

Court of Appeals of Virginia Statistical Review

2015

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

Source: Virginia State of the Judiciary Report 1985, 1986, 2015; Court of Appeals' STARS, 2016

Introduction Since the inception of the Court of Appeals (CAV) in 1985, case filings have increased from 1,641 to 2,073 in 2015, an increase of 26.3%. The highest recorded number of cases filed in the CAV (3,499) was in 2001. Between 2011 and 2015, there was a decrease of 20.7% of total cases filed. Petitions refused and cases disposed collectively have more than doubled since 1985 from 689 to 2,306. This caseload statistical review focuses on the caseload trends and types of case filings between 2011 and 2015 in the CAV.

Display 1

Court of Appeals Cases Filed, Petitions Refused, and Cases Disposed 2011-2015

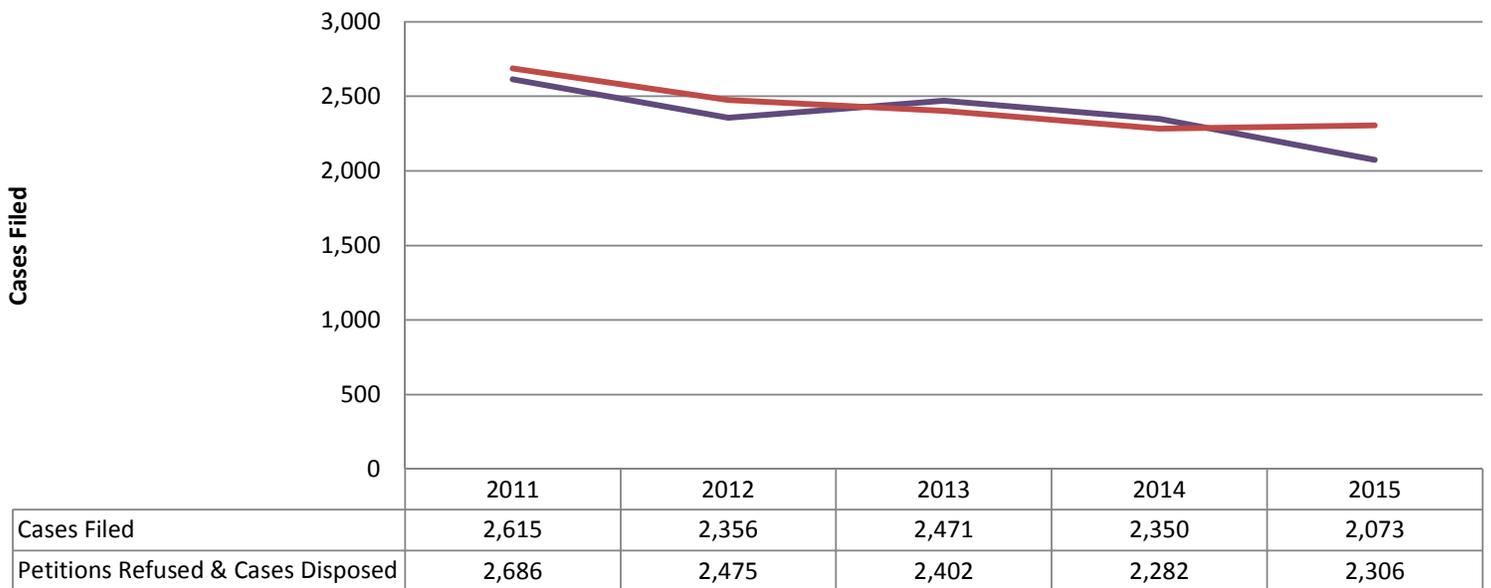


Table 1
Court of Appeals Statistical History 2011-2015

Cases Filed	2011	%Change	2012	%Change	2013	%Change	2014	%Change	2015	%Change	%Change 2011-2015
Criminal Petitions*	1,931	-6.8%	1,751	-9.3%	1,806	3.1%	1,747	-3.3%	1,512	-13.5%	-21.7%
Domestic Relations	279	21.8%	268	-3.9%	251	-6.3%	242	-3.6%	236	-2.5%	-15.4%
Workers' Compensation Commission	176	2.3%	122	-30.7%	196	60.7%	145	-26.0%	101	-30.3%	-42.6%
Administrative Agency	31	-6.1%	33	6.5%	33	0.0%	23	-30.3%	17	-26.1%	-45.2%
Original Jurisdiction	40	-23.1%	39	-2.5%	42	7.7%	31	-26.2%	27	-12.9%	-32.5%
No Jurisdiction **	123	-4.7%	113	-8.1%	117	3.5%	124	6.0%	132	6.5%	7.3%
Other ***	35	0.0%	30	-14.3%	26	-13.3%	38	46.2%	48	26.3%	37.1%
Total	2,615	-3.9%	2,356	-9.9%	2,471	4.9%	2,350	-4.9%	2,073	-11.8%	-20.7%
Final Dispositions											
Non-Criminal	666	10.1%	606	-9.0%	623	2.8%	630	1.1%	539	-14.4%	-19.1%
Criminal	2,020	-9.4%	1,869	-7.5%	1,779	-4.8%	1,652	-7.1%	1,767	7.0%	-12.5%
Total	2,686	-5.3%	2,475	-7.9%	2,402	-2.9%	2,282	-5.0%	2,306	1.1%	-14.1%
Disposition of Appeals											
Published Opinions	88	-8.3%	121	37.5%	78	-35.5%	76	-2.6%	88	15.8%	0.0%
Unpublished Opinions	327	-19.3%	284	-13.1%	300	5.6%	327	9.0%	295	-9.8%	-9.8%
Orders	391	15.7%	369	-5.6%	374	1.4%	382	2.1%	316	-17.3%	-19.2%
Total	806	-3.9%	774	-4.0%	752	-2.8%	785	4.4%	699	-11.0%	-13.3%
Cases Appealed to the Supreme Court of Virginia											
	1,190	-14.3%	1,092	-8.2%	956	-12.5%	881	-7.8%	1,058	20.1%	-11.1%
Criminal Petitions											
Filed	1,936	-6.7%	1,753	-9.5%	1,808	3.1%	1,754	-3.0%	1,517	-13.5%	-21.6%
Granted	177	-17.3%	210	18.6%	180	-14.3%	157	-12.8%	189	20.4%	6.8%
Refused/Dismissed/Other	1,847	-11.5%	1,668	-9.7%	1,585	-5.0%	1,454	-8.3%	1,548	6.5%	-16.2%
Percent Granted	8.8		11.2		10.2		9.69		10.88		
Pre-Trial Petitions Filed by Commonwealth											
Filed	21	-16.0%	24	14.3%	13	-45.8%	20	53.8%	28	40.0%	33.3%
Granted	9	-18.2%	12	33.3%	6	-50.0%	8	33.3%	15	87.5%	66.7%
Refused/Dismissed/Other	14	0.0%	10	-28.6%	12	20.0%	5	-58.3%	9	80.0%	-35.7%
Original Jurisdiction											
Filed											
Habeas Corpus	7	-46.2%	6	-14.3%	6	0.0%	4	-33.3%	3	-25.0%	-57.1%
Mandamus/Prohibition	14	-17.6%	9	-35.7%	9	0.0%	10	11.1%	8	-20.0%	-42.9%
Actual Innocence	19	-13.6%	24	26.3%	27	12.5%	17	-37.0%	16	-5.9%	-15.8%
Total	40	-23.1%	39	-2.5%	42	7.7%	31	-26.2%	27	-12.9%	-32.5%
Disposed											
Habeas Corpus	8	-46.7%	4	-50.0%	6	50.0%	6	0.0%	3	-50.0%	-62.5%
Mandamus/Prohibition	19	11.8%	8	-57.9%	10	25.0%	3	-70.0%	13	333.3%	-31.6%
Actual Innocence	23	4.5%	21	-8.7%	26	23.8%	20	-23.1%	16	-20.0%	-30.4%
Total	50	-7.4%	33	-34.0%	42	27.3%	29	-31.0%	32	10.3%	-36.0%
Appeals of Right											
Filed											
Domestic Relations	279	21.8%	268	-3.9%	251	-6.3%	242	-3.6%	236	-2.5%	-15.4%
Workers' Compensation Commission	176	2.3%	122	-30.7%	196	60.7%	145	-26.0%	101	-30.3%	-42.6%
Administrative Agency	31	-6.1%	33	6.5%	33	0.0%	23	-30.3%	17	-26.1%	-45.2%
No Jurisdiction**	123	-4.7%	113	-8.1%	117	3.5%	124	6.0%	132	6.5%	7.3%
Other ****	9	28.6%	4	-55.6%	11	175.0%	11	0.0%	15	36.4%	66.7%
Total	618	8.4%	540	-12.6%	608	12.6%	545	-10.4%	501	-8.1%	-18.9%
Total Cases Filed	2,615	-3.9%	2,356	-9.9%	2,471	4.9%	2,350	-4.9%	2,073	-11.8%	-20.7%
Total Petitions Refused and Cases Disposed	2,686	-5.3%	2,475	-7.9%	2,402	-2.9%	2,282	-5.0%	2,306	1.1%	-14.1%

*Does not include contempt.

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

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

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

Cases Filed and Disposed The table above (Table 1) shows an overview of the case filings for the CAV for the past five calendar years. In 2015, the CAV recorded 2,073 case filings, 277 less than the 2,350 in 2014 and 542 less than the 2,615 in 2011. Between 2014 and 2015, the decrease in cases filed was driven by decreases in all case types except no jurisdiction, concealed weapons applications, appeals by the Commonwealth before the end of trials, and civil contempt. Final dispositions totaled 2,306 in 2015, 24 more than the year before and 380 less than 2011. Of the final dispositions, 72.9% were criminal cases. Since 2011, criminal dispositions have decreased 12.5%, while non-criminal dispositions decreased 19.1%. During the five years, filings have decreased 20.7% and final dispositions have decreased 14.1%.

Table 2

Court of Appeals Case Filings 2011-2015

Cases Filed	2011	%Change	2012	%Change	2013	%Change	2014	%Change	2015	%Change	%Change 2011-2015
Criminal Petitions*	1,931	-6.8%	1,751	-9.3%	1,806	3.1%	1,747	-3.3%	1,512	-13.5%	-21.7%
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Administrative Agency	31	-6.1%	33	6.5%	33	0.0%	23	-30.3%	17	-26.1%	-45.2%
Original Jurisdiction	40	-23.1%	39	-2.5%	42	7.7%	31	-26.2%	27	-12.9%	-32.5%
No Jurisdiction **	123	-4.7%	113	-8.1%	117	3.5%	124	6.0%	132	6.5%	7.3%
Other ***	35	0.0%	30	-14.3%	26	-13.3%	38	46.2%	48	26.3%	37.1%
Total	2,615	-3.9%	2,356	-9.9%	2,471	4.9%	2,350	-4.9%	2,073	-11.8%	-20.7%

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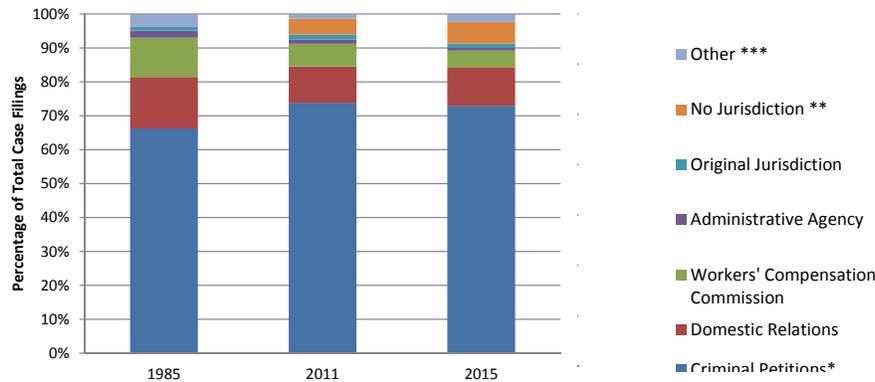
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*** Includes concealed weapons applications, appeals by the Commonwealth before the end of trials and contempt.

Case Filings Mix Between 2011 and 2015, the majority of the cases filed in the CAV consisted of criminal petitions, domestic relations, and Workers' Compensation Commission cases. In 2015, Worker's Compensation Commission cases decreased by 44 cases filed or 30.3% since last year and 75 cases filed or 42.6% since 2011. The percentage of criminal petitions in 2011 was 73.8%, which fell to 72.9% in 2015. The combined percentage of domestic relations and Workers' Compensation Commission cases filed decreased from 17.4% of filings in 2011 to 16.3% in 2015.

Display 2

Court of Appeals Case Types Filed 1985, 2011, 2015



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

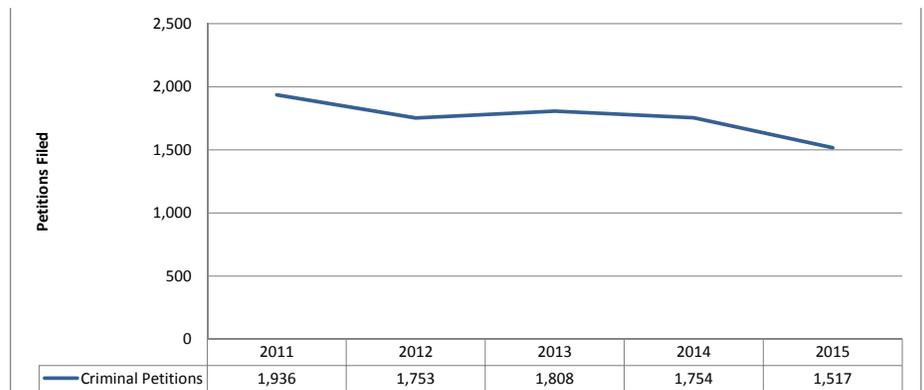
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Criminal Petitions 2011-2015

Criminal Petitions	2011	%Change	2012	%Change	2013	%Change	2014	%Change	2015	%Change	%Change 2011-2015
Filed	1,936	-6.7%	1,753	-9.5%	1,808	3.1%	1,754	-3.0%	1,517	-13.5%	-21.6%
Granted	177	-17.3%	210	18.6%	180	-14.3%	157	-12.8%	189	20.4%	6.8%
Refused/Dismissed/Other	1,847	-11.5%	1,668	-9.7%	1,585	-5.0%	1,454	-8.3%	1,548	6.5%	-16.2%
Percent Granted	8.8		11.2		10.2		9.7		10.88		

Display 3

Court of Appeals Criminal Petitions 2011-2015



Criminal Petitions Of the cases filed, criminal petitions including contempt constituted the majority of the filings, 72.9% in 2015. That same year, criminal petitions fell 13.5%; however granted criminal petitions increased 20.4%, increasing from 157 in 2014 to 189 in 2015.

Table 4

Original Jurisdiction Cases 2011-2015

Original Jurisdiction	2011	%Change	2012	%Change	2013	%Change	2014	%Change	2015	%Change	%Change 2011-2015
Filed											
Habeas Corpus	7	-46.2%	6	-14.3%	6	0.0%	4	-33.3%	3	-25.0%	-57.1%
Mandamus/Prohibition	14	-17.6%	9	-35.7%	9	0.0%	10	11.1%	8	-20.0%	-42.9%
Actual Innocence	19	-13.6%	24	26.3%	27	12.5%	17	-37.0%	16	-5.9%	-15.8%
Total	40	-23.1%	39	-2.5%	42	7.7%	31	-26.2%	27	-12.9%	-32.5%

Original Jurisdiction In 2015, the total original jurisdiction cases filed was 27 which is four or 12.9% less than 2014, and 46 or 32.5% less than 2011. Between 2014 and 2015, the number of all original jurisdiction case types filed decreased.

Table 5

Appeals of Right 2011-2015

Appeals of Right	2011	%Change	2012	%Change	2013	%Change	2014	%Change	2015	%Change	%Change 2011-2015
Filed											
Domestic Relations	279	21.8%	268	-3.9%	251	-6.3%	242	-3.6%	236	-2.5%	-15.4%
Workers' Compensation Commission	176	2.3%	122	-30.7%	196	60.7%	145	-26.0%	101	-30.3%	-42.6%
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No Jurisdiction**	123	-4.7%	113	-8.1%	117	3.5%	124	6.0%	132	6.5%	7.3%
Other ****	9	28.6%	4	-55.6%	11	175.0%	11	0.0%	15	36.4%	66.7%
Total	618	8.4%	540	-12.6%	608	12.6%	545	-10.4%	501	-8.1%	-18.9%

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

Appeals of Right In 1985, there were 538 appeals of right and in 2014, there were 545, an increase of 1.3%. In 2015, there was a decrease of 8.1% from 2014 and 18.9% from 2011 for total appeals of right filings. Workers' Compensation Commission cases continued to experience decreases while the "other" category that includes concealed weapons applications and civil contempt cases increased in 2015.

Table 6

Disposition of Appeals 1986, 2011-2015

Disposition of Appeals	1986	Per Judge Average	2011	Per Judge Average	2012	Per Judge Average	2013	Per Judge Average	2014	Per Judge Average	2015	Per Judge Average	% Above/ Below 1986 Average
	Opinions	328	33	415	38	405	37	378	34	403	37	383	35
Published Opinions			88	8	121	11	78	7	76	7	88	8	
Unpublished Opinions			327	30	284	26	300	27	327	30	295	27	
Orders	386	39	391	36	369	34	374	34	382	35	316	29	-25.6%
Total	714	71	806	73	774	70	752	68	785	71	699	64	-11.0%

Disposition of Appeals In 1986, the first year detailed disposition data was provided in the State of the Judiciary Report, there were 328 cases involving appeals of right or granted criminal appeals decided by opinion and 386 cases decided by order. Each of the 10 judges averaged 33 opinions and 39 orders, an average of 71 dispositions per judge. In 2015 with 11 judges, the average disposition per judge (64) was below the 1986 average. There was an average of 35 opinions per judge and 29 orders per judge in 2015 with the total disposition of appeals being constituted of approximately half opinions and half orders.