

Court of Appeals of Virginia Statistical Review 2016

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

Source: Virginia State of the Judiciary Report 1985, 1986, 2016; Court of Appeals' STARS, 2017

Introduction Since the inception of the Court of Appeals (CAV) in 1985, case filings have increased from 1,641 to 2,124 in 2016, an increase of 29.4. The highest recorded number of cases filed in the CAV (3,499) was in 2001. Between 2012 and 2016, there was a decrease of 9.8% of total cases filed. Petitions refused and cases disposed collectively have more than doubled since 1985 from 689 to 2,152. 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 2012-2016

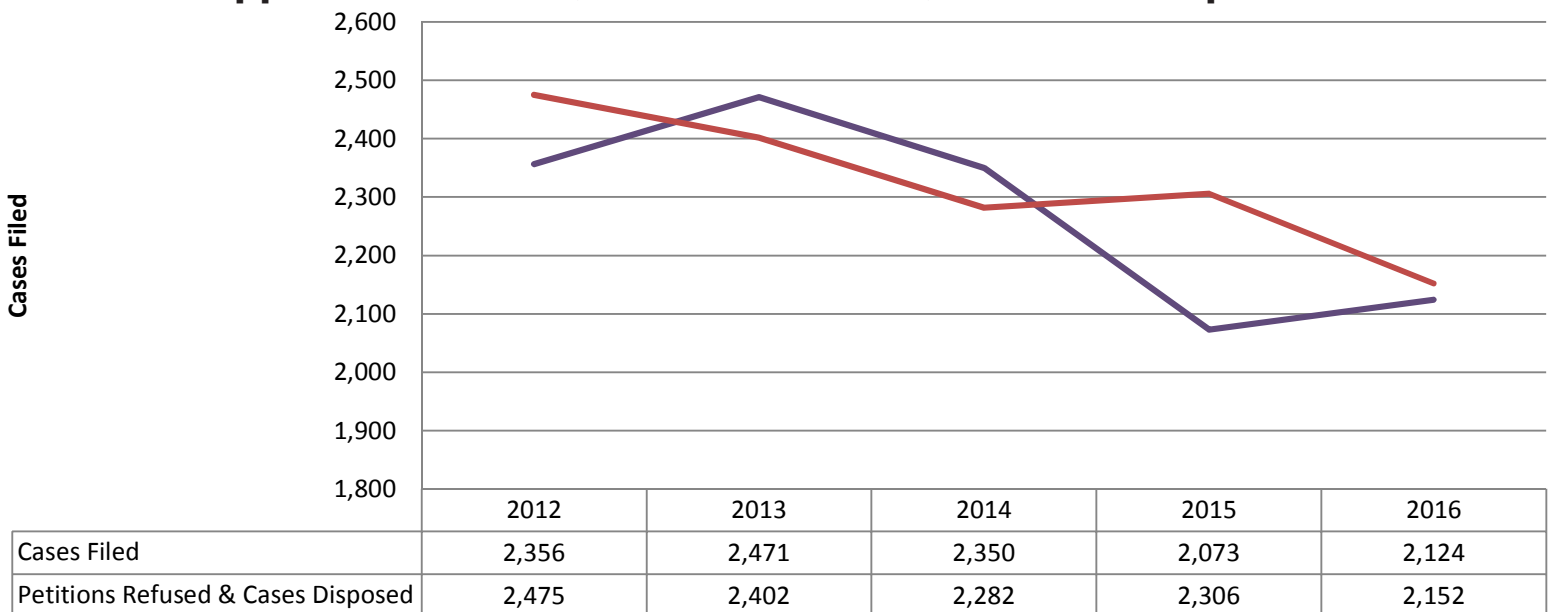


Table 1
Court of Appeals Statistical History 2012-2016

Cases Filed	2012	%Change	2013	%Change	2014	%Change	2015	%Change	2016	%Change	%Change 2012-2016
Criminal Petitions*	1,751	-9.3%	1,806	3.1%	1,747	-3.3%	1,512	-13.5%	1,555	2.8%	-11.2%
Domestic Relations	268	-3.9%	251	-6.3%	242	-3.6%	236	-2.5%	250	5.9%	-6.7%
Workers' Compensation Commission	122	-30.7%	196	60.7%	145	-26.0%	101	-30.3%	90	-10.9%	-26.2%
Administrative Agency	33	6.5%	33	0.0%	23	-30.3%	17	-26.1%	19	11.8%	-42.4%
Original Jurisdiction	39	-2.5%	42	7.7%	31	-26.2%	27	-12.9%	36	33.3%	-7.7%
No Jurisdiction **	113	-8.1%	117	3.5%	124	6.0%	132	6.5%	135	2.3%	19.5%
Other ***	30	-14.3%	26	-13.3%	38	46.2%	48	26.3%	39	-18.8%	30.0%
Total	2,356	-9.9%	2,471	4.9%	2,350	-4.9%	2,073	-11.8%	2,124	2.5%	-9.8%
Final Dispositions											
Non-Criminal	606	-9.0%	623	2.8%	630	1.1%	539	-14.4%	569	5.6%	-6.1%
Criminal	1,869	-7.5%	1,779	-4.8%	1,652	-7.1%	1,767	7.0%	1,583	-10.4%	-15.3%
Total	2,475	-7.9%	2,402	-2.9%	2,282	-5.0%	2,306	1.1%	2,152	-6.7%	-13.1%
Disposition of Appeals											
Published Opinions	121	37.5%	78	-35.5%	76	-2.6%	88	15.8%	66	-25.0%	-45.5%
Unpublished Opinions	284	-13.1%	300	5.6%	327	9.0%	295	-9.8%	288	-2.4%	1.4%
Orders	369	-5.6%	374	1.4%	382	2.1%	316	-17.3%	368	16.5%	-0.3%
Total	774	-4.0%	752	-2.8%	785	4.4%	699	-11.0%	722	3.3%	-6.7%
Cases Appealed to the Supreme Court of Virginia											
	1,092	-8.2%	956	-12.5%	881	-7.8%	1,058	20.1%	851	-19.6%	-22.1%
Criminal Petitions											
Filed	1,753	-9.5%	1,808	3.1%	1,754	-3.0%	1,517	-13.5%	1,555	2.5%	-11.3%
Granted	210	18.6%	180	-14.3%	157	-12.8%	189	20.4%	192	1.6%	-8.6%
Refused/Dismissed/Other	1,668	-9.7%	1,585	-5.0%	1,454	-8.3%	1,548	6.5%	1,346	-13.0%	-19.3%
Percent Granted	11.2		10.2		9.7		10.88		12.48		
Pre-Trial Petitions Filed by Commonwealth											
Filed	24	14.3%	13	-45.8%	20	53.8%	28	40.0%	15	-46.4%	-37.5%
Granted	12	33.3%	6	-50.0%	8	33.3%	15	87.5%	7	-53.3%	-41.7%
Refused/Dismissed/Other	10	-28.6%	12	20.0%	5	-58.3%	9	80.0%	9	0.0%	-10.0%
Original Jurisdiction											
Filed											
Habeas Corpus	6	-14.3%	6	0.0%	4	-33.3%	3	-25.0%	4	33.3%	-33.3%
Mandamus/Prohibition	9	-35.7%	9	0.0%	10	11.1%	8	-20.0%	11	37.5%	22.2%
Actual Innocence	24	26.3%	27	12.5%	17	-37.0%	16	-5.9%	21	31.3%	-12.5%
Total	39	-2.5%	42	7.7%	31	-26.2%	27	-12.9%	36	33.3%	-7.7%
Disposed											
Habeas Corpus	4	-50.0%	6	50.0%	6	0.0%	3	-50.0%	4	33.3%	0.0%
Mandamus/Prohibition	8	-57.9%	10	25.0%	3	-70.0%	13	333.3%	9	-30.8%	12.5%
Actual Innocence	21	-8.7%	26	23.8%	20	-23.1%	16	-20.0%	20	25.0%	-4.8%
Total	33	-34.0%	42	27.3%	29	-31.0%	32	10.3%	33	3.1%	0.0%
Appeals of Right											
Filed											
Domestic Relations	268	-3.9%	251	-6.3%	242	-3.6%	236	-2.5%	250	5.9%	-6.7%
Workers' Compensation Commission	122	-30.7%	196	60.7%	145	-26.0%	101	-30.3%	90	-10.9%	-26.2%
Administrative Agency	33	6.5%	33	0.0%	23	-30.3%	17	-26.1%	19	11.8%	-42.4%
No Jurisdiction**	113	-8.1%	117	3.5%	124	6.0%	132	6.5%	135	2.3%	19.5%
Other ****	4	-55.6%	11	175.0%	11	0.0%	15	36.4%	24	60.0%	500.0%
Total	540	-12.6%	608	12.6%	545	-10.4%	501	-8.1%	518	3.4%	-4.1%
Total Cases Filed	2,356	-9.9%	2,471	4.9%	2,350	-4.9%	2,073	-11.8%	2,124	2.5%	-9.8%
Total Petitions Refused and Cases Disposed	2,475	-7.9%	2,402	-2.9%	2,282	-5.0%	2,306	1.1%	2,152	-6.7%	-13.1%

*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 2016, the CAV recorded 2,124 case filings, 51 more than the 2,073 in 2015 and 232 less than the 2,356 in 2012. Between 2015 and 2016, the increase in cases filed was driven by increases in all case types except Workers' Compensation Commission, concealed weapons applications, appeals by the Commonwealth before the end of trials, and civil contempt. Final dispositions totaled 2,152 in 2016, 79 less than the year before and 323 less than 2012. Of the final dispositions, 73.6% were criminal cases. Since 2012, criminal dispositions have decreased 15.3%, while non-criminal dispositions decreased 6.1%. During the five years, filings have decreased 9.8% and final dispositions have decreased 13.1%.

Table 2

Court of Appeals Case Filings 2012-2016

Cases Filed	2012	%Change	2013	%Change	2014	%Change	2015	%Change	2016	%Change	%Change 2011-2015
Criminal Petitions*	1,751	-9.3%	1,806	3.1%	1,747	-3.3%	1,512	-13.5%	1,555	2.8%	-11.2%
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Original Jurisdiction	39	-2.5%	42	7.7%	31	-26.2%	27	-12.9%	36	33.3%	-7.7%
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Total	2,356	-9.9%	2,471	4.9%	2,350	-4.9%	2,073	-11.8%	2,124	2.5%	-9.8%

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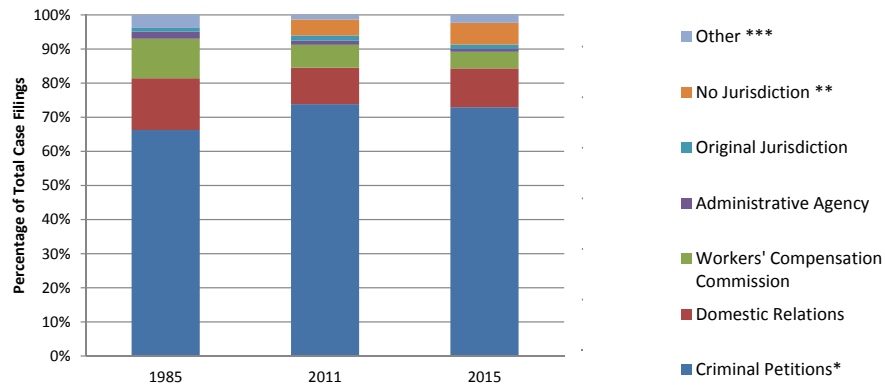
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Case Filings Mix Between 2012 and 2016, the majority of the cases filed in the CAV consisted of criminal petitions, domestic relations, and Workers' Compensation Commission cases. In 2016, Worker's Compensation Commission cases decreased by 11 cases filed or 10.9% since last year and 32 cases filed or 26.2% since 2012. The percentage of criminal petitions in 2012 was 74.3%, which fell to 73.2% in 2016. The combined percentage of domestic relations and Workers' Compensation Commission cases filed decreased slightly from 16.6% of filings in 2012 to 16.0% in 2016.

Display 2

Court of Appeals Case Types Filed 1985, 2012, 2016



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

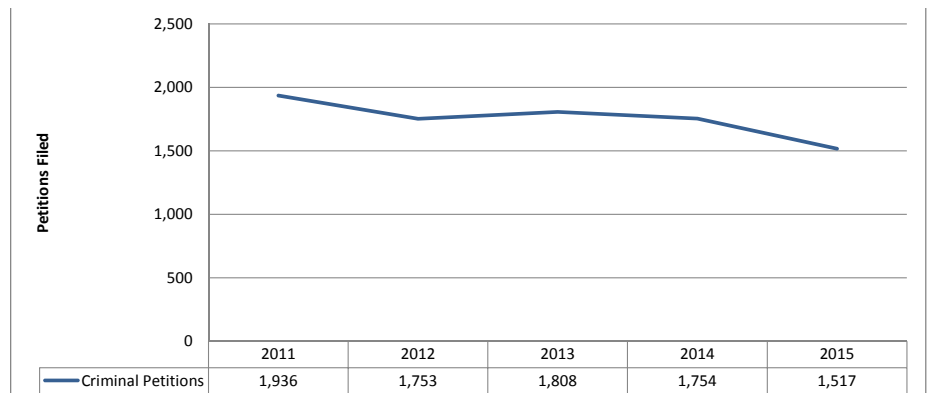
Table 3

Criminal Petitions 2012-2016

Criminal Petitions	2012	%Change	2013	%Change	2014	%Change	2015	%Change	2016	%Change	%Change 2011-2015
Filed	1,753	-9.5%	1,808	3.1%	1,754	-3.0%	1,517	-13.5%	1,555	2.5%	-11.3%
Granted	210	18.6%	180	-14.3%	157	-12.8%	189	20.4%	192	1.6%	-8.6%
Refused/Dismissed/Other	1,668	-9.7%	1,585	-5.0%	1,454	-8.3%	1,548	6.5%	1,346	-13.0%	-19.3%
Percent Granted	11.2		10.2		9.7		10.9		12.48		

Display 3

Court of Appeals Criminal Petitions 2012-2016



Criminal Petitions Of the cases filed, criminal petitions including contempt constituted the majority of the filings, 73.2% in 2016. That same year, criminal petitions rose 2.5%; likewise granted criminal petitions increased 1.6%, increasing from 189 in 2014 to 192 in 2016.

Table 4

Original Jurisdiction Cases 2012-2016

Original Jurisdiction	2012	%Change	2013	%Change	2014	%Change	2015	%Change	2016	%Change	%Change 2011-2015
Filed											
Habeas Corpus	6	-14.3%	6	0.0%	4	-33.3%	3	-25.0%	4	33.3%	-33.3%
Mandamus/Prohibition	9	-35.7%	9	0.0%	10	11.1%	8	-20.0%	11	37.5%	22.2%
Actual Innocence	24	26.3%	27	12.5%	17	-37.0%	16	-5.9%	21	31.3%	-12.5%
Total	39	-2.5%	42	7.7%	31	-26.2%	27	-12.9%	36	33.3%	-7.7%

Original Jurisdiction In 2016, the total original jurisdiction cases filed was 36 which is 11 or 33.3% more than 2015, and three or 7.7% less than 2012. Between 2015 and 2016, the number of all original jurisdiction case types filed increased.

Table 5

Appeals of Right 2012-2016

Appeals of Right	2012	%Change	2013	%Change	2014	%Change	2015	%Change	2016	%Change	%Change 2011-2015
Filed											
Domestic Relations	268	-3.9%	251	-6.3%	242	-3.6%	236	-2.5%	250	5.9%	-6.7%
Workers' Compensation Commission	122	-30.7%	196	60.7%	145	-26.0%	101	-30.3%	90	-10.9%	-26.2%
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Total	540	-12.6%	608	12.6%	545	-10.4%	501	-8.1%	518	3.4%	-4.1%

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

Appeals of Right In 1985, there were 538 appeals of right and in 2014, there were 545, an increase of 1.3%. In 2016, there was an increase of 3.4% from 2015 and a decrease 4.1% from 2012 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 2016.

Table 6

Disposition of Appeals 1986, 2012-2016

Disposition of Appeals	1986	Per Judge Average	2012	Per Judge Average	2013	Per Judge Average	2014	Per Judge Average	2015	Per Judge Average	2016	Per Judge Average	% Above/ Below 1986 Average
	Opinions	328	33	405	37	378	34	403	37	383	35	354	32
Published Opinions			121	11	78	7	76	7	88	8	66	6	
Unpublished Opinions			284	26	300	27	327	30	295	27	288	26	
Orders	386	39	369	34	374	34	382	35	316	29	368	33	-13.3%
Total	714	71	774	70	752	68	785	71	699	64	722	66	-8.1%

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 2016 with 11 judges, the average disposition per judge (66) was below the 1986 average. There was an average of 32 opinions per judge and 33 orders per judge in 2016 with the total disposition of appeals being constituted of approximately half opinions and half orders.