

D. ARTHUR KELSEY

SUPREME COURT OF VIRGINIA

109 North Eighth Street
Richmond, Virginia 23219
(804) 786-5651



JUDICIAL EXPERIENCE

- Justice of the Supreme Court of Virginia
Elected in January 2015 by the Virginia General Assembly

- Judge of Court of Appeals of Virginia
Appointed in 2002 by the Honorable Mark R. Warner, Governor of Virginia
 - » Judicial Council Advisory Committee on Rules of Court
 - » Supreme Court Advisory Commission on Statewide E-Filing Initiative
 - » Judicial Administration Committee of Virginia Judicial Conference
 - » Judicial Council Advisory Committee on Appellate Rules of Court
 - » Judicial Council Advisory Committee on Court Records Confidentiality
 - » Judicial Council Advisory Committee on Court Reporters
 - » Court of Appeals Committee on Mediation
 - » Court of Appeals Committee on Long Range Planning
 - » Court of Appeals Committee on Court Reporters
 - » Lecturer at 2007, 2008 & 2010 Virginia Judicial Conferences

- Judge of Fifth Judicial Circuit of Virginia, which includes Suffolk, Southampton, and Isle of Wight (2000 to 2002)



LEGAL BACKGROUND

- Hunton & Williams, Partner on Litigation Team

- Law Clerk to Chief U.S. District Judge John A. MacKenzie
Eastern District of Virginia 1984 (summer) & 1985 to 1986



EDUCATIONAL BACKGROUND

- J.D., Marshall-Wythe School of Law, College of William & Mary,
Order of the Coif, 1985

- B.A., Political Science, *magna cum laude*, Old Dominion University, 1982



EXTRA-JUDICIAL ACTIVITIES

- Adjunct Professor, Marshall-Wythe School of Law, College of William & Mary, and
Regent University School of Law (class website — www.lextrajectus.com)
 - Boyd-Graves Conference (Steering Committee & Standing Committee on Evidence)
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- Judicial Section Council of Virginia Bar Association
- Lecturer at conferences held by the Virginia Bar Association, Virginia CLE Foundation, Virginia State Bar Young Lawyers Conference, Norfolk-Portsmouth Bench Bar Conference, Richmond Bench Bar Conference, Virginia Association of Defense Attorneys, Chesapeake Bar Law Day, Portsmouth Law Day, Portsmouth Charter Commission



PUBLICATIONS

- *Bracton's Warning & Hamilton's Reassurance*, 66 Virginia Lawyer 2, at 20-27 (2017)
- *The Laws of Physics and the Physics of Laws*, 62 Virginia Lawyer 9, at 30 (2014) (abridged version)
- *The Commonwealth's Common Law*, 40 VBA Journal 26 (Winter 2013-14), available at <http://vba.epubxp.com/i/229980>
- *The Resurgent Role of Legal History in Modern U.S. Supreme Court Cases*, 37 VBA JOURNAL No. 3, at 10 (Fall 2010), available at http://www.lextrajectus.com/html/unit_1.html
- *The Architecture of Judicial Power: Appellate Review & Stare Decisis*, 53 VIRGINIA LAWYER, No. 3 (Oct. 2004), available at <http://www.vsb.org/publications/valawyer/oct04/index.html>; see also 45 THE JUDGES' JOURNAL 2, at 6-13 (ABA 2006), available at <http://euro.ecom.cmu.edu/program/law/08-732/Courts/architectjudicialpwr.pdf>
- *The Laws of Physics and the Physics of Laws*, 25 Regent U. L. Rev. 89 (2012), available at http://www.lextrajectus.com/dak%20articles/physics_of_law_final_.pdf
- *Law & Politics: The Imperative of Judicial Self-Restraint*, 28 VBA JOURNAL No. 6, at 6-9 (Sept. 2002), available at <http://216.230.13.18/section/judicial/publication.htm>
- *Procedural Defaults: Balancing Systemic & Individual Justice*, 1 VTLA APPELLATE JOURNAL 1-22 (2012), available at <http://www.vtla.us/2012/Appellate/Issue1/KELSEY-Procedural.pdf>
- *The Thing Decided: Rule 1:6's Rediscovery of Res Judicata in Virginia*, 34 VBA JOURNAL No. 2, at 18-21, 26 (June/July 2008), available at <http://vba.affiniscap.com/associations/11069/files/vnj0708.pdf>
- *Virginia's Answer To Daubert's Question Behind The Question*, 90 JUDICATURE No. 2, 68-71 (2006), at http://www.ajs.org/ajs/publications/Judicature_PDFs/902/Kesley_902.pdf
- *Procedural Defaults In Virginia Trial Courts: The Adversarial Model & The Imperative of Neutrality*, 55 VIRGINIA LAWYER 3, at 38 (Oct. 2006), available at <http://www.vsb.org/site/publications/valawyer/virginia-lawyer-magazine-october-2006>
- *Social Compact as Law: The Workers' Compensation Act and the Wicked Sisters of the Common Law*, 31 VBA JOURNAL No. 5, at 13-21 (Oct./Nov. 2005), available at <http://vba.affiniscap.com/associations/11069/files/octnov05.pdf>
- *Law & Equity in Virginia*, 28 VBA JOURNAL No. 8, at 6-10 (Dec. 2002), available at <http://216.230.13.18/dec02.htm>

- *In Rem Liens & Ship Repair Contracts*, SHIPPING FINANCE ANNUAL 177-79 (Euromoney PLC 1996)
- Robert M. Hughes III & D. Arthur Kelsey, *Toxic & Environmental Torts Within Admiralty*, 62 TUL. L. REV. 405 (1988), available at <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/tulr62&div=20&id=&page=>
- D. Arthur Kelsey & John E. Holloway, *Mistaken LHWCA Compensation Payments: Subrogation Lien Or Third Party Credit?*, 30 J. MAR. L. & COM. 19 (1999), available at <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/wrko22&div=12&id=&page=>
- Wendy Cohen & D. Arthur Kelsey, *The Virginia Lawyer* (Lexis L. Pub.), Chp. 3 (1998)
- Contributing Author, ABA Section of Antitrust Law, *Antitrust Law Developments* (4th ed. 1997 & Supp. 1998)
- Associate Editor, *American Maritime Cases* (Mar. L. Ass'n) (1999-2000)

✠ JUDICIAL OPINIONS (EXCLUDING UNPUBLISHED)

- Commonwealth v. White, 2017 Va. LEXIS 78 (June 1, 2017)
 - Kim v. Commonwealth, 797 S.E.2d 766 (Va. 2017) (dissent)
 - Moonlight Enters., LLC v. Mroz, 293 Va. 224, 797 S.E.2d 536 (2017)
 - Forest Lakes Cmty. Ass'n v. United Land Corp., 293 Va. 113, 795 S.E.2d 875 (2017)
 - Funny Guy, LLC v. Lecego, LLC, 293 Va. 135, 795 S.E.2d 887 (2017)
 - Jones v. Commonwealth, 293 Va. 29, 795 S.E.2d 705 (2017)
 - Clark v. Va. Dep't of State Police, 292 Va. 725, 793 S.E.2d 1 (2016)
 - Minh Duy Du v. Commonwealth, 292 Va. 555, 790 S.E.2d 493 (2016)
 - Miller & Rhoads Bldg., L.L.C. v. Richmond, 292 Va. 537, 790 S.E.2d 484 (2016) (dissent)
 - Cherrie v. Va. Health Servs., 292 Va. 309, 787 S.E.2d 855 (2016)
 - Babcock & Wilcox Co. v. Areva NP, Inc., 292 Va. 165, 788 S.E.2d 237 (2016)
 - Commonwealth v. Va. Ass'n of Cnty., 292 Va. 133, 787 S.E.2d 151 (2016)
 - Hamm v. Hazelwood, 292 Va. 153, 787 S.E.2d 144 (2016)
 - Mikhaylov v. Sales, 291 Va. 349, 784 S.E.2d 286 (2016)
 - Smith v. Brown, 291 Va. 260, 781 S.E.2d 744 (2016)
 - Tvardek v. Powhatan Vill. Homeowners Ass'n, 291 Va. 269, 784 S.E.2d 280 (2016)
 - Vasquez v. Commonwealth, 291 Va. 232, 781 S.E.2d 920 (2016)
 - Blount v. Clarke, 291 Va. 198, 782 S.E.2d 152, 153 (2016) (dissent)
 - Richmond v. Volk, 291 Va. 60, 781 S.E.2d 191 (2016) (dissent)
 - CPM Va., LLC v. MJM Golf, LLC, 291 Va. 73, 780 S.E.2d 282 (2015)
 - Dir. of the Dept. of Corrs. v. Kozich, 290 Va. 502, 779 S.E.2d 555 (2015)
 - Rafalko v. Georgiadis, 290 Va. 384, 777 S.E.2d 870 (2015) (dissent)
 - Bowman v. Commonwealth, 290 Va. 492, 777 S.E.2d 851 (2015)
 - In re: Woodley, 290 Va. 482, 777 S.E.2d 560 (2015)
 - Bratton v. Selective Ins. Co., 290 Va. 314, 776 S.E.2d 775 (2015) (dissent)
 - Wooten v. Bank of America, 290 Va. 306, 777 S.E.2d 848 (2015)
 - Evans v. Commonwealth, 290 Va. 277, 776 S.E.2d 760 (2015)
 - REVI, LLC v. Chicago Title Ins. Co., 290 Va. 203, 776 S.E.2d 808 (2015) (dissent)
 - Alex. Redev. & Housing Auth. v. Walker, 290 Va. 150, 772 S.E.2d 297 (2015)
 - Fitzgerald v. Loudoun Cty. Sheriff's Office, 289 Va. 499, 771 S.E.2d 858 (2015)
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- Walker v. Commonwealth, 289 Va. 410, 770 S.E.2d 197 (2015) (dissent)
 - French v. Va. Marine Resources Comm'n, 64 Va. App. 226, 767 S.E.2d 245 (2015) (*en banc*)
 - Mason v. Commonwealth, 64 Va. App. 292, 767 S.E.2d 726 (2015) (*en banc*)
 - Atlantic Envtl. Constr. Co. v. Va. Dept. of Labor & Indus., 63 Va. App. 656, 762 S.E.2d 409 (2014)
 - Winslow v. Commonwealth, 64 Va. App. 121, 765 S.E.2d 856 (2014)
 - Carrithers v. Harrah, 63 Va. App. 641, 762 S.E.2d 402 (2014)
 - Mason v. Commonwealth, 63 Va. App. 587, 760 S.E.2d 831 (2014) (dissent)
 - Reston Hospital Center, LLC v. Remley, 63 Va. App. 755, 763 S.E.2d 238 (2014)
 - Va. Dept. of Alcoholic Bev. Control v. Tyson, 63 Va. App. 417, 758 S.E.2d 89 (2014)
 - Moore v. Va. Dept. of Soc. Svcs., 63 Va. App. 375, 758 S.E.2d 68 (2014)
 - Neff v. Commonwealth, 63 Va. App. 413, 758 S.E.2d 87 (2014)
 - Papol v. Commonwealth, 63 Va. App. 150, 754 S.E.2d 918 (2014)
 - Dennos v. Commonwealth, 63 Va. App. 139, 754 S.E.2d 913 (2014)
 - Cabral v. Cabral, 62 Va. App. 600, 751 S.E.2d 4 (2013)
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 - Jeffers v. Commonwealth, 62 Va. App. 151, 743 S.E.2d 289 (2013)
 - Ferrell v. Commonwealth, 62 Va. App. 142, 743 S.E.2d 284 (2013)
 - Thomas v. Commonwealth, 62 Va. App. 104, 742 S.E.2d 403 (2013)
 - Ingram v. Commonwealth, 62 Va. App. 14, 741 S.E.2d 62 (2013)
 - Ross v. Commonwealth, 61 Va. App. 752, 739 S.E.2d 910 (2013)
 - Family Redirection Inst. v. Comm. DMAS, 61 Va. App. 765, 739 S.E.2d 916 (2013)
 - Hamad v. Hamad, 61 Va. App. 593, 739 S.E.2d 232 (2013)
 - Moter v. Commonwealth, 61 Va. App. 471, 737 S.E.2d 538 (2013)
 - Smith v. Commonwealth, 61 Va. App. 112, 733 S.E.2d 683 (2012)
 - Elliott v. Commonwealth, 61 Va. App. 48, 733 S.E.2d 146 (2012)
 - Parham v. Commonwealth, 60 Va. App. 450, 729 S.E.2d 734 (2012)
 - Kavanaugh v. Va. Birth-Related Program, 60 Va. App. 440, 728 S.E.2d 527 (2012)
 - Washington v. Commonwealth, 60 Va. App. 427, 728 S.E.2d 521 (2012)
 - Bernard v. Carlson Companies, 60 Va. App. 400, 728 S.E.2d 508 (2012)
 - Tuma v. Commonwealth, 60 Va. App. 273, 726 S.E.2d 365 (2012) (*en banc* dissent), *adopted by*, 285 Va. 629, 740 S.E.2d 14 (2013)
 - Tizon v. Commonwealth, 60 Va. App. 1, 723 S.E.2d 260 (2012)
 - Falls Church Cabinetry v. Jewell, 60 Va. App. 134, 724 S.E.2d 236 (2012)
 - Duggins v. Commonwealth, 59 Va. App. 785, 722 S.E.2d 663 (2012)
 - Hines v. Commonwealth, 59 Va. App. 567, 721 S.E.2d 792 (2012) (dissent)
 - Bagley v. City of Richmond DSS, 59 Va. App. 522, 721 S.E.2d 21 (2012)
 - Smith v. Va. Employment Com'n, 59 Va. App. 516, 721 S.E.2d 18 (2012)
 - Purvy v. Commonwealth, 59 Va. App. 260, 717 S.E.2d 847 (2011)
 - Pilati v. Pilati, 59 Va. App. 176, 717 S.E.2d 807 (2011)
 - Brock v. Voith Siemens Hydro Power Generation, 59 Va. App. 39, 716 S.E.2d 485 (2011)
 - Shifflett v. Commonwealth, 58 Va. App. 732, 716 S.E.2d 132 (2011)
 - English v. Commonwealth, 58 Va. App. 711, 715 S.E.2d 391 (2011)
 - Cole v. Commonwealth, 58 Va. App. 642, 712 S.E.2d 759 (2011)
 - Johnson v. Commonwealth, 58 Va. App. 625, 712 S.E.2d 751 (2011)
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 - Rushing v. Commonwealth, 58 Va. App. 594, 712 S.E.2d 41 (2011)
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 - Morris v. City of Va. Beach, 58 Va. App. 173, 707 S.E.2d 479 (2011)
 - Thorpe v. Clary, 57 Va. App. 617, 704 S.E.2d 611 (2011)
 - Congdon v. Commonwealth, 57 Va. App. 692, 705 S.E.2d 526 (2011)
 - Va. Empl. Comm'n v. Community Alternatives, 57 Va. App. 700, 705 S.E.2d 530 (2011)
 - Powell v. Commonwealth, 57 Va. App. 329, 701 S.E.2d 831 (2010)
 - Whitfield v. Commonwealth, 57 Va. App. 396, 702 S.E.2d 590 (2010)
 - Lysable Transport, Inc. v. Patton, 57 Va. App. 408, 702 S.E.2d 596 (2010)
 - Thomas v. Commonwealth, 57 Va. App. 267, 701 S.E.2d 87 (2010)
 - Asfaw v. Commonwealth, 56 Va. App. 158, 692 S.E.2d 261 (2010)
 - Smith v. Commonwealth, 57 Va. App. 319, 701 S.E.2d 826 (2010) (*en banc*)
 - Joyce v. Commonwealth, 56 Va. App. 646, 696 S.E.2d 237 (2010)
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 - Satterwhite v. Commonwealth, 56 Va. App. 557, 695 S.E.2d 555 (2010)
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 - White v. White, 56 Va. App. 214, 692 S.E.2d 289 (2010)
 - Asfaw v. Commonwealth, 56 Va. App. 158, 692 S.E.2d 261 (2010)
 - Smith v. Commonwealth, 56 Va. App. 166, 692 S.E.2d 265 (2010)
 - Ray v. Commonwealth, 55 Va. App. 647, 688 S.E.2d 879 (2010)
 - Va. Empl. Comm'n v. Trent, 55 Va. App. 560, 687 S.E.2d 99 (2010)
 - Fairfax County Sch. Bd. v. Martin-Elbehri, 55 Va. App. 543, 687 S.E.2d 91 (2010)
 - McMillan v. Commonwealth 55 Va. App. 392, 407, 686 S.E.2d 525, 532 (2009) (*en banc* dissent)
 - Testa v. Commonwealth, 55 Va. App. 275, 685 S.E.2d 213 (2009)
 - Weeks v. Commonwealth, 55 Va. App. 157, 684 S.E.2d 829 (2009)
 - Damon v. York, 54 Va. App. 544, 680 S.E.2d 354 (2009)
 - Cooper v. Commonwealth, 54 Va. App. 558, 680 S.E.2d 361 (2009)
 - Clifton v. Clifton Cable Contracting, 54 Va. App. 532, 680 S.E.2d 348 (2009)
 - Commonwealth v. AMEC Civil, LLC, 54 Va. App. 240, 677 S.E.2d 633 (2009)
 - Bailey v. Bailey, 54 Va. App. 209, 677 S.E.2d 56 (2009)
 - James v. Commonwealth, 53 Va. App. 671, 674 S.E.2d 571 (2009)
 - Virginia Dept. of Transp. v. Stevens, 53 Va. App. 654, 674 S.E.2d 563 (2009)
 - Logan v. Commonwealth, 53 Va. App. 520, 673 S.E.2d 496 (2009)
 - Scialdone v. Commonwealth, 53 Va. App. 226, 670 S.E.2d 752 (2009) (*en banc*)
 - Caprino v. Commonwealth, 53 Va. App. 181, 670 S.E.2d 36 (2008)
 - Cobbins v. Commonwealth, 53 Va. App. 28, 668 S.E.2d 816 (2008)
 - Food Lion, LLC v. Wright, 53 Va. App. 23, 668 S.E.2d 814 (2008)
 - McEachern v. Commonwealth, 52 Va. App. 679, 667 S.E.2d 343 (2008)
 - Waller v. Commonwealth, 52 Va. App. 571, 665 S.E.2d 848 (2008)
 - Ferguson v. Commonwealth, 52 Va. App. 324, 663 S.E.2d 505 (2008) (*en banc* dissent)
 - Hopson v. Commonwealth, 52 Va. App. 144, 662 S.E.2d 88 (2008)
 - Smith v. Commonwealth, 52 Va. App. 26, 660 S.E.2d 691 (2008)
 - Coleman v. Commonwealth, 52 Va. App. 19, 660 S.E.2d 687 (2008)
 - Boone v. Harrison, 52 Va. App. 53, 660 S.E.2d 704 (2008)
 - Scialdone v. Commonwealth, 51 Va. App. 679, 660 S.E.2d 317 (2008) (dissent)
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- Laurels of Bon Air v. Med. Facilities of Am. LIV Ltd., 51 Va. App. 583, 659 S.E.2d 561 (2008)
 - Bunch v. Commonwealth, 51 Va. App. 491, 658 S.E.2d 724 (2008)
 - Price v. Commonwealth, 51 Va. App. 443, 658 S.E.2d 700 (2008)
 - Dunnavant v. Newman Tire Co., Inc., 51 Va. App. 252, 656 S.E.2d 431 (2008)
 - Couture v. Commonwealth, 51 Va. App. 239, 656 S.E.2d 425 (2008)
 - Dowden v. Hercules, Inc., 51 Va. App. 185, 655 S.E.2d 755 (2008) (*en banc* separate plurality)
 - Corp. Resource Mgmt. v. Southers, 51 Va. App. 118, 655 S.E.2d 34 (2008) (*en banc* dissent)
 - Ferguson v. Commonwealth, 51 Va. App. 48, 654 S.E.2d 328 (2007) (dissent)
 - De'Armond v. Commonwealth, 51 Va. App. 26, 654 S.E.2d 317 (2007)
 - Roadcap v. Commonwealth, 50 Va. App. 732, 653 S.E.2d 620 (2007)
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 - Kirby v. Commonwealth, 50 Va. App. 691, 653 S.E.2d 600 (2007)
 - Johnson v. Commonwealth, 50 Va. App. 600, 652 S.E.2d 156 (2007)
 - Raab v. Commonwealth, 50 Va. App. 577, 652 S.E.2d 144 (2007) (*en banc*)
 - Va. Imports v. Kirin Brewery, 50 Va. App. 395, 650 S.E.2d 554 (2007)
 - Lay v. Commonwealth, 50 Va. App. 330, 649 S.E.2d 714 (2007)
 - Lilly v. Commonwealth, 50 Va. App. 173, 647 S.E.2d 517 (2007)
 - Battle v. Commonwealth, 50 Va. App. 135, 647 S.E.2d 499 (2007)
 - Groves v. Commonwealth, 50 Va. App. 57, 646 S.E.2d 28 (2007)
 - Pryor v. Commonwealth, 50 Va. App. 42, 646 S.E.2d 21 (2007)
 - Corporate Resource Mgmt. v. Southers, 50 Va. App. 20, 646 S.E.2d 10 (2007)
 - Edwards v. Commonwealth, 49 Va. App. 727, 644 S.E.2d 396 (2007)
 - Raab v. Commonwealth, 49 Va. App. 638, 644 S.E.2d 78 (2007)
 - Harper v. Commonwealth, 49 Va. App. 517, 642 S.E.2d 779 (2007)
 - Glenn v. Commonwealth, 49 Va. App. 413, 642 S.E.2d 282 (2007) (*en banc*)
 - Bolden v. Commonwealth, 49 Va. App. 285, 640 S.E.2d 526 (2007)
 - Travelers Property Cas. Co. of America v. Ely, 49 Va. App. 271, 640 S.E.2d 520 (2007) (dissent)
 - Bishop v. Commonwealth, 49 Va. App. 251, 639 S.E.2d 683 (2007)
 - Villafana v. Commonwealth, 49 Va. App. 211, 638 S.E.2d 712 (2006)
 - McCallum v. Salazar, 49 Va. App. 51, 636 S.E.2d 486 (2006)
 - Tynes v. Commonwealth, 49 Va. App. 17, 635 S.E.2d 688 (2006)
 - Spicer v. Va. Birth-Related Neurological, etc., 48 Va. App. 613, 633 S.E.2d 732 (2006)
 - Anderson v. Commonwealth, 48 Va. App. 704, 634 S.E.2d 372 (2006)
 - Thomas v. Commonwealth, 48 Va. App. 605, 633 S.E.2d 229 (2006)
 - Glenn v. Commonwealth, 48 Va. App. 556, 633 S.E.2d 205 (2006) (dissent)
 - Va. Dept. of State Police v. Elliott, 48 Va. App. 551, 633 S.E.2d 203 (2006)
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 - McLaughlin v. Commonwealth, 48 Va. App. 243, 629 S.E.2d 724 (2006) (dissent)
 - Najera v. Chesapeake Div. of Soc. Servs., 48 Va. App. 237, 629 S.E.2d 721 (2006)
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 - Ohin v. Commonwealth, 47 Va. App. 194, 622 S.E.2d 784 (2005)
 - Wiggins v. Commonwealth, 47 Va. App. 173, 622 S.E.2d 774 (2005) (concurrence)
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 - Walker v. Commonwealth, 47 Va. App. 114, 622 S.E.2d 282 (2005)
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 - Oliver v. Commonwealth, 46 Va. App. 613, 620 S.E.2d 567 (2005)
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 - Hernandez-Guerrero v. Commonwealth, 46 Va. App. 366, 617 S.E.2d 410 (2005)
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 - Toms v. Hanover Dep't of Soc. Servs., 46 Va. App. 257, 616 S.E.2d 765 (2005)
 - Campbell v. Va. Dep't of Forestry, 46 Va. App. 91, 616 S.E.2d 33 (2005)
 - Blackman v. Commonwealth, 45 Va. App. 633, 613 S.E.2d 460 (2005)
 - Vilseck v. Vilseck, 45 Va. App. 581, 612 S.E.2d 746 (2005)
 - Davenport v. Summit Contractors, Inc., 45 Va. App. 526, 612 S.E.2d 239 (2005)
 - Kyer v. Commonwealth, 45 Va. App. 473, 612 S.E.2d 213 (2005) (*en banc*)
 - Moses v. Commonwealth, 45 Va. App. 357, 611 S.E.2d 607 (2005) (*en banc*)
 - Christian v. Va. Dep't of Soc. Servs., 45 Va. App. 310, 610 S.E.2d 870 (2005)
 - Citland, Ltd. v. Commonwealth ex rel. Kilgore, 45 Va. App. 268, 610 S.E.2d 321 (2005)
 - Mattaponi Indian Tribe v. Va. Marine Res. Comm'n, 45 Va. App. 208, 609 S.E.2d 619 (2005)
 - Johnson v. Commonwealth, 45 Va. App. 113, 609 S.E.2d 58 (2005)
 - Thomas v. Commonwealth, 44 Va. App. 741, 607 S.E.2d 738, aff'd, 45 Va. App. 811, 613 S.E.2d 870 (2005) (*en banc*)
 - Giannoukos v. Va. Bd. of Med., 44 Va. App. 694, 607 S.E.2d 136 (2005)
 - Tucek v. Commonwealth, 44 Va. App. 613, 606 S.E.2d 537 (2004)
 - Apple Constr. Corp. v. Sexton, 44 Va. App. 458, 605 S.E.2d 351 (2004)
 - Meador v. Va. Birth-Related Neurological Injury Comp. Program, 44 Va. App. 149, 604 S.E.2d 88 (2004)
 - Baldwin v. Baldwin, 44 Va. App. 93, 603 S.E.2d 172 (2004)
 - Haskins v. Commonwealth, 44 Va. App. 1, 602 S.E.2d 402 (2004)
 - Berglund Chevrolet v. Landrum, 43 Va. App. 742, 601 S.E.2d 693 (2004)
 - Mattaponi Indian Tribe v. Va. Marine Res. Comm'n, 43 Va. App. 728, 601 S.E.2d 686 (2004)
 - Alliance v. Va. Marine Res. Comm'n, 43 Va. App. 724, 601 S.E.2d 684 (2004)
 - Mattaponi Indian Tribe v. Va. Dep't of Env'tl. Quality, 43 Va. App. 690, 601 S.E.2d 667 (2004)
 - Cutright v. Commonwealth, 43 Va. App. 593, 601 S.E.2d 1 (2004)
 - Moses v. Commonwealth, 43 Va. App. 565, 600 S.E.2d 162 (2004) (dissent)
 - Smith v. Smith, 43 Va. App. 279, 597 S.E.2d 250 (2004)
 - Boyd v. People, Inc., 43 Va. App. 82, 596 S.E.2d 100 (2004) (concurrence)
 - Seaton v. Commonwealth, 42 Va. App. 739, 595 S.E.2d 9 (2004)
 - Finnerty v. Thornton Hall, Inc., 42 Va. App. 628, 593 S.E.2d 568 (2004)
 - Newman v. Newman, 42 Va. App. 557, 593 S.E.2d 533 (2004) (*en banc*)
 - Boyd v. County of Henrico, 42 Va. App. 495, 592 S.E.2d 768 (2004) (*en banc*)
 - De Avies v. De Avies, 42 Va. App. 342, 592 S.E.2d 351 (2004) (*en banc*)
 - Cent. Va. Obstetrics & Gynecology Assoc. v. Whitfield, 42 Va. App. 264, 590 S.E.2d 631 (2004)
 - Pollino v. Commonwealth, 42 Va. App. 243, 590 S.E.2d 621 (2004)
 - Owens v. Owens, 41 Va. App. 844, 589 S.E.2d 488 (2003)
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