

Court of Appeals of Virginia Statistical Review 2019

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

Source: Virginia State of the Judiciary Report 1985, 1986, 2019; Court of Appeals' STARS, 2020

Introduction Since the inception of the Court of Appeals (CAV) in 1985, case filings have increased from 1,641 to 2,090 in 2019, an increase of 27.4%. The highest recorded number of cases filed in the CAV (3,499) was in 2001. Between 2015 and 2019, total cases filed remained around the same levels. Petitions refused and cases disposed collectively have tripled since 1985 from 689 to 2,163. This caseload statistical review focuses on the caseload trends and types of case filings between 2015 and 2019 in the CAV.

Display 1

Court of Appeals Cases Filed, Petitions Refused, and Cases Disposed 2015-2019

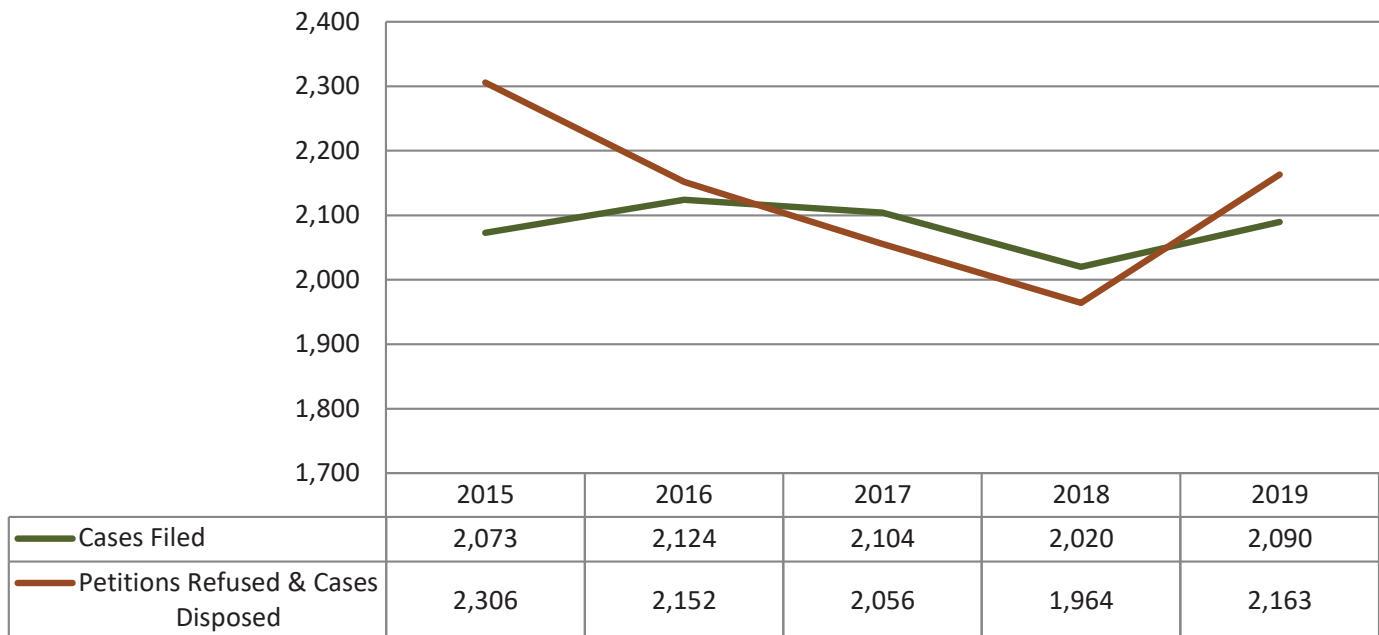


Table 1
Court of Appeals Statistical History 2015-2019

Cases Filed	2015	%Change	2016	%Change	2017	%Change	2018	%Change	2019	%Change	%Change 2015-2019
Criminal Petitions*	1,512	-3.3%	1,555	-13.5%	1,538	2.8%	1,510	-1.8%	1,548	2.5%	2.4%
Domestic Relations	236	-3.6%	250	-2.5%	235	5.9%	221	-6.0%	253	14.5%	7.2%
Workers' Compensation Commission	101	-26.0%	90	-30.3%	92	-10.9%	109	18.5%	95	-12.8%	-5.9%
Administrative Agency	17	-30.3%	19	-26.1%	20	11.8%	20	0.0%	20	0.0%	17.6%
Original Jurisdiction	27	-26.2%	36	-12.9%	40	33.3%	25	-37.5%	6	-76.0%	-77.8%
No Jurisdiction **	132	6.0%	135	6.5%	163	2.3%	124	-23.9%	123	-0.8%	-6.8%
Other ***	48	46.2%	39	26.3%	16	-18.8%	11	-31.3%	45	309.1%	-6.3%
Total	2,073	-4.9%	2,124	-11.8%	2,104	2.5%	2,020	-4.0%	2,090	3.5%	0.8%
Final Dispositions											
Non-Criminal	539	1.1%	569	-14.4%	529	5.6%	538	1.7%	468	-13.0%	-13.2%
Criminal	1,767	-7.1%	1,583	7.0%	1,527	-10.4%	1,426	-6.6%	1,662	16.5%	-5.9%
Total	2,306	-5.0%	2,152	1.1%	2,056	-6.7%	1,964	-4.5%	2,130	8.5%	-7.6%
Disposition of Appeals											
Published Opinions	88	-2.6%	66	15.8%	64	-25.0%	61	-4.7%	78	27.9%	-11.4%
Unpublished Opinions	295	9.0%	288	-9.8%	273	-2.4%	290	6.2%	223	-23.1%	-24.4%
Orders	316	2.1%	368	-17.3%	339	16.5%	348	2.7%	335	-3.7%	6.0%
Total	699	4.4%	722	-11.0%	676	3.3%	699	3.4%	636	-9.0%	-9.0%
Cases Appealed to the Supreme Court of Virginia											
Total	1,058	-7.8%	851	20.1%	865	-19.6%	929	7.4%	888	-4.4%	-16.1%
Criminal Petitions											
Filed	1,517	-3.0%	1,555	-13.5%	1,538	2.5%	1,510	-1.8%	1,548	2.5%	2.0%
Granted	189	-12.8%	192	20.4%	200	1.6%	150	-25.0%	187	24.7%	-1.1%
Refused/Dismissed/Other	1,548	-8.3%	1,346	6.5%	1,326	-13.0%	1,214	-8.4%	1,535	26.4%	-0.8%
Percent Granted	10.9		12.5		13.0		9.9		12.0		
Pre-Trial Petitions Filed by Commonwealth											
Filed	28	53.8%	15	40.0%	19	-46.4%	17	-10.5%	19	11.8%	-32.1%
Granted	15	33.3%	7	87.5%	6	-53.3%	12	100.0%	11	-8.3%	-26.7%
Refused/Dismissed/Other	9	-58.3%	9	80.0%	10	0.0%	8	-20.0%	4	-50.0%	-55.6%
Original Jurisdiction											
Filed											
Habeas Corpus	3	-33.3%	4	-25.0%	5	33.3%	5	0.0%	3	-40.0%	0.0%
Mandamus/Prohibition	8	11.1%	11	-20.0%	6	37.5%	5	-16.7%	3	-40.0%	-62.5%
Actual Innocence	16	-37.0%	21	-5.9%	29	31.3%	15	-48.3%	26	73.3%	62.5%
Total	27	-26.2%	36	-12.9%	40	33.3%	25	-37.5%	32	28.0%	18.5%
Disposed											
Habeas Corpus	3	0.0%	4	-50.0%	4	33.3%	6	50.0%	3	-50.0%	0.0%
Mandamus/Prohibition	13	-70.0%	9	333.3%	11	-30.8%	3	-72.7%	3	0.0%	-76.9%
Actual Innocence	16	-23.1%	20	-20.0%	27	25.0%	17	-37.0%	17	0.0%	6.3%
Total	32	-31.0%	33	10.3%	42	3.1%	26	-38.1%	23	-11.5%	-28.1%
Appeals of Right											
Filed											
Domestic Relations	236	-3.6%	250	-2.5%	235	5.9%	221	-6.0%	253	14.5%	7.2%
Workers' Compensation Commission	101	-26.0%	90	-30.3%	92	-10.9%	109	18.5%	95	-12.8%	-5.9%
Administrative Agency	17	-30.3%	19	-26.1%	20	11.8%	20	0.0%	20	0.0%	17.6%
No Jurisdiction**	132	6.0%	135	6.5%	163	2.3%	124	-23.9%	123	-0.8%	-6.8%
Other ****	15	0.0%	24	36.4%	16	60.0%	9	-43.8%	9	0.0%	-40.0%
Total	501	-10.4%	518	-8.1%	526	3.4%	483	-8.2%	500	3.5%	-0.2%
Total Cases Filed	2,073	-4.9%	2,124	-11.8%	2,104	2.5%	2,020	2.5%	2,090	3.5%	0.8%
Total Petitions Refused and Cases Disposed	2,306	-5.0%	2,152	1.1%	2,056	-6.7%	1,964	-6.7%	2,163	10.1%	-6.2%

*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 2019, the CAV recorded 2,090 case filings, 70 more than the 2,020 in 2018 and 17 more than the 2,073 in 2015. Between 2018 and 2019, the increase in cases filed was driven by increases in criminal petitions and domestic relations case filings, as well as concealed weapons applications, appeals by the Commonwealth before the end of trials, and contempt. Final dispositions totaled 2,163 in 2019, 199 more than the year before and 143 less than 2015. Of the final dispositions, 74.1% were criminal cases. Since 2015, criminal dispositions have decreased 5.9%, while non-criminal dispositions decreased 13.2%. During the five years, filings have increased less than 1.0% and final dispositions have decreased 6.2%.

Table 2

Court of Appeals Case Filings 2015-2019

Cases Filed	2015	%Change	2016	%Change	2017	%Change	2018	%Change	2019	%Change	%Change 2015-2019
Criminal Petitions*	1,512	-3.3%	1,555	-13.5%	1,538	2.8%	1,510	-1.8%	1,548	2.5%	2.4%
Domestic Relations	236	-3.6%	250	-2.5%	235	5.9%	221	-6.0%	253	14.5%	7.2%
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Administrative Agency	17	-30.3%	19	-26.1%	20	11.8%	20	0.0%	20	0.0%	17.6%
Original Jurisdiction	27	-26.2%	36	-12.9%	40	33.3%	25	-37.5%	6	-76.0%	-77.8%
No Jurisdiction **	132	6.0%	135	6.5%	163	2.3%	124	-23.9%	123	-0.8%	-6.8%
Other ***	48	46.2%	39	26.3%	16	-18.8%	11	-31.3%	45	309.1%	-6.3%
Total	2,073	-4.9%	2,124	-11.8%	2,104	2.5%	2,020	-4.0%	2,090	3.5%	0.8%

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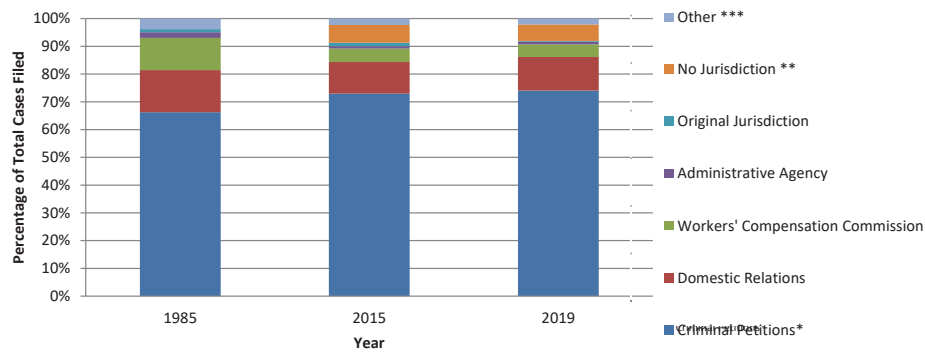
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Case Filings Mix Between 2015 and 2019, the majority of the cases filed in the CAV consisted of criminal petitions, domestic relations, and Workers' Compensation Commission cases. In 2019, Worker's Compensation Commission cases decreased by 14 cases filed or 12.8% since last year and decreased six cases filed or 5.9% since 2015. The percentage of criminal petitions in 2015 was 72.9%, which rose to 74.1% in 2019. The combined percentage of domestic relations and Workers' Compensation Commission cases filed remained about the same at 16.3% of filings in 2015 and 16.7% in 2019.

Display 2

Court of Appeals Case Types Filed 1985, 2015, 2019



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

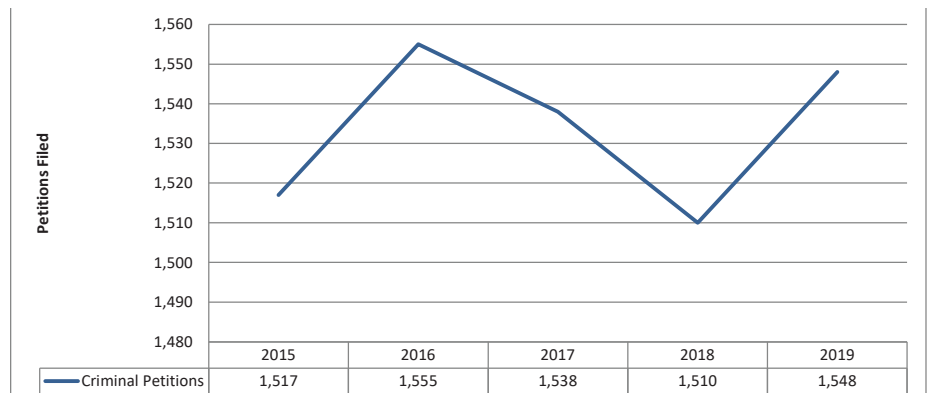
Table 3

Criminal Petitions 2015-2019

Criminal Petitions	2015	%Change	2016	%Change	2017	%Change	2018	%Change	2019	%Change	%Change 2015-2019
Filed	1,517	-3.0%	1,555	-13.5%	1,538	2.5%	1,510	-1.8%	1,548	2.5%	2.0%
Granted	189	-12.8%	192	20.4%	200	1.6%	150	-25.0%	187	24.7%	-1.1%
Refused/Dismissed/Other	1,548	-8.3%	1,346	6.5%	1,326	-13.0%	1,214	-8.4%	1,535	26.4%	-0.8%
Percent Granted	10.9		12.5		13.0		9.9		12		

Display 3

Court of Appeals Criminal Petitions 2015-2019



Criminal Petitions Of the cases filed, criminal petitions including contempt constituted the majority of the filings, 76.2% in 2019. That same year, criminal petitions rose 2.5%; conversely, granted criminal petitions increased 24.7%, increasing from 150 in 2018 to 187 in 2019.

Table 4

Original Jurisdiction Cases 2015-2019

Original Jurisdiction	2015	%Change	2016	%Change	2017	%Change	2018	%Change	2019	%Change	%Change 2015-2019
Filed											
Habeas Corpus	3	-33.3%	4	-25.0%	5	33.3%	5	0.0%	3	-40.0%	0.0%
Mandamus/Prohibition	8	11.1%	11	-20.0%	6	37.5%	5	-16.7%	3	-40.0%	-62.5%
Actual Innocence	16	-37.0%	21	-5.9%	29	31.3%	15	-48.3%	26	73.3%	62.5%
Total	27	-26.2%	36	-12.9%	40	33.3%	25	-37.5%	32	28.0%	18.5%

Original Jurisdiction In 2019, the total original jurisdiction cases filed was 32 which is nine or 28.0% more than 2018, and five or 18.5% more than 2015. Between 2018 and 2019, the number of actual innocence original jurisdiction case type increased while habeas corpus and mandamus/prohibition decreased.

Table 5

Appeals of Right 2015-2019

Appeals of Right	2015	%Change	2016	%Change	2017	%Change	2018	%Change	2019	%Change	%Change 2015-2019
Filed											
Domestic Relations	236	-3.6%	250	-2.5%	235	5.9%	221	-6.0%	253	14.5%	7.2%
Workers' Compensation Commission	101	-26.0%	90	-30.3%	92	-10.9%	109	18.5%	95	-12.8%	-5.9%
Administrative Agency	17	-30.3%	19	-26.1%	20	11.8%	20	0.0%	20	0.0%	17.6%
No Jurisdiction**	132	6.0%	135	6.5%	163	2.3%	124	-23.9%	123	-0.8%	-6.8%
Other ****	15	0.0%	24	36.4%	16	60.0%	9	-43.8%	9	0.0%	-40.0%
Total	501	-10.4%	518	-8.1%	526	3.4%	483	-8.2%	500	3.5%	-0.2%

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

Appeals of Right In 1985, there were 538 appeals of right and in 2015, there were 501, a decrease of 6.9%. In 2019, there was an increase of 3.5% from 2018 for total appeals of right filings. While Workers' Compensation Commission cases had continued to experience decreases between 2015 and 2017, there was an increase in 2018. In 2019, there was a decrease of 12.8% in Workers' Compensation Commission cases. The "other" category that includes concealed weapons applications and civil contempt cases decreased in 2019 by 40.0%.

Table 6

Disposition of Appeals 1986, 2015-2019

Disposition of Appeals	1986		2015		2016		2017		2018		2019		% Above/ Below 1986 Average
	Per Judge Average		Per Judge Average		Per Judge Average		Per Judge Average		Per Judge Average		Per Judge Average		
Opinions	328	33	383	37	354	35	337	31	351	32	301	27	-16.6%
Published Opinions			88	7	66	8	64	6	61	6	78	7	
Unpublished Opinions			295	30	288	27	273	25	290	26	223	20	
Orders	386	39	316	35	368	29	339	31	348	32	335	30	-21.1%
Total	714	71	699	64	722	66	676	61	699	64	636	58	-19.0%

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 2019 with 11 judges, the average disposition per judge (58) was below the 1986 average. There was an average of 27 opinions per judge and 30 orders per judge in 2019 with the total disposition of appeals being constituted of approximately half opinions and half orders.