

Vermont Judiciary
Annual Statistical Report for FY18

Vermont Judicial Branch Annual Statistical Report

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Highlights from the Report:

Family

- FY18 saw the largest number of juvenile cases filed in the past five years. While the number of petitions for termination of parental rights decreased 5%, the number of delinquency cases increased 25%. Even more impactful, CHINS (abuse/neglect) matters increased 18%. Abuse/neglect cases rank as one of the most labor-intensive case types not only in the family division, but in any division of the Superior Court.
- Clearance rates for abuse/neglect cases dipped slightly in FY18 (from 90% in FY17 to 89% in FY18). The clearance rate for TPR cases also declined slightly in the last year but remains well over 100%, meaning more cases were disposed than added. The clearance rate for delinquencies remained relatively unchanged (at 94%).
- There has been a 21% decline in divorce/dissolution filings over the past five years. Parentage declined 19% over the past five years. Child support and post judgment (non-child support) filings both decreased 7% in the last year.
- Approximately 56% of the cases disposed in the family division are resolved by agreement of the parties or in a default judgment because one party doesn't participate.
- Petitions for protective orders for relief from abuse increased 8% in the past year. Temporary orders were granted in 78% of relief from abuse cases, and final orders in 47%. The number of exploitations of the elderly cases rose slightly in FY18, but the number of cases has not changed significantly over the last five years. Temporary orders were granted in 95% of exploitation of the elderly cases, and final orders in 55%.
- Clearance rates for divorce and protection cases have remained steady over the past 5 years. The case types showing the most fluctuation are parentage and child support.
- The number of Mental Health involuntary medication applications in FY18 rose significantly compared to the previous year (35%). From a workload perspective, medication cases require a significant amount of judge time since they are almost always contested. Applications for involuntary treatment and for continued treatment both remained relatively unchanged.

Criminal

- Felony filings declined 6% in the last year. This decrease is primarily due to filings involving felony drug crimes, which declined 15% in the last year, and DWI/DUI filings, which declined 12%. There was also an 8% decrease in crimes against persons and property and a 9% decrease in public order crimes.
- Felony domestic violence filings increased 8% in the past year. Case filings in this area are 58% higher than a decade ago.
- Misdemeanor filings increased 6% in the last year. This is primarily due to an increase in misdemeanor motor vehicle offenses (non-DWI/DUI), which rose 56%, and protection cases, which rose 14%. Filings in all other misdemeanor case types declined.
- For felonies, less than 2% of the cases were disposed because of trial by jury or by court. For misdemeanors, this is true for less than 1% of the cases.

Civil

- Filings of major civil cases remained relatively unchanged in the past year. The number of torts, prisoner rights and miscellaneous cases decreased, while foreclosures and collections rose.
- Small claims filings increased 42% in FY18 as compared to FY17, however, they remain 30% lower than five years ago.
- Request for civil protection orders against stalking and sexual assault have increased 9% in the past year and 37% since 2014. Temporary restraining orders were granted in 75% of the cases. Of these cases, a final order was granted in 43%.
- 12% of all major civil cases required either a jury or court trial. 54% were dismissed by the court or withdrawn by parties.
- Clearance rates for major civil cases fell from 108% in FY17 to 98% in FY18, meaning more cases are being filed then disposed. Clearance rates for small claims fell to 86%, the lowest in all case types in the Vermont Superior Court. This is likely due to the dramatic increase in case filings. Civil protection order cases were unchanged (98%).

Probate

- Filings of minor adoption cases decreased 11% in the last year. When contrasted to 5 years ago, filings of minor adoption cases have risen 46%.
- The number of adult guardianship petitions declined slightly in the last year, while the number of minor guardianships increased. When contrasted to 5 years ago, guardianships have declined 9%.
- Overall, the number of estate cases filed in Vermont declined slightly in FY18, mostly because of fewer intestate cases.
- The number of trust filings in Vermont have stabilized and remained relatively unchanged over the last five years.
- The number of petitions for a change of name has been steadily growing over the last five years (45% since FY14).

Environmental

- Cases in the environmental division decreased 9% from the previous year, primarily in the areas of environmental enforcement actions and municipal de novo appeals.
- The clearance rate in the environmental division dipped to 97%, meaning more cases were opened than disposed.
- Approximately 53% of the cases disposed in the environmental division are resolved by agreement of the parties. Final decisions were issued in 29% of the cases. 17% were dismissed or withdrawn by parties.

Judicial Bureau

- The Judicial Bureau processed over 90,000 civil violation complaints in FY18, up 10% from five years ago. Filings of traffic violations were slightly lower in the past year but remain 12% higher than five years ago. Municipal ordinance violations continued to decrease, while Fish and Game violations rose slightly.

Introduction

The purpose of this report is to highlight trends in the five divisions of the Superior Court and in the Supreme Court with respect to the filing and disposition of cases. In addition to providing data on the number of cases added and disposed, this report also measures performance with respect to timeliness using the three performance measurements that are part of the National Center for State Courts' CourTools. The three measures are:

Clearance Rate

The clearance rate measures the number of disposed cases as a percentage of the number of incoming cases. The purpose is to measure whether the court is keeping up with its incoming caseload. If the Clearance rate is 100%, the court is basically staying even. A clearance rate above 100% indicates that the Court is disposing more cases than it is adding and should reflect a decrease in backlogged cases. A clearance rate below 100% indicates that the Court has added more cases than it has disposed which means that the backlog of cases is increasing.

Age of Active Pending Caseload

This is a point in time measurement usually done on the last day of the fiscal year. The age of the active pending cases is measured against the time standard or disposition goal for that case type set by the Supreme Court to determine how many of the active unresolved cases are within the goal and how many have exceeded the goal.

Time to Disposition

This measure looks at all of cases disposed during the fiscal year and measures the percentage that were resolved within the disposition time standard or goal for that case type and the percentage that exceeded the goal. It is important to note that it would be very rare indeed for every case to be decided within the disposition goal. (If that were the case, the goal is probably too high and should be lowered.) Typically, if the percentage decided within the disposition time standard is around 80% to 85%, it probably means that the court is doing well provided that the cases that exceeded the goal did so within a reasonable margin.

Disposition Time Standards

The Vermont Supreme Court has adopted by Administrative Directive disposition time standards or goals for many, but not all, case types in the Superior Court. Where time standards have not yet been adopted, it is obviously difficult to use either the second or third NCSC measurement described above. We have noted in this report case types which do not yet have time standards. Where the Court has adopted time standards, it has recognized that in every case type, there are standard cases and then there are complex cases and the complex cases need longer time frames. The Court has therefore adopted a differentiated case management system which sets a time frame as a goal for standard cases and a somewhat longer goal for complex cases. Unfortunately, we lack the capacity in our current case management system to easily identify the complex cases. Therefore, for the most part, our measurement with respect to timely

disposition are based on an assumption that all cases are standard, an assumption that we recognize is not accurate.

Workload and Case Weights

An initial case weight represents the average amount of time judicial officers and court staff currently spend to process a case of a particular type, from filing through all post-disposition activity, including time spent during normal working hours and time spent outside of the normal working day or week. The use of separate case weights for different case categories accounts for the fact that cases of varying levels of complexity require different amounts of time to resolve. To calculate the case weight for each case type category, all time associated with each case type during the time study is summed and weighted to the equivalent of one full year's worth of time, then divided by the corresponding annual filings.

Case Type	Final Case Weights: Judicial Officers	Final Case Weights: Court Staff
Small Claims	13	136
Stalking/Sexual Assault	24	106
Other Civil	84	337
Misdemeanor	28	177
Felony	130	352
TX Court: Adult	273	2,576
Criminal Civil Suspension	6	30
Search Warrants Inquests, NTO	14	24
Other Miscellaneous Criminal	24	176
Domestic (without child support)	126	566
Child support	46	196
Relief from Abuse	31	170
CHINS	332	1,027
Juvenile Delinquency	59	288
Juvenile Truancy	103	212
Juvenile TPR	309	375
TX Court: Juvenile¹²	273	2,576
Mental Health	64	179
Estates	101	337
Trusts	49	59
Adult Guardianship	429	880
Minor Guardianship	203	386
Adoptions: All	130	187
Other Probate	39	127
Environmental Div. De Novo	1,038	990
Environmental Div. On the Record	278	990
Environmental Div. Enforcement Actions	246	155
All Judicial Bureau Cases	NA	16
Judicial Bureau Contested	6	NA
Judicial Bureau Uncontested	1	NA

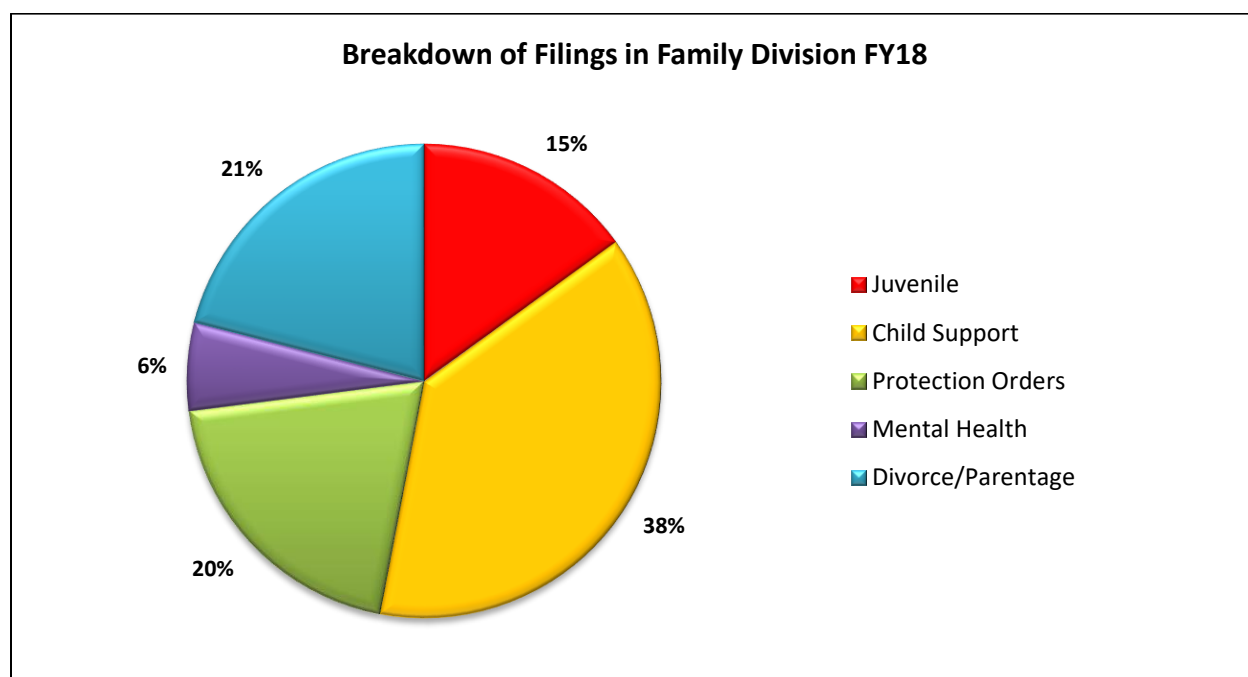
Family Division

Statewide Data

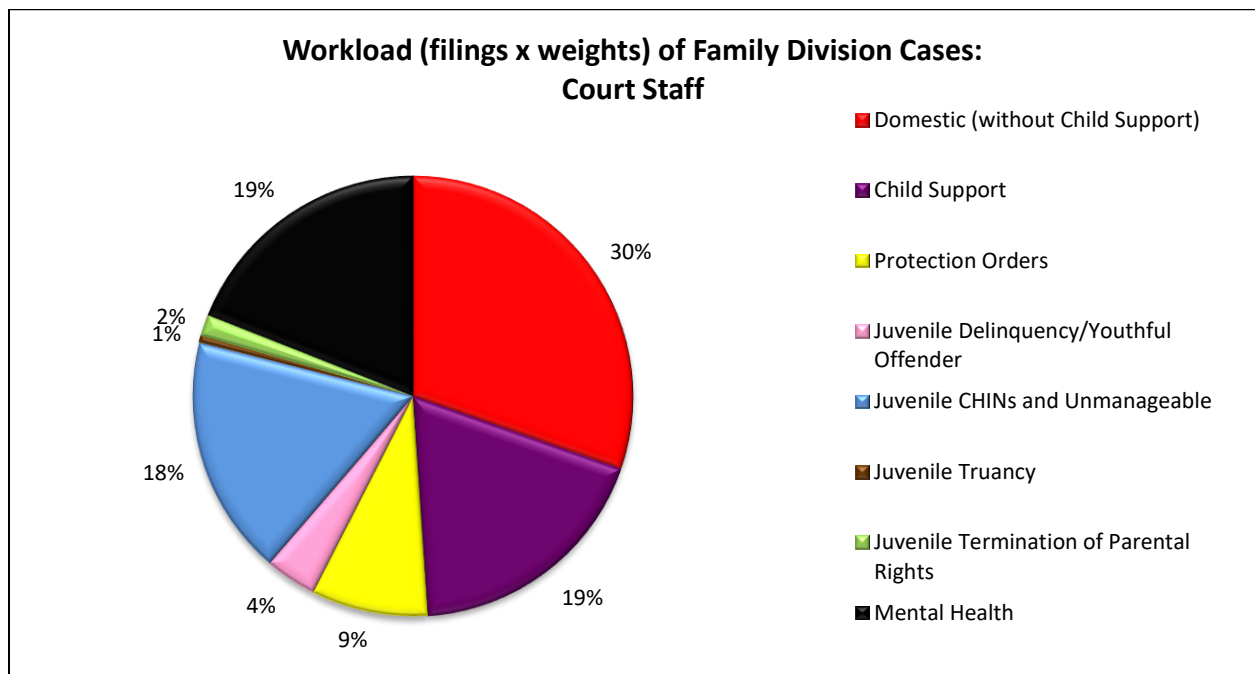
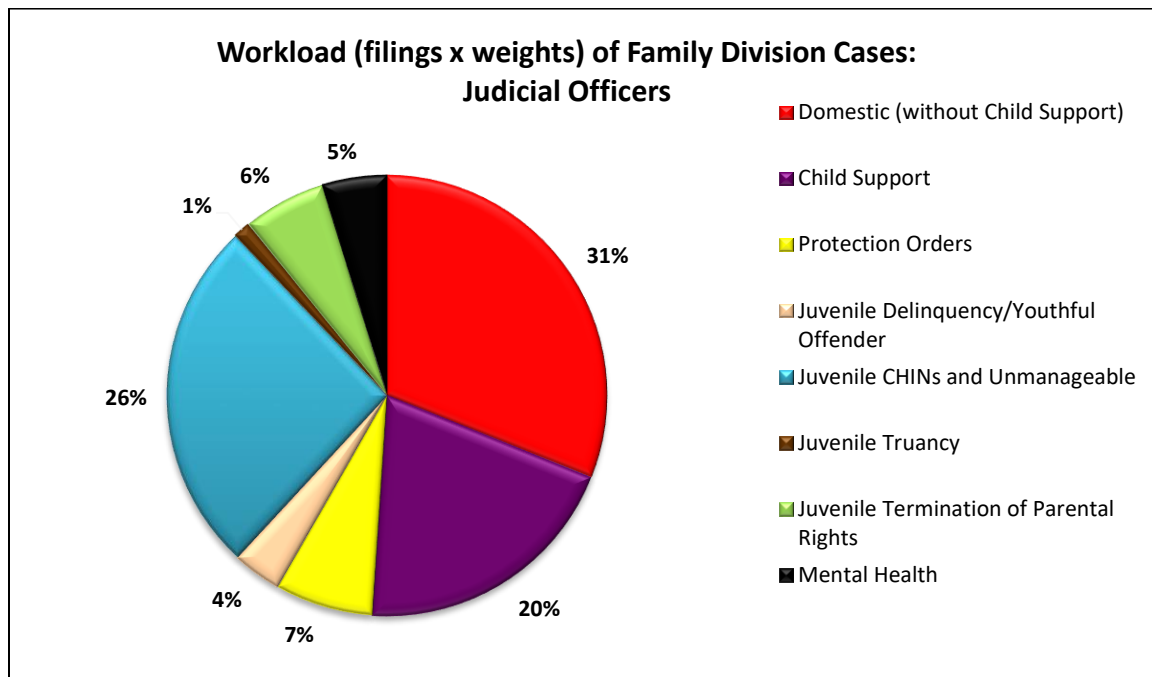
For statistical purposes Family Division cases are divided into three major categories: domestic, juvenile and mental health. Each of these categories is comprised of several different case types as shown below:

JUVENILE	<ul style="list-style-type: none"> • Child in Need of Care and Supervision – abuse/neglect, truancy, and beyond parental control • Delinquency (including youthful offenders) • Termination of Parental Rights
DOMESTIC	<ul style="list-style-type: none"> • Divorce/Dissolution • Parentage • Post Judgment Motions for Enforcement or Modification of final orders • Child Support Establishment and Motions for Enforcement or Modification of final orders • Protection Orders for Relief from Abuse and Exploitation of the elderly
MENTAL HEALTH	<ul style="list-style-type: none"> • Application for Involuntary Treatment (Hospitalization) • Application for Involuntary Medication

The chart below depicts the breakdown of the various case types in the family division based solely on numbers of cases filed.



The following charts reflect the relative workload associated with these cases from the perspective of judicial officer and staff resources.



Family Division: Juvenile

There are two major categories of juvenile cases:

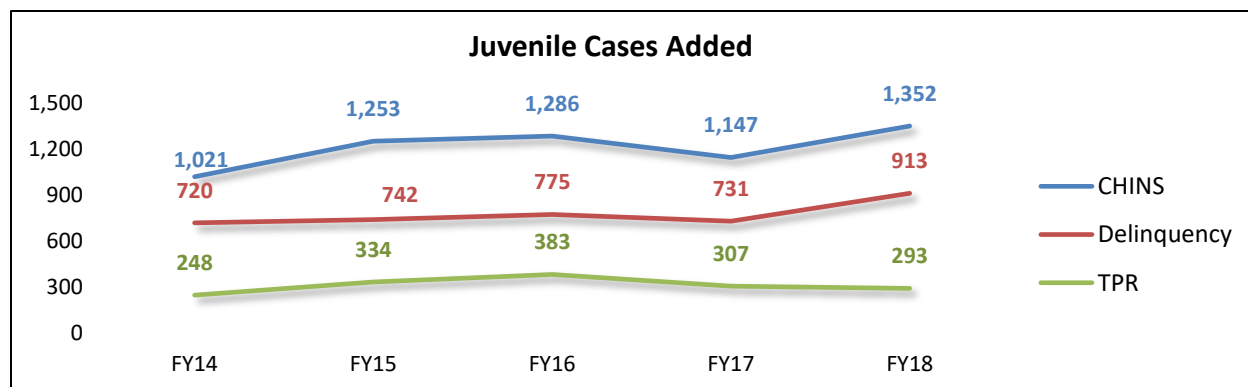
1. Cases involving children who need care and supervision (known as CHINS cases).
2. Cases involving children who have committed a delinquent act (known as delinquencies).

CHINS cases are divided into two subtypes: children who have been abused or neglected and children who are truant or beyond parental control.ⁱ The delinquency docket includes both youths charged with a delinquent act and those transferred from adult criminal court as youthful offenders. State custody (i.e. the removal of a child from the custody of the child's parents) is a potential outcome in all juvenile cases and court records in all juvenile cases are confidential.

Juvenile cases often involve significant post judgment activity. This is particularly true of CHINS cases. If a child who is the subject of a CHINS proceeding is in state custody, multiple review hearings will occur in the family division including a post disposition review and numerous permanency reviews. The purpose of these review hearings is to ensure that the child moves towards a permanent resolution – usually either reunification with a parent or adoption – with as little unwarranted delay as possible. If parents are unable to either reunify or make significant progress towards reunification with the child within a reasonable amount of time, the State will then petition the court to terminate parental rights so that the child can be adopted. Termination of parental rights petitions are resource intensive and for statistical purposes are therefore tracked as a separate case type.

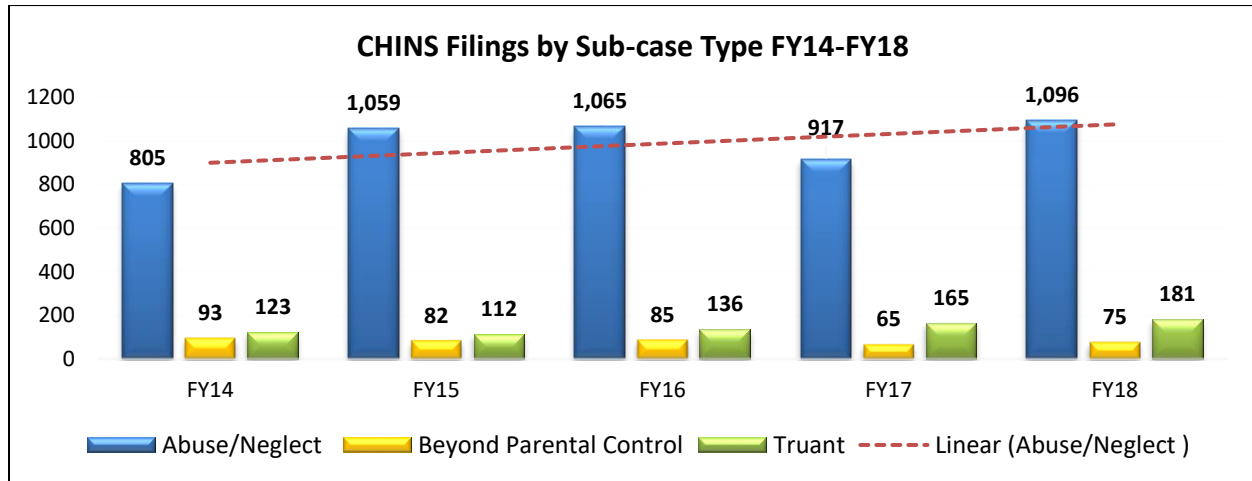
Trends

As indicated in the chart below, FY18 saw the largest number of juvenile cases filed in the past five years. While the number of petitions for termination of parental rights decreased 5%, the number of delinquency cases increased 25%. Even more impactful, CHINS matters increased 18% in the last year. From a workload perspective, CHINS cases rank as one of the most labor-intensive case types not only in the family division, but in any division of the Superior Court.ⁱⁱ



CHINS

Filings of all CHINS sub-case types rose in the past year. Of the 1,352 CHINS cases filed in FY18, 1,096 were abuse/neglect cases, the remainder were beyond parental control or truant. The number of abuse/neglect filings rose 20%, while truancy cases rose 10%. The number of cases filed involving children beyond parental control rose 15%.



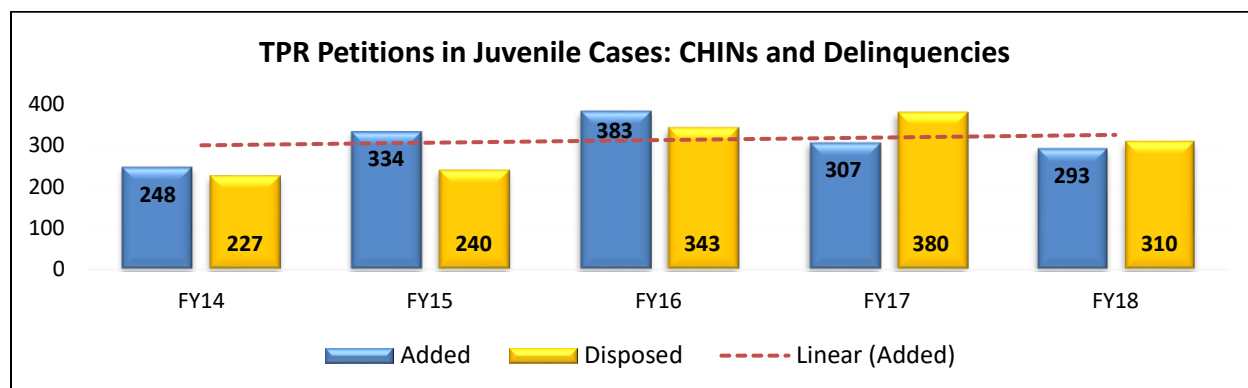
Delinquency and Youthful Offender

The overall number of case filings in the delinquency docket increased 25% in the last year. The largest increases were in the number of public order offenses and crimes against persons.

ADDED	FY14	FY15	FY16	FY17	FY18
Domestic Violence	58	72	59	60	75
Drug	50	50	40	52	53
Motor Vehicle - DWI/DUI	7	4	7	6	18
Motor Vehicle - Other	25	16	35	44	51
Person	190	200	234	190	257
Property	104	101	127	120	110
Protection	3	4	7	3	3
Public Order	283	295	266	256	346
Grand Total	720	742	775	731	913

Termination of Parental Rights (TPR)

Although TPR petitions have decreased nearly 5% in the last year, they remain 18% higher than five years ago.

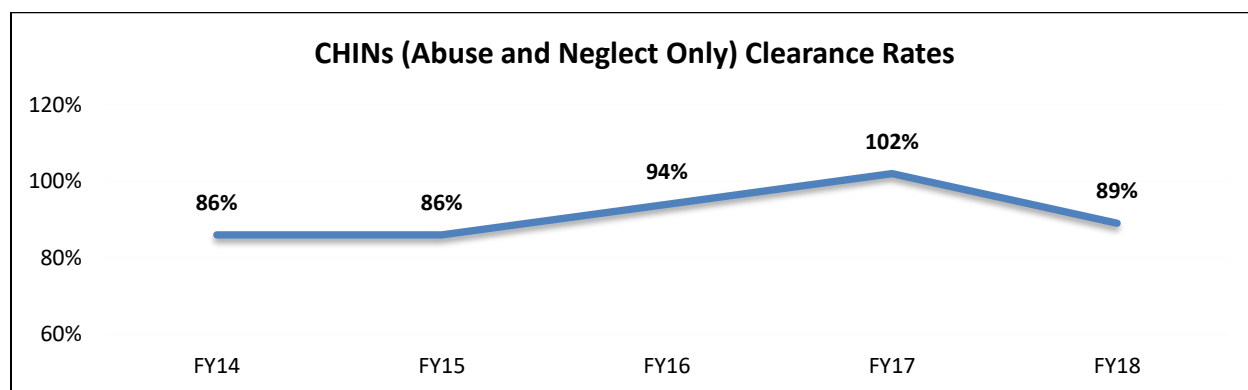


Clearance Rates

A clearance rate reflects the number of cases closed/disposed divided by the number of cases added/filed. If the clearance rate is 100%, the court is basically staying even. A clearance rate above 100% indicates that the Court is disposing more cases than it is adding and should reflect a decrease in backlogged cases. A clearance rate below 100% indicates that the Court has added more cases than it has disposed which means that the backlog of cases is increasing.

CHINS:

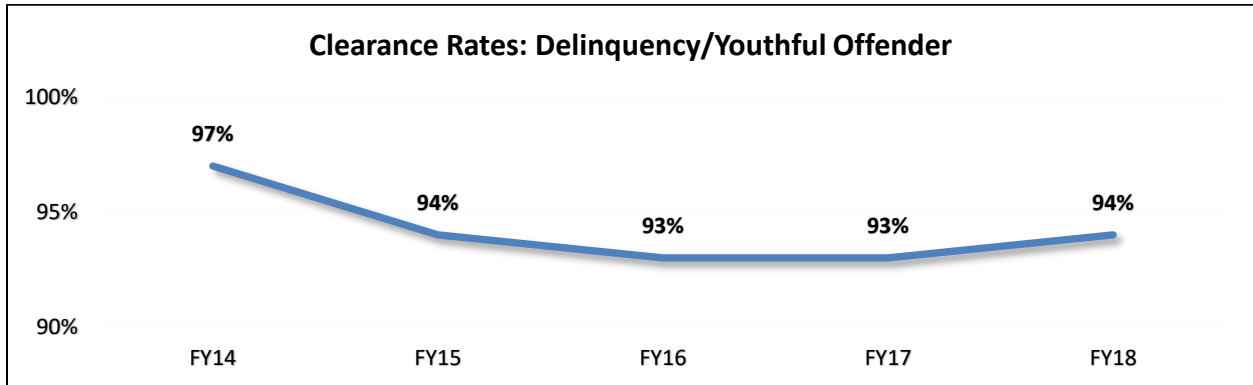
The 89% clearance rate for abuse and neglect cases remains one of the lowest of any group of cases in any division of the superior court.¹ As pointed out in the introduction to this section, CHINS cases are labor intensive for judges and court staff. They require numerous hearings and the stakes for the litigants are high. Not only are many of the children involved in these cases removed from the custody of their parents, there is always the threat of termination of parental rights if parents are unable to regain custody within a reasonable amount of time. Clearance rates below 100% is a source of concern. It means the development of a backlog of cases that will be difficult to overcome without a dramatic decline in the number of filings or an increase in resources.



¹ The clearance rate for small claims cases in FY18 was 86%.

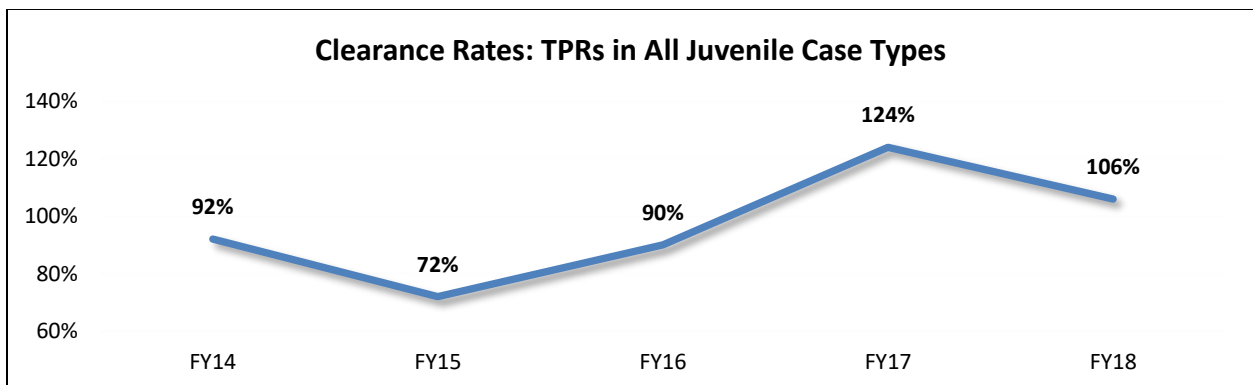
Delinquency

The clearance rate for delinquency cases has remained relatively constant over the last four years, averaging between 93 and 94%.



Termination of Parental Rights

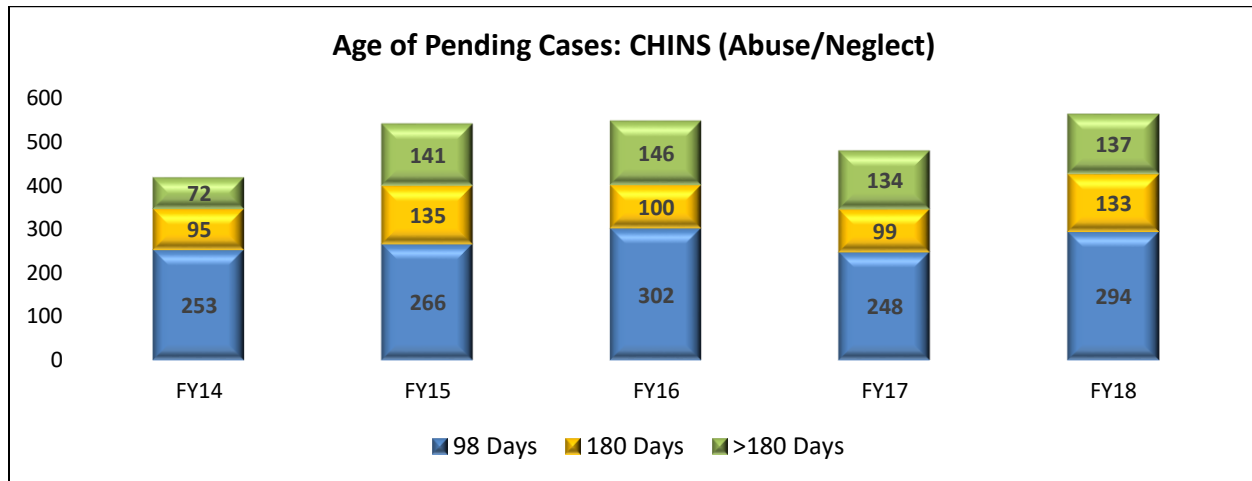
Although the clearance rate for termination of parental rights petitions declined slightly in the past year, it remained well over 100%, meaning more cases were disposed than added.



Age of Pending Cases

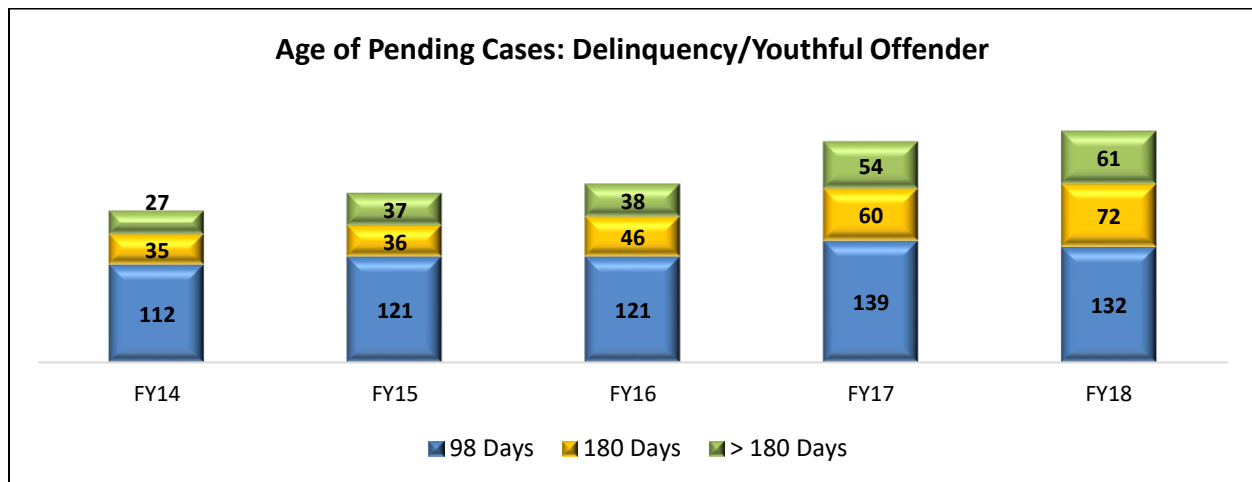
CHINS

The Supreme Court has established a disposition goal of 98 days for standard (i.e. non-complex) CHINS cases. The chart below shows the age of cases pending on the last day of FY18. The total number of pending abuse and neglect cases increased in the last year, as did those cases older than the disposition goal.



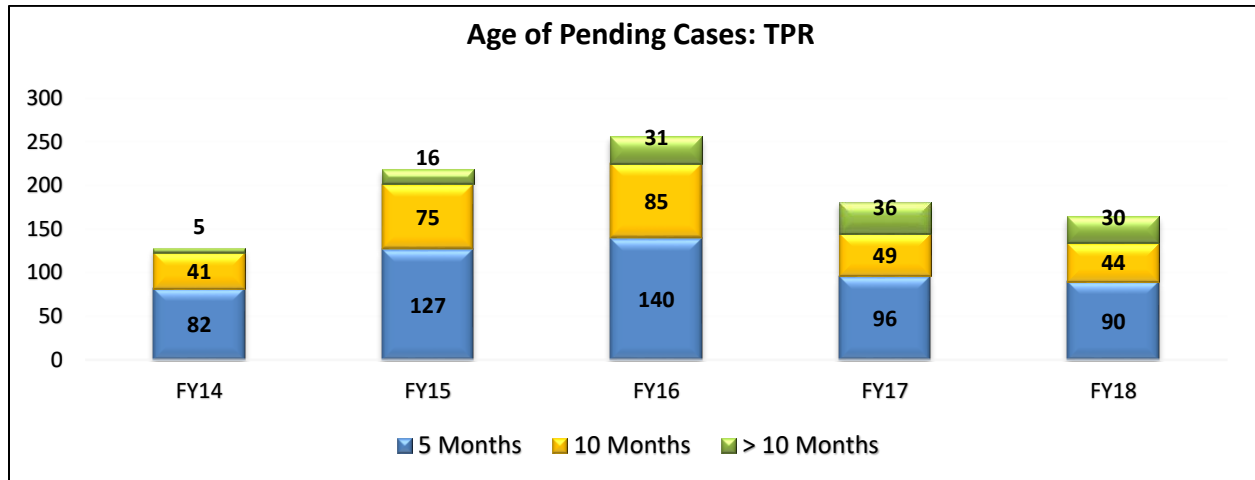
Delinquency

The disposition goal for delinquency cases is 98 days. There was a 17% increase in the backlog of delinquency cases older than 98 days.



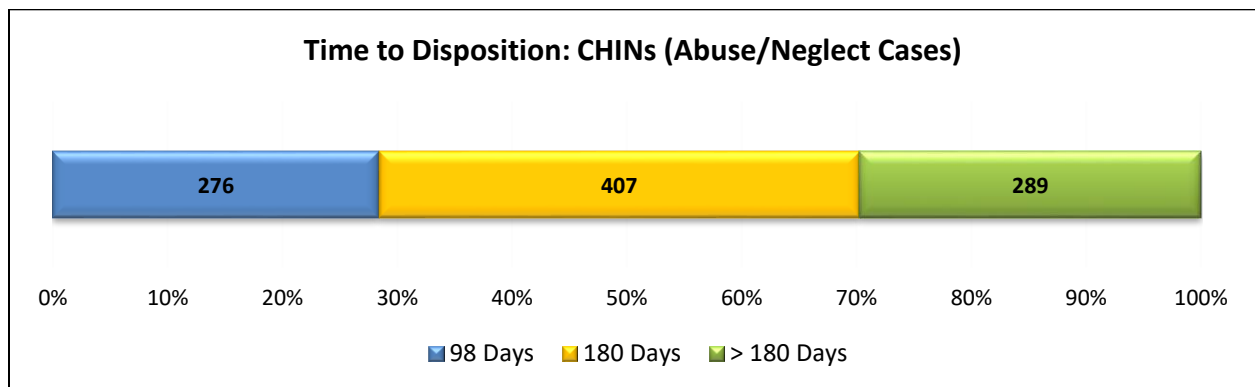
Termination of Parental Rights

The disposition goal for a non-complex termination of parental rights case is five months. The number of pending cases at the end of FY18 decreased 9% over the previous year, while the number of cases over goal decreased 13%. This is notable, given that the TPR caseload has increased more than 18% since FY14.

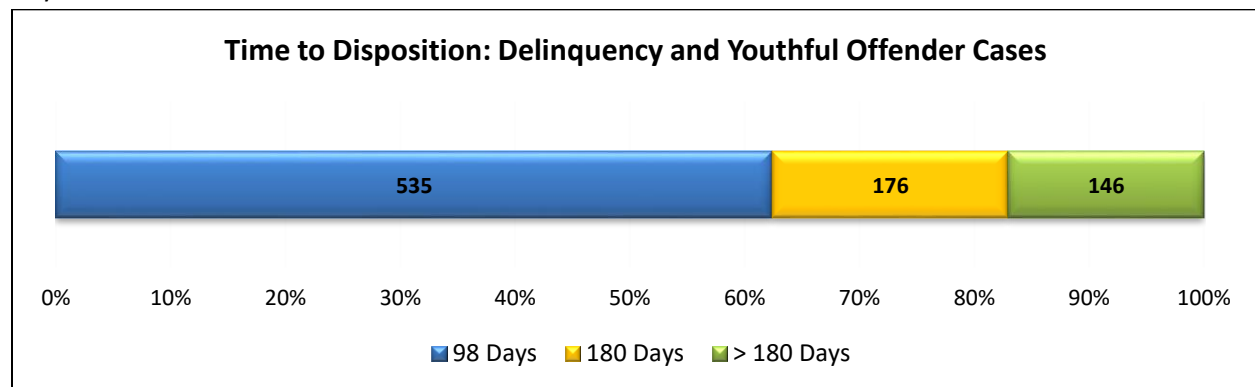


Time to Disposition

CHINS – Only about 28% of CHINS (abuse and neglect) cases were disposed within the 98-day disposition goal set by the Supreme Court. 30% of the disposed cases took longer than six months.

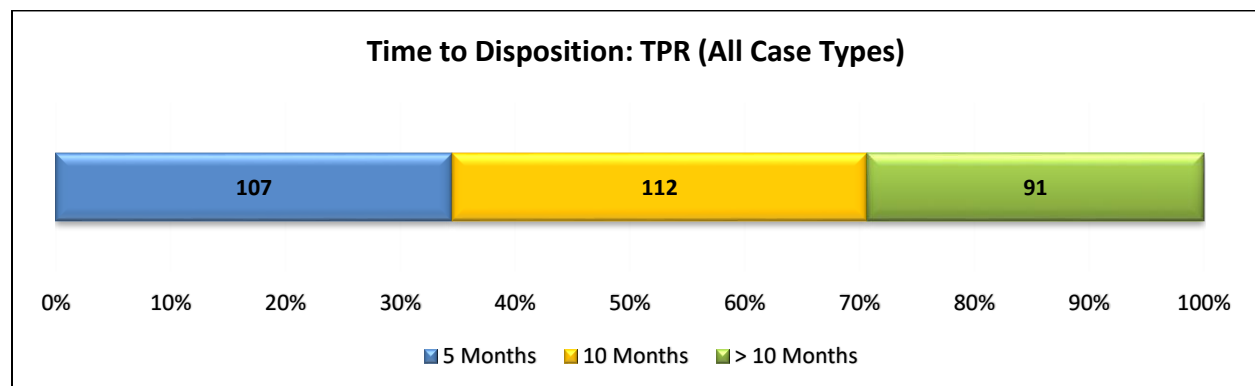


Delinquency – By contrast, 62% of the delinquency cases were resolved within the disposition goal of 98 days and 17% exceeded six months.



Termination of Parental Rights

It continues to be difficult for the Superior Court to meet the time frame for TPRs set by the Supreme Court. 35% of TPR cases were resolved within the five-month time frame for standard cases.



Method of Disposition

CHINS (Abuse/Neglect, Truancy, Beyond Control of Parents)

Out of the 1,222 CHINS cases disposed in FY18, 75% resulted in a finding that the child was a child in need of care and supervision, 20% were withdrawn prior to disposition, and 5% were dismissed by the Court or had a change of venue.

Fiscal Year	Needs Supervision	Delinquent	Dismissed by Court	Withdrawn	Change of Venue	Total Disposed
2018	913	13	40	242	14	1,222

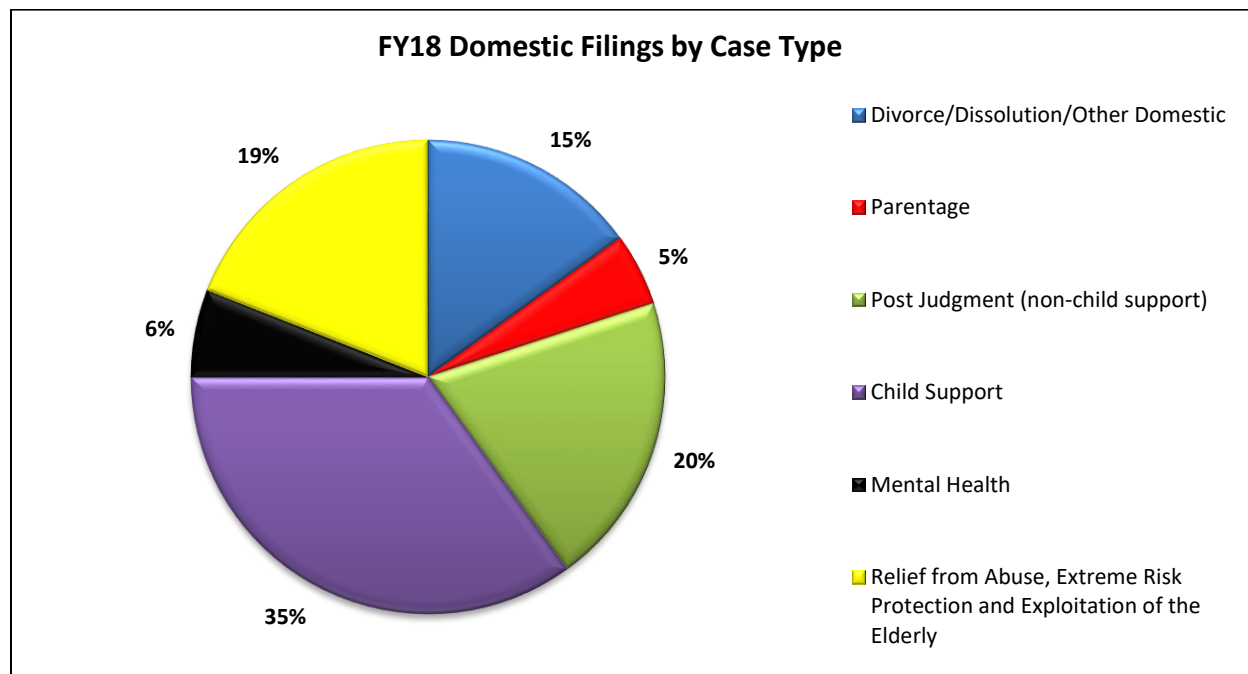
Delinquency/Youthful Offender

Of the 857 delinquency cases disposed in FY18, 28% resulted in a finding of delinquency, 48% were dismissed, withdrawn or resulted in a change of venue, and 24% completed diversion satisfactorily.

Fiscal Year	Delinquent	Dismissed by Court	Diversion Complete	Withdrawn	Change of Venue	Total Disposed
2018	240	70	210	306	31	857

Family Division: Domestic

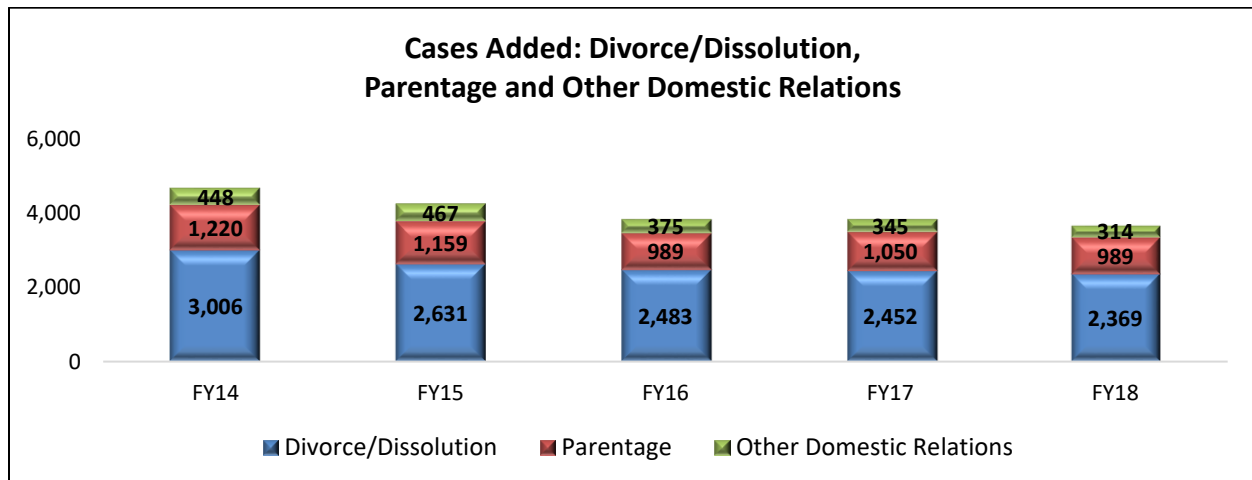
The domestic docket is made up of five different case groupings: initially filed divorce and civil union dissolution; initially filed parentage cases; cases re-opened because of a post judgment filing for enforcement or modification on an issue other than child support; child support cases including establishment, enforcement and modification of child support; and civil protection orders for relief from abuse, extreme risk protection or exploitation of the elderly. The distribution of the cases in FY18 based on filings is shown in the chart below:



Trends

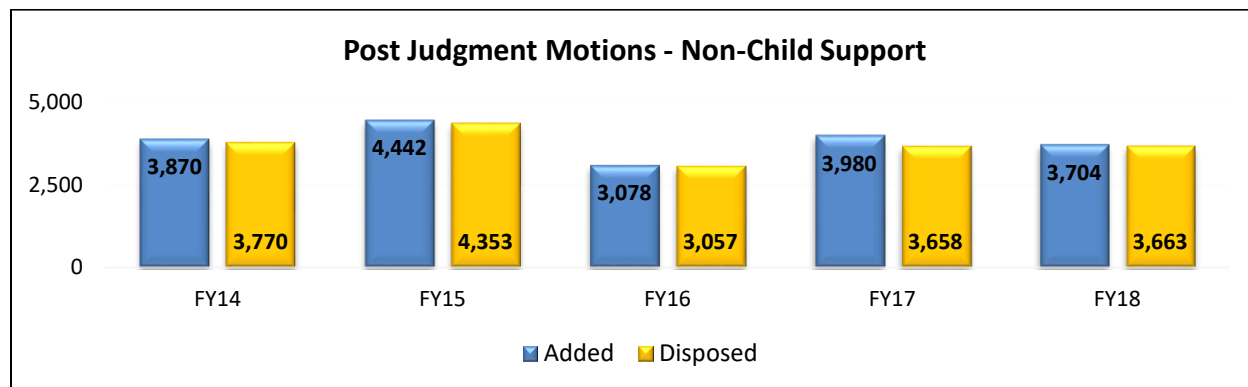
Divorce/Dissolution, Parentage, and Other Domestic Relations

The Divorce/Dissolution docket includes newly filed divorce and civil union dissolution cases. Divorce/dissolution filings have declined 21% in the last five years while parentage filings have decreased 19%. Other Domestic Relations, which includes cases relating to the recovery of debt by the Office of Child Support and Uniform Reciprocal Enforcement of Support Act cases (UIFSA), have decreased 30% in the past five years. In divorce or dissolution cases, there are often multiple issues that the parties or the court must resolve in addition to ending the divorce or civil union. Issues can include property division and spousal support, as well as issues of parental rights and responsibilities (custody), parent child contact (visitation) and child support if the case involves children. Parentage cases are cases where either a parent or the State is seeking to establish parentage for children whose parents were not married when the child was born. These cases also involve the resolution of issues related to parental rights and responsibilities, parent child contact and child support.



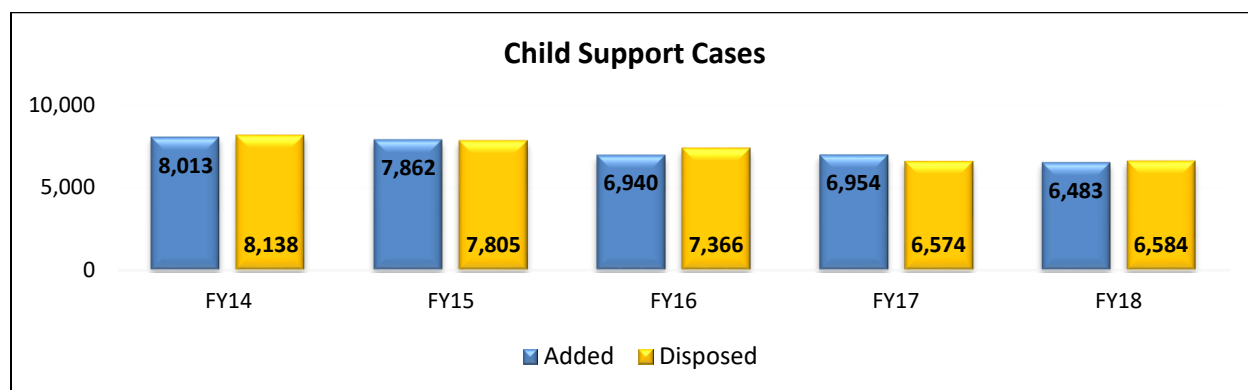
Post Judgment Motions for Enforcement and Modification (Non-Child Support)

Once a divorce or civil union dissolution is finalized, either of the parties may file what is known as a “post judgment” motion to either enforce or modify a provision of the final order. Property division cannot be modified post judgment, but provisions related to parental rights and responsibilities, parent child contact, child support and spousal maintenance can be modified upon a showing of a substantial change in circumstance. The figures shown in the chart below include all post judgment motions except motions to modify or enforce child support. Post judgment filings (non-child support) decreased 7% in the past year.



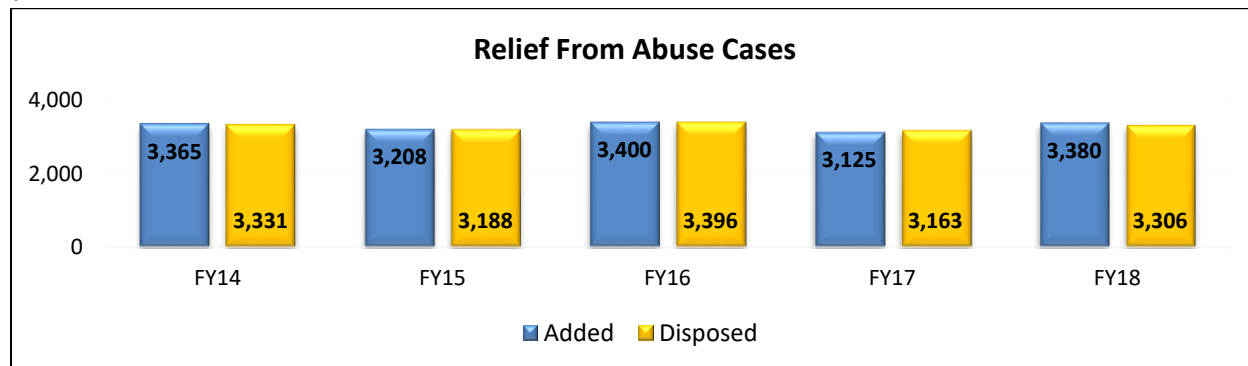
Child Support: Establishment, Enforcement and Modification

In Vermont, issues related to child support in divorce, dissolution or parentage cases are heard by magistrates as opposed to superior judges. Five magistrates cover the entire state. In FY18, about 37% of child support cases involved the establishment of an initial amount of child support. 63% involved post judgment motions to modify or enforce existing child support orders. There is a significant overlap between the cases in the child support docket and the cases in the divorce, parentage and post judgment dockets discussed above. Child support is established in virtually every divorce and dissolution case involving children and every parentage case. Many of the post-judgment motions to modify parental rights and responsibilities and/or parent child contact, if granted, will involve modifications of child support. 73% of the child support cases in FY17 were IV–D cases involving assistance from the Office of Child Support.ⁱⁱⁱ



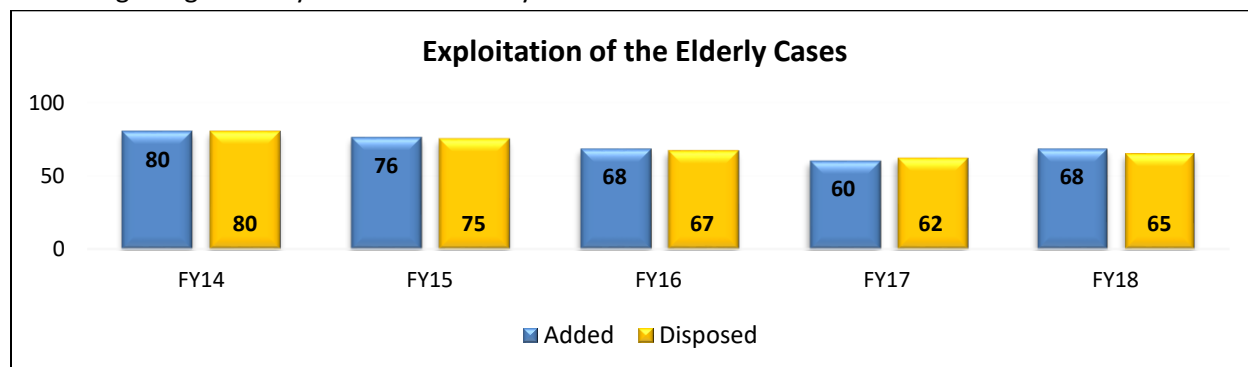
Protection Orders for Relief from Abuse

Civil protection orders that protect a household member from domestic violence, also known as orders for relief from abuse or RFA orders are an important part of the domestic docket. Typically, these cases have a very short life span that usually begins with an emergency temporary order that is issued ex parte often after-hours. At the time the temporary order is issued, a hearing is set within 10 days. At the hearing, the case is either dismissed or a final order is issued. There has been an 8% increase in filings in the past year.



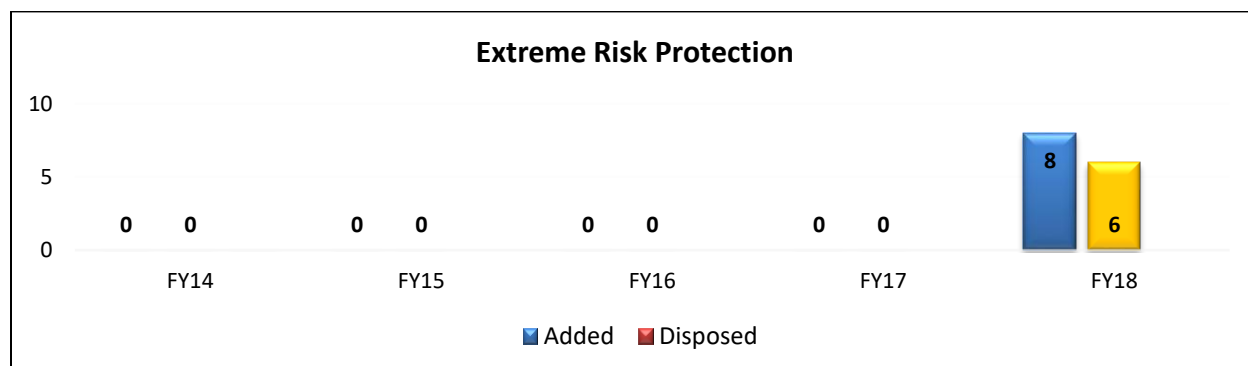
Exploitation of the Elderly

Although case filings involving exploitation of the elderly rose slightly in FY18, the number of cases has not changed significantly over the last five years.



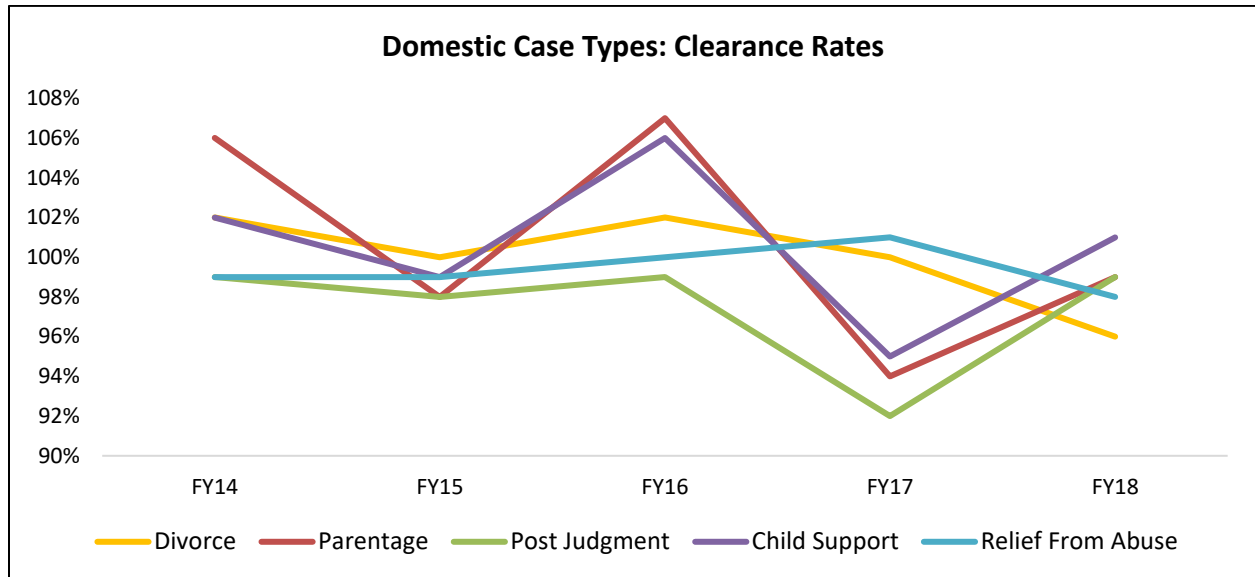
Extreme Risk Protection

FY18 was the first year that the Judiciary began capturing data on this case type. There were 8 such cases filed.



Clearance Rates

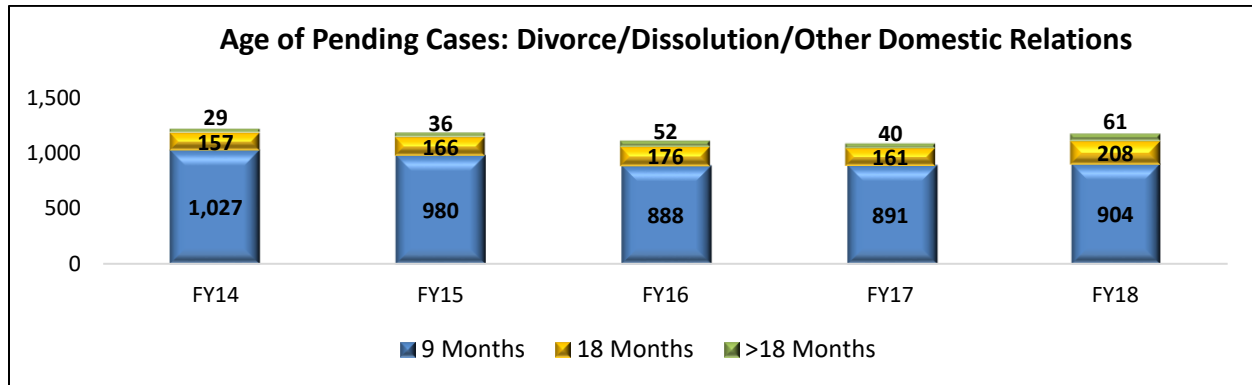
Clearance rates for divorce and relief from abuse orders have remained steady over the past five years. The case types showing the most fluctuation are parentage and child support. The clearance rate for post judgment matters fell in FY17 but has since returned to a traditional level of 99%.



Age of Pending Cases

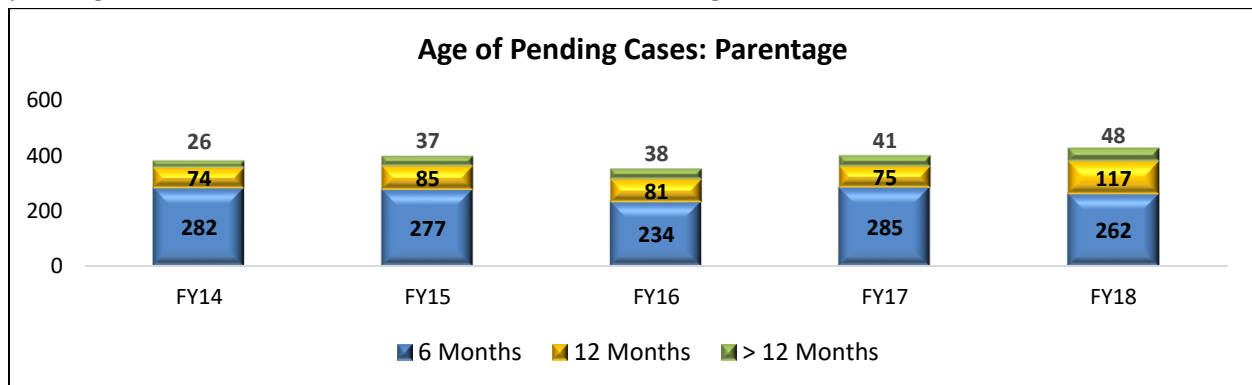
Divorce/Dissolution/Other Domestic Relations

The Supreme Court has set a disposition goal of nine months for a standard divorce/dissolution case. The number of pending divorce, dissolution and other domestic relations cases has increased 7% since FY17. At the end of FY18, 77% of the pending cases were within the standard goal.



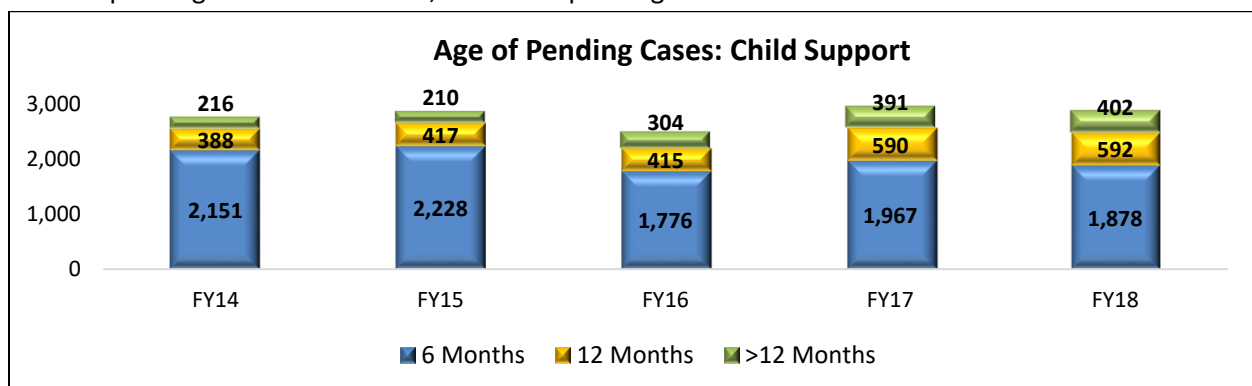
Parentage

The Supreme Court has set six months as the disposition goal for a standard (non-complex) parentage case. The number of pending parentage matters has increased 6% since FY17. Of the 427 parentage cases pending at the end of FY18, 61% were within the standard goal.



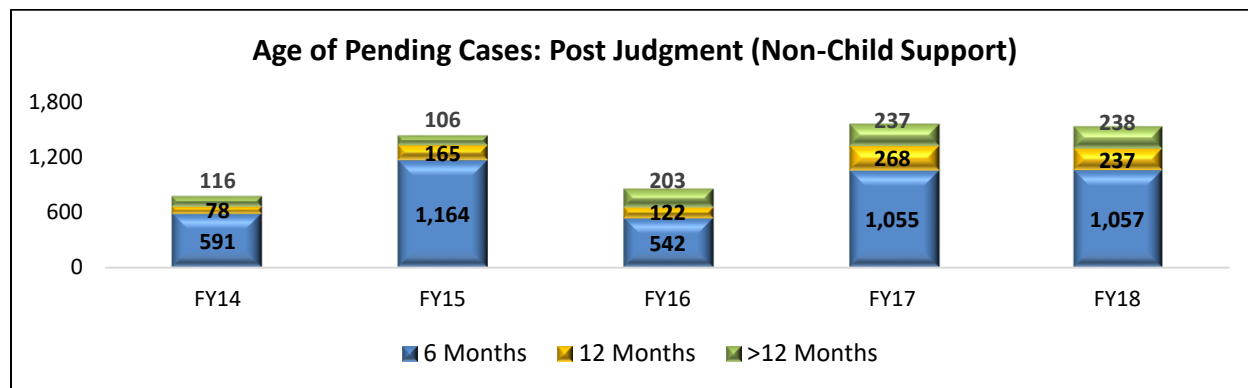
Child Support

The number of pending child support matters has decreased 3% since FY17. Of the 2,872 child support matters pending at the end of FY18, 65% were pending less than 6 months.



Post Judgment – Non-Child Support

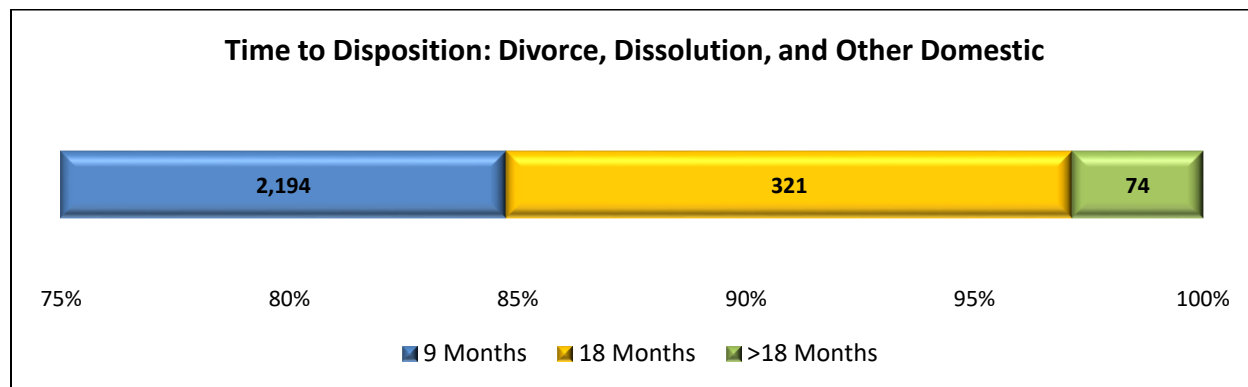
The number of pending post judgment non-child support matters have decreased 2% in the last year. Of the 1,531 post judgment matters pending at the end of FY18, 69% were pending less than 6 months.



Time to Disposition^{iv}

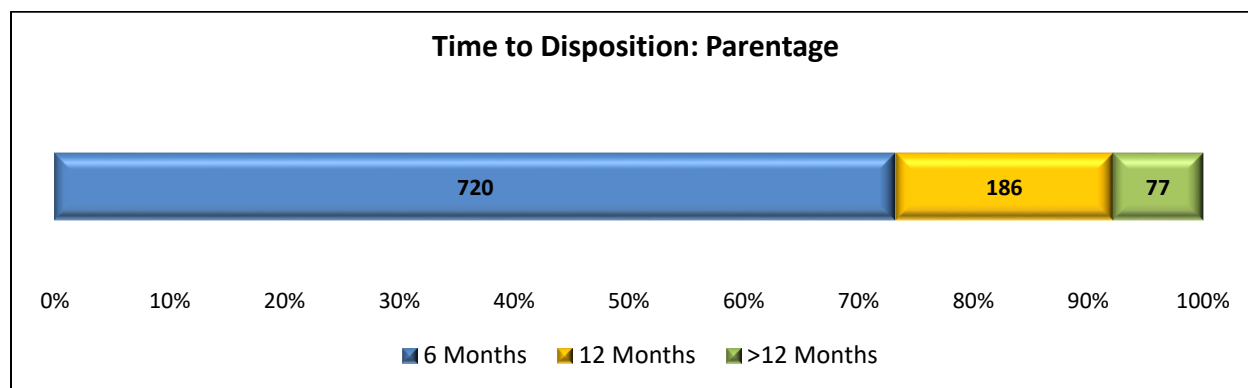
Divorce/Dissolution/Other Domestic

As stated above, the disposition goal for a standard divorce case is 9 months. 85% of divorce and dissolution cases were disposed within nine months from the date the opposing party was served and 97% were disposed within eighteen months.



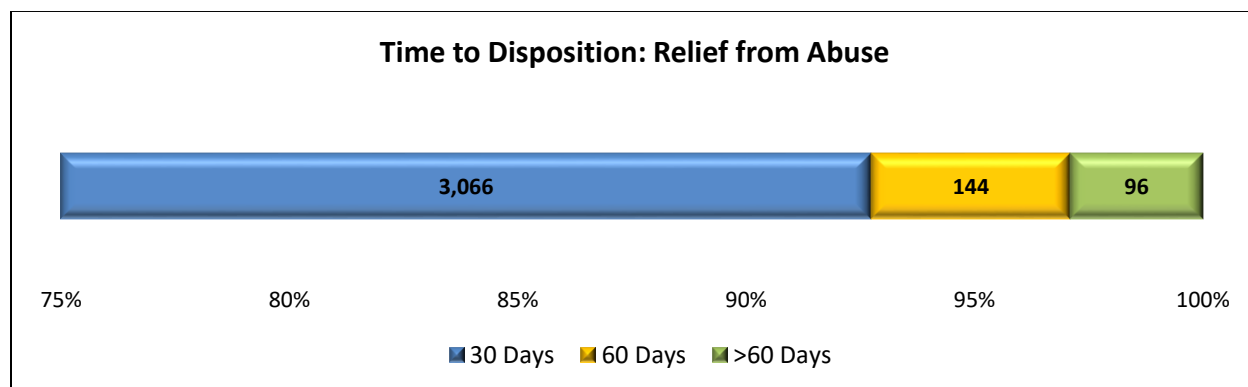
Parentage

The disposition goal for a standard parentage case is six months. Of the 983 cases disposed in FY18, 73% were disposed within six months and 92% were disposed within a year.



Protection Orders for Relief from Abuse

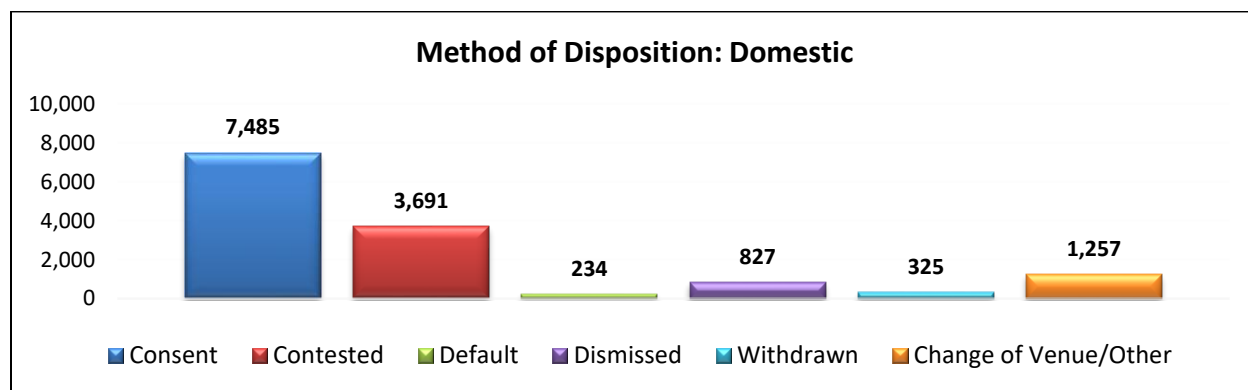
The Supreme Court has not set a goal for disposition of protection orders in relief from abuse cases. In FY18, 93% of cases were resolved in 30 days or less. 97% were resolved within 60 days.



Method of Disposition

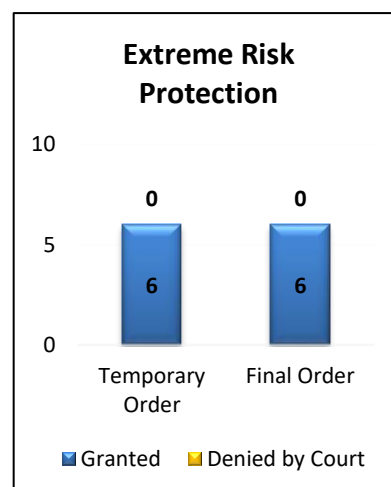
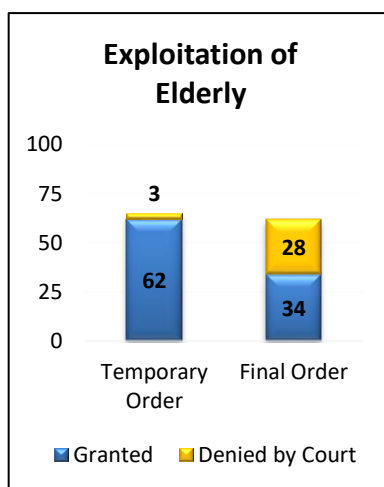
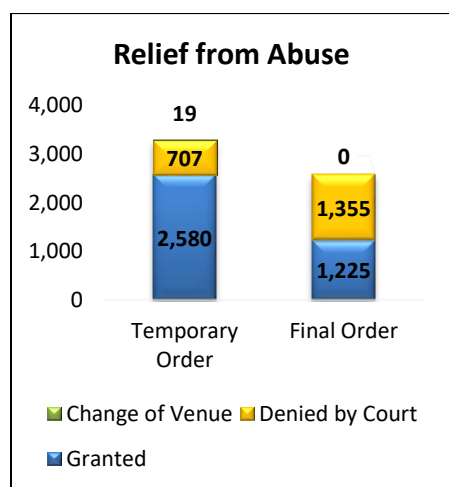
Divorce/parentage/post-judgment/child support

Approximately 56% of the cases disposed in the family division are resolved by agreement of the parties or result in a default judgment because one party does not participate. Contested cases that require a judgment by the court were more frequent in domestic (divorce and parentage) cases (60%) than in post judgment (16%) or child support matters (24%).



*Includes Divorce, Civil Dissolution, Parentage, Child Support, and
Post-Judgment Non-Child Support*

Protection Orders for Relief from Abuse A temporary order was granted in 78% of relief from abuse cases and in 95% of cases involving exploitation of the elderly. Of the 2,580 relief from abuse temporary orders granted, 53% were later dismissed or withdrawn. The remaining 47% were granted a final order. Of the 62 temporary orders granted that involved exploitation of the elderly, 45% were later dismissed or withdrawn. The remaining 55% were granted a final order. Orders were granted in 100% of the extreme risk protection cases.

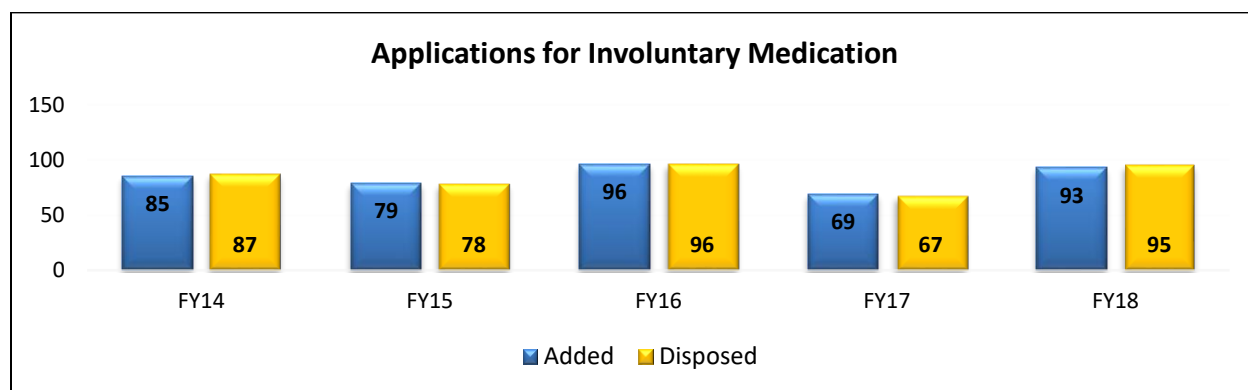


Family Division: Mental Health

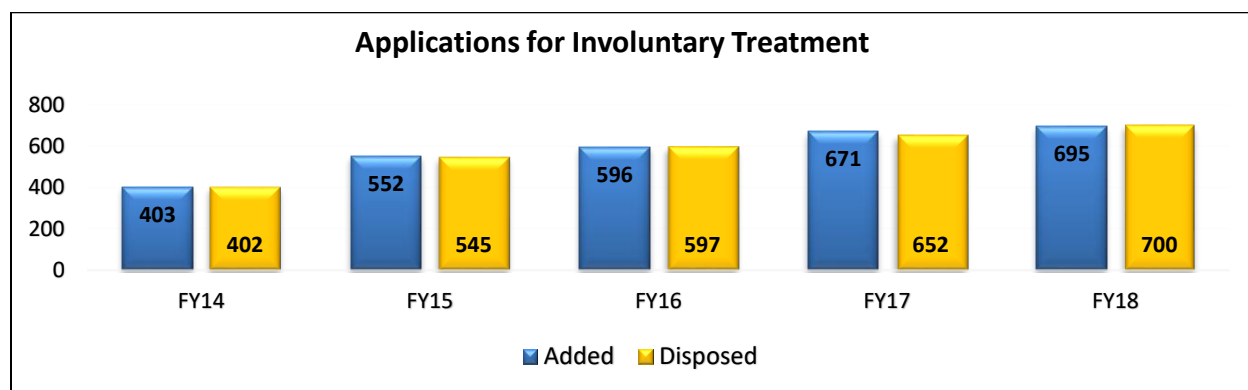
There are three types of Mental Health cases filed in the Family Division by the Department of Mental Health. The first is an application for involuntary treatment (sometimes referred to as an AIT), where the State is seeking a 90-day order from the Court that a person either be involuntarily placed in a designated psychiatric hospital or placed in the community on an order of non-hospitalization (often referred to as an ONH) because the person suffers from a mental illness and is a danger either to himself/herself or others. When involuntary hospitalization is requested, the applications are generally filed only in a county where there is a designated psychiatric hospital. If the Court issues an order for involuntary treatment, the State can request that the order be extended for up to a year by filing the second type of Mental Health Case known as an application for continued treatment. The third case type in the mental health docket is an application for involuntary medication. In these cases, the State is seeking to involuntarily medicate a person who is suffering from a mental illness. In almost all such cases, the person is hospitalized at a designated psychiatric hospital under an order for involuntary treatment.

Trends

The number of involuntary medication applications filed in FY18 rose significantly compared to the previous year (35%). From a workload perspective, medication cases require a significant amount of judge time since they are almost always contested.

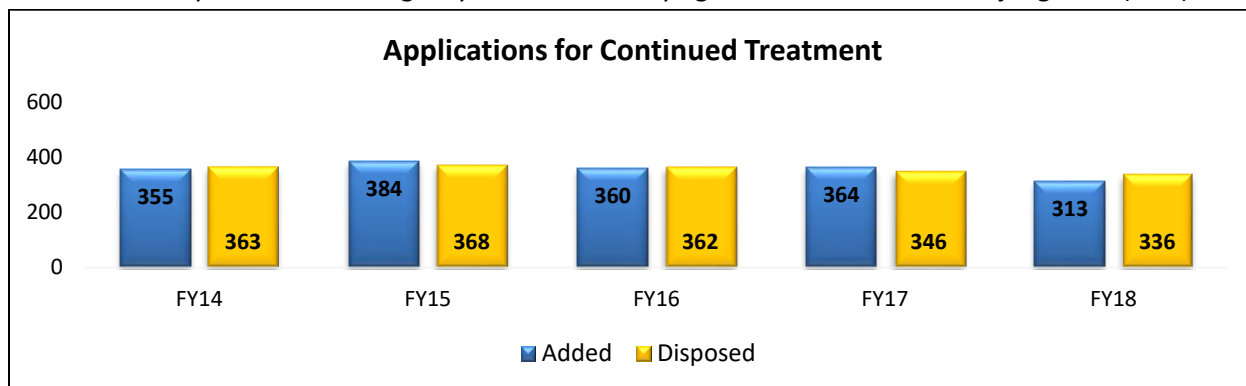


There were 695 applications for involuntary treatment in FY18, about 4% more than the prior year.



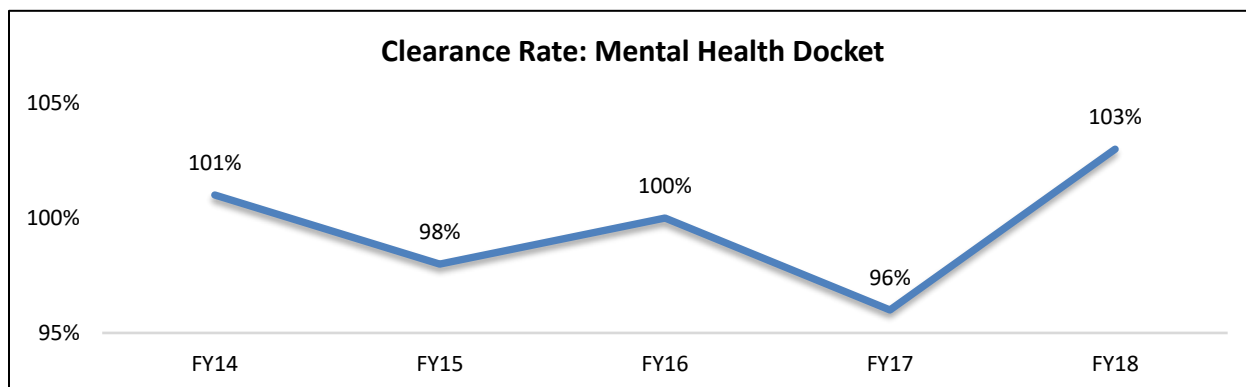
Applications for Continued Treatment

Applications for continued treatment remain relatively unchanged. There are few contested hearings on these applications since the majority involves persons living in the community receiving services from a local community mental health agency. Most resolve by agreement with a consent judgment (55%).



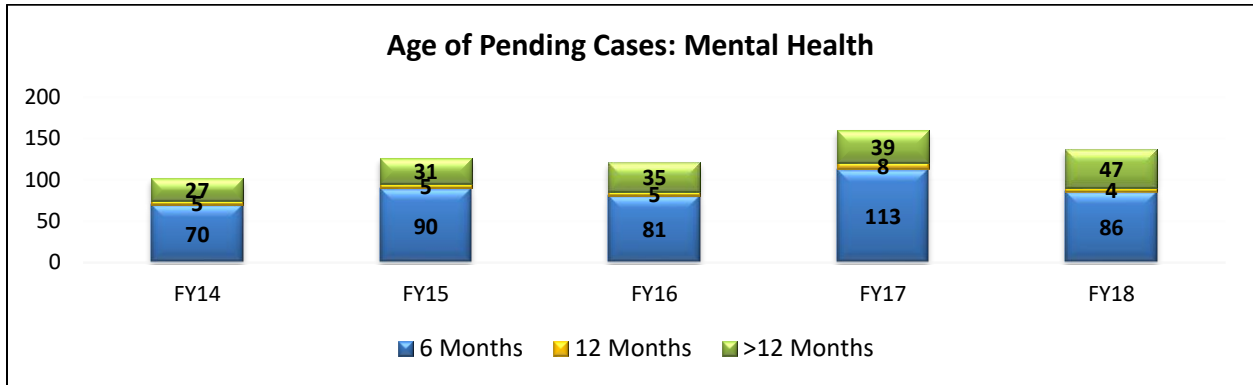
Clearance Rate

Mental Health cases, regardless of case type, are subject to tight statutory time frames. The overall clearance rate should be consistently at or above 100%; in other words, the number of cases disposed is equal to or exceeds the number of pending cases.



Age of Pending Caseload

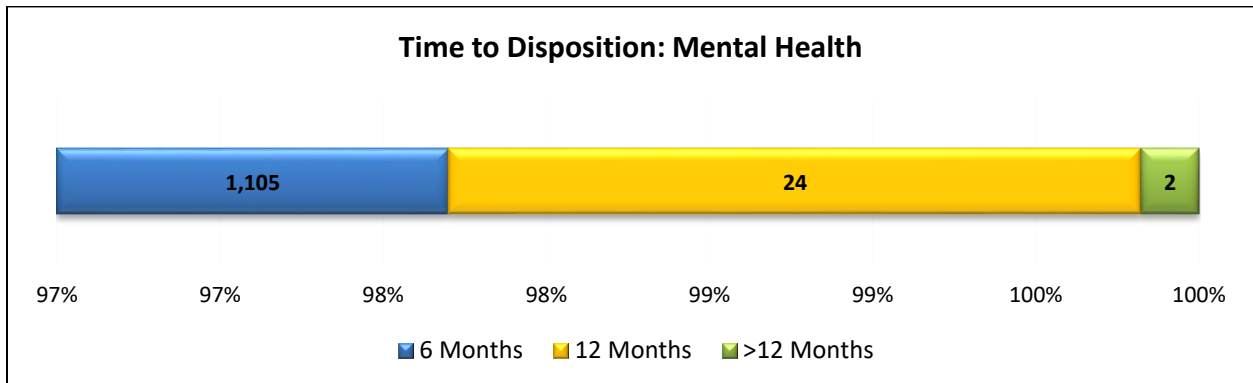
The number of mental health cases pending at end of year decreased slightly in FY18. Of the 137 cases pending at the end of FY18, 63% were pending less than 6 months.



Includes Applications for Involuntary Treatment, Involuntary Medication and Continued Treatment

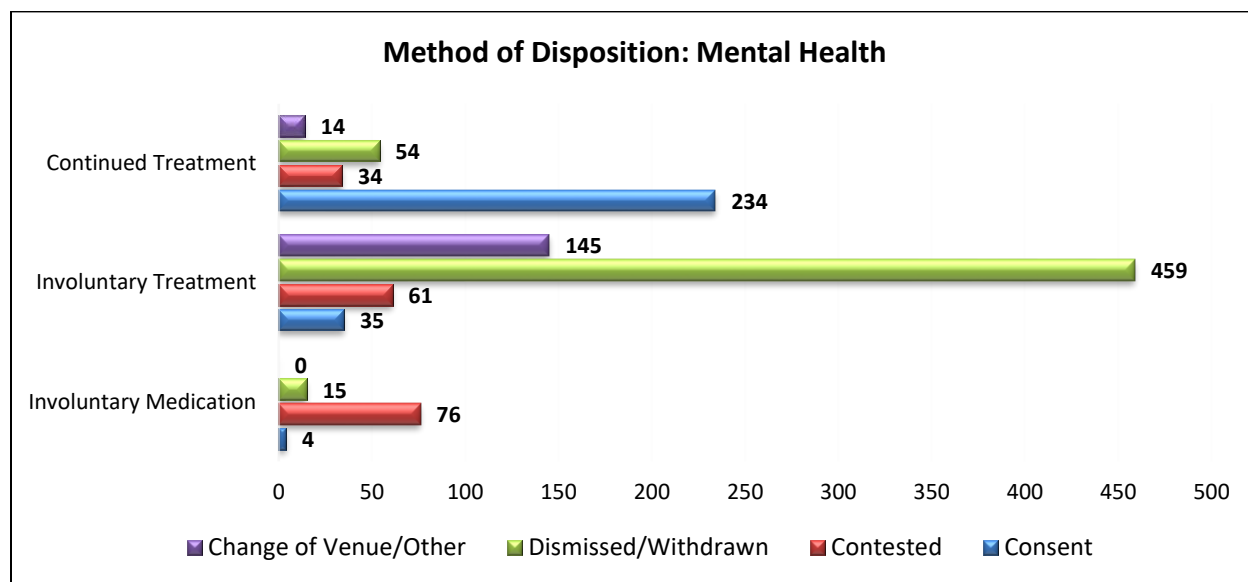
Time to Disposition

98% of all mental health cases were disposed in less than 6 months.



Method of Disposition

Although smaller in number in terms of cases filed, a high percentage (80%) of applications for involuntary medication require a contested hearing. By contrast, only 8% of applications for involuntary treatment are contested and 10% of applications for continued treatment are contested. Most of these latter cases are resolved by consent (70%) or dismissed by the State (16%). Most involuntary treatment cases (66%) are dismissed or withdrawn.



ⁱ Children beyond parental control are sometimes referred to as “unmanageable.” This category includes youth who have run away from home and youth who are chronically truant from school.

ⁱⁱ According to the 2015 Weighted Caseload Study by the National Center for State Courts, of the work involved in juvenile cases, a CHINS abuse/neglect case on average requires nearly six times the amount of judicial resources and slightly more than 3 times the amount of staff work compared to the work load involved in disposing a delinquency case.

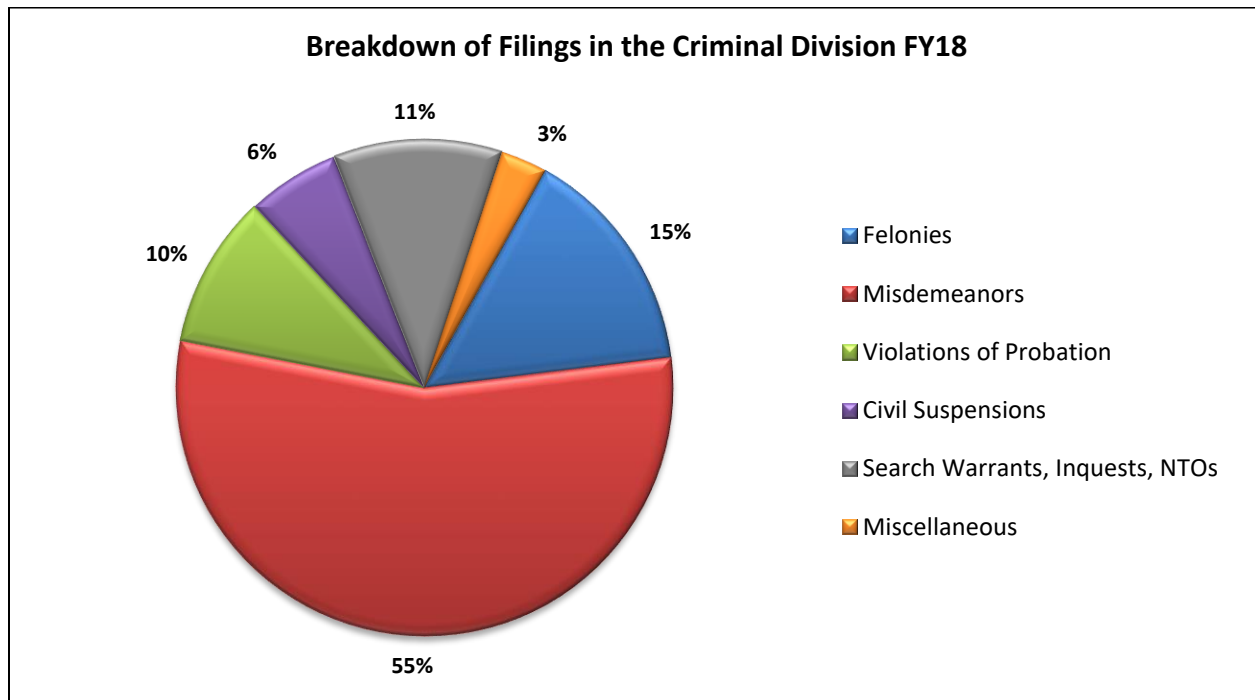
ⁱⁱⁱ OCS is the state agency responsible for establishing, collecting upon, enforcing, and modifying support orders for children who do not live with both parents. Services are available to both custodial and non-custodial parents.

^{iv} Time to disposition data is not available for child support cases and non-child support post judgment cases.

Criminal Division

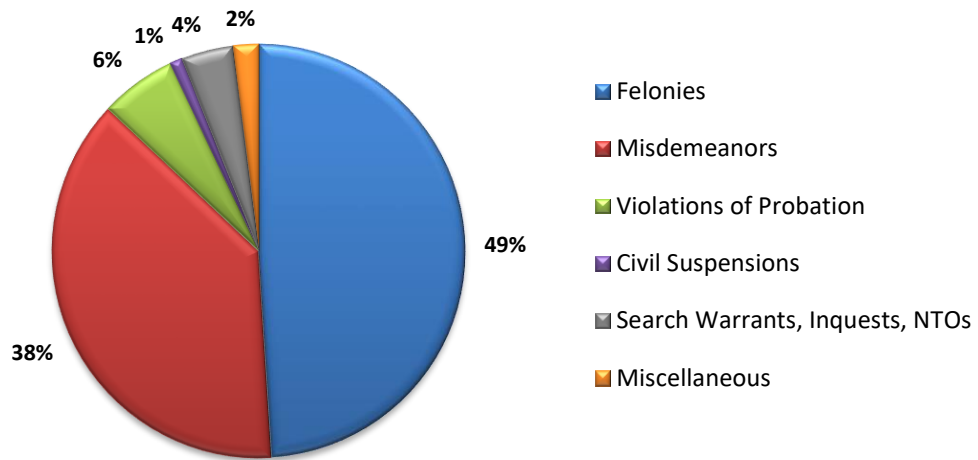
Statewide Data

The criminal division of the Superior Court handled approximately 17,000 felonies, misdemeanors, and violations of probation. In addition, the Criminal Division also handled 1,404 civil suspension matters, 2,308 requests for search warrants, inquests, and non-testimonial orders and 634 miscellaneous matters related to fish and game, traffic tickets, and municipal ordinances. The chart below depicts the distribution based on the number of case filings during FY18.

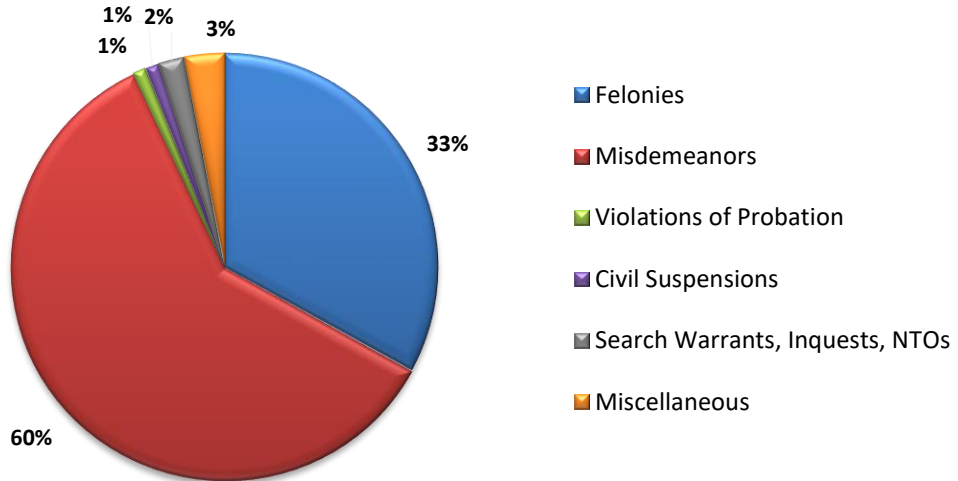


While misdemeanor offenses far outweigh the other categories based on number of filings, the adjudication of felony offenses is the most labor intensive from a workload perspective. It should also be noted that the numbers reported for cases added and cases disposed represent charges, not defendants. If cases added and cases disposed were based on the number of defendants, the number would be much smaller.

**Workload (weights x filings) for Criminal Division:
Judicial Officers**



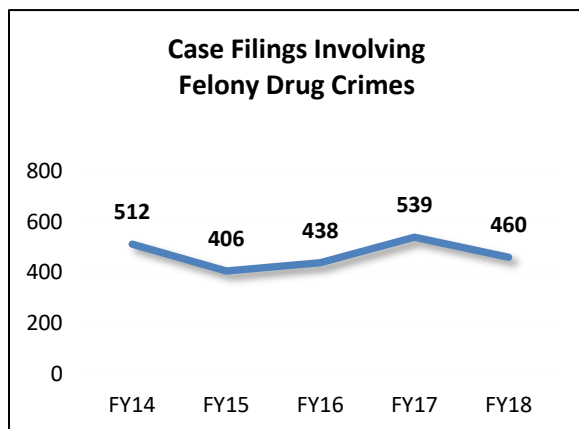
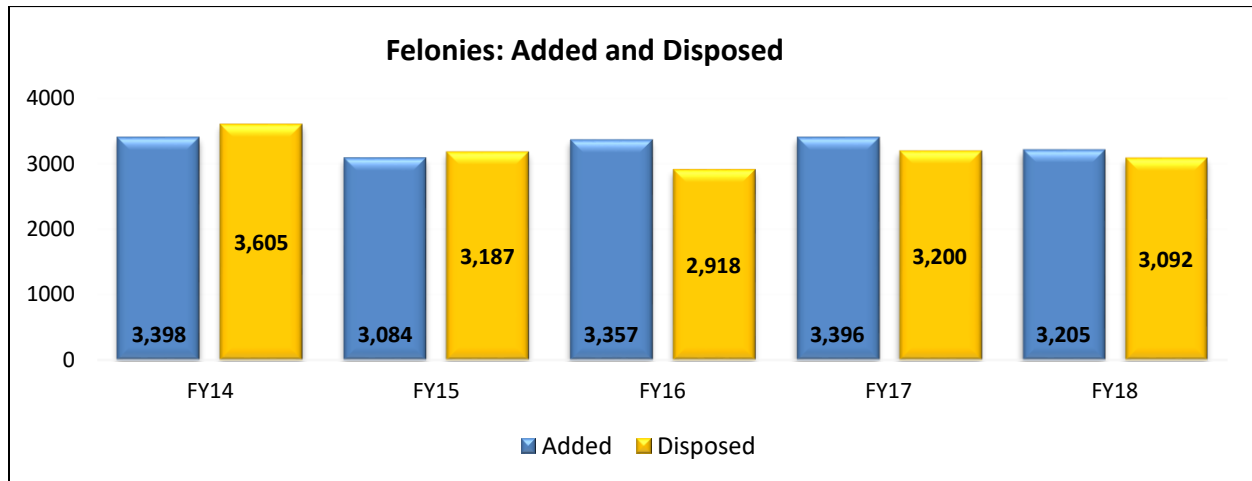
**Workload (weights x filings) for Criminal Division:
Court Staff**



Trends

Felonies

A crime is considered a felony offense in Vermont if the maximum sentence that can be imposed is more than 2 years. The chart below indicates the trends over the past five years in cases added and disposed.



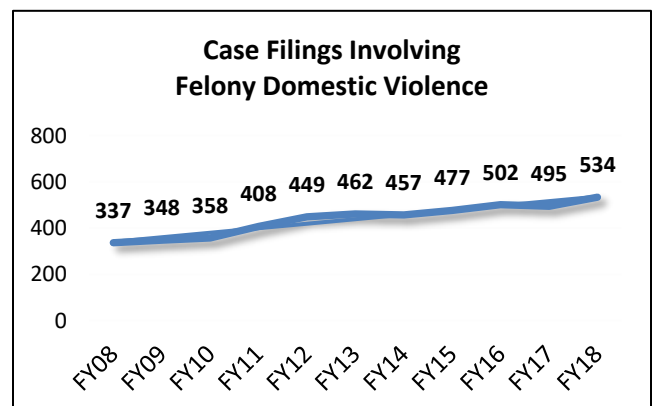
Overall, felony filings have declined 6% in the last year.

This decrease is primarily due to filings involving felony drug crimes, which declined 15% in the last year, and DWI/DUI filings, which declined 12%.

There was also an 8% decrease in crimes against persons and property, and a 9% decrease in public order crimes.

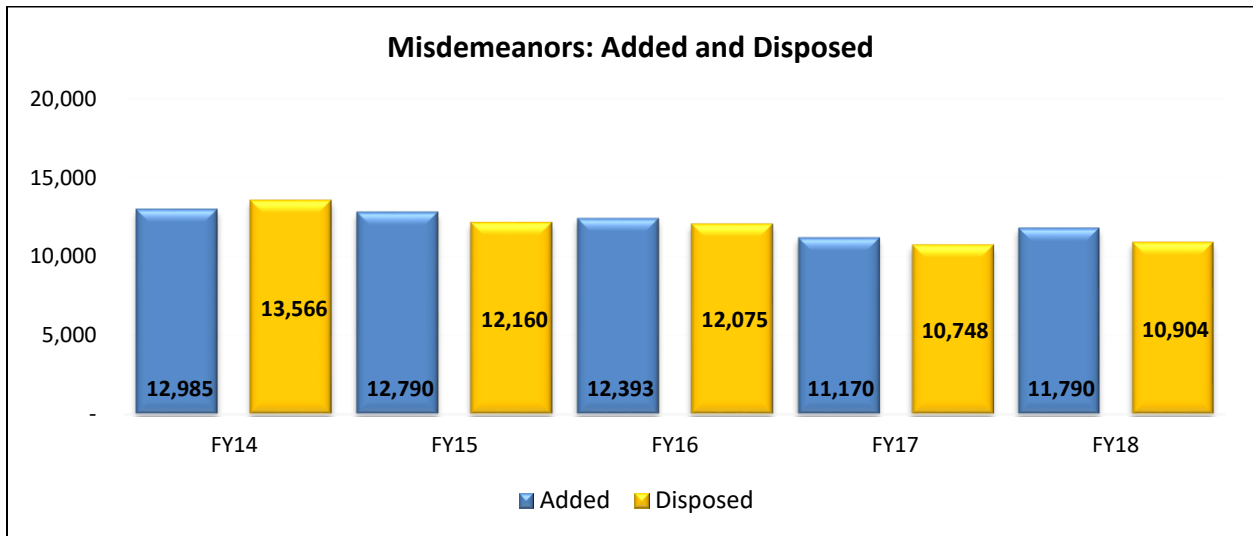
The number of felony domestic violence cases increased 8% in the past year. Case filings in this area are 58% higher than a decade ago.

There was also a 12% increase in felony motor vehicle offenses (non-DWI/DUI).

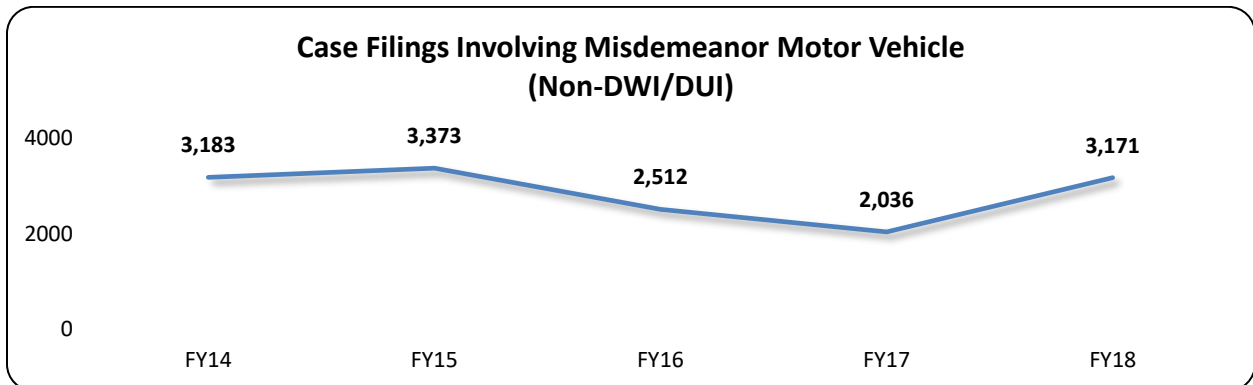


Misdemeanors

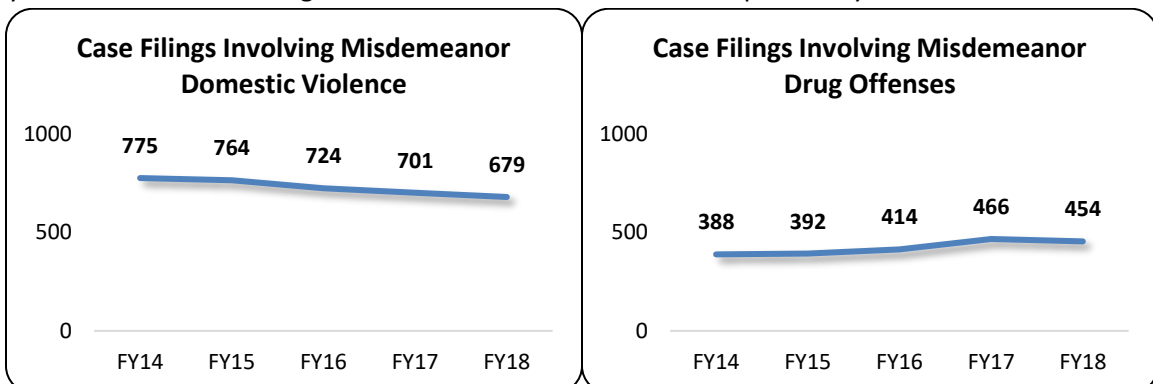
A crime is considered a misdemeanor in Vermont if the maximum sentence that can be imposed is 2 years or less. The chart below shows the number of charges added and disposed between FY14 and FY18.



Overall, misdemeanor filings increased 6% in the last year. This is primarily due to an increase in misdemeanor motor vehicle offenses (non-DWI/DUI), which rose 56%, and protection cases, which rose 14%. Filings in all other misdemeanor case types declined.

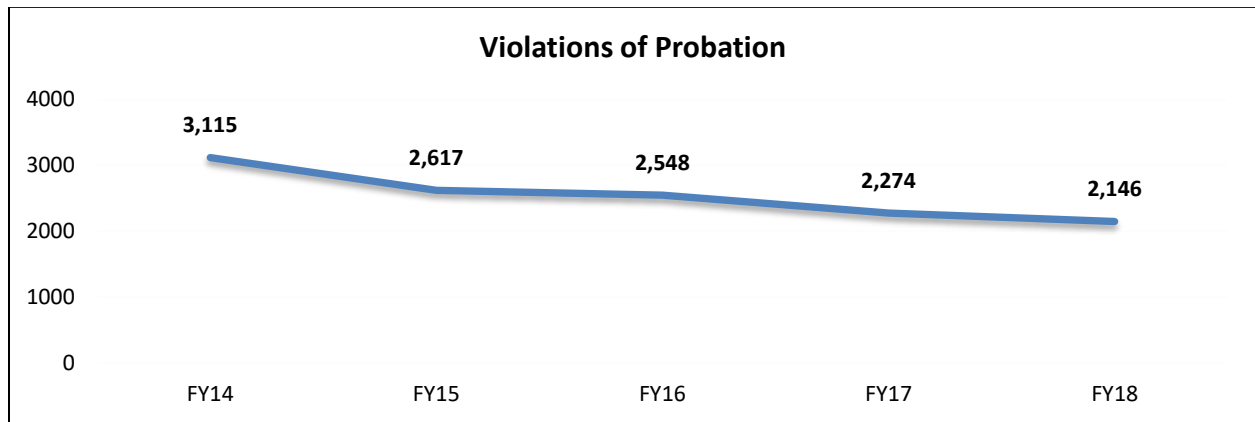


Misdemeanor domestic violence case filings decreased 3% from the previous year and 12% over the last five years. Misdemeanor drug crimes also decreased 3% from the previous year.



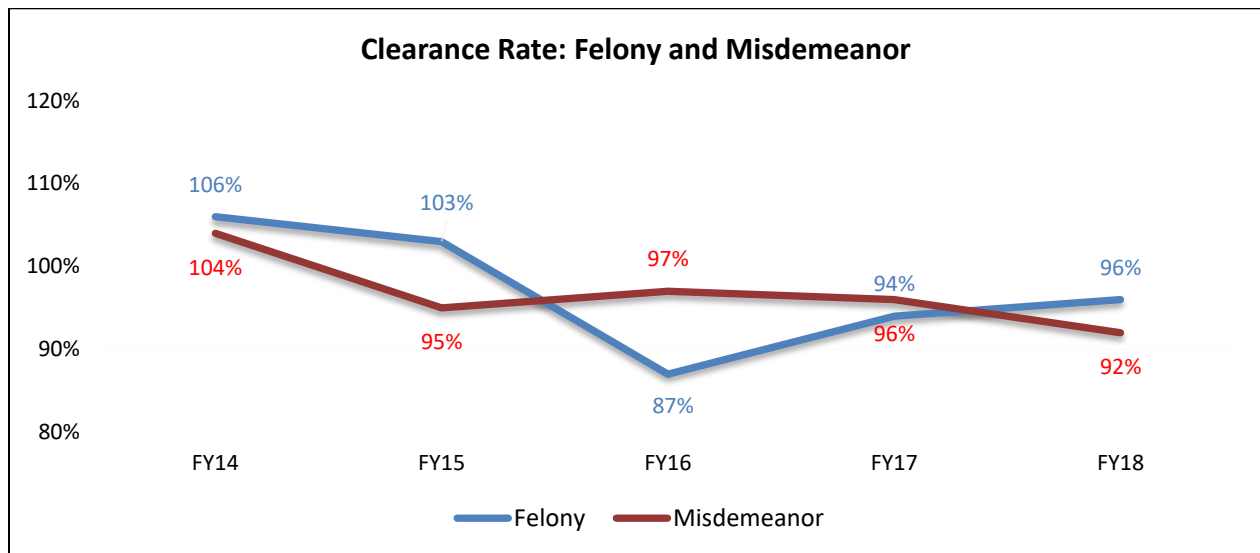
Violation of Probation

Filings of violations of probation in FY18 declined 6% from the previous year and 31% over the last 5 years.



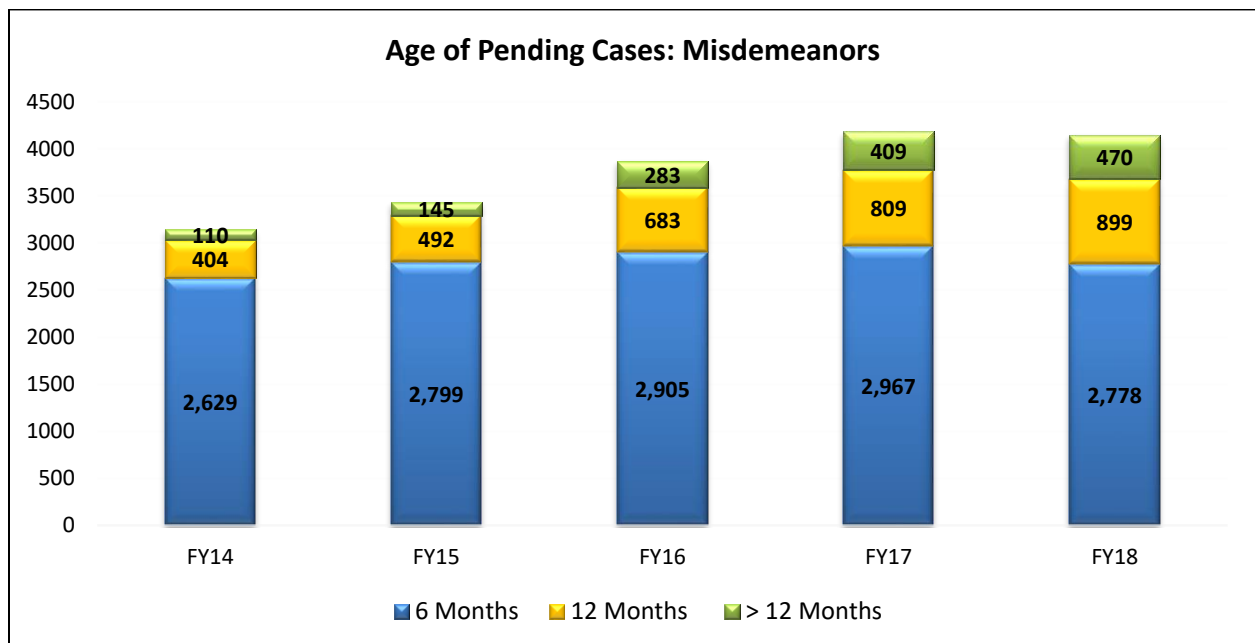
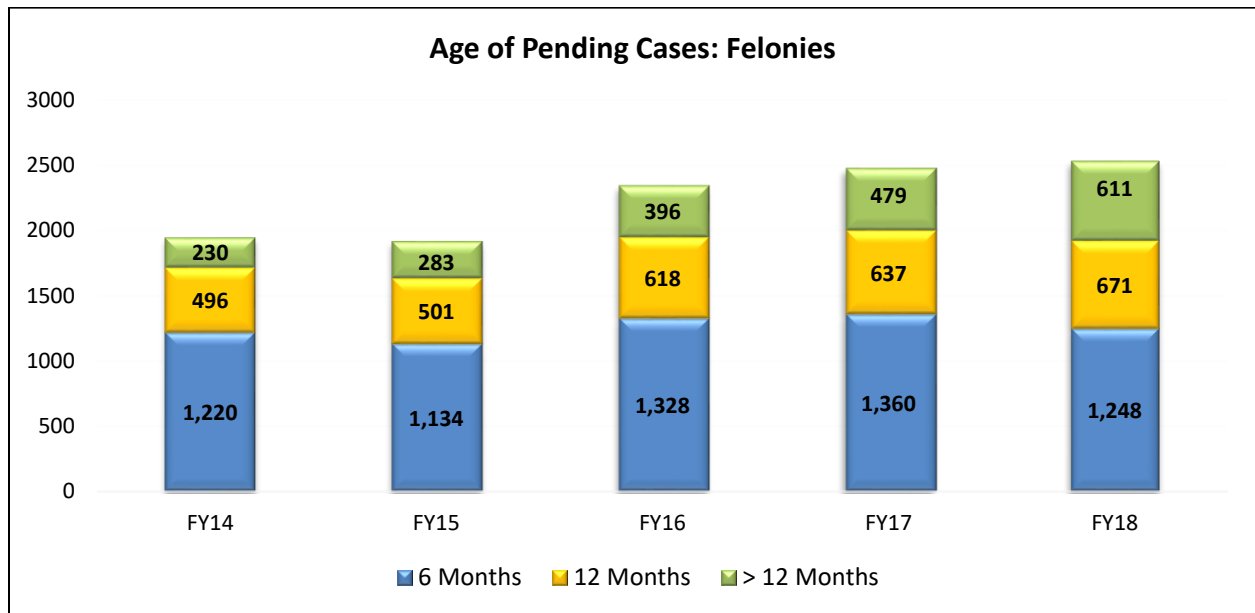
Clearance Rate (Cases Disposed / Cases Filed): Five Year Trend

A clearance rate below 100% indicates that the Court has added more cases than it has disposed which means that the backlog of cases is increasing. The number of felony cases added in FY18 was greater than the number of cases disposed, resulting in a 96% clearance rate. Similarly, the number of misdemeanor cases added in FY18 was greater than the number of cases disposed, resulting in a 92% clearance rate.



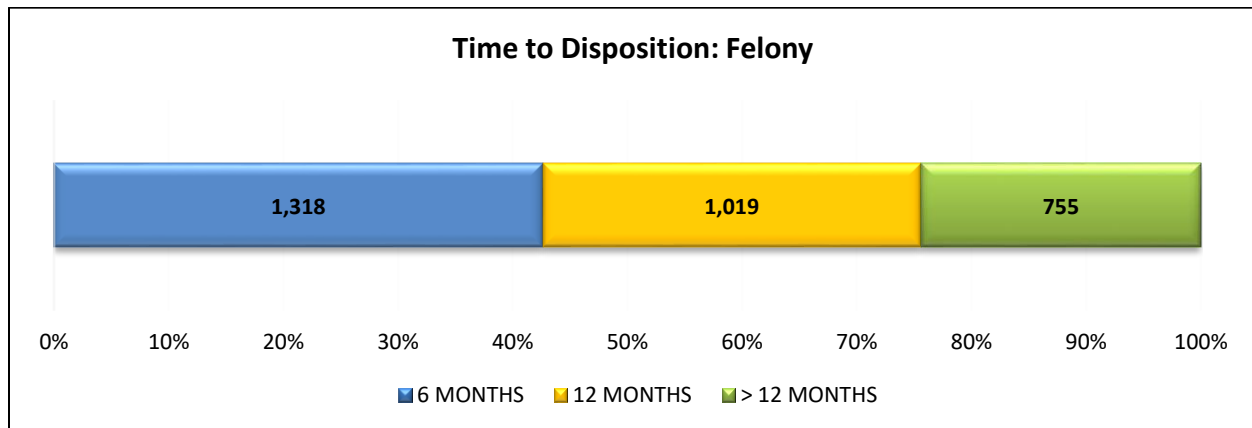
Age of Pending Cases – All Criminal Cases

Another way to look at the data is to look at the number and age of the cases that are pending on the last day of the fiscal year. For both felony and misdemeanor cases, the number of cases pending over six months continues to rise, with 51% of felonies and 33% of misdemeanors pending over 6 months.

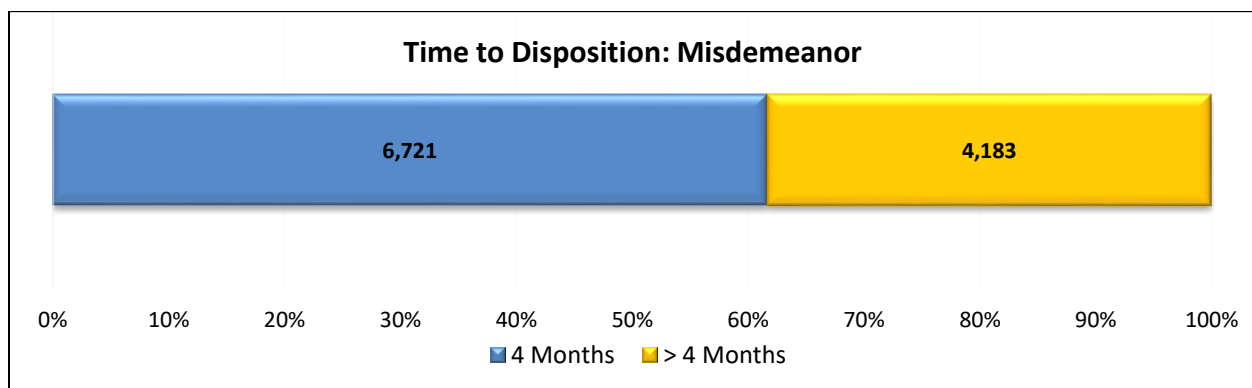


Time to Disposition

Felonies – The Supreme Court has set 6 months as the disposition timeline for a standard (non-complex) felony case. In FY18, 43% of all felony cases met this time standard. 76% were resolved within one year. 24% took over a year to resolve.



Misdemeanors – The Supreme Court has set 4 months as the disposition timeline for a standard (non-complex) misdemeanor case. In FY18, 62% of all misdemeanor cases were resolved within four months of filing.

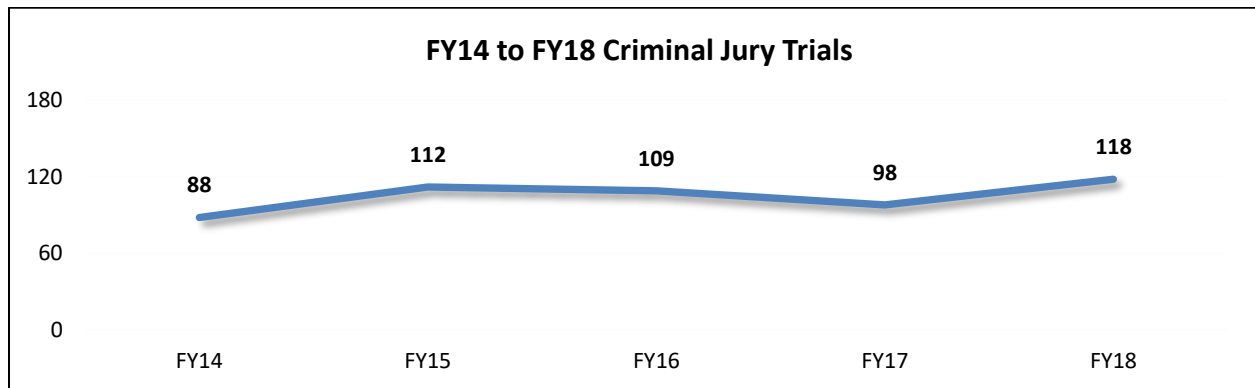


Method of Disposition – All Criminal Cases

Most criminal cases in Vermont resolve either by plea bargain or by dismissal. For felonies, 2% of the cases are disposed because of a trial by jury or by court. For misdemeanors, less than 1% of cases are disposed because of trial by jury or by court.

	Plea	Court Trial to Verdict	Jury Trial to Verdict	Dismissed	Transferred	Invalid or Missing	Total
Felonies	2,125	6	68	816	75	2	3,092
Misdemeanors	6,003	13	50	4,650	185	3	10,904

Over the past five years, the number of jury trials in criminal cases in Vermont has fluctuated, with the largest decrease occurring in FY14. In FY18, the number of jury trials increased 20% over the previous year.

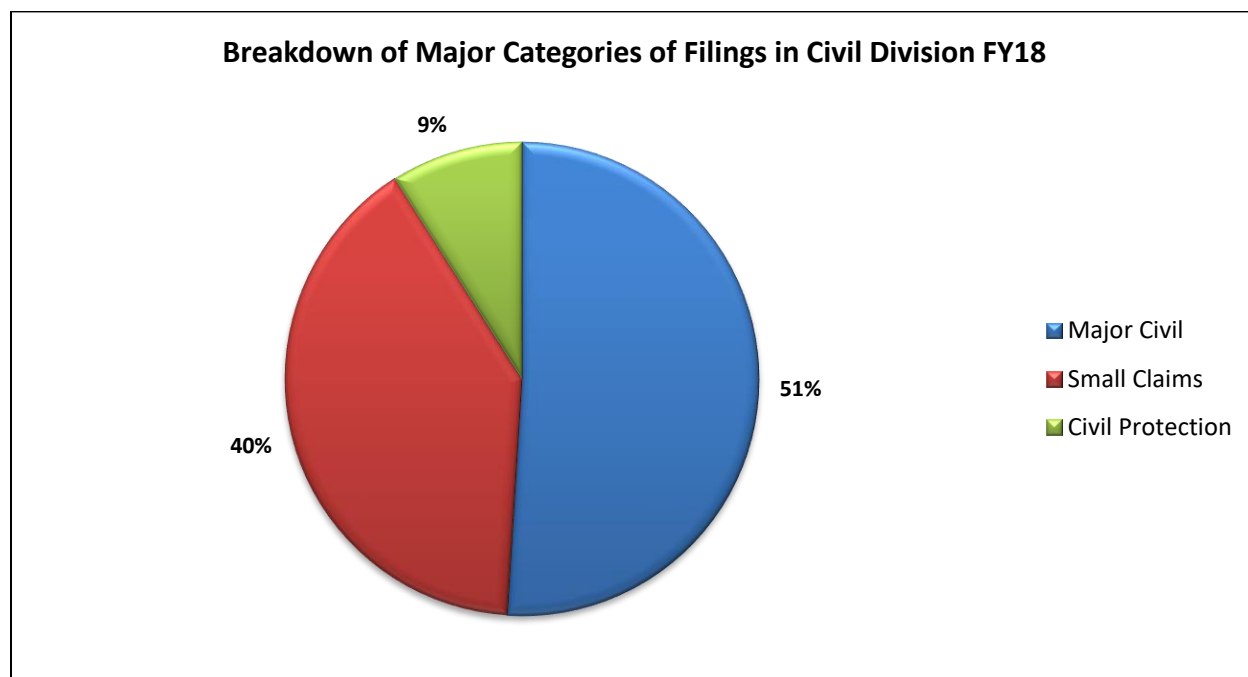


Civil Division

Statewide Data

For statistical purposes, civil case types are divided into three categories: Major Civil; Small Claims; and Civil Protection Orders against Stalking or Sexual Assault. Measured by the number of filings, major civil cases represent 51% of all cases filed, small claims represent about 40% and civil protection orders 9%. However, in terms of judicial and staff work load, the bulk of the work in the civil division involves the major civil cases.⁶

Filing trends indicate that major civil cases continue to decline, decreasing 17% over the past five years. Small claims rose in FY18 for the first time in five years, however, they remain 30% lower than in FY14. Protective orders have continued to increase steadily over the past five years, rising 37% since FY14.

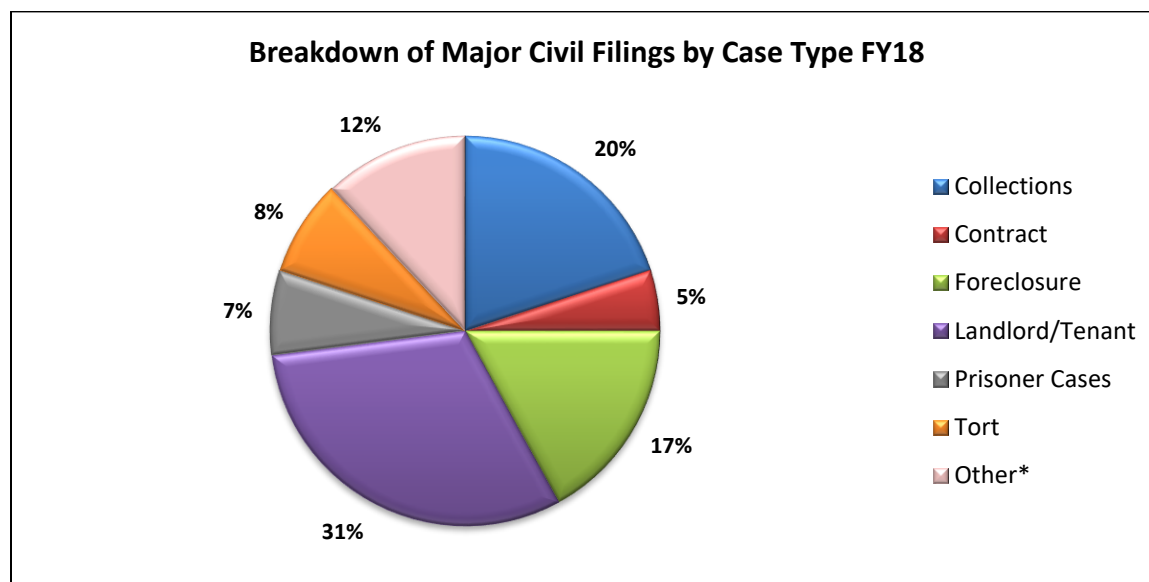


⁶ According to the 2015 Weighted Caseload Study by the National Center for State Courts of the work involved in civil cases, a major civil case on average requires slightly more than six times the amount of judicial resources and about 3 times the amount of staff work compared to the work load involved in disposing a small claims case.

Cases Added, Disposed and Pending at the End of the Fiscal Year: Trends

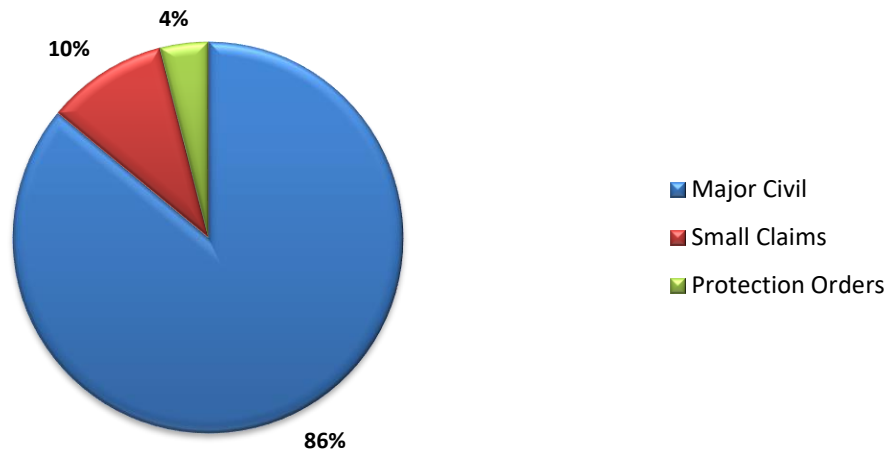
Major Civil Cases

Major civil includes all case types filed in the civil division except for small claims and civil protection orders. Sub-case types in this category include: collections, landlord tenant, foreclosure, tort, prisoner cases, contracts, claims against government, employment, declaratory relief, appeals and other miscellaneous civil case types.

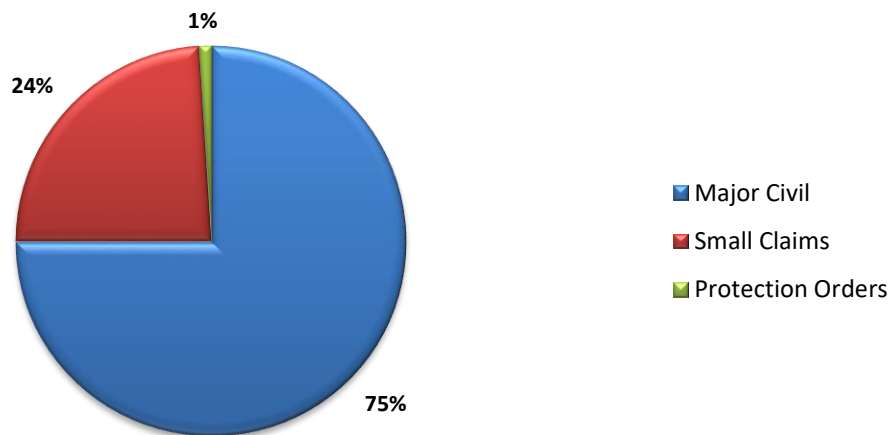


* "Other" includes appeals, claims against government, declaratory relief, employment, government enforcement, and real property.

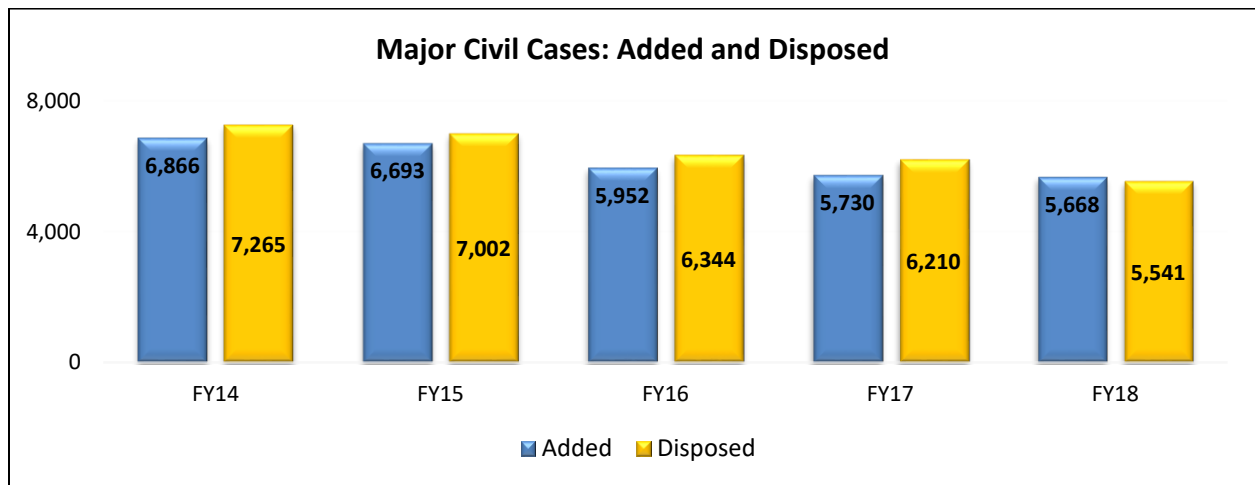
Workload (weights x filings) for Civil Division: Judicial Officers



Workload (weight x filings) for Civil Division: Court Staff

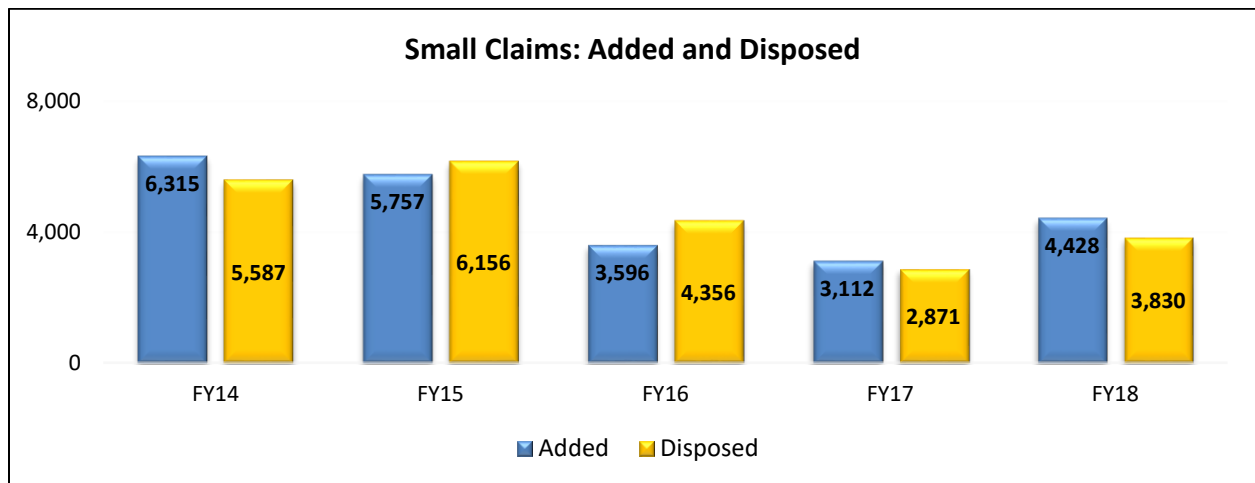


FY18 saw a 1% decrease in major civil cases as compared to FY17, mostly because of fewer torts, prisoner, and miscellaneous cases. Foreclosure cases, however, rose in the past year, as did collections.



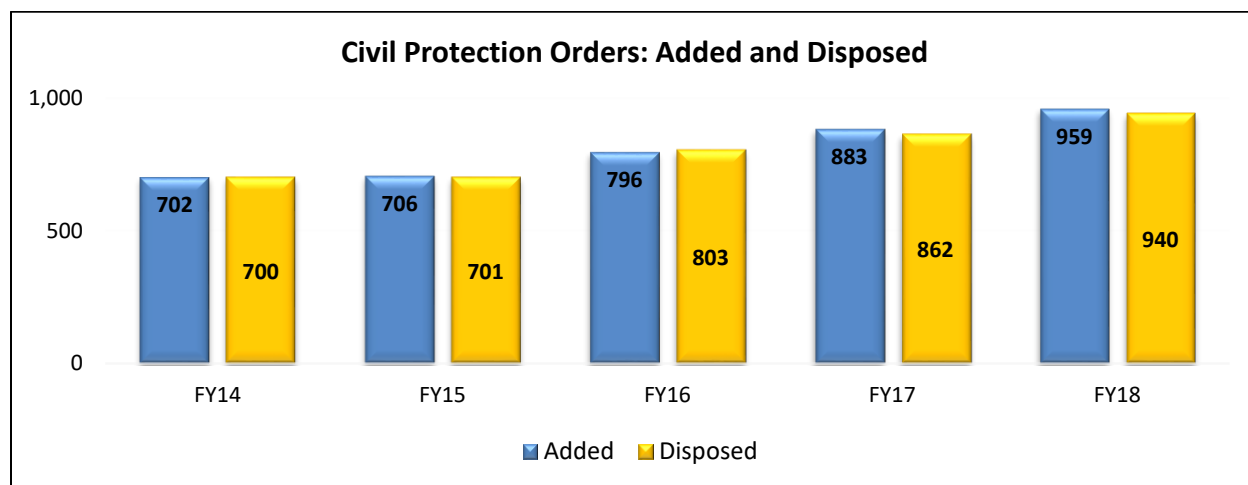
Small Claims

Small claims filings increased in FY18 by 42% as compared to FY17; however, they decreased 30% as compared to FY14.



Civil Protection Orders

Requests for civil protection orders (against Stalking and Sexual Assault) have increased 9% since FY17 and 37% since FY14.

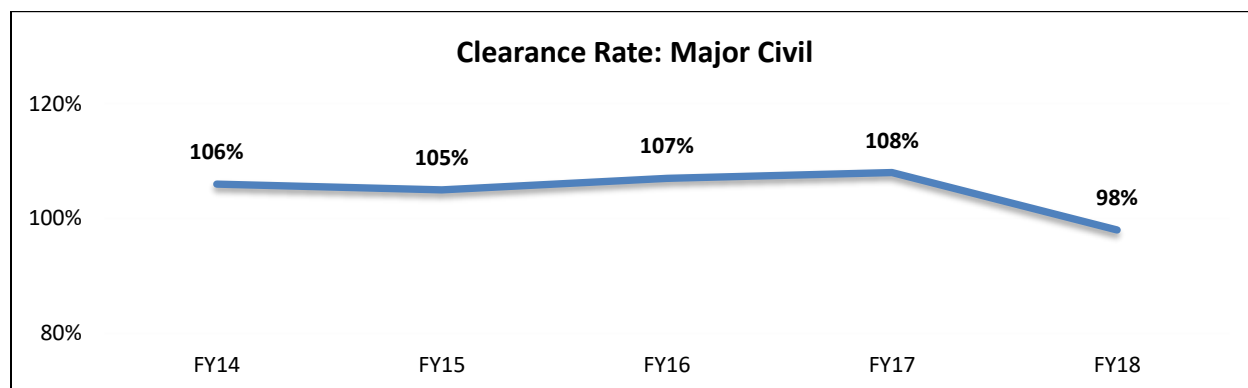


Clearance Rates

A clearance rate reflects the number of cases closed or disposed divided by the number of cases added or filed. If the clearance rate is 100%, the court is basically staying even. A clearance rate above 100% indicates that the Court is disposing more cases than it is adding and should reflect a decrease in backlogged cases. A clearance rate below 100% indicates that the Court has added more cases than it has disposed and will reflect an increase in backlogged cases.

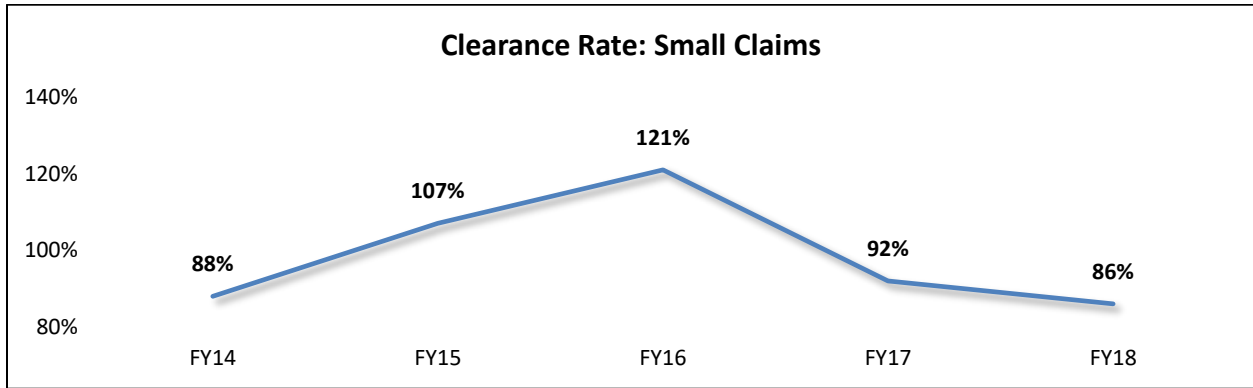
Major Civil Cases

The number of major civil cases disposed was slightly lower than the number of cases added in FY18, resulting in a clearance rate of 98%.



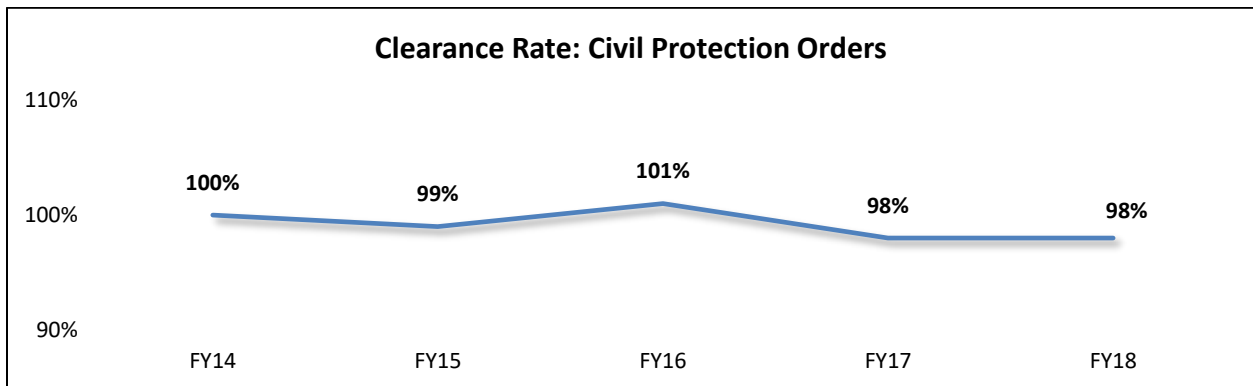
Small Claims

The clearance rate in small claims fell from 92% in FY17 to 86% in FY18. This is likely due to a 42% increase in case filings that occurred in FY18.



Civil Protection Orders

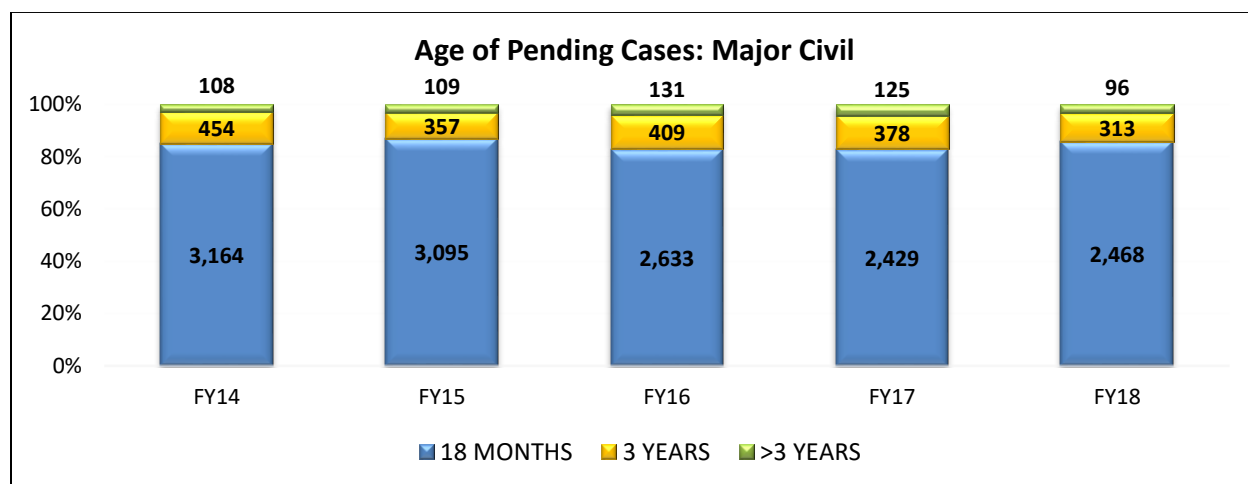
The clearance rate for civil protection orders remained the same in FY18 as in FY17 (98%).



Age of Pending Cases

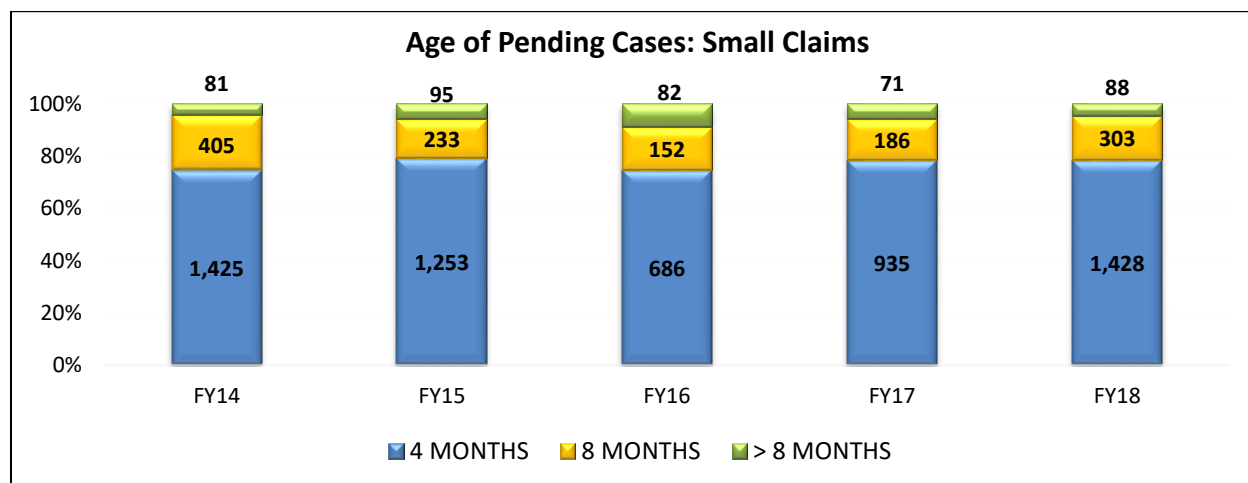
Major Civil Cases

It is difficult to measure performance based on the age of civil cases because there is so much variation in the average time to disposition from one case type to the next. For tort and employment cases, the disposition goal set by the Supreme Court for standard cases is 18 months for a standard case and 24 months for a complex case. At the shorter end, the goal for landlord tenant cases is three months for standard cases and six months for complex cases. It is only when data on the age of pending cases and time to disposition is broken down by case type and sub-case type that accurate conclusions can be drawn with respect to court performance.



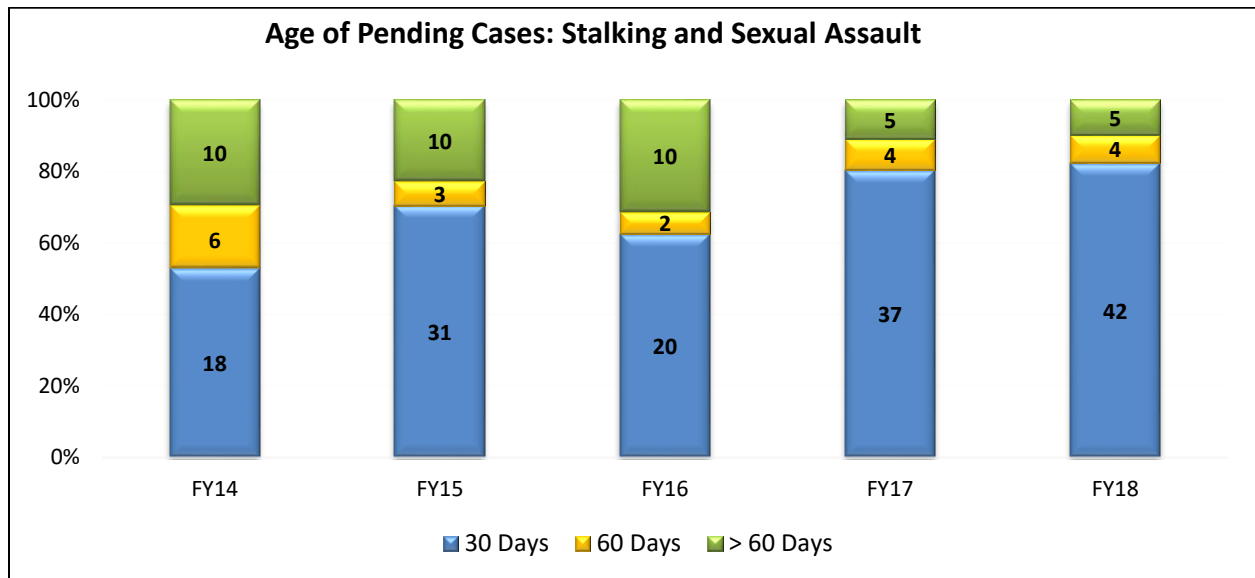
Small Claims

The number of pending cases rose 53% in the last year. The Supreme Court has set a disposition goal of 4 months for small claims cases. At the end of FY18, 79% of cases were pending less than 4 months.



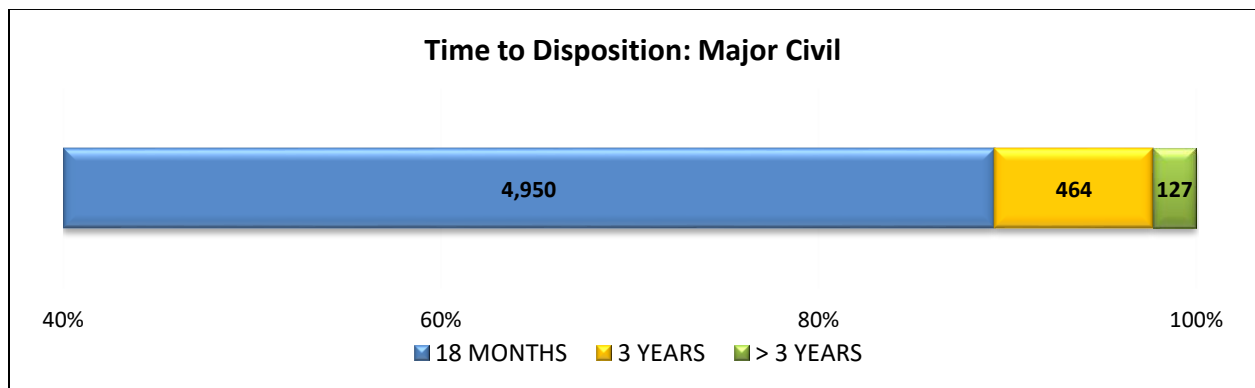
Protection Orders

The Supreme Court has set a disposition goal of 30 days for standard protection order cases. At the end of FY18, 82% of cases were pending less than 30 days.

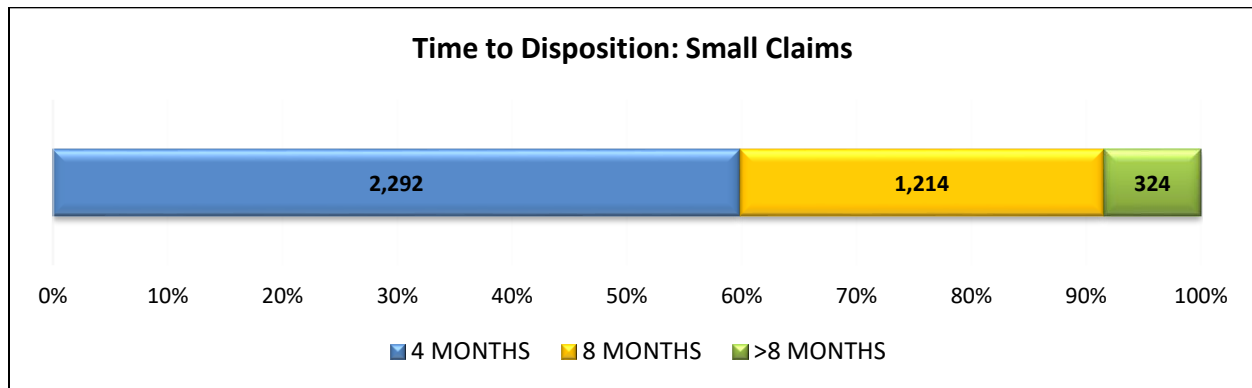


Time to Disposition

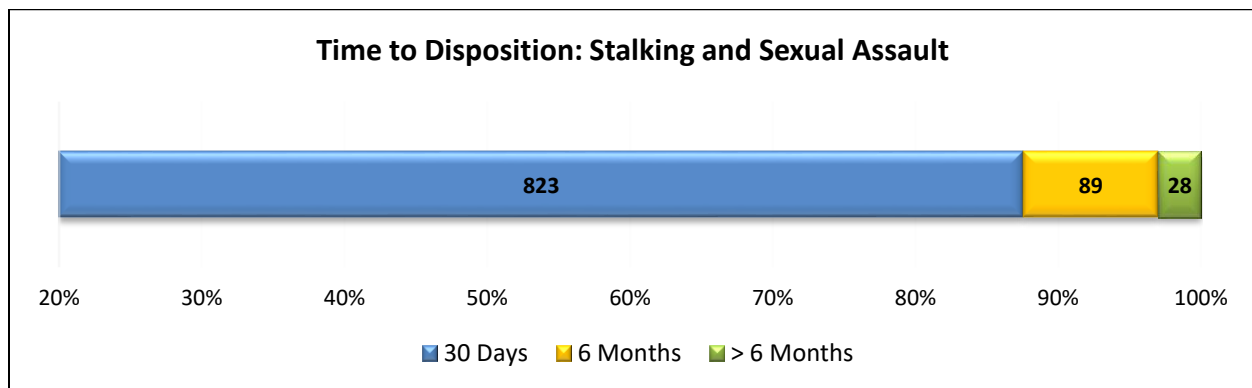
Major Civil Cases – In FY18, 89% of major civil cases were disposed within 18 months of filing.



Small Claims – In FY18, 60% of small claims cases were disposed within 4 months of filing.



Civil Protection – In FY18, 88% of stalking and sexual assault cases were disposed within 30 days of filing.



Method of Disposition

Major Civil Cases

Out of 5,541 cases disposed in FY18, only 665 or 12% required either a jury or a court trial. Another 5%, were resolved through summary judgment, a decision that usually requires a significant written decision by the trial court. 29% of the cases were resolved by default or consent of the parties, 54% were dismissed by the court or withdrawn by parties and less than 1% of the cases were transferred to another court location (change of venue).

Fiscal Year	Jury Trial	Court Trial	Summary Judgment	Default Judgment	Consent Judgment	Dismissed by Court	Withdrawn	Change of Venue/Other	Grand Total
2018	19	646	283	1,181	409	1,139	1,835	29	5,541

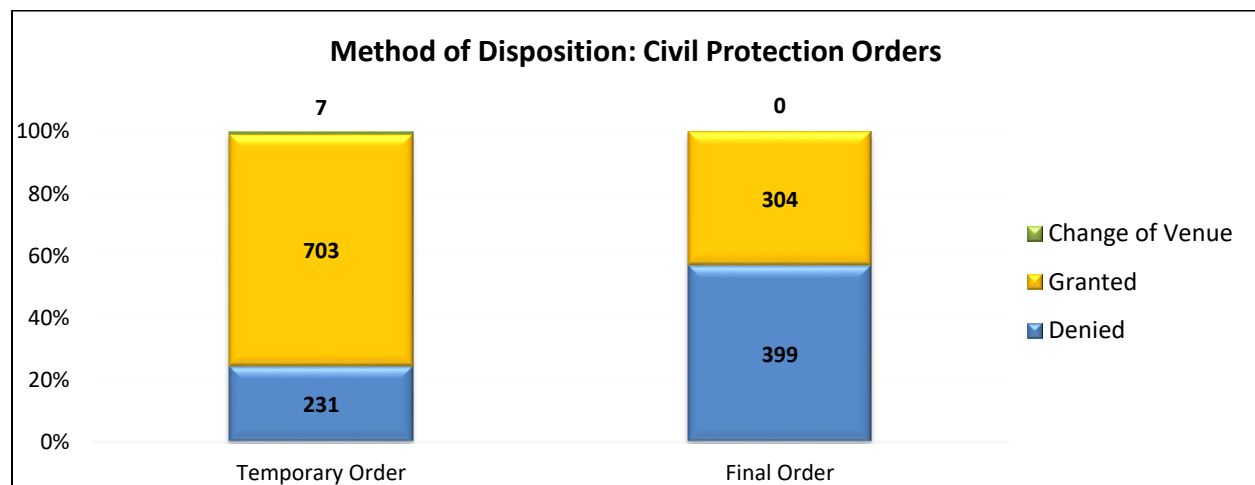
Small Claims

Out of the 3,830 cases disposed in FY18, 44% were resolved by default or consent of the parties. Another 44% were dismissed by the court or withdrawn by the plaintiff. 12% required a contested hearing.

Fiscal Year	Jury Trial	Court Trial	Summary Judgment	Default Judgment	Consent Judgment	Dismissed by Court	Withdrawn	Change of Venue/Other	Grand Total
2018	0	444	0	593	1,090	1116	580	7	3,830

Civil Protection Orders

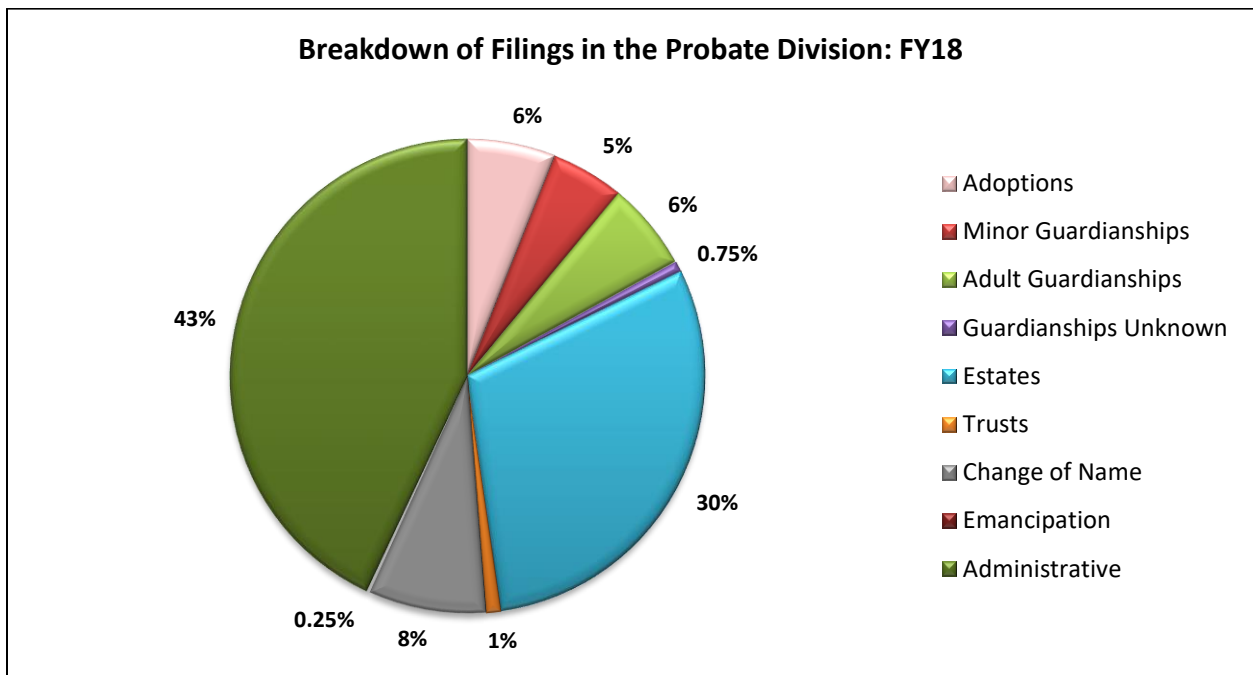
Of the 941 cases disposed in FY18, a temporary restraining order was granted in 75% of the cases, but a final order was granted in only 43%. Requests for civil protection orders to protect against sexual assault represent a very small minority of these cases and temporary and final orders are usually granted. Most complaints in this area are based on a claim that the defendant is “stalking” the plaintiff.



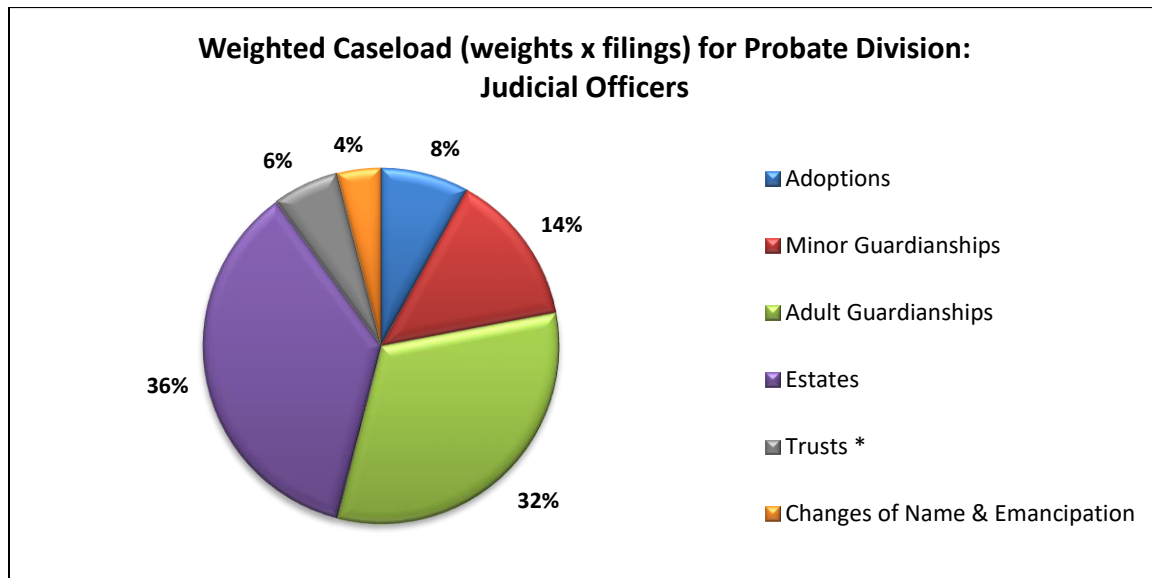
Probate Division

Introduction

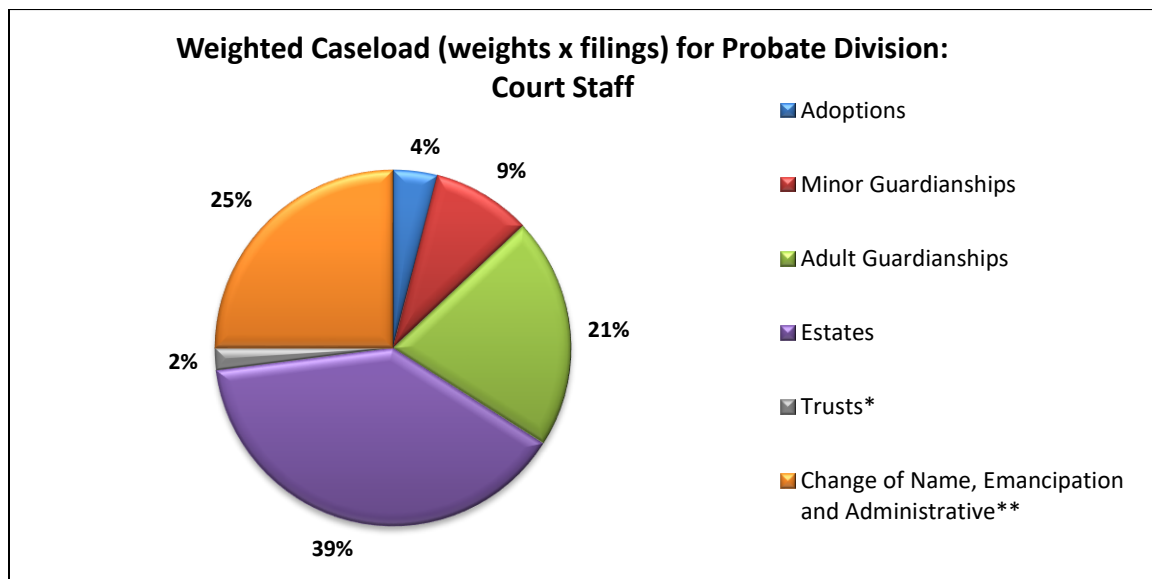
There are five major case types heard by the probate division. These include: adoptions, minor and adult guardianships, estates, and trusts. In addition, the probate division handles some smaller case types such as change of name, as well as many functions that are, for the most part, administrative such as changes to birth and death certificates, requests by an out of state minister to perform a marriage in Vermont, etc. The distribution of the major case types based on number of filings is shown in the chart below. The distribution in terms of number of filings does not reflect the relative workload for the judge and probate staff.



Weighted Caseload with FY18 Filings:



**Reflects trusts pending*



** Reflects trusts pending*

***Administrative case types include conveyance to clear title or discharge mortgage; letters to DMV; uniform gifts to minors; vital records; cemetery; disposal of dead bodies; pre-marriage requests; and wills filed for safekeeping.*

A Note about Probate Statistical Data

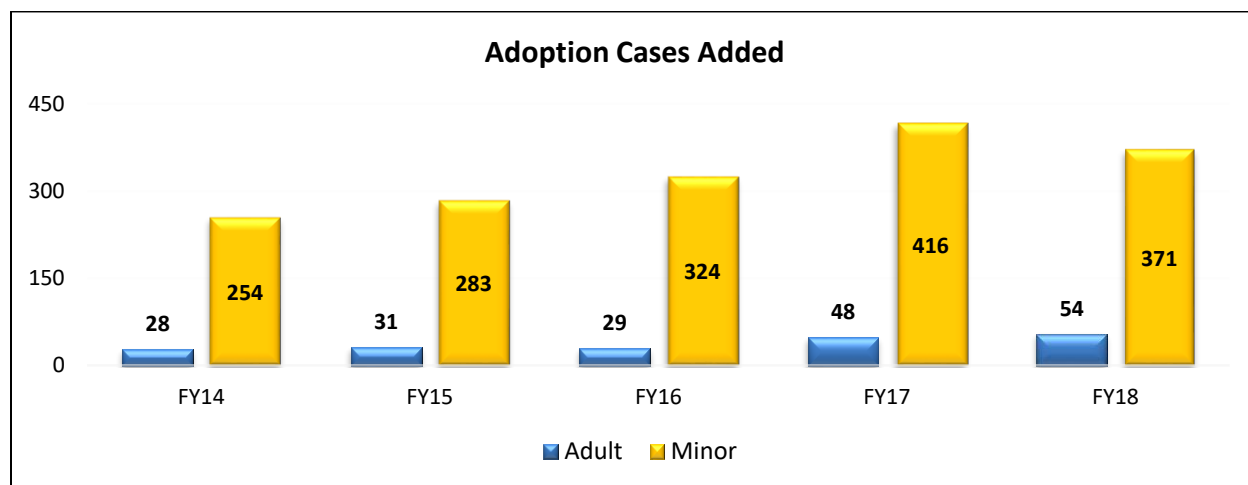
Currently, only limited data is available for probate cases. For example, data on NCSC measurements such as age of pending cases and age of case at disposition will not be available until the Judiciary's new case management system (currently in development) becomes active.

In September of 2018, the Supreme Court adopted disposition goals for each of the major probate case types to create a benchmark for gauging the timeliness of disposition. Until disposition data becomes available, we are unable to report on the probate division's ability to meet these time standards.

Adoption

Trends

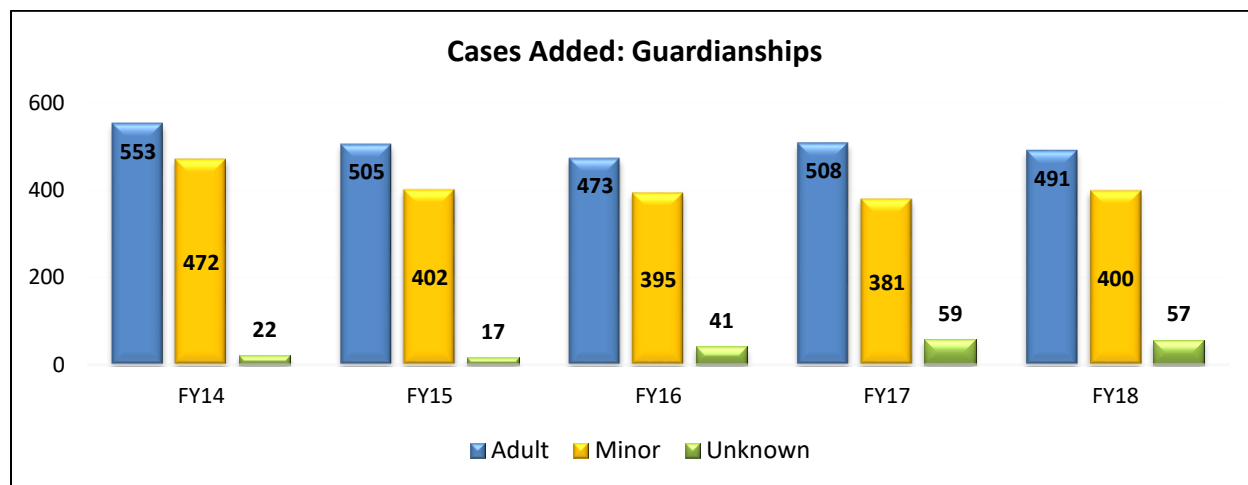
Adoption data includes cases involving the adoption of adults as well as the adoption of minors, although adoption of minors is by far the larger of the two categories. There were 11% fewer minor adoption petitions filed in FY18 as compared to FY17; however, when contrasted to five years ago, minor adoptions have risen 46%.



Minor and Adult Guardianships

Trends

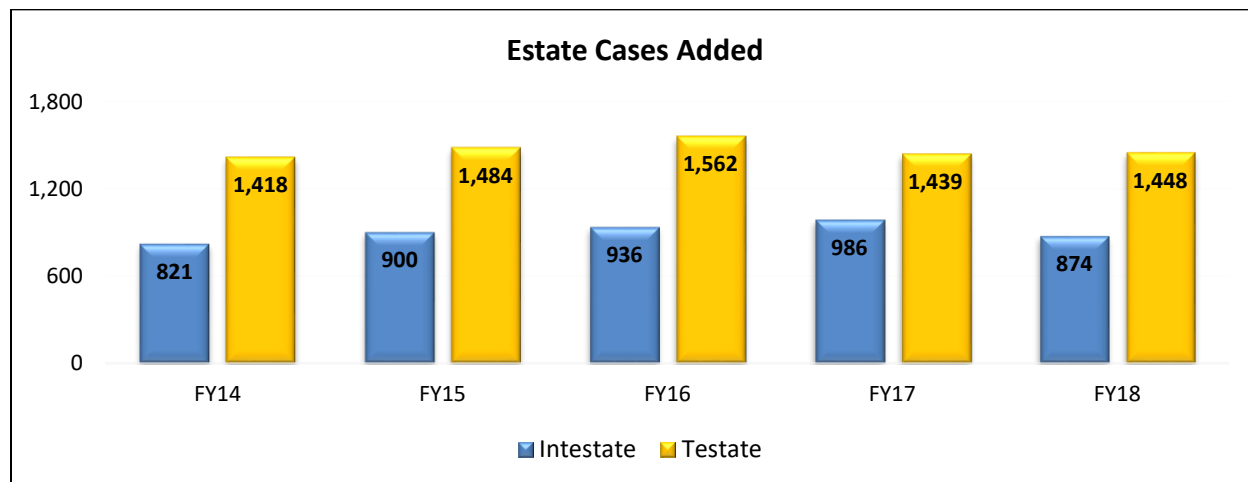
The number of adult guardianship petitions declined slightly in the last year, while the number of minor guardianships increased. When contrasted to five years ago, guardianships have declined 9%.



Estates

Trends

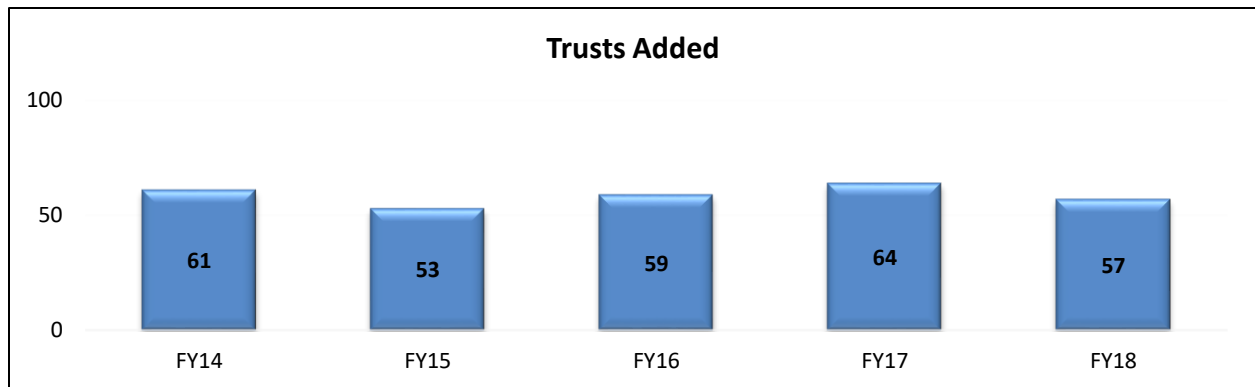
The probate court handles several different types of estates. An intestate estate is the estate of someone who died without having made a will. A testate estate is the estate of someone who left a will. Overall, the number of estate cases filed in Vermont declined slightly in FY18, mostly because of fewer intestate cases.



Trusts

Trends

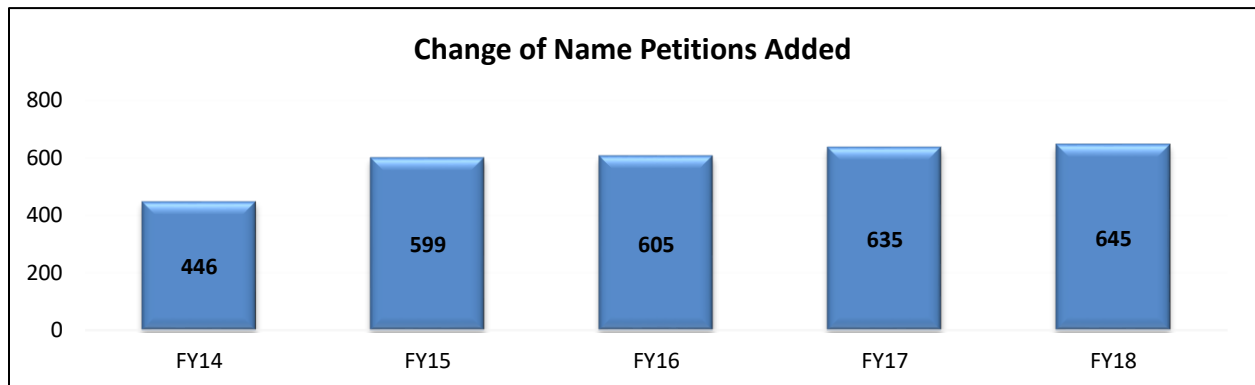
Although there was a jump in the number of trust filings in Vermont following the passage of the Uniform Trust Code (14A V.S.A. §101 et seq.), the number of filings has stabilized and remained relatively unchanged over the last five years.



Change of Name

Trends

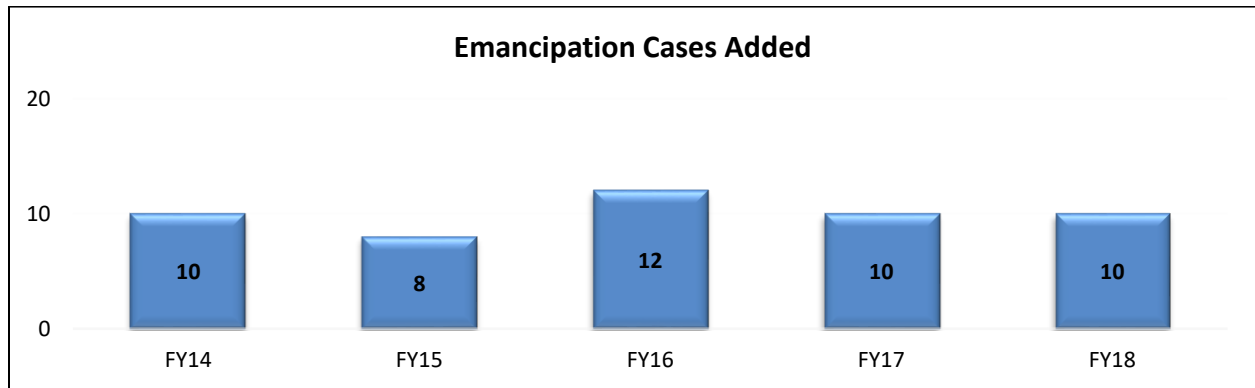
The number of petitions for a change of name has been increasing over the last five years. In FY18, 645 petitions for a change of name were filed in the probate division. This is an increase of 45% since FY14.



Emancipations

Trends

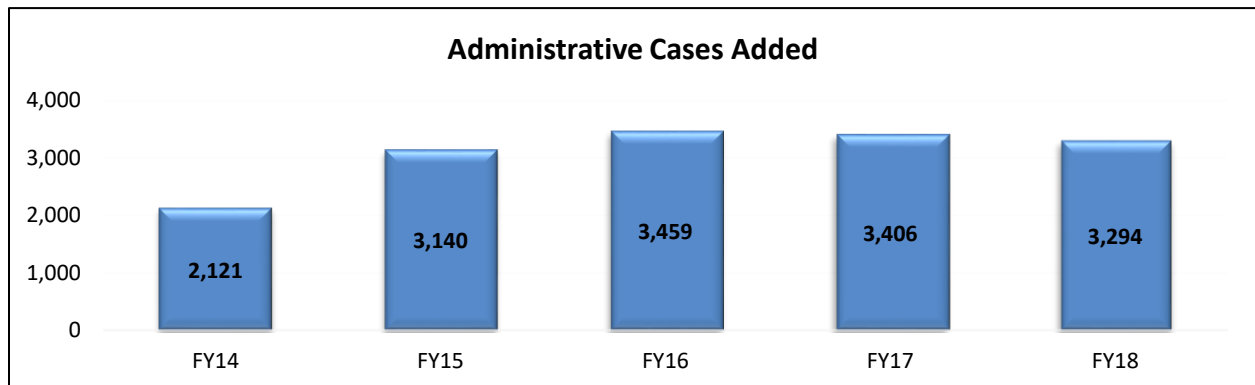
The number of emancipation cases remain stable and relatively low. In FY18, 10 such requests were filed in the probate division.



Administrative Matters

Trends

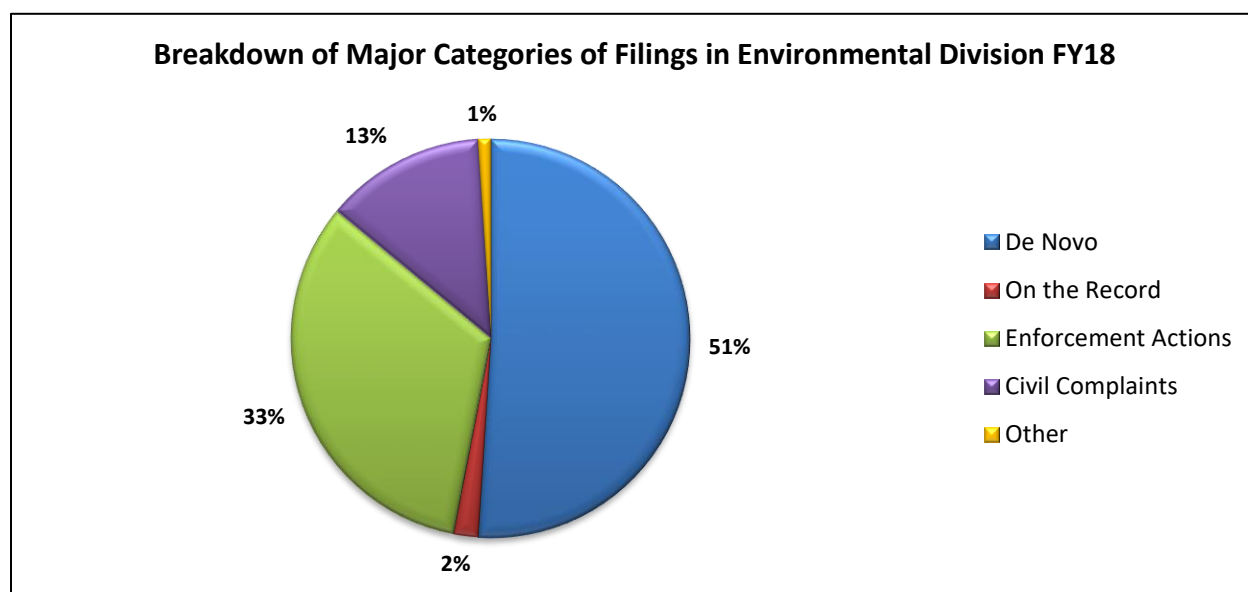
Administrative case types include conveyance to clear title or discharge mortgage; letters to DMV; uniform gifts to minors; vital records; cemetery; disposal of dead bodies; pre-marriage requests; and wills filed for safekeeping. In FY18, 3,294 such matters were filed.



Environmental Division

The environmental division of the superior court is a statewide court responsible for hearing and deciding cases that fall into five general categories:

- 1) Requests to enforce administrative orders issued by various state land use and environmental enforcement agencies;
- 2) Environmental enforcement proceedings from various municipalities;
- 3) Appeals from municipal zoning boards, development review boards and planning commissions;
- 4) Appeals from land use determinations made by the various Act 250 district commissions and jurisdictional determinations by the Act 250 district coordinators;
- 5) Tickets for environmental violations such as unlawful burning, dumping in a stream or lake, or failing to abide by a permit condition or AMP (acceptable management practice).



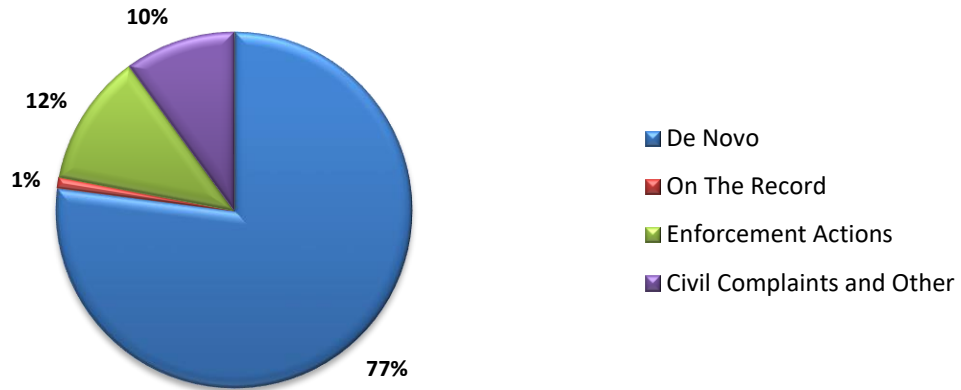
De Novo includes municipal appeals, Act 250 and ANR appeals.

Enforcement Actions includes environmental and municipal enforcement.

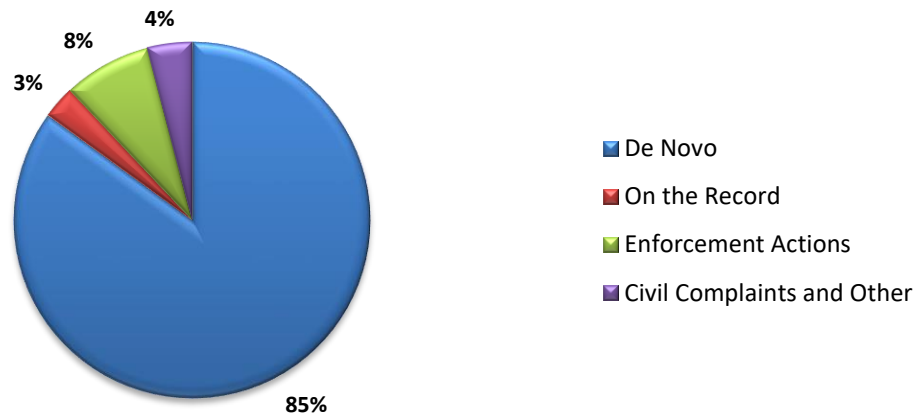
“Other” includes agricultural appeals.

WEIGHTED CASELOAD WORKLOAD WITH FY18 FILINGS

**Workload (weight x filings) for Environmental Division:
Judicial Officers**

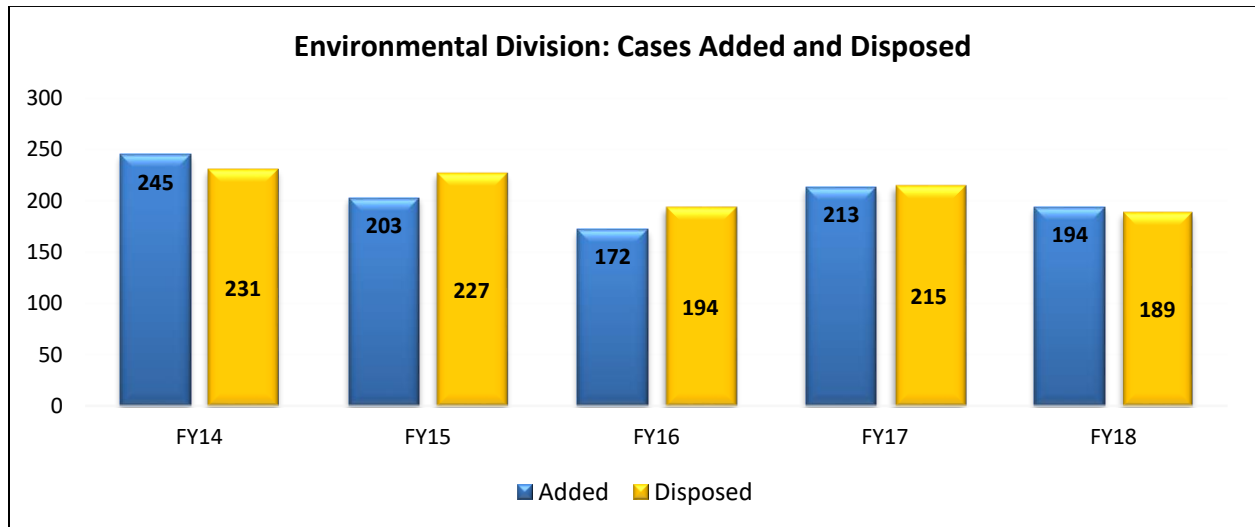


**Workload (weights x filings) for Environmental Division:
Court Staff**



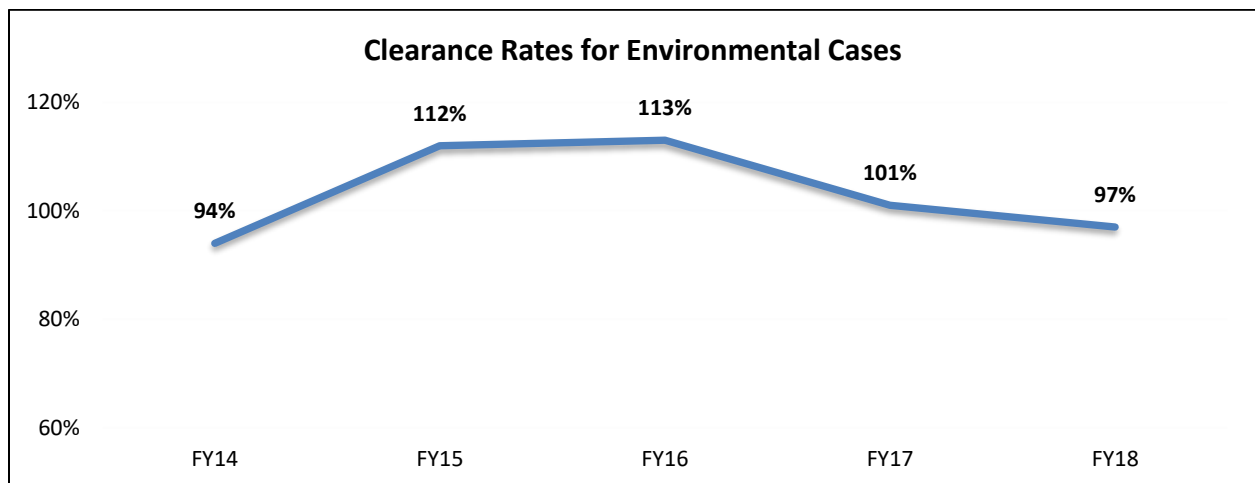
Trends

As indicated by the chart below, filings in the environmental division decreased 9% from the previous year, primarily in the areas of environmental enforcement actions and municipal de novo appeals. The number of dispositions also decreased (12%.)



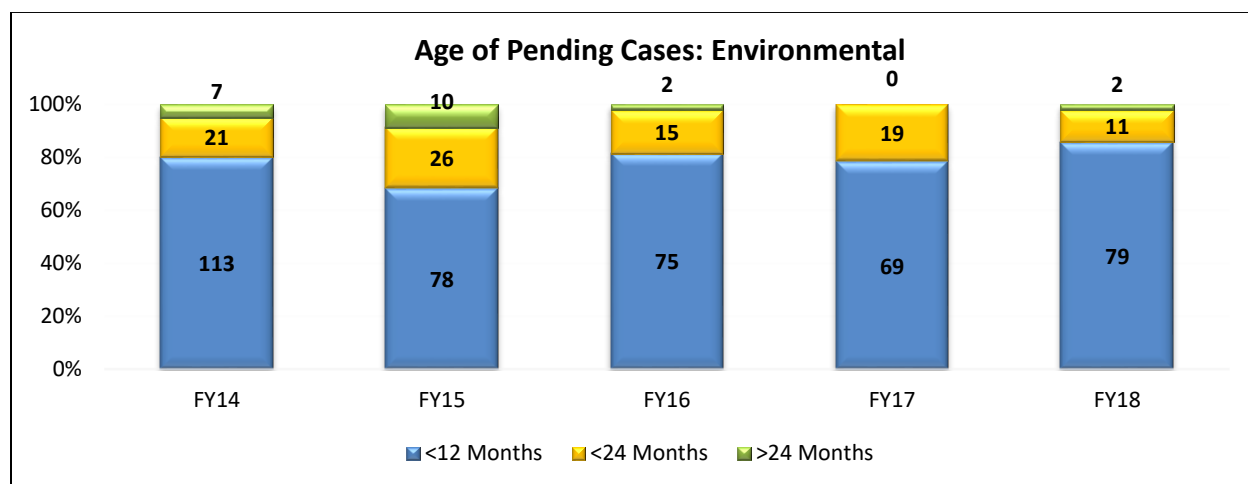
Clearance Rate

The chart below measures the clearance rate for all environmental division cases from 2014 through 2018. The clearance rate fell below 100% in FY18, meaning slightly more cases were added than disposed.



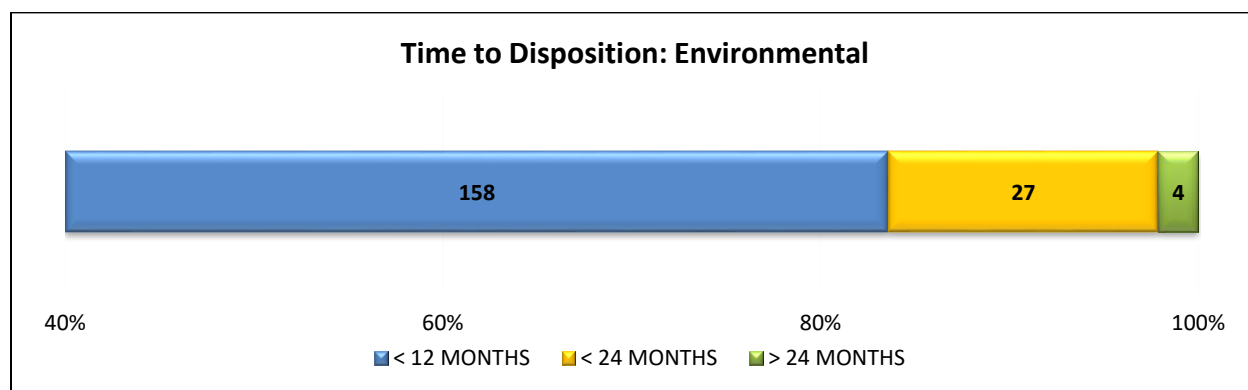
Age of Pending Cases

It is difficult to measure performance based on the age of environmental cases because there is so much variation in the average time to disposition from one case type to the next. For Act 250 appeals, the disposition goal set by the Supreme Court is 11 months for standard cases and 13 months for complex cases. At the shorter end, the goal for ANR/NRB enforcement cases is three months. It is only when data on the age of pending cases and time to disposition is broken down by individual case type that accurate conclusions can be drawn with respect to court performance. For all but the most complex of cases, the Environmental Division establishes disposition guideline schedules that anticipate a disposition in 12 months or less.



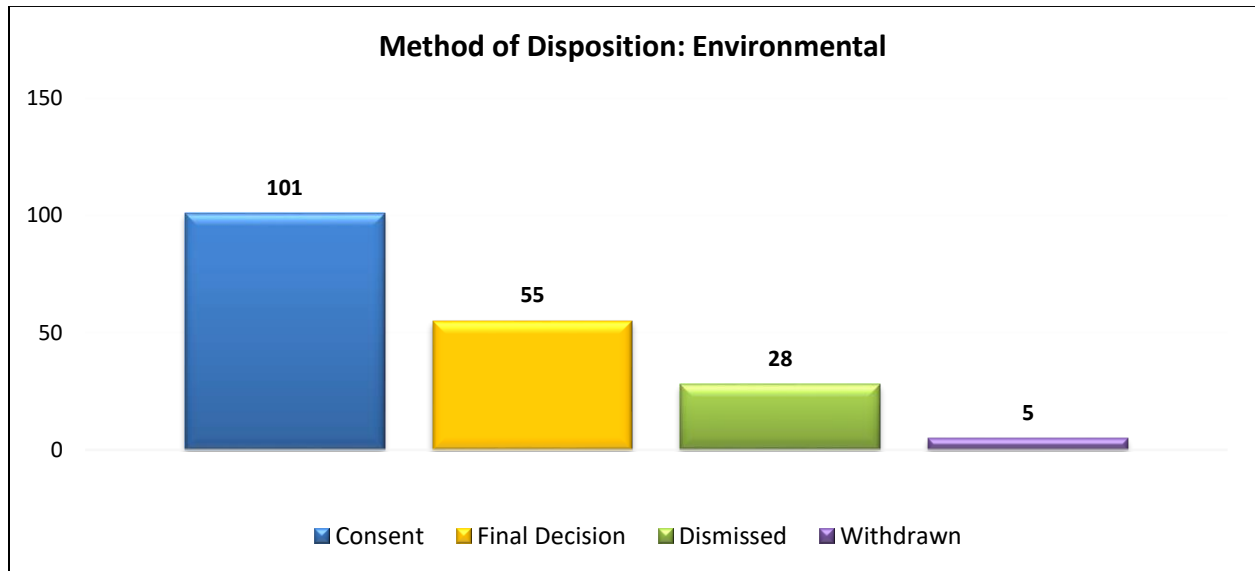
Time to Disposition

In FY18, 84% of environmental cases were disposed within 12 months of filing.



Method of Disposition

Approximately 53% of the cases disposed in the environmental division are resolved by agreement of the parties. Final decisions were issued by the court in 29% of the cases. 18% were dismissed or withdrawn by parties.

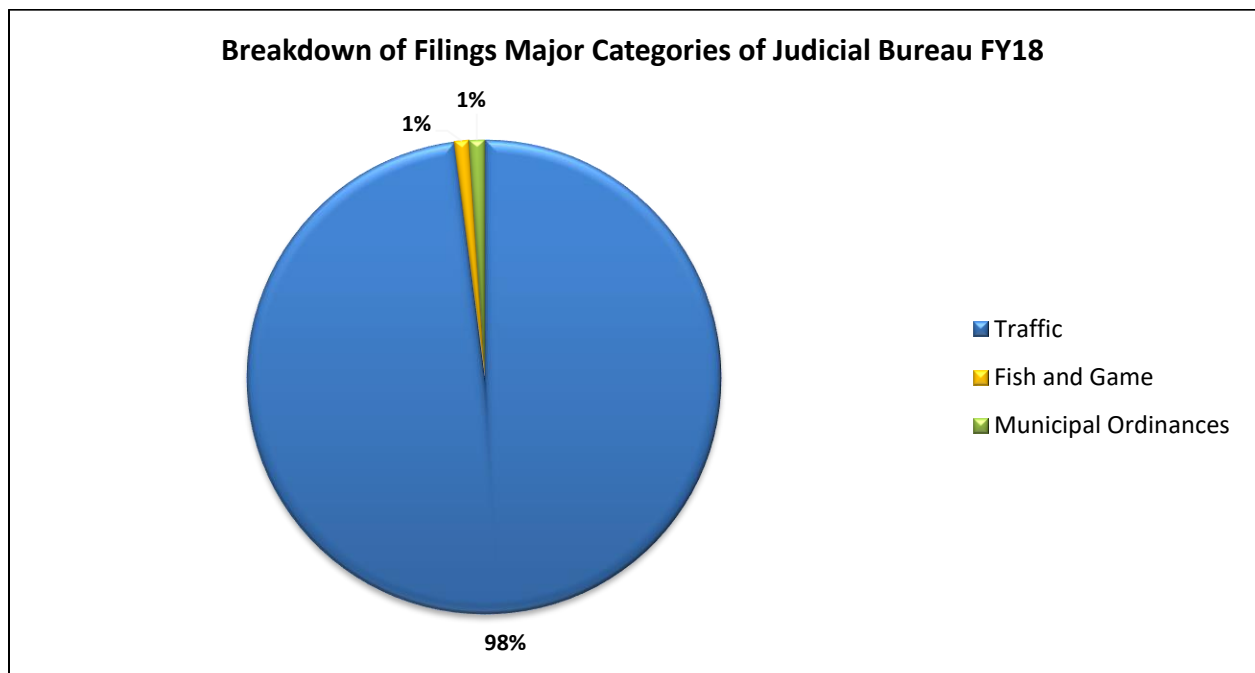


Judicial Bureau

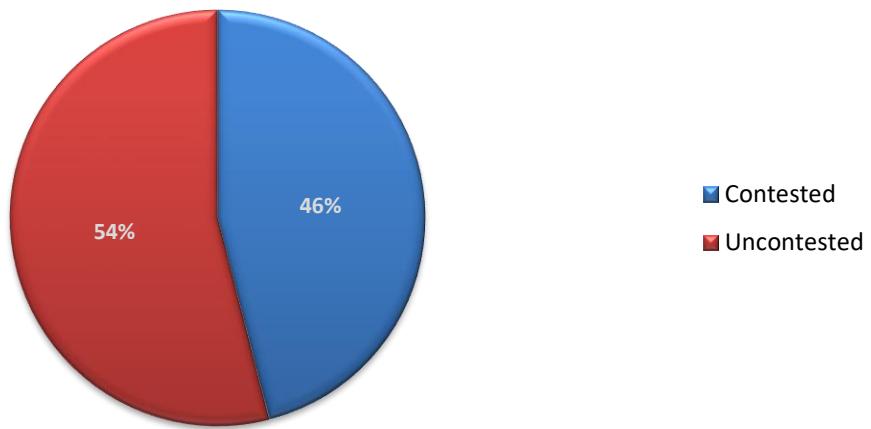
The Judicial Bureau has statewide jurisdiction over civil violations. Police and other government officials have authority to charge civil violations, including for example:

- Title 23
 - Traffic violations
- Municipal ordinance violations
- Title 10
 - Fish and wildlife violations
- Burning and waste disposal violations
- Environmental violations
- Lead hazard abatement violations
- Cruelty to animal violations
- Titles 2, 5, 7, 9, 10, 13, 16, 18, 19, 20, 21, 24 includes but not limited to:
 - violations for: Motor carrier, railroads, alcohol, tobacco, marijuana, scrap metal, water rules, waste transportation, humane treatment of animals, hazing, environmental mitigation, labor, littering and illegal dumping

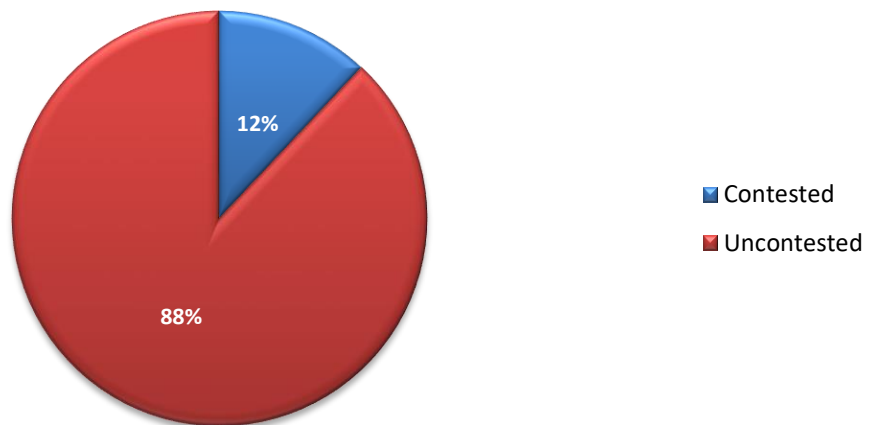
The Judicial Bureau processed over 90,000 civil violation complaints in 2018. The clear majority of these were traffic tickets.



**Workload (weight x filings) for Judicial Bureau:
Judicial Officers**



**Workload (weights x filings) for Judicial Bureau:
Court Staff**



Trends

As indicated by the chart below, traffic filings in the Judicial Bureau were slightly lower in FY18 than in FY17 but remain 12% higher than five years ago. Municipal violations filings continue to decrease, while Fish and Game violations rose slightly. Overall, Judicial Bureau filings have increased 10% since FY14.

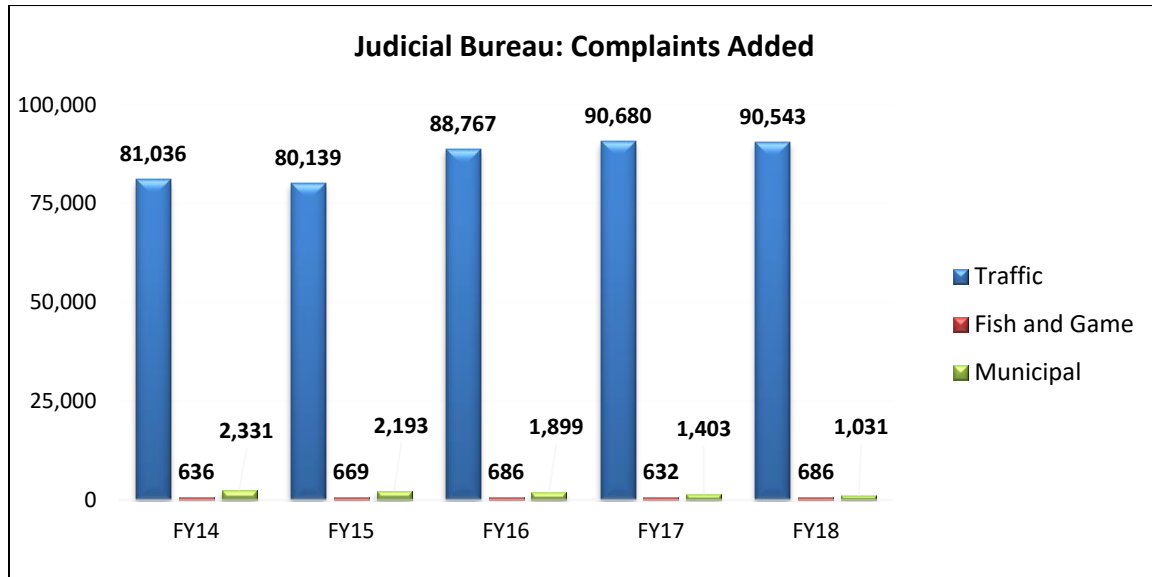


TABLE 1: Types of Cases Filed, Decided, and Pending

Appeal and Case Type	Sum of Cases		Sum of Cases	
	Pending at Beginning	Sum of Cases Filed	Sum of Cases Decided	Pending at End of Period
Appeal by Permission	5	38	37	6
Class Certification	0	1	1	0
Foreclosure	1	4	5	0
Interlocutory Rule 5	4	28	26	6
Judicial Bureau	0	2	2	0
Small Claims	0	3	3	0
Appeal by Right	233	382	401	214
Bail	1	20	19	2
Board/Agency	17	35	33	19
Civil	99	99	140	58
Criminal	53	91	71	73
Denial of Counsel	0	5	5	0
Environmental	4	6	5	5
Family	20	52	53	19
Habeas Corpus	0	3	2	1
Juvenile	0	10	6	4
Juvenile - Delinquency	0	4	3	1
Juvenile - TPR	17	40	40	17
Mental Health	1	4	5	0
Other	0	1	1	0
Post Conviction Relief	20	12	17	15
Probate	1	0	1	0
Original Jurisdiction	7	18	17	8
Board of Bar Examiners	1	3	1	3
Extraordinary Relief	1	5	5	1
Professional Responsibility Board	5	10	11	4
Grand Total	245	438	455	228

TABLE 2: Origin of Cases

Appeal Type and Division	Sum of Cases		Sum of Cases	
	Pending at Beginning	Sum of Cases Filed	Sum of Cases Decided	Pending at End of Period
Appeal by Permission	5	38	37	6
Civil	2	23	23	2
Criminal	1	14	11	4
Family	1	0	1	0
Judicial Bureau	0	1	1	0
Boards	1	0	1	0
Appeal by Right	233	382	401	214
Civil	79	115	122	72
Criminal	55	115	95	75

Environmental	8	6	9	5
Family	50	111	119	42
Probate	1	0	1	0
Boards	40	35	55	20
Original Jurisdiction	7	18	17	8
Grand Total	245	438	455	228

TABLE 3: Manner of Disposition

Sum of Decided	Column Labels			
Disposition	Appeal by Permission	Appeal by Right	Original Jurisdiction	Total
Closed by misc. mem.	19	42	8	69
Closed by stipulation		15	3	18
Closed for lack of progress	1	43		44
Full court memorandum		10	5	15
Panel memorandum		124		124
Permission Denied	14			14
Withdrawn	1	44		45
Written Opinion	2	123	1	126
Total	37	401	17	455

TABLE 4: Cases Considered

This table shows how cases were considered by the full Court or a panel of the Court

Panel Type	Oral Argument	On Brief	Grand Total
3J	51	51	102
5J	117	7	124
Grand Total	168	58	226

TABLE 5: Number of Opinions by Justice

This table shows the number of opinions authored by each Justice

Cases consolidated for decision are each counted as a separate opinion

Sum of Count	Column Labels				
Justice	Majority	Dissent	Concur	Concur/ Dissent	Grand Total
Chief Justice Reiber	20	2	1		23
Justice Skoglund	25	4			29
Justice Robinson	28	4	2	1	35
Justice Eaton	28	5	2		35
Justice Carroll	14	1			15
Justice Dooley, Ret.	11	3	1		15
Judge Teachout, Specially Assigned		2			2
Grand Total	126	21	6	1	154

TABLE 6: Results of Full Court and Panel Cases

This table contains the mandate of cases decided by the full Court or a panel

Sum of Decided Mandate	Column Labels			Grand Total
	Full court memorandu	Panel memorandu	Written Opinion	
Affirmed	5	111	65	181
Affirmed/reversed in part	1	2	14	17
Dismissed			1	1
Other	5		4	9
Remanded		2	1	3
Reversed		1	9	10
Reversed and remanded	4	7	31	42
Vacated		1	1	2
Grand Total	15	124	126	265

TABLE 7: Motions to Reargue

Sum of Motions to Reargue Pending	Sum of Motions Added	Sum of Motions Disposed	Sum of Motions Pending at End of Period
3	40	42	1

TABLE 8: Disposition of Motions to Reargue

Disposition	Total
Denied	38
Granted	2
Granted In Part	1
Granted/Denied in Part	1
Grand Total	42

TABLE 9: Cases Pending as of June 30, 2018

Age of Appeal	Total
Less than 6 Months	147
6 to 12 Months	59
1 to 1.5 Years	14
1.5 to 2 Years	5
2 to 2.5 Years	1
2.5 to 3 Years	2
Grand Total	228