

Appellate Division backlog

The Appellate Division of the Department of Law is pleased to report that it has made significant progress in decreasing its backlog of appellate cases. The additional staff provided in FY 2014 proved to be a critical factor in this success, and we very much appreciate the Committee's support in this endeavor.

Backlog

As of the end of FY 2013, the appellate backlog stood at 564 cases. As of the end of FY 2014, that number was 272, a reduction of 292 cases.

Incoming cases

In FY 2014, the Appellate Division opened 911 new cases and filed answer briefs in 1149 cases.

Expedited docket

The expedited docket is the Court of Appeals' internal mechanism for selecting cases that can be readily resolved without an answer brief from the Appellate Division. 58 cases were resolved via the expedited docket in FY 2014.

Experimental docket

The experimental docket began in March 2012 by agreement with the Court of Appeals as a temporary mechanism for dealing with cases that appeared amenable to resolution with less than comprehensive briefing. This was a short term fix pending staffing increases in the Appellate Division. Once those increases were realized, the Court discontinued the experimental docket. The Division stopped filing experimental docket cases in November 2013, although the Court continued to issue decisions in those cases over the course of FY 2014. 180 cases were resolved via the experimental docket program since its inception.

Future outlook

This backlog reduction was the result of a lot of hard work on the part of the Appellate Division staff. That said, it is important to remember that this rate of

success is not likely to continue. First, the former experimental docket cases are now back in the general caseload, and will take more time for full briefing. Second, the Appellate Division of the Public Defender's Office was given eleven new appellate positions in the FY 2015 budget. Ten of those positions will directly impact the Department of Law's Appellate Division. It is expected that, once up to speed, these new public defenders will generate several hundred new cases per year for the Department of Law. If that proves to be the case, it is likely to severely impact the Department's ability to meet incoming numbers, let alone address the backlog. We will be monitoring the caseload this fiscal year to assess the full effect of these changes.

Interagency working group on postconviction appeals

This group – which consists of several appellate judges and representatives from Judicial, the Attorney General's Office, the Public Defender's Office, and the Office of Alternate Defense Counsel, conducted several information-gathering meetings over the course of the past fiscal year. After discussion of the program currently in place through Judicial for expediting postconviction appeals in several judicial districts, it was agreed that Judicial would propose a decision item for a statewide pilot project for processing postconviction appeals in the trial courts. Unfortunately, that proposal was not completed in time for the next budget cycle due to the departure of several key players in the Judicial Department, including their chief legal counsel. The group is in the process of getting back on track in crafting this decision item for the FY 2017 budget.