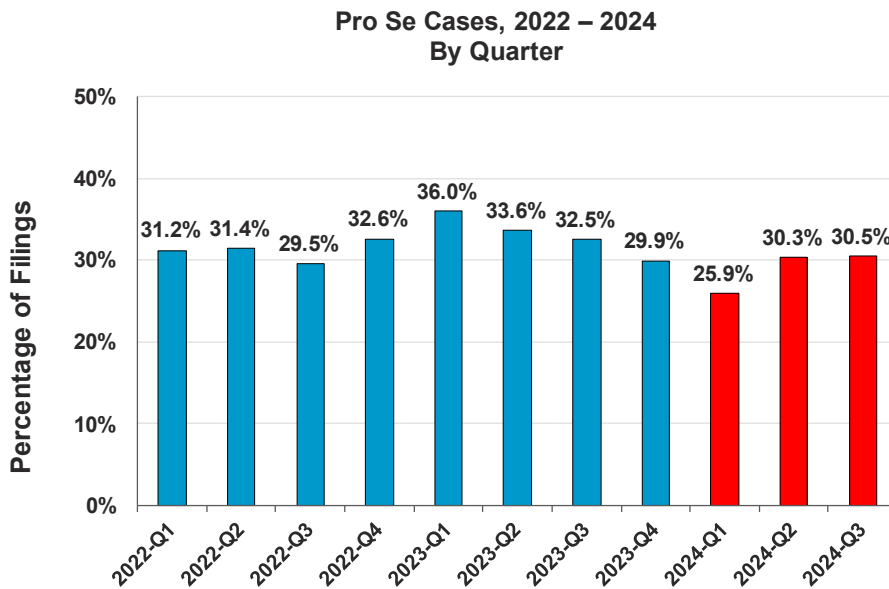


**Note:** These numbers do not include *Anders* cases, in which counsel for the appellant seeks to withdraw after submitting an opening brief.

Pro se litigants usually are unfamiliar with the appellate process, so it often takes several attempts for these litigants to get their filings in proper form, which extends the overall life of the case. In addition, pro se litigants typically have more interaction with the Clerk’s Office staff as they try to navigate procedures and deadlines.



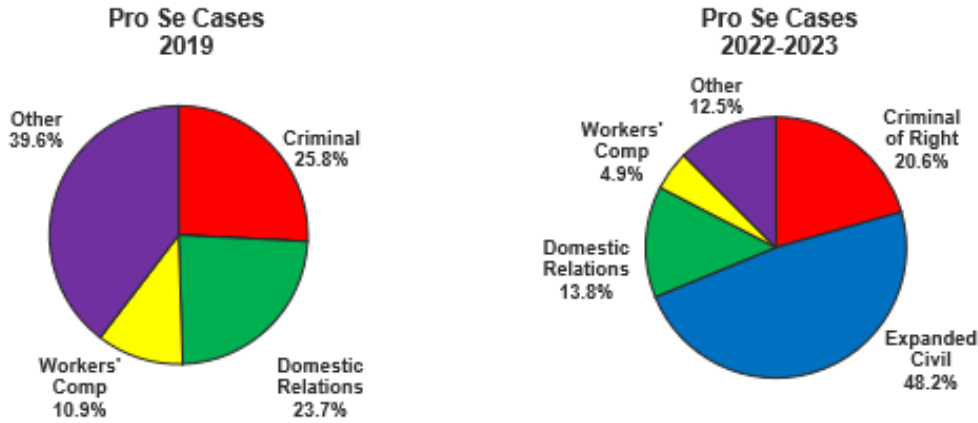
The growth in pro se litigants correlates to the expanded-jurisdiction civil cases. On average, pro se litigants have been involved in 30 to 33% of cases before the Court since expanded jurisdiction. Previously, these litigants were involved in 18 to 20% of cases. In 2024, slightly over half of the pro se parties appeared in expanded jurisdiction civil cases.



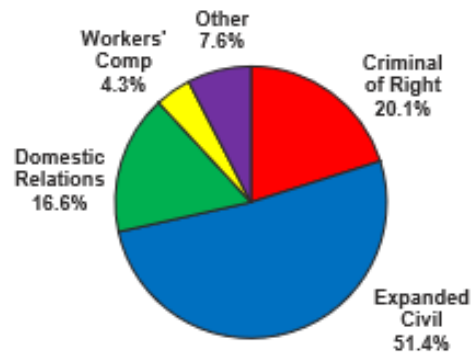


Throughout 2022 -2023, about half of the pro se cases were expanded-jurisdiction civil cases. In 2024, that percentage has remained relatively steady, with slightly over half of the pro se parties appearing in expanded civil cases.

**Pro Se Cases  
by Case Category**



**Pro Se Cases, Jan - Sep 2024  
by Case Category**

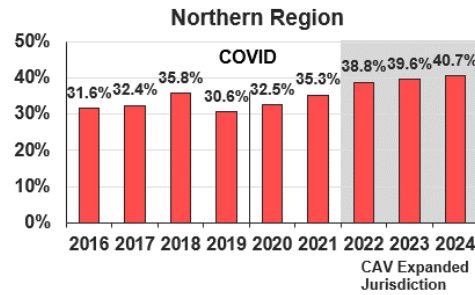
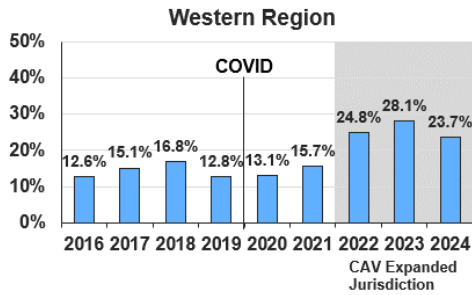
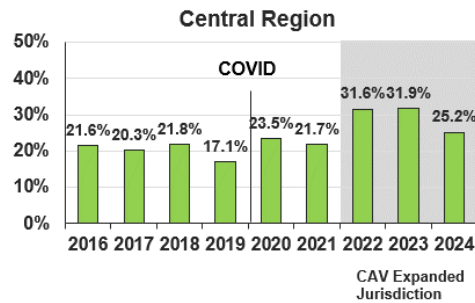
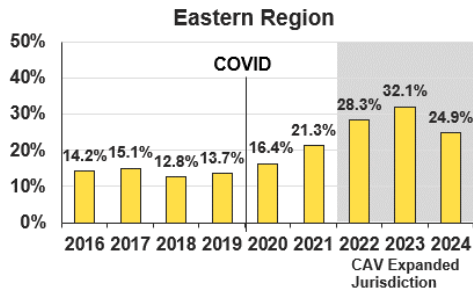


**Note: Figures include cases in which one or both parties were pro se.**

Once again, the Northern Region accounts for the highest volume of pro se cases, but the Eastern and Central Regions are closing the gap.

**Pro Se Cases, 2016 – 2024  
as Percentage of All Filings in Region**

CY2024  
through  
9/30/24

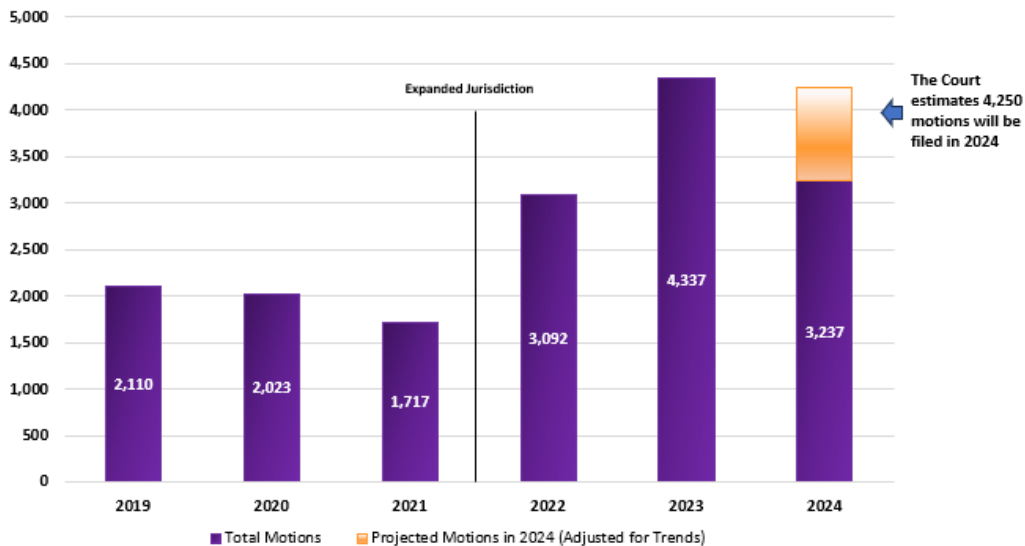


**Note:** Figures include cases in which one or both parties were pro se.

**b) High number of motions after expanded jurisdiction**

The volume and complexity of the motions practice before the Court has intensified since expanded jurisdiction. The number of motions filed has stabilized in the past twelve months. Still, substantive motions that take significant time and resources for the Court to review and resolve have become more common. Many of these motions must be resolved before a case can be docketed, so the filings increase the life of an appeal. For example, motions involving the sufficiency or completeness of the record often require a remand to the lower tribunal for factual findings, with all the delay that entails, before the case is resolved.

**Total Motions Filed: 2019 - 2024**

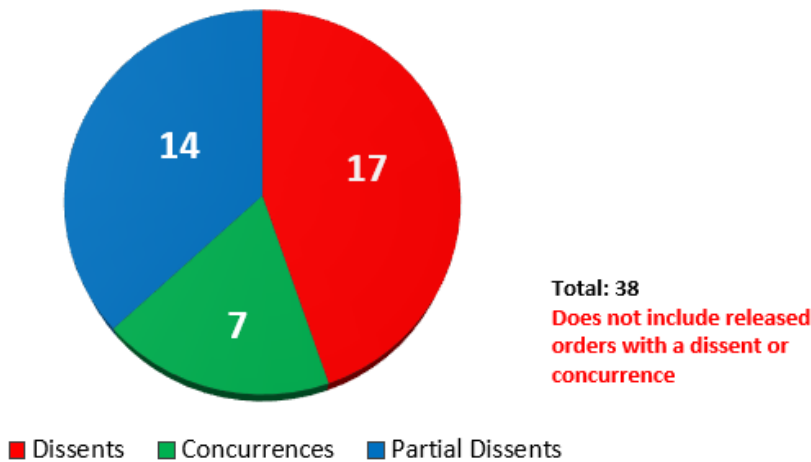


**c) An increase in concurring and dissenting opinions**

Although opinions and orders move through chambers and panels efficiently, concurring and dissenting opinions necessarily prolong the life of a case. Concurrences and dissents take additional time to draft and process. Deliberations among the judges after a concurrence or dissent is circulated further extends the process. Concurrences and dissents result in longer opinions which increases the review time needed with the Clerk’s Dispositions Team. Further, dissents create an easier path for a case to be granted for en banc review under Code § 17.1-402(D). The life of a case that is heard en banc is by nature extended by at least several months. And as discussed earlier, the number of en banc hearings has increased since expanded jurisdiction. Consequently, the inclusion of a dissent or concurrence naturally adds to the life of these cases.

In the first nine months of 2024, the Court has released 35 opinions that include a dissent or concurrence, a decline from the comparable timeframe in 2023. Of those 35 opinions, however, three included *multiple* dissents and/or concurrences. A total of 38 dissents or concurrences were written and released through September 30, 2024. Although a small decline from last year, the number of split opinions is still significantly higher than the Court’s historic practice.

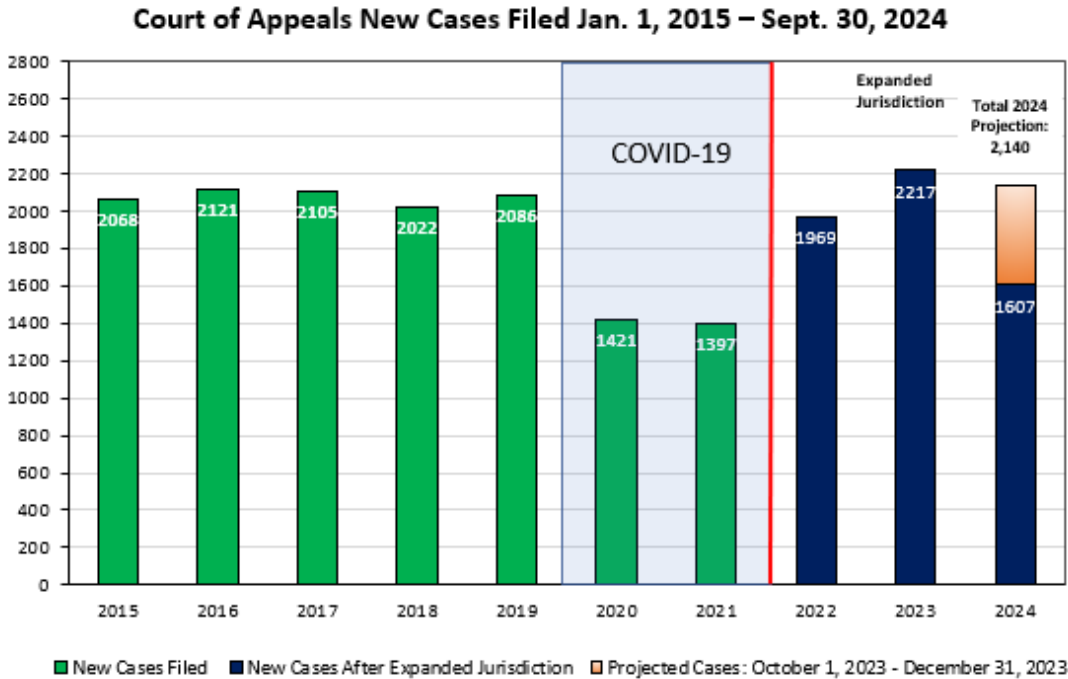
**Total Number of Released Dissents or Concurrence  
January 1, 2024 through September 30, 2024**



## VI. Key Trends Since Expanded Jurisdiction

Nearly three years into the Court of Appeals’ expanded jurisdiction, some key trends have emerged from the data collected to date.

The total number of new cases filed in the Court of Appeals has increased after the significant drop that occurred in 2020 and 2021 because of the pandemic. New case filings in 2023 and projected filings for 2024 rose above pre-pandemic levels.



The data suggests continued future growth in case filings. For example, criminal cases in the circuit courts are now concluding at a slightly higher rate than when the Court’s jurisdiction was expanded in 2022. This increase indicates that the rate of criminal appeals may increase. Over the past three years the number of criminal appeals filed in this Court reflects this trend.

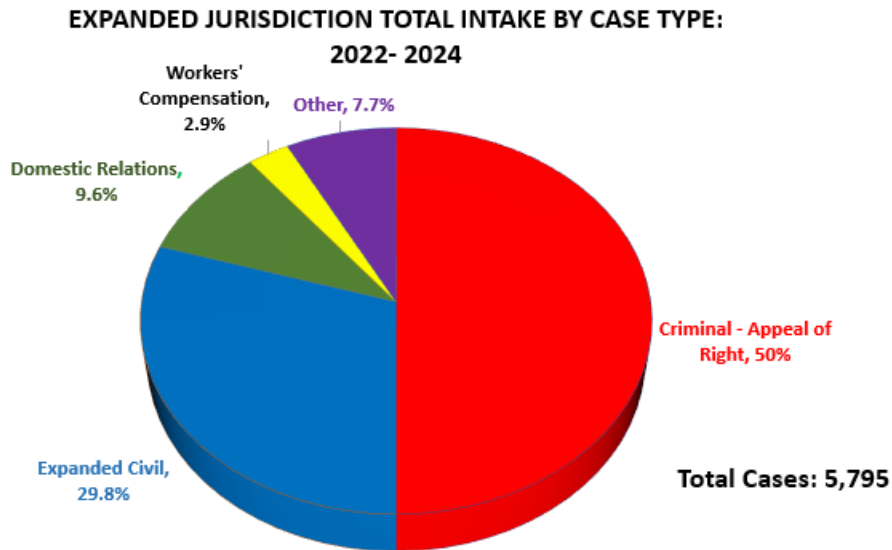
### **Number of Criminal Appeals of Right During Expanded Jurisdiction**

Year	Criminal Appeals of Right	Monthly Average Intake
2022	959	79.9
2023	1,092	91.0
2024 (Through 9/30)	850	94.4

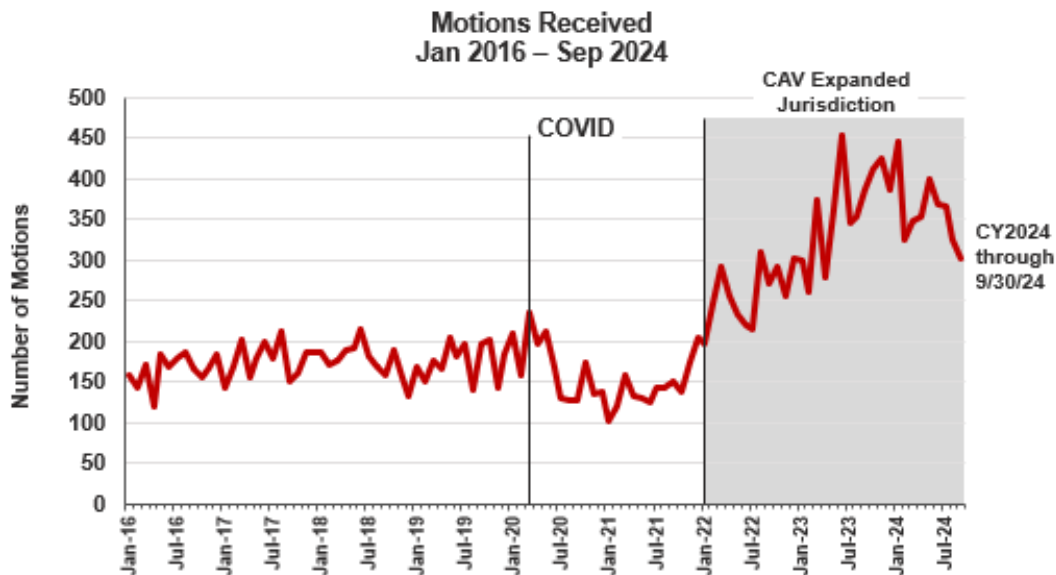
The circuit court data further suggests the Court should expect a modest increase in civil appeals next year. The numbers also indicate that these cases will come in waves.

Interestingly, the number of cases filed in each region is more evenly distributed during the Court’s expanded jurisdiction compared to the intake of cases prior to the expansion. But the overall parity in the number of new cases filed among the regions has not alleviated docket congestion. For example, the Northern Region accounts for a disproportionate number of complex civil appeals that have voluminous records and raise multiple issues on appeal. These

cases are often accompanied by motions that prolong the overall life of the case. As a result, cases filed in the Northern Region take longer to proceed through the Court.



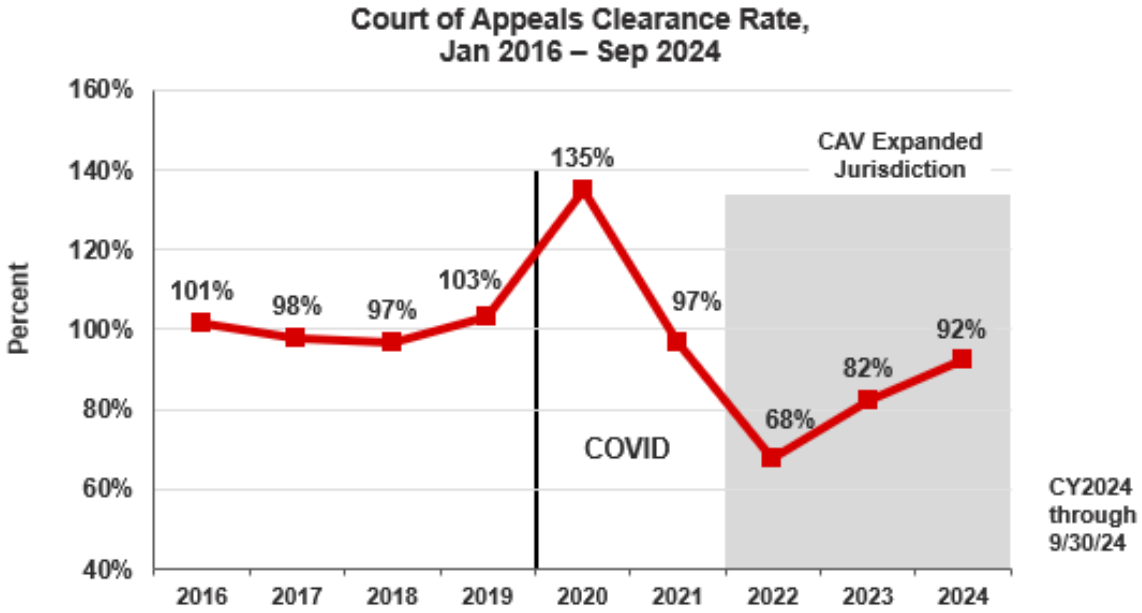
Since expanded jurisdiction, motions practice has increased significantly, both in terms of absolute numbers and subject-matter. Many more motions are substantive in nature and take more time on average to process. The Court now dedicates significant resources from the Clerk’s Office, Chief Staff Attorney’s Office, and Chambers for assessing and resolving motions.



As expected, the average case life of an appeal has increased. Because roughly 95% of appeals are now appeals of right, and as most cases proceed to three-judge panels, the increase in case life was expected. Additionally, pro se appeals, which tend to progress at a slower pace than counsel-filed appeals, have increased significantly since expanded jurisdiction, especially in

civil cases. The Court anticipates that this uptick in self-represented litigants will continue and will naturally increase the overall case life for appeals.

Still, despite the increase in average case life, the Court, through a combination of newly appropriated positions and refining internal procedures, has regained some balance in overall flow of cases. After a significant initial dip in the Court’s clearance rate, the Court has made steady progress toward its goal of returning to a 100% clearance rate, which currently stands at 92% for the year.



## **VII. Looking Ahead**

The adjustment to the Court's expanded jurisdiction remains an ongoing process. The Court is carefully monitoring its case clearance rate and has already adjusted some internal procedures to improve that metric. In addition, the Court has hired additional staff to fill the positions funded in the 2024 budget and anticipates that the enhanced staffing will boost the already-realized improvements in case processing times. Finally, the Court continues to evaluate internal procedures with a view to restoring the 100% case clearance rate.

Next year, the Court will be closely monitoring the effects of criminal sealing legislation that currently is expected to become effective on July 1, 2025. The Court expects that any increase from appeals of circuit court decisions will be modest but will monitor the appeal intake to assess future impacts to the Court's workload. The Court also continues to track the effect of the statutory changes permitting judge sentencing following a jury trial under Code §§ 19.2-295 and -295.1, which took effect on July 1, 2021. Preliminary data indicates a significant drop in the percentage of sentencing events for cases resolved by guilty or *Alford*<sup>12</sup> pleas from a consistent average near 90% in the five years preceding the legislative change to 78.5% of cases in 2023. It is reasonable to anticipate that this precipitous drop will lead to more appeals and that those appeals will present more issues and larger records.

Finally, the Court had begun analyzing and reviewing potential improvements to its legacy case management system, which has myriad technological shortcomings. The legacy system impedes to the Court's ability to work efficiently and accurately track case information from an appeal's beginning to end. The Court will continue to explore technological improvements that will allow for integrated electronic filing, increased public access, and enhance the Court's ability to better serve the public and provide the General Assembly with more accurate data.

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<sup>12</sup> In *North Carolina v. Alford*, 400 U.S. 25, 37 (1970), the Supreme Court of the United States held that persons "accused of crime may voluntarily, knowingly, and understandingly consent to the imposition of a prison sentence even if he is unwilling or unable to admit his participation in the acts constituting the crime." *Alford* pleas allow individuals "who wish to avoid the consequences of a trial to plead guilty by conceding that the evidence is sufficient to convict them, while maintaining that they did not participate in the acts constituting the crimes." *Carroll v. Commonwealth*, 280 Va. 641, 644-45 (2010) (quoting *Parson v. Carroll*, 272 Va. 560 (2006)).

## **VIII. Conclusion**

Thirty-three months into the Court's expanded jurisdiction and appeals of right in most cases, the impacts on the Court's workload and productivity continues to evolve. Docketing the cases for a panel of judges is both a priority and a challenge. The Court now uses expedited panels to review cases that may be decided without oral argument under Code § 17.1-403, or which have a procedural bar that prevents consideration of any of the issues presented. This switch to expedited panels has permitted decisions to move more efficiently through the appellate process. Additionally, not scheduling these cases for argument has created space on the argument dockets, so that swifter assignments of other cases for argument panels is possible.

By applying expedited review of cases that meet the statutory criteria to proceed without oral argument, the Court has better provided litigants with timely resolution of their controversies. The Court will also continue to evaluate personnel needs and review available technology to improve its workflows, including necessary upgrades to the Court's case management system. The Court hopes to continue serving all litigants and the Commonwealth as a whole through efficient and fair appellate services in 2025 and beyond.

The positions that have been added in the past years through appropriations acts have eased the Court's transition from a court of limited jurisdiction, to one that hears most all criminal and civil appeals as a matter of right. With the assistance that has been provided, the Court continues to improve functionality of its teams in the Clerk's Office, Chief Staff Attorney's Office, and Judicial Chambers.



## **Glossary of Frequently Used Terms:**

**“Alford pleas”** – Are pleas in which a criminal defendant agrees that the Commonwealth’s evidence is sufficient for a conviction without admitting guilt.

**“All Others”** – This term refers to a catch all category used in many charts, tables, and graphs in this report. Included case categories are “Actual Innocence Petitions,” “Administrative Agency,” “Concealed Weapons,” “Interlocutory- Certifications,” “Interlocutory- Immunity,” “Mandamus and Prohibition,” and “Sexually Violent Predator Appeals,” unless otherwise noted.

**“Anders cases”** – Are criminal appeals in which the appellant’s attorney has concluded that there are no meritorious issues. The Court must independently review the proceedings to assess whether the attorney’s conclusion is correct.

**“Ancillary Criminal”** – This term refers to criminal matters appealed to the Court, either before or after the expansion of the Court’s jurisdiction, that do not challenge a final sentencing order or must still be initiated by petition. These matters include “Bond Appeal by Right,” “Commonwealth Bond,” “Commonwealth Pretrial Appeal,” and “Commonwealth Sentencing.”

**“Clearance Rate”** – This term refers to the number of appeals that the Court has finalized over the course of the year compared to the number of cases that have been appealed during the same year.

**“Criminal of Right”** – This term refers to criminal appeals initiated after January 1, 2022, that are reviewed under the statutory right of appeal granted in Code § 17.1-406 (A).

**“Dispositional Order”** – This term refers to an order that concludes the entire appeal, often on procedural grounds,

**“Expanded Civil”** – This term refers to civil appeals that were not part of the subject matter jurisdiction of the Court before its January 1, 2022 expanded jurisdiction.

**“Mandate”** – This term refers to an order summarizing the Court’s opinion to notify the lower tribunal of the Court’s decision.

# **Appendix**

## Stats Report – Dispositions 2024 (January 1 – September 30) – Published Opinions

<b>Cases Decided by Published Opinion</b>		
Affirmed	62	
Affirmed and Remanded for Attorney's Fees Determination	2	
Affirmed and Remanded for Correction of Clerical Error	1	
Affirmed in Part, Dismissed in Part	0	
Affirmed in Part, Dismissed in Part, and Remanded for Attorney's Fees Determination	0	
Affirmed in Part, Dismissed in Part, and Transferred in Part	0	
Affirmed in Part, Reversed and Final Judgment in Part	1	
Affirmed in Part, Reversed and Remanded in Part	7	
Affirmed in Part, Reversed in Part	0	
Affirmed in Part, Transferred in Part	0	
Dismissed	2	
Dismissed and Remanded for Attorney's Fees Determination	0	
Modified	0	
Reversed	0	
Reversed and Final Judgment	2	
Reversed and Final Judgment in Part	0	
Reversed and Final Judgment in Part, Dismissed in Part	0	
Reversed and Final Judgment in Part, Dismissed in Part, and Transferred in Part	0	
Reversed and Final Judgment in Part, Transferred in Part	0	
Reversed and Remanded	21	
Reversed and Remanded in Part	0	
Reversed and Remanded in Part, Dismissed in Part	0	
Reversed and Remanded in Part, Dismissed in Part, and Transferred in Part	0	
Reversed and Remanded in Part, Transferred in Part	0	
Reversed in Part, Dismissed in Part	0	
Reversed in Part, Dismissed in Part, and Transferred in Part	0	
Reversed in Part, Transferred in Part	0	
Summarily Affirmed	0	
Summarily Affirmed and Remanded for Attorney's Fees Determination	0	
Summarily Affirmed and Remanded for Correction of Clerical Error	0	
Transferred to SCV	0	
Vacated	0	
<b>Sum of I: Cases Decided by Published Opinion</b>		<b>98</b>

## Stats Report – Dispositions 2024 (January 1 – September 30) – Unpublished Opinions

<b>Cases Decided by Unpublished Opinion</b>		
Affirmed	373	
Affirmed and Remanded for Attorney's Fees Determination	5	
Affirmed and Remanded for Correction of Clerical Error	16	
Affirmed in Part, Dismissed in Part	2	
Affirmed in Part, Dismissed in Part, and Remanded for Attorney's Fees Determination	0	
Affirmed in Part, Dismissed in Part, and Transferred in Part	0	
Affirmed in Part, Reversed and Final Judgment in Part	0	
Affirmed in Part, Reversed and Remanded in Part	14	
Affirmed in Part, Reversed in Part	2	
Affirmed in Part, Transferred in Part	0	
Dismissed	0	
Dismissed and Remanded for Attorney's Fees Determination	0	
Modified	0	
Reversed	3	
Reversed and Final Judgment	2	
Reversed and Final Judgment in Part	0	
Reversed and Final Judgment in Part, Dismissed in Part	0	
Reversed and Final Judgment in Part, Dismissed in Part, and Transferred in Part	0	
Reversed and Final Judgment in Part, Transferred in Part	0	
Reversed and Remanded	22	
Reversed and Remanded in Part	0	
Reversed and Remanded in Part, Dismissed in Part	0	
Reversed and Remanded in Part, Dismissed in Part, and Transferred in Part	0	
Reversed and Remanded in Part, Transferred in Part	0	
Reversed in Part, Dismissed in Part	2	
Reversed in Part, Dismissed in Part, and Transferred in Part	0	
Reversed in Part, Transferred in Part	0	
Summarily Affirmed	0	
Summarily Affirmed and Remanded for Attorney's Fees Determination	0	
Summarily Affirmed and Remanded for Correction of Clerical Error	0	
Transferred to SCV	0	
Vacated	0	
<b>Sum of I: Cases Decided by Unpublished Opinion</b>		<b>441</b>

## Stats Report – Dispositions 2024 (January 1 – September 30) – Final Orders

<b>Cases Decided by Order</b>		
Affirmed	305	
Affirmed and Remanded for Attorney's Fees Determination	3	
Affirmed and Remanded for Correction of Clerical Error	5	
Affirmed in Part, Dismissed in Part	2	
Affirmed in Part, Dismissed in Part, and Remanded for Attorney's Fees Determination	0	
Affirmed in Part, Dismissed in Part, and Transferred in Part	0	
Affirmed in Part, Reversed and Final Judgment in Part	0	
Affirmed in Part, Reversed and Remanded in Part	0	
Affirmed in Part, Reversed in Part	0	
Affirmed in Part, Transferred in Part	0	
Certified to SCV	0	
Dismissed	449	
Dismissed and Remanded for Attorney's Fees Determination	1	
Modified	0	
Reversed	0	
Reversed and Final Judgment	0	
Reversed and Final Judgment in Part	0	
Reversed and Final Judgment in Part, Dismissed in Part	0	
Reversed and Final Judgment in Part, Dismissed in Part, and Transferred in Part	0	
Reversed and Final Judgment in Part, Transferred in Part	0	
Reversed and Remanded	3	
Reversed and Remanded in Part	0	
Reversed and Remanded in Part, Dismissed in Part	0	
Reversed and Remanded in Part, Dismissed in Part, and Transferred in Part	0	
Reversed and Remanded in Part, Transferred in Part	0	
Reversed in Part, Dismissed in Part	0	
Reversed in Part, Dismissed in Part, and Transferred in Part	0	
Reversed in Part, Transferred in Part	0	
Summarily Affirmed	0	
Summarily Affirmed and Remanded for Attorney's Fees Determination	0	
Summarily Affirmed and Remanded for Correction of Clerical Error	0	
Transferred to SCV	17	
Vacated	0	
Withdrawn/Settled	121	
Withdrawn/Settled: Mediation	0	
<b>Sum of I: Cases Decided by Order</b>		<b>906</b>

Court of Appeals of Virginia  
Strategic Plan  
2023 – 2025



## Introduction

In 2014 the Court began work on a three-year strategic plan. The plan was adopted unanimously by the judges and went into effect January of 2015. The success of the Court's first strategic plan demonstrated the benefits of structured planning and development. Consequently, a second strategic plan was drafted and adopted by the Court in 2017 to cover a five-year period between 2018-2022.

While the second strategic plan was in effect, the global COVID-19 pandemic presented unforeseen challenges for judicial systems across the nation. Despite these challenges, the Court completed over ninety percent of the focus area goals of the 2018-2022 Strategic Plan. The plan was pivotal in the Court achieving significant accomplishments during those unprecedented times. The steps taken before the pandemic to address the strategic goals allowed the Court to quickly expand the intake of electronic documents and expedited the development of the system of electronic filings. Additionally, the Court's standing committee structure, established under the first strategic plan, was an effective mechanism for addressing issues as they arose during the pandemic. The committees, working in conjunction with the chief judge, Clerk's Office, and the Chief Staff Attorney's Office, were instrumental in developing solutions to challenges that faced the Court over the course of the pandemic. Consequently, the strategic plan once again proved itself as an effective tool for keeping the Court on course and moving it forward, even in challenging times.

Further unforeseen when the Court drafted the 2018-2022 Strategic Plan were the historic changes that occurred in 2022. In its 2021 Session, the General Assembly restructured the mission of the Court and its composition. The legislature expanded the jurisdiction of the Court to include almost all civil appeals. The criminal appeal process was converted from a petition structure to one of appeals of right. Now, virtually all appeals are appeals of right in this Court. The General Assembly also increased the number of judges from eleven to seventeen active judges. And to accommodate the expanded jurisdiction, the legislature significantly increased the number of staff in the Clerk and Chief Staff Attorney's offices.

While the structure of the Court's strategic plan remains the same as it was in 2014, this third edition of the plan has a broader scope to reflect the new structure and function of the Court. With the extensive changes initiated in the past two years, it is prudent for this third strategic plan to cover a timeframe of three-years, while the changing landscape of the Court and its processes are fully realized.

Consistent with the manner in which the Court successfully implemented the 2015–2018 and the 2018-2022 Strategic Plans, the goals and objectives identified in the 2023–2025 Strategic Plan will be accomplished through the Court's standing

committees and ad hoc committees. Progress will be reported to the Court periodically and action items will be presented to the Court for adoption/approval as appropriate.

### *Mission*

We will timely administer fair and impartial justice in the Commonwealth by rendering thoughtful, well-reasoned appellate decisions consistent with the Constitution and other applicable laws in an efficient manner, treating all those who come before the Court with courtesy and respect.

### *Vision*

We will be a model intermediate appellate court, providing full and fair justice in the Commonwealth to all who come before the Court.

### *Core Values*

We will consistently act in the highest professional manner by embodying the following core values in our service to the Commonwealth:

- Fidelity to the rule of law
- Equal justice for all
- Judicial integrity and independence
- Diligence and excellence
- Collegiality, respect, and kindness
- Access to justice and court services for all

## **Focus Areas**

### *Continuing Education, Training, and Staff Career Development*

- Maintain in-house continuing education programs for judges and staff
- Coordinate with Supreme Court counterparts to promote uniform continuing education where appropriate for the appellate judiciary and staff
- Identify funding/scholarships available for continuing education of judges and Court personnel

### *Facilities*

- Continue to develop a better workspace in Richmond

- Work with the Supreme Court of Virginia, the Office of the Executive Secretary, the Department of General Services, and the architects to design an appellate court complex in Capitol Square
- Develop plans to move the Court into the future Richmond appellate court complex
- Continue to ensure a safe, health-compliant, and secure workspace for all Court staff
- Work with the Virginia Division of Capitol Police and local law enforcement departments to conduct security assessments and ensure adequate security procedures for each chambers, in-person argument panels, and official Court functions
- Explore possible temporary courtroom locations for Richmond in-person panels to address the space limitations of the Court's current location and more fully accomplish the Court's goal of open access for all
- Work with the Office of the Executive Secretary and the Department of General Services to streamline satellite office acquisition and ensure that satellite offices are structured to meet accepted Court security practices to the extent possible

### *Future of the Court*

- Identify trends that may affect the successful implementation of the Court's Strategic Plan, including variations in caseload and changes in the type and distribution of the Court's cases
- Monitor Bar activities that affect the Court
- Monitor national trends and innovations that could improve Virginia's Justice System
- Review annual reports on case filings and trends for submission to the General Assembly
- Conduct annual Court retreats, subject to funding
- Conduct and review periodic stakeholder surveys

### *Operations*

- Continue assessment of alternative in-person panel locations, including law school venues
- Engage in periodic analysis of case assignments and scheduling protocols
- Conduct quarterly reviews and recommend any necessary updates of the Court's Policy and Procedure manual

- Explore logistics for “hybrid” oral arguments in satellite locations
- Conduct biannual review of Court performance metrics for case processing
- Work with stakeholder groups to develop a pro bono appellate initiative

### *Personnel*

- Analyze workflow and personnel requirements for the Clerk’s Office and the Chief Staff Attorney’s Office
- Collaborate with the Clerk’s Office and the Chief Staff Attorney’s Office on revising evaluation forms and implementing new job descriptions and performance metrics based on new staff roles and new personnel
- Work with the Clerk’s Office and the Chief Staff Attorney’s Office on succession planning for critical management positions
- Identify and implement staff incentives and maintain positive morale
- Streamline and refine systematic protocol for efficiently and securely onboarding and offboarding personnel
- Maintain and foster an environment of inclusiveness, well-being, respect, and acceptance among Court personnel

### *Technology*

- Continue to expand electronic filing and electronic document transmission
- Develop automations between the Court’s electronic document submission systems and the Court’s case management system
- Develop secure public user electronic access to case documents and filings and identify systems and appropriate vendors to make briefs available through online research platforms
- Continue to explore expanding and developing video conferences and virtual platforms, including livestreaming capabilities for in-person merit panel arguments
- Consider technology that would improve the Court’s internal processes
- Consult with all stakeholders, including judges and chambers staff, to identify and design improvements to the case management system and to purchase and implement custom workflow software to be integrated with the case management system
- Develop training programs to promote better use of technology