

**REPORT OF THE
JUDICIAL COUNCIL OF VIRGINIA**

**Supreme Court of Virginia
Statistical Review
(HJR 111, 2012)**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 7

**COMMONWEALTH OF VIRGINIA
RICHMOND
2014**

SUPREME COURT OF VIRGINIA

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KARL R. HADE

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January 6, 2014

The Honorable Robert F. McDonnell
Office of the Governor
Patrick Henry Building, 3rd Floor
1111 East Broad Street
Richmond, Virginia 23219

Members of the General Assembly of Virginia
General Assembly Building
201 North 9th Street
Richmond, VA 23219

Re: Final Report, House Joint Resolution 111

Dear Governor McDonnell and Members of the General Assembly:

As Secretary of the Judicial Council of Virginia, I am pleased to submit this report in response to House Joint Resolution 111, which was agreed to by the General Assembly of Virginia during its 2012 Regular Session.

House Joint Resolution 111 directed the Judicial Council to study the jurisdictional capacity of the Court of Appeals to determine whether its current jurisdiction should be expanded. In accord with the terms of the Resolution, the Judicial Council directed the Office of the Executive Secretary of the Supreme Court to assemble the data necessary in order for the Judicial Council to review the respective caseloads of the Supreme Court of Virginia and the Court of Appeals of Virginia to determine if the quality of appellate review would be better served by expanding the jurisdiction of the Court of Appeals. This caseload data was compiled and provided to both appellate courts.

A detailed review of the data was conducted by the Supreme Court and the Court of Appeals. Based upon this review, it was concluded that the current judicial capacity of the Court of Appeals, to continue quality and timely appellate review, would not be impaired if given additional jurisdiction provided it is given appropriate staffing levels and resources. Any additional jurisdiction assigned to the Court of Appeals that would increase the caseload would

require additional resources for optimal functioning of the Court. A copy of the caseload data that was reviewed is enclosed for your reference.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Karl R. Hade', written in a cursive style.

Karl R. Hade

Enclosures

KRH:knh

cc: Division of Legislative Automated Systems

Supreme Court of Virginia Statistical Review

December 6, 2013

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

Source: Virginia State of the Judiciary Report 2003, 2008, 2012; ACMS-SCV, 2013

Introduction Since 2003, the Supreme Court (SCV) has experienced a decrease in petition filings. In 2012, there were 2,216 petitions filed, a decrease of 781 or 26.1% from the 2003 filings of 2,997. Although there was a downward trend during this 10-year time frame, there were slight increases between 2005 and 2006 (1.6%) and between 2008 and 2009 (<1.0%). The number of petitions has continued to decrease since 2010. Between 2008 and 2012, there was a decrease of 15.3% in petition filings in the SCV, while there was an increase of 9.1% in cases decided. Preliminary 2013 caseload data show a decrease of 8.4% in new cases. Caseload information for January through the end of November was annualized to compare to 2012 caseload data. This caseload statistical review focuses on caseloads, case types, and caseload mix between 2008 and 2012 in the SCV.

Display 1

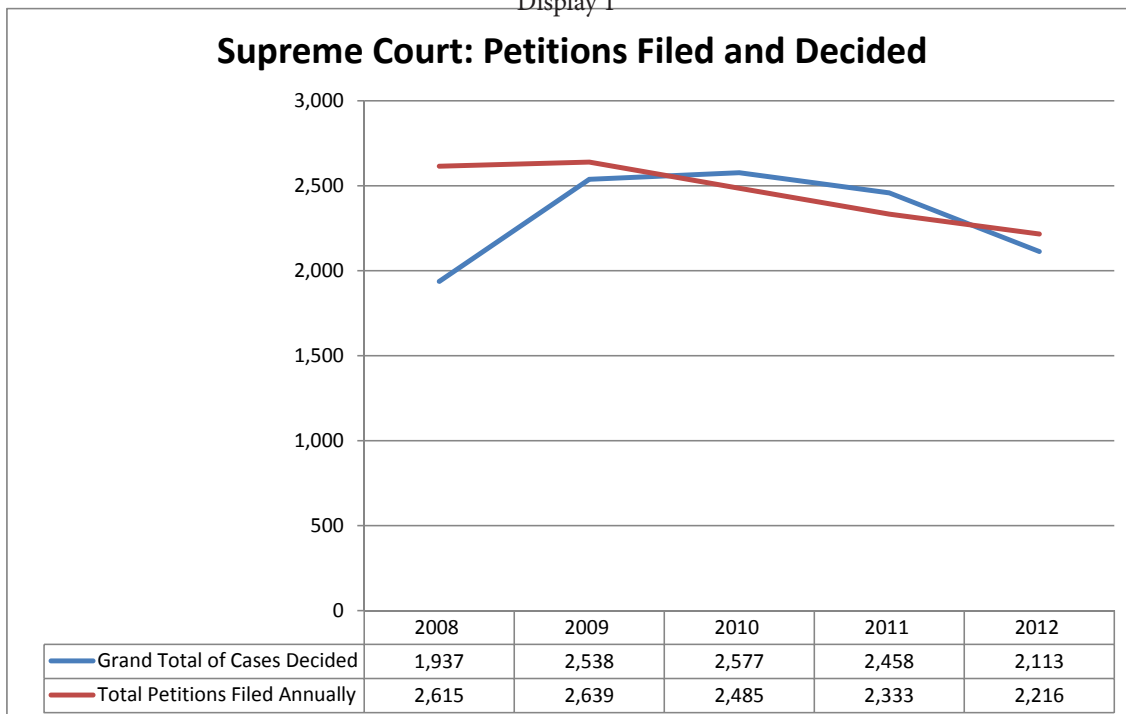


Table 1
Supreme Court Statistical History 2008-2012

	2008	%Change	2009	%Change	2010	%Change	2011	%Change	2012	%Change	%Change 2008-2012
APPEAL PETITIONS											
Granted											
Appeals of Right	8	-11.1%	14	75.0%	14	0.0%	11	-21.4%	10	-9.1%	25.0%
Civil Granted	108	-15.6%	112	3.7%	152	35.7%	101	-33.6%	89	-11.9%	-17.6%
Criminal Granted	50	-	56	12.0%	49	-12.5%	31	-36.7%	17	-45.2%	-66.0%
Habeas Appeals Granted	2	-50.0%	4	100.0%	2	-50.0%	5	150.0%	4	-20.0%	100.0%
Cases Certified from CAV	1	0.0%	1	0.0%	1	0.0%	0	-100.0%	0	0.0%	-100.0%
Certified Questions of Law Accepted	0	0.0%	0	0.0%	0	0.0%	4	-	3	-25.0%	-
Remanded from U.S. Supreme Court	1	-	0	-100.0%	3	-	0	-100.0%	0	0.0%	-100.0%
Total	170	-18.3%	187	10.0%	221	18.2%	152	-31.2%	123	-19.1%	-27.6%
Refused											
Civil	460	-6.3%	478	3.9%	508	6.3%	537	5.7%	488	-9.1%	6.1%
Criminal	1,150	-16.8%	1,207	5.0%	1,249	3.5%	1,120	-10.3%	999	-10.8%	-13.1%
Habeas Appeals	94	2.2%	107	13.8%	100	-6.5%	125	25.0%	110	-12.0%	17.0%
Total	1,767	-14.1%	1,862	5.4%	1,919	3.1%	1,872	-2.4%	1,598	-14.6%	-9.6%
Total Granted/Refused/Rejected/Procedural Dismissal	1,937	-14.5%	2,049	5.8%	2,140	4.4%	2,024	-5.4%	1,721	-15.0%	-11.2%
ORIGINAL JURISDICTION PETITIONS											
Docketed	0	0.0%	4	-	1	-75.0%	1	0.0%	3	200.0%	Z
Awarded											
Writ of Habeas Corpus	29	-21.6%	24	-17.2%	35	45.8%	25	-28.6%	14	-44.0%	-51.7%
Writ of Mandamus	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Writ of Prohibition	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Writ of Actual Innocence	0	0.0%	1	-	0	-100.0%	2	Z	1	-50.0%	-
Total	29	-34.1%	25	-13.8%	35	40.0%	27	-22.9%	15	-44.4%	-48.3%
Refused											
Writ of Habeas Corpus	370	-0.3%	354	-4.3%	316	-10.7%	324	2.5%	284	-12.3%	-23.2%
Writ of Mandamus	16	-87.9%	95	493.8%	81	-14.7%	69	-14.8%	81	17.4%	406.3%
Writ of Prohibition	2	-80.0%	10	400.0%	1	-90.0%	8	700.0%	2	-75.0%	0.0%
Writ of Actual Innocence	2	0.0%	1	-50.0%	3	200.0%	5	66.7%	7	40.0%	250.0%
Total	390	-24.3%	460	17.9%	401	-12.8%	406	1.2%	374	-7.9%	-4.1%
Total Docketed, Awarded, and Refused	419	-24.1%	489	16.7%	437	-10.6%	434	-0.7%	392	-9.7%	-6.4%
SUMMARY											
Grand Total of Cases Decided	1,937	-31.2%	2,538	31.0%	2,577	1.5%	2,458	-4.6%	2,113	-14.0%	9.1%
Total Petitions Filed Annually	2,615	-0.7%	2,639	0.9%	2,485	-5.8%	2,333	-6.1%	2,216	-5.0%	-15.3%

Cases Filed and Decided The table above (Table 1) shows an overview of the case dispositions for the SCV for the past five calendar years, as well as the total cases filed each of those years. In 2012, the SCV recorded 2,216 petitions filed, 117 less than the 2,333 in 2011 and 399 less than the 2,615 in 2008. There were 2,113 decided cases in 2012, a decrease of 345 or 14.0% from the previous year. In 2012, 5.8% of cases that were decided were granted appeal petitions which decreased 19.1% from 2011 and 27.6% from 2008. In 2012, 18.6% of cases that were decided were original jurisdiction petitions. Table 2 shows the different SCV case types. The decreases recorded in SCV case filings were driven by the decrease in criminal petitions. Criminal petitions decreased by 104 or 9.3% from 1,120 in 2011 to 1,016 in 2012. The number of civil petitions remained unchanged between 2011 and 2012. Since 2008, criminal petitions have decreased by 25.3% and civil petitions have increased 5.6%.

Table 2
Supreme Court Case Filings 2008-2012

Case Types	2008	%Change	2009	%Change	2010	%Change	2011	%Change	2012	%Change	%Change 2008-2012
State Corporation Commission	4	100.0%	9	125.0%	9	0.0%	2	-77.8%	3	50.0%	-25.0%
Civil	568	-3.7%	645	13.6%	624	-3.3%	600	-3.8%	600	0.0%	5.6%
Workers Compensation	15	87.5%	13	-13.3%	9	-30.8%	16	77.8%	7	-56.3%	-53.3%
Certified Questions of Law	1	0	0	-100.0%	0	0.0%	6	600.0%	3	-50.0%	200.0%
Criminal	1361	-0.3%	1358	-0.2%	1318	-2.9%	1120	-15.0%	1,016	-9.3%	-25.3%
Disciplinary Board	3	0.0%	3	0.0%	2	-33.3%	4	100.0%	4	0.0%	33.3%
Disciplinary Court	2	0.0%	5	150.0%	5	0.0%	3	-40.0%	2	-33.3%	0.0%
Death Penalty	1	0.0%	1	0.0%	1	0.0%	3	200.0%	1	-66.7%	0.0%
Habeas Corpus Appeals	106	10.4%	113	6.6%	113	0.0%	119	5.3%	124	4.2%	17.0%
Writ of Habeas Corpus	419	2.4%	381	-9.1%	308	-19.2%	358	16.2%	317	-11.5%	-24.3%
Writ of Mandamus	101	-12.2%	87	-13.9%	72	-17.2%	76	5.6%	99	30.3%	-2.0%
Writ of Prohibition	20	66.7%	8	-60.0%	1	-87.5%	6	500.0%	5	-16.7%	-75.0%
Commonwealth Appeals	2	-33.3%	4	100.0%	4	0.0%	3	-25.0%	6	100.0%	200.0%
Actual Innocence	0	-100.0%	5	500.0%	5	0.0%	4	-20.0%	7	75.0%	-
Interlocutory Appeals	2	-80.0%	1	-50.0%	3	200.0%	0	-100.0%	3	300.0%	50.0%
Injunction Appeals	9	-35.7%	5	-44.4%	11	120.0%	13	18.2%	7	-46.2%	-22.2%
Other	1	0.0%	1	0.0%	0	-100.0%	0	0.0%	12	1200.0%	1100.0%
Totals	2,615	-0.7%	2,639	0.9%	2,485	-5.8%	2,333	-6.1%	2,216	-5.0%	-15.3%

Case Filings Mix

Criminal, civil and *Writ of Habeas Corpus* cases constituted the majority or 87.2% of the SCV caseload. The percentage of criminal petitions in 2008 was 52.0%, which fell in 2012 to 45.8%. While the percentage of criminal petitions fell, the percentage of civil petitions increased from 21.7% in 2008 to 27.1% in 2012. *Writ of Habeas Corpus* cases constituted 16.0% and 14.3% in 2008 and 2012, respectively.

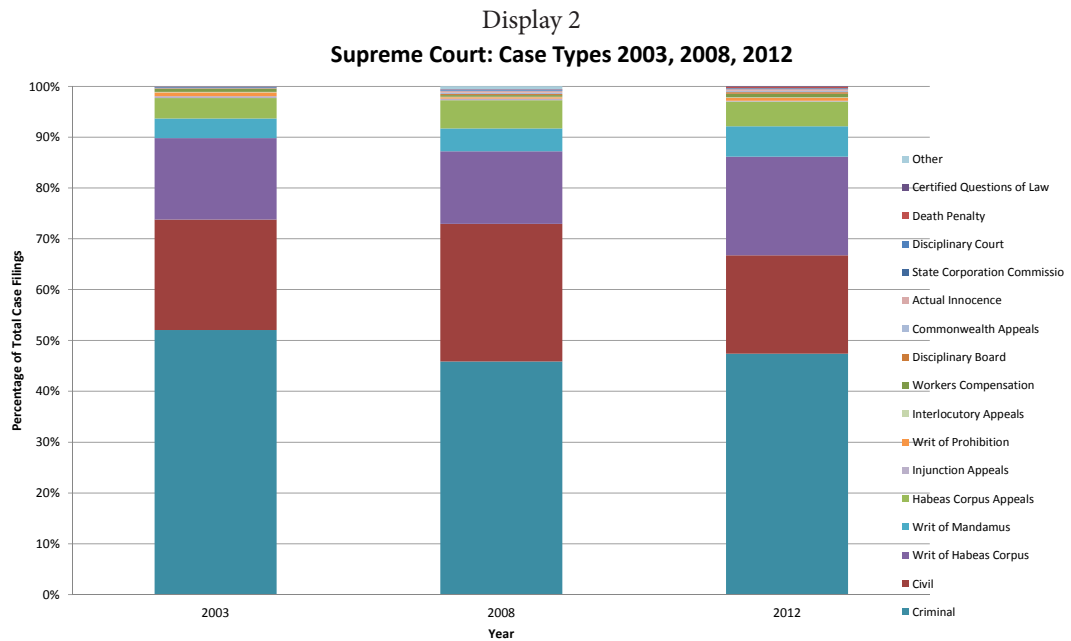


Table 3
Appeal Petitions Decided 2008-2012

APPEAL PETITIONS	2008	%Change	2009	%Change	2010	%Change	2011	%Change	2012	%Change	%Change 2008-2012
Granted											
Appeals of Right	8	-11.1%	14	75.0%	14	0.0%	11	-21.4%	10	-9.1%	25.0%
Civil Granted	108	-15.6%	112	3.7%	152	35.7%	101	-33.6%	89	-11.9%	-17.6%
Criminal Granted	50	-	56	12.0%	49	-12.5%	31	-36.7%	17	-45.2%	-66.0%
Habeas Appeals Granted	2	-50.0%	4	100.0%	2	-50.0%	5	150.0%	4	-20.0%	100.0%
Cases Certified from CAV	1	0.0%	1	0.0%	1	0.0%	0	-100.0%	0	0.0%	-100.0%
Certified Questions of Law Accepted	0	0.0%	0	0.0%	0	0.0%	4	-	3	-25.0%	-
Remanded from U.S. Supreme Court	1	-	0	-100.0%	3	-	0	-100.0%	0	0.0%	-100.0%
Total	170	-18.3%	187	10.0%	221	18.2%	152	-31.2%	123	-19.1%	-27.6%
Refused											
Civil	460	-6.3%	478	3.9%	508	6.3%	537	5.7%	488	-9.1%	6.1%
Criminal	1,150	-16.8%	1,207	5.0%	1,249	3.5%	1,120	-10.3%	999	-10.8%	-13.1%
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Total	1,767	-14.1%	1,862	5.4%	1,919	3.1%	1,872	-2.4%	1,598	-14.6%	-9.6%
Total Granted/Refused/Rejected/Procedural Dismissal	1,937	-14.5%	2,049	5.8%	2,140	4.4%	2,024	-5.4%	1,721	-15.0%	-11.2%

Appeal Petitions: Granted Of the appeal petitions granted (123), civil petitions constituted the majority, 72.4% in 2012. In 2012, there was a decrease in civil granted of 12 (11.9%) from 2011 and 19 (17.6%) from 2008. The greatest increase in civil granted cases was between 2009 and 2010 at 35.7% followed by a decrease of 33.6% the following year. Criminal granted in 2012 was 17, a decrease of 33 or 66.0% from 50 in 2008.

Refused In 2012, there were 1,598 cases refused with the majority (62.5%) being criminal in nature. The number of criminal appeals refused decreased 13.1% since 2008, with both civil and *Habeas* appeal refusals increasing 6.1% and 17.0%, respectively.

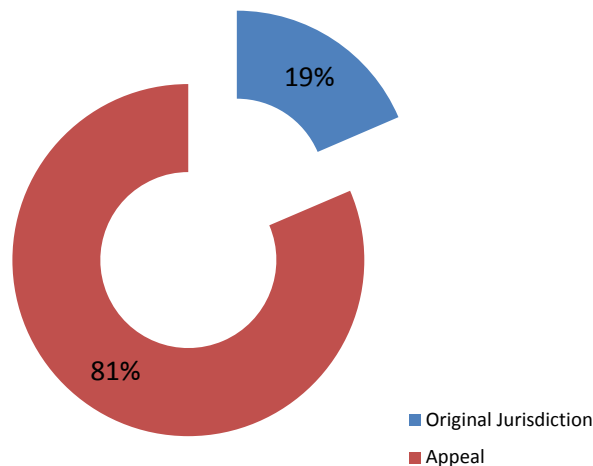
Table 4
Original Jurisdiction Petitions Decided 2008-2012

ORIGINAL JURISDICTION PETITIONS	2008 %Change		2009 %Change		2010 %Change		2011 %Change		2012 %Change		%Change 2008-2012
Docketed	0	0.0%	4	-	1	-75.0%	1	0.0%	3	200.0%	-
Awarded											
Writ of Habeas Corpus	29	-21.6%	24	-17.2%	35	45.8%	25	-28.6%	14	-44.0%	-51.7%
Writ of Mandamus	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Writ of Prohibition	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%
Writ of Actual Innocence	0	0.0%	1	-	0	-100.0%	2	-	1	-50.0%	-
Total	29	-34.1%	25	-13.8%	35	40.0%	27	-22.9%	15	-44.4%	-48.3%
Refused											
Writ of Habeas Corpus	370	-0.3%	354	-4.3%	316	-10.7%	324	2.5%	284	-12.3%	-23.2%
Writ of Mandamus	16	-87.9%	95	493.8%	81	-14.7%	69	-14.8%	81	17.4%	406.3%
Writ of Prohibition	2	-80.0%	10	400.0%	1	-90.0%	8	700.0%	2	-75.0%	0.0%
Writ of Actual Innocence	2	0.0%	1	-50.0%	3	200.0%	5	66.7%	7	40.0%	250.0%
Total	390	-24.3%	460	17.9%	401	-12.8%	406	1.2%	374	-7.9%	-4.1%
Total Docketed, Awarded and Refused	419	-24.1%	489	16.7%	437	-10.6%	434	-0.7%	392	-9.7%	-6.4%

Original Jurisdiction In 2012, the total number of original jurisdiction cases decided was 392, which is 42 cases or 9.7% less than 2011, and 27 cases or 6.4% less than 2008. Of the 392 cases, 15 or 3.8% were awarded (14 *Writ of Habeas Corpus* and 1 *Writ of Actual Innocence*).

Display 3

Supreme Court: Petitions Decided 2012



Court of Appeals of Virginia Statistical Review

December 4, 2013

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

Source: Virginia State of the Judiciary Report 1985, 1986, 2012; Court of Appeals' STARS, 2013

Introduction Since the inception of the Court of Appeals (CAV) in 1985, case filings have increased from 1,641 to 2,356 in 2012, an increase of 43.6%. The highest recorded number of cases filed was in 2001 when there were 3,499 cases filed. Between 2008 and 2012, there was a decrease of 24.2% of total cases filed, and caseloads decreased in the Supreme Court of Virginia (SCV) by 15.3% during the same time frame. While there have been decreases in caseloads in the past five years in the CAV, preliminary 2013 caseload data show an increase of 5.4% in new cases. Caseload information for January through the end of November was annualized to compare to 2012 caseload data. This caseload statistical review focuses on caseloads, case types, and caseload mix between 2008 and 2012.

Display 1

Court of Appeals: Total Cases Filed 2008-2012

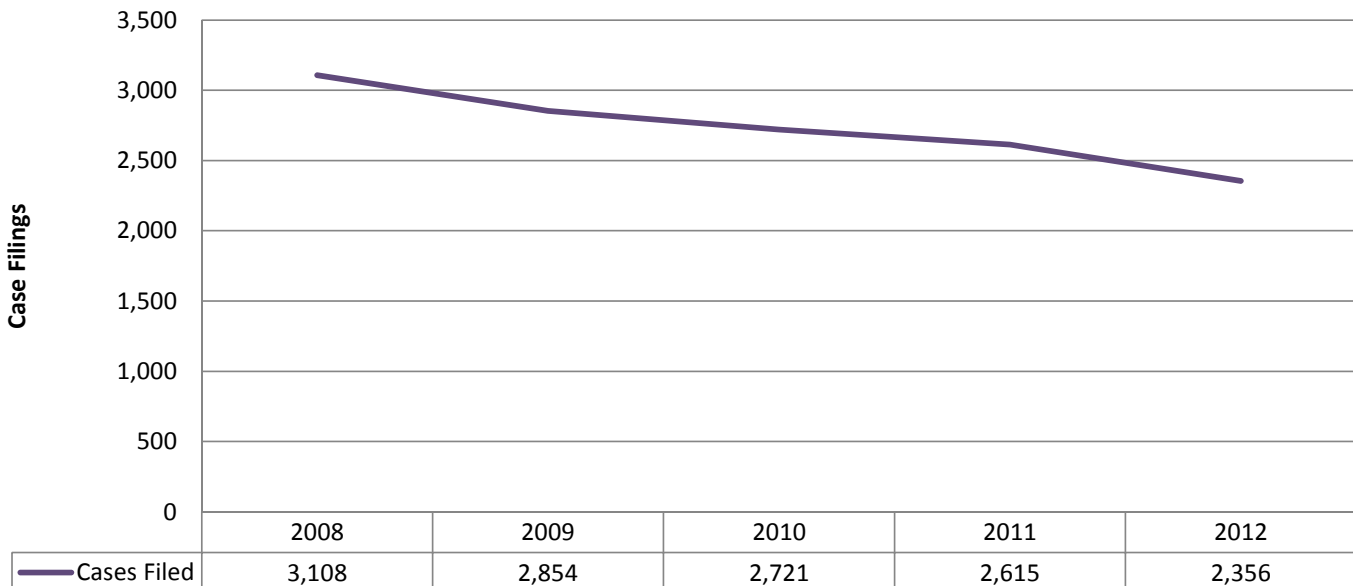


Table 1

Court of Appeals Statistical History 2008-2012

Cases Filed	2008	%Change	2009	%Change	2010	%Change	2011	%Change	2012	%Change	%Change 2008-2012
Criminal Petitions*	2,437	0.4%	2,193	-10.0%	2,071	-5.6%	1,931	-6.8%	1,751	-9.3%	-28.1%
Domestic Relations	256	-6.9%	253	-1.2%	229	-9.5%	279	21.8%	268	-3.9%	4.7%
Workers' Compensation Commission	183	11.6%	155	-15.3%	172	11.0%	176	2.3%	122	-30.7%	-33.3%
Administrative Agency	32	-15.8%	39	21.9%	33	-15.4%	31	-6.1%	33	6.5%	3.1%
Original Jurisdiction	27	-25.0%	50	85.2%	52	4.0%	40	-23.1%	39	-2.5%	44.4%
No Jurisdiction **	137	50.5%	123	-10.2%	129	4.9%	123	-4.7%	113	-8.1%	-17.5%
Other ***	36	-42.9%	41	13.9%	35	-14.6%	35	0.0%	30	-14.3%	-16.7%
Total	3,108	0.4%	2,854	-8.2%	2,721	-4.7%	2,615	-3.9%	2,356	-9.9%	-24.2%
Final Dispositions											
Non-Criminal	672	1.8%	647	-3.7%	605	-6.5%	666	10.1%	606	-9.0%	-9.8%
Criminal	2,465	-0.9%	2,437	-1.1%	2,230	-8.5%	2,020	-9.4%	1,869	-7.5%	-24.2%
Total	3,137	-0.3%	3,084	-1.7%	2,835	-8.1%	2,686	-5.3%	2,475	-7.9%	-21.1%
Disposition of Appeals											
Published Opinions	118	11.3%	122	3.4%	96	-21.3%	88	-8.3%	121	37.5%	2.5%
Unpublished Opinions	442	15.4%	443	0.2%	405	-8.6%	327	-19.3%	284	-13.1%	-35.7%
Orders	386	-0.3%	346	-10.4%	338	-2.3%	391	15.7%	369	-5.6%	-4.4%
Total	946	8.0%	911	-3.7%	839	-7.9%	806	-3.9%	774	-4.0%	-18.2%
Cases Appealed to the Supreme Court of Virginia											
	1,430	0.8%	1,431	0.1%	1,389	-2.9%	1,190	-14.3%	1,092	-8.2%	-23.6%
Criminal Petitions											
Filed	2,441	0.4%	2,198	-10.0%	2,074	-5.6%	1,936	-6.7%	1,753	-9.5%	-28.2%
Granted	303	12.6%	269	-11.2%	214	-20.4%	177	-17.3%	210	18.6%	-30.7%
Refused/Dismissed/Other	2,091	-7.4%	2,215	5.9%	2,086	-5.8%	1,847	-11.5%	1,668	-9.7%	-20.2%
Percent Granted	12.7	19.0%	10.8	-14.5%	9.3	-14.1%	8.75	-5.9%	11.2	28.0%	-11.5%
Pre-Trial Petitions Filed by Commonwealth											
Filed	22	-45.0%	27	22.7%	25	-7.4%	21	-16.0%	24	14.3%	9.1%
Granted	12	-47.8%	11	-8.3%	11	0.0%	9	-18.2%	12	33.3%	0.0%
Refused/Dismissed/Other	15	-11.8%	14	-6.7%	14	0.0%	14	0.0%	10	-28.6%	-33.3%
Original Jurisdiction											
Filed											
Habeas Corpus	2	0.0%	6	200.0%	13	116.7%	7	-46.2%	6	-14.3%	200.0%
Mandamus/Prohibition	10	25.0%	18	80.0%	17	-5.6%	14	-17.6%	9	-35.7%	-10.0%
Actual Innocence	15	-42.3%	26	73.3%	22	-15.4%	19	-13.6%	24	26.3%	60.0%
Total	27	-25.0%	50	85.2%	52	4.0%	40	-23.1%	39	-2.5%	44.4%
Disposed											
Habeas Corpus	4	33.3%	3	-25.0%	15	400.0%	8	-46.7%	4	-50.0%	0.0%
Mandamus/Prohibition	8	0.0%	17	112.5%	17	0.0%	19	11.8%	8	-57.9%	0.0%
Actual Innocence	17	-41.4%	23	35.3%	22	-4.3%	23	4.5%	21	-8.7%	23.5%
Total	29	-27.5%	43	48.3%	54	25.6%	50	-7.4%	33	-34.0%	13.8%
Appeals of Right											
Filed											
Domestic Relations	256	-6.9%	253	-1.2%	229	-9.5%	279	21.8%	268	-3.9%	4.7%
Workers' Compensation Commission	183	11.6%	155	-15.3%	172	11.0%	176	2.3%	122	-30.7%	-33.3%
Administrative Agency	32	-15.8%	39	21.9%	33	-15.4%	31	-6.1%	33	6.5%	3.1%
No Jurisdiction**	137	50.5%	123	-10.2%	129	4.9%	123	-4.7%	113	-8.1%	-17.5%
Other ****	10	-41.2%	9	-10.0%	7	-22.2%	9	28.6%	4	-55.6%	-60.0%
Total	618	5.6%	579	-6.3%	570	-1.6%	618	8.4%	540	-12.6%	-12.6%
Total Cases Filed	3,108	0.4%	2,854	-8.2%	2,721	-4.7%	2,615	-3.9%	2,356	-9.9%	-24.2%
Total Petitions Refused and Cases Disposed	3,137	-0.3%	3,084	-1.7%	2,835	-8.1%	2,686	-5.3%	2,475	-7.9%	-21.1%

*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 2012, the CAV recorded 2,356 case filings, 259 less than the 2,615 in 2011 and 752 less than the 3,108 in 2008. Between 2011 and 2012, the decrease in filings was driven by decreases in all case types except Administrative Agency. Final dispositions totaled 2,475 in 2012, 211 less than the year before and 662 less than 2008. Of the final dispositions, 75.5% were criminal cases. Since 2008, criminal dispositions have decreased 24.2%, while non-criminal decreased 9.8%. During the five years, filings have decreased 24.2% and final dispositions have decreased 21.1%.

Table 2

Court of Appeals Case Filings 2008-2012

Cases Filed	2008	%Change	2009	%Change	2010	%Change	2011	%Change	2012	%Change	%Change 2008-2012
Criminal Petitions*	2,437	0.4%	2,193	-10.0%	2,071	-5.6%	1,931	-6.8%	1,751	-9.3%	-28.1%
Domestic Relations	256	-6.9%	253	-1.2%	229	-9.5%	279	21.8%	268	-3.9%	4.7%
Workers' Compensation Commission	183	11.6%	155	-15.3%	172	11.0%	176	2.3%	122	-30.7%	-33.3%
Administrative Agency	32	-15.8%	39	21.9%	33	-15.4%	31	-6.1%	33	6.5%	3.1%
Original Jurisdiction	27	-25.0%	50	85.2%	52	4.0%	40	-23.1%	39	-2.5%	44.4%
No Jurisdiction **	137	50.5%	123	-10.2%	129	4.9%	123	-4.7%	113	-8.1%	-17.5%
Other ***	36	-42.9%	41	13.9%	35	-14.6%	35	0.0%	30	-14.3%	-16.7%
Total	3,108	0.4%	2,854	-8.2%	2,721	-4.7%	2,615	-3.9%	2,356	-9.9%	-24.2%

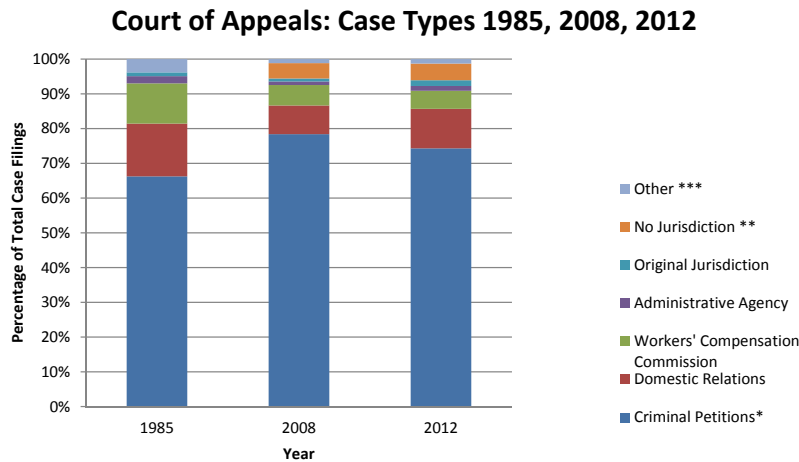
*Does not include contempt.

**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.

Case Filings Mix Between 2008 and 2012, the majority of the cases filed consisted of criminal petitions, domestic relations, and Workers' Compensation Commission cases. The percentage of criminal petitions in 2008 was 78.4%, this fell to 74.3% in 2012. While the percentage of criminal petitions decreased, the combined percentage of domestic relations and Workers' Compensation Commission case filings increased from 14.1% of filings in 2008 to 16.6% in 2012.

Display 2



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 2008-2012

Criminal Petitions	2008	%Change	2009	%Change	2010	%Change	2011	%Change	2012	%Change	%Change 2008-2012
Filed	2,441	0.4%	2,198	-10.0%	2,074	-5.6%	1,936	-6.7%	1,753	-9.5%	-28.2%
Granted	303	12.6%	269	-11.2%	214	-20.4%	177	-17.3%	210	18.6%	-30.7%
Refused/Dismissed/Other	2,091	-7.4%	2,215	5.9%	2,086	-5.8%	1,847	-11.5%	1,668	-9.7%	-20.2%
Percent Granted	12.7	19.0%	10.8	-14.5%	9.3	-14.1%	8.8	-5.9%	11.2	28.0%	-11.5%

Display 3

Criminal Petitions Of the cases filed, criminal petitions constituted the majority of the caseload, 74.4% in 2012. The greatest decrease in criminal petitions filed was between 2008 and 2009 at 10.0%. In 2012, criminal petitions fell 9.5%; however granted criminal petitions increased 18.6%, increasing from 177 in 2011 to 210 in 2012.

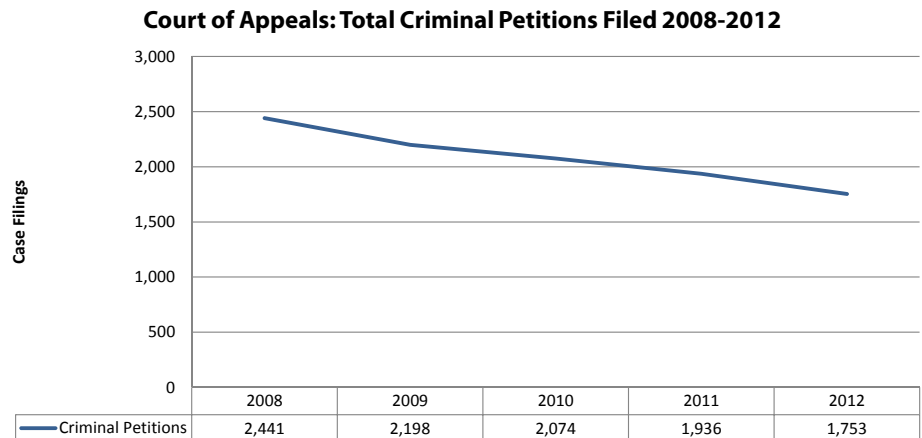


Table 4

Original Jurisdiction Cases 2008-2012

Original Jurisdiction	2008	%Change	2009	%Change	2010	%Change	2011	%Change	2012	%Change	%Change 2008-2012
Filed											
Habeas Corpus	2	0.0%	6	200.0%	13	116.7%	7	-46.2%	6	-14.3%	200.0%
Mandamus/Prohibition	10	25.0%	18	80.0%	17	-5.6%	14	-17.6%	9	-35.7%	-10.0%
Actual Innocence	15	-42.3%	26	73.3%	22	-15.4%	19	-13.6%	24	26.3%	60.0%
Total	27	-25.0%	50	85.2%	52	4.0%	40	-23.1%	39	-2.5%	44.4%

Original Jurisdiction In 2012, the total original jurisdiction cases filed was 39, which is one or 2.5% less than 2011, but 12 or 44.4% more than 2008. Between 2011 and 2012, the number of all case types decreased except Actual Innocence which increased by five or 26.3%.

Table 5

Appeals of Right 2008-2012

Appeals of Right	2008	%Change	2009	%Change	2010	%Change	2011	%Change	2012	%Change	%Change 2008-2012
Filed											
Domestic Relations	256	-6.9%	253	-1.2%	229	-9.5%	279	21.8%	268	-3.9%	4.7%
Workers' Compensation Commission	183	11.6%	155	-15.3%	172	11.0%	176	2.3%	122	-30.7%	-33.3%
Administrative Agency	32	-15.8%	39	21.9%	33	-15.4%	31	-6.1%	33	6.5%	3.1%
No Jurisdiction**	137	50.5%	123	-10.2%	129	4.9%	123	-4.7%	113	-8.1%	-17.5%
Other ****	10	-41.2%	9	-10.0%	7	-22.2%	9	28.6%	4	-55.6%	-60.0%
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**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 and civil contempt.

Appeals of Right In 1985, there were 538 appeals of right and in 2012, there were 540. There was a decrease of 12.6% from last year. Domestic relations cases, Workers' Compensation Commission cases, and the "other" category that includes concealed weapons applications and civil contempt cases had all experienced increases in 2011, but decreased in 2012.

Table 6

Disposition of Appeals

Disposition of Appeals	1986	Per Judge Average	2008	Per Judge Average	2009	Per Judge Average	2010	Per Judge Average	2011	Per Judge Average	2012	Per Judge Average	% Above 1986
Opinions	328	33	560	51	565	51	501	46	415	38	405	37	12.3%
Published Opinions			118	11	122	11	96	9	88	8	121	11	
Unpublished Opinions			442	40	443	40	405	37	327	30	284	26	
Orders	386	39	386	35	346	31	338	31	391	36	369	34	-13.1%
Total	714	71	946	86	911	83	839	76	806	73	774	70	-1.5%

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 2012 with 11 judges, the average disposition per judge (70) was 1.5% below the 1986 average. There was an average of 37 opinions per judge and 34 orders per judge in 2012.

