

12103016D

HOUSE JOINT RESOLUTION NO. 111

Offered January 11, 2012

Prefiled January 11, 2012

Requesting the Judicial Council of Virginia to study the jurisdictional capacity of the Court of Appeals of Virginia. Report.

Patrons—Iaquinto and Surovell

Referred to Committee on Rules

WHEREAS, the Court of Appeals of Virginia was created in 1985 with the intention to alleviate the caseload of the Supreme Court of Virginia; and

WHEREAS, the Court of Appeals of Virginia jurisdiction over appeals from the circuit court is limited to domestic relations matters, traffic infraction cases, and criminal cases (except cases involving the death penalty), as well as appeals from the decisions of administrative agencies; and

WHEREAS, the Court of Appeals of Virginia has extensively developed the case law concerning matters within the ambit of its appellate jurisdiction during its 27-year existence; and

WHEREAS, in spite of the creation of the Court of Appeals of Virginia, the caseload of the Supreme Court of Virginia continues to preclude it from granting petitions for appeals in many cases in which appellate review is sought; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Judicial Council of Virginia be requested to study the jurisdictional capacity of the Court of Appeals of Virginia.

In conducting its study, the Judicial Council of Virginia shall review the respective caseloads of the Supreme Court of Virginia and the Court of Appeals of Virginia as well as the jurisdictional capacity of the Court of Appeals of Virginia and whether the quality of appellate review would be served by expanding that capacity.

Technical assistance shall be provided to the Judicial Council of Virginia by the Executive Secretary of the Supreme Court of Virginia. All agencies of the Commonwealth shall provide assistance to the Judicial Council of Virginia for this study, upon request.

The Judicial Council of Virginia shall complete its meetings for the first year by November 30, 2012, and for the second year by November 30, 2013, and the Judicial Council of Virginia shall submit to the Governor and the General Assembly an executive summary and report of its findings and recommendations for publication as a House or Senate document for each year. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the next Regular Session of the General Assembly and shall be posted on the General Assembly's website.

INTRODUCED

HJ111