

Wednesday

20th

December, 2006.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective March 1, 2007.

Repeal existing Rule 1:2 of the Rules of Court and add Rule 3A:2.1:

**Rule 3A:2.1. Venue in Criminal Cases.**

In criminal cases, questions of venue must be raised in the trial court and before the verdict in cases tried by a jury and before the finding of guilty in cases tried by a court.

Amend Rule 3:2 to read as follows:

**Rule 3:2. Commencement of Civil Actions.**

(a) *Commencement.* - A civil action shall be commenced by filing a complaint in the clerk's office. When a statute or established practice requires, a proceeding may be commenced by a pleading styled "Petition." Upon filing of the pleading, the action is then instituted and pending as to all parties defendant thereto. The statutory writ tax and clerk's fees shall be paid before the summons is issued.

(b) *Caption.* - The complaint shall be captioned with the name of the court and the full style of the action, which shall include the names of all the parties. The requirements of Code § 8.01-290 may be met by giving the address or other data after the name of each defendant.

(c) *Form and Content of the Complaint.* -

(i) It shall be sufficient for the complaint to ask for the specific relief sought. Without more it will be understood that all defendants mentioned in the caption are made parties defendant and required to answer the complaint; that proper process against them is requested; that answers under oath are waived, except when required by law, and that all relief authorized by law and demanded in the complaint may be granted. No formal conclusion is necessary.

(ii) Every complaint requesting an award of money damages shall contain an ad damnum clause stating the amount of damages sought. Leave to amend the ad damnum clause shall be available under Rule 1:8.

Amend Rule 3:21 to read as follows:

**Rule 3:21. Jury Trial of Right.**

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(b) *Demand.* - Any party may demand a trial by jury of any issue triable of right by a jury in the complaint or by (1) serving upon other parties a demand therefore in writing at any time after the commencement of the action and not later than 10 days after the service of the last pleading directed to the issue, and (2) filing the demand with the trial court. Such demand may be endorsed upon a pleading of the party. The court may set a final date for service of jury demands. Leave to file amended pleadings shall not extend the time for serving and filing a jury demand unless the order granting leave to amend expressly so states.

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Amend Rule 3:22 to read as follows:

**Rule 3:22. Trial by Jury or by the Court.**

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(e) *Trial by Mixed Jury and Non-Jury Claims.* - In any case when there are both jury and non-jury issues to be tried, the court shall adopt trial procedures and a sequence of proceedings to assure that all issues properly heard by the jury are decided by it, and applicable factual determinations by the jury shall be used by the judge in resolving the non-jury issues in the case.

A Copy,

Teste:

Clerk