



VERMONT JUDICIARY

Annual Statistical Report FY21

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Introduction and Overview

The Vermont Judiciary issues a statistical report each year detailing the work of the state's courts with respect to the filing and disposition of cases. This is done by detailing new filings and using three performance measurements that are part of the National Center for State Courts' CourTools performance measurement system: clearance rate, age of active pending cases, and time to disposition. These are well-established and important indicators of court performance. They are described below.

- **Clearance Rate:** The clearance rate measures the number of disposed cases as a percentage of incoming cases. The purpose is to measure whether the court is keeping up with its incoming caseload. A clearance rate above 100% indicates that a court is disposing more cases than it is adding. Conversely, a clearance rate below 100% indicates that a court has disposed fewer cases than have been added, which means that a backlog of cases may be developing.
- **Age of Active Pending Caseload:** This is a point-in-time measurement, which for the purposes of the Judiciary's Annual Statistical Report is conducted on June 30, 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. The Supreme Court has dispositional standards in place for all major case types.
- **Time to Disposition:** This measure is focused on cases disposed during the fiscal year. It measures the percentage of cases that were resolved within the disposition time standard or goal for that case type.

Workload and Case Weights

The Judiciary conducts an analysis of its workload and case weights every several years by using a standardized approach. This information is used by the Judiciary for planning and related purposes.

A case weight represents the average amount of time judicial officers and court staff spend to process a case of a particular type, from filing through all post-disposition activity. The use of different case weights for different case types reflects the fact that cases of varying levels of complexity require different amounts of time – for judicial officers and staff – to resolve. For example, the average amount of time that a judicial officer spends on the processing of a small claims case is 13 minutes, while the average a judicial officer spends on a felony case is 130 minutes (see table below).

Case Type	Final Case Weights: Judicial Officers	Final Case Weights: Court Staff
CIVIL DIVISION		
Small Claims	13	136
Stalking/Sexual Assault	24	106
Other Civil	84	337
CRIMINAL DIVISION		
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
FAMILY DIVISION		
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: Juvenile ¹²	273	2,576
Mental Health	64	179
PROBATE DIVISION		
Estates	101	337
Trusts	49	59
Adult Guardianship	429	880

Minor Guardianship	203	386
Adoptions: All	130	187
Other Probate	39	127
ENVIRONMENTAL DIVISION		
Environmental Div. De Novo	1,038	990
Environmental Div. On the Record	278	990
Environmental Div. Enforcement Actions	246	155
JUDICIAL BUREAU		
All Judicial Bureau Cases	NA	16
Judicial Bureau Contested	6	NA
Judicial Bureau Uncontested	1	NA

The FY 2021 Report

The Judiciary's FY21 Annual Statistical Report is a slightly different version of the report that has traditionally been issued. This is mainly because the case-level data on which the analysis depends was not available in all cases due to the transition of the trial courts from the Judiciary's legacy case management system (VTADS) to its Next-Generation Case Management System (Odyssey).

The lack of comparability between key data elements in VTADS and Odyssey is, and will continue to be, addressed through staff training, the use of quality assurance protocols, and the development and testing of standardized data reports. As more case-level data becomes available, addenda to this report will be issued.

Report Format

Information in this report is presented as follows:

- Part 1 of this report includes an overview of filing trends in the criminal, family, civil and probate divisions of the Superior Court. Detail regarding changes in filings between FY20 and FY21 is highlighted in this section, as is a five-year trend comparison of filings from FY17 to FY21.
- The Judiciary has two statewide divisions – the Judicial Bureau and the Environmental Division. Data for these two statewide divisions is presented in Part 2 of this report.
- Supreme Court statistics for FY21 are presented in Part 3 of this report.

Filing Trends

The COVID-19 pandemic continues to have a significant impact on the Judiciary, though these impacts vary by court division. There is still much to be learned about the short- and long-term impact of the pandemic on case filings and Judiciary staff continue to monitor this activity.

The Judiciary continues to adapt to the changing circumstances associated with the ongoing pandemic. These adaptations have involved, among other things, a transition to remote hearings, which have been widely used since the spring of 2020. While jury trials were initially suspended in March 2020 by the Supreme Court's declaration of a judicial emergency, the Judiciary started holding jury trials on a location-by-location basis as soon as it was safe to do so. The Judiciary has developed a protocol for assessing the readiness of courthouses around the state. With limited exceptions, courts in all counties are able to hold in-person jury trials.

An overview of changes in filings is below. The changes referenced are from FY20 (July 1, 2019 to June 30, 2020) to FY21 (July 1, 2020 to June 30, 2021).

Family Division

- There was an increase of 13% in juvenile case filings.
- CHINS filings increased 9%. Delinquency filings increased by 8%. Youthful offender filings fell 20%, and Termination of Parental Rights (TPR) petitions fell 16%.
- Divorce/dissolution filings have increased 7% while parentage filings have decreased 31%.
- Petitions for protective orders for relief from abuse increased 9%.
- Filings involving exploitation of the elderly fell 19%.
- The number of involuntary medication applications filed in FY21 decreased 8% compared to the previous year while applications for involuntary treatment increased 3%. Applications for continued treatment decreased 16%.

Criminal Division

- Felony filings decreased 3%.
- Misdemeanor filings decreased 8%.
- Because violation of probation (VOP) data is still being migrated into the new case management system, the Judiciary is not currently able to report on the total number of VOPs for FY21; however, violations of probation filings have historically represented 5-6% of the criminal workload (approximately 2,100 cases).

Civil Division

- Major civil case filings declined 30% in the past year.
- Foreclosures were down 76% from the previous year.
- Landlord/tenant cases were down 66% from the previous year.
- Small claims filings in FY21 decreased 12%.
- Requests for civil protection orders (against Stalking and Sexual Assault) declined 2%.

Probate Division

- The number of adoption petitions remained essentially the same.
- The number of guardianship petitions filed in FY21 increased 6%.
- Estate case filings decreased by 2%.
- Trust case filings fell 40%.
- Petitions for a change of name increased by 24%.

Environmental Division

- Filings in the environmental division decreased by 22%.

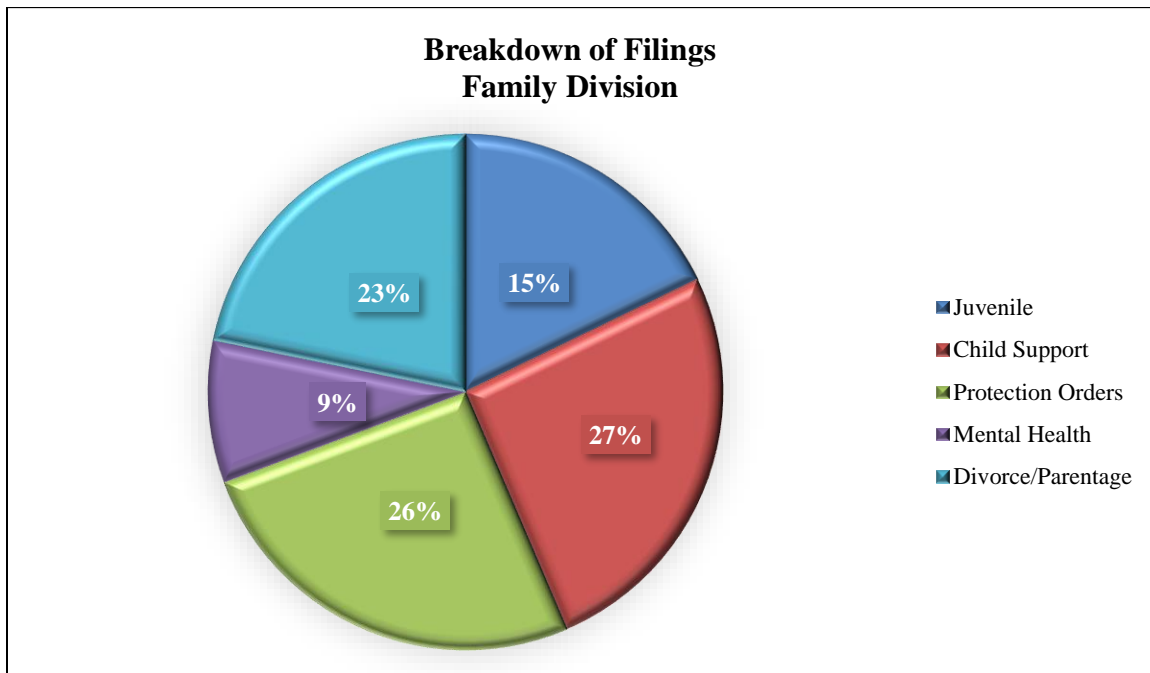
Judicial Bureau

- The Judicial Bureau processed over 44,000 civil violation complaints in FY21. Filings of traffic violations were 34% lower in FY21 than in FY20.
- Municipal violations filings decreased 25% between FY20 and FY21, while Fish and Game violations fell 18% during the same period.

Family Division

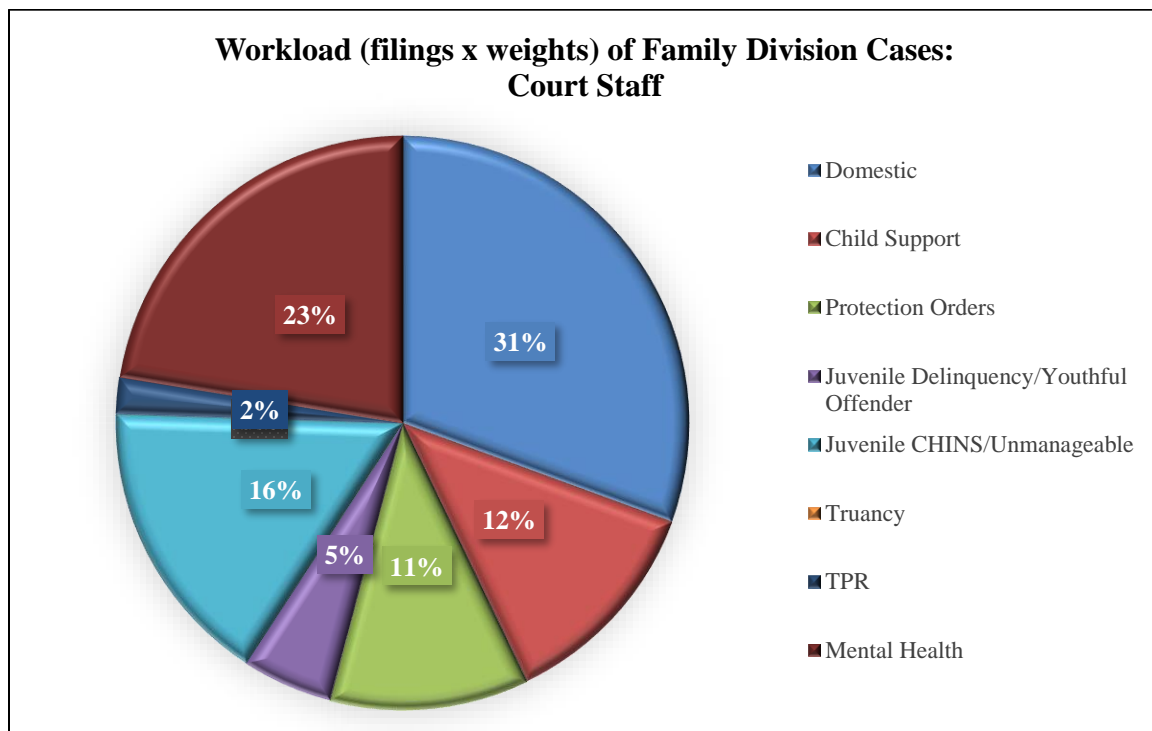
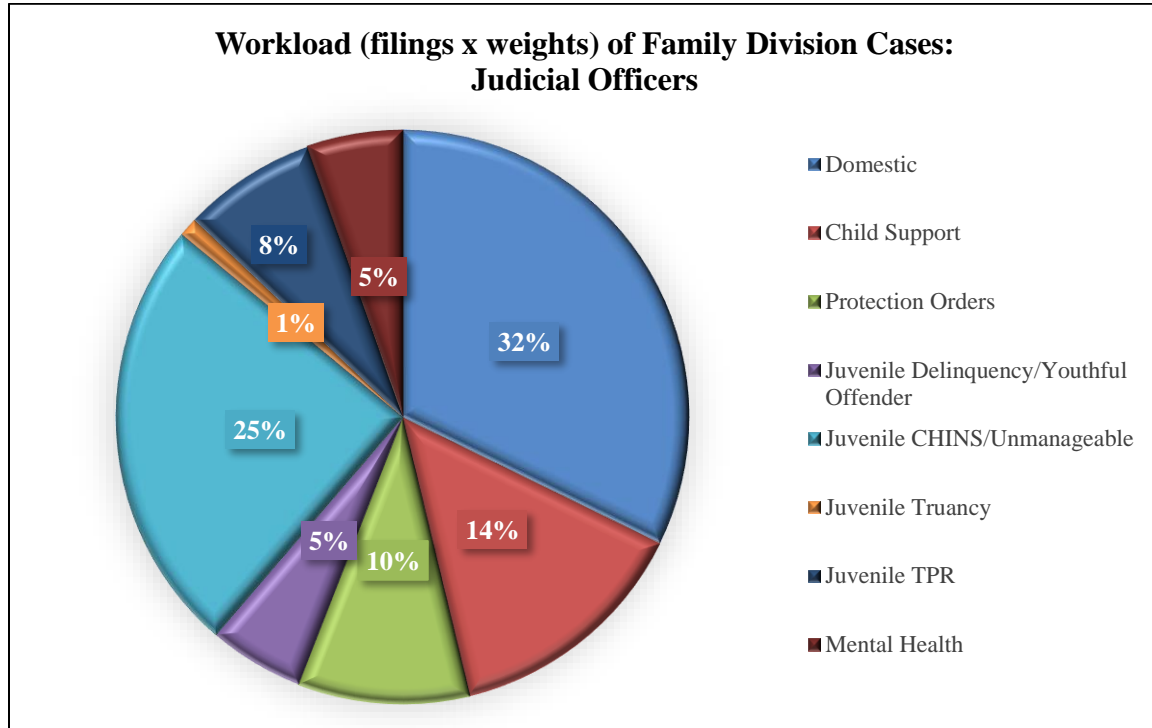
Statewide Data

For statistical purposes Family Division cases are divided into three major case types: domestic, juvenile, and mental health. Measured by the number of filings, juvenile represents 15% of all cases filed; child support represents 27%; protection orders represents 26%; mental health 9% and divorce/parentage 22%. The chart below depicts the breakdown of various case types and sub-types in the Family Division based on the numbers of cases filed.



Weighted Caseload Workload with FY21 Filings

The following charts reflect the relative workload associated with these cases in terms 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. 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.

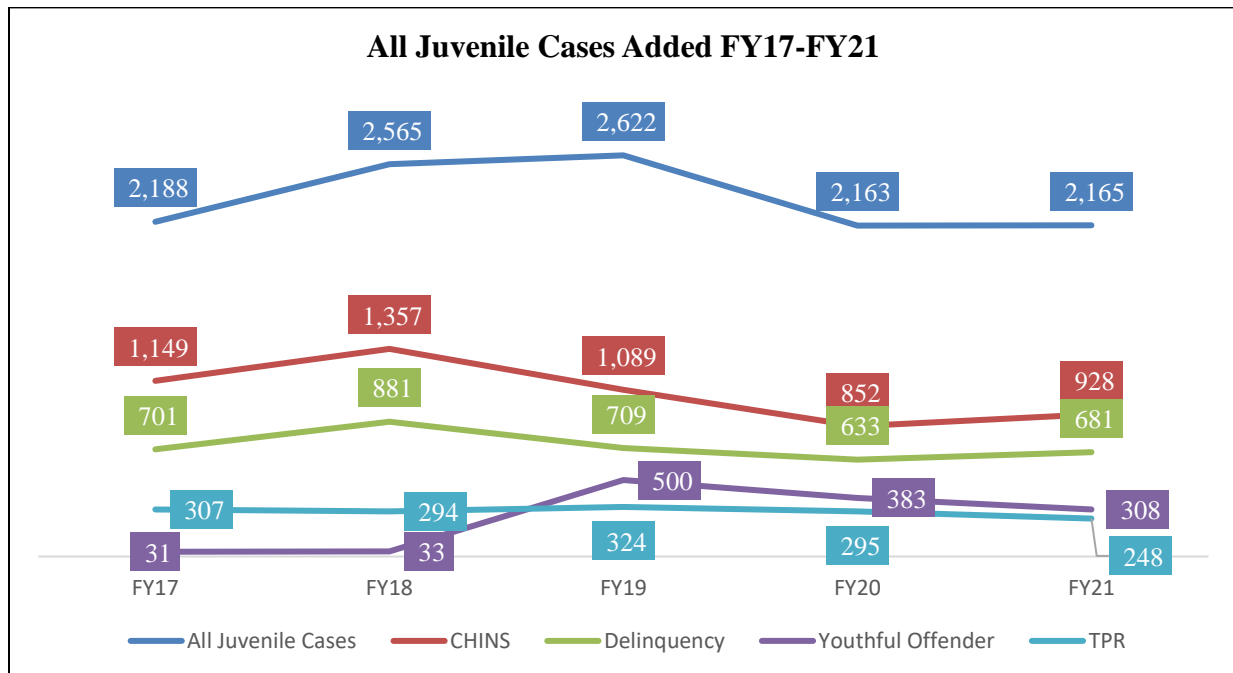
The delinquency docket includes youths charged with a delinquent act before attaining 19 years of age, while the youthful offender docket involves persons charged with an offense who have not yet attained 22 years of age. The placement of a youth into state custody (i.e., the removal of a child from 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 primarily because of court reviews and hearings that occur after a determination of the initial petition. This is particularly true in 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. These include a post disposition review and numerous permanency reviews. The purpose of these review hearings is to ensure that the child moves towards a permanent placement– 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

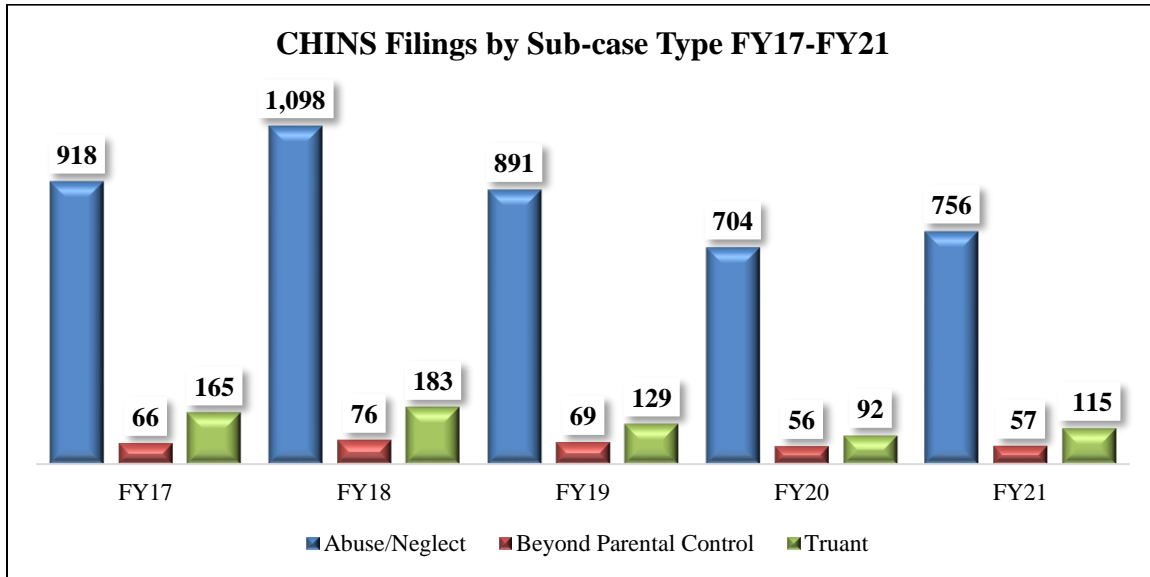
As indicated in the chart below, FY21 saw an uptick in juvenile case filings as compared with FY20. The number of CHINS cases rose 9% when compared to FY20. Delinquency filings rose by 8%. TPR petitions filings decreased 16% while youthful offender filings fell 20%.

From a workload perspective, CHINS abuse and neglect cases are one of the most labor-intensive case types, not only in the Family Division, but in any division of the Superior Court. While the number of youthful offender cases filed has grown exponentially, these cases do not require as much time as a CHINS case.



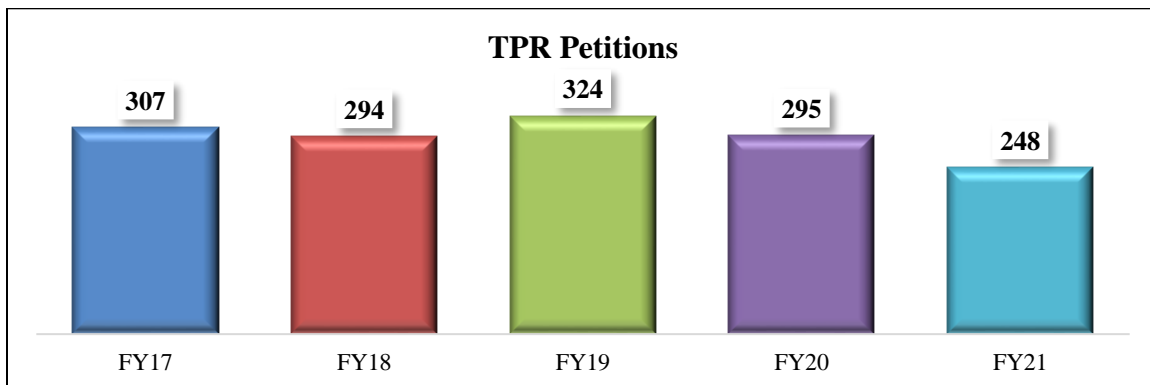
CHINS

Filings of all CHINS sub-case types increased 9% in the past year, however, filings decreased 19% since FY17. Of the 928 CHINS cases filed in FY21, 756 were abuse/neglect cases, the remainder were beyond parental control or truant. The number of abuse/neglect filings rose 7%, truancy cases rose 25%, and the number of cases filed involving children beyond parental control basically stayed the same.



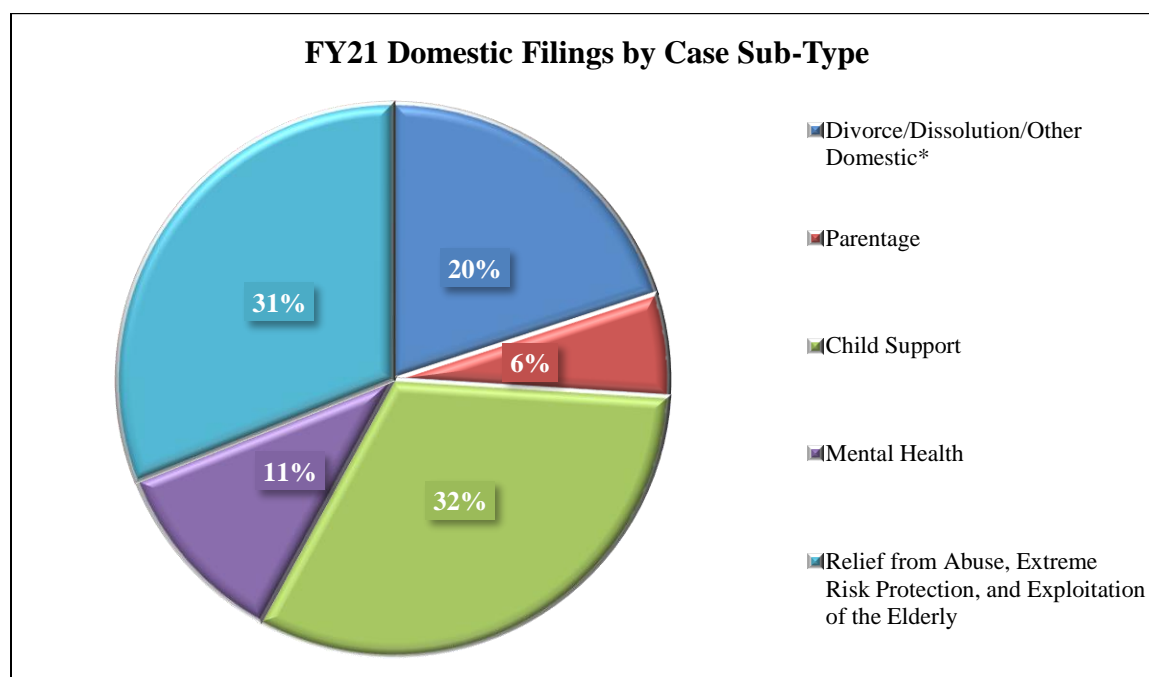
Termination of Parental Rights (TPR)

TPR petitions decreased 16% in the last year and are 19% lower than five years ago.



Family Division: Domestic

The domestic docket is made up of five different case sub-types: 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 FY21 based on filings is shown in the chart below (post judgment and child support filings are not included in the chart below)

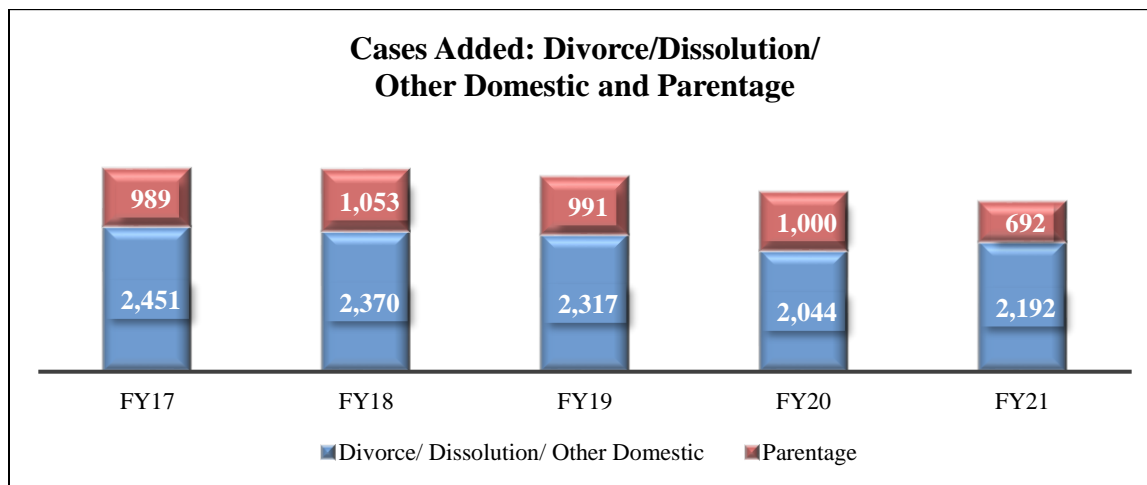


** Other domestic includes Foreign Orders and Uniform Interstate Family Support Act matters. These are grouped together with Divorce and Dissolution and represent a very low percentage of case filings.*

Trends

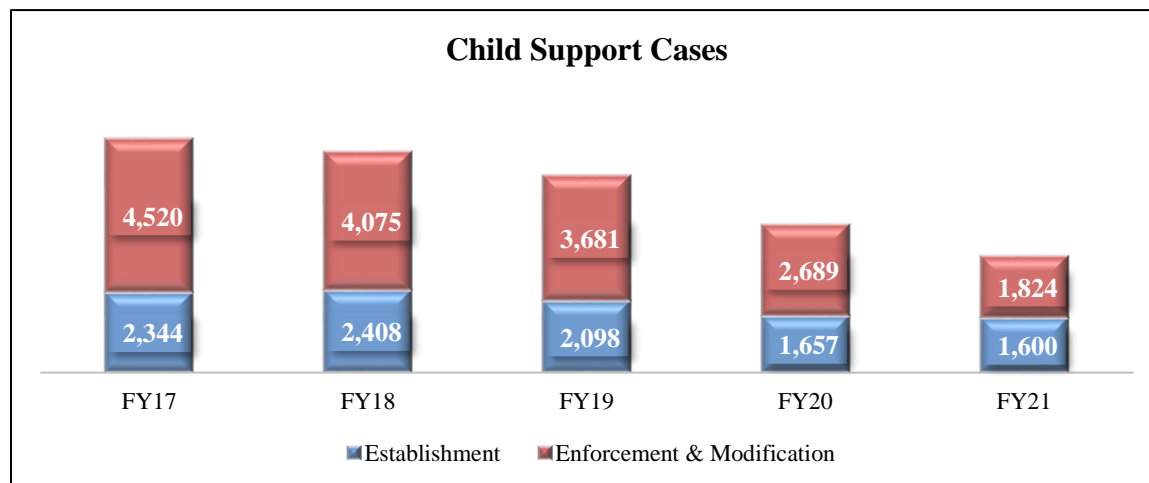
Divorce/Dissolution, Parentage, and Other Domestic Relations

Divorce/dissolution filings have increased 7% in the last five years while parentage filings have decreased 30%. In divorce/dissolution cases, there are often multiple issues that the parties or the court must resolve in addition to ending the marriage 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.



Child Support: Establishment, Enforcement and Modification

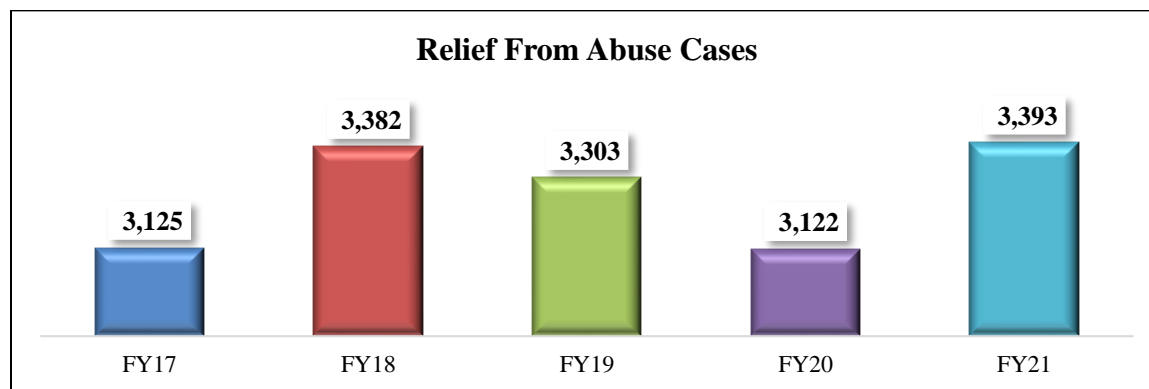
Matters relating to child support in divorce/dissolution, or parentage cases are heard by magistrates as opposed to superior judges. Five magistrates cover the entire state. There was a 21% decrease in child support filings between FY20 and FY21 and a 51% decrease since FY17.



In FY21, about 47% of child support cases involved the establishment of an initial amount of child support. Of the 3,424 child support cases, 53% 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 in 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.

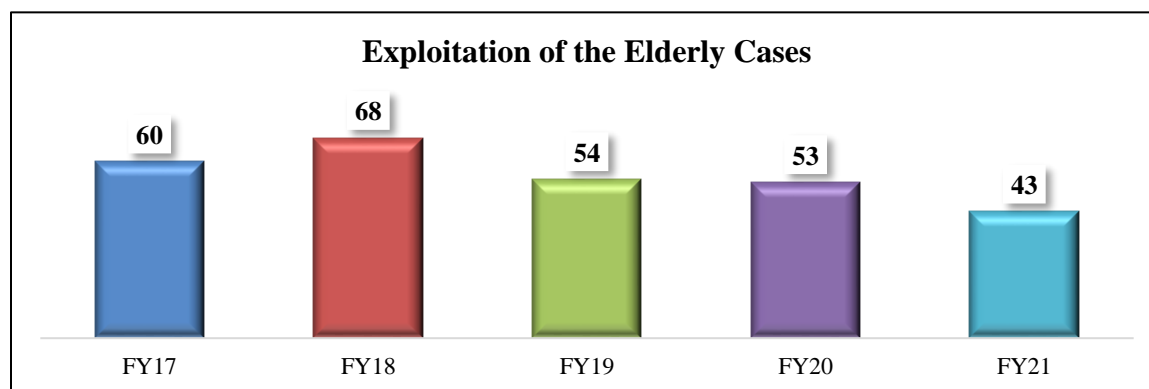
Protection Orders for Relief from Abuse

Civil protection orders that protect a household member from domestic violence, also known as orders for relief from abuse (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. These orders are often issued 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 a 9% increase in RFA filings in the past year and between FY17 and FY21.



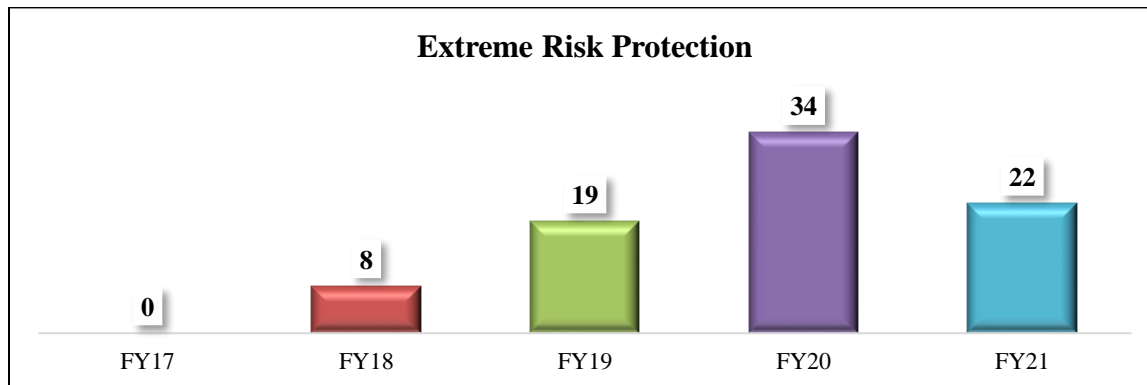
Exploitation of the Elderly

In FY21, case filings involving exploitation of the elderly decreased 19% from FY20. There has been a 28% decrease in filings since FY17.



Extreme Risk Protection

FY18 was the first year that the Judiciary began capturing data on this case type. Extreme risk protection cases involve orders prohibiting a person from purchasing, possessing, or receiving a dangerous weapon or having a dangerous weapon within the person's custody or control. There was a decrease in filings for this case type of 35% from FY20 to FY21.



Family Division: Mental Health

There are various types of mental health cases filed in the Family Division. The first is an application for involuntary treatment, 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.

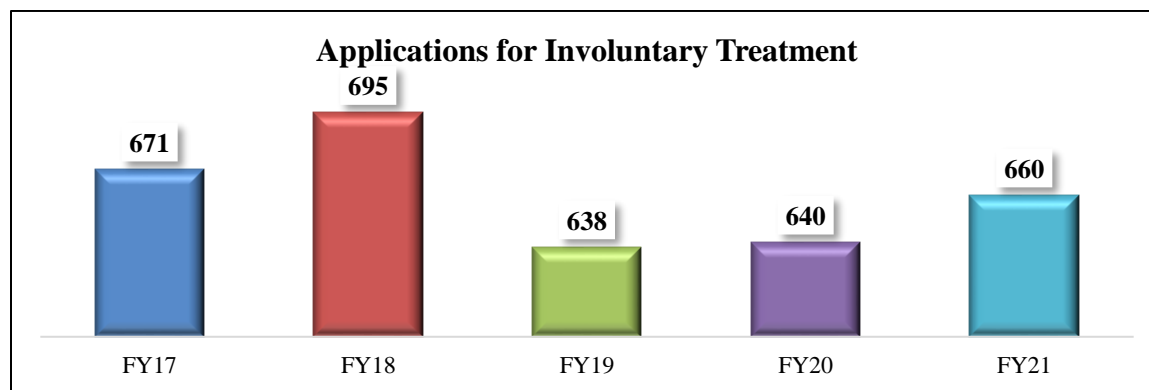
When involuntary hospitalization is requested, the applications are generally filed only in a county where there is a designated psychiatric hospital. If the Court issues an order for involuntary treatment, the State can request that the order be extended for up to a year by filing the second type of mental health case, which is known as an application for continued treatment.

The third case 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. Other case types heard by the Court include applications for judicial review of commitment, guardianship for developmentally disabled adults, and warrants for emergency exams.

Trends

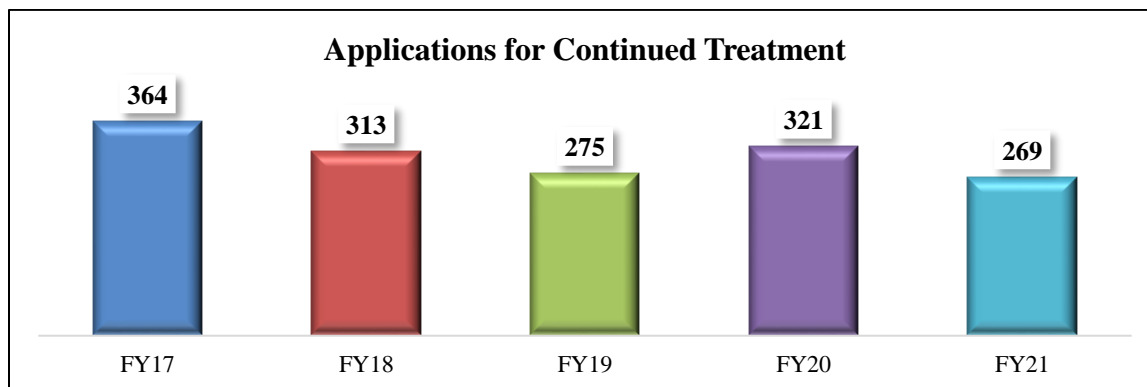
Applications for Involuntary Treatment

There were 660 applications for involuntary treatment in FY21, just a 3% increase from the previous year and 2% since FY17.



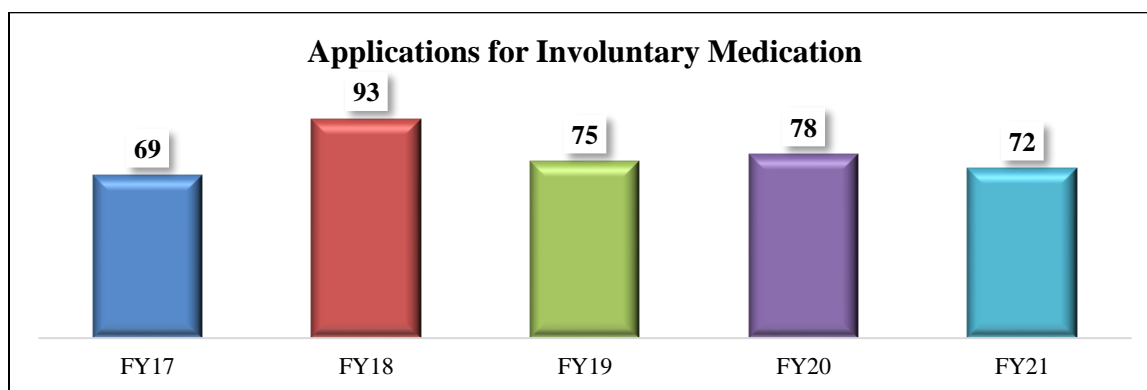
Applications for Continued Treatment

There were 269 applications for continued treatment in FY21, 16% lower than the previous year and 26% since FY17. There are few contested hearings on these applications since the majority involve persons living in the community receiving services from a local community mental health agency. Most resolve by agreement with a consent judgment.



Applications for Involuntary Medication

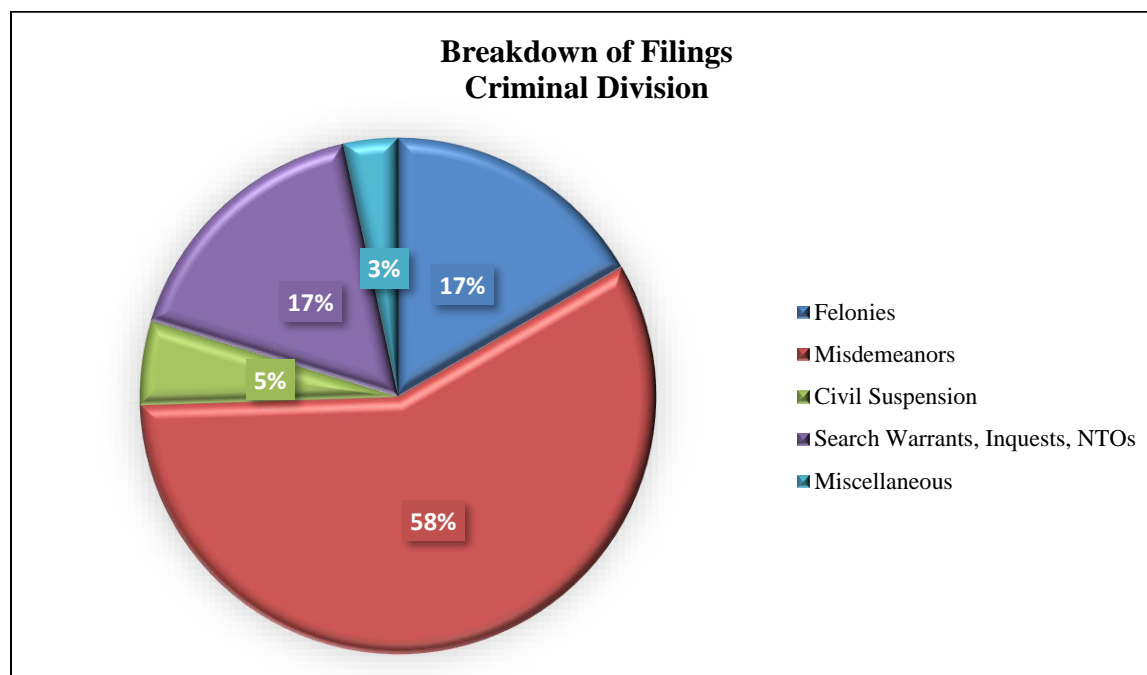
The number of involuntary medication applications filed in FY21 remained relatively stable, decreasing only 8% compared to the previous year and 4% since FY17. From a workload perspective, medication cases require a significant amount of judge time since they are almost always contested.



Criminal Division

Statewide Data

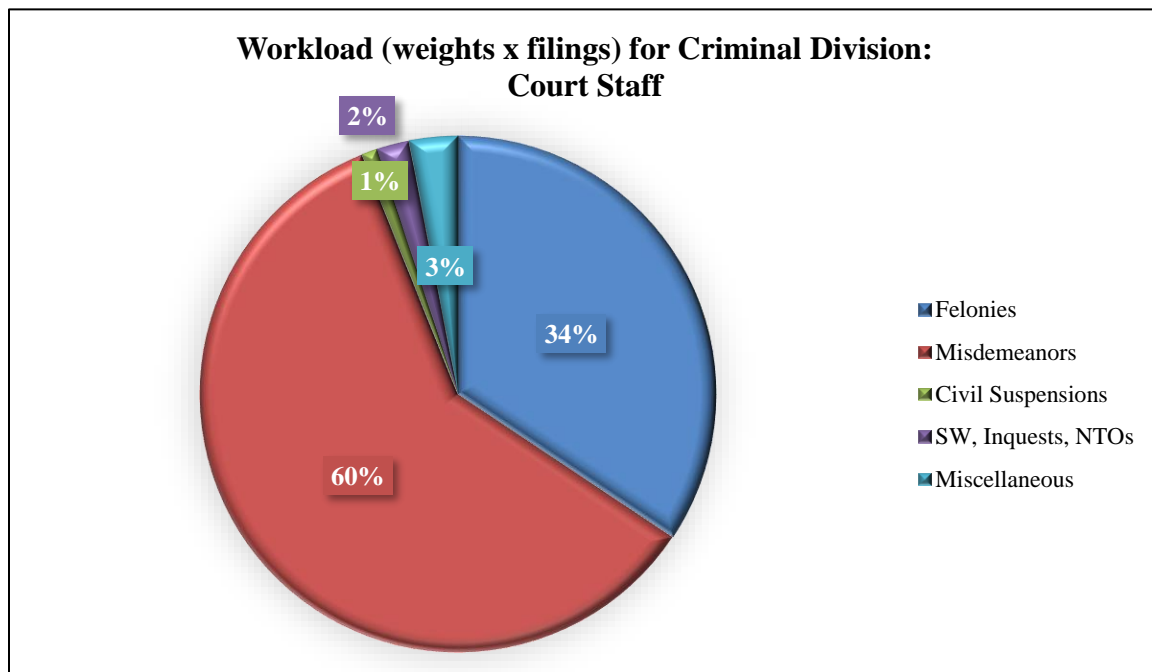
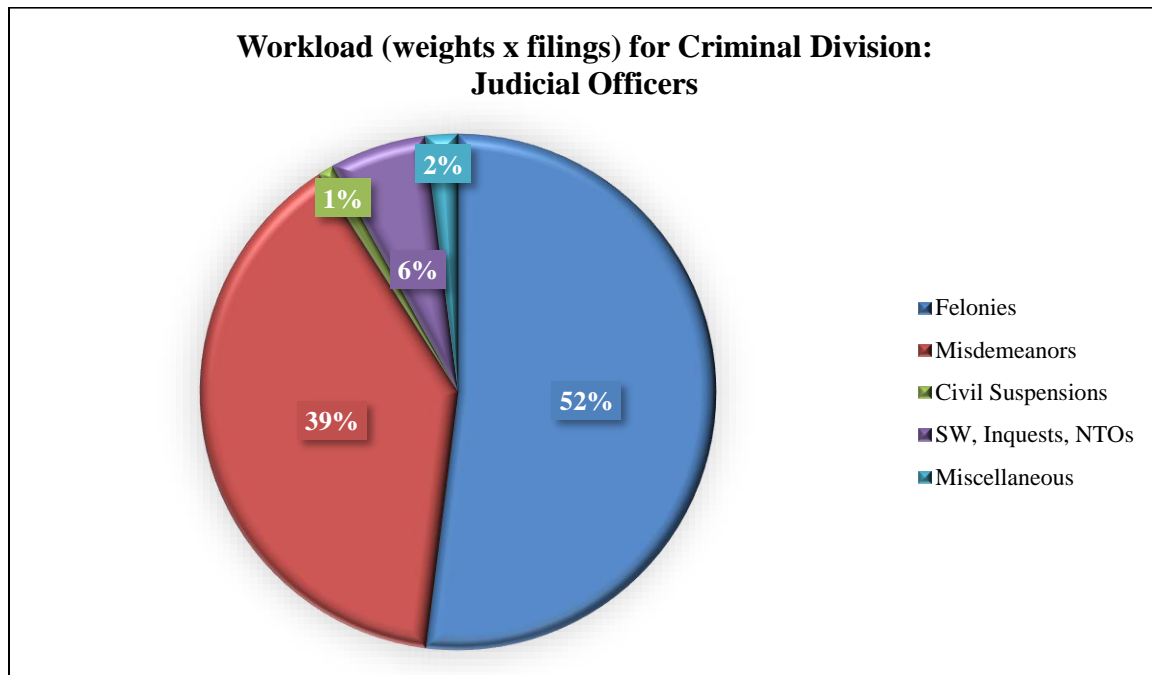
The Criminal Division of the Superior Court handled approximately 12,000 felonies and misdemeanors in FY21. In addition, the Criminal Division handled 831 civil suspension matters; 2,676 requests for search warrants, inquests, and non-testimonial orders; and 542 miscellaneous matters related to fish and game, traffic tickets, and municipal ordinances. The chart below depicts the distribution based on the number of case filings during FY21.



While misdemeanor filings far outnumber other criminal filings, the adjudication of felony offenses is the most labor intensive from a workload perspective. It should also be noted that these criminal filings represent cases added, not charges. If cases added was based on the number of charges, the number would be much higher.

Weighted Caseload Workload with FY21 Filings

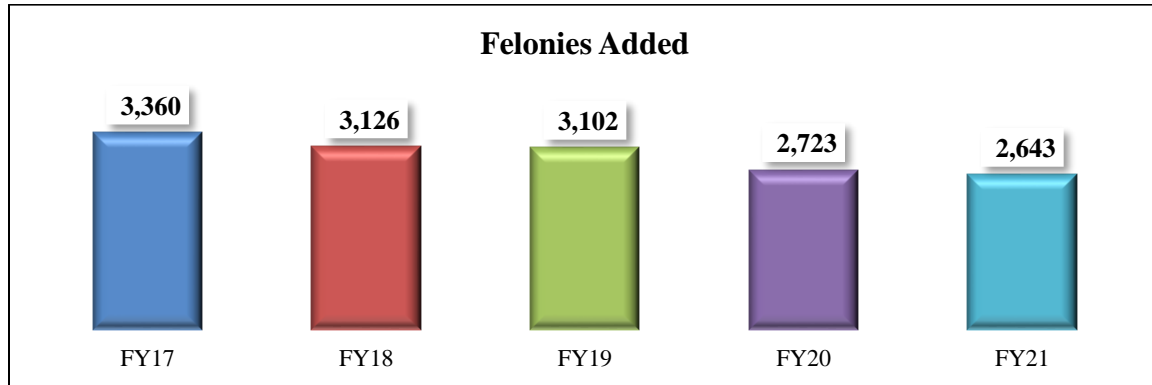
The following charts reflect the relative workload associated with these cases from the perspective of judicial officer and staff resources.



Trends

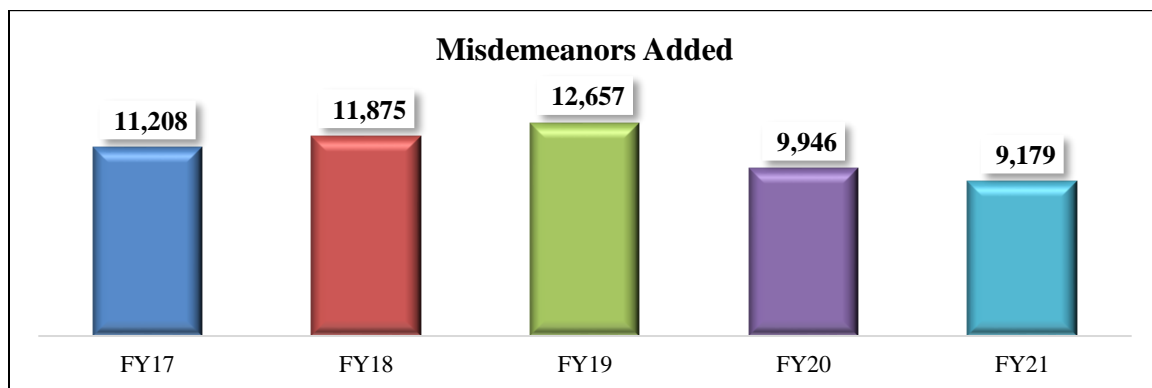
Felonies

A crime is considered a felony offense in Vermont if the maximum term of imprisonment that can be imposed is more than two years. The chart below shows the number of cases added between FY17 and FY21. Felony filings decreased 3% between FY20 and FY21 and 21% since FY17



Misdemeanors

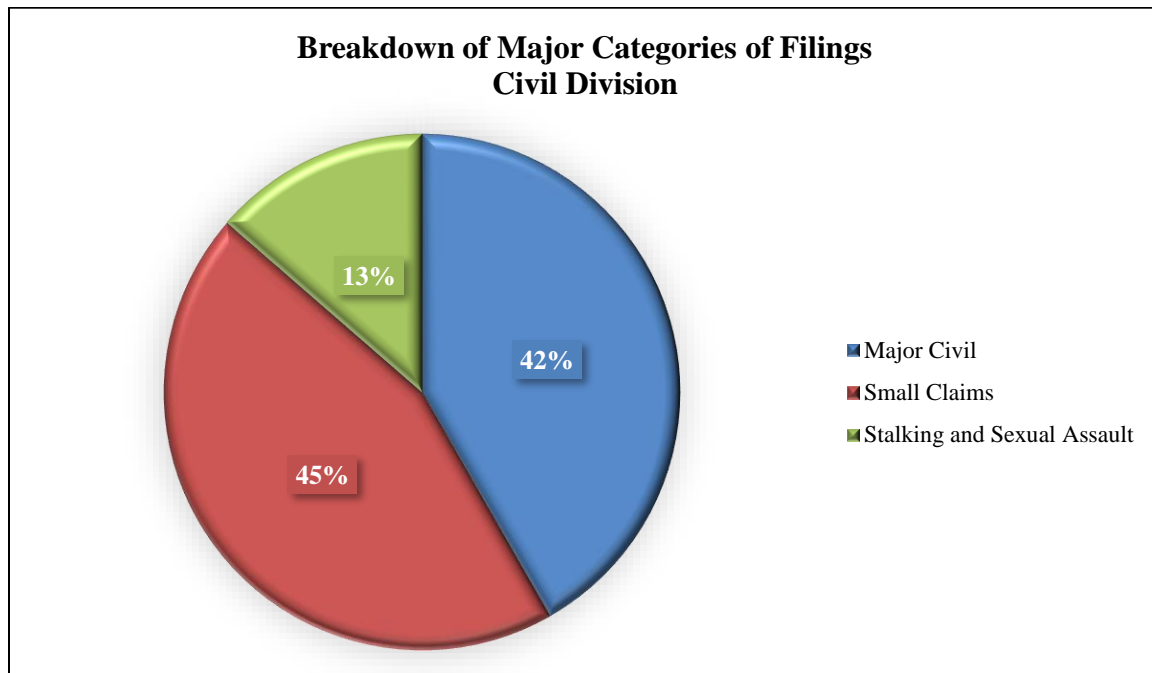
A crime is considered a misdemeanor in Vermont if the maximum sentence that can be imposed is less than two years. The chart below shows the number of cases added between FY17 and FY21. Misdemeanor filings decreased 8% between FY20 and FY21 and 18% since FY17.



Civil Division

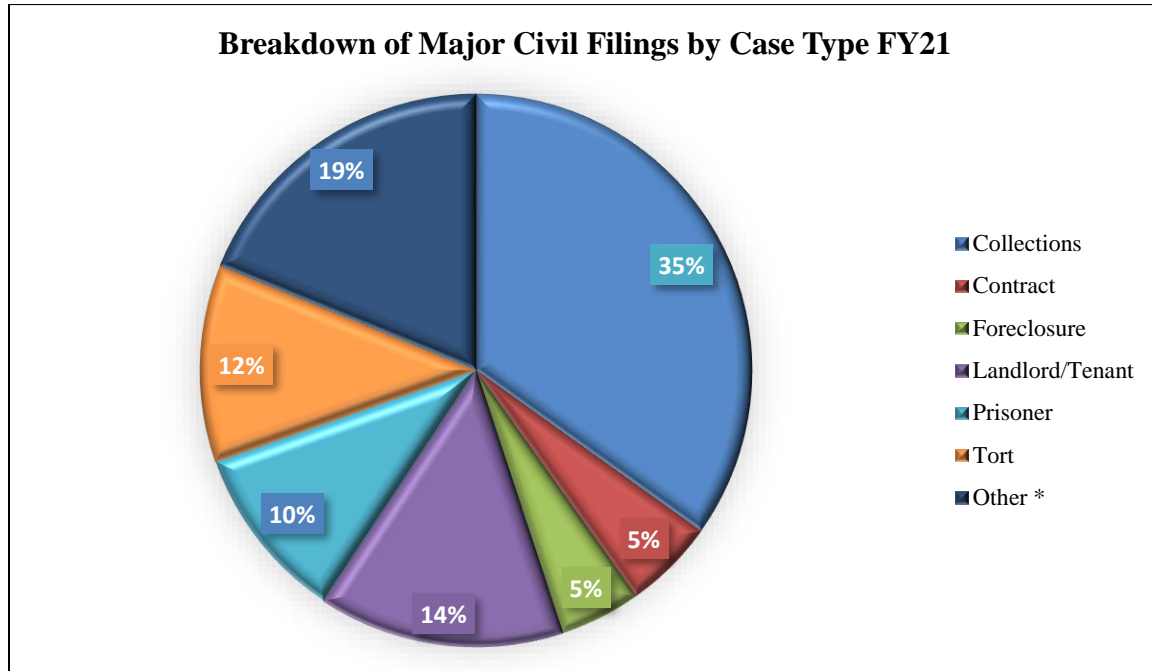
Statewide Data

For statistical purposes, civil cases 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 42% of all cases filed, small claims represent about 45% and civil protection orders 13%. However, in terms of judicial and staff workload, the bulk of the work in the civil division involves the major civil cases.



Major Civil Cases

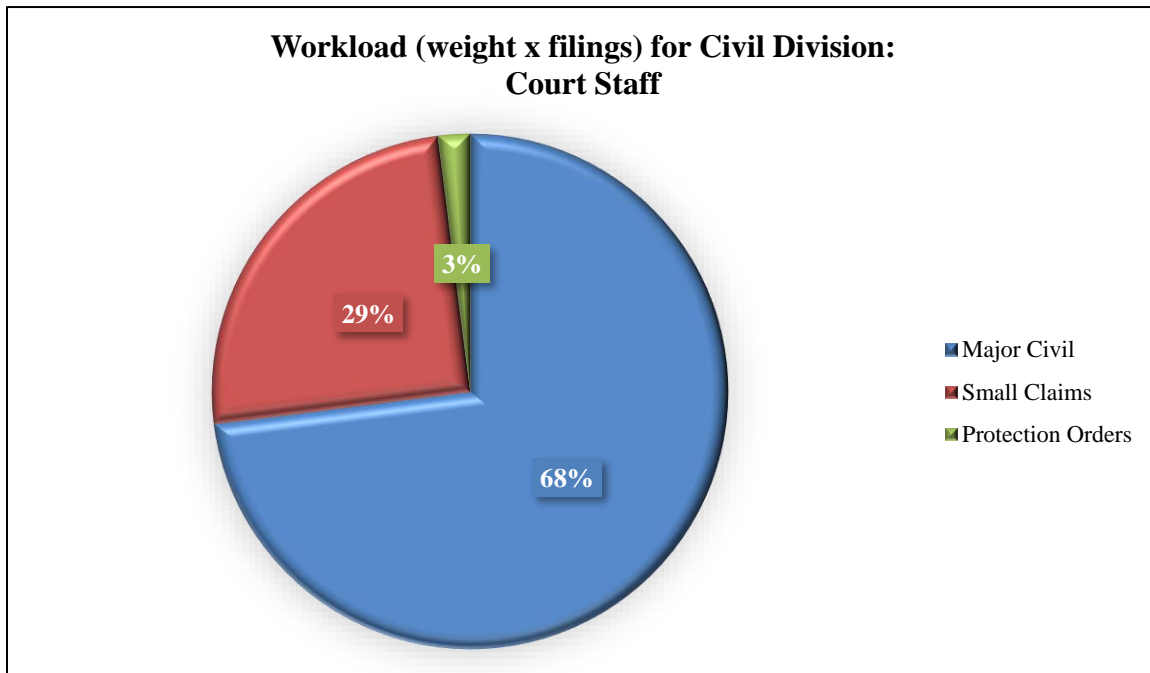
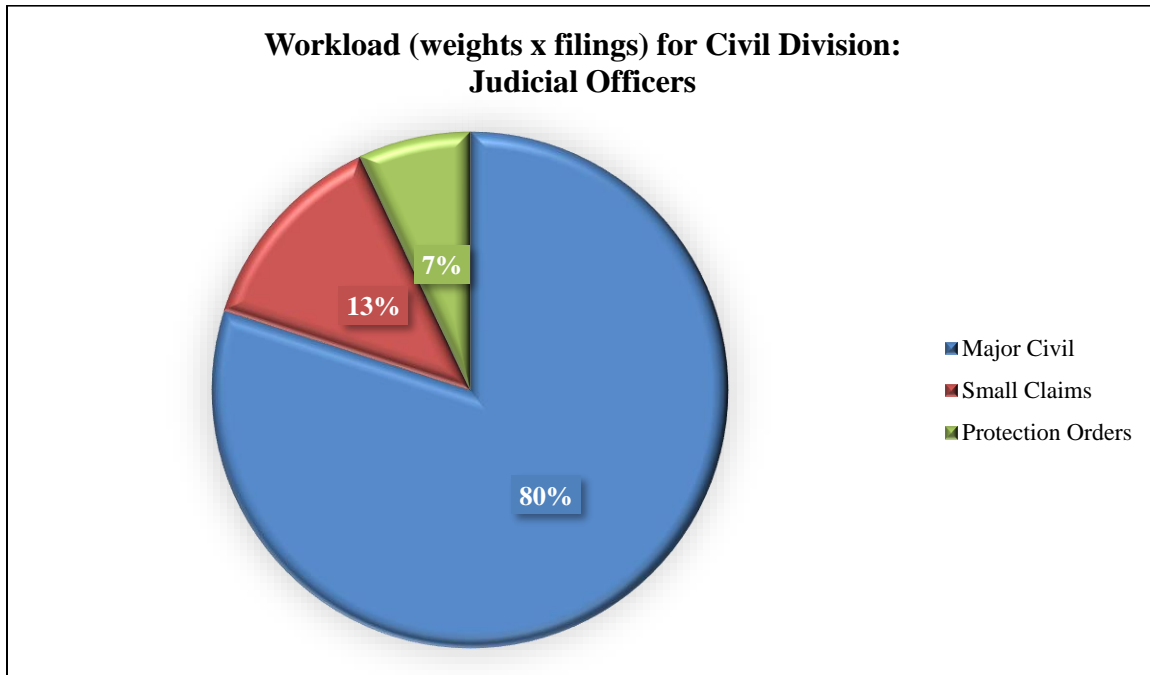
Major civil includes all case types filed in the civil division except for small claims and civil protection orders. Sub-case types in this category include collections, landlord tenant, foreclosure, tort, prisoner cases, contracts, claims against government, employment, declaratory relief, appeals and other miscellaneous civil case types. The distribution of the cases in FY21 based on filings is shown in the chart below:



** Other includes appeals, declaratory relief, claims against government, employment, real property, government enforcement, foreign subpoenas, and other miscellaneous settlements (minor, structured and wrongful death).*

Weighted Caseload Workload with FY21 Filings

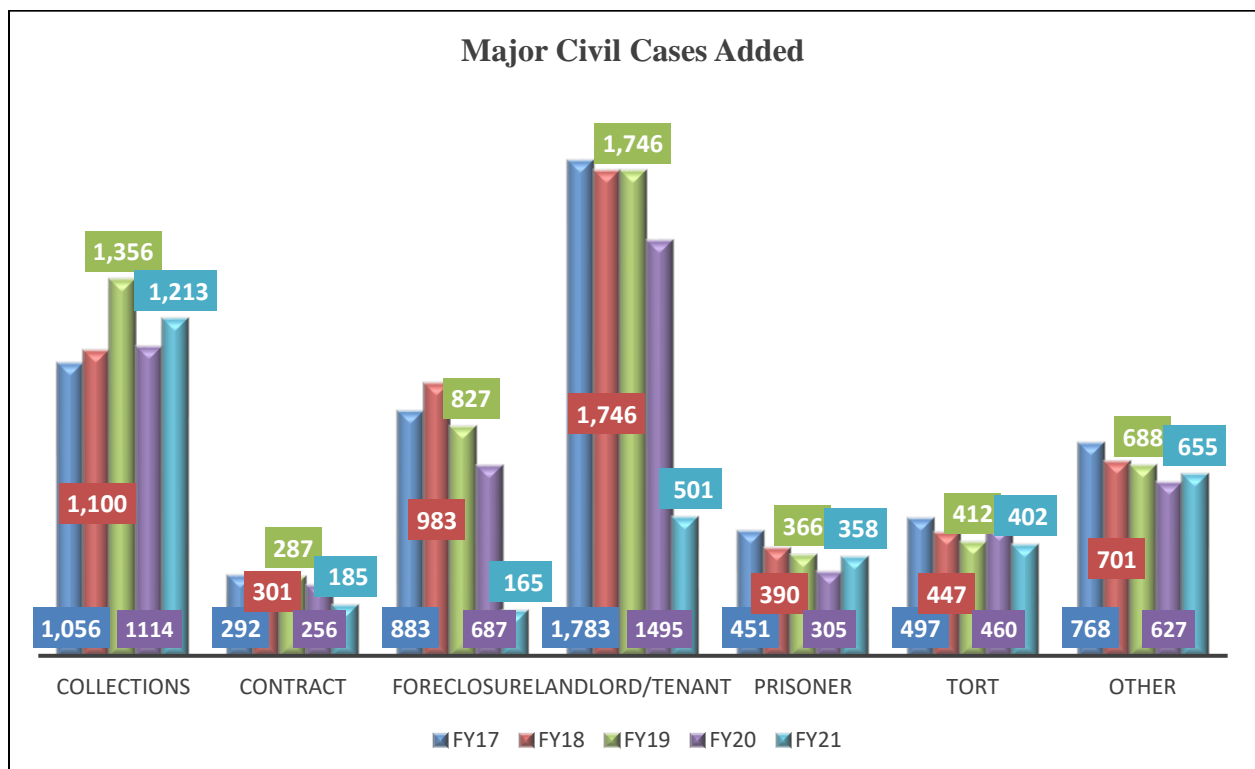
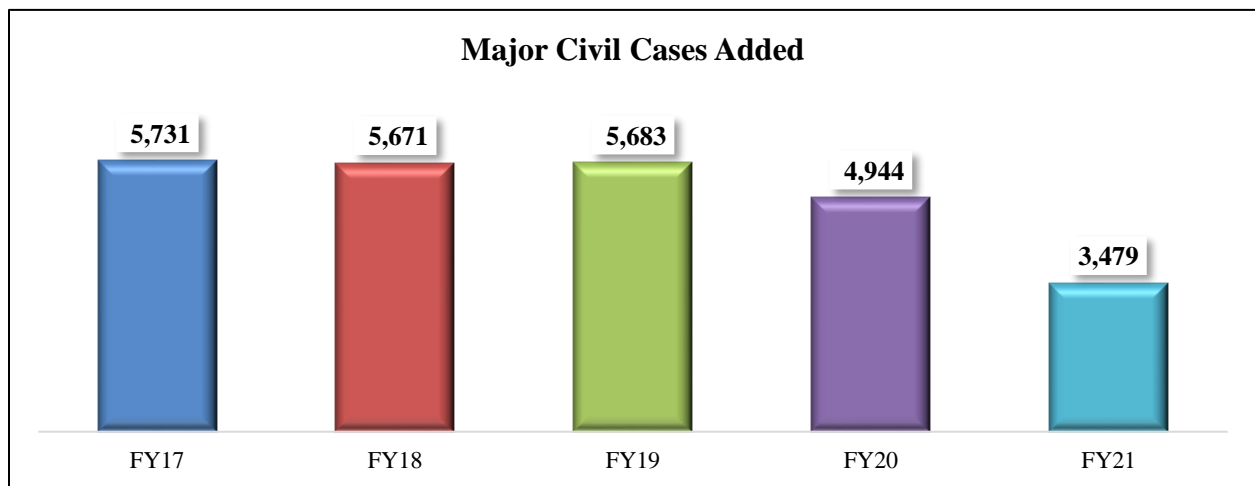
The following charts reflect the relative workload associated with these cases in terms of judicial officer and staff resources.



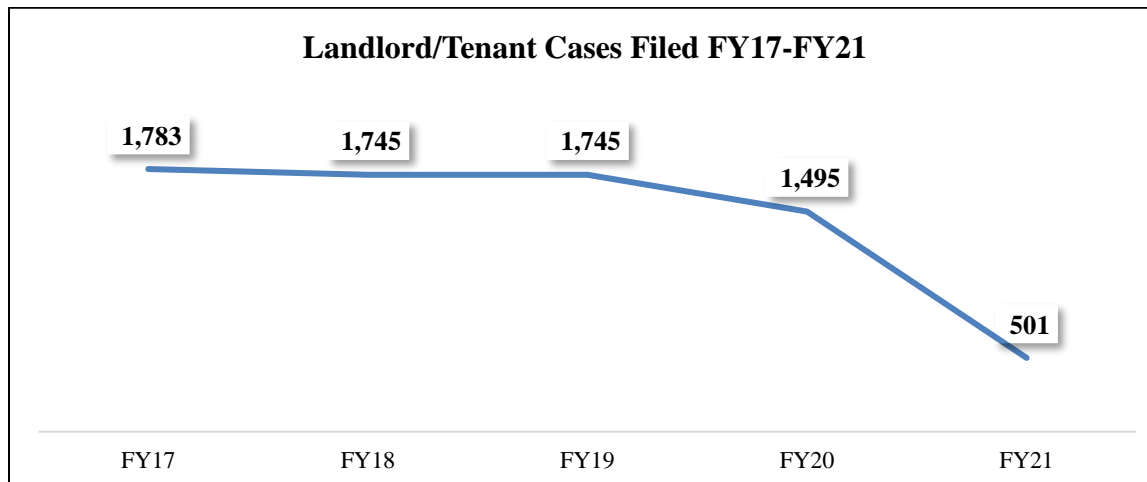
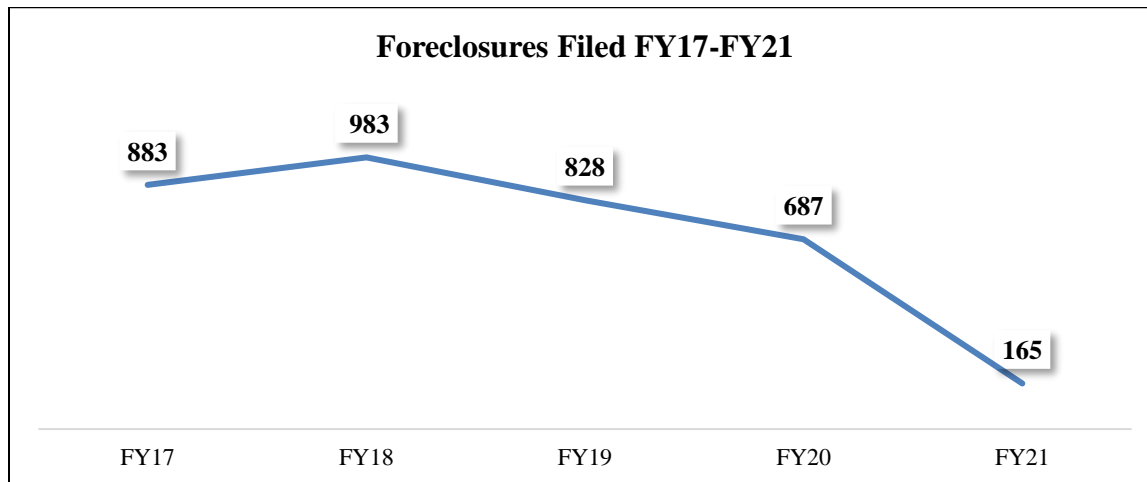
Trends

Filings of major civil cases continue to decline, decreasing 39% over the past five years. Small claims declined 12% in FY21; however, they are 20% higher than five years ago. Protective orders have continued to increase, rising 28% since FY17.

FY21 saw a 30% decrease in major civil case filings as compared to the previous year. Filings have dropped 39% since FY17.



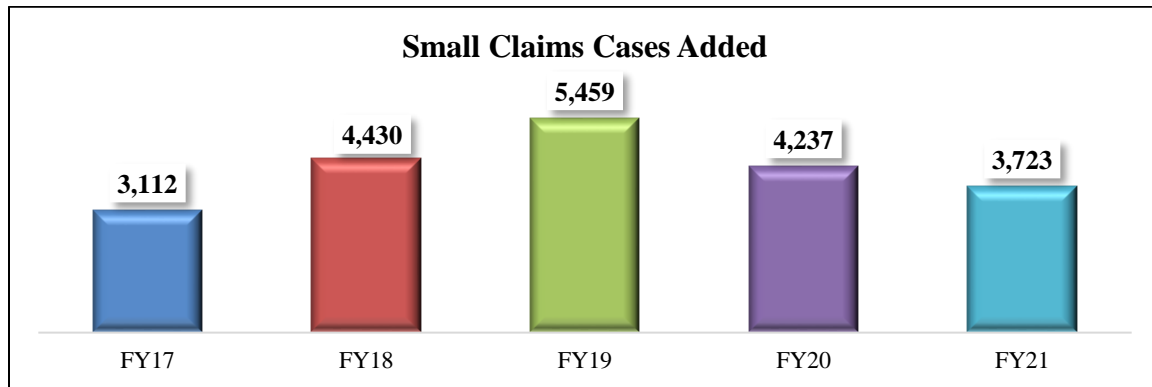
Foreclosures were down 76% from the previous year and 81% since FY17, and landlord/tenant cases were down 66% and 72% since FY17.



Act No. 101 (S.333) established a moratorium on all evictions and foreclosures of occupied residences beginning with the Governor's declaration of a state of emergency on March 13, 2020, arising from COVID-19. This moratorium continued through the remainder of the fiscal year. Although Evictions comprise the vast majority of these cases, they also include abandoned property and a few other miscellaneous case types.

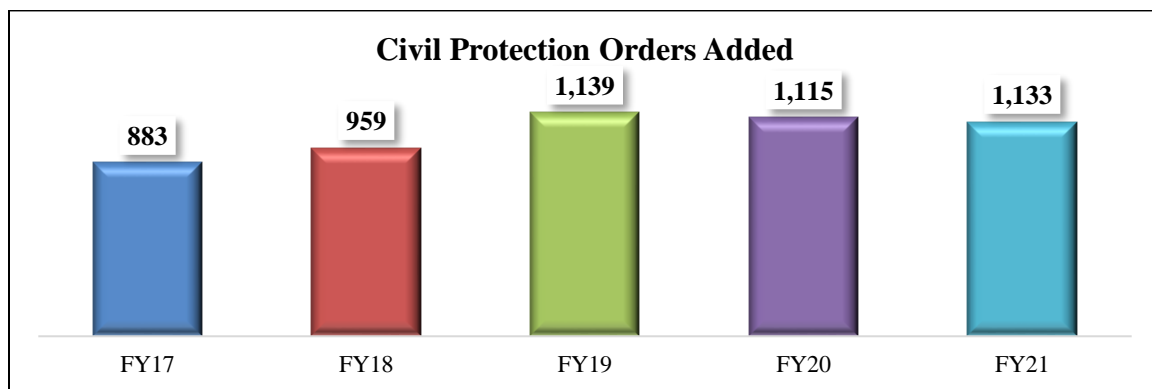
Small Claims

Small claims filings in FY21 decreased 12% when compared to FY20. As compared to FY17, they increased 20%.



Civil Protection Orders

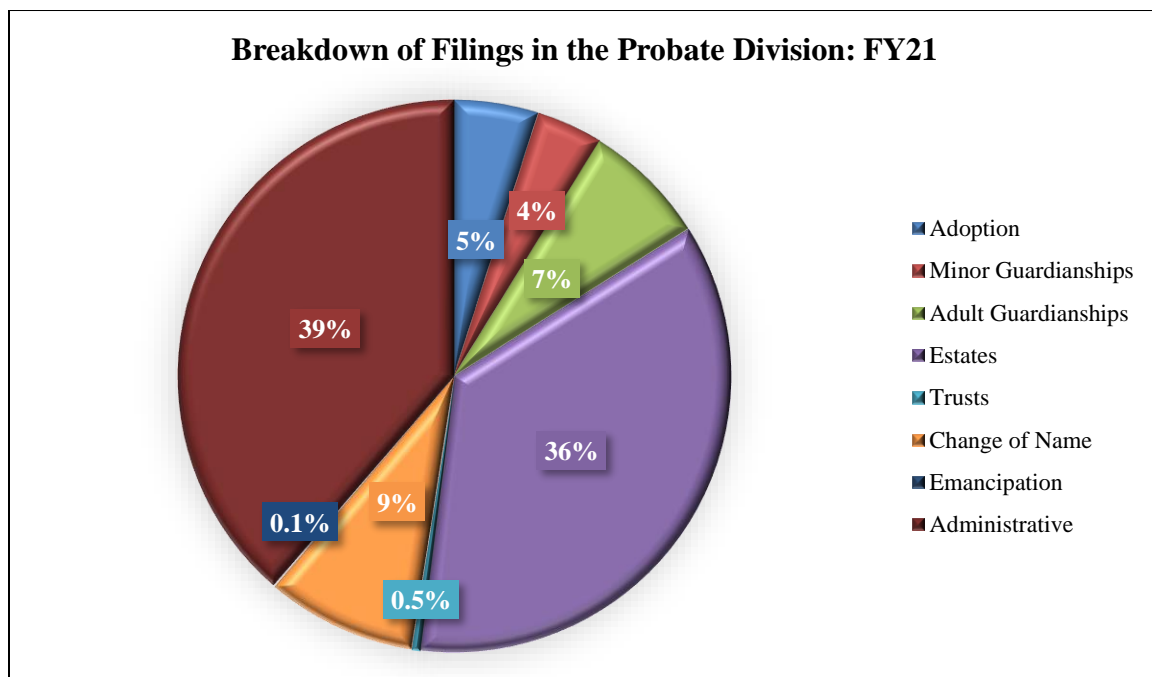
Requests for civil protection orders against stalking and sexual assault increased 2% in the past year; however, they have increased 28% since FY17.



Probate Division

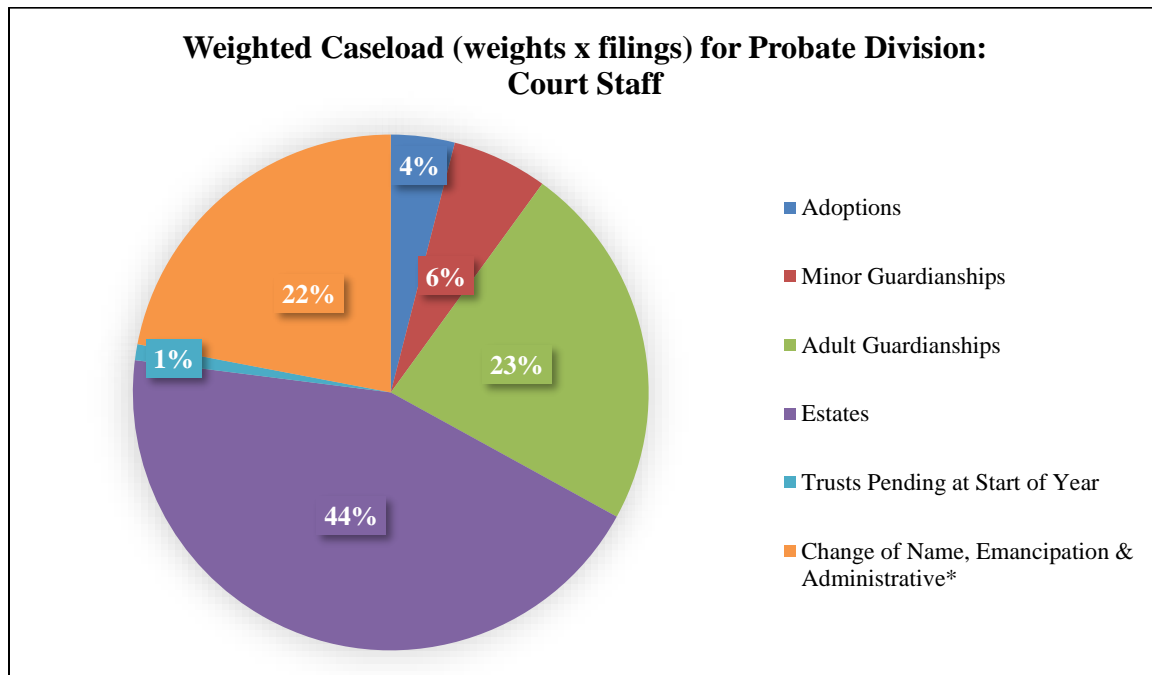
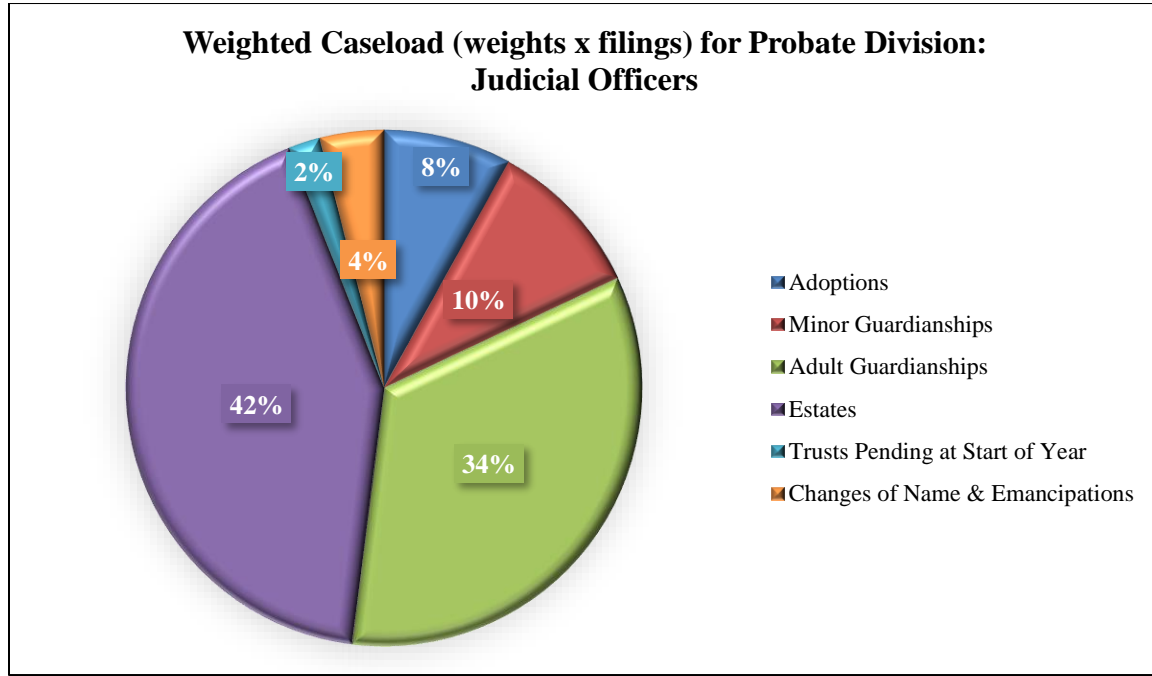
Statewide Data

There are five major case types heard in the Probate Division. These include adoptions, minor guardianships, 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, and requests by an out of state minister to perform a marriage in Vermont, to name a few. The distribution of the case types based on number of filings is shown in the chart below.



Weighted Caseload Workload with FY21 Filings

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

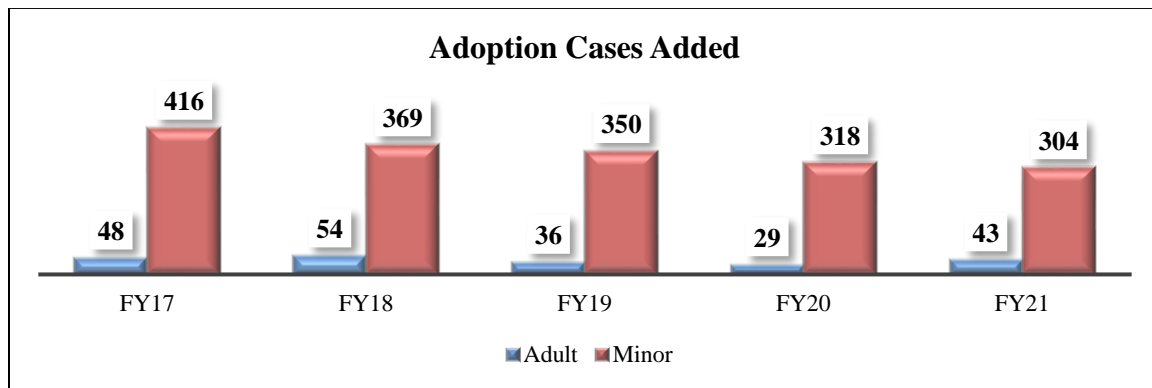


*Administrative case types include conveyance to clear title or discharge mortgage; letters to DMV; uniform gifts to minors; vital records; cemetery; disposal of dead bodies; pre-marriage requests; and wills filed for safekeeping.

Trends

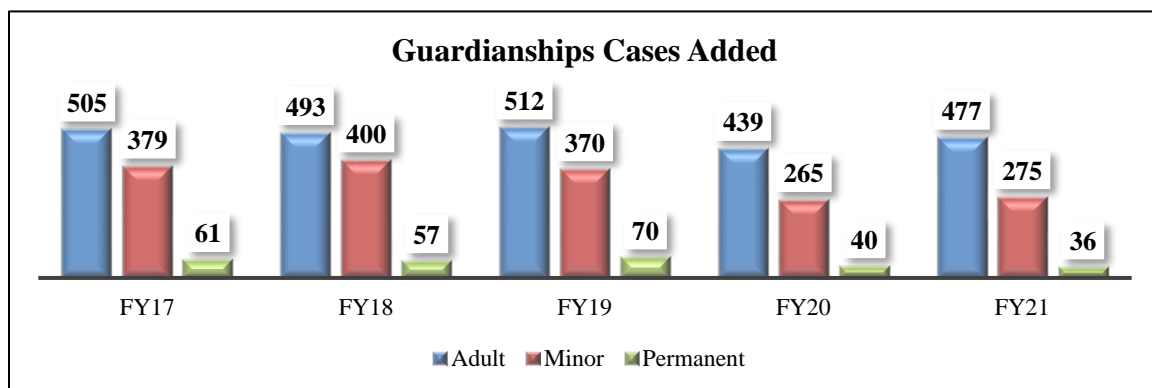
Adoptions

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. The number of adoption petitions filed in FY21 remains the same as FY20. Overall, filings are 25% lower than five years ago.



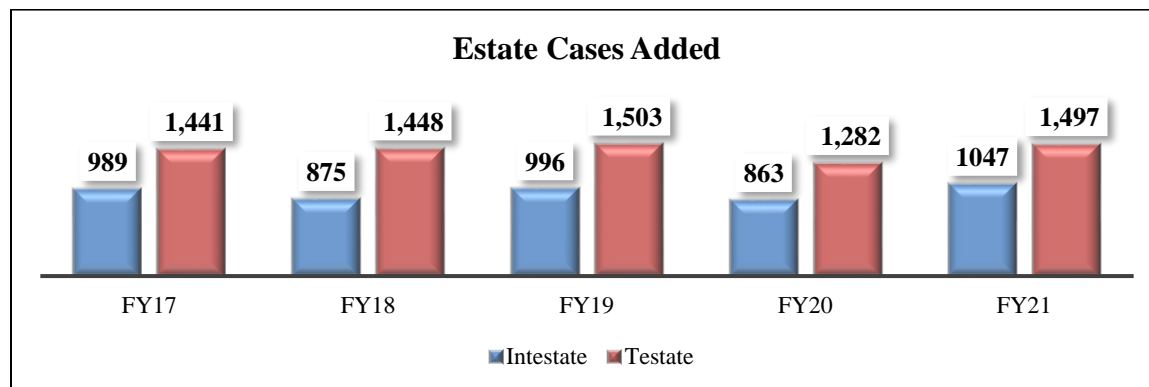
Minor and Adult Guardianships

The number of all guardianship petitions filed in FY21 rose 6% compared to FY20. Overall filings are 17% lower than five years ago.



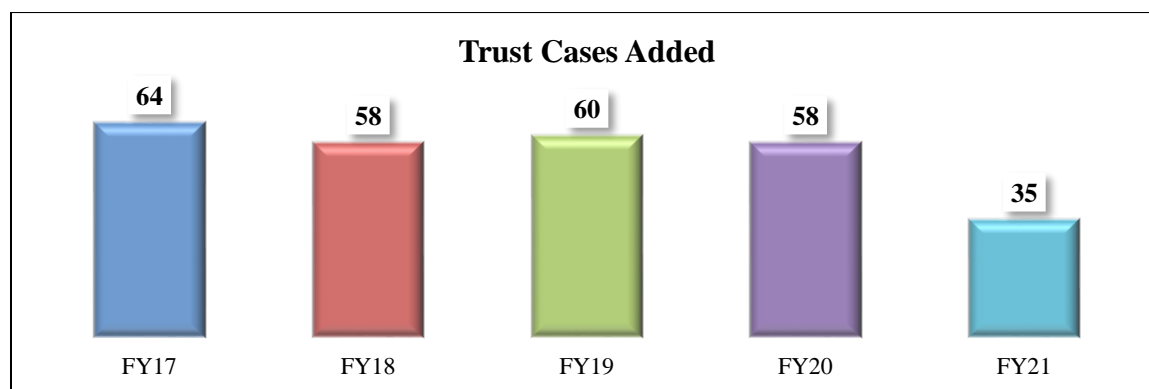
Estates

The Probate Division 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 rose 19% in FY21 and 5% since FY17.



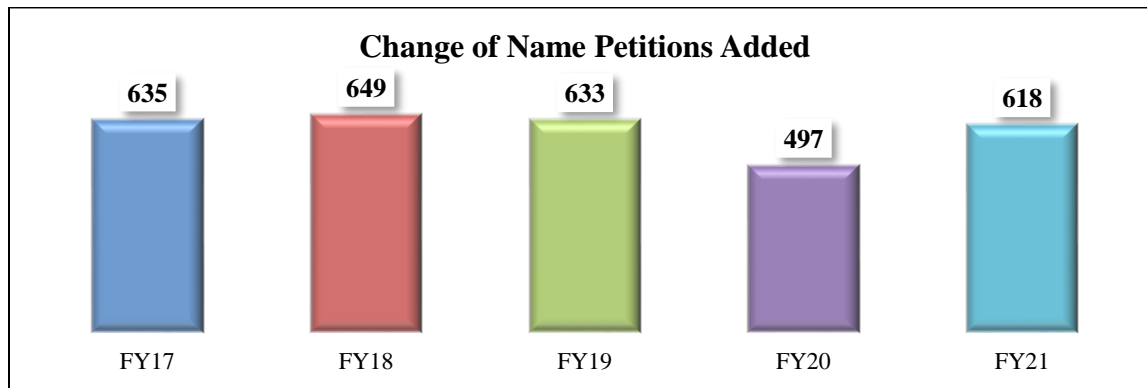
Trusts

The number of FY21 trust filings fell 40% from FY20 and 45% from five years ago.



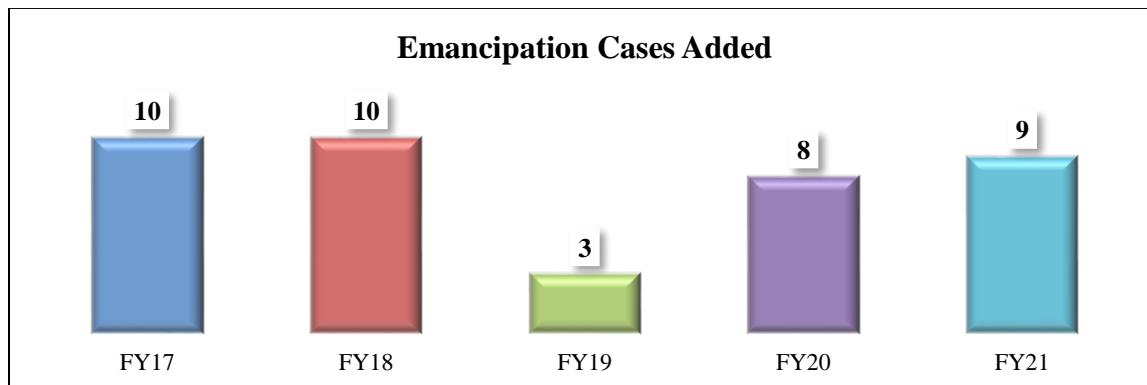
Change of Name

The number of petitions for a change of name rose by 24% in the past year and fell 3% since FY17.



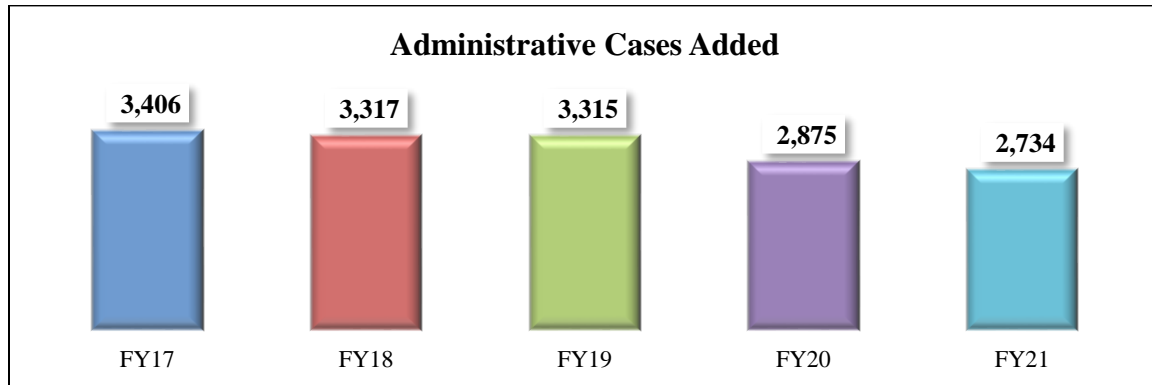
Emancipations

The number of emancipation filings remained relatively low. In FY21, only 9 such requests were filed in the probate division.



Administrative Matters

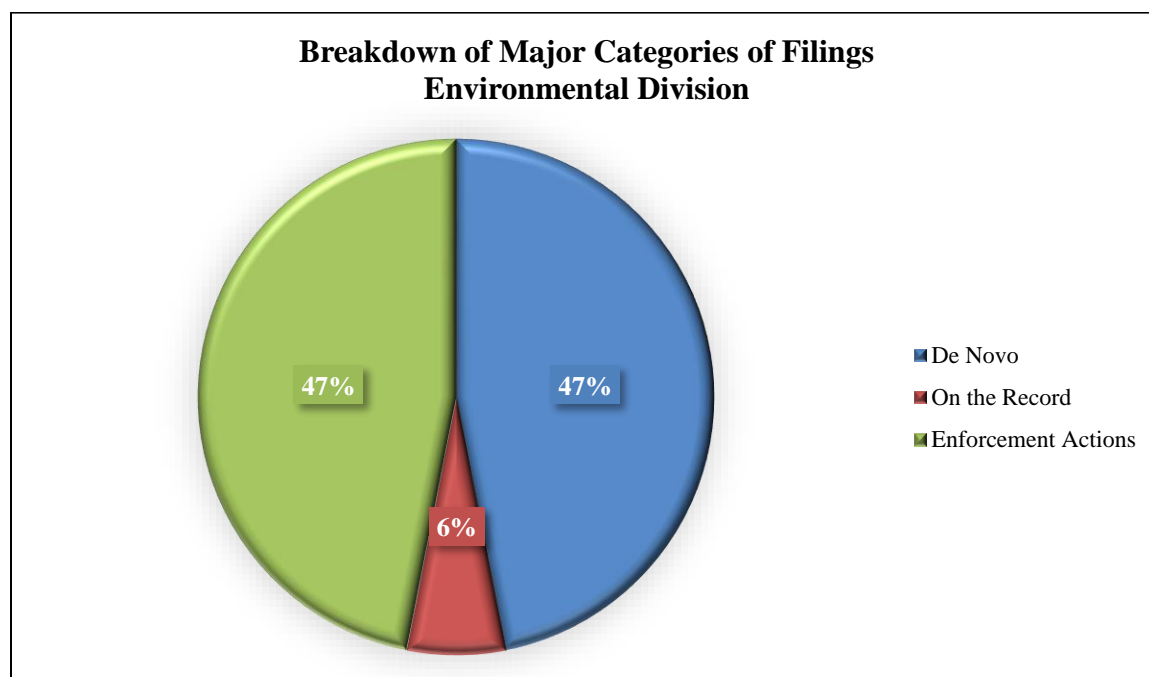
Administrative case types include conveyance to clear title or discharge mortgage; letters to the Department of Motor Vehicles; uniform gifts to minors; vital records; disposal of dead bodies; pre-marriage requests; and wills filed for safekeeping. In FY20, 2,734 such matters were filed. This was a 5% decrease from the previous year and a 20% decrease from 5 years ago.



Environmental Division

The Environmental Division is a statewide court responsible for hearing cases that fall into one of five categories:

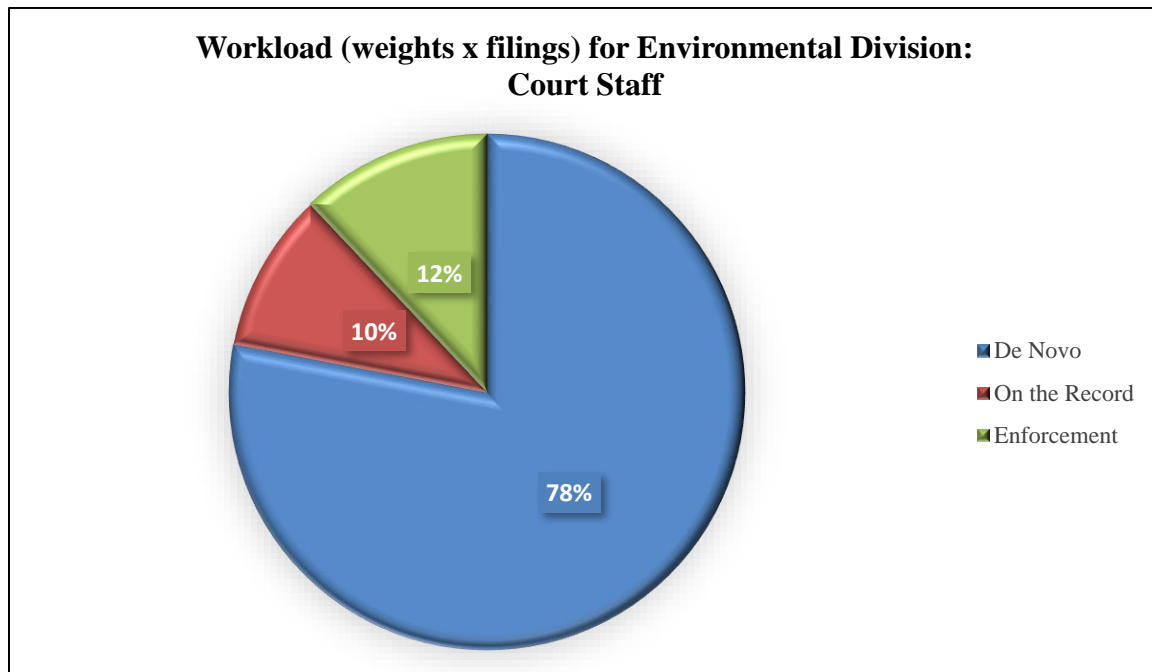
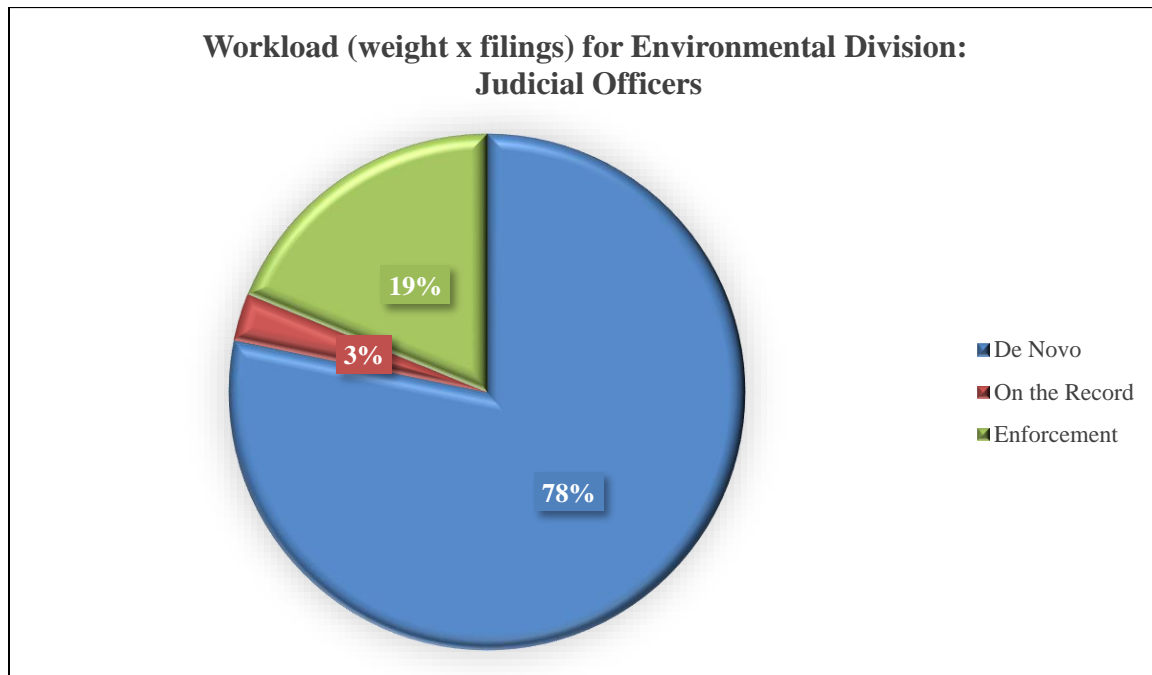
- 1) Requests to enforce administrative orders issued by various state land use and environmental enforcement agencies.
- 2) Environmental enforcement proceedings from various municipalities.
- 3) Appeals from municipal zoning boards, development review boards and planning commissions.
- 4) Appeals from land use determinations made by the various Act 250 district commissions and jurisdictional determinations by the Act 250 district coordinators; and
- 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 Act 250 and Agency of Natural Resources (ANR) de novo and Municipal de novo appeals. Enforcement Actions includes ANR, Natural Resources Board (NRB) and Municipal enforcement.

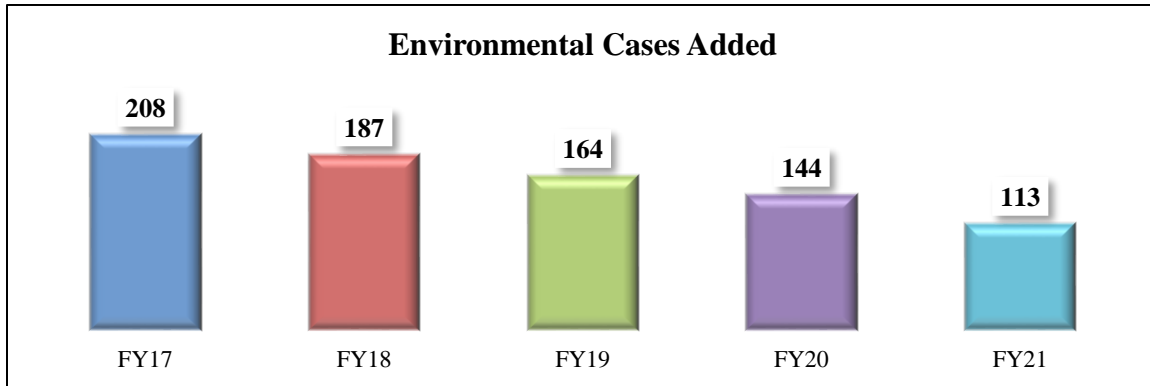
Weighted Caseload Workload with FY21 Filings

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



Trends

As indicated by the chart below, filings in the environmental division decreased 22% between FY20 and FY21.

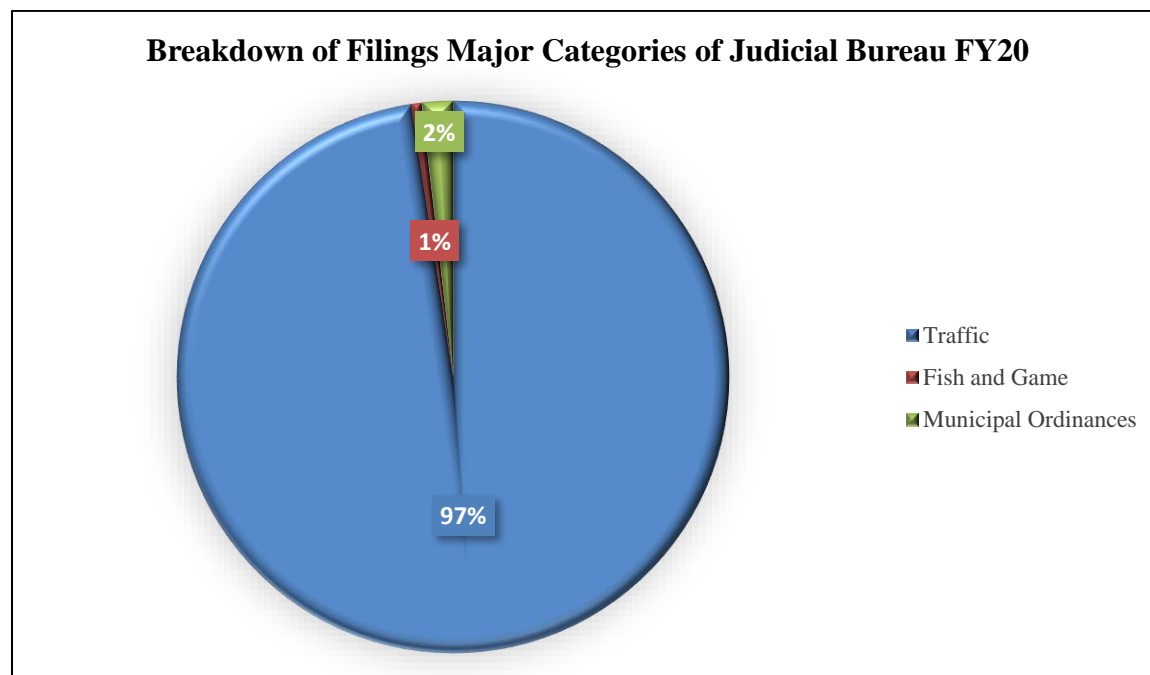


Judicial Bureau

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

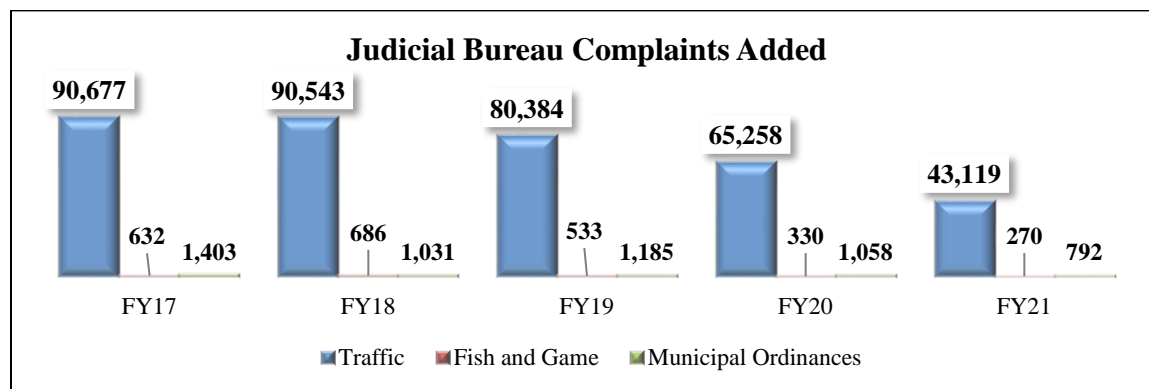
- Title 23
 - Traffic violations
- Municipal ordinance violations
- Title 10
 - Fish and wildlife violations
- Burning and waste disposal violations
- Environmental violations
- Lead hazard abatement violations
- Cruelty to animal violations
- Titles 2, 5, 7, 9, 10, 13, 16, 18, 19, 20, 21, 24, which includes but is not limited to:
 - Violations relating to motor carrier, violations involving illegal driving on or near railroad crossings, violations involving the possession and consumption of alcohol and marijuana for persons under the age of 21, 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 44,000 civil violation complaints in FY21. Nearly all of these violations were traffic tickets.



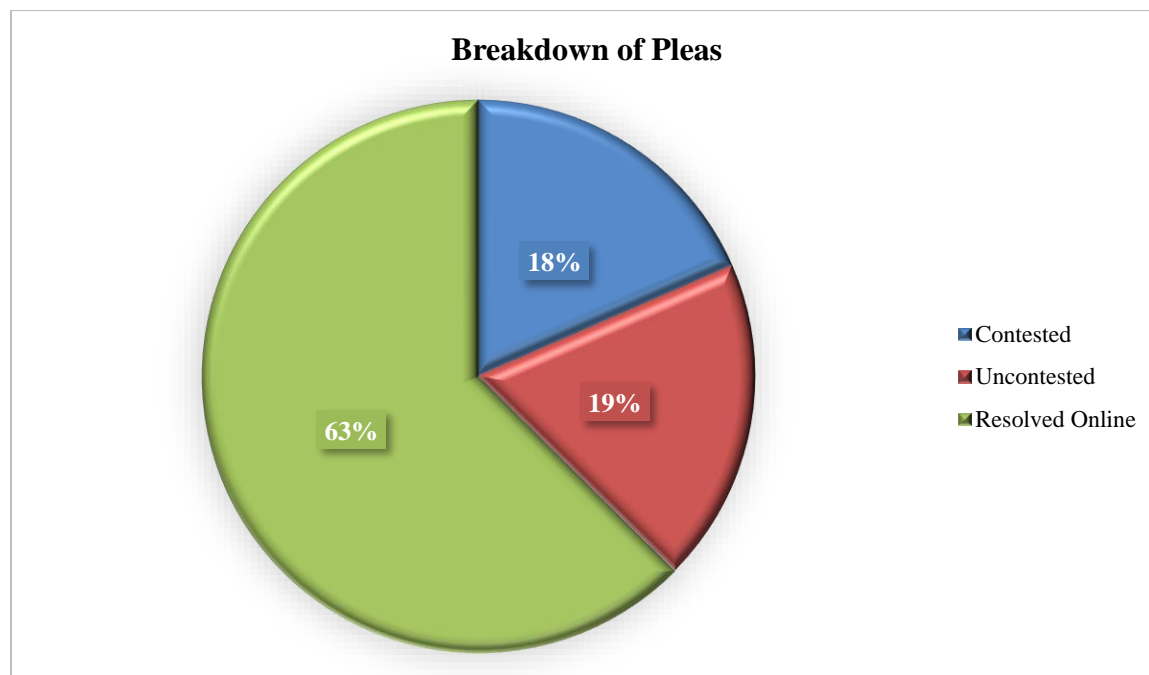
Trends

As indicated by the chart below, traffic filings in the Judicial Bureau were 34% lower in FY21 than in FY20. Municipal violations filings decreased 25% during the same period, while Fish and Game violations fell 18%. Overall, Judicial Bureau filings have decreased 52% since FY17.



Breakdown of Pleas

The following chart reflects the breakdown of pleas in Judicial Bureau cases. The majority of all Judicial Bureau matters are resolved online.



Filing Trends in the Supreme Court

The Supreme Court decides three general types of cases. The largest category are appeals by right. The Court's review in these appeals is mandatory under the constitution, a statute, or court rule. These appeals include matters from the criminal, civil, family, environmental, and probate divisions of the superior court, as well as executive-branch administrative agencies.

The Court also hears appeals by permission. These are cases which the Court has the discretion to review. These include review of interlocutory orders of the superior courts and administrative agencies.

The final category of cases are matters where the Court has original jurisdiction, including lawyer discipline and licensing, judicial discipline, and petitions for extraordinary relief.

In FY21 the breakdown of cases heard by the Court is provided in the chart below.

