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December 14, 2022

The Honorable John S. Edwards
Co-Chair, Judiciary Committee
Senate of Virginia
P.O. Box 1179
Roanoke, Virginia 24006-1179

The Honorable R. Creigh Deeds
Co-Chair, Judiciary Committee
Senate of Virginia
P.O. Box 5462
Charlottesville, Virginia 22905-5462

The Honorable Robert B. Bell
Chair, Courts of Justice Committee
Virginia House of Delegates
2309 Finch Court
Charlottesville, VA 22911

Re: Chapter 489, Enactment Clause 5 Report

Dear Chairs Edwards, Deeds, and Bell:

Chapter 489, Enactment Clause 5, of the Virginia Acts of Assembly (Special Session I, 2021) requires the Office of the Executive Secretary of the Supreme Court of Virginia to report to the House Committee for Courts of Justice and the Senate Committee on the Judiciary on the expanded workload of the Court of Appeals of Virginia, each year for three years, with the first report to be made by January 1, 2023. Please find attached the first report from the Court of Appeals detailing the case filings and processing following the January 1, 2022, effective date of the Court's expanded jurisdiction.

If you have any questions, please do not hesitate to contact me.

With best wishes, I am

Very truly yours,

A handwritten signature in black ink that reads "KRH".

Karl R. Hade

KRH:jrs

Attachment

cc: The Honorable Richard L. Saslaw
The Honorable Thomas K. Norment, Jr.
The Honorable L. Louise Lucas
The Honorable Mark D. Obenshain
The Honorable Ryan T. McDougle
The Honorable Richard H. Stuart
The Honorable William M. Stanley, Jr.
The Honorable J. Chapman Petersen
The Honorable Scott A. Surovell
The Honorable Jennifer L. McClellan
The Honorable Jennifer B. Boysko
The Honorable Joseph D. Morrissey
The Honorable Mark J. Peake
The Honorable Leslie R. Adams
The Honorable Terry G. Kilgore
The Honorable James A. Leftwich Jr.
The Honorable Jeffrey L. Campbell
The Honorable Margaret B. Ransone
The Honorable Ronnie R. Campbell
The Honorable Nicholas J. Freitas
The Honorable Jason S. Ballard
The Honorable Wren M. Williams
The Honorable Timothy V. Anderson
The Honorable Vivian E. Watts
The Honorable Charniele L. Herring
The Honorable Patrick A. Hope
The Honorable Jeffrey M. Bourne
The Honorable Marcus B. Simon
The Honorable Richard C. Sullivan Jr.
The Honorable Karrie K. Delaney
The Honorable Don L. Scott Jr.
The Honorable Marla Graff Decker, Chief Judge, Court of Appeals of Virginia
Division of Legislative Automated Systems



**Report to the House Committee for Courts of
Justice and the
Senate Committee on the Judiciary
Expanded Workload of the Court of Appeals
of Virginia 2022**





THE COURT OF APPEALS OF VIRGINIA 2022



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EXECUTIVE SUMMARY:

This inaugural report from the Court of Appeals details the nine months' of case filings and processing following the January 1, 2022 effective date of the Court's expanded jurisdiction. At this early stage trends are to be viewed with caution, particularly given the ongoing impact of the COVID-19 pandemic and the transformation required by the expansion of the Court's jurisdiction. Key points regarding the Court's workload and processes include the following:

- The Court's existing legacy case management system hinders the ability to accurately track the workflow from case initiation to completion. An updated case management system would promote efficiency in processing cases and enhance the Court's ability to provide the General Assembly with more accurate data.
- The Clerk's office and the Chief Staff Attorney's office were reorganized to accommodate the Court's expanded jurisdiction and improve the Court's workflow.
- The Court and its staff are adapting to new procedures and a learning curve associated with the new civil matters. Once these matters are more familiar to the Court and personnel, efficiency will necessarily improve.
- Despite pandemic-related disruptions in the trial courts, the total filings in this Court are approaching pre-pandemic levels. As of September 30, 2022, the Court had received 1470 new case filings (an average of 163.2 per month). The Court anticipates approximately 1950 total new case filings in 2022 (there were 2086 new case filings in 2019).
- New criminal case filings have not yet rebounded to pre-pandemic levels. Through September 30, 2022, the Court has averaged 81.2 new criminal case filings per month, compared with the 2019 monthly average of 124.4 new criminal case filings.
- Expanded jurisdiction civil case filings increased steadily throughout the year. The Northern region accounted for more than one-third of the total filings in this category.
- The Court increased its docket from 28 panels in 2021 to 44 panels in 2022 then to 48 panels in 2023 to address a growing case inventory and improve the clearance rate.
- After a sluggish start, the Court's overall efficiency has improved in the second and third quarters of 2022. Nevertheless, a gap persists in the Court's clearance rate (ratio of new case filings to completed cases) compared to recent pre-pandemic years.
- The Court has identified four key factors impeding the clearance rate:
 - The sudden conversion of 331 criminal cases from petitions to appeals of right on January 1, 2022;
 - The necessarily longer processing time for criminal appeals of right;
 - The increased motions practice and proliferation of pro se litigants associated with new civil appeals; and,
 - The significant rise in concurring and dissenting opinions.

**Report to the House Committee for Courts of Justice
and the Senate Committee on the Judiciary
on the Expanded Workload of the Court of Appeals of Virginia for 2022¹**

I. Introduction:

This report is delivered to the Virginia General Assembly’s House Committee for Courts of Justice and the Senate Committee on the Judiciary pursuant to Enactment Clause 5 of the 2021 Va. Acts, Sp. Sess. I, c. 489 (Senate Bill 1261). The report details the expanded workload of the Court of Appeals of Virginia in the nine months following the January 1, 2022 effective date of the expanded jurisdiction legislation.² This report also provides a snapshot of how the Court has expanded its personnel and reworked the case processing procedures to better serve those litigants bringing matters before the Court.³

¹ The title of the report is reflective of Enactment Clause 5 of the 2021 Va. Acts, Sp. Sess. I, c. 489 (Senate Bill 1261).

² Some of the analysis presented focuses on the period from January 1 to June 30, 2022, compared to the same six-month period in 2019, which was the most recent full year before the COVID-19 Pandemic. Such comparisons are of limited utility, however, because the law in 2019 reflected very different appellate procedures and limited jurisdiction.

³ Producing this report has involved the efforts of many people across several different offices and departments. The Court’s sincerest appreciation goes to Clerk of Court John Vollino, Chief Staff Attorney Alice Armstrong, and their hard-working teams. Special recognition also goes to the Virginia Criminal Sentencing Commission, led by Director Meredith Farrar-Owens. Director Farrar-Owens and her staff have provided the Court with an independent set of eyes and a fresh look at the data for this first year of the Court’s expanded jurisdiction. Finally, the Court is grateful for the insight, analysis, and efforts of Robert Blosser, Administrative Staff Attorney, for tracking data, identifying trends, and compiling this report.

II. Court Structure:

A. Court Leadership

Chief Judge:

- Marla Graff Decker, Henrico County

Judges:

- Robert J. Humphreys, City of Virginia Beach
- Randolph A. Beales, Mecklenburg County & Henrico County
- Glen A. Huff, City of Virginia Beach
- 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
- 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

Senior Judges:

- Rosemarie Annunziata, Fairfax County
- Jean Harrison Clements, Town of Leesburg
- James W. Haley, Jr., Stafford County
- Robert P. Frank, City of Newport News
- William G. Petty, City of Lynchburg

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

Since July 2021 the Court of Appeals of Virginia has welcomed and trained nine new judges. This is the largest number of new judges since the Court's inception. In 2021 the General Assembly added six new judgeships to the Court of Appeals in conjunction with expanding the Court's jurisdiction to permit appeals of right in almost all cases. In addition to these six new judges, the legislature filled a vacant judgeship left when Judge Rossie D. Alston, Jr., was appointed to the United States District Court for the Eastern District of Virginia in June 2019. The legislature also appointed a successor to Judge William G. Petty, who retired effective November 1, 2021. Finally, during the 2022 Session of the General Assembly the legislature filled a vacancy created by the July 1, 2022 elevation of Justice Wesley G. Russell, Jr. to the bench of the Supreme Court of Virginia.



B. Court Operations: The Court's Clerk's Office and Chief Staff Attorney's Office

Extensive hiring and training has occurred in 2021 and 2022. With the six new judgeships the Court necessarily added eighteen new full-time positions to the Court's judicial staff. Additionally, in anticipation of the expanded jurisdiction, twelve new positions were added to the Chief Staff Attorney's Office and fourteen new positions were added to the Clerk's Office. In total, the Court of Appeals now includes seventeen judges and one-hundred twenty-four full-time employees.

1. Clerk's Office Key Functions and Organization

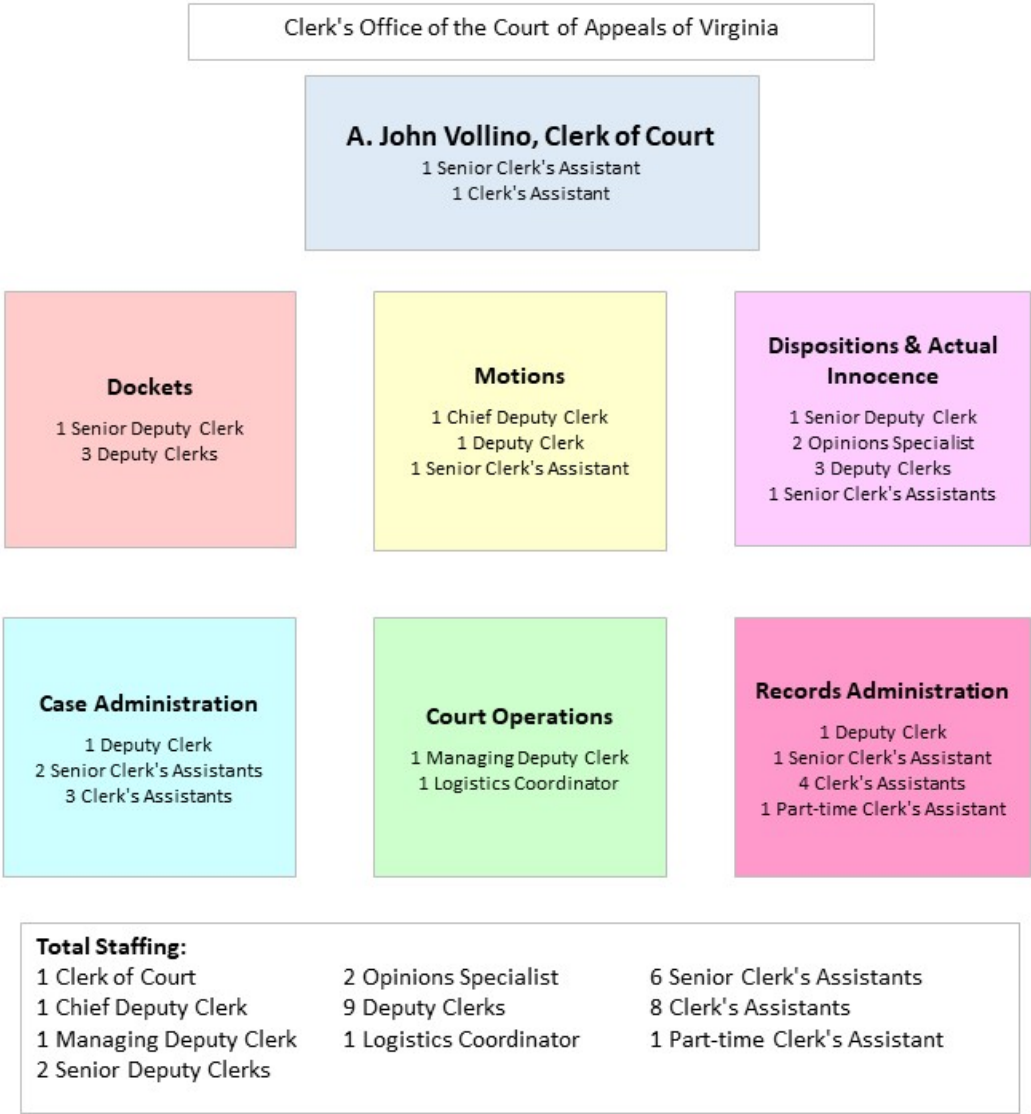
The Clerk's office had a change in leadership in 2021. On September 1, 2021, A. John Vollino, the long-serving Chief Deputy Clerk, became the new Clerk of the Court of Appeals upon the retirement of Cynthia (Cindi) L. McCoy. Additionally, the Clerk's office was restructured to accommodate the expanded jurisdiction and process cases more efficiently. The office has significantly expanded electronic filing and public access to electronic records, and the staff has been trained to handle new types of appeals.

Currently, the Clerk's office employs thirty-one full-time employees who work across six different teams:

- The Case Administration team is the forward-facing staff of the Court and routinely works with the public to answer questions and receive filings. When a notice of appeal or any other pleading is filed, the Case Administration team manually processes the filing and uploads it to the Court's internal case management system. Even electronically-filed pleadings must be processed manually. This team also reviews original jurisdiction petitions for compliance and ensures that the petitions are ready for Court review.
- The Records Administration team coordinates with the lower tribunal to collect the case record once an appeal is initiated. When the Records Administration team receives an electronic record, it compiles the documents into a secure, cloud-based storage system and provides parties with a link to the record, which allows litigants to easily access the circuit court record. When the Records Administration team receives a paper record, it preserves the record as it was submitted by the circuit court. This team notifies litigants of receipt of the record. Paper records are available for review in the Clerk's office during regular business hours.
- The Motions team handles preliminary motions related to the record, briefing, and bonds. These motions range from routine to complex. The Motions team also reviews and routes substantive or expedited motions to the Chief Staff Attorney's Office for preliminary review or directly to a panel of the Court for review and consideration.
- The Dockets team assigns cases to panels for oral argument. Once a case is fully briefed the Dockets team assigns it to the next available panel in the region. The

Dockets team manages the scheduling and logistics for argument panels throughout the Commonwealth.

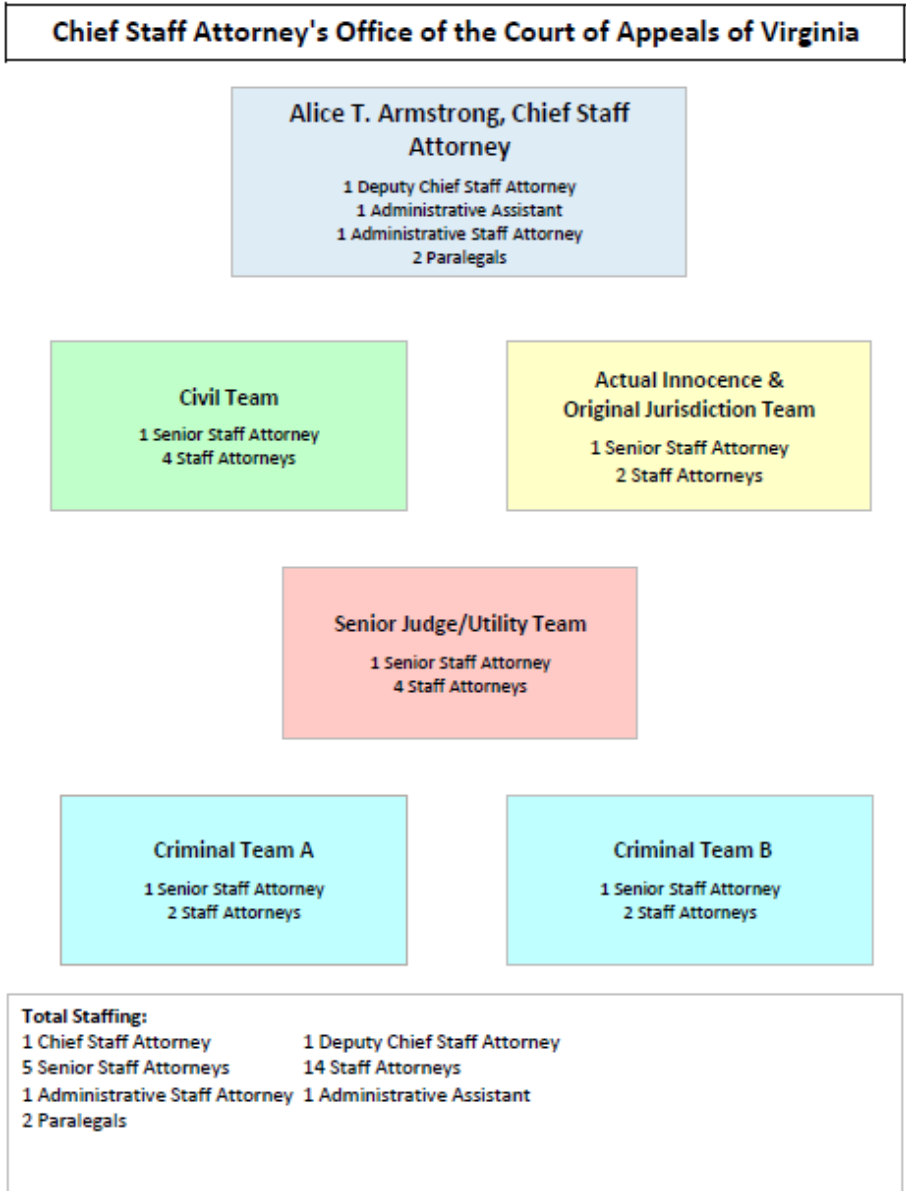
- The Dispositions & Actual Innocence team reviews all the Court’s opinions and orders for formatting and any necessary corrections before releasing them to the public. The Dispositions & Actual Innocence team drafts and issues mandates for the Court’s decisions. This team also reviews and issues all interlocutory and dispositional orders regarding actual innocence filings.
- The Court Operations team assists the Court and its many employees with myriad issues from leasing office space and event planning, to troubleshooting technology glitches and improving the functionality of our case management system. This team is also responsible for health and safety protocols, supplies and logistical matters.



2. Chief Staff Attorney's Office Key Functions and Organization

The Office of the Chief Staff Attorney (CSA) conducts preliminary reviews of motions, appeals, and original jurisdiction petitions. The staff attorneys check for compliance with all procedural rules, conduct legal research, and provide the Court with an initial analysis of the legal and procedural issues presented in each filing. The CSA also provides staff support to the Court's Senior Judges, including assistance with researching and drafting opinions because the Senior Judges do not have their own law clerks.

Although each staff attorney is expected to work on any case assigned, the CSA was restructured in 2021 into five teams with primary focus areas to maximize efficiency through specialization. The five teams are the Actual Innocence/Original Jurisdiction Team, the Civil Team, two Criminal Teams, and the Senior Judge/Utility Team. Each team is led by a Senior Staff Attorney who reports to the Chief Staff Attorney.



III. Expanded Jurisdiction: Data Analysis

A. Introduction

The changes to the Court’s jurisdiction increased the Court’s workload not only quantitatively but also qualitatively in 2022. Identified trends suggest the increased workload following expansion of the Court’s jurisdiction will continue in 2023 and beyond.

To meet the legislative mandate of Enactment Clause 5 of the 2021 Va. Acts, Sp. Sess. I, c. 489 (Senate Bill 1261), this report analyzes filings in the Court, and the resulting increase in the Court’s case inventory following the Court’s expanded jurisdiction and the conversion of virtually all cases to appeals of right. This report is submitted with the important caveat that in 2022 the COVID pandemic continued to impact the flow of cases at all levels of Virginia’s judiciary. Significantly, the last order extending the Judicial State of Emergency, which tolled statutory speedy trial deadlines, did not expire until June 22, 2022. Tolling of the speedy trial deadlines has prolonged the life of criminal cases in the trial courts well after the most devastating impacts of the pandemic had begun to subside. These extended case-life cycles may artificially depress the *appellate* cycle of cases for months, perhaps years, to come. Accordingly, the data and analysis provided in this first report addressing the Court’s workload in light of its expanded jurisdiction should be viewed with caution as a predictor of the future filings and workload.

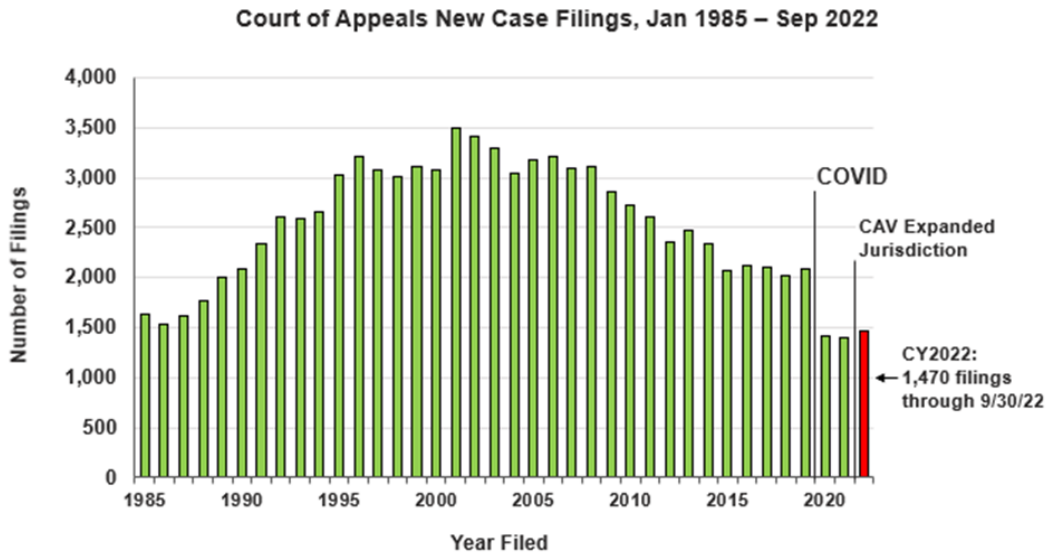
B. Data from Case Life Stages

Court of Appeals Case Flow Overview:

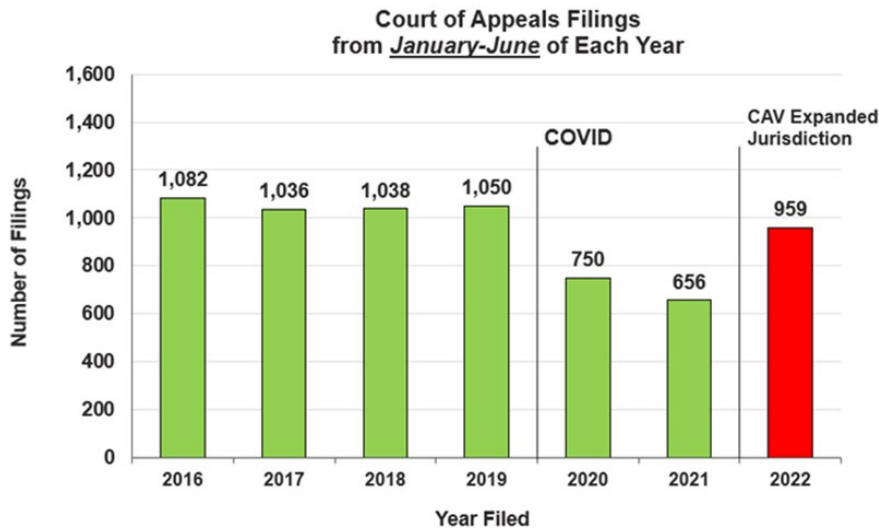


1. Intake of New Case Filings in 2022

There were 1,470 new case filings submitted to the Court through the first nine months of 2022. The numbers suggest that total filings for 2022 will approach pre-pandemic levels, despite the continued delays in the lower courts associated with court closures, limited access, and restrictions on jury trials associated with the pandemic.



Note: The reported filings for 1985-2021 reflect the years’ complete data.



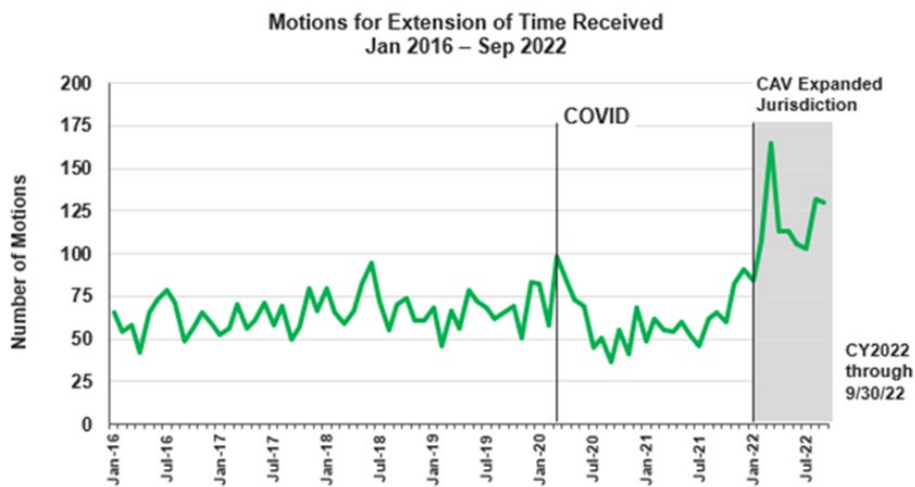
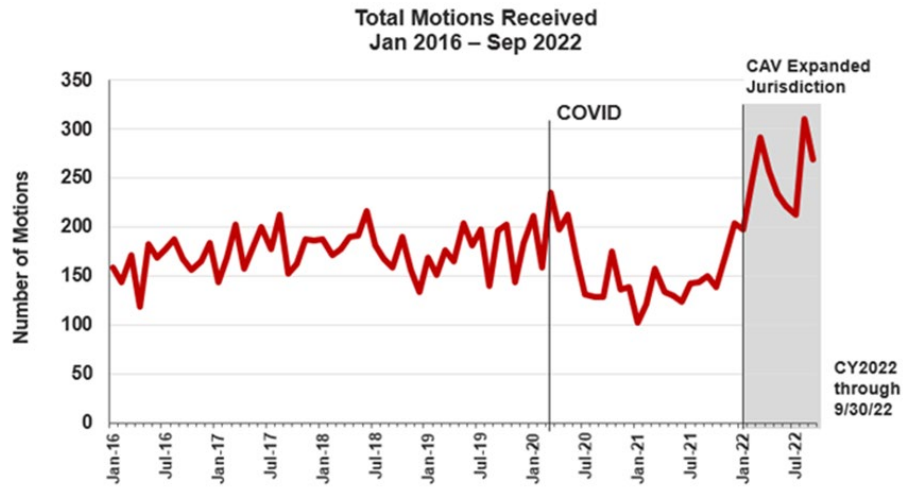
Note: In the first six months of 2022 the Court received 959 filings. The filings processed this year by the Case Administration Team represent a significant jump from the COVID-affected years of 2020 and 2021 and were comparable to pre-pandemic years (2016-2019).

In addition to the new case filings, all of which are assigned a case number, the Court addresses many pre-case matters that are not assigned a case record number. These pre-case matters are not ripe as appeals but often involve issues that the Court must address. The total number of these pre-case matters is difficult to track. However, the Clerk’s office’s internal records indicate that through the first nine months of 2022, there were 138 such matters. These

pre-case matters include pre-trial bond motions, motions for delayed appeal in criminal cases, motions to stay, and motions for extension of time to file a notice of appeal. Notably, two of these matters were granted *en banc* review in 2022.

2. Motions in 2022

Motions filed in the Court during the first nine months of 2022 exceeded the total number of motions filed in the entire calendar years (2016 – 2019) preceding the pandemic (2,238 total motions in 2022 through September 30, 2022 compared to 2,110 for the entire year of 2019). Motions for an extension of time to file an opening brief or appellee’s brief have largely driven that increase, particularly as criminal cases automatically converted to appeals of right on January 1, 2022. Motions for an extension of time to file a transcript and petitions for a writ of certiorari to obtain documents missing from the circuit court record also account for a large portion of the motions filed in the Court this year. The variety of motions the Court has received is also growing, especially as more appeals are filed in civil cases. The Court now regularly receives motions to correct clerical errors, motions to strike, motions for amicus briefing, motions to stay, and motions to dismiss.



Although the data clearly reflect a sharp increase in the number of motions filed, the raw numbers do not capture the level of complexity of the motions. There has been a significant increase in the number of substantive motions, mainly associated with civil cases, that cannot be addressed administratively and must go before a panel of judges for disposition. This upswing in substantive motions increases case processing times because the Court frequently must rule on a pending motion before the case can proceed. Accordingly, the Court must address some cases several times before they are ripe for a final disposition.

**Top 5 Most Frequent Motion Types
by Year**

2016		2019		2022 (through September)	
Motion Type	Number	Motion Type	Number	Motion Type	Number
Extension of Time	740	Extension of Time	787	Extension of Time	1,054
Anders*	246	Anders*	243	Miscellaneous	188
Withdraw 3-Judge Writ Panel Case	151	Withdraw 3-Judge Writ Panel Case	113	Withdraw/Settle Prelim. Review Case	121
Delayed Appeal	85	Delayed Appeal	101	Withdraw as Counsel	118
Dismiss Case	69	Unseal Record	101	Dismiss Case	100

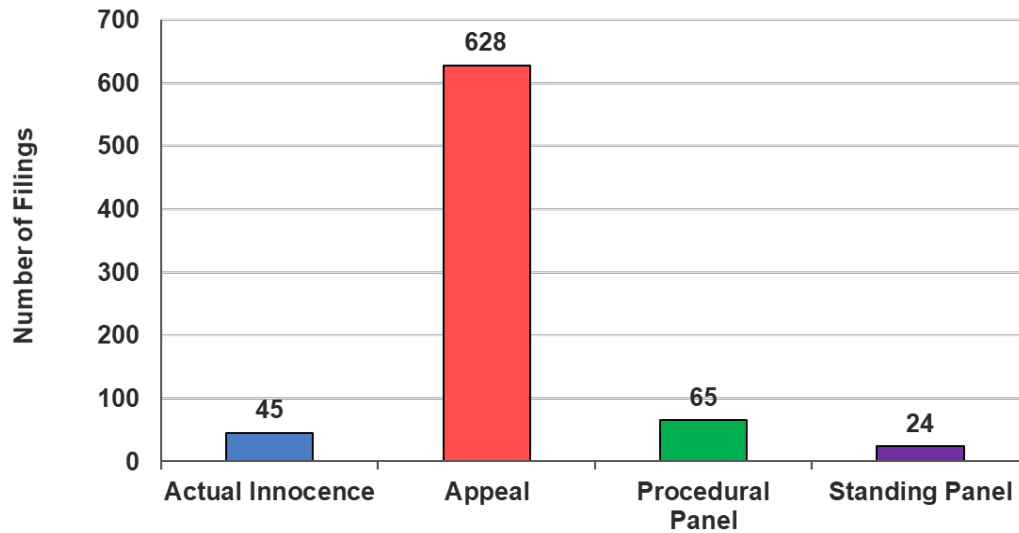
* In *Anders v. California*, 386 U.S. 738 (1967), the Supreme Court of the United States announced the procedure attorneys and reviewing courts must follow when an attorney concludes that the client’s appeal is frivolous. The attorney must file a brief explaining any arguably meritorious issues, a motion for an extension of time for the client to raise any issues, and a motion to withdraw from the representation. The Court of Appeals grants the *Anders* motion for an extension of time for the appellant to file a supplemental brief when the *Anders* appeal is filed; the number reflected above corresponds to the special extension of time for a client to independently raise issues with the Court.

3. Chief Staff Attorney’s Office Case Processing

The Chief Staff Attorney’s (CSA) Office evaluates the cases as they ripen on the Court’s docket. The CSA review includes checking compliance with the Rules of Court and providing an initial analysis of the case for the Court. The Court’s legacy case management system cannot capture the full extent of the CSA’s work; however, the office’s internal records, along with a review of work the case management system is able to track, shows that the staff attorneys completed reviews and analysis of 762 assignments⁴ between January 2022 and June 2022. They completed their work on those matters in an average of 13.1 days.

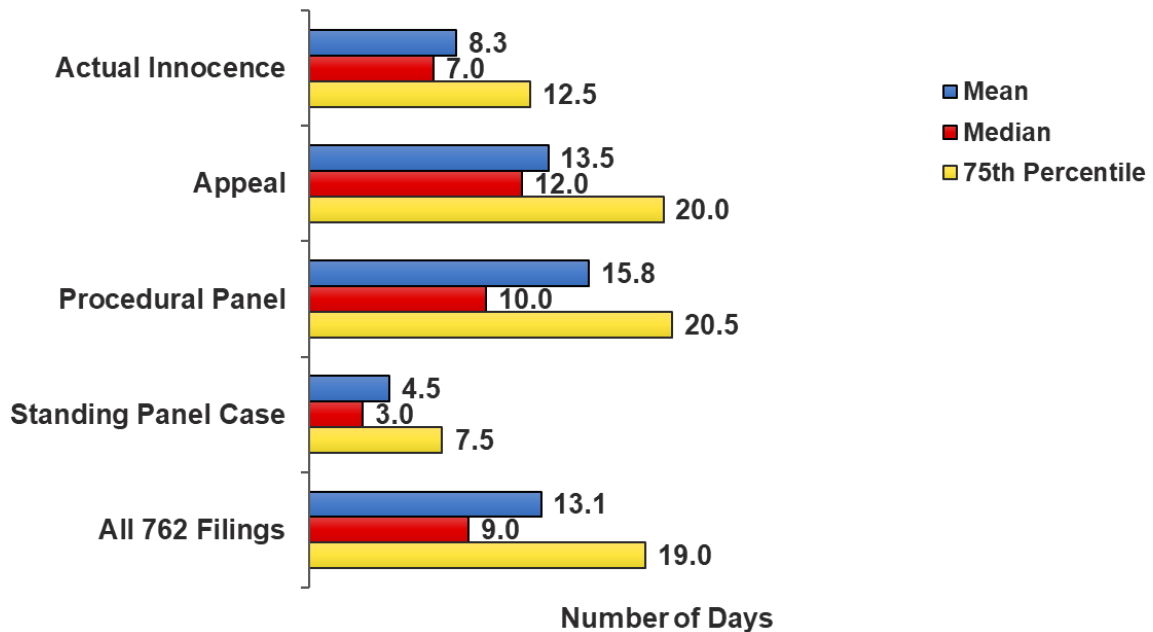
⁴ In addition to reviewing briefs and petitions as they ripen on the docket, CSA also reviews and researches substantive motions, motions for delayed appeals, and other additional or ancillary matters that are not tracked separately in the Court’s case management system. “Assignments” includes all the matters CSA reviews for the Court.

**Number of Filings Referred to CSA, Jan – Jun 2022
By Classification**



Total Filings Referred to CSA = 762

**Filings Referred to CSA, Jan – Jun 2022
CSA Processing Time (in Days)**



Note: Figures are based on the “Referred to CSA Date” and the “Sent/Referred to Docket Date,” which is the date the case goes to the Dockets team for assignment to a judge/panel. The 75th percentile is the number of days it takes for 75% of the CSA cases to be sent/referred to a docket date

4. Case Docketing to Panels

The first quarter of 2022 had fewer cases per panel because cases newly initiated or converted to appeals of right as of January 1, 2022, required time for briefing and resolving any preliminary motions before the case was ripe for oral argument. The Dockets team filled the Court’s scheduled panels to capacity (18 cases per panel) for most panels after mid-March. By October 2022, the Court’s 2022 panels had been filled to capacity, and the Dockets team began assigning cases to panels for the first quarter of 2023.

2022 Total Panel Assignments by Region				
Region	Panels	Total Panel Openings	Total Cases Docketed	% of Panel Filled
Eastern	12	216	195	90.3%
Central	11	198	178	89.9%
Western	11	198	181	91.4%
Northern	10	180	127	70.5%
All	44	792	681	86%

Comparing the 2022 docketing numbers to those from 2019 shows the significant increase in the number of arguments associated with the move away from appeals by petition. Under the petition regime, most cases were decided without oral argument.

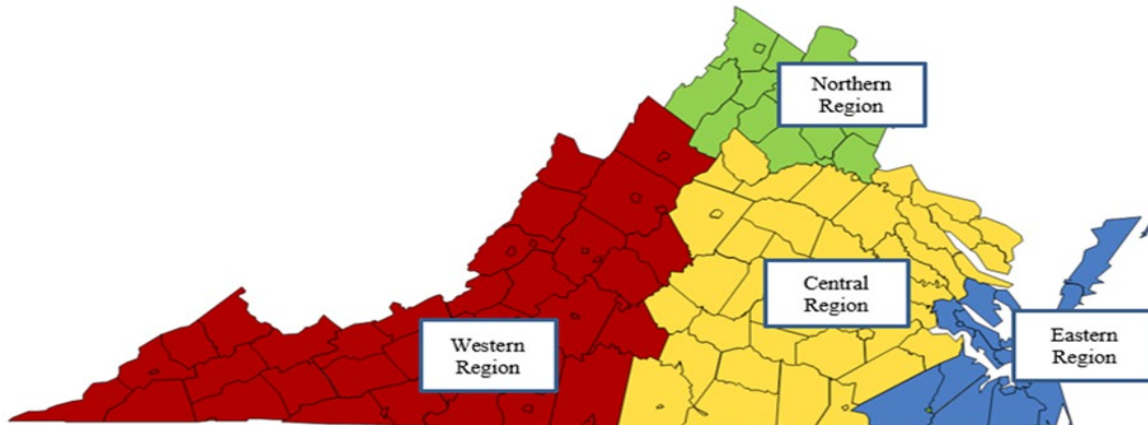
2019 Total Panel Assignments by Region				
Region	Panels	Total Merits Openings	Total Merits Docketed	% Merits Filled
Eastern	8	144	77	53.5%
Central	8	144	81	56.3%
Western	5	90	41	45.6%
Northern	6	108	73	67.6%
ALL	27	486	272	56.0%

Overall for 2022, panels were 86% filled (681 appeals scheduled to panels, filling 792 possible openings). For argument panels between April 2022 and December 2022, the Dockets team assigned and scheduled the Court’s panels to 95% capacity (580 appeals scheduled to panels, filling 612 possible openings). Considering the current filing rates and a growing case inventory, the Court expects that all panels will be at or near capacity in 2023.

2022 Total Panel Assignments by Quarter				
2022 Quarter	Panels	Total Panel Openings	Total Cases Docketed	% of Panel Filled
1 (Jan-Mar)	11	198	108	54.5%
2 (Apr-Jun)	11	198	179	90.4%
3 (Jul-Sep)	11	198	196	98.4%
4 (Oct-Dec)	11	198	198	100%
Full Year	44	792	681	86%

5. *In-Person Argument Panels*

In 2022 the Court resumed in-person arguments for most panels; however, it has retained the use of video arguments for some cases, including to facilitate timely argument in time-sensitive matters. The Court held a total of 44 argument panels in 2022, up from 29 panels in 2021. The Court sits in the following regions:



In 2022, the Court has held argument panels in the following locations:

Region 1 (Eastern Region)

- City of Chesapeake
- City of Hampton
- City of Norfolk
- City of Virginia Beach

Region 2 (Central Region)

- City of Richmond

Region 3 (Western Region)

- Rockbridge County
- Roanoke County

Region 4 (Northern Region)

- City of Alexandria
- Arlington County
- Fairfax County
- City of Fredericksburg
- Loudoun County
- City of Winchester

Given the success in filling the Court's panels in 2022, and looking ahead to 2023, the Court will again increase the number of annual three-judge panels to 48 in 2023. The added panels will increase the number of cases that can be set for argument from 792 to 864. This

increase means the Court will sit in every region each month in 2023. Expanding the number of panels for 2023 will help alleviate the growing inventory of cases and improve the Dockets team’s flexibility in assigning and scheduling cases.

6. Release of Opinions and Orders

As with docketing cases to panels, release of dispositions was slow in the first quarter of 2022 because of the lag between when cases were initiated (or converted to appeals of right) and when they were ready for the Court’s consideration. In addition, the conversion of more than 300 petitions to appeals of right on January 1 created an artificial balloon in cases that did not begin to ripen until March or April. The number of dispositions has increased throughout 2022 as the cases have progressed, so by the third quarter of 2022 the Court was releasing an average of 130.3 dispositions per month (compared to 76.3 dispositions per month in the first quarter of 2022).

Month	Dispositions Released	Quarterly Disposition Average
January-22	51	76.3
February-22	76	
March-22	102	
April-22	109	114.0
May-22	117	
June-22	116	
July-22	119	130.3
August-22	150	
September-22	122	
Jan. -Sept. 2022	962	106.9

For comparison, before the pandemic, the Court averaged closer to 170 dispositions per month (in 2019, the average number of dispositions per month was 179.9, and in 2016, the average number of dispositions was 178.9). Comparisons to pre-pandemic numbers, however, are incongruent. This is because they juxtapose two very different case flow systems given the elimination of the petition-based system in criminal cases and the significant limitations on summary dispositions that became effective on January 1, 2022.

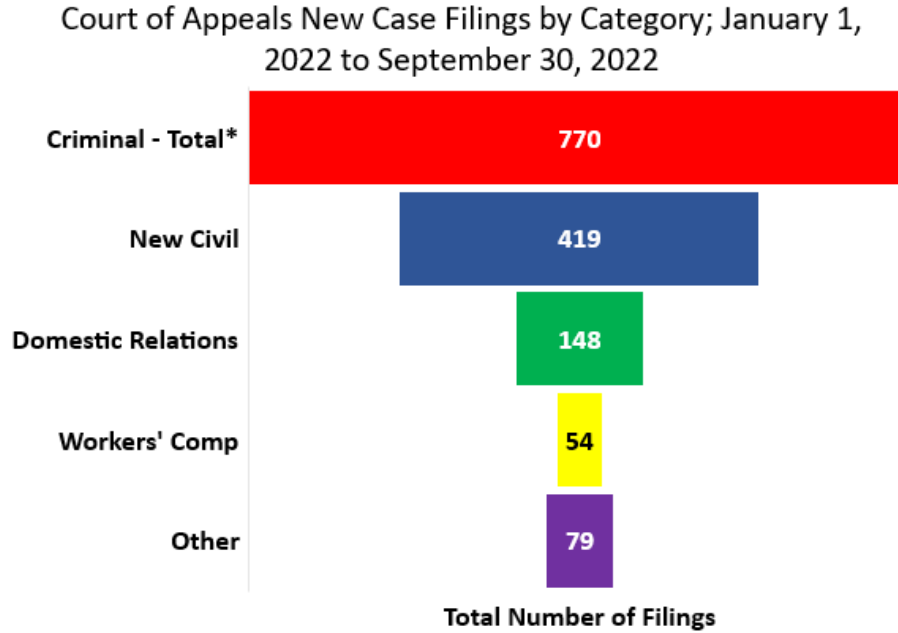
Number of Dispositions for 2022 compared to 2016-19

Time Period in Review	Total Dispositions	Monthly Average
Full Year- 2016	2147	178.9
Full Year- 2017	2059	171.6
Full Year- 2018	1958	163.2
Full Year- 2019	2159	179.9
Jan-Sep 2022	962	106.9

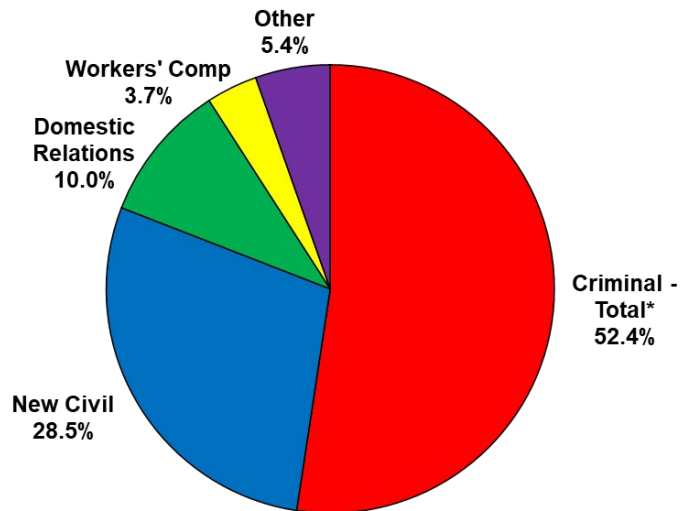
C. Data from Case Numbers

1. New Case Filings – Total

Criminal cases comprised approximately half of new case filings in 2022; however, civil cases under the Court’s expanded jurisdiction came in a strong second.



Court of Appeals Filings, 2022 (through Sep 30)
by Case Category
STATEWIDE



Number of Filings = 1,470

* “Criminal - Total” includes both “Criminal by Right” and ancillary criminal filings including, for example, Commonwealth pre-trial appeals.

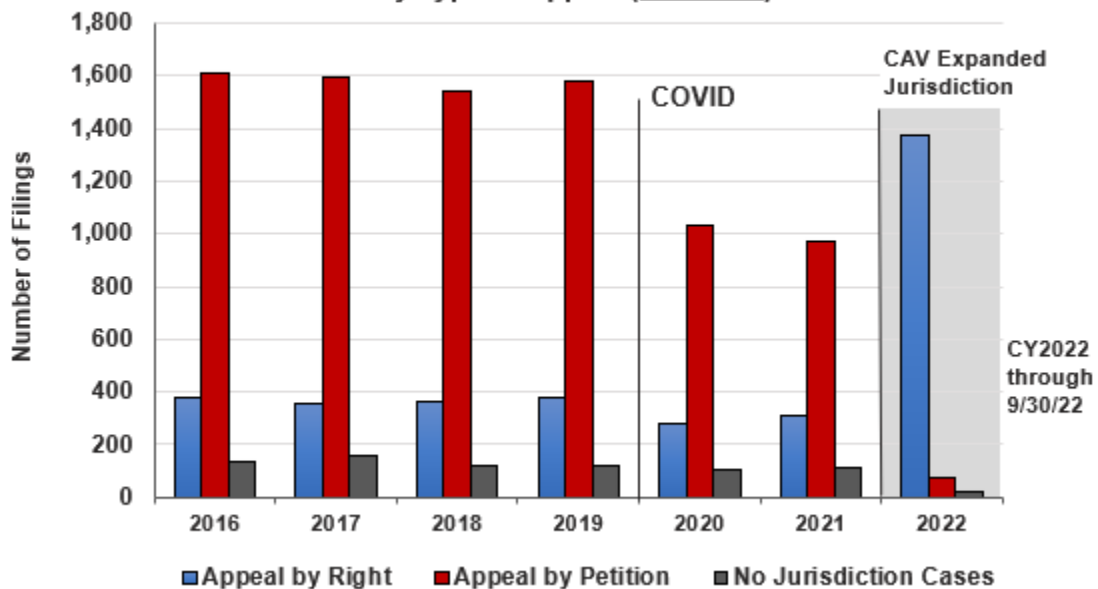
Monthly case filings showed an upward trend in civil case filings during the first three quarters of 2022.

**Court of Appeals Filings, Jan – Sep 2022
by Case Type**

Month	Criminal by Right	Ancillary Criminal Filings	New Civil	Domestic Relations	Workers' Comp	Other
Jan	56	6	37	24	7	13
Feb	93	6	35	18	6	14
Mar	90	3	40	19	12	10
Apr	75	3	39	17	6	9
May	89	3	44	13	3	4
Jun	85	5	48	8	7	12
Jul	63	5	51	14	2	6
Aug	97	1	63	17	6	8
Sep	85	5	62	18	5	3
Total	733	37	419	148	54	79

As noted previously, there were 1,470 total new case filings between January 1, 2022, and September 30, 2022. Most filings have been for appeal of right cases. If the filing rate remains steady through the end of 2022, the Court is on target to receive approximately 1950 total filings in 2022, outpacing the total number of filings in the COVID years of 2020 or 2021 and only slightly lower than the preceding pre-pandemic years.

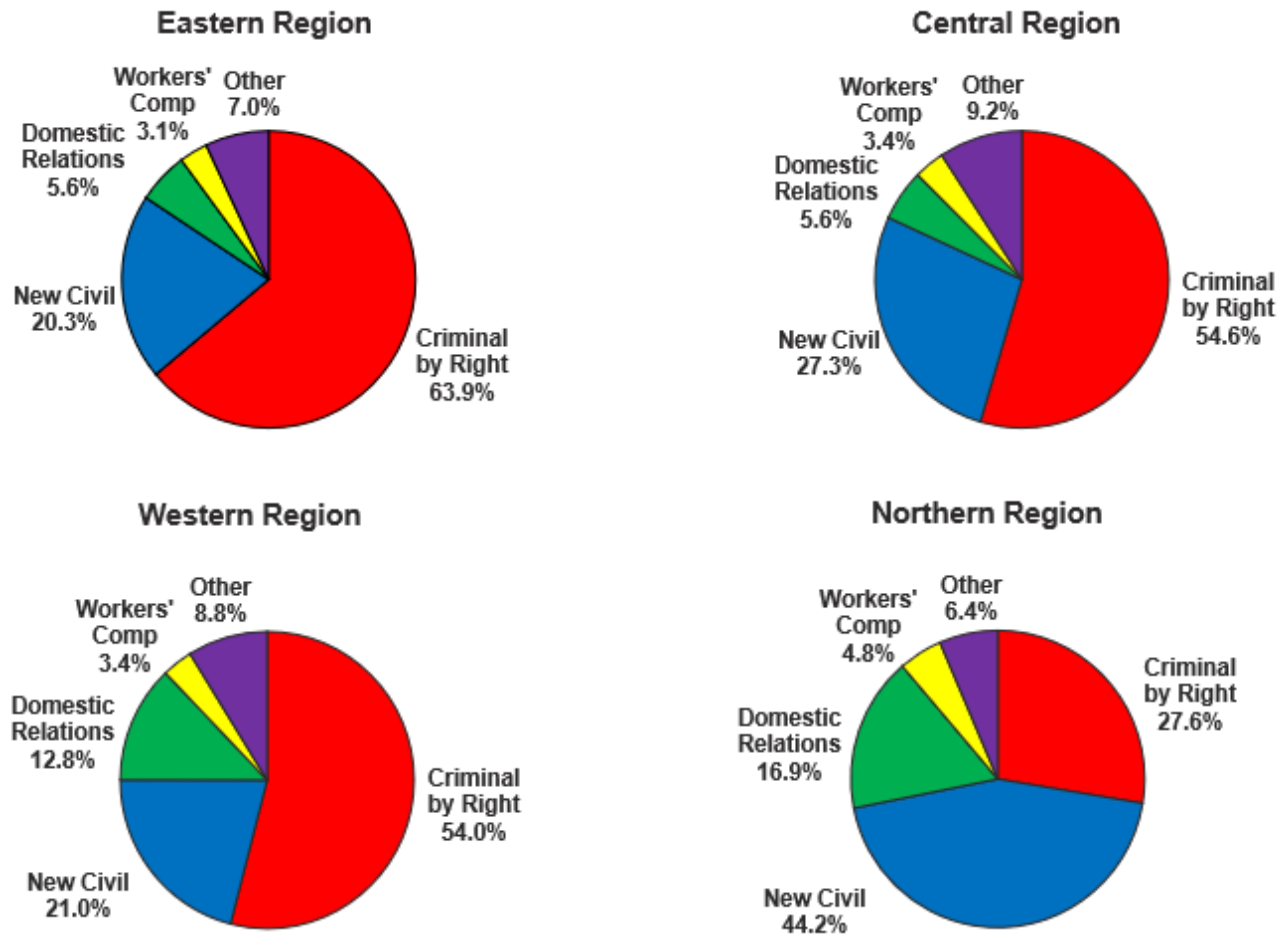
**Court of Appeals Filings, Jan 2016 – Sep 2022
by Type of Appeal (Numbers)**



2. New Case Filings – Regional Numbers

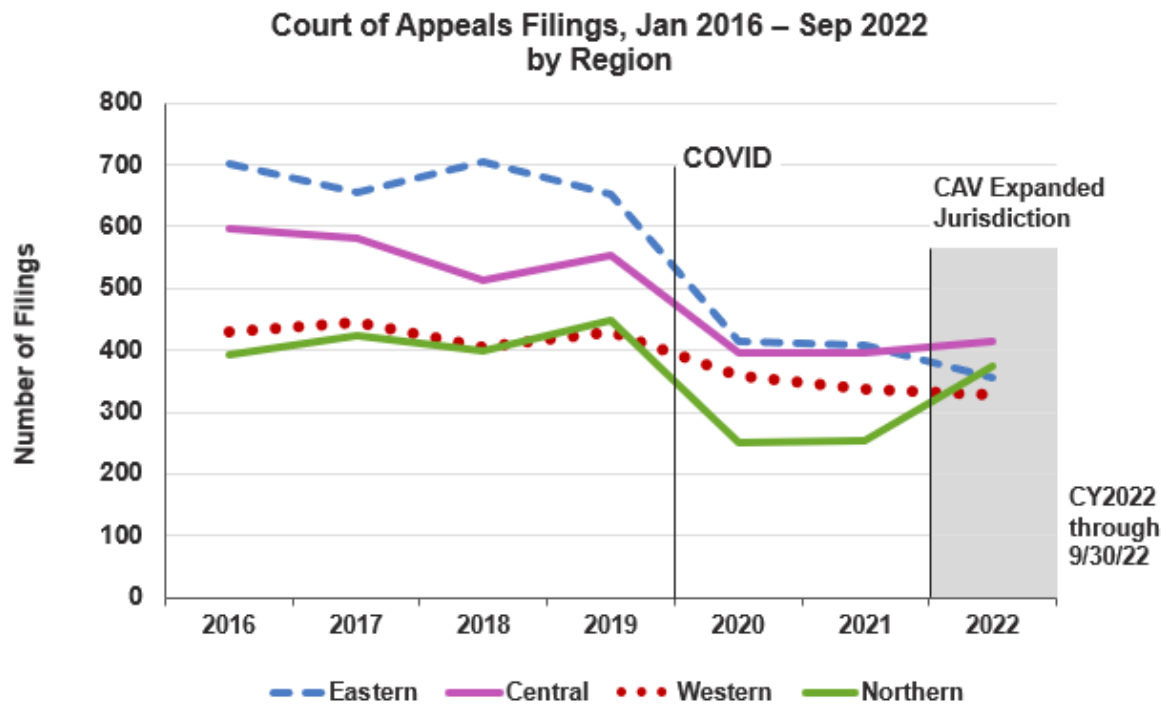
Regional filings by case type have shown some trends in 2022 that are useful for projecting and scheduling cases in the future. First, criminal filings consistently comprise more than half of the total filings for the Eastern, Central, and Western Regions. In stark contrast, criminal appeals in the Northern Region comprise fewer than a third of total filings. The Northern Region was also the leader for new expanded jurisdiction civil case filings by a wide margin. More than a third of total new civil case filings, 38.6% at the time of this report, were from the Northern region (162 of 419 new civil case filings).

CASE TYPES BY REGION



Note: Regional data is complete through September 30, 2022.

The Northern region also had a sharp upturn in the total number of new case filings in the first half of 2022. A comparative chart of filings received between January 1 and June 30 in each of the past ten years reflects that the Northern region was the only region in which case filings for the first half of 2022 surpassed filings for the same period over the preceding decade. The civil expanded jurisdiction cases accounted for this upsurge. In the third quarter of 2022 the Northern region accounted for the most filings received by the Court in July and September.



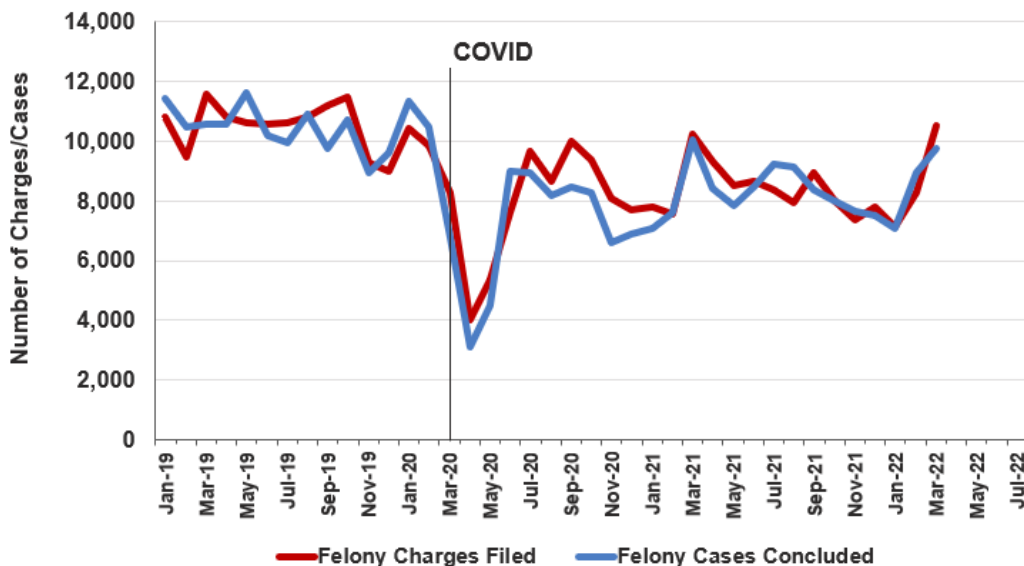
3. *New Case Filings - Criminal*

Although average monthly criminal filings were lower than pre-pandemic levels, criminal filings were higher than in 2020 and 2021. Data also show an upward trend in concluded criminal cases at the circuit court level in March and April of 2022. Consequently, it is reasonable to expect average monthly criminal filings to continue to increase. The rate of increase, however, is harder to discern given new laws, such as judge sentencing, that could affect the number of appeals in the coming years.

As of September 30, 2022, criminal filings, including criminal appeals of right (733 appeals) and other ancillary criminal appeals (37 appeals), comprised just over half of the total new case filings for the year (770 of 1470 total new filings). During the period of January 1, 2022 through September 30, 2022, the monthly average for criminal appeal of right new case filings was 81.2 per month, lower than recent pre-pandemic averages. The Court is monitoring closely whether these criminal filings will rebound to pre-pandemic averages. If the rate of criminal filings increases in the last quarter of 2022, the Court’s current projection of approximately 1950 total new case filings for 2022 would be an underestimate. Moreover, going forward, if criminal filings *alone* return to more historic averages of 120+ appeals per month,

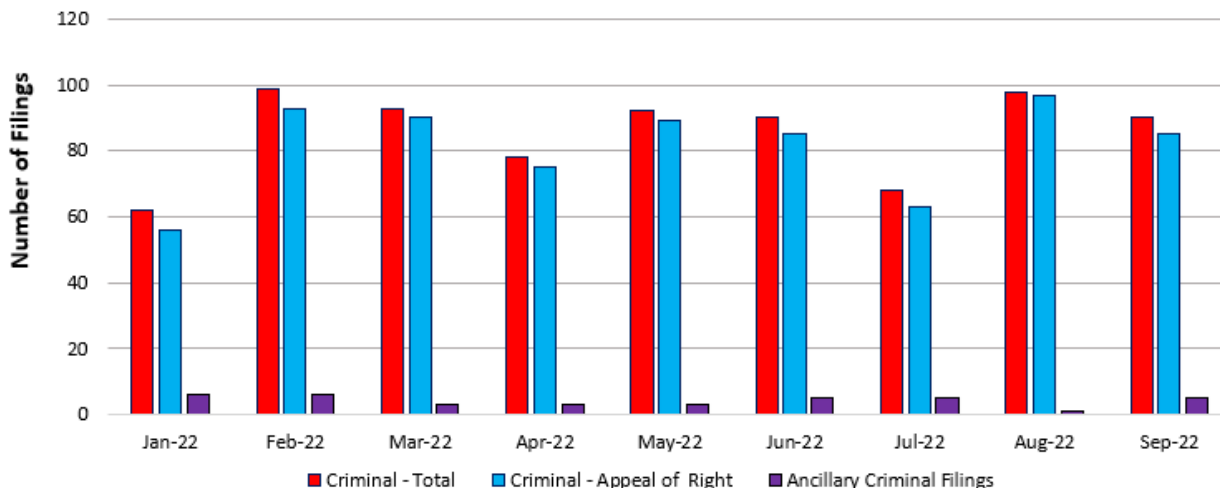
then the Court would receive an estimated 2400 filings a year.⁵ Although it is unlikely that an increase of that magnitude would occur in a single year, it is reasonable to anticipate an increase toward, and possibly surpassing, those historic averages. In fact, data provided by the Virginia Criminal Sentencing Commission suggest that criminal sentencing events in the circuit courts are trending up after a significant decline in “felony cases concluded” in late 2021 to January 2022.

Felony Charges Filed and Cases Concluded in Circuit Courts



Note: Virginia Criminal Sentencing Commission chart reflects data from the Supreme Court of Virginia’s Case Management System (CMS) for the Circuit Courts analyzed by the Judicial Planning Department, Office of the Executive Secretary, Supreme Court of Virginia.

New Criminal Case Filings in 2022 – January to September

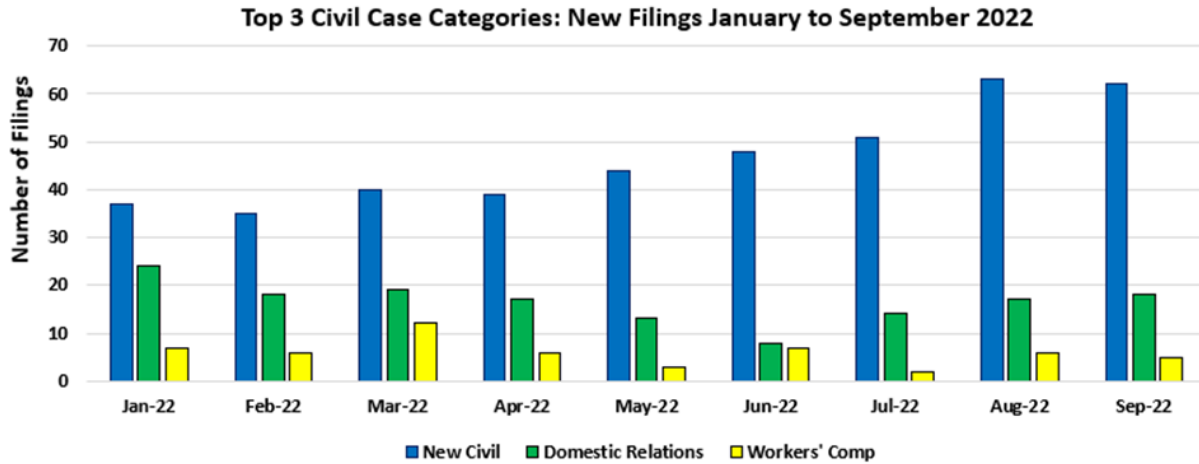


Source: Court of Appeals of Virginia Appellate Case Management System (ACMS)

⁵ This higher-end projection takes a current average number of cases (161 average filings a month) and then adds the difference between the 2019 criminal filings average and the 2022 criminal filings average (40 average filings a month).

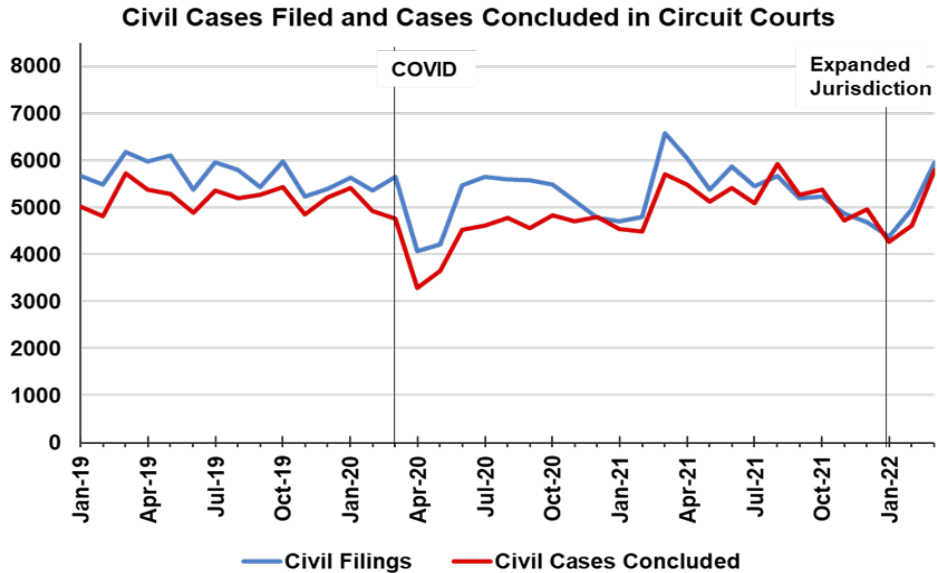
4. New Case Filings - Civil

Civil cases will also propel the Court’s caseload growth. Civil filings for expanded jurisdiction cases increased in each of the first three quarters of 2022. The new civil filings grew from a first quarter average of 32.5 filings per month, to a second quarter average of 41.5 filings per month and a third quarter average of 56.6 filings per month. In other categories of civil filings, domestic relations filings dipped in the late Spring of 2022 but rebounded during the third quarter. Worker’s Compensation and Administrative Agency appeals have remained steady.



Source: Court of Appeals of Virginia Appellate Case Management System (ACMS)

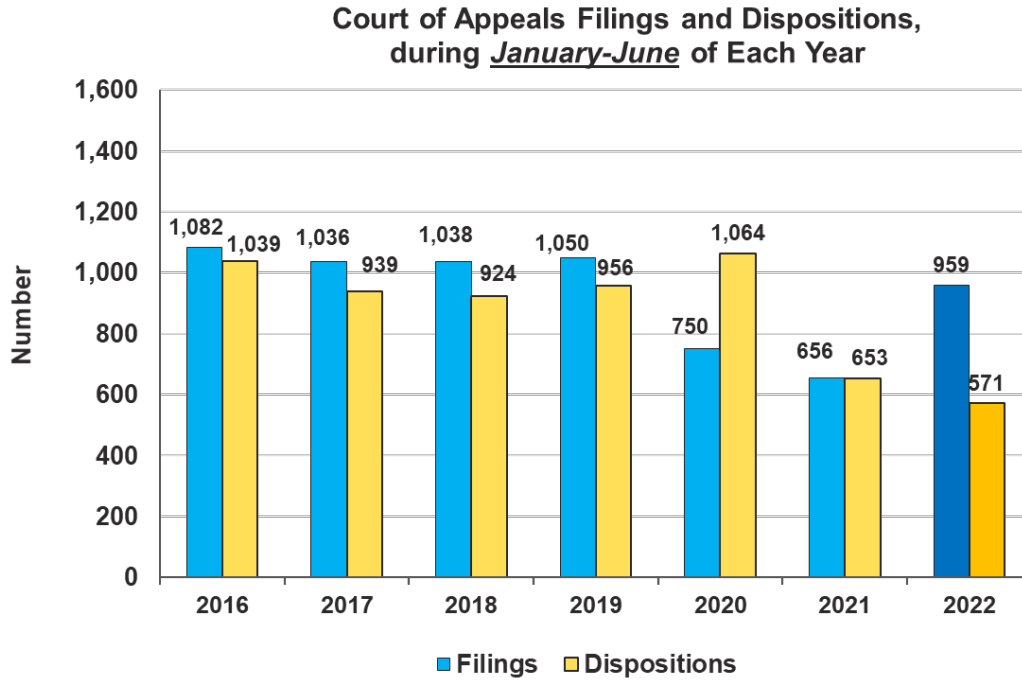
Further, as with criminal cases, circuit court case data show an upward trend in the number of concluded civil cases for the first quarter of 2022. This upward trend explains the increase in civil filings in the Court for the second and third quarters of 2022. Additionally, because the numbers of concluded cases do not exceed pre-COVID levels, the growth in civil filings with the Court seems likely to continue.



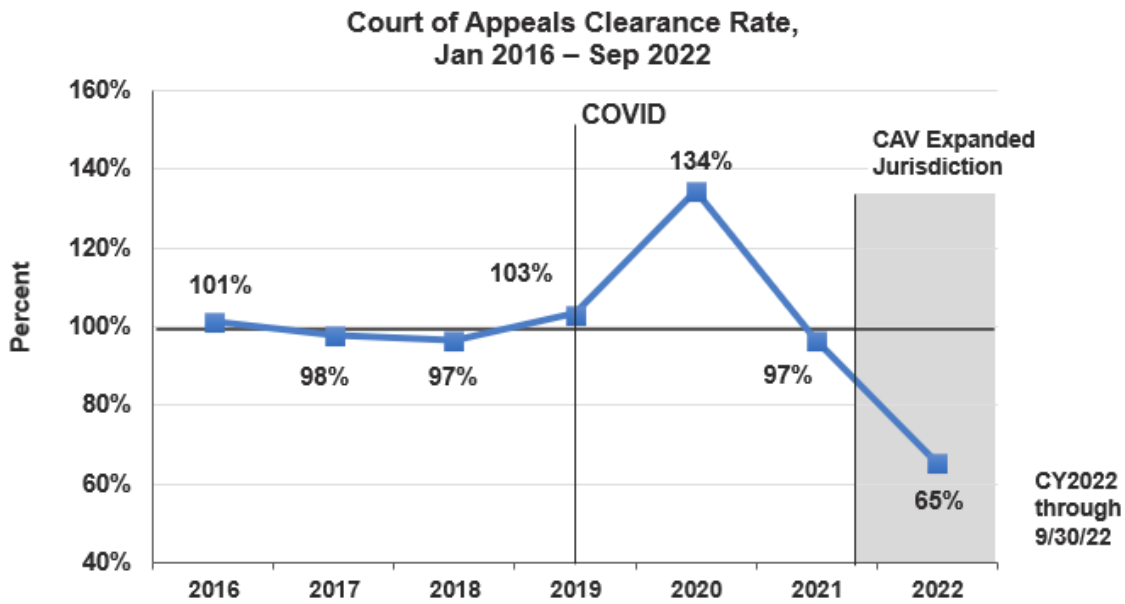
Note: Numbers in this graph reflect data collected by the Office of the Executive Secretary and do not include case numbers for Fairfax County and the City of Alexandria.

5. Increasing Inventory and Case Processing Times

The Court strives to maintain a clearance ratio close to 1:1 between incoming filings and released dispositions.⁶



Notwithstanding that goal, the Court’s clearance rate fell sharply in the first half of 2022. This decline was anticipated as 331 petitions were converted to appeals of right in January, causing a slowdown in case progression for a significant portion of the Court’s case inventory.



⁶ The 2020 high point in the Court’s clearance rate of 134.6% was an outlier caused by slowed filings in the early stages of the pandemic.

The Court has been working to address the gap in the clearance rate while adapting to new processes and different case types. The clearance rate has been improving each quarter. In the third quarter of 2022, the Court’s clearance rate was 76.5%, a significant improvement from the 46.8% rate of the first quarter. Still, a gap remains between the current clearance rate and that of recent years. The goal remains a ratio of close to 1:1 between incoming filings and released dispositions.

Monthly Filings, Dispositions, and Clearance Rate for 2022 (Through September 30, 2022)

Month	Filings Received	Dispositions Released	Clearance Rate	Quarterly Clearance Rate
Jan-22	143	51	35.7%	46.8%
Feb-22	172	76	44.2%	
Mar-22	174	102	58.6%	
Apr-22	149	109	73.2%	72.8%
May-22	156	117	75.0%	
Jun-22	165	116	70.3%	
Jul-22	141	119	84.3%	76.5%
Aug-22	192	150	78.1%	
Sep-22	178	122	68.5%	
Total YTD 2022	1470	962	65.4%	

The current gap in the clearance rate is attributable to four factors: (1) the sudden conversion of 331 criminal cases to appeals of right; (2) the transition from review of petitions for appeal to appeals of right in criminal cases; (3) the protracted case life of many civil appeals with pro se litigants or complex motions; and (4) an increase in concurrences and dissents in opinions and orders.

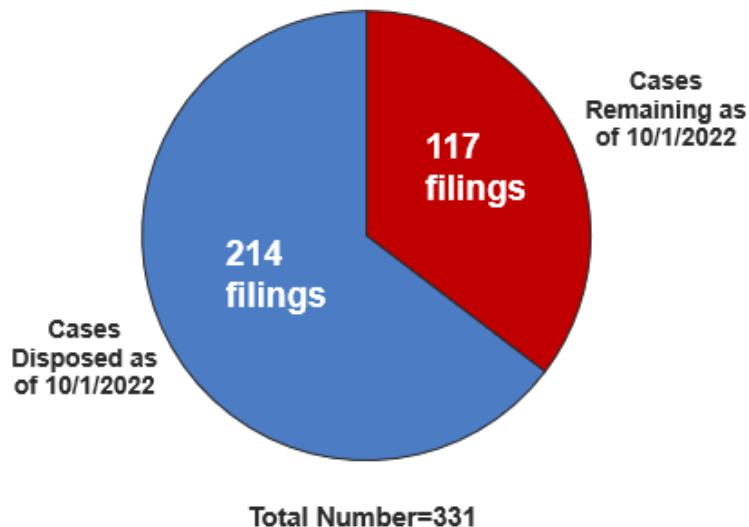
The automatic conversion of all pending criminal petitions for appeal to appeals of right on January 1, 2022, was a one-off event unlikely to be repeated; but the remaining factors will continue to affect the total lifespan of appeals and the Court’s workload. Each of the four identified factors is addressed in greater detail below:

(i) The sudden conversion of more than 300 cases to appeals of right

On January 1, 2022, 331 pending criminal cases were converted from filings under the petition for appeal structure to appeals of right. Even before the pandemic it was unusual for the Court to receive more than 200 new case filings in a month. The legislative conversion on January 1, 2022, created an influx of more than 300 appeal of right cases overnight. These cases, placed in their new posture, were not ready to be assigned to panels, which slowed the Court’s output during the early months of 2022. Anticipating the conversion, the Court took steps months in advance to prepare for this one-time transformation of all pending criminal appeals. Nevertheless, 331 simultaneously converted cases artificially created an extraordinarily high volume of cases to be processed, distributed, docketed, argued, and decided in an orderly

fashion. It is an ongoing process, but as of October 1, 2022 the Court had decided 214 of these 331 cases.

**Criminal Cases Initiated Before 2022
for which the Court Issued a Conversion Order**



(ii) The transition from review of petitions to appeals of right in criminal cases

Appeal of right review of all criminal cases has increased the average final disposition time for criminal cases. The prior petition structure resulted in a quicker resolution for many cases. Expanded jurisdiction has brought greater access to the Court for those seeking review of their cases, but an appeal of right involves a longer processing time between the notice of appeal and final disposition by the Court.

The primary driver of case processing times is that most cases must be scheduled for argument before a panel. The Court has added panels to its 2023 argument calendar to accommodate more arguments. Even with greater capacity on the Court’s argument docket, however, most appeal of right criminal cases will not be resolved sooner than a petition for appeal was resolved under the prior procedures.

A review performed by the Virginia Criminal Sentencing Commission found that in 2022, the average time to conclude a criminal appeal of right with an argument before a panel of the Court was 324 days. This average is based on a sample size of 302 completed appeals. In contrast, in 2019, criminal cases that reached merit panels averaged 426 days from notice of appeal to disposition. But cases resolved at the petition stage received a disposition in an average of 225 days for cases resolved by one-judge review and 277 days for petitions that were decided by a three-judge panel on the writ petition. Moreover, in 2019, only 173 criminal petitions were granted a merits argument, compared to the 1,326 criminal appeals that were decided at the petition stage that year. (2019 Court of Appeals of Virginia Statistics Report).

**Court of Appeals Concluded Criminal Cases
Median Case Processing Time (in Days)**

Year Concluded	Criminal Petitions Resolved at One-Judge Level	Criminal Petitions Resolved at Three-Judge Level	Criminal Petitions Resolved by Merit Panel
2019	225	277	426

Note: Analysis includes only concluded criminal cases.

**Court of Appeals Cases with Oral Argument in 2022
Cases Concluded as of September 30
Overall Case Processing Time (in Days)**

Case Type	Mean	Median
Criminal by Right	324	316

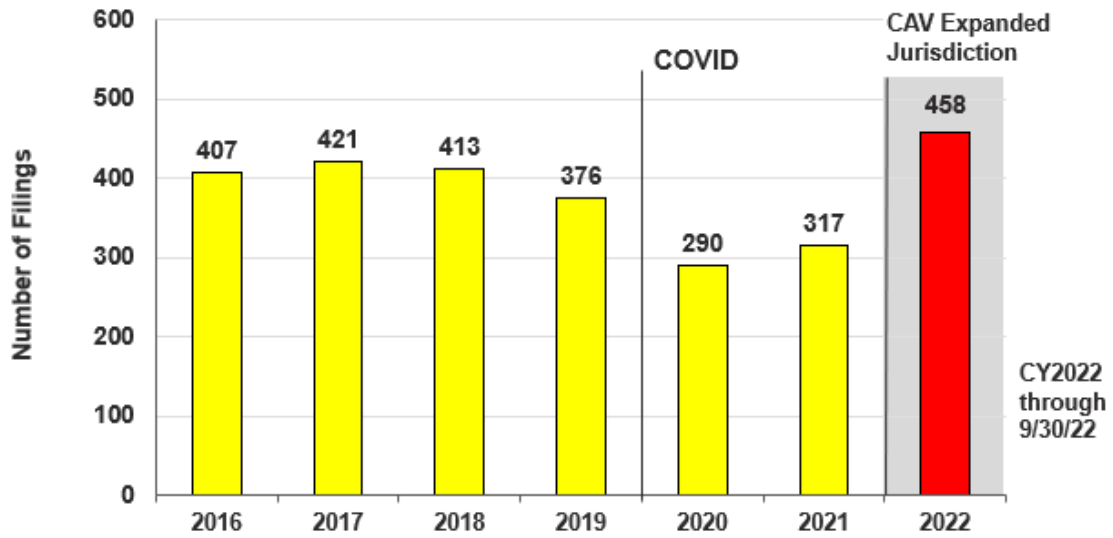
Further review by the Virginia Criminal Sentencing Commission found that in 2022, most criminal cases were reviewed in an average of less than 300 days. Excluding 20% of the cases that took the longest to process, the mean time to reach resolution for those remaining criminal cases was 293 days. This demonstrates that even cases that are less complex take longer to resolve than most criminal cases under the petition system.

(iii) Longer case life of civil appeals

The average case life of new civil appeals under the Court’s expanded jurisdiction is still difficult to predict because of a lack of relevant data. Between January 1 and September 30, 2022, only 79 civil cases had reached argument panels and been finalized. Of those 79 cases, only 11 were new expanded jurisdiction civil cases (compared to 302 completed criminal merit cases).

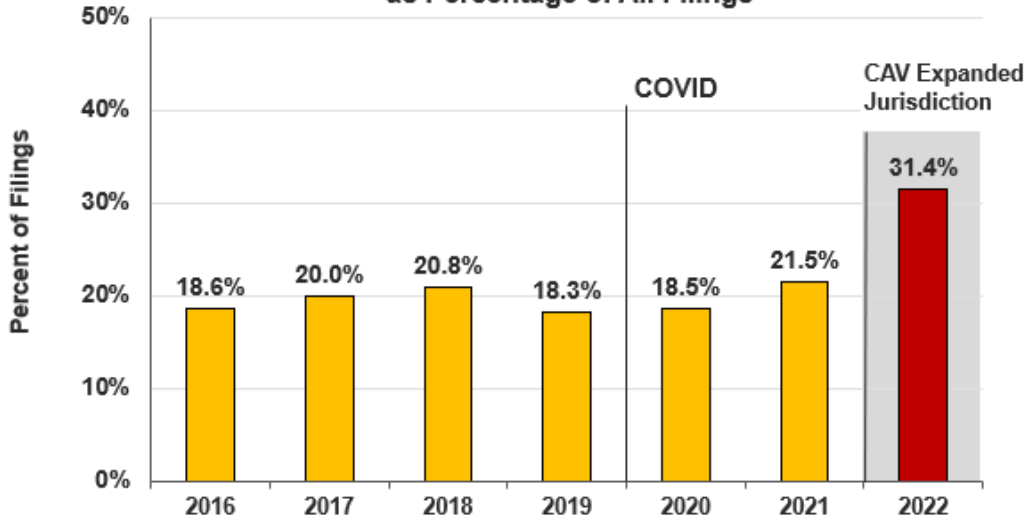
Expanded jurisdiction civil cases take longer to process. Even defaulted civil cases in this category, which ordinarily would be resolved expediently, are taking longer to conclude because of the significant increase in the number of appeals brought by pro se appellants who are unfamiliar with the appellate process. Consequently, it often takes several attempts to get the filings in proper order. Further, the complexity of many of these new civil cases and the amplified motions practice that has accompanied them makes it unlikely that the Court will ultimately be able to resolve these new civil appeals more promptly than the Court has resolved the average criminal case.

Pro Se Cases, Jan 2016 – Sep 2022



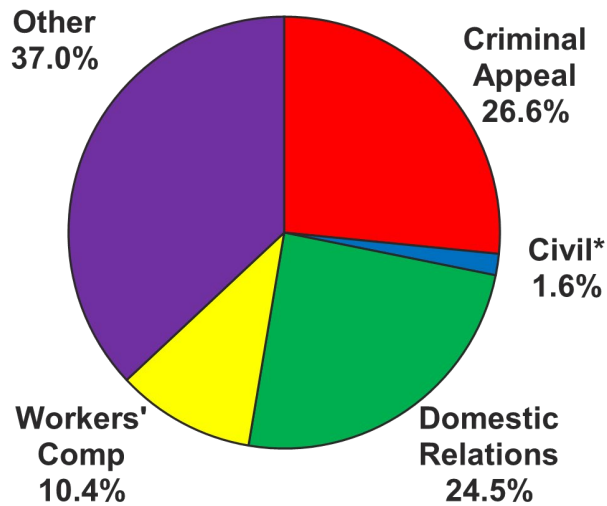
Note: The reported pro se cases for 2016-2021 reflect the years' complete data

**Pro Se Cases, 2016 – 2022
Filed during January-June of Each Year
as Percentage of All Filings**



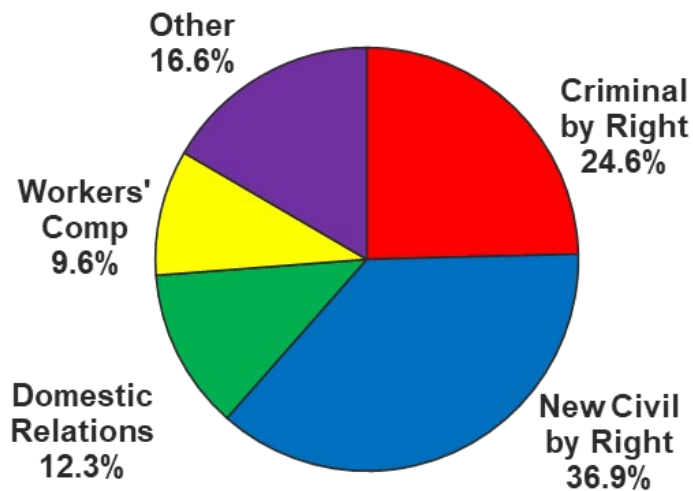
Pro Se Cases by Case Category Filed during January- June of 2019 and 2022

Pro Se Cases Jan-Jun 2019



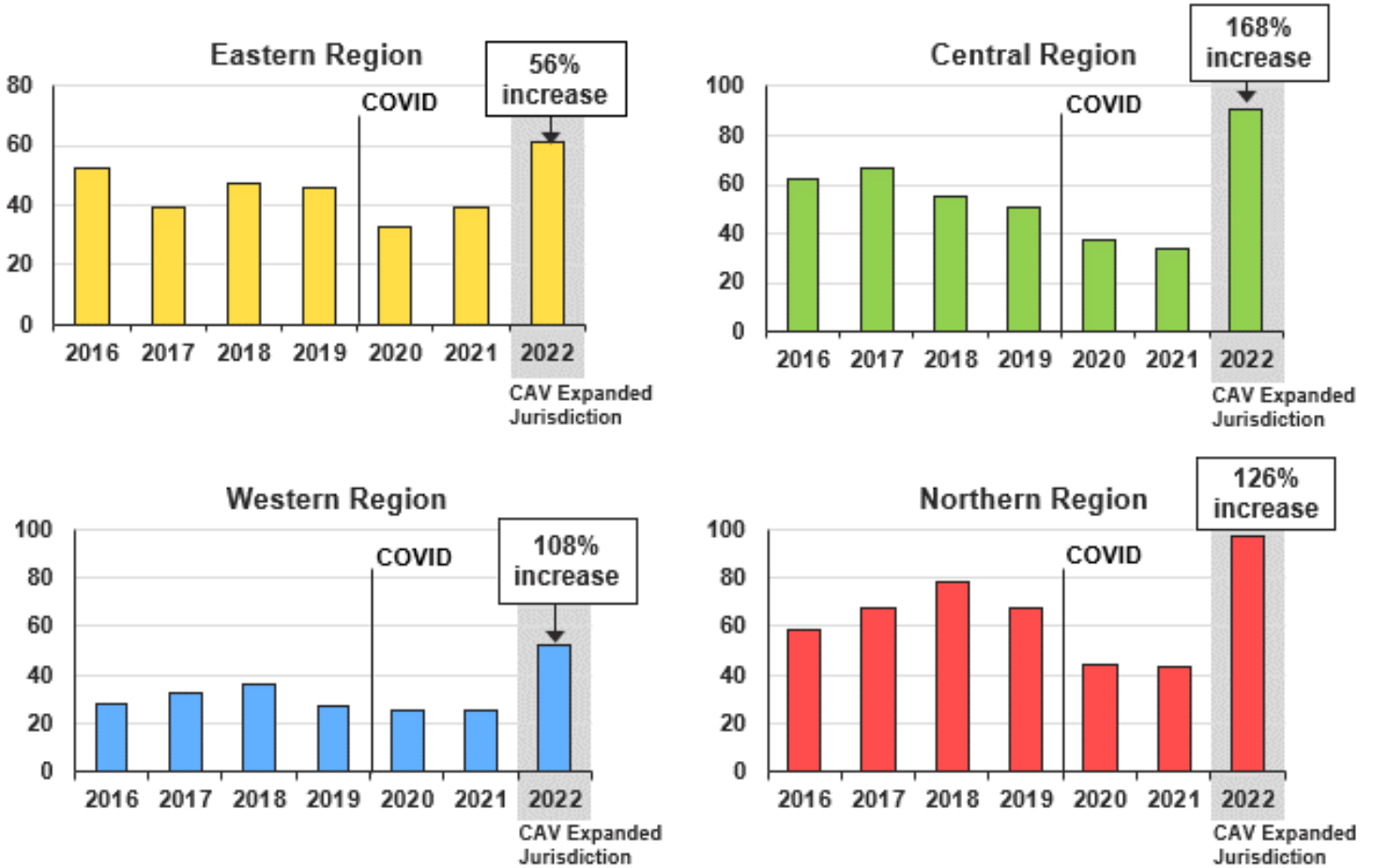
*The "Civil" category filings in 2019 were civil contempt filings.

Pro Se Cases Jan-Jun 2022



Note: Figures include cases in which one or both parties were pro se.

Pro Se Cases, 2016 – 2022
Filed during *January-June* of Each Year

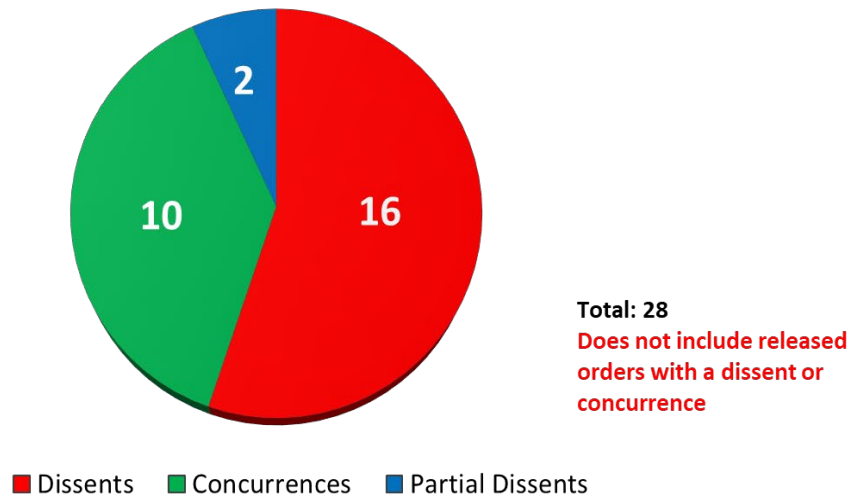


Note: Figures include cases in which one or both parties were pro se.

(iv) An increase in concurring and dissenting opinions

Opinions and orders move through chambers and panels efficiently. Concurring and dissenting opinions, however, necessarily increase the case life of an appeal. While the Court’s legacy case management system does not capture the number of concurrences and dissents written in preceding years, independent research demonstrates the number of dissents and concurrences is significantly higher in 2022 than it has been in recent years. For instance, Westlaw™ searches returned a total of 10 dissenting and/or concurring opinions for all of 2019. By contrast, the Court released 28 opinions that included a dissent and/or concurrence between January 1 and September 30, 2022. This number reflects a 180% increase in dissents and concurrences over 2019 rates in just the first nine months of 2022. Concurrences and dissents take additional time to draft and process, prolonging the life of the case before the Court. After the majority opinion has been written and circulated, the concurring or dissenting judge then drafts the concurrence or dissent. Deliberations between the judges after a concurrence or dissent is circulated further extends the process. Moreover, opinions with a concurring or dissenting opinion are necessarily longer, so they require more resources from the Dispositions team. This process often adds weeks to the life of these cases.

**Total Number of Released Opinions with a Dissent or Concurrence
January 1, 2022 through September 30, 2022**



IV. Conclusion

Changes to the Court's jurisdiction already have had impacts on the workload of the Court. Total new case filings are approaching pre-pandemic levels. Notably, the Court received a large number of new civil filings (419 through September 30, 2022). There was an upward trend of these filings throughout the year, suggesting higher total numbers for new civil filings in the coming years. Although new criminal case filings have not returned to pre-pandemic levels, considering historic numbers and data from the trial courts, the Court anticipates a continuing upward trend in these numbers.

The total new case filings are only one part of the Court's workload. Expanded jurisdiction has also increased the Court's workload through a significant number of complex substantive motions (2,238 total motions in 2022 through September 30, 2022, compared to 2,110 for all of 2019). Additionally, the substantial number of pro se litigants has resulted in an increased volume of work for the Court's teams (458 filings through September 30, 2022, compared to 376 for all of 2019). Many pro se litigants are parties in the new expanded jurisdiction civil cases (36.9% of new civil cases include at least one pro se party).

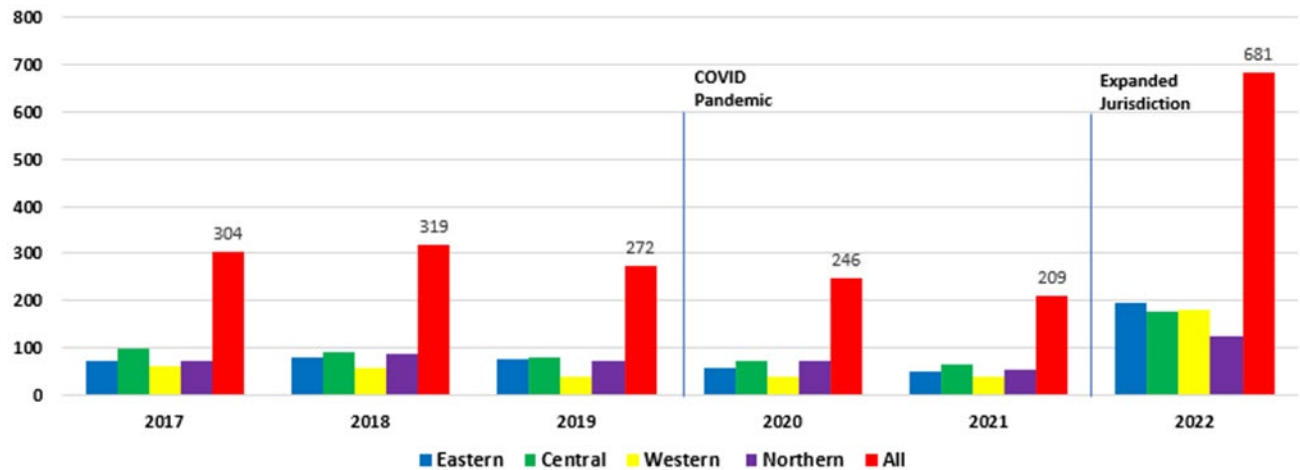
Changes to the structure of the Court and expanded jurisdiction have understandably slowed the Court's clearance rate. Nevertheless, the clearance rate has improved as the Court has adapted to new processes and the new case types being appealed (76.5% clearance rate in the third quarter of 2022). Further, the Court expects that extra panels and greater familiarity with new processes and cases will result in a noticeable improvement to the clearance rate in 2023.

APPENDICES

Appendix A: Court Performance Charts

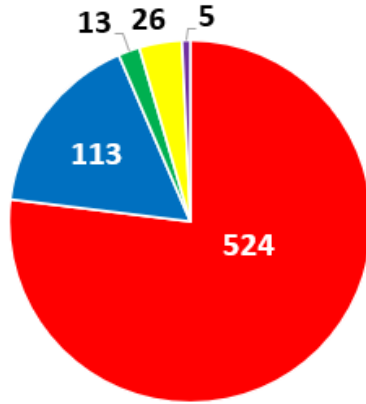
Case Filings By Year - Comparison of Cases Pre- & Post- Expanded Jurisdiction							
Year	Total Yearly Case Filings	Total Annual Criminal Appeal Filings	Total Annual Domestic Filings	Total Workers' Comp Filings	Total Admin. Appeal Filings	Other Case Categories	Expanded Civil Filings (Post-2022)
2016	2123 (177/month)	1530 (127.5/month)	247 (20.5/month)	90 (7.5/month)	19 (1.5/month)	237 (19.8/month)	N/A
2017	2104 (175/month)	1501 (125/month)	233 (19.5/month)	92 (7.5/month)	19 (1.5/month)	259 (21.6/month)	N/A
2018	2022 (168.5/month)	1470 (122.5/month)	221 (18.5/month)	109 (9/month)	19 (1.5/month)	203 (16.9/month)	N/A
2019	2086 (174/month)	1493 (124.5/month)	252 (21/month)	94 (8/month)	20 (1.5/month)	227 (18.9/month)	N/A
2020	1420 (118/month)	962 (80/month)	178 (15/month)	77 (6.5/month)	15 (1/month)	188 (15.7/month)	N/A
2021	1399 (116.5/month)	875 (73/month)	221 (18.5/month)	61 (5/month)	13 (1/month)	229 (19.1/month)	N/A
2022 Jan-Sept	1470 (163.2/month)	733 (81.2/month)	148 (16.5/month)	54 (6/month)	16 (1.8/month)	126 (14.0/month)	393 (43.7/month)

2017 – 2022 Merits Cases - Panel Assignments



Note: The 2017 to 2021 charts reflect merit panel assignments only and do not include three-judge demand reviews. 2022 numbers include all case assignments to the 44 panels through December 31, 2022. Other 2022 cases that have already matured have been assigned to panels in 2023 and are not reflected in this chart.

Panel Assignment Breakdowns – Calendar Year 2022



Total Panel Assignments – 681

Oral Argument – 524 (77.0%)

No Oral Argument Total – 157 (23.0%)

No Oral CSA Recommended – 113 (16.6%)

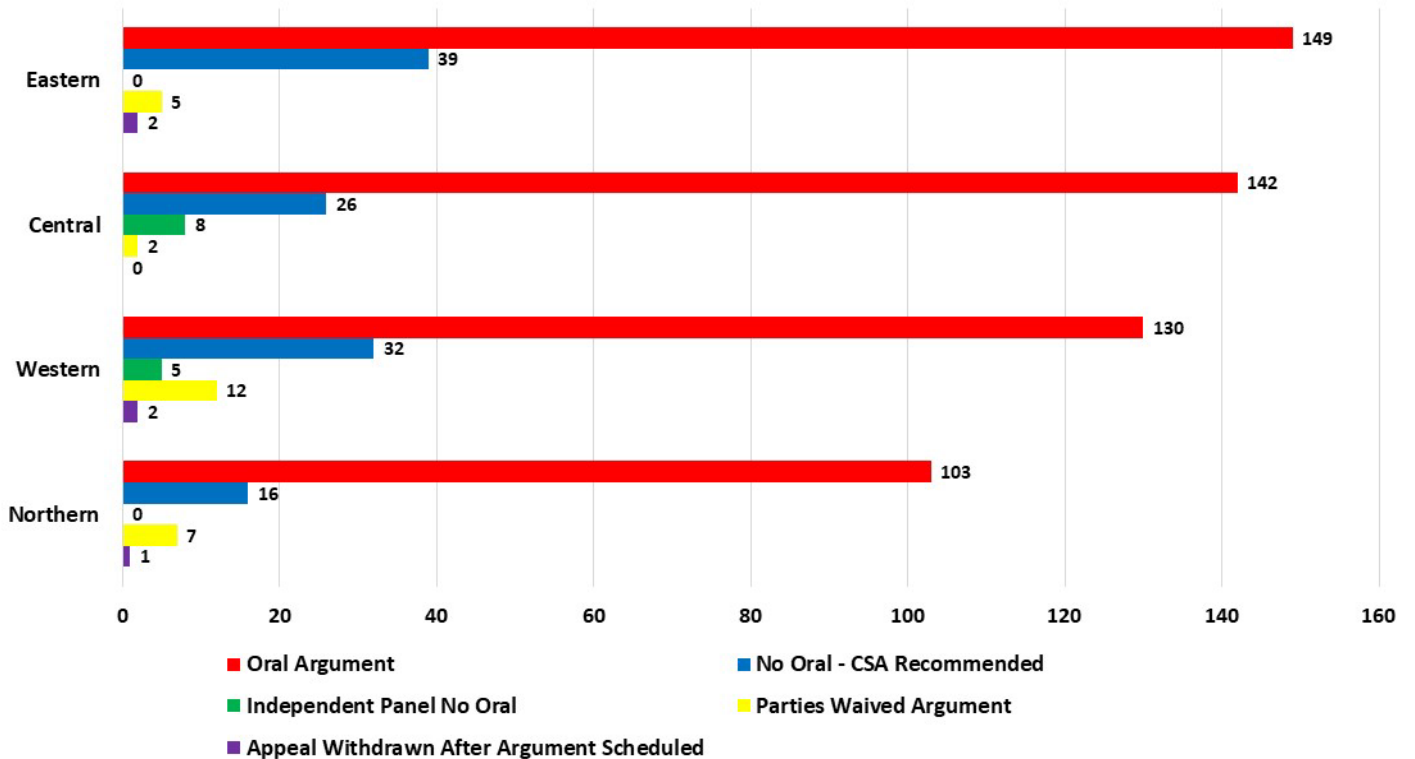
Independent Panel No Oral – 13 (1.9%)

Parties Waived Argument – 26 (3.8%)

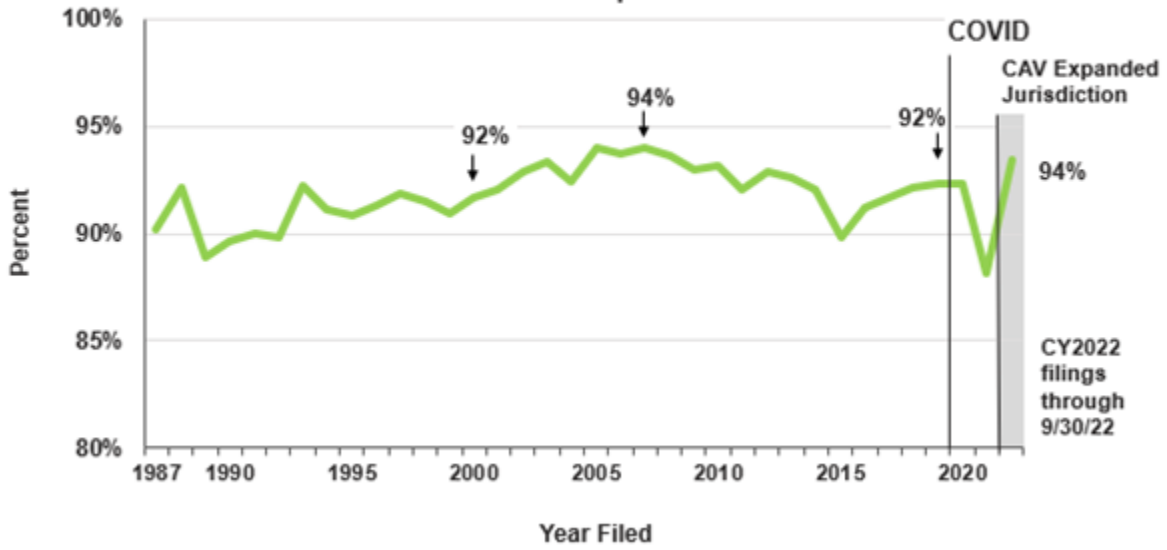
Withdrawn After Scheduled – 5 (0.7%)

- Oral Argument
- No Oral - CSA Recommended
- Independent Panel No Oral
- Parties Waived Argument
- Appeal Withdrawn After Argument Scheduled

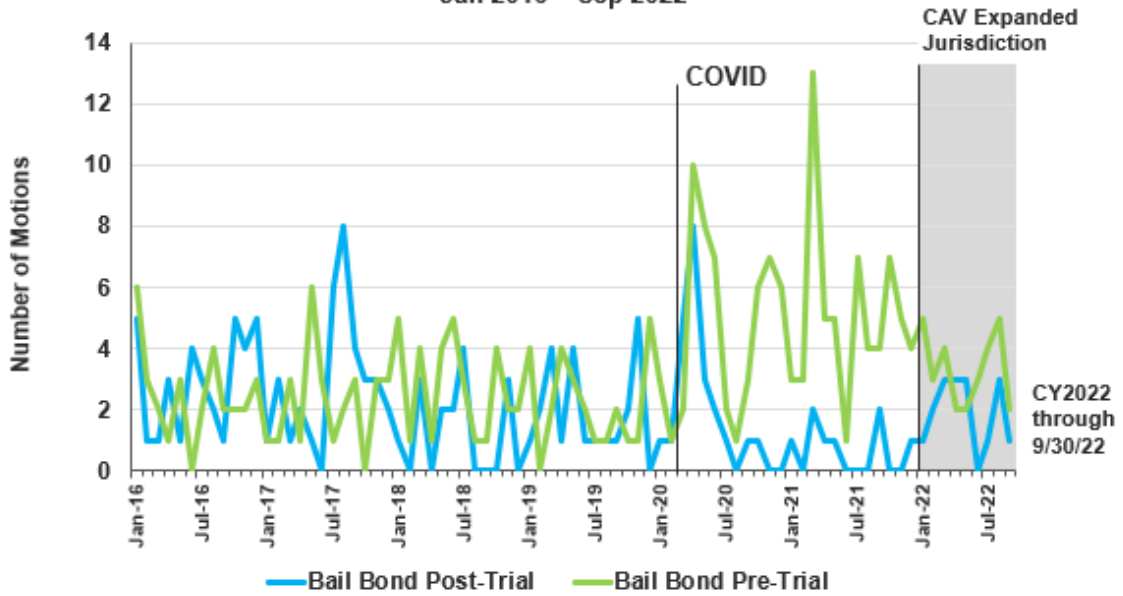
2022 Panel Assignment Breakdowns by Region



**Final Disposition:
Percent of Cases in Which Lower Tribunal Decision Stands,
Jan 1987 – Sep 2022**



**Bond Motions Received
Jan 2016 – Sep 2022**



Motions Received by the Court of Appeals of Virginia: Jan. 1, 2016 – Sept. 30, 2022

Case Type	Year Received						
	2016	2017	2018	2019	2020	2021	2022
Actual Innocence	11	14	11	8	36	52	24
Administrative Agency	22	26	30	20	24	20	21
Bond Appeal	58	51	51	40	86	95	17
Bond Appeal by Right	0	0	0	0	0	0	48
Civil	0	0	0	0	0	1	329
Civil Contempt	4	30	4	18	10	11	2
Commonwealth Bond	0	0	0	0	0	0	4
Commonwealth Pretrial Appeal	6	8	8	10	4	13	13
Concealed Weapon by Right	0	0	0	0	0	0	1
Criminal Appeal	1,294	1,396	1,333	1,323	1,230	962	660
Criminal by Right	0	0	0	0	0	9	747
Criminal Contempt	6	6	0	3	3	2	5
Domestic Relations	432	429	500	497	435	419	251
Grievance	8	1	3	1	0	4	11
Habeas Corpus	4	2	0	3	0	4	2
Injunction	2	0	1	3	0	0	0
Interlocutory	0	0	0	0	0	0	6
Involuntary Treatment of Prisoner	0	0	0	0	0	2	0
Judicial Authorization of Treatment	0	1	0	3	1	0	0
Mandamus	10	4	0	1	2	1	4
No Jurisdiction	38	59	32	38	42	26	19
Prohibition	4	2	0	0	2	0	1
Sexually Violent Predator	0	0	0	0	0	0	12
Workers' Compensation	84	99	147	142	148	97	61
Total	1,983	2,128	2,120	2,110	2,023	1,718	2,238

Note: The reported motions for 2016-2021 reflect the years' complete data. The 2022 data reflects numbers through September 30, 2022.

**Court of Appeals Criminal Filings by Region
versus Circuit Court Felony Sentencing Events
2022**

	Court of Appeals Criminal Filings, 2022 (through 6/30/2022)	Felony Sentencing Events in Circuit Court, (through 6/30/2022)
Eastern Region	28.8%	20.3%
Central Region	32.9%	25.4%
Western Region	25.9%	41.2%
Northern Region	12.5%	13.0%
Total	100.0%	100.0%

Note: Criminal filings includes Criminal Appeals, Criminal by Right, and Other Criminal Filings.

Sources: Court of Appeals of Virginia - Case Management System (ACMS)
Virginia Criminal Sentencing Commission - Sentencing Guidelines System (downloaded 7/29/2022)

Appendix B:
Court of Appeals of Virginia
Strategic Plans



Court of Appeals of Virginia Strategic Plan

2018–2022

Court of Appeals of Virginia

Strategic Plan: 2018–2022

Introduction

At the 2014 Court of Appeals of Virginia retreat, the Court began work on a three-year strategic plan. The plan was adopted unanimously by the Court and went into effect January of 2015. The strategic plan has proven to be a very effective working tool for moving the Court forward. Much of what was included in the 2015–2018 Strategic Plan has been accomplished through the work of committees and work groups of the Court in conjunction with efforts from the Clerk’s Office and Chief Staff Attorney’s Office.

Work accomplished in accordance with the 2015–2018 Strategic Plan includes:

1. developing a new case management system,
2. initiating electronic filing and electronic file transmission,
3. developing a working video conference system,
4. modifying the Richmond floor plan to address security concerns,
5. developing job descriptions and staff evaluation systems for the Clerk’s Office and Chief Staff Attorney’s Office,
6. developing a program to recognize years of service to the Court and career milestones of staff,
7. completing portraits for current and past judges of the Court,
8. expanding locations for panel sessions of the Court,
9. conducting a survey of members of the Bar who practice before the Court to determine satisfaction with current panel locations and to identify future locations, and
10. reviewing and updating the Policy and Procedure Manual as well as establishing a protocol for annual updates.

The success of the 2015–2018 Strategic Plan demonstrated that the Court should continue with structured planning and development. Accordingly, a draft Strategic Plan for 2018–2022 was circulated for comment and was adopted by the Court at the business meeting of November 28, 2017. The Mission, Vision and Core Values statements were repeated verbatim from the 2015–2018 Strategic Plan. Consistent with the manner in which the Court successfully implemented the 2015–2018 Strategic Plan, the goals and objectives identified in the 2018–2022 Strategic Plan will be accomplished by 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

The Court will administer justice in the Commonwealth by rendering thoughtful, well-reasoned appellate decisions consistent with the Constitution and other applicable laws in a timely and efficient manner, treating all those who come before it with courtesy and respect in a fair and impartial manner.

Vision

The Court will be a model intermediate appellate court, providing full and fair justice in the Commonwealth to all who come before it.

Core Values

The Court and its staff will consistently act in the highest professional manner by demonstrating the following core values in their service to the Commonwealth:

- Integrity
- Collegiality
- Mutual respect regardless of differing opinions
- Unimpeachable ethics
- Faithfulness to the rule of law

Focus Areas

1. Technology

- Continue the expansion of electronic filing and electronic document transmission
- Continue the development of applications for use of video conferences
- Consider technologies that would improve the workings of the Court
- Develop training programs to promote better use of technology

2. Facilities

- Continue development of better work space in Richmond
- Develop plans for renovation or construction of future Richmond space and plan for temporary relocation during transition

3. Operations

- Continue assessment of panel locations
- Analyze system for case assignments and scheduling of hearings
- Conduct annual update of Policy and Procedure manual (review at May retreat business meeting and issue printed update shortly thereafter)

4. Personnel

- Analyze work flow and personnel requirements for Clerk's office and Chief Staff Attorney's office
- Continue developing programs to incentivize staff and enhance morale

5. Continuing Education, Training, and Staff Career Development

- Develop continuing education programs for judges and staff
- Coordinate with Supreme Court counterpart to promote uniform continuing education programs for the appellate judiciary in Virginia
- Identify funding available for continuing education of CAV judges and staff

6. Future of the Court

- Identify trends (*e.g.*, case load trends, changes in cases coming to the appellate courts, socioeconomic changes that will affect the work of the Court)
- Monitor Bar activities that affect the Court
- Monitor national trends and innovations that could improve Virginia's Justice System
- Coordinate with Supreme Court on matters pertaining to potential expansion of jurisdiction for the Court of Appeals



Court of Appeals of Virginia Strategic Plan

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

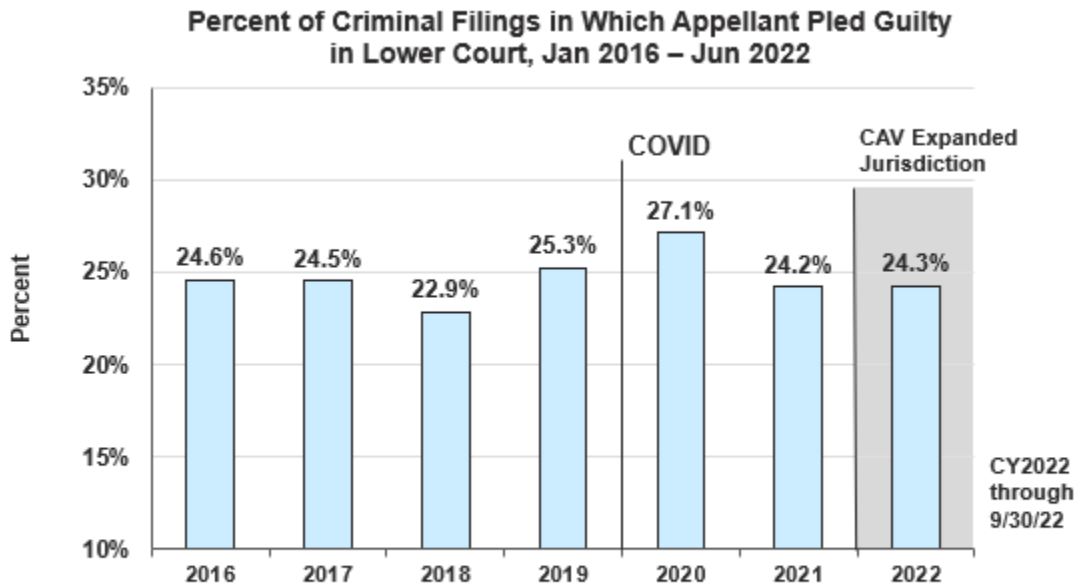
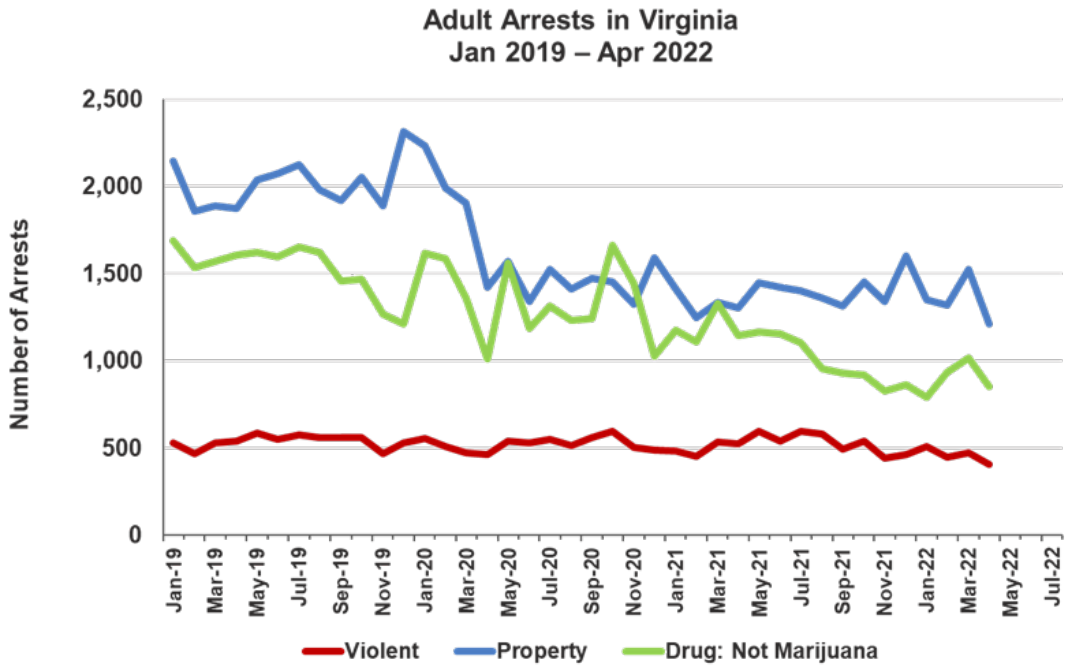
Personnel

- 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

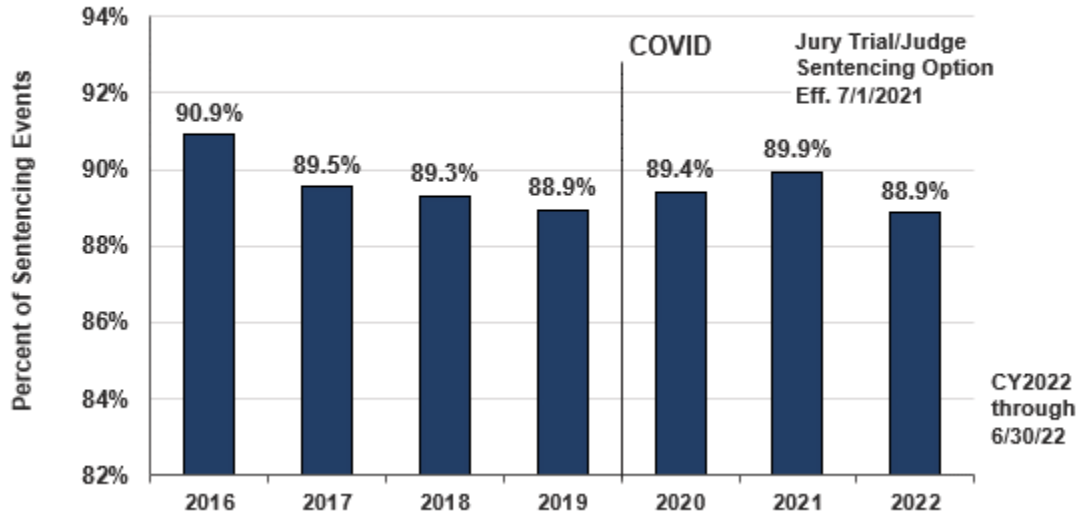
- Continue to expand electronic filing and electronic document transmission
- Develop automations between the Court's electronic document submission systems and the Court's case management system
- Develop secure public user electronic access to case documents and filings and identify systems and appropriate 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

Appendix C: Statewide Criminal Case Trends

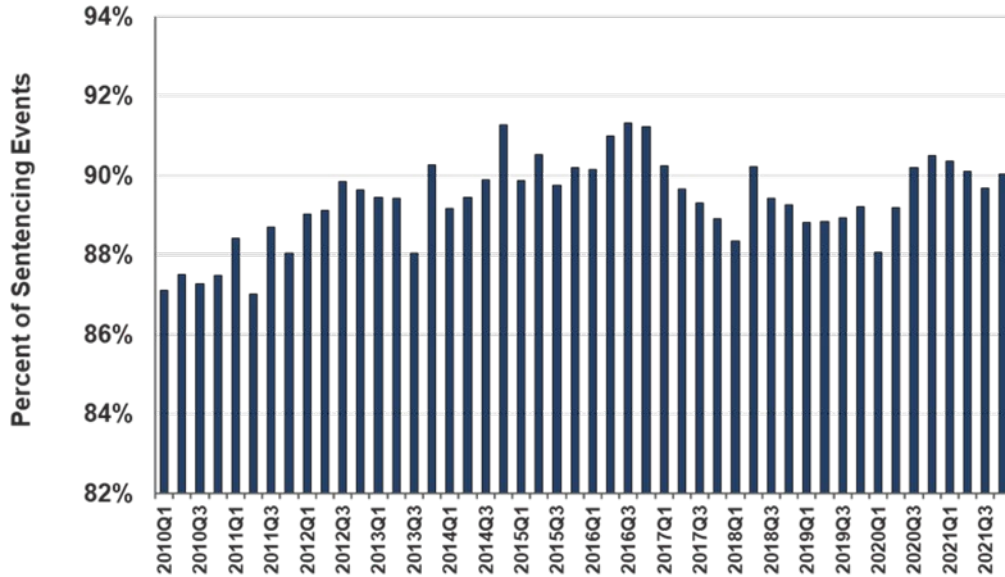


Overall, 86.9% of CAV criminal filings could be matched to Circuit Court CMS records using the original trial court case number. When multiple case numbers were included, analysis was based on the first case number listed in ACMS.

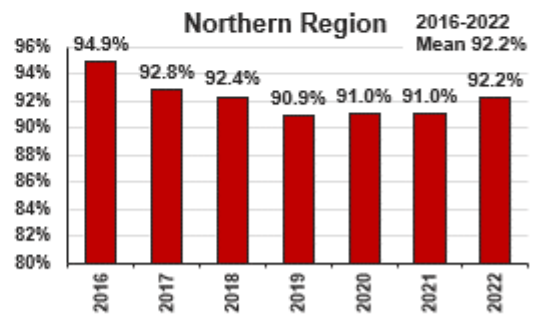
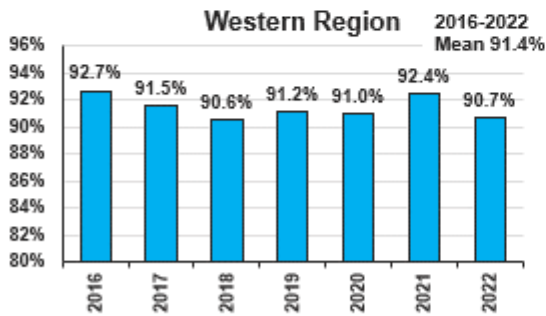
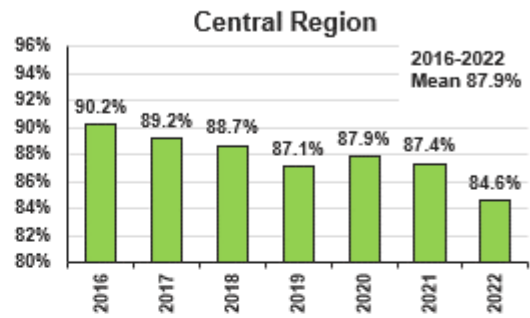
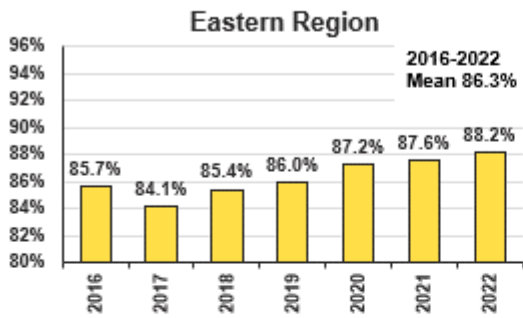
**Felony Sentencing Events
Percentage of Events Resolved by Guilty/Alford Pleas**



**Felony Sentencing Events
Percentage of Events Resolved by Guilty/Alford Pleas**



Felony Sentencing Events Percentage of Events Resolved by Guilty/Alford Pleas



Note: CY2022 data is through June 2022 only. CY2022 data are preliminary and are subject to change.
Source: Virginia Criminal Sentencing Commission – Sentencing Guidelines Database (downloaded 10/17/2022)