



1999 STATISTICAL REPORT

CASE FILINGS

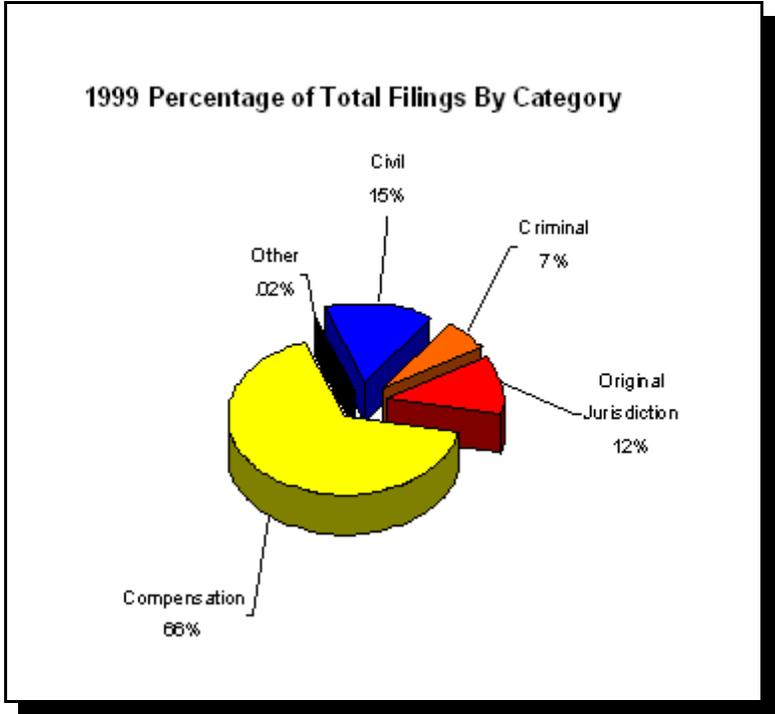
Record Number of Petitions Filed in 1999

The **3,539** petitions filed in 1999 were once again the highest number of filings in the Court's history, up **129**, or more than **10%**, from last year's record total of **3415**, and **359** above the previous record of **3180** set in 1991. The new high is largely attributable to the continued increase in workers' compensation appeals, which also set a new record total with **2306** filings in 1999, amounting to over **65%** of the total number of appeals filed in 1999.

Apart from the statistical impact of workers' compensation appeals, the number of petitions filed in 1999 either remained stable or declined across most categories. The number of civil appeals fell to **519**, reflecting a five-year declining trend in that category. Perhaps indicative of the Court's more restrictive approach to review of certified questions, habeas corpus petitions, and petitions for mandamus and prohibition, case filings in all four of those categories continued to fall from 1996 levels. In the category of criminal appeals, **232** petitions were filed in 1999, an increase from the previous two years and a return to the number of criminal appeals filed in 1996. The table below shows the number of petitions filed in each year since 1983.

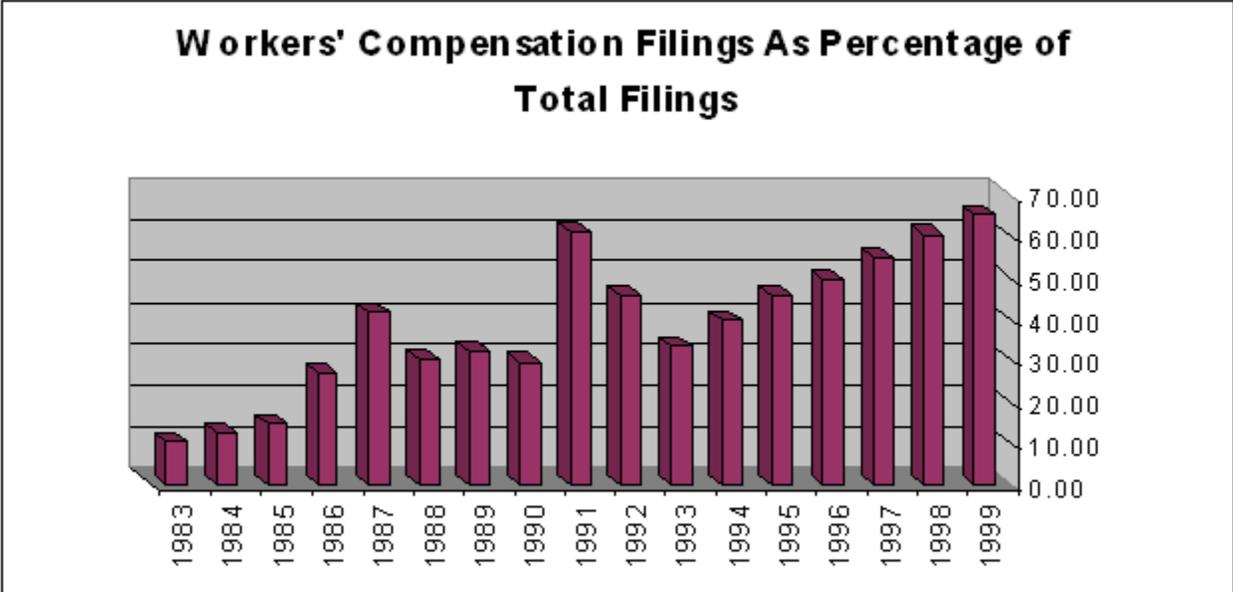
CASE FILING HISTORY

CASE TYPE	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Certified	18	20	12	17	23	21	28	29	35	43	34	46	27	30	27	15	19
Certiorari	9	27	10	6	4	2	7	5	4	2	2	7	8	4	5	3	5
Civil	293	306	332	376	422	394	419	426	524	538	536	575	642	646	571	556	519
Compensation	116	162	198	421	841	488	528	481	1947	1075	708	966	1220	1534	1708	2067	2306
Criminal	180	183	157	182	176	182	168	183	181	168	165	178	209	234	203	207	232
Ethics	0	1	10	16	20	13	12	17	23	25	27	69	43	33	27	24	27
Habeas	321	317	367	240	200	195	186	171	149	192	319	239	218	265	253	230	118
Mandamus	132	166	181	196	214	183	141	149	179	184	187	173	172	180	164	162	177
Petition	10	20	24	30	52	47	39	40	20	12	21	30	39	30	24	20	16
Prohibition	80	80	81	101	85	96	116	122	118	118	118	159	114	146	132	131	120
TOTAL	1159	1282	1372	1585	2037	1621	1644	1623	3180	2357	2117	2442	2692	3102	3114	3415	3539



In the past sixteen years, the Court has experienced steady and significant growth in the number of workers' compensation filings. In 1983, workers' compensation filings comprised only one out of every ten cases filed in the Supreme Court. In 1999, by contrast, workers' compensation appeals comprised fully two-thirds of all appeals filed. This year, the number of workers' compensation filings alone exceeds the total for all appeals filed as recently as 1993.

The chart pictured below reflects that overall, the trend has been toward a steady increase in the percentage of workers' compensation cases relative to the total number of cases filed. The high number of filings in 1991 and 1992 resulted from the effort to clear a backlog of cases at the administrative level. What was seen then as an unusually large number of filings has become routine in the past two years. The trend is projected to continue, requiring the Court to devote increased resources and innovative structures to address the continually burgeoning caseload in this category.



WORKLOAD AND OUTCOMES

Petitions

In 1999, the Court considered a total of **3090** petitions for appeal, or **87%** of the total filings for the year. Previous years' statistical reports have calculated the percentage of cases granted relative to the total number of filings; this year the percentage of cases granted is shown relative to the number of petitions actually considered by the Court. This method should more accurately reflect the workload of the Court and actual outcomes at the petition stage. Review in Ethics cases is non-discretionary. On average, all state courts of last resort granted only 10 percent of discretionary petitions considered in 1997.

	Total 1999 Petitions Considered	1999 Percentage Granted
Certified	17	35%
Certiorari	6	67%
Civil	456	30%
Civil - Administrative	11	36%
Civil - Abuse & Neglect	96	11%
Compensation	1874	51%
Criminal	234	18%
Ethics	27	100%
Habeas Corpus	108	.05%
Mandamus	132	30%
Petition for Bail	16	0%
Prohibition	113	27%

Excluding compensation filings, the Court considered a total of **1189** substantive petitions in 1999. Of the cases presented at petition conference, 25% were granted, 58% refused, and 15% were accepted for presentation on the motion docket. Nearly half, or 47%, of the cases accepted for presentation on the motion docket were ultimately granted. It is significant to note that, of the large number of workers' compensation petitions considered by the Court, **18%** were dismissed or withdrawn, in large part reflective of the work of the Workers' Compensation Mediation Project, which resulted in **410** settlements through mediation in 1999.

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 3090 petitions for appeal last year, the Court also issued final substantive decisions in **1,154** cases. The Court disposed of **324** cases by written opinion, and disposed of **830** workers' compensation cases by memorandum order. Other cases

were dismissed or withdrawn and were disposed of by order. After opinions are issued, parties have the opportunity to file petitions for rehearing. During 1999, the Court considered **47** Petitions for Rehearing, only **3** of which were granted.

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 1999 the Court decided approximately **2,000** of these miscellaneous motions.

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 1999, the Court considered approximately **50** bar admission and disciplinary matters. The Court also admitted **277** prospective 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 1999 the Court considered and adopted: significant revisions to the Rules of Lawyer Disciplinary Procedure; new Rules Governing Post-Conviction Habeas Corpus Proceedings; and new West Virginia Trial Court Rules.

SUMMARY: SELECTED 1999 SUPREME COURT WORKLOAD MEASURES			
324	Majority Opinions Issued	3	Sets of New or Revised Rules Issued
67	Separate Opinions Issued	50	Disciplinary/Admission Matters
843	Comp. Cases Decided by Memo Order	2,000+	Miscellaneous Motions Decided

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

Along with California, West Virginia is described by the National Center for State Courts as being “beset by [an] incredibly high caseload” in 1998.

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. No other comparable appellate court in the country handles as many cases as this Court. The most recent (1998) 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 1998, 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.

CASELOAD COMPARISON WITH COMPARABLE COURTS

	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
DELAWARE	331	409	420	401	410	485	484	473	530	542	488	530	532	551	554
MAINE	NA	602	579	631	507	452	622	646	569	NA	1038	988	841	724	778
MISSISSIPPI	840	819	1013	893	793	872	1025	992	1025	1182	1073	IAC	IAC	IAC	IAC
MONTANA	NA	639	602	571	655	618	633	636	533	659	744	599	832	872	731
NEBRASKA	1002	997	1014	1196	1094	1277	1270	834	IAC						
NEVADA	799	777	853	856	922	1047	1089	1080	1129	1138	1256	1350	1911	1835	1943
NEW HAMPSHIRE	603	574	534	516	543	532	627	597	774	864	880	892	850	915	839
NORTH DAKOTA	370	338	377	382	IAC										
RHODE ISLAND	611	691	557	542	581	565	624	646	681	737	760	762	674	686	623
SOUTH DAKOTA	370	375	395	449	463	484	452	397	382	426	408	425	465	423	457
UTAH	712	670	674	IAC											
VERMONT	648	594	574	569	625	659	622	578	636	649	657	675	653	582	582
WEST VIRGINIA	1282	1372	1585	2037	1621	1644	1623	3180	2357	2113	2442	2962	3102	3114	3415
WYOMING	331	306	342	320	334	363	314	301	302	306	335	345	357	380	381

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).

With **189** discretionary appeals per 100,000 in population, West Virginia’s appeal rate is “relatively high” for its population. In fact, West Virginia ranks second only to California among all Courts of Last Resort in the number of appeals filed per appellate court judge. With discretionary appeals per judge in California at **1,232** and West Virginia at **683**, the National Center for State Courts described the states as being “beset by incredibly high caseloads.” See B. Ostrum & N. Kauder, eds., *Examining the Work of State Courts, 1998: A National Perspective from the Court Statistics Project* at 87-88 (National Center for State Courts 1999).