

CIRCUIT COURT CASELOAD REPORT QUICK GUIDE TO THE REPORTS

CHAPTER 1

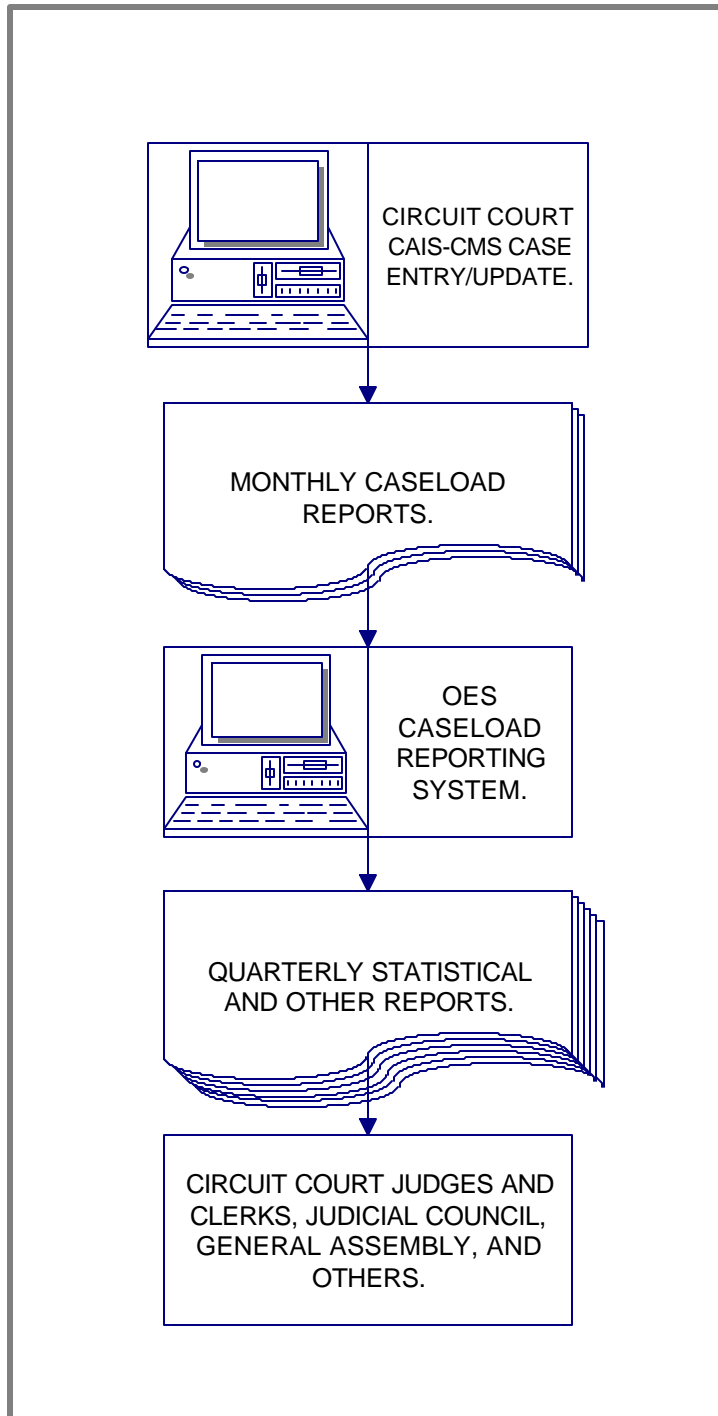
CIRCUIT COURT CASELOAD REPORTING SYSTEM

The Circuit Court Caseload Reporting System was initially developed in the late 1970s in an effort to produce uniform and meaningful reports of court statistics. The system was revised in 1984-1985 and resulted in a summary reporting system where information on cases on the docket, jury trials, and the age of concluded cases are collected, along with statistics on the number of defendants in criminal cases and certain civil "special case activities." During 1991, problems with the information provided on the age of concluded cases were identified and necessary changes to the method of calculating the age of cases at final disposition for civil and criminal cases were made. These changes were effective July 1, 1992.

The underlying reporting philosophy for the system continues to be one in which items to be reported are defined strictly enough to provide greater uniformity and reliability of data collected. This is important since, among other uses, the data are used to make certain inter-circuit comparisons for purposes of measuring need for judicial resources and to provide management information to judges and clerks.

The Caseload Reporting System has two Monthly Caseload Reports which are produced by the automated system: one for civil and one for criminal cases. These two Monthly Caseload Reports are printed from the Courts Automated Information System-Case Management System (CAIS-CMS) and reviewed in each circuit court each month and forwarded electronically to the Supreme Court of Virginia where the data is automatically entered into the Caseload Reporting System data base. From this source, regular reports, such as the Quarterly Caseload Report, are produced. The data is also available for a host of other regular and ad hoc uses including production of the annual *State of the Judiciary Report* and inquiries from the media and public. A general flow chart depicting the information flow in the system is presented in the Figure 1.

Figure 1
Circuit Court Caseload Reporting System Flowchart



CHAPTER 2
QUICK GUIDE TO THE CIVIL CASELOAD REPORT

There are five reporting categories for civil cases. These categories and the types of cases included in each are as follows.

1. General District Appeals:

All appeals from General District Court including Involuntary Mental Commitment Appeals whether from a General District Judge or Special Justice and removals.

2. All Other Law:

Petitions

- Appeals from local governments, boards, agencies or commissions
- Attachments
- Compromise settlement (injury/wrongful death)
- Condemnations
- Extraordinary Writs (Mandamus, Prohibition, Quo Warranto, Habeas Corpus)
- Freedom of information
- Grievance procedures
- Habitual offender
- Interdiction
- Reinstatement of driving privileges
- Vehicle confiscation
- Other petitions

Motions for Judgment

- Attachments
- Contract actions (suits on account/note, employer/employee, other contracts)
- Declaratory judgment
- Detinue
- Establish boundaries (§8.01-179)
- General tort liability (other than ---- motor vehicle)
- Intentional torts (assault & battery, defamation, false arrest, malicious prosecution, abuse of process)
- Landlord-tenant
- Motor vehicle
- Product liability
- Professional liability
- Other motions for judgment

3. Divorce:

Divorce (uncontested/contested)
Annulments (uncontested/contested)

4. All Other Equity:

Petitions

- Adoption
- Adult protection
- Appeals from local governments, boards, agencies or commissions
- Court appointment of guardian/committee/fiduciary (§37.1-128.01) and to declare competency (§37.1-132); sterilization, authorization for surgery and standard medical treatment for persons under disability
- Custody/visitation/support/equitable distribution
- Expungements (§19.2-392.1)
- Separate maintenance suits
- Other petitions/suits

Bill of Complaint

- Accounting
- Aid and guidance
- Declaratory judgment
- Encumber/sale real estate
- Injunction (other than divorce)
- Interpleader
- Mechanics lien
- Partitions suits
- Quiet title
- Specific performance
- Suit to impress a trust/declare a trust
- Termination of mineral rights
- Will contest

5. Appeals from J&DR:

All non-criminal appeals from **Juvenile and Domestic Relations District Court** including Involuntary Mental Commitment appeals whether from a J&DR Judge or Special Justice.

"CASES ON DOCKET" captures specific caseload information from time of filing to termination. For purposes of this section, a case is defined as a controversy between two or more parties. (Adoptions, although occasionally lacking the element of controversy, are considered reportable cases.) Some courts docket activities or transactions which lack the element of controversy. These activities should not be recorded in this section but should be enumerated under the heading **"SPECIAL CASE ACTIVITIES."**

A. Commenced Cases: a civil case is counted as commenced on the date of filing. Assignments of a subsequent hearing date are not reported. Generally, a case is commenced by one of three situations:

1. Initial filing: when the original or appeal papers are filed in the Clerk's office.

2. Reinstatement: a supplemental petition for additional action in a case previously terminated. Examples: show cause for child support, contempt, custody change, increase/decrease in support, visitation privileges, petition for withdrawal of infant funds, other cases where a reinstatement fee is collected, and cases previously discontinued under the two-year rule.

3. Remanded/ Set Aside/ Mistrial/ Other: initiation of a case as a result of one of the following conditions: a case remanded for a new trial by the Supreme Court or Court of Appeals; case retried upon the trial court's setting aside a jury verdict, a hung jury or a mistrial; transfer from law to equity (and vice versa); case reopened for fraud or other means.

4. Total Cases Commenced

B. Concluded Cases: a civil case is counted as concluded only when a final order or decree is entered or when the case is dismissed or when an order for a new trial is entered. A case must be concluded under the same category it was commenced. Civil cases are concluded as a result of one of the following:

5. Settlement/Non-Suit/Voluntary Dismissal Prior to Trial: cases not requiring judicial determination because 1) the parties settle out of court and/or 2) a non-suit is filed.

6. Default Judgment: in law when the defendant fails to file any response and a judgment is entered on the plaintiff's claim or when a bill of complaint is taken as confessed.

7. Trial Judge (With Witnesses): a non-jury trial beginning when a witness is sworn. A case which settles after the start of the trial should be reported under this category. Trial Judge includes ORE TONUS hearings in divorce matters.

8. Decree on Depositions: decree entered following review of the testimony of witnesses taken by deposition.

9. Report by Commissioner: judgment entered following the judicial review of a Commissioner in Chancery's/Commissioner of the Department of Social Service's (adoption cases) report and recommendation.

10. Trial Jury: are counted when the jury is impaneled and sworn **(sworn on their voir dire, selected after strikes, and administered their oath to hear and determine the issues joined)**. A case settled after the jury is impaneled and sworn is reported under this category. A five member commissioner panel in condemnation cases is considered a jury trial for reporting purposes. One Trial Jury is counted for each action/cause disposed of before one jury. Bifurcated cases are counted as only one jury trial per cause or action.

Purged per Virginia Code §8.01-335 or §16.1-113.

11. after two years: dismissal following proper notice to the parties of a pending case in which there has been no order or proceeding, except to continue it, for more than two years or dismissal of a district appeal under §16.1-113.

12. after three years: dismissal of a case in which there has been no order or proceeding, except to continue it, for more than three years.

13. Other: all cases concluded during the month by some means other than those listed above -- including all cases finally disposed of by a judge without witnesses and change of venue.

14. Total Cases Concluded

15. The number of juries impaneled and sworn (sworn on their voir dire, selected after strikes, and administered their oath to hear and determine the issues joined) during the month.

16. The number of days spent in jury trials during the month. A day is defined as a calendar day regardless of whether the trial lasted ten minutes or ten hours.

C. Age of Concluded Cases.

"AGE OF CONCLUDED CIVIL CASES" reports by category the number of cases concluded during the month which were filed:

- 17. 0-3 months ago
- 18. 4-6 months ago
- 19. 7-12 months ago
- 20. 13-18 months ago
- 21. 19-24 months ago
- 22. 25-36 months ago
- 23. 37-48 months ago
- 24. 49-60 months ago
- 25. 60 + months ago

26. Total: represents the grand total of the sums of each of the reporting categories. Line 26 and Line 14 will be identical.

CHAPTER 3

QUICK GUIDE TO THE CRIMINAL CASELOAD REPORT

For purposes of statistical reporting, criminal cases are classified as Class 1 & 2 Felonies, Other Felonies, and Misdemeanors.

Class 1 & 2 Felonies (cases such as):

- Murder (not manslaughter)
- Abduction
- Robbery
- Rape, sodomy or inanimate object penetration by force or with child under 13
- Arson , occupied dwelling in the nighttime
- Burglary or B&E of a dwelling or bank with a deadly weapon
- Sawed-off shotguns and machine guns for violent acts

Other Felonies: Class 3 - 6 Felonies

Misdemeanors: All Classes including traffic infractions

"CASES ON DOCKET" captures general caseload information on criminal cases before the court. For reporting purposes, a case is defined as a controversy between two parties (specifically, the Commonwealth or locality and one other person.)

A. Commenced Cases: reflects the number of charges or counts, by reporting category. Felonies are recorded when the indictment or presentment is returned by the Grand Jury as being a "true bill" or when a warrant is received after the waiver of indictment or presentment. Misdemeanors are counted as of the date the papers are received and docketed for trial by the circuit court clerk's office. Generally, a case is commenced by one of five situations:

1. Indictment/Presentment/Information/Waiver: charges on an indictment or presentment are recorded only during the month when the indictment is returned by the Grand Jury as a true bill or when a warrant is received after the waiver of indictment or presentment. An "indictment is a written accusation of crime, prepared by the attorney for the Commonwealth and returned 'a true bill' upon the oath or

affirmation of a legally impaneled grand jury," and "a presentment is a written accusation of crime prepared and returned by a grand jury from their own knowledge or observation, without any bill of indictment laid before them." An information "is a written accusation of a crime or a complaint for forfeiture of property or money or for imposition of a penalty, prepared and presented by a competent public official upon his oath of office."

An information is reported as a case commenced when filed in the circuit court clerk's office by the Commonwealth's attorney. Certifications to the Grand Jury are **not** reported as indictments.

2-3. Appeal: the criminal appeal is commenced upon the clerk's receipt of warrants, traffic summonses, or petitions for criminal non-support. Note that a felony appeal may be received from Juvenile and Domestic Relations District Court.

4. Reinstatement: any action initiated in a criminal case previously terminated. For reporting purposes, reinstatements are limited to formal revocation of probation and show cause proceedings. Not included are hearings under the ASAP program unless such cases were previously removed from the docket. Routine probation reporting hearings are also not counted.

5. Remanded/Set Aside/Mistrial: cases remanded by the Supreme Court or Court of Appeals for a new trial, a new trial when the verdict has been set aside by the trial court, and a new trial resulting from a hung jury should be counted and reported by case category.

- B. Cases Concluded: for reporting purposes, a criminal case is concluded when sentence is imposed (probation is included), a sentence suspended, the defendant is acquitted, or when an order for a new trial is entered. Cases under advisement shall not be counted as concluded until final disposition has been made. A felony charge reduced to a misdemeanor should be counted as a felony case concluded. Expiration of probation is not reported, but revocation of probation is considered a termination for reporting purposes. Criminal cases are concluded by the following methods:

7. Withdrawal Prior to Trial: appeals withdrawn **before any adjudication** by the court. (§16.1-133)

8. Nolle Prosequi/Dismissal: cases terminated upon recommendation of the Commonwealth's attorney, or by a local prosecutor other than the Commonwealth's attorney, any time **prior** to trial.

9. Guilty Plea (prior to trial): number of cases in which a guilty plea is entered by the defendant. A hearing, **with** or **without witnesses**, held to determine acceptability of a plea is counted here. When there is a change of plea to guilty **during** a trial, this plea is **not** counted in this category, but in line 10 or 11, as appropriate.

10. Trial Judge (with witnesses): a non-jury trial that proceeds with a "not guilty" plea. The Trial Judge begins when a witness is sworn. One "trial judge" is counted for each charge disposed of. Show cause/rules are also counted here.

11. Trial Jury: Cases are counted as concluded by a jury trial only after the jury is impaneled and sworn (sworn on their voir dire, selected after strikes, and administered their oath to hear and determine the issues joined). A change of plea after the jury is impaneled and sworn is counted as a "trial jury." One "trial jury" is counted for each charge disposed of. Bifurcated cases count as only **one** "trial jury."

12. Other: includes disposition situations other than those above -- including situations where the court finds that substantive, procedural requirements have not been met and cases which proceed with a plea of not guilty that are heard by the judge on stipulation of evidence by counsel with no witnesses.

13. Total Cases Concluded

14. The number of juries impaneled and sworn (sworn on their voir dire, selected after strikes, and administered their oath to hear and determine the issues joined) during the month.

15. The number of days spent in jury trials during the month. A day is defined as a calendar day regardless of whether the trial lasted ten minutes or ten hours.

16. The number of individuals represented by the charges reported for commenced cases during the month. Individuals are counted only one time regardless of the number of charges, counts, or separate offenses. If an individual is charged with both a felony and a misdemeanor, he/she is counted *only* as a felony defendant.

C. Age of Concluded Cases. In order to accurately reflect the amount of time it takes to dispose of criminal cases, information on **two** time frames is reported in this section. First, for each concluded case is reported the length of time that elapses between the **date of the defendant's arrest and the date the charges were adjudicated (decided) by the court**, whether that occurred by (a) withdrawal of the charges prior to trial, (b) *nolle prosequi* or dismissal, (c) the entry of a guilty plea, (d) a judge or jury trial, (e) a decision to defer final adjudication of the charges under the various deferred adjudication statutes, (f) entry of an order for a new trial, or, (g) the case was adjudicated by other means.

Second, for those cases in which the defendant was found guilty (by plea or by trial), or where a final adjudication was deferred by the court under the aforementioned statutory provision, the length of time that elapsed from the **date the charges were adjudicated (decided) to the date of final disposition** is reported. For statistical reporting purposes, the definition of final disposition is the date when the sentence was imposed (probation is included), a sentence was suspended, or the charges were dismissed following fulfillment of the terms or conditions of a deferred adjudication. In cases where the defendant is found to have violated the terms and conditions of a deferred adjudication and the court enters a finding of guilty, report the case as concluded on the sentencing date, in the appropriate age category.

Cases in which sentencing occurs on the same date as the adjudication are reported under the 00-30 days category.