

The Work of the Court of Appeals: a Statistical Miscellany July 2, 1989 through June 26, 1990

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THE WORK OF THE COURT OF APPEALS:
A STATISTICAL MISCELLANY*

July 2, 1989 through
June 26, 1990**

- Table I: Procedural Sources of Cases
Table II: Opinions of the Court of Special Appeals in the
Court of Appeals
Table III: Frequency of Separate Opinions
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Table V: Outcomes by Selected Subject Matter of Case

* Tables prepared by Kevin J. Earnest, Assistant Editor, *Maryland Law Review*.

** Throughout these tables, unless otherwise noted, the data include all published opinions of the Court of Appeals issued between July 3, 1989, and June 26, 1990. Separately captioned cases consolidated and disposed of by the court in a single decision are treated as a single case.

TABLE I
PROCEDURAL SOURCES OF CASES

	Number	Percentage
Writ of Certiorari		
To the Court of Special Appeals		
Decided in the Court of Special Appeals		
Reported	49	
Unreported	38	
Total	87	54.1
Expedited to the Court of Appeals	17	10.6
From the Circuit Courts	19	11.8
Direct Appeals from Circuit Courts	11	6.9
Certified Questions		
From Federal Courts	2	1.3
From the Court of Special Appeals	0	0
Professional Supervision		
Reported	13	8.1
Unreported Per Curiam	3	1.9
Remand from Supreme Court	0	0
On Motion for Reconsideration	2	1.3
Writ of Certiorari Dismissed	<u>6</u>	<u>3.7</u>
TOTAL	160	99.7

TABLE II
OPINIONS OF THE COURT OF SPECIAL APPEALS
IN THE COURT OF APPEALS¹

	Number	Percentage
Unreported		
Affirmed	11	28.9
Reversed	22	57.9
Affirmed in Part/Reversed in Part	5	13.2
Total	<u>38</u>	<u>100.0</u>
Reported		
Affirmed	23	46.9
Reversed	23	46.9
Affirmed in Part/Reversed in Part	3	6.1
Total	<u>49</u>	<u>99.9</u>
Total		
Affirmed	34	39.1
Reversed	45	51.7
Affirmed in Part/Reversed in Part	8	9.2
Total ²	<u>87</u>	<u>100.0</u>

TABLE III
FREQUENCY OF SEPARATE OPINIONS

The Court	Number	Percentage
Unanimous Opinions	133	84.6
Decisions with Concurring Opinions	3	1.8
Decisions with Dissenting Opinions	17	10.7
Decisions with Both Concurring Opinions and Dissenting Opinions	2	1.2
Decisions Concurring in Part and Dissenting in Part	3	1.6
TOTAL	<u>157³</u>	<u>99.9</u>

1. In these tables, a decision has been designated as "affirmed" or "reversed" if that is the label placed upon it by the Court of Appeals. The "reversed" column also includes decisions that were "modified," "vacated," or "remanded" either wholly or in part.

"Affirmed" and "reversed" are fairly crude labels. A decision may be "affirmed," for example, even if the reviewing court thought the grounds given by the lower court to support the decision below were completely wrong. Nevertheless, the terms serve as rough indicators of possible trends or problems.

2. Does not include cases in which the Court of Appeals dismissed the Writ of Certiorari as improvidently granted.

3. Does not include unreported Per Curiam opinions.

TABLE IV
PRIMARY SUBJECT MATTER OF OPINIONS

	Number of Opinions		
	Total	Decision ⁴	
		Gov	For Gov
A. Public Law			
Criminal			
Constitutional Issues (federal and/or state)	17	8	9
Evidentiary	8	2	6
Procedural (nonconstitutional)	33	17	16
Substantive	7	4	3
Civil			
Administrative	6	2	3
Antitrust	0	0	0
Constitutional			
Federal	3	3	0
State	4	2	2
Civil Rights (statutory)	2	1	1
Consumer Law	1	0	0
Health Care	0	0	0
Municipal Law	6	3	3
Real Property			
Eminent Domain	0	0	0
Zoning	1	1	0
Taxation	5	2	3
B. Private Law			
Procedural	10	1	2
Substantive			
Bankruptcy	1	1	0
Commercial	1	0	0
Contracts	6	1	0
Corporations	0	0	0
Custody/Domestic Relations	4	0	0
Insurance	2	1	0
Labor	2	1	0
Property	4	1	0
Torts	12	1	0
Wills/Estates/Trusts	4	0	0
C. Writ of Certiorari Dismissed	6	-	-
D. Professional Questions			
Reinstatement	0	0	0
Disciplinary	13	11	2
Admission to Bar	0	0	0
Unreported Per Curiam	3	-	-
	161	63	50

4. Tabulation includes questions certified from the federal courts and the Maryland Court of Special Appeals in which the outcomes discernably favor or disfavor the government.

TABLE V
OUTCOMES BY SELECTED SUBJECT MATTER OF CASE⁵

	<u>Number of</u>		
	<u>Opinions</u>		
	<u>Total</u>	<u>Decision</u>	
<u>For</u>		<u>Ag</u>	
	<u>Gov</u>	<u>Gov</u>	
Violent Crime	12	8	4
Death Sentence Review	2	1	1
Property Crime	4	2	2
Involving Law Enforcement Misconduct	4	2	2
Firearms Involved with Crime	9	5	4
Drugs/Alcohol Involved with Crime	0	0	0
Crimes Against Children	6	4	2
	<u>37</u>	<u>22</u>	<u>15</u>

5. Categories are not mutually exclusive. This table reflects only those cases in which the subject matter is identifiable through the text of the Maryland Reports.