

## **REPORT OF THE BOYD GRAVES STUDY COMMITTEE JURISDICTION OF THE COURT OF APPEALS**

### **COMMITTEE MEMBERS**

L. Steven Emmert, chairman  
The Hon. Rudolph Bumgardner, III  
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This committee was given the task of evaluating whether to recommend that the jurisdiction of the Court of Appeals of Virginia be broadened. At present, the court is limited to considering only four major types of appeals: Criminal/traffic, domestic relations, workers' compensation, and administrative law. Appeals in all other matters are presented directly to the Supreme Court.

The court was created in the 1980's, in part to devote substantial appellate attention to the development of the body of caselaw in these four areas. (Other rationales included relief of caseload pressure in the Supreme Court, and a desire to afford most appellate litigants an appeal of right.) The court has fulfilled this task very effectively, and there now exists a dramatically increased bank of guidance, in the form of published opinions, in those case areas.

As a result of the court's efforts over the first 24 years of its existence, fewer published opinions are now being released, as more and more of the court's argument docket comprises cases with issues that have already been addressed in previous published opinions. This committee considered whether the court could devote some of its efforts to other areas of the law, with an eye toward similarly expanding the reach of appellate opinions in those areas.

Members of the study committee interviewed several judges on the Court of Appeals for insight into these issues. The ensuing discussions produced carefully thought-out suggestions, but resulted in no consensus (nor even a near-consensus) on what to recommend to the conference. Some members felt that expansion was well worthwhile; others felt that it would produce far more problems than it would solve.

### **RECOMMENDATION**

Given the marked disunity of the study committee's views, we do not recommend a change at this time. We do, however, strongly suggest that this topic be reexamined within the next two years by another committee. We note that expansion of the CAV's jurisdiction is one of the features of the report of the

Futures Commission; recommendation 4.11 is, "Expanding the civil appellate jurisdiction of the Court of Appeals to include all appeals from circuit courts and administrative agencies with the exception of the State Corporation Commission and appeals involving attorney disciplinary matters and allocate resources to the Court of Appeals to ensure accessible, responsive, effectively administered appellate review." Action on the commission's report may make further study unnecessary, but we each believe that this discussion should continue in the event that that recommendation goes unheeded. A further decline in the number of published opinions out of the Court of Appeals would be another sign that jurisdictional expansion is worth considering.

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Chairman