



Report to the Senate Committee for Courts of Justice
and the House Committee for Courts of Justice
The Annual Report of the Court of Appeals of Virginia
2025



Court of Appeals of Virginia



*Justice-Elect Fulton is not pictured

THE COURT OF APPEALS OF VIRGINIA

2025



Contents

Executive Summary	1
I. Introduction	2
II. Court Jurisdiction	2
III. Court Structure	3
A. Current Court Leadership	3
B. Court Photos From 2025	4
C. Court Operations: Ongoing Developments	12
D. Court Organization: Overview	13
IV. 2025 Case Filings Analysis	14
A. Overall Cases 2025	14
B. Case Types in 2025 compared to 2022 – 2024	16
C. Regional Number in 2025	17
V. Understanding the Typical Phase Life of Appeals of Right	20
A. Overview of the Case Life Phases	20
B. Case Administration and Records Intake (Phases 1 and 2)	20
C. Review with the Chief Staff Attorney’s Office and Panel Assignment (Phase 3)	21
1. Chief Staff Attorney’s Office Analysis	21
2. Docketing	24
D. Judicial Chambers Review (Phase 4)	24
E. Dispositions (Phase 5)	25
VI. Some Factors that Affect Case Life	26
A. Pro Se Litigants	26
B. Increased Motions Practice	29
C. Panels Use of Code § 17.1-403(ii) to Dispense with Oral Argument.....	31
D. Separate Opinions and En Banc Sessions	32
VII. The Court’s Decisions	34
A. Dispositions of the Court	34
B. Appeals to the Supreme Court of Virginia	36
C. Affirmance Rate of the Court’s Decisions	36
VIII. What is Next for the Court: Lessons from Expanded Jurisdiction.	37
<u>Appendices</u>	
Appendix 1: Court History: Past Judges and Leadership	38
Appendix 2: Court Workflow Charts.....	41
Appendix 3: Court of Appeals of Virginia Strategic Plan: 2023–2025.....	50

EXECUTIVE SUMMARY:

This fourth annual report details the complete case filing and processing data for the first nine months of data collected in 2025. As discussed in this report, key points regarding the Court's workload and processes include the following:

- The number of new civil and domestic relations appeals rose in the first nine months of 2025. There have been slightly fewer criminal appeals in this period as compared to 2024.
- New cases still distribute relatively evenly across four regions. But regional differences in the types of cases and parties creates imbalance in regional inventory for docketing. For instance, over half of the new cases filed in the Northern Region over the first nine months of 2025 were civil and a large portion included pro se litigants. Characteristics like these affect how cases move through the appeals process. The Court continues to refine procedures to address proper flow of cases throughout the regions.
- Recent staffing increases, approved in the 2024 Biennial Budget, have helped the Court process cases more efficiently. The Court's clearance rate is now over 100% and the case inventory is beginning to slowly decrease. Additionally, there are encouraging signs that the average time that appeals are spending with the Clerk's Office, Chief Staff Attorney's Office, and Chambers has been decreasing in the later part of the reporting period.
- Significantly, many factors can affect the time it takes for an appeal to move through the case life cycle. Some factors increase the time a case stays with the Court and others reduce the average case life. Additionally, certain factors work outside the Court's control and are attributable to the parties or lower tribunals. The time from the filing of a notice of appeal to the completion of briefing takes about 164 days for the average appeal.
- Code § 17.1-403(ii) is an important mechanism for docket control. It enables the Court to triage cases and decide the category of case more efficiently. This, of course, impacts the overall efficiency of processing cases at all levels. Code § 17.1-403(ii) also ensures getting decisions in these appeals out to the parties in a timely manner. It is too early to assess the full impact of the new subsection "(c)," which took effect on July 1, but the Court anticipates that it will aid in improving average case processing time.
- Many cases are dismissed or decided by procedural defaults that are out of the control of the Court. Even with the use of Code § 17.1-403(ii), the Court still hears oral argument in over 50% of the cases that can be resolved on the merits of the parties' arguments.
- The Court has made progress this year in improving access to litigants, lower tribunals, the Bar, and the public. And more significant gains will be realized assuming the completion of a modernized case management system and integrated filing system. Those projects are currently in development and, depending on budgetary support, will make the Court more user-friendly.

I. Introduction

The Court of Appeals of Virginia delivers this 2025 annual report to the Virginia General Assembly's Senate and House Committees for Courts of Justice. The report explains the Court's current case-processing procedures and summarizes the trends from this year and the first three years of expanded jurisdiction.

2025 marked a significant milestone for the Court: its 40th year of operation. In honor of that history the Appendix lists the Judges, Clerks, and Chief Staff Attorneys who have served the Commonwealth as members and leaders of the Court.¹

II. Court Jurisdiction

The Court of Appeals of Virginia hears appeals 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 petitioned by the Commonwealth;
- certain interlocutory orders; 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
- punish parties for contempt.

¹ Appendix 1, *infra*, at pages 38-40.

III. Court Structure

A. Current Court Leadership

Chief Judge:

- Marla Graff Decker, Henrico County

Judges:

- Randolph A. Beales, Mecklenburg County & Henrico County
- 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 (Elevates to Supreme Court effective January 1, 2026)
- 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
- David Bernhard, Fairfax County

Judge Elect:

- Kevin M. Duffan, City of Virginia Beach (Term Begins January 1, 2026)

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 (Part-Time)

B. Court Photos From 2025

The Virginia Bar Association Honors the Court on its 40th Anniversary



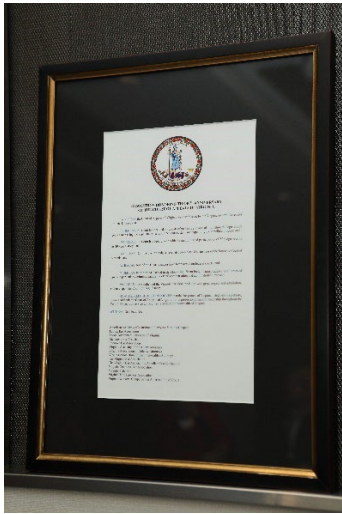
(From left to right) Judges Stuart A. Raphael, Doris Henderson Causey, Lisa M. Lorish, Justice-Elect Junius P. Fulton, III, Judges Dominique A. Callins, Frank K. Friedman, Chief Judge Decker, and Judge Randolph A. Beales at the VBA event honoring the 40th Anniversary in Richmond, VA on October 16, 2025.



(From left to right) Justice D. Arthur Kelsey, Judge James W. Benton, Jr., Judge G. Steven Agee, Judge William G. Petty, Judge Larry G. Elder, Chief Justice-Elect Cleo E. Powell, Justice Elizabeth A. McClanahan, Judge Johanna L. Fitzpatrick, Judge Sam W. Coleman, III, Judge Norman K. Moon, and Judge Barbara Milano Keenan.



More Photos from the VBA Celebration Honoring the Court in Richmond, VA, on October 16, 2025. (From the top) Chief Judge Decker speaks to the attendees; the resolution honoring the Court; Chief Judge Decker with Trevor Cox and Robert Lofton; Deborah Uitvlucht catches up with Judge Larry G. Elder; Judge Sam W. Coleman, III listening to the presentation honoring the Court; and Judge Johanna L. Fitzpatrick at the reception following the summit.



New Venues for the 2025 Argument Panels



The 2025 June Central Panel at the new hearing room at the Virginia State Bar with Judge Doris Henderson Causey Presiding, and Judge Stuart A. Raphael, and Senior Judge Jean H. Clements.



The 2025 June Central Panel at the Buckingham County Courthouse with Judge Kimberley S. White Presiding, and Judges Mary Grace O'Brien and Judge Junius P. Fulton, III.



The August 2025 Northern Panel in the new Appellate Courtroom at the Fairfax County Courthouse with Chief Judge Marla Graff Decker presiding, and Judges Daniel E. Ortiz and Vernida R. Chaney (joined by their law clerks in attendance, standing behind the judges).

Reaching out to The Legal Community



The 2025 October Western Panel of Judges Stuart A. Raphael, Lisa M. Lorish, and David Bernhard at a local Bar reception at Lane Stadium in Blacksburg, VA.



Judge Dominique A. Callins speaking at a William & Mary Law School Black Law Students Association event.

**A New Beginning:
Justice-Elect Junius P. Fulton, III, Prepares to Begin his Tenure on the Supreme Court of
Virginia**



Justice-Elect Junius P. Fulton, III, will end his service with the Court on December 31, 2025, and will elevate to the Supreme Court of Virginia on January 1, 2026. This is a photo from Judge Fulton's last argument panel with the Court in Fairfax, Va.

**Celebrating A Distinguished Career in the Law:
The Retirement Dinner Honoring Judge Glen A. Huff**



Judge Huff enjoying some time with Chief Judge Marla Graff Decker and Justice Wesley G. Russell, Jr.



Judge Huff with Chief Staff Attorney Alice Armstrong.



Doug Miller, Justin Shelton, and Deborah Uitvlucht from the Clerk's Office enjoying the celebration.



Judge Huff talking with Judge Rufus A. Banks, Jr. (Chesapeake Circuit Court).



Judge Huff, with his family, speaking at the dinner.

C. Court Operations: Ongoing Developments

In response to the General Assembly’s request in the 2024 Appropriations Act, the Court partnered with Meredith Farrar-Owens, Chang Kwon, Ph.D., and their team at the Virginia Criminal Sentencing Commission to study the Court’s workload and develop a set of objective metrics to evaluate the Court’s staffing needs. In addition to the study and the Commission’s findings,² the Commission developed a metrics tool for the Court’s internal use that can assess staffing needs based on workload objectives and/or shifts in the number of filings the Court receives.

The Court has also been working to improve accessibility and transparency. “[P]eople 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 (2022). In this vein, the Court is striving to improve access to the Court’s records and decisions. Changes to the Court’s website included an improved frequently-asked-questions section and updated template forms for court filers.³ The Court made substantial improvements to the Self-represented Litigant Guide to help unrepresented parties navigate the process of perfecting an appeal.⁴ In addition, the Court plans to make unpublished orders available for the public on the Court’s website early in 2026. The Court also continues to hold argument panels in a wide variety of locations throughout the Commonwealth, including universities and law schools, so that the public has the opportunity to observe oral argument. Further, the Court is in the process of establishing livestream access to the Court’s regional argument panels.

Finally, but critical to many other developments, the Court has begun developing an improved case management system. A development team from the Department of Judicial Information Technology (DJIT) is building a modern system that will include greater automation, integrate the filing platform into the case management system, improve workflow for Court staff, and efficiently transfer cases appealed to the Supreme Court of Virginia.

² The Court’s report on the Commission’s study was filed with the General Assembly in 2025. See *HD7 – Court of Appeals of Virginia Expanded Jurisdiction Workload Metrics Study 2022 – 2024 (2025 Appropriation Act, Item 32.E)*; rga.lis.virginia.gov/Published/2025/HD7.

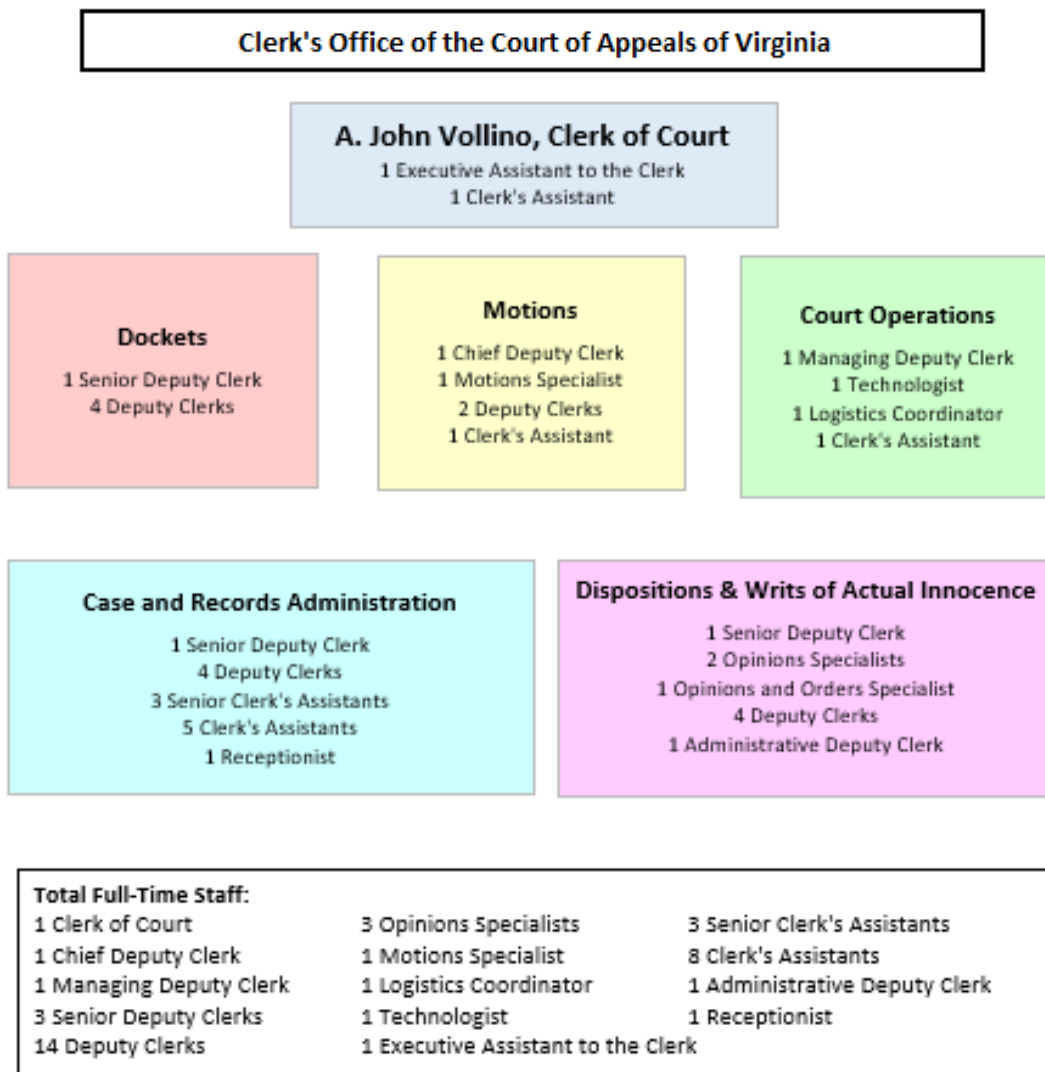
³ See www.vacourts.gov/static/courts/cav/cav_faqs.pdf.

⁴ See www.vacourts.gov/static/courts/cav/cav_self_represented_litigant_guide.pdf.

D. Court Organization: Overview

The Court employs 143 full-time staff. Broadly speaking, the Court has three divisions: (1) the Clerk’s Office; (2) the Office of the Chief Staff Attorney (CSA); and (3) Judicial Chambers.

Led by A. John Vollino, the Clerk’s Office has a broad mission and works closely with Judicial Chambers, CSA, the Office of the Executive Secretary of the Supreme Court, litigants, and the public to promote the optimal flow of cases through the Court. The Clerk’s Office restructured in 2025 to promote more efficient workflow. This year, the Clerk’s Office hired a Court Technologist to assist with the development of the new case management system and other technological improvements for the Court. The current structure of the Clerk’s Office is:



***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.**

Led by Chief Staff Attorney Alice Armstrong, CSA preliminarily reviews 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 analyze the legal and procedural issues presented in each filing. The CSA also staffs the Court’s Senior Judges, who do not have their own law clerks. CSA’s current organization is:

Chief Staff Attorneys Office of the Court of Appeals of Virginia



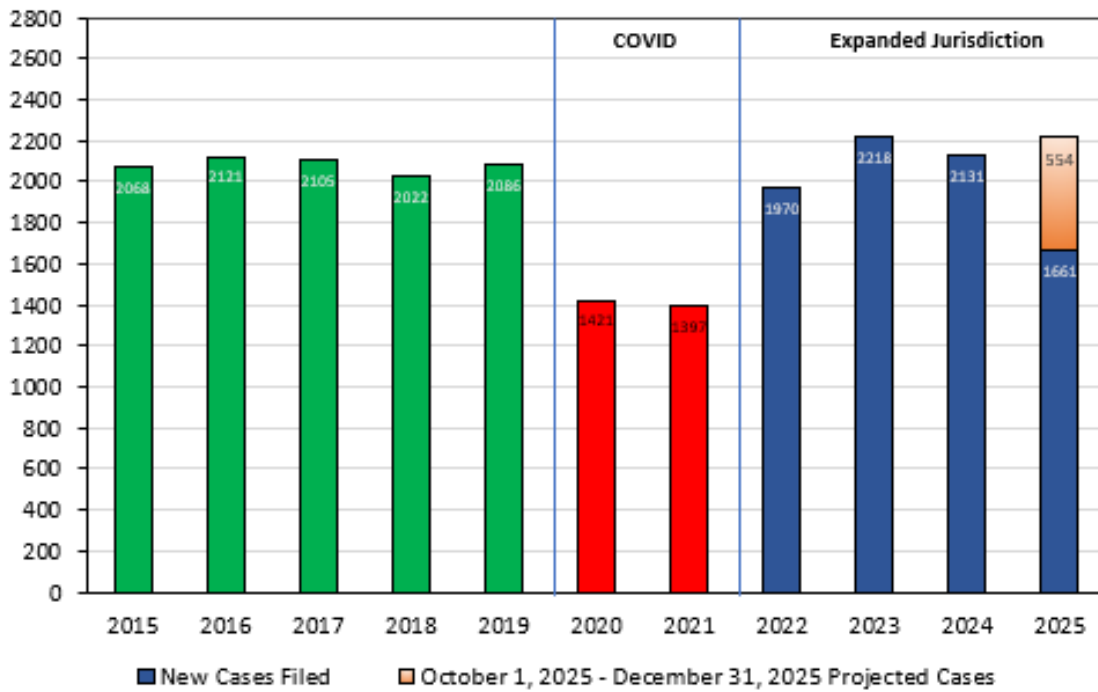
Total Staffing:	
1 Chief Staff Attorney	1 Deputy Chief Staff Attorney
7 Senior Staff Attorneys	16 Staff Attorneys
3 Law Clerks to Sr. Judges	1 Senior Paralegal
1 Paralegal	1 Administrative Assistant
2 Part-Time Staff Attorneys	

IV. 2025 Case Filings Analysis

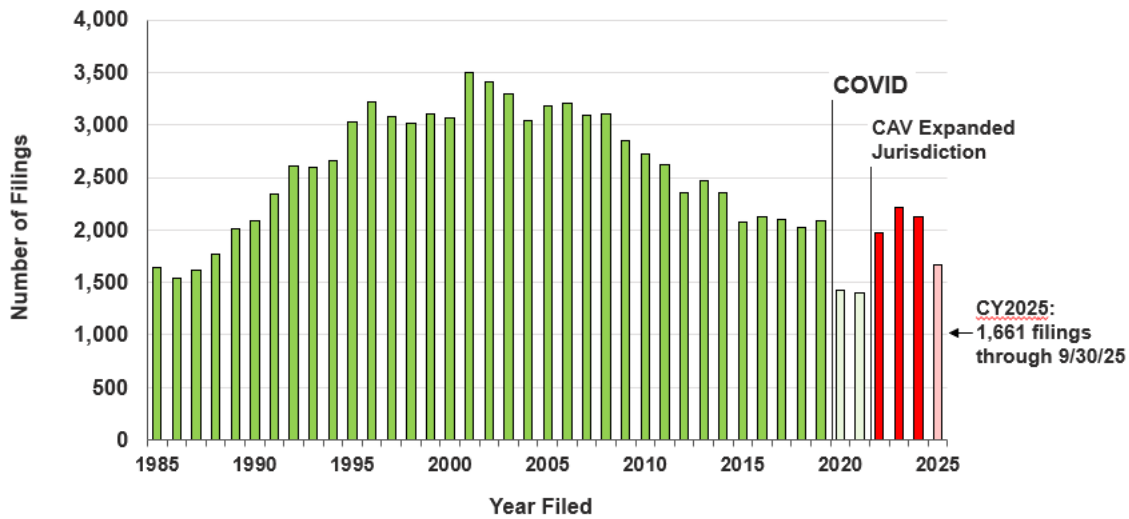
A. Overall Cases 2025

The Court received 1,661 new cases from January 1, 2025, to September 30, 2025, which projects to 2,215 cases over the course of the full year. The projected total is an increase from 2024, but similar to the number of cases initiated in 2023. Although the number of new appeals is higher than what the Court has received on average in the past decade, it remains lower than the expanded jurisdiction projections. The Court has received a significant number of civil appeals, as expected, but the number of criminal appeals of right has not rebounded to pre-2020 petition filings. Since expanded jurisdiction, the Court has averaged around 2,100 new appeals annually.

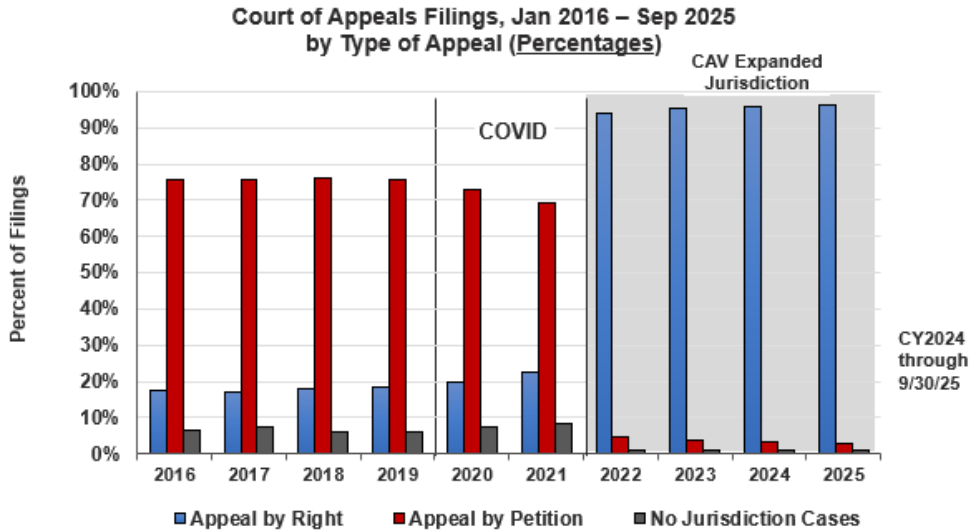
Court of Appeals New Cases Filed 2015 – 2025



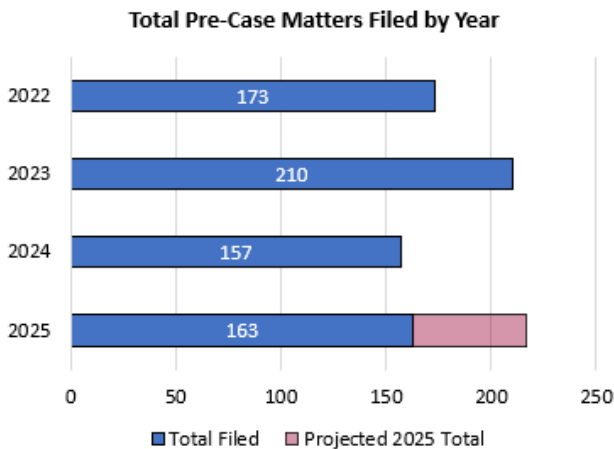
Court of Appeals Filings, Jan 1985 – Sep 2025



Previously, most cases were presented by discretionary petition. Now, over 95% of new cases are appeals by right, which must be decided by a panel of three-judges, unless subject to procedural dismissal.



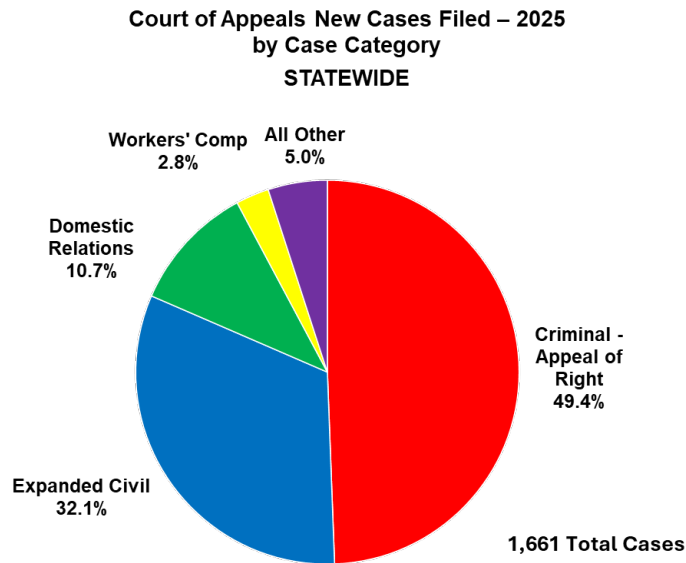
In addition to the new cases and records, the Court routinely considers many pre-case matters that are not assigned a case record number. These matters include, but are not limited to, pre-trial bond appeals and motions for delayed appeals. The total number of pre-case matters is difficult to track as 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 has received 163 pre-case matters in 2025, which projects to about 215 over the course of the year. The total this year is already more than the 157 pre-cases that the Court handled in 2024 and projects to be closer to the total in 2023, when the Court received a total of 210 pre-case matters.



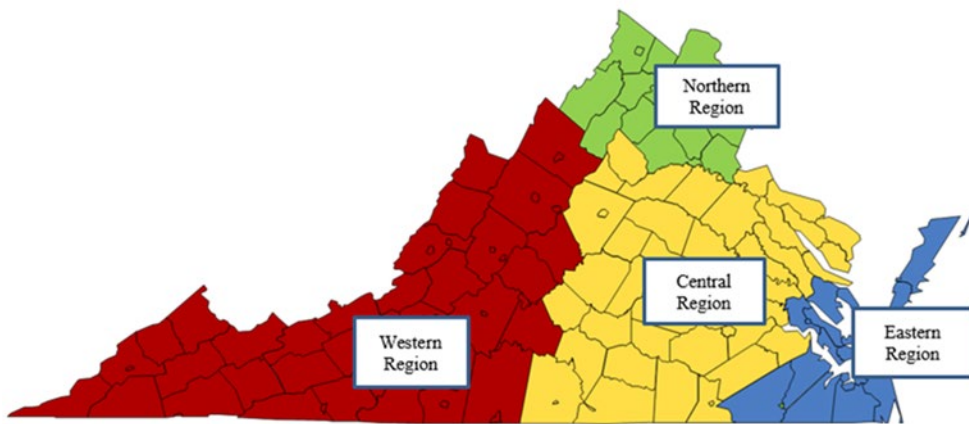
B. Case Types in 2025 compared to 2022–2024

Currently, the two largest categories of appeal case types, ‘civil’ and ‘criminal of right,’ comprise over 80% of the annual case intake. In 2025, the Court experienced a small but noticeable increase in domestic appeals. The monthly average of new domestic appeals is 19.6 in 2025, compared to just over 16.8 new domestic cases a month in the first three years of expanded jurisdiction. This year, the Court received an average of 60 civil appeals per month

compared to the average of about 51 per month in the previous three years. Criminal appeals have remained consistent at around 90 new appeals per month.

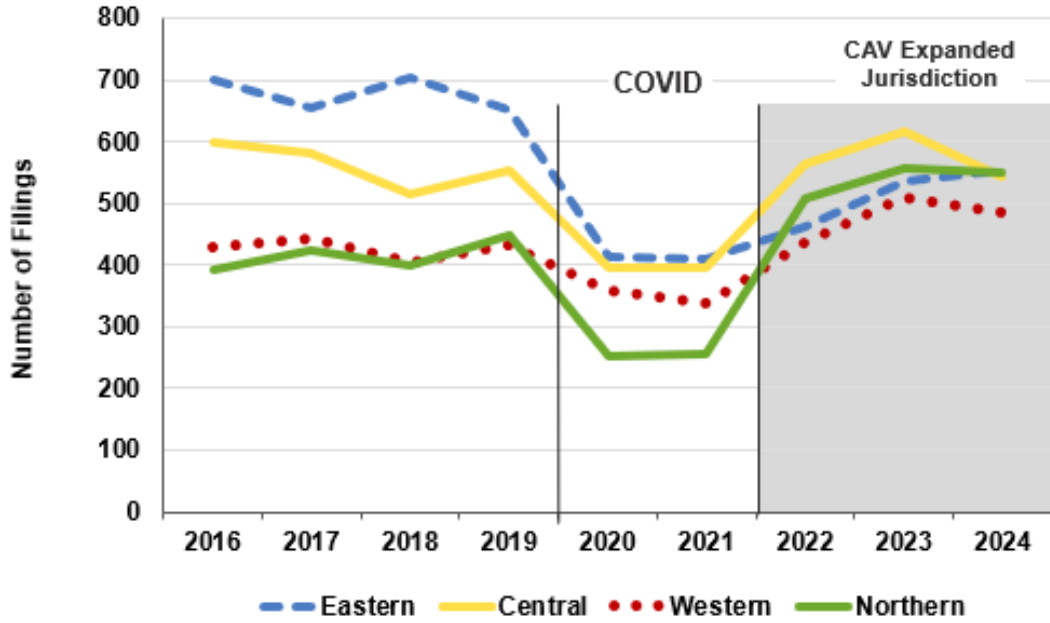


C. Regional Numbers in 2025

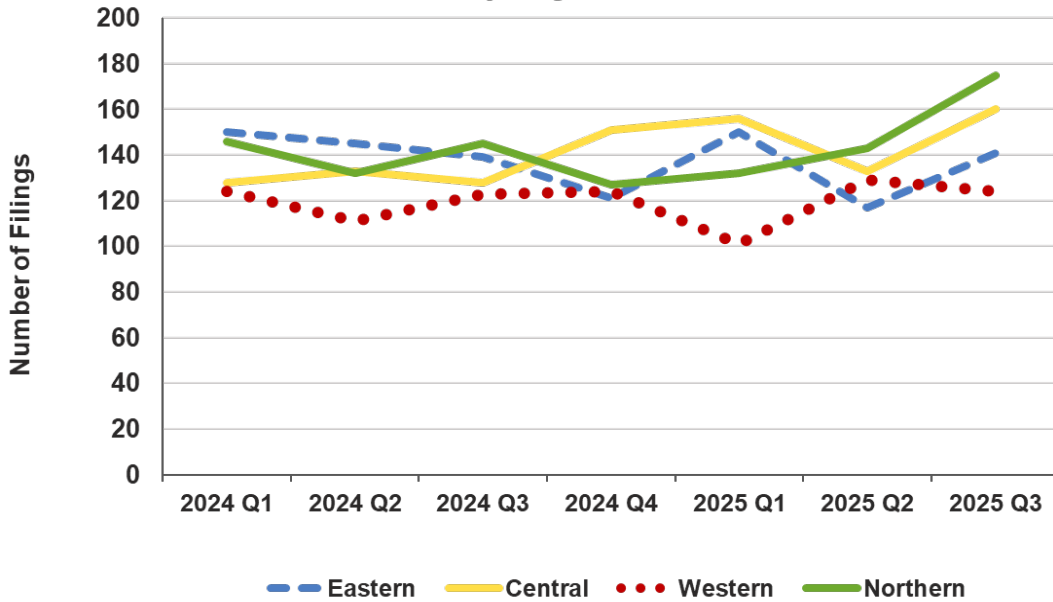


Regionally, the case intake numbers have established a consistent level of parity compared to before expanded jurisdiction. Due to the increase in civil appeals, which comprise about 30% of the Court’s annual docket, the Northern Region now has the highest intake of the four regions (557 cases). The Central Region, which generates the most appeals, has remained steady compared to 2024, and the Eastern Region has seen a slight drop from 2024. The Western Region consistently has the fewest number of new appeals.

**Court of Appeals Filings, Jan 2016 – Dec 2024
by Region**



**Court of Appeals Filings, Jan 2024 – Sep 2025
by Region**



Year	Region	Total	Criminal	Civil	Domestic	WCC	Other
2025 (JAN- SEP)	East	408	243	103	32	12	18
	Central	449	249	118	43	17	22
	West	354	209	82	33	6	24
	North	450	119	230	69	12	20
	All	1,661	820	533	177	47	84

Year	Total	Criminal	Civil	Domestic	WCC	Other
2025 (Projected)	2,215	1,093	711	236	63	112

Year	Region	Total	Criminal	Civil	Domestic	WCC	Other
2022 - 2024	East	1,555	953	348	92	45	117
	Central	1,724	929	461	119	54	161
	West	1,426	820	309	148	33	116
	North	1,614	483	747	249	47	88
	All	6,319	3,185	1,865	608	179	482

Year	Total	Criminal	Civil	Domestic	WCC	Other
2022-2024 Year Avg.	2,106	1,061	621	203	60	161

Note: As seen in the table above projections of the 2025 new cases trend higher than the three-year average in all cases categories except “Other.” The increase is most significant for the “civil” case category in which new cases will top the average by about 90 cases.

The factors that affect how efficiently cases move through the Court in turn affects how quickly they are available to fill the yearly stock of 12 dockets for each of the four regions. Appendix 2 provides a look at some of the factors that the Virginia Criminal Sentencing Commission found impact the Court’s workload metrics.⁵

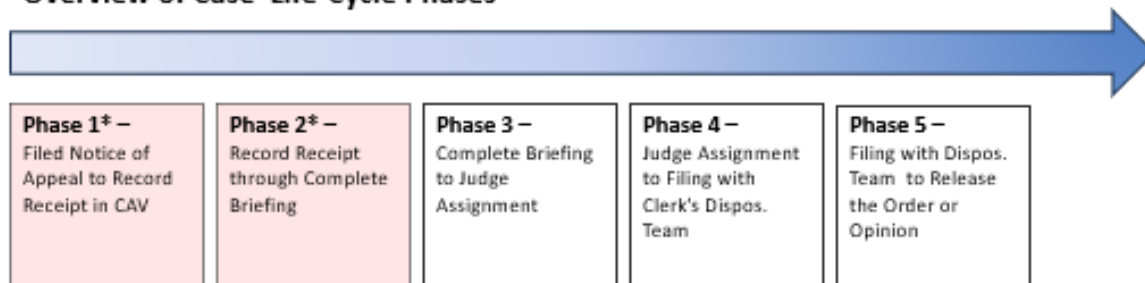
⁵ Appendix 2, *infra*, pages 47-49.

V. Understanding the Typical Life Cycle of Appeals of Right

A. Overview of the Case Life Cycle Phases

Over 95% of cases the Court receives are appeals of right and typically proceed in five phases.⁶ The first two phases encompass the acts of initiating an appeal, the Court's receipt of the case record from the lower tribunal, and the filing of the party briefs. The third phase is the initial review of the case by CSA and the assignment of the appeal to a panel of judges. The fourth phase is chambers review and the drafting of a decisional order or opinion.⁷ The final phase starts with the filing of a final order or opinion with the Clerk's Office Dispositions Team and concludes with the release of the decision. The following sections detail these phases, the teams involved in the respective portion of the appeal life cycle, and some trends the Court has observed in reviewing the 2025 data.

Overview of Case Life-Cycle Phases



B. Case Administration and Records Intake (Phases 1 and 2)

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. 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. This team notifies litigants of the receipt of a record, which initiated the briefing schedule and provides them with a digital copy of electronically submitted records.

⁶ The progression for certain cases can be complicated. Cases that are initiated by a petition or are one of the limited types of original jurisdiction cases heard by the Court (such as actual innocence cases), have a different flow through the Court.

⁷ The fourth phase also includes the timeframe in which appeals have been assigned to chambers for review and are awaiting a scheduled oral argument at a regional argument panel.

The Court's legacy case management system (ACMS) provides data on when a complete record from a lower tribunal is received. But the system does not reflect how often the record is incomplete and needs to be resent from the lower tribunal to this Court. Paper records also create a blind spot in data measurement for this stage of case life. The fact that a case has a paper record is recorded in ACMS and its location can be tracked as it moves through different divisions within the Court, but there is no digital measure of how large the file is.

Regardless of whether a record comes to the Court as an electronic file or as a physical paper record, compliance and completeness of the record is key. The teams that process and review records and briefing often must request updates to the record from lower tribunals or correspond with parties (especially pro se filers) to ensure compliance with the Court's briefing rules.

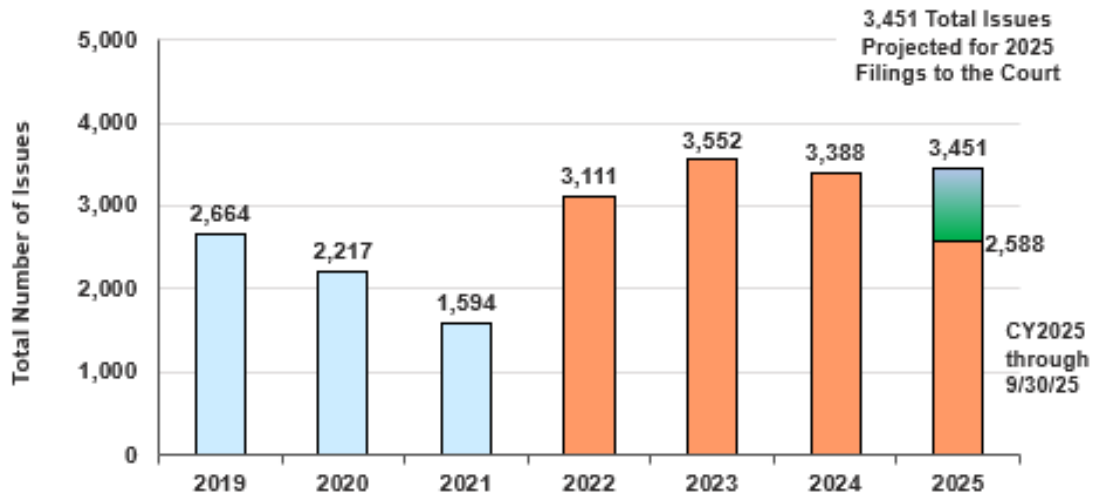
C. Review with the Chief Staff Attorney's Office and Panel Assignment (Phase 3)

1. Chief Staff Attorney's Office Analysis

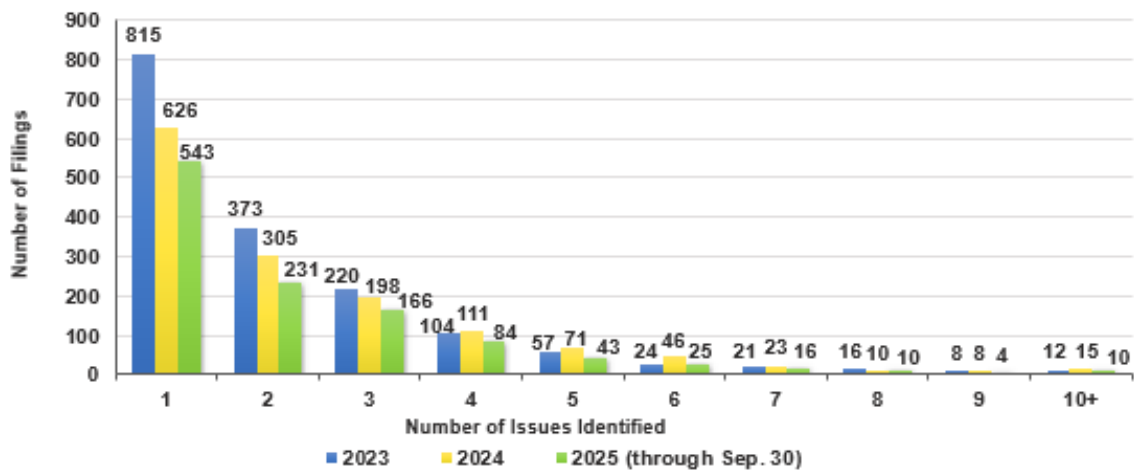
CSA is organized into six teams with primary focus areas, although each staff attorney may work on any subject matter. The teams are: the Actual Innocence/Original Jurisdiction Team, Civil Teams A and B, Criminal Teams A and B, and the Senior Judge/Utility Team. Each team is led by a Senior Staff Attorney who reports to the Chief Staff Attorney. CSA also has a specialized Senior Staff Attorney who addresses motions and works closely with the Clerk's Office Motions team. CSA has made several internal promotions in the past two years, which fosters career development and staff retention. CSA worked diligently to recruit attorneys to fill the additional positions funded in the 2024 Appropriation Act and created a second Civil Team to address caseloads.

For each case or matter assigned, CSA reviews the entire record for completeness and to ensure compliance with all filing deadlines. CSA also reviews the briefs to ensure compliance with the Court's procedural rules. Cases with compliance failings are often referred back to the Clerk's Office for corrections. The staff attorneys then conduct legal research and analyze the legal and procedural issues presented in each filing and draft initial work products of varying types for the panels. In addition, CSA staffs the Court's Senior Judges, who do not have their own law clerks. Considering recent trends, CSA will review slightly more issues in 2025 than it did in 2024, and will assist Senior Judges sitting on nine argument panels.

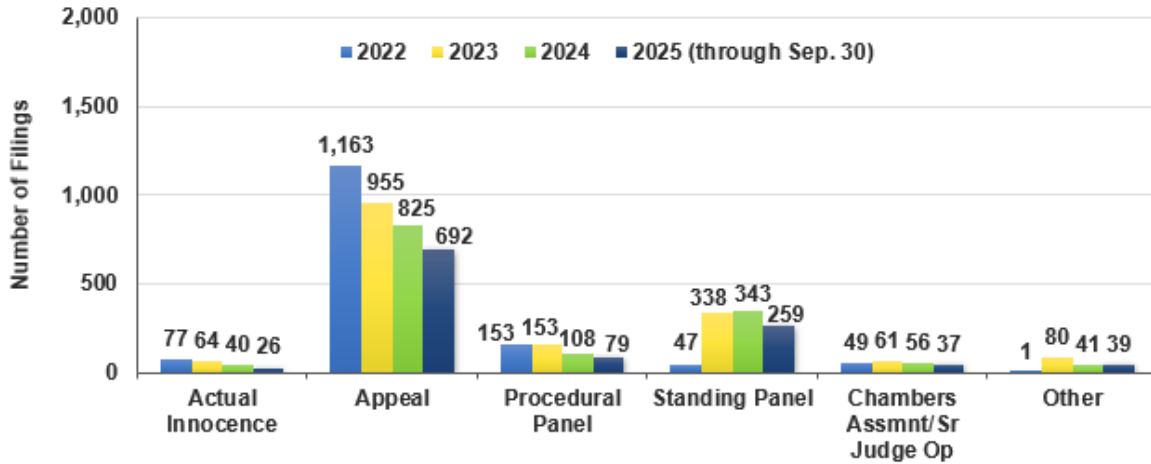
Total Number of Issues Presented in Filings 2020-2025 (through 9/30/2025)



Number of Filings Referred to CSA, 2023-2025 (through 9/30/2025) by Number of Issues Identified



**Number of Filings Referred to CSA, Jan 2022 – Sep 2025
by Classification**



CSA’s workload reflects a broad array of issues that the staff must analyze and assess to prepare work product for the Court’s judges. Additionally, the office reviews, advises, and assists chambers on a variety of complex and substantive motions, an area of exponential growth since the jurisdiction change. The Chief Staff Attorney has restructured the office to address these new realities. As a result, CSA has reviewed more cases and produced more work product this year, sending nearly 900 cases to the argument panels and sending more no-oral cases to expedited panels than in 2023 or 2024.

	Total	Panel Unanimously Agreed No Oral Argument was Necessary
2023 No Oral Assignments	218	212

	Total	Panel Unanimously Agreed No Oral Argument was Necessary
2024 No Oral Assignments	242	241

	Total	Panel Unanimously Agreed No Oral Argument was Necessary
2025 No Oral Assignments	254	251*

*Not all 2025 assignments have been decided.

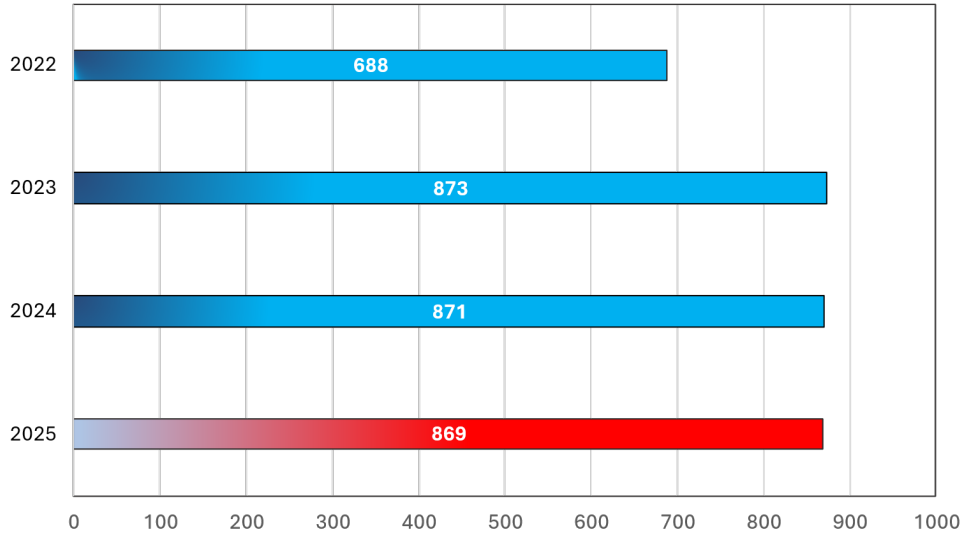
Note: Cases assigned are not summarily affirmed. Judges on these panels may still determine that oral argument is necessary. And all cases result in reasoned opinions or orders addressing the issues.

2. Docketing

The Clerk’s Office Dockets Team assigns cases to panels for oral argument. Once a case is released by CSA after its review and recommendation, the Dockets Team assigns the case to the next available panel in the region where the case originated. The Dockets Team manages the scheduling and logistics for argument panels, which are held across the Commonwealth. In doing so, this team sends scheduling notices to the parties/counsel, manages continuance requests, coordinates virtual arguments, and maintains oral argument recordings.

The Court has been successful in filling regional argument panel assignments since 2023. In 2025, the regional argument panels were once again filled, with 869 cases assigned to the 48 panels.

Cases Assigned to Argument Panel 2022- 2025



Note: A few panels since 2023 have had total assignments reduced due to cases with extremely voluminous records, especially in the Northern Region. This trend continued in 2025 and is anticipated to do so in 2026.

D. Judicial Chambers Review (Phase 4)

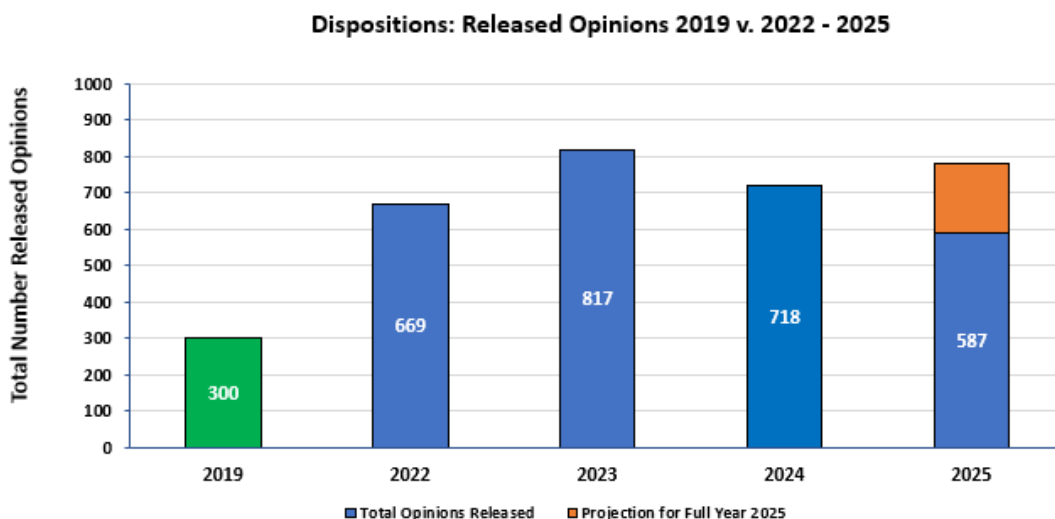
The fourth phase of the appeal life cycle takes place while cases are with chambers. After an appeal is assigned, judges and their staff review the briefs and record and any accompanying work that was produced by CSA. This phase includes oral argument, the decision process of a panel, and approval of the disposition order or opinion. If a case generates a dissent or concurrence, that drafting and review process also occurs in phase four.

Almost 900 cases a year are assigned to Judicial Chambers for the 48 argument panels. Additional cases are assigned to chambers for expedited panel review. Most assignments routinely come through CSA. Additionally, some motions assignments are sent directly to chambers from the Clerk’s Office Motions Team.

The Court is improving case flow through chambers by utilizing Code § 17.1-403(ii) to decide a case without oral argument where appropriate. Additionally, the increased practice of hearing oral argument before the scheduled panel date in “fast track” cases, such as appeals regarding termination of parental rights (TPR) or protective orders is helping attain final decisions more quickly in time sensitive appeals. The workload metrics study confirmed that these fast-track cases move through the appeals process very efficiently.

E. Dispositions (Phase 5)

The Dispositions & Actual Innocence Team⁸ reviews and 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. The 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, which is an order summarizing the disposition to notify the lower tribunal of the Court’s decision.



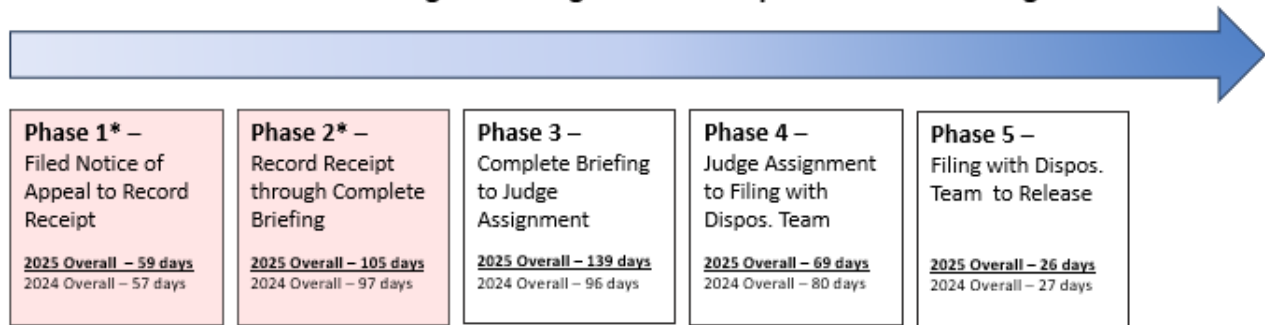
To date in 2025, the Court has released 587 opinions. This trend suggests that the Court will release about 780 opinions for the year.

⁸ Most of the work completed by the Dispositions & Writ of Actual Innocence Team is in the final phase of an appeal’s case life. This team includes specialists who, in addition to their duties of reviewing opinions and orders, also obtain records from the circuit courts related to 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, those specialists review and issue interlocutory and dispositional orders regarding actual innocence filings. These additional duties are associated with the first two phases of case life.

VI. Some Factors that Affect Case Life

In 2025 the overall average case life increased and there are legitimate explanations for the longer timeframe. But, there are encouraging signs that the trend is improving. The average time cases remained with Chambers decreased in 2025. And a review of internal records show that the average time cases were with CSA improved to an average of under 50 days in September and that trend appears to be continuing through the year. The Clerk’s Office Dispositions Team is also seeing positive trends in efficiency. At the end of the reporting period cases are spending fewer than 10 days on average with that team, with recent reports showing further improvement. These trends in the Court’s three divisions bode well for the case life average in 2026.

2025 Overview of Case Processing and Average Case-life in Specific Case Processing Phases



• **Note:** This Court has little control over the average case life of Phases 1 & 2, as those phases are significantly time dependent on the actions of the lower courts and parties. The “Phase” average includes all disposed cases that reached the described stage in case processing, including dismissed or incomplete appeals. A detailed table with a breakdown of how many cases were measured in each phase can be found in the Appendix.

Many different factors can affect average case life. Some factors increase case life while others reduce the average time the appeal remains with the Court. Certain factors have a more pronounced impact for different divisions or teams within the Court. For example, the teams involved in Phases 1 and 2 can be greatly affected by motions for an extension of time to file briefs. These phases are also prolonged when a litigant’s filings do not comply with the Rules of the Court. Additionally, the first phase can be prolonged if the lower tribunal fails to send a complete record to the Court, as happens often. Then this Court must communicate about missing portions and wait for the complete record to be filed.

The following sections review some of the factors that can impact average case life, including appeals filed by pro se litigants, the Court’s motions practice, the judges use of Code § 17.1-403(ii) to dispense with oral argument, and the inclusion of separate opinions in the Court’s final dispositions.

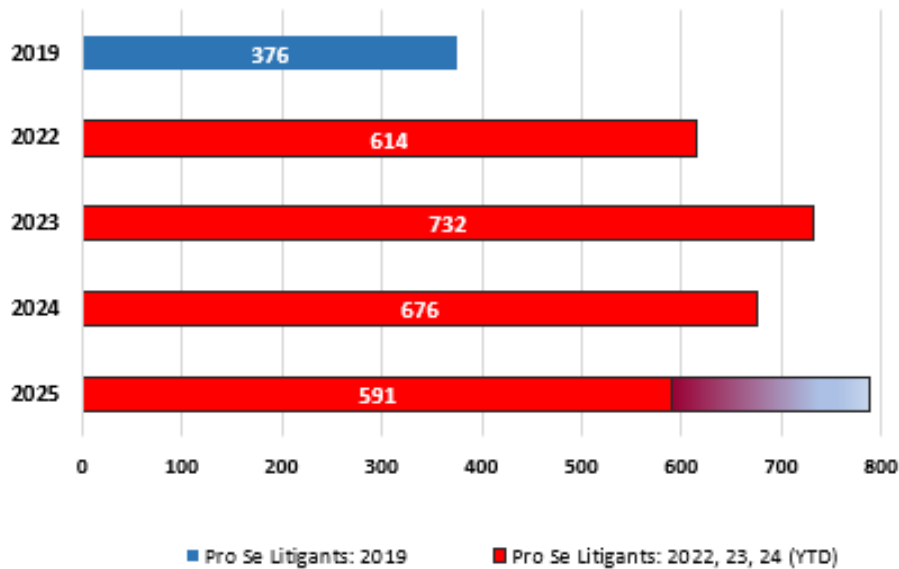
A. Pro Se Litigants

The number of pro se litigants, particularly in civil cases, has significantly increased during the expanded jurisdiction period. Many pro se cases are procedurally dismissed or

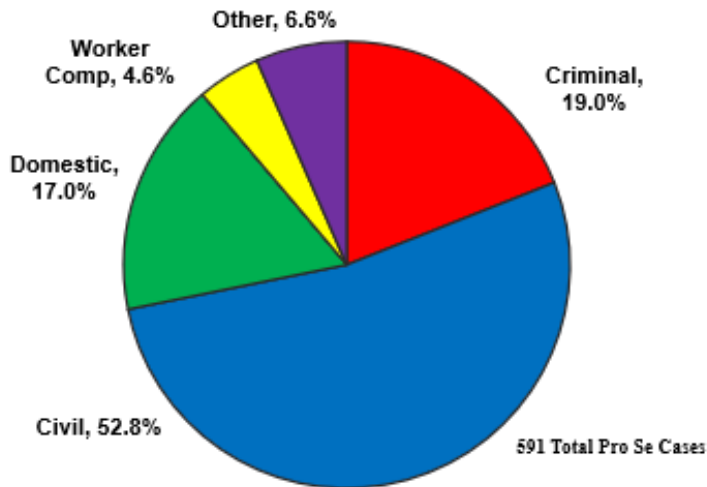
decided without oral argument, so most of these appeals have a shorter *overall* case life. Still, working with and responding to pro se litigants can be very time consuming in the first three phases of case life for Clerk’s Office Staff and the Chief Staff Attorney’s Office.

Through September 30, 2025, the Court has had 591 cases with pro se parties, which projects to 788 cases over the course of the year. Most of the appeals involving pro se parties are civil appeals, and most civil appeals have at least one pro se party. With the high percentage of civil cases including a pro se party, over half of all Northern Region cases filed in 2025 included at least on pro se litigant.

Pro Se Litigants In Appeals: 2019, 2022 - 2025

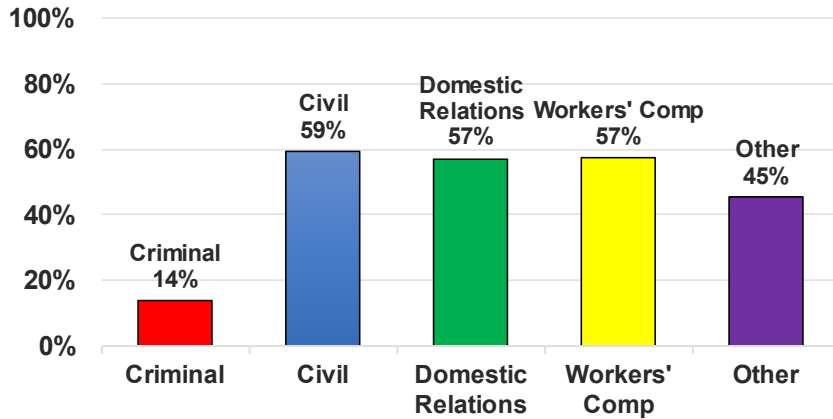


2025 Pro Se Cases - Case Type Breakdown



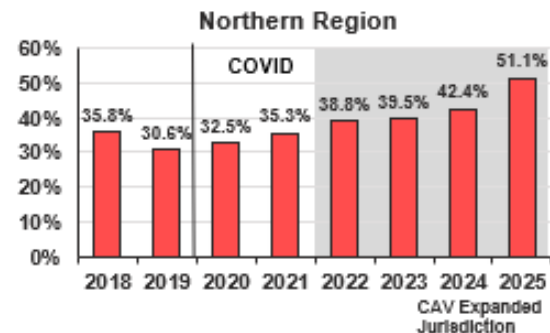
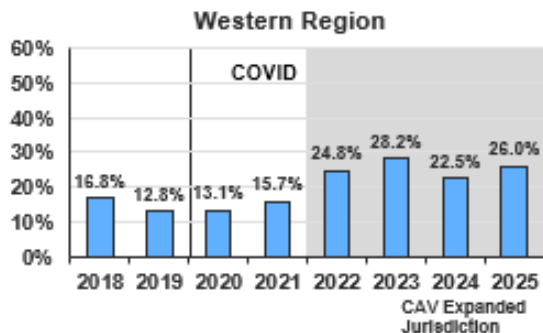
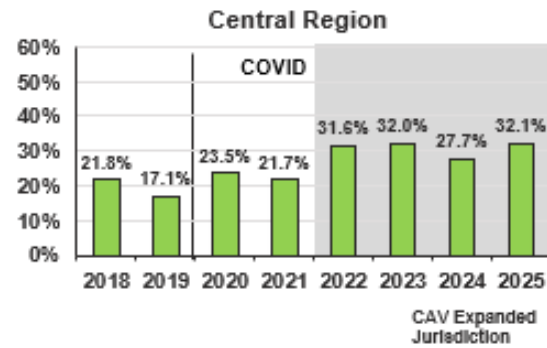
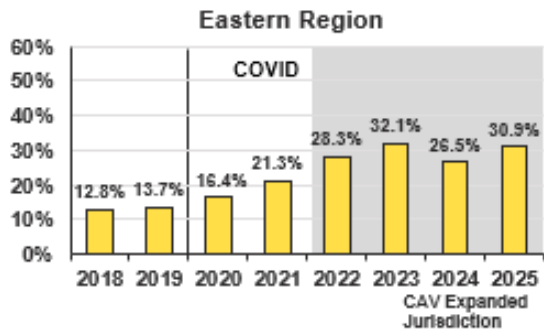
2025 Percentage of Case Types with Pro Se Litigants

% of Cases with Pro Se Parties, by Case Category
2025 (through Sep. 30)



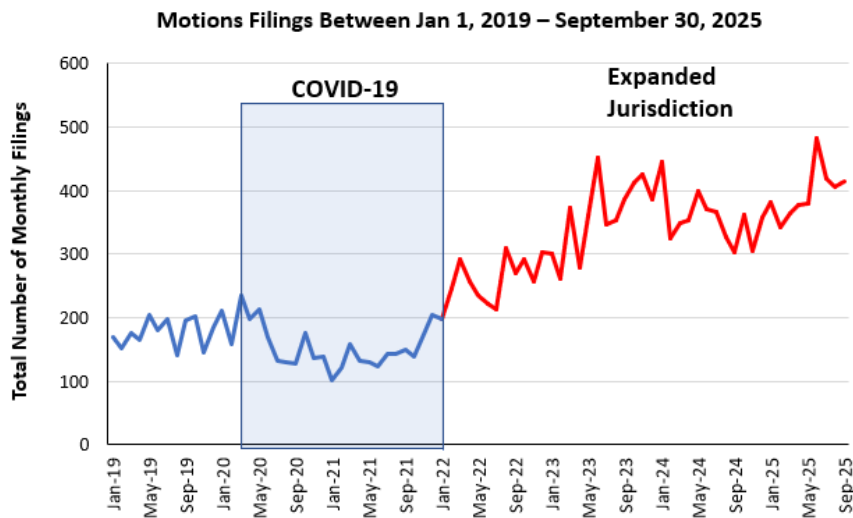
Pro Se Cases, 2018 – 2025
as Percentage of All Filings in Region

CY2025
through
9/30/25



B. Increased Motions Practice

The Court is on pace for about 4,800 motions this year.⁹ This is an average of about 400 motions per month, which will be the largest number of motions for the Court during its expanded jurisdiction years. Necessarily, the filing of a motion typically increases the case life for those cases in which they are filed.



Motions Filed by Associated Case Type 2019, 2022 - 2025

Year	Criminal*	Expanded Civil	Domestic Relations	All Other Categories	Total
2019	1,323	NA	497	290	2,110
2022	1,885	553	344	310	3,092
2023	2,169	1,166	591	411	4,337
2024	2,340	1,191	428	306	4,265
2025 (to 9/30)	1,906	1,023	384	251	3,564

* "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.

In both criminal and expanded civil cases, nearly half of all motions are for an extension of time. These motions are usually relatively routine to process but greatly affect the average case life of an appeal. The Court projects 2,165 motions for extension of time in 2025, the most such motions the Court has ever received.

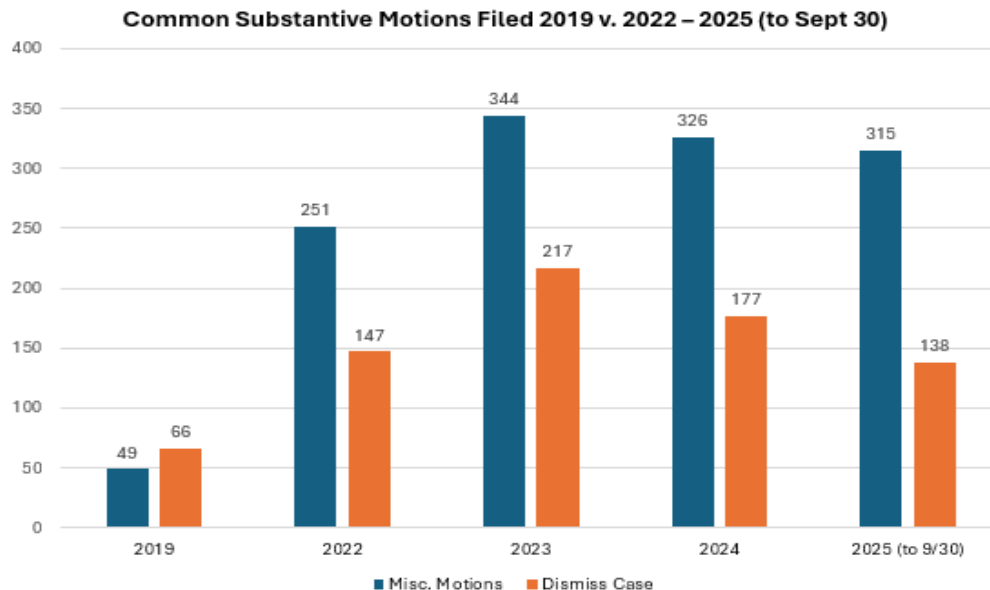
⁹ The decline in 2024 appears to be an aberration. Numbers in 2025 strongly suggest there will be an increase in motions this year.

Year	Motions for Extension Filed	Total Motions Filed	Percentage of Motions for Ext. of Time
2022	1,491	3,092	48.2%
2023	1,969	4,337	45.4%
2024	2,102	4,265	49.3%
2025 (to 9/30)	1,625	3,564	45.6%
Total	7,187	15,258	47.1%

Criminal cases averaged about two motions per case each year of expanded jurisdiction. This year that average has increased to 2.32 motions per case.

Year	Criminal Cases Filed	Total Criminal Motions	Avg. Motions/Case
2017	1,501	1,396	0.93/case
2018	1,470	1,333	0.91/case
2019	1,493	1,323	0.89/case
2022	959	1,885	1.97/case
2023	1,094	2,169	1.98/case
2024	1,130	2,340	2.07/case
2025 (to 9/30)	820	1,906	2.32/case

The number of case-dispositive motions, which involve a significant amount of review and analysis of the case record, is on track to be slightly higher than last year (the Court is projected to receive about 185 of these motions). “Miscellaneous” motions can also be substantive and challenging to process, though as the name suggests, some are just difficult to categorize.



Substantive motions are most common in civil or domestic appeals. As the subsequent chart demonstrates, motions for extension of time are the most common motions in the biggest

case categories. But litigants in civil and domestic appeals file “miscellaneous” motions and motions to “dismiss a case” at a higher rate than appellants in criminal cases.

Top 5 Motions Received By Case Type

Criminal by Right			Civil			Domestic		
Motion	Number	Percent of Total	Motion	Number	Percent of Total	Motion	Number	Percent of Total
Extension of Time	2476	58.1%	Extension of Time	830	37.5%	Extension of Time	280	34.5%
Anders	306	7.2%	Miscellaneous	295	13.3%	Miscellaneous	129	15.9%
Withdraw as Counsel	287	6.7%	Dismiss Case	186	8.4%	Dismiss Case	53	6.5%
Delayed Appeal	167	3.9%	Withdraw/Settle Preliminary Review Case	142	6.4%	Consolidate	36	4.4%
Miscellaneous	150	3.5%	Consolidate	67	3.0%	Withdraw/Settle Preliminary Review Case	33	4.1%

C. Panels’ Use of Code § 17.1-403(ii) to Dispense with Oral Argument

As discussed earlier, outside of en banc sessions of the Court, cases are decided by panels of three judges. Nearly 50% of cases that are not procedurally defaulted or dismissed receive oral argument. But the Court uses Code § 17.1-403(ii) in cases where the panel unanimously agrees that the case can be decided without oral argument. This in turn opens argument spaces for other cases.

In 2025, the number of cases that were identified for assignment to an expedited panel rose. Through September 30, 2025, 254 cases were assigned to the expedited panels. Some of these assigned cases included dispositive procedural defaults. Panels unanimously agreed that no oral argument was necessary in 251 of those cases. At the current pace, more than 300 cases will be assigned to these panels in 2025.

Identified 17.1-403(ii) Cases – 2025 Expedited Panels

	Total	Panel Unanimously Agreed No Oral Argument was Necessary
2025 No Oral Assignments	254	251*

* The remaining three cases were still awaiting decision from the panel at the time the internal records were submitted.

Argument panels also apply Code § 17.1-403(ii) to assigned cases they determine do not require oral argument based on the criteria found in subsections (a), (b), or (c).

This year, panels have foregone argument in cases that meet the statutory criteria at a higher rate than in the past. And since July 1, 2025, the panel judges have had the option to use the new subsection (c) of the statute, permitting the panel to decide a case without oral argument where “the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.”

Regional Breakdown of Identified 17.1-403(ii) Cases – 2025 Regional Argument Panels

Region	Total Cases Assigned	Cases ID'd as 17.1-403	17.1-403 Percentage
Eastern	214	97	45.3%
Central	220	78	35.5%
Western	216	93	43.1%
Northern	219	63	28.8%
Total	869	331	38.1%

It is premature to gauge the impact of Code § 17.1-403(ii)(c), but early data show that the judges are using the procedure. A review of the data through September 30 showed that argument panels had used subsection (c) to dispense with oral argument in 21 released opinions. Expedited panels have also used the new subsection in a total of 10 orders/opinions. Still, the early data shows that subsections (a) and (b) are used more often at this time.

Deciding cases without oral argument means that they are resolved quicker. Cases assigned to argument panels average 468 days with the Court. If the assigned case receives oral argument, the average is 494 days, while cases decided without oral argument are completed in 405 days.

Average Case Life for Cases Assigned to Region Panels - Average in Days			
Year	Regional Panel Assignments - Total	Regional Panel Assignments - Oral Argument	Regional Panel Assignments - No Oral
2022	314	325	275
2023	396	414	348
2024	440	466	375
2025	468	494	405

D. Separate Opinions and En Banc Sessions

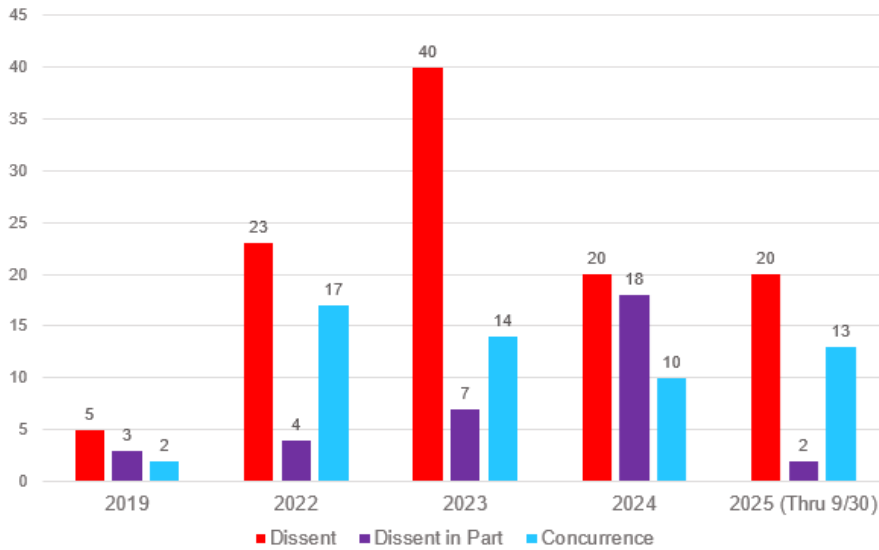
Dissents and concurrences add time to the drafting and review process with chambers. Dissents and concurrences add another step in drafting with the author of the majority opinion having the opportunity to respond to points made in the dissent or concurrence. This can become even more complicated and protracted with en banc opinions, which may have multiple dissents or concurrences, creating more steps in the response and review stage of drafting the Court's opinion.

Dissents and concurrences have become a feature in the Court's opinions since expanded jurisdiction. Separate opinions were relatively rare in the decade before expanded jurisdiction, with just 10 written in 2019. Thirty-five dissents and concurrences have been written and released in the first nine months of 2025. Of those 35 separate opinions, 9 were associated with 3 en banc opinions that each had multiple separate opinions. Based on the average, the Court expects that about 45 separate opinions will be released this year. It appears that the total

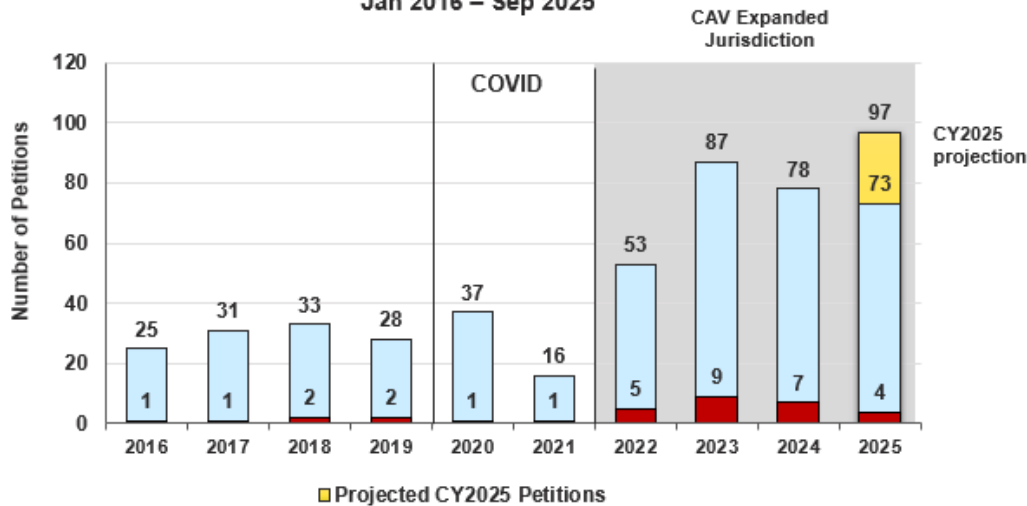
number of dissents (including dissents in part) will be fewer than last year, while the number of concurrences will increase.

Petitions for rehearing en banc have increased since expanded jurisdiction. The total number of granted petitions has also increased but represents a small percentage of petitions filed. A higher number of dissents affects the total number of granted en banc petitions. When an opinion includes a dissent, it is only necessary to have six votes to grant the petition. *See* Code § 17.1-402(D).

**Judges Writing Separately to Dissent or Concur in Opinions
2019 v. Expanded Jurisdiction Years 2022 - 2025**



**Number of Petitions for Rehearing En Banc
Jan 2016 – Sep 2025**



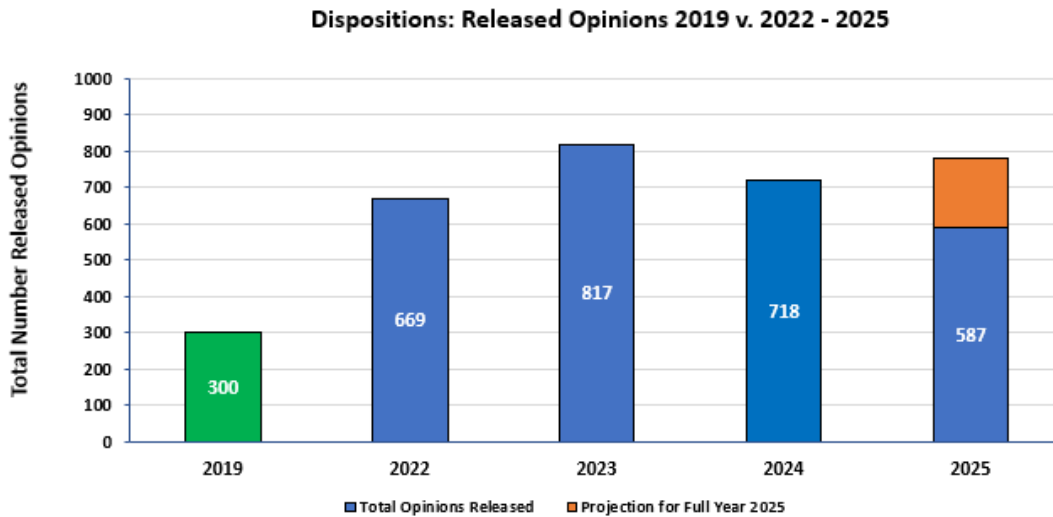
While petitions to have a case reheard en banc are up since 2022, the grant rates generally remain low. So far in 2025, the Court has granted only 4 of the 73 petitions for rehearing en banc (about 5% of the petitions filed).

Despite their infrequency, a panel or en banc rehearing necessarily increases the life of a case. Cases that are reheard by the full Court have a new briefing schedule and typically are scheduled for oral argument.¹⁰ During the briefing phase the case life is once again largely out of the control of the Court and can be affected by party motions that delay the hearing of the case. With a rehearing en banc, a case is scheduled for an en banc session that occurs months after the judges grant a rehearing. Moreover, when the full Court rehears an appeal there can be separate opinions. Drafting, coordinating, and finalizing multiple opinions often takes longer than the Court’s standard benchmark for issuing opinions.

VII. The Court’s Decisions

A. Dispositions of the Court

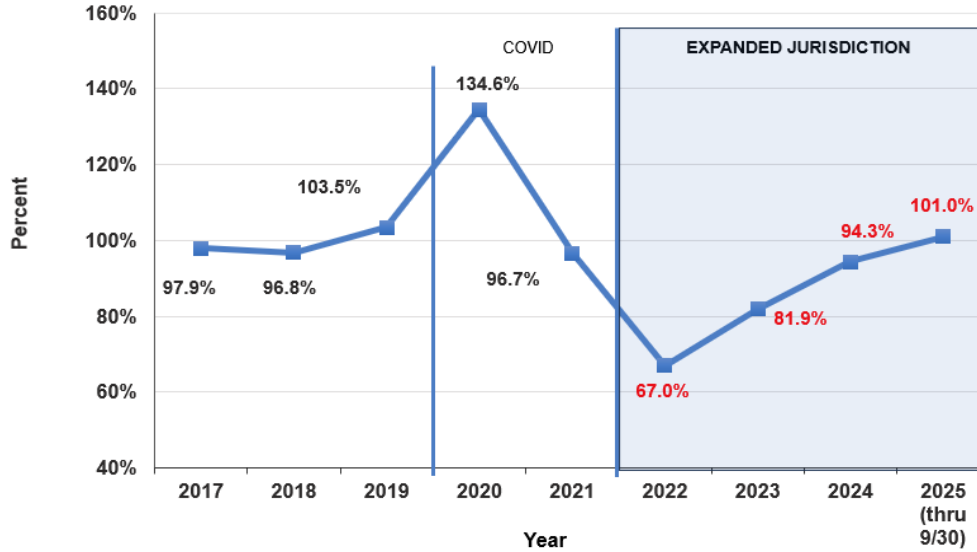
To date in 2025, the Court has released 587 opinions. This trend suggests that the Court will release about 780 opinions for the year.



The Court measures its case clearance rate by comparing the number of new cases filed with the number of dispositions issued over a given period of time. Before expanded jurisdiction, the Court maintained a yearly clearance rate close to 100% and has aspired to maintain that clearance level. The rate dropped when the Court’s jurisdiction expanded but total dispositions increased steadily over the first three years of expanded jurisdiction. In 2025, the Court has a clearance rate of 101% through the first nine months of this year.

¹⁰ See Rule 5A:35 “Procedure for Rehearing.”

**Court of Appeals Clearance Rate,
2017 – 2025**



A significant development since expanded jurisdiction is the increase in the total number of reversals and partial reversals of the lower tribunals. The overall affirmance rate has dropped from 89.5% in 2022 to 82.6% in 2025. The affirmance rate in published opinions sits at just under 65% in 2025. The affirmance rates for unpublished opinions also declined to 85.8%.

2019 and 2022 - 2025 Affirmance Rates for Opinions:

Totals from 2019 and 2022- 2025

Year	Total	Aff'd	Aff'd %	Rev.	Rev. Part
2025 (to 9/30)	587	485	82.6 %	65	37
2024	718	615	85.7 %	72	31
2023	818	733	89.6 %	60	25
2022	669	599	89.5 %	46	24
2019	300	254	84.6 %	37	9

Published Opinions

Year	Total	Aff'd	Aff'd %	Rev.	Rev. Part
2025 (to 9/30)	87	56	64.4 %	16	15
2024	138	94	68.1 %	35	9
2023	103	73	70.9 %	20	10
2022	80	51	63.8 %	18	11
2019	77	63	81.8 %	10	4

Unpublished Opinions

Year	Total	Aff'd	Aff'd %	Rev.	Rev. Part
2025 (to 9/30)	500	429	85.8 %	49	22
2024	580	521	89.8 %	37	22
2023	715	660	92.3 %	40	15
2022	589	548	93.0 %	28	13
2019	223	191	85.7 %	27	5

B. Appeals to the Supreme Court of Virginia

In 2025, parties have filed 496 notices of appeal to take a case decided by this Court to the Supreme Court. Only 32 petitions have been granted by the Supreme Court, so the grant rate for full argument this year was 6.5%, (about the same as in 2024 (6.7%)). Given the low grant rate, and the fact that many of the Court’s decisions are not appealed to the Supreme Court, the Court of Appeals is issuing the final appellate decision in most cases.

Year	Total SCV Notices of Appeal (SCV NOA)	SCV NOA in Criminal Cases	SCV NOA in Expanded Civil Cases
2025 (to 9/30)	496	354	97
2024	673	425	128
2023	633	430	116
2022	451	355	13
2019	949	881	-

Year	Total SCV Notices of Appeal (SCV NOA)	SCV Petitions Granted	% Petitions Granted/SCV NOA
2025 (to 9/30)	496	32	6.5%
2024	673	45	6.7%
2023	633	23	3.6%
2022	451	7	1.6%
2019	949	31	3.3%

C. Affirmance Rate of the Court’s Decisions

This year, the Supreme Court has resolved 29 cases involving appeals from this Court, roughly the same pace as last year. So far, the Court has been affirmed in 14 of the decisions (48%), which is on par with recent years. The 15 appeals in which the Court was reversed or reversed in part by the Supreme Court represents a small percentage of the total number of cases that were appealed last year, only 2.2% (15 reversed compared to the 673 appealed).

Year	Granted CAV Cases Resolved	Total Affirmances (Full Affirmance)	Affirmance Rate
2025 (to 9/30)	29	14	48%
2024	35	17	48%
2023	11	6	55%
2022	15	8	53%
2019	40	20	50%

VIII. What is Next for the Court: Lessons from Expanded Jurisdiction

Reviewing the 2025 statistics and trends illuminates some of the challenges faced and met in the past four years. There have been marked successes during this period of significant change. The Court now uses expedited panels to review cases that may be decided without oral argument under Code § 17.1-403, or those cases which have a procedural bar that prevents consideration of any of the issues presented. The use of expedited panels has more efficiently moved cases through the appellate process. These panels have provided the parties with finality in this Court in a more efficient manner. Further, the steps taken to expedite review and argument for appeals that have been identified by statute as matters that require priority on the Court's dockets has been very successful and has reduced the average case life of that category of appeals.

Additionally, with the help of staffing increases approved by the General Assembly, the Court has largely addressed the early clearance rate issues and is now seeing its case inventory begin to decrease. 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 criminal and civil merit 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.

Challenges remain for the Court in the coming years. Even so, the Court has begun to modernize its legacy case management system, which has myriad technological shortcomings. The current legacy system impedes the Court's ability to work more efficiently and accurately track case information from an appeal's beginning to end. The Court will collaborate with the Supreme Court of Virginia and the Department of Judicial Information Technology to permit integrated electronic filing, increased public access, and enhance the Court's ability to better serve the public.

Appendix 1
Court History: Past Judges and Leadership

Judges of the Court of Appeals of Virginia

1. E. Ballard Baker of Henrico (January 1985 – March 1985)
2. Joseph E. Baker of Norfolk (January 1985 – July 1998)
3. Bernard G. Barrow of Virginia Beach (January 1985 – March 1995)
4. James W. Benton, Jr. of Richmond (January 1985 – October 2007)
5. Sam W. Coleman III of Gate City (January 1985 – December 2000)
6. Charles H. Duff of Arlington (January 1985 - August 1992)
7. William H. Hodges of Chesapeake (January 1985 – October 1989)
8. Barbara M. Keenan of Fairfax (January 1985 – July 1991)
9. Lawrence L. Koontz, Jr. of Salem (January 1985 - August 1995)
10. Norman K. Moon of Lynchburg (January 1985 – November 1997)
11. Marvin F. Cole of Richmond (succeeded Judge Ballard Baker; March 1985 – April 1991)
12. Jere M.H. Willis, Jr. of Fredericksburg (succeeded Judge Hodges; November 1989 – August 2002)
13. Larry G. Elder of Dinwiddie (succeeded Judge Cole; May 1991 – September 2013)
14. Richard S. Bray of Portsmouth (succeeded Judge Keenan; July 1991 – September 2002)
15. Johanna L. Fitzpatrick of Fairfax (succeeded Judge Duff; September 1992 – March 2006)
16. Rosemarie Annunziata of Fairfax (succeeded Judge Barrow; June 1995 – December 2004)
17. Nelson T. Overton of Hampton (succeeded Judge Koontz; September 1995 – March 1999)
18. Rudolph Bumgardner, III of Staunton (succeeded Judge Moon; November 1997 – December 2005)
19. Donald W. Lemons of Richmond (succeeded Judge Joseph Baker; August 1998 – March 2000)
20. Robert P. Frank of Newport News (succeeded Judge Overton; April 1999 – December 2014)
21. Robert J. Humphreys of Virginia Beach (succeeded Judge Lemons; April 2000 – December 2023)
22. Jean Harrison Clements of Leesburg (additional seat created March 2000; July 2000 – December 2008)
23. G. Steven Agee of Salem (succeeded Judge Coleman; January 2002 – March 2003)
24. Walter S. Felton, Jr. of Williamsburg (succeeded Judge Willis; September 2002 – December 2014)
25. D. Arthur Kelsey of Suffolk (succeeded Judge Bray; September 2002 – February 2015)
26. Elizabeth A. McClanahan of Abingdon (succeeded Judge Agee; April 2003 – August 2011)
27. James W. Haley, Jr. of Stafford (succeeded Judge Annunziata; February 2005 – March 2012)
28. William G. Petty of Lynchburg (succeeded Judge Bumgardner; March 2006 – November 2021)
29. Randolph A. Beales of Mecklenburg and Henrico (succeeded Judge Fitzpatrick; April 2006 – present)
30. LeRoy F. Millette, Jr. of Manassas (succeeded Judge Benton; December 2007 – August 2008)
31. Cleo E. Powell of Chesterfield (succeeded Judge Millette; September 2008 – August 2011)
32. Rossie D. Alston, Jr. of Manassas (succeeded Judge Clements; March 2009 – June 2019)
33. Stephen R. McCullough of Fredericksburg (succeeded Judge McClanahan; August 2011–March 2016)
34. Glen A. Huff of Virginia Beach (succeeded Judge Powell; August 2011 – December 2024)
35. Teresa M. Chafin of Lebanon (succeeded Judge Haley; June 2012 – September 2019)
36. Marla Graff Decker of Henrico (succeeded Judge Elder; November 2013 – present)
37. Mary Grace O'Brien of Prince William (succeeded Judge Felton; February 2015 – present)
38. Wesley G. Russell, Jr. of Henrico (succeeded Judge Kelsey; February 2015 – July 2022)
39. Richard Y. AtLee, Jr. of York (succeeded Judge Frank; February 2015 – present)
40. Mary Bennett Malveaux of Henrico (succeeded Judge McCullough; April 2016 – present)
41. Clifford L. Athey, Jr. of Front Royal (succeeded Judge Chafin; September 2019 – present)
42. Junius P. Fulton, III of Norfolk (succeeded Judge Alston; March 2021- present)
43. Daniel E. Ortiz of Fairfax (additional seat created March 2021; September 2021- present)
44. Doris Henderson Causey of Henrico (additional seat created March 2021; September 2021- present)
45. Frank K. Friedman of Roanoke (additional seat created March 2021; September 2021- present)
46. Vernida A. Chaney of Alexandria (additional seat created March 2021; September 2021- present)
47. Stuart A. Raphael of Arlington (additional seat created March 2021; September 2021- present)
48. Lisa M. Lorish of Charlottesville (additional seat created March 2021; September 2021- present)

49. Dominique A. Callins of Warren (succeeded Judge Petty; November 2021- present)
50. Kimberley Slayton White of Halifax (succeeded Judge Russell; July 2022- present)
51. Steven C. Frucci of Virginia Beach (succeeded Judge Humphreys; March 2024- present)
52. David Bernhard of Fairfax (succeeded Judge Huff; January 2025 – present)
53. Kevin M. Duffan of Virginia Beach (Elect) (succeeds Judge Fulton on January 1, 2026)

Chief Judges of the Court of Appeals of Virginia

1. Ballard Baker, January 1985 – March 1985
2. Lawrence L. Koontz, Jr., April 1985 – April 1993
3. Norman K. Moon, May 1993 – November 1997
4. Johanna L. Fitzpatrick, November 1997 – March 2006
5. Walter S. Felton, Jr., April 2006 – December 31, 2014
6. Glen A. Huff, January 1, 2015 – December 31, 2018
7. Marla Graff Decker, January 1, 2019 – present

Clerks of the Court for the Court of Appeals of Virginia

1. David B. Beach, January 1985 – June 1989
2. Patricia G. Davis, July 1989 – August 1993
3. Richard R. James, January 1994 – December 1995
4. Cynthia L. McCoy, January 1996 – August 2021
5. A. John Vollino, September 2021 – present.

Chief Staff Attorneys of the Court of Appeals of Virginia

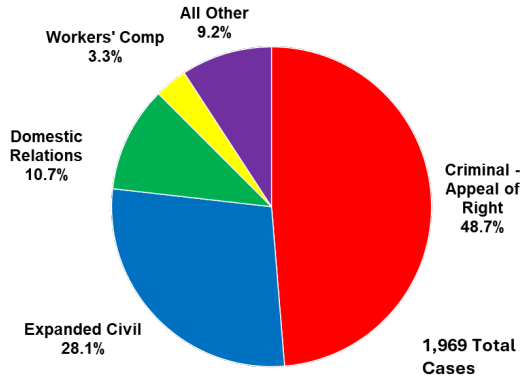
1. Robert L. Bixby, August 1987 – June 1990
2. John T. Tucker, III, July 1990 – January 2018
3. Alice T. Armstrong, February 1, 2018 – present

Appendix 2

Court Workflow Charts

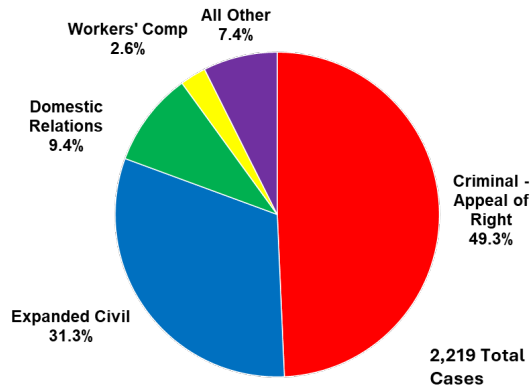
Yearly Breakdown of Intake Numbers During the First Three
Years of Expanded Jurisdiction

**Court of Appeals New Cases Filed - 2022
by Case Category
STATEWIDE**



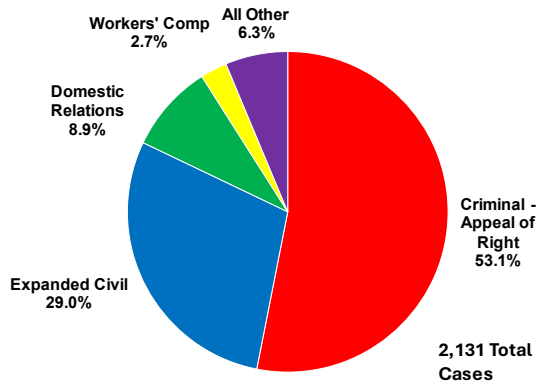
Category	Number	Percentage
Criminal – Of Right	959	48.7
Civil – Of Right	553	28.1
Domestic Relations	211	10.7
Workers' Compensation	64	3.3
All Others	182	9.2
Total	1,969	100

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



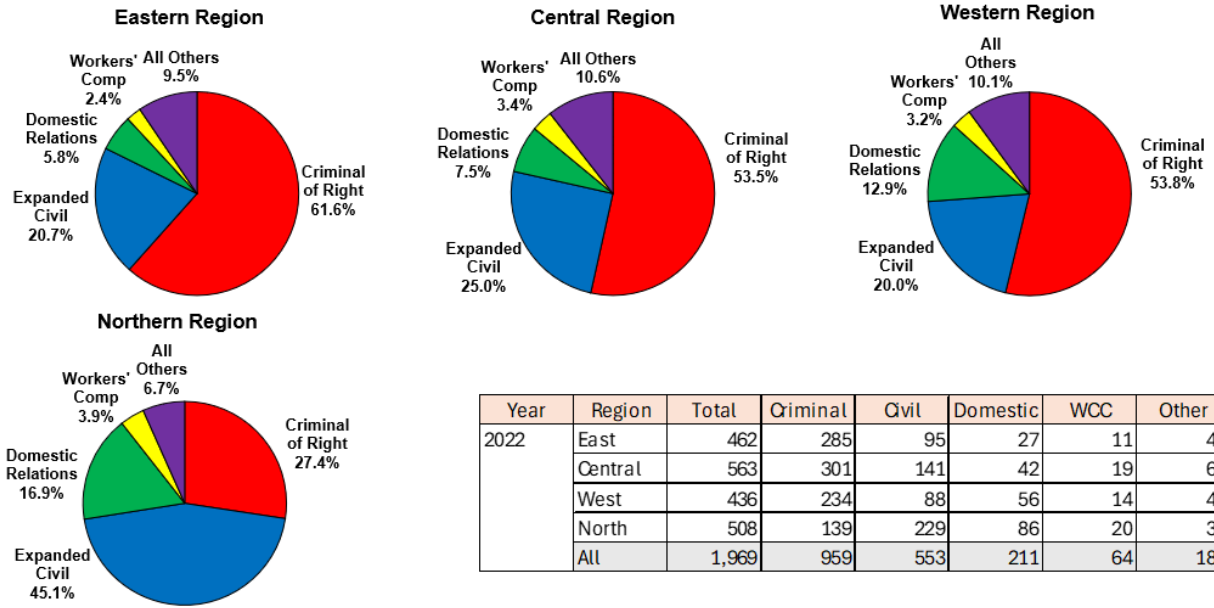
Category	Number	Percentage
Criminal – Of Right	1,094	49.3
Civil – Of Right	694	31.3
Domestic Relations	208	9.4
Workers' Compensation	58	2.6
All Others	165	7.4
Total	2,219	100

**Court of Appeals New Cases Filed - 2024
by Case Category
STATEWIDE**

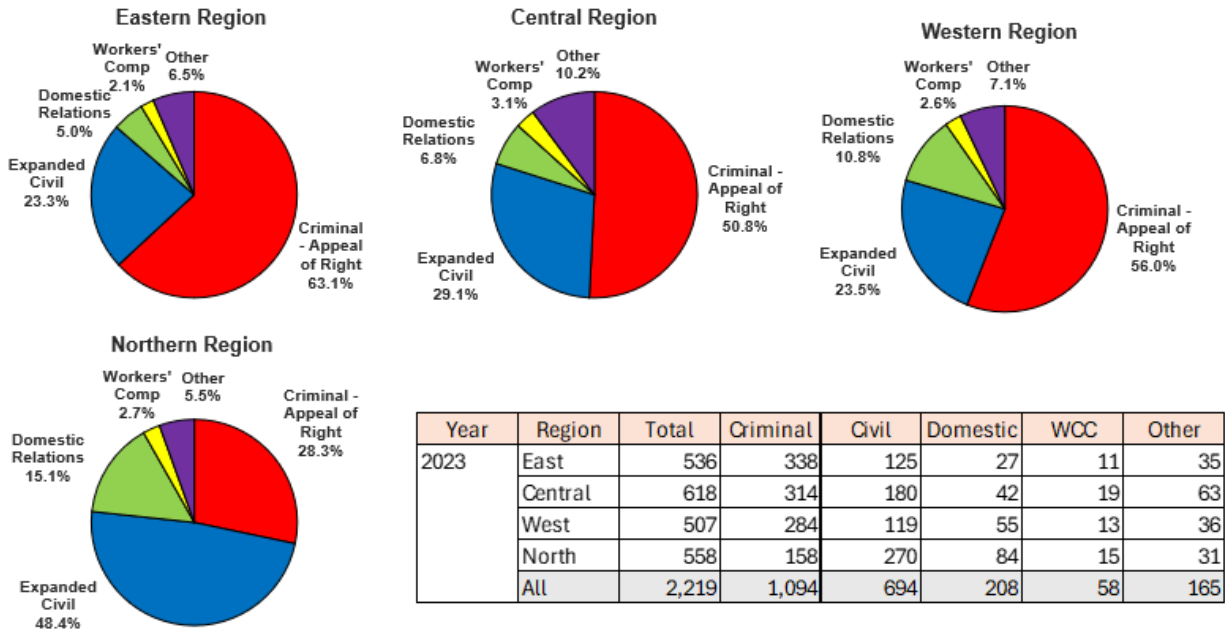


Category	Number	Percentage
Criminal – Of Right	1,132	53.1
Civil – Of Right	618	29.0
Domestic Relations	189	8.9
Workers' Compensation	57	2.7
All Others	135	6.3
Total	2,131	100

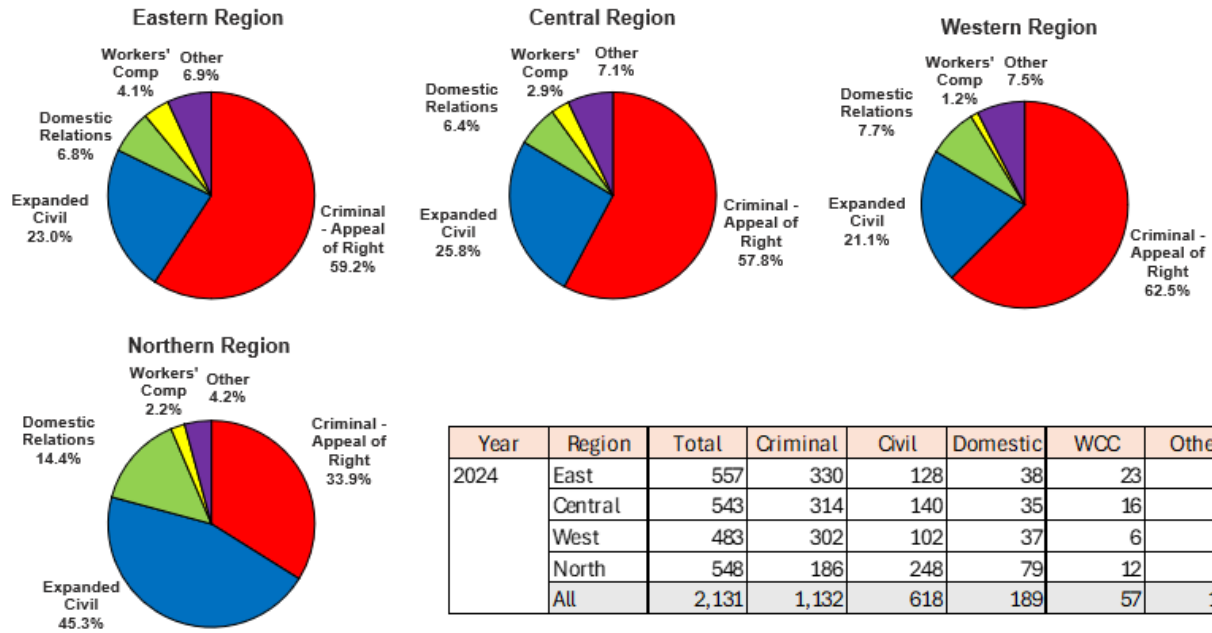
Regional Intake – By Case Type in 2022



Regional Intake – By Case Type in 2023

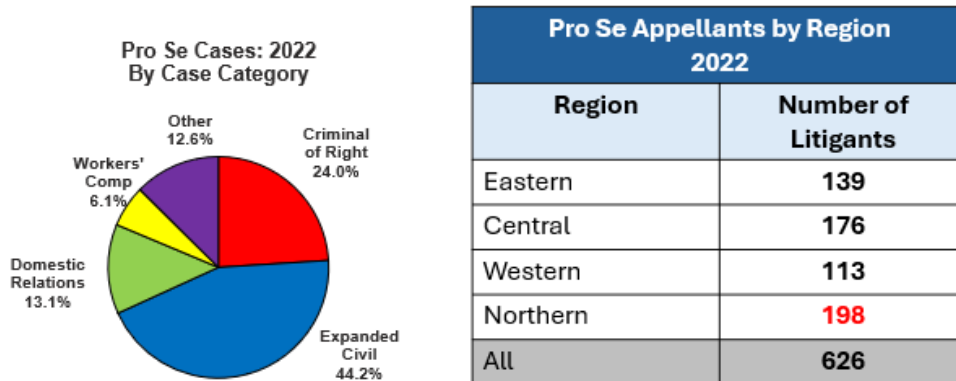


Regional Intake – By Case Type in 2024



Pro Se:

2022:



2023:



**Pro Se Appellants by Region
2023**

Region	Number of Litigants
Eastern	174
Central	202
Western	139
Northern	219
All	734

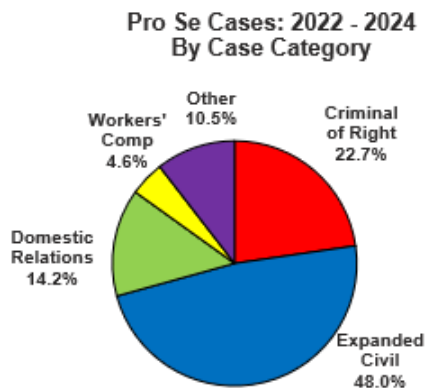
2024:



**Pro Se Appellants by Region
2024**

Region	Number of Litigants
Eastern	151
Central	151
Western	112
Northern	227
All	641

2022 – 2024:



**Pro Se Appellants by Region
2022 – 2024**

Region	Number of Litigants
Eastern	464
Central	529
Western	364
Northern	644
All	2,001

2022 Total Panel Assignments by Region				
Region	Panels	Total Panel Openings	Total Cases Docketed	% of Panel Filled
Eastern	12	216	199	92.1%
Central	11	198	179	90.4%
Western	11	198	127	92.4%
Northern	10	180	183	70.6%
All	44	792	688	86.9%

2023 Total Panel Assignments by Region				
Region	Panels	Total Panel Openings	Total Cases Docketed	% of Panel Filled
Eastern	12	216	217	100.5%
Central	12	216	218	100.9%
Western	12	216	219	101.4%
Northern	12	214	215	100.5%
Special	1	4	4	100.0%
All	49	866	873	100.8%

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%
All	48	854	871	101.9%

The following three tables are from the 2025 Court of Appeals Workload Metrics Project from the Virginia Criminal Sentencing Commission.

Results from the Statistical Model of Clerk Case Time

	Unstandardized Coefficient
Case Tracks (as specified by CAV):	
Anders Case	35.1
CSA No Oral Standing Panel Expedited Case	44.1
Merit Panel - Judges Agree No Oral Argument Needed (§ 17.1-403)	41.1
Merit Panel - Suggested Disposition Memo from CSA	42.0
Merit Panel - Chambers Case	29.3
Compared to: Cases dismissed due to procedural or other defect	
Case Types:	
Criminal Appeal by Right	40.2
Civil Appeal by Right	39.0
Other Civil Appeal	30.2
Domestic Relations	36.8
Workers' Compensation	24.2
Administrative Agency	30.4
Compared to: No Jurisdiction, Original Jurisdiction, Injunction, Interlocutory, and Contempt cases	
Fast Track Cases:	
Not Termination of Parental Rights	-15.7
Termination of Parental Rights	-25.2
CSA Case Management:	
CSA Number of Case Pulls – 2 or More (Excluding Reassignments to Other Attys)	38.4
CSA Assigned Level of Difficulty (1=Least Complex; 3=Most Complex)	4.3
Regions:	
Northern	3.9
Compared to: Western	
Case Resolution:	
Merit Panel Opinion	35.4
Number of Pages in Opinion	0.4
Attorney Types:	
One or Both Parties Is Pro Se	-16.7
Appellant Attorney Is Public Defender	14.3
Compared to: Privately retained attorneys	
Motion Types:	
Number of Motions Received - Extension of Time	17.1
Number of Motions Received - Sanctions	42.5
Number of Motions Received - Withdraw as Counsel	12.5
Number of Motions Received - Dismiss Case	4.7
Clerk's Office Activities:	
Record Request from Lower Tribunal - Email - Total	35.7
Notes Entered into Case File - Total	2.9
Record Rejected - Number of Times	11.6
E-mail Correspondence - Total	25.3

Percentage of variation in Clerk Case Time explained by the model: 62.2%

Results from the Statistical Model of CSA Case Time

	Unstandardized Coefficient
<hr/>	
Case Tracks (as specified by CAV):	
Actual Innocence	-41.0
Anders Case	31.4
CSA No Oral Standing Panel Expedited Case	35.0
Merit Panel - Judges Agree No Oral Argument Needed (§ 17.1-403)	26.2
Merit Panel - Suggested Disposition Memo from CSA	22.3
Merit Panel - Chambers Case	-7.2
Withdrawn or Settled Case - Preliminary Review Stage	-23.0
Compared to: Cases dismissed due to procedural or other defect	
<hr/>	
Case Types:	
Civil Appeal by Right	4.2
Other Civil Appeal	-18.0
Compared to: No Jurisdiction and criminal cases that were not by right	
<hr/>	
CSA Case Management:	
CSA Number of Pull Dates (Excluding Reassignments to Other Attorneys)	49.0
CSA Assigned Level of Difficulty (1=Least Complex; 3=Most Complex)	5.7
<hr/>	
Regions:	
Central	12.1
East	5.3
Compared to: Western	
<hr/>	
Case Resolution:	
Number of Pages in Order	4.8
<hr/>	
Attorney Types:	
Appellant Attorney Is ProSe Inmate	27.3
Appellant Attorney is ProSe NonInmate	15.1
Compared to: Privately retained attorneys	
<hr/>	
Motion Types:	
Number of Motions Received - Dismiss Case	13.4
Number of Motions Received - Stay - CAV Proceedings	18.0
Number of Motions Received - Amend	12.1
Number of Motions Received - Strike	26.3
Number of Motions Received - Miscellaneous	4.1
Number of Motions Received - Extension of Time	1.5
<hr/>	
Time Period:	
Cases filed in CY2023	19.6
Cases filed in January-June CY2024	23.4
Compared to: Cases filed in CY2022	
<hr/>	

Percentage of variation in CSA Case Time explained by the model: 45.4%

Results from Statistical Model of Judge Case Time

	Unstandardized Coefficient
Case Tracks (as specified by CAV):	
Actual Innocence Case	8.4
CSA No Oral Standing Panel Expedited Case	9.3
Merit Panel - CSA Identified as Probable No-Oral Prior to April 2023	68.6
Merit Panel - Judges Agree No Oral Argument Needed (§ 17.1-403)	58.2
Merit Panel - Suggested Disposition Memo from CSA	106.3
Merit Panel - Chambers Case	140.0
Withdrawn or Settled Case - Preliminary Review Stage	-7.1
Compared to: Cases dismissed due to procedural or other defect	
Case Types:	
Civil Appeal by Right	5.0
Compared to: No Jurisdiction or Original Jurisdiction cases	
Fast Track Cases:	
Termination of Parental Rights case	-26.5
Regions:	
Central	11.4
Eastern	9.5
Northern	4.3
Compared to: Western	
Case Resolution:	
Case Included a Rehearing after Merit Panel	20.6
Merit Panel Opinion	14.6
Merit Panel Opinion/Order Published	8.3
Number of Pages in Opinion	1.7
Attorney Types:	
One or Both Parties Is Pro Se	-4.9
Appellant Attorney - Government (e.g., Attorney General's Office)	29.8
Appellant Attorney Is Public Defender	-3.9
Compared to: Privately Retained Attorneys	
Motion Types:	
Number of Motions Received - Continuance of Oral Argument	20.5
Number of Motions Received - Amicus	18.7
Number of Motions Received - Death of Party	57.0
Number of Motions Received - Seal Record/Document	12.5
Number of Motions Received - Withdraw as Counsel	5.4
Number of Motions Received - Cost Bond	16.1
Number of Motions Received - PHV	7.1
Number of Motions Received - Substitution of Counsel	9.1
Time Period:	
Cases filed in CY2023	-7.5
Cases filed in January-June CY2024	-18.1
Cases filed in July-December 2024	-9.9
Compared to: Cases filed in CY2022	

Percentage of variation in Judge Case Time explained by the model: 80.0%

Appendix 3
Strategic Plan of the Court of Appeals of Virginia
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