



# SUPREME COURT OF APPEALS OF WEST VIRGINIA

## 2000 STATISTICAL REPORT

### CASE FILINGS

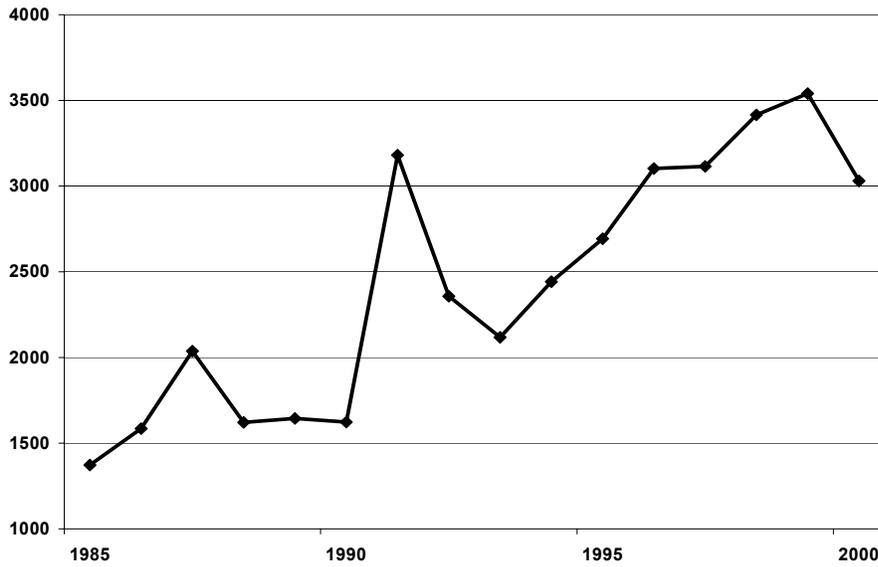
After a seven-year trend of escalating case filings, the total number of petitions filed last year showed a slight decrease. The number of new petitions filed in 2000 was **3029**, down **510** from the previous high of **3,539**, set in 1999. Despite this drop from the previous year, the number of filings in 2000 are high when compared to overall case filing trends. For example, last year's filings were more than **twice** the number of filings in 1985, and far outpaced the number of filings as recent as 1995, when **2692** petitions were filed.

The decrease in 2000 filings was largely due the statistical impact of workers' compensation appeals, which fell from **2306** in 1999, to **1816** in 2000. Also in the declining category were criminal appeals, which fell from **232** in 1999 to **203** in 2000; and petitions for writs of prohibition, which fell to **86**, the lowest number since 1987. In contrast, the number of civil appeals rose to **578**, reversing a five-year declining trend in that category. The number of petitions for writs of mandamus showed a significant increase, with **199** filings in 2000, a record high for that category, due in part to the number of petitions filed by inmates in regional jails seeking transfer to a correctional facility. A profile of the number of petitions filed in each category since 1985 is set forth below.

### Case Filings by Case Type 1985 -2000

CASE TYPE	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
<b>Certified</b>	12	17	23	21	28	29	35	43	34	46	27	30	27	15	19	7
<b>Certiorari</b>	10	6	4	2	7	5	4	2	2	7	8	4	5	3	5	3
<b>Civil</b>	332	376	422	394	419	426	524	538	536	575	642	646	571	556	519	578
<b>Compensation</b>	198	421	841	488	528	481	1947	1075	708	966	1220	1534	1708	2067	2306	1816
<b>Criminal</b>	157	182	176	182	168	183	181	168	165	178	209	234	203	207	232	203
<b>Ethics</b>	10	16	20	13	12	17	23	25	27	69	43	33	27	24	27	18
<b>Habeas</b>	367	240	200	195	186	171	149	192	319	239	218	265	253	230	118	100
<b>Mandamus</b>	181	196	214	183	141	149	179	184	187	173	172	180	164	162	177	199
<b>Pet. For Bail</b>	24	30	52	47	39	40	20	12	21	30	39	30	24	20	16	19
<b>Prohibition</b>	81	101	85	96	116	122	118	118	118	159	114	146	132	131	120	86
<b>TOTAL</b>	1372	1585	2037	1621	1644	1623	3180	2357	2117	2442	2692	3102	3114	3415	3539	3029

## Case Filing Trends 1985 – 2000.



The growth in case filings over the last fifteen years is due largely to the steady and significant growth in the number of workers= compensation filings. In 1983, compensation filings comprised only one out of every ten cases filed in the Supreme Court. In 1999, by contrast, compensation filings comprised fully two-thirds of all appeals filed. In 2000, the number of workers= compensation filings constituted nearly

60% of all filings. Although the number of compensation filings fell in 2000, the number of filings in this single category exceeded the number of filings in all categories as recently as 1990.

The chart above reflects the steady increase in case filings over the past fifteen years. The large spike of filings in 1991 reflects clearance of a backlog of workers' compensation claims at the agency level. In the future, implementation of the new family court system in West Virginia is likely to have an impact on the number of case filings. Although the appellate structure of the family court system has not yet been finalized, it is reasonable to assume that the Court will see an increase in filings as the new family court system is implemented.

## WORKLOAD AND OUTCOMES

The impact of the number of compensation filings in recent years is evident in the Court's 2000 workload. At both the petition and granted stage of review, 2000 marked a sharp increase in the number of cases considered and disposed.

The Court considered a total of **3403** discretionary petitions in 2000, an increase of **340** from the 3063 petitions considered in 1999. The largest increase in the number of petitions considered was in the compensation category, where the Court considered over **400** more cases in 2000 than it did in 1999, evidencing the Court's effort to keep up with the high number of filings in recent years.

The chart below sets forth the total number of discretionary petitions considered in the past two years, along with the percentage of cases granted in each category. Given the large number of compensation

filings, the **65%** grant percentage in that category has a significant impact on the overall percentage of cases granted. This Court's approach to discretionary petitions stands in contrast to many other states. On average, all state courts of last resort granted only 10 percent of discretionary petitions considered in 1999. However, unlike West Virginia, many of those states hear a large number of mandatory appeals. Only ethics petitions are mandatory in West Virginia.

DISCRETIONARY PETITION DISPOSITION	1999		2000	
	Total Considered	Percentage Granted	Total Considered	Percentage Granted
Certified	17	35%	10	60%
Certiorari	6	67%	4	50%
Civil	456	30%	431	28.5%
Civil – Administrative	11	36%	11	.09%
Civil – Abuse & Neglect	96	11%	120	.025%
Compensation	1874	51%	2298	65%
Criminal	234	18%	194	20.6%
Habeas Corpus	108	.05%	91	.02%
Mandamus	132	30%	142	39%
Petition for Bail	16	0%	17	5.8%
Prohibition	113	27%	85	26%
<b>TOTALS</b>	<b>3063</b>	<b>40.5%</b>	<b>3403</b>	<b>51.6%</b>

It is significant to note that, of the workers' compensation petitions considered by the Court, **209** were dismissed or withdrawn, in large part reflective of the work of the Workers' Compensation Mediation Project, which resulted in **145** settlements through mediation in 2000.

### *Granted Cases & Other Matters*

The Court's workload does not conclude upon the consideration of petitions. Once a case is granted, the Court must review the record, receive briefs from the parties, hear oral argument in selected cases, and ultimately issue an opinion or order disposing of the case. In addition to considering 3403 discretionary petitions for appeal last year, the Court issued final substantive decisions in **1459** cases. The Court disposed of **189** cases by written opinion, and disposed of **1270** workers' compensation cases by memorandum order, an increase of **440** from the previous year. Notably, this is a **53% increase** over the number of compensation appeals disposed by memorandum order in the previous year.

In addition to issuing decisions that dispose of a given case, in many instances the Court considers and rules upon miscellaneous motions filed by parties while a petition or a granted case is pending. In 2000 the Court decided approximately **2,000** of these miscellaneous motions, including **113** pre-petition matters, such as motions for stay, which often involve significant judicial resources.

As the ultimate authority for regulation of the practice of law in West Virginia, the Court also reviews numerous disciplinary and bar admission matters throughout the year. In 2000, the Court considered approximately **50** bar admission and disciplinary matters. The Court also admitted over **250**

new attorneys to the practice of law in West Virginia through formal courtroom ceremonies.

An additional function of the Court is the consideration and adoption of new and revised court rules governing various aspects of pleading, practice and procedure in West Virginia. Consideration of rules matters often requires careful review of existing rules, public comment, and desired objectives. In 2000 the Court took a number of significant actions on rules, including adopting Amendments to the Rules of Procedure for Child Abuse and Neglect Proceedings and the Rules of Practice and Procedure for Family Law, as well as adopting significant revisions to the Manual Governing Official Court Reporters in West Virginia.

SUMMARY: SELECTED 2000 SUPREME COURT WORKLOAD MEASURES			
189	Majority Opinions Issued	8	Rules Matters Considered
50	Disciplinary/Admission Matters	2,000+	Miscellaneous Motions Decided
1270	Comp. Cases Decided by Memo Order	113	Pre-petition Matters Disposed

Important aspects of the Court’s workload are not reflected in the foregoing statistical summary. For example, in each case considered by the Court, staff members in the Clerk’s Office prepare and mail multiple orders to the parties concerning the Court’s action on a case. The Clerk’s Office produces approximately **20,000 orders per year**. Since the Court’s inception in 1863, each order has been recorded in bound 11 x 17 inch Order Books maintained in the Clerk’s Office. A review of the capacity of these standard Order Books gives a good indication of the expansion of the amount of the Court’s paperwork over the years. Order Book #1 contained handwritten notations of the Court’s work spanning nearly six years. Order Book #50, by this time containing typewritten orders, contains material beginning June 1938 and ending October 1939. By the mid-1970’s, Order Book #75 contained one year of material. By contrast, today’s Order Books routinely number over 500 pages each and contain only **eight weeks** of material.

## CASELOAD COMPARISON WITH COMPARABLE COURTS

The increase of filings in West Virginia is consistent with the increase of appellate filings nationally over the second half of the twentieth century. In response to the steady increase in filings, the number of states with Intermediate Appellate Courts (IACs) has **tripled** in the same time period; 13 states had IACs in 1950, compared with 40 states in 2000. West Virginia is one of only ten states without an intermediate appellate court (□IAC□). In the past decade, Mississippi, Nebraska, North Dakota, and Utah have all created intermediate appellate courts, despite having caseloads smaller than ours. In fact, West Virginia “receive[s] more appeals in their one-level appellate court than some states with two-tiered appellate court systems.” See B. Ostrum & N. Kauder, & R. LaFountain, *Examining the Work of State Courts, 1999-2000: A National Perspective from the Court Statistics Project* at 75-76 (National Center for State Courts 2000).

No other comparable appellate court in the country handles as many cases as this Court. The most recent (1999) data from the National Center for State Courts confirms this Court’s continued position as the busiest appellate court of its type in the country. In 1999, our Court’s caseload was more than 1.5

times that of the next busiest state, Nevada, and more than the states of Delaware, Montana, Rhode Island, South Dakota, Vermont, and Wyoming, combined. The chart below illustrates the comparable caseload figures for the past fifteen years.

**Case Filings in Comparable States: 1985-1999.**

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
<b>Delaware</b>	409	420	401	410	485	484	473	530	542	488	530	532	551	554	558
<b>Maine</b>	602	579	631	507	452	622	646	569	NA	1038	988	841	724	778	752
<b>Mississippi</b>	819	1013	893	793	872	1025	992	1025	1182	1073	IAC	IAC	IAC	IAC	IAC
<b>Montana</b>	639	602	571	655	618	633	636	533	659	744	599	832	872	731	706
<b>Nebraska</b>	997	1014	1196	1094	1277	1270	834	IAC							
<b>Nevada</b>	777	853	856	922	1047	1089	1080	1129	1138	1256	1350	1911	1835	1943	1894
<b>New Hampshire</b>	574	534	516	543	532	627	597	774	864	880	892	850	915	839	826
<b>North Dakota</b>	338	377	382	IAC											
<b>Rhode Island</b>	691	557	542	581	565	624	646	681	737	760	762	674	686	623	574
<b>South Dakota</b>	375	395	449	463	484	452	397	382	426	408	425	465	423	457	498
<b>Utah</b>	670	674	IAC												
<b>Vermont</b>	594	574	569	625	659	622	578	636	649	657	675	653	582	582	584
<b>West Virginia</b>	1372	1585	2037	1621	1644	1623	3180	2357	2113	2442	2962	3102	3114	3415	3539
<b>Wyoming</b>	306	342	320	334	363	314	301	302	306	335	345	357	380	381	355

This high comparable caseload is not solely attributable to workers' compensation appeals. This Court considers more than twice the number of original jurisdiction proceedings (**523 in 1998**) than the next busiest state, Nevada (**248 in 1998**). In fact, of the states without an IAC, four states had fewer than 80 original jurisdiction proceedings filed in 1998: Delaware (33); Wyoming (60); South Dakota (76); and Vermont (9).