

# 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  
Table IV: Primary Subject Matter of Opinions  
Table V: Outcomes by Selected Subject Matter of Case

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\* Tables prepared by Teresa L. Sommerfield, Notes & Comments Editor, *Maryland Law Review*.

\*\* Throughout these tables, unless otherwise noted, the data include all published opinions of the Court of Appeals issued between June 27, 1990 and June 28, 1991. 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	46	
Unreported	52	
Total	98	45.4
Expedited to the Court of Appeals	40	18.5
From the Circuit Courts	12	5.6
Direct Appeals from Circuit Courts	10	4.6
Certified Questions		
From Federal Courts	4	1.8
From the Court of Special Appeals	1	0.5
Professional Supervision		
Reported	31	14.3
Unreported Per Curiam	6	2.8
Remand from Supreme Court	3	1.4
On Motion for Consideration	2	0.9
Writ of Certiorari Dismissed	<u>9</u>	<u>4.2</u>
TOTAL	216	100.0

TABLE II  
OPINIONS OF THE COURT OF SPECIAL APPEALS  
IN THE COURT OF APPEALS<sup>1</sup>

	Number	Percentage
Unreported		
Affirmed	7	13.5
Reversed	34	65.4
Affirmed in Part/Reversed in Part	11	21.1
Total	<u>52</u>	<u>100.0</u>
Reported		
Affirmed	17	37.0
Reversed	25	54.3
Affirmed in Part/Reversed in Part	4	8.7
Total	<u>46</u>	<u>100.0</u>
Total		
Affirmed	24	24.5
Reversed	59	60.2
Affirmed in Part/Reversed in Part	15	15.3
Total <sup>2</sup>	<u>98</u>	<u>100.0</u>

TABLE III  
FREQUENCY OF SEPARATE OPINIONS

The Court	Number	Percentage
Unanimous Opinions	172	81.9
Decisions with Concurring Opinions	14	6.7
Decisions with Dissenting Opinions	15	7.1
Decisions with Both Concurring Opinions and Dissenting Opinions	6	2.9
Decisions Concurring in Part and Dissenting in Part	3	1.4
TOTAL	<u>210<sup>3</sup></u>	<u>100.0</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. This figure does not include cases in which the Court of Appeals dismissed the Writ of Certiorari as improvidently granted.

3: This figure does not include unreported Per Curiam opinions.

TABLE IV  
PRIMARY SUBJECT MATTER OF OPINIONS

	Number of Opinions		
	Total	Decision <sup>4</sup> For Ag	
		Gov	Gov
A. Public Law			
Criminal			
Constitutional Issues (federal and/or state)	12	5	7
Evidentiary	14	5	9
Procedural (nonconstitutional)	34	16	18
Substantive	9	4	5
Civil			
Administrative	4	4	0
Antitrust	0	0	0
Constitutional			
Federal	1	1	0
State	0	0	0
Civil Rights (statutory)	0	0	0
Consumer Law	0	0	0
Health Care	0	0	0
Municipal Law	4	2	2
Real Property			
Eminent Domain	1	1	0
Zoning	3	1	2
Taxation	1	1	0
B. Private Law			
Procedural	19	2	0
Substantive			
Bankruptcy	0	0	0
Commercial	1	0	0
Contracts	5	0	0
Corporations	1	0	0
Custody/Domestic Relations	9	1	1
Insurance	7	0	0
Labor	5	0	0
Property	10	1	1
Torts	13	2	2
Wills/Estates/Trusts	4	0	0
C. Writ of Certiorari Dismissed	9	-	-
D. Professional Questions			
Reinstatement	1	-	-
Disciplinary	29	-	-
Admission to Bar	1	-	-
Unreported Per Curiam	6	-	-
	<u>203<sup>5</sup></u>	<u>46</u>	<u>47</u>

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.

5. This figure does not include cases remanded for proceedings consistent with other higher court decisions.

TABLE V  
OUTCOMES BY SELECTED SUBJECT MATTER OF CASE<sup>6</sup>

	Number of Opinions			
	Total	Decision		
		For Gov	Ag Gov	
Violent Crime	15	6	9	
Death Sentence Review	5	2	3	
Property Crime	1	1	0	
Involving Law Enforcement Misconduct	1	0	1	
Firearms Involved with Crime	8	6	2	
Drugs/Alcohol Involved with Crime	2	1	1	
Crimes Against Children	1	0	1	
	<u>33</u>	<u>16</u>	<u>17</u>	

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6. 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.